



AQUIND LIMITED

AQUIND INTERCONNECTOR

**Applicant's Response to the Examining
Authority's Further Written Questions (ExQ2)**

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CONTENTS

1.	RESPONSES TO FIRST WRITTEN QUESTIONS	1-1
1.1.	INTRODUCTION	1-1

TABLES

Table 1.1 – Applicant’s Responses to ExQ2 – Miscellaneous and General	1-2
Table 1.2 – Applicant’s Responses to ExQ2 – Air Quality	1-4
Table 1.3 – Applicant’s Responses to ExQ2 – Compulsory Acquisition	1-9
Table 1.4 – Applicant’s Responses to ExQ2 – Cultural Heritage	1-22
Table 1.5 – Applicant’s Responses to ExQ2 – Draft Development Consent Order	1-24
Table 1.6 – Applicant’s Responses to ExQ2 – Environmental Impact Assessment and Environmental Statement	1-31
Table 1.7 – Applicant’s Responses to ExQ2 – Flood Risk	1-38
Table 1.8 – Applicant’s Responses to ExQ2 – Habitats and Ecology (Onshore)	1-39
Table 1.9 – Applicant’s Responses to ExQ2 – Landscape and Visual Amenity	1-40
Table 1.10 – Applicant’s Responses to ExQ2 – Marine Environment	1-47
Table 1.11 – Applicant’s Responses to ExQ2 – Noise	1-48
Table 1.12 – Applicant’s Responses to ExQ2 – Onshore Water Environment	1-53
Table 1.13 - Applicant’s Responses to ExQ2 – Planning Policy	1-55
Table 1.14 – Applicant’s Responses to ExQ2 – Socio-Economic Effects	1-56
Table 1.15 – Applicant’s Responses to ExQ2 – Traffic and Transport	1-60

APPENDICES

Appendix 1 - Technical Note providing a review of collision data at Strategic Road Network junctions (MG2.1.1)

Appendix 2 - Infiltration Testing Results (MG2.1.1)



Appendix 3 - Geotechnical Risk Assessment (MG2.1.1)

Appendix 4 - Bentonite Breakout Note (MG2.1.3)

Appendix 5 - Material Datasheets for HDD Drilling Fluid (MG2.1.4)

Appendix 6 - Fort Cumberland Road Car Park Drawings (SE2.15.1)

Appendix 7 - Copies of the extent of Highway land maintained at public expense at Day Lane, Lovedean (TT2.16.8)

Appendix 8 – AQUIND Energy 2019 Accounts (CA2.3.10)

1. RESPONSES TO THE EXAMINING AUTHORITY'S FURTHER WRITTEN QUESTIONS (EXQ2)

1.1. INTRODUCTION

- 1.1.1.1. This document is submitted on behalf of AQUIND Limited (the 'Applicant') in relation to an application (the 'Application') for a Development Consent Order ('DCO') to authorise the elements of AQUIND Interconnector (the 'Project') within England and the waters adjacent to England up to seaward limits of the territorial sea (the 'Proposed Development')
- 1.1.1.2. The Application was submitted to the Secretary of State ('SoS') for Business, Energy and Industrial Strategy ('BEIS') pursuant to Section 37 of The Planning Act 2008 (as amended) (the 'PA 2008') on 14 November 2019. The Application was accepted for examination by the Planning Inspectorate ('PINS') on behalf of the Secretary of State on 12 December 2019, and the examination commenced on 8 September 2020
- 1.1.1.3. This document provides the Applicant's responses to the Examining Authority's Further Written Questions ('**ExQ2**') (PD-031).

Table 1.1 – Applicant’s Responses to ExQ2 – Miscellaneous and General

Reference	Respondent(s)	Question	Response
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.</p> <p>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>	<ol style="list-style-type: none"> 1. The UK Source Protection Zone 1 Generic Method Statement was submitted at Deadline 6 and formed Appendix 7 of the Onshore Outline CEMP (REP6-036, Rev006). This Method Statement has been agreed with the Environment Agency and Portsmouth Water as reflected in the Statements of Common Ground. 2. A Technical Note providing a review of collision data at Strategic Road Network junctions is submitted at Deadline 7 as Appendix 1 to the STA Addendum (document reference 7.8.2.20). In summary, this Technical Note showed that the Proposed Development will not have a material impact on road safety at the junction assessed. 3. An independent Road Safety Audit (RSA) of the proposed highway works on Day Lane and Broadway Lane has been commissioned by the Applicant. The Road Safety Audit was issued in draft on 20 January 2021 to HCC as the highway authority for the highways to which the safety audit relates. The applicant believes that the issues raised in the RSA can all be addressed. 4. The Infiltration Testing Results are submitted at Deadline 7 (document reference 7.4.3.2). The Surface Water Drainage and Aquifer Contamination Mitigation Strategy contain a review of the drainage strategy and attenuation volumes informed by the site-specific infiltration rates. This review has demonstrated that the existing strata allows sufficient infiltration and the controlling factor is the water quality treatment filter media, which was also demonstrated as suitable for the drainage strategy. These results have been issued and also been agreed with LLFA, PW and EA 5. The supplementary noise and vibration assessment following the removal of Furze Lane and confirmation of the eastern corridor across the University of Portsmouth playing fields and Longshore Way (Proposed Change K) is presented in Table 5.1 (pages 5-59 to 5-63) of the Proposed Non-material Changes to the Order Limits and Rights (REP3-016). As detailed in the Schedule of Documents forming the Environmental Statement (REP6-059, Rev 004), this document and therefore this supplementary assessment forms part of the Environmental Statement for the Proposed Development. In summary, this cable route option for section 9 is a preferential route in terms of noise and vibration impacts compared with the removed Furze Lane option. No effects which are categorised as Significant are predicted in the supplementary assessment. 6. The additional information regarding the assessment of underwater cumulative noise exposure from vibro-hammering has been included in ES Addendum 2 submitted at Deadline 7 (document reference 7.8.2) at section 7.4. This additional information has been reviewed by the Marine Management Organisation (MMO) and Cefas, and the MMO has subsequently confirmed that they are content with the assessment and its conclusions. This is reflected within Table 3.6 of the Statement of Common Ground (SoCG) with the MMO submitted at Deadline 6 (REP6-048). 7. The Geotechnical Risk Assessment regarding the easement under the A27 is submitted at Deadline 7 (document reference 7.4.3.3) A27 HDD Crossing, Farlington, UK – CD622

Reference	Respondent(s)	Question	Response
			Documentation for Highways England. This has been signed and accepted by Highways England and Certification is included in the Assessment Report.
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.	<p>The scope and approval of the environmental management plan(s) by the MMO (to be in accordance with the Outline Marine Construction Environmental Management Plan) is secured through Schedule 15, Part 2 Condition 4(1)(d) of the DCO (REP6-015).</p> <p>The submission of the marine CEMP to the MMO must be four months prior to commencement of licensed activities and may be updated from time to time as provided for by Schedule 15, Part 2, Conditions 5(1) and (5). No plan may be implemented unless approved, with Condition 5(5) requiring compliance with the approved plans etc.</p> <p>The approval of any subsequent amendments or variations to the marine CEMP is also covered in Schedule 15, Part 1, Paragraphs 9 and 10, which confirm the approved plans are taken to include amendments that may be approved in writing by the MMO, and any amendments are required to demonstrate they are in accordance with the Environmental Statement (and in any event for the environmental management plan(s) must be in accordance with the Outline Marine CEMP as per Condition 5(1) at Part 2).</p>
MG2.1.3	Applicant	<p>The 'Applicant's Response to Submissions made at Open Floor Hearings' ([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?</p> <p>Please explain the detail, implementation and expected duration of any restrictions in this regard.</p>	<p>During construction public access to the allotments will be maintained, ensuring allotment holders will be able to work on their allotments whilst HDD works are taking place. The directional drill is well below the surface, so activities in the allotments can be maintained. In addition, drilling does not pose any risk to persons directly above the drill due to the geological layer being drilled through being competent and at sufficient depth under the allotments.</p> <p>In order to address the HSE query, there is a very small risk that bentonite could reach the surface while carrying out the below ground HDD drilling, however, the chances of a breakout albeit minimal, need to be assessed and if possible mitigated. The Applicant appointed a specialist contractor to advise on these matters for the purpose of the Application. As part of Deadline 7 submission we provide and refer you to document 100-694-TIN-005, Technical Information Note – Bentonite Breakout, which describes what bentonite is, the likelihood of a breakout occurring, the mitigation measures advised to be put in place and the clean-up procedure advised should a breakout event occur.</p>
MG2.1.4	Applicant	<p>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 'we can be sure of the products safety' as it is listed on the CEFAS website and OSPAR Commission's PLONOR list.</p> <p>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?</p>	<p>The risk of bentonite breakouts is very low, and any breakouts will be cleaned up and a no visible trace approach is to be adopted. The expert advice provided by the contractor specialising in implementing these methods have provided procedures to be followed in document 100-694-TIN-005, Technical Information Note – Bentonite Breakout, which would minimize the surface impact.. The design and construction control measures put in place minimise the extent of any loss in the very unlikely event of a breakout.</p> <p>The drilling products to be used are CEFAS rated and PLONOR ('Pose Little or No Risk') listed along with being classified 'low risk' and 'nontoxic' confirming that the productivity of the allotments would not be put at risk should a breakout occur. The EU have also labelled the product 'not hazardous' (Classification Regulation (EC) No 1272/2008 and Classification</p>

Reference	Respondent(s)	Question	Response
		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?	<p>Directive 67/548/EEC, 1999/45/EC) as it is a naturally occurring material and the PLONOR identification increases the credibility of products 'non-hazardous' label.</p> <p>In terms of the worst case of each breakout, the interruption and effects on an allotment, the Applicant's appointed specialists advising on this subject have advised that a clean-up could be done in a matter of hours, at worst case a full day. Section 6.2 of document 100-694-TIN-005, submitted as part of Deadline 7 submissions, is based on worst case breakout and provides the recommended clean up procedure and the duration to carry out the Bentonite clean-up activities.</p> <p>Food that has been grown would not need to be discarded and would remain safe for consumption, but it would be recommended to wash the produce with clean water prior to consumption.</p>
MG2.1.5	Applicant	<p>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?</p> <p>If not, how would access be gained for maintenance of the cable enclosed within the HDD section?</p>	<p>The Applicant can confirm that it is not necessarily the case that there will be a requirement for a joint bay at the start and finish positions for each HDD, with the cables able to be trenched from an entry/exit location to a joint bay. Joint bay locations are dictated by cable section lengths, taking into account the characteristics of the cable route within the relevant section (e.g. the number of and extent of bends which are relevant to the pulling tensions and the length of the section that can be achieved before a joint bay is required). The HDD under the allotments is a relatively short drill and will not necessarily require a joint bay within the Thatched House car park.</p> <p>Routine maintenance of the cable (i.e. monitoring) within this HDD section would be done via the link boxes at the nearest link box location (located at a joint bay and therefore as previously confirmed this would not be within the allotments). Where it is necessary to replace the cable section, this would be undertaken from the Joint Bays relevant to that cable section. That there is not a joint bay directly at the entry/exit location does not change this, it is still the case the cables are pulled between the joint bays and replaced at those locations.</p>

Table 1.2 - Applicant' s Responses to ExQ2 - Air Quality

Reference	Respondent(s)	Question	Response
AQ2.2.1	Portsmouth City Council	<p>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, 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>	

Reference	Respondent(s)	Question	Response
		<p>It would be beneficial if the written response included a summary table setting out:</p> <p>a) the present levels of air pollution at near-exceedance and exceedance locations;</p> <p>b) what the Ministerial Directions require in terms of reductions and over what timeframe;</p> <p>c) the Applicant's predicted levels at those locations;</p> <p>d) where the predicted levels would cause concern in achieving the Ministerial Direction's objectives.</p>	
AQ2.2.2	Hampshire County Council	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.	
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> <p>a) provide critical commentary on the relevance of the data set;</p>	<p>The Annual Status Report (ASR) on Air Pollution produced by Portsmouth City Council was released in December 2020 and reports the most recent complete calendar year of monitoring data. It therefore contains the full ratified dataset for 2019. The monitored dataset for calendar year 2020 is complete but not yet available as the data are now subject to a formal ratification process. The Defra ASR timetable requires ratification of the 2020 dataset in the first half of 2021 with formal release in August/September of 2021.</p> <p><u>a) provide critical commentary on the relevance of the data set</u></p> <p>There are three reasons why the dataset is relevant:</p> <ol style="list-style-type: none"> <i>Model calibration</i> <p>The modelling reported in ES Chapter 23 was calibrated against 2018 monitored data using conservative assumptions and data, such as the use of EFTv9.0 that generally provides higher emissions estimates than reality. The ASR 2020 monitored dataset for 2019 is relevant because it provides an opportunity to:</p> <ul style="list-style-type: none"> Recalibrate the ES Chapter modelling against 2019 monitored data and the latest Defra EFTv10.1 to update the assessment of model performance; and Complete and assessment of the impact of the application on the CAZ to address the concerns of PCC raised in Issue Specific Hearing 2 (ISH2). <ol style="list-style-type: none"> <i>Trend analysis</i> <p>Statistical analysis of the diffusion tube datasets where three or more years of data collection are present (2017-2019) has been completed in Section 14 of the <i>2020 Annual Status Report on Air Pollution</i> and in further air quality assessment work completed by the Applicant in response to ISH2, Question 4H (please see page 13 of the Applicant's Written Summaries of Oral Submission at ISH1, 2 and 3, and CAH1 and 2 (REP6-062) and Appendix 1 to that document). The further air quality assessment work completed by the Applicant is included within the Environmental Statement Addendum submitted at deadline 7.</p> <p>The analysis reveals consistent improving trends across all monitoring locations in Portsmouth including the monitors on Eastern Road, AQMA6, AQMA11 and AQMA9. Whilst the Ministerial</p>

Reference	Respondent(s)	Question	Response
		<p>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</p>	<p>Directive requires improvements in the shortest time through imposition of the Clean Air Zone (CAZ), these data show that, prior to the imposition of any CAZ, air quality on Eastern Road is actually improving.</p> <p>3. Corroboration of modelling input datasets</p> <p>The 2019 monitoring dataset reported in the ASR 2020 is relevant because the falling trend in monitored pollution in Portsmouth (2017-2019) is consistent with the improvement in the key input datasets used in ES Chapter 23 modelling (Defra background concentration and vehicle emissions (EFTv9.0)) applied in the modelling (ES Chapter 23 (REP1-033)). The new data therefore confirm that the trends present in key input datasets are being replicated on the ground. It should also be noted that the improvements which are forecast in the EFT and Defra backgrounds used in ES Chapter 23 do not include the potential benefits of the CAZ and measures present in the PCC 2019 Air Quality Action Plan which means the results are conservative in this regard.</p> <p><u>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)</u></p> <p>It is not possible to determine the specific impact of the 2019 monitoring dataset reported in the ASR 2020 on predicted concentrations without a full re-model of the impacts of Aquind. However, the results of the further assessment in response to Issue Specific Hearing 2 Question 4H which take the monitoring results from the <i>2020 Annual Status Report</i> and the impact of the CAZ into account have been taken into consideration.</p> <p>On Eastern Road and the AQMAs the following observations about the findings of Chapter 23 (REP1-033) based on the trends reported in 2020 ASR and the impact of the CAZ are made:</p> <p>Eastern Road</p> <p>In Chapter 23 (REP1-033), receptors along and around Eastern Road reported within Verification Zone 2 were predicted improvements in air quality. Those receptors reported as part of the analysis of the effects on AQMA 9 were also predicted to experience improvements in concentrations of NO₂ from 22.8 µg/m³ to 19.5 µg/m³.</p> <p>The results in ES Addendum 2 Appendix 3 (document reference 7.8.2.3) show imperceptible deteriorations at the A2030 Eastern Road water bridge under both scenarios, however there is no human exposure at this location, and it is not a Defra compliance link on the Strategic Road Network. In comparison to the ES Chapter 23 these results show that whilst the southern area of Eastern Road is predicted to experience improvements in concentrations of air pollutants, the northern end of the road adjacent to the A27 may experience imperceptible deteriorations.</p> <p>AQMA6</p> <p>In Chapter 23 (REP1-033), slight adverse (not significant) effects are identified in relation to AQMA 6 for both the DS1 and DS2 scenarios, due to the presence of a higher number of adverse predictions than beneficial predictions. However, the majority of receptors are predicted to experience no change in the concentration of air pollutants. There are 13 diffusion tubes relevant to AQMA 6 of which three (IDs 24, 25 and 26) have sufficient long-term data to establish</p>

Reference	Respondent(s)	Question	Response
			<p>trends. Including the 2019 monitoring dataset all show improvements of approximately 1 µg/m³ per year which is 2.5% of the annual mean NO₂ objective.</p> <p>In general, the modelling in Chapter 23 predicts no change in concentrations, however, the following are observed:</p> <ul style="list-style-type: none"> • Tube 24 (221 Fratton Road) negligible deteriorations of ≤ 0.3 µg/m³ are predicted on one road link under both DS scenarios; • Tube 26 (The Tap, London Road) negligible deteriorations of ≤ 0.8 µg/m³ are predicted under the DS1 scenario. <p>The results in ES Addendum 2 Appendix 3 (document reference 7.8.2.3) show imperceptible deteriorations in concentrations predicted on London Road within the AQMA. In comparison to the ES Chapter 23 these results show similar imperceptible deteriorations in concentrations of air pollutants.</p> <p>AQMA9 In Chapter 23 (REP1-033), slight beneficial (significant) impacts under both the DS1 and DS2 scenarios are identified. Of the 11 diffusion tubes relevant to AQMA 9 only two (IDs 19 and 66) have sufficient data to discern a long-term trend, and both show improvements (0.5 µg/m³ per year and 1.6 µg/m³ per year respectively). The predictions on links relevant to these tubes show either no change or negligible improvements. Therefore, the overall improvement in AQMA 9 is not expected to be affected by the Proposed Development. AQMA 9 is not reported in ES Addendum 2 Appendix 3 as this area is not located in the proposed CAZ and is not highlighted as an area of concern in the PCC 2019 Air Quality Action Plan Table 3-1.</p> <p>The results and assumptions in Chapter 23 (REP1-033) relevant to AQMA 9 are unchanged as a result of the information presented in the 2020 ASR.</p> <p>AQMA11 In Chapter 23 (REP1-033), slight adverse effects under the DS1 scenario and negligible adverse effects under the DS2 scenario are predicted. These effects are significant due to the high maximum predicted concentrations. There are 16 diffusion tube monitoring locations that can be considered relevant to AQMA 11, with five tubes having sufficient data to establish a long-term trend (IDs 5, 6, 7, 30 and 34). All show improvement trends, with tube 6 (88 Stanley Road) showing an annual improvement of ≤ 3 µg/m³ (7.5% of the annual mean objective).</p> <p>The road links around all tubes except for tube 34 show negligible predicted deteriorations under both DS scenarios. The results in ES Addendum 2 Appendix 3 show a mix of imperceptible improvements and deteriorations along Church Street, Hope Street and Commercial Road. In comparison to the ES Chapter 23 these results show similar imperceptible deteriorations. Overall, the Applicant does not consider that the Proposed Development will inhibit the falling trend in air pollution improvements being experienced in Portsmouth. The modelling reported in</p>

Reference	Respondent(s)	Question	Response
		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.	<p>the ES Addendum 2 Appendix 3 shows that the Proposed Development is not expected to inhibit compliance on the roads examined. The findings of the air quality assessment remain valid and unchanged as a result of the latest published 2020 Annual Status Report and modelling on the impacts of the CAZ.</p> <p>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.</p> <p>4. The results provided in the CAZ sensitivity testing work indicate that impacts will be imperceptible and small on the local and strategic road networks under a conservative assessment. The mitigation measures proposed in the CTMP are sufficient for minimising the duration, extent and nature of the effects and do not require amendment.</p>
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> <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 	<p>The Onshore Outline CEMP (REP6-036) is amended by the removal of the qualifier 'where appropriate' from paragraph 5.10.1.1 in the update issued at Deadline 7. It is not intended that there will be a further sub-level of decision making outside the dust management plan in the Onshore Outline CEMP after approval of the works specific CEMP by the Local Planning Authority (LPA). The overall dust risk for each onshore cable section is described in Table 5.2 of the Onshore Outline CEMP, and this shows that the majority of onshore cable corridor sections are High risk and the majority of mitigation measures 'highly recommended'. The contractor will implement all the 'highly recommended' IAQM guidance measures within Table 5.1 of the Onshore Outline CEMP which will be secured on approval of the LPA through the works specific CEMP.</p> <p>The divergence between paragraph 5.10.11.1 of the Onshore Outline CEMP and the ES is explained as follows:</p> <ul style="list-style-type: none"> The effect of section 161 of the Planning Act 2008 is that the Applicant, and therefore any contractors working on its behalf, will be bound by the DCO and therefore be subject to the requirements stipulated in the approved works specific CEMP. These are non-discretionary once approved by the LPA; All contractors will automatically implement the 'highly recommended' measures listed for the high and medium risk sites described in Table 5.2 of the Onshore Outline CEMP. These are not subject to consultation with the EHO but are subject to approval by the LPA

Reference	Respondent(s)	Question	Response
		<p>appropriate, 'the highly desirable' mitigation measures without consultation;</p> <ul style="list-style-type: none"> 'highly recommended' and 'highly desirable' measures. <p>Whose discretion is involved in deciding where a measure is 'appropriate'?</p>	<p>via the works specific CEMP, who would be expected to consult with the EHO as necessary on this matter as part of that approval process;</p> <ul style="list-style-type: none"> The term 'highly desirable' is used in paragraphs 23.6.2.5 (Construction Stage Embedded Mitigation) and 23.8.1.1 (Proposed Mitigation and Enhancement) of ES Chapter 23. It is not used in ES Appendix 23.2 (REP1-074) or the Onshore Outline CEMP. This divergence from the use of the 'term highly recommended' is unintentional and in both instances should read 'highly recommended' to be consistent with ES Appendix 23.2 and the Onshore Outline CEMP. <p>There is therefore no discretion in deciding where a measure is appropriate once approved by the LPA in the works specific CEMP, and the measures in the works specific CEMP must be implemented and where, if not, may be subject to enforcement.</p>

Table 1.3 - Applicant's Responses to ExQ2 - Compulsory Acquisition

Reference	Respondent(s)	Question	Response
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>	<p>The Applicant continues to be engaged with the statutory undertakers and utility companies. Updates to the position set out in the Applicant's hearing transcript for CAH1 - agenda item 11.3 (REP5-034) are set out below:</p> <ol style="list-style-type: none"> ESP Utilities Group Ltd Noting earlier difficulties contacting representatives at ESP, the Applicant has sought to re-establish contact on 17th November 2020. Despite repeated best efforts by the Applicant, meaningful engagement on the protective provisions with ESP Utilities Group Ltd has not been forthcoming. GTC Infrastructure Ltd – Gas ('GTC') A private agreement is being progressed with GTC Infrastructure Limited in relation to the application of the protective provisions, with a draft issued by the Applicant on 17 January 2021 for agreement. The private agreement being progressed reflects discussions with GTC in relation to amendments required by GTC and agreed to by the Applicant. It is anticipated this agreement will shortly be agreed, and a further update will be provided to the ExA once this agreement is confirmed to be agreed and also once completed. <p>The Applicant is content the protective provisions for the benefit of electricity and gas undertakers apparatus (included at Part 1 of Schedule 13 to the DCO (REP5-015)) provide adequate protections. It is relevant in this regard that the protective provisions align with the form included in many made DCO's.</p>

Reference	Respondent(s)	Question	Response
			<p>3. GTC Infrastructure Ltd – Electricity ('GTC') A private agreement is being progressed with GTC Infrastructure Limited in relation to the application of the protective provisions, with a draft issued by the Applicant on 17 January 2021 for agreement. The private agreement being progressed reflects discussions with GTC in relation to amendments required by GTC and agreed to by the Applicant. It is anticipated this agreement will shortly be agreed, and a further update will be provided to the ExA once this agreement is confirmed to be agreed and also once completed.</p> <p>4. National Grid Electricity Transmission plc A private agreement is being progressed with NGET. It is anticipated this will be agreed between the parties shortly and an update will be provided by way of updates to the SoCG with NGET in due course.</p> <p>5. Southern Water Services Ltd – Sewers ('SWS') The Applicant has been continually seeking engagement with Southern Water on the protective provisions which are applicable to them since 29th September 2020. This has continued following the Deadline 6 submission submitted by Southern Water, with its submission not being cognisant of the Applicant's engagement with Southern Water to date. Despite repeated efforts by the Applicant, meaningful engagement on the protective provisions with Southern Water has not been forthcoming.</p> <p>The Applicant is content the protective provisions for the benefit of water and sewerage undertakers apparatus (included at Part 1 of Schedule 13 to the DCO (REP6-015)) provide adequate protections. It is relevant in this regard that the protective provisions align with the form included in many made DCO's.</p> <p>6. Indigo Pipelines The Applicant has continued to seek engagement from Indigo Pipelines to confirm they are content with the protective provisions, most recently by e-mail from the Applicant's solicitor on Friday 8th January. No response has been provided by Indigo Pipelines at this time. Protective provisions for the protection of Electricity, Gas, Water and Sewerage Undertakers are included at Part 1 of Schedule 13 to the dDCO, which are in a standard from common across many made DCOs. The Applicant's position is that appropriate protective provisions are provided within the dDCO for the protection of the apparatus.</p> <p>7. Network Rail Infrastructure Ltd The Applicant has continued to seek comments from Network Rail on the protective provisions and the private agreement, which were returned by the Applicant to Network Rail on 15 November 2020, most recently on Friday 8th January 2021. Whilst the Applicant's solicitor did discuss the position with Network Rail's solicitor at the end of November and it was expressed matters were close to being agreed, no comments since then have been forthcoming on the documents.</p>

Reference	Respondent(s)	Question	Response
			<p>With regard to clearance, the Applicant has continued to liaise with Network Rail to confirm that all information requested by them has already been provided, and to further progress any new matters raised by Network Rail following the matter recently being subject to a transfer of responsibility to new persons within Network Rail. It is not anticipated there is any impediment to clearance being provided from the further discussions held, with the Applicant awaiting timely responses from Network Rail.</p> <p>The Applicant and Network Rail are yet to agree an option for the acquisition of the necessary land rights though further discussions have taken place between the parties in early 2021 prior to Deadline 7 and further discussions are scheduled to take place on 26 January 2021.</p> <p>Should agreement on these matters not be reached before Deadline 8, the Applicant will include a form of protective provisions for the protection of Network Rail which is adequate to ensure there is no detriment to their apparatus, noting similar works have been carried out beneath network rail assets on the same basis as is proposed without any detriment arising.</p> <p>8. Portsmouth Water Ltd The Applicant has continued to seek engagement from Portsmouth Water on the protective provisions. Portsmouth Water provided comments on the protective provisions on 20 January 2020, and the Applicant is currently considering these and will respond to Portsmouth Water as soon as is possible. The Applicant has expressly made Portsmouth Water aware of the time constraints to address matters between the parties and it is not considered there is any reason why the matters will not be addressed as necessary before the close of the examination.</p> <p>In any event, protective provisions for the protection of Electricity, Gas, Water and Sewerage Undertakers are included at Part 1 of Schedule 13 to the dDCO (REP6-015), which are in a standard form common across many made DCOs. The Applicant's position is that appropriate protective provisions are provided within the dDCO for the protection of the Portsmouth Water apparatus within the Order limits.</p> <p>9. Southern Gas Network PLC ('SGN') The form of protective provisions included within the DCO submitted at Deadline 5 are agreed between the Applicant and SGN. SGN removed its objection to the Order on 13th January 2021, further to the completion of a private agreement between the Applicant and SGN.</p> <p>10. SSE PLC (High Voltage) and SSE PLC (Low Voltage)</p>

Reference	Respondent(s)	Question	Response
			<p>The Applicant has continued to seek to engage with the solicitors instructed on behalf of SSE, most recently by e-mail from the Applicant's solicitor on Friday 8th January. Despite an undertaking for fees being provided on 26 November 2020 and the Applicant having sought engagement on numerous occasions, no further response has been provided to date.</p> <p>In any event, protective provisions for the protection of Electricity, Gas, Water and Sewerage Undertakers are included at Part 1 of Schedule 13 to the dDCO, which are in a standard from common across many made DCOs. The Applicant's position is that appropriate protective provisions are provided within the dDCO for the protection of the SSE apparatus within the Order limits.</p> <p>11. CityFibre Holdings Ltd Noting difficulties contacting representatives at CityFibre since the last meeting on 29th September 2020, the Applicant has made repeated unsuccessful efforts to re-establish contact. Therefore, meaningful engagement on the protective provisions with ESP Utilities Group Ltd has not been forthcoming.</p> <p>The Applicant is content the protective provisions for the benefit of operators of electronic communications networks (included at Part 2 of Schedule 13 to the DCO (REP6-015)) provide adequate protections. It is relevant in this regard that the protective provisions align with the form included in many made DCO's.</p> <p>12. Openreach Ltd Having provided draft protective provisions on 20th October 2020, Openreach informed the Applicant on 9th January 2021 that "<i>the legal team and Network Regulations are still in conversation regarding this</i>". To date the Applicant has not received any comments from Openreach.</p> <p>In any event, protective provisions for the benefit of operators of electronic communications networks are included in Part 2 of Schedule 13 to the dDCO (REP6-015), which are in a standard from common across many made DCOs.</p> <p>13. Virgin Media Ltd The Applicant has continued to seek to engage with Virgin Media in relation to the protective provisions, most recently by e-mail from the Applicant's solicitor on Friday 8th January. Despite this, no further response has been forthcoming from Virgin Media. The Applicant confirms it is content the protective provisions in included at Part 2 of Schedule</p>

Reference	Respondent(s)	Question	Response
			<p>13 to the Order, provide adequate protections for Virgin Media’s apparatus within the Order limits.</p> <p>14. Vodafone Ltd The Applicant’s solicitor is now engaged in discussions with Osbourne Clark in relation to entering into a protective provisions agreement for the protection of Vodafone assets, following engagement from Osbourne Clark on 21 December 2020. Heads of terms have been provided and the Applicant has agreed to Osbourne Clark producing the first draft. The Applicant confirms it is not aware of any reason why this agreement will not be capable of being completed before the close of the examination.</p> <p>Should that agreement not be completed for any reasons, the Applicant confirms it is content the protective provisions in included at Part 2 of Schedule 13 to the Order (REP6-015), provide adequate protections for Vodafone’s apparatus within the Order limits.</p> <p>15. Highways England The Applicant has provided comments on the protective provisions for Highways England on Thursday 14 January 2021, further to comments provided by Highways England on the form issued to them by the Applicant. There are few points remaining to be agreed and it is anticipated a form will be agreed which is acceptable to both parties, appropriate to the works to be undertaken beneath HE assets, shortly. An update in this regard will be communicated in updates to the SoCG between the Applicant and Highways England in due course.</p> <p>16. National Roads Telecommunications Services (‘NRTS’) Protections, as necessary, are to be included within the protective provisions for the benefit of Highways England.</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 ‘<i>Applicant’s Response to action points raised at ISH1, 2 and 3, and CAH 1 and 2</i>’ [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>	<p>The Applicant does not hold any further information which is not of a commercially sensitive nature and which its provision into the public domain would not potentially prejudice the Applicant’s future commercial position. Whilst the Applicant fully appreciates the basis on the request made by the ExA, the Applicant is not in a position to provide the information requested. It has been considered whether information could be provided on a redacted basis, however the nature of the redactions that would be required to be made would mean any such submissions would be of little value.</p> <p>However, it is not considered that it is necessary to provide any further information to satisfactorily evidence that there is a reasonable prospect of funds becoming available for the Project within the statutory period. The updates made to the Funding Statement at Deadline 6 (REP6-021) set out the basis on which it is anticipated regulatory status will be obtained and project financing secured. The information provided by the Applicant in this regard sets out the clear and rational</p>

Reference	Respondent(s)	Question	Response
			<p>basis on which it is anticipated funding will be secured for the Project, subject to the grant of the DCO and the settlement of regulatory status.</p> <p>With further regard to regulatory status, all future interconnector projects in the UK will need to obtain regulatory status before they can be operated, and as has already been submitted by the Applicant there is nothing unusual about the sequence of approach of the Applicant in seeking to obtain all consents and regulatory approvals in parallel with one another. To contrary, it is an entirely logical approach to take, which gives confidence to all decision makers that the Project is progressing appropriately for the approvals required from them to be provided.</p> <p>Furthermore, the statements of the Government in the Energy White Paper (December 2020) that they “<i>will work with Ofgem, developers and our European Partners to realise at least 18GW of interconnector capacity by 2030</i>”, provide further support for the Applicant’s position and provide the ExA further assurance should that be required that the regulatory framework to facilitate the delivery of increased interconnection by 2030 in accordance with and to meet the targets set will be put into place, so as to facilitate the Project and other planned projects as necessary which are to be funded on a Project Finance Model.</p> <p>Noting the above, the Applicant considers the ExA should approach the matter of funding, and particularly the question of whether it is considered there is a reasonable prospect of the Project being funded, by considering whether anything has been raised which seriously questions the Applicant’s evidence that there is a reasonable prospect of funding becoming available. In considering this question, the ExA should give very significant weight to the evidence of the Applicant of the fundability of the Proposed Development, which is reinforced by the clear Government intent to deliver increased interconnection and to put in place the necessary regulatory framework to do so, and the largely unchallenged evidence of the need for this and the compelling benefits which increased interconnection will provide in the public interest. The needs and benefits of the Proposed Development, and moreover the Project, are clearly explained in the Needs and Benefits Report (APP-115), the Addendum to the Needs and Benefits Report (REP1-136), and the second Addendum to the Needs and Benefits Report submitted at Deadline 7. The Applicant submits that when having regard to all relevant information, the only rational conclusion that can be reached on this question is that there is a reasonable prospect of the Project being funded.</p>
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>As set out in the Design and Access Statement (paragraph 6.2.1(8) REP6-025) the Converter Station has been designed in accordance with National Grid Guidelines and the operational requirements include dual perimeter security fencing with sterile zone to allow appropriate entry and exit provisions for workers and deter access by others.</p> <p>The perimeter security (fencing and gates) has been designed to National Grid Technical Specifications which state that the overall height of the perimeter fence (external fence) should be 3 m above base level with an electric pulse fence installed within the security fence (internal fence) (paragraph 5.2.7.3 of the Design and Access Statement, REP6-025). In order to comply with security and health and safety requirements, the Converter Station and telecommunications</p>

Reference	Respondent(s)	Question	Response
		<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>	<p>buildings will have their own strict access requirements, hence the separate location of the Telecommunications Buildings.</p> <p>Whilst these measures provide a robust level of security, it is not the case that persons may not still seek to breach the perimeter of the Converter Station and the Telecommunications Buildings.</p> <p>Should the Applicant not own land surrounding the Converter Station and the Telecommunications Buildings, it would have no legal right to remove people from the land in close proximity to them. As such, it would not be able to deter persons from approaching the perimeters of either or remove them from the land where they present a threat to security. By having control over the surrounding land, it is the case that the Undertaker will be able to prevent persons from trespassing on land in their ownership where such persons are doing so for the purpose of seeking to breach the security perimeter fences. As such, by having control over the land the Undertaker is afforded additional, and necessary, powers of control over the land for the purpose of deterrence.</p> <p>It is important to note that in relation to the land in question there are a number of reasons why it is necessary for the land to be acquired, including so that landscaping can be provided, retained and maintained without interference for the purpose of adequately visually screening the Converter Station and Telecommunications Buildings and ensuring the biodiversity enhancements are maintained without disturbance and the benefits they provide are realised and protected, to provide the necessary drainage measures in accordance with the drainage strategy required, including the location of attenuation ponds on the land for runoff from the Converter Station and the Access Road. These reasons are over and above the security deterrence benefit as outlined above. For these reasons, there is a compelling case in the public interest of the compulsory acquisition of the land identified for permanent acquisition at the Converter Station Area.</p> <p>As a comparison, the Lovedean Substation, owned by National Grid, is registered under Her Majesty's Land Registry title reference SH28279 and comprises an area of 49.96 acres. Inspection of the title plan shows that, at the closest point, the perimeter fence for the Lovedean Substation is approximately 25m away from the boundary of National Grid's ownership boundary and for the majority of the perimeter this distance is approximately 40-50m and in many case extends much further, up to 190m in some cases. This area includes land which Messrs Geoffrey and Peter Carpenter sold to National Grid in November 2013 which, for the avoidance of doubt, includes part of the landscaping and visual impact mitigation measures at the western side of National Grid's ownership. This is referred to the in the Title Register for the property.</p> <p>Whilst the Applicant does not wish to speculate on the reasons for National Grid's land ownership extending some distance beyond the immediate perimeter of the Lovedean Substation, it is evident that National Grid do own and therefore control the areas of land surrounding the Lovedean substation which would allow them to deter intrusion to the Lovedean Substation on the same basis as has been set out by the Applicant in relation to the Converter Station. .</p>

Reference	Respondent(s)	Question	Response
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>	<p>The land identified for Compulsory Acquisition of land or in respect of which rights may be acquired in the Book of Reference (REP6-062) includes:</p> <ul style="list-style-type: none"> - subsoil below the highway – 334,644m² (33.5 ha) - land owned (freehold) by local authorities – 446,441m² (44.6ha), of which 559m² (0.5ha) is required for the permanent acquisition of land rights; - land owned (freehold) by other statutory bodies – 163,822m² (16.4ha), of which 14,470m² (1.4ha) is required for the permanent acquisition of land rights; and - land owned (freehold) by other parties – 687,195m² (68.7ha) of which 194,010m² (19.4ha) is required for the permanent acquisition of land rights. <p>The above figures equate to the total area identified in the book of reference for plots subject to compulsory acquisition of all freehold and leasehold interests in land or the grant of rights and imposition of restrictions pursuant to Articles 20 and 23 of the dDCO. The figures provided do not include land which is subject to powers of temporary possession only.</p>
CA2.3.5	Applicant	<p>In the Deadline 6 submission by [REDACTED] relating to whether the Applicant's Compulsory Acquisition estimate covers the right land, is the understanding of [REDACTED]' CAH2 position correct ([REP6-138], Section D paragraph 3)?</p> <p>If not, how is it not?</p>	<p>The Deadline 6 submission of [REDACTED] incorrectly states the position put forward by [REDACTED] at the CAH2. As confirmed at the hearing, the land acquisition valuation considers all of the relevant land and the Applicant maintains that it has correctly estimated its maximum exposure to potential compulsory acquisition costs.</p> <p>In response to questions at the CAH2 hearing, [REDACTED] confirmed that the land acquisition valuation did consider "all" of area shaded pink on the plan held up by Counsel on behalf of [REDACTED], however he did not say that it "only" considered this area. It is therefore not correct to state there is a "gap" in the estimate.</p> <p>The Applicant confirms that all types of compulsory acquisition powers and powers of temporary possession have been taken into account in the valuation and a full breakdown of the costs is contained in paragraph 5.6 of the updated Funding Statement submitted at Deadline 6 (REP6-021).</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>	<p>During discussions on agenda item 5.2 at CAH1, [REDACTED] on behalf of the Applicant agreed to look into whether any reports (or extracts) could be provided which would give the ExA confidence in the Applicant's ability to fund the proposed development.</p> <p>Following the hearings, in the post hearing notes (REP6-063), the Applicant confirmed that it is not in a position to disclose extracts from the confidential reports referred to at the hearings.</p> <p>The Applicant has continued to consider this request and its position in respect of the documents referred to at the hearings is set out below:</p> <p>The documents referred to in CAH1 session 3 transcript are listed below:</p> <ul style="list-style-type: none"> • 2019 KPMG Report – this report, produced for the purpose of and including information which is as a result of confidential commercial discussions, cannot be submitted into the

Reference	Respondent(s)	Question	Response
			<p>Examination because of the commercially sensitive nature of the material contained in it and the agreed conditions of the engagement with finance providers, being the basis on which they agreed to provide feedback. It is not considered the provision of this on a redacted basis would be of any genuine assistance, as it would be necessary to remove most of the information and therefore not provide evidence which genuinely benefits the decision-making process for the Application.</p> <ul style="list-style-type: none"> Any reports produced in that work – all information produced by KPMG is subject to non-disclosure requirements in favour of KPMG. It is therefore not the sole decision of the Applicant as to whether such information can be released into a public forum. The non-disclosure requirements are legitimately provided for so as to protect the commercial position of KPMG and the finance providers engaged with. In any event, for the reasons set out above it is not considered the submission of the reports would be of any genuine assistance to the decision making process in light of the redactions that would need to be made to the information so as to protect the commercial confidentiality of all relevant persons. Regulatory submissions to both CRE and ofgem – CRE and Ofgem started on 18 December 2020 a Joint Consultation on AQUIND’s Exemption Request¹. Exhibit 1 to the Exemption Request was published as part of the consultation materials. In Exhibit 1 AQUIND provided the national regulatory authorities with the detailed analysis of the Project’s benefits, including monetised and non-monetised benefits, also summarised in the Need and Benefits Report (APP-115), Needs and Benefits Addendum (REP1-136) and the second Needs and Benefits Addendum submitted for Deadline 7. Section 1.4.2 also explains the assumptions behind AQUIND’s revenues from the use of its capacity by third parties to transmit power between two connected markets (congestion revenues) as well as GB capacity market. The NRAs had also been provided with relevant financial models. It is a recognised practice among regulatory authorities that details of such calculations are not made available publicly as it is commercially sensitive information and may prejudice the interests of a project. Section 4 of the Exemption Request, also published by the NRAs, provides an explanation of AQUIND’s financing strategy (section 4.5), that is linked to AQUIND’s forecast revenues, with appropriate redactions in the version made available publicly. In particular, AQUIND explained its expectations for the proportion of debt and equity in its total financing package and expected sources of finance, which were also explained in the Funding Statement (APP-023), the updated Funding Statement (REP6-020) and the Applicant’s responses to the Examining Authority first Written Questions CA1.3.1 (REP1-091). A number of organisations within each group – debt and equity

¹ Available in English here - <https://www.ofgem.gov.uk/publications-and-updates/joint-consultation-aquind-s-exemption-request>

Reference	Respondent(s)	Question	Response
			<p>providers – were included in the investor engagement exercise carried out by KPMG 2019 on the basis of revenue forecasts submitted with the Exemption Request.</p> <p>The Trade and Cooperation agreements (TCA) agreed on December 24, 2020 dedicates specific attention to the cooperation between the UK and the EU on efforts to combat climate change. As part of this cooperation, the TCA established a new regulatory framework for energy infrastructure linking the member states of the European Union and the United Kingdom, including an exemption regime similar to that in Regulation 2019/943 under which AQUIND submitted the ongoing Exemption Request. Following discussions with the Energy Regulatory Commission (CRE) and its British counterpart Ofgem, AQUIND expects that the NRAs will shortly publish a decision as to how the TCA impacts on the ongoing Exemption Request.</p>
CA2.3.7	Applicant	<p>Has any evidence to support the Applicant's financial standing been provided to any relevant regulatory authorities? If so, what? What was the response, if any, from those authorities?</p>	<p>Please see the information in the above responses regarding the Joint Consultation on AQUIND's Exemption Request and information relevant to the financing of the Project contained therein. The information provided to the regulatory authorities, which where appropriate in maintaining confidence is not disclosed into the public domain, is the information sufficient for the purposes of those regulatory authorities performing their regulatory function in accordance with their assigned responsibilities.</p> <p>The financial standing of AQUIND Limited is not a parameter in the assessment under the exemption regime.</p>
CA2.3.8	Applicant	<p>In view of the Deadline 6 submission by [REDACTED] ([REP6-138], Section E paragraph 29), please clarify the rational basis upon which the Applicant thinks there is a genuine reasonable prospect of the requisite funds becoming available to enable Compulsory Acquisition within the statutory period following the DCO being made.</p>	<p>The Applicant has been engaging with a number of potential investors since the start of the Project, including British and international investment funds and international energy companies, all of whom consider electricity interconnectors to be an attractive type of future investment.</p> <p>The Applicant has invested approximately £35m in the development of the Project as of 30 June 2020 and the residual cost of completing the pre-construction stage of the Project is forecasted at £15m. The Applicant has secured financing from its current investors sufficient to support the Project until the Completion of the development stage, which includes obtaining all necessary permissions and authorisations in the UK and France, including the DCO.</p> <p>As is standard practice for many major infrastructure Projects, post the development stage, the Project is intended to be funded through project finance secured against the operational profits (revenues) of the Project.</p> <p>Following publication of the Planning White Paper in December 2020, appetite for investment in interconnectors is only likely to further increase. The White Paper specifically recognises that <i>“Interconnection increases the ability of the GB electricity market to trade with other markets, enhances the flexibility of our energy system and has been shown to have clear benefits for</i></p>

Reference	Respondent(s)	Question	Response
			<p><i>decarbonisation</i>". This White Paper provides a clear indication of future policy and approach to meeting the UK energy demands, and that Interconnectors will form a key part of this this. It is therefore anticipated a regulatory environment will be created in the UK to ensure investment in this energy infrastructure is able to be forthcoming, for instance through a further cap and floor regime. In this regard it is noted the Energy White Paper includes a commitment by the Government to "work with Ofgem, developers and our European partners to realise at least 18GW of interconnector capacity by 2030". Further information in respect of the Energy White Paper in relation to the Proposed Development is provided within the second Addendum to the Needs and Benefits Report (document reference 7.7.19).</p> <p>The Applicant therefore remains entirely confident that the Project is bankable and that funds will be forthcoming to enable compulsory acquisition within the statutory period following the DCO being made and is of the view there is no rational basis on which to conclude otherwise.</p> <p>Taking into account the fact that (i) the Applicant has had no problems securing financing for the Project to date, (ii) the expected appetite for future investment in interconnectors as part of the green transition is likely to increase, particularly in light of the Energy White Paper; and (iii) it is not unusual for the securing of funding in connection with the delivery of a project to be dependent on the securing of a development consent order, it is considered the Applicant has satisfactorily demonstrated that there is a reasonable prospect of the requisite funds becoming available to enable Compulsory Acquisition within the statutory period following the DCO being made.</p>
CA2.3.9	Applicant	If the Deadline 6 submission by [REDACTED] 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?	<p>The Deadline 6 submission by [REDACTED] referred to is not correct.</p> <p>The Companies House records which reveal that there is a protected person with significant control over the Applicant limited company do not "contrast" with the records showing Aquind Energy Limited S.a.r.l to be the sole shareholder and also the parent company of Aquind Limited. A person is considered to have "significant control" over a company if they meet one or more of the specified conditions in relation to the company listed in Part 1 of Schedule 1A of the Companies Act (see section 790C).</p> <p>In summary, a person does not need to own 100% of the shares to have significant control, nor do they need to be an immediate shareholder or named director.</p>
CA2.3.10	Applicant	Please provide the latest accounts for Aquind Energy SARL.	The most recent published accounts for AQUIND Energy Sarl are attached at Appendix 8 to these responses (document 7.4.3.8).
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	<p>The Undertaker is the person authorised to exercise the CPO Powers, and it would be the Undertaker who a claim for Compulsory Acquisition compensation would be enforced against.</p> <p>Please see the response below to CA 2.3.13 which is relevant to provisions in the DCO to prevent the exercise of Compulsory Acquisition of Temporary Possession powers where funding is not</p>

Reference	Respondent(s)	Question	Response
		funding is not available to the undertaker? (Refer to [REP6-138], Section E paragraph 38.)	available, and which confirms acceptance of an article requiring a guarantee for the CPO costs is confirmed before those powers are exercised.
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 [REDACTED] 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?	The Applicant confirms it is content to include an article along the lines suggested in the Deadline 6 submission by [REDACTED]. A new Requirement 26 is included in the dDCO submitted at Deadline 7, as explained further below.
CA2.3.13	Applicant	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 [REDACTED] 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? (i) Rookery South (Resource Recovery Facility) DCO - enforceable bonded funds located in Jersey ([REP6-138], Section G paragraph 4a). (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). (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). (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). (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	The Applicant has included a guarantee Requirement at Requirement 26, and the Applicant's view is that the Order should be made including this Requirement. The Applicant identifies that the guarantee Requirement included is most closely aligned to that which is contained in the Manston Airport DCO.

Reference	Respondent(s)	Question	Response
		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?	The joint bay locations will not have a wider Compulsory Acquisition width than 2 m either side of the installed cable.
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]?	The Applicant has submitted Change Request 3 at Deadline 7. This contains information in relation to the removal of a number of areas from the Order Limits at Sainsburys as well as the reduction in the class of rights over a proportion of the remaining land within the Order Limits from New Connection Works Rights to Temporary Use.
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]?	<p>The Applicant issued a copy of the proposed protective provisions to Vodafone on 5th October 2020, following technical discussions with Vodafone from early 2020 onwards. Engagement has taken some time to establish despite the Applicant's best efforts. Vodafone responded requesting specific provisions on 21st December 2020 and the Applicant responded confirming that is it amenable to entering into a protective provisions agreement for the protection of Vodafone assets and confirming the terms on which it would be willing to do so on 13 January 2021.</p> <p>The Applicant is now working with Vodafone's appointed solicitors to agree a protective provisions agreement at which point it is expected that the objection would be removed.</p> <p>Should that agreement not be completed for any reasons, the Applicant confirms it is content the protective provisions in included at Part 2 of Schedule 13 to the Order (REP6-015), provide adequate protections for Vodafone's apparatus within the Order limits.</p>
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]?	<p>The objection raised by Southern Water Services appears to be a restatement of their Written Representation from February 2020, albeit not cognisant of that.</p> <p>The Applicant has made numerous attempts to engage with Southern Water Services but to date no contact details have been provided nor has a representative been nominated.</p> <p>If Southern Water Services are able to provide contact details then a meeting can be arranged with the Applicant to discuss any concerns, however the Applicant is not in a position to progress discussions without Southern Water properly engaging.</p> <p>The Applicant is content the protective provisions for the benefit of water and sewerage undertakers apparatus (included at Part 1 of Schedule 13 to the DCO (REP6-015)) provide adequate protections. It is relevant in this regard that the protective provisions align with the form included in many made DCO's.</p>

Table 1.4 - Applicant's Responses to ExQ2 - Cultural Heritage

Reference	Respondent(s)	Question	Response
CH2.4.1	Historic England Hampshire County Council Applicant	<p>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'?</p> <p>How do these elements:</p> <p>a) apply to the land where the ORS facility is proposed to be located; and</p> <p>b) apply to the land where proposed landscape mitigation is to be planted?</p> <p>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?</p>	<p><i>With reference to paragraph [5.8.12] of NPS EN-1, what elements of cultural, historical and functional significance for Fort Cumberland's setting are derived from the 'fields of fire'?</i></p> <p>With regard to Overarching National Policy Statement for Energy (EN-1), the Applicant assumes that the correct paragraph reference is 5.8.12, rather than 5.6.12 which relates to dust, odour, artificial light, smoke, steam and insect infestation (Section 5.6) rather than Cultural Heritage.</p> <p>Elements of the 'fields of fire' which contribute to the significance of Fort Cumberland are the sightlines and connectivity with land and sea-based approaches along with historic relationships with other fortifications and approaches. The position of the fort is important to understanding how it would have defended Langstone Harbour in the event of an attack. It had direct lines of sight out to sea and was also protected by a ravelin on its western side which defended the landward approaches (ES Chapter 21, para 21.5.11.8). The existing coastal plain which forms part of the fields of fire to the west of the asset makes a contribution to the significance of the fort and so do the sightlines from positions to the north, east and south of the monument (landward/seaward), of which the combined contribution increases understanding of the Fort's functional significance. This in turn allows the public to understand and appreciate the heritage significance of the fort.</p> <p>These sight lines are still evident and contribute to its significance but to varying degrees.</p> <p><i>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?</i></p> <p>a) The contribution of the land where the ORS facility is proposed to be located is diminished by its present use as a car park, with its associated height restriction barriers and constant movement of traffic, in addition to the visually intrusive surrounding urban fabric, which has been substantially altered through the construction of a 1960s housing estate (located 15m north of the Proposed Development) and 20th century motor shed adjacent to the north. Due to the surrounding modern development, the existing contribution of the landfall car park on the significance of Fort Cumberland is considered low. As a result, the historic 'fields of fire' is at present poorly understood.</p> <p>b) The proposed landscape mitigation planting is contained within the Order Limits at the Landfall. As shown on the Indicative Landscape Mitigation Plan (Landfall) Figure 15.50 (APP-283), planting is proposed around the boundary of the ORS facility in the form of a native hedgerow with hedgerow trees; existing grassland/scrub to the north-east would be reinstated. The contribution of the current land to the historic 'fields of fire' is low, given the present use as a gravelled carpark.</p> <p><i>How would the Proposed Development affect such significance and the future value and understanding of the asset?</i></p>

Reference	Respondent(s)	Question	Response
			<p>The Applicant's position with regard to the impact assessment is outlined in the latest revision of the Statement of Common Ground (SoCG) with Historic England submitted at Deadline 7 (REP6-047, Rev 005). The Applicant considers the impact to the significance of Fort Cumberland is negligible in respect of views from the western ravelin, based on the distance from the asset and the presence of the car park and the visual impacts from the modern residential housing estate located 15m to the north-west of the proposed ORS compound. The Applicant considers that the landward view from the western ravelin has been substantially altered.</p> <p>The location of the proposed ORS compound would introduce a new built form in long views out from the western ravelin towards Fort Cumberland Road. However, the proposed ORS would be lower in height than the current housing estate, and when seen against the background of the surrounding residential development would not be visually intrusive. Taken overall, the ORS would not have a significant impact on how the asset is appreciated and understood. The overall environmental effect is therefore considered negligible.</p> <p>It has been agreed between the Applicant and Historic England that the proposed ORS would not result in substantial harm to the Fort Cumberland Scheduled Monument and Grade II*listed building (REP6-047, Rev 005). Historic England maintain that the level of harm is less than substantial, whilst the applicant considers the overall effect to Fort Cumberland scheduled monument is negligible. Irrespective of this differing professional opinion, the proposed change would not constitute a 'significant' environmental effect warranting substantial design amendments to the Proposed Development.</p> <p>Would mitigation planting itself affect the significance of the asset's setting?</p> <p>The settings assessment has considered the potential for impact in relation to the embedded landscape mitigation. The predicted impact is considered negligible in respect to Fort Cumberland (see above). The embedded landscape mitigation planting would not form any additional impact to the significance of the asset as the proposed changes would not alter the baseline urban setting in which the ORS would sit, which at present includes modern 1960s development and a line of mature trees, bounding a caravan park to the west of the landfall car park. As with the ORS buildings themselves, the overall change to the fort and its wider construction is negligible.</p>
CH2.4.2	Winchester City Council Hampshire County Council	<p>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>.</p> <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</p>	<p>The practicality of achieving preservation in situ within the 'fixed' areas of the scheme such as the Converter Station would depend on the location and extent of any archaeological remains present. The geophysical survey carried out for the ES [APP-136] showed limited potential for extensive archaeological remains of very high (national) significance within the area of the Converter Station which would warrant preservation in situ. As such, it was agreed with the Winchester City Archaeologist during the ES Assessment stage (paragraph 21.3.4.1 of ES Chapter 21, (APP-136)) that a programme of archaeological strip, map and sample would be suitable and that any further intrusive archaeological investigation could be carried out post DCO consent.</p>

Reference	Respondent(s)	Question	Response
		<p>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>	<p>In the highly unlikely event that remains are uncovered which require preservation in situ, design changes could be considered but only where this is feasible or warranted and where it would accord with the consented design parameters (OOCEMP, paragraph 5.8.1.8 (REP6-036, Rev006)). For example, it may be possible to modify proposed formation levels or adopt other means of avoidance.</p> <p>If it is not feasible and practicable in the design parameters however, due to engineering or other reasons (i.e. due to elevation/location), preservation by record (e.g. targeted excavation and recording) would be necessary</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>	<p>Whilst we note that this question is not directed to the Applicant, we would like to respond to advise that agreement has been reached as reflected in Table 3.2 of the SoCG submitted at Deadline 6 (REP6-047).</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>	<p>Yes, agreement with Historic England has been reached as reflected in Table 3.2 and Appendix 6 (Letter from Historic England confirming agreement) of the SoCG submitted at Deadline 6 (REP6-047).</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>	<p>Yes, agreement in regard to palaeo-landscape features has been reached as reflected in Table 3.2 and Appendix 6 of the SoCG submitted at Deadline 6 (REP6-047).</p>

Table 1.5 - Applicant's Responses to ExQ2 - Draft Development Consent Order

Reference	Respondent(s)	Question	Response
DCO2.5.1	Applicant All Local Authorities Representatives of [REDACTED] and [REDACTED]	<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>	<p>The Applicant responds as follows:</p> <ul style="list-style-type: none"> Section 35 of the Planning Act 2008 affords the Secretary of State with power to give a direction for development to be treated as development for which development consent is required provided the criteria in subsection (2)(a)-(c) are satisfied.

Reference	Respondent(s)	Question	Response
	<p>██████████</p> <p>██████████</p>	<p>The Applicant, the local planning authorities, and ██████████ 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.</p> <p>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")</i>', as set out in the <i>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</p>	<ul style="list-style-type: none"> • The Section 35 Direction confirms that the criteria in section 35(2) are satisfied if the development is, or forms part of: <ul style="list-style-type: none"> ○ "<i>a project (or proposed project) is in the field of energy</i>" (subsection (2)(a)(i)); and ○ "<i>will be wholly within England, waters adjacent to England out to the seaward limits of the territorial sea</i>" (subsection 2(b)); and ○ "<i>the Secretary of State is of the view that the project (or proposed project) is of national significance, either by itself or when considered with ... one or more other projects in the same field</i>" (subsection 2(c)). • The Section 35 process plays an important role in supporting the delivery of new infrastructure and it was entirely open to the Secretary of state to direct that the Proposed Development (including any development associated with it) is to be treated as development for which development consent is required. <p>The Statement in support of the application for a Direction pursuant to Section 35 of the Planning Act 2008 (AS-040) clearly sets out what the Development for the purposes of that application is, being the elements of AQUIND Interconnector within England and the waters adjacent to England up to the seaward limits of the territorial sea, and that this includes the onshore and offshore fibre optic cables, and "<i>signal enhancing and management equipment ... required along the land cable route in connection with the fibre optic cables</i>". Accordingly, all such infrastructure properly forms part of the development for which development consent is required in accordance with the direction.</p> <p>It is correct that the Section 35 Direction provides that "<i>any development associated with</i>' the Proposed Development is to be treated as development for which consent is required, and as such where any development is development associated with the "<i>proposed Development</i>", development consent will be required for it. This position is consistent with the position previously put forward by the Applicant at paragraph 3.5 of the Statement in relation to FOC (REP1-027).</p> <p>Whilst the Applicant does consider that it is open to the Secretary of State to determine that all elements of the authorised development for which development consent is sought are development for which development consent is required in light of the Section 35 Direction (i.e. no part of it is associated development), taking a precautionary approach the Applicant submits that those buildings which are required solely in connection with the commercial use of the fibre optic cables (the Telecommunications Buildings) and those parts of others which are associated with the commercial use only (so the parts of the ORS not provided solely in connection with the operation of the interconnector) are associated development. This is because an argument could be formulated those buildings are not a development, or part of a development, in the field of energy. Whilst the Applicant would not agree with this interpretation and considers such buildings are part of a development in the field of energy, other views on this interpretation may differ.</p> <p>As such, whilst it is the Section 35 Direction which confirms that development consent will be required for associated development and would authorise this instead of Section 115 of the Planning Act 2008, the ExA and the Secretary of State may in making their recommendation and decision on this matter turn their mind to whether they are, in any event, satisfied such buildings</p>

Reference	Respondent(s)	Question	Response
		<p>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>	<p>can properly be construed to be associated development. For this purpose, it would be expected that the ExA considers the definition of associated development provided in Section 115 of the Planning Act 2008, as well as having regard to the Guidance on associated development applications for major infrastructure projects (DCLG, April 2013) (which it is noted of course does not bind the Secretary of State, save for the need for him to act rationally having taken into account its contents).</p> <p>With particular regard to the question of use and whether it is associated development, the Applicant considers that the dDCO is clear with regard to use, including that the fibre optic cables are to be used for commercial telecommunications purposes. However, it is noted in this regard that section 55(1) of the Town and Country Planning Act 1990 which defines what constitutes development (and which in accordance with Section 32 of the Planning Act 2008 defines "development" for the purposes of that Act) provides that "<i>development, means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.</i>" In accordance with this definition, use of new operational development alone is not development, and therefore the question is not whether the use is associated development, but rather whether the "development", being the building and engineering operations, are associated development.</p> <p>Noting the above, if the Secretary of State accepts that the correct question is whether the buildings aforementioned are associated development and concludes that they are, then the use authorised for those buildings will be the use for the purposes for which they are designed, in accordance with Section 157(2) of the Planning Act 2008.</p>
DCO2.5.2	Applicant MMO	<p>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?</p> <p>If so, how?</p>	<p>Yes, a meeting was held with the MMO on 13 January 2021 and agreement has been reached as reflected in Table 3.8 of the SoCG submitted at Deadline 7 (REP6-048, Rev004). The MMO is content with the proposed amendment to the DML in regard to Part 1, Paragraph 10 which has been updated and submitted at Deadline 7 (REP6-015, Rev 006) and further clarification was provided by both Parties in regard to Part 1 Paragraph 4. The Applicant and the MMO consider that these matters are now resolved.</p>
DCO2.5.3	Applicant	<p>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.</p>	<p>By way of example, the following DCOs use the phrase "reasonable time" in the same context:</p> <ul style="list-style-type: none"> • Southampton to London Pipeline – Article 13(1) • Riverside Energy Park – Article 13(1) • Cleve Hill Solar Park – Article 10(1) • Thames Tideway Tunnel – Article 15(1) • Great Yarmouth Third River Crossing – Article 15(1) • Norfolk Vanguard – Article 11(1)
DCO2.5.4	Applicant	<p>It is noted that most references to the term 'temporary stopping up' in the dDCO [REP6-015] have been changed to</p>	<p>Article 13(9) states "References to temporary stopping up of any street or highway in Schedule 13 (protective provisions) are to be construed as a reference to the closure of that street or highway</p>

Reference	Respondent(s)	Question	Response
		<p>'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?</p> <p>Also, please could the Applicant explain why Article 13(9) is required, the purpose that it serves, and whether it might cause unnecessary confusion?</p>	<p>under this article." This was inserted to avoid the need to replace references to stopping up throughout the Order. It is not considered that Article 13(9) creates confusion, and it is noted precedent it is provided by Article 13(9) of the Southampton to London Pipeline Development Consent Order 2020</p> <p>The Applicant confirms it has reviewed the DCO to ensure consistency of the use of term closure instead of stopping up. The only places where the term stopping up remains is within Article 13(9) and the protective provisions to which that relates.</p>
DCO2.5.5	Applicant	<p>Could the Applicant confirm whether Requirement 10 in the dDCO [REP6-015] should reference the Access and Rights of Way Plans?</p> <p>If not, why not?</p>	<p>It is not considered that it is necessary for Requirement 10 to make reference to the Access and Rights of Way Plans. The power which authorises the construction of the accesses for which his Requirement requires design approval does make reference to the Access and Rights of Way Plans and is that is considered to be an adequate reference to them. Nonetheless, should the ExA determine that they would like reference to be made to them in this Requirement, provided such reference is made on the same terms as is provided for in Article 14 (i.e. including in the locations identified on the access and rights of way plans) the Applicant would have no particular issue with this.</p>
DCO2.5.6	Historic England	<p>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:</p> <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)(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)(vi)) does not appear elsewhere in the draft DML. • 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</p>	<p>We note that the question is targeted at Historic England, but the Applicant wishes to highlight the following points in respect of the following bullet points;</p> <ul style="list-style-type: none"> • <i>Expand Condition 4(1)(viii) to include 'archaeological construction exclusion zones'.</i> <p>This should be read as Condition 4(1)(c)(viii) and this amendment to the DML has already been made in the DML submitted at Deadline 3 (REP3-004).</p> <ul style="list-style-type: none"> • <i>Check Condition 6 – the quoted condition (4(1)(vi)) does not appear elsewhere in the draft DML.</i> <p>This should be read as Condition 4(1)(e)(vi) and the correction to the DML has already been made in the DML submitted at Deadline 1 (REP1-021).</p>

Reference	Respondent(s)	Question	Response
		<p>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> <ol style="list-style-type: none"> 1) includes adequate provision for the delivery of the project specific marine WSI. ii) provides appropriate timescales for the review and approval of the marine WSI before the commencement of construction activities. <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	<p>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?</p>	<p>The Applicant has commissioned an independent Road Safety Audit (RSA) on the proposed highway works at the junction of Day Lane and Broadway Lane. Subject to the findings of this RSA the Applicant is aiming to reach agreement in principle with Hampshire County Council on the proposals prior to the end of the examination The Road Safety Audit was issued in draft on 20 January 2021 to HCC as the highway authority for the highways to which the safety audit relates. The applicant believes the issues raised in the RSA are all readily addressed.</p> <p>Detailed designs for these highway works will be completed post-consent.</p> <p>The Applicant has agreed in principle with HCC that a Section 278 Agreement will be entered into in relation to the Converter Station Access Junction Works, and that the requirement to enter into this will be secured in a Section 106 Agreement with HCC. The section 106 agreement will include a draft form of the Section 278 Agreement to be entered into. The Applicant issued a draft of the Section 106 Agreement and the form of Section 278 Agreement, based on a HCC precedent form, to HCC for comment on 19th January 2021.</p>
DCO2.5.8	Applicant	<p>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)?</p> <p>Could a check be made that all such references in the control chart and mitigation schedule are in full, including those to the WSIs?</p>	<p>Yes, Schedule 2, Requirement 15(3) of the dDCO submitted at Deadline 6 (REP6-015) should read '<i>onshore outline construction environmental management plan</i>' rather than '<i>outline construction environmental management plan</i>'. This has been corrected in the version of the dDCO submitted at Deadline 7.</p> <p>The Control Chart and Mitigation Schedule will be reviewed for any incorrect references prior to submission of the final updated versions at Deadline 8.</p>

Reference	Respondent(s)	Question	Response
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 'site establishment, earthworks, civil and building works'?</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> <p>Could the Applicant please highlight where these works are addressed in the ES.</p>	<p>The Applicant is able to confirm that, taking into account discussions NGET, site establishment refers to the establishment of a construction compound, including portable cabins, laydown areas for construction equipment and welfare facilities for use during the period of construction, including any temporary access roads to the construction compound where these are required and security fencing. Earthworks would cover the movement of earth (soil/spoil) to create a level substation platform in the area to be extended. Civil works would cover the installation of foundations for the HV substation equipment, cable troughs and any other equipment (in this case the extended security fence and portable relay rooms) and building works would include any building modifications required, in this instance likely limited to the PRRs though there may be modifications required to the main control buildings at the Western end of the substation. However, the precise definitions and arrangement to which this applies are subject to detailed design to be performed by NGET.</p> <p>The Applicant wrote a letter to NGET on 17 December 2020 summarising how Works No. 1 had been considered in the Environmental Statement and supporting assessment. A copy of this letter is appended to the SOCG with NGET that was submitted at Deadline 6 (REP6-051). The Applicant refers the ExA to the table attached to that letter which confirms where the relevant works have been assessed in the ES.</p>
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>	<p>The Applicant has been considering this further and is now proposing to secure the measures in the FMPRI through a Section 106 Planning Obligation with PCC.</p> <p>The Applicant has submitted a draft section 106 Agreement with PCC at Deadline 7 which contains: (i) a requirement for the undertaker to submit a detailed Recreational Management Plan in relation to each of the Playing Fields prior to commencement; and (ii) a restriction on commencement until the Council has approved the Recreational Management Plan for that Playing Field.</p> <p>The detailed Recreational Management Plan submitted for approval must be in accordance with the FMPRI and contain details relating to the delivery of pitch reinstatement and realignment works, including:</p> <ul style="list-style-type: none"> (a) estimated programming and costs for the Pre-Construction Pitch Realignment Works and the Post-Construction Pitch Realignment Works; (b) estimated programming for the Pitch Reinstatement Works; (c) technical specifications for the Pitch Reinstatement Works; (d) scaled drawings; and (e) details of any drainage potentially affected by the construction of the Proposed Development. <p>The draft Section 106 Agreement contains an ongoing obligation on the undertaker to carry out any works to realign and reinstate the sports pitches in accordance with the relevant approved Recreational Management Plan.</p> <p>As some of the sports pitches fall outside the redline boundary, the Applicant has proposed that PCC enter into a Deed of Undertaking (akin to a licence) with the Applicant to enable the</p>

Reference	Respondent(s)	Question	Response
			<p>Applicant to carry out the realignment works on PCC's Land in accordance with the plans approved by PCC. The Applicant sees no reason why PCC should not be amenable to these measures being taken to avoid impacts on residents within Portsmouth.</p> <p>In respect of the playing fields on the University of Portsmouth Land, the OOCEMP has also been updated at Deadline 7 (REP-036, Rev 006) to include the following paragraph at 6.2.9.11:</p> <ul style="list-style-type: none"> • <i>For works through the University of Portsmouth land the contractor will keep the works as far to the eastern extent as practical to minimise impacts on sports facilities. This will take into account other environmental and engineering restrictions and considerations. A detailed method statement will be prepared and agreed with the University of Portsmouth prior to works to the University Pitches within the redline boundary. The method statement will comprise arrangement of temporary works, reinstatement and programme. The Applicant will work with the University of Portsmouth to realign pitches, if detail design confirms the works can be limited to the eastern edge of the pitch.</i>
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"> 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. 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. 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. 	<p>The Applicant's position is that Article 24 is appropriate as drafted and that for the reasons set out in the Applicant's Response to Written Questions (Ref CA1.3.102) it is not justifiable for the DCO to be granted with a wider and more draconian power of the sort set out in the granted DCOs to which the ExA refers.</p> <p>Taking into account the discussion on this matter to date, if the SoS were to grant the DCO with drafting in the form set out in the DCOs referred to, the Applicant is concerned that the decision could be challenged on the basis that the Applicant itself has explained that such extensive powers over land are more than are necessary.</p> <p>Such drafting may have been put forward on other projects due to a failure to fully appreciate the power and effect of statutory authority. This appears to have led some promoters to deviate from long-established drafting precedent in TWAOs and Hybrid Acts, as well as some earlier DCOs.</p> <p>As explained in the Applicant's Response to Written Questions, Article 21 of the dDCO (Statutory authority to override easements and other rights) confirms that statutory authority is conferred by the Order. In the event that 'private rights' (such as easements or restrictive covenants) must be breached or interfered with by the undertaker in order to carry out the project, Article 21 would enable the undertaker to carry out the authorised development without being liable for 'nuisance'. The principle of law behind this is essentially that acts authorised by Parliament cannot be unlawful, and therefore in effect the DCO 'trumps' private rights, but only where the interference with such private rights cannot be avoided in carrying out the authorised works (i.e. where they are incompatible).</p> <p>Drafting of the sort set out in the DCOs the ExA refers to is unnecessarily draconian vis-a-vis landowners who hold the benefit of the rights being expunged on a blanket basis - regardless of whether they are compatible or incompatible with carrying out the project.</p>

Reference	Respondent(s)	Question	Response
			<p>Reliance on statutory authority to over-ride such rights as are incompatible with the DCO powers is the more appropriate approach in the Applicant's view.</p> <p>The drafting the ExA refers to also creates unnecessary complications for the undertaker who, if it does not wish all rights to be expunged on this blanket basis, must serve notice or seek agreement with the holders of the relevant rights (see, for example, art 26(6) and 26(7) of the Riverside Energy Order). If the Applicant fails to take such steps then it would be liable to compensate the holders of the rights expunged (e.g. under art 26(5) of the Riverside Energy Order) or, perhaps, to reinstate them on the title to the land, all of which would be an unnecessary complication and one which can be avoided.</p> <p>We also draw the ExA's attention to the fact that articles 26 and 27 of the Riverside Energy Order (for example) appear to overlap – providing both for the total extinguishment of third-party interests (article 26) and the over-riding of rights based on statutory authority (article 27). This seems to us to be the confused result of expanding the drafting of article 26 from the original precedents which were restricted to extinguishing private rights of way.</p>

Table 1.6 - Applicant's Responses to ExQ2 - Environmental Impact Assessment and Environmental Statement

Reference	Respondent(s)	Question	Response
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> <p>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.</p>	
EIA2.6.2	Applicant	<p>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</p>	<p>Mitigation in Table 29.14 in Chapter 29 of the Environmental Statement (App-144) covers two main types of mitigation:</p> <ol style="list-style-type: none"> 1. Mitigation Planting - These are outlined and secured in the Updated Outline Landscape and Biodiversity Strategy (REP6-038, Rev004)

Reference	Respondent(s)	Question	Response
		<p>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.</p>	<p>Refer to the indicative landscape mitigation plans in the OLBS Appendix–2 - the outline landscape management plans in the OLBS Figure 1 and 2 which secures additional mitigation planting measures to the west and north of Development No.68 to provide further screening for immediate residents and Monarch's Way as well as introduction of hedgerow trees within existing hedgerow to the east of Development No. 68. Mitigation planting proposed along northern edge of PRoW. DC16/HC04 and Access Road</p> <p>2. Third party developments - If third party developments are ultimately constructed concurrently with the Proposed Development, then liaison between the two developers would be required. Paragraphs 4.4.3.4 to 4.4.3.9 of the Onshore Outline CEMP outline the content of the communications strategy, and paragraph 4.4.3.5 identifies developers as a key stakeholder for engagement. To further clarify this measure, the updated Onshore Outline CEMP (REP6-036, Rev006) submitted at Deadline 7 amends the description of the role and responsibility of the Site Manager to include: <i>The site manager will be responsible for liaison with third party developers where the construction phases overlap. This will allow management of concurrent activities to help reduce adverse construction effects.</i></p> <p>The final Mitigation Schedule will be submitted at Deadline 8 which will include the complete and up-to-date references.</p>
EIA2.6.3	Applicant	<p>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.</p>	<p>Side cast backfilling is when a v-shaped plough has been used to cut a trench prior to cable lay. The plough will deposit a spoil heap on the seabed near to the edge of each side of the v-shaped trench. The spoil heap material is then pushed back into the trench (from where it came) using a backfill plough which has angled mouldboards to guide the material back into the trench.</p> <p>This technique will not influence or alter the assessment of significant effects as the marine EIA considered the potential effects of the worst-case scenarios within each relevant chapter.</p> <p>The technique of side casting occurs within the footprint of installation activities assessed (i.e. trench widths are expected to be 0.35 to 3 m wide and the width of impact assessed is 6.5 m wide), and is part of cable installation activities which have been assessed under the impact of seabed disturbance/temporary habitat loss within the relevant marine topics. For example, Table 8.6 of Chapter 8 (APP-123) under the fourth bullet point;</p> <p>- an assumed worst case of 108 km of the Marine Cable Corridor disturbed through 2 x 6.5 m width of displacement plough trenching (1.41 km²);</p> <p>Backfilling from side cast material was not considered to be a worst case activity for any of these topics as the sediment is removed from the trench and side cast in close proximity to the trench and the material is retained in the same broad location within the local sediment/habitat regime.</p> <p>As the worst-case scenarios approach for these impacts have been assessed, the conclusions reported within the marine topic chapters are valid. None of the marine topics assessed have concluded that any significant effects would result from the impacts of cable installation activities.</p>

Reference	Respondent(s)	Question	Response
EIA2.6.4	Applicant	<p>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.</p> <p>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'.</p>	<p>The use of this term is noted by the Applicant, and its inclusion in specific sections of the ES is not intended to be exceptional, nor represent an alteration in the approaches taken to determining the significance of effects. The term has been used in the Heritage and Archaeology ES chapter (APP-136) to describe how the relevant topic-specific guidance aligns with the standard EIA approach, or classification of significant effects, as set out in Chapter 4 (EIA Methodology) (APP-119).</p> <p>The determination of significant effects and the need to apply mitigation was applied consistently across all EIA topics and, where appropriate, was also applied to mitigate effects that were deemed not significant before any mitigation had been applied. In some instances, mitigation has not been applied to negligible or minor effects where it has been deemed unnecessary, such as in the noise and vibration assessment (see Table 24.58 of Chapter 24 of the ES) (APP-139).</p> <p>If appropriate, mitigation has been applied to not significant effects. For example, a minor effect is predicted to local UK inshore mobile fleet (inshore scallop, dredgers, demersal trawlers), however the establishment of an inshore fisheries working group is proposed to mitigate this effect and reduce it further to a negligible effect (see Table 12.11 of Chapter 12 of the ES (APP-127)). Similarly, in the Onshore Ecology ES Chapter (APP-131), the minor effect of fragmentation of hedgerows due to the Onshore Cable Route is mitigated by the replacement of hedgerows and other habitats by landscape planting, resulting in a negligible residual effect.</p> <p>Conversely, there may be impacts identified within the ES that cannot be mitigated in order to reduce the effect to not significant. For example, in the Soils and Agricultural Land Use ES chapter (APP-132), the Applicant has applied mitigation where measures are available to reduce the level of an effect, such as through the implementation of a soil resource plan which removes a significant moderate effect on soil resources, whereby the assessment has taken into account measures to allow farming to continue during the construction works. However, there are not any mitigation measures available to reduce the permanent loss of agricultural land, and the measures to mitigate permanent impacts on farm holdings are largely matters of negotiation between the Applicant and the landowner and had not been concluded at the time of assessment. For this reason, a moderate effect identified in the soils and agricultural land use assessment could not be mitigated and has resulted in a significant residual effect.</p>
EIA2.6.5	Applicant	<p>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).</p> <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>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>In making a distinction in the paragraphs below between 'essential' mitigation (visual, landscape and ecological) and 'enhancement', the Applicant has taken an item by item approach looking at the "bare bones" of Plot 1-32.</p> <p>The design of the measures within Plot 1-32 was driven by 'essential' mitigation to address specific adverse visual and landscape character effects and biodiversity requirements – both ecological mitigation and where appropriate enhancement. In doing so, the designer also</p>

Reference	Respondent(s)	Question	Response
		<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>	<p>considered the aesthetics of the site as a whole and as such some elements of the planting and habitat creation that have been included could be described as ‘enhancement’.</p> <p>The Applicant notes that when the Proposed Development is considered as a whole, the ‘enhancement’ elements are an important part of the overall landscape mitigation, including the creation of new landscape features and habitat, strengthening and improving the condition of such features through good management practices, and improving landscape and ecological connectivity.</p> <p>In order to assist the response to this question and as per the post hearing note (REP6-063) the Applicant has divided Plot 1-32 into five categories relating to planting. For ease of reference the management prescription codes in the updated OLBS (REP6-038, Rev004) and referred to in Figure 1 of the Outline Landscape and Biodiversity Strategy Management Plan for Option B(i) – Converter Station Area, Rev-003 were used:</p> <p>A) New woodland planting adjacent to Ancient woodland (Stoneacre Copse): New woodland planting (PW-14 and PW-16) that lies adjacent to Ancient woodland serves as essential mitigation both in terms of visual screening and landscape character. The proposed woodland is of sufficient depth to reinforce the Ancient woodland which is suffering from ash dieback.</p> <p>Additional new woodland, scrub with trees and scrub planting (PW-15, ST-1, ST-2 and SC-1) is essential mitigation in terms of landscape character. The planting strengthens landscape features minimising the fragmentation of the Ancient woodland, address opportunities for natural regeneration as well as creating a “looser” woodland margin allowing a greater variety of habitats to establish including understorey, ground flora and ferns.</p> <p>As repeated previously in the Applicant’s responses, proposals seek to address concerns over the need to improve connections to nationally important habitats as referred to at the Applicant’s Response to Written Representations (4.23) (REP2-014). Proposals also respond to landscape strategy objectives in ‘Winchester District Landscape Character Assessment’, Winchester City Council, March 2004 referred to in Appendix 15.4 of the ES (Landscape Character) (APP-402). The document seeks to encourage the protection and conservation of important wildlife and historic features such as ancient hedgerows and woodlands, tracks and historic parks, especially where they provide a link with other semi-natural habitats and conserve and restore the structure and condition of the woodlands through appropriate management such as thinning, coppicing, replanting, ride and edge management and the removal of invasive alien species.</p> <p>B) New woodland planting elsewhere within Plot 1-32: New woodland planting immediately edging the southern elevation of the Converter Station (PW-6, PW-11, PW-12 and PW-13) serves as essential mitigation and visual screening breaking up the overall mass of the building from views to the south and south west. Equally new woodland planting (PW-17) to the south of the southern attenuation pond is also essential mitigation and serves a visual screening function.</p>

Reference	Respondent(s)	Question	Response
			<p>Remaining new woodland planting (PW-22) has been introduced to mimic the small copses surrounding dells / old quarry pits (which are a landscape feature in the area) and therefore contributes towards essential landscape character mitigation.</p> <p>All planting will enhance ecology by increasing the area of woodland habitat and improving landscape and ecological connectivity as referred to under WCC's landscape strategy objectives outlined under bullet point A.</p> <p>C) Scrub planting: SC-2 serves as essential mitigation and as a visual screening, providing low level understorey planting behind proposed woodland and minimising views of the Converter Station's lower elevations from the south and south west. Remaining scrub planting (SC-3, SC-4, SC-5, SC-6 and SC-8) is essential landscape character mitigation in terms of improving landscape connectivity and strengthening the presence of existing landscape features.</p> <p>The planting also serves an ecological enhancement function; forming a foraging area, refuge and safe breeding space for a protected and notable species.</p> <p>D) Hedgerows: Whilst the part of PH-3 running south of the proposed access road serves as essential mitigation and visual screening adding to a visual layering effect of existing hedgerows in the foreground for receptors to the south and south east, remaining hedgerows within Plot 1-32 (rest of PH-3, PH-4, PH-8, PH-10, PH-11) are essential mitigation in terms of landscape character</p> <p>These proposed hedgerows strengthen landscape features, improve landscape connectivity and reinforce new field patterns as reflected in 'The East Hampshire Landscape Character Assessment', LUC, 2006 Management Strategy which seeks to restore hedgerow boundaries to provide visual unity and intactness and increase biodiversity and links to areas of woodland and promote growth of hedgerow trees to be required on a permanent basis.</p> <p>E) Calcareous grassland: Species-rich calcareous grassland has been introduced throughout Plot 1-32 as landscape enhancement measure replacing the existing species-poor improved pasture. The 'SDNPA Integrated Landscape Character Assessment', LUC, December 2005 for Landscape Type D Downland Mosaic identifies the need to maintain and increase the species diversity of areas of semi-improved grassland, which act as a reservoir for more common chalk downland species.</p> <p>The Applicant therefore sees it as an opportunity to support changes to chalk grassland whilst also generating an enhancement in terms of biodiversity within landscaping that is required to mitigate the impacts of the Proposed Development.</p> <p>Grassland will provide ecological enhancement where planting in the form of trees and scrub cannot be introduced. Such grassland will be relatively species-rich and will raise the ecological value of Plot 1-32 as current grasslands are species-poor, their importance being limited by agricultural improvement.</p>

Reference	Respondent(s)	Question	Response
			<p>Marshy grassland and marginal planting will be introduced for attenuation ponds and swales as an ecological and landscape enhancement feature, in connection with the attenuation points which are essential mitigation.</p> <p><i>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?</i></p> <p>The effect of section 122 of the Planning Act 2008 is to set two main pre-conditions to the inclusion of compulsory purchase powers in a DCO. The first is that the land must be “required” for the stated purpose and the second is that there must be a compelling case in the public interest for the land to be acquired compulsorily.</p> <p>When looking at the scheme as a whole, the enhancement elements described above are “required” as part of the overall landscape and ecological mitigation package and there is a “compelling case in the public interest” in view of the additional benefits provided by these measures (for example, increasing the area of woodland habitat and improving landscape and ecological connectivity; forming a foraging area, refuge and safe breeding space for a protected and notable species; replacing species-poor pasture).</p> <p>The Applicant notes that there is precedent for this in the Cleve Hill DCO Decision in which the Secretary of State concluded:</p> <p><i>“However, in respect of the ExA’s consideration of the request for Compulsory Acquisition powers in relation to Works other than 1 and 4 over Plot No. 5/03, the Secretary of State considers that in accordance with s122 of the 2008 Act, the land is required and that there is a compelling case for inclusion particularly in view of the additional benefits in respect of biodiversity net gain that the Development would be able to deliver if the Lowland Grass Meadow Habitat Management Area can be implemented in full.”</i></p> <p>In the Secretary of State’s decision to grant development consent for the Cleve Hill Solar Park (EN010085), he confirmed in relation to the inclusion of compulsory acquisition powers: “there is a compelling case for inclusion particularly in view of the additional benefits in respect of biodiversity net gain that the development would be able to deliver”.</p> <p>With reference to the Riverside Energy Park DCO, the promoter provided net gain information and provisions voluntarily while working closely with the local planning authority. The provisions in relation to net gain could not be secured on land within the promoter’s ownership so it was necessary to secure a mechanism through the DCO which delivered this offsite and provided for its management and maintenance.</p> <p>As a result, there is practice and precedent to recognise biodiversity net gain measures in the context of Nationally Significant Infrastructure Projects (NSIPs)</p>

Reference	Respondent(s)	Question	Response
EIA2.6.6	Applicant	<p>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.</p> <p>Could the Applicant please explain how this supplementary information has been, or will be, integrated into the ES?</p>	<p>The results of the Ash Dieback Survey Findings – Appendix 3 of the Request for Changes to the Order limits (AS-054) and the implications in terms of future baseline, LVIA and mitigation requirements have been integrated into the ES as part of ES Addendum 2 (document reference 7.8.2) and submitted at Deadline 7.</p> <p>The ES Addendum 2 updates the conclusions in Appendix 2 of the Request for Changes to the Order limits (Implications for the Landscape and Visual Impact Assessments set out in the ES) (AS-054) and identifies two changes in significance of already identified significant effects as a result of an increase in magnitude. It also considers the implications of the assessment on a future baseline if ash dieback was not mitigated as now proposed.</p> <p>It is the Applicant’s view that whilst ash dieback will affect the wider area, from most viewpoints there is sufficient depth of woodland and enough species variety (in other words, numbers of trees of other species) that the loss of most of the ash is unlikely to affect the findings of the LVIA associated with the Converter Station Area. However, from the closest viewpoints, where there is less depth of existing woodland to provide screening, the change in baseline caused by the loss of ash may be sufficient to alter the conclusions of the LVIA.</p> <p>The assessment in ES Addendum 2 therefore focusses on visual receptors where it is considered that the loss of ash now expected may lead to a change in the findings of significance in the assessment. The extent of the review was based on the assessor’s knowledge of the site and the receptors, and considered distance from the site, the extent and angle of view they would have towards the Proposed Development and the species composition of the intervening woodland.</p> <p>The analysis concluded that the two receptors which will suffer a more significant effect than that assessed in the ES are receptors utilising Monarch’s Way at year 0 and year 10, and recreational users of the Public Right of Way DC19 / HC28 to the south of the converter station site, at year 10.</p> <p>In terms of the consequences of the future baseline without mitigation measures, which are included in ES Addendum 2 (document reference 7.8.2) the analysis concluded that the level and extent of significant effects would be higher for all residential and recreational receptors in close proximity to the Converter Station at year 0 and / or year 10. This includes residential receptors Nos. 17, 18, 14, 15 and 23, users of the Monarch’s Way, PRow DC16 /HC04 and PRow DC19 / HC28.</p> <p>Further detail of this analysis as well as an appraisal of the other receptors considered as at risk of being affected is set out in Chapter 12 of ES Addendum 2.</p>

Table 1.7 - Applicant' s Responses to ExQ2 - Flood Risk

Reference	Respondent(s)	Question	Response
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>	<p>Bunding of HDD sites is only considered to be required at Milton Common due to the HDD passing from the seaward side of the flood defence to the landward side of the flood defence and the proposal not expected to displace surface water as there is no surface water overland flow route in this location.</p> <p>OOCEMP (REP6-036, Rev006) paragraph 5.7.1.4 states that <i>“The detailed design of the HDDs is proposed to be developed post application and any specific provisions to protect the HDD construction works from the tidal flood risk will be developed by the contractor prior to works, if required. Any pathways under a flood defence created through the HDD during construction and operation will require appropriate bunding to the same standard of protection (e.g. defence crest level) to ensure a pathway is not created around the flood defence subject to approval or exemption of a flood risk activities permit. HDD alignments should pass below or avoid, with appropriate clearance, any below ground features (e.g. sheet piling, concrete structures) associated to flood defences”</i>.</p> <p>OOCEMP paragraph 5.7.1.4 lists a number of construction principles, including: <i>“If the appointed contractor decides to use temporary bunds to protect the trench or construction works, these would be in small localised areas and any impacts on existing drainage regime will need to be managed to ensure the impact of flooding is not increased subject to approval or exemption of relevant environmental permits (flood risk activities permit/ordinary watercourse consent)”</i>. This applies to HDDs, laydown and construction compounds.</p> <p>In the first instance mitigation measures will rely on avoiding surface water overland flow paths where practicable; where this is not practicable, alternative mitigation measures may include over-pumping, temporary attenuation and settlement to ensure that flood risk is not increased on or off site.</p>
FR2.7.2	Applicant	<p>Please could the Applicant confirm areas where Flood Zone 3b overlaps the Order limits?</p> <p>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>	<p>The Onshore Order Limits overlap Flood Zone 3 (*see note 1) directly adjacent to the fluvial watercourses as shown on Figure 20.1 (REP1-043). These areas include:</p> <ul style="list-style-type: none"> • Soake Farm North [WC.01] (Section 3 of OOL along the western boundary) • Soake Farm East [WC.02] (Section 3 of OOL where HDD is proposed to pass under the full extent of Flood Zone 3b) • North Purbrook Heath [WC.09] (Section 4 of OOL at eastern edge of Ladybird Roundabout) <p>*Note 1: The most recent joint SFRA commissioned by the Partnership for Urban South Hampshire (PUSH) (2016) states: <i>“Modelling information to define the fluvial functional floodplain (Flood Zone 3b) is currently only available for the Wallington Stream and the Tadburn Lake Stream. For the remainder of the main rivers, the SFRA has assumed that the functional floodplain is the whole of the high probability flood area (Flood Zone 3). This is a conservative approach that should be updated in the future when modelling information becomes available.”</i></p>

Reference	Respondent(s)	Question	Response
			<p>The OOCEMP (REP6-036, Rev006) paragraph 5.7.1.4 lists a number of construction principles and states that: “The appointed contractor (and any sub-contractors) must ensure that works within flood zone 2 or 3 do not introduce significant structures (i.e. temporary site compounds) or spoil storage in the fluvial flood plain”. Furthermore, all works within Flood Zone 2 or 3 would be subject to a Flood Risk Activities Permit. These principles are agreed with the Environment Agency as reflected in the Onshore SoCG between the Environment Agency and the Applicant.</p> <p>The OOCEMP and ES (including Figure 20.1) have been made available to the potential contractors as part of the ongoing tender process and the appointed contractor will be responsible for obtaining Flood Risk Activities Permits prior to commencement of any works in Flood Zone 2 and 3. Furthermore, OOCEMP paragraph 5.7.1.4 lists a number of construction principles, including a statement that: “where practicable locations for joint bays and link pillars/link boxes are to be located outside of flood zones 2 and 3 or areas at risk of surface water flooding. Where this is not practicable any works in the Flood Zone 2 or 3 will be subject to approval of a flood risk activities permit or an exemption and works within areas at risk of surface water flooding may be subject to approval of an ordinary watercourse consent or an exemption. No impediments are foreseen to any such approvals or exemptions being obtained, taking into account the nature of the works and infrastructure proposed”. These principles are agreed with the Environment Agency as reflected in the final Onshore SoCG between the Environment Agency and the Applicant submitted at Deadline 7.</p>

Table 1.8 - Applicant’ s Responses to ExQ2 - Habitats and Ecology (Onshore)

Reference	Respondent(s)	Question	Response
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, how are such ‘low use’ sites considered to be affected by the Proposed Development and to what magnitude?	The Applicant consulted with Natural England on the assessment of low use Solent Waders and Brent Goose Strategy sites. It was agreed that these would be captured under Principle 1 of the winter working principles and included in the updated Habitat Regulations Assessment Report submitted at Deadline 1 (REP6-034). This agreement is detailed under reference 4.2.12 in the Statement of Common Ground between the Applicant and Natural England (REP6-045).
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?	Natural England’s suggested amendment to Principle 7 has been incorporated into the revised Principle 6. The revision of the working principles has been agreed and is also referred to under reference 4.2.12 in the Statement of Common Ground between the Applicant and Natural England (REP6-045).
HAB2.8.3	Natural England South Downs National Parking Authority	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;	

Reference	Respondent(s)	Question	Response
	Winchester City Council	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?	

Table 1.9 - Applicant' s Responses to ExQ2 - Landscape and Visual Amenity

Reference	Respondent(s)	Question	Response
LV2.9.1	Applicant	<p>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.</p> <p>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.</p> <p>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.</p> <p>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).</p>	<p><i>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.</i></p> <p>The Applicant has included the viewpoint elevations for both new viewpoints 1b and 2 on the updated Additional Viewpoint Location Plan and Additional Viewpoints Part A (REP6-055) - Figure 15.59 A to C Rev02 and Part B (REP6-056) - Figure 15.60A to C Rev 02. The elevations are 125.95 m AOD for new viewpoint 1b and 123.4m AOD for new viewpoint 2.</p> <p><i>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.</i></p> <p>Visualisations:</p> <p>The Applicant has provided visualisations of the Converter Station on the baseline photographs from new viewpoint 1b and new viewpoint 2 and these are presented as follows:</p> <ul style="list-style-type: none"> • Additional Viewpoint Location Plan and Additional Viewpoints Part A ((REP6-055, Rev 002). Figures 15.59 A, B and C of Viewpoint 1b have been revised and submitted at Deadline 7 to include the wireline visualisations of Option B(i) and Option B(ii) alongside the baseline panorama (horizontal field of view (HFOV) 90°) on Figure 15.59A. The wireline visualisations have been superimposed on the baseline images for both 15.59 B (HFOV 40°) and 15.59C (HFOV 27°). • Additional Viewpoint Location Plan and Additional Viewpoints Part B (REP6-056, Rev 002). Figures 15.60 A, B and C of Viewpoint 2 have been revised and submitted at Deadline 7 to include the wireline visualisations of Option B(i) and Option B(ii) alongside the baseline panorama on Figure 15.60A. The wireline visualisations have been superimposed on the baseline images for both 15.60 B (HFOV 40°) and 15.60C (HFOV 27°). The views in these figures have also been realigned slightly to ensure the Proposed Development sits centrally in the view.

Reference	Respondent(s)	Question	Response
			<p>The viewpoint elevations (observer eye height at the viewpoint) are given, and the viewpoint location references and bearings checked and corrected where necessary. Note that the distance and bearing is given to the nearer of the two site options and this is specified on the relevant figure.</p> <p>Assessment of visual effects from new viewpoint 1b and new viewpoint 2:</p> <p>The assessment of the visual effects from the two new viewpoints is summarised below and is also referred to in ES Addendum 2 (document reference no 7.8.2). Where it is beneficial to the reader, references have been made in the following text to existing and proposed mitigation planting based on the management prescription codes in the updated OLBS (REP6-038, Rev004), Figure 1 - Outline Landscape and Biodiversity Strategy Management Plan for Option B(i) – Converter Station Area.</p> <p><u><i>New Viewpoint 1b – private land adjacent to the Monarch’s Way</i></u></p> <p>The view looks directly across to north western facing slopes of a small valley with a mix of pastoral farmland edged by hedgerows or hedgerows with trees and small pockets of deciduous woodland, including Prew’s Hanger to the east (left of the image). Within the centre of the view are a cluster of properties (including boarding kennels) west of Old Mill Lane which sit close to the ridgeline at approximately 110m AOD. The roofline / upper elevation of Property 5 and 6 (referred to as The Shieling and Old Mill House respectively in Appendix 15.6 Visual Amenity (APP-404)) are discernible behind a line of mature trees at approximately 116 m AOD, and pylon towers running in both a north - south and west - east direction are prominent features interrupting the skyline. There are far distance views across to Port Down with properties discernible on north facing slopes.</p> <p>It should be noted that whilst new viewpoint 1b lies within the South Downs National Park it is on a farm track on private land to the east of the Monarch’s Way (represented in Figure 15.58A to C) and as such is presented as a worst case from this elevation. The Monarch’s Way runs to the west of this viewpoint as evidenced in viewpoint 1a (Additional Viewpoint Location Plan and Additional Viewpoints Part A (REP6-055, Rev 02)).</p> <p><u><i>Construction:</i></u></p> <p>A receptor standing in the location of the view, on private land, would have a direct filtered view of construction activity largely screened by intervening vegetation (woodland trees, hedgerows and hedgerow trees) in the foreground.</p> <p>This view would be experienced by users of the Monarch’s Way who may deviate off the route onto a field track on private land to avoid overgrown vegetation. Whilst the receptor would appreciate the view from private land and not the PRoW, the assessment has attributed a high sensitivity to the receptor. Although no on the ground activities would be discernible from this viewpoint, mobile cranes would be noticeable intermittently during part of the construction period (approximately eight months) and the emerging buildings would become visible late in the construction period. Whilst the cranes would break the skyline and be clearly noticeable, they</p>

Reference	Respondent(s)	Question	Response
			<p>would occupy only a small proportion of the overall view, would not fundamentally alter the character of the view and their presence would be a temporary element in the view during a construction programme of three years. The magnitude of change experienced would be small to medium, giving rise to a minor-moderate to moderate-major adverse (significant) effect.</p> <p><u>Operation:</u></p> <p>At year 0 a receptor standing at the location of the view would perceive a small proportion of the upper northern elevation / roof of the Converter Station. Option B(i) would be more visible than Option B(ii), particularly in winter. As stipulated in the Design Principles, the roof would be a dark recessive colour. The Converter Station would sit below the horizon, and the ridgeline of Port Down would still be apparent in views. The magnitude of change experienced would be small and effects would be minor-moderate adverse (not significant).</p> <p>After 10 years part of the upper northern elevation / roof of the Converter Station would still be noticeable in views behind surrounding existing and mitigation planting north of the Converter Station (PW-5), around the edge of Hillcrest (PW-4) and to the west of the Converter Station in the form of native mixed woodland (PW-7 and PW-8). The magnitude of change and therefore effects would remain unchanged and remain as minor-moderate adverse (not significant).</p> <p>After 20 years some of the mitigation planting would serve a visual screening function and whilst there may be some partial visibility of the upper northern elevation / roof this will be less noticeable as mitigation planting matures resulting in a small to negligible magnitude of change with the resultant effect being minor-moderate to negligible adverse (not significant).</p> <p>Whilst we have no detailed information on the species composition of the woodland and hedgerow trees, we have assumed that a noticeable proportion of the mature trees in this view would be lost over the next decade due to ash dieback, reducing but not removing the screening effect of vegetation.</p> <p><u>New Viewpoint 2 – PRow near Prew’s Hanger</u></p> <p>New viewpoint 2 is from a PRow towards Prew’s Hanger (Horndean 7). It lies within the South Downs National Park and is used by walkers. The view is south facing and one of undulating farmland in the foreground.</p> <p>Beyond the farmland and a partial hedgerow edging the southern side of an unnamed road linking Old Mill Lane and Broadway Lane are belts of mature deciduous trees with Mill Copse and fields of horsiculture crossed by the Monarch’s Way left of centre in the view. Discernible behind vegetation to the west (right in the image) are properties edging Old Mill Lane, namely Properties No 4 The Ranch, No 5 The Shieling and No 6 Old Mill House (described in Appendix 15.6 Visual Amenity (APP-404)) and further west the edge of Prew’s Hanger. A barn off Broadway Lane can be seen behind vegetation to the east (left in the image).</p>

Reference	Respondent(s)	Question	Response
			<p>Pylon towers and overhead lines running towards Lovedean Substation are prominent features in the view, whilst in the distance Port Down with fortifications is visible on the horizon with headland beyond.</p> <p><u>Construction:</u> A user of the PRow would have views varying from direct and partial, to oblique and filtered by intervening vegetation, largely woodland trees and linear belts of trees. The user would experience sequential views along the PRow between Broadway Lane and Prew's Hanger.</p> <p>The visual sensitivity of receptors would be high whilst the magnitude of change experienced would be small to medium. Whilst occasional ground works at a higher level may be discernible from this viewpoint, the presence of mobile cranes would be the noticeable features during part of the construction period (approximately eight months) along with the emerging Converter Station buildings. Whilst the cranes would be a clearly noticeable feature, breaking the skyline, they would occupy only a small proportion of the view, would not fundamentally alter the character of the view and their presence would be a temporary element in the view during the construction programme of three years. The assessment concludes that the change in visual experience of the route as a whole would be medium and at worst result in a moderate-major (significant) adverse effect.</p> <p>Whilst in Mill Copse the presence of ash dieback has been recorded the assessment concludes that the woodland serves a partial visual screening function from this PRow and the effects would therefore remain unchanged.</p> <p><u>Operation:</u> At year 0 the upper northern and western elevations and roof of the Converter Station would be partially visible to users along part of the route. The roof of the Converter Station set at a maximum parameter of 26m in height (111.1m AOD) would sit below the skyline and the ridgeline of Port Down and be partially concealed by the existing belt of mature trees in the foreground (EH-6 / EH-8). Adhering to the Design Principles the roof would be a dark recessive colour. Whilst Option B(ii) would be more noticeable in the view compared to Option B(i), particularly in winter, as users move further west views Option B(ii) would be read in context with the existing Lovedean substation. Overall the magnitude of change on the route would be small, and the effect would be minor-moderate adverse (significant).</p> <p>After 10 years part of the upper northern and western elevation and roof of the Converter Station would still be visible behind surrounding existing vegetation (including EH-6 and EH-8) and mitigation planting north of the Converter Station (PW-5) and east of the Converter Station forming an extension around existing hedgerows (PW-1, PW-2 and PW-3) in the form of native mixed woodland. The overall magnitude of change and therefore effects would remain unchanged: minor-moderate adverse (significant).</p> <p>After 20 years some of the mitigation planting would have reached a height to partially screen the building and, whilst there will still be some partial visibility of the upper northern elevation / roof,</p>

Reference	Respondent(s)	Question	Response
			<p>this will be less noticeable. This would reduce the magnitude of change to small to negligible, with the resultant effect being minor-moderate to negligible adverse (not significant).</p> <p>Ash dieback is prevalent in Mill Copse and the updated OLBS submitted at Deadline 6 has been revised to include the existing woodland (which will fall under a woodland management plan) plus a new belt of woodland planting to the south to provide screening for certain viewpoints. Whilst the presence of Mill Copse and additional woodland contributes slightly to visual screening, views from the PRow are more reliant on mitigation planting (PW-1, PW-2, PW-3 and PW-5) to serve a screening function. This assessment takes the anticipated ash dieback into account.</p> <p>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).</p> <p>Additional Viewpoint Location Plan and Additional Viewpoints Part B (REP6-56) - Figures 15.60 A, B and C REV02 have been resubmitted at Deadline 7. Additional Viewpoint 2 was taken from grid reference 467859,114875, a short distance north of the PRow across Prew's Hangar and the viewpoint elevation (camera eye level) is approximately 123.5m AOD.</p> <p>The baseline panorama originally presented (Figure 15.60A) was incorrectly cropped, offset slightly to the east. It therefore missed a small amount of the context to the west of the site (right in the photo) and showed slightly too much to the east (left in the photo). This has been corrected in the resubmitted version. The 40° and 27° views were also misaligned to a small extent.</p> <p>The revised submission for Viewpoint 2 is centred on the extent of proposed development (considering both options). The bearing given on the images is the direction towards the centre of the nearer of the two options (in this case Option B(ii)) not the centre of the view. This is consistent with the approach used for all other viewpoints submitted (both for Deadline 6 and the submitted ES viewpoint Figures 15.18 to 15.34 (APP-253 to APP-267)).</p>
LV2.9.2	Applicant	<p>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 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</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>The only areas now excluded are the areas where the land is to be reinstated rather than any new mitigation designed (see list below) or where landscaping is not relevant to the works. Reinstatement of these areas is secured by the updated OOCEMP (REP6-036, Rev006) and Requirement 15 (Construction environmental management plan); Requirement 22 (Restoration of land used temporarily for construction) and Requirement 9 (Biodiversity management plan) which was updated at Deadline 6 to include an additional clause requiring <i>".....details of a scheme for the reinstatement of land used as temporary compounds during construction and any replacement planting to replace removed sections of hedgerow or removed trees."</i></p> <p>The areas which are not subject to Requirement 7 are:</p>

Reference	Respondent(s)	Question	Response
		<p>can the Examining Authority and Secretary of State place on the outcome?</p>	<ul style="list-style-type: none"> • Works No. 1 - Substation Connection Works. This is the HVAC cable connection into Lovedean Substation (including the extension to the existing substation, switchgear bays, secondary equipment and auxiliary services). No landscaping works are undertaken as part of these works, with the works taking place within the existing substation. It is therefore not relevant to Requirement 7. • Works No. 3 - temporary work areas associated with Works No. 1, 2 & 4 These are laydown, working and parking areas. The updated OOCEMP covers the reinstatement of these areas. Areas where landscaping is to be provided following the temporary use form part of Work No.2, to which Requirement 7 applies. • Parts of Works No. 5 - Onshore connection works (around the Landfall). The mitigation design at the Optical Regeneration Stations is covered by draft Requirement 7. The HDD connection and the HDD compound are not covered. The compound and any other areas disturbed by the works are to be reinstated to their pre-existing condition, again as covered by the updated OOCEMP. <p><i>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?</i></p> <p>The LVIA of the Converter Station Area and of the Optical Regeneration Stations (ORS(s) was carried out based on maximum spatial parameters as given by APP-012 (Converter Station and Telecommunications Building Parameter Plans Sheets 1 to 3) for the Converter Station and APP-017 (Optical Regeneration Station(s) Parameter Plan) for the ORS(s).</p> <p>The assessment of the Converter Station Area was informed by the design parameters for the Converter Station building with the switchyard, transformers, terminators and other external electrical infrastructure alongside, and the assessor considered the development in a holistic manner – assessing the impact of the whole development, rather than looking at the impact of individual components and then aggregating these. Individual constituent parts referred to as part of the overall Proposed Development are as described in Chapter 3 (Description of the Proposed Development) of the ES (APP-118) and the updated Design and Access Statement (APP-114 Rev 02).</p> <p>For the ORS(s) the LVIA took a similar holistic approach. Here, as referred to in the ES Addendum (paragraph 9.3.1.4) <i>“the actual extent of the ORS buildings is less than is presented in the 2019 ES wirelines and to the rear of both buildings are two smaller structures; a diesel generator and fuel storage”</i>.</p> <p>In both cases the assessment assumed that the relevant indicative landscape mitigation plans along with the Design Principles (as they stood at the time of writing) would be applied.</p>

Reference	Respondent(s)	Question	Response
			<p>For the Onshore Cable Route, the LVIA was based on the Onshore Cable Corridor and the assessor used the general and specific embedded mitigation measures, alongside the detailed design guidance (formerly referred to as assumptions) as parameters to determine the likely actual impacts (see Environmental Statement Addendum (REP1-139) and Appendix 19 Landscape Assessment Assumption Clarification (REP1-150)). The 'detailed design guidance' together with the revised embedded mitigation measures are covered further in the updated OLBS (REP6-038, Rev004) and the OOCEMP (REP6-036, Rev006).</p> <p>In summary the LVIA of the Converter Station and the ORS(s) was based on information which gave a high degree of certainty over the "actual impacts". However, the Onshore Cable Route information contained a degree of uncertainty. Subsequent work, specifically the inclusion of detailed design guidance as parameters alongside revised embedded mitigation measures has given enhanced clarity and this was reflected in the ES Addendum Appendix 19 Landscape Assessment Assumption Clarification (REP1-150) and updated OLBS as follows:</p> <p>The ES Addendum (paragraph 1.5.1.2) states that "... to inform the assessment a combination of specific embedded mitigation measures alongside a set of specific assumptions were used. These specific assumptions have been redefined as "detailed design guidance which must be implemented."</p> <p>The updated OLBS (paragraph 1.5.4.1) states that "The following paragraphs set out mitigation specific to individual Sections of the Onshore Cable Route which shall be incorporated in the relevant detailed landscaping schemes (secured through Requirement 7) and relevant CEMPs (Requirement 15 of the dDCO). Where the detailed design of the Cable Route has yet to be determined and route options remain open, they set out detailed design guidance which must be implemented to minimise impacts. The LVIA has taken a realistic approach and assumed that where stipulated impacts will be avoided or where planting is lost this is stipulated."</p> <p>The ES Addendum, Appendix 19 Landscape Assessment Assumption Clarification alongside the updated OLBS and updated OOCEMP provide a robust assessment of the likely significant effects on which the ExA can rely.</p> <p>Subsequent to the ES Addendum, Appendix 19, further information to support the LVIA was provided in updated Figure 3 Tree and Hedgerow Retention Plans, Appendix 10 Tree Survey Schedule and Constraint Plans – Rev 002 (REP3-007) which more accurately reflects what the LVIA considers to be a realistic picture of the likely loss or risk of vegetation loss along the Proposed Route. These take into account the measures to mitigate the impacts on vegetation through BS 5837, Arboricultural Method Statements as well as supervision by suitably qualified clerk of works referred to in the OOCEMP.</p> <p>Figure 3 also reflects further amendments to the Order limits which reduce the extent of planting affected by the Proposed Development. The differences are presented in Proposed Non-material Changes to the Order limits and rights (REP3-016). This presents a slightly improved picture compared to that which was presented in the submitted LVIA (APP-130) as summarised in Table</p>

Reference	Respondent(s)	Question	Response
			5.1 and in paragraph 6.4.2.2 which states that <i>“The overall conclusion of that review is that the removal of land from the Order limits and the single addition of land do not change the outcomes of the assessments, save that in relation to the assessment of Landscape and Visual Impact, Ecology and Noise and Vibration effects, the likely significant effects previously identified are reduced.”</i>

Table 1.10 - Applicant’ s Responses to ExQ2 - Marine Environment

Reference	Respondent(s)	Question	Response
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?	<p>As stated within the SoCG submitted at Deadline 6 (REP6-048), while the Applicant considers that this mitigation is not required (as informed by our assessment in the Chapter 9 of the ES (APP-124)), a four-week restriction will not significantly impact on the buildout of the Proposed Development.</p> <p>Therefore, the Applicant has accepted the four-week restriction (from Dec 15 – Jan 15) for construction activities between KP 90 and KP 109 and the DML submitted at Deadline 7 has been updated with licence condition wording to reflect this (REP6-015, Rev 006).</p>
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?	<p>The Applicant has responded to the requests made by the MMO in regard to approvals for deployment of cable protection and amended the DML accordingly which was submitted at Deadline 6 (REP6-015 and REP6-016).</p> <p>During construction, the approval of the deployment of cable protection will be exercised through the submission and approval of the Design Plan and Cable Burial and Installation Plan under Part 2, Condition 4(1)(a)(iii) and Condition 4(c)(i) to (iii) which are subject to approval in accordance with Part 2, Condition 5.</p> <p>During operation, the Applicant proposes that the submission and approval of the deployment of cable protection will be secured through Part 2, Condition 12(6). Approval will also be sought from the MMO for the Cable Burial Management Plan (Condition 11) which will form the record of proposed and delivered cable burial surveys, and the location and nature of the installed infrastructure including cable protection for the authorised development throughout the operational lifetime of the project.</p> <p>The Applicant held a meeting with the MMO on 13 January 2021 which confirmed that the MMO is content with the amendments made to the DML and the approvals for deployment of cable protection. These matters are now considered to be resolved.</p> <p>However, it is important to note that the Applicant has submitted a further ES Addendum 2 (document reference 7.8.2) at Deadline 7 which has been necessary in order to accommodate the proposed Cross Channel Fibre (CCF) cable crossing within the UK Marine Cable Corridor. The Applicant awaits a response from the MMO in this regard and will continue to work with the MMO to close out any remaining issues.</p>

Reference	Respondent(s)	Question	Response
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?	<p>The Applicant has responded to the requests made by the MMO in this regard and has also amended the DML to secure the 5-year survey data requirement (Schedule 15, Part 2, Condition 12(6)) which was submitted at DL6 (REP6-015 and REP6-016). An updated SoCG was also submitted at Deadline 6 (REP6-048) and shared with the MMO which highlights in Table 4.1 the changes made to the DML and provides further views on the MMO's proposed condition wording.</p> <p>The Applicant subsequently held a meeting with the MMO on 13 January 2021 which confirmed that the MMO is content with the amendments made and these matters are now resolved. The SoCG has been submitted again at Deadline 7 (document reference 7.5.16, Rev 004) and Table 3.8 reflects this agreement.</p>
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?	<p>The DML submitted at Deadline 6 (REP6-015 and REP6-016) reflects these proposed changes and Table 3.8 of the SoCG submitted at Deadline 6 (REP6-048) has been updated to reflect this agreement.</p> <p>However, as described in response to ME2.10.2, the Applicant has submitted a further ES Addendum 2 (document reference 7.8.2) at DL7 which has been necessary in order to accommodate the CCF cable crossing within the UK Marine Cable Corridor. The Applicant awaits a response from the MMO in this regard.</p>
ME2.10.5	Applicant MMO	<p>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?</p> <p>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?</p>	<p>As outlined in our response at DL6, the Applicant has requested further details from the MMO in order to provide comfort that we are being treated in a proportionate and consistent manner with other analogous projects, or conversely, the case-specific details relating to the Proposed Development which necessitates this requirement.</p> <p>The Applicant has reviewed the comments provided and is concerned that the MMO are unable to provide the requested detail of analogous projects (despite advising the 'requirement for sampling is added to all similar applications where analysis of results have been provided and there may be a considerable gap between permitting') or the case-specifics which necessitates this requirement. For example, the reference to the 500 m³ threshold is misleading as this de-minimis is for an exemption from needing a marine licence and is not related or relevant to the need for repeat sampling for licensed activities.</p> <p>The MMO on the 21st December 2020, advised that they are unable to provide the requested information but following the meeting on 13 January 2021, the MMO has agreed to provide an example of another analogous project where a similar licence condition has been required and share this with the Applicant. Subsequent to further feedback from the MMO on 21 January 2021, the MMO advised that they will not be providing an example licence condition and Table 4.1 of the SoCG submitted at DL7 (document reference 7.5.16, Rev 004) outlines their latest position.</p>

Table 1.11 - Applicant's Responses to ExQ2 - Noise

Reference	Respondent(s)	Question	Response
N2.11.1	Applicant	It is noted that Article 9 of the dDCO (defence against statutory nuisance) [REP6-015] has been amended. Why is it	<i>Why is it considered necessary to protect the Proposed Development from statutory noise complaints whilst it is in operation?</i>

Reference	Respondent(s)	Question	Response
		<p>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>	<p>A significant amount of work has been undertaken by the Applicant to confirm that the operation of the interconnector would not give rise to statutory nuisance and the Applicant would need to comply with the noise management plan approved pursuant to Requirement 20 at all times.</p> <p>The noise management plan will contain objectively assessed noise levels and it would be unfair to require the undertaker to achieve levels in the future which are lower than those which have been assessed if the surrounding environment changes outside of the Applicant's control.</p> <p>The Applicant does not agree that the 'Agent of Change' principle provides comfort that future planning applications would be assessed in planning terms in accordance with the Agent of Change principle, nor that this would in any way prevent a person seeking to bring proceedings in nuisance.</p> <p>Article 9 only provides a defence "where proceedings are brought" and the 'Agent of Change' principle is not part of a defence to proceedings in statutory nuisance under the Environmental Protection Act 1990 (or in common law nuisance).</p> <p>Statutory claims and proceedings could cause significant cause delays to the Project or materially hinder its operation, wholly unnecessarily taking into account the agreed acceptability if the operational noise impacts, which could have implications for the continued operation of the Project.</p> <p>It is therefore necessary to protect the Proposed Development from statutory noise complaints whilst it is in operation because the Applicant requires certainty that it will be able to operate the Proposed Development without fear of proceedings or needing to take additional measures to address complaints in the future, based on the settled position with regard its Operation at the grant of consent.</p> <p><i>Please provide details of any made DCO precedents for inclusion of the 'operational' phase of a development in this manner.</i></p> <ul style="list-style-type: none"> • Southampton to London Pipeline – Article 41(1)(b) states that it shall be a defence if "<i>the defendant shows that the nuisance is a consequence of the use of the authorised development and that it cannot be reasonably avoided.</i>" This would apply during the operation of the scheme. • Norfolk Vanguard – Article 8(1)(b) states that it shall be a defence if the defendant shows that the nuisance: <ul style="list-style-type: none"> ○ "<i>relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised project and that the nuisance is attributable to the use of the authorised project which is being used in compliance with requirement 27 (control of noise during operational phase); or</i> ○ <i>is a consequence of the use of the authorised project and that it cannot reasonably be avoided</i>"

Reference	Respondent(s)	Question	Response
			<ul style="list-style-type: none"> • Hornsea Project Three Offshore Wind Farm - Article 7(1)(a)(b) states that it shall be a defence if the defendant shows that the nuisance: <ul style="list-style-type: none"> ○ <i>“relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised project and that the nuisance is attributable to the use of the authorised project in compliance with requirement 21 (control of noise during operational phase); or</i> ○ <i>is a consequence of the use of the authorised project and that it cannot reasonably be avoided”</i> • West Burton C - Article 8(1)(b) states that it shall be a defence if the defendant shows that the nuisance: <ul style="list-style-type: none"> ○ <i>“relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised development and that the nuisance is attributable to the use of the authorised development which is being used in accordance with a scheme of monitoring of noise agreed with the relevant planning authority as described in requirement 22 (control of noise - operation); or</i> <i>is a consequence of the use of the authorised development and that it cannot reasonably be avoided”</i> <p>Please provide details of any made DCO precedents for inclusion of Articles 9(1)(b), 9(2) and 9(3).</p> <p>the following made DCOs contain articles of a similar nature:</p> <ul style="list-style-type: none"> • Southampton to London Pipeline – see Articles 41(1)(a)(ii), 41(2) and 41(3). • Norfolk Vanguard – see Article 8(1)(b)(i) and 8(2). • Hornsea Project Three Offshore Wind Farm - see Article 7(1)(a)(b) and 7(2). • West Burton C – see Article 8(1)(b) and 8(2). <p>What does the Applicant believe is specific to this Proposed Development to warrant what appears to be an exceptional approach to a ‘Defence to proceedings in respect of statutory nuisance’ Article such as this?</p> <p>As highlighted above, Article 9 is a standard form provision in many made DCOs and this is not considered to be an “exceptional approach”. Nevertheless, for the specific reasons set out above, the Applicant believes that the inclusion of Article 9 in the form included in the dDCO is entirely justified.</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> <ul style="list-style-type: none"> i. <i>‘outside the Harbourside Caravan Park’</i> (2.3.1.4); ii. <i>‘in the vicinity of sensitive receptors’</i> (6.2.8.6). 	<p>The terms ‘outside the Harbourside Caravan Park’ and ‘in the vicinity of sensitive receptors’ have been used in relation to the two areas of potential night-time cable and duct installation works in Section 6 (Sainsbury’s car park) and Section 8 (Eastern Road between Airport Service Road and the north of Milton Common).</p>

Reference	Respondent(s)	Question	Response
		<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>	<p>These terms have been used because the mitigation measure of excluding the noisiest activities (road cutting/ breaking and re-surfacing) at night (22:00 – 07:00) will be applicable only to sections of the works closest to the sensitive receptors.</p> <p>The exact distance from sensitive residential receptors that this mitigation measure will be applied will be confirmed at the detailed design stage, because it is dependent on the detailed works plans and equipment specifications that will be used on-site.</p> <p>The appropriate distance from sensitive residential receptors that the road cutting/breaking and re-surfacing restriction will apply will be one that ensures night-time works beyond this distance do not result in significant adverse effects.</p> <p>To ensure significant adverse effects from works without the night-time cutting/breaking and resurfacing restriction are avoided, the noise level should not exceed 50dB $L_{Aeq,9h}$ between 22:00 – 07:00 externally at the façade of any residential receptor. This has been included in the Outline Onshore CEMP submitted at Deadline 7. This will ensure that works not subject to the night-time restriction will result in, at worst, minor adverse effects (not significant).</p> <p>The exact distance between the works and receptors will be confirmed as part of the preparation and submission of a Construction Environmental Management Plan (CEMP) to the relevant local planning authority. On the basis of the noise assessment undertaken in the ES, the distance within which the road cutting/breaking and re-surfacing night-time restriction should apply is expected to be approximately 140-190m from any sensitive receptor.</p> <p>Applying this control to section 6 (Sainsbury's car park), the northern part of the car park will be subject to the restriction of not carrying out the noisiest activities (road cutting/ breaking and re-surfacing) at night (22:00 – 07:00), and the southern part of the car park will not be subject to this restriction.</p> <p>Applying this control to section 8 (Eastern Road between Airport Service Road and the north of Milton Common), the section of Eastern Road located outside and c.140-190m from the Harbourside Caravan Park or Great Salterns Mansion (both north and south of the receptors), will be subject to the restriction of not carrying out the noisiest activities at night.</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. 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</p>	<p>There is an accidental omission in Table 24.1 of the ES (APP-139), which should also include HDD-3 as potentially requiring night-time working. Paragraph 24.4.2.21 is correct (i.e. there is the potential for night-time working at HDD-3 and HDD-4), and this is the basis on which the noise assessment has been completed. The noise assessment is presented at Paragraphs 24.6.7.15 and 24.6.8.5 to 24.6.8.14, and Tables 24.41 and 24.42 of the ES (APP-139).</p> <p>Regarding joint bays, Table 24.1 of the ES (APP-139) is correct that joint bay works may take place on Saturdays between 08:00 and 13:00, and this is the basis on which the noise assessment has been undertaken. For the purposes of the noise assessment, Saturday from 08:00 to 13:00 is considered a 'daytime' period and is subject to the same noise criteria as weekday daytime works (see Table 24.3 of the ES (APP-139)). Saturdays 08:00 to 13:00 are considered 'Core Working Hours' for Works No. 4, which include joint bays works.</p>

Reference	Respondent(s)	Question	Response
		<p>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> <p>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?</p>	<p>Instead of 'evening, weekend or night-time working is not anticipated at joint bays', the mitigation schedule should read 'evening, weekend or night-time working, outside of Core Working Hours, is not anticipated at joint bays.'</p> <p>In summary, the noise assessment of joint bays is based on the assumption that works may take place at any time during Core Working Hours, which includes Saturday 08:00 to 13:00. The noise assessment is based on the assumption that joint bay works will not take place outside of Core Working Hours, which at weekends would be after 13:00 on Saturday or at any time on Sunday.</p> <p>At all of the locations where there is the potential for works outside of Core Working Hours (listed in paragraphs 2.3.1.4 and 6.2.8.2 of the Outline Onshore CEMP (REP6-036, Rev006)), these have been fully assessed in the noise assessment and presented in the relevant parts of section 24.6 of the ES (APP-139) and Chapter 17 of the ES Addendum (REP1-139). Therefore, on the basis of the proposed working hours contained in the Outline Onshore CEMP, there is no potential for effects to occur that are not presented in Chapter 24 of the ES and Chapter 17 of the ES Addendum. Requirement 15(3) of the draft DCO (REP6-015) states that 'any construction environmental management plan must be in accordance with the onshore outline construction environmental management plan', and on this basis, it is the potential works outside of core working hours listed in the Outline Onshore CEMP that will be taken forward into CEMPs post DCO consent.</p>
N2.11.4	Applicant	<p>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?</p> <p>What would be the implications for the noise assessment if the fence was less than 3.5m in height?</p> <p>Should this read '<i>at least 3.5m in height</i>'?</p>	<p>The noise screening around the HDD-2 compound is required to be 3-4m in height. The term 'approximately 3.5m' was to ensure that commercial products in the 3-4m range could be used on-site. An alternative description which provides more clarity is 'at HDD-2 (Eastney and Milton Allotments), hoarding around the compound should be at least 3m high, to provide sufficient mitigation to the Thatched House public house.' This has been updated in the Outline Onshore CEMP submitted at Deadline 7.</p> <p>Providing the noise screening is at least 3m high, there would be no implications for the conclusion of the noise assessment. If the noise screening were less than 3m in height, its effectiveness could reduce because the 'line of sight' between the noise sources and receptor would not be interrupted by the noise screening (this is due to the relative height of the noise sources and receptor). Therefore, the requirement for screening to be at least 3m high has been secured in the Outline Onshore CEMP.</p>
NV2.11.5	Applicant	<p>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.</p> <p>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?</p>	<p>The noise and vibration effects from the construction of the access road have been fully assessed in Chapter 24 of the ES (APP-139). The predicted noise levels and impacts for all receptors within 300m of the access road are presented in Table 24.21 of the ES, and in summary the effects will be negligible.</p> <p>Vibration effects from construction of the access road were not included in section 24.6 of the ES, because there are no sensitive receptors located within the distance at which greater than negligible effects would occur. This is demonstrated in Table 4 of Appendix 24.5 (APP-464), which shows that for a vibratory roller or vibratory plate (the vibratory equipment that would be used for construction of the access road), negligible vibration levels occur at a distance greater than 30m from the source. The closest sensitive receptors are at least 45m from the access road.</p>

Reference	Respondent(s)	Question	Response
		If this has already been evidenced in the ES, please highlight the relevant sections.	The threshold between a negligible and small adverse level of vibration used in the assessment (0.3 mm/s PPV), is described in British Standard 5228-2:2009+A1:2014 as vibration that 'might be just perceptible in residential environments', and therefore it can be concluded that vibration from access road construction is very unlikely to be perceptible at surrounding sensitive receptors.

Table 1.12 - Applicant' s Responses to ExQ2 - Onshore Water Environment

Reference	Respondent(s)	Question	Response
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]?	<p>The tunnelling process will use a low permeability drilling material such as bentonite slurry to reduce friction as the liner is installed and this will minimise the risk of water ingress during tunnelling. As it is bored, impermeable ducting will be inserted which will ensure no ingress into the tunnel once complete. The Onshore Outline CEMP (REP6-036) was updated to include this statement (submitted at Deadline 6).</p> <p>Ingress of groundwater at the entrance and exit pit will be managed through the use of perimeter sheet piled walls toed into the Chalk, to reduce groundwater ingress from the superficial River Terrace Deposits. Any groundwater seepage at the base of the pits will be sump pumped during operation. More detail is provided in Paragraph 6.2.6.10 of the Onshore Outline CEMP (REP6-036).</p>
OW2.12.2	Environment Agency Portsmouth Water	<p>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?</p> <p>Does the surface water drainage and aquifer contamination mitigation strategy [APP-360] provide sufficient reassurances in this regard?</p>	
OW2.12.3	Environment Agency Portsmouth Water Winchester City Council	<p>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 Applicant indicated that samples taken from exploratory holes at Soake Farm and Hilcrest were suitable proxies. Do you agree?</p> <p>If not, why not?</p>	
OW2.12.4	Environment Agency Hampshire County Council Portsmouth Water	<p>Are there any outstanding areas of concern or disagreement regarding the safety and security of the public water supply in Source Protection Zone 1?</p> <p>If so, why are the Applicant's mitigation measures considered not to alleviate the concern and what additional measures do you believe are required?</p>	

Reference	Respondent(s)	Question	Response
OW2.12.5	Applicant Portsmouth City Council	<p>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?</p> <p>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?</p> <p>What mechanism would ensure their proper restoration through a CEMP and any DCO?</p> <p>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?</p> <p>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 'at a future deadline'. 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?</p>	<p>The Applicant has received drawings of the drainage system from PCC. The drainage system will be interrupted by excavation works including the cable installation, joint bays and HDD. There is also potential for compaction from plant and equipment. If not repaired, this would interrupt drainage and contribute to water-logging of playing surfaces. It is not envisaged that temporary drainage would be required for affected pitches during construction as they are not being used. However, there may be a requirement for temporary drainage if interruption of flow has potential to indirectly affect drainage on another pitch still in use.</p> <p>However, proper restoration is secured through the OOCEMP (REP6-036, Rev006) in the following places:</p> <ul style="list-style-type: none"> • Paragraph 1.2.2.13 - <i>where land is used temporarily and returned to the landowner, there will be liaison on working methods and restoration. Should remedial actions become necessary following soil reinstatement, these shall be undertaken as agreed prior to handover back to the landowner.</i> • Paragraph 6.8.2.1 - <i>Farlington Playing Fields have a history of surface water and groundwater flooding due to artificial land. A land drainage survey at pre-construction stage, a reinstatement plan and a post-construction survey must be undertaken in order to monitor the impacts of the Proposed Development.</i> <p>The OOCEMP has been updated at Deadline 7 (document 6.9) to include the following additional measures at Paragraph 6.2.9.4:</p> <ul style="list-style-type: none"> • <i>Land drains will be protected from point loading pressure caused by plant and equipment with the use of track mats. For protection under stone haul roads a geogrid mesh material will be used to reinforce the underlying soil which in turn will mitigate damage caused by wheel loading pressures. Alternatively track matting may also be used as a suitable geogrid / stone haul road alternative.</i> • <i>Any land drains damaged by trenching activities must be repaired in the same working day ahead of subsoil back filling. Land drains damaged during construction of HDD pits and joint bays must be repaired on completion of the works ahead of back filling where the situation is considered an emergency (i.e. if relevant action is not taken, there will be adverse health, safety, security or environmental consequences that in the reasonable opinion of the undertaker would outweigh the adverse effects to the public of taking that action). Temporary drainage will be provided during construction if pitches still in use are indirectly affected by interruption or damage to the drainage system.</i> <p>In respect of the further SI works planned at Farlington Playing Fields, pitch surveys were undertaken on 20-21st January 2021 with a report due to the Applicant by 5th February 2021. The Applicant will provide the updated Framework Management Plan and a Method Statement to PCC by 12th February and this will be submitted into the Examination.</p>

Table 1.13 - Applicant's Responses to ExQ2 - Planning Policy

Reference	Respondent(s)	Question	Response
PP2.13.1	Applicant Local authorities	<p>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:</p> <p>i) Energy White Paper https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future</p> <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>	<p>i)The Energy White Paper: Powering our Net Zero Future is addressed in the Needs and Benefits Second Addendum (document reference 7.7.19) submitted at Deadline 7. In brief summary, it:</p> <ul style="list-style-type: none"> - confirms the future increase in electricity demand to meet net zero commitments; - recognises the role of interconnectors in delivering flexibility and integration of renewable sources; - recognises the benefits of greater levels of interconnection on decarbonisation (by up to 199MtCO₂e by 2050); - states that Government will work with Ofgem, developers and European partners to realise at least 18GW of interconnector capacity by 2030 (from the current capacity of 5GW). <p>ii)The conclusions in the Energy White Paper on the effects of interconnectors on decarbonisation refer to the report 'The Impact of Interconnectors on Decarbonisation' prepared by Aurora for BEIS in October 2020. This assesses the impact of varying levels of interconnection and different potential future decarbonisation policies in GB and in the EU. Under all scenarios an increase in interconnection would have a beneficial impact by reducing carbon emissions in both regions. The assumptions in the report for the higher interconnection scenarios which would realise these benefits involve increasing the capacity between GB and France from 2GW to 9GW by 2030. That includes the 2GW of capacity that would be delivered by AQUIND Interconnector. This is addressed in further detail in the Needs and Benefits Second Addendum (document reference 7.7.19).</p> <p>iii) On 16 December 2020, the Supreme Court overturned the decision of the Court of Appeal in relation to the Airport NPS. The Court of Appeal had held that the proper procedure under s5 of the Planning Act 2008 had not been followed when the Airport NPS was designated, because the Secretary of State had failed to take into account the United Nations Framework Convention on Climate Change (Paris Agreement), which was held by the Court to have constituted 'Government policy' within the meaning of s5(8) of the Planning Act 2008. The Supreme Court disagreed with this interpretation of the meaning of 'Government policy' and held therefore that the Airports NPS had been designated in accordance with all relevant 'Government policies' at the time. The fact that the UK had ratified the Paris Agreement was not, of itself, a statement of "Government policy". At the point the ANPS was designated, no carbon target had been specified and there was no established domestic policy on climate change beyond what was already encapsulated in the Climate Change Act. The Applicant does not consider that the Supreme Court judgement on the Airports National Policy Statement (NPS) has any relevance to the Secretary of State's decision in relation to the Aquind interconnector.</p> <p>The NPS relevant to the Secretary of State's decision is the Energy NPS, which was lawfully designated in 2011. The Secretary of State must take the Energy NPS into account when deciding the DCO application, pursuant to s104 of the Planning Act 2008, alongside the other</p>

Reference	Respondent(s)	Question	Response
			<p>matters listed in s104, including anything which the Secretary of State considers "important and relevant". The Heathrow judgement would not be "important and relevant", as the judgement deals only with a very specific matter of statutory interpretation, in respect of s5 Planning Act 2008.</p> <p>iv) With regards to the Defra policy paper, Changes to the Habitats Regulations 2017 it outlines that the main changes are as follows:</p> <ul style="list-style-type: none"> • the creation of a national site network within the UK territory comprising the protected sites already designated under the Nature Directives, and any further sites designated under these Regulations • the establishment of management objectives for the national site network (the 'network objectives') • a duty for appropriate authorities to manage and where necessary adapt the national site network as a whole to achieve the network objectives • an amended process for the designation of Special Areas of Conservation (SACs) • arrangements for reporting on the implementation of the Regulations, given that the UK no longer provides reports to the European Commission • arrangements replacing the European Commission's functions with regard to the imperative reasons of overriding public interest (IROPI) test where a plan or project affects a priority habitat or species • arrangements for amending the schedules to the Regulations and the annexes to the Nature Directives that apply to the UK <p>As stated in the policy paper, most of the above changes relate to the transfer of functions from the European Commission to the appropriate authorities in England and Wales. Most critically, for the determination of the Application by the Secretary of State the paper makes it clear that the obligations of a competent authority in the 2017 Regulations do not change. This includes the general provisions for the protection of European sites under the Habitats Regulations, including the procedural requirements to be undertaken by competent authorities to assess the implications of plans or projects for European sites and only grant consent if certain tests are met – known as Habitats Regulation Assessment (HRA). Therefore, the Applicant does not consider the Defra policy changes paper has any influence on the consideration of the Proposed Development.</p>

Table 1.14 - Applicant' s Responses to ExQ2 - Socio-Economic Effects

Reference	Respondent(s)	Question	Response
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>Discussions are currently on-going between the Applicant and PCC, with the Applicant having submitted a proposed car park layout and surface specification to PCC prior to Deadline 7 for comment.</p>

Reference	Respondent(s)	Question	Response
		<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>	<p>Car parking spaces are not currently marked in Fort Cumberland Road Car Park with Drawing AQ-UK-DCO-TR-LAY-006 included in Appendix 6 (document reference 7.4.3.6) of this document showing that up to 106 cars could be accommodated within the car park with full use of the central area. The proposed layout for the car park shown on Drawing AQ-UK-DCO-TR-LAY-007 included in Appendix 6, parking capacity for 109 cars whilst taking account of the ORS building and access to the SINC.</p> <p>The Applicant understands it is PCC's preference to the access road for the car park to consist of a tarmacked surface and the car parking spaces to be constructed of an open cell concrete such as Grasscrete.</p> <p>The carpark would need to be reinstated following completion of the works (OOCEMP REP6-036, Rev006) includes measures at 5.12.6.1 and 5.12.4.4.</p> <p>A draft Section 106 Agreement with PCC has been submitted at Deadline 7 (document reference 7.5.26) which includes provision for a specification to be submitted to PCC for resurfacing of the Fort Cumberland car park. The specification will include a method statement and the estimated programme for resurfacing works. The draft Section 106 requires the undertaker to carry out the car parking resurfacing works in accordance with the approved specification prior to the operation of the Proposed Development.</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>	<p>It is difficult to produce precise estimates of social and economic benefits at the very local level. The location of benefits will depend on lots of individual decisions, for example on where existing workers live, on where migrant workers choose to stay temporarily and on where they choose to spend their money.</p> <p>The elements of the scheme that are closest to Denmead and Anmore (and therefore likeliest to deliver local benefits) are the Converter Station to the north of the villages and Section 1, 2 and 3 of the Onshore Cables.</p> <p>Employment</p> <p>As set out on page 25-50 of document 6.1.25 Environmental Statement - Volume 1 - Chapter 25 Socio-economics (APP-140), the forecast employment for the Converter Station and the whole of the Onshore Cable Installation is 225 Full-Time Equivalent (FTE) jobs. Of these, 53 are calculated to go to existing residents in the south-east of England and 172 will be "non-local" and those workers may therefore seek temporary accommodation. The ES concludes that this is a minor beneficial (not significant) effect at the south-east level.</p> <p>The share of the 53 jobs for residents in the south east that will be taken by residents of Denmead and Anmore is impossible to estimate, but there are just under 280 current residents of the villages who are construction workers and so who could find work on the scheme.</p>

Reference	Respondent(s)	Question	Response
			<p>Measures would be put in place, where practicable, to maximise the potential for the workforce and Proposed Development's supply chain to be sourced locally. These measures would include:</p> <ul style="list-style-type: none"> Working with local people and local business to ensure that, wherever practicable, investment in the South East, stays in the South East. Engaging with Jobcentre Plus to ensure local job opportunities are advertised to local unemployed people and identifying opportunities to help people get back into employment through work placements, education and skills training. <p>An Employment and Skills Strategy has also been produced and submitted at Deadline 7 (Document 7.9.35) to maximise local opportunities. The production and approval of an Employment and Skills Plan will be secured by way of a DCO Requirement, with a new Requirement 27 included within the dDCO submitted at Deadline 7 in this respect.</p> <p>Spending</p> <p>There are likely to be spending benefits at shops and services close to construction sites. The level of spend will be related to the size of the workforce. Some workers may also choose to stay nearby too.</p> <p>The ES reports that there will be 150 workers for three years on the Converter Station and 75 for two years on the Onshore Cable Installation. However, the number involved in Sections 1, 2 and 3 is unlikely to be significant over that two-year period.</p> <p>The project currently assumes six working days per week on the Converter Station and UK workers currently spend an average of £12 a day in the areas where they work. 150 workers spending £12 a day, six days a week for 50 weeks over three years equates to £1.6m in additional spending in the areas around the site, including Denmead.</p> <p>In addition, the non-local workforce will need accommodation and will average just over 170 people. There is a limited number of places offering accommodation in and around Denmead so the impact is likely to be small. If an average of 10 workers stayed there, that could generate a further £0.3m of local spending based on a nightly allowance of £40 for five nights a week for 50 weeks over three years.</p> <p>Support for Community Services</p> <p>Paragraph 21.10.1.1 of APP-140 sets out that there are no significant impacts on community services so no additional support is proposed.</p>
SE2.15.3	Applicant	Who will be responsible for confirming that the Applicant's reinstatement measures at the various playing fields and	

Reference	Respondent(s)	Question	Response
		<p>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>	<p>The landowner will be responsible for confirming reinstatement has been completed. There are mechanisms in the Onshore Outline Construction Environmental Management Plan (REP6-036, Rev006), dDCO (REP6-015) and Section 106 agreement for Applicant to correct any defects identified by the landowner. Pitch surveys are being undertaken to confirm existing quality and land drainage and will inform standard of reinstatement.</p> <p>The Onshore Outline Construction Environmental Management Plan (REP6-036, Rev006), paragraph 6.2.3.1 bullet points 15 to 17 states that there will be the <i>“prompt reinstatement of temporary construction areas (including trenches, laydown and construction (including haul road) corridor on completion of the cable route installation as soon as practicable after sections of work are complete. Reinstatement would involve the careful handling of soils and a return to the existing habitat type.”</i></p> <p>Paragraph 1.2.2.13 also states that <i>“should remedial actions become necessary following soil reinstatement, these shall be undertaken as agreed prior to handover back to the landowner”</i>. Provisions for reinstatement of land drainage at Farlington Fields are also made at 6.8.2.1.</p> <p>As set out above in response to WQ DCO2.5.10 the Applicant has submitted a draft section 106 with PCC which contains an obligation on the undertaker to submit a detailed Recreational Management Plan to the Council for approval prior to commencement. The Recreational Management Plan must be in accordance with the FMPRI and it would contain specific details relating to the delivery of pitch reinstatement and realignment works which would need to be approved by the Council prior to Commencement. If the works were not carried out in accordance with the approved details, the undertaker would be in breach of a section 106 obligation.</p> <p>In respect of the University of Portsmouth playing fields, the OOCEMP has been updated at Deadline 7 (REP6-036, Rev 006) to include the following paragraph at 6.2.9.11:</p> <p><i>A detailed method statement will be prepared and agreed with the University of Portsmouth prior to works to the University Pitches within the redline boundary. The method statement will comprise arrangement of temporary works, reinstatement and programme.</i></p> <p>Compliance with the OOCEMP is secured by Requirement 15 of the dDCO (REP6-015).</p> <p>It is also relevant to note that:</p> <ul style="list-style-type: none"> • requirement 22 also secures the restoration of land temporarily used for construction, which further makes the matter subject to enforcement; and • requirement 9 (Biodiversity management plan) was updated at Deadline 6 to include an additional clause requiring <i>“.....details of a scheme for the reinstatement of land used as temporary compounds during construction and any replacement planting to replace removed sections of hedgerow or removed trees.”</i>

Reference	Respondent(s)	Question	Response
SE2.15.4	Applicant Portsmouth City Council University of Portsmouth	<p>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?</p> <p>Would noise, vibration and general disturbance disrupt users and the ability to use these areas fully?</p> <p>If so, are such effects evidenced in the ES?</p>	<p>In addition to temporary loss of open space, effects on change of access and amenity value of recreation and open spaces are addressed in Chapter 25 of the Environmental Statement (paragraph 25.1.1.2). The assessment draws on information from the noise, air quality, traffic and landscape chapters as identified at paragraph 25.1.1.3.</p> <p>Full sized football pitches need a run-off of 3m and rugby pitches a minimum of 5m as recommended (Sport England 2015 Guidance). These distances are taken into account in proposed pitch realignments.</p> <p>Effects of disturbance would not prevent use of adjacent sports pitches and open space but would affect the amenity value of users.</p> <p>Table 25.14 identified where users of open spaces will be affected by impacts on amenity and Table 25.15 summarises significance of impacts of temporary loss of open space and amenity on open spaces.</p>

Table 1.15 - Applicant' s Responses to ExQ2 - Traffic and Transport

Reference	Respondent(s)	Question	Response
TT2.16.1	Applicant	<p>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?</p> <p>Will the safety audit be prepared by independent consultants?</p> <p>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?</p>	<ul style="list-style-type: none"> The Applicant has recently commissioned a Road Safety Audit, which has been undertaken by independent consultants, and submitted in draft to HCC as the highway authority on 20 January 2021. The scope of the Audit includes the following: <ul style="list-style-type: none"> Proposed passing places on Day Lane (as set out in REP6-073) Proposed junction upgrade at the junction of Day Lane / Broadway Lane (as set out in REP1-142); and Traffic management proposals for the management of HGV traffic accessing the Converter Station (as set out in REP6-073 which is also being updated and resubmitted at Deadline 7). Accidents and Safety in respect to road traffic for both the Onshore Cable Corridor and the wider study area are assessed in the Supplementary Transport Assessment (STA) (REP1-142), and within the Environmental Statement Addendum (REP1-139). <p>Additional Road Safety Technical Notes for both the local road network under the jurisdiction of Portsmouth City Council (PCC) (REP6-071) and Hampshire County Council (HCC) (REP6-075) were also completed in response to requests from the Local Highway Authorities and to deal with specific concerns raised during the course of the Examination.</p> <p>Portsmouth City Council specifically requested further consideration be given to the road safety implications of increased congestion and traffic queues either on the Onshore Cable Corridor or identified diversion routes in paragraph 5.6.16 of their Local Impact Report (REP1-173) and thus the Road Safety Note (REP6-071) was completed to address this request. This assessed the road safety implications of increased queue lengths at junctions on the Onshore Cable Corridor and wider study area and at traffic management locations, while separately considering the impact of increased traffic flow on highway links</p>

Reference	Respondent(s)	Question	Response
			<p>separately to ensure a robust assessment of all impacts associated with construction of the Onshore Cable Route.</p> <p>Hampshire County Council in their Deadline 5 submission (REP5-080) stated that no evidence had been provided by the Applicant of the road safety implications associated increases in traffic flows on links resulting from traffic diverting away from the Onshore Cable Corridor and thus the Road Safety Note (REP6-075) was completed to address this comment.</p>
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?	<p>The Applicant considers it to be unnecessary to secure the maximum number of HGVs movements due to the robust nature of the assumptions used to inform the estimate of HGV movements associated with construction of the Proposed Development. These assumptions are detailed within Chapter 22 of the ES (APP-137), Chapter 15 of the ES Addendum (REP1-139) and Day Lane Technical Note (REP6-073).</p> <p>The Applicant also notes that the worst-case scenario for HGV movements will occur during the first 12 months of construction of the Converter Station. After this point it is anticipated that the number of HGV movements per day will be lower than the worst-case scenario that has been assessed.</p>
TT2.16.3	Applicant	<p>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></p> <p>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.</p> <p>Could the Applicant confirm if there is an error in the technical note in this regard?</p> <p>If so, please amend with correct wording.</p> <p>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.</p>	<p>As is set out in paragraph 3.9.2.1. of the Supplementary Transport Assessment (STA) (REP1-142), two cable drum deliveries will be required for each Joint Bay (or four deliveries if cables are being pulled in both directions). As such, there is no instance in which the number of cable drum deliveries to a single joint bay site will exceed four.</p> <p>The Applicant confirms this is an error in the wording of REP6-074 on Page 2 and confirms that there is no intention to store cable drums in Sainsbury's car park. As such, amended wording on Page 2 of the Technical Note has been prepared as follows: <i>'Based on the preliminary assessment of Joint Bay locations it is estimated that four cable drums will be delivered to each Joint Bay located in Sainsbury's car park" (eight cable drums in total).'</i> This document has been resubmitted at Deadline 7.</p>
TT2.16.4	Hampshire County Council First Group	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	

Reference	Respondent(s)	Question	Response
		<p>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	<p>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?</p>	<p>As is set out in paragraph 4.3.1.1. of the Framework Construction Traffic Management Plan (REP6-032), the proposed shuttle bus services operating between main local transport hubs and the Converter Station Area will be kept under review throughout the construction period in order to ensure it is providing an effective mitigation providing an alternative mode of travel to private car trips. As is set out in Table 6.1 of the Framework Construction Worker Travel Plan (Appendix 6 of the Framework Construction Traffic Management Plan (REP6-032)), monitoring of the shuttle bus service will be the responsibility of the appointed Travel Plan Coordinator, who will monitor its use and travel patterns of all construction workers. This will ensure that the service is fit for purpose and if it needs to be amended to offer different / additional pick-up locations and times. As this monitoring is included in the Framework Construction Traffic Management Plan, these measures are secured via Requirement 17 of the draft DCO (REP6-015).</p>
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. 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. Can the Applicant therefore explain:</p> <p>1) Whether the single-lane closures or shuttle-system for traffic would constitute traffic management for which there</p>	<p>1) All works which require traffic management to be implemented constitute traffic management and as such are controlled by the Framework Traffic Management Strategy (REP6-030). As per paragraph 2.3.1.8. of the Framework Traffic Management Strategy, construction of the Onshore Cable Corridor on-carriageway, including of Joint Bays, will be undertaken by a maximum of six gangs working concurrently at any one time. The joint bays in the location referred to can be constructed within the parameters of the traffic management provided for in the FTMS, and therefore the carriageway, whilst subject to traffic management, would not be blocked.</p> <p>2) Section 2.10. of the Framework Traffic Management Strategy (REP6-030) sets out the approach which is to be taken to pedestrian and cycle provision. The approach which is set out applies to any construction within the Onshore Cable Corridor, including that which relates to Joint Bays.</p> <p>3) Physical on-site measurements have not been taken for all the indicated potential joint bay positions, however the report has been generated using scaled drawings and the indicative joint</p>

Reference	Respondent(s)	Question	Response
		<p>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>	<p>bay arrangements are in turn to the same scale. Therefore, the Applicant considers that the space requirements shown in the report are an accurate representation of the requirements in reality.</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>	<p>The works will be delivered by way of a s278 Agreement. These works are included for within the Section 278 Agreement which is to be secured by the Section 106 Agreement with HCC, and obligations in the Section 106 Agreement relate to and provide appropriate restrictions in respect of the Proposed Development in relation to their delivery. An outline design of the proposed passing bays is shown on Drawing AQ-UK-DCO-TR-LAY-009 which is Appended to the Day Lane Technical Note (REP6-073).</p> <p>It is anticipated that the surfacing would be a tarmac (TBC).</p> <p>Provided at Appendix 7 to this document are copies of the extent of Highway land maintained at public expense, which would ensure that the works can be delivered without third party negotiation. The highway boundary is also shown on Drawing AQ-UK-DCO-TR-LAY-009 included 16</p> <p>The positioning of the passing bays has been proposed as such in order to avoid impacting upon trees and hedgerows. It is also clear that some of the passing bays, as outlined within the Day Lane Technical Note (REP6-073) are not immediately adjacent to mature trees and hedgerows and unlikely to impact ecological features. There are therefore no anticipated impacts on 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>	<p>Although this question is directed to Highways England, the Applicant has provided the response as set out below.</p> <p>Since the submission of Deadline 6 material, the Applicant has discussed with Highways England the arrangements for the use of lay-bys shown in the Day Lane Technical Note (REP6-073) as part of a management strategy for the movement of HGV's towards the Converter Station construction site.</p> <p>Highways England has confirmed that the lay-bys are available for use by HGV's travelling to the Converter Station construction site as part of their wider journey, for example to undertake statutory breaks in accordance with Driver and Vehicle Standards Agency (DVSA) driver time requirements. Notwithstanding this, the Applicant understands that Highways England would not wish to see these lay-bys used as part of managed regime for HGV access.</p>

Reference	Respondent(s)	Question	Response
			<p>Whilst the Applicant is not aware of any specific capacity issues affecting the lay-bys shown within the Day Lane Technical Note within the hours that external HGV's will travel to the site (between 0900-1700), it has agreed to amend the management strategy such that use of the lay-bys on the Strategic Road Network would not be promoted.</p> <p>Following discussions with HCC, it has been agreed that laybys at Hulbert Road, to the east of A3 (M) Junction 3 can be used as a waiting area for HGV's associated with the construction of the Converter Station. These laybys are existing HCC highway assets. HCC have confirmed that the northern layby can be used for this purpose and HGV's can be taken to the Converter Station construction site under escort. This will require the current ability for the travelling public to park at this facility to be suspended. This approach has also been discussed with Highways England who have confirmed it would address their previous concerns.</p> <p>It should be noted that the Framework Construction Traffic Management Plan (REP6-030) provides an approved route for HGV's travelling to the Converter Station construction site, as secured by Requirement 17 of the draft DCO (REP6-015). Deviation from this route would mean that HGV's associated with the construction of the Converter Station would be in breach of the DCO. It will therefore be incumbent upon the appointed contractor, through accordance with the Framework Construction Traffic Management Plan (REP6-030), to ensure that HGV traffic travelling to and from the Converter Station remains on the approved route and does not divert to other areas prior to reaching the end of their journey.</p> <p>Details of the amended strategy for the management of HGV's using Day Line, including the wider strategic management are submitted at Deadline 7 within the new revision to the Day Lane Technical Note (REP6-073).</p>
TT2.16.10	Hampshire County Council Portsmouth City Council	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.	
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</p>	<p>The Applicant considers it appropriate for both construction traffic and employee traffic to use the route prescribed within the Construction Traffic Management Plan (CTMP) (REP6-032) to access the Converter Station. This will ensure that construction workers use only the most appropriate routes to access the Converter Station and will mitigate the potential for unforeseen impacts beyond those assessed.</p> <p>The Framework Construction Worker Travel Plan (CWTP) is included in Appendix 6 of the Framework CTMP (REP6-032).</p>

Reference	Respondent(s)	Question	Response
		accordance with the CWTP, and does that document need separate citing in the relevant dDCO Requirement?	<p>The Framework CTMP provides an overarching plan as to how the construction traffic and site operations will be managed across the extent of the Onshore Components. As confirmed in the Framework CTMP, individual CTMP documents will be approved in relation to relevant work site locations, which will be required to accord with the relevant to them contained in this Framework CTMP.</p> <p>As the Framework Construction Worker Travel Plan forms part of the Framework Construction Traffic Management Plan it is secured via Requirement 17 of the draft DCO (REP6-015).</p> <p>The final Mitigation Schedule will be submitted at Deadline 8 and this will include for the separation of HGV's from regular employee traffic so as to clearly confirm the position in relation to each.</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>	

