



AQUIND Limited

AQUIND INTERCONNECTOR

Applicant's Responses to Deadline 6 Submissions – Hearings

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1. INTRODUCTION

- 1.1.1.1. The following tables set out the Applicant's responses to other parties' submissions to the Examining Authority (ExA) made at Deadline 6.
- 1.1.1.2. A response has not been provided for each individual submission or topic raised. The responses have focused on issues thought to be of most assistance to the ExA and the responded. Where points have been raised by various parties, the Applicant has responded once, but the responses are applicable to all parties who have made the same point.
- 1.1.1.3. The Applicant also does not seek to respond to all the points made where the Applicant's response is already contained within other submissions made since the Application was accepted, save where it is thought helpful to repeat or cross refer to the information contained in the previous documentation.
- 1.1.1.4. A number of the submissions made by Interested Parties at Deadline 6 contain summaries of their oral submissions made at hearings and the post hearing notes requested by the Examining Authority. The Applicant has not provided a detailed response to these submissions on the basis that its position was explained at the hearings and is also documented in the Applicant's hearing transcripts submitted in advance of the hearings, the Applicant's response to submissions made at open floor hearings (REP6-061), the Applicant's post hearing summaries of oral submissions (REP6-062) and the Applicant's post hearing notes (REP6-063). A separate document provides the Applicant's responses to those submissions made at Deadline 6 and 6a which do not relate directly to the hearings (document reference 7.9.34).
- 1.1.1.5. Appendix A and Appendix B to this document set out the Applicant's response to the submission made on behalf of Mr Geoffery Carpenter and Mr Peter Carpenter on the Scope of Proposed Authorised Development (REP6-135) and in relation Funding (REP6-138) respectively.

2. LOCAL AUTHORITIES

Table 2.1 – Cllr Steve Wemyss – Portsmouth City Council

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	<p>Portsea Island is accessed from the mainland by just three roads. There are already frequent queues of traffic backing up onto the motorway and main trunk road network and air quality issues that are detrimental to human life. (According to the Office of National Statistics, Portsmouth is 135th out of 149 upper tier local authorities for poor air quality and 145 of 149 for road traffic volume ref https://healthindex.lvp.uk.com). Experience has shown that when there is an impediment on one of the arterial routes every problem is magnified. These proposals would only exacerbate those problems and, in my view, Aquind have failed to adequately address them. Traffic queues may be an inconvenient fact of life, but adding to them such that they become hazardous to life either through worsening air quality or dangerously stationary traffic is not acceptable.</p>	<p>The impacts of construction works on the Portsmouth highway network have been fully assessed in the Transport Assessment (APP-448), the Supplementary Transport Assessment (REP1-142), Chapter 22 of the Environmental Statement (APP-137) and Chapter 15 of the Environmental Statement Addendum (REP1-139). These assessments have shown that the works will not lead to an unacceptable position in terms of traffic conditions.</p> <p>While there will inevitably be traffic delays during some stages of the construction of the Onshore Cable Route, the impacts of the proposed construction works will be mitigated as far practicable through measures included within the Framework Traffic Management Strategy (REP6-030) and the Framework Construction Traffic Management Plan (REP6-032). These include the following measures to reduce the impact associated with construction of the Proposed Development:</p> <ul style="list-style-type: none"> • Programme restrictions which will prevent construction work from taking place on the A2030 on Portsea Island outside of June, July and school holiday periods; • A comprehensive Communication Strategy which will ensure that the travelling public are aware of upcoming and current construction works within the Onshore Cable Route, therefore allowing them to make informed choices regarding route choices and travel times. • A Framework signage strategy that will further communicate upcoming and current on the Onshore Cable Route, which will allow drivers to divert onto alternative and suitable routes. <p>A Travel Demand Management (TDM) Strategy (document reference 7.9.37) has also been developed by the Applicant, which will be implemented during works on the A3 London Road in Hampshire and A2030 Eastern Road on Portsea Island. The TDM Strategy will be secured as part of the Framework Traffic Management Strategy (REP6-030). The TDM Strategy document focuses on the travel behaviour change solutions that can be delivered during the works on A3 London Road and A2030 Eastern Road and sets out an intent to work in partnership with local authorities and other local partners to deliver a comprehensive TDM Strategy to reduce peak hour traffic flows and impacts associated within the implementation of traffic management on these key corridors. The TDM Strategy focuses on behaviour change solutions to influence the travel behaviour of target audiences to encourage them to change their behaviour through the 5Rs– Reducing the need to travel, Re-modelling journeys, Re-routing journeys, Re-timing journeys and Re-thinking journeys to maximise car occupancy.</p> <p>The Applicant is therefore of the view these matters are satisfactorily mitigated.</p> <p>Further to the package of mitigation measures identified above the Applicant is continuing to engage with PCC regarding how additional mitigation may be secured on the wider PCC highway network to discourage the use of unsuitable alternative routes to avoid works on the Onshore Cable Corridor.</p>

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		<p>Air quality has been assessed in Chapter 23 of the ES (REP1-033) and additional sensitivity testing has been carried out as reported in Appendix 23.8 of the ES (REP1-078). The modelling was undertaken using conservative assumptions as follows:</p> <ul style="list-style-type: none"> • Use of 2026 peak traffic flow data, adding 4 years of additional traffic growth to the modelling; • Use of 2022 emission factors on the 2026 traffic data; • That works would be in progress for 52 weeks of the year, which is not the case in reality. The project will incorporate mitigation of air emissions through strict works scheduling as contained within the Framework Traffic Management Strategy (REP6-030). This schedule determines that works on the A2030 Eastern Road on Portsea Island will only take place during school holidays, June, or July when traffic flows are generally lower than other times of the year. Should the Milton Common route be used for the final alignment of the Onshore Cable Route, construction along the A2030 Eastern Road will not last for more than seven weeks per circuit.; and • Six construction gangs will be working on the roads at all times. <p>Emissions from diverted traffic were combined with those from construction vehicles using the public highway and emissions from local power generation as part of the HDD operations. The assessment found that the majority of predicted effects at receptors within the city would be negligible, with the majority of those receptors experiencing no perceptible change in concentrations of key pollutants.</p> <p>Further sensitivity testing was undertaken in the area around Eastern Road, Tangier Road, Velder Avenue and Milton Road assuming reduced redistribution of traffic on the wider road network, and thus greater queueing in the area examined. Negligible adverse effects were predicted from the modelling.</p> <p>In both the modelling for Chapter 23 and the additional sensitivity modelling no new exceedances of the limit or objective values for key pollutants were predicted. Those areas identified by Portsmouth City Council as near exceedance locations were also identified in the modelling for Chapter 23, however due to the use of the Defra Emission Factor Toolkit version 9, higher overall concentrations were predicted overall in all scenarios, including in the Do-Minimum scenario without works taking place, such that the results presented are highly conservative. The impacts associated with diversions, road closures and construction traffic impacts are transitory and temporary in nature and are not predicted to impact on the ability of PCC to meet its obligations under the EU Ambient Air Quality Directive 2008/50/EC.</p>
	<p>It may not be a trunk road but Aquind have not even modelled the traffic flows along Farlington avenue and at its junction with and along the B2177. Yet, as a ward councillor, I know this is a heavily used route, used by many to access Southdowns college and because routes in and out of Portsmouth are so congested.</p>	<p>The anticipated forecast impact of shuttle working on Farlington Avenue is assessed in Section 5.5.10. of the Supplementary Transport Assessment (REP1-142) with the forecast delay to vehicles at this traffic management site anticipated to be less than one minute in each direction in both the AM and PM peak hours. The priority junction of Farlington Avenue / B2177 Portsdown Hill Road is included within the SRTM modelling, and as such has been assessed through the methodology set out in both the Transport Assessment (APP-448) and Supplementary Transport Assessment (REP1-142). The scoping of junctions which were to be taken forward for further individual junction modelling assessments within the Transport Assessment (APP-448) and the Supplementary Transport Assessment (REP1-142) was agreed with Portsmouth City Council as Local Highway Authority (LHA) prior to the completion of these documents. The junction of B2177 Portsdown Hill Road / Farlington Avenue did not meet the criteria for further assessment</p>

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		<p>in the agreed methodology, nor did PCC raise specific concerns regarding this junction to the degree that it required any further assessment to that already undertaken.</p>
	<p>Neither does there seem to be any consideration to the dangers posed to primary school children by taking the route of the interconnector either immediately outside one school and within 150m of another, or within 150m of both schools on the pedestrian route for pupils from both schools.</p>	<p>With regard to potential impacts to access to local schools, the Framework Traffic Management Strategy (FTMS) (REP6-030) includes programme restrictions that prohibit construction work taking place on Farlington Avenue, Eveleigh Road and Moorings Way in the vicinity of the school within term time. As is set out in Table 17, Table 18, Table 19 and Table 27 of the FTMS (REP6-030), works will only be permitted on Farlington Avenue, Eveleigh Road or on Moorings Way in the vicinity of the school during the February, May and October half terms, the Easter school holidays, and the summer school holidays.</p>
	<p>It is not clear exactly how many trees will be felled by the Aquind proposals but as there are only 22,000 trees in Portsmouth compared to the 267,000 in Southampton, a city of comparable population, the loss of a single tree would be unwelcome. Especially when considering the Government's declared intention to plant 11,000,000 trees by 2022.</p>	<p>The Applicant has undertaken a Tree Survey in accordance with BS 5837:2012 and will seek to avoid impacts on trees where possible. It has made some amendments to the Order Limits to reduce the effect on trees in PCC's jurisdiction at Baffins Milton Rovers Football Club, Furze Lane and Zetland Fields.</p> <p>The Applicant will only remove trees of high/medium value where their loss is unavoidable i.e. where the tree is impacted to such an extent that its physiological viability and/or structural integrity is significantly diminished such that long-term retention does not accord with arboricultural best practice. Retention or loss will be decided by a suitably trained and qualified arboriculturalist and confirmed in consultation with PCC through the requirements of the Arboricultural Method Statement (secured through Requirement 15 of the dDCO (REP6-015)). In the detailed design of the Onshore Cable Corridor, the OOCEMP requires that the positioning of cables within the root protection areas of trees is avoided where practicable. Trees removed will either be replaced or funding for replacement tree planting will be provided, secured by way of a planning obligation.</p>
	<p>There are only 25 full size football pitches and 5 cricket squares which are publicly accessible in Portsmouth and should this scheme progress at best there would be a 20% loss of pitches for at least one season and in some instances two seasons. In the worst case it could be as high as a 33% loss of provision. The prospect goes beyond the loss of one, or two, seasons however. As an exSunday league player, I know that once a team is unable to participate for even a short period the likelihood is that team will not play as a team again. Certainly they would forfeit their place in their leagues because of being unable to fulfil their fixtures. The consequence being, in many instances, individuals would cease to participate in sport to the long term detriment of their health</p>	<p>The Applicant recognises that there will be some impacts on pitches. Application of mitigation set out in the Framework Management Plan for Recreational Impacts (Appendix 13 of ES Addendum (REP4-026)) reduces the number of affected pitches in comparison to those within the Order Limits in the ES. Where pitches can be avoided and/or relocated, there would be temporary loss of two football pitches and one disused cricket pitch at Farlington Fields; one football pitch and cricket pitch at Langstone Harbour (Baffins Milton Rovers); and one rugby pitch at the University of Portsmouth.</p> <p>At Baffins Milton Rovers it is proposed that the works and reinstatement would take place during the off-season when the northern football pitch is stripped annually for re-grassing. This is secured in the updated Onshore Outline CEMP submitted at Deadline 7 in paragraph 6.8.3.1 (REP6-036, Rev006). On this basis there would be no impact on the functionality of the northern football pitch during the playing season. This is explained at paragraph 4.2.2.8 of the Framework Management Plan for Recreational Impacts (Appendix 13 of ES Addendum REP4-026)</p> <p>The Applicant is undertaking further studies to confirm affected pitches and duration of impacts. It is understood that sports pitches are also unavailable temporarily for other reasons, for example, extended wet weather conditions, so it is not anticipated that construction would lead to long term impacts on teams.</p> <p>The Applicant is looking to secure the necessary arrangements for pitch realignment with Portsmouth City Council by way of a planning obligation, to minimise the periods when pitches are unavailable when the works are undertaken in their vicinity.</p>

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	<p>Finally, there is a precedence for refusing these proposals. In May 1994 the Secretary of State called in a planning application by Portsmouth Football Club for the use of Farlington playing fields as a departure from the local plan. One of the reasons for refusal was the adverse effect on nature conservation. This was because Brent Geese, a protected bird, winter on Farlington playing fields (they also winter on some of the other sites Aquind propose using). Another reason was inadequate re-provision of pitches. *1</p>	<p>Effects of the Proposed Development on brent geese using Farlington Playing Fields, and other Solent Wader and Brent Goose Strategy sites, have been assessed both by ES Chapter 16 Onshore Ecology (APP-131) and the Habitats Regulations Assessment (REP6-034, Rev005). These assessments have demonstrated that, with the mitigation measures in place (including timing works at Farlington Playing Fields to avoid the period when brent geese are present in the UK), the Proposed Development will have no effect on this species.</p>
	<p>I was requested to send in details of the reasons for refusal cited by the Secretary of State in December 1994 (following a public Inquiry in May 1994) when an application by Portsmouth Football Club to build a new stadium at Farlington playing fields was refused.</p>	<p>The Proposed Development being undertaken at Farlington Playing Fields has been fully assessed and appropriate mitigations are proposed. As noted above, specific attention has been given in the assessment to the seasonal use of the playing fields by brent geese and no adverse effect on this species is predicted.</p>

Table 2.2 – Hampshire County Council

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
December 9th - AQUIND ISH1 – DCO Hearing – HCC Transcript & Post Hearing Note/Transcript		
3.4	<p><i>Could Highways England please explain why it is necessary to amend the definition of 'relevant highway authority'?</i></p> <p>Post Hearing Comment: HCC have considered this point further and discussed with the HE and PCC. As the HE is a Highway Authority, they should be consulted on relevant information to them directly and this be secured through the DCO. Given the approval timescales it is not accepted that HCC should be required to consult with the HE on matters where they consider it necessary to do so. It is HCC's view that provision should be made for HE to be consulted directly by the applicant where HE would wish to consider any matters for subsequent approvals.</p>	<p>The Applicant has confirmed to Highways England that it would be amenable to including Highways England as a consultee in respect of construction traffic management plans to the extent they are relevant to the strategic road network. Updates in this regard are made to Requirement 17 to the dDCO submitted at Deadline 7 (REP6-015, Rev006). The Applicant does not accept the position put forward by HCC.</p>
3.5	<p><i>In the description of the Authorised Development, there are six locations where HDD works are to take place. How are these locations secured within the DCO such that the Examining Authority can be sure that these lengths of the route can only be installed through trenchless methodologies? Are the entry/ exit points, launch and reception compounds fixed in terms of location and dimensions? Would Article 3, its reliance on the Requirements and the related powers and rights sought in respect of the areas where HDD is proposed allow for flexibility to pursue other means of trenched construction other than HDD if HDD were to fail or prove unfeasible?</i></p>	<p>Section 6.2.3 of the updated Framework Construction Traffic Management Plan (CTMP) (REP6-032) includes an updated strategy for the management of HGVs along Anmore Road where the existing highway width cannot accommodate the passing of an HGV and car. Drawing 0616-ATR-022 included in Appendix 7 of the Framework CTMP shows that west of the proposed management strategy Anmore Road is of a suitable width to allow a standard HGV and car to pass. The width of Mill Road is also adequate to allow for an HGV and car to pass along its entire length.</p> <p>Abnormal loads associated with the delivery of cable drums to the indicative Joint Bay located in Kings Pond Meadows will require temporary Traffic Regulation Orders to suspend on-street parking on Anmore Road as identified on Drawing 0616-ATR-022 at Appendix 7 of the Framework CTMP and on Mill Road as shown on Drawing 0616-ATR-020 and 0616-ATR-021 at Appendix D of the Supplementary Transport Assessment</p>

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	<p>Post Hearing Comment: HCC note that additional information on matters relating to HDD sites is to be provided by the applicant. HCC raised concerns within its written representations relating to access to the HDD site at Kings Pond Meadow at Denmead. Mill Road and Anmore Lane are very narrow in nature. Given the dimensions of the abnormal loads HCC are yet to be provided with evidence that the required movements by HGVs and abnormal loads can be undertaken. The applicant is aware of this matter and HCC are waiting further information to be submitted.</p>	<p>(REP1-142). These temporary Traffic Regulation Orders requirements are also included in the Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy at Appendix 1 of the FTMS (REP6-030).</p> <p>With reference to the general suitability of Anmore Road and Mill Road to accommodate HGV traffic, the Applicant notes that the Automatic Traffic Count surveys completed in 2018 showed the following average weekday total traffic flows between 9am 5pm, which is the period when HGV movements will be permitted outside of works commencing at the start of each day:</p> <ul style="list-style-type: none"> • Anmore Road: 965 two-way traffic flow, of which 75 were HGVs; and • Mill Road: 802 two-way traffic flow, of which 69 were HGVs. <p>Taking account of these existing traffic flows, these routes are suitable to accommodate HGV traffic associated with the HDD construction activities at Kings Pond meadows which will generate 1-2 two-way HGVs per day on these routes (2-4 in total).</p> <p>Further details of these traffic flows are provided in Appendix C of this document (document reference 7.9.33.3).</p>
<p>3.7</p>	<p><i>Explain why there are no provisions, Articles or Requirements relating to Decommissioning in the DCO. Would decommissioning, if not covered here, require a separate DCO to be granted? If the commercial use of the fibre optic cable is considered to be part of the Authorised Development or 'associated development', would its buildings and equipment also fall within the scope of decommissioning?</i></p> <p>Post Meeting Comment: HCC are aware of a request from PCC for indemnity in relation to decommissioning should the applicant (or owner of the asset) at the time not be financially able to undertake the decommissioning phase. HCC support this approach to ensure that 3rd party assets that no longer need to be in the highway are either removed if required or, at the least, clear information is available on the fact that the cables are no longer live or needed so can be removed as appropriate during other works. Reinstatement of the access arrangements at Day Lane/Broadway Lane will also need to be accounted for at the decommissioning stage. Proper noticing of the decommissioning element should be provided for. HCC notes that this point is being considered by the applicant and amendments to the DCO drafting are expected by deadline 6.</p>	<p>The Applicant has inserted Article 24 into the dDCO to cover decommissioning and this was updated at Deadline 6 (REP6-015).</p> <p>The Applicant does not agree to provide an indemnity in relation to decommissioning. Any necessary consents required for decommissioning would be obtained at the relevant time in accordance with the applicable statutory regime and undertaken in accordance with those, in addition any approved the written scheme of decommissioning.</p> <p>This aligns with the approach taken in other made DCOs.</p>
<p>3.12</p>	<p><i>In relation to Articles 10, 11 and 41 (and the Applicant's answers to questions ExQ1.16.13 and ExQ1.5.34), how would street and tree works beyond the Order limits be enacted or controlled? Would this involve powers from any DCO? If so, are there any made DCOs from which precedent can be derived for the powers sought? Specifically in relation to Article 41, how would this work in practice both within and outside the Order limits in respect of replacement landscaping and/ or compensation?</i></p>	<p>The Applicant has prepared a draft section 106 Agreement and drafts of the forms of Section 278 Agreements to be entered into in connection with the works to which they are relevant (highway accesses) and these have been provided to HCC for review (on 18 January 2020). The Section 106 Agreement also provides for CAVAT Compensation payments for trees removed.</p> <p>A draft of the Section 106 Agreement and Explanatory Note in relation to it are submitted at Deadline 7 for the Examining Authority's information (document reference 7.5.26).</p>

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	<p>Post Meeting Comment – HCC met with MJ on 10th December post hearing to discuss s278 requirements. The applicant has agreed to the adoption of the s278 process and separate legal agreement secured through the s106. HCC have shared its precedent legal agreements for s278 to be utilised for the construction accesses and main site access works at Broadway Lane. HCC are waiting drafting of the s106, amendments as necessary to the DCO and comments on its standard agreements. Regarding the securing of CAVAT it is also agreed that permission to work on highway trees can be secured within the DCO appropriately and HCC will review the revised draft when submitted at deadline 6. The means for securing the payment of any necessary CAVAT values will be secured within the s106 agreement. Subject to appropriate drafting HCC are content with these approaches.</p>	<p>The Applicant is continuing to discuss these matters with HCC.</p> <p>The Applicant has also made updates to the dDCO submitted at Deadline 7 to reflect the position regarding the approach to Highways Accesses.</p>
<p>3.13</p>	<p><i>With reference to the answers received to ExQ1.5.35, please could the Applicant explain the scope and level of rights sought, why they are necessary and why some of the powers sought (Article 10 for example) offer unsanctioned ability to affect streets outside of the Order limits? Reference should be made to precedents in recently made Orders where appropriate.</i></p> <p>RT – HCC agree with the points previously made by PCC that the process should not be deemed as approved without consideration of sufficient detail and confirmation of approval from the relevant highway authority.</p> <p>RT – Regarding HE protective provisions, the applicant's response states that because HE will not have works taking place on their network, the applicant can give them PP's anyway. HCC have major concerns with this approach and management. The approval process given to HE appears to be more extensive and thorough than that being offered to HCC. The fact it is being offered to HE therefore suggests that the applicant considers it a reasonable request, but HCC would like to see this replicated.</p> <p>Post meeting comment – HCC request that the applicant set up a joint meeting to discuss the legal drafting of the agreement with HCC and PCC to ensure it is drafted with appropriate favour to the Highway Authorities as necessary. Specifically ensuring that the assumed approval elements are suitably addressed and wording in relation to s278 requirements are secured appropriately and to the satisfaction of both Highway Authorities.</p>	<p>The Articles of the Order which provide for deemed approvals are standard to made DCOs, provide appropriate timescales for approvals, (extended in the draft DCO submitted at Deadline 6 (REP6-015)) and ensure there is no impediment to the delivery of the Proposed Development. They are therefore appropriate to be included in the DCO if made.</p> <p>The protective provisions for Highways England relate to the trenchless installation of cables below land vested in Highway England. They do not relate to land that forms part of the highway and works on highway land, and therefore it is not appropriate for HCC to have similar protective provisions in respect of its highways.</p> <p>As set out above, the Applicant has prepared a draft section 106 Agreement and drafts of the forms of Section 278 Agreements to be entered into in connection with the works to which they are relevant (highway accesses).</p>
<p>3.14</p>	<p><i>Could the Applicant explain the meaning and extent of 'stopping up' and whether the works would meet the definition of such in the 1991 Act? Could the Applicant clarify the approval process for any temporary closures (including where this is secured in the dDCO) and what consultation with the relevant street authority includes?</i></p>	<p>Article 13 of the dDCO (REP6-015) was amended at Deadline 6 to remove references to "stopping up". Article 13 as amended now refers to "Temporary closure, alteration, diversion or restriction of streets, public rights of way and permissive paths". Further amendments to ensure consistency in this regard are made to the dDCO submitted at Deadline 7.</p>

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	<p>Post Meeting Comment – This matter was picked up later within the hearing agendas and it is HCC's understanding that the applicant is to review the wording and amend to reflect the requirements for temporary traffic regulation orders not formal stopping up.</p>	
<p>3.21</p>	<p><i>Article 32 of the dDCO [APP-019] appears to allow temporary use 'during the maintenance period' which is said to be five years. The application Explanatory Memorandum [APP-020], paragraph 9.27, advises that maintenance possession under Article 32 is allowed during the period that the Proposed Development is operational. This advice is repeated in the SoR, paragraph 6.2.3. Is the advice correct? If so, how does this accord with Article 32?</i></p> <p>RT – HCC is concerned to ensure that ongoing maintenance requiring highway intervention is dealt with through an appropriate approval process. As an example, it is still not entirely clear how the reopening of means of access to the highway would be dealt with in the approvals process.</p> <p>Applicant - stated that this would be dealt with under NRSWA and exclusions under the book of reference may address the point, but this can be explored further.</p> <p>Post hearing comment – further clarity is sought on this with regard to the potential impact on the MDA Ladybridge access if this is in place prior to construction, or built out during the maintenance period.</p>	<p>Maintenance of cables beneath the highway would only be required in very limited circumstances. In practice, the undertaker would rely on the New Roads and Street Works Act and would ensure that no works take place outside the Order Limits. The Book of Reference, and therefore the acquisition of rights etc. for maintenance is not applicable to highway land. The New Roads and Street Works Act 1991 would therefore apply, in accordance with Article 11 of the dDCO.</p> <p>The Applicant is aware construction of Ladybridge Roundabout MDA access is necessary to enable the developments to progress and is satisfied that there is no in-principle conflict between the Proposed Development and this scheme. The Applicant will seek to work with HCC so that the delivery of the Proposed Development is co-ordinated with these works as necessary, taking into account the programme mitigations provided for within the FTMS and the need to deliver the works efficiently so as to minimise impacts.</p> <p>If this access has been constructed prior to the Onshore Cable Route, the reinstatement of the highway will be secured through the DCO. This has also been responded to in the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058) which confirms that all highway reinstatement works are required to be undertaken in accordance with the Specification for the Reinstatement of Openings in Highways. The details of the reinstatement are to be provided for approval in accordance with Requirement 25 of the dDCO (REP6-015).</p>
<p>4.1</p>	<p><i>Please could the Applicant confirm the approach to the identification and definition of 'significant effects' and demonstrate the adequacy of the Mitigation Schedule in ensuring that all necessary mitigation measures that are relied upon in the EIA will be readily auditable at the discharge of Requirements? Are any parties aware of instances where this may not be the case?</i></p> <p>RT – HCC is keen to ensure that the information provided in the Supplementary Transport Assessment (STA) is also reflected in the mitigation schedule as there are different measures used to control the impacts of traffic set out within the original TA. HCC will come back further on this point.</p> <p>Post hearing Comment: HCC responded fully on this matter within its deadline 5 response and its position remains unchanged. HCC will discuss further with the applicant and provide any additional comments as appropriate in future deadlines.</p>	<p>Mitigation in respect of highways impacts is contained with the following documents:</p> <ul style="list-style-type: none"> • Framework Traffic Management Strategy (REP6-030), which includes: <ul style="list-style-type: none"> ○ Programme restrictions to mitigate the cumulative impacts of associated with the installation of multiple traffic management locations in close proximity and works at certain locations; ○ Calendar restrictions that prevent construction being undertaken at traffic sensitive locations outside school holidays and summer months; ○ A comprehensive communication strategy which will ensure that the travelling public are aware of upcoming and current construction works within the Onshore Cable Route, therefore allowing them to make informed choices regarding route choices and travel times. ○ A Framework signage strategy that will further communicate upcoming and current on the Onshore Cable Route, which will allow drivers to divert onto alternative and suitable routes. • A Travel Demand Management (TDM) Strategy , which focuses on the travel behaviour change solutions that can be delivered during the works on A3 London Road and A2030 Eastern Road and sets out an intent to work in partnership with local authorities and other local partners to deliver a

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
		<p>comprehensive TDM Strategy to reduce peak hour traffic flows and impacts associated within the implementation of traffic management on these key corridors.</p> <ul style="list-style-type: none"> • Framework Construction Traffic Management Strategy (REP6-032); <p>Whilst discussions between the LHA and the Applicant are still ongoing regarding mitigation measures, it is considered by the Applicant that these will be agreed prior to the end of the examination.</p> <p>The Applicant will submit a final version of the Mitigation Schedule at Deadline 8, and will ensure all mitigations in relation to these matters are clearly referred to in that document.</p>
4.2	<p><i>Are all of the necessary parameters of the Proposed Development that require a 'Rochdale envelope' for the purposes of the EIA included in, and thus assured in the draft DCO? Are any parties aware of instances where this may not be the case? Are there two height options for the Converter Station as indicated in paragraph 5.2.4.3 of the Design and Access Statement and, if so, would there be any loss/ benefit of having the lower height secured in the dDCO?</i></p> <p>RT – In response to the contention of the applicant that the parameters are necessary to ensure that the subsequent procurement of contracts is OJEU compliant, counsel advised that this was not correct. As a matter of law, there would be no procurement impediment, if the DCO was so constrained re heights of building, which meant only one developer and/or only one engineering company could take the project, then only one could take the project. This is perfectly common in procurement and is provided for through OJEU compliant processes.</p>	<p>If the Undertaker is constrained on the height of the building, then this could lead to unfair advantages in the procurement process and would in effect prevent a competitive tender process. To ensure that no supplier, out of an already limited number of suppliers for this type of infrastructure, is not disadvantaged from offering their optimum solution the Applicant has sought to retain a range of potential building heights to accommodate suppliers' optimum equipment designs and roof designs.</p> <p>The impacts of the Proposed Development based on the maximum parameters applied for have been fully assessed.</p>
4.6	<p><i>In Work No.4, are the maximum upper limits in numbers of joint bays, link boxes and link pillars sufficient given that their usage depends on contractor experience, capability and discretion?</i></p> <p>HCC made no comment on this matter within the hearing</p> <p>Post hearing Comment – It is HCC's understanding that additional information on the potential locations and locations where link boxes will not be provided is to be submitted by the applicant for deadline 6. HCC shall review this information and come back with more detailed comments, as appropriate, for future deadlines.</p>	<p>The contractors appointed to carry out the works will be competent and experienced in this area of design and construction. The maximum upper limit numbers set out in the Work No. 4 of the draft DCO (REP6-015) provides the contractors with the maximum number of Joint Bays and Link Boxes to be used across the route and must be followed as part of their detailed design.</p> <p>The Joint Bay Feasibility Report (REP6-070) provided as part of the Applicant's Deadline 6 submission explains the types of joint bay proposed and provides indicative locations for these. The document does not detail the location of the Link Boxes as these can only be determined once definite Joint Bay locations are known. Link boxes will be located between 4 to 6 kms apart so it is expected there will be four including one at the Landfall and one at the Converter Station. With more flexibility in where they can be installed, and not necessarily needing to be co-located with joint bays, the location of link boxes will be confirmed at detailed design,.</p>
5.5	<p><i>In relation to Requirement 22, can the Applicant define the scope and extent of reinstatement powers within the dDCO at present and how they relate to highway related works? Would the roads be restored in accordance with the 'Specification for Reinstatement of Openings in Highways' document? If not, why not? If so, where is this secured in the dDCO? What views does the Applicant have in respect of Hampshire County Council's request for 'indemnity' for undertaking any works that</i></p>	<p>This matter was fully discussed at the hearings, with the Applicant clearly setting out the reasons why an indemnity is not appropriate. The Applicant maintains its position that an indemnity is not appropriate for the reasons set out in Applicant's transcript for ISH1 (REP5-058).</p> <p>See also the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058) which confirms that all highway reinstatement works are required to be undertaken in accordance with the Specification for the Reinstatement of Openings in Highways. Where the undertaker does not do so, they would be committing</p>

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	<p><i>may result in the diversion of otherwise of the cables to facilitate highway works</i></p> <p>Post hearing comments: Matters on this were not discussed in detail within hearings. HCC has made its views on its requirement and request for indemnity clear to the ExA within its written representations and provided an update on this position within its deadline 3 response. HCC's views on this matter remain as set out within the response and it is considered by HCC that this is a reasonable request.</p> <p>Regarding reinstatement requirements, this is also set out within its deadline 3 response on why it is reasonable to request reinstatement above that set out within the Specification for Reinstatement of Opening in Highways document (SROH). The SROH is for the reinstatement of works that are of a scale to be considered 'permitted development'. Even with these types of works, under the NRSWA Permit Scheme negotiations on reinstatement are undertaken especially with regards to when utility works are being undertaken in areas of special surfacing or those protected under section 58 of the NRSWA or in areas of special engineering or traffic need. The Highway Authority are seeking these discussions with the applicant and a commitment to ensure a level of reinstatement above and beyond that set out in the SROH to ensure that the Highway Authority are not left with the maintenance burden of an extensively trenched highway network. Given wider discussions in the ISH1 hearing regarding the joint bay locations, ensuring reinstatement requirements can be set out within the approval process for the cable laying works are of key importance to the Highway Authority.</p>	<p>an offence. The details of the reinstatement are to be provided for approval in accordance with Requirement 25 of the dDCO (REP6-015).</p>
December 10th – AQUIND CAH1 Hearing – HCC Transcript & Post Hearing Note/Comment		
	<p>Post Meeting Comments - Paragraph 4.27.8 of the applicant's transcript relates to the need for permanent acquisition of land for the purpose of access. For clarity, post hearing the Highway Authority have re-reviewed the submitted plans. Parcel 1-35 on the Land Plans provides for the visibility splays at the site access and these are required by the Highway Authority for dedication through the s278 process in order to ensure visibility splays are within the control of the Highway Authority. Parcel 1-49 is the land required for the haul road, this does also contain a section to the south of Broadway Cottages which is outside the requirements for the site access works. This appears to connect to an existing informal access through the field which is used by farm vehicles. The Highway Authority require further clarification from the applicant on whether an additional access point will be sought here. The Access and Rights of Way Plan does not indicate this to be the case but the requirement for the land is not clear.</p>	<p>Discussion was held between Aquind and HCC on the 5th January 2021 to clarify the cable burial depths. HCC were in agreement with the depths as they are in line with industry practice.</p> <p>With reference to para 4.27.9 of the REP5-034 that was issued at Deadline 5, the Applicant can confirm that a highway link will be provided in land plot 1-49 between Day Lane, east of the existing bend, and at Broadway Lane, south of the existing bend. This will provide a managed facility for vehicles entering the site during the Construction Stage, with vehicle movements across Broadway Lane able to be marshalled. This link also accommodates HGV / abnormal load movements and would be retained as a permanent feature (unadopted) to allow future access for such vehicles where required.</p> <p>The Access and Right of Way Plans (REP6-011) were updated and issued at Deadline 6 to reflect the above.</p> <p>The Applicant, as set out above, has agreed to a highways agreement being entered into in connection with the delivery of the Converter Station Access Junction Works. This includes for, through the Section 106 Agreement and also the proposed agreed form of highways agreement to be appended to this, the dedication of the land required for visibility splays to HCC. Drafts of these documents are submitted at</p>

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	<p>Regarding joint bay locations, it is understood that additional information is being provided by the applicant at deadline 6. HCC will respond upon receipt of this further information.</p> <p>Regarding the cable depth and depth of the highway, HCC will look to discuss this point further with the applicant.</p> <p>Post hearing note: HCC seeks the further information suggested by the Applicant as to how these matters will be addressed through the DCO.</p>	<p>Deadline 7 for the information of the Examining Authority and the Applicant is continuing to discuss these with HCC (document reference 7.5.26).</p>
December 14th – AQUIND ISH2 Hearing – HCC Transcript & Post Hearing Note/Comment		
<p>3f) point 1</p>	<p><i>In the Applicant's comments on D1 submissions from non-IPs ([REP3015], 2.4.10) (and elsewhere) it is noted that there are ongoing discussions with the bus companies and that appropriate mitigation can be secured. Can the Applicant provide the minutes of the meetings with First Group into the Examination and confirm the status of discussions with both bus companies? What is the nature of the additional mitigation measures arising from the meetings with the bus companies to limit the impact on their services? Where and how would such measures be secured?</i></p> <p>RT – HCC have undertaken direct engagement with the bus companies. There is concern over the potential impact on the whole network and therefore buses. HCC want to ensure bus service levels are maintained. HCC is not content to rely on assurances that the impacts are minor. There is a need to mitigate the impact (i.e. funding) and to ensure that the services are maintained. The A3 corridor is part of a wider strategy which will incorporate improved infrastructure via the Transforming Cities Fund (TCF). The delays could have a greater impact on the wider strategy. HA is concerned regardless of the bus operator views as currently understood.</p> <p>HD – Bus users cannot switch routes like car users and thus there is a risk that there could be changes to travel mode which will have wider implications due to the long-term disruptions.</p> <p>MJ – the applicant has assessed the impact and shown they are minor. Provision of mitigation is only required if there is a significant impact. TCF noted, but does not consider temporary disruptions will affect this.</p> <p>CW – Restrictions within the FTMS limit the period shuttle working and Temporary Traffic Management can be implemented along the A3 corridor. These instances create the most significant delay but are limited in time period over the 2 years and are also limited to school holidays.</p> <p>RT – This comes down to points of interpretation regarding impact to service levels. Discussions to be taken away. The longer-term implications to the TCF corridor are important. There is still some</p>	<p>Restrictions within the Framework Traffic Management Strategy (REP6-030) limit the period of time shuttle workings and temporary traffic management can be implemented along the A3 corridor. As is set out in Table 7, Table 9, Table 11, Table 12 and Table 14 of the Framework Traffic Management Strategy, where shuttle working is required on A3 London Road, this is only permitted outside of school term time, and for the month of June. This is as traffic is typically lower during these times of the year than during term time for example. As such, the assessment undertaken in the Supplementary Transport Assessment (REP1-142) and Transport Assessment (APP-448) on the basis of the SRTM is worst-case. It assumes traffic within the SRTM which reflects neutral months and therefore it does not account for the lower baseline traffic level that would occur during the school holiday period, when there is a lesser travel demand. It is therefore the Applicants view that the impacts of such works will be minimised as far as is possible through these programme restrictions and no additional mitigation is required.</p> <p>A Travel Demand Management (TDM) Strategy (document reference 7.9.37) has also been developed by the Applicant, which will be implemented throughout construction and secured via the Framework Traffic Management Strategy (REP6-030). The TDM Strategy document focuses on the travel behaviour change solutions that can be delivered during the works on A3 London Road and sets out an intent to work in partnership with local authorities and other local partners to deliver a comprehensive TDM Strategy to reduce peak hour traffic flows and impacts associated within the implementation of traffic management on these key corridors. The TDM Strategy focuses on behaviour change solutions to influence the travel behaviour of target audiences to encourage them to change their behaviour through the 5Rs– Reducing the need to travel, Re-modelling journeys, Re-routing journeys, Re-timing journeys and Re-thinking journeys to maximise car occupancy. The TDM Strategy had been submitted at Deadline 7 (document reference: 7.9.37)</p>

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	uncertainty (i.e. JB in bus lane) and more work is required as noted by MJ.	
AOB	<p><i>HCC were asked if they had covered all areas of concern at the end of the highways section of the hearing.</i></p> <p>HD – two additional points remain regarding mitigation which I don't believe have been raised. This relates to the Framework Travel Plan which HCC has made representation on within its deadline 5 response. There is a lack of certainty as to where workers will be coming from so difficult to secure in FTP. HCC are therefore seeking a considerably revised document and a more flexible approach to ensure meaningful measures can be adopted in the future, given the considerable increase in traffic movements to the Lovedean area during the course of construction of the development.</p> <p>The second point relates to the works coordination regarding Ladybridge roundabout and the TCF works. This is of vital importance and HCC need to be sure that the schemes do not preclude each other or create unacceptable delays to either programme. The provision of the TCF scheme funding is time limited to spend before 2023 and the implementation of MDA southern access is also time critical to ensure provision of much needed housing for the area with a current programme forecast date of late 2022. Discussions are required with the applicant and the interested parties to ensure appropriate protection is provided to facilitate the delivery of these committed schemes</p>	<p>The Applicant is currently in ongoing discussions with Hampshire County Council regarding the contents of the Framework Construction Worker Travel Plan in respect of a more flexible range of measures, particularly to provide the ability to amend the Shuttle Bus Route from Havant Railway Station in the event that workers are known to need to travel from different origins. It is intended that an updated and agreed version of this document be submitted at Deadline 8. The Framework Construction Worker Travel Plan is located within Appendix 6 of the FCTMP (REP6-032).</p> <p>The Applicant will seek to work with HCC so that the delivery of the Proposed Development is co-ordinated with other schemes, including the west of Waterlooville MDA site, as necessary, taking into account the programme mitigations provided for within the Framework Traffic Management Strategy (REP6-030) and the need to deliver the works efficiently so as to minimise impacts. It is noted HCC cannot state at this time when the works to which they refer will be delivered.</p>
<p>Post Meeting Note Agenda Item 3d (point 4) – Operation of Day Lane</p>		
	<p>Within Hampshire County Council's (HCC) Deadline 3 and 5 responses to the AQUIND Interconnector DCO, concerns were raised regarding the traffic management strategy along Day Lane during the construction period of the works. Specifically, concerns were raised with the proposed banksmen control, the lack of passing places for a HGV and cars to pass, the safety implications of holding vehicles on carriageway at the Lovedean Lane/Day Lane junction and the overall delays to other road users as a result of the management strategy. Further to these responses, the Applicant submitted a revised traffic management strategy along Day Lane to HCC via email on Friday 11th December 2020 which had not been reviewed in detail prior to the ISH. The Highway Authority have subsequently reviewed the document and wish to make the following comments.</p> <p>Updated Strategy</p> <p><u>Arrivals</u></p>	<p>The Applicant has addressed this matter at Deadline 6 within the Day Lane Technical Note (REP6-073). Page 15 of the Technical Note includes details regarding been minor amendments which have been made to the location of the proposed traffic marshal to a new position on the Lovedean Lane arm of the junction with Day Lane. This is intended to mitigate concerns regarding vehicles turning into Day Lane and encountering stationary traffic. The proposed passing bays which are set out on pages 7-11 of the Technical Note address the concerns raised regarding the management of the meeting of HGV's and general traffic on Day Lane, and the management of residents' access on Day Lane is specifically addressed on Page 15 of the Technical Note. Attached to the Technical Note are drawings containing vehicular tracking undertaken of the proposed passing bays which demonstrate the ability of these bays to accommodate passing HGV traffic.</p> <p>Following discussions with HCC, it has been agreed between the Applicant and HCC 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 HGVs can be taken to the Converter Station construction site under escort. This will require the current ability of the travelling public to park at this facility to be temporarily suspended. This approach has also been discussed with Highways England who have confirmed it would allow their previous concerns to be resolved. The updated traffic management strategy</p>

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	<p>Following comments from the Highway Authority to take a more holistic approach towards the management of HGVs to and from the converter station, the applicant is now proposing a 'check in' system for all HGVs visiting the site. This will require the drivers to pre-book an arrival slot to the site with the banksmen positioned on Day Lane. To co-ordinate the timed arrivals, the applicant is proposing that the HGVs utilise a number of existing laybys on the strategic road network (SRN) located on the A27 and A3, as set out on Page 3 of the note.</p> <p>The applicant has not carried out any assessment to understand whether there is spare capacity at each of the identified laybys to accommodate HGVs throughout the construction period. Given that this matter relates to capacity along the SRN and appropriate use of the laybys, Highways England will need to confirm whether they are happy with the principle of these laybys being used and should be formally consulted on the note.</p> <p>HGVs arriving to the site will still be held on carriageway at the junction with Lovedean Lane/Day Lane. The Highway Authority remain concerned with this arrangement and the potential for accidents to occur if a vehicle turning into the junction fails to anticipate the stationary traffic. The applicant is therefore requested to investigate whether any waiting facilities can be provided off the highway, as noted within previous written representation.</p> <p>The Highway Authority remain concerned with the delays resulting from the current inability to convoy HGVs into the site. The 'check-in' system will better inform the banksmen of incoming HGV movements and therefore prepare them to hold eastbound HGV movements along Day Lane and remove this element of conflict and management of 2 HGVs meeting on Day Lane itself. However, the majority of Day Lane is of insufficient width to allow a car to pass a HGV. It is not clear how management of general traffic is to be undertaken when the HGV is on route to the site at the Broadway Lane end of Day Lane. If the HGV must arrive at the Lovedean Lane/Day Lane junction before general traffic can be held then safety issues still remain on how this is to be accommodated on the highway network. As the holding areas are circa 20 minutes away from the junction it would be inappropriate to hold traffic until the HGV arrived. The proposed management system also still means that arrivals of HGV's will take place in a piecemeal manner, creating delays for existing users of Day Lane. As mentioned within the latest note, it is anticipated that there will be 6 westbound and 6 eastbound HGV movements per hour during construction of the converter station. The Highway Authority therefore remain concerned that the lack of regulation of incoming HGVs will cause significant delay for road users on Day Lane who are held to allow for HGV movements. The applicant has also not commented on how movements in between banksmen i.e. residents with</p>	<p>for Day Lane has been included in an updated version of the Day Lane Technical Note (REP6-073). The updated Day Lane Technical Note has been submitted at Deadline 7 (REP6-073, Rev002).</p>

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	<p>access to their properties via Day Lane will be managed whilst westbound HGV movements are being undertaken. Given the lack of passing places available on Day Lane, the movement of these vehicles should also be controlled to ensure that they do not conflict with the HGV management strategy.</p>	
	<p><u>Departures</u></p> <p>To manage the movements of HGVs along Day Lane, the applicant has also proposed a convoy system for lorry's departing the site to reduce the period which departing HGV's occupy Day Lane. This would involve HGVs being held within the site on the new haul road until there are 3 vehicles ready to head eastbound along Day Lane. At this point, the banksmen will communicate to prevent any further oncoming traffic travelling along Day Lane, allowing the HGVs to be released in one go. This system offers an improvement over the previous strategy which allowed for HGVs to come and go freely (albeit still under banksmen control). There are no details of where it is proposed to hold vehicles waiting at the Day Lane/Lovedean Lane junction or how any movements from the properties along Day Lane will be controlled. There are safety concerns regarding the holding of traffic at the junction as a result of an unexpected queue on the carriageway. This needs to be understood further and measures considered to ensure that any queue does not create a safety issue. Further information is sought on these matters.</p>	<p>The Applicant has addressed this matter at Deadline 6 within the Day Lane Technical Note (REP6-073). Page 15 of the Technical Note includes details regarding minor amendments which have been made to the location of the proposed traffic marshal to a new position on the Lovedean Lane arm of the junction with Day Lane. This is intended to mitigate concerns regarding vehicles turning into Day Lane and encountering stationary traffic.</p> <p>The updated traffic management strategy for Day Lane has been included in an updated version of the Day Lane Technical Note (REP6-073). The updated Day Lane Technical Note has been submitted at Deadline 7 (REP6-073, Rev002). This includes a capacity assessment of the operation of the use of STOP/GO boards at the junction of Day Lane / Lovedean Lane during the limited time each hour that HGVs will be departing the Converter Station. This shows forecast queues on each approach of Lovedean Lane of no more than five vehicles at the time when the STOP/GO Boards are used to manage outbound HGVs. This does not reflect an adverse highway safety position and no comment concerning queuing traffic at this junction was raised by the Stage 1 Road Safety Audit. The Applicant is of the view that this matter will be resolved in advance of the end of the Examination.</p>
	<p><u>General Matters</u></p> <p>The Highway Authority question the effectiveness of banksmen and whether they are legally able to control and direct HGV movements. Further clarification from the applicant is welcomed on this point.</p> <p>The applicant has not carried out a quantitative assessment of HGV travel time along Day Lane and how long the predicted number of HGVs will therefore spend on Day Lane based on the current controls. This assessment is required to understand the extent of the delays to existing road users resulting from the construction traffic movements.</p> <p>The applicant is required to address the points above before the construction traffic management strategy on Day Lane can be considered acceptable. Hampshire County Council would welcome further discussions with the applicant on any of the points raised within this note. The proposed control methods should also be subject to a Road Safety Audit.</p>	<p>The Applicant updated the FCTMP at Deadline 6 to refer to "marshal" instead of "banksman" following the comments raised at the hearings (REP6-033).</p> <p>Using an independent consultant, a Stage 1 Road Safety Audit has been completed on the proposed amendments to the junction of Day Lane / Broadway Lane, the proposed passing places on Day Lane which are set out within the Day Lane Technical Note (REP6-073), and the proposed methods of traffic control on Day Lane. The draft Stage 1 Road Safety Audit was issued to HCC on 20 January 2021.</p> <p>The Applicant is undertaking further discussions with HCC regarding their requirements for any accreditations for appointed traffic marshals, and is committed to complying with HCC requirements on this matter.</p>
<p>December 15th – AQUIND ISH3 Hearing – HCC Transcript & Post Hearing Note/Comment</p>		

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
<p>6 k) point 4</p>	<p><i>Would the dDCO allow the breaking and cutting of road surface or resurfacing of roads during night-time? If so, is further noise assessment necessary to determine the worst-case impact on noise sensitive receptors?</i></p> <p>TG – The Highway Authority are concerns about the limitations being placed on traffic management within the draft DCO in its worthy efforts to demonstrate minimal noise impacts on residential amenity.</p> <p>It is recognised that the applicant has made positive steps towards a more acceptable package of measures in mitigating highway impact, including commitment to the highway permit scheme.</p> <p>However the current drafting of the DCO, and outline CEMP, doesn't provide the flexibility and agility needed for the Highway Authority to effectively manage the highway impacts arising on traffic sensitive roads with regard to directing out of hours working (including night-time).</p> <p>This is particularly important on the A3 London Rd. The challenges faced by the applicant in ensuring that impacts on residential amenity are appropriate and adequately examined is acknowledged and understood.</p> <p>The permit scheme, and supporting practice therein, provides for such control to be secured in a way that responds to the particular circumstances arising at the time of construction. Indeed, such mechanisms/approaches are adopted by all other statutory undertakers for such works</p> <p>Indeed, and finally, the Highway Authority are mindful of the provisions made in the Esso Pipeline DCO in this regard which includes drafting which the Applicant may wish to consider using in this dDCO.</p> <p>WCC/HBC/EHDC – have some concerns that the approach suggested by the HA in relation to the details of their proposal.. Need to understand what noise impacts could arise and whether this could invalidate noise impact reports. Suggest that HCC meet with the local authority representatives to have a further discussion offline in time for the next deadline to clarify this matter.</p> <p>Applicant – concerned about any change that would potentially generate significant impacts that fall outside of ES.</p> <p>ExA – advised that it would be appreciated if this matter could be taken forward outside of the hearing session</p>	<p>The Technical Note A3 London Road – Night-Time Working has been provided as Appendix D to this document (document reference 7.9.33.1). The note explains why HCC's proposal to include further night-time working as an option along the A3 London Road is not accepted by the Applicant. This is because it would result in significant adverse noise effects on residences on London Road and, would not avoid significant adverse traffic delay effects. The marginal benefits derived from an increased installation rate would be outweighed by the additional environmental effects that would result.</p>
<p>Post Meeting Note Agenda Item 6k (point 4) – Provision for out-of-hours working on traffic sensitive streets in Hampshire.</p>		
	<p>Since the hearing, meetings held between the LPAs in Hampshire and Hampshire County Council have confirmed the principle of providing for flexibility within the DCO to enable the County Council to direct extended</p>	<p>Please see the response above in relation to the Technical Note A3 London Road – Night-Time Working provided at Appendix D on this topic.</p>

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	<p>working hours (or night working) where is it considered to desirable to minimise traffic congestion.</p> <p>It has been agreed that, for the purposes of some sites where significant traffic congestion could be avoided, HCC could replicate its existing arrangement whereby HCC consult with the LPA before directing 'out of hours' working. This would retain the protection for residents. It is also HCC's understanding that the EHOs at WCC/HBC/EHDC have also advised that making adjustments to the DCO to reflect this flexibility would not, in their view, invalidate the existing environmental assessments.</p> <p>Accordingly, revised drafting of the DCO (and associated documentation in the CEMP/FTMS) is sought to enable the County Council, after consultation with the LPA, to direct out of hours working where this would be essential to minimise significant traffic disruption. HCC consider that such powers would be used sparingly and only where essential.</p>	<p>In summary, the Applicant has considered HCC's proposal in detail, and has concluded that it would not be appropriate to include flexibility in the DCO for further areas of night-time working because further night-time works would result in additional significant environmental effects, primarily noise. The Applicant considers that the additional significant environmental effects that would be created outweigh any mitigation of transport effects that might be afforded by reducing the duration of works, and would undermine the conclusions of the Environmental Statement.</p>

Table 2.3 – Winchester City Council – Summary of Comments Made at Hearings

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	<p><u>Issue Specific Hearing 1 draft DCO</u></p> <p><u>Part 7</u></p> <p>3.34 (Article 42)</p> <p>Winchester City Council made reference to the recent service of a Preservation Order on trees on the north side of Hambledon Road and which lie within the Order limits. A copy of this TPO has been circulated to the applicant and the ExA. The Order offers a significant frontage to Hambledon Road on the north side. To date the applicant has been unwilling to refine the break through point. It is the Councils desire that the breakthrough point comes through the section of hedgerow west of the Soake Road junction. The tree immediately on the corner of the junction and the trees beyond the hedgerow are now covered by the TPO and valued for their landscape contribution. Some decision on the breakthrough point would remove these concerns.</p> <p><i>Postscript: The Council notes the support for a decision on this matter from Denmead Parish Council and welcomes the applicants offer to respond on this matter at deadline 6.</i></p>	<p>Following a desk based review of the tree constraints plans (Appendix 10 Tree Survey Schedule and Constraints Plans (REP3-007)) and discussion with the cabling contractor, it has been confirmed that T290, T300, T302, T303, T306, T307 and T312 as shown in those plans, will be avoided during the proposed works adjacent to Hambledon Road. This will be included in the detailed arboriculture method statement to be prepared in consultation with the local planning authority as secured by Requirement 15 of the dDCO (REP6-015). T306, T302 and T300 have also been removed from Schedule 11 (Trees subject to tree preservation orders to which Article 42 applies) in the dDCO submitted at Deadline 6.</p>
	<p><u>Issue Specific Hearing 1 draft DCO</u></p> <p><u>Schedule 1, the Authorised Development</u></p>	<p>4.2 (Variable Height to Converter Station Building)</p> <p>The Applicant can confirm that the building height is a particularly important cost driver for industrial buildings of this nature and is always a key consideration during detailed design. The height of the building has direct impact on the overall cost of the construction as it will impact on the overall building frame weight,</p>

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	<p>4.2 (Variable Height to Converter Station Building)</p> <p>Winchester City Council notes the applicants explanation relating to the variation in the height of the equipment which is driving the request to maintain some flexibility in the height of the proposed converter station building. However, the Council notes the reference in the applicants explanation that the design of the roof will also play a role in the overall height of the building. If the choice to be made by the contractor comes down to one of a lower roof but at a higher cost, what weight is going to be given to minimising landscape impact in that decision process? How is the overall desire to bear down on height to be embedded in the final decision on building design?</p> <p>4.3 (Spare Capacity Fibre Optic Cable)</p> <p>Winchester City Council has made detailed representations on the Fibre Optic Cable (FOCs) issue in its local impact report and in its various submissions at the deadlines. The one aspect that we wish to raise is the applicants reluctance to offer an clear indication of the capacity that the two FOCs will offer. References to 192 fibres per cable and a 20-80 split between the Interconnector and commercial use has been offered but the question remains on how many lines that will actually be offered.</p> <p><i>Postscript: The Council notes the applicant's intention to offer a response on this matter by deadline 6.</i></p> <p><i>The Council recalls the conversation on whether the removal of the telecommunications building will necessitate a larger converter station to accommodate that element of the fibre optic cable link to be dedicated to the inter connector. The applicant indicated they would respond to this matter at deadline 6. The Council will await that response. However, it was understood that this split may already have been factored into the proposal as the telecom building is positioned outside the secure Converter Station area in anticipation that a commercial operator could obtain access to the FOC set up without the need to enter the energy site.</i></p>	<p>size of foundations and quantity of, quantity of cladding and cladding rails, insulation etc. With reference to Costing Steelwork #15 published in November 2020 (https://www.steelconstruction.info/images/a/a5/Costing_Steelwork-15.pdf), a 4m increase in the height of an industrial building (i.e. portal frame) can increase the construction cost by an average of about 15%. Therefore, it is in the contractor's interest to keep the building height as low as possible.</p> <p>4.3 (Spare Capacity Fibre Optic Cable)</p> <p>Please refer to the Applicant's post hearing notes submitted at Deadline 6 (REP6-063), paragraph 2.9.6 in relation to ISH1, which confirms it is anticipated that the FOC to be installed with each pair of DC cables will contain no more than sixteen (16) bundles of fibres, with each bundle containing twelve (12) fibres. Three (3) of these bundles are required for the essential operation of the interconnector and thirteen (13) bundles are available for commercial use. Thus the capacity split is 20% for essential use in connection with the safe operation of the Project and 80% for commercial telecommunications purposes.</p> <p>Further, paragraph 2.9.3 of the Applicant's post hearing notes submitted at Deadline 6 (REP6-063) in relation to ISH1 confirms the position with regard to the implications for the design of the Converter Station where the commercial use is not permitted and the Telecommunications Buildings removed. In those circumstances there would be no change to the control building design or dimensions.</p>
	<p><u>Issue Specific Hearing 1 draft DCO</u></p> <p><u>5 Schedule 2 Requirements</u></p> <p>5.3 Issue around use of term "commencement"</p> <p>Winchester City Council notes the applicants attempt to resolve the problems associated with the term "commencement" by adding caveats to the requirements, but the Council views this as simply confusing the situation further. It is the Councils view that the simplest way to resolve and clarify this matter is to remove certain types of activity from the list of onshore site preparation works. These are:</p>	<p><u>Commencement</u></p> <p>The Applicant has further considered the term "commencement" in the Order and its use, including when Onshore Site Preparation Works may and may not be undertaken. The Applicant is content with the definitions and that all matters for which mitigation is required are secured by the Requirements to the DCO (REP6-015).</p> <p><u>Employment and Skills Strategy</u></p> <p>The Applicant is continuing to engage with WCC (and PCC) on the request for an Employment and Skills Strategy (ESS), noting that much of the works to be undertaken will be undertaken by specialist contractors familiar with the construction of high voltage electrical apparatus.</p>

- Site clearance
- Removal of hedgerows, trees and shrubs,
- Remedial works in respect of contaminated ground,
- Erection of construction plant and equipment and
- Erection of temporary buildings.

A revised list of what constitutes pre commencement work would then fit in with what appears in other DCOs under this heading.

Postscript: The Council notes the applicants confirmation that this matter is under consideration.

5.6 Employment and Skills Plan

Winchester City Council wishes to see an additional requirement imposed in the DCO that seeks an Employment and Skills Plan from the applicant. The Council notes the applicants concerns that any plan contains realistic objectives and it believes this concern can be addressed. The matter continues to be the subject on discussions with the applicant and the Council is hopeful of a positive outcome.

Postscript: In later discussions on legal agreements, an ESP was referred to as part of an agreement. Winchester is flexible as to which mechanism is used (requirement or legal agreement) to cover this issue.

Requirements

Before the conclusion of the discussion on the requirements, Winchester City Council made several general comments on their contents. Officers did not intend to go through them line for line but raised several important issues. Reference was made to R4, which at present only refers to the micro siting option relating to the converter station. It was pointed out that the launch site for HDD5 at Denmead Meadows is currently offering two alternatives and that needs to be recognised in the requirements (if no final decision is made during the Examination). R4 seems to be a suitable place to do this by adding a second element to the requirement.

The Council considers that R7, 8 & 9 are unnecessarily complicated and would benefit from redrafting. R7 is attempting to cover multiple areas that in the Councils opinion would be better separated out into different requirements.

Finally, the Council wishes to see a new Grampian type requirement that prohibits any start on the UK side until the French side is approved.

The above are set out in detail in the Councils submissions.

A draft has been prepared and circulated to WCC and the other host local planning authorities. It is submitted at Deadline 7 with a view to agreement with the LPAs in advance of Deadline 8 (document reference 7.9.35).

Requirements

Following the amendments made at Deadline 6, the amendment requested to requirement 4 are not considered to be necessary. As stated in the Applicant's post hearing notes (REP6-063), requirement 6(3) within the dDCO submitted at Deadline 6 (REP6-015) has been updated to confirm that before the construction may be commenced of a relevant phase of Work No.4 which includes a HDD or a Trenchless Installation Technique installation, the spatial extent and layout of the relevant compound areas must be submitted to and approved in writing by the relevant planning authority. Any such compound must be located within the areas identified for such compounds on the updated Works Plans (REP6-008, Rev05).

Amendments to requirements 7, 8 and 9 were made at Deadline 6 in response to comments made at the hearings however the Applicant does not consider these to be unnecessarily complicated and does not see a need to further complicate the drafting by separating out requirements as suggested by WCC. Precedent for the form of the Requirements is provided for by other made DCOs, including Drax Re-Power.

A "Grampian" style condition is not considered appropriate. The position with regard to French consents is explained in other consents and licences document (REP1-029). A further update to this document was submitted at Deadline 6 (REP6-024). As was confirmed at the hearings, the French consents have been applied for and expectation is that they will be granted at a similar time to the UK consents. Updates in respect of the position in relation to regulatory approvals were provided in the updated Funding Statement submitted at Deadline 6 (REP6-021).

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	<p><i>Postscript: The applicant's acknowledgement that the dDCO has been the subject of ongoing discussions with the Council is welcome and that the proposals set out by the Council are under active consideration.</i></p> <p><i>Having noted the discussions at CAH1 on the regulatory requirements associated with the project on the European side, the Council feels its proposals for a "no start requirement" as outlined above would address those concern.</i></p>	
	<p><u>Compulsory Acquisitions Hearing 1</u></p> <p><u>3 Summary of DCO Provisions</u></p> <p>3.3 Deed of Covenant</p> <p>WCC have reviewed the template deed of grant and do not consider that in its current form it is fit for purpose. The purpose being to enable implementation of and ensure compliance in perpetuity by Aquind and a subsequent operator with the landscaping mitigation proposed by the applicant. The landscaping has been put forward by the applicant as screening for the interconnector building. Consequently the landscaping screening must be guaranteed by Aquind and the operator for the full period that the building is standing on the land and not just whilst the building is operational. Hence the WCC request that to ensure that the applicant is empowered to ensure that the landscaping is implemented and maintained in perpetuity.</p> <p>Secondly the deed is a template which may be entered into and quite probably will be amended through landowner discussions and hence not fit for purpose of ensuing the landscaping is implemented and maintained in perpetuity or the existence of the building.</p> <p>Finally, the deed of grant is considered to omit matters such as the following:</p> <ol style="list-style-type: none"> 1. Access rights to the landscaping areas by the applicant. 2. Acknowledgement by both parties to comply with any notices served by the WCC. 3. Acknowledgement that both parties are jointly and severally liable to pay all reasonable associated time and costs incurred in the inspection, preparation and enforcement of such notice(s). 4. Ensuring that any actions or inaction required within such notice such as fencing as erected / complied with within the timeframe prescribed by such notice. 5. Rights to WCC to enter the land is required to undertake works prescribed and not undertaken in a notice that both parties are jointly and 	<p>The implementation, retention and maintenance of the Landscaping for the Operational Period is secured via the Requirements to the DCO, not the Deed of Covenant, which is a voluntary agreement to secure the necessary rights to retain and maintain the landscaping.</p> <p>The Applicant and its legal advisors are content the draft form of Deed of Covenant is adequate to ensure the Undertaker complies with the legal requirements placed upon it in relation to and by the Order. Should a landowner seek to negotiate a position which was not satisfactory to secure the necessary rights to ensure compliance, the Applicant would rely on the powers of compulsory acquisition in the DCO for which consent is sought.</p> <p>Matters relating to Enforcement are provided for by Chapter 8 of the 2008 Act. WCC as a local planning authority will be able to rely on those enforcement provisions for ensuring compliance as necessary. Such matters are not matters which need to be written into land agreements, which the statutory scheme is cognisant of and provides for (see for example Section 163 in relation to accessing land for the purpose of investigating compliance).</p> <p>The Applicant has no intention to seek to resolve WCC's perceived issues with the enforcement pursuant to the 2008 Act. This is a matter for the legislator to address, rather than an Applicant for a DCO.</p>

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	<p>severally liable to pay all reasonable associated time and costs incurred by both WCC and contractors engaged by WCC to act on their behalf.</p> <p>6. A link to the implementation of the DCO landscaping plan or DCO requirements, for example currently the standard of maintenance is to "good agricultural practice" and should include additional obligations linking to the DCO</p> <p>7. A link to the purpose of the landscaping being to mitigate environmental effects of the building as long as the building remains standing.</p> <p>Finally the applicant has stated that WCC may take enforcement action through a civil route to ensure that the landscaping is implemented and maintained, such as suggestion is illogical as by the time a court date is set a tree will be dead. Additionally WCC is not resourced to take such action and it is submitted that the responsibility for enforcement should rest first with the applicant and WCC as last resort.</p>	
	<p><u>Issue Specific Hearing 3: Environmental Matters</u></p> <p><u>4 Landscape, visual impact and tranquillity</u></p> <p>4(d) Lighting</p> <p>As noted by the applicant, the Council has been a party to the discussions on lighting and the limitations on when this will be used. The one question raised is whether the dDCO actually includes a provision that no additional lighting will be added to that submitted and approved under R6? Having checked the dDCO there does not seem to be any such provision and one should be added.</p> <p><i>Postscript: Additional bulkhead lights could be installed on the site without their presence triggering the need for any planning consent or further consent under the terms of the DCO. This seems a logical suggestion in the same way that there is a section of R6 that requires any replacement of the cladding to be the same colour.</i></p> <p>4(e) Landscape and Visual Impact Assessment</p> <p>The Council notes the applicant's indication that mobile tower cranes will be used on site. However, it questions what control is in place within the dDCO to prohibit any contractor from wishing to use a tower crane instead of a mobile crane? Such equipment is a more common feature on construction sites. Should the dDCO not contain such a restriction?</p> <p><i>Postscript: The Council notes and welcomes the request for a post hearing note on this matter from the applicant.</i></p>	<p><u>Lighting</u></p> <p>Requirement 6(1) requires the design details to be approved, including in respect of external lighting. Requirement 6(6) requires the works to be carried out in accordance with the approved details. It is not understood on what basis WCC consider additional lighting would be installed, but it would appear such lighting suggested does not form part of the Authorised Development for which consent is sought. The Requirements, those above and Requirement 23, in relation to operational lighting are wholly adequate to control the lighting to be provided as part of the Authorised Development and its use.</p> <p><u>Landscape and Visual Impact Assessment</u></p> <p>The Applicant notes this comment and refers to the updated OOCEMP (REP6-036, Rev006) paragraph 6.3.1.1 which states "Construction cranes will be retracted when not in use. The height of the cranes when not in use will be dependent on the crane manufacturer, but likely to be approximately 5m. Tower cranes will not be used on site." This is secured through Schedule 2 Requirement 15 of the dDCO (REP6-015).</p>

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	<p><u>Agent of Change – Requested Clarification on WCC's position</u></p> <p>The revised paragraph 182 of the National Planning Policy Framework (NPPF) states:</p> <p>“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”</p> <p>This is expanded within the associated Planning Guidance on noise Paragraph: 010 Reference ID: 30-010-20190722 (https://www.gov.uk/guidance/noise--2).</p> <p>This should provide the applicant with reassurance, not concern, that any future development that could prejudice their operation would be assessed in planning terms in accordance with the Agent of Change principle. The Planning Authority would be required to ensure that any proposals for sensitive receptors closer to the applicant's site would not therefore prejudice agreed operational parameters. The applicant is therefore seeking planning controls via this DCO to negate a concern that the NPPF already provides adequate controls and duties upon the planning authority to prevent.</p> <p>The Agent of Change principle is not part of a defense to proceedings in statutory nuisance under the Environmental Protection Act 1990 (or in common law nuisance) and it maybe that it is this that applicant is referring to. However, it is considered that the argument of Agent of Change is gaining traction within case law and although not a statutory defense it does not mean it is not a material consideration, with the concepts being part of a wider reinterpretation of what amounts to reasonable use of land. The Agent of Change concept should therefore assist in providing the applicant with a great confidence with regards to their position with any such future actions. It certainly is not, in WCC's view, a reason to seek total exemption from allowing the Courts to judge upon such matters.</p> <p><i>Postscript: the Council will seek further discussions with the applicant to seek a common position on this matter.</i></p>	<p>Please see the Applicant's response to ExA Further Written Question N2.11.1 (document reference 7.4.3) which confirms the Applicant's position as to why the relevant paragraphs of Article 9 are appropriate, the precedent set by many made DCOs, and the Applicant's position in relation to the Agent of Change Principle and why this does not assist.</p>

Table 2.4 – Winchester City Council – Deadline 6 Responses

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
7.7.9	<p><u>Biodiversity Position Paper Rev 001 (REP1-138)</u></p> <p>WCC considers that a sufficient level of detail is required at this stage so that a reasonable assessment of the two options for the location of the HDD compound can be made at this time and not left to the pre contract stage</p> <p>The concern of residual harm to the habitat value is still consider to exist and needs addressing. The Council has a number of questions on the proposals at Denmead Meadows and these will be presented separately. Fundamentally, what is judged to be a successful reinstatement?</p> <p>The combined average depth of top soil and head Deposit was reported by the applicant in deadline 3 (7.4.1.3) as 1m in depth.</p> <p>The Council questions if it is practicable for the applicant to suggest this depth of soil is removed over the 8 hectares. The alternative option of inverting the top 1.5 to 2m of material is also viewed with concern.</p> <p>Removing the soil and sub soil would displace a significant amount of material.70-80,000 tonnes How would the lower level be bladed back into the surrounding ground levels? What would the implications be on surface water drainage?</p> <p>Regarding the inversion approach, this is an area of approximately 400m by 200m in size. It would also be a Major engineering feat to place the existing soil/subsoil below a layer of chalk that would have been excavated from underneath it.</p> <p>Again, what would be implications be for surface water drainage?</p> <p>The response indicates that the applicant seems willing to invest a significant amount of energy into this work. Could some of that not be applied to the creation of other types of priority habitats particularly in those areas identified as grassland but which are smaller in size and may be difficult to engineer the change to grassland for the reasons outlined above.</p> <p>The Council does wish to explore these concerns further.</p>	<p>Habitat survey information, comprising detailed botanical survey data (ES Appendix 16.4 Non-Statutory Designated Sites (APP-412) provides sufficient information to assess the effects of the two HDD5 launch compound options considered in the Environmental Statement (APP-137). These data identify the compound location to the north of Hambledon Road as qualifying as a Habitat of Principal Importance (HPI), being Lowland Meadow habitat and of high ecological importance. South of Hambledon Road, habitat was identified as semi-improved grassland not of HPI quality and its botanical community limited by its use as agricultural grazing pasture, and of low ecological importance.</p> <p>Informed by this information the Applicant has determined that the HDD5 launch compound option to the south of Hambledon Road will be carried through to design stage. The option to the north within Denmead Meadows, which has been assessed as the ES worst-case option, will not be progressed.</p> <p>The compound location south of Hambledon Road does not comprise lowland meadow habitat, an irreplaceable habitat as identified by the Biodiversity Position Paper (REP3-012). Lowland meadow habitat is now avoided by the Proposed Development, and bespoke mitigation for its loss as previously incorporated into ES Chapter 16 (Onshore Ecology) (APP-131) is now not required.</p> <p>The approach to cut and fill at the Converter Station is explained in Section 5.2.10 of the Applicant's Deadline 6 Submission - 5.5 Design and Access Statement (REP6-025).</p> <p>For clarification the applicant confirms that it is not the intention that a 1m depth of topsoil and subsoil base is removed throughout the whole Converter Station Area; this is an average figure. The depth of the excavation will range between a few hundred millimetres to several meters, to suit different temporary and permanent construction activities. The most significant excavation depth is for the creation of the Converter Station Platform with the depth of excavation in excess of 6m. For further information, refer to section 5.2.10 of Deadline 6 Submission - 5.5 Design and Access Statement (REP6-025). The Applicant understands that the comments relate to the establishment of species-rich calcareous grassland,</p> <p>The details of how species-rich calcareous grassland will be established on this site will be determined at Detailed Design stage, once conditions such as soil depth and existing soil composition have been determined by ground investigation works, soil sampling and testing as well as reviewing the implications on surface water / drainage and ground levels.</p> <p>At this stage the Applicant considers that soil inversion followed by normal cultivation to form a fine tilth of impoverished base-rich soil is most likely with 150 mm topsoil scraped off and mixed with subsoil (resulting from excess fill associated with the creation of the Converter Station platform) to create an impoverished substrate as opposed to removing subsoil off site as explained in the updated OLBS submitted at Deadline 7 (REP6-038, Rev004). A native seed mix of a local provenance will be sown to achieve a species-rich grassland, aiming for a calcareous character within its botanical community, based on indicator species present on site. The mix will</p>

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
		<p>be approved by the relevant planning authority in consultation with the SDNPA as part of the detailed landscaping scheme referred to in Requirement 7 of the dDCO (REP6-015).</p> <p>All decisions about techniques at detail design stage will take into account the whole environmental cost / benefit of such works: the potential environmental cost of off-site disposal would weigh heavily against large-scale soil removal.</p> <p>For clarification the applicant confirms that it is not the intention that a 1m depth of topsoil and subsoil base is removed throughout the whole Converter Station Area; this is an average figure. The depth of the excavation will range between a few hundred millimetres to several meters, to suit different temporary and permanent construction activities. The most significant excavation depth is for the creation of the Converter Station Platform with the depth of excavation in excess of 6m. For further information, refer to section 5.2.10 of Deadline 6 Submission - 5.5 Design and Access Statement (REP6-025). The details of how species-rich grassland will be established on this site will be determined at Detailed Design stage once conditions such as soil depth and existing soil composition have been determined by ground investigation works, soil sampling and testing. This design process will review the implications on surface water / drainage within these soft landscaping areas, and where proposed reinstatement of soil types could affect the soft landscaping / existing surface water drainage regime the proposed reinstatement shall form part of the surface water drainage strategy.</p> <p>A surface water drainage strategy has been developed in consultation with the Environment Agency, Portsmouth Water and Hampshire County Council's Lead Local Flood Authority with the overarching principles agreed and reflected within the relevant SoCGs. Furthermore, the requirement for the submission of detailed design, which accord with the DAS (including the Surface Water Drainage and Aquifer Contamination Strategy), is secured via Schedule 2 Requirement 6 of the dDCO (see EA 3.4.1.1). In addition, the Requirement ensures that Environment Agency and Portsmouth Water consultation, alongside the relevant planning authority approval, is appropriately provided for in relation to detailed design submission in relation to the Surface Water Drainage and Aquifer Contamination Strategy (Appendix 3 of REP6-025, Rev004).</p>
	<p><u>Comments on the letter from National GridESO submitted at Deadline 5</u></p> <p>Winchester City Council notes the response from National GridESO dated 30 November 2020 and submitted at Deadline 5 (REP5-101 This followed the letter from the ExA dated 27 October (PD-015) which sought clarification on the influence that the proximity of the Lovedean site has to the National Park played in the decision to choose Lovedean over the other two other options under consideration for the connection to the grid. Those other options were Bramley and Chickerill.</p> <p>In its Local Impact report paragraph 4.6.8 (REP-183), the Council had raised a concern that the application was lacking sufficient detail on the weight the proximity to the NP had in the decision making process. Aquind had indicated</p>	<p>The Applicant has clearly set out the reasons why Lovedean Substation was selected within Chapter 2 (Consideration of Alternatives) (APP-117) and the Supplementary Alternatives Chapter (REP1-152), including the reasons why connections to Bramley and Chickerell were discounted. These documents include an explanation of how the National Park was considered in that process by the Applicant, who was responsible for considering the alternatives and selecting the final option for the Proposed Development.</p> <p>The remit of NGESO was to establish which of their existing 400kV substations would be suitable to handle the power import or export of the proposed AQUIND project. To this end they followed a rigorous methodology to review multiple possible connection options on the south coast. For this process they considered the technical challenges associated with each option and the cost benefit of each, both to the Applicant and to National Grid, on behalf of electricity consumers. In this evaluation NGESO recognised the environmental impact involved if connection stations north of the National Park were chosen, due to the need to lay underground cables through the</p>

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	<p>they were not responsible for this decision which they say rested with National GridESO.</p> <p>The Council notes and has considered the contents of the letter from National GridESO. Regretfully, the letter does not explain the process and the weight given to the national park proximity that the Council was expecting. Accordingly, it is not considered by the Council to fully answer the specific question asked about the evidence of the audit trail.</p> <p>The letter refers to two processes. Firstly, the preparation of a Feasibility Study. Secondly, a Connections and Infrastructure Options Note (CION). The first document appears to have fed into the second assessment. The South Downs designation as a National Park is described as a contributing factor in the CION but there is no clear indication of the weight given to that matter in the assessment. Of some concern is the reference to the use of Cost Benefit Analysis in the Feasibility Study. That is consider to be an unrefined tool which has the potential to offer a bias towards saving costs by adopting the shortest distance between two points with less weight given to environmental factors. The letter states that the Feasibility Study was taken into consideration in the CION.</p> <p>It seems clear that both processes must have resulted in the production of reports or notes and the Council believes that the ExA should ask for them to be submitted into the Examination process . This would show that a clear audit trail exists and clarify the weight given to the proximity to the National Park in the context of other considerations. In the event commercial confidentiality is raised, the Council is confident any content that does legitimately fall under that category could be redacted and still leave the relevant section clear</p>	<p>National Park, with this being a factor in the selection by them of Lovedean as the preferred connection option.</p> <p>In considering the potential for a connection to Lovedean Substation to impact on the National Park, and in making a logical conclusion with regard to the impacts a connection to Lovedean Substation would avoid as opposed to another connection which may have required a connection through the National Park, it is clear NGESO has had regard to the purposes of the National Park and based its selection in part on the preference of avoiding impacts on the National Park.</p>

Table 2.5 – Winchester City Council – Local Impact Report

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
4.4.3	<p>At a meeting with the application reference was made to additional information being gathered on the utilities in the Hambledon Road. Aquinds engineers rated the ability to find a route for the cables through these existing services as high. The Council asks that these new utilities plans are shared which may go some way to resolving any concerns.</p>	<p>The Applicant can confirm that appropriate utility searches were conducted confirming feasibility of installation in Hambledon Road. Further route proving studies will be carried out by the contractor post contract award.</p>
4.6.4.2	<p>The ES Chapter 2 reference to the 2017 route consideration was an assessment of road routes only. (Plate 2.9 DC Cable Route Options). The Councils letter dated 1 September 2020 (PDB-006) sets out the chronology of the options considered as detailed in the application. If the applicant has other background records of assessments that did not feature on chapter 2 the Council would welcome sight of them.</p> <p>To date, despite several invitations, the applicant has still not provided a clear chronology of any further "background assessments" of when the</p>	<p>In order to provide further detail the Applicant submitted the Supplementary Alternatives Chapter (REP1-152) in October 2020 to follow on from Chapter 2 (Consideration of Alternatives (APP-117) and provide further detail in relation to the background assessments which were completed as part of the Onshore Cable Route selection process. All background assessments undertaken are detailed within this document.</p> <p>A detailed assessment of the countryside route is provided by the Applicant in the Supplementary Alternatives Chapters (REP1-152), as was detailed in Question 9.2 of the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034).</p>

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	cross country route was considered in the context of the other routes and the level of detail that any assessment considered.	Furthermore, the Applicant refers to its response provided at Deadline 6 (REP6-067) (within Table 2.1) which sets out further detail in relation to the chronology and consideration of the route.

3. OTHER STATUTORY CONSULTEES

Table 3.1 – Newsteer Real Estate Advisers on behalf of Sainsburys Supermarkets

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
<u>Consideration of Alternatives</u>		
	<p>As explained at the hearing, AQUIND's proposal to excavate and lay cables across the entire length of the Sainsbury's Farlington store's car park contravenes one of the strategic principles of the scheme as set out in the Environmental Statement, namely that the onshore cable route would be laid in the highway. It also goes against the criteria that there should be minimal impact on the landowners and occupiers which was reportedly adopted when selecting a cabling route.</p> <p>AQUIND has advanced that it is necessary to utilise private land in this location due to the existence of the elevated section of railway and the preference to extend the cabling route underneath the railway rather than place cables over it. We appreciate there is logic in this given the presence of operational railway infrastructure, but if this necessitates the cabling route passing through a part of the Sainsbury's Farlington store's car park, it does not provide any form of justification for it extending across the entirety of the car park. It is SSL's position that the cabling route positioned within the car park land should be rationalised as much as possible so to:</p> <ul style="list-style-type: none"> (i) minimise the impact to the store and the business, and (ii) reduce the amount of land which is sterilised from any future development as a consequence of the existence of the cable. 	<p>Whilst a significant amount of the Onshore Cable Route remains within the highway, the Applicant, following feedback from Local Authorities, Local Highway Authorities and other Statutory and Non-Statutory Consultees, has made amendments and refinements to the scheme as it has developed. In the majority of cases these have been to move the Onshore Cable Route from highway land to non-highway land, specifically in relation to the impacts of the Proposed Development on traffic.</p> <p>It must also be noted that the 'original red line boundary' for the Proposed Development (as consulted on in January 2018) contained numerous areas of land outside of the highway where the inclusion of such land was required to minimise the impacts of the Proposed Development. This includes the Sainsbury's land which has been included since the 2018 public consultation, also being included within the Order Limits since the Secretary of State directed that the proposed UK elements of the AQUIND Interconnector be treated as development for which development consent is required and for the purposes of the consultation undertaken in early 2019. Section 4.52 of the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034) sets out the rationale around the requirement for the inclusion of land at Sainsbury's Car Park. Furthermore, the Transcript notes that the exit site compound for the micro tunnelling beneath the railway, which is proposed to be located in the Sainsbury's Car Park, has been reduced in size to minimise the impact on the car park.</p> <p>Further, as is explained in the Applicant's Written Summaries of Oral Submissions (REP6-062), It was acknowledged that changes have been made to the Application since the consultation was carried out in 2018 and 2019. In particular, a substantial amount of land has been removed from Eastern Road in attempt to secure the least impactful route. Further, at Deadline 1, an area of highway land adjacent to Zetland fields was removed. The removal of this highway land in response to assessments undertaken and feedback received is in no way a contravention of the strategic principles of the scheme, rather it is the product of a considered approach to alternatives, taking into account all relevant factors including the environmental impacts of the proposals and considerations in relation to alternatives to compulsory acquisition.</p> <p>With regard to the Onshore Cable Route being routed through the northern part of the Sainsbury's car park rather than re-joining Eastern Road at an earlier stage (i.e. in the vicinity of the pedestrian crossing at the west side of the car park), this would avoid the need to route the cables through the not insignificant sloped verge between the car park and Eastern Road. It would also avoid a significant number of additional utility crossings for both circuits over and above those required for the route proposed through Sainsbury's car park, namely;</p>

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		<ul style="list-style-type: none"> • 3 no. Southern Water sewers; • 2 no. pairs of SSE High Voltage cable; • 1 no. SSE low voltage cable; • 3 no. Southern Gas mains; and • 2 no. PCC drains. <p>With regard to installing the Onshore Cable Route in the footpath which runs along the eastern side of Eastern Road, the footpath already contains a number of utilities, namely a pair of SSE High Voltage Cables (these are the cables which continue through the south western corner of Sainsbury's car park and then cross under the railway) and a Southern Gas Networks gas main. Closer to the junction with Fitzherbert Road there are also SSE low voltage cables, numerous City Fibre and Openreach telecommunications cables, Southern Water Sewers and Portsmouth City Council drains. The presence of these utilities would mean that the cables could not be accommodated in the footpath but instead both circuits would need to be installed in the highway and would run past the busy junctions of Eastern Road and Grove Road and Eastern Road and Fitzherbert Road.</p> <p>As a result, the Applicant is confident that the route through the Sainsbury's car park is a less impactful route than the route proposed by Sainsbury's in Eastern Road.</p>
	<p>AQUIND's proposed cabling route extends along the entirety of the customer car park's access road which is the sole access to the store from the public highway. The works will result in a significant interference with customer access, an interference which is avoidable.</p>	<p>As is set out in Section 8 of the Framework Traffic Management Strategy (REP6-030), it is proposed that access to Sainsbury's car park is maintained at all times during construction through the use of temporary traffic signals. Furthermore, as is set out in Section 5.22. of Appendix 1 the Framework Traffic Management Strategy (REP6-030), the temporary suspension of parking bays within Sainsbury's car park is likely to impact only 30-40 spaces of the 640 bay car park at any one time. Section 8 of the Framework Traffic Management Strategy (REP6-030) also prohibits works being undertaken within Sainsbury's car park or on Fitzherbert Road in the month of December, as to avoid peak shopping periods. All measures set out within the Framework Traffic Management Strategy (REP6-030) are secured via part 5 of the protective provisions set out in the draft Development Consent Order (REP6-015).</p>
	<p>As presented at the hearing and as shown at Appendix 1, assuming that it is necessary for the cabling route to enter the Sainsbury's Farlington store's car park at its southern boundary, it is entirely feasible that the cabling route could only extend through the southern part of the car park, utilising the reduced level change between the car park and the adopted highway to direct the cabling route into the public highway at this location.</p> <p>As shown in the photographs at Appendix 2, there is a ramped pedestrian footpath that provides access between the store and the public highway and this route can be utilised to move the cabling into the adopted highway.</p> <p>This option has the advantages of: (i) minimising the incursion of the cabling route into private land as per the strategic principles of the scheme, (ii) minimising the disruption to Sainsbury's operations, and (iii) reducing the amount of land which is sterilised as a consequence of the cabling</p>	<p>As is set out in Section 8 of the Framework Traffic Management Strategy (REP6-030), it is proposed that access to Sainsbury's car park is maintained at all times during construction through the use of temporary traffic signals. Furthermore, as is set out in Section 5.22. of Appendix 1 the Framework Traffic Management Strategy (REP6-030), the temporary suspension of parking bays within Sainsbury's car park is likely to impact only 30-40 spaces of the 640 bay car park at any one time All measures set out within the Framework traffic Management Strategy (REP6-030) are secured via part 5 of the protective provisions set out in the draft Development Consent Order (REP6-015).The overall timescale to complete the works with Sainsbury's land is 21 weeks. This includes 13 weeks for the railway HDD and eight weeks for joint bay construction, jointing and reinstatement. The trenching works will take an estimated four weeks which will run in parallel with the HDD works. Adopting the alternative route will reduce the trenching time by an estimated period of three weeks. It will not reduce the overall time for the works in this area because of the parallel working.</p> <p>As noted above it is proposed that access to Sainsbury's car park is maintained at all times during the construction works and that suspension of parking bays will only effect around 6% of the available car</p>

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	<p>route (which based on experience will likely extend 3-6m from the centre line of the cable route).</p> <p>In response to this alternative route, at the hearing AQUIND responded that the diversion of the cabling route into the public highway at this location would result in approximately 3 weeks less work on SSL's land and that placing through the entirety of the store's car park represented the "least impactful route", particularly if works were limited to commencing at 18:30 and finishing at 06:00 before the store opened.</p> <p>This response is entirely baseless: Sainsbury's Farlington trades until 10pm, Monday to Saturday. It does so as a significant volume of custom is derived from evening trading reflecting that many people shop after work. To suggest that 3 weeks of excavating and laying cable in the car park as opposed to on the adjoining public highway would cause less impact to Sainsbury's – a timescale which is by no means definitive or committed to and could realistically extend to months – is entirely without foundation. Placing the cables in the adjoining public highway, particularly if the cables are placed in the footpath, will result in a significant reduction in impact to Sainsbury's and have minimal impact on the general public. Even if placed in the road, the impact would be less given the longer working times available meaning the works will be completed in a quicker timeframe and can be focussed on non-peak travel periods both during the day and in the evenings / overnight working in appropriate locations. The road is also a dual carriageway providing ample space to undertake works.</p> <p>We note that AQUIND advised in the hearing that they would look to avoid putting cables in the public footpath given the proximity of trees and the potential for roots to interfere with the new cables. We note that there is an existing electricity cable located in the footpath and we expect that any issues can be avoided through an appropriate design, particularly given the width of the footpath.</p>	<p>parking spaces. Therefore, routing the cables along the highway is considered to have a greater impact on the public. The ramped pedestrian footpath that provides access between the store and the public highway could potentially provide sufficient width, however for only one circuit. This utilisation would also require the removal of trees and bushes in the vicinity of the footpath to facilitate the installation of the second circuit.</p>
	<p><u>Reduction of the Order Limit</u></p> <p>In the hearing we repeated our concerns that the Order Limit is far too extensive and unreasonable. The extent of the land over which new rights are sought totals 12,279 sq. m and includes the store's sole customer access from the public highway, the entire length of the car park's principal access and circulation road, the car wash, landscaped areas, several rows of car parking and the store's recycling centre. The extent of rights sought is illustrative of a lack of clarity over delivery of the project. They are excessive, a point acknowledged by AQUIND at the hearing when they advised that they are proposing to reduce the area of land at Sainsbury's Farlington included within the DCO.</p> <p>It is clear that the majority of the rights sought are not necessary for the delivery of the scheme. These proposed rights have the potential to</p>	<p>The Applicant has submitted a Change Request at Deadline 7 which results in a substantial reduction in the extent of the Order Limits at Sainsburys. Furthermore, the Applicant has reduced the class of rights over a significant proportion of the land remaining within the Order Limits from New Connection Works Rights to Temporary Use.</p> <p>With regard to the nature of the rights that can be acquired, as was extensively explained at the Hearings by the Applicant the Order Limits for the Onshore Cable Corridor represent a limit of deviation. Rights over only so much land as is necessary for maintenance purposes would be able to be acquired in accordance with Article 23 of the DCO, which is subject to a test of necessity. The response provided seeks to mischaracterise the position.</p>

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	<p>increase disruption to business, whilst also depreciating the future value of a considerable portion of the property. As highlighted in the hearing, the rights to be acquired are open ended: they are not limited to the construction period but can be exercised into perpetuity. This is not acceptable.</p> <p>An assessment of the land required for the cabling route is imperative, with the Order Limit's reduced and the cabling route placed in the highway.</p>	
	<p><u>Engagement</u></p> <p>As explained in the hearing, Newsteer have engaged with AQUIND since May 2020 expressing Sainsbury's concerns and objection to the proposals. The need for alternative routes to be utilised, construction works that are necessary within the SSL's land to be undertaken outside of store trading hours and also outside of the peak Easter and Christmas trading seasons, the extent of land included within the DCO land acquisition plans to be reduced, and traffic management and works programmes to be developed in partnership has been articulated but no substantive response was received until the 26th November 2020.</p> <p>When this response was received it maintained the same existing route with no justification why the alternative suggested would not be feasible and did not commit to out of trading hours working (proposing that works commence at 18:30 each day despite the store being open until 22:00 and the last customers not existing the car park until after 22:30).</p> <p>The blasé response given at the hearing that the works in the northern area of the car park would only last 3 weeks (I highlight no such commitment has been made) and would be the least impactful option is ignorant of SSL's reasonable concerns and that an alternative, least impactful route exists. No evidence has been provided to substantiate the claim that this is the least impactful route. We contend it clearly is not.</p>	<p>It is worth noting that the Applicant has made numerous attempts to engage with Sainsbury's in relation to the Proposed Development prior to the appointment of Newsteer Real Estate Advisers. The Applicant first engaged with Sainsbury's in relation to the Proposed Development in December 2017 in relation to permissions required to undertake ground investigations in the southern part of their car park (for the railway crossing). The ground investigations took place in 2018 and the Applicant liaised with Sainsbury's in relation to accommodating these.</p> <p>The Applicant's agent met Sainsbury's on 06 March 2019 to provide an overview of the project, the rights being sought and the DCO process. The Applicant's agent emailed the Sainsbury's representative on 28 May 2019 summarising the meeting which took place on 06 March 2019 and requested feedback from Sainsbury's. The summary of the meeting stated <i>'the scheme consists of 4 high voltage direct current (HVDC) cables and 2 fibre optic cables (FOC) which run between Normandy and Lovedean. Cables are most commonly laid in trenches but it is also possible to carry out horizontal directional drilling (HDD) or micro-tunnelling where trenching is not feasible. The cables are generally laid in two trenches, with each trench accommodating 2 HVDC cables (together 'a circuit') and 1 FOC. The trenches are approximately 1.2m deep, although it is possible for them to be deeper or shallower depending on local conditions, and ideally there would be a 3-5m spacing between the trenches'</i>. It also stated <i>'the project's intention would most likely be to run the cables from the reception pit in the south west corner of the car park, through the car park and then exiting to Fitzherbert Road before continuing north through Zetland Field (preferably) or Eastern Road. This will of course need traffic management measures which the traffic and installation engineers are currently working on. It is expected this can be carried out without any full closures which will minimise the impact on traffic and local businesses etc'</i>.</p> <p>The Applicant's agent sent further emails to Sainsbury's requesting feedback and further engagement on 02 August 2019, 13 September 2019 and 26 September 2019. A further email was sent to Sainsbury's representative on 13 March 2020 providing a summary of the DCO submission and requesting a date for a call to discuss the Proposed Development prior to issuing Heads of Terms. Further requests for engagement were sent on 01 April 2020 and 13 April 2020 following which a response was received advising that Sainsbury's had appointed Newsteer Real Estate Advisers to act on their behalf.</p> <p>Since the appointment of Newsteer Real Estate Advisers the Applicant and Newsteer have had a number of meetings to progress matters (28 May 2020, 18 September 2020, 12 November 2020 and 07 December 2020) and the Applicant issued the Memo (26 November 2020) setting out mitigation measures reflecting discussions which took place between the parties.</p> <p>With regard to timing of the works between the pedestrian crossing in Sainsbury's car park and the northern edge of Fitzherbert Road, which comprises approximately 350m of trenching (175m x 2 no.</p>

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		<p>circuits), this will take approximately three and a half weeks based on an installation rate of 100m per week.</p> <p>As referenced in the previous response, the Applicant has submitted a change request at Deadline 7 which results in a substantial reduction in the extent of the Order Limits at Sainsburys. Furthermore, the Applicant has reduced the class of rights over a significant proportion of the land remaining within the Order Limits from New Connection Works Rights to Temporary Use and the revised OOCEMP has been updated to include the Easter and Christmas restrictions and the Working Hours of 18.30 to 07.00.</p> <p>However, the Applicant is not able to commit to undertaking all of the works by the entrance to Sainsburys outside of trading hours (i.e. between 22.00 and 07.00). This is specifically driven by the need to undertake certain noise generating works before 22.00 to satisfy the requirements in relation to noise levels.</p> <p>In relation to choice of the Onshore Cable Route and the location of the Onshore Cable Route within Sainsbury's land, the Applicant will continue to engage with Sainsbury's to agree further measures (e.g. in relation to method statements and programme) which could minimise the impact of the Proposed Development on Sainsbury's (noting the existing utilities in the western edge of the Sainsbury's car park) but is not amenable to making wholesale changes to the cable route given the proposals have not changed since they were first communicated to Sainsbury's.</p>
	<p><u>Conclusion</u></p> <p>The Ministry of Housing, Communities and Local Government's guidance on procedures for the compulsory acquisition of land under the Planning Act 2008 states:</p> <ul style="list-style-type: none"> • Para 8 - The applicant should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored. The applicant will also need to demonstrate that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate. • Para 9 - The applicant must have a clear idea of how they intend to use the land which it is proposed to acquire. They should also be able to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available. <p>It is evident that AQUIND have not explored all reasonable alternatives to the compulsory acquisition, and that the use of SSL's land is necessary and proportionate. Alternatives clearly exist and no justification has been presented as to why the cabling route cannot exit the Sainsbury's Farlington store's car park at a much earlier point, this being at the pedestrian access ramp between the car park and Eastern Road, at which point the cabling route can be situated in the public highway. The use of highways rather than private land to locate cables was a principal tenet of</p>	<p>The Applicant has fully considered the reasonable alternatives for the Proposed Development, including in respect of the part of the Authorised Development proposed to be located in the Sainsbury's car park. These considerations have had regard to alternatives to compulsory acquisition, as well as other relevant factors. Whilst the alternative proposals of SSL, first put forward in September 2020, ten months after the submission of the Application, are noted, the Applicant does not consider the alternative presented by Sainsbury's of the cable circuits exiting the car park at an earlier point is an appropriate alternative for the reasons set out in the responses provided earlier in this table.</p> <p>The Applicant is committed to working with Sainsbury's to agree measure to minimise the impact on their business above those already committed to by the Applicant, such as reducing the Order Limits as set out in Change Request 3 and updating the OOCEMP to include the Easter and Christmas restrictions and the Working Hours of 18.30 to 07.00 (noting the restrictions of undertaking certain works after 22.00 related to noise). However, the reasons why the Applicant has chosen the cable route through Sainsbury's car park are well underpinned, with the alternative proposed by Sainsbury's via Eastern Road posing numerous challenges over and above the Applicant's route.</p> <p>As has been explained, the rights to be acquired will be only those which are necessary for the Authorised Development, and therefore will be the minimum amount necessary, and only the maintenance rights will apply following the construction of the Authorised Development.</p>

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	<p>the project and should be abided by. It has the advantages of minimising disruption to Sainsbury's and not sterilising land into the future.</p> <p>The extent of land included within the Order Limits demonstrates that AQUIND do not have a clear idea as to how they intend to utilise the land. These rights are extensive, run into perpetuity and will blight SSL's land going forward. They are simply not necessary to deliver the interconnector project, a point accepted by AQUIND at the hearing.</p> <p>In summary:</p> <ul style="list-style-type: none"> • SSL accept that it may be necessary for the cabling route to enter into their land at the southern end of the car park, but the cable should exit the car park at the earliest possible opportunity, rather than run the length of the car park. A viable alternative cabling route exists, has ben presented and should be adopted. • If works are required at Sainsbury's Farlington, they should be limited to hours where the store is not trading so to minimise the impact on the business (at least 30 minutes either side of trading hours). The opening hours of the store are: Monday – Saturday: 07:00 – 22:00 and Sunday: 10:00 – 16:00. • Works should not take place in the Easter and Christmas trading periods i.e. the two weeks leading up to Easter Sunday and the five weeks preceding Christmas Day. • The rights secured over the land should be reduced to the minimum necessary, with only maintenance rights binding the land into perpetuity (with all other rights limited to a reasonable construction period). • If following the consideration of submissions and evidence the Inspector is satisfied that AQUIND's proposed route through the entirety of the car park is the only viable option and the acquisition of rights justified and is in the public interest, AQUIND should be required to work with Sainsbury's to agree traffic management plans, works programme and to ensure that access and egress from the store car park is possible at all times. 	

Table 3.2 – Marine Management Organisation

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
Summary of Oral Cases made during Issue Specific Hearing 3 (ISH 3) – Environmental Matters		
1.2.1	<p><i>Can the Marine Management Organisation (MMO) and Natural England confirm if the methods of non-burial protection for the cable are acceptable and adequately secured in the DCO and Deemed Marine Licence? Following the Applicant's response at Deadline 2, do you still consider that further detail needs to be added to the design parameters to confirm maximum amount of cable protection required?</i></p> <p>Originally the MMO's main concerns were regarding the use of grout bags.</p> <p>The MMO welcomes the applicant's explanation that the MMO will be required to approve the deployment of cable protection (during construction and operation) as per licence conditions in the DML including Part 2, Condition 4 Cable Burial and Installation Plan and Cable Burial Management Plan in Condition 11 respectively. The MMO will review these conditions again internally with respect to this and will provide confirmation at DL6 as to whether we are content.</p> <p>In addition to this, The MMO had requested that a condition ensuring data no older than 5 years to be presented before post construction cable protection is approved is included within the DML. The applicant provided the MMO with draft wording for a condition on the 8th November. Whilst the MMO appreciates that it covers data being no more than 5 years, the MMO would still like to see the condition secure the need to provide descriptions of the seabed habitat and information regarding what cable protection has been laid to date. This is to ensure that the presence of ephemeral species that may not have been present at baseline surveys is identified. THE RESPONSE DOES NOT OBVIOUSLY RESPOND TO THIS POINT</p>	<p>The Applicant has actioned the requests made by the MMO in regard to cable protection and a licence condition ensuring data no older than 5 years be presented before cable protection is approved. The Applicant has also clarified approvals for deployment of cable protection and has amended the DML which was submitted at DL6 (REP6-015 and REP6-016). An updated SoCG was also submitted at DL6 (REP6-048) which highlights in Table 4.1 the changes made to the DML and provides further context to how the Applicant views the approvals for deployment of cable protection during operation are secured.</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 these matters are resolved. This is reflected in the updated SoCG submitted at DL7 in Table 3.8 (REP6-048Rev 004).</p> <p>However, it is important to note that the Applicant has also submitted ES Addendum 2 (document reference 7.8.2) at DL7 which has been necessary in order to accommodate another proposed cable crossing within the UK Marine Cable Corridor for a fibre optic cable (i.e. CrossChannel Fibre which travels from Brighton to Dieppe) and which potentially will be consented and built before the Proposed Development. The information with the ES Addendum 2 describes the requirement for the cable crossing, the design and also highlights the change to maximum parameters that have already been assessed as part of the ES submitted as part of the DCO Application.</p> <p>The marine and relevant onshore ES topics have also been subject of a robust review which has been described within the ES Addendum 2. The ES Addendum 2 for all marine and relevant onshore topics concludes that, when considered as part of the whole Proposed Development (rather than just considering the cable crossing on its own), the inclusion of the additional cable crossing into the design envelope will not result in any additional significant effects beyond those which have been reported for the Proposed Development alone or cumulatively with other relevant projects and plans. Therefore, the conclusions of the 2019 ES are unaltered and remain valid. It is understood by the Applicant that the MMO will want to review this additional information and assessments and consider their position on the current agreements in light of this.</p> <p>The Applicant awaits a response from the MMO in regard to the ES Addendum 2.</p>
	<p><i>Are all the necessary Deemed Marine Licence conditions in place to satisfy the MMO that all of the mitigation required for the Proposed Development can be secured?</i></p> <p>The MMO confirmed that its position stands that it requests a condition securing Herring mitigation. The MMO have taken a pragmatic approach based on the best available data and recommend wording for conditions which would prevent work from taking place at a specific location of the cable between 15th December and 15th January. MMO have endeavoured to be proportionate in our recommended mitigation. We have recognised that not all of the cable route is suitable as a herring spawning ground. We have used the PSA data and IHLS data to enable us to propose the mitigation spatially. We were also able to refine the mitigation temporally by interrogating each of the three data sets</p>	<p>As stated within the SoCG submitted at DL6 (REP6-048), while the Applicant considers that this mitigation is not required, a four-week restriction will not significantly affect the buildout of the Proposed Development. 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 (document reference 3.1, Rev 006).</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 is awaiting the MMO to draft the wording for the licence condition for this.</p> <p>Regarding noise, the MMO confirmed on the 21 December 2020 that they were content with the assessment provided by the Applicant on 26 November 2020. The MMO confirmed that the Applicant has presented sufficient evidence to support their assessment and conclude that the risk of significant impact is low. Table 3.6 of the SoCG (REP6-048) submitted at DL6 has been updated to reflect this.</p>

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	<p>(December, Early January and Late January IHLS surveys) in order to establish the peak of larval densities for the cable route area. We have also recognised that, the cable laying activities will be a single event of disturbance, rather than the continuous one associated with aggregate extraction.</p> <p>With regards to noise, the MMO can confirm that Cefas has been consulted on the revised assessment which we received from the applicant on the 26th November and will be providing a full response at Deadline 6.</p>	
	<p><i>Further to the Deadline 2 submissions from the parties, have the Applicant and MMO progressed discussions over the outstanding differences between them in relation to the assessment of the AQUIND Interconnector/ Atlantic Crossing interaction and protection? If not, what are the implications if agreement cannot be reached?</i></p> <p>The MMO and the applicant have come to agreement that the length and area of the Atlantic cable crossing will be included. Further, the Applicant is content to amend Part 2, Condition 11 to include provision for details of scour/erosion around the Atlantic Cable Crossing, and the justification for any additional protection which may be required. The MMO will work with the applicant to agree this wording.</p>	<p>The Applicant has responded to and actioned the requests made by the MMO in regard to securing both the parameters of the Atlantic Cable Crossing and the monitoring of scour, and the DML has been amended accordingly and was submitted at DL6 (REP6-015 and REP6-016). An updated SoCG was also submitted at DL6 (REP6-048) which highlights in Table 3.8 the changes made to the DML and the MMO has stated that they are content with these changes.</p> <p>As described above, it is important to note that the Applicant has submitted another revision of the further ES Addendum 2 (document reference 7.8.2,) at DL7 which has been necessary in order to accommodate another proposed cable crossing within the UK Marine Cable Corridor for a fibre optic cable (i.e. CrossChannel Fibre which travels from Brighton to Dieppe) that potentially will be consented and built before the Proposed Development. Although all marine and relevant onshore topics within the ES Addendum 2 (document reference 7.8.2) state that the conclusions of the 2019 ES are unaltered by the inclusion of this additional cable crossing and remain valid, the Applicant is also aware that the MMO will want to review this additional information and assessments to consider their position on the current agreements in light of this.</p> <p>The Applicant awaits a response from the MMO in this regard to the ES Addendum 2.</p>
<p>2.2 Contaminated Sediment</p>		
<p>2.2.1 – 2.2.5</p>	<p>Following submission of the Statement of Common Ground with Marine Management Organisation at Deadline 4, the applicant requested further justification for the proposed DML condition below (referred to in section MMO 4.1.1 of the SoCG):</p> <p><i>"Should dredging at the HDD location not be conducted by 2022, the licence holder must obtain sediment sampling advice from the MMO at least 6 months prior to the end of 2022, to determine whether new sediment analysis is required to dredge from XXX 2023 onwards.</i></p> <p>Reason: To ensure material remains suitable for disposal at sea."</p> <p>This 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 and construction/implementation/dredging. As results are a snapshot in time, the need for additional sampling always needs to be considered on a case by case basis and at relative time scales to ensure protection of the marine environment. Therefore, unless requested by the Examining Authority, the MMO will not be</p>	<p>As outlined in our response at Deadline 6, the Applicant has requested further details from the MMO in order to provide comfort that we are being treated in a proportional 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 a meeting on 13 January 2021 held between the MMO and the Applicant, 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.</p> <p>The MMO has also agreed to provide condition wording which is more specific to what is being requested in regard to repeated sampling for the Applicant to consider.</p>

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	<p>providing examples of other licences where this condition is included, as every licence is different and the MMO makes decisions on a case by case basis. However, the MMO can confirm that where there is considerable lag (3-5 years) or opportunity for contamination of material to occur (spills, anthropogenic input etc.), additional sampling and analysis are often required to ensure decisions made are still properly supported.</p> <p>A low-volume dredge/disposal can be discounted from repeat sediment analysis when it falls under the 500 m³ exemption threshold. The Applicant's argument that a low-volume dredge (which is not under 500 m³) should be discounted from repeat sediment analysis on the basis that it is low volume does therefore not follow. The purpose of repeat sediment analysis is to ensure that decisions are not made using outdated data so as to account for any changes or new inputs into the surrounding environment. The OSPAR guidance gives a threshold for repeat sediment analysis of 3 – 5 years, therefore the proposed condition is already at the furthest end of the date range. Further, contaminant levels obtained previously would have to have indicated that the contamination was below the limit of detection or extremely low for the repeat sediment analysis requirement to be considered for removal.</p> <p>In the MMO's opinion, the contaminant levels presented do not fit these criteria. It may be worth noting that this condition is not being recommended for the offshore sediments the applicant plans to dredge. The difference between the HDD location sediments and those offshore is that certain assumptions can be made about the offshore sediments, notably, that particle size data have confirmed that they are coarse in nature. This is sufficient justification to remove the requirement for repeat sediment analysis in those areas, and assumptions about the likely risk to the marine environment can be appropriately made. The proposed works at the HDD location and the sediments in that area are the focus of the repeat analysis as they do not hold the same assumptions and underlying justification as that of the material being relocated offshore.</p> <p>To reiterate comments made previously, the proposed condition is a necessary part of a risk-based approach. Such an approach can be changed according to local context or an individual project's components, however, sufficient justification and/or evidence must be presented to warrant such a change. The MMO are not convinced that the evidence that has been proposed for the HDD works is sufficient justification to warrant such a change. All previous comments with regard to this condition should be regarded. Whilst contaminant levels did not preclude the material from disposal at sea at the time of the original assessment, repeat sediment analysis will be considered if</p>	<p>The Applicant discussed this matter further with the MMO during a meeting held on the 13 January 20210 and continues to work with the MMO to agree the drafting of the DML condition with the MMO, without prejudice to their position that one is not required, to inform the decision making of the Secretary of State.</p>

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	deemed necessary due to a lag between the consent and the implementation of the project after five years. Based on this, MMO consider that not stipulating the proposed condition would be inappropriate.	
2.3 Cable Protection		
2.3.2	<p>In terms of the temporary use of grout bags, the Applicant has highlighted that the MMO will be required to approve the deployment of cable protection (during construction and operation) as per licence conditions in the DML including Part 2, Condition 4 Cable Burial and Installation Plan and Cable Burial Management Plan in Condition 11 respectively. The MMO acknowledges the Applicant's explanation regarding the approval of cable protection. The MMO would appreciate the applicant highlighting exactly which part of condition 4 and condition 11 will enable the MMO to approve the deployment of cable protection. Providing this is made clear, the MMO is in agreement.</p>	<p>The Applicant has responded to the requests made by the MMO in regard to approvals for deployment of cable protection and has amended the DML accordingly which was submitted at DL6 (REP6-015 and REP6-016). The SoCG was also submitted at DL6 (REP6-048) which highlights in Table 4.1 the changes made to the DML and provides further context to how the Applicant views the approvals for deployment of cable protection during operation are secured.</p> <p>The Applicant held a meeting with the MMO on 13 January 2021 which confirmed that the MMO is content with the amendments to the DML made and these matters are resolved. This agreement is reflected in the SoCG (REP6-048 Rev 004) submitted at DL7.</p> <p>However, as described above, it is important to note that the Applicant has submitted ES Addendum 2 (document reference 7.8.2, Rev 002) at DL7 which has been necessary in order to accommodate the proposed CCF cable crossing within the UK Marine Cable Corridor. The Applicant awaits a response from the MMO in this regard.</p>
2.3.3	<p>The MMO raised concerns at the Issue Specific Hearing 3 that there was not a condition securing data to be presented that is less than 5 years old before cable protection is placed. The Applicant now proposes the following wording to secure 5 year data timescales used to inform the justification of the requirement for additional cable protection within the DML as requested by the MMO although the location of this wording within the DML will be confirmed by the Applicant in due course;</p> <p><i>"... details and justification for the installation of any additional cable protection to be informed by survey data less than 5 years old, unless agreed with the MMO, in the location/s where the laying of additional cable protection is proposed;"</i></p> <p>The MMO appreciates this wording, however recommends the following wording to ensure a description of habitat is secured:</p> <p><i>"details and justification, including a description of the seabed habitat and information regarding what cable protection has been laid to date, for the installation of any additional cable protection to be informed by survey data less than 5 years old, unless agreed with the MMO, in the location/s where the laying of additional cable protection is proposed."</i></p> <p>The MMO is content for this condition to be placed where the applicant sees fit, providing we are in agreement that its purpose is to ensure that if additional cable protection is required, data less than 5 years old must be provided along with a description of the seabed habitat and justification for the cable protection.</p>	<p>The Applicant has responded to the requests made by the MMO in this regard and has amended the DML accordingly (Schedule 15, Part 2, Condition 12(6)) which was submitted at DL6 (REP6-015 and REP6-016). An updated SoCG was also submitted at DL6 (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>Further to a meeting held on the 13 January 2021, the MMO is content with approach and wording of the licence condition in the DML submitted at Deadline 6 (REP6-016) and the matter is now resolved. This agreement is reflected in the SoCG (REP6-048Rev 004) submitted at Deadline 7.</p>

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
2.5 Part 1, 4 of the DML		
2.5.1	The Applicant has confirmed that they will remove paragraph 4(5), as the minor development to which it may relate is considered to already be captured by paragraph 4 which confirms that such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development and which fall within the scope of the work assessed in the environmental statement is permitted. With regards to Part 1,4(5), the MMO welcomes its removal.	Part 1, Paragraph 4(5) was removed from the DML which was submitted at Deadline 6 (REP6-015).
2.5.2	However, the MMO would appreciate an explanation on what Part 1, 4 is intended for. It is the MMO's understanding that this is intended to 'authorise' any licensable marine activities which are not undertaken in relation to works Nos. 6 and 7 but which would be further associated development. However, the wording does not appear to create or deliver that authorisation. The MMO recommend that this is reviewed.	Further to a meeting held on the 13 January 2021, additional clarification was provided by the MMO on their feedback. The MMO is not raising any objection to the wording but just making an observation to the Applicant and it is for the Applicant to review this wording to ensure that they are content. The MMO considers the matter is now resolved as reflected in Table 3.8 of the SoCG (REP6-048, Rev 004) submitted at Deadline 7.
2.6 Part 1, 10 of DML		
2.6.1 – 2.6.2	<p>The MMO wishes to gain clarity on the purpose of Part 1, 10 of the DML. As per the Statement of Common Ground which the MMO understand the Applicant will be submitting, the Applicant has advised that the following wording was used in the Norfolk Vanguard Offshore Wind Farm Order 2020 as follows:</p> <p><i>Any amendments to or variations from the approved plans, protocols or statements must be minor or immaterial and it must be demonstrated to the satisfaction of the MMO that they are unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.</i></p> <p>The MMO note the wording from Norfolk Vanguard Offshore Windfarm Order 2020 (Vanguard). However, this wording was referring to the plans, protocols and statements that are put to the MMO for approval under condition 14 which are the pre-construction plans and monitoring plans. Vanguard does not refer to the 'approved details' but plans, protocols and statements. The term 'approved details' is not defined in the DML and it is a term used in the main body of the order to refer to the specification of the wider project design. The DML is authorising the carrying on of the 'licensable marine activities' (as per the definition in s66 of MCAA, deposits, removals etc) that are required in relation to the overall construction authorised through the DML and which is to be carried out in accordance with the 'approved design'. If changes are made to the approved details of Works No 6 and 7, but this is not mirrored in the main body of the Order, this could be problematic. The MMO suggest that the applicant reviews this and would appreciate an</p>	<p>The Applicant has continued to engage with the MMO on this matter in order to provide clarity on the wording of Part 1(10). Through further email communications between the Applicant and the MMO, and a meeting held on 13 January 2021, it is the Applicant's understanding that the MMO is now content with the wording of Part 1, Paragraph 10 providing the wording from the Norfolk Vanguard Offshore Wind Farm Order 2020 proposed by the Applicant replaces the current wording.</p> <p>The Applicant has submitted a further revision of the SoCG at Deadline 7 (REP6-048 Rev 004) to reflect this agreement.</p>

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	explanation as to what the applicant is trying to achieve through the inclusion of this phrase and what is intended to be amended and varied.	

4. MEMBERS OF PUBLIC

Table 4.1 – [REDACTED] on behalf of Keep Milton Green Group

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
1	There is also the fact that the Great Crested Newt has been sighted in the allotments. This newt's population is rapidly declining and therefore, this species and its habitat is strongly protected by law under the Wildlife and Countryside Act 1981, the UK Post-2010 Biodiversity Framework and is listed as a European Protected Species under Annex IV of the European Habitats Directive. The government also acknowledge this newt as a protected species on their own website. We cannot allow the wanton destruction of their environment and people's plots by this cable.	It is not proposed to undertake installation or maintenance of the cables or to undertake other works from the surface within the area of the Milton and Eastney Allotments. Notwithstanding this the Applicant undertook surveys for great crested newt to support the assessment within Chapter 16 of the ES (Onshore Ecology; APP-131). Surveys identified waterbodies providing potentially suitable great crested newt breeding habitat. It is important to note that the great crested newt presence/absence surveys did not identify evidence of great crested newts using ponds. While great crested newts may be present within the wider local area, they are not likely to occur within habitats that may be impacted by the Proposed Development. However, we understand that evidence of the presence of great crested newt at Milton Allotments is to be submitted as agreed within Open Floor Hearing 1 on 7 December 2020 (EV-014 and EV-016 at 56:35 and 56.54 respectively). We look forward to the receipt of the evidence as agreed.
2	Residents have concerns as to the disruption they will have to face. 66 weeks is the estimated time it could take. That is 66 weeks of disruption for the city with no break, benefit or compensation to well over 210,000 residents who live and work here. Two trenches are required to lay the cable yet laying this will cause twice the disruption.	The Applicant notes the resident's concerns regarding disruption. The OOCEMP (REP6-036), FTMS (REP6-030) and FCTMP (REP6-032) have been developed to set the construction requirements in respect of environmental and traffic management to ensure that disruption will be kept to a minimum. It is also of course the case that whilst works are undertaken over the construction period which is anticipated to be 66 weeks, there will not be 66 weeks' worth of disruption in any single location, with the impacts of the works relevant to where they are being undertaken at the relevant time during the construction process.
	The worrying fact is that Aquind has not taken into consideration that further down the road is the life boat station. The only way to get there is via this road and if there is a chance of any disruption to their journey time, this cannot be allowed to happen.	As set out in the Applicant's response to submissions made at Open Floor Hearings (REP6-061) in response to comments raised by Councillor Matthew Winnington, the Lifeboat Station has been given careful consideration by the Applicant to ensure access is available at all times. This is addressed in sections 2.14 and 12.2 of the FTMS (REP1-068)

Table 4.2 – [REDACTED] on behalf of Let's Stop Aquind group

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<p>Three Options are available:</p> <p>1. Build a new substation nearer to cable landfall causing little environmental/people disturbance. A new substation could improve the electricity network on the South coast. National Grid themselves recognise this needs upgrading in any case.</p>	<p>In considering the request for a connection agreement for the proposed Aquind interconnector, NGENSO did not consider the possibility of extending the 400kV transmission network on the south coast to build a new substation closer to the coast and install new overhead transmission lines from the existing grid. Such an extension of the national transmission network would need to have been part of an overall strategy proposed by NGENSO and approved by the regulator Ofgem. Building such an extension to the national transmission network, purely for the benefit of one connection applicant, would have been highly unlikely to be warranted on technical, economic or environmental grounds. Even if it had been feasible, the environmental impact assessment and consents/planning permissions required for such a new substation</p>

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	<p>and the associated overhead transmission lines would have introduced very significant delays on the connection of the proposed AQUIND interconnector.</p> <p>In the Applicant’s view this suggestion is not a reasonable alternative in accordance with the applicable policy tests provided in NPS EN-1.</p>
<p>2. Connect to an existing substation nearer to the coast and increase its capacity, if necessary, to carry the extra supply e.g. Fawley or Ninfield ? For Aquind to argue that Lee on Solent is not a suitable landing site for the cables is patently wrong. There is plenty of room to build the Converter Halls on the Daedalus Site. We recognise this is shifting the development problems to another patch but one has only to visit the Lee on Solent and the Daedalus sites to see there is capacity to expand the Industrial area without impinging on vulnerable habitats or disrupting the lives of 100's of thousands of residents.</p>	<p>The Applicant sought a connection agreement from National Grid who undertook an analysis of the potential 400kV sub-stations which might be suitable to provide a connection for the proposed 2000MW AQUIND Interconnector project. Some stations to the east were excluded by National Grid due to existing network congestion issues and others were excluded due to prior connection agreements for interconnectors (e.g. Chilling and Exeter), gas fired generation (e.g. Fawley), or major wind farms (e.g. Mannington and Bolney). The Chilling sub-station was not indicated on the National Grid transmission network map provided to AQUIND and was not offered by National Grid as a potential connection point.</p> <p>Other substations on the original long list, such as Nursling, Botley Wood, Marchwood and Fleet, were not considered in detail by National Grid as they presented no additional advantage over the three substations (Lovedean, Bramley and Chickerell) which they studied in more detail. National Grid’s detailed evaluation of these potential connection points indicated that Lovedean was the most suitable connection point for the AQUIND interconnector. Locating the converter station at the Daedalus airfield, alongside the 1000MW IFA 2 interconnector, was not considered as an appropriate location as the closest sub-stations on the 400kV network (Chilling and Botley Wood) had not been considered by National Grid as optimum connection points for the AQUIND interconnector.</p>
<p>3. The question is whether this interconnector is NOW needed. Other interconnector schemes have been constructed, FAB link , Belgium Sizewell on Sea , Eleclink etc. Lack of Interconnection capacity is no longer as argued in Aquind's application.</p>	<p>The energy white paper entitled “Powering our Net Zero Future”, published by HM Government in December 2020 (CP 337) states that</p> <p><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 decarbonisation.”</i></p> <p><i>“Alongside this white paper we are publishing a report into the impact of interconnection on decarbonisation, which demonstrates how a high level of interconnector capacity could decrease the cumulative emissions in Great Britain by up to 199MtCO₂e by 2050, as well as reducing total system costs.”</i></p> <p>The development of the Aquind interconnector, together with others currently in development and construction is wholly in line with the UK government’s energy strategy.</p> <p>Information in respect of the need for the Proposed Development is provided 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 (document reference 7.7.19).</p>

Further Objection to the Aquind Interconnector (EN020022)

<p><u>The Issues</u></p> <p>[1] It is not been identified why the Applicant choses to interconnect to France.</p> <p>[Q1] Why has the Applicant chosen to interconnect to France rather than Belgium, The Netherlands, Germany, Denmark or Norway? What technical or financial factors influenced that decision?</p>	<p>The rationale behind the selection of France as the most favourable country to connect to as well as the decision not to connect with Belgium, The Netherlands, Germany, Denmark or Norway is set out in Section 4 (Initial Project Feasibility Assessment) of the Supplementary Alternatives Chapter (REP1-152) and Question 9.3 (part a) of the Applicant’s Transcript of Oral Submissions for CAH1 (REP5-034).</p> <p>In summary, the studies undertaken in 2014 considered the import/export capability and the cost of energy (€/kWhr) in the countries to which a connection was determined appropriate because of their proximity to the UK (France, Belgium, the Netherlands, Germany, Scandinavia (Norway and Denmark), and Ireland</p>
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	<p>(including Northern Ireland). The analysis indicated that France and Germany were net exporters of energy, while other regions had limited energy sources available to export or were net importers. Scandinavian countries were predominantly net exporters of energy, but it was determined that their distance from the GB market would have required very high capital costs associated with the long (>700km) submarine cables. Similarly, the distance to Germany (>600km) made this option less economically viable and also would mean the timescale for delivery would be significantly greater than a connection to those countries close to GB.</p> <p>In addition, it was identified at this time that France (alongside Germany) was one of the most favourable countries to connect with, due to its proximity to the UK, lower electricity prices (as illustrated in Plate 1) and its clean energy mix (for reference, in 2017 (the most recent data) the UK residual grid carbon intensity was 367 gCO₂/kWh whereas the French residual grid carbon intensity was 57 gCO₂/kWh).</p> <p>In light of those considerations, the report identified France as the most viable point of connection for an interconnector with GB within a reasonable timescale, and a connection to France was taken forward for further consideration.</p>
<p>[2] The Applicant’s analysis of options was undertaken several years ago and is not current. Many of the factors in favour of or against one option or another are now superseded by more recent events and information. Here are two examples:</p> <p><i>“Further discussion with NGET identified that whilst Fawley had been considered as a suitable connection point in the initial technical and economic feasibility study, as a 2000MW oil-fired power station had recently been de-commissioned there, NGET advised that part of this capacity was being taken up by a new gas-fired power station and much of the available site was being re-developed. Fawley was therefore not considered further.”</i> Ibid 5.1.1.6</p> <p><i>“... a connection agreement for the 970MW Navitus Bay offshore wind farm was in place in relation to the Mannington substation when the feasibility study was carried out, and therefore it was not considered to be suitable for the proposed connection.”</i> Ibid 5.1.1.7</p> <p>A further statement in clause 5.1.1.7 <i>“... it (is) not reasonable for the Applicant to reconsider the potential for a connection at Mannington ... and this was not considered further”</i> does not discharge the Applicant from a responsibility for due diligence to the public. I hope the Examining Authority concurs.</p>	<p>A detailed explanation of the assessments undertaken and the chronology of these is provided within Chapter 2 (Consideration of Alternatives) (APP-117) and the Supplementary Alternatives Chapter (REP1-152) submitted in October 2020 with further information provided in the Applicant’s Transcript of Oral Submissions for CAH1 (REP5-034). Given the nature of development of the proposals and the timing of the optioneering process the baseline information used would inevitably not be completely current by the time of the Application. However, the main constraints and factors considered are still relevant and present.</p> <p>Although the Navitus Bay windfarm project was abandoned, the connection agreement remained in place with the developers of Navitus Bay offshore wind farm for some time following the feasibility study, during which time significant progress was made advancing the proposals for the Proposed Development. As a result it was not reasonable for the Applicant to re-consider the potential for a connection at Mannington at that later stage, and this was not considered further.</p>
<p>[Q2] Could The Examining Authority please request the Applicant to update their analyses of alternative routes and publish their complete approach, analyses, findings and conclusion?</p> <p>[3] Anyone with local knowledge of central southern England will know that a substation at Fawley, Marchwood, Chilling, Botley Wood or Chickerell represents a far more efficient outcome in terms of connecting to a National Grid substation. The Applicant dismisses the substations at Botley Wood, Fawley,</p>	<p>A detailed explanation of the assessments undertaken and the chronology of these is provided within Chapter 2 (Consideration of Alternatives) (APP-117) submitted in November 2019 and the Supplementary Alternatives Chapter (REP1-152) submitted in October 2020, with information also provided in the Applicant’s Transcript of Oral Submissions for CAH1 (REP5-034).</p> <p>The long list of ten potential connection points considered by NGENSO when undertaking the Feasibility Study did not include Chilling. It is assumed by the Applicant that it is because this is the connection point</p>

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<p>Marchwood and Nursling, on the grounds that <i>"the submarine cable would be required to be located through the busy shipping area around the Isle of Wight"</i>. This is not a substantive argument against Botley Wood, Fawley, Marchwood and Nursling.</p>	<p>for the 1000MW IFA 2 interconnector and it would not have the capacity for an additional 2000MW connection.</p> <p>The shortlist of three sites did include Chickerell, but NGENSO identified that the extensive re-build of that station was not operationally or economically viable. The Applicant’s analysis of a connection at Chickerell, including the reasons why this was not taken forward, is provided at Section 5.2 of the Supplementary Alternatives Chapter (REP1-152).</p> <p>Whilst not taken forward by NGENSO for more detailed consideration, the Applicant is of the view that Botley Wood, Marchwood and Fawley would represent difficult approaches for laying the sea cables as the submarine cable would be required to be located through the busy shipping area around the Isle of Wight, which would have resulted in the installation of the offshore cables impacting on the busy shipping lanes and also an unacceptable ongoing risk of anchor damage. .</p> <p>Botley Wood, Marchwood, Fawley and Nursling would all require marine cables running further up the Solent and then either into Portsmouth Harbour or up Southampton Water. These would both represent severely congested and constrained routes, with major operational ports, many existing subsea cables and pipelines, and narrow navigable channels. These would have resulted in additional crossings, reduced navigable depth at shallow water crossings, and constraints on shipping and port operations. These constraints, and the increased marine cable length, would have extended the impacts of construction on commercial and recreational use of the Solent and the two ports.</p>
<p>[Q3] Could The Examining Authority please request if the Applicant is willing to work with National Grid plc and reconsider Fawley, Marchwood, Chilling, Botley Wood and Nursling substations as viable connection points?</p> <p>[4] The Applicant rejected Mannington substation on the grounds that “the shared connection point with the 970MW Navitus Bay wind farm raised technical concerns”. That has not been an issue since September 2015 when planning permission was refused.</p> <p>[Q4] Could The Examining Authority please request if the Applicant is willing to work with National Grid plc and reconsider Mannington substation as a connection point?</p>	<p>The Applicant has, in conjunction with NGET in its role at the time as both the system operator and the owner of the transmission system in England and Wales, carried out a thorough process of identifying appropriate connection points, considering the alternatives available, and selecting the most appropriate connection point for the Proposed Development, taking into account all relevant factors including considerations in relation to the marine cables and the onshore cable route options. The detailed explanation of this process and the reasons for the selections made by the Applicant is provided within Chapter 2 (Consideration of Alternatives) (APP-117) and the Supplementary Alternatives Chapter (REP1-152).</p> <p>Having undertaken this process, the Applicant is satisfied it has made appropriate selections for the location of the Proposed Development so as to deliver this nationally significant infrastructure and will not at this stage be considering alternative connection points.</p> <p>The position with regard to a connection to Mannington substation is explained above.</p>
<p>[Q6C] What has been done to identify and ameliorate the negative social, societal, cultural and environment effects of this complex engineering proposal? Has the Applicant conducted a social impact assessment?</p>	<p>It is noted in the material available on the FabLink web site that NGENSO undertook a review of 7 potential connection points for the 1400MW interconnector. However, the report (“UK connection point selection report” (Transmission Investments, 2016)) has not yet been identified in the published material which indicates the rationale for the final choice of the Exeter substation and the reasons why other sites were discounted.</p> <p>At this point the applicant cannot comment on any differences in the methodology adopted between the FabLink and the Proposed Development.</p> <p>In any event, the Applicant confirms it is satisfied that it has carried out a robust analysis of the reasonable alternatives and has reached appropriate and logical conclusion in so doing.</p>

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<p>[7] I have compared the analysis published by the Applicant with the analysis published by the FAB Link team (FAB Link Connection Options Study9) and find significant variations in the arguments for and against one substation connection or another.</p>	<p>It is noted in the material available on the FabLink web site that NGESO undertook a review of 7 potential connection points for the 1400MW interconnector. However, the report (“UK connection point selection report” (Transmission Investments, 2016)) has not yet been identified in the published material which indicates the rationale for the final choice of the Exeter substation and the reasons why other sites were discounted.</p> <p>At this point the applicant cannot comment on any differences in the methodology adopted between the FabLink and the Proposed Development.</p> <p>In any event, the Applicant confirms it is satisfied that it has carried out a robust analysis of the reasonable alternatives and has reached appropriate and logical conclusion in so doing.</p>
<p>Appendix IV – Miscellaneous Questions</p>	
<p>[QA6] When operational, by what percentage can the Aquind Interconnector potentially reduce wholesale electricity prices in Great Britain? Has the fluctuation in wholesale electricity prices been modelled and a sensitivity analysis conducted? Over the first five years of operational life, what proportion of the time will the Aquind Interconnector not be fulfilling a demand for electricity one way or the other. Please publish a lay persons’ summary.</p>	<p>Information in respect of the need for the Proposed Development is provided 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.</p> <p>The Need and Benefits Addendum Rev 001 (REP1-136) in Appendix 1 contains information on the impact on reduction of household electricity prices in the South East of England, concluding that, that based on Baringa Market Scenario, average savings per household in the first ten years of the operation of the Project will be approximately £3.15 per year due to the reduction in wholesale prices caused by the Project.</p> <p>As further identified in the Needs and Benefits Addendum [REP-136], the introduction of AQUIND Interconnector is forecast to deliver over £2.3bn in cost savings in implementing Net Zero 2050 objectives (in Net Present Value terms) for GB electricity consumers over the first 25 years of operation. Details of the modelling are provided in the FTI report AQUIND Interconnector, Reducing the cost of transition to Net Zero for GB energy consumers, 2020. Available at: https://www.fticonsulting-emea.com/~media/Files/emea-files/insights/reports/2020/aug/reducing-cost-transitionnet-zero-gb-consumers.pdf</p> <p>The recently published Energy White Paper recognises the benefits of increased interconnection through providing flexibility in the system in the transition to Net Zero targets, which will involve an increased demand for electricity and from intermittent renewable sources. This is addressed further in a Needs and Benefits Second Addendum submitted at Deadline 7.</p>
<p>[QA7] When operational, will OFGEM regulate the conduct of the Applicant and the service provided? If not, who will undertake that role?</p>	<p>The operation of an Electricity Interconnector is a regulated activity for which a licence is required pursuant to the Electricity Act 1989. The Applicant was granted by the Gas and Electricity Markets Authority on 9 September 2016, authorising it to participate in the operation of AQUIND Interconnector. The operation of AQUIND Interconnector will be undertaken in accordance with the terms of the licence and all applicable laws and regulations.</p>

Table 4.3 – Ian Judd and partners LLP on behalf of [REDACTED]

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	<p>Document 7.6.1 - Compulsory Acquisition Schedule Tracked_ - Published at Deadline 4, identifies 73 parties who the Applicant claims they are "in negotiation" with, however only 2 have progressed to Legal Drafting and one further Agreed Heads of Terms.</p> <p>Our clients are listed as "Heads of term in negotiation", however the Applicant is not negotiating with [REDACTED]. The Applicants stance to date can be power phased as "These are the terms accept them or we will rely on CPO Powers". They are unwilling to enter any form of discussion on how figures have been reached.</p> <p>If 70 out of 73 affected parties have not been willing (to date) to agree terms and no parties have completed a Legal Option, it is a good indicator that the terms being offered by the Applicant are unreasonable and not acceptable to the "average" affected landowner. This is evidence that the Applicant has not sufficiently explored all reasonable alternatives to compulsory acquisition and they are solely relying on Compulsory Purchase Powers. The Applicant is being unreasonable with the terms offered and do not want to reach agreement, as they could get land "cheaper" by Compulsory Powers.</p>	<p>The Applicant confirms that it is seeking to negotiate with [REDACTED] for the land and rights required for the Proposed Development. Having identified the land and rights required and necessary for the Proposed Development, these are the land and rights which the Applicant is seeking to acquire.</p> <p>The Applicant's representatives, in correspondence issued on 03 November 2020 (which included revised Heads of Terms), proposed that a recurring weekly meeting be set up to progress matters and requested the Landowner's representatives suggest dates for the first meeting. Despite a number of further chases on this matter, the Applicant is yet to receive a date to progress discussions from the Landowner's representatives, apart from a discussion taking place between the parties respective agents on 12 November 2020. As such, it would appear that the lack of willingness to engage is not on the part of the Applicant and its representatives.</p> <p>Further updated and improved Heads of Terms were issued to the Landowner's representatives at Deadline 6 and the Applicant is yet to receive any feedback from the Landowner's representatives and would welcome feedback on these from the Landowner's representatives in due course.</p> <p>The Landowner's representative is incorrect as the Applicant has completed legal agreements in relation to the rights required for the Proposed Development. It should also be noted that negotiations are at an advanced stage with numerous parties.</p>
	<p>We strongly question if the Applicant has allowed sufficient funds within their £4.9 million to compulsory purchases all the land they require. They have only allowed 1.277m for all land acquisition and only £645,000 for Injurious Affection across the whole scheme. The Injurious Affection on Hillcrest is likely to exceed this figure alone. We request the Applicant provide a breakdown of how the figure of £4.9m has been calculated.</p>	<p>The Applicant confirms the estimated land acquisition costs are accurate and include for the acquisition of all relevant land and interests required for the Proposed Development. Further information in this regard is contained within the Funding Statement (REP6-021).</p>
5.3.5	<p>We can confirm a telephone meeting was held on 12th November 2020; however, no attempt was made by the Applicant to progress matters. It remains on opinion that the terms currently offered are significantly worse than what would be awarded at a CPO Tribunal and therefore [REDACTED] have been put in a position by the Applicant where we are not capable of reaching an agreement, without going to Tribunal in the future and incurring further costs.</p>	<p>The Applicant's representative has issued revised and improved Heads of Terms to the Landowner's representatives on 03 November 2020 and 23 December 2020 and is yet to receive feedback from the Landowner's representatives. In correspondence issued on 03 November 2020 (which included the revised and improved Heads of Terms), the Applicant's representatives proposed that a recurring weekly meeting be set up to progress matters and requested the Landowner's representatives suggest dates for the first meeting. Despite a number of further chases on this matter, the Applicant is yet to receive a date to progress discussions from the Landowner's representatives, apart from a discussion taking place between the parties respective agents on 12 November 2020. As such, it would appear that the lack of willingness to engage is not on the part of the Applicant and it's representatives.</p>
5.3.6	<p>The Applicant has confirmed the requirement of the land is for visual screening, enhance biodiversity and aid security and to provide ecological benefit and the land must be left undisturbed to maximise this benefit.</p> <p>We argue that this landscaping and planting does not aid security and that land required for enhanced biodiversity and ecological benefit is not required for the functionality of the interconnector. If the Applicant wishes</p>	<p>As stated in the Applicant's Transcript of Oral Submissions for CAH1 under paragraph 4.24.5 and 4.24.6, permanent acquisition is sought in respect of the area on which the Converter Station will be located and the immediate area surrounding this. The Converter Station is to be located within a secure compound within security fencing. Furthermore, whilst the footprint of the Converter Station is circa 4 hectares, and the Converter Station will be securely fenced, as will the Telecommunications Buildings, it is necessary for the Applicant to have exclusive possession of the area around the Converter Station and Telecommunications Buildings so as to deter potential trespassers who may seek to intrude into the Converter Station/interfere</p>

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	<p>to enhance the biodiversity and ecology to offset the negative impacts it is having on the surrounding area, they should not be awarded Compulsory Powers to do so but should reach agreement with the affected land owners.</p>	<p>with the Telecommunications Buildings. By having exclusive possession of these areas, the Applicant is able to control who can and cannot access those areas and thus more adequately deter any potential for interference with the apparatus, in addition to ensuring the landscaping and ecological enhancements are undisturbed and perform their desired function. For this reason, in addition to matters relevant to drainage discussed below, permanent acquisition is sought in relation to the area where the Converter Station is to be located and the immediate area surrounding this.</p> <p>The Applicant has assumed that paragraph 5.3.6 relates to Plot 1-23 based on paragraph 5.3.6 in the Applicant's Response to Deadline 3 submissions (REP4-027). The land requirements for this plot state 'Permanent Acquisition of Land or No Rights Sought'.</p> <p>Plot 1-23 is a combination of new native mixed woodland and scrub which either includes a small proportion of existing hedgerow as reflected in Option B(i) or the full length of an existing hedgerow as per Option B(ii). Refer to the revised indicative landscape mitigation plans Option B(i) north and south (6.2.15.48 and 6.2.15.49) and Deadline 7 Submission – 7.7.8 Indicative Landscape Mitigation Plan Option B(ii) (REP6-054, Rev004).</p> <p>As referred to in the Applicant's previous response at Deadline 4 (REP4-027) the land may be required as part of the footprint of the Converter Station and the planting will strengthen the area's visual screening function, enhance biodiversity and aid security around the perimeter areas of the Converter Station. In addition, the planting proposed provides an ecological benefit, and therefore must be maintained and otherwise left undisturbed to realise this benefit.</p> <p>In terms of visual screening the plot provides screening for transport and recreational users utilising Old Mill Road, and as referred to in the ES Chapter 15 (paragraph 15.5.3.53) (APP-130) Old Mill Lane forms part of a couple of locally promoted cycle routes (Broadpenny Down) and (River Alre) reflected on Figure 15.46 (APP-279). The proposed planting on Plot 1-23 reflects extensive engagement with, and feedback received from the LPAs and SDNPA over the need to retain and strengthen visual screening throughout the operational lifetime of the Converter Station.</p>
<p>5.3.8</p>	<p>This is the first time we have been made aware of deer and rabbit fencing on the boundary of our property. Can the Applicant confirm sufficient budget to manage this fencing for the life time of the Scheme? It would be helpful for a specification of the fencing, as this has not been shared with [REDACTED] to date.</p> <p>It is difficult to see the wildlife benefit of the landscaping area if all wildlife is fenced out with rabbit and deer fencing. It seems to have a larger negative impact on biodiversity of the surrounding, if wildlife cannot get on the land. Currently the land is grazed by wildlife, including deer and rabbits as well as other wildmammals, if this is stopped, where is this wildlife going to feed?</p> <p>It could be argued that the token gesture of visual screening has only been proposed to appease to South Downs National Park Authority and will have little beneficial impact to ilie ecology and biodiversity and wilt offer limited screening to 20+m high industrial building.</p>	<p>A deer and rabbit fence will be erected around larger areas of new woodland planting to ensure the successful establishment of plant stock. The Applicant can confirm sufficient budget has been allowed to manage the fencing for the life time of the Scheme.</p> <p>The updated OLBS (REP6-038, Rev004) paragraph 1.1.1.57 states that "Infill planting to existing hedgerows would receive protective tree or shrub guards to prevent damage from rabbits and deer. Larger areas of new proposed woodland planting would be protected by an appropriate deer fence until trees are sufficiently established and mature to warrant removal. Guidance relating to fencing specification can be found in Forestry Commission Technical Guide (2006) (Forestry Commission, 2006). If required, suitable fencing details would be drawn up to accommodate badger gates."</p> <p>Opportunities to maximise ecology and biodiversity have been captured in the Outline Biodiversity and Landscape Strategy (REP6-038, Rev004). These measures have focussed on where permanent change will occur at the Lovedean Converter Station Area. Measures include management/ extension of ancient woodland, extension of additional woodland and tree belts, new native woodland belts and copses, native scrub and hedgerow planting, creation of calcareous / species rich grassland, attenuation ponds and swales with marginal planting. These measures will provide a clear enhancement to this area for a suite of biodiversity features.</p>

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
		<p>In terms of visual screening the Applicant's Response to Deadline 3, Table 2.13 para 5.3.6 / 5.3.15, (REP4-027) and the Applicant's Response to Deadline 4 Submission, Table 1.1 (REP6-067) explain that the Applicant requires the plot to ensure adequate visual screening and biodiversity balance. Proposals also respond to the extensive engagement with and feedback received from LPAs who are concerned over the potential loss of vegetation in this area. The planting will significantly strengthen the visual screening function and provide a depth of screening to minimise views at eye level of the Converter Station from Old Mill Lane including views appreciated by recreational receptors using the lane as part of a cycle route. It therefore provides necessary mitigation.</p>
7.3	<p>This is incorrect, whilst [REDACTED] Agent did meet/ call the Applicant's Agent on 16 December 2019 and 11th February 2020 and 19th May 2020, there was no discussion in relation to [REDACTED] property, only discussion on neighbouring landowners. The Applicant had failed to supply a breakdown of the Heads of Terms despite multiple requests, to date this still has not been supplied.</p>	<p>The Landowner's agent is wrong. Whilst the discussions which took place on the dated specific primarily focussed on neighbouring land, discussions also took place in relation to the [REDACTED] property on 16 December 2019 and 11 February 2020. Indeed, discussions in relation to the meeting of 16 December 2019 in relation to the landowner's property were acknowledged by the landowner's agent.</p> <p>The Applicant is yet to receive feedback from the landowner's representatives on the Heads of Terms issued on 03 November 2020 and also those issued on 23 December 2020 and looks forward to receiving feedback in due course.</p>
	<p>There have been changes made to Plots 1-23 splitting the plot to 1-23 and 1-23a and 1-23b. We had not been informed of this change before Deadline 5 and there has been no communication with [REDACTED]. No justification has been given for this change.</p>	<p>As stated under 31(c) of the Applicant's responses to Deadline 5 submissions (REP6-069), a response to the justification for this change has been provided under paragraphs 4.24.3 and 4.24.4 of the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034) submitted at Deadline 5 which outlines the changes made to the Land Plans (APP-008 Rev03) also submitted at Deadline 5.</p> <p>The Applicant's representatives, in correspondence issued on 03 November 2020 (which included revised Heads of Terms reflecting the changes to the Land Plans), proposed that a recurring weekly meeting be set up to progress matters and requested the Landowner's representatives suggest dates for the first meeting. Despite a number of further chases on this matter, the Applicant is yet to receive a date to progress discussions from the Landowner's representatives, apart from a discussion taking place between the parties respective agents on 12 November 2020.</p>
	<p>No revised Heads of Terms have been issued and yet again the Applicant and their Agent have failed to communicate with [REDACTED]. Why was the split not proposed from the start of the DCO process? Further evidence the Applicant had not given full consideration to the Application when it was submitted.</p>	<p>Revised and improved Heads of Terms were provided to the landowner's representatives on 23 December 2020. The Applicant looks forward to receiving feedback on these Heads of Terms in due course.</p>
	<p>At what point will the Applicant be able to provide a conclusive decision between option Bi and Bii? This late change provides further uncertainty for [REDACTED].</p>	<p>At this time, the Applicant is seeking an Order which includes for both options. It is on this basis that Requirement 4 at Schedule 2 to the dDCO requires the Applicant to confirm which converter station perimeter option shown on the Converter Station Parameter Plan with reference EN020022-2.6-PARA-Sheet1 listed in Schedule 7 to the Order the converter station will be constructed within prior to the commencement of any works within Work No.2 or the carrying out of any onshore site preparation works in respect of the area where the converter station is to be located.</p> <p>Whilst the Applicant is continuing to engage with NGET to acquire an option for the land required for Option B(ii), it is not necessarily the case that this will be resolved before the end of the Examination.</p>

Table 4.4 – [REDACTED]

Para No.	Summary of Deadline 6 Submission	Applicant's Response at Deadline 7
	<p>Finally, who or what will benefit from this Interconnector?</p> <p>The 1000's of people on each side of the channel along the route? The future customers buying this energy? The UK economy? The French?</p> <p>Or will it be the private Limited Company behind this project?</p> <p>Do not such companies, funded from unregulated over-sea territories have other aims?</p> <p>Am I wrong to suspect that the benefits will NOT be shared out by Aquind ,to the community at large?</p>	<p>Information in respect of the need for the Proposed Development is provided 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 (document reference 7.7.19).</p> <p>Information relevant to the Applicant and the proposed funding arrangements for the Project is provided within the Funding Statement, an updated version of which was submitted at Deadline 6 (REP6-021).</p>
	<p>And the final point; 2 years ago, no mention of a Telecommunications System in the Project, necessitating large-scale buildings along the route.</p> <p>Do we have to accommodate this telecommunication infrastructure when no other interconnector scheme has needed it?</p>	<p>The fibre optic cables have been referred to in all consultation materials issued in relation to the proposals.</p> <p>The need for up to two Optical Regeneration Stations (ORS) associated with the Fibre Optic Cable (FOC) was explained in the Preliminary Environmental Information Report (Feb 2019) (specifically in the Non-Technical Summary, Section 3 Description of the Proposed Development and relevant topic assessments).</p> <p>Section 1.5 of the Consultation Document (APP-088) describes the FOC, FOC Infrastructure (Optical Regeneration Stations) and Telecommunications Buildings as principal components of the Proposed Development.</p> <p>The Consultation Document also states that the Optical Regeneration Stations are required in order to “...house signal amplification and control equipment associated with the FOC and are required to ensure the signal strength is adequate between the two Converter Stations.” The Telecommunications Buildings are required for the termination of these cables.</p> <p>The Consultation Document was one of several documents that were put on display in 10 deposit locations between 27 February 2019 to 29 April 2019 and published on the project website. USB memory sticks were also made available with all consultation documents pre-loaded (Consultation Report, AS-006).</p> <p>The location at that time was not known but was anticipated to be within approximately 1 km of the Landfall and would comprise up to two buildings ancillary equipment and security fence which are not large scale.</p> <p>Therefore, it has always been the Applicant's intention that the FOC and associated infrastructure would form part of the Application, and it has been very clear in this respect.</p>