



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Application by AQUIND Ltd for the AQUIND Interconnector

The Examining Authority's further written questions

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

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

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

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

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

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

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

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

Reference	Respondent(s)	Question	
2. Air Quality			
AQ2.2.2	Hampshire County Council	At Deadline 1, a document entitled ' <i>State of Hampshire's Natural Environment Report</i> ' was referenced as emerging and shortly to be published. Could Hampshire County Council please provide an update on the document and what bearing, if any, its findings and conclusions may or may not have on the Examination.	The State of Hampshire's Natural Environment was presented to the Hampshire 2050 Partnership Board on 11 January 2021. The document provides a high-level snapshot of the state of Hampshire's natural environment, based on data available in the period immediately before the pandemic. HCC consider that whilst the document may provide some useful contextual information for the

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			<p>Examining Authority, it does not have any finding or conclusion that are of direct bearing on this examination.</p> <p>The document is available at the following link: https://documents.hants.gov.uk/hampshire2050/StateofNaturalEnvironmentReport.pdf</p>
<p>3. Compulsory Acquisition</p>			
<p>CA2.3.4</p>	<p>Applicant</p>	<p>In terms of land identified for Compulsory Acquisition in the Book of Reference [REP6-062] please provide the total areas in each of the following categories:</p> <ul style="list-style-type: none"> • subsoil below the highway; • land owned by statutory authorities; • land owned by others. <p>This list of categories is not exhaustive, and the Applicant may add to it, or sub-divide further, if thought to be useful to the ExA. The total area should, however, equate to that identified in the Book of Reference.</p>	<p>It is HCC's understanding that insufficient information is currently available to the Applicant to identify where the Applicant will require rights to enter the subsoil below the highway. Such detail is unlikely to be forthcoming until construction has commenced. HCC therefore seeks clarity on how the Applicant will confirm</p>

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			to affected parties when rights to enter the subsoil are exercised. This matter is discussed further in the Highway Authority Update note submitted at Deadline 7.
4. Cultural Heritage			
CH2.4.1	Historic England Hampshire County Council Applicant	<p>With reference to paragraph 5.6.12 of NPS EN-1, what elements of cultural, historical and functional significance for Fort Cumberland's setting are derived from the 'fields of fire'? How do these elements:</p> <p>a) apply to the land where the ORS facility is proposed to be located; and b) apply to the land where proposed landscape mitigation is to be planted?</p> <p>How would the Proposed Development affect such significance and the future value and understanding of the asset? Would mitigation planting itself affect the significance of the asset's setting?</p>	<p>Fort Cumberland is located within Portsmouth City Council's administrative area, albeit in proximity to Hampshire at Hayling Island.</p> <p>The field of fire is an integral element of the setting of the fort and it is noted that Historic England's assessment (as set out in their written reps dated 6 Oct 2020) is that the ES has not proven that the impact of the proposal on that setting is 'negligible'.</p>

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			<p>HCC would defer to Historic England and Portsmouth City Council in exploring further whether the impact is 'less than substantial, through providing greater clarity in the ES or how the impact on that setting might be reduced within the schemes design.</p>
<p>CH2.4.2</p>	<p>Winchester City Council Hampshire County Council</p>	<p>Please could the Applicant expand on the answer to question ExQ1 CH1.4.6 (in [REP1-091]), and particularly the part of its response that suggests, '<i>In the unlikely event that they are identified, there may be a requirement, where practicable, for their preservation in situ...</i>'. Could the Applicant explain how preservation <i>in situ</i> might be achieved given the cut and fill required to achieve the required formation level for the Converter Station. Could this result in a necessary change in design, elevation or location outside the parameters set in the relevant parameter plans and dDCO? If so, how would this be achieved?</p> <p>Do the relevant local authorities' archaeologists have confidence that any important archaeological remains found at the Converter Station site would be suitably protected through the Onshore Outline CEMP [REP6-036]?</p>	<p>It is HCC's advice, based on its understanding of the potential archaeological interest of the site, that an absolute requirement for the preservation of any significant such historic asset 'in-situ' would not be reasonable or would be hard to justify at this stage. HCC believes as far as is reasonably possible that, based on the available archaeological</p>

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			<p>evidence, the impact on any historic asset subsequently found can be suitable mitigated in accordance with Strategy 1 as set out in the CEMP 5.8.1.3 and subsequent paragraphs.</p> <p>This does include preservation, where feasible, but does not include an expectation that this would include preservation where such preservation was not feasible within the flexibility of design implied by para 5.8.1.8 of the CEMP and 21.8.1.6 of the ES</p>
5. Draft Development Consent Order			
DCO2.5.1	<p>Applicant All Local Authorities Representatives of Mr Geoffrey Carpenter and Mr Peter Carpenter</p>	<p>In relation to the proposed commercial use of the surplus capacity of the fibre optic cable, the Examining Authority notes that there are a number of opinions as to whether any associated works can be authorised by any DCO, and also which works would constitute the development and which would be Associated Development.</p>	<p>HCC have no further observations to make in response to this matter.</p>

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		<p>The Applicant, the local planning authorities, and Mr Geoffrey and Mr Peter Carpenter are requested to comment on the following interpretation.</p> <p>For any project that was <u>not</u> the subject of a s35 direction, the development requiring consent would be listed in s14 of the Planning Act 2008 (PA2008) and described in one or more of the relevant subsequent sections (for example, s16 for an electric line), together with any Associated Development that falls within the definition set out in s115(2) of PA2008.</p> <p>This project does not fall within one of the s14 categories, but instead it is to be treated as a Nationally Significant Infrastructure Project by virtue of the Secretary of State's s35 Direction. Therefore, in this case, it is the s35 Direction that defines the Nationally Significant Infrastructure Project, the development requiring consent.</p> <p>Looking at the Direction, the wording is that '<i>THE SECRETARY OF STATE DIRECTS that the proposed Development, together with any development associated with it, is to be treated as development for which development consent is required.</i>' (Our emphasis.)</p> <p>The 'proposed development' is defined as '<i>the proposed UK elements of the AQUIND Interconnector ("the proposed Development"), as set out in the Direction request</i>'.</p> <p>The Direction request is this document. Therefore, the project would appear to consist of the elements described in that document, including the offshore data cables (paragraph 3.5.2(A)), the onshore data cables (paragraph 3.5.1(D)) and the '<i>construction of a converter station comprising a mix of buildings and outdoor electrical equipment</i>' (para 3.5.1(C)). The project description also states that '<i>Signal enhancing and management equipment may also be required along the land cable route in connection with the fibre optic cables</i>' (3.5.1(D)).</p> <p>Paragraph 3.12 refers to the use of '<i>the spare fibre optic cable capacity for the provision of commercial telecommunications services</i>' as Associated Development. However, the s35 direction states that '<i>any development associated with</i>' the Proposed Development is to be treated as development for which consent is required. Therefore, the Examining Authority is minded to consider that this use, although described as 'Associated Development',</p>	

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		<p>would actually be part of the proposed project, and not Associated Development for the purposes of s115 of PA2008.</p> <p>The Examining Authority also notes the effect of s157(2) of PA 2008, which means that consent is taken to '<i>authorise the use of the building for the purpose for which it is designed</i>' where no purpose is specified.</p>	
DCO2.5.7	Applicant Hampshire County Council	Please could the ExA be updated on progress towards securing a s278 Agreement with regards to the highway works at the junction of Day Lane and Broadway Lane? Have the technical details been agreed and will the s278 agreement be in place prior to the end of the Examination?	The principle of the s278 Agreement has now been agreed between parties as an appropriate mechanism to provide for the permanent access to the converter substation, the Day Lane passing places and all temporary construction accesses. The technical details are yet to be agreed and will be secured through the s106 agreement.
11. Noise			
N2.11.3	Applicant	<p>Please could the Applicant clarify the apparent inconsistency between ES paragraph 24.4.2.21 and Table 24.1 [APP-139]. The former states that night-time working is only anticipated at two of the HDD sites, while the table mentions only HDD-4.</p> <p>Also, Table 24.1 seems to contradict the mitigation schedule [REP2-005] by stating that weekend working at joint bays is limited to between 08.00 and</p>	Ensuring sufficient flexibility during the construction works is a matter that HCC are seeking further clarity on through discussions with the

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		<p>13.00. The mitigation schedule does not anticipate any weekend working at joint bays.</p> <p>On what basis was the noise assessment undertaken in relation to both of these?</p> <p>The mitigation schedule suggests that evening, weekend or night-time working is not anticipated at joint bays. Table 2.2 of the Outline Onshore CEMP [REP6-036] (working hours) does not seem to mention joint bays explicitly. Requirement 15 of the dDCO appears to allow all components of Work No. 4 to take place on a Saturday morning, which is assumed to include joint bays. Please explain how the submitted documentation secures this mitigation measure on which the noise assessment was apparently undertaken.</p> <p>Read together, draft Requirements 15 and 18 appear to allow operations to take place outside the core working hours controlled by Requirement 15, if this is agreed in an approved CEMP. How was this accounted for in the noise assessment and could it give rise to effects not anticipated in the ES?</p>	Applicant. Further details on this matter are raised in the HA update submission at Deadline 7.
12. Onshore Water Environment			
OW2.12.4	Environment Agency Hampshire County Council Portsmouth Water	<p>Are there any outstanding areas of concern or disagreement regarding the safety and security of the public water supply in Source Protection Zone 1?</p> <p>If so, why are the Applicant's mitigation measures considered not to alleviate the concern and what additional measures do you believe are required?</p>	HCC, as Lead Local Flood Authority, consider that this is a matter most appropriate for the Environment Agency and Portsmouth Water to advise on given the respective areas of responsibility.
13. Planning Policy			

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PP2.13.1	Applicant Local authorities	<p>In December 2020, a number of policy documents and Court decisions that might be considered relevant to this DCO application came into the public forum. These included the:</p> <p>i) Energy White Paper https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future</p> <p>ii) Impact of Interconnectors on Decarbonisation https://www.gov.uk/government/publications/impact-of-interconnectors-on-decarbonisation</p> <p>iii) Supreme Court judgment on the Airport National Policy Statements and Heathrow Airport Expansion https://www.supremecourt.uk/cases/docs/uksc-2020-0042-judgment.pdf</p> <p>iv) Defra policy paper, Changes to the Habitats Regulations 2017 https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017</p> <p>In relation to each of these, and any other relevant, recently published policy or cases, please explain the relevance and significance for the current Proposed Development and what influence, if any, arises that the Examining Authority and Secretary of State should be aware of and take into consideration.</p>	<p>The Energy White Paper represents the Government's latest proposals for future policy for the energy market and to tackle climate change. It includes a commitment to updating the energy NPSs. Specific proposals of relevance include the creation of 18 GW of interconnector capacity by 2030 which is acknowledged to be a significant challenge to meet. The White Paper also identifies the potential for the UK to be a net exporter of green energy and the flexibility that interconnectors can provide to the energy market. As a White Paper, it is considered to be a material planning consideration of limited weight in the</p>

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			<p>determination of this proposal.</p> <p>Impact of Interconnectors in Decarbonisation. This research study highlights the potential benefits that interconnectors, in general, could have in decarbonising the energy market, supporting renewable energy production and reducing overall costs of production. These potential benefits are principally created through the flexibility that interconnectors provide in responding to demand requirements.</p> <p>The study summarises detailed modelling work undertaken, but it is unclear what assumptions have been made within this study. For</p>

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			<p>instance, consideration of alternative means of delivering flexibility within the energy market, such as battery storage, is not explained.</p> <p>It is therefore suggested that this study is given very limited weight in the determination of this application.</p> <p>Supreme Court Judgment on the Airport National Policy Statement – the judgment turns on the lawfulness of the Airports NPS and therefore is not directly relevant to the current proposals.</p> <p>DEFRA policy paper on the Habitats Regs – HCC has no comments on this paper.</p>

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16. Traffic and Transport			
TT2.16.1	Applicant	<p>On page 5-93 of [REP2-013], the Applicant stated that a Road Safety Audit should be completed. The ExA has not seen this to date, only a Road Safety Technical Note [REP6-071]. When will such an Audit be produced and submitted to the Examination?</p> <p>Will the safety audit be prepared by independent consultants?</p> <p>At this time, can the Applicant set out, with reasons, why it appears that different methods have been applied with regard to assessing accidents and road safety along the onshore cable corridor and the wider study area?</p>	The Highway Authority have made representation regarding these matters within its deadline 7 response updating on progress to date.
TT2.16.2	Applicant	<p>The ES assesses a worst-case scenario of up to 86 two-way HGV movements during peak construction (APP-137 paragraph 22.4.6.3). Can the Applicant indicate where and how this is secured in the dDCO and other application documents?</p>	The Highway Authority consider that this must be restricted and secured within the DCO.
TT2.16.4	Hampshire County Council First Group	<p>Is Hampshire County Council content, in light of the minutes of the meetings between the Applicant and the relevant bus companies, that adequate consideration, engagement and mitigation is in place to minimise the disruption to bus services across the onshore cable corridor?</p> <p>Is Hampshire County Council aware of any documented outstanding concerns that Stagecoach has with regards to the Proposed Development?</p> <p>Could First Group please provide details of any outstanding concerns regarding the Proposed Development's impacts on its services and what, if any, measures could be taken to alleviate any such concerns.</p>	The Highway Authority provide an update on this matter within its Deadline 7 update note. The HA have subsequently met with the bus operators and Portsmouth CC. On the ExA's request, the HA have obtained updates from representatives of the bus operators which are appended to its Deadline 7

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			update note. There remain a number of concerns about the impact of the proposed works on the operation of the bus routes.
TT2.16.5	Applicant	Hampshire County Council has suggested that the Applicant should monitor the proposed construction worker shuttle bus services to check the provisions are fit for purpose. How does the applicant intend to ensure that the provisions are fit for purpose and how are they secured through the dDCO?	The Highway Authority note that no amendments have been made to the Travel Plan within the Applicant's deadline 6 submission to address this matter. HCC have subsequently discussed this matter further with the Applicant. Further detail on HCC's position has been provided within its deadline 7 response.
TT2.16.7	Applicant	The Joint Bay Technical Note [REP6-070] shows indicative locations for joint bays. Whilst it is acknowledged these are indicative and there are more shown than is permissible in the dDCO, the ExA notes that JB's 11, 12, 13, 14, 15, 16, 18 and 19 in particular appear to be within the highway (where the definition of 'highway' incorporates the carriageway and footpath and cycle path margins). It says in APP-137 paragraph 22.4.7.15 that joint bay locations have been included, all of which provide adequate space for construction works to take place without blocking the carriageway. Can the Applicant therefore explain:	Hampshire County Council have made detailed comments on the proposed joint bay locations within its deadline 7 written response.

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		<p>1) Whether the single-lane closures or shuttle-system for traffic would constitute traffic management for which there should be no more than 6 occurrences on the network at any one time?</p> <p>2) What arrangements would be in place for the diversion of pedestrians or cyclists during the 20-day joint bay construction period?</p> <p>3) Have measurements been carried out along the Order limits to confirm that sufficient room (either 40m x 5m in the case of a single bay or 40m x 12.5m in the case of a double bay as shown in [REP6-064]) exists at all potential joint bay locations to confirm that the joint bay will not be in the carriageway?</p>	
TT2.16.8	Applicant Hampshire County Council	<p>It is proposed to use four passing bays in Day Lane to allow construction-related HGVs to pass non-project traffic and non-related HGVs, and images have been provided showing the locations in the <i>Day Lane Technical Note</i> [REP6-073]. These passing bays appear to be beyond the Order limits and the document does not describe how the bays would be secured or surfaced. Would this be this through a s278 agreement?</p> <p>What evidence exists that all the land for the passing bays is within the public highway?</p> <p>What baseline evidence is there regarding the use, availability and environmental effects arising from the use of these parcels of land for passing bays?</p> <p>What surfacing would be used and how would this impact trees, hedgerows and wildlife?</p>	<p>HCC have reviewed the highway boundary along Day Lane as requested.</p> <p>Day Lane is a historic road which has been in existence from at least the 1840s (as being shown on the 1842 Catherington Tithe Map). It is therefore considered to be a highway maintainable at public expense in accordance with Section 36 (5) (a) of the Highways Act 1980 and S31 (1) of the same.</p> <p>The extent of Day Lane has been</p>

Reference	Respondent(s)	Question	
			<p>defined with reference to the:</p> <ul style="list-style-type: none"> • 1842 Catherington Tithe Map, • 1st, 2nd, 3rd and 4th editions of the Ordnance Survey County Series 25 inch to the mile mapping, • 1957 edition National Grid 1/2500 Ordnance Survey Mapping; <p>And land acquisitions for improvements to Day Lane including:</p> <ul style="list-style-type: none"> • the dedication by William Bucksey dated 14th February 1944 of a visibility splay the junction of Day Lane and Broadway Lane, • the conveyance by Sidney William Hull dated 20 September 1962 for the widening of the northern side of Day Lane from

Reference	Respondent(s)	Question	
			<p>Broadway Lane to Lovedean Lane</p> <ul style="list-style-type: none"> • and a dedication by Rosalie Whalley Tooken dated 22nd April 1944 fronting the land now known as Lovedean Solar Farm. <p>The laybys on the north side of Day Lane fall within the land conveyed to the County Council dated 20 September 1962. The laybys on the south side of the road fall within the historic boundary of the road.</p> <p>An amendment to the provisions of the dDCO would appear to be required as a result of this review relating to the additional land dedication of highway rights at the</p>

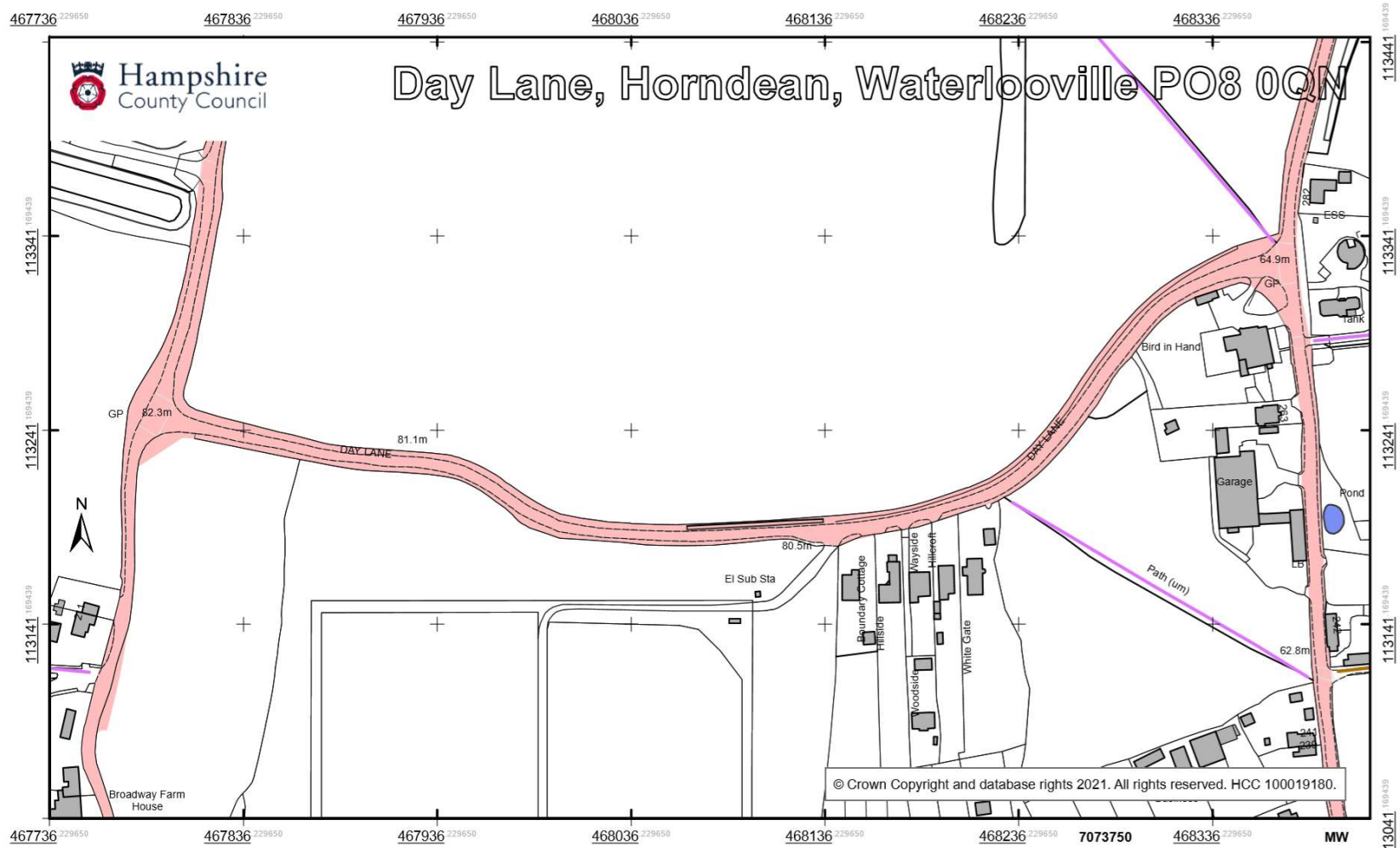
Reference	Respondent(s)	Question	
			<p>Day Lane/Broadway Lane junction. The recorded boundary is shown correctly within the plan set out in Appendix 1 to this response. This matter has also been highlighted to the Applicant.</p> <p>Any works affecting the drainage ditches along Day Lane are likely to require Ordinary Watercourse Consent. The Lead Local Flood Authority will require an environmental report as part of this consent process detailing the impacts and proposed mitigation. The Lead Local Flood Authority would welcome further discussions with the Applicant to understand the</p>

Reference	Respondent(s)	Question	
			<p>potential environmental effects arising in order to advise the ExA of any potential key concerns at this stage.</p>
TT2.16.9	Highways England	<p>The Applicant proposes using lay-bys on the strategic road network to hold construction-related HGVs temporarily until such HGVs are given the authorisation by a traffic marshal to travel and approach the Converter Station construction site. Can Highways England confirm if the identified lay-bys shown in the applicant's <i>Day Lane Technical Note</i> [REP6-073] have capacity for such vehicles to park and wait and if there are any safety or capacity concerns with the use of the lay-bys in this way?</p>	<p>This is a matter that Hampshire County Council has held further discussions with the Applicant. A detailed response on this matter, and possible resolution, is provided within its deadline 7 written update note. It is HCC's understanding that the laybys on the HE network cannot be made freely available. Further, the sporadic location of these laybys leaves HCC with operational concerns relating to highway safety with regards the management of HGVs arriving at Day Lane.</p>

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TT2.16.10	Hampshire County Council Portsmouth City Council	During ISH2, reference was made to a figure of 200 metres being a reasonable walking distance for persons to travel in order to retrieve their displaced parked cars (as opposed to 400 metres suggested by the Applicant). The origin of this is not clear in the Deadline 6 submissions. Please could greater clarity be provided as to the source of this, and what effects, if any, the shorter distance might have on the Applicant's parking strategy where parking spaces are temporarily displaced due to construction.	This reference was made specifically by PCC at ISH2. It is HCC's understanding that PCC were referring to the acceptable walking distances to parking as set out within the Lambeth method of parking assessments which states that parking surveys generally cover an area of 200m (or a 2 minute walk) around a site or dwelling.
TT2.16.11	Applicant	In terms of defining the vehicular route for construction traffic to the Converter Station, can the Applicant update the Mitigation Schedule [REP2-005] to separate HGVs from regular employee traffic and correctly identify the appropriate control documents and references? Can reassurance be given that the CTMP that will cover the 'phase' of Converter Station construction will be in accordance with the CWTP, and does that document need separate citing in the relevant dDCO Requirement?	HCC have raised the question regarding how the CWTP's are to be secured and are reviewing the various elements of this.
TT2.16.12	Hampshire County Council	Does Hampshire County Council have any concerns regarding the proposed traffic management measures on Anmore Road, as detailed in paragraph 6.2.2.17 of the Framework Construction Traffic Management Plan [REP6-032] in respect of either: a) the efficient operation of the highway in terms of traffic flows; or b) the safety of all road users?	HCC have provided a detailed response on this matter within its deadline 7 response. HCC are still in discussion with the applicant on the suitability of this

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			access and whether any appropriate alternatives exist.

Appendix 1: Highway Boundary Day Lane Plan



Ordnance Survey maps are topographic maps and show a representation of the physical features on the ground at the time of survey, which are drawn according to specified tolerances, by the Ordnance Survey. For further information on Ordnance Survey mapping please see: <http://www.ordnancesurvey.co.uk/support/property-boundaries.html>
For questions about the responsibility for ditches please refer to Hampshire County Council's website at: <http://www3.hants.gov.uk/roads/highway-flooding/highways-drainage/your-responsibilities.htm>

This plan is made on the basis of information at present available to the County Council and is made on the distinct understanding that, in the absence of negligence, neither the County Council nor I as an officer of the Council is to be held responsible should you rely on this statement and consequently suffer damage