

25 January 2021

The Examining Authority Case Team
Aquind Interconnector Project
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

By email only

Dear Sir / Madam

**DCO Application for the Aquind Interconnector Project
SDNPA Deadline 7 Submission**

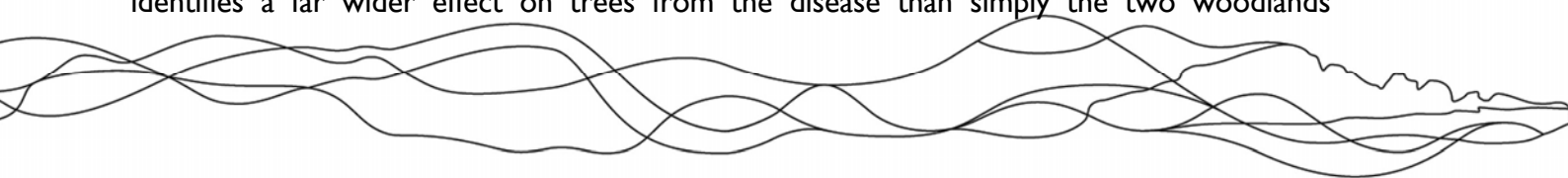
I write to provide the following from the South Downs National Park Authority (SDNPA) at Deadline 7:

1. SDNPA's answers to the Examining Authority's second written questions (ExQ2). These are included in table format, at the end of this letter.
2. SDNPA's comments, as they relate to Ash Dieback, on the applicant's Request for Changes to the Order Limits (examination library reference AS-054)
3. SDNPA's comments on the following documents provided by the applicant at Deadline 6:
 - a. 'Applicant's Response to Deadline 4 Submissions' (REP6-067).
 - b. 'Applicant's Response to Deadline 5 Submissions' (REP6-069)
 - c. Framework Construction Traffic Management Plan (REP6-033)
 - d. Onshore Outline Construction Environmental Management Plan (REP6-036)
 - e. Outline Landscape and Biodiversity Strategy (REP6-038)

SDNPA's comments on the applicant's Request for Changes to the Order Limits (AS-054)

In relation to Mill Copse and Stoneacre Copse the SDNPA's view on the proposed management measures is set out in our response to Examining Authority Question HAB2.8.3, also provided at this deadline.

The Ash Dieback Survey (the receipt of which is welcomed) contained in Appendix 3 identifies a far wider effect on trees from the disease than simply the two woodlands



proposed to be included within the Order Limits (Mill Copse and Stoneacre Copse). However, these wider areas beyond Mill and Stoneacre Copses are not picked up in the Outline Landscape and Biodiversity Strategy Document, nor the Landscape Mitigation Plans. There are areas of woodland outside of the revised order limits (for example to the east of Lovedean substation, adjacent to the SDNPA boundary) that also have substantial ash dieback disease identified in the survey, the loss of which will lead to increased adverse visual effects.

The Ash Dieback Survey states that there is no need for management of these woods in order to maintain the future baseline, however the number of trees affected may increase in the future and therefore this assumption may alter in future years. The report also makes reference to voluntary agreements that might be considered with other landowners and the SDNPA would like to understand whether this would be secured through the DCO process, perhaps as part of the ongoing monitoring and replanting of areas affected by Ash Dieback - and particularly where this has the potential to affect the visual baseline.

SDNPA Comments on 'Applicant's Response to Deadline 4 Submissions' (REP6-067).

In Appendix D of this document, page 1-4, the applicant notes in the right hand column that SDNPA agree to the proposed DCO Requirement numbers 7 and 8 relating to landscaping and the implementation and maintenance of landscaping. This comment was made in response to a point raised by a third party that the SDNPA have concerns in relation to landscape and screening. For clarity the SDNPA do have concerns in respect of the proposed landscaping and we expressed these most recently in Issue Specific Hearing 3 (REP6-099). However, without prejudice to this position, we consider that Requirements 7 and 8 as proposed would satisfactorily secure the provision of landscaping. It is the detail of the landscaping mitigation proposed that we have taken issue with, not how it would be secured if Development Consent is granted.

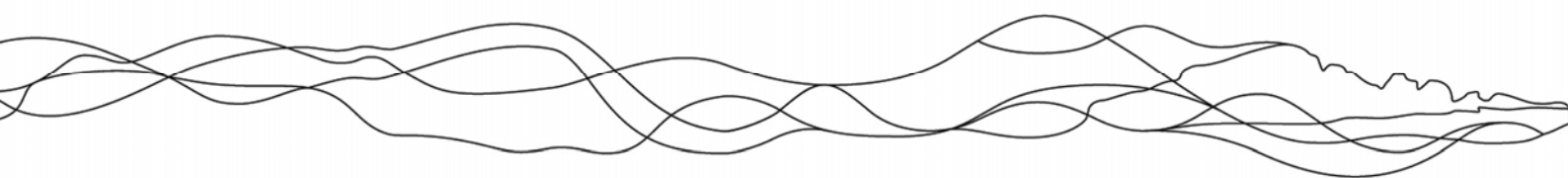
SDNPA Comments on 'Applicant's Response to Deadline 5 Submissions' (REP6-069)

With reference to Table 2.5 (page 2-51) and row 2.4.2, and having listened to the applicant's rationale and justification, the SDNPA no longer considers that proposed DCO requirement 17 (Construction Traffic Management Plan) should be determined after consultation with the SDNPA.

However, we remain of the view that the Construction Traffic Management Plan should be determined by Local Planning Authorities, for reasons most recently detailed in our deadline 6 submission, REP6-099.

SDNPA Comments on the Framework Construction Traffic Management Plan (reference REP6-033)

The SDNPA welcomes, in table 3 on page 25, the addition of the South Downs National Park as a sensitive receptor.



SDNPA Comments on Onshore Outline Construction Environmental Management Plan (REP6-036)

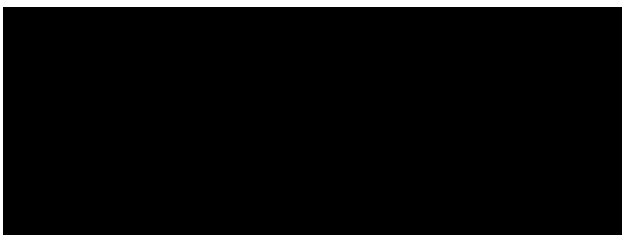
The commitments given in paragraph 6.3.1.1 that tower cranes will not be used and that construction cranes will be retracted when not in use are welcomed.

SDNPA Comments on the Outline Landscape and Biodiversity Strategy (REP6-038)

The SDNPA note that this revised Strategy incorporates information from the Ash Dieback Survey. It also mentions a woodland management plan at paragraph 1.7.1.8 that will be submitted as part of the detailed landscape proposals for future consideration. The SDNPA welcomes this commitment, as it does the commitment in paragraph 1.6.8.5 that planting will include a mix of stock sizes, including transplants, whips and standards. The SDNPA acknowledges that agreement of the final planting schedule, including planting sizes, species and mixes will be subject to approval under proposed DCO Requirement number 7.

As a general point, and now that we are several months into the examination, it would be helpful if the applicant could confirm which Converter Station option is to be selected.

Yours faithfully



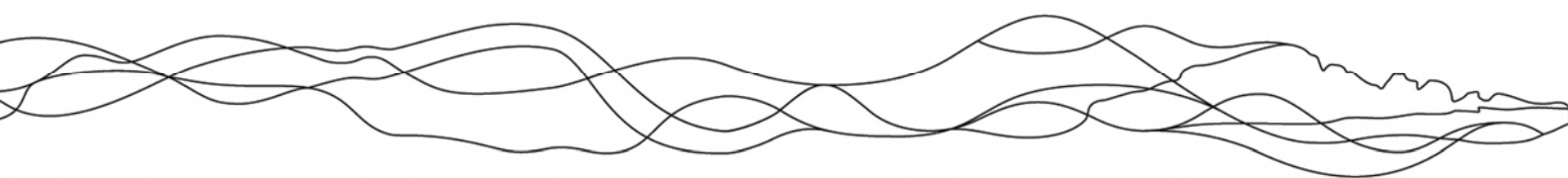
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Enclosed: SDNPA Response to ExQ2

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Response from the South Downs National Park Authority to the Examining Authority's written questions and requests for information (ExQ2)

The South Downs National Park Authority's (SDNPA) response to the questions asked of it are contained in the table below, against the Examining Authority's original question for ease of reference. These responses are provided for Deadline 2 of the examination (25 January, 2021).

Question Reference	Examining Authority Question	SDNPA Response
DCO2.5.1	<p>In relation to the proposed commercial use of the surplus capacity of the fibre optic cable, the Examining Authority notes that there are a number of opinions as to whether any associated works can be authorised by any DCO, and also which works would constitute the development and which would be Associated Development.</p> <p>The Applicant, 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 not 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>	The SDNPA has no comment to make on this matter.

	<p>Looking at the Direction, the wording is that ‘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.’ (Our emphasis.)</p> <p>The ‘proposed development’ is defined as ‘the proposed UK elements of the AQUIND Interconnector (“the proposed Development”), as set out in the Direction request’.</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 ‘construction of a converter station comprising a mix of buildings and outdoor electrical equipment’ (para 3.5.1(C)). The project description also states that ‘Signal enhancing and management equipment may also be required along the land cable route in connection with the fibre optic cables’ (3.5.1(D)).</p> <p>Paragraph 3.12 refers to the use of ‘the spare fibre optic cable capacity for the provision of commercial telecommunications services’ as Associated Development. However, the s35 direction states that ‘any development associated with’ the Proposed Development is to be treated as development for which consent is required. Therefore, the Examining Authority is minded to consider that this use, although described as ‘Associated Development’, would actually be part of the proposed project, and not Associated Development for the purposes of s115 of PA2008.</p> <p>The Examining Authority also notes the effect of s157(2) of PA 2008, which means that consent is taken to ‘authorise the use of the building for the purpose for which it is designed’ where no purpose is specified.</p>	
EIA2.6.6	The results of the ash die-back survey [AS-054] in the vicinity of the proposed	Although this question is not directed at

	<p>Converter Station site have implications for the results of the EIA, in terms of a future baseline, LVIA and mitigation requirements. Could the Applicant please explain how this supplementary information has been, or will be, integrated into the ES?</p>	<p>the SDNPA we wish to note that whilst there is commentary on the implications of the ash dieback for the assessment of effects, the Environmental Statement has not yet been updated. The SDNPA would welcome the opportunity to review the updated information once received.</p>
<p>HAB2.8.3</p>	<p>Are the proposed woodland management measures to deal with ash die-back in the two ancient woodland copses known as Stoneacre Copse and Mill Copse, as set out in the Applicant's updated Outline Biodiversity and Landscape Strategy submitted at Deadline 6 [REP6-038]:</p> <p>a) appropriate and proportionate; b) capable of being implemented without harming the integrity of the ancient woodland habitats; and c) sufficient to meet visual mitigation requirements against the updated future baseline?</p>	<p>The SDNPA welcome the inclusion of the management measures for the two identified woodlands. We consider that, in answer to question a), the approach put forward is appropriate and proportionate.</p> <p>In respect of b) the SDNPA is not able to comment on the harm (or lack thereof) that may result from the implementation at this stage without seeing more detailed proposals setting out the replanting methodology.</p> <p>In respect of c) the SDNPA recognises that the proposals are likely to meet visual mitigation requirements for these woodlands, but only in the long term with the maturing of vegetation to take the place of the diseased mature trees.</p> <p>The ash die back planting to mitigate visual effects to the south of Mill Copse is indicated on the applicant's revised</p>

		Landscape Mitigation plans, however the replacement planting within the existing woodlands, hedgerows and for individual trees is not.
LV2.9.1	<p>The new viewpoint photography provided by the Applicant at Deadline 6 ([REP6-055] to [REP6-057]) is welcome. It is noted that new VP 1b and new VP 2 closely replicate VP 15 and VP 1 in terms of compass direction, but in both cases are from lower elevations.</p> <p>Please could the corresponding elevations (AOD) for the new viewpoint locations be provided so that they can be accurately compared with the elevations provided for VP 15 and VP 1.</p> <p>Please could the Applicant provide visualisations of the Proposed Development on the baseline photographs from new VP 1b and new VP 2, together with an assessment of effects, including any breaking of the skyline by the Converter Station building and structures.</p> <p>Could confirmation be provided that all three magnifications of new VP 2 are at a bearing of 211 degrees, noting that the higher magnification photographs (15.60B and 15.60C) are not centred on the broader, panoramic shot (15.60A).</p>	<p>The photography for the two viewpoints requested by the SDNPA (Prew's Hanger and Days Lane) is welcomed and there are two additional angles of views for the Day Lane access point which is helpful.</p> <p>However, as noted by the Examining Authority the corresponding wire outline images and assessment of effects are not provided to assist a judgement being made on the impacts. The SDNP would welcome this additional information.</p>
PP2.13.1	<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-</p>	The SDNPA has no comment to make on this matter.

	<p>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>	
TT2.16.8	<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 Day Lane Technical Note [REP6-073]. These passing bays appear to be beyond the Order limits and the document does not describe how the bays would be secured or surfaced. Would this be this through a s278 agreement?</p> <p>What evidence exists that all the land for the passing bays is within the public highway?</p> <p>What baseline evidence is there regarding the use, availability and environmental effects arising from the use of these parcels of land for passing bays?</p> <p>What surfacing would be used and how would this impact trees, hedgerows and wildlife?</p>	<p>The SDNPA acknowledges that there are highways safety considerations influencing the provision of four passing bays on Day Lane. SDNPA defers to the Local Highway Authority, Hampshire County Council, on these highways safety matters.</p> <p>The SDNPA restricts itself here to commenting that these passing bays will partially erode the rural and attractive character of Day Lane.</p> <p>The SDNPA also seeks confirmation from the applicant whether or not proposed passing bays a) and d) are located within the public highway.</p>

		<p>Our boundary mapping shows the National Park boundary running along the edge of the public highway. It appears from Figure 2 of the applicant's Day Lane Technical Note (examination library reference REP6-073) that the passing bays may be located within the existing highway boundary (and thus outside of the South Downs National Park) but we would appreciate the applicant's confirmation on this point.</p>
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