



AQUIND Limited

AQUIND INTERCONNECTOR

Statement of Common Ground Between
AQUIND Limited and Portsmouth City Council

The Planning Act (2008)

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1. INTRODUCTION AND PURPOSE

1.1. PURPOSE OF THE STATEMENT OF COMMON GROUND

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

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

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

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

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

1.2. DESCRIPTION OF THE PROPOSED DEVELOPMENT

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

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

1.2.1.3. The Project is a new 2,000 MW subsea and underground High Voltage Direct Current ('HVDC') bi-directional electric power transmission link between the South Coast of England and Normandy in France. By linking the British and French electric power grids it will make energy markets more efficient, improve security of supply and enable greater flexibility as power grids evolve to adapt to different sources of renewable energy and changes in demand trends such as the development of electric

vehicles. The Project will have the capacity to transmit up to 16,000,000 MWh of electricity per annum, which equates to approximately 5% and 3% of the total consumption of the UK and France respectively.

1.2.1.4. The Proposed Development includes:

- HVDC marine cables from the boundary of the UK exclusive economic zone to the UK at Eastney in Portsmouth;
- Jointing of the HVDC marine cables and HVDC onshore cables;
- HVDC onshore cables;
- A Converter Station and associated electrical and telecommunications infrastructure;
- High Voltage Alternating Current ('HVAC') onshore cables and associated infrastructure connecting the Converter Station to the Great Britain electrical transmission network, the National Grid, at Lovedean Substation; and
- Smaller diameter fibre optic cables to be installed together with the HVDC and HVAC cables and associated infrastructure.

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

1.3.1.1. This SoCG has been prepared jointly by the Applicant and Portsmouth City Council ("PCC") in accordance with the DCLG Guidance and precedent examples of SoCG available on the Planning Inspectorate's website.

1.3.1.2. PCC is interested in the Proposed Development as a Local Planning Authority, Highway Authority and Street Authority in respect of the parts of the Proposed Development located within their administrative boundary. In addition, PCC is an owner of land affected by the Proposed Development.

1.3.1.3. PCC would be responsible for discharging many of the requirements of the Order associated with development in their administrative area should development consent be granted for the Proposed Development. PCC would also be responsible for monitoring and enforcing many of the DCO provisions and requirements.

1.3.1.4. For the purpose of this SoCG the Applicant and PCC will be jointly referred to as the "Parties".

1.3.1.5. The Applicant has sought to engage with PCC throughout the Examination and has previously submitted unilateral draft SoCGs at Deadlines 1 and 4 to reflect the Applicant's engagement efforts. More recently at Deadline 6, updated unilateral draft SoCGs were submitted by both Parties to reflect progress where discussions have occurred.

1.3.1.6. In order to make progress towards resolving the matters raised in the SoCG drafts and achieving a final signed SoCG between both Parties at Deadline 8, the Applicant

has worked to consolidate the unilateral drafts submitted at Deadline 6 into one draft SoCG, agreed by both parties as the current position. Accordingly, in this draft the Applicant has identified any matters that were not subject to any comment by PCC at Deadline 6, with the intention of removing them from the final SoCG at Deadline 8 if that remains the case. For ease of reference, these items are identified coloured in grey in the final 'RAG Status' column in the Tables at Section 4.

- 1.3.1.7. This draft also provides updated references to new or updated material submitted since Deadline 6 and reflects further discussions between the Applicant and PCC since Deadline 6 as set out at Table 2.1 (most recently on 25 January 2021). These later discussions followed the provision of a draft version of this SoCG by the Applicant on 21 January in order to help progress the discussions on outstanding matters and agree respective positions on matters by Deadline 7
- 1.3.1.8. This updated draft does, therefore, include formal comments by PCC, including discussions right up to Deadline 7 and represents a consolidated joint draft SoCG between both parties at Deadline 7.
- 1.3.1.9. The Parties are working towards a final signed SoCG at Deadline 8.

2. RECORD OF ENGAGEMENT UNDERTAKEN TO DATE

2.1.1.1. The tables below set out a summary of the key meetings and correspondence between the parties in relation to the Proposed Development.

Table 2.1 – Schedule of Pre-Application Meetings and Correspondence

Date	Form of Contact	Summary
10/01/19	Meeting (Planning and Highways, including WCC, EHC, HBC, HCC, SDNP)	Preferred Converter Station location; Preliminary Environmental Information Report (“PEIR”) for forthcoming statutory consultation; Update on cable route options; Land referencing (including Land Interest Questionnaires (“LIQ”)); Future engagement; Statement of Community Consultation (“SoCC”).
22/01/19	Meeting (Planning and Highways, including WCC, EHC, HBC, HCC, SDNP)	PEIR and forthcoming statutory consultation / process; Cable route options and rationale; Alternatives to limit impact of cable route on highway.
05/02/19	Telecon (Planning and Highways, including WCC, EHC, HBC, HCC, SDNP)	Deposit locations for Consultation Documents; Converter Station design and level of information in PEIR.

Date	Form of Contact	Summary
07/02/19	Meeting (Planning, Estates, Highways)	Cable route options; Construction methodology for cable installation; Consultation methodology agreed as per SoCC; Awareness to recreational space users who may not live in the area; Proposed Development and forthcoming consultation; Site notices, and appropriate locations along the cable corridor and in car parks of recreational areas.
15/05/19	Meeting ESCP	Update on progress and consultation responses; Milton Common proposals and design of sea defences.
12/06/19	Meeting (Contaminated Land Officer)	Review of historical records of contaminated land.
03/07/19	Meeting (Planning and Highways)	Onshore Cable Corridor update on technical work; Transport Assessment scope; Transport SRTM scoping note (methodology and assumptions).
06/07/19	Meeting (Landscape)	Viewpoints, visualisations and mitigation requirements for ORS buildings at landfall.
15/07/19	Meeting (Elected Members and senior officers)	February – April 2019 consultation; Onshore underground cable route; Construction impacts.
23/07/19	Workshop (LLFA/Drainage, including EA, Portsmouth Water and HCC LLFA/Drainage)	Update on Proposed Development and flood risk profile within the Order Limits; Surface water resources and flood risk assessment; Permitting requirements; Potential constraints at Converter Station; Crossing of the ESCP flood defences.

Date	Form of Contact	Summary
06/08/19	Meeting (Environmental Health, including EHDC and HBC)	Construction noise and vibration along Onshore Cable Corridor.
09/08/19	Telecon (Planning, Estates, Transport)	Update on Stakeholder meetings; Timescales and DCO Process; Optioneering Update, specifically, Landfall, Open Space including Bransbury Park and Farlington Playing Fields, and Farlington Avenue; Targeted Consultation; Land Referencing Update.
16/08/19	Telecon	Route Option update; Targeted Consultation; Land Referencing Update.
22/08/19	Meeting (Planning, Estates, Transport)	Onshore Cable Corridor – optioneering update; ORS buildings at landfall; DCO process.
30/08/19	Meeting (Planning, ESCP)	Coastal defences at Milton Common; Phase 4 ESCP works.
04/09/19	Briefing (Elected Members, Planning)	Councillor Briefing on Proposed Development, Onshore Cable Corridor and DCO Process.
10/09/19	Meeting (Planning, Estates, Transport)	Update on planning and transport; Elected member concerns on air quality; Land interest questionnaire refresh; Update on ESCP meeting (30/08/19); Works at landfall including the ORS; Outputs of traffic (STRM) modelling, focussing on individual junctions; AIL routes; Utilities; Groundwater.
25/09/2019	Telecon (Planning, Estates, Transport)	Project update; Progress on Order Limits/refinement; ORS at Landfall; DCO process.

Date	Form of Contact	Summary
08/10/19	Meeting (Planning, Estates, Transport)	Order Limits and key changes post consultation, including retained flexibility; Landfall, buildings and construction timescale; HDD/trenchless crossings; Impact on open land; Transport update; DCO process update.
29/10/2019	Meeting (Arboriculture, Planning)	Review of approach and likely impacts of TPO features; Mitigation on worst-case scenario.
04/11/19	Telecon (Planning, Transport, Estates)	Submission update; Traffic; Air Quality; Contaminated Land; Arboriculture; ORS; Ecology; Open Space; Post Submission and Comms.
18/12/2019		Updated Order Limits Project Description Landfall, construction and ORS (and permanent land acquisition) Milton Common Baffins Milton Rovers and Langstone Playing Fields Farlington Playing Fields Farlington Avenue Portsdown Hill Road SoCG Section 56 Notices, site notice (additional locations) Communications Strategy

Date	Form of Contact	Summary
07/01/2020	Meeting	Project Update SoCG and Future Meetings Open Space Estates/Property and DCO (PCC Land Ownership) Communications
12/03/2020	Telecon	Project and Examination Update Highways, focus on Relevant Representation SoCG
04/08/2020	Telecon	Examination Update SoCG Draft
11/08/2020	Telecon (Transport)	Transport update covering Eastern Road Technical Note, traffic management, modelling, survey data and abnormal loads
12/08/2020	Telecon (East Solent Coastal Partnership)	Examination Update, potential for aligning programme, compound locations and access between the Applicant and ESCP coastal defence works. Flood defence crossing and working principles.
28/09/2020	Telecon	Run through of route through Portsmouth City Council's area of jurisdiction (including changes to the Order limits post submission, to be submitted at Deadline 1).
08/10/2020	Telecon (Recreation, Planning, Estates)	Project Update in respect of socio economics with particular reference to the Applicant's Framework Management Plan for Recreational Impacts (FMP) to be submitted at Deadline 1. Specific discussion around Order Limits and issues at Farlington Playing Fields, Baffins Milton Rovers/Langstone Harbour Sports Ground and Bransbury Park.

Date	Form of Contact	Summary
27/10/2020	Telecon (Coastal Partners)	Discussion between the Applicant and Coastal Partners (formerly East Solent Coastal Partnership) on potential collaborative working and coordination in respect of onshore cable route duct installation in the area of flood defences on Portsea Island and timing of use of construction compounds review of draft landscape scheme prepared by CP.
29/10/2020	Telecon (Planning, Highways, Estates, Recreation, Legal, Corporate)	Keeping in Touch meeting covering examination update, traffic/transport, Eastney and Milton Allotments, SoCG, FMP, ORS, land matters.
11/11/2020	Email (EHO)	Response by Applicant on range of queries including night time working equipment, construction working hours, Harbourside Caravan Park. Response by reference to information submitted at deadlines 1 and 2.
12/11/2020	Telecon (Planning, Highways, Estates, Recreation, Legal, Corporate)	Keeping in Touch meeting covering examination update, traffic/transport, Eastney and Milton Allotments, SoCG, FMP, ORS, land matters. The Applicant agreed to provide updated SoCG to PCC reflecting changes since Deadline 1 and that a bigger update and discussions on outstanding matters would take place following receipt of PCC comments on Deadline 1 SoCG and its update, with view to significant update before Deadline 5.
25/11/2020	Telecon (Planning, Highways, Estates, Recreation, Legal, Corporate)	Keeping in Touch meeting covering examination update, traffic/transport, Eastney and Milton Allotments, SoCG, FMP, ORS, land matters, Coastal Partners ongoing discussions.
26/11/2020	Telecon (Planning, LLFA)	Topic Meeting on Flood Risk matters covering: addendum to FRA, and addendum to Sequential Test document since original DCO submission.

Date	Form of Contact	Summary
01/12/2020	Telecon (Planning, Ecology and Arboriculture)	Topic Meeting on Ecology and Arboriculture matters in draft SoCG.
04/12/2020	Telecon (Planning, Highways, Estates, Recreation, Legal, Corporate)	Keeping in Touch meeting covering examination update, traffic/transport, Eastney and Milton Allotments, SoCG, FMP, ORS, land matters.
08/12/2020	Telecon (Planning, Highways, HE and HCC Highways, and Air Quality)	Topic Meeting on Traffic and Transport matters in draft SoCG. (Note Air Quality Matters discussed on 17/12/202).
16/12/2020	Telecon (Planning, Socio-Economics, Recreation)	Topic Meeting on Socio Economic matters in draft SoCG.
17/12/2020	Telecon (Planning, Air Quality)	Topic Meeting on Air Quality matters in draft SoCG.
22/12/2020	TBC	Topic Meeting on Traffic and Transport matters
07/01/2021	Telecon (Noise and Vibration)	Topic Meeting on Noise and Vibration matters and SoCG.
08/01/2021	Telecon (Planning, Highways, Estates, Recreation, Legal, Corporate)	Keeping in Touch meeting covering examination update, traffic/transport, Eastney and Milton Allotments, SoCG, FMP.
13/01/2021	Telecon (Coastal Partners)	Meeting with Coastal Partners covering programme and works for both AQUIND and North Portsea Island Coastal Defence Works, to identify, discuss and progress solutions for working on both projects, in potentially similar timeframes.
14/01/2021	Telecon (Transport and Highways, PCC, HCC, HE)	Meeting to discuss issues in common between HCC/PCC/HE for potential Tri-Party SoCG.

Date	Form of Contact	Summary
20/01/2021	Telecon (Planning, Highways, Estates, Recreation, Legal, Corporate)	Keeping in Touch meeting covering examination update, traffic/transport, Eastney and Milton Allotments, SoCG, FMP.
21/01/2021	Draft SoCG	Updated consolidated SoCG issued to PCC by the Applicant
21/01/2021	Telecon (Highways)	Topic meeting on highways and transport matters.
21/01/2021	Telecon (Planning)	Meeting to discuss update to SoCG for D7.
25/01/2021	Telecon (Planning)	Meeting to discuss update to SoCG for D7

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

3.1 TOPICS COVERED IN THE STATEMENT OF COMMON GROUND

3.1.1.1. The following topics discussed between the Applicant and PCC are covered by this SoCG:

- Planning policy
- Needs for the Proposed Development
- Landscape and visual amenity
- Ecology (including arboriculture)
- Soils and agricultural land use
- Ground conditions
- Groundwater
- Surface water and flood risk
- Heritage and archaeology
- Traffic and transport
- Air quality
- Noise and vibration
- Socio-economics
- Human health
- Waste and material resources
- Cumulative effects
- Onshore Outline Construction Environmental Management Plan (“Onshore CEMP”)
- Draft DCO (including requirements to the draft DCO)
- Optical Regeneration Stations
- Community Fund
- Definition of Associated Development

- Relevance and Position of Other Licences and Consents (France)

3.1.1.2.

Where helpful to assist with an explanation of the position of the Parties these topics have been split into sections to align with the Onshore Cable Corridor within the administrative boundary of PCC:

- Section 4 (south) – London Road/Portsdown Hill Road to Burnham Road
- Section 5 – Farlington
- Section 6 – Zetland Fields and Sainsbury’s Car Park
- Section 7 – Farlington junction to Airport Service Road
- Section 8 – Great Salterns Golf Course to Velder Avenue/Moorings Way
- Section 9 – Velder Avenue/Moorings Way to Bransbury Road
- Section 10 – Eastney (Landfall)

4. CURRENT POSITION

4.1. PLANNING POLICY

Table 4.1 – Planning Policy

Ref.	Description of matter	Current Position	RAG
Planning Policy			
PCC 4.1.1	Role of NPS EN-1	It is agreed that the relevant National Policy Statement for the Proposed Development is the Overarching National Policy Statement for Energy (EN-1) (2011) and represents the primary policy basis for the determination of the application as set out in the Planning Statement (APP-108).	Agreed
PCC 4.1.2	PCC Development Plan	Local planning policies from the relevant authorities can be ‘important and relevant’ considerations for the Secretary of State (‘SoS’) in determining the Application. The Development Plan for PCC comprises (as set out at Appendix 4 of the Planning Statement (APP-108)): <ul style="list-style-type: none"> • The Portsmouth Plan (2012); • Portsmouth City Local Plan saved policies (2006); and the • Seafront Masterplan SPD (2013). • Eastney Beach Habitat Restoration and Management Plan SPD (2014). • Parking Standards and Transport Assessments SPD adopted (2014). • Air Quality and Pollution SPD (2006). • Developing Contaminated Land SPG (2004). • Hampshire Minerals and Waste Plan (2013) • Minerals and Waste Safeguarding SPD (2016) 	Agreed

4.2. NEED FOR THE PROPOSED DEVELOPMENT

Table 4.2 – Need for the Proposed Development

Ref.	Description of matter	Current Position	RAG
PCC 4.2.1	Need for the development (general)	The overarching need for the Proposed Development as set out in the Needs and Benefits Report (APP-115) and Needs and Benefits Addendum Rev 002 (REP1-136) is a matter for consideration by the SoS as decision maker in considering applications for development consent under the Planning Act 2008.	Agreed

Ref.	Description of matter	Current Position	RAG
		<p>PCC agree that the need for the development is a matter for the decision maker. PCC acknowledge the need to move to a low carbon economy and that, as set out in EN-1, significant need for new major energy infrastructure generally.</p> <p>PCC identify that in accordance with EN-5, paragraph 2.2.2, the connection has to be via the most direct route. The Applicant's position regarding the relevance of EN-5 is set out in the Position Statement on EN-5 [REP1-130]</p>	
4.2.3	Need for the development (the currently proposed route)	<p>Whilst PCC consider, in accordance with EN-5, paragraph 2.2.2, the connection has to be via the most direct route, PCC disagrees that the proposed route is the only viable option. The Applicant's position regarding the relevance of EN-5 is set out in the Position Statement on EN-5 [REP1-130].</p> <p>With regard to the proposed route, the Applicant provided an overview of the process undertaken to identify electricity grid connection points in England and France, site selection for the UK Landfall, the Cable Corridor (Onshore and Marine) and the location for the Converter Station in the ES, Chapter 2 – Consideration of Alternatives (Document Ref APP-117) and the Supplementary Alternatives Chapter, Appendix 3 of ES Addendum (REP1-152). This process included the identification, appraisal and selection of options to refine the Proposed Development. Further information was provided regarding the main reasons for the selection of the chosen options for the Proposed Development, including a comparison of the environmental effects pertinent to that option selection. It also provided the rationale for the design approach for the Proposed Development, and explained the decision making process that had been followed.</p> <p>In response to matters raised by PCC on this issue at OFH1, the Applicant confirmed in REP6-061, Table 1.1 that:</p> <p>4.2.1.1. <i>Each element of the scheme is the product of an extensive optioneering process. As required by the Infrastructure Planning Environmental Impact Assessment (EIA) Regulations 2017, the Environmental Statement (ES) sets out the alternatives considered by the Applicant and the reasons why the Proposed Development was chosen (ES Chapter 2 Consideration of Alternatives (APP-117) and the Supplementary Alternatives Chapter, Appendix 3 of ES Addendum (REP1-152)). Additional detail surrounding the chronology of option selection, including in relation to the elements of the Proposed Development in Portsmouth, is detailed within the Applicant's Transcript of Oral Submissions for Compulsory Acquisition Hearing1 (REP5-034), with specific reference to questions 9.1, 9.2 and 9.3.</i></p> <p>4.2.1.2. <i>The Applicant has thoroughly considered and balanced the relevant considerations in relation to the alternatives studied, guided by the relevant policy requirements, and reached reasonable and logical conclusions. Whilst it is not incumbent on the Applicant to show that the project represents the best option from the alternatives considered, the Applicant is of the view that, when all relevant considerations are fairly balances, it has selected the optimum final option.</i></p> <p>On the basis of the above, the relative positions of PCC and the Applicant on the proposed route for the AQUIND Interconnector are fundamentally different and the selection of the proposed route is not agreed.</p>	Not Agreed.
PCC 4.2.4	Wider benefits	<p>PCC notes the wider economic benefits the project could bring (as identified by the Applicant in the Needs and Benefits Report (APP-115) and Addendum (REP1-136))</p> <p>This matter is agreed but PCC are concerned that there are limited opportunities for direct employment benefits from the scheme and are keen to ensure that opportunities for direct local employment are maximised. This matter is addressed separately below at 4.2.5.</p>	Agreed

Ref.	Description of matter	Current Position	RAG
PCC 4.2.5	New Employment Opportunities	<p>The Applicant notes PCC's response at D6 (REP6-083) which advised that in order to come to an agreed position on the benefits of new employment opportunities (Section 2.4.4 of the Needs and Benefits Report) PCC would need an undertaking from the Applicant that direct job opportunities would be made available to Portsmouth residents seeking work – which could include an employment and skills plan delivered under S106. Without that undertaking, whilst PCC recognises the indirect employment benefit that the scheme may bring, the lack of direct job opportunities available to PCC residents would be a detractor.</p> <p>In response, the Applicant has prepared a draft Employment and Skills Strategy, in consultation with Siobhan Flynn (the Local Growth Programme Manager - Employment and Skills, at the Solent Local Enterprise Partnership – which covers PCC and HBC) and Jamie Mackay at EnterpriseM3 – the LEP which covers WCC and EHDC), and has submitted this document at D7 (Document Ref: 7.9.35) (REP7-077). A Requirement is included in the draft DCO submitted at Deadline 7 (REP7-013) to secure the submission, approval and compliance with an Employment and Skills Plan in accordance with the Employment and Skills Strategy.</p> <p>The Applicant welcomes PCC's comments on the draft Employment and Skills Strategy, in order to progress this matter for Deadline 7c, and will be happy to arrange a meeting with PCC to discuss matters further.</p>	Ongoing

4.3. LANDSCAPE AND VISUAL AMENITY

Table 4.3 – Landscape and Visual Amenity

Ref.	Description of matter	Current Position	RAG
Landscape and Visual Amenity			
PCC 4.3.1	Area of study relevant to PCC	It is agreed that the parts of the Landscape and Visual Amenity assessment set out in Chapter 15 of the ES (APP-130) relevant to PCC are Sections 4 (London Road/Portsdown Hill Road to Burnham Road (south)) to Section 10 (Eastney - Landfall) which fall within PCC's administrative boundary.	Agreed
PCC 4.3.2	ES Methodology - Study Area	The 120 m study area on either side of the cable route is agreed (as noted at paragraph 15.1.2.6 of Chapter 15 of the ES APP-130) The scoping out of permanent significant operational effects on landscape and visual receptors within and beyond the 120 m buffer on either side of the Onshore Cable Corridor is also agreed (as per paragraph 15.3.5.1).	Agreed
PCC 4.3.3	ES Methodology - Study Area	It is agreed (as noted at paragraph 15.1.2.7 of Chapter 15 of the ES APP-130) that a 300 m study area around the Landfall is appropriate, with no requirement for a Zone of Theoretical Visibility (ZTV) for the Optical Regeneration Station(s) (ORS).	Agreed
PCC 4.3.4	ES Methodology - Study Area	The locations of the verified views and wirelines for the ORS at Landfall have been agreed (as noted at paragraph 15.4.4.24 of Chapter 15 of the ES APP-130).	Agreed
PCC 4.3.5	ES Baseline	The landscape and visual baseline environment is set out at section 15.5.3 of Chapter 15 of the ES APP-130). The Applicant welcomes PCC's review and agreement of this baseline for the relevant sections.	Agreed

Ref.	Description of matter	Current Position	RAG
PCC 4.3.6	Predicted impacts (type of predicted impacts)	<p>The impacts considered to have the potential to give rise to temporary significant effects during construction of the Proposed Development in relation to the Onshore Cable Corridor and Landfall are identified at section 15.3.6 of Chapter 15 of the ES (APP-130). PCC confirmed in its Deadline 6 submission that it agrees that the temporary significant effects as set out in Section 15.3.6 of the ES represent an accurate account of predicted impacts, though disagreed with the potential duration of those impacts. PCC consider that the duration of impacts have not been considered.</p> <p>For the purpose of this SoCG, the Applicant has therefore 'split' the 'Predicted Impacts' topic in to two, and this row now only deals with the type of predicted impacts. PCC have confirmed that the temporary significant effects as set out in Section 15.3.6 of the ES represent an accurate account of predicted impacts. This matter is agreed between the parties.</p>	Agreed
4.3.7	Predicted impacts (Duration of predicted impacts)	<p>As noted in row 4.3.6, above, PCC identified at Deadline 6 that in their view the duration of these predicted impacts have not been considered.</p> <p>The Applicant notes that the duration of impacts has been considered in the ES in respect of each topic where relevant. In terms of the duration of predicted landscape and visual impacts, the ES should be read as a whole, including Appendix 15.3 (APP-401) as referred to in section 15.4 Assessment Methodology. Appendix 15.3 Landscape and Visual Assessment Methodology, paragraph 1.8.1.2 states that the duration in the context of the Proposed Development is as follows:</p> <ul style="list-style-type: none"> • Short term – 0 -3 years (temporary) • Medium term – 3 – 20 years (temporary and permanent) • Long term – 20 to 40 years (permanent) <p>Table 7 in Appendix 15.3 expands on this and goes on to state that in terms of duration and reversibility a medium (medium-term) magnitude of landscape and visual change can be semi-permanent or partially reversible, whilst small (short-term) can be partially reversible or reversible. Tables 15.10 and 15.11 of the ES also summarise the nature of effects and includes references to duration.</p> <p>The Applicant requests that PCC provide further detail on the elements of the duration of impacts that are not agreed, to inform discussions by both Parties, to establish an agreed position by D8.</p>	Ongoing
PCC 4.3.8	Mitigation - Outline Landscape and Biodiversity Strategy	<p>The extent of the mitigation relating to the ORS at the Landfall set out in the Outline Landscape and Biodiversity Strategy (REP1-034) submitted with the Application, revised at D6 (REP6-038), and again at D7 (Document Ref 6.1 Rev 005) (REP7-023), are matters yet to be agreed.</p> <p>At D6, PCC noted that it was awaiting details of mitigation for Fort Cumberland Car Park, and requested that the Applicant provides a suitable landscape specification which takes account of the specific coastal environment encountered at this location.</p> <p>The Applicant confirms that the proposed layout of landscape mitigation at Fort Cumberland Car Park is provided in the Outline Landscape and Biodiversity Strategy, Appendix 2, Figure 3 (REP6-038) that was submitted at Deadline 6, (and included in the updated OLBS submitted at D7 (REP7-023). In addition, the planting specification for this location is provided in Appendix 15.7 of the ES, Section 1.2.2. The most recent version of the latter document can be found at REP6-029. The Applicant has provided an extract of the planting specification to assist PCC's consideration of this matter in order to confirm whether the</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
		<p>submitted details are sufficient for PCC to confirm that the planting specification will take account of the specific coastal environment at this location (noting that the detail of any planting scheme will be covered by Requirement 7).</p> <p>The Applicant welcomes PCC's response on the landscaping details for Fort Cumberland Car Park referred to above, to inform any further discussions by both parties, and to confirm a position before D7c.</p>	
PCC 4.3.9	Mitigation - Onshore Outline CEMP – General Environmental Control Measures	The general measures set out in the Onshore Outline CEMP (REP5-019) section 5.2 (Landscape and Visual Amenity), revised at Deadline 6 (REP6-036) are agreed.	Agreed
PCC 4.3.10	Mitigation - Onshore Outline CEMP – Location Specific Construction Environmental Control Measures	<p>The following measures set out in the Onshore Outline CEMP (REP5-019):</p> <ul style="list-style-type: none"> • Section 6.2.3 (Landscape and Visual Amenity); • Section 6.5.1 (Section 4 - Hambledon Road to Farlington Avenue - Arboriculture and Landscape); • Section 6.6.1 (Section 5 - Farlington - Arboriculture and Landscape); • Section 6.7.1 (Section 6 - Zetland Field and Sainsbury's Car Park - Arboriculture and Landscape); • Section 6.8.1 (Section 7 - Farlington Junction to Airport Service Road - Arboriculture and Landscape); • Section 6.9.1 (Section 8 - Eastern Road (adjacent to Great Salterns Golf Course) To Moorings Way - Arboriculture and Landscape); • Section 6.10.1 (Section 9 - Mooring Way to Bransbury Road - Arboriculture and Landscape); and • Section 6.11.1 (Section 10 - Eastney (Landfall) - Arboriculture and Landscape); <p>are not yet agreed between the Parties.</p> <p>At D6 (REP6-083) PCC noted that this matter is ongoing, and requested that rather than stating 'where practicable, design should avoid positioning cables in conflict with RPA's', this should be 'unless no alternatives exist, cables must not be positioned in conflict with RPA's' or similar.</p> <p>The Applicant notes that the OOCEMP (REP6-036) was revised at D6, including references to methodology around highway trees and the CAVAT payment scheme. The OOCEMP was further updated at D7 (REP7-032). The Applicant seeks PCC's agreement on the mitigation proposed.</p> <p>The Applicant has subsequently updated the Arboricultural Method Statement for D7 (Document Ref 7.7.21 Rev 001) (REP7-066), which responds to the issue relating to protection/retention of trees. In particular, Section 1.3.2 provides details of the proposed hierarchy for mitigation consideration of tree loss.</p> <p>The Applicant welcomes PCC's consideration and review of the updated OOCEMP and Arboricultural Method Statement for D7, to inform any further discussions by both Parties, and to confirm a position in time for D7c.</p>	Ongoing
PCC 4.3.11	Mitigation - Onshore	The measures set out in the Onshore Outline CEMP (REP5-019) section 7.1 (Onshore Monitoring Plan - Landscape and Visual Amenity - Management of Vegetation), as updated in the revised version submitted at D6 (REP6-036), and again at D7 (REP-032), are yet to be agreed.	Ongoing

Ref.	Description of matter	Current Position	RAG
	Outline CEMP – Onshore Monitoring Plan	<p>PCC did not provide comments on this matter at D6, but has advised it will review this matter and confirm a response shortly.</p> <p>The Applicant welcomes a response from PCC on this matter, but notes that if no comments are received, then the Applicant intends to remove this item from the SoCG at D8.</p>	
PCC 4.3.12	Residual effects	<p>Subject to further discussion in relation to predicted impacts and mitigation measures, the Applicant seeks PCC's agreement of the assessment of residual effects set out at Tables 15.10 and 15.11 of Chapter 15 of the ES (APP-130).</p> <p>PCC did not provide comments on this matter at D6 and PCC await further details regarding the reinstatement of playing pitches.</p> <p>The Applicant is awaiting the outcome of specialist surveys being undertaken 20/21 January 2021 to inform an update of the Framework Management Plan for Recreational Impacts and will provide this to PCC and the ExA as soon as it is available during the week commencing 8th February 2021, albeit it is not anticipated the findings of that survey will in any way change the residual effects identified taking into account the methodology employed to determine those.</p> <p>The Applicant welcomes PCC's consideration and review of the updated FMP to inform any further discussions by both Parties, and to confirm a position in advance of D8. The Applicant separately welcomes PCC's agreement of the assessment of residual effects set out at Tables 15.10 and 15.11 of Chapter 15 of the ES (APP-130).</p>	Ongoing
PCC 4.3.13	Requirement – detailed landscaping scheme	<p>The draft DCO (REP1-021) requirements (7 and 8) relating to the need for a detailed landscaping scheme, comprising hard and soft landscaping, and a scheme of implementation and maintenance (LPA approval), as amended in (REP-015), and updated in (REP7-013) are yet to be agreed. The Applicant confirms that Requirement 8 now includes reference to seeding of areas.</p> <p>At D6, PCC advised that as the draft DCO is being worked on separately, it would be inappropriate to agree, or otherwise, at this stage. No comments have been received from PCC by the Applicant on the draft DCO to date at any stage during the Examination.</p> <p>The Applicant notes that ongoing discussions regarding the dDCO and Requirements may allow progress on this matter. The draft DCO is to be discussed further at ISH4 on 17/02/21.</p>	Ongoing

4.4. ECOLOGY (INCLUDING ARBORICULTURE)

Table 4.4 – Ecology (including Arboriculture)

Ref.	Description of matter	Current Position	RAG
Ecology (including Arboriculture)			
PCC 4.4.1	Area of study relevant to PCC	It is agreed that the parts of the Onshore Ecology assessment set out in Chapter 16 of the ES (APP-131) relevant to PCC are Sections 4 (London Road/Portsdown Hill Road to Burnham Road (south)) to Section 10 (Eastney - Landfall) which fall within PCC's administrative boundary.	Agreed

Ref.	Description of matter	Current Position	RAG
PCC 4.4.2	ES Methodology – Study Area	The study areas for the Preliminary Ecological Appraisal (“PEA”) for ecological features (as noted in section 16.1.2 of Chapter 16 of the ES APP-131) are agreed as appropriate (email from PCC dated 10/12/2020).	Agreed

<p>PCC 4.4.3</p>	<p>ES Baseline</p>	<p>The ecological baseline as set out at section 16.5 of Chapter 16 of the ES APP-131. The Applicant requested PCC's review and agreement of this baseline for the relevant sections.</p> <p>PCC is unable to agree the baseline as they identify the following areas remain of concern (as identified at D6 in (REP6-083)):</p> <ul style="list-style-type: none"> <i>The bat surveys undertaken were restricted to the Converter Station Area. No bat surveys were undertaken within PCC no written justification for this is within the application. PCC therefore request that suitable bat surveys of Milton Common are undertaken to inform the mitigation proposals. Such surveys will help gain an understanding of how effects on this species group can be adequately avoided, mitigated or compensated within PCC. At this stage PCC are of the view that there is insufficient information to assess the project, with respect to bats, in the context of the intrinsic value of Milton Common and the potential impacts.</i> <i>PCC disagree with the baseline assessment that the breeding bird community as important at the Local scale. PCC would place it at County importance, at least, given that black redstart is breeding adjacent to the site.</i> <i>PCC are concerned that the status of reptiles outside the converter station area has not been sufficiently investigated via appropriate survey of suitable habitat. Instead, there is an assumption of presence in low numbers. This assumption is not in line with good practice and, particularly given the scale of this scheme, PCC would expect to see a survey of suitable habitat. The additional justification on this point to be submitted following PCC ecology meeting on 01/12/20 has not been provided by the Applicant's ecologist. We do not currently consider that the limited reptile survey conducted to be an accurate representation of the site's reptile population. Milton Common received a translocated population of reptiles in recent years, however this site and all other parts of the site within PCC's area was excluded from the reptile surveys. The ES is based on an assumption that reptiles are present in low numbers, however, this assessment is likely to be inaccurate and unsuitable for some areas within PCC's jurisdiction. We therefore request that all areas of suitable habitat within PCC are surveyed for reptiles in line with current guidance.</i> <p>In response, the Applicant notes the following:</p> <ul style="list-style-type: none"> The Proposed Development will follow a route either around the edge of Milton Common or along a footpath through it. This narrow corridor will lead to a small amount of temporary habitat loss in areas subject to heavy disturbance by footfall. Habitats will be restored following the completion of works. Outside of Milton Common the Onshore Cable Route will principally follow highways such that any impacts on habitats and species are negligible. The ecological survey programme was developed through analysis of the Onshore Cable route and its interaction with key habitats. The survey design was published for consultation within the Preliminary Environmental Information Report (PEIR) in late 2018. Given the limited and short term nature of works at Milton Common, and the background level of disturbance, surveys for commuting and foraging bats were not undertaken unlike areas where considerable habitat loss and management would occur (i.e. at the converter station at Lovedean). To characterise the assessment presented in Chapter 16 of the Environmental Statement it is considered sufficient and appropriate to utilise up to date habitat survey data and ecological records (from HBIC). The majority of the Proposed Development will be constructed along roads and through urban areas unsuitable for reptiles. Outside the converter station area where reptile surveys were focussed, the Order Limits cross only limited amounts of suitable habitat for reptiles where following roads is not possible (e.g. at Milton Common). Given the limited and short term nature of works, and the background level of disturbance in such areas, surveys for reptiles were not undertaken. Habitat survey data and up to date ecological records (from HBIC) were used within the assessment presented in Chapter 16 of the Environmental Statement and are sufficient to characterise impacts of the Proposed Development on reptiles outside of the Converter Station Area. 	<p>Ongoing</p>
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Ref.	Description of matter	Current Position	RAG
		<ul style="list-style-type: none"> Bats and reptiles have not been presumed absent from Milton Common and other areas of suitable habitat, and mitigation for both features is provided within ES Chapter 16 Onshore Ecology (APP-131). It is further noted that in 4.4.9 below PCC agree that residual effects identified in Chapter 16 on ecological features, including bats and reptiles, are unlikely to change following provision of further information; therefore, additional survey data would not alter the findings or conclusions presented. The Applicant has identified areas where land take will occur within the Proposed Development that have potential to support common reptiles. This is limited to the Lovedean Converter Station where full surveys for reptiles were undertaken in 2019. Other sections of the Proposed Development were not subject to surveys as standard mitigation by habitat manipulation is sufficient to ensure legal compliance. These areas, including Milton Common, involve temporary land take of a limited working width. The precautionary measures are detailed in the 'Precautionary Measures of Work for Reptiles' in the Outline Onshore Construction Environmental Management Plan (REP5-019). The measures proposed do not distinguish between population size class definitions and are considered to apply in all scenarios. In addition, any survey work would not alter the conclusion on residual effects with regards to reptiles. This approach is proportionate given the highly localised and temporary nature of the work and is in line with similar developments such as the Southampton to London Pipeline Project. With respect to black redstart, surveys identified this species within the derelict Fraser Range site. This is outside the Order Limits, with the closest black redstart sighting being <300m from the Eastney Landfall site and therefore does not breed in habitat that coincides with the Proposed Development. The evaluation of the breeding bird community is therefore appropriate and reflects those bird species that use habitats within and immediately adjacent to the Order Limits, which as demonstrated by breeding bird survey data (APP-420) is not the case for black redstart. The Applicant welcomes PCC's agreement that this matter is agreed. The water body within Great Salterns Lake SINC was included within the great crested newt Habitat Suitability Index (HSI) study, listed as Pond X (APP-417). It was found to have a very low HSI score of 0.27 and scoped out of the study as unsuitable to support great crested newts. Evidence shows Great Salterns Lake to be saline, precluding its use by this species. The SINC's designation definition information held by Hampshire Biodiversity Information Centre (HBIC) indicates it supports salt marsh habitat that would not be present if it comprised fresh water. The Applicant notes that PCC requested further HSI study data in its response at D6 (REP6-083). The Applicant provided additional HSI study data, as requested, to PCC on 27/01/21 to assist the progression of this matter. <p>On 25/01/21, PCC confirmed that, following discussions with the Applicant, its previous comment made at D6 in (REP6-083) regarding the black redstart is withdrawn.</p> <p>The Applicant welcomes PCC's review of the additional HSI data, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8. The Applicant notes that the most up to date version of the OOCEMP is that submitted at D7 (REP7-032)</p>	

Ref.	Description of matter	Current Position	RAG
<p>PCC 4.4.4</p>	<p>Predicted impacts</p>	<p>The impacts are identified with regards to ecological/environmental designations and species in relation to the Onshore Cable Corridor and Landfall are identified (including mitigation) at sections 16.5.1.47 to 60, 16.6.2 and 16.6.3 of Chapter 16 of the ES (APP-131, and associated Appendix 16.3 (APP-411)).</p> <p>PCC has raised concerns on the lack of clarity on the final cable route, and a resultant potential for significant effects on bird disturbance to the Solent SPAs (notably Langstone and Chichester Harbour SPA) and the functionally linked land. As such the predicted impacts on Chichester and Langstone Harbour are identified in paragraph 16.6.2.3 to 16.6.2.19 of Chapter 16 of the ES and are yet to be agreed.</p> <p>PCC notes that they may be better placed to agree on the predicted impacts once points above have been addressed.</p> <p>The Applicant provided the additional HSI study data, as requested, to PCC on 27/01/21 to assist the progression of this matter. The Applicant now welcomes PCC's review of the additional HSI data, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p> <p>The impacts of the Proposed Development in respect of the whole Onshore Cable Corridor have been appropriately and robustly assessed, and therefore the worst case impacts of the installation of the Onshore Cables within the Onshore Cable Corridor have been assessed and reported. The Applicant does not agree that there is a lack of clarity with regard to the impacts within the Onshore Cable Corridor, and appropriate mitigation is to be secured where necessary.</p>	<p>Ongoing</p>
<p>PCC 4.4.5</p>	<p>Mitigation - embedded</p>	<p>The embedded mitigation measures are set out in paragraphs 16.6.2.1 of Chapter 16 of the ES (APP-131) and are yet to be agreed with PCC.</p> <p>At D6 PCC noted (REP6-083) that they have expressed concerns that vegetation clearance works being timed to avoid the breeding bird season and how this will sit alongside completing certain works in the wintering season. If both restrictions were applied to the same element of works, that would only leave September for these elements. PCC therefore requested the submission of a programme of ecological works.</p> <p>In response, the Applicant notes the following:</p> <ul style="list-style-type: none"> • Winter seasonal restrictions have been put in place mainly to prevent effects on wintering bird populations and relate to Chichester and Langstone Harbour SPA and its associated Solent Wader and Brent Goose Strategy sites. These areas are either in the harbour itself or are open amenity habitats (e.g. grass sports fields) that do not present a risk in relation to nesting birds during the breeding season. • A further restriction occurs at Denmead Meadows (outside of PCC's jurisdiction) where works will be undertaken outside the winter wet season, being undertaken between August and November. Removal of small areas of suitable nesting habitat would be required, occurring at the end of the bird breeding season. As stipulated in Embedded Mitigation measures within Chapter 16 Onshore Ecology of the ES (APP-131) , if clearance at this location overlaps with the bird breeding season it will not be removed unless surveyed and approved by a qualified ecologist. • It is intended to clear all other vegetation that could support nesting birds outside the bird breeding season, considered to be between March and August. But it is recognised that this may not be possible in all cases, and if clearance is required due to exceptional circumstances during the breeding season it will only be removed after survey and approval by a qualified ecologist to make sure no active nests are present. <p>The Applicant welcomes PCC's consideration of the response provided above, and confirmation that embedded mitigation matters can now be agreed.</p>	<p>Ongoing</p>

Ref.	Description of matter	Current Position	RAG
PCC 4.4.6	Mitigation - Onshore Outline CEMP – General Environmental Control Measures	<p>The measures set out in section 6.2.1 (Onshore Ecology) of the Onshore Outline CEMP (REP5-019), referring to construction noise effects on Wintering Birds, and section 5.3 (Onshore Ecology), including precautionary methods of works and arboriculture, are yet to be agreed.</p> <p>At D6, PCC advised (REP6-083) that while section 5.3 of the CEMP is broadly acceptable, PCC hopes to be in a better position to agree with the precautionary measures for reptiles and breeding birds when requested information in 4.4.3 and 4.4.5 above is provided.</p> <p>The Applicant has provided responses to 4.4.3 and 4.4.5 above, and notes the request for additional HSI study data which has now been provided to PCC by the Applicant.</p> <p>The Applicant welcomes PCC's consideration of the responses provided above to 4.4.3 and 4.4.5 above, and PCC's review of the additional HSI data, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing

<p>PCC 4.4.7</p>	<p>Mitigation - Onshore Outline CEMP – Location Specific Construction Environmental Control Measures</p>	<p>The following sections of the Onshore Outline CEMP (REP5-019):</p> <ul style="list-style-type: none"> • Section 6.2.1 (Onshore Ecology); <ul style="list-style-type: none"> ◦ Winter Restriction of Works Adjacent to Chichester and Langstone Harbour SPA; ◦ Bats and Lighting (Farlington Playing Fields); ◦ Soil Horizon Preservation (Milton Common SINC, unimproved and semi-improved grassland); and ◦ Ground Protection (Milton Common SINC, unimproved and semi-improved grassland); • Section 6.2.2 (Arboriculture)section 6.5.1 (Section 4 Hambledon Road to Farlington Avenue - Arboriculture and Landscape); • Section 6.6.1 (Section 5 Farlington - Arboriculture and Landscape); • Section 6.7.1 (Section 6 Zetland Field and Sainsbury’s Car Park - Arboriculture and Landscape); • Section 6.8.1 (Section 7 Farlington Junction to Airport Service Road - Arboriculture and Landscape); • Section 6.9.1 (Section 8 Eastern Road (adjacent to Great Salterns Golf Course) To Moorings Way - Arboriculture and Landscape); • Section 6.10.1 (Section 9 Moorings Way to Bransbury Road - Arboriculture and Landscape); • Section 6.11.1 (Section 10 Eastney (Landfall) - Arboriculture and Landscape); • <p>are yet to be agreed. The Applicant notes that the Onshore Outline CEMP was updated at D7 (Document Ref. 6.9 Rev 006) (REP7-032), and the Outline Landscape and Biodiversity Strategy was also updated at D7 (Document Ref 6.10 Rev 005) (REP7-023).</p> <p>At D6, PCC noted that the Applicant has provided further detail in the CEMP relating to the restoration of SWBGS sites, which is welcomed. PCC also noted that the requested additional detail on the role of the Ecological Clerk of Works has not been provided.</p> <p>The Applicant confirms that the Ecological Clerk of Works will be responsible for monitoring implementation and compliance with mitigation measures included in the Biodiversity Management Plan (Requirement 9), as informed by the Environmental Statement, OOCEMP and OLBS.</p> <p>PCC have previously sought further clarification on lighting across the remaining areas of the scheme, if this is indeed required, and how lighting will be minimised where possible in line with the guidance and have yet to see this information.</p> <p>In response, the Applicant notes, with respect to lighting and potential impacts on ecological features, construction work will be restricted to daylight hours between dawn and dusk within areas without public street lighting (e.g. Converter Station Area) during the bat active season (April to October) to avoid disturbance effects of lighting on bats.</p> <p>The exception is works at HDD-4, located at Farlington Playing Fields, which will operate 24/7 during the bat active season. Additional measures will be put in place here to avoid disturbance effects on bats. Lighting of construction work will be designed with reference to recommendations issued by The Bat Conservation Trust (2014) and Institute of Lighting Engineers (2009), and be cowled/hooded to avoid extraneous light spill, and focussed onto works areas only to maintain dark corridors on the edge of the playing fields and avoid disturbance of commuting and foraging bats. Farlington Playing Fields is unlit and construction lighting could result in disturbance of bat commuting routes and foraging areas located around the site’s edge where scrub and woodland are located. These habitats are used by bats to navigate and find food; open areas are avoided as no physical features are present to reflect echolocation calls. Thus, to avoid effects on bats trenching areas and compounds for HDD work will be set back from the edge of the playing field by at least 10 m to maintain habitats there and preserve bat flight lines.</p> <p>The Applicant welcomes PCC’s review and response to the information provided above regarding the role of the Ecological Clerk of Works and the measures proposed to avoid effects on bats, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	<p>Ongoing</p>
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Ref.	Description of matter	Current Position	RAG
PCC 4.4.8	Mitigation - Onshore Monitoring Plan	<p>The agreement of the Onshore Outline CEMP (REP5-019):</p> <ul style="list-style-type: none"> • Section 7.1 (Onshore Monitoring Plan - Arboriculture - Protection of trees); • Section 7.1 (Onshore Monitoring Plan - Onshore Ecology - Seed harvesting and reseeded at Denmead Meadows, Kings Pond Meadow SINC and Unimproved Neutral Grassland); and • Section 7.1 (Onshore Monitoring Plan - Onshore Ecology - Construction impacts to the environment) <p>At D6, PCC advised that they would consider residual effects unlikely to change following provision of the further information requested as above. On this basis, PCC are broadly in agreement with residual effects. Ecological monitoring requirements for this scheme are limited in the PCC area.</p>	Agreed
PCC 4.4.9	Residual effects	<p>Subject to further discussion in relation to predicted impacts and mitigation measures, The Applicant seeks PCC's agreement of the assessment of residual effects set out in section 16.9 and table 16.9 of Chapter 16 of the ES (APP-131).</p> <p>At D6, PCC advised that they would consider residual effects unlikely to change following provision of the further information requested as above. On this basis, PCC is broadly in agreement with residual effects.</p>	Agreed

<p>PCC 4.4.10</p>	<p>Requirement - Biodiversity Management Strategy/Plan</p>	<p>Draft DCO (REP1-021) Requirement 9 relating to the need for a Biodiversity Management Strategy/Plan with mitigation and enhancement measures (LPA approval) is yet to be agreed.</p> <p>PCC note that while the Outline Landscape and Biodiversity Strategy outlines management prescriptions for a 5-year aftercare period, the Council would expect the management plan to cover the lifetime of the operational phase of the development.</p> <p>In response, the Applicant notes that the updated OLBS submitted at D7 (Document Ref 6.10 Rev 005) (REP7-023) covers these matters. In particular, paragraphs 1.8.2.1 to 1.8.2.4 state:</p> <p><i>The management of existing and proposed landscapes/habitats at the Converter Station Area and in connection with the ORS shall be subject to a detailed landscaping scheme. This shall encompass the management, maintenance and monitoring plans to ensure the full and successful establishment and ongoing monitoring of existing, new and replacement planting throughout the operational lifetime of the Proposed Development.</i></p> <p><i>The detailed landscaping scheme shall prescribe maintenance regimes. New planting shall be subject to a five-year period within which reinstatement is required to secure successful establishment, commencing on completion of landscaping works associated with each phase.</i></p> <p><i>The plan shall consider the management of the identified features in further detail, considering the objectives and functions and align with the Onshore Outline CEMP (APP-505).</i></p> <p>The Applicant notes that para 1.7.1.3 states:</p> <p><i>The proposed management prescriptions for existing, new and replacement planting associated with Section 1 Converter Station Area will take place throughout the operational lifetime of the Proposed Development. The undertaker will be responsible for the maintenance of landscaping to be provided in connection with the ORS buildings at the Landfall, as confirmed at Requirement 8 to the dDCO.</i></p> <p>In addition, the Applicant's Responses to Deadline 4 Submissions (REP6-067) states at paragraph 80:</p> <p><i>As referred to in The Applicant's Comments on Responses to Examining Authority's First Written Questions MG1.1.22 (REP2-008) the revised Outline Landscape and Biodiversity Strategy (OLBS) (REP-034) makes it clear that the Applicant will be responsible for the ongoing management and maintenance of the planting around the ORS during the lifetime of the Proposed Development. As stated in paragraph 1.8.2.1, "The management of existing and proposed landscapes/habitats at the Converter Station Area and in connection with the ORS shall be subject to a detailed landscaping scheme. This shall encompass the management, maintenance and monitoring plans to ensure the full and successful establishment and ongoing monitoring of existing, new and replacement planting throughout the operational lifetime of the Proposed Development."</i></p> <p><i>Requirement 8 of the dDCO (REP5-008) states under 8(3) that "All landscaping provided in connection with Works No.2 and the optical regeneration stations within Works No.5 must be retained, managed and maintained during the operational period."</i></p> <p>The Applicant welcomes PCC's review and response to the information provided above regarding the maintenance period set out in the OLBS and Requirement 8, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	<p>Ongoing</p>
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Ref.	Description of matter	Current Position	RAG
PCC 4.4.11	Arboriculture	<p>The details set out in sections 1.3.1 -1.3.4.1 of the submitted Arboriculture Report (APP-411) are yet to be agreed.</p> <p>It is acknowledged that PCC does not protect trees under its own control (within PCC land). A summary of effects for onshore ecology is included at Table 16.9 of ES Chapter 16 Onshore Ecology (APP-131) and includes for the loss of Category A trees. The loss of Category B trees and dense and scattered scrub is scoped out of the assessment as per Table 16.1. These effects are yet to be agreed.</p> <p>The Applicant requests that PCC provide further detail on the elements of the Arboriculture Report that are not agreed, to inform discussions by both parties, to confirm a position in advance of D8.</p>	Ongoing
PCC 4.4.12	Mitigation	<p>PCC has advised that the loss of any trees must be avoided and subsequently the details set out in sections 1.7.5 to 1.7.11 in the submitted Arboriculture Report (APP-411), identifying the baseline arboricultural conditions, potential impacts and specific mitigation, are yet to be agreed.</p> <p>The Onshore Outline CEMP (REP5-019) states that:</p> <p><i>Where practicable, any mature trees and hedgerows which are within the site boundary will be retained. Highway trees will only be removed as a last resort, where retention in the presence of the scheme would be contrary to sound arboricultural practice as confirmed in writing by the relevant local planning authority Arboriculture professional and with agreement on compensation / mitigation (dependant on LPA position) values for each highway tree prior to its removal. There will be no third-party tree planting within the highway without express permission from the Highway Authority. Where agreed, the Local Highway Authority will undertake any highway tree mitigation planting required, to be funded from the highway tree compensation monies;</i></p> <p><i>There will be no third-party tree planting within the highway without express permission from the Highway Authority. Where requested, tree mitigation planting will be undertaken by the Highway Authority through CAVAT funding.</i></p> <p>The Applicant would welcome PCC's comments on these proposed measures in the context of seeking agreement of impacts and mitigation. The Applicant understands that PCC intend to respond on this matter shortly.</p>	Ongoing
PCC 4.4.13	Schedule 11 and Articles 41 and 42 of Part 7 of the dDCO.	<p>PCC is concerned about the potential removal of significant trees within the local authority area as identified in Schedule 11 of the dDCO (REP1-021). The inclusion of the TPO trees within Schedule 11 of the dDCO (REP1-021) and other non-protected trees within PCC, and Articles 41 and 42 of Part 7 of the dDCO are yet to be agreed.</p> <p>The Applicant requests that PCC provide further detail on the elements of the Arboriculture Report that are not agreed, to inform discussions by both parties, to confirm a position in advance of D8.</p>	Ongoing

4.5. GROUND CONDITIONS

Table 4.5 – Ground Conditions

Ref.	Description of matter	Current Position	RAG
Ground Conditions			
PCC 4.5.1	ES Methodology – Study Area	It is agreed that the study areas as identified in section 18.1.2 of ES Chapter 18 Ground Conditions (APP-133) is appropriate.	Agreed

Ref.	Description of matter	Current Position	RAG
PCC 4.5.2	ES Methodology – Modelling	<p>It is agreed that the assessment methodology (as identified in section 18.8 of ES Chapter 18 (APP-133)) including for the completion of a Preliminary Risk Assessment (PRA) and preliminary Conceptual Site Model (CSM) to inform further ground investigation work and the Generic Quantitative Risk Assessment (GQRA) (APP-429) is appropriate.</p> <p>At D6, PCC noted that:</p> <p><i>This is ideally a conceptual model in line with BS10175, rather than the simpler geotechnical conceptual site model in line with BS5930. It is understandable that on an engineering project there has been a leaning towards the latter and they overlap considerably and so are accepted. PCC would anticipate that the opposite time for the detailed conceptual model will be created for each section.</i></p>	Agreed
PCC 4.5.3	ES Methodology – Modelling	<p>Following the initial ground investigation carried out along the route as part of the ES the CSM was updated accordingly. It is further agreed that where the initial ground investigation and GQRA identified a potentially significant contamination risk to sensitive receptors more detailed ground investigation would be carried out following any grant of the Order. This would be carried out to confirm the required level of remediation and any other mitigation measures.</p>	Agreed
PCC 4.5.4	ES Baseline	<p>The ground conditions baseline environment is set out at section 18.5 of ES Chapter 18 (APP-133).</p> <p>PCC considers that a detailed assessment of contaminated land should have been expected as part of the DCO application to build upon the desk study completed with a conceptual model completed for each area. The Conceptual Site Model described in section 18.5.3 of ES Chapter 18 Ground Conditions and provided for each section in Appendix 18.1 (APP-429) is yet to be agreed.</p> <p>At D6, PCC stated (REP6-083) that:</p> <p><i>“With regard the land contamination aspects of the work, PCC is of the view that the whole length of the cable run should be risk assessed in tranches, each with its own PRA and GQRA rather than have a screening of the entire length that lacks local detail. The latter seems to be the approach still being adopted and as this scheme is outside of the norm, may be acceptable.</i></p> <p><i>Some units naturally suggest themselves, such as landfall site, the public open space and allotments at Eastney, Milton Common itself. However, the RA for all areas of the ground will be needed for MS for each tranche. A general MS for restoration may suffice for areas without known contamination issues, but given the soils have been previously worked, their tolerance to being worked and the potential for being mixed with polluted soils nearby or at depth means a Method Statement will be helpful.</i></p> <p><i>On-going. For a utilities installation, this seems in-depth, but the conceptual model should be created for each section of the project”</i></p> <p>The Applicant can confirm that a Preliminary Risk Assessment (PRA) and a Generic Quantitative Risk Assessment (GQRA) have been produced and can be found in Appendix 18.1 (Preliminary Risk Assessment and Generic Quantitative Risk Assessment) of the ES (APP-429). The PRA/GQRA including individual CSMs for the 10 Sections of the cable route (including alternatives) were prepared in accordance with contaminated land guidance including BS10175:2011+A2:2017 and as this was produced before the new LCRM document was released in October 2020 it follows guidance provided by Contaminated Land Report 11 (CLR11). The individual CSMs for the 10 Sections of the Cable sections can be found within Section 10 of the PRA/GQRA Appendix 18.1 (of the ES (APP-429)).</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
		<p>A Site Investigation was carried out by WSP in 2018 with the results incorporated into the GQRA for the individual 10 Sections of the Cable Route. These results were incorporated into the CSM as detailed above. The results for each section can be found within Section 9 of the PRA/GQRA Appendix 18.1 (of the ES (APP-429).</p> <p>Method Statements will be provided as detailed in the OOCEMP (APP-019). Unexpected contamination encountered will be dealt with in accordance with the OOCEMP (Section 5.5 and Section 6.9.2). The Applicant notes that the most up to date version of the OOCEMP was submitted at D7 (REP7-032)</p> <p>On 25/01/2021, PCC confirmed that this matter is 'Pending' at Deadline 7.</p> <p>PCC also commented that:</p> <p><i>The PCC Contaminated Land Team look forward to seeing the Method Statements and risk assessments by subcontractor. The desk study should be checked and sampling of any further areas identified undertaken.</i></p> <p><i>The 2018 test locations were all located solely for easy access to provide geotechnical information rather than choosing locations that are likely to be contaminated. The Desk study was undertaken retrospectively. There is a chance that contamination was missed using this approach. Its quality as an untargeted survey considering the geotechnical rather than geoenvironmental aspects is accepted. The conceptual model should have greater focus upon ensuring the land quality is not reduced by the installation of the cable run.</i></p> <p><i>The use of CLR11 as a guidance document is acceptable. CLR11 was not withdrawn due to a problem with its content, and the approach detailed therein remains valid.</i></p> <p>In response, the Applicant confirms site specific method statements will be produced by appointed contractors as detailed in the OOCEMP (REP7-032), and will be made available for PCC to review after the grant of the Order, pursuant to Requirement 13 of the draft DCO (REP7-013).</p> <p>The Applicant confirms that the 2018 ground investigation was a baseline assessment with specific targeted areas e.g. Milton Common. The number of sampling points and the methods of sampling and testing do not preclude the possible existence of contamination where concentrations may be higher than those actually encountered or ground conditions that vary from those identified. In addition, there may be exceptional ground conditions elsewhere which have not been identified by this investigation.</p> <p>Additional site specific ground investigation, remediation, verification and validation will be carried out following grant of the Order as secured under Requirement 13 of the draft DCO. A watching brief for unexpected contamination is required for the whole Onshore Cable Route during construction as detailed in the OOCEMP (REP7-032). Therefore, irrespective of variations in ground conditions that may not have been specifically identified by the surveys to identify the baseline, appropriate measures are secured by Requirement 13, to address any contamination encountered when the works are undertaken.</p> <p>The Applicant has arranged a meeting with PCC on 01/02/21, to seek to address PCC's concerns, and resolve the position on this matter in advance of D8.</p>	
<p>PCC 4.5.5</p>	<p>ES Baseline – Pollution</p>	<p>Details for the location of further survey work identified as a post DCO deliverable as identified in section 11.2.1.1 the ES chapter 18 (APP-133) are yet to be agreed. Further discussion regarding agreeing locations/ further surveys is ongoing between the parties as at D7.</p> <p>On 25/01/2021, PCC advised that further locations should be suggested (or confirmed as not required) from the conceptual model. This may help the choice in route locations.</p> <p>The Applicant notes the comments made above and will continue to engage with PCC on this matter, and discuss this at the meeting with PCC on 01/02/21.</p>	<p>Ongoing</p>
<p>PCC 4.5.6</p>	<p>ES Baseline – Historic</p>	<p>PCC has requested a watching brief for the Proposed Development for any unexpected areas of pollution. Details of the proposed mitigation for construction and decommissioning, including a watching brief as set out in section 18.9.2 of ES chapter 18 (APP-133) are yet to be agreed.</p>	<p>Ongoing</p>

Ref.	Description of matter	Current Position	RAG
		<p>At D6, PCC advised that:</p> <p><i>The further survey work should have been undertaken as early in process as possible, ideally when suggested in 2019. There is no reason to delay these works and the knowledge they will bring to the undertaking of the scheme unless the AQUIND project is not going ahead.</i></p> <p>The Applicant confirms that the appointed contractor may undertake further ground investigation as necessary in compliance with Requirement 13 of the dDCO (REP7-013). Remediation Options Appraisal, Remedial Strategy, verification reports and subsequent monitoring are also covered under Requirement 13 of the dDCO.</p> <p>On 25/01/2021 PCC advised that establishing risk and remedial options only after appointing a contractor limits options.</p> <p>The Applicant notes the comments made above but does not agree that the proposed approach limits options. The comment made is without substance. The Applicant will continue to engage with PCC on this matter, and discuss this at the meeting with PCC on 01/02/21.</p>	
<p>PCC 4.5.7</p>	<p>ES Baseline – Historical Use/Mitigation</p>	<p>The ground conditions baseline environment set out at section 18.9.1.1 – 18.9.3.2 of ES Chapter 18 (APP-133) is yet to be agreed.</p> <p>PCC did not provide comments on this matter at D6.</p> <p>On 25/01/2021, PCC advised to refer to comments submitted at 4.5.4, which confirmed that this matter is ‘Pending’ at Deadline 7. PCC also commented:</p> <p><i>The PCC Contaminated Land Team look forward to seeing the Method Statements and risk assessments by subcontractor. The desk study should be checked and sampling of any further areas identified undertaken.</i></p> <p><i>The 2018 test locations were all located solely for easy access to provide geotechnical information rather than choosing locations that are likely to be contaminated. The Desk study was undertaken retrospectively. There is a chance that contamination was missed using this approach. Its quality as an untargeted survey considering the geotechnical rather than geoenvironmental aspects is accepted. The conceptual model should have greater focus upon ensuring the land quality is not reduced by the installation of the cable run.</i></p> <p><i>The use of CLR11 as a guidance document is acceptable. CLR11 was not withdrawn due to a problem with its content, and the approach detailed therein remains valid.</i></p> <p>In response, the Applicant confirms Site specific method statements will be produced by appointed contractors as detailed in the OOCEMP (REP7-032), and will be made available for PCC to review after the grant of the Order, pursuant to Requirement 13 of the draft DCO (REP7-013).</p> <p>The Applicant confirms that the 2018 ground investigation was a baseline assessment with specific targeted areas e.g. Milton Common. The number of sampling points and the methods of sampling and testing do not preclude the possible existence of contamination where concentrations may be higher than those actually encountered or ground conditions that vary from those identified. In addition, there may be exceptional ground conditions elsewhere which have not been identified by this investigation.</p> <p>Additional site specific ground investigation, remediation, verification and validation will be carried out as necessary following grant of the Order as secured under Requirement 13 of the draft DCO. A watching brief for unexpected contamination is required for the whole Onshore Cable Route during construction as detailed in the OOCEMP (REP7-032). Therefore, irrespective of variations in ground conditions that may not have been specifically identified by the surveys to identify the baseline, appropriate measures are secured by Requirement 13, to address any contamination encountered when the works are undertaken.</p> <p>The Applicant has arranged a meeting with PCC on 01/02/21 to seek to address PCC’s concerns and resolve the position on this matter in advance of D8.</p>	<p>Ongoing</p>

Ref.	Description of matter	Current Position	RAG
PCC 4.5.8	Predicted Impacts	<p>The impacts during construction of the Proposed Development in relation to the Onshore Cable Corridor and Landfall are identified at sections 18.7.3 and 18.7.4 (for construction and operation respectively) of Chapter 18 of the ES (APP-133). The Applicant welcomes PCC's review and agreement that these represent an accurate reflection of the predicted impacts.</p> <p>PCC did not provide comments on this matter at D6.</p> <p>On 25/01/2021, PCC advised that this matter was to be reviewed. The PCC Contaminated Land Team has been wondering about whether there was a CEMP for coastal areas, including other areas such as Eastney Lake.</p> <p>The Applicant notes the Onshore Outline CEMP (the most up to date version of which is Document 6.9, Rev 006 submitted at D7 (REP7-032) covers onshore areas which adjoin the coast and therefore all areas that need to be covered by a CEMP will be. A Marine CEMP is secured through the Deemed Marine Licence for all land from MHWS.</p> <p>The Applicant will continue to engage with PCC on this matter, and include it in discussions at the meeting with PCC on 01/02/21.</p>	Ongoing
PCC 4.5.9	Predicted Impacts - CSM Results	<p>The outcome/results of the Conceptual Site Model (CSM) (section 6 of ES Chapter 18 (APP-133) are yet to be agreed.</p> <p>PCC did not provide comments on this matter at D6.</p> <p>On 25/01/2021, PCC advised that this matter was pending and to be reviewed. However, PCC are unsure if further sampling is to be undertaken and would welcome a section by section report as the conceptual model for the landfall site will be distinctly different to other areas.</p> <p>In response, the Applicant can confirm that additional ground investigation, remediation, validation and verification will be carried out following any grant of the Order as secured under Requirement 13, and this would include further sampling as necessary. The original ground investigation was a baseline assessment (please see response to PCC 4.5.4 for detail on WSP 2018 ground investigation sampling).</p> <p>Each individual section of the cable route has been discussed in detail in terms of geology, hydrogeology, hydrology, and contaminative land uses within the ES and the PRA/GQRA. Individual conceptual site models for each section of the Cable route e.g. Section 10, Landfall and Section 8 Milton Common have been produced and can be found within Section 9 of the PRA/GQRA Appendix 18.1 (of the ES (APP-429)).</p> <p>The Applicant will continue to engage with PCC on this matter, and include it in discussions at the meeting with PCC on 01/02/21.</p>	Ongoing
PCC 4.5.10	Mitigation at Milton Common	<p>The proposed mitigation for Milton Common in ES Chapter 18 (APP-133, section 18.9.2.3) is yet to be agreed.</p> <p>PCC did not provide comments on this matter at D6.</p> <p>On 25/01/2021, PCC advised that this matter is pending. PCC welcome information submitted, but unsure if /when full details will be submitted.</p> <p>The Applicant confirms that no further information will be submitted.. However, the proposed mitigation measures for Milton Common can be found within the ES Chapter 18 (APP-133) as well as within Section 6.9.2.1 of the Onshore Outline CEMP (REP7-032)).</p> <p>The Applicant will continue to engage with PCC on this matter, and include it in discussions at the meeting with PCC on 01/02/21.</p>	Ongoing
PCC 4.5.11	Mitigation - Onshore Outline CEMP – General Environmental	<p>PCC has identified the need for a Method Statement to include for remediation and waste disposal. The measures set out in section 5.5 (Ground Conditions) of the Onshore Outline CEMP (the most up to date version of which is Document 6.9, Rev 006 submitted at D7) specifically section 5.5 and its associated Appendix 4 – Outline Materials Management Plan which includes for a Remediation Strategy are yet to be agreed.</p> <p>PCC did not provide comments on this matter at D6.</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
	Control Measures	<p>On 25/01/2021, PCC advised that this matter was pending, and that they look forward to the remediation strategy being submitted.</p> <p>The Applicant confirms that no further information will be submitted. However the Material Management Plan can be found within Appendix 4 of the Onshore Outline CEMP (REP7-032) and the remediation strategy will be submitted as secured by Requirement 13.</p> <p>The Applicant will continue to engage with PCC on this matter, and include it in discussions at the meeting with PCC on 01/02/21.</p>	
PCC 4.5.12	Mitigation - Onshore Outline CEMP – Location Specific Construction Environmental Control Measures	<p>The measures set out in section 6.9.2 (Section 8 - Eastern Road (adjacent to Great Salterns Golf Course) To Moorings Way - Ground Conditions) of the Onshore Outline CEMP (REP5-019) are yet to be agreed.</p> <p>PCC did not provide comments on this matter at D6.</p> <p>On 25/01/2021, PCC advised that this matter was pending, and that they will review when able.</p> <p>The Applicant notes the comments made above and will continue to engage with PCC on this matter, and include it in discussions at the meeting with PCC on 01/02/21. The Applicant notes that the most up to date version of the Onshore Outline CEMP is document Ref: (REP7-032).</p>	Ongoing
PCC 4.5.13	Mitigation - Onshore Outline CEMP – Onshore Monitoring Plan	<p>The measures set out in section 7.1 – (Onshore Monitoring Plan - Onshore Ecology - Construction impacts to the environment) of the Onshore Outline CEMP (REP5-019) are yet to be agreed.</p> <p>PCC did not provide comments on this matter at D6.</p> <p>On 25/01/2021, PCC advised that this matter was pending, and that the impacts of both on-shore and off-shore ecology to be agreed with apposite consultees.</p> <p>The Applicant notes the comments made above and will continue to engage with PCC on this matter, and include it in discussions at the meeting with PCC on 01/02/21. The Applicant notes that the most up to date version of the Onshore Outline CEMP is document Ref: (REP7-032).</p>	Ongoing
PCC 4.5.14	Residual effects	<p>Subject to further discussion in relation to predicted impacts and mitigation measures, the Applicant seek PCC's agreement of the assessment of residual effects set out in section 18.10 and table 18.8 of Chapter 18 of the ES (APP-133).</p> <p>PCC did not provide comments on this matter at D6.</p> <p>On 25/01/2021, PCC advised that this matter was pending.</p> <p>The Applicant notes the comments made above and will continue to engage with PCC on this matter, and include it in discussions at the meeting with PCC on 01/02/21.</p>	Ongoing
PCC 4.5.15	Requirement 13 – Contaminated Land and Groundwater	<p>The draft DCO (REP1-021) and its Requirement 13 for a written scheme, per phase, to deal with contaminated land, including groundwater (LPA approval in consultation with the EA (and MMO for intertidal area)) is yet to be agreed. The Applicant notes that the most up to date version of the draft DCO was submitted at D7 (REP7-013).</p> <p>Additional provision within Requirement 13 relating to unexpected contamination, and a scheme to deal with such contamination, remediation works, and verification is yet to be agreed.</p> <p>PCC did not provide comments on this matter at D6.</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
		<p>On 25/01/2021, PCC advised that this matter was pending.</p> <p>The Applicant notes the comments made above and will continue to engage with PCC on this matter, and include it in discussions at the meeting with PCC on 01/02/21.</p>	

4.6. GROUNDWATER

Table 4.6 – Groundwater

Ref.	Description of matter	Current Position	RAG
Groundwater			
PCC 4.6.1	ES Methodology – Study Area	It is agreed that the 0.5 km study areas as identified in section 19.1.2 of ES Chapter 19 Groundwater (APP-134) is appropriate.	Agreed
PCC 4.6.2	ES Baseline	<p>The baseline environment is set out at section 19.5 of ES Chapter 19 (APP-134)..</p> <p>At D6 (REP6-083) PCC advised that: <i>The Baseline environment for groundwater is agreed as a suitable for sections 4-10 (Portsmouth). The groundwater flows and levels data attained for the project from separate workstream of AQUIND, EA and PCC provide a good baseline of detail, and are also agreed. AQUIND are aware of the future WFD classifications as a baseline, and further detail on how this will be achieved will be expected in the CEMP at detailed design stage, when dealing with groundwater encountered in trenches etc. PCC LLFA is okay to agree 4.6.2 ref: sections 4-10</i></p>	Agreed
PCC 4.6.3	Predicted Impacts	<p>The predicted impacts (section 19.6.4 to 19.6.9 of ES Chapter 19, APP-134) are considered in light of embedded mitigation identified in section 19.6.1. The applicant welcomes PCC's review and agreement that these represent an accurate reflection of the predicted impacts.</p> <p>At D6 (REP6-083) PCC advised: <i>Predicted Impacts - disagree with 19.6.4.31. as PCC consider it medium to high likelihood groundwater will be found at trench depth, especially during / immediately after prolonged or heavy rainfall. 19.6.6.8 - At Detailed Design stage, PCC will ask for clarification of exact location of land drain east of St Johns College playing pitches. Extra care needs to be taken for discharge of groundwater in this area as EA Main River 'Farlington Marshes Gutter' is home to protected species including water voles. 19.6.6.15 - again extreme care needs to be taken at HDD of Milton Common to not be causing pollution issues. PCC will expect Detailed Design Stage to clarify</i></p> <p><i>Also, PCC LLFA believes it will be difficult to design the groundwater mitigation as stated in section 19.6.1.4 as volumes may not be as easy to determine as seems to be expected. Trench work may indeed provide a groundwater flow pathway by penetrating a previously impermeable barrier. As such, PCC LLFA recommends a blanket worse case approach for the worst sections with groundwater found at a level high than bottom of trench level, with a scaled down dewatering approach if groundwater conditions are more favourable than expected. Also, there are other options for groundwater disposal, such as pumping to an infiltration pond that may be feasible. Predicted impacts are as best as can be agreed with the information available.</i></p>	Ongoing

Ref.	Description of matter	Current Position	RAG
		<p>The Applicant welcomes the acknowledgement from PCC that the '<i>Predicted impacts are as best as can be agreed with the information available</i>'.</p> <p>The Applicant accepts that the conditions will likely vary locally and during detailed design stage an appropriate dewatering strategy will be confirmed. The suggested use of infiltration ponds (trenches) will be considered at the detailed design stage. Any dewatering would be very short term, during construction only.</p> <p>The Applicant therefore considers that as far as it is possible to agree matters regarding predicted impacts for groundwater, these have been agreed with PCC at this stage, with both parties acknowledging that more information will be available at the detailed design stage to address PCC's concerns.</p> <p>The Applicant welcomes PCC's response to this matter, to confirm whether this position is now agreed.</p>	
PCC 4.6.4	Mitigation - Onshore Outline CEMP – General Environmental Control Measures	<p>The measures set out in section 5.6 (Groundwater) of the Onshore Outline CEMP (REP5-019) are agreed.</p> <p>At D6, PCC advised (REP6-083):</p> <p><i>Mitigation General - Agreed in principle by PCC, but needs also agreement from EA, Highways Authority (for discharge to highway drainage) and Southern Water (if discharge to adopted sewer is proposed). Recognition of good practice guidelines is noted. PCC will expect the full technical detail at Detailed Design Stage, in full CEMP.</i></p>	Agreed
PCC 4.6.5	Mitigation - Onshore Outline CEMP – Location Specific Construction Environmental Control Measures	<p>The measures set out in section 6.2.5 (Groundwater) of the Onshore Outline CEMP (REP5-019) are agreed.</p> <p>At D6, PCC advised (REP6-083):</p> <p><i>Mitigation Location Specific - 6.2.5.1 the sewerage undertaker is Southern Water, not Portsmouth Water. As above, agreed in principle by PCC, but needs agreement from the other parties. Good practice guidelines again noted</i></p> <p>The Applicant has noted this point and the OOCEMP has been amended.</p>	Agreed
PCC 4.6.6	Residual Effects	<p>Subject to further discussion in relation to predicted impacts and mitigation measures, the Applicant seeks PCC's agreement of the assessment of residual effects set out in section 19.8 and at Table 19.7 of Chapter 19 of the ES (APP-134).</p> <p>At D6, PCC advised that this section is dependent on the above sections 4.6.3-4.6.5 and all comments there apply here also.</p> <p>The Applicant notes with regard to PCC 4.6.3 that as far as it is possible to agree matters regarding predicted impacts for groundwater, these have been agreed with PCC at this stage, with both parties acknowledging that more information will be available at the detailed design stage to address PCC's concerns. In addition, the Applicant notes that both PCC 4.6.4 and 4.6.5 are 'agreed' matters.</p> <p>The Applicant welcomes PCC's response to this matter, to confirm whether this matter is now agreed.</p>	Ongoing

4.7. SURFACE WATER RESOURCES AND FLOOD RISK

Table 4.7 – Surface Water Resources and Flood Risk

Ref.	Description of matter	Current Position	RAG
Surface Water Resources and Flood Risk			
PCC 4.7.1	ES Methodology – Study Area	It is agreed that the study area as identified in section 20.1.2 of ES Chapter 20 Surface Water Resources and Flood Risk (APP-135) is appropriate.	Agreed
PCC 4.7.2	ES Baseline	<p>It is noted that PCC disagreed with the baseline within Chapter 20 as part of their Relevant Representation ahead of Deadline 1. The Applicant can confirm that the EA flood maps were updated following the publication of the ES and the Applicant agrees that the ORS building is now located in Flood Zone 3 as reflected in the ES Addendum (REP1-139).</p> <p>Regarding the ES Baseline, PCC note that if using EA maps it will of course need to be the most up to date set. However, these should only be used for reference and overview purposes as the maps were produced on a national scale, and PCC does not consider them wholly accurate on a local scale. PCC prefers to make reference to local knowledge and flood history for surface water flood risk in Portsmouth.</p> <p>It should also be noted that, alongside the update to the ES baseline, the ES Addendum updates have been made through a Flood Risk Assessment Addendum (REP1-157) discussed at PCC 4.7.9, and Sequential and Exception Test Addendum (REP1-158) discussed at PCC 4.7.12, to reflect the change of Flood Zone 3 extents within the tidal extent of Portsmouth.</p> <p>A meeting was held with PCC’s Lead Local Flood Authority (LLFA) representative on 26 November 2020 to discuss the updates relevant to the flood risk environment and assessment documentation submitted to supplement the publication of the original ES due to a subsequent change to the Flood Map for Planning. The Applicant presented the updates to PCC’s LLFA who has since confirmed agreement with the Flood Risk Assessment Addendum and Sequential Test Addendum and has provided comments to PCC’s planning team where items within this SoCG can be updated to agreed.</p> <p>Based on the ES Addendum, which now reflects the updated Flood Map for Planning and changes in Flood Zones, the baseline environment as per the details set out in section 20.5 of ES Chapter 20 (APP-135) are now agreed.</p>	Agreed
PCC 4.7.3	Coastal Partners (formerly East Solent Coastal Partnership)	<p>Coastal Partners (formerly East Solent Coastal Partnership) is a partnership between four Local Authorities (Fareham, Gosport, Portsmouth, and Havant) to provide advice on the coastal environment. and in particular in relation to matters relating to the North Portsea Island Coastal Schemes (Milton Common and Great Salterns Quay, and Eastern Road and Kendall’s Wharf).</p> <p>Following discussions with PCC on 25/01/21, PCC have confirmed that matters in relation to coastal defences will be responded to directly by Coastal Partners. However, on 01/02/21, PCC confirmed that Coastal Partners will be responsible for advising PCC on these matters, and that PCC would provide final agreement on the position for each relevant matter.</p> <p>In principle agreement has already been sought and provided by Coastal Partners on such matters, and the Applicant will seek formal confirmation from Coastal Partners on these matters through ongoing engagement, noting that a further meeting will be held on 02/02/21. Final confirmation on the position for each relevant matter will be provided by PCC.</p>	Ongoing
PCC 4.7.4	Coastal Partners – works adjacent to Coastal Flood Defences	<p>It is agreed in principle that works adjacent to the coastal flood defences can and will be designed to avoid works to existing or proposed coastal flood defence alignments.</p> <p>The principle of a short HDD (HDD-6) under the existing coastal flood defence to the north bund, west of Frog Lake is accepted.</p> <p>Furthermore, the principle of the proposed Horizontal Directional Drill (HDD) under Broom Channel (Langstone Harbour HDD-3) to pass below or avoid any sheet piling associated to the coastal flood defence is also agreed.</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
		<p>Specific measures and construction principles in relation to flood defences are embedded in section 5.7 (Surface Water Resources and Flood Risk) of the Onshore Outline CEMP (REP5-019). The most up to date version of the OOCEMP was submitted at D7 (REP7-032).</p> <p>Requirement 15 (Construction environmental management plan) of the draft DCO (REP7-013) requires the submission of a construction environment management plan, in accordance with the OOCEMP, therefore securing the measures relevant to coastal flood during construction.</p> <p>The Applicant would welcome confirmation from Coastal Partners that this matter is agreed in advance of D8. Final confirmation on the position for this matter will be provided by PCC.</p>	
<p>PCC 4.7.5</p>	<p>Potential conflict with the proposed construction compound and delivery of NPI Phase 4</p>	<p>PCC considers that depending on timing of the construction of the Proposed Development, there is the potential for conflict with delivery of NPI Phase 4 coastal defence works construction compound to the yard to the south-west of Kendall's Wharf.</p> <p>The Applicant has had several meetings and exchanged information with Coastal Partners and continues to engage with them regarding programme constraints, and will discuss this matter further at the meeting on 02/02/21, with the intention of reaching agreement on appropriate measures to resolve the potential overlap.</p>	<p>Ongoing</p>
<p>PCC 4.7.6</p>	<p>Cumulative construction traffic effects/ potential impacts on access to the NPI construction compound</p>	<p>PCC is concerned that the Access and Rights of Way Plans include land to the east of the highway that raises potential concern that:</p> <ul style="list-style-type: none"> (a) south of the Langstone Harbour Viewing Car Park where land will be realigned in 2022 as part of the NPI Phase 4 coastal defence works; and (b) on the northern end of Milton Common, this area will be used as a construction compound during the NPI Phase 4 works and based on the current construction programme will be unavailable from April 2021 until September 2022. <p>Details as set out in section 20.8.1.1 and 20.9.2.10 on cumulative effects within ES Chapter 20 (APP-135) are yet to be agreed. Further detail on Cumulative effects are set out in Chapter 29 of the ES (APP-144).</p> <p>The Applicant has had several meetings and exchanged information with Coastal Partners and continues to engage with them regarding programme constraints, and will discuss this matter further at the meeting on 02/02/21, with the intention of reaching agreement on appropriate measures to resolve the potential overlap.</p>	<p>Ongoing</p>
<p>PCC 4.7.7</p>	<p>Mitigation - Onshore Outline CEMP – General Environmental Control Measures</p>	<p>The principles for Ordinary Watercourse crossings are detailed in ES Appendix 20.3 (Watercourses Summary) (APP-308) section 20.7 (embedded mitigation) and 20.9 (mitigation and enhancement) of ES Chapter 20 (APP-135) and are replicated within section 5.8 of the OOCEMP (REP5-019).</p> <p>The principles for management of surface water and groundwater flood risk along the Onshore Cable Route during construction are detailed in ES Chapter 19 Groundwater (APP-134) and ES Chapter 20 Surface Water Resources and Flood Risk (APP-135) and are replicated in section 5.7 & 5.8 of the OOCEMP (REP5-019).</p> <p>Requirement 15 (Construction environmental management plan) of the draft DCO (REP1-021) requires the submission of a construction environment management plan, in accordance with the OOCEMP, therefore securing the measures for works affecting Ordinary Watercourses crossings during construction. Ordinary Watercourse Consent approval or exemption will be sought in addition to any approval granted by the DCO (See PCC 4.7.8).</p> <p>PCC note that details regarding the existing and proposed flood defences and embedded mitigation in paragraph 20.7.5.6 set out in section 20.5.5 the ES Chapter 20 (APP-135) are yet to be agreed.</p>	<p>Ongoing</p>

Ref.	Description of matter	Current Position	RAG
		<p>In response, the Applicant notes that specific matters in relation to flood defences are agreed in principle with Coastal Partners as outlined in PCC 4.7.4 above.</p> <p>On 25/01/21, PCC noted that with regard to local mitigation set out in the OOCEMP, the measures are agreed in principle, with the following comments:</p> <ul style="list-style-type: none"> • Please add PCC LLFA to list of consultees in 6.3.5.9 and 6.3.5.12 for standards, consents, Temporary Site Water Management Plan and all other items of relevance relating to drainage and surface water flood risk. • AQUIND also need to be aware of the nature of WC14 as critical infrastructure for Portsmouth - as GSL drains approximately ¼ of the islands surface water. The pumps are EA assets. • PCC are unclear on reference to 'HE' as noted in regulator, should this read PCC LLFA or Highways Authority? There is also a highways drainage box culvert immediately south of this location, which drains into the lake from Eastern Road highway drainage, it is at depth from carriageway surface and should not be prohibitive to the proposal <p>In response, the Applicant acknowledges that WC14 is critical infrastructure in relation to flood risk management within Portsmouth. Great Salterns Drain and pumping apparatus is part of a Main River and will be subject to environmental permitting with the Environment Agency prior to commencement of works. Overarching principles for construction works over culverted watercourses are embedded into Section 5.7 and 6.2.7 of the OOCEMP (REP7-032) and have been discussed and agreed with the Environment Agency as reflected within the SoCG between the Applicant and EA (onshore) (REP7-055). The Applicant welcomes the share of information regarding the highways drainage box culvert immediately south of this location which will be considered alongside other culverted watercourses at the detailed design stage. Prior to construction and excavation works the Applicant will undertake a full utility search including a request for as-built information of all culverts along the route including WC14. This information will be used to progress detailed design in relation to all crossings. Trial holes will also be carried out on all crossings to confirm that as-built information is correct prior to construction.</p> <p>The Applicant would welcome clarification of the references in the first and third points above so that the Applicant can respond to these matters.</p> <p>The Applicant welcomes confirmation of agreement on the measures in the OOCEMP (REP7-032) in advance of D8 as these appear to be agreed by PCC LLFA.</p>	
PCC 4.7.8	Ordinary Watercourse Consent	<p>Ordinary Watercourse Consent is separate to, and in addition to any grant of DCO consent.</p> <p>Whilst the permitting process will be completed after detailed design, the general principles in relation to the surface water resources and flood risk environment as per the Flood Risk Assessment (APP-439), ES Appendix 20.3 (Watercourses Summary) (APP-308), ES Chapter 20 Surface Water Resources and Flood Risk (APP-135) have been embedded into the OOCEMP (REP7-032).</p> <p>Whilst PCC as LLFA cannot guarantee approval of permits until all permit application information, with full details of the proposed construction methodology, has been submitted; the Applicant believes that the general principles to be adopted ensure there should not be any impediment to a permit/exemption being provided to enable construction of the Proposed Development.</p> <p>Where appropriate, and where Environmental Permits are required, as detailed in the Other Consents and Licences document (REP6-024), detailed information for the relevant Environmental Permitting will be submitted to PCC LLFA for review and approval and will follow the construction principles outlined within section 5.7 & 5.8 of the OOCEMP (REP7-032).</p> <p>The requirement to obtain relevant approval or exemption of Ordinary Watercourse Consent is detailed within the OOCEMP. Requirement 15 (Construction Environmental Management Plan) of the draft DCO (REP7-013) requires the submission of a Construction Environment Management Plan and approval</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
		<p>or exemption of Environmental Permits, in accordance with the OOCEMP, therefore securing the requirement to obtain approval or exemption of Environmental Permits prior to works in these locations.</p> <p>PCC note that the surface water run-off rate from ORS as noted 20.7.3.21 is defined by current planning policy - in that it cannot be increased from the pre-development run-off rate. Predicted impacts have been well thought out. There is, as with groundwater, more detail expected at detailed design stage. For example, if a trench were to become inundated with surface water from prolonged or heavy rainfall how this would be mitigated and discharged to the environment. Also, there needs to be further detail in reference to the project damaging infrastructure, that it should be replaced. PCC LLFA is happy to be available for onsite advice at short notice for any such issues, or for previously unknown drainage / flood risk infrastructure encountered during construction stage.</p> <p>The Applicant confirms further details regarding detailed design, including surface water and ground water management, will be developed in the detailed CEMP in accordance with the OOCEMP, as secured by Requirement 15.</p> <p>In response, the Applicant confirms it will plan works and develop a safe system of works to avoid damage to any existing infrastructure. However, should any drainage infrastructure be damaged as a direct consequence of the works undertaken by the Applicant, proportionate remedial works would be undertaken to reinstate the affected infrastructure. Such provisions would be agreed with PCC LLFA. Overarching principles for construction works over watercourses are embedded into Section 5.7 of the OOCEMP.</p> <p>The Applicant welcome's PCC's review of the response provided above, and requests confirmation of agreement on the above in advance of D8.</p>	
<p>PCC 4.7.9</p>	<p>Flood Risk Assessment and Flood Risk Addendum</p>	<p>The Flood Risk Assessment (APP-439), includes an assessment methodology including consideration of climate change, on and off-site impacts and proposed mitigations relevant to the flood risk environment.</p> <p>The Applicant agrees that the FRA (APP-439) required updating following a change in Flood Zone from 2 to 3 at the ORS location.</p> <p>The Flood Risk Assessment (APP-439) is now supplemented by the Flood Risk Assessment Addendum (REP1-157), of which the assessment methodology including updated consideration of climate change, on and off-site impacts and proposed mitigations relevant to the tidal environment, which is supported by the EA.</p> <p>Existing and updated inbuilt design measures, namely ORS surface water management (see PCC 4.7.10) and ORS tidal flood management (see PCC 4.7.11) alongside other mitigation measures are included within the Design and Access Statement (REP7-021) and OOCEMP (REP7-032).</p> <p>Requirement 15 (Construction Environmental Management Plan) of the draft DCO (REP7-013) requires the submission of a Construction Environmental Management Plan, in accordance with the OOCEMP (REP7-032), and Requirement 6 (Detailed design approval) of the draft DCO (REP7-013) requires the design of the Proposed Development to be in accordance with the Flood Risk Assessment measures, therefore securing the principles within the Flood Risk Assessment.</p> <p>Following on from the meeting with PCC's LLFA on 26 November 2020, where items relevant to the flood risk environment were discussed. the LLFA confirmed that the FRA Addendum and Sequential Test Addendum are accepted, however the Applicant awaits formal confirmation from PCC.</p> <p>On 25/01/21, PCC noted that with regard to general mitigation set out in the Outline CEMP, that these matters are agreed (from surface water perspective) and well considered.</p> <p>The Applicant understands that this matter is agreed (from surface water perspective) by PCC. Tidal and fluvial matters are agreed with the Environment Agency (EA) as reflected in the onshore Statement of Common Ground between the Applicant and the EA submitted at D7 (REP7-055). Specific matters in relation to Coastal Partners are agreed in principle as outlined in PCC 4.7.4 above.</p>	<p>Ongoing</p>

Ref.	Description of matter	Current Position	RAG
		The Applicant would welcome confirmation from PCC that this matter is agreed in advance of D8..	
PCC 4.7.10	Flood Risk Assessment (ORS Operational Surface Water Management)	<p>Outline principles of the surface water drainage strategy at the ORS are included within the Flood Risk Assessment (APP-439). Draft DCO (REP7-013) Requirement 6 (Detailed design approval) requires the design of the Proposed Development to be in accordance with the Flood Risk Assessment measures therefore securing the principles within the Flood Risk Assessment (APP-439) and Flood Risk Assessment Addendum (REP1-157).</p> <p>Following on from the meeting with PCC's LLFA on 26 November 2020, where items relevant to the flood risk environment were discussed, the LLFA confirmed that the FRA Addendum and Sequential Test Addendum are accepted, however the Applicant awaits formal confirmation from PCC to the measures set out.</p> <p>On 25/10/21, PCC noted that the surface water run-off rate from ORS as noted 20.7.3.21 is defined by current planning policy - in that it cannot be increased from the pre-development run-off rate. Predicted impacts have been well thought out. There is, as with groundwater, more detail expected at detailed design stage. The Applicant welcomes confirmation from PCC that this matter is agreed in advance of D8.</p>	Ongoing
PCC 4.7.11	Flood Risk Assessment Addendum (ORS Operational Tidal Flood Risk Management)	<p>The Applicant agrees that the FRA (APP-439) required updating following a change in Flood Zone from 2 to 3 at the ORS location.</p> <p>The Flood Risk Assessment (APP-439) is now supplemented by the Flood Risk Assessment Addendum (REP1-157). The assessment methodology, including consideration of climate change, on and off site impacts and proposed mitigations relevant to the tidal environment, is supported by the EA. Proposed inbuilt design measures and other mitigation measures are included within the Design and Access Statement (REP7-021) and OOCEMP (REP7-032).</p> <p>The draft DCO Requirement 6 (Detailed design approval) requires the design of the Proposed Development to be in accordance with the Flood Risk Assessment measures, therefore securing the principles within the Flood Risk Assessment (APP-439) and Flood Risk Assessment Addendum (REP1-157).</p> <p>These tidal flood risk design measures for the ORS have been embedded into the Design and Access Statement (REP7-021). Following on from the meeting with PCC's LLFA on 26 November 2020, where items relevant to the flood risk environment were discussed. the LLFA confirmed that the FRA Addendum and Sequential Test Addendum are accepted, however the applicant awaits formal confirmation from PCC and the Applicant welcomes PCC's response with a view to agreeing this matter.</p> <p>The Applicant notes that this matter appears to be agreed with PCC, and would welcome confirmation of their position on this matter in advance of D8.</p>	Ongoing
PCC 4.7.12	Sequential and Exception Test Addendum	<p>Following a change in Flood Zone from 2 to 3 at the ORS location a Sequential and Exception Test Addendum (REP1-158) has been prepared and submitted at Deadline 1 to demonstrate that the requirements of the sequential and exception test have been met.</p> <p>Following on from the meeting with PCC's LLFA on 26 November 2020, where items relevant to the flood risk environment were discussed. the LLFA confirmed that the FRA Addendum and Sequential Test Addendum are accepted, with the LLFA confirming this item can be updated to reflect agreement, however the Applicant awaits formal confirmation from PCC.</p> <p>On 25/10/21, PCC confirmed agreement to this matter.</p>	Agreed
PCC 4.7.13	Predicted Impacts	The impacts of the Proposed Development in relation to the Onshore Cable Corridor and Landfall are identified at section 20.7 of Chapter 20 of the ES (APP-135).	Ongoing

Ref.	Description of matter	Current Position	RAG
		<p>Following on from the meeting with PCC's LLFA on 26 November 2020, where items relevant to the flood risk environment were discussed. the LLFA confirmed that the FRA Addendum and Sequential Test Addendum are accepted.</p> <p>The Applicant welcomes PCC's review and agreement that these represent an accurate reflection of the predicted impacts in advance of D8.</p>	
PCC 4.7.14	Residual effects	<p>Following on from the meeting with PCC's LLFA on 26 November 2020, where items relevant to the flood risk environment were discussed. the LLFA confirmed that the FRA Addendum and Sequential Test Addendum are accepted; in relation to predicted impacts and mitigation measures. The Applicant seeks PCC's agreement of the assessment of residual effects set out at section 20.10 and table 20.12 of Chapter 20 of the ES (APP-135).</p> <p>On 25/1/21, PCC confirmed, with regard to 4.7.11 residual effects, that PCC LLFA agrees with the outline assessment of residual effects in Table 20.12</p> <p>The Applicant notes that this matter appears to be generally agreed with PCC, and would welcome confirmation of their position on this matter in advance of D8.</p>	Ongoing

4.8. HERITAGE AND ARCHAEOLOGY

Table 4.8 – Heritage and Archaeology

Ref.	Description of matter	Current Position	RAG
Heritage and Archaeology			
PCC 4.8.1	ES Methodology – study area	It is agreed that the study area of 500 m as set out in section 21.1.2 of ES Chapter 21 (APP-136) is appropriate.	Agreed
PCC 4.8.2	Engagement	It is agreed that engagement will be undertaken with the Hampshire County Council (HCC) Archaeologist, as representative for PCC.	Agreed
PCC 4.8.3	Scope of Geophysical Survey	The scope is agreed with the HCC Archaeologist, and survey subsequently completed.	Agreed
PCC 4.8.4	ES Baseline	<p>The baseline environment is set out at section 21.5 of ES Chapter 21 (APP-136). The Applicant welcomes PCC's review and agreement of this baseline for the relevant sections. Further to the identified areas of archaeological interest, Requirement 14 provides for the provision of a written scheme of investigation and is yet to be agreed.</p> <p>PCC note that at 21.5.11.2.,the applicant states that "this Section does not contain any Designated Heritage Assets but does lie within the vicinity of two Scheduled Monuments". It is noted that a Scheduled Ancient Monument is a Designated Heritage Asset.</p> <p>At 21.5.11.10. PCC also agree with the applicant's assessment that Fort Cumberland is considered to be of Very high significance, and that its setting makes a high contribution to its significance.</p> <p>The Applicant confirms it is agreed that Fort Cumberland Scheduled Monument is an asset of Very High significance. With regard to the statement in paragraph 21.5.11.2 of Chapter 21 of the ES (APP-136), this refers to the Order Limits. Fort Cumberland, a Scheduled Monument of Very High significance, lies outside of the Site (i.e. not within the boundary of the Order Limits). Therefore the statement is accurate.</p>	Agreed
PCC 4.8.5	Predicted impacts	Impacts considered to have the potential to give rise to likely significant effects are set out at section 21.6.2 of ES Chapter 21 (APP-136).	Ongoing

Ref.	Description of matter	Current Position	RAG
		<p>At D6, PCC (REP6-083) advised that at section 21.6.2 the applicant does not identify, acknowledge or address the impact of the proposed ORS on the setting/ open character of the scheduled Fort Cumberland. PCC consider this to be a significant shortcoming, and do not agree that this represents an accurate reflection of the predicted impacts</p> <p>The Applicant directs PCC to the detailed response provided in Table 2.2 of 'Applicant's Response to Deadline 4 Submissions', <i>Document Reference 7.9.23, 70-78</i>).</p> <p>The negligible impact as assessed in Chapter 21 of the ES (APP-136) is considered by the Applicant to be robust, having been determined in accordance with Historic England guidance (GPA Setting). The Applicant considers the impact to the significance of Fort Cumberland is negligible in respect of views from the western ravelin, based on the distance from the asset and the presence of a modern residential housing estate, located 15m to the north-west of the proposed ORS compound. The ORS would not have a significant impact on how the asset (when taken as a whole) is appreciated and understood.</p> <p>It has been agreed between the Applicant and Historic England that the proposed ORS would not result in substantial harm to the Fort Cumberland Scheduled Monument and Grade II*listed building (Document Ref. 7.5.13, ref 3.1.5). Historic England maintain that the level of harm is less than substantial whilst the Applicant considers the overall effect to Fort Cumberland scheduled monument is negligible. Irrespective of this differing professional opinion, in EIA terms the proposed change would not constitute a 'significant' environmental effect warranting substantial design amendments to the proposed scheme.</p> <p>The Applicant awaits formal confirmation from PCC that this matter can be agreed.</p>	
PCC 4.8.6	Mitigation - Onshore Outline CEMP – General Environmental Control Measures	<p>The measures set out in section 5.8 (Heritage and Archaeology) of the Onshore Outline CEMP (REP7-032) are yet to be agreed.</p> <p>The Applicant notes that PCC seek further detail and strengthening of the proposed archaeological mitigation strategy, including the submission of a WSI (REP1-193). Although the WSI has yet to be produced, there is agreement on the proposed outline strategy and timing of further archaeological works with Hampshire County Council (HCC) archaeological advisor, as outlined below.</p> <p>It was agreed with the HCC Archaeologist during the ES assessment stage (paragraph 21.3.4.1 of ES Chapter 21, (APP-136)) that any further, intrusive, investigation (i.e. trial trenching and/or strip, map and sample) following the geophysical survey that was undertaken and submitted for the DCO Application (Appendix 21.3 of the ES, APP-443) would be carried out post DCO consent. Each of stage of investigation will be directed by a WSI outlining the scope and methodology, in accordance with Requirement 14 Archaeology, of the draft DCO (REP7-013).</p> <p>PCC will confirm a final response after detailed consideration of the Requirements.</p>	Ongoing
PCC 4.8.7	Mitigation - Onshore Outline CEMP – Onshore Monitoring Plan	<p>The measures set out in section 7.1 (Onshore Monitoring Plan - Heritage and Archaeology - Archaeological remains) of the Onshore Outline CEMP (REP7-032) are yet to be agreed.</p> <p>Whilst the WSI is yet to be produced, the Applicant notes that the PCC's archaeological advisor (HCC) is satisfied with the information submitted in the Environmental Statement in relation to the three proposed strategies (greenfield, brownfield and highway) for addressing the archaeological potential within the route parameters.</p>	Agreed
PCC 4.8.8	Residual effects	<p>Subject to further discussion in relation to predicted impacts and mitigation measures, the Applicant seeks PCC's agreement of the assessment of residual effects set out at section 21.9 and table 21.6 of Chapter 21 of the ES (APP-136).</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
		PCC do not agree with the applicant that during the Operational Stage, the only residual effect on Designated Heritage Assets would be in relation to Scotland (Cottage). This fails to acknowledge/ ignores the impact of the proposed ORS on the setting/open character of Fort Cumberland. The Applicant directs to the response to 4.8.5 above.	
PCC 4.8.9	Requirement 14 - Archaeology	Draft DCO (REP1-021)) Requirement 14 requiring a Written Scheme of Investigation for areas of interest as identified in the ES (LPA approval), with works carried out in accordance with the approved scheme is yet to be agreed. The Applicant directs PCC to the response to 4.8.6. HCC is content with the proposed methodology set out in the ES. It was agreed that any further, intrusive, investigation (i.e. trial trenching and/or strip, map and sample) following the geophysical survey that was undertaken and submitted for the DCO Application (Appendix 21.3 of the ES, APP-443) would be carried out post DCO consent. Each of stage of investigation will be directed by a WSI outlining the scope and methodology, in accordance with Requirement 14 Archaeology, of the draft DCO (REP7-013). PCC will confirm a final response after detailed consideration of the Requirements.	Ongoing

4.9. TRAFFIC AND TRANSPORT

Table 4.9 – Traffic and Transport

Ref.	Description of matter	Current Position	RAG
Traffic/Transport/Highways			
PCC 4.9.1	ES Methodology – Study Area & Model	The details within section 22.1.2 of ES Chapter 22 (APP-137)) and the Transport Assessment, incorporating the Sub Regional Transport Model (SRTM) Scoping Note (APP-448) were confirmed as agreed at a meeting between the Applicant and PCC on 08/12/2020.	Agreed
PCC 4.9.2	ES Methodology - Scenarios	The assessment methodology as per section 22.4 of ES Chapter 22 (APP-137) and the coding note to be tested within the SRTM is agreed. The Transport Assessment, incorporating the SRTM Scoping Note (APP-448) was supplemented by a Technical Note (ERTN01) prepared by the Applicant to address modelling queries raised by PCC concerning a "worst case" scenario covering a possible cable route along the A2030 between Tangier Road and Eastern Avenue and cumulative residual impacts of traffic merging to pass-by works. PCC confirmed agreement of the assessment at a meeting between the Applicant and PCC on 08/12/2020 following review of the Technical Note.	Agreed

Ref.	Description of matter	Current Position	RAG
PCC 4.9.3	Predicted impacts	<p>The predicted impacts are identified in section 22.6 (specifically sections 22.6.8 to 22.6.14) of ES Chapter 22 (APP-137). PCC do not agree that the scale of impacts is correctly stated.</p> <p>The Applicant awaits comments from PCC on the Road Safety Technical Note submitted on 17/11/20.</p> <p>On 25/01/21 PCC advised (in dialogue with the Applicant) that the predicted impacts do not include either capacity or safety effects on roads not included within the SRTM and to that degree remain incomplete. The Applicant notes PCC's concern regarding roads not included in the SRTM and further notes PCC's agreement that detailed assessment of these roads is not practical or required, but PCC seeks flexibility to require traffic management on these roads when individual Traffic Management Strategies are created. The Applicant is currently considering how such measures may be incorporated into the FTMS.</p> <p>On 25/01/21, PCC advised that the implications of joint bays now proposed within the highway remain to be assessed.</p> <p>The Applicant notes the comments, which were discussed at a meeting with PCC held on 21/01/21. The Applicant will continue to engage with PCC on this matter and provide clarity on the assessment of Joint Bays to seek to confirm a position with PCC in advance of D8. All Joint Bays will be constructed within the parameters of the mitigations provided for in the FTMS.</p>	Ongoing
PCC 4.9.4	Mitigation - Onshore Outline CEMP – General Environmental Control Measures	<p>The following measures set out in the Onshore Outline CEMP, the most up to date version of which is (REP7-032):</p> <ul style="list-style-type: none"> Section 5.9 (Traffic and Transport) of the Onshore Outline CEMP, referring to the Framework CTMP and Framework TMS; Section 5.12 (Socio-Economics), of the Onshore Outline CEMP referring to the Framework CTMP, Framework TMS and additional traffic management, <p>are yet to be agreed.</p> <p>On 25/01/21, PCC advised (in dialogue with the Applicant) that the mitigation measures required on roads not included within the SRTM and for which the predicted impacts remain to be determined have yet to be identified. The Applicant notes PCC's concern regarding roads not included in the SRTM and further notes PCC's agreement that detailed assessment of these roads is not practical or required, but PCC seeks flexibility to require traffic management on these roads when individual Traffic Management Strategies are created (as discussed above at 4.9.3). The Applicant is currently considering how such measures may be incorporated into the FTMS.</p> <p>On 25/01/21, PCC also advised that the safety and suitability of access points: AC/7/a, AC/8/b, AC9/a, AC9/d are not yet agreed,</p> <p>The Applicant notes the comments made above and will continue to engage with PCC on this matter to seek to confirm a position with PCC advance of D8.</p>	Ongoing
PCC 4.9.5	Mitigation - Onshore Outline CEMP – Location Specific Construction Environmental Control Measures	<p>The measures set out in sections 6.2.7 (Noise and Vibration), referring to out of hours working hours and section 6.2.9 (Human Health), referring to road closures and access, of the Onshore Outline CEMP (REP7-032) are yet to be agreed.</p> <p>A meeting was held with the PCC EHO on 07/01/21, where this matter was discussed further.</p> <p>The Applicant welcomes PCC's response following this meeting, to confirm whether this position is now agreed.</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
PCC 4.9.6	Residual effects	<p>Subject to further discussion in relation to predicted impacts and mitigation measures, the Applicant seek PCC's agreement of the assessment of residual effects set out in section 22.9 and table 22.10 of Chapter 22 of the ES (APP-137) and ES Addendum Chapter 15 (REP1-138). Discussions regarding this subject are on-going between the Applicant and PCC.</p> <p>The Applicant also awaits comments from PCC on the Road Safety Technical Note submitted on 17/11/20.</p> <p>On 25/01/21 PCC advised the Applicant that the residual effects set out in section 22.9 and Table 22.10 of Chapter 22 of the ES (APP-137) have been overtaken by events and will not be agreed in that form. These need to be revisited.</p> <p>Whilst the Applicant notes that the residual effects set out in Chapter 22 of the ES have been updated by the ES Addendum (APP-137) and ES Addendum 2 (submitted at D7) where relevant, the Applicant will continue to engage with PCC on this matter to seek to confirm a position with PCC in advance of D8.</p>	Ongoing
PCC 4.9.7	Requirement 10 – Details of access to a Highway by Vehicular Traffic	<p>Draft DCO (REP7-013) Requirement 10 requiring written details of siting, design, layout, visibility splays, access management measures and maintenance programme for permanent or temporary access to a highway to be used by vehicular traffic (LHA approval) is the subject of continued discussion.</p> <p>On 25/01/21, PCC noted that the proposal to provide details of construction accesses as part of Section-Specific CTMPs is not acceptable. Rather, these need to be resolved at this stage to establish feasibility.</p> <p>The Applicant considers the details provided in the FCTMP are appropriate at this stage of the project as they contain a standard detail layout for a typical construction access. The Applicant will, however, continue to discuss this with PCC, and seek confirmation of PCC's position on this matter in advance of D8.</p>	Ongoing
PCC 4.9.8	Requirement 17 – Construction Traffic Management Plan	<p>Draft DCO (REP7-013) Requirement 17 requiring a Construction Traffic Management Plan in accordance with the framework construction traffic management plan, per phase (LHA approval) is yet to be agreed. . The Applicant awaits PCC's detailed comments on the Framework Construction Traffic Management Plan (REP1-070) submitted at Deadline 1.</p> <p>On 25/01/21, PCC noted that feedback on FCTMP was provided at D6 and updated at D7, awaiting response.</p> <p>The Applicant notes the comments made above and will continue to engage with PCC on this matter to seek to confirm a position with PCC in advance of D8.</p>	Ongoing
PCC 4.9.9	Location of Joint Bays	<p>It is agreed that joint bay locations are to be discussed and agreed subject to DCO approval. The Environmental Statement Volume 2 – Figure 24.2 Illustrative Cable Route (APP-336), HDD sites and Joint Bays for noise and vibration assessment, provides indicative joint bay locations to aid discussions.</p> <p>The Applicant submitted an Engineering Report showing indicative locations of joint bays at Deadline 6.</p> <p>On 25/01/21, PCC noted that joint bay locations are varied and now in part are located in carriageway. Further commentary to be provided at D7.</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
		The Applicant notes the comments made above and will continue to engage with PCC on this matter to seek to confirm a position with PCC in advance of D8.	
PCC 4.9.10	Co-ordination of third parties on the public Highway	PCC have advised that they operate a permit scheme, with a lane rental scheme to follow. The Applicant agrees to the use of the permit scheme implemented via the DCO and Article 9A included in the draft DCO addresses this matter. The Applicant welcomes PCC's confirmation that this matter is now agreed, in advance of D8.	Ongoing
PCC 4.9.11	Requirement 19 – Traffic Management Strategy	Draft DCO (REP1-021) Requirement 19 requiring a Traffic Management Strategy in accordance with the Framework Traffic Management Strategy is yet to be agreed. The Applicant awaits PCC's detailed comments on the Framework Traffic Management Strategy (REP1-068) submitted at Deadline 1. On 25/01/21, PCC advised that feedback on FTMS was provided at D6, and updated at D7 awaiting response. The Applicant notes the comments made above and will continue to engage with PCC on this matter to seek to confirm a position with PCC in advance of D8.	Ongoing
PCC 4.9.12	Requirement 21 – Travel Plan	Draft DCO (REP1-021) Requirement 21 requiring a Travel Plan for the contractors workforce (LPA/LHA approval) are yet to be agreed. The Applicant awaits PCC's detailed comments on the Construction Worker Travel Plan appended to the Framework Traffic Management Strategy (REP1-068) submitted at Deadline 1 PCC confirm this matter is now agreed (20/01/2021).	Agreed
PCC 4.9.13	Abnormal Loads	The Applicant agrees with PCC in that the reference to abnormal loads within the Framework Construction Traffic Management Plan incorrectly states that "a vehicle is considered abnormal when.... the gross weight is over 80 tonnes". This has been rectified in the updated version of the FCTMP (REP1-068) submitted to the ExA at Deadline 1 to align with the definition (over 44 tonnes) within the Glossary (REP1-005). An assessment of abnormal loads associated with delivery of cable drums to indicative joint bays was completed by the Applicant as part of the Supplementary Transport Assessment (REP1-142) submitted at Deadline 1, with a further Technical Note on the number of abnormal loads movements to each location provided to PCC on 11/11/20. The Applicant welcomes comments from PCC on these documents. On 25/01/21, PCC advised that feedback on FCTMP was provided at D6, and updated at D7 awaiting response. The Applicant notes the comments made above and will continue to engage with PCC on this matter to seek to confirm a position with PCC in advance of D8.	Ongoing

4.10. AIR QUALITY

Table 4.10 – Air Quality

Ref.	Description of matter	Current Position	RAG
Air Quality			
PCC 4.10.1	ES Methodology – study area	The area of study is agreed (as noted at section 23.1.2 of revised ES Chapter 23 submitted at Deadline 1 (REP1-033)).	Agreed

Ref.	Description of matter	Current Position	RAG
PCC 4.10.2	ES Methodology	It is agreed that use of the Institute of Air Quality Management (IAQM) Dust Assessment methodology, aligned with the Transport Assessment and modelling referred in 4.1.14 above), and set out in section 23.4.2 of revised ES Chapter 23 submitted at Deadline 1 (REP1-033) is appropriate. It is also agreed that the assessment should include emissions related to traffic diversions, construction traffic, and the temporary and permanent emissions from backup power generation.	Agreed
PCC 4.10.3	ES Baseline	<p>The baseline is set out at section 23.5 of revised ES Chapter 23 submitted at Deadline 1 (REP1-033). The Applicant welcomes PCC's review and agreement of this baseline for the relevant sections.</p> <p>The Applicant confirmed that the baseline data presented in Section 23.5 of revised ES Chapter 23 submitted at Deadline 1 (REP1-033) represents local air quality.</p> <p>The Applicant undertook a teleconference call with the Air Quality Lead for Transport at PCC on 17/12/2020. It was confirmed that the Clean Air Zone (CAZ) was not included in the Applicant's traffic modelling. Some sensitivity testing was requested by PCC to ensure the impact of the CAZ on traffic redistribution is included in the air quality impact assessment. The Applicant proposed a scope of works to incorporate the CAZ within the modelling. This scope was agreed with PCC on 13/01/21. Following agreement of the scope of works, Appendix 5 to Addendum 2 (REP7-072) was submitted at D7 on 25/01/21 addressing this matter.</p> <p>The Applicant welcomes PCC's review and continued engagement to reach common ground on this matter.</p>	Ongoing
PCC 4.10.4	Predicted impacts	<p>The potential air quality impacts are identified at section 23.6 of revised ES Chapter 23 submitted at Deadline 1 (REP1-033). The Applicant welcomes PCC's review and agreement that these represent an accurate reflection of the predicted impacts prior to approval of the Clean Air Zone (CAZ).</p> <p>The Applicant undertook a teleconference call with the Air Quality Lead for Transport at PCC on 17 December 2020. It was confirmed that the Clean Air Zone (CAZ) was not included in the Applicant's traffic modelling and that potential Covid-19 impacts had not been considered. Some sensitivity testing was requested by PCC to ensure the impact of the CAZ on traffic redistribution is included in the air quality impact assessment and potential Covid-19 impacts had been addressed. A scope of works to address the two matters was agreed in email correspondence on the 19/01/21. Following agreement of the scope of works, Appendix 5 to Addendum 2 (REP7-072) was submitted at D7 on 25/01/21 addressing the two matters.</p> <p>The Applicant seeks PCC's review and agreement that the matters have now been addressed and that the results represent an accurate reflection of the predicted impacts, in advance of D8.</p>	Ongoing
PCC 4.10.5	Mitigation - Onshore Outline CEMP – General Environmental Control Measures	<p>The measures set out in section 5.10 (Air Quality) of the Onshore Outline CEMP (REP7-032) are yet to be agreed.</p> <p>The Applicant notes that it will need agreement with PCC on the latest version of the Onshore Outline CEMP (REP7-032) on the basis that the PCC EHO will engage with the client and contractors to ensure the appropriate mitigation from Table 5.1 of the Onshore Outline CEMP is implemented at each location.</p> <p>The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
<p>PCC 4.10.6</p>	<p>Mitigation - Onshore Outline CEMP – Onshore Monitoring Plan</p>	<p>The measures set out in section 7.1 (Onshore Monitoring Plan - Air Quality - Human and Ecological receptors) of the Onshore Outline CEMP, the latest version of which is (REP7-032), are yet to be agreed.</p> <p>The Applicant notes that it will need agreement with PCC on the latest version of the Onshore Outline CEMP (REP7-032) on the basis that the PCC EHO will engage with the Applicant and their contractors to ensure the appropriate mitigation from Table 5.1 of the Onshore Outline CEMP is implemented at each location.</p> <p>The Applicant welcomes PCC’s review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	<p>Ongoing</p>
<p>PCC 4.10.7</p>	<p>Residual effects</p>	<p>The assessment of residual effects set out in table 23.116 of revised ES Chapter 23 submitted at Deadline 1 (REP1-033) is agreed pending resolution on matter 4.10.4.</p> <p>PCC confirm that this matter is now agreed.</p>	<p>Agreed</p>

4.11. NOISE AND VIBRATION

Table 4.11 – Noise and Vibration

Ref.	Description of matter	Current Position	RAG
Noise and Vibration			
PCC 4.11.1	ES Methodology – study area relevant to PCC	The study area relevant to PCC as set out in paragraphs 24.1.2.5 to 24.1.2.11 of ES Chapter 24 (APP-139) is agreed.	Agreed
PCC 4.11.2	ES Methodology	<p>The detailed methodology for the construction noise and vibration assessment relevant to the Onshore Cable Corridor is set out in sections 24.4.2 and 24.4.3 of ES Chapter 24 (APP-139) and supplemented by the revised assumptions in section 17.3 of the ES Addendum (REP1-139). The Applicant noted the queries raised regarding the construction noise assessment methodology and provided a response at Deadline 4. Following written correspondence 04/12/2020 between the Environmental Health Officer at PCC and the Applicant, this matter is agreed.</p> <p>The construction traffic noise assessment methodology set out in section 24.4.4 of ES Chapter 24 (APP-139) is agreed.</p>	Agreed
PCC 4.11.3	ES Baseline	<p>The baseline survey and associated operational assessment methodology for the ORS at landfall is set out in sections 24.4.1 and 24.4.5 of ES Chapter 24 (APP-139).</p> <p>The baseline environment for the ORS at Landfall is set out at section 24.5 of ES Chapter 24 (APP-139). Following written correspondence 04/12/2020 with the Environmental Health Officer at PCC and the Applicant, the baseline environment for the ORS at Landfall is agreed.</p>	Agreed
PCC 4.11.4	Predicted impacts	<p>The impacts of Noise and Vibration for the Proposed Development are set out in section 24.6 of Chapter 24 of the ES (APP-139), and in relation to the construction noise and vibration assessment, supplemented by section 17.3 of the ES Addendum (REP1-139).</p> <p><u>Predicted impacts - ORS at Landfall</u> Responses were provided to PCC's noise related queries about the ORS in the Applicant's Comments on Responses to Examining Authority's first Written Questions (REP2-008). Following written correspondence with the Environmental Health Officer at PCC, the predicted impacts during construction and operation of the ORS at Landfall are agreed.</p> <p><u>Predicted Effects – Construction in Onshore Cable Corridor</u> Responses to all queries raised by PCC, most of which were in relation to the construction noise assessment for the Onshore Cable Corridor, were provided in the Applicant's formal written submissions at Deadlines 1 to 4, and in particular the Applicant's Comments on Local Impact Reports (REP2-013) in response to PCC's Local Impact Report (LIR) submitted at Deadline 2. Following written correspondence with the Environmental Health Officer at PCC, the predicted effects from construction activities in the Onshore Cable Corridor during Core Working Hours are agreed.</p> <p>Written correspondence has also confirmed that the predicted effects are agreed in respect of cable and duct installation works outside of Core Working Hours in Section 5 (Havant Road between Farlington Avenue and Eastern Road), Section 6 (Sainsbury's Car Park), and Section 8 (Eastern Road between Airport Service Road and the north of Milton Common), where timing of works is required to mitigate adverse traffic effects and minimise business disruption to Sainsbury's. It is agreed that, as breaking and cutting of the road surface and resurfacing activities will not be permitted at night in proximity to</p>	Agreed

Ref.	Description of matter	Current Position	RAG
		sensitive receptors in these areas, no further assessment to that contained in Chapter 24 of the ES (APP-139) and Chapter 17 of the ES Addendum (REP1-139) is necessary.	
PCC 4.11. 5	Mitigation - Onshore Outline CEMP – General Environmental Control Measures	<p>The measures set out in section 5.12 (Noise and Vibration) of the Onshore Outline CEMP Rev 005 are agreed, following the resolution of the points which were previously subject to ongoing discussions:</p> <ul style="list-style-type: none"> <p><u>Whether Section 61 consents under the Control of Pollution Act 1974 should be cited in the Outline Onshore CEMP.</u></p> <p>The Applicant and PCC agree that it is not mandatory or necessary in all circumstances for Section 61 consents to be applied for. However, PCC note that these should be considered particularly for any proposed areas of night-time works near sensitive receptors. The Applicant has confirmed that the ‘Other Consents and Licenses’ document will be referenced in section 5.11 of the Outline Onshore CEMP, to provide guidance to a contractor that such consents will be considered as part of the preparation of detailed CEMPs post DCO consent. PCC have accepted this proposal and therefore this matter is now agreed.</p> <p><u>Whether construction noise limits should be set in the Outline Onshore CEMP.</u></p> <p>The Applicant and PCC now agree that there is no requirement to set noise limits for the purposes of an EIA. This matter is now agreed. PCC also note that it has been agreed with the Applicant that any construction noise limits will be set under the Control of Pollution Act 1974, Sc60 or Sc 61 for works which are completed during out of hours.</p> <p><u>Whether construction noise monitoring should be cited in the Outline Onshore CEMP.</u></p> <p>The Applicant and PCC agree that noise monitoring is not required for the planned construction activities. The Applicant has confirmed that the Outline Onshore CEMP will be updated to confirm that temporary noise monitoring could be employed as one of the means for investigating and resolving valid noise complaints. PCC have accepted this proposal and therefore this matter is now agreed.</p> <p><u>The details of the noise and vibration complaints procedure in the Outline Onshore CEMP.</u></p> <p>The Applicant has explained that the mitigation measures specified in the Outline Onshore CEMP will reduce the likelihood of noise complaints and the complaints procedure will be consistent across the construction phase. This matter is now agreed.</p> 	Agreed
PCC 4.11. 6	Mitigation - Onshore Outline CEMP – Location Specific Construction Environmental Control Measures	<p>The measures set out in section 6.2.8 (Noise and Vibration) of the Onshore Outline CEMP (Rev 005) are agreed. The specific mitigation measures relevant to the construction works that could take place outside of core working hours (Onshore Cable Corridor sections 5, 6 and 8) are detailed in section 6.2.8 of the Onshore Outline CEMP.</p> <p>Further information requested by PCC in relation to mitigation measures for night-time cable duct installation works was provided in the Applicant’s Comments on Local Impact Reports (REP2-013) in respect of PCC’s LIR. Information on the noise mitigation measures at Harbourside Caravan Park were provided in writing to PCC on 19 June 2020, and further detail was provided in the Applicant’s response to PCC’s LIR (REP2-013). Further information requested by PCC in relation to different contractors and the control of working hours was provided in the Applicant’s response to PCC’s LIR (REP2-013).</p> <p>Written correspondence from PCC has confirmed that the location-specific construction environmental control measures for the works outside of core working hours in Section 5 (Havant Road between Farlington Avenue and Eastern Road) and Section 6 (Sainsbury’s Car Park), which are required to mitigate adverse traffic effects and minimise business disruption to Sainsbury’s, are agreed.</p>	Agreed

Ref.	Description of matter	Current Position	RAG
		<p>The location-specific construction environmental control measures for the works outside of core working hours in Section 8 (Eastern Road between Airport Service Road and the north of Milton Common), and in particular those works on Eastern Road outside the Harbourside Caravan Park, are under discussion. PCC is content with the mitigation measure that prevents road surface cutting/ breaking and resurfacing activities at night (22:00-07:00) outside the Caravan Park. PCC requests that this mitigation measure is also extended to the works outside the residential flat above the Great Salterns Harvester, directly to the south of the Caravan Park. The Applicant has agreed to this request and this is reflected in the Outline Onshore CEMP Rev 005 submitted at Deadline 6.</p> <p>PCC has requested that as the works will be completed 24 hours per day, leniency with regards to protecting occupants that reside in this location should be provided. PCC has suggested that respite could be achieved through the offer of temporary alternative accommodation or a break in the works. The Applicant is not in agreement with these proposed approaches and, specifically with regard to temporary rehousing, these properties are not eligible in accordance with the relevant British Standard.</p> <p>Following further discussions post Deadline 6, the following matters have now also been agreed:</p> <ul style="list-style-type: none"> • With regard to the potential works outside of core working hours in section 5 (Havant Road between Farlington Avenue and Eastern Road), the Applicant and PCC agree that option 2 or option 3 (Paragraph 6.2.8.10 of the Outline Onshore CEMP (REP6-036)) (i.e. avoiding night-time working) will be preferable with respect to noise impacts. This view is reflected in Paragraph 6.2.8.11 of the Outline Onshore CEMP and this matter is now agreed. • With regard to the works outside of core working hours in section 8 (Eastern Road between Airport Service Road and the north of Milton Common), it was agreed by both parties that Section 8 requires night time work to ensure that the traffic flow into Portsmouth particularly in summer months runs as smoothly as possible during the construction phase. Mitigation measures will be carried out as set out in the Onshore Outline CEMP and this document is to be amended to include directions to contractors in relation to the Other Consents and Licensees Document, which makes reference to applications of SC61 of the Control of Pollution Act 1974 for when works will be completed out of hours. • With regard to works outside of core working hours in section 6 the mitigation measures identified for section 8 will apply as well as the reference to applying for a Sc61 notice prior consent to work. • PCC note that the Applicant has explained that temporary housing could not be offered just to one location and needed to be consistent throughout all areas of the construction phase, and this would be a costly for the Applicant if it was to be applied to all sensitive receptors. Given this explanation it is understandable as to why the temporary housing eligibility from BS5288 has been applied due to the transient nature of the works. PCC therefore does not have any further comments to make in relation to the provision of temporary housing. This matter is now agreed. 	
PCC 4.11.7	Requirement 20 – Control of noise during operation	<p>Draft DCO requirement 20 with regard to the ORS, sets out the requirement for a noise management plan, which should include the mitigation (and attenuation achieved by these measures) to minimise noise, and a scheme for noise monitoring to ensure compliance with the noise criteria, and a complaints procedure (requiring LPA approval).</p> <p>The revised wording of Requirement 20 submitted in the updated dDCO at Deadline 1 references the <i>Operational Broadband and Octave Band Noise Criteria Document</i> (REP1-129), which is a certified document contained at Schedule 14 to the dDCO. The document sets out the operational daytime and night-time broadband and octave band noise criteria for the ORS, which are based on Chapter 24 of the ES (APP-139).</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
		<p>PCC has confirmed in writing that the operational noise criteria for the ORS are acceptable, and are also likely to protect any occupants from noise at the proposed Fraser Range development. Therefore, this matter is agreed.</p> <p>PCC notes that Requirement 20 refers to the operation of the ORS and there is no mention of the Converter Station. Whilst PCC agree that any plant could technically operate at background level with mitigation, these measures have yet to be agreed as the type of plant to be installed is not yet known. Noise levels for Requirement 20 2 (a) have been agreed (noise levels from plant/equipment at the ORS are to operate equal to background 43dB(A) daytime and 35dB(A) night time (ES Chapter 24 Table 24.53) and also in octave bands (ES Chapter 24 24.6.11.27 - 24.6.11.29) but no information has been submitted for Requirement 20 2(b) - mitigation or 20 2 (c) - noise monitoring for testing attenuation and mitigation measures. It is unlikely that these can be agreed until the plant/equipment and the design construction of the building is known. If the plant/equipment was to be operated at the agreed levels then it would not give rise to statutory nuisance or cause a loss of amenity unless there is equipment or plant failure giving rise to an increase in noise levels. Under S80 (7) of the Environmental Protection Act the company would have a defence to prove best practicable means were being used. PCC therefore are of the view that it is not necessary to have this Article.</p> <p>The Applicant notes that Requirement 20 (Control of noise during the operational period) refers to both the Converter Station Area (Works No. 2) and the Optical Regeneration Stations. The operational noise criteria for the ORS are agreed with PCC. PCC are correct in stating that information for Requirement 20 (2)(b) (mitigation measures to achieve the criteria) and (2)(c) a noise monitoring scheme have not yet been submitted. This information cannot be provided until a contractor is appointed and the detailed design including exact plant specifications are confirmed. However, Requirement 20 (1) states that prior to the operation of the development, the noise management plan <i>'must be submitted to and approved by the relevant planning authority.'</i> The Applicant considers that this control, alongside the highly robust noise criteria, provides PCC with sufficient control over operational noise impacts at the ORS.</p> <p>On this basis, the Applicant welcomes PCC's agreement to Requirement 20 in advance of D8.</p>	

4.12. SOCIO-ECONOMICS

Table 4.12 – Socio-economics

Ref.	Description of matter	Current Position	RAG
Socio-economics			
	Update at 01/02/21	A meeting between PCC and the Applicant will be set up with the relevant technical specialists.	
PCC 4.12.1	ES Methodology – Study Area	<p>The study area is set out in section 25.1.2 of ES Chapter 25 (APP-140). The Applicant welcomes PCC's review and agreement of the study area.</p> <p>The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.12.2	ES Baseline	The baseline environment is set out at section 25.5 of ES Chapter 25 (APP-140). The Applicant welcomes PCC's review and agreement of this baseline for the relevant sections.	Ongoing

Ref.	Description of matter	Current Position	RAG
		The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.	
PCC 4.12.3	Predicted impacts	<p>The predicted impacts set out at section 25.7 of ES Chapter 25 (APP-140) are yet to be agreed.</p> <p>The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.12.4	Parking	<p>The details for parking set out in section 25.7 of ES Chapter 25 (APP-140) are yet to be agreed, with PCC concerned about the temporary loss of provision to Farlington Playing Fields.</p> <p>The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.12.5	Access to Farlington Playing Fields/Bransbury Park	<p>The details for access to Farlington Playing Fields and Bransbury Park set out in Table 25.14 of ES Chapter 25 (APP-140) are yet to be agreed.</p> <p>The Applicant notes that a concern was raised in the examination regarding access to King George V Playing Field (located immediately to the east) of Farlington Playing Fields. The Applicant has confirmed that access will be maintained.</p> <p>The Applicant is not aware of any concerns identified by PCC regarding access to Bransbury Park..</p> <p>The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.12.6	Time required for reinstatement of playing fields	The details for reinstatement of open space set out in ES Chapter 25 (APP-140) are yet to be agreed, with PCC raising concerns about the time taken for reinstatement of pitches for re-use. Further detail on reinstatement options is provided in the Framework Management Plan for Recreational Impacts (FMP) submitted to PCC for comment in advance of finalisation and submission to the ExA in June 2020. A further updated FMP which draws on information submitted to the ExA by PCC at Deadlines 1-3 was submitted to the ExA at Deadline 4 and the Applicant welcomes ongoing dialogue with PCC to agree the content of the FMP and/or identify any areas for further work in refining mitigation proposals. The Applicant is undertaking pitch surveys using a specialist contractor and the FMP will be updated as soon as the report from the specialist contractor is available, and provide an updated version of the FMP and methodology to PCC by 12 th February 2021, in order to progress matters on this issue by Deadline 8.	Ongoing
PCC 4.12.7	Timing/ Temporary loss of open space	<p>The details of the timing and temporary loss of open space set out in section 25.10 of ES Chapter 25 (APP-140) and illustrative phasing included in Appendix 25.5 (APP-473) are yet to be agreed.</p> <p>Further detail on how the impacts on recreational assets can be mitigated, including programme, is provided in the Framework Management Plan for Recreational Impacts and is currently being updated with the outcome of pitch surveys.</p> <p>The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
PCC 4.12.8	Accessibility of allotments	The details as set out in 3.6.4.45 – 3.6.4.46 ES Chapter 3 (APP-118) confirming the cable installation via HDD under Milton Allotments, and confirming access over the paths during installation for monitoring works is yet to be agreed. Further supporting information has been provided during the Examination. The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.	Ongoing
PCC 4.12.9	Loss of Open Space regarding events / festivals	The details of the residual effects on tourism (including the loss of open space set out in section 25.9.6 of ES Chapter 25 (APP-140) are yet to be agreed. Further details on the illustrative phasing for retaining access to Farlington Playing Fields as shown in Appendix 25.5 (APP-473) is yet to be agreed. Additional detail on how the works at Farlington Playing Fields could be phased to allow use for the festivals is provided in the Framework Management Plan for Recreational Impacts submitted to PCC for comment in advance of finalisation and submission to the ExA. The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.	Ongoing
PCC 4.12.10		The details included within Work Nos 4 to 5, with regards to the impacts on open space contained within Schedule 1 (2) of the dDCO (REP1-021) are yet to be agreed. The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.	Ongoing
PCC 4.12.11	Maintenance rights	The details for maintenance rights set out in 3.6.4.45 – 3.6.4.46 ES Chapter 3 (APP-118) are yet to be agreed, with PCC considering the rights to be too onerous. The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.	Ongoing
PCC 4.12.12	Temporary Diversions PRow	Temporary diversions of PRow are assessed in ES Chapter 25 section 25.7.2.34 - 25.7.2.38 (APP-140) are yet to be agreed. Details of likely diversions are provided in a Note on PRow, Long Distance Walking Paths and Cycle Route Diversions (REP1-145). No further comments have been received from PCC. The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.	Ongoing
PCC 4.12.13	Cable works- Loss of business activity	The potential impacts of the Proposed Development on business activity within the City of Portsmouth are not yet agreed. The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.	Ongoing
PCC 4.12.14	Mitigation - Onshore Outline CEMP – General Environmental	The measures set out in section 5.12 (Socio-economics) of the Onshore Outline CEMP (REP5-019) are yet to be agreed. The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.	Ongoing

Ref.	Description of matter	Current Position	RAG
	Control Measures		
PCC 4.12.15	Mitigation - Onshore Outline CEMP – Location Specific Construction Environmental Control Measures	<p>The measures set out in section 6.2.8 (Socio-economics) of the Onshore Outline CEMP (REP5-019) are yet to be agreed.</p> <p>The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.12.16	Residual effects	<p>Subject to further discussion in relation to predicted impacts and mitigation measures, the Applicant seeks PCC's agreement of the assessment of residual effects set out at section 25.10 and tables 25.15 of Chapter 25 of the ES (REP5-019).</p> <p>The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing

4.13. HUMAN HEALTH

Table 4.13 – Human Health

Ref.	Description of matter	Current Position	RAG
Human Health			
	Update at 01/02/21	A meeting between PCC and the Applicant will be set up with the relevant technical specialists.	
PCC 4.13.1	ES Methodology – Study Area	<p>The study area is set out in section 26.1.2 of ES Chapter 26 (APP-141). The Applicant welcomes PCC's review and agreement of the study area.</p> <p>PCC have not provided any comments on this matter at any previous deadlines during the Examination, although note this matter is to be reviewed for D8.</p> <p>If no comments received at D7, then the Applicant intends to remove this item from the SoCG at D8.</p>	
PCC 4.13.2	ES Baseline	<p>The baseline environment is set out at section 26.5 of ES Chapter 26 (APP-141). The Applicant welcomes PCC's review and agreement of this baseline for the relevant sections.</p> <p>PCC have not provided any comments on this matter at any previous deadlines during the Examination, although note this matter is to be reviewed for D8.</p> <p>If no comments received at D7, then the Applicant intends to remove this item from the SoCG at D8.</p>	

Ref.	Description of matter	Current Position	RAG
PCC 4.13.3	Predicted Impacts	<p>The predicted impacts are set out at section 26.6 of ES Chapter 26 (APP-141). The Applicant welcomes PCC's review and agreement that these represent an accurate reflection of the predicted impacts.</p> <p>PCC have not provided any comments on this matter at any previous deadlines during the Examination, although note this matter is to be reviewed for D8.</p> <p>If no comments received at D7, then the Applicant intends to remove this item from the SoCG at D8.</p>	
PCC 4.13.4	Mitigation - Onshore Outline CEMP – Location Specific Construction Environmental Control Measures	<p>The measures set out in section 6.2.9 (Human Health) of the Onshore Outline CEMP (REP5-019) are yet to be agreed.</p> <p>PCC have not provided any comments on this matter at any previous deadlines during the Examination, although note this matter is to be reviewed for D8.</p> <p>If no comments received at D7, then the Applicant intends to remove this item from the SoCG at D8.</p>	
PCC 4.13.5	Residual effects	<p>Subject to further discussion in relation to predicted impacts and mitigation measures, the Applicant seeks PCC's position on the assessment of residual effects set out at table 26.19 of Chapter 26 of the ES (APP-141).</p> <p>PCC have not provided any comments on this matter at any previous deadlines during the Examination, although note this matter is to be reviewed for D8.</p> <p>If no comments received at D7, then the Applicant intends to remove this item from the SoCG at D8.</p>	
PCC 4.13.6	Health- Access to Leisure Facilities and Open Space	<p>The details set out in paragraphs 26.6.3.17 to 41 of ES Chapter 26 (APP-141) are yet to be agreed.</p> <p>PCC have not provided any comments on this matter at any previous deadlines during the Examination, although note this matter is to be reviewed for D8.</p> <p>If no comments received at D7, then the Applicant intends to remove this item from the SoCG at D8.</p>	
PCC 4.13.7	Response from Public Health England on matters relating to human health for information purposes only	<p>The Applicant notes, in the absence of comments from PCC and to provide further information on this matter at Deadline 7, that Public Health England (PHE) have responded to the application through a relevant representation (RR-065) and state that they "are satisfied with the methodology used to undertake the environmental assessment." Their response also states "The Onshore Outline Construction Environmental Management Plan includes provisions for the management, assessment and control of dust, pollution incidents, land contamination, plant and vehicle movements, impacts on water resources and waste management. The document proposes full consultation / agreement with the appropriate regulatory bodies and consequently we believe these matters can be satisfactorily addressed and wish to make no additional comments". PHE concluded that the proposed development is unlikely to present a significant risk to public health.</p> <p>PCC raised a concern in their Relevant Representation around the "Consequential effects on the health and well-being of residents due to restricted access to open space and sports facilities" (https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-001506-7.9.4%20Applicant's%20Response%20to%20Relevant%20Representations.pdf) though our assessment in Chapter 26 covers the importance of greenspace (including recreational facilities) to health and well-being, and assesses effects arising due to the loss of greenspace.</p>	For information only.

4.14. WASTE AND MATERIAL RESOURCES

Table 4.14 - Waste and Material Resources

Ref.	Description of matter	Current Position	RAG
Waste and Material Resources			
PCC 4.14.1	ES Methodology – Study Area	<p>The primary and secondary study areas are set out in section 27.1.2 of ES Chapter 27 (APP-142). The Applicant welcomes PCC's review and agreement of the study area.</p> <p>PCC have not provided any comments on this matter at any previous deadlines during the Examination.</p> <p>On 25/01/21 PCC advised the Applicant that, subject to further internal consultation, it is likely that the Study Area can be agreed. It is noted that the primary area covers the area within order limits; the secondary area comprises waste disposal authorities within the SE region.</p> <p>On 01/02/21, PCC confirmed that this matter is now agreed.</p> <p>The Applicant welcomes PCC's agreement on this matter.</p>	Agreed
PCC 4.14.2	ES Baseline	<p>The baseline environment is set out at section 27.5 of ES Chapter 27 (APP-142). The Applicant welcomes PCC's review and agreement of this baseline for the relevant sections.</p> <p>PCC have not provided any comments on this matter at any previous deadlines during the Examination.</p> <p>On 25/01/21 PCC advised that, subject to further internal consultation, it is likely that the ES Baseline can be agreed.</p> <p>On 01/02/21, PCC confirmed that this matter is now agreed.</p> <p>The Applicant welcomes PCC's agreement on this matter.</p>	Agreed
PCC 4.14.3	Predicted Impacts	<p>The predicted impacts are set out at section 27.6 of ES Chapter 27 (APP-142). The Applicant welcomes PCC's review and agreement that these represent an accurate reflection of the predicted impacts.</p> <p>PCC have not provided any comments on this matter at any previous deadlines during the Examination.</p> <p>On 25/01/21, PCC noted that in 27.6.2.5, no information has been provided with regard to - Materials imported to site during the Construction Stage: ORS or the resurfacing of the Fort Cumberland Car Park . Please can the Applicant address this?</p> <p>In response, the Applicant notes that Table 27.12 (Materials imported to site during the Construction Stage: Onshore Cable Corridor) of Chapter 27 Waste and Materials Resources of the ES makes reference to the materials required for ORS infrastructure. This incorporates the key bulk materials required for construction - aggregate, blockwork, brickwork and concrete. In addition, anticipated quantities of asphalt and aggregate for road re-instatement is included, however this is not specific to the resurfacing of the Fort Cumberland Car Park. Given the size of the car park area, the omission of material for the car park re-surfacing is not considered to be material to the outcome of the assessment. As such, the findings of the Waste and Material Resources chapter remain valid.</p> <p>The Applicant welcomes PCC's review of the information already submitted on this matter, and requests a response to inform any further discussions by both Parties, and to confirm a position in advance of D8.</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
PCC 4.14.4	Mitigation - Onshore Outline CEMP – General Environmental Control Measures	<p>The measures set out in section 5.14 (Waste and Material Resources) of the Onshore Outline CEMP (REP5-019) are yet to be agreed.</p> <p>PCC have not provided any comments on this matter at any previous deadlines during the Examination.</p> <p>On 25/01/21, PCC noted that provided the Applicant can confirm that the general environmental control measures set out in the Onshore Outline CEMP accords with guidance in: Waste hierarchy guidance (publishing.service.gov.uk), this matter can be agreed.</p> <p>In response, the Applicant notes that the general environmental control measures outlined in Section 5.1.3 of the Onshore Outline CEMP (the most up to date version of which was submitted at D7 (REP7-032), makes reference to the application of the Waste Hierarchy. Furthermore, the requirement for the Contractor to develop a Materials Management Plan and Site Waste Management Plan will support the greater priority areas of the Waste Hierarchy (prevention, re-use and recycling).</p> <p>On 01/02/21, PCC confirmed that this matter is now agreed.</p> <p>The Applicant welcomes PCC’s agreement on this matter.</p>	Agreed
PCC 4.14.5	Mitigation - Onshore Outline CEMP - Onshore Monitoring Plan	<p>The measures set out in section 7.1 (Onshore Monitoring Plan -Soils and Agricultural Land Use and Waste and Material Resources - Construction impacts to soil, waste and material resources) of the Onshore Outline CEMP the most up to date version of which was submitted at D7 (REP7-032) are yet to be agreed.</p> <p>PCC have not provided any comments on this matter at any previous deadlines during the Examination.</p> <p>PCC notes that Table 7.1 of the Onshore Outline Construction Environmental Management Plan, November 2020 does not list any monitoring requirements or commitments for Waste and Material resources. As such there is nothing to agree here.</p> <p>The Applicant notes PCC’s response, and suggests that this row is deleted in the final version of the SoCG issued at Deadline 8.</p>	
PCC 4.14.6	Residual effects	<p>Subject to further discussion in relation to predicted impacts and mitigation measures, The Applicant seeks PCC’s agreement of the assessment of residual effects set out in section 27.9 and table 27.22 of Chapter 27 of the ES (APP-142).</p> <p>PCC have not provided any comments on this matter at any previous deadlines during the Examination.</p> <p>On 25/01/21,PCC advised that, subject to further internal consultation, it is likely that the residual effects can be agreed.</p> <p>The Applicant welcomes PCC’s likely agreement on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing

4.15. CUMULATIVE EFFECTS

Table 4.15 – Cumulative Effects

Ref.	Description of matter	Current Position	RAG
Cumulative Effects			
PCC 4.15.1	Methodology	It is agreed that the approach taken to the assessment of cumulative effects, including the zone of influence is set out in section 29.4 of ES Chapter 29 of the ES (APP-144), is appropriate and proportionate in accordance with PINS Advice Note 17 (Cumulative Effects Assessment).	Agreed

Ref.	Description of matter	Current Position	RAG
<p>PCC 4.15.2</p>	<p>Costal Defence Scheme</p>	<p>Details of the cumulative effects associated with the coastal defence schemes set out within section 29.5 of ES Chapter 29 (APP-144) are yet to be agreed.</p> <p>The Applicant and PCC note that several meetings have taken place with Coastal Partners and PCC's project team for the North Portsea Island (NPI) schemes, to discuss the NPI schemes that are potentially affected by the alignment of the AQUIND scheme. These meetings have discussed programme/timings and how the projects can work together to minimise disturbance, maintain landscaping etc. Matters also discussed include the requirement to ensure the flood protection is not affected during the AQUIND works. A meeting is proposed with Coastal Partners on 02/02/21 to discuss and progress matters further.</p>	<p>Ongoing</p>
<p>PCC 4.15.3</p>	<p>HRA – cumulative effects</p>	<p>Details of the cumulative effects associated with the HRA (APP-491) are set out within section 16.7 of Chapter 16 (APP-131) are yet to be agreed.</p> <p>PCC raise concern on the disturbance to SWBGS sites, specifically that the HRA in-combination assessment for onshore defers to the onshore ecology cumulative effects assessment.</p> <p>The Applicant notes that the revised HRA submitted at Deadline 1 (REP1-081) detailed an updated assessment with respect to SWBGS sites which are functionally linked to local Special Protection Area sites. This included a revision to the winter working principles following consultation with Natural England where it was agreed that subject to their implementation there would be no adverse effects on the integrity of either Chichester and Langstone Harbours SPA or Portsmouth Harbour SPA. The HRA submitted at Deadline 1 also included an update to the in combination assessment including for onshore ecology, as detailed in Appendix 3 (REP1-086).</p> <p>PCC note that Natural England is satisfied with the Applicant's proposed winter working principles following their various detailed discussions. At this matter is ultimately up to Natural England, PCC are happy for this point to be agreed.</p>	<p>Agreed</p>
<p>PCC 4.15.4</p>	<p>Cumulative effects and co-ordination of project and other planned works</p>	<p>Details of the cumulative effects of other developments set out within Table 29.14 of ES Chapter 29 (APP-144) and updated at Deadline 1 (REP1-146 and REP1-147) are yet to be agreed.</p> <p>The Applicant and PCC note that several meetings have taken place with Coastal Partners and PCC's project team for the North Portsea Island (NPI) schemes, to discuss the NPI schemes that are potentially affected by the alignment of the AQUIND scheme. These meetings have discussed programme/timings and how the projects can work together to minimise disturbance, maintain landscaping etc. We have also discussed the requirement to ensure the flood protection is not affected during the AQUIND works. A meeting is proposed with Coastal Partners on 02/02/21 to discuss and progress matters further.</p>	<p>Ongoing</p>
<p>PCC 4.15.5</p>	<p>Programme of works</p>	<p>Details of the cumulative considerations regarding temporal scope set out within paragraph 29.4.5.9 to 11 of Chapter 29 (APP-144) and updated at Deadline 1 (REP1-146 and REP1-147) are yet to be agreed.</p> <p>PCC have not provided any comments on this matter at any previous deadlines during the Examination.</p> <p>On 25/01/21, PCC advised that they intend to review this matter and provide comments as soon as possible.</p> <p>The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	<p>Ongoing</p>

Ref.	Description of matter	Current Position	RAG
PCC 4.15.6	ES Chapter	<p>The assessment of Cumulative Effects for the Proposed Development as set out in table 29.14 of Chapter 29 of the ES (APP-144) and updated at Deadline 1 (REP1-146 and REP1-147) are yet to be agreed.</p> <p>PCC have not provided any comments on this matter at any previous deadlines during the Examination.</p> <p>On 25/01/21 PCC advised that they intend to review this matter and provide comments as soon as possible.</p> <p>The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing

4.16. ONSHORE OUTLINE CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Table 4.16 – Onshore Outline Construction Environmental Management Plan

Ref.	Description of matter	Current Position	RAG
Onshore Outline Construction Environmental Management Plan (CEMP) (document reference 6.9)			
PCC 4.16.1	Roles and Responsibilities	<p>The Onshore Outline CEMP (REP5-019) and the personnel with defined environmental responsibilities as set out in Section 3 of the Onshore Outline CEMP are yet to be agreed.</p> <p>The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.16.2	General Environmental Requirements	<p>The General Environmental Requirements set out in Section 4 of the Onshore Outline CEMP (REP5-019):</p> <ul style="list-style-type: none"> • Requirements and Consents; • Competence, Training and Awareness; • Internal Communication; • External Communication; • Method Statements; and • Environmental Incidents; <p>are yet to be agreed. The Application notes that the most up to date version of the OOCEMP was submitted at D7 (REP7-032).</p> <p>The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
PCC 4.16.3	Monitoring and Review	<p>The CEMP and the proposal for an Environmental Manger to be responsible for maintaining the register of all environmental monitoring, to be made available for auditing and inspection as set out in Section 7 of the Onshore Outline CEMP (REP5-019) are yet to be agreed. The Applicant notes that the most up to date version of the OOCEMP was submitted at D7 (REP7-032)</p> <p>The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.16.4	General Environmental Control Measures	<p>The proposed general environmental control measures contained in Section 5 of the Onshore Outline CEMP (REP5-019), where relevant to the Onshore Cable Corridor are yet to be agreed. The Applicant notes that the most up to date version of the OOCEMP was submitted at D7 (REP7-032)</p> <p>The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.16.5	Location Specific Construction Environmental Control Measures	<p>The proposals for site specific management measures for Sections 4 to 10 as set out in Section 6 of the Onshore Outline CEMP (REP5-019) are yet to be agreed. The Applicant notes that the most up to date version of the OOCEMP was submitted at D7 (REP7-032)</p> <p>The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.16.6	Overall comment on Onshore Outline Construction Environmental Management Plan	<p>At Deadline 6 PCC advised (REP6-083) that it is difficult to see how this (the OOCEMP) can be agreed within the SoCG when much of its content relies on the drafting of the DCO and Requirement 15.</p> <p>The Applicant notes that the Onshore Outline CEMP sets out the principles of the mitigation measures that must be complied with. Detailed CEMP(S) will be developed by the contractor however these still must comply with the Outline Onshore CEMP principles. The draft DCO Requirement 15 clearly states no phase of the authorisation landwards of MHWS may commence and no onshore site preparation works in relation to any such phase may be carried out until a construction environmental management plan (CEMP) relating to that phase has been submitted to and approved by the relevant planning authority. The wording prevents unauthorised deviation from the Onshore Outline CEMP and as such we do not see any impediment to PCC providing comment on and where appropriate agreement of the content at this stage. The Applicant notes that the most up to date version of the OOCEMP was submitted at D7 (REP7-032), and the most up to date version of the draft DCO was submitted at D7 (REP7-013)</p> <p>The Applicant welcomes PCC's review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
-	-	<i>For topic specific outline CEMP environmental control measures see the relevant specialist/topic areas.</i>	

4.17. DRAFT DEVELOPMENT CONSENT ORDER (INCLUDING REQUIREMENTS TO THE DRAFT DCO)

Table 4.17 – Draft Development Consent Order

Ref.	Description of matter	Current Position	RAG
	PCC General Comment on dDCO and Requirements	<p>PCC considers the dDCO to be continuing to develop iteratively and will want to review the dDCO as amended at following ISH1. This work is therefore ongoing. PCC would welcome the applicant convening a roundtable meeting with all local authorities present to review the dDCO in detail following the Deadline 6 update. PCC acknowledges that the wording of the dDCO is likely to continue to change until shortly before the close of the examination so common ground on the dDCO will broadly remain ongoing until then.</p> <p>The Applicant notes that other Authorities have responded to the dDCO and Requirements in their respective SoCGs, and therefore have offered to set up a meeting with PCC to discuss PCC-specific queries re the dDCO and Requirements. PCC are considering this matter, though no response has been provided to date.</p> <p>The Applicant welcomes PCC’s review and response on this matter, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.17.1	Scope of Powers	<p>PCC consider the scope of the powers being sought through the dDCO (APP-019) are appropriate. PCC is pleased to note certain concessions but remains fundamentally opposed to the nature and breadth of the powers sought. In particular, PCC raises concerns on the securing of powers regarding trees, amendment of existing legislative frameworks, and departure from the New Roads and Street Works Act 1991.</p> <p>The Applicant fundamentally disagrees that the powers in the DCO are too broad and not appropriate. The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, though given the scrutiny already applied to these matters it is not considered requests to amend these articles further will be justified and therefore it is not anticipated the Applicant’s position will change.</p> <p>The Applicant requests a detailed response from PCC to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.17.2	Operative Provisions	<p>The dDCO (REP1-021) is being reviewed by PCC, and consequently the wording of the operative provisions are yet to be agreed.</p> <p>PCC acknowledges that the wording of the dDCO is likely to continue to change until shortly before the close of the examination so this point will remain ongoing until then.</p> <p>The Applicant has received no comments from PCC on any of the drafting within the DCO to date. The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a detailed response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.17.3	Discharge of Requirements (procedure and timescales)	<p>The dDCO (REP1-021) is being reviewed by PCC, and consequently the procedure and timescales provided for the discharge of requirements are yet to be agreed.</p> <p>PCC consider the 40 working day timescales provided for the discharge of requirements are adequate. PCC is concerned that the procedure for discharging requirements is unduly restrictive in relation to the request of further information. PCC fundamentally disagrees with any provision for deemed approval in the event that PCC does not respond in a specified time period; deemed refusal is the appropriate outcome.</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
		<p>The Applicant welcomes PCC's agreement to the 40 working days timescale for procedure for discharging requirements.</p> <p>The Applicant is content the powers in the DCO, including those relating to deemed approvals, are entirely appropriate and reflect the need to ensure there is no impediment to the nationally significant infrastructure being delivered in a timely manner, and it is on this basis the Applicant has identified like provisions in made Orders.</p> <p>The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a detailed response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	
PCC 4.17.4	Interpretation	<p>The dDCO (REP1-021) and its explanation of meaning are yet to be agreed.</p> <p>The Applicant has received no comments on this from PCC to date. The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a detailed response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.17.5	Phases of authorised development onshore	<p>The dDCO (REP1-021) requirement for a written scheme setting out phases of the authorised development to be submitted and approved (LPA approval) are yet to be agreed.</p> <p>The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.17.6	Works No. 4 – Detailed design approval (onshore HVDC Cables)	<p>The requirement of Works No. 4, details of the (a) proposed layout; (b) proposed cable burial depths; and (c) indicative location of the joint bays, link boxes and link pillars within the dDCO (REP1-021) are yet to be agreed.</p> <p>The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.17.7	Works No. 5 – Detailed design approval (onshore connection works)	<p>The requirement of Works No. 5, details of the (a) proposed layout; (b) proposed cable burial depths; (c) indicative location of the joint bays, link boxes and link pillars; and (d) optical regeneration stations within the dDCO (REP1-021) are yet to be agreed.</p> <p>The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.17.8	Requirement 11 – Fencing and other means of enclosure	<p>The dDCO (REP1-021) requirement that construction sites are to remain securely fenced at all times during construction and removed on completion of phase is yet to be agreed.</p> <p>The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
PCC 4.17.9	Requirement 15 - CEMP	<p>The dDCO (REP1-021) requirement for a CEMP according with the outline CEMP, per phase (LPA approval). <i>See reference to Onshore Outline CEMP within tables below for specific topic/theme considerations</i> is yet to be agreed.</p> <p>The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.17.10	Requirement 18 – Construction Hours	<p>The proposed standard working hours between 0700 and 1700 hours on weekdays and 0800 and 1300 hours on Saturdays, excluding public holidays, except in the event of emergency unless otherwise agreed (LPA approval) are yet to be agreed.</p> <p>The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.17.11	Requirement 22 – Restoration of land used temporarily for construction	<p>The dDCO (REP1-021) requirement for reinstatement of land to its former condition (LPA approval) within 12 months of completion is yet to be agreed.</p> <p><i>Note open space reinstatement also covered in the Outline Landscape and Biodiversity Strategy (REP1-034).</i></p> <p>The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.17.12	Requirement 25 – Amendment to approved details	<p>The dDCO (REP1-021) requirement for development to be carried out with approved details unless any amendment or variation is previously agreed in writing with the relevant LPA or HA, being in accordance with the principles of the ES, is yet to be agreed.</p> <p>The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.17.13	Order Limits	<p>Details as set out in Environmental Statement - Volume 2 - Figure 3.2 Order Limits (Onshore) (APP-147) and Environmental Statement - Volume 2 - Figure 3.9 Order Limits Sections (Onshore) (APP-154) are yet to be agreed, with PCC considering that the Order Limits contain an unjustified amount of land which results in uncertainty for the Council.</p> <p>The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.17.14	Part 3 – Streets	<p>Discussions are ongoing with PCC with regard to the rights to carry out works in the highway and the ability for the undertaker to utilise statutory highway powers to facilitate the carrying out of such works in an expeditious manner. The Applicant has confirmed that as none are required in connection with the Authorised Development, the DCO will confer an ability make permanent TRO's.</p> <p>The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing

Ref.	Description of matter	Current Position	RAG
PCC 4.17.WH1	Works No. 4, exception 1	<p>The proposed working hours exception for Section 5 Havant Road near Drayton between Farlington Avenue and Eastern Road – up to 24 hour working for one weekend (noisy activities avoided during darkness) or 0700 to 2200 hours for up to four weekends are yet to be agreed.</p> <p>The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.et to be agreed.</p>	Ongoing
PCC 4.17.WH2	Works No. 4, exception 2	<p>The proposed working hours exception for Section 6 Fitzherbert Road and Sainsbury's car park – night works (noisy activities avoided during darkness) are yet to be agreed.</p> <p>The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.17.WH3	Works No. 4, exception 3	<p>The proposed working hours exception for Section 6/7 Farlington Railway Crossing (trenchless) – 24 hour working are yet to be agreed.</p> <p>The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.17.WH4	Works No. 4, exception 4	<p>The proposed working hours exception for Section 7 Langstone Harbour (Kendall's Wharf to Farlington Playing Fields HDD) – 24 hour working are yet to be agreed.</p> <p>The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.17.WH5	Works No. 4, exception 5	<p>The proposed working hours exception for Section 8 Eastern Road between Airport Service Road and north of Milton Common – up to 24 hour working, seven days a week for approximately 33 days (noisy activities avoided outside Harbourside Caravan Park during darkness) are yet to be agreed.</p> <p>The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
PCC 4.17.WH6	Works No. 5 (Onshore Connection Works)	<p>Proposed Requirement 18, setting working hours between 0800 and 1800 hours on weekdays and 0800 and 1300 hours on Saturdays, excluding public holidays, except in the event of emergency unless otherwise agreed (LPA approval) are yet to be agreed.</p> <p>The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing

4.18. OPTICAL REGENERATION STATIONS

Table 4.18 – Optical Regeneration Stations

Ref.	Description of matter	Current Position	RAG
Optical Regeneration Station (ORS)			
PCC 4.18.1	Location	<p>The Applicant sought PCC’s in-principle agreement that the ORS should be sited at Fort Cumberland Car Park, being considered by the Applicant to be the most appropriate location within 1 km search radius of landfall. Details considered in Chapter 2 of the ES (APP-117) paragraph 2.6.6.22.</p> <p>The site at Eastney is in use as a public car park, which is finished in rolled scalplings. The parking facility nestles inconspicuously into the scrubland character of the adjacent open space to the north-east, which forms part of a Local Wildlife Site Encircling Fort Cumberland.</p> <p>At D6, PCC stated that they “do not agree that the ORS should be sited at Fort Cumberland car park. However if the SoS agrees that an ORS is a legitimate part of this development, there is still insufficient evidence regarding its size and scale”.</p> <p>The Applicant has provided a response to Question 3.4 regarding the FOC infrastructure and the ORS buildings at Fort Cumberland Car Park at Eastney in REP6-063 – [Document 7.9.22, section 2.9] which provides the Applicant’s response to Action Points Raised as ISH1,2 and 3, and CAH1 and 2, which identifies the Applicant’s position on the need for ORS in this location, and the required scale.</p> <p>On the basis of the above, it is noted that the relative positions of PCC and the Applicant on the location and scale of the ORS buildings are fundamentally different and are not agreed.</p>	Not Agreed
4.18.2	Parameters	<p>PCC does not wish to comment on the appropriateness of the Proposed Development’s design from an engineering point of view, though it is acknowledged and agreed that the Applicant has sought to incorporate a degree of flexibility within the layout and design. The flexible approach and maximum design parameters which are set out and secured in Table WN6 of Requirement 5 (Schedule 2) of the draft DCO are matters for further discussion. PCC advised at D6 that “PCC notes that the applicant is seeking wide parameters, PCC considers this to be unnecessary and unjustified”</p> <p>The Applicant has provided a response to Question 3.4 regarding the FOC infrastructure and the ORS buildings at Fort Cumberland Car Park at Eastney in REP6-063 – [Document 7.9.22, section 2.9] which provides the Applicant’s response to Action Points Raised as ISH1,2 and 3, and CAH1 and 2, which identifies the Applicant’s position on the need for ORS in this location, and the required scale. The use of a parameter approach is entirely justified.</p> <p>On the basis of the above, it is noted that the relative positions of PCC and the Applicant on the location and scale of the ORS buildings are fundamentally different and are not agreed.</p>	Not Agreed
4.18.3	Detailed design approval	<p>The design principles for Works No. 5, optical regeneration stations, are contained in the Design and Access Statement (APP-114). The Applicant sought PCC’s review of these design principles and agreement that they provide appropriate guidelines for future detailed design.</p> <p>At D6, PCC provided the following response:</p> <p><i>PCC do not agree that the very limited design principles articulated in the D&A (for the ORS) provide appropriate guidelines for future detailed design.</i></p>	Not Agreed

Ref.	Description of matter	Current Position	RAG
		<p><i>The site justifies and requires more than simply ‘adequate’ mitigation of the scheme’s impact. The scale of the compound is such that the LPA does not consider mitigation measures alone (which could themselves further erode open setting and context) as sufficient to make the scheme acceptable.</i></p> <p><i>Significance of Assets – ‘flawed’ and downplayed</i></p> <p><i>PCC agree with the applicant’s assessment (as set out at 21.5.11.10. of the ES), that “The group of assets which make up Fort Cumberland is considered to be of Very high significance. Their setting makes a high contribution to their significance, derived from their value as a group and the preserved surrounding landscape which contributes to their context and understanding as heritage assets. Although the presence of modern residential developments has impacted on the asset’s historic setting”.</i></p> <p><i>The ES goes on to suggest that the car park (where the proposed structure would be located) does not currently contribute to the setting of the fort, “but as it is still flat does allow continuation of the historic ‘fields of fire’ from the ravelin towards Fort Cumberland Road”. PCC do not agree with this statement and consider its reasoning to be flawed. Whilst the surface treatment of the carpark contrasts with its surroundings it is at present ‘open’ (free of buildings), and for this reason contributes to the significance of the fort by sustaining uninterrupted views within the asset’s historic field of fire (both from, and towards the asset). The introduction of a new structure (particularly of the footprint, scale, and height of the proposal) in this location cannot but erode and diminish the existing ‘openness’ which the car park and its environs provide and sustain.</i></p> <p><i>Assessment of Impact is considered to be downplayed</i></p> <p><i>The ES analysis of the fort concludes with the assertion that the likely direct, permanent, long-term effect of the proposal on Fort Cumberland would be of negligible significance (prior to the implementation of mitigation measures).</i></p> <p><i>PCC are of the view that this assertion significantly downplays the impact of the proposal. It suggests that the applicant has brought insufficient consideration of the scheme’s heritage impacts to bear in their justifications for its acceptability. This ‘setting aside’ of impact (implicit in the line taken by the applicant), lacks credibility and is in my opinion unconvincing.</i></p> <p><i>Impact ‘less than substantial’</i></p> <p><i>Notwithstanding these observations, it is not asserted here that the impact of the structure, as it stands, would be ‘substantially harmful’ to the setting of the asset.</i></p> <p><i>It is also acknowledged that the proposal would inevitably require above ground physical infrastructure at landfall. In light of this the point of contention is the, scale, height, finish and overall physical ‘presence’ of the structure within its setting.</i></p> <p><i>Minimisation of Impact – unconvincing</i></p> <p><i>At p.43 (Para 7.5) - The Design and Access Statement which accompanies the submission suggests that the “The design and land take for the ORS and the Telecommunications Buildings will be minimised as much as possible”.</i></p> <p><i>It is unclear why the site should accommodate telecommunications equipment (in addition to any machinery/ infrastructure required for the ongoing monitoring /maintenance of the interconnector). If the purpose of this equipment is for example a revenue raising measure unrelated</i></p>	

Ref.	Description of matter	Current Position	RAG
		<p><i>to the functioning of the interconnector, it is reasonable to suggest that its inclusion within the scheme (and therefore any increase in scale/impact which it necessitates), are unnecessary.</i></p> <p><i>It is also unclear why the proposed boundary/ means of enclosure around the site has the footprint it does. The 8m offset for example between the proposed boundary enclosure, and the buildings on the site is notable.</i></p> <p><i>These factors suggest that the statement made in the D&S is also unconvincing. The approach taken is inconsistent with the ‘very high’ significance of the asset, and the value of its preserved surrounding landscape. Insufficient effort has been made to genuinely minimise the land take and other related design parameters for this structure.</i></p> <p><i>Proposal not capable of conservation support</i></p> <p><i>In light of this the proposal as it currently stands is not considered capable of conservation support. The proposal’s impacts call for measures which go beyond the planting of soft landscaping around the structure to help ‘screen’ its presence.</i></p> <p><i>Reduction in scale/footprint required</i></p> <p><i>Insufficient effort has been made to ensure that the proposed compound is genuinely as compact/ small as it should/could be. The footprint/scale of the structure are considered excessive within their sensitive context, and in need of significant revision (downsizing), it is suggested, by a minimum of at least 50%, The proposed height of the structure (4m) may also benefit from a reduction.</i></p> <p>With regard to the matters raised by PCC above on design parameters, the Applicant does not consider there are any further items that need to be added to the DAS to address the concerns identified by PCC. Details of the need for the ORS is provided in the Applicant’s response to PCC4.18.2, above. Details of the design parameters and the key components of the ORS are provided in the Design and Access Statement (Document 5.5, version 004 submitted at Deadline 7), and also responded to in Table 2.2 of ‘Applicant’s Response to Deadline 4 Submissions’ [REP6-067], Document Reference 7.9.23, items 70-78 and 81.</p> <p>The Applicant notes PCC’s comments regarding the ORS compound design parameters, and confirms that the distance between the ORS structures and the boundary fence to Fort Cumberland Road is designed to minimise the risk of trees (existing and proposed) falling and damaging the ORS equipment. In addition, in other locations, space is provided between the ORS structures and the boundary fence to ensure appropriate space for access and maintenance.</p> <p>With regard to the matters raised by PCC above on the significance of assets, the assessment of impact, and the minimisation of impact on the heritage asset, the Applicant directs PCC to the detailed response provided in Table 2.2 of ‘Applicant’s Response to Deadline 4 Submissions’ [REP6-067], Document Reference 7.9.23, 70-78 and 81.</p>	

Ref.	Description of matter	Current Position	RAG
		<p>The negligible impact as assessed in Chapter 21 of the ES (APP-136) is considered by the Applicant to be robust, having been determined in accordance with Historic England guidance (GPA Setting). The Applicant considers the impact to the significance of Fort Cumberland is negligible in respect of views from the western ravelin, based on the distance from the asset and the presence of a modern residential housing estate, located 15m to the north-west of the proposed ORS compound. The ORS would not have a significant impact on how the asset (when taken as a whole) is appreciated and understood.</p> <p>It has been agreed between the Applicant and Historic England that the proposed ORS would not result in substantial harm to the Fort Cumberland Scheduled Monument and Grade II*listed building (Document Ref. 7.5.13 - Statement of Common Ground with Historic England - Rev 004, ref 3.1.5) [REP6-047]. Historic England maintain that the level of harm is less than substantial whilst the Applicant considers the overall effect to Fort Cumberland scheduled monument is negligible. Irrespective of this differing professional opinion, in EIA terms the proposed change would not constitute a 'significant' environmental effect warranting substantial design amendments to the proposed scheme.</p> <p>The Applicant has also commented on this issue at PCC 4.8.4 and 4.8.5 (above).</p> <p>On the basis of the above, it is noted that the relative positions of PCC and the Applicant on the design parameters, mitigation, impact of ORS buildings on the setting of the heritage asset are fundamentally different and are not agreed.</p>	
4.18.4	Fencing and other means of enclosure	<p>Proposed Requirement 11 of the dDCO (REP1-021) requiring permanent fencing to be completed before ORS is brought into use and maintained for the operational lifetime are yet to be agreed. The most up to date version of the dDCO was submitted at D7 (REP7-013).</p> <p>The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	Ongoing
-	-	<i>For soft landscaping associated with the ORS see REP6-038, the Outline Landscape and Biodiversity Strategy, Appendix 2, Figure 3 for the outline landscape layout, and REP6-029 Section 1.2.2, which provides details of a proposed planting schedule for Fort Cumberland Car Park.</i>	
-	-	<i>For Noise associated with the ORS see [Paragraphs 24.6.11.24 to 24.6.11.30 of Chapter 24 of the ES (APP-139). In terms of mitigation measures, the noise criteria are secured through the Operational Broadband and Octave Band Noise Criteria Document (REP1-129). These criteria will ensure that the predicted impacts do not exceed those presented in the ES,]</i>	

4.19. COMMUNITY FUND

Table 4.19 – Community Fund

Ref.	Description of matter	Current Position	RAG
PCC 4.19	Community Fund	PCC's RR stated "PCC consider that a fund for community benefits to secure localised improvements for road users should be at least be required from Aquind to assist project mitigation. Biodiversity enhancement measures and a delivery programme for such improvements at Eastney after completion of works for the landfall underground connection bay should also form part of essential mitigation works."	Not Agreed

Ref.	Description of matter	Current Position	RAG
		The Applicant has considered this matter but confirm that relevant matters are covered by mitigation already to be provided, and therefore in their view there is no evidenced need for a Community Fund.	

4.20. DEFINITION OF ASSOCIATED DEVELOPMENT

Table 4.20 – Definition of Associated Development

Ref.	Description of matter	Current Position	RAG
PCC 4.20	Definition of Associated Development	<p>The Examining Authority is directed towards following documents which clearly set out Portsmouth City Council's stance regarding the Fibre Optic Cable:</p> <p>RR-185 Portsmouth City Council</p> <p>PDA-003 Portsmouth City Council - Submission for procedural Deadline A</p> <p>REP1-172 Portsmouth City Council - Deadline 1 Submission - APPENDIX A - Task A - Response to Examining Authority's first written questions</p> <p>REP1-173 Portsmouth City Council - Deadline 1 Submission - APPENDIX B - Task B - Local Impact Report</p> <p>REP1-174 Portsmouth City Council - Deadline 1 Submission - APPENDIX C - Task C - Written Representation</p> <p>REP2-018 Portsmouth City Council - Deadline 2 Submission - Comments on responses to Deadline 1</p> <p>REP3-025 Portsmouth City Council - Deadline 3 Submission - Comments on responses to Deadline 2 and draft Development Consent Order</p> <p>REP4-034 Portsmouth City Council - Deadline 4 Submission</p> <p>REP4-036 Portsmouth City Council - Deadline 4 Submission - Comments on responses to deadline 3</p> <p>REP5-084 Portsmouth City Council Deadline 5 Submission - Letter regarding Fibre Optic Cable Development and Project of Common Interest</p> <p>REP5-086 Portsmouth City Council - Deadline 5 Submission - Transcript of Oral Evidence to be presented at Compulsory Acquisition Hearing 1</p> <p>REP5-087 Portsmouth City Council - Deadline 5 Submission - Transcript of Oral Evidence to be presented at Issue Specific Hearing 1</p> <p>REP5-090 Portsmouth City Council - Deadline 5 Submission - Transcript of Oral Evidence to be presented at Open Floor Hearing 1</p> <p>PCC fundamentally disagrees that it would be lawful to include fibre optic cables and equipment as associated development for the purposes Aquind are seeking. The practical implications that this line of reasoning has had for the compulsory acquisition of land make this point especially stark: the addition of fibre optic cables to this electricity interconnector is directly responsible for the optical regeneration stations near Fort Cumberland and the Telecommunications Buildings at Lovedean and their excessive size. The ORS are designed solely to serve commercial data purposes totally distinct from the transmission of electricity. The dominance of the fibre optic elements of what is proposed as the actual</p>	Not Agreed

Ref.	Description of matter	Current Position	RAG
		<p>Interconnector Scheme and which are wholly for commercial gain (in what is supposed to be solely electrical infrastructure) has become 'the tail that wags the dog' in this application.</p> <p>The Applicant responded to the matters raised by PCC in respect of fibre optic cables in REP6-069, Document 7.9.25 (Applicant's Response to Deadline 5 Submission) Table 2.4, which states:</p> <p><i>The Applicant has confirmed its position on why the commercial use of the spare capacity within the fibre optic cables required for the operation of the Proposed Development is associated development in accordance with Section 115 of the Planning Act 2008 and how such associated development complies with the relevant guidance provided in this regard within the Statement in Relation to FOC (REP1- 127). The spare fibres are intrinsically linked to the fibres that perform the support function as they form part of the same cable. In other words, the fibre optic cables need to be considered as a whole – they are two cables (one installed with each of the HVDC and HVAC Cable Circuits) with multiple fibres required in connection with the Proposed Development for control, protection and monitoring purposes. As set out in the Statement in Relation to FOC (REP1-127)., the Proposed Development could not operate reliably without the fibre optic cables. The mere fact that will be spare capacity in these cables is not “an aim in itself” and the commercial element is subordinate to the principal development.</i></p> <p><i>There is no error of law in Para 4.6 of REP1-127. Para 4.6 reads: In addition, the Planning Inspectorate's Advice Note Thirteen states at paragraph 2.9 that “associated development is subordinate to the NSIP, but necessary for the development to operate effectively to its design capacity.” In this regard it should be noted that the proposed Development is not an NSIP (though has been confirmed to be of national significance), and the advice note is read on the basis that the use of the Proposed Development for the transfer and conversion of electricity is taken to be the primary use which any associated development would need to be subordinate to”. The Proposed Development is not an NSIP under the Planning Act 2008, were that the case a Section 35 Direction would not have been required to confirm development consent is required for it, however it has been confirmed to be of national significance and development for which development consent is required by virtue of the s.35 Direction.</i></p> <p><i>The Applicant is in no way seeking to preclude the ExA and the Secretary of State from performing their role under s.115 Planning Act 2008. It is acknowledged that the Secretary of State will determine whether the commercial telecommunications use of the spare fibres within the fibre optic cable and the FOC infrastructure is associated development for which development consent may be granted in due course.</i></p> <p><i>As is confirmed in the Statement in Relation to FOC (REP1-127) and as was confirmed in the hearings, all electricity interconnectors require fibre optic cable to allow for the converter stations to communicated with one another. Without this, the project would not be able to reliably operate. The Applicant has been clear that it is seeking consent to use the spare capacity within the fibre optic cables for commercial telecommunications purposes, and has explained why this is associated development, subordinate to the principal development which performs the transfer and conversion of electricity within the Statement in Relation to FOC (REP1-127).</i></p> <p><i>The Applicant has provided a response to the Examining Authority's Further Written Question at DCO 2.5.1 (REP7-038) in relation to this matter.</i></p> <p>On the basis of the above, it is clear that the relative positions of PCC and the Applicant are fundamentally different and are not agreed.</p>	

4.21. RELEVANCE AND POSITION OF OTHER LICENCES AND CONSENTS (FRANCE)

Table 4.21 – Relevance and Position of Other Licences and Consents (France)

Ref.	Description of matter	Current Position	RAG
PCC 4.20	Relevance and Position of Other Licences and Consents (France)	<p>The Examining Authority is directed towards the following documents which clearly set out Portsmouth City Council's stance regarding the uncertainties concerning the development proposed in France:</p> <p>REP5-084 Portsmouth City Council - Deadline 5 Submission - Letter regarding Fibre Optic Cable - Development and Project of Common Interest</p> <p>REP5-090 Portsmouth City Council - Deadline 5 Submission - Transcript of Oral Evidence to be presented at Open Floor Hearing 1</p> <p>The Applicant has responded to the matters raised by PCC in their Deadline 5 submissions, in REP6-069, Document 7.9.25 (Applicant's Response to Deadline 5 Submission) Table 2.4, which states:</p> <p>The Applicant refers to the response to question 5.5 within the Applicant's Transcript of Oral Submissions for Compulsory Acquisition Hearing 1 which provides clear information regarding the regulatory status of the project and the pathway to obtaining regulatory status in 2021. PCC misunderstand the regulatory regime which applies to energy markets and the points raised are fundamentally flawed as a consequence of this. Updates are made to the Funding Statement submitted at Deadline 6 to confirm relevant regulatory matters, and updates are also made to the Other Consents and Licences document (also submitted at Deadline 6) to again update on the progress being made in relation to obtaining the necessary consents in France.</p> <p>The Applicant set out the position in response to PCC's REP5-084 (Fibre Optic Cable - Development and Project of Common Interest) in REP6-061 (Document 7.9.20), which stated:</p> <p><i>b. The status of Project of Common Interest, whilst a nice attribute, does not have any material impact on the development of the project or indeed any impact on the regulatory status that the Applicant is pursuing with ACER.</i></p> <p><i>Please also refer to the Applicant's hearing transcript for Compulsory Acquisition Hearing 1 (REP5-034), and the post hearing summary and updated Funding Statement submitted at Deadline 6.</i></p> <p>The Applicant has set out the position regarding the status of Other Licences and Consents (France) in Document 5.2 – Other Consents and Licences (Rev 003) at Deadline 6 – [REP6-024], see Table 2.1, items 24-30.</p> <p>On the basis of the above, it is clear that the relative positions of PCC and the Applicant are fundamentally different and are not agreed.</p>	Not agreed

5. SIGNATURES

Ref.	Portsmouth City Council	AQUIND (the Applicant)
Signature		
Printed Name		
Title		
On behalf of	Portsmouth City Council	AQUIND Limited
Date		

