



**AQUIND Limited**

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## **AQUIND INTERCONNECTOR**

Applicant's Comments on Other Parties'  
Responses to the Examining Authority's  
Second Written Questions

The Infrastructure Planning (Examination Procedure) Rules 2010, Rule 8(1)(b)  
The Planning Act 2008

Document Ref: 7.9.38

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WSP

WSP House

70 Chancery Lane

London

WC2A 1AF

+44 20 7314 5000

[www.wsp.com](http://www.wsp.com)

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# 1. INTRODUCTION

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- 1.1.1.1. This document is submitted on behalf of AQUIND Limited (the 'Applicant') in relation to an application (the 'Application') for a Development Consent Order ('DCO') to authorise the elements of AQUIND Interconnector (the 'Project') within England and the waters adjacent to England up to seaward limits of the territorial sea (the 'Proposed Development')
- 1.1.1.2. The Application was submitted to the Secretary of State ('SoS') for Business, Energy and Industrial Strategy ('BEIS') pursuant to Section 37 of The Planning Act 2008 (as amended) (the 'PA 2008') on 14 November 2019. The Application was accepted for examination by the Planning Inspectorate ('PINS') on behalf of the Secretary of State on 12 December 2019.
- 1.1.1.3. This document provides comments from the Applicant on other parties' responses to the Examining Authority's (ExA) further written questions.
- 1.1.1.4. Appendix A of this document (document reference 7.9.38.1) provides the Applicant's response in relation to Portsmouth City Council's response to Written Question DCO.2.5.1.

**Table 1.1 – Applicant’s Comments to Second Written Questions – East Hampshire District Council**

Reference	Respondent(s)	Question	Response	Applicant’s Comments
DCO2.5.1	Applicant All Local Authorities  Representatives of Mr Geoffrey Carpenter and Mr Peter Carpenter	<p>In relation to the proposed commercial use of the surplus capacity of the fibre optic cable, the Examining Authority notes that there are a number of opinions as to whether any associated works can be authorised by any DCO, and also which works would constitute the development and which would be Associated Development.</p> <p>The Applicant, the local planning authorities, and Mr Geoffrey and Mr Peter Carpenter are requested to comment on the following interpretation.</p> <p>For any project that was not the subject of a s35 direction, the development requiring consent would be listed in s14 of the Planning Act 2008 (PA2008) and described in one or more of the relevant subsequent sections (for example, s16 for an electric line), together with any Associated Development that falls within the definition set out in s115(2) of PA2008.</p> <p>This project does not fall within one of the s14 categories, but instead it is to be treated as a Nationally Significant Infrastructure Project by virtue of the Secretary of State’s s35 Direction. Therefore, in this case, it is the s35 Direction that defines the Nationally Significant Infrastructure Project, the development requiring consent.</p> <p>Looking at the Direction, the wording is that <i>‘THE SECRETARY OF STATE DIRECTS <u>that the proposed Development, together with any development associated with it, is to be treated as development for which development consent is required.</u></i> (Our emphasis.)</p> <p>The ‘proposed development’ is defined as ‘the proposed UK elements of the AQUIND Interconnector (“the proposed Development”), as set out in the Direction request’.</p> <p>The Direction request is this document. Therefore, the project would appear to consist of the elements described in that document, including the offshore data cables (paragraph</p>	<p>None of the cables route or buildings associated with the fibre optic cable are located within the East Hampshire District Council (EHDC) area and the Council has subsequently not made any issue of this element being included within the DCO process, but nevertheless is aware of concerns held by the other Local Planning Authorities.</p> <p>Having regard to S115(2) of the PA 2008, any part of the scheme relating to fibre optic cables would appear questionable as associated development. The Direction Request was that elements relating to the fibre optic are associated development and the Secretary of State’s Direction that ‘the proposed Development, together with any development associated with it is to be treated as development for which a development consent order is required’ raises some reservations as to the suggestion of accepting such elements as part of the project rather than Associated Development. The fibre optic elements do not fit with the Project insofar as it is not in the field of energy, transport, water, waste water or waste (Section 35(2) of the Act.</p> <p>The reasons for the decision to issue the Direction (Annex of the Direction) do not refer to fibre optic elements. It is not clear how such elements could be accepted as part of the proposed project given the ‘the spare fibre optic cable capacity for the provision of commercial telecommunications services’ is not in the field of energy (and so not within s35(2) of the Act), is not nationally significant in itself and is referred to in the Direction Request by the Applicant as Associated Development</p>	<p>Please refer to the Applicant’s response to the ExA’s further written questions submitted at Deadline 7 (REP7-038) and the Statement in relation to FOC Infrastructure (REP1-127).</p> <p>It is not agreed that the operational development required to support the fibre optic cables does not fit with the Proposed Development. That operational development is clearly part of the ‘Proposed Development’ as defined in the Section 35 Direction Request (AS-040).</p> <p>The use of the fibre optic cables for telecommunication purposes is referred to in the Section 35 Direction Request (AS-040) as associated development, rightly or wrongly, but the relevant operational development does form part of the ‘Proposed Development’ as described in the Section 35 Direction Request.</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
		<p>3.5.2(A)), the onshore data cables (paragraph 3.5.1(D)) and the 'construction of a converter station comprising a mix of buildings and outdoor electrical equipment' (para 3.5.1(C)). The project description also states that 'Signal enhancing, and management equipment may also be required along the land cable route in connection with the fibre optic cables' (3.5.1(D)).</p> <p>Paragraph 3.12 refers to the use of 'the spare fibre optic cable capacity for the provision of commercial telecommunications services' as Associated Development. However, the s35 direction states that 'any development associated with' the Proposed Development is to be treated as development for which consent is required. Therefore, the Examining Authority is minded to consider that this use, although described as 'Associated Development', would actually be part of the proposed project, and not Associated Development for the purposes of s115 of PA2008.</p> <p>The Examining Authority also notes the effect of s157(2) of PA 2008, which means that consent is taken to 'authorise the use of the building for the purpose for which it is designed' where no purpose is specified.</p>		

**Table 1.2 – Applicant's Comments to Second Written Questions – Hampshire County Council**

Reference	Respondent(s)	Question	Response	Applicant's Comments
CA2.3.4	Applicant	<p>In terms of land identified for Compulsory Acquisition in the Book of Reference [REP6-062] please provide the total areas in each of the following categories:</p> <ul style="list-style-type: none"> <li>• Subsoil below the highway;</li> <li>• Land owned by statutory authorities;</li> <li>• Land owned by others.</li> </ul> <p>This list of categories is not exhaustive, and the Applicant may add to it, or sub-divide further, if thought to be useful to the ExA. The total area</p>	<p>It is HCC's understanding that insufficient information is currently available to the Applicant to identify where the Applicant will require rights to enter the subsoil below the highway. Such detail is unlikely to be forthcoming until construction has commenced. HCC therefore seeks clarity on how the Applicant will confirm to affected parties when rights to enter the subsoil are exercised. This matter is discussed further in the Highway Authority Update note submitted at Deadline 7.</p>	<p>Requirement 6(3)(b) of the dDCO (REP7-013) requires the proposed depth of installation of the Onshore HVDC Cables to be approved before works to construct them are undertaken.</p> <p>In connection with confirming any acquisition of any rights in subsoil beneath the highway it will be necessary to confirm the extent of land this relates to, and it will inherently be necessary to confirm with the highway authority this does not include land which forms part of the highway (the acquisition of which will not be authorised</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
		should, however, equate to that identified in the Book of Reference.		in accordance with the Book of Reference (REP7-019) and therefore will not be permissible). This will involve discussions with the highway authority, as necessary. It is not considered that it is necessary for any additional processes to be provided for in the DCO in addition to the need for the design and depth of cables to be confirmed and the necessary vesting processes to be followed in relation to any acquisition of rights in subsoil below the land which forms the highway. Adequate controls and processes are already provided for.
<b>CH2.4.2</b>	Winchester City Council Hampshire County Council	Please could the Applicant expand on the answer to question ExQ1 CH1.4.6 (in [REP1-091]), and particularly the part of its response that suggests, 'In the unlikely event that they are identified, there may be a requirement, where practicable, for their preservation in situ...'. Could the Applicant explain how preservation in situ might be achieved given the cut and fill required to achieve the required formation level for the Converter Station. Could this result in a necessary change in design, elevation or location outside the parameters set in the relevant parameter plans and dDCO? If so, how would this be achieved? Do the relevant local authorities' archaeologists have confidence that any important archaeological remains found at the Converter Station site would be suitably protected through the Onshore Outline CEMP [REP6-036]?	It is HCC's advice, based on its understanding of the potential archaeological interest of the site, that an absolute requirement for the preservation of any significant such historic asset 'in-situ' would not be reasonable or would be hard to justify at this stage. HCC believes as far as is reasonably possible that, based on the available archaeological evidence, the impact on any historic asset subsequently found can be suitable mitigated in accordance with Strategy 1 as set out in the CEMP 5.8.1.3 and subsequent paragraphs. This does include preservation, where feasible, but does not include an expectation that this would include preservation where such preservation was not feasible within the flexibility of design implied by para 5.8.1.8 of the CEMP and 21.8.1.6 of the ES.	The Applicant agrees with HCC's advice. A detailed response to this question is provided by the Applicant in their response to this question (REP7-038).  In the highly unlikely event that remains are uncovered which require preservation in situ, design changes could be considered but only where this is feasible or warranted and where it would accord with the consented design parameters (OOCEMP, paragraph 5.8.1.8 (REP6-036, Rev006)). For example, it may be possible to modify proposed formation levels or adopt other means of avoidance. Paragraph 5.8.1.8 of the OOCEMP has been modified to clarify that such changes could be considered but only where this would accord with the consented design parameters (REP7-032).
<b>DCO2.5.7</b>	Applicant Hampshire County Council	Please could the ExA be updated on progress towards securing a s278 Agreement with regards to the highway works at the junction of Day Lane and Broadway Lane? Have the technical details been agreed and will the s278 agreement be in place prior to the end of the Examination?	The principle of the s278 Agreement has now been agreed between parties as an appropriate mechanism to provide for the permanent access to the converter substation, the Day Lane passing places and all temporary construction accesses. The technical details are yet to be agreed and will be secured through the s106 agreement.	A draft s106 was submitted at D7 (REP7-058) which provides details of the draft s278 to be entered into in relation to the Converter Station Access Works and the Temporary Construction Accesses. The parties are progressing the drafting of these agreements with the aim of having an agreed position for Deadline 8, and it is not anticipated by the Applicant that there is any impediment to these matters being agreed between the parties.



Reference	Respondent(s)	Question	Response	Applicant's Comments
N2.11.3	Applicant	<p>Please could the Applicant clarify the apparent inconsistency between ES paragraph 24.4.2.21 and Table 24.1 [APP-139]. The former states that night-time working is only anticipated at two of the HDD sites, while the table mentions only HDD-4. Also, Table 24.1 seems to contradict the mitigation schedule [REP2-005] by stating that weekend working at joint bays is limited to between 08.00 and 13.00. The mitigation schedule does not anticipate any weekend working at joint bays.</p> <p>On what basis was the noise assessment undertaken in relation to both of these?</p> <p>The mitigation schedule suggests that evening, weekend or night-time working is not anticipated at joint bays. Table 2.2 of the Outline Onshore CEMP [REP6-036] (working hours) does not seem to mention joint bays explicitly. Requirement 15 of the dDCO appears to allow all components of Work No. 4 to take place on a Saturday morning, which is assumed to include joint bays. Please explain how the submitted documentation secures this mitigation measure on which the noise assessment was apparently undertaken.</p> <p>Read together, draft Requirements 15 and 18 appear to allow operations to take place outside the core working hours controlled by Requirement 15, if this is agreed in an approved CEMP. How was this accounted for in the noise assessment and could it give rise to effects not anticipated in the ES?</p>	<p>Ensuring sufficient flexibility during the construction works is a matter that HCC are seeking further clarity on through discussions with the Applicant. Further details on this matter are raised in the HA update submission at Deadline 7.</p>	<p>Please refer to the Applicant's responses to the Examining Authority's Further Written Questions (ExQ2) (REP7-038), which provides full responses to the questions raised in N2.11.3.</p> <p>In response to a post hearing note from HCC (ISH3 – Agenda Item 6k Point 4 – provision for out-of-hours working on traffic sensitive streets in Hampshire), the Applicant has provided a technical note as Appendix D to the Applicants Responses to Deadline 6 Submissions (REP7-075).</p> <p>The note explains why HCC's proposal to include further night-time working as an option along the A3 London Road is not accepted by the Applicant. This is because it would result in significant adverse noise effects on residences on London Road and, would not avoid significant adverse traffic delay effects. The marginal benefits derived from an increased installation rate would be outweighed by the additional environmental effects that would result.</p> <p>The Applicant recently received a note on behalf of HCC, PCC and HBC further requesting flexibility for working outside of core working hours for traffic sensitive streets. The Applicant has explained it is content to provide for flexibility in so far as it is evidenced any such directions for working outside of core working hours does not result in residual likely significant effects which are greater than those reported in the Environmental Statement so as to ensure necessary compliance with the relevant regulations in this regard.</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
PP2.13.1	Applicant Local authorities	<p>In December 2020, a number of policy documents and Court decisions that might be considered relevant to this DCO application came into the public forum. These included the:</p> <p>i) Energy White Paper  <a href="https://www.gov.uk/government/publications/energy-white-paperpowering-our-net-zero-future">https://www.gov.uk/government/publications/energy-white-paperpowering-our-net-zero-future</a></p> <p>ii) Impact of Interconnectors on Decarbonisation  <a href="https://www.gov.uk/government/publications/impact-of-interconnectors-on-decarbonisation">https://www.gov.uk/government/publications/impact-of-interconnectors-on-decarbonisation</a></p> <p>iii) Supreme Court judgment on the Airport National Policy Statements and Heathrow Airport Expansion  <a href="https://www.supremecourt.uk/cases/docs/uksc-2020-0042-judgment.pdf">https://www.supremecourt.uk/cases/docs/uksc-2020-0042-judgment.pdf</a></p> <p>iv) Defra policy paper, Changes to the Habitats Regulations 2017  <a href="https://www.gov.uk/government/publications/changes-to-the-habitatsregulations-2017/changes-to-the-habitats-regulations-2017">https://www.gov.uk/government/publications/changes-to-the-habitatsregulations-2017/changes-to-the-habitats-regulations-2017</a></p> <p>In relation to each of these, and any other relevant, recently published policy or cases, please explain the relevance and significance for the current Proposed Development and what influence, if any, arises that the Examining Authority and Secretary of State should be aware of and take into consideration.</p>	<p>The Energy White Paper represents the Government's latest proposals for future policy for the energy market and to tackle climate change. It includes a commitment to updating the energy NPSs. Specific proposals of relevance include the creation of 18 GW of interconnector capacity by 2030 which is acknowledged to be a significant challenge to meet. The White Paper also identifies the potential for the UK to be a net exporter of green energy and the flexibility that interconnectors can provide to the energy market. As a White Paper, it is considered to be a material planning consideration of limited weight in the determination of this proposal.</p> <p>Impact of Interconnectors in Decarbonisation. This research study highlights the potential benefits that interconnectors, in general, could have in decarbonising the energy market, supporting renewable energy production and reducing overall costs of production. These potential benefits are principally created through the flexibility that interconnectors provide in responding to demand requirements.</p> <p>The study summarises detailed modelling work undertaken, but it is unclear what assumptions have been made within this study. For instance, consideration of alternative means of delivering flexibility within the energy market, such as battery storage, is not explained.</p> <p>It is therefore suggested that this study is given very limited weight in the determination of this application.</p> <p>Supreme Court Judgment on the Airport National Policy Statement – the judgment turns on the lawfulness of the Airports NPS and therefore is not directly relevant to the current proposals.</p> <p>DEFRA policy paper on the Habitats Regs – HCC has no comments on this paper.</p>	<p>The importance and relevance of the Energy White Paper, and accompanying report, should not be downplayed. They reinforce the national need for the AQUIND Interconnector which should be afforded very substantial weight in the planning balance.</p> <p>Firstly, the Energy White Paper confirms that the NPS EN-1 continues to represent relevant government policy and the urgent need for energy infrastructure set out in the NPS remains. The s35 direction confirms that NPS EN-1 should apply to the application as it would to a generating station of a similar capacity. The urgent need for energy infrastructure set out in NPS EN-1 is therefore established and applies to AQUIND Interconnector. Section 3.2.2 of the Needs and Benefits Report (APP-115) addressed the key implications of NPS EN-1 for AQUIND Interconnector.</p> <p>Secondly, the Energy White Paper and accompanying report add to a large, and growing, body of evidence which specifically demonstrate the need for increased levels of interconnection in order to achieve net zero commitments. As set out in the Needs and Benefits Second Addendum (REP7-064) the findings - and commitment to realising at least 18GW of interconnectors by 2030 - support those of the TYNDP, Future Energy Scenarios (FES) and 2020 FTI report in demonstrating the benefits of increased levels of interconnection and the need for AQUIND Interconnector on a national level.</p> <p>Since the Needs and Benefits Second Addendum was prepared, further supportive evidence has been published by National Grid ESO in the Network Options Assessment (January 2021). This includes the NOA for Interconnectors (NOA IC) which assesses how much interconnection would provide the most benefit to GB consumers and other interested parties. The baseline matches the four 2020 FES scenarios (as explained in section 2.8 of</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
				<p>the Needs and Benefits Addendum (REP1-136) - three of which would deliver net zero). For those three scenarios the baseline for interconnection with France is set at 8.8GW (i.e. including Fab Lind, Gridlink and AQUIND). The report states that National Grid tried to model scenarios with lower baseline level of interconnectors but was unsuccessful. <i>“Our attempts at modelling NOA IC 2020/21 with a baseline level of interconnection lower than that set within FES 2020 were unsuccessful. This highlights how important the levels of interconnection set within FES 2020 are to achieve a supply and demand match for every hour for each year from 2028 to 2040.”</i></p> <p>The report also explicitly highlights the importance of interconnectors in delivering net zero: <i>“Additional interconnection is essential to achieving net zero. As levels of intermittent renewable generation increase in the scenarios, interconnectors play an increasingly important role providing flexibility in the net zero scenarios.”</i></p> <p>The Energy White Paper (and supporting report) are, in confirming the urgent need set out in NPS EN-1 and further supporting the need for additional interconnection to deliver net zero commitments, important and relevant to decision making. The national scale benefits of the AQUIND Interconnector, as further supported by these important publications, should be afforded very considerable weight in decision making.</p>
TT2.16.1	Applicant	On page 5-93 of [REP2-013], the Applicant stated that a Road Safety Audit should be completed. The ExA has not seen this to date, only a Road Safety Technical Note [REP6-071]. When will such an Audit be produced and submitted to the Examination? Will the safety audit be prepared by independent consultants? At this time, can the Applicant set out, with reasons, why it appears that different methods have been applied with regard to assessing	The Highway Authority have made representation regarding these matters within its deadline 7 response updating on progress to date.	The Applicant has been in discussion with HCC in relation to the Road Safety Audit and how the findings of the Audit can be responded to. HCC are in agreement with the proposed approach of the Applicant, and ongoing discussions largely relates to matters of detail. The Designers Response to the Road Safety Audit will be submitted to HCC ahead of Deadline 8. This will include an amended

Reference	Respondent(s)	Question	Response	Applicant's Comments
		accidents and road safety along the onshore cable corridor and the wider study area?		drawing of the works to the Converter Station Access and Day Lane.
TT2.16.2	Applicant	The ES assesses a worst-case scenario of up to 86 two-way HGV movements during peak construction (APP-137 paragraph 22.4.6.3). Can the Applicant indicate where and how this is secured in the dDCO and other application documents?	The Highway Authority consider that this must be restricted and secured within the DCO.	<p>The Applicant provided as part of the Day Lane Technical Note (REP7-046a) clarification on the total number of HGVs that will be traveling to and from the Converter Station at peak construction, noting that the 43 two-way movements per day (86 in total) related only to HGVs associated with construction of the Converter Station. When taking into account of HGVs associated with construction of the Converter Station and Onshore Cable Route the total number of movements assessed as accessing the Converter Station at peak construction is 71 two-way HGV movements (142 in total).</p> <p>Given the robust nature of assumptions applied to form this estimate, the Applicant agrees to secure with the DCO the 71 two-way movements (142 in total) as the maximum number of HGV movements which can occur at the Converter Station per day.</p>
TT2.16.4	Hampshire County Council First Group	Is Hampshire County Council content, in light of the minutes of the meetings between the Applicant and the relevant bus companies, that adequate consideration, engagement and mitigation is in place to minimise the disruption to bus services across the onshore cable corridor? Is Hampshire County Council aware of any documented outstanding concerns that Stagecoach has with regards to the Proposed Development? Could First Group please provide details of any outstanding concerns regarding the Proposed Development's impacts on its services and what, if any, measures could be taken to alleviate any such concerns.	The Highway Authority provide an update on this matter within its Deadline 7 update note. The HA have subsequently met with the bus operators and Portsmouth CC. On the ExA's request, the HA have obtained updates from representatives of the bus operators which are appended to its Deadline 7 update note. There remain a number of concerns about the impact of the proposed works on the operation of the bus routes.	<p>The Applicant met with First Group, Stagecoach, HCC and PCC on 11/02/21 to discuss the impact of the proposed works and how mitigation can be secured prior to the end of the examination.</p> <p>During this meeting a contingency fund to be provided by the Applicant was discussed, which could be drawn upon by the bus companies to mitigate against any reduction in bus service punctuality and reliability as a result of the Aquind on construction works. It is confirmed the Applicant is in principle agreeable to a fund being provided for, subject to there being clear defined thresholds for when payments may be drawn down from this.</p> <p>The Applicant expects this fund to cover the cost of ensuring a reliable service, and in relation to marketing following the works being undertaken should it be evidenced that</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
				<p>ridership has decreased as a consequence of the works (acknowledging that other external factors beyond the control of the Applicant and their works may also cause such issues and that this needs to be accounted for).</p> <p>At this time the Applicant has not been provided with the information necessary to formulate the relevant planning obligations. It is however expected that the requested information will be forthcoming from the bus operators and HCC in due course.</p> <p>Whilst discussions are still on-going between all parties with respect to the agreement of necessary triggers and contingency fund value, and there is some work to do to ensure a robust and appropriate form of planning obligation is provided for, the Applicant is committed to resolving this issue and expects this will be resolved prior to the end of the examination and secured via the Section 106 Agreement with HCC.</p>
TT2.16.5	Applicant	Hampshire County Council has suggested that the Applicant should monitor the proposed construction worker shuttle bus services to check the provisions are fit for purpose. How does the applicant intend to ensure that the provisions are fit for purpose and how are they secured through the dDCO?	The Highway Authority note that no amendments have been made to the Travel Plan within the Applicant's deadline 6 submission to address this matter. HCC have subsequently discussed this matter further with the Applicant. Further detail on HCC's position has been provided within its deadline 7 response.	The Applicant has updated the Framework Construction Worker Travel Plan to reflect comments made by HCC at Deadline 5. The Travel Plan now includes provision of staff travel survey at the start of construction to ensure that the shuttle bus proposals are fit for purpose and a suite of alternative measures and monitoring to be considered by the contractor should this not be the case. This updated Travel Plan will be submitted at D8.
TT2.16.7	Applicant	The Joint Bay Technical Note [REP6-070] shows indicative locations for joint bays. Whilst it is acknowledged these are indicative and there are more shown than is permissible in the dDCO, the ExA notes that JB's 11, 12, 13, 14, 15, 16, 18 and 19 in particular appear to be within the highway (where the definition of 'highway' incorporates the carriageway and footpath and cycle path margins). It says in APP-137 paragraph 22.4.7.15 that joint bay	Hampshire County Council have made detailed comments on the proposed joint bay locations within its deadline 7 written response.	Please refer to the Applicant's Response to Deadline 7 and 7a submissions (document reference 7.9.39).

Reference	Respondent(s)	Question	Response	Applicant's Comments
		<p>locations have been included, all of which provide adequate space for construction works to take place without blocking the carriageway. Can the Applicant therefore explain?</p> <p>1) Whether the single-lane closures or shuttle-system for traffic would constitute traffic management for which there should be no more than 6 occurrences on the network at any one time?</p> <p>2) What arrangements would be in place for the diversion of pedestrians or cyclists during the 20-day joint bay construction period?</p> <p>3) Have measurements been carried out along the Order limits to confirm that sufficient room (either 40m x 5m in the case of a single bay or 40m x 12.5m in the case of a double bay as shown in [REP6-064]) exists at all potential joint bay locations to confirm that the joint bay will not be in the carriageway?</p>		
<p><b>TT2.16.8</b></p>	<p>Applicant Hampshire County Council</p>	<p>It is proposed to use four passing bays in Day Lane to allow construction related HGVs to pass non-project traffic and non-related HGVs, and images have been provided showing the locations in the Day Lane Technical Note [REP6-073]. These passing bays appear to be beyond the Order limits and the document does not describe how the bays would be secured or surfaced.</p> <p>Would this be this through a s278 agreement? What evidence exists that all the land for the passing bays is within the public highway? What baseline evidence is there regarding the use, availability and environmental effects arising from the use of these parcels of land for passing bays? What surfacing would be used and how would this impact trees, hedgerows and wildlife?</p>	<p>HCC have reviewed the highway boundary along Day Lane as requested.</p> <p>Day Lane is a historic road which has been in existence from at least the 1840s (as being shown on the 1842 Catherington Tithe Map). It is therefore considered to be a highway maintainable at public expense in accordance with Section 36 (5) (a) of the Highways Act 1980 and S31 (1) of the same.</p> <p>The extent of Day Lane has been defined with reference to the:</p>	<p>The Applicant notes the confirmation provided by HCC that the land required to construct the Day Lane passing bays is land maintained at public expense.</p> <p>Works to the public highway that are beyond the Order Limits are provided for through the draft DCO (REP7-013); please refer to Article 16. The delivery of the passing bays is also to be secured by way of a Section 278 Agreement, which is to be secured by way of the Section 106 Agreement with HCC.</p> <p>Following the Applicant being made aware of additional HCC highway land at the Day Lane/Broadway Lane junction updates were made to the Land Plans and Book of Reference to correct the position. No amendments to the DCO are required in this regard.</p> <p>In relation to matters concerning the works affecting the drainage ditches along Day Lane, the Applicant has discussed this matter with</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
			<ul style="list-style-type: none"> <li>• 1842 Catherington Tithe Map,</li> <li>• 1st, 2nd, 3rd and 4th editions of the Ordnance Survey County Series 25 inch to the mile mapping,</li> <li>• 1957 edition National Grid 1/2500 Ordnance Survey Mapping;</li> <li>• And land acquisitions for improvements to Day Lane including:</li> <li>• The dedication by William Bucksey dated 14th February 1944 of a visibility splay the junction of Day Lane and Broadway Lane,</li> <li>• The conveyance by Sidney William Hull dated 20 September 1962 for the widening of the northern side of Day Lane from Broadway Lane to Lovedean Lane</li> <li>• and a dedication by Rosalie Whalley Tooken dated 22<sup>nd</sup> April 1944 fronting the land now known as Lovedean Solar Farm.</li> </ul> <p>The laybys on the north side of Day Lane fall within the land conveyed to the County Council dated 20 September 1962. The laybys on the south side of the road fall within the historic boundary of the road.</p> <p>An amendment to the provisions of the dDCO would appear to be required as a result of this review relating to the additional land dedication of highway rights at the Day Lane/Broadway Lane junction. The recorded boundary is shown correctly within the plan set out in Appendix 1 to this response. This matter has also been highlighted to the Applicant.</p> <p>Any works affecting the drainage ditches along Day Lane are likely to require Ordinary Watercourse Consent. The Lead Local Flood Authority will require an environmental report as part of this consent process detailing the impacts and proposed mitigation. The Lead Local Flood Authority would welcome further discussions with the Applicant to understand the potential environmental effects arising in order to advise the ExA of any potential key concerns at this stage.</p>	<p>HCC and agreed that the Ordinary Watercourse Consents can be dealt with at the detailed design stage (nothing in the DCO negates the need to obtain such consents where necessary and there is in principle impediment to these being obtained). A note to this effect has been added to the Day Lane Proposed Passing Bays drawing, within the Day Lane Technical Note (REP7-046a) which shows the passing bay works, having been updated to reflect the findings of the Road Safety Audit.</p> <p>Within the OOCEMP (REP7-032) it is noted that not all minor Ordinary Watercourses (e.g. minor ditches) have been individually identified at this stage and will be identified as part of the detailed design at which point relevant discussions will be held with the LLFA in relation to Ordinary Watercourse Consent, where appropriate. It should also be noted that a number of principles are embedded into section 5.7 of the OOCEMP in relation to maintaining Ordinary Watercourses with no increase flood risk and to include suitable pollution prevention measures. These principles and approach are agreed with HCC LLFA as reflected within Table 4.13 of the SoCG with HCC (REP7-050).</p> <p>The Applicant considers this matter to now be resolved.</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
TT2.16.9	Highways England	The Applicant proposes using lay-bys on the strategic road network to hold construction-related HGVs temporarily until such HGVs are given the authorisation by a traffic marshal to travel and approach the Converter Station construction site. Can Highways England confirm if the identified laybys shown in the applicant's Day Lane Technical Note [REP6-073] have capacity for such vehicles to park and wait and if there are any safety or capacity concerns with the use of the lay-bys in this way?	This is a matter that Hampshire County Council has held further discussions with the Applicant. A detailed response on this matter, and possible resolution, is provided within its deadline 7 written update note. It is HCC's understanding that the laybys on the HE network cannot be made freely available. Further, the sporadic location of these laybys leaves HCC with operational concerns relating to highway safety with regards the management of HGVs arriving at Day Lane.	In response to the concerns raised by Highways England and HCC, a revised strategy has been developed which utilises the existing laybys at Hulbert Road to the east of A3 (M) Junction 3 concerns. Here, HGV's associated with the construction of the Converter Station will be held, prior to be escorted under convoy in groups of three vehicles to the Site. The revised strategy was submitted at Deadline 7, within document REP7-075.  The Applicant has received confirmation that both Highways England and HCC accept this strategy. Updates will be made to the final version of the FCTMP to reflect this position, with the powers to provide for the use of these laybys for this purpose already provided in the dDCO (REP7-013).
TT2.16.11	Applicant	In terms of defining the vehicular route for construction traffic to the Converter Station, can the Applicant update the Mitigation Schedule [REP2- 005] to separate HGVs from regular employee traffic and correctly identify the appropriate control documents and references?  Can reassurance be given that the CTMP that will cover the 'phase' of Converter Station construction will be in accordance with the CWTP, and does that document need separate citing in the relevant dDCO Requirement?	HCC have raised the question regarding how the CWTP's are to be secured and are reviewing the various elements of this.	Please refer to the Applicant's Response to Deadline 7 and 7a submissions (document reference 7.9.39).
TT2.16.12	Hampshire County Council	Does Hampshire County Council have any concerns regarding the proposed traffic management measures on Anmore Road, as detailed in paragraph 6.2.2.17 of the Framework Construction Traffic Management Plan [REP6-032] in respect of either: a) the efficient operation of the highway in terms of traffic flows; or b) the safety of all road users?	HCC have provided a detailed response on this matter within its deadline 7 response. HCC are still in discussion with the applicant on the suitability of this access and whether any appropriate alternatives exist.	The Applicant submitted additional information at Deadline 7 regarding the suitability of both Anmore Road and Mill Lane to carry construction traffic, this information is contained within Appendix C of the Applicant's Responses to Deadline 6 Submissions – Hearings (REP7-075).  The additional information provided evidences the Applicant's position that the routing of construction vehicles via Anmore Road and Mill Road is appropriate as both routes are suitable to carry HGVs and have been observed as



Reference	Respondent(s)	Question	Response	Applicant's Comments
				<p>carrying traffic of this classification under existing conditions. The proposed increase in HGV traffic is minor in comparison to the existing HGV flows which have been observed as currently using these links.</p> <p>Furthermore, as is set out in Deadline 7 submission (REP7-075), a construction management strategy has been proposed for Anmore Road at the request of Hampshire County Council. The proposed construction traffic management strategy for this link contained in the Framework Construction Traffic Management Plan (REP6-032) further mitigates the impact of HGV movements. The Applicant has continued discussions with the authority in relation to Anmore road and in particular has discussed additional matters which can be secured to further improve the situation, and updates will be made to the CTMP to reflect the agreed position at Deadline 8. The Applicant's view is therefore that the traffic management strategy for Anmore Road is agreed with HCC.</p>

**Table 1.3 – Applicant's Comments to Second Written Questions – Highways England**

Reference	Respondent(s)	Question	Response	Applicant's Comments
TT2.16.9	Highways England	The Applicant proposes using lay-bys on the strategic road network to hold construction related HGVs temporarily until such HGVs are given the authorisation by a traffic marshal to travel and approach the Converter Station construction site. Can Highways England confirm if the identified lay-bys shown in the applicant's Day Lane Technical Note [REP6-073] have capacity for such vehicles to park and wait and if there are any safety or capacity concerns with the use of the lay-bys in this way?	Hampshire County Council have confirmed that their Hulbert Road layby facility can be used to hold HGV's associated with the construction of the Converter station prior to arriving on site. This will negate the need to utilise laybys on the strategic road network as part of a managed access strategy although they can still be legally used for statutory breaks by HGV's travelling to the converter station. This will therefore involve a change to AQUIND's HGV management strategy within the FCTMP which WSP will prepare. There will need to be a possible Temporary Traffic Regulation Order covering Hampshire County Council laybys which AQUIND are currently discussing with Hampshire County Council.	<p>The Applicant confirms that an amended strategy has been agreed with both Highways England and HCC, as set out above. Following discussions with HCC, an amended Framework Construction Traffic Management Plan will be submitted at Deadline 8 setting out the approach agreed.</p> <p>HCC has confirmed that the use of the Hulbert Road laybys will be covered by a temporary suspension of parking. The powers to do so are provided for within Article 16 of the draft DCO (REP7-013).</p>

**Table 1.4 – Applicant’s Comments to Second Written Questions – Historic England**

Reference	Respondent(s)	Question	Response	Applicant’s Comments
CH2.4.1	Historic England Hampshire County Council Applicant	<p>With reference to paragraph 5.6.12 of NPS EN-1, what elements of cultural, historical and functional significance for Fort Cumberland’s setting are derived from the ‘fields of fire’? How do these elements:</p> <p>a) apply to the land where the ORS facility is proposed to be located; and</p> <p>b) apply to the land where proposed landscape mitigation is to be planted?”</p> <p>How would the Proposed Development affect such significance and the future value and understanding of the asset? Would mitigation planting itself affect the significance of the asset’s setting?</p>	<p>Please note that in responding to this question we have assumed that the correct paragraph reference is 5.8.12 (as opposed to 5.6.12).</p> <p>Fort Cumberland was designed to enable 360 degree defence. Specifically, its purpose was to defend the harbour and also to prevent an enemy landing on shore within its landward defences and was designed to strategically work in conjunction with Southsea Castle, and other intermediary defences, in ‘sweeping’ the 4,000 yards of intervening beach between the Castle and Fort Cumberland.</p> <p>The Fort’s characteristic ‘star’ shape and the positioning of armed Bastions facing a multitude of directions, illustrates clearly that in addition to providing coverage of the eastern Langstone channel and southern sea frontage, the Fort was intended to provide a field of fire across open areas of ground to the west and north. This approach contrasts with some other nearby fortifications, such as Gilkicker Fort and Point Battery, which were both designed to specifically face in a seaward direction; it is more akin to the design of Fort Monckton which also had both seaward, and landward-facing glacis defences.</p> <p>The western-facing aspect of Fort Cumberland received additional supporting defences as part of its original design that emphasise the importance of defending this approach. The Fort has a western facing ravelin, the only such feature on the Fort, which provides enhanced protection and additional scope for tactical defence on the western flank of the Fort. Later in the 19th century the Royal Commission recommended that all works between the Fort and Southsea Castle should be connected by a road along the shore. In addition to this modifications were made to the south and left bastions to ensure a clear field of fire in south and south westerly directions.</p> <p>The field of fire to the west and south west is therefore of illustrative historic value. Such a value is dependent on visibility and has the power to aid interpretation of the past through making connections with and providing insights into past activities at particular locations.</p>	<p>The Applicant’s position with regard to the impact assessment is outlined in the latest revision of the Statement of Common Ground (SoCG) with Historic England (REP7-054) submitted at Deadline 7.</p> <p>It has been agreed between the Applicant and Historic England that, in light of the impact of the presence of the existing modern development, that the proposed ORS would not result in substantial harm to the Fort Cumberland Scheduled Monument and Grade II* listed building (REP7-054, Ref. 4.1.5). 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.</p> <p>Irrespective of this difference, in EIA terms the proposed change would not constitute a ‘significant’ environmental effect.</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
			<p>It is noted, however, that the field of fire (which would have extended some significant distance to the west) has been diminished by 20th century development, beyond and surrounding the proposed location of the ORS building and proposed landscape mitigation. Although it could be said that this lessens the strength of its illustrative historic value, it does not completely negate it as a contributing element of the significance of the Fort. The proposed building itself is of relatively limited scale and at a reasonable distance from the Fort (in comparison to location and massing of surrounding development).</p> <p>The impact of the proposal on the illustrative value and overall significance of the Fort is therefore perceived by Historic England to be no more than a moderate level of less than substantial harm. The specific element of harm, in relation to the experiential experience of the Fort and its field of fire, lies in the proposed positioning of the ORS building within the chosen area of land (the car park). With its proposed height and location, the building will likely obstruct the view of Fort Cumberland Road from the western defences of the fort, thereby diminishing the illustrative connection between the fort and its role in providing defence along key historic land routes.</p> <p>It is possible that mitigation planting, although softening the appearance of the building, could have the same impact, particularly if it were to obstruct views in the same manner.</p>	
<p><b>CH2.4.3</b></p>	<p>Historic England</p>	<p>In its Written Representation [REP1-209], Historic England raised issues in respect of A1 and A2 seabed anomalies. Is Historic England now content with the Applicant's proposed approach to dealing with these?</p> <p>If not, what are the implications that the ExA needs to take into account in respect of the Examination?</p>	<p>We acknowledge within the Applicant's Response to Written Representations (Document Ref: 7.9.5) that the Marine Archaeology Outline Written Scheme of Investigations (WSI) (Document Ref: 6.3.14.3) secures our recommendations. We are therefore satisfied that the draft deemed Marine Licence (dML) adequately secures the Marine Archaeology WSI.</p> <p>We also acknowledge and accept the Applicant's response to continue the discussion and development of mitigation for such heritage assets post-consent, should consent be granted, through the mechanisms set out in the Marine Archaeology Outline WSI and the draft DCO (Document Ref 3.1 - Version 5, dated 23rd December 2020).</p>	<p>Noted. This matter is resolved in relation to the ES as reflected in the SoCG submitted at Deadline 7C (REP7-054, Rev 006).</p> <p>The SoCG also reflects that consultation is ongoing between the parties as the Applicant is addressing the feedback from Historic England (received 04 February 2021) on ES Addendum 2 (REP7-068)</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
CH2.4.4	Historic England Applicant	Has agreement been reached with regards to the geoarchaeological assessment approach to 'medium' status finegrained deposit cores and the extent of their investigation? If not, what are the implications that the ExA needs to take into account in respect of the Examination?	<p>We accept the geo-archaeological assessment conducted to date and that the information presented in the submitted application provides a description of the baseline archaeological character of the proposed development area.</p> <p>In reference to the Applicant's Response to Written Representations (Document Ref: 7.9.5). We note the attention given to the commitment that further analysis could be possible through the delivery of any agreed Marine Archaeology WSI. However, we appreciate that any such analysis will be dependent on the decision by the Consent Holder to commission further geotechnical survey. Regarding this examination, we accept that measures to deliver a Marine Archaeological WSI are included with the draft dML. However, we appreciate that it is for the Examination Authority to consider the adequacy of these measures in reference to the National Policy Statement(s) as relevant to this examination.</p>	<p>Noted.</p> <p>In addition, the Applicant has secured mitigation in the form of further investigation by means of geoarchaeological assessment. Further assessment in regard to geo-archaeological interests has already been proposed in the Outline WSI in paragraphs 9.6.3 to 9.6.5 (APP-397) and provisions will be made for archaeological advice input at the planning stage of any geotechnical survey to maximise archaeological investigation. The WSI also includes provision of method statements covering the geotechnical survey programme which would be produced in consultation with the Archaeological Curator (Historic England) and which would cover the approach to geo-archaeological assessment for high and medium status vibrocores.</p> <p>Therefore, commitment to further investigation has already been presented within the Outline WSI and the Applicant will continue discussions with Historic England on this matter whilst further developing the WSI in detail (as secured through the DML) prior to the commencement of any investigation survey works being undertaken. Accordingly, the Applicant is confident that the measures adequately meet the requirements of the relevant NPS EN-1 and considers the matter resolved (as reflected in the SoCG submitted at Deadline 7C (REP7-054)).</p>
CH2.4.5	Historic England Applicant	Has agreement been reached with regards to the assessment, classification and approach to possible palaeo-landscape features set out in Chapter 14 of the ES [APP-129]? If not, what are the implications that the ExA needs to take into account in respect of the Examination?	<p>We accept that further geotechnical work could be undertaken post-consent, as described within the Applicant's Response to Written Representations (Document Ref: 7.9.5; Ref: 1.3(v)) and that they will continue to engage with Historic England as they prepare pre-construction survey plans. It is also an important matter that they will consult with us to produce a marine archaeology WSI prior to seeking formal approval from the MMO. We also acknowledge that methodologies that support geoarchaeological analysis are contained within the marine archaeology outline Written Scheme of</p>	<p>Noted. This matter is resolved as reflected in the SoCG submitted at Deadline 7C (REP7-054).</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
			Investigation which will be used to produce any post-consent WSI. We are therefore satisfied that a mechanism exists within the draft dML which will provide for the production of a marine archaeological WSI, as secured through Schedule 15 (deemed marine licence), Part 2 (conditions), condition 4 (Pre-construction plans and documentation), sub-paragraph 2.	
DCO2.5.6	Historic England	<p>In its Written Representation [REP1-209], Historic England raised a number of matters relating to mitigation in the marine environment and the Deemed Marine Licence (DML) that it wished to see addressed. For clarity, there are understood to be:</p> <ul style="list-style-type: none"> <li>Expand list of survey technologies.</li> <li>Expand Condition 3(1)(a)(ii) to include archaeological features and/or the identification of AEZs as identified within the ES.</li> <li>In Condition 3(2), a timeframe is required for the submission of the pre-construction survey plan to the MMO.</li> <li>Expand Condition 4(1)(viii) to include 'archaeological construction exclusion zones'.</li> <li>Revise Condition 4(2)I to expand on the delivery of mitigation • Check Condition 6 – the quoted condition (4(1)(vi)) does not appear elsewhere in the draft DML.</li> <li>Condition 10(1)(b) could reference 'archaeological construction exclusion zones'.</li> </ul> <p>These were added to the agenda for discussion during Issue Specific Hearing 1 on the dDCO, to which Historic England was invited. In Historic England's absence, the Applicant explained its current position, following written submissions on the matters in [REP2-014] and [REP5-058], the latter being a transcript of the Applicant's</p>	<p>To address this question, we provide a response for each of the above bullet points:</p> <ul style="list-style-type: none"> <li>"Expand list of survey technologies" – We accept that procedures for agreeing survey methodologies should be delivery through the Pre-Construction Survey Method Statement to be agreed with the MMO (as provided for in Schedule 15 (deemed marine licence), Part 2 (conditions), condition 3 (Pre-construction surveys). We also acknowledge that Historic England, through consultation on the production of a marine archaeology WSI, will have an opportunity to comment on the survey techniques to be employed. Our concerns have therefore been addressed by the inclusion of these procedures within the draft dML which include provision for engagement with Historic England.</li> <li>"Expand Condition 3(1)(a)(ii) to include archaeological features and/or the identification of AEZs as identified within the ES" – We acknowledge that archaeological measures are addressed through Schedule 15, Part 2, Condition 4(2). We therefore have no further advice to offer at this stage.</li> <li>"In Condition 3(2), a timeframe is required for the submission of the preconstruction survey plan to the MMO" – We acknowledge that the timeframe will be detailed in reference to a marine archaeology WSI, produced in consultation with Historic England. We accept this position and we have no further comment to offer; although we defer to the MMO regarding any detail that they consider as relevant and necessary for inclusions with any dML.</li> </ul>	<p>Noted. These matters are resolved as reflected in the SoCG submitted at Deadline 7C (REP7-054).</p> <p>In relation to the amendment of Condition 4(1)(c)(viii), this amendment was made to the draft DCO at Deadline 3 (REP3-004) and will also be included in the DCO submitted at Deadline 8.</p> <p>With regard to the official title for Historic England, the definitions within the DML on page 116 of the DCO identifies;</p> <p><i>"statutory historic body" means the Historic Buildings and Monuments Commission for England, otherwise known as Historic England or any successor of that function;</i></p> <p>The title of Historic England will be changed to Historic Buildings and Monuments Commission for England above the address in Part 1 (4)(g) in the version of the DCO to be submitted at Deadline 8 (REP7-013, Rev 007).</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
		<p>oral representation to ISH1. Historic England's position on this remains unclear in the SOCG with the Applicant. Please could Historic England provide the Examining Authority with an update on its position and indicate which, if any, of these matters remain unresolved, along with any suggestions for progressing towards agreement.</p> <p>Furthermore, there appear to remain two further unresolved differences between the parties over whether the DML:</p> <p>i) includes adequate provision for the delivery of the project specific marine WSI.</p> <p>ii) provides appropriate timescales for the review and approval of the marine WSI before the commencement of construction activities. The Applicant provided a view on these in [REP2-014] and at ISH1. Please could the Examining Authority have an update and position explanation from Historic England.</p>	<ul style="list-style-type: none"> <li>• "Expand Condition 4(1)(viii) to include 'archaeological construction exclusion zones'" – We offer the correction that the condition in questions is 4(1)(c)(viii) and we understand that the Applicant intends to make the requested amendment. We therefore look forward to seeing how this amendment is included within the next draft version of the dML.</li> <li>• "Revise Condition 4(2)(i) to expand on the delivery of mitigation" – We offer the correction that the condition in questions is 4(2)(c) and we accept the response provided by the Applicant regarding delivery of necessary measures through the conditions already stipulated for the preparation of a marine archaeology WSI.</li> <li>• "Check Condition 6 – the quoted condition (4(1)(vi)) does not appear elsewhere in the draft DML" – We acknowledge and accept the statement in the Applicants Response to Written Representations (Document Ref 7.9.5) that a correction has now been made to the draft DCO. We therefore have no further comments to offer.</li> <li>• "Condition 10(1)(b) could reference 'archaeological construction exclusion zones'" – We acknowledge and accept the statement by the Applicant regarding measures in place within the dML for archaeological construction exclusion zones and we therefore have no further comment to offer.</li> </ul> <p>Regarding the two further unresolved differences between the parties identified within the draft dML:</p> <p>i) "The inclusion of adequate provisions for the delivery of the project specific marine WSI" – We are now satisfied by the provisions included within the draft dML and we appreciate the response and explanation provide by the Applicant regarding the issues we raised. We therefore have no further comment to offer.</p> <p>ii) "Provides appropriate timescales for the review and approval of the marine WSI before commencement of construction activities" – We accept the provisions made</p>	

Reference	Respondent(s)	Question	Response	Applicant's Comments
			in the dML should allow for the approval of a marine archaeology WSI prior to the commencement of construction activities, as provided through Schedule 15; Part 2; condition 5(1).	

**Table 1.5 – Applicant's Comments to Second Written Questions – James Bunbury**

Reference	Respondent(s)	Question	Response	Applicant's Comments
TT2.16.7	Applicant	<p>The Joint Bay Technical Note [REP6-070] shows indicative locations for joint bays. Whilst it is acknowledged these are indicative and there are more shown than is permissible in the dDCO, the ExA notes that JB's 11, 12, 13, 14, 15, 16, 18 and 19 in particular appear to be within the highway (where the definition of 'highway' incorporates the carriageway and footpath and cycle path margins). It says in APP-137 paragraph 22.4.7.15 that joint bay locations have been included, all of which provide adequate space for construction works to take place without blocking the carriageway. Can the Applicant therefore explain:</p> <p>1) Whether the single-lane closures or shuttle-system for traffic would constitute traffic management for which there should be no more than 6 occurrences on the network at any one time?</p> <p>2) What arrangements would be in place for the diversion of pedestrians or cyclists during the 20-day joint bay construction period?</p> <p>3) Have measurements been carried out along the Order limits to confirm that sufficient room (either 40m x 5m in the case of a single bay or 40m x 12.5m in the case of a double bay as shown in [REP6-064]) exists at all potential joint bay locations to confirm that the joint bay will not be in the carriageway?</p>	<p>Following the publication of the Examining Authority Further Written Questions (ExQ2) on 7 January 2021 I am submitting further information regarding TT2.16.7 given as noted in the introduction we are not precluded from doing so, although the question was not directed at us.</p> <p>Specifically, this related to JB01 (as detailed in the Joint Bay Technical Note REP6-070 issued on 31 December 2020) and cable drum delivery route provided. While we acknowledge the location of the joint bays are indicative and there are more shown than is permissible in the dDCO, JB01 cable drum delivery route is incomplete, only providing information as to how the Cable Drum will be delivered to Day Lane by following the construction traffic route from the A3(M) to the Converter Station, but importantly not from the Converter Station to the designated location for JB01.</p> <p>As detailed in point 3.4.2.2 in the Construction Traffic Management Plan (Doc. Ref. 6.3.22.2), construction traffic is not allowed to make use of Broadway Lane to the south, beyond the haul road. The query has not yet been raised by the Examining Authority, but it should request the Applicant provide further detail as to how it intends to manoeuvre the cable drum (detailed as an Abnormal Load in point 2.8.7.1 in the Construction Traffic Management Plan - Doc. Ref. 6.3.22.2) to the designated location for JB01.</p> <p>Should the answer to this query be that, as per point 3.5.1.3 in the Supplementary Transport Assessment that the transport of the cable drum to JB01 will be wholly accommodated by haul roads internal to the proposed converter station site, please can the Applicant detail the</p>	<p>The Applicant agrees that the construction traffic route for JB01 uses the A3(M), Dell Piece West, A3 Portsmouth Road, Lovedean Lane and Day Lane to access the Converter Station and that no traffic will be permitted to use Broadway Lane south of the of the Converter Station access junction. This is secured within Section 3.4 of the FCTMP (REP6-032).</p> <p>Within the Converter Station Area the access road from Broadway lane to the Converter station and the access roads around the converter station compound function as haul roads as they will facilitate delivery of equipment and material to and around the compound.</p> <p>The cable construction corridor will have sufficient space to accommodate the required haul road within it. This cable construction corridor haul road will commence from the converter station boundary and access onto this haul road will be via the converter station. It is expected that drum deliveries for JB 01, 02 and 03 will be via this haul road. For an example of how the haul road is positioned please refer to Appendix 1 of the Applicant's Post Hearing Notes (REP6-064).</p> <p>With respect to noise and vibration, there will be no consequential effects from cable drum deliveries using the haul route within the order limits from the converter station area to JB 01, or in relation to JB02 and JB03.</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
			location of these haul roads within the Indicative Converter Station Area Layout Plan (Doc. Ref. 2.7)	

**Table 1.6 – Applicant's Comments to Second Written Questions – Marine Management Organisation**

Reference	Respondent(s)	Question	Response	Applicant's Comments
<b>DCO2.5.2</b>	Applicant MMO	Have the differences between the Applicant and the MMO in respect of: Schedule 15, Part 1 Condition 10; Schedule 15, Part 1, Paragraph 4; the MMO's request for clarification about their purpose; and concerns that these may allow certain activities to be undertaken which are either not within the scope of the EIA, or lie outside the scope of the DML been resolved? If so, how?	<p>The MMO and the Applicant had a meeting on 13 January 2021 and the following was agreed:</p> <p>Schedule 15, Part 1, Paragraph 10: The MMO raised concern that there is the potential for issues in the future if an amendment or variation is made through the DML which is not replicated in the DCO. However, the MMO is not concerned that activities will be able to take place outside of the scope of the EIA. Therefore, the MMO does not have any major concerns if this paragraph remains.</p> <p>Schedule 15, Part 1, Paragraph 4: The MMO would like to highlight to the Applicant and to the Examining Authority that this paragraph does not appear to authorise the activities which are listed within it, due to the wording of the paragraph. The MMO has made the applicant aware of this. The MMO has no further concerns regarding this paragraph and is content if the Applicant wishes for it to remain.</p>	<p>The Applicant has replaced Paragraph 10 with the proposed Norfolk Vanguard Order 2020 wording in the DML submitted at Deadline 7 (REP7-013) and the MMO is content with this change.</p> <p>Both matters are now resolved as reflected in the SoCG submitted at Deadline 7 (REP7-056).</p>
<b>ME2.10.1</b>	Applicant MMO	Have the MMO and the Applicant reached a final position on the inclusion of a DML condition restricting works in relation to herring spawning sensitivities, and if so, what period and length of the marine cable route is affected, and how is this to be secured?	<p>MMO have recommended the inclusion of either of the two following conditions which the applicant is currently considering:</p> <p>A) Joint to Joint: No works to be undertaken between the two cable joints (shown on the map) located within ICES sub-rectangles 29E97 and 29F02, during the period of 15th December to 15th January inclusive.</p> <p>B) KM to KM Distance: No works to be undertaken between the 90 – 100km and 100- 110km distances shown on the map, located within ICES subrectangles 29E97 and 29F02, during the period of 15th December to 15th January inclusive.</p>	<p>The Applicant has included the agreed licence condition in the dDCO to be submitted at Deadline 8 and the matter is considered resolved as reflected in the SoCG submitted at Deadline 7C (REP7-056, Rev 005).</p>



Reference	Respondent(s)	Question	Response	Applicant's Comments
			MMO understands the distance needs to be amended as it goes beyond UK waters and will work with the applicant on the wording.	
<b>ME2.10.2</b>	Applicant MMO	In its Deadline 6 submission [REP6-096], MMO requested the Applicant to clarify which parts of conditions 4 and 11 of the DML would enable the MMO to approve the deployment of cable protection. Has this matter been finalised, and if so, how?	The MMO is content with the Applicant's explanation and is content with the wording of conditions 4 and 11.	This matter is now resolved as reflected in the SoCG submitted at Deadline 7 (REP7-056).
<b>ME2.10.3</b>	Applicant MMO	In relation to the MMO's request that operational deployments of cable protection be supported by survey data no older than 5 years old and the Applicant's proposed consequential changes to the DML condition, has agreement been reached between the parties and the relevant parts of the draft DML finalised?	The applicant has updated the wording as recommended by MMO and MMO are content with this wording. MMO are content that the cable burial management plan wording has been moved to condition 11.	This matter is now resolved as reflected in the SoCG submitted at Deadline 7 (REP7-056).
<b>ME2.10.4</b>	Applicant MMO	We understand that the Applicant and MMO have reached agreement on the definition, detail and monitoring of the Atlantic cable crossing at Part 1 (4) (1) of the DML but that the MMO has some residual concerns regarding the details in Part 1 (4) more broadly. Have these concerns been overcome and, if so, how?	As per the MMO's response to DCO 2.5.2, the MMO understand that the intent of this paragraph is to authorise licensable marine activities which would be considered further development. However, the word 'authorise' is not included in the wording. This is an observation by MMO and not an objection. MMO are content with the rest of the wording.	This matter is now resolved as reflected in the SoCG submitted at Deadline 7 (REP7-056).
<b>ME2.10.5</b>	Applicant MMO	Have the MMO and the Applicant reached agreement on the need for resampling of sediments for contamination at the offshore HDD entry/ exit point if these works do not occur within 5 years from the date of the latest contaminant analysis? If not, has an agreed form of wording for a DML condition been agreed, notwithstanding the Applicant's view that it should not be applied?	MMO maintain the position that this resampling condition will be required. The Applicant has requested examples of other cases where this has been applied. The MMO makes decisions on a case by case basis and no two cases are the same. The MMO issues a large number Marine Licences every year and will not be reviewing them in order to find an example of this condition, as every project is different and assessed on its own merit. MMO have followed OSPAR guidance and Cefas advice and are confident that this condition is required.	<p>The MMO on the 21 December 2020, advised that they are unable to provide the requested information but following the meeting on 13 January 2021 would further consider the request. The MMO's latest position was subsequently provided on 21 January 2020 as reflected in the SoCG submitted at Deadline 7C (REP7-056,).</p> <p>For clarity, the MMO has previously advised that this condition is applied as a standard requirement on similar projects, but they also need to consider the case specifics.</p> <p>Unfortunately, the MMO has neither provided reference to a single analogous project which has required such a condition, nor specifics of the AQUIND case which necessitates the need for this requirement. We consider that providing this information should be relatively simple for</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
				<p>the MMO given this is a 'standard' approach and in the absence of further rationale as requested, we are unable to agree to this requirement at this time.</p> <p>The final position on this matter will be reflected in the SoCG to be submitted at Deadline 8 (REP7-056).</p>

**Table 1.7 – Applicant's Comments to Second Written Questions – Natural England**

Reference	Respondent(s)	Question	Response	Applicant's Comments
<b>HAB2.8.3</b>	Natural England South Downs National Park Authority Winchester City Council	<p>Are the proposed woodland management measures to deal with ash die-back in the two ancient woodland copses known as Stoneacre Copse and Mill Copse, as set out in the Applicant's updated Outline Biodiversity and Landscape Strategy submitted at Deadline 6 [REP6-038]:</p> <p>a) appropriate and proportionate;</p> <p>b) capable of being implemented without harming the integrity of the ancient woodland habitats; and</p> <p>c) sufficient to meet visual mitigation requirements against the updated future baseline?</p>	<p>Natural England notes the additional information submitted in response to ash-die back. It is noted that losses to Stoneacre Copse and Mill Copse woodland as a result of ash dieback would erode the future baseline as the disease will cause the deterioration and loss of trees that provide a screening function. It is understood that the Order Limits are to be extended to include these woodlands to allow for additional screening planting (suitable non-ash native species) to be planted; and management of the decline of ash trees and replacement planting within the woodland blocks.</p> <p>We welcome the inclusion of these woodland parcels into the Order Limits to ensure that long term management can be secured. We agree that this is appropriate and proportionate given the significant impact that ash-die back is likely to have on these woodlands.</p> <p>A detailed long term costed monitoring and management strategy for the woodlands and supplementary screening should be agreed with the South Downs National Park Authority landscape and ecology officers and secured with any planning permission.</p> <p>Provided a best practice long term management plan is agreed and secured then it is Natural England's view that it is capable of being implemented without harming the integrity of the ancient woodland. We advise that any works are undertaken in accordance with Natural England and Forestry Commission's joint advice on managing SSSI woodlands with ash dieback - <a href="https://www.gov.uk/government/publications/managing-woodland-sssis-withash-dieback-hymenoscyphus-">https://www.gov.uk/government/publications/managing-woodland-sssis-withash-dieback-hymenoscyphus-</a></p>	<p>The Applicant confirms that the Order limits have been extended to include two new areas of woodland; Mill Copse and Stoneacre Copse and these have been included to allow for additional visual screening and managed for the decline of ash trees and replacement planting as described in the updated OLBS (REP7-023).</p> <p>The Applicant notes the comment that the inclusion of woodlands parcels is appropriate and proportionate given the significant impact that ash dieback is likely to have on these woodlands.</p> <p>As detailed in the updated OLBS (REP7-023) a woodland management plan will be prepared post consent as part of the detailed landscaping scheme (requirement 7 and 8 of the dDCO - REP7-013) and this will be approved by the relevant discharging authority in consultation with the SDNPA. As referred to in the Applicant's Responses to Deadline 6 and 6a Submissions – Additional Submissions, Table 4.20 (REP7-076) "<i>The woodland management plan for existing woodland, individual and hedgerow trees within the revised Order Limits would form part of the detailed landscaping scheme. Management proposals within the plan will include selective felling, replacement with alternative species such as oak with some standing deadwood remaining. Some areas will be allowed to regenerate naturally to increase the density of understorey and encourage</i></p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
			<p><a href="#">fraxineus</a>. This guidance is appropriate for ancient woodlands and we recommend that this approach is referenced in the Outline Landscape and Biodiversity Strategy. This will help to ensure that the wider biodiversity of the woodlands is protected and enhanced with long term management.</p> <p>We welcome the proposal to retain some ash and standing deadwood and that natural regeneration will be encouraged. It is our advice to leave ash as much as possible unless there is health and safety risk, and this will also help from a visual perspective to allow other planting to mature as necessary. We recommend that the management plan encourages and protects ash regeneration as well as apparently less diseased / 'resistant' trees, rather than seek to phase ash out of an area. We advise that the alternative species that are used for re-stocking are native and agreed as part of the management plan. This is necessary to ensure the ancient woodland retains its full ecological function and that the biodiversity value of the woodlands can be enhanced with appropriate long-term management.</p> <p>It is important that if machinery is required to fell trees, that it is low impact in areas of rich ground flora, and that all possible precautions are taken to minimise ground flora disturbance and soil compaction (e.g. brash mats). A deer management plan may be required to ensure that natural regeneration is successful, and this will require an understanding of deer impacts in the area. Consideration will also need to be given to the wider ecology of the woodland, as well as protected and notable species when undertaking works.</p> <p>The Applicant's assessment of significance of the visual change from ash-die back is noted. Reference is made to an increase in the significance of the effect experienced by recreational users of the public right of way to the south of the site (footpath DC19 / HC28) at year 10 (which would change from Minor to moderate (not significant) to Moderate (significant), but no change on the longer term due to proposed management and screening mitigation. It is understood that ash dieback will not impact on any other receptors further afield due to the 'layering' effect of woodland features at a greater distance. Natural England considers that the long-term</p>	<p><i>further ground flora to establish. The woodland management plan will include annual monitoring plans to review yearly actions and progress of ash dieback as well as the success of new and replacement planting and of natural regeneration. Replacement planting will take place where required.</i></p> <p>The Applicant will update the OLBS (REP7-023) to include a reference to Natural England and Forestry Commission's joint advice on managing SSSI woodlands with ash dieback <a href="https://www.gov.uk/government/publications/managing-woodland-sssis-with-ash-dieback-hymenoscyphus-fraxineus">https://www.gov.uk/government/publications/managing-woodland-sssis-with-ash-dieback-hymenoscyphus-fraxineus</a>, which will help to ensure that the wider biodiversity of the woodlands is protected and enhanced with long term management.</p> <p>The Applicant agrees with the approach suggested, and this is reflected in the updated OLBS (REP7-023) which states in paragraph 1.7.55 that the "exact approach will be outlined in a woodland management plan for all woodland / tree planting within the Order limits and submitted as part of the detailed landscaping scheme." More specific management objectives for Mill Copse and Stoneacre Copse are covered in paragraphs 1.7.6.42 to 1.7.6.4 of the OLBS which refers to selective felling and replacement with alternative species whilst retaining some deadwood, natural regeneration and a monitoring and management plan. The Applicant agrees that alternative species for restocking will be native subject to agreement with the relevant discharging authority in consultation with the SDNPA.</p> <p>The OLBS will also be updated at Deadline 8 to refer to measures taken to minimise impacts on ground flora and soil compaction. Whilst deer fencing is already covered in the OLBS for large areas of proposed woodland and scrub, reference will be made to the possible need for a deer management plan on the basis that deer</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
			management of the woodlands and supplementary screening is sufficient to meet the visual mitigation requirements for the updated future baseline.	<p>are prevalent in the area. The Applicant agrees that consideration will be given to the wider ecology of the woodlands as well as protected and notable species when undertaking works.</p> <p>In terms of the Applicant's assessment of significance of the visual change from ash dieback, ES Addendum 2 (REP7-067) provides an update of the assessment, considering the inclusion of Stoneacre Copse and Mill Copse as well as the implications of the assessment if ash dieback was not mitigated as now proposed. The analysis concludes that two receptors will experience a more significant effect than that assessed in the ES. These include receptors utilising Monarch's Way at year 0 and year 10, and recreational users of the Public Right of Way DC19 / HC28 to the south of the converter station site, at year 10.</p>

**Table 1.8 – Applicant's Comments to Second Written Questions – Portsmouth City Council**

Reference	Respondent(s)	Question	Response	Applicant's Comments
<b>AQ2.2.1</b>	Portsmouth City Council	<p>With reference to paragraphs 5.2.9 and 5.2.10 of NPS EN-1, please could Portsmouth City Council set out the relevant statutory air quality limits within the city and where, if any, concerns remain that exceedances may be caused or exacerbated by the Proposed Development. If any concerns are identified, please explain why the mitigations proposed by the Applicant would not alleviate those concerns. It would be beneficial if the written response included a summary table setting out:</p> <p>a) the present levels of air pollution at near-exceedance and exceedance locations;</p> <p>b) what the Ministerial Directions require in terms of reductions and over what timeframe;</p> <p>c) the Applicant's predicted levels at those locations;</p> <p>d) where the predicted levels would cause concern in achieving the Ministerial Direction's objectives.</p>	<p>a &amp; b) The table below shows the current measured NO2 concentrations and modelled future concentrations at the exceedance and near exceedance locations. All locations must show readings below 40.49 µg/m3 by the end of 2022 in order to be considered compliant with the Ministerial Directions issued to PCC.</p> <p>c &amp; d) The Applicant's predicted levels do not indicate that exceedances will be caused at any of the below locations, however, as noted in previous submissions the applicant has not considered the impact of the CAZ in their proposals and as such PCC remains concerns that a properly informed assessment of the impact of the proposals on future NO2 concentrations is not possible. Consequently, PCC retains concerns that the proposal will impact on the ability of the Council to achieve the Ministerial Direction objectives.</p>	<p>The impact of the CAZ has been now been considered and the results are reported in ES Addendum 2 Appendix 5 submitted at Deadline 7 (REP7-072).</p> <p>In ES Addendum 2 Appendix 5 (REP7-072), traffic modelling is based on the worst-case scenario of six gangs working on the highway at any one time and the assumption that activities will be in progress for 52 weeks of the year. This assumption is made because it is not possible to specify the exact periods when road closures and diversions will be required until the detailed design has been approved.</p> <p>Road closures and diversions will not be in place for 52 weeks in the year, rather they will be in place for temporary periods within the restrictions described in sections 9 and 10 of the FTMS (REP6-030) (which relate to section 7 and 8 of the Onshore Cable Corridor).</p>

Reference	Respondent(s)	Question	Response				Applicant's Comments	
				Current annual NO2 concentrations (µg/m3)	Required annual concentration by 2022 (µg/m3)	PCC predicted concentrations in 2022 baseline (µg/m3)	PCC predicted concentrations in 2022 with CAZ (µg/m3)	<p>The relevant restrictions in Portsmouth (i.e. those which are not relating to local access and could cause significant redistribution of traffic across Portsmouth) are:</p> <ul style="list-style-type: none"> <li>Section 7 (Farlington Junction to Airport Service Road) off-carriageway so no traffic management required</li> <li>Section 8 (A2030 Eastern Road to Moorings Way) 22 weeks (% of year) <ul style="list-style-type: none"> <li>Section 8.1 14 weeks maximum (27% of year)</li> <li>Section 8.2 12 weeks maximum (23% of year).</li> </ul> </li> </ul> <p>Therefore, the predicted increases in concentrations reported in ES Addendum 2 Appendix 5 (REP7-072) are highly conservative and are likely to be approximately one quarter of those predicted.</p> <p>The following increases are predicted as a result of the Proposed Development at exceedance and near exceedance locations in 2022 (incorporating the CAZ):</p> <ul style="list-style-type: none"> <li>A3 Alfred Road (Unicorn Rd to Queen St, s/b) <b>+0.5 (µg/m3) (small)</b></li> <li>A3 Commercial Road (south of Church St Roundabout, s/b) <b>+0.3 (µg/m3) (imperceptible)</b></li> <li>Church Street (east of Church St Roundabout, n/b) <b>+0.5 (µg/m3) (small)</b></li> <li>A3 Hope Street (south of Church St Roundabout, s/b) <b>+0.1 (µg/m3) (imperceptible)</b></li> <li>A2030 Eastern Road Water Bridge (s/b) <b>+0.3 (µg/m3) (imperceptible)</b></li> </ul>
			A3 Alfred Road (Unicorn Rd to Queen St, s/b)	52.52	40.49	41.7	40.2	
			A3 Commercial Road (south of Church St Rbt, s/b)	41.50	40.49	41.1	39.5	
			Church Street (east of Church St Rbt, n/b)	37.55	40.49	38.7	38.7	
			A3 Hope Street (south of Church St Rbt, s/b)	38.77	40.49	38.9	37.8	
			A2030 Eastern Road Water Bridge (s/b)	No monitored data available	40.49	38.8	38.5	
			A2047 London Road (Stubbington Ave to Kingston)	40.42	40.49	38.5	37.9	

Reference	Respondent(s)	Question	Response	Applicant's Comments															
			<table border="1"> <tr> <td>Crescent, s/b)</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Mile End Road (north of Church St Rbt, s/b)</td> <td>33.87</td> <td>40.49</td> <td>37.6</td> <td>36.9</td> </tr> <tr> <td>A3 Marketway (Hope St Rbt to Unicorn Rd)</td> <td>32.35</td> <td>40.49</td> <td>37.4</td> <td>36.2</td> </tr> </table>	Crescent, s/b)					Mile End Road (north of Church St Rbt, s/b)	33.87	40.49	37.6	36.9	A3 Marketway (Hope St Rbt to Unicorn Rd)	32.35	40.49	37.4	36.2	<ul style="list-style-type: none"> <li>A2047 London Road (Stubbing ton Ave to Kingston Crescent, s/b) <b>+0.3 (µg/m3) (imperceptible)</b></li> <li>Mile End Road (north of Church St Roundabout, s/b) <b>+0.3 (µg/m3) (imperceptible)</b></li> <li>A3 Marketway (Hope St Roundabout to Unicorn Road) <b>n/a (no change)</b></li> </ul> <p>On the basis that the maximum concentration increase predicted is +0.5 (µg/m3) under conservative assumptions it is likely to be less than 0.2 µg/m3. On this basis, the Proposed Development is unlikely to inhibit compliance with the Ministerial Direction.</p>
Crescent, s/b)																			
Mile End Road (north of Church St Rbt, s/b)	33.87	40.49	37.6	36.9															
A3 Marketway (Hope St Rbt to Unicorn Rd)	32.35	40.49	37.4	36.2															
AQ2.2.4	Portsmouth City Council	<p>Can Portsmouth City Council confirm that issues arising from the most recent <i>Annual Status Report on Air Pollution</i> and the Proposed Development are limited to levels of nitrogen dioxide (NO2) within AQMA6 and AQMA11 (outside the Order limits) and AQMA9 (within the Order limits)?</p> <p>Is the Council otherwise in agreement with the Applicant that there is 'substantial headroom' for PM2.5, PM10 and NO2 between the predicted levels and target levels to the extent that they are not a concern and unlikely to suffer an exceedance?</p> <p>If not, why not?</p>	<p>PCC can confirm that issues are limited to those listed (AQMA 6, 11 and 9).</p> <p>It is not yet possible to reach agreement on the 'substantial headroom' for PM2.5, PM10 and NO2 between the predicted levels and target levels until further analysis has been undertaken by the applicant to consider the impact of the development with the Clean Air Zone in place. An approach to this analysis has been agreed with the applicant through SOCG discussions and PCC hopes that the applicant will submit this analysis with sufficient time to be considered by the ExA</p>	<p>For clarification, the term 'substantial headroom' was only used with respect to predictions made in AQMA 9 (within the Order limits) and all impacts were predicted to be beneficial in the ES and in the Eastern Road sensitivity testing slight adverse.</p> <p>Predictions made in AQMAs 6 and 11 show near exceedances or exceedances and are reported as such in Chapter 23 of the ES (REP1-033) and ES Addendum 2 Appendix 5 (REP7-072).</p> <p>The additional modelling completed in the ES Addendum 2 Appendix 5 (REP7-072) confirms the issues raised in AQMA 6 and 11. With reference to Table 5 and Table 6 in that document, the areas of concern which are compliant by 2022 remain compliant and those not in compliance remain non-compliant. The key results shown in ES Addendum 2 Appendix 5 can be summarised as follows:</p> <p>The locations which are 'areas of concern' described in the Air Quality Local Plan with respect to the AQMAs are included in the CAZ sensitivity testing note and these include locations inside and outside. These are:</p>															

Reference	Respondent(s)	Question	Response	Applicant's Comments
				<p><b>Inside AQMA</b></p> <ul style="list-style-type: none"> <li>• Church Street – AQMA 11</li> <li>• Hope Street – AQMA 11</li> <li>• Commercial Road – AQMA 11</li> <li>• Mile End Road – AQMA 11</li> <li>• London Road – AQMA 6</li> </ul> <p><b>Outside AQMA</b></p> <ul style="list-style-type: none"> <li>• Alfred Road - outside</li> <li>• Market Way – outside (not scoped in)</li> <li>• Eastern Road Water Bridge – well north of AQMA 9</li> <li>• All A27 and M27 outside AQMAs</li> </ul> <p>The CAZ methodology was approved by PCC and the results have provided re-assurance to PCC that new exceedances are unlikely and that predicted impacts are negligible.</p> <p>This was confirmed in a meeting between the Applicant and PCC on Friday 5<sup>th</sup> February 2021 and is represented in the updated SoCG.</p> <p>On this basis the Proposed Development is unlikely to inhibit compliance with the Ministerial Direction. Those areas of concern that are predicted to be non-compliant remain so with or without the Proposed Development, and those that are predicted to achieve compliance remain compliant with or without the Proposed Development.</p>
CA2.3.2	Applicant	Beyond what is written in Revision 2 of the Funding Statement [REP6-021] and section 3.2 of the 'Applicant's Response to action points raised at ISH1, 2 and 3, and CAH 1 and 2' [REP6-063], please can the Applicant supply any information, redacted or not, to the ExA to demonstrate that there is a 'reasonable prospect' of funds being available for this project.	Whilst this question is directed at the Applicant, PCC considers that in the absence of any further information from the Applicant as to requisite funds being available, the ExA cannot conclude that the relevant statutory test under s122 of the PA 08 can be met (see [17-18 of CA Guidance] and cannot therefore recommend to the SofS that compulsory acquisition can be lawfully justified.	Please refer to the Applicant's response to (i) the Examining Authority's further written questions (REP7-038) and (ii) Deadline 6 Submissions – Hearing Appendices (REP7-075).

Reference	Respondent(s)	Question	Response	Applicant's Comments
		If no further information can be provided, how should the ExA approach the matter of funding in its recommendation?		<p>statutory tests in section 122 of the Planning Act 2008 have been met.</p> <p>We note that PCC's response has absolutely no substance provided in relation to its asserted conclusions.</p>
CA2.3.13	Applicant	<p>Should the ExA decide to include any of the following provisions in its recommended DCO along the lines suggested in the Deadline 6 submission by Mr G and Mr P Carpenter relating to the security of Compulsory Acquisition funding ([REP6-138], Schedule 1), what would be the Applicant's position on each of these provisions, and why?</p> <p>(i) Rookery South (Resource Recovery Facility) DCO - enforceable bonded funds located in Jersey ([REP6-138], Section G paragraph 4a).</p> <p>(ii) Able Marine Energy Park DCO - appropriate guarantees to the relevant planning authorities for the payment of compensation under the DCO Compulsory Acquisition provisions before their implementation with any compensation to be met from the Applicant's parent company's existing funds ([REP6-138], Section G paragraph 4e).</p> <p>(iii) Swansea Bay Tidal Generating Station DCO - a mechanism for the provision of security in respect of the payment of compensation under the DCO ([REP6-138], Schedule 1).</p> <p>(iv) Thorpe Marsh Gas Pipeline DCO - a guarantee agreement, Escrow arrangement, bond or other suitable alternative security to cover estimated Compulsory Acquisition costs ([REP6-138], Section B paragraph 21 and Section G paragraph 4b).</p> <p>(v) Manston Airport DCO – a section 120(3) PA 2008 provision that construction cannot commence, and Compulsory Acquisition powers cannot be exercised until a guarantee to pay compensation under the DCO or an alternative form of security is provided to the satisfaction of the Secretary of State ([REP6-138], Section G paragraph 4c).</p>	<p>Whilst this question is directed at the Applicant, PCC has called for the applicant to enter into a bond which has thus far been ignored.</p>	<p>Please refer to the Applicant's response to the Examining Authority's further written questions (REP7-038).</p> <p>The Applicant has agreed to include a guarantee within the Order, and this has been included at requirement 26 of the dDCO submitted at Deadline 7 (REP7-013).</p> <p>PCC, despite what is stated, have not to the Applicant's knowledge requested the Applicant to enter into a bond for CPO compensation.</p>



Reference	Respondent(s)	Question	Response	Applicant's Comments
		(vi) Wylfa Newydd (Nuclear Generating Station) dDCO - dDCO articles restricting the exercise of Compulsory Acquisition powers until certain compensation funding security requirements are met ([REP6-138], Section G paragraph 4d).		
CH2.4.1	Historic England Hampshire County Council Applicant	<p>With reference to paragraph 5.6.12 of NPS EN-1, what elements of cultural, historical and functional significance for Fort Cumberland's setting are derived from the 'fields of fire'? How do these elements:</p> <p>a) apply to the land where the ORS facility is proposed to be located; and</p> <p>b) apply to the land where proposed landscape mitigation is to be planted? How would the Proposed Development affect such significance and the future value and understanding of the asset? Would mitigation planting itself affect the significance of the asset's setting?</p>	<p>The currently open nature of Fort Cumberland's northern aspect (free of buildings, structures or even significant tree planting) contribute to the cultural, historical and functional significance of the asset by sustaining uninterrupted views within the asset's historic field of fire (both from, and towards the fort).</p> <p>This attribute serves a similar function/ purpose for example to the open nature of the nearby 'Southsea Common' in relation to the scheduled Southsea Castle, or the northern aspect of the City's scheduled Hilsea Lines. It allows for ready interpretation, understanding and visual appreciation of a key component of the functionality of a rare artillery fort from this period. Historically the field of fire was critical to the military effectiveness of a fortification of this type, depriving an approaching enemy of shelter and allowing them to be sited and ranged more effectively.</p> <p>This interpretation of the asset and its relationship to setting is not an arcane expression of conservation sensitivity. It is essential to understanding the fort and its surviving context. A very important 'by product' of this historical military imperative, is also of course that the fort's setting is 'respected' by an absence of visual intrusion, 'clutter' and 'noise'.</p> <p>It is acknowledged that the original and 'full' field of fire of the fort has been impacted (eroded) by the introduction, prior to the scheduling of the fort in 1964, of former military research buildings to the South West, and later residential development across Fort Cumberland Road to the North. The fort itself also enjoys a deliberately 'low profile' in views towards the structure from the W. These factors do not however justify continuing the erosion of the setting of this significant heritage asset.</p> <p>PCC consider that from several points the proposed development would become an obvious and eye catching presence, either impeding the view completely, or forming a more peripheral but still visually intrusive, and</p>	<p>The Applicant's position with regard to the impact assessment is outlined in the latest revision of the Statement of Common Ground (SoCG) with Historic England submitted at Deadline 7 (REP7-054).</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 (REP7-054, Ref. 4.1.5). 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.</p> <p>Irrespective of this difference, in EIA terms the proposed change would not constitute a 'significant' environmental effect.</p>

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			<p>incongruous feature certainly read in views directly South along the western end of For Cumberland Road, and in more oblique views incorporating the fort from the East to the West.</p> <p>The openness of the car park makes a contribution to the openness of the setting overall, as does the land on which any screening landscaping would be sited. As it stands, the proposed structure is a very large and architecturally crude 'box' and its associated landscaping expressly seeking to provide screening in this area would also be a visually intrusive feature. The structure and the landscaping intended to screen it are contingent upon one another, and they would both erode and diminish the sense of openness which currently characterize the area</p> <p>These matters are echoed in the representations of HE in its DL1 representations which notes in particular that "Sightlines, fields of fire, and connectivity with land and sea based approaches, are therefore integral to its significance, and relationships with other fortifications confer additional context and coherence which also contributes strongly to Fort Cumberland's significance". In terms of HE's final assessment of impact of the ORS it appears HE has as yet not been able to provide that in the absence of sufficient information.</p>	
<p><b>DCO2.5.1</b></p>	<p>Applicant All Local Authorities Representatives of Mr Geoffrey Carpenter and Mr Peter Carpenter</p>	<p>In relation to the proposed commercial use of the surplus capacity of the fibre optic cable, the Examining Authority notes that there are a number of opinions as to whether any associated works can be authorised by any DCO, and also which works would constitute the development and which would be Associated Development.</p> <p>The Applicant, the local planning authorities, and Mr Geoffrey and Mr Peter Carpenter are requested to comment on the following interpretation.</p> <p>For any project that was not the subject of a s35 direction, the development requiring consent would be listed in s14 of the Planning Act 2008 (PA2008) and described in one or more of the relevant subsequent sections (for example, s16 for an electric line), together with any Associated</p>	<p>PCC will provide a full response in answer to DCO2.5.1 and request the discretion of the ExA to allow a delayed submission to ensure we can provide a comprehensive comment on this significant matter.</p>	<p>Please refer to the Applicant's response to the ExA's further written questions submitted at Deadline 7 (REP7-038) and the Statement in relation to FOC Infrastructure (REP1-127).</p> <p>Please also refer to Appendix A to this document which provides the Applicant's response in relation to the PCC submissions in this regard, which were submitted at Deadline 7 despite this request for a delayed submission.</p>

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

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		<p>actually be part of the proposed project, and not Associated Development for the purposes of s115 of PA2008.</p> <p>The Examining Authority also notes the effect of s157(2) of PA 2008, which means that consent is taken to 'authorise the use of the building for the purpose for which it is designed' where no purpose is specified.</p>		
<p><b>DCO2.5.1</b> <b>0</b></p>	<p>Applicant</p>	<p>The Framework Management Plan for Recreational Impacts (FMPRI) [REP1- 144] is soon to be accompanied by a Reinstatement Method Statement as suggested in paragraph 6.5.1 of the Applicant's Response to Action Points Raised at ISH1, 2 and 3, and CAH 1 and 2 [REP6-063]. Given the mitigation measures already in the FMPRI and the additional reinstatement method statement, should the FMPRI become a certified document?</p> <p>If not, why not?</p> <p>If not, can the Applicant explain how the mitigation measures and recommendations in the FMPRI at paragraphs 4.1.2.4 and 4.2.1 to 4.2.7 are to be secured in any DCO?</p> <p>In respect of all playing fields and open spaces, does the Applicant consider that planning obligations may be appropriate with respect to enabling playing pitches to be realigned and relocated (even on a temporary basis during construction) outside the Order limits?</p>	<p>PCC is concerned that the FMPRI is still incomplete at this late stage despite providing information regarding the nature of the sites at the earliest opportunity within the Examination. Once the applicant has considered the actual impacts on playing pitches, recreation, open space and habitat in Portsmouth PCC will need adequate time to consider and comment on any proposed avoidance or mitigation both in respect of their adequacy and the mechanisms proposed for their delivery within the DCO.</p>	<p>As set out in the Applicants Response to Deadline 5 Submissions (REP6-069), PCC was originally provided with a complete draft of the FMPRI in June 2020, and given the opportunity to comment on the impacts on open space, recreation and playing pitches. PCC have not yet provided a formal response on proposals to date for avoidance and mitigation.</p> <p>An updated FMPRI, which includes information from pitch surveys, has been issued to PCC on 11<sup>th</sup> February and has been submitted prior to Deadline 7c (AS-062). The surveys undertaken to inform the FMPRI have largely confirmed the appropriateness of the Applicant's previously conclusions regarding reinstatement timescales, identifying that the reinstatement for sports use will likely be a shorter timescale than the worst case 8 weeks identified by the Applicant.</p> <p>The Applicant is proposing to secure the pitch reinstatement and realignment measures in the FMPRI through a Section 106 Planning Obligation with PCC. In addition, principles of reinstatement, including in relation to drainage, are set out in a method statement in Appendix D of the FMPRI and secured through the OOCEMP to be submitted at Deadline 8 (REP7-032 Rev 007).</p> <p>Habitats have been addressed separately with Natural England. Reinstatement for sports use is not the same as reinstatement for wintering birds, which will be able to feed from the grass as soon as the turf is re-laid.</p>

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FR2.7.1	Applicant	<p>Would the bunding of HDD sites, given their size and proportions, increase the risk of flooding elsewhere by displacing surface water to other areas at risk?</p> <p>If not, why?</p> <p>If so, how is this to be mitigated? In addition, is it proposed to protect other laydown areas and construction compounds with bunds as well? If so, how will this avoid increasing flood risk elsewhere? If not, what measures, if any, are proposed to manage surface water in the event of a flood?</p>	<p>There is always a risk of displacing surface water with such bunding, however there are mitigation options, such as creating temporary storage areas, or creating dedicated pathways for overland flow to minimise impact on assets or buildings. PCC in its role as LLFA expects finer detail in the Full CEMP at Detailed Design stage, for review, comment and agreement.</p>	<p>The Applicant confirms that further detail will follow as part of the CEMP approved at detailed design stage which will be submitted to the relevant planning authority for approval in accordance with the OOCEMP (Requirement 15 of the dDCO (REP7-013)). The Applicant refers to the response provided within the Applicants Response to ExQ2 (REP7-038) thereafter in relation to comments made in relation to this question.</p>
FR2.7.2	Applicant	<p>Please could the Applicant confirm areas where Flood Zone 3b overlaps the Order limits?</p> <p>What measures are in place to reassure the Environment Agency that there will not be any storage of materials within Flood Zone 3b?</p> <p>Would the locations of joint bays and their associated laydown areas be specified to contractors so as not to be within Flood Zone 3b?</p>	<p>For the change in Flood Mapping in January 2020 and overlay of DCO area, PCC would refer the ExA to Plate 1 of Appendix 8 FRA Addendum. However PCC note that neither this map nor the SFRA (<a href="https://pcc.dynamicmaps.co.uk/MapThatPublic/Default.aspx">https://pcc.dynamicmaps.co.uk/MapThatPublic/Default.aspx</a>) refer to Flood Zone 3b for Portsmouth. PCC would support a requirement that there should not be any stored materials or joint bays within FZ3b, and if there are that these be detailed and mitigated.</p>	<p>The Applicant notes PCC's comments and refers to the response provided within the Applicants Response to ExQ2 (REP7-038) in relation to this question.</p> <p>As noted in that response, the OOCEMP contains construction principles in relation to works within Flood Zone 2 and 3, including relation to the storage of materials, and all works within these zones would be subject to a Flood Risk Activities Permit in any event.</p>
NG2.11.1	Applicant	<p>It is noted that Article 9 of the dDCO (defence against statutory nuisance) [REP6-015] has been amended. Why is it considered necessary to protect the Proposed Development from statutory noise complaints whilst it is in operation?</p> <p>Please provide details of any made DCO precedents for inclusion of the 'operational' phase of a development in this manner. Please provide details of any made DCO precedents for inclusion of Articles 9(1)(b), 9(2) and 9(3).</p> <p>What does the Applicant believe is specific to this Proposed Development to warrant what appears to be an exceptional approach to a 'Defence to proceedings in respect of statutory nuisance' Article such as this?</p>	<p>PCC are of the firm view that this requirement is not necessary as there should not be any statutory noise nuisance caused if Schedule 2 Requirement 15 and Schedule 2 Requirement 20 is followed. It is therefore recommended that this Requirement is removed from the DCO.</p>	<p>Please refer to the Applicant's response to the ExA's further written questions submitted at Deadline 7 (REP7-038).</p> <p>It is necessary to protect the Proposed Development from proceedings in relation to statutory noise complaints because the Applicant requires certainty that it will be able to construct and operate the Proposed Development without fear of proceedings or needing to take additional measures to address complaints in the future where operation is within the noise levels determined to be acceptable.</p>
OW2.12.5	Applicant	<p>Please could Portsmouth City Council provide the ExA with details of the subsurface drainage system (field drains, mole drains, tile drains, etc)</p>	<p>An 'as built' final record plan of the drainage scheme at Farlington Playing fields has been provided with PCCs</p>	<p>The Applicant has received the details of the drainage scheme and has submitted a Method Statement for Reinstatement at Farlington Fields</p>

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	Portsmouth City Council	<p>at Farlington Playing Fields, including any maps or diagrams that would assist our understanding?</p> <p>Could any of these systems be severed or otherwise interrupted by the installation of the Proposed Development and, if so, what would be the effects on drainage and playing surface quality? What mechanism would ensure their proper restoration through a CEMP and any DCO?</p> <p>Could any of these drains be compacted or damaged during construction works and, if so, what mechanism would ensure their investigation and restoration through a CEMP and any DCO?</p> <p>The Applicant's Deadline 6 post-Hearing note [REP6-063] refers to planned SI works at Farlington Playing Fields, and to the preparation of a Method Statement in relation to reinstatement that will be submitted 'at a future deadline'. What certainty can the Applicant provide that the relevant information on this matter will be available prior to the close of the Examination and in sufficient time for Portsmouth City Council and other parties to read and comment on it?</p>	<p>Deadline 7 response as an appendix (1a). These details have previously been shared with the applicant.</p> <p>On Plan 2 also attached (appendix 1b) with PCCs response PCC has mapped out as closely as possible the work areas as described in the indicative Framework management plan for recreation and shows the potential effect of excavations on the integrity of the whole drainage system.</p> <p>Any pipes damaged in work areas A and E on attached plan would have a major effect on areas B, and D and until pipework is re-instated in work areas A and E areas B and D would affectively have reduced or no drainage.</p> <p>This would affect 6 senior pitches and the junior pitch plus the cricket outfield although the cricket is not so critical as this is a summer sport.</p> <p>If flow along the main 300mm collection and carry pipe marked X to Y is interrupted this would also affect area C as well as area B.</p> <p>The construction of the cable lines at approximately 750mm deep to the top of the cables (drawing number EN20022-APHN-2), which are then surrounded by 200mm of concrete may have long-lasting effects on the drainage system, presumably cable depths can be lowered where necessary to be below the drainage runs, which vary from 370mm to 930mm to top of pipes.</p> <p>PCC would request that cable runs be set at a minimum depth of not less than 1.5 m this is to allow free movement of goals and installation of goal sockets. This allows us to alter the layout of pitches as required and not be restricted by cable run locations. Whilst pitch locations can be moved to avoid drainage pipes with a width of 80mm adjusting location to avoid a 1m cable run could be problematical.</p> <p>The area marked G on attached plan should not be affected by works on this site as this runs to outfall at position J.</p> <p>With regard to the drainage reinstatement, due to the complicated nature of this reinstatement work PCC have spoken to 2 specialist drainage contractors that we have experience of, MJ Abbot Limited and John Pierson Ltd. Before they could provide any proposed method for re-</p>	<p>at this deadline, in Appendix D of the Framework Management Plan for Recreational Impacts (AS-062). This will be secured as part of the OOCEMP submitted at Deadline 8. It includes a number of measures that can be taken to avoid impact on the drainage, including protection of ground surface and underlying drainage system and reinstatement of drainage works after construction.</p> <p>The Applicant appointed PSD Agronomy in December 2020 to undertake pitch surveys and report on feasibility of mitigation, including reinstatement of drainage. Surveys were undertaken in January 2021 and a Report has been issued prior to Deadline 7c. The Applicant has progressed this matter substantially, however, the Applicant has yet to receive comments from PCC on the FMPRI (first issued in June 2020), other than those received indirectly through the Examination. It is noted in this regard that the further works undertaken by the Applicant has not changed the conclusions made on reinstatement or the approach to be taken.</p>

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			<p>instatement, both confirmed they required a lot more information such as width of trench, method of excavation, potential of any damage to drainage alongside excavations from compaction through vehicle movements, timing of works, and any allowance made for ground settlement.</p> <p>PCC are concerned that although the applicant was made aware of the existence of the drainage at Farlington prior to the application, within PCC's Adequacy of Consultation [AoC-009] letter of response dated 29/04/2019, and in detail in our Relevant Representation [RR-185], LIR [REP1-173] and repeatedly at procedural and examination Deadlines throughout the Examination [PDA-003 para 20; Rep1-173 para 3.12.8; and again in Rep2-018] the applicant has made little or no progress on how to address this issue</p>	
PP2.13.1	Applicant Local authorities	<p>In December 2020, a number of policy documents and Court decisions that might be considered relevant to this DCO application came into the public forum. These included the:</p> <p>i) Energy White Paper <a href="https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future">https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future</a></p> <p>ii) Impact of Interconnectors on Decarbonisation <a href="https://www.gov.uk/government/publications/impact-of-interconnectors-on-decarbonisation">https://www.gov.uk/government/publications/impact-of-interconnectors-on-decarbonisation</a></p> <p>iii) Supreme Court judgment on the Airport National Policy Statements and Heathrow Airport Expansion <a href="https://www.supremecourt.uk/cases/docs/uksc2020-0042-judgment.pdf">https://www.supremecourt.uk/cases/docs/uksc2020-0042-judgment.pdf</a></p> <p>iv) Defra policy paper, Changes to the Habitats Regulations 2017 <a href="https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017">https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017</a></p> <p>In relation to each of these, and any other relevant, recently published policy or cases, please explain the relevance and significance for the current Proposed Development and what influence, if any, arises that the Examining</p>	<p><b>Introduction:</b></p> <p>In responding to this question, the starting point is the test set out in sections 104 and 105 of the PA 08 which requires both state that the SofS “must have regard to.... any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision” [emphasis added]. S.104 relates to circumstances where a NPS has effect but only where a NPS has effect not simply where there is Government policy in the wider sense.</p> <p>It is important in the context of this DCO application to refer to both ss104 and 105 as the only relevant NPS to the development as described in the application (and the section 35 direction) is EN -1 which gives limited support for to interconnectors (and of course no reference to fibre optic cables).</p> <p>In any event as noted by the Supreme Court in the R(oao FOE et ors ) v HAL [2020] UKSC 52 (‘the Heathrow ANPS case’) at [31] a “relevant NPS” as per s104 and 105 “simply sets the policy framework within which any application for a DCO must be determined”</p> <p><b>i) Energy White Paper</b></p> <p>With regard to the relevance and significance for the current Proposed Development and what influence, if any, arises on the ExA's considerations from the Energy</p>	<p>Section 104 of the Planning Act 2008 is relevant to the Proposed Development as NPS EN-1 has effect as set out in the Section 35 Direction [AS-039]. Section 105 of the Planning Act 2008 is irrelevant. Both sections cannot apply to a single application, they are mutually exclusive.</p> <p>The Applicant refers the ExA to the Needs and Benefits Second Addendum (REP7-063) though also addresses the specific matters raised by PCC here:</p> <p><b>Applicant response to Introduction:</b></p> <p>The suggestion that NPS EN-1 gives ‘limited support to interconnectors’ is too simplistic and not accurate in considering development consent for AQUIND Interconnector.</p> <p>The s35 direction is clear that NPS EN-1 has effect in relation to the application in a manner equivalent to its application to development consent for a generating station of a similar capacity so far as the impacts in EN-1 are relevant to the proposed development.</p> <p>NPS EN-1 establishes an urgent need for all energy infrastructure. The Energy White Paper has confirmed that this need for energy infrastructure remains (except in the case of</p>

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		<p>Authority and Secretary of State should be aware of and take into consideration.</p>	<p>White Paper, PCC considers that there is in fact very little. This is not because the White Paper is not a significant document but because it addresses for the most part commitments to future actions by the Government in terms of energy generation not energy distribution.</p> <p>It does however refer have a chapter that deals with the energy system [pages 66 -87] which refers to interconnectors. It states the view that “[i]nterconnection increases the ability of the GB electricity market to trade with other markets, enhances the flexibility of our energy system and has been shown to have clear benefits for decarbonisation.” It then refers to the Aurora Report “into the impact of interconnectors on decarbonisation” which it says, “demonstrates how a higher level of interconnector capacity could decrease cumulative emissions in Great Britain by up to 199MtCO<sub>2</sub>e by 2050, as well as reducing total system costs” (see page 79 – 80). PCC considers the Aurora Report below.</p> <p>The White Paper asserts that the government “will work with Ofgem, developers and our European partners to realise at least 18GW of interconnector capacity by 2030”. The principal aim however for interconnectors is in respect of interconnecting directly from wind turbines so that they can keep “generating even when GB electricity demand has been met.” This is reflected in the commitments section at the end of the energy system chapter which refers to a commitment “implement a more efficient approach to connecting offshore generation to the mainland grid”.</p> <p>The Energy White Paper cannot be treated as making the case for the Aquind project in terms of the electricity cables any higher than NPS EN-1 which is to be reviewed but will not be suspended during that review (see page 55). The White Paper obviously makes no case to support the fibre optic commercial development which Aquind seeks to include in this the DCO (its review of digital infrastructure is only in relation to establishing data for the energy system).</p> <p>In the context however of the issue of the impact of installation of cables and infrastructure connecting offshore wind farms to the onshore grid, PCC asks the ExA to note this as comparable to the Aquind onshore</p>	<p>coal-fired generation) and the current NPSs remain relevant government policy and has effect for the purposes of the PA2008. The SoS is therefore required to assess AQUIND Interconnector on the basis that there is an established need for the Project, and this should be given considerable weight in the decision-making process.</p> <p>Section 3.2.2 of the Needs and Benefits Report (APP-115) addressed the key implications of NPS EN-1 for AQUIND Interconnector in more detail.</p> <p>Since the publication of NPS EN-1 there is a significant body of evidence, including the Energy White Paper, which explicitly recognises the benefits of increasing interconnection capacity and its importance in achieving the UK’s net zero commitments.</p> <p><b>i) Applicant response to PCC comments on Energy White Paper:</b></p> <p>The Applicant disagrees that the Energy White Paper has little relevance to the consideration of the development consent. It adds to a large, and growing, body of evidence which specifically demonstrate the need for increased levels of interconnection in order to achieve net zero commitments. As set out in the Needs and Benefits Second Addendum (REP7-064) the findings - and commitment to realising at least 18GW of interconnectors by 2030 - support those of the TYNDP, Future Energy Scenarios (FES) and 2020 FTI report in demonstrating the benefits of increased levels of interconnection and the need for AQUIND Interconnector on a national level. The Applicant’s response to HCC’s response to the same question refers to the NOA IC (January 2020) which further support an increase in interconnection capacity.</p> <p>The national scale benefits of the AQUIND Interconnector, as further supported by these</p>



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			<p>infrastructure. The White Paper in particular recognises “the impact this is having on the coastal communities which host this infrastructure” and confirms that the government seeks to “minimise” this impact as the focus of its commitment set out above.</p> <p><b>ii) Impact of Interconnectors on Decarbonisation- Aurora Report</b></p> <p>The Aurora report is only available in a presentational format in slides. It seeks to explore “the impact of interconnection and associated cross border trading on carbon emissions at a regional level, considering different levels of interconnection and different decarbonisation pathways for Europe and GB”. Unfortunately, it is somewhat opaque in terms of whether its assumptions include or exclude the Aquind interconnector and therefore it is difficult to be clear about the report’s direct relevance to the ExA’s considerations. It is acknowledged that the diagram on slide 10 appears to show Aquind as a projected scheme.</p> <p>The White Paper does make reference to the report and its conclusions which suggest there is a correlation between an increase in interconnectors in helping the reduction of cumulative CO2 emissions and other emissions. The report itself however refers to this being a benefit across the GB and EU not just GB alone. It is not possible to identify GB emissions benefit alone because of the limitations on the exercise - Aurora notes that “[t]racking carbon emissions associated with interconnector flows is difficult; considering average intensity of the source is not exact”. The impact of interconnectors on emissions was therefore assessed by Aurora by “varying EU &amp; GB decarbonisation level and interconnection capacity” In addition Aurora confirms that in respect of its methodology that it has used “a deterministic model, and not a statistical model, in short the output scenarios are dependent on the model inputs. The scenarios output are presented within a range of uncertainties, and are not forecasted results.”</p> <p>In terms of Net Zero scenario for GB (ie which accords with the Climate Change Act 2008 (2050 Target Amendment) Order 2019 target by 2050) the report concludes that the benefits of an increase in interconnection capacity on decreasing emissions are</p>	<p>important publications, should be afforded very considerable weight in decision making.</p> <p>The suggestion in PCC’s response that “<i>the principal aim however for interconnectors is in respect of interconnecting directly from wind turbines</i>” is misleading. The references to achieving at least 18GW of interconnector capacity by 2030 relate specifically to connection between GB and Europe.</p> <p>It is therefore incorrect to state that the principal aim for interconnectors is in respect of interconnecting directly from wind turbines so that they can keep “generating when GB electricity demand has been met”</p> <p><b>ii) Applicant response to PCC comments on Aurora Report:</b></p> <p>The Aurora Report is part of a large body of evidence which supports the increase in interconnection, and specifically between GB and France.</p> <p>The Aurora Report assesses a number of different potential scenarios, depending on level of interconnection and decarbonisation policies. The results are expressed in terms of GB emissions benefit alone. The reference to 199MtCO2 e in the Energy White Paper (under one of the scenarios) refers solely to GB emissions. Separate figures are presented for EU emissions (this is clearly presented in the Executive Summary at page 3).</p> <p>The projected benefits of a high level of interconnection in the short-medium term reflect the assumptions that the increase in interconnection would be delivered in the next ten years to 2030. The Aurora report in its Central and High scenarios assumes 9GW of interconnection capacity between GB and France. This means the report findings are based on AQUIND being operational by 2030 (slide 23). The Low scenario is a counterfactual where no new transmission infrastructure between GB and France is built except for two</p>

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			<p>evident in the short- to medium-term (up to 2030) but level out in the longer term.</p> <p>Taken at face value and without the ability to test this report, PCC would suggest that again as with the White Paper that whilst there is some relevance to the ExA's report and the SofS's deliberations with respect to Aquind, only very limited weight can properly be given to the Aurora report as being in favour of the DCO.</p> <p><b>iii) R(oao FOE et ors ) v HAL [2020] UKSC 52 ('the Heathrow ANPS case')</b></p> <p>The case clearly involves a challenge to the designation of a NPS and not a decision to grant or refuse of DCO application and which ultimately failed on all grounds. In terms of any matters of relevance to the Aquind DCO application that arise out of this case therefore PCC considers there are a few but they are not of great weight and relatively tangential. It does however provide some notable comparators.</p> <p>With regard to the role of the NPS compared with EN-1 in this case, whilst both should serve as the framework for a decision for a relevant DCO project more specifically the ANPS clearly gives far greater specific guidance to the SofS in terms of the location of the Heathrow runway project and the principle of 'need' than the few sentences within EN-1 which refers obliquely to the benefits of interconnectors in general terms and emphasises the importance of generation projects.</p> <p>With regard to the issue of climate change and in particular the Paris Agreement, clearly the debate before the courts in Heathrow ANPS case centred upon whether the government in designating ANPS had properly accorded with duty under s10 of the PA 08 to do so "with the objective of contributing to the achievement of sustainable development" and "have regard to the desirability of -(a) mitigating, and adapting to, climate change; ..." and also whether it had given reasons as required to do under s5 to provide reasons for the NPS which "must (in particular) include an explanation of how the policy set out in the statement takes account of</p>	<p>operational projects IFA and IFA2, and ElecLink, which nears completion, with the total capacity of 4GW. The results clearly demonstrate that in each scenarios of future decarbonisation levels the addition of more interconnection capacity on GB - French border in Central and High interconnection scenarios creates significant reductions of CO2 emissions (slide 47).</p> <p>Importantly, all scenarios tested which involve an increase in interconnection would result in a decrease in carbon emissions in both GB and Europe. These scenarios include an increase in interconnection between GB and France of 9GW – which includes the contribution of AQUIND Interconnector. This supports the specific contribution of AQUIND Interconnector in reducing carbon emissions.</p> <p><b>iii) R(oao FOE et ors ) v HAL [2020] UKSC 52 ('the Heathrow ANPS case')</b></p> <p>The Applicant agrees that NPS-EN1 sets out the government's "policy" position, however the Applicant disagrees that there are "notable comparators" in the decision that could be considered relevant. The Heathrow judgement deals only with a very specific matter of statutory interpretation, in respect of s5 Planning Act 2008, and therefore does not satisfy the test in section 104 of the Planning Act 2008 of being "important and relevant" to the Secretary of State's decision.</p> <p>Although the Energy White Paper and Aurora Report are not "policy" they are still "relevant" to the Secretary of State's decision and should be afforded substantial weight in the planning balance.</p> <p>The Applicant notes that the Climate Change Act 2008 and the Net Zero Commitments provided for in section 1 of the Climate Change Act 2008 are law. It is for the SoS to determine whether he considers the extent to which the Proposed Development will assist compliance</p>

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			<p>Government policy relating to the mitigation of, and adaptation to, climate change".</p> <p>The decision of the SC sets out in its view of what qualifies as "Government policy" in the above statutory context and confirmed not only that "a ratified international treaty which had not been implemented in domestic law" (ie the Paris Agreement at the relevant point or indeed once ratified) as well as once ratified does not fall "within the statutory phrase "Government policy"". In addition, statements by ministers in the House of Commons as to how the commitment within the Paris Agreement (before it was finally ratified) might be taken forward and where policy is still inchoate also does not represent Government policy. Indeed the SC confirmed that the Government "is still in the process of developing its Aviation Strategy in response to the advice of the [Climate Change Committee]" In particular the SC disagreed with the Court of Appeal's approach that "the words "Government policy" were ordinary words which should be applied in their ordinary sense to the facts of a given situation", instead the SC concluded firmly that "the criteria for a "policy" to which the doctrine of legitimate expectations could be applied" was the correct approach and which "would be the absolute minimum required to be satisfied for a statement to constitute "policy" for the purposes of section 5(8). Those criteria are that a statement qualifies as policy only if it is clear, unambiguous and devoid of relevant qualification"</p> <p>Whilst it was not an issue raised in the Heathrow ANPS case, White Papers are in an anomalous position comparable to the statements from ministers at issue in the SC's judgment as they usually set out options for future policy or legislation but do not ultimately represent final firm policy. The Energy White Paper itself describes the Government's "vision" [page 3] but also contains future commitments by the Government. It again cannot be said to represent final policy which meet the above criteria set out by the SC.</p> <p>There therefore does not appear to be any relevant Government policy statement in the context before the ExA and relevant to this DCO beyond that set out in NPS EN-1 (which was adopted well before the events considered in the ANPS case). The statutory</p>	<p>with those targets is a matter which important and relevant to his decision. The Applicant submits that this is a highly important and relevant matter (S.104(2)(d) of PA 2008 being of relevance)</p> <p><b>iv) Amendments to the Habitats Regulations 2017</b></p> <p>The Applicant notes the response made in Point iv) in relation to Amendments to the Habitats Regulations 2017. The response is consistent with the response to this matter made by the Applicant at Deadline 7 (REP7-038).</p> <p><b>v) Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020 &amp; Guidance</b></p> <p>The Applicant is aware of the changes introduced by the Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020 which are largely concerned with service and publicity requirements at the pre-application stage. The Applicant has complied with the updated Infrastructure Planning (Compulsory Acquisition) Regulations 2010 in relation to the Change Requests.</p> <p>The Applicant is also familiar with the Guidance which was published alongside these changes.</p>

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			<p>commitments to net zero emissions by 2050, which reflect the Paris Agreement, are important and relevant to the State's decision in respect of this and indeed any DCO application but again they do not represent Government policy.</p> <p>To be clear, with regard to the Aquind DCO, Government policy in respect of climate change is contained in NPS EN-1. Neither the Energy White Paper nor indeed the Aurora Report reflect Government policy. Meeting Net Zero target by 2050 in respect of GHG emissions is a statutory commitment but again not 'policy'.</p> <p><b>iv) Amendments to the Habitats Regulations 2017</b></p> <p>The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019/579 ('the 2019 Habitat Reg Amendments') were made in exercise of the powers conferred by section 8(1) and section 14(1) of, paragraph 1 of Schedule 4 and paragraph 21 of Schedule 7, to the European Union (Withdrawal) Act 2018 (c.16). They came into effect on 31 December 2020/1 January 2021.</p> <p>Their purpose was to address failures of retained EU law following Brexit to operate effectively and other deficiencies (in particular under section 8) arising from and following the withdrawal of the United Kingdom from the EU.</p> <p>The 2019 Habitat Reg Amendments make amendments to legislation in the field of biodiversity protection in relation to England, Wales and offshore waters. Part 2 makes a slight amendment to s27 of the Wildlife and Countryside Act 1981 and Parts 3, 4 and 5 amend secondary legislation, namely the Conservation of Habitats and Species Regulations 2017 ('the 2017 Habitats Regulations'), the Conservation of Offshore Marine Habitats and Species Regulations 2017; and the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001.</p> <p>While the 2019 amendment to the Habitats Regulations 2017 requires slight changes to the context and wording of the legislation sections of the relevant ES chapters, it does not appear to have any direct implications for the Aquind development in terms of the ecological assessment or mitigation. The annexes and schedules are unchanged and European Protected Species are still</p>	

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			<p>referred to as such, until such time as a new statutory instrument is implemented by parliament. Natura 2000 sites will now be called National Network Sites (SPAs and SACs, but not Ramsars). Conservation Objectives will now be called Network Objectives. As such the dDCO needs the new wording where relevant throughout the application.</p> <p>The Network Objectives are to :</p> <ul style="list-style-type: none"> <li>• Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status ('FCS')</li> <li>• Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.</li> </ul> <p>In addition, the appropriate authority must also have regard to the:</p> <ul style="list-style-type: none"> <li>• Importance of protected sites</li> <li>• Coherence of the national site network</li> <li>• Threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.</li> </ul> <p>The ExA will need to take into account that the duties of the relevant SofS for a project which remains the Competent Authority ('the CA') and should note in particular that the IROPI process has changed, ie where an Appropriate Assessment has been carried out and results in a negative assessment and the need to consider if there are no alternative solutions; there are Imperative Reasons of Overriding Public Interest (IROPI) for the development; and compensatory measures have been secured in order to grant consent for a DCO project. The responsibility for IROPI in short no longer lies with the European Commission and under the new arrangements when the need to establish IROPI arises the CA is expected to ask the Appropriate Authority ('the AA'), who is the Secretary of State for Environment, Food and Rural Affairs, for its opinion on whether a plan or project affecting priority habitats or species constitute</p>	

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			<p>IROPI for reasons other than human health, public safety or primary environmental benefits.</p> <p>The AA is required to consult with the devolved administrations, the Joint Nature Conservation Committee ('JNCC') and any other person the AA considers appropriate in developing its opinion. The appropriate authority will also take account of the broader national interest in developing their IROPI opinion. The AA will publish the IROPI opinion the give to the CA.</p> <p><b>Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020 &amp; Guidance</b></p> <p>For completeness PCC would draw the ExA's attention to the changes made to certain publicity requirements introduced through the Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020 (the 2020 Regulations). The 2020 Regulations came into force on 31 December 2020.</p> <p>The ExA will be aware of the new Guidance dated December 2020, published by PINs, which refers in particular to the service and publicity requirements.</p> <p>The amendments are described in the Guidance have been introduced to enable a more digital and efficient consenting regime for major infrastructure.</p>	
SE2.15.1	Applicant Portsmouth City Council	<p>What progress has been made with regards to agreeing the reinstatement of the car park at Fort Cumberland?</p> <p>Would the car park be fully re-surfaced and marked out, and, if so, in what timeframe?</p> <p>What proportion of capacity would be lost, and how would the loss of car parking be compensated?</p> <p>If a reinstatement method statement is being prepared for Farlington Playing Fields, should a similar document be prepared for Fort Cumberland Car Park as opposed to using a s106 agreement as proposed by the Applicant?</p>	<p>The applicant has made no progress to date regarding the reinstatement of the car park.</p> <p>The applicant has proposed a possible re-instatement of the whole car park with tarmac with marked out parking bays. PCC's preferred option would be to have tarmac roadways with suitable open cell concrete (or similar) marked parking bays. PCC feel this is more in keeping with the natural surroundings of the area.</p> <p>While, immediately before Deadline 7 (19 January 2021), the applicant has provided a layout plan for the site PCC require a scaled version of this indicative layout plan (AQ-</p>	<p>The Applicant has submitted an updated version of the indicative layout shown on the drawing 'Fort Cumberland Car Park Proposed Layout with Formal Parking Bays' submitted at D7 (REP7-045) which included notes to state that:</p> <ul style="list-style-type: none"> <li>• Car park aisles and the access road are to be constructed using asphalt. Details of sub-base, binder course and base course will be confirmed during detailed design;</li> <li>• Car parking spaces are to be constructed from grasscrete / grassblock or similar modular pre-cast concrete systems, with the exact details to be confirmed during detailed design.</li> </ul>

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			<p>UK-DCO-TR-LAY-007) of the revised car park layout to fully assess the applicant's proposal.</p> <p>Details of the construction and material specification are still awaited. PCC's preferred option would be to have tarmac roadways with suitable open cell concrete (or similar) marked parking bays. PCC feel this is more in keeping with the natural surroundings of the area.</p> <p>PCC note that the applicant's recent indicative layout plans, AQ-UK-DCO-TRLAY-006; showing the existing car park, and AQ-UK-DCO-TR-LAY-007; showing the applicants illustrative new layout and their proposed ORS, seek to suggest a comparison of capacity. These plans assume an existing parking capacity of 106 spaces. PCC consider this to be a significant underestimate, as it has made pessimistic assumptions regarding the positioning of parking due to the informal, un-delineated nature of the car park. All spaces have been created with a 1.5m unused space between them and excessive space has been illustrated between parked areas. Peak demand, driven by season and weather as the car park serves an open space and beach, would encourage and support a higher capacity, as can be seen through simple critical review of the applicants submitted plan which would suggest well in excess of 120 spaces would be currently available without the need for lining or other signage. By contrast the applicant's illustrative layout for their reinstated car park maximises the efficiency of parking layout to seek to suggest that the reinstated car park would exceed the existing capacity.</p> <p>PCC reject this assertion and while recognising that the plans being offered are 'not to scale' appear to show the ORS and land unavailable for parking would occupy between 25% and 30% of the existing car park, inevitably resulting in a loss of parking opportunity now and in the future at the site. PCC is also concerned that land shown as being lost for public benefit is underestimated as the land required for screening in line with the applicants stated intended parking has been underestimated. The plans would suggest planting and establishing of trees or hedge, large enough to fully screen the building to a height of 3.5m, on ground that is mostly maritime shingle</p>	<p>The Applicant also notes that the draft S106 Agreement with PCC now includes that the car park resurfacing specification will be submitted to PCC for approval and that such works (and costs associated with it) will be completed by the Applicant.</p> <p>Scaled plans will be shared with PCC for review ahead of Deadline 8.</p> <p>With regards to the drawing 'Fort Cumberland Car Park Existing Layout' submitted at D7 (REP7-045) the Applicant notes that it is difficult to quantify the exact parking capacity of the car park given the informal nature of parking within the existing car park. The Applicant however maintains that the estimate of existing capacity is robust taking account of the way in which vehicles use the car park. Furthermore, the Applicant has now updated the drawing 'Fort Cumberland Car Park Proposed Layout with Formal Parking Bays' (REP7-045) to show how the proposed layout can accommodate 121 car parking spaces. This therefore provides parity against PCC's stated existing car parking capacity.</p> <p>It has been agreed between the parties that the Applicant will undertake the Car Park Resurfacing Works in respect of the car park at Fort Cumberland. Paragraph 1 of Schedule 1 to the draft PCC Section 106 Agreement provides for the submission and approval of a Car Park Resurfacing Specification, and once approved the undertaking of the Car Park Resurfacing Works by the Applicant (with all costs to be borne by it).</p> <p>It is not correct to say that the Applicant has underestimated or made pessimistic assumptions regarding the position of car parking. The Applicant has used reasonable assumptions based on appropriate surveys and information provided by PCC to date.</p> <p>In any event, the detailed Car Park Resurfacing Specification will be agreed between the parties</p>

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			<p>comprising of sand and gravel. PCC consider that this would not allow the proposed hedge to establish into a healthy specimen large enough to fully screen this building (or at all) and question Aquind's apparent assumption that this landscaping can occur. It is clearly questionable that they have carried out soil sampling along the line of the planting areas to ensure planting is possible in all areas of the proposed screen.</p> <p>The Method Statement referenced in question OW2.12.5 will have generic provisions effective along the length of the route (for land owned by PCC), with Site Specific Requirements – Fort Cumberland car park will have site specific requirements included within the Method Statement. This will need to be agreed for any private treaty agreement to be concluded.</p>	<p>through the section 106 mechanism and it will need to accord with the outline specification agreed between the parties.</p> <p>Further, the Applicant has not underestimated the loss of land.</p> <p>In terms of screening, the proposed planting discussed with PCC's landscape officer, was based on other adjacent applications at the time and reflected a coastal planting palette as indicated in Appendix 15.7 (REP6-029). The Applicant tried to obtain agreement from all relevant PCC officers over the landscape mitigation plan and tree planting but was informed that PCC could not provide any comments on the landscape mitigation plan until the fundamental principles of the proposed structures were resolved. As such the planting palette referred to in the updated OLBS paragraph 1.1.1.2 (REP7-023) states that "the final breakdown of species, mixes and heights would be subject to approval of the relevant discharging authority post consent..." and this is reflected in the dDCO (REP7-013) Schedule 2 Requirement 7 which states that detailed landscaping scheme will need to be submitted and approved by the relevant planning authority.</p> <p>Regarding ground conditions and soil sampling, paragraph 1.1.1.66 of Appendix 1 of the updated OLBS (REP7-023) states that the depth and type of soil will depend on the nature of the vegetation to be established. To inform the detailed landscaping scheme, soil sampling will take place and as discussed above.</p>
SE2.15.3	Applicant	<p>Who will be responsible for confirming that the Applicant's reinstatement measures at the various playing fields and sports pitches affected by the Proposed Development have been completed satisfactorily?</p> <p>If any defects are claimed, what will be the mechanism for agreeing them and, if necessary, putting them right?</p>	<p>PCC response:</p> <p>PCC have been attempting to negotiate with the applicant regarding post consent work in the event that the DCO is made. PCC are of the firm view that post consent work under Requirements or otherwise should be the subject of a s106 planning obligation to ensure an enforceable mechanism is available to allow the Local Authorities to monitor and support the correct delivery of the scheme without an unreasonable and unfunded burden on local</p>	<p>As explained in the section 106 explanatory memorandum submitted at Deadline 7 (REP7-058), sports pitch realignment and reinstatement will be covered by a section 106 obligation, and the discharge of requirements more generally will be dealt with through a post-consent planning performance agreement (PPA).</p> <p>The Applicant has recently responded to PCC outlining why it would be unlawful to secure the</p>



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			<p>authority resources. The applicant remains resistant to this solution, proposing instead a PPA outwith the control of the ExA contrary to the recommendations of PCC.</p>	<p>post consent costs in a section 106 agreement (rather than a PPA).</p> <p>This approach would not comply with section 106 of the Town and Country Planning Act 1990 or Regulation 122 of the CIL Regulations 2010 and there is case law to support this position.</p> <p>The Applicant continues to engage with PCC on the post-consent PPA and hopes to reach agreement on this soon.</p>
<p><b>SE2.15.4</b></p>	<p>Applicant Portsmouth City Council University of Portsmouth</p>	<p>Would playing fields and sports pitches outside but adjacent to the Order limits (for example, at Bransbury Park and the University of Portsmouth) will be able to operate at full capacity when construction works are underway nearby?</p> <p>Would noise, vibration and general disturbance disrupt users and the ability to use these areas fully?</p> <p>If so, are such effects evidenced in the ES?</p>	<p>The capacity for recreation outside of the work order limits whilst construction works are ongoing is as follows.</p> <p><u>Farlington</u></p> <p>At Farlington there are 10 senior football 1 junior football and 2 cricket pitches. The Aquind order limits cover or affect 8 senior pitches the junior pitch, and 1 cricket pitch (outfield only). PCC considers that the remaining 2 football pitches and cricket pitch could be played during construction period as long as there is access to the car park and access road to sports field. Access is required for maintenance and emergency vehicles in case of injury during games. There would however be a limit to number of games that could be played on any 1 pitch in a week. In order to prevent excessive wear PCC would not recommend more than 2 or 3 games per week per pitch. The football season at Farlington runs from the first Saturday in Sept to mid-April.</p> <p>The cricket season runs from the first week of April to mid-August. The works are indicatively programmed for April to Sept both in 2022 and again in 2023 plus 8 weeks in Nov and Dec for renovations although PCC question whether the drainage could be reinstated in this time period. Any delay in these re-instatements including drainage would significantly affect the football season likely to an extent that the seasons could not be competitively played.</p> <p><u>Langstone</u></p> <p>Langstone has 1 cricket pitch 1 PCC football pitch and 1 football leased to Baffins Milton FC. The work order limits affect all of these pitches. The football season at Langstone PCC pitch runs from mid Sept to mid-April. The Baffins Milton pitch season runs from Mid-July to</p>	<p>The updated Framework Management Plan for Recreational Impacts (AS-062) confirms the impacts listed as follows:</p> <p><u>Farlington Fields:</u></p> <p>The impact would be on 4 of the 9 football pitches within the Order Limits (1 of the 4 is currently disused). The football pitches would be affected up to 36 weeks spread over three playing seasons (16 weeks of this period is an allowance for reinstatement). This number can be reduced to 3 affected pitches if the 9v9 pitch is relocated to pitch 10 (the discussed pitch). There is also an impact on one disused cricket pitch for 26 weeks (including 16 weeks allowance for reinstatement) over two summer playing seasons.</p> <p>This is a worst-case assessment, as it is feasible that reinstatement times can be reduced to a total 6 rather than 16 weeks.</p> <p><u>Langstone:</u></p> <p>Works would be undertaken in June/ July and the impact would be on 1 football pitch for up to 8 weeks of the playing season (works undertaken out of season but 8 weeks allowance for reinstatement) and one cricket pitch for up to 10 weeks of the summer season (including 8 weeks reinstatement allowance). It is feasible to reduce reinstatement periods to 2-3 weeks.</p> <p><u>Bransbury:</u></p>

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			<p>Early may The cricket season at Langstone runs from mid-April to mid-Sept. The works are indicatively programmed June-July with an additional 8 weeks / 2 months for re-instatement. No sport can be played at this ground during the construction or reinstatement period.</p> <p><u>Bransbury</u></p> <p>Bransbury has 3 senior football pitches 2 of the 3 pitches should be available for play during works, as long as access can be maintained between the pavilion and all pitches, however car parking would be greatly affected due to the whole car park being within the works order limits. Games may have to be cancelled if we receive too many complaints from local residents about parking on residential side streets. The Football season at Bransbury runs from early August to end of April. Aquind have in the Framework Management Plan for Recreation not provided any indicative programme timing for works apart from estimating that works will take 4 to 8 weeks plus 8 weeks for re-instatement. Aquind have also submitted a proposal to move the pitch within the order limits to a new location, this has still to be assessed on site to ensure any new location is suitable. The current relocation plan supplied by Aquind shows the pitch on the path and fenceline of the model railway. If this pitch move is a viable option, all 3 pitches could be played subject to the access and parking conditions above.</p> <p><u>General Comment:</u></p> <p>All of the above is based on Aquind's indicative timescales and work areas none of which have as yet been confirmed and could change depending on final confirmed timescales and working methods. In all areas noise and particularly dust pollution would need to be assessed during the works on an almost game by game basis, this is dependent on ground conditions, and working practices. All of the above issues with regard to loss of sports provision have previously been raised in REP1-173 Local Impact Report.</p>	<p>It is anticipated that works will be undertaken in the winter months (indicative timing Dec/ Jan) for 4 weeks for cable trenching, in addition to 8 weeks allowance for reinstatement. As stated, pitch relocation will avoid impacts. Jointing activities ate anticipated for 8 weeks in the car park. Traffic surveys have demonstrated that there is available parking on nearby residential roads for the 8 Saturdays when the car park is not available.</p> <p><u>General:</u></p> <p>An assessment of the noise impacts on playing fields and sports pitches was included in Chapter 24 of the ES (APP-139) and Chapter 17 of the ES Addendum (REP1-139). In summary, no significant adverse effects were identified. The key considerations in drawing this conclusion are that these receptors are considered to be of low sensitivity to noise. For cable and duct installation, the installation rates (REP1-151) of 30-50m per day will result in a short duration of exposure to adverse noise effects, and the installation of the cables within open ground removes need for percussive cutting, breaking and re-surfacing equipment and therefore the activities are expected to be less audibly intrusive. With regard to HDD construction works at Farlington Fields, no significant noise effects were identified. Furthermore, paragraphs 6.2.8.21 and 6.2.8.22 of the Outline Onshore CEMP (REP7-032) secure screening at least 2m high around all HDD compounds. For Farlington Fields this screening is primarily required to provide noise mitigation to Solent Wader Brent Goose Strategy (SWBGS) sites, but will also provide best practice noise mitigation for users of the playing fields.</p> <p>With respect to dust impacts, playing fields and sports pitches outside and inside the order limits have been included in the assessment of temporary dust impacts at Bransbury Park in Eastney (ES Chapter 23 Figure 23.2 sheet 10)</p>

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				<p>and Langstone Sport Site south of Milton Common (ES Chapter 23 Figure 23.2 sheet 9).</p> <p>For both Bransbury Park and the Langstone Sports Site, ES Chapter 23 Table 36 provides a summary of measures required to mitigate these temporary effects. With the effective implementation of the measures, which would be secured in the site-specific CEMP for each area, the effects of construction dust will be insignificant and there would be no disruption to the use of these spaces and no need for 'game by game' monitoring as suggested.</p> <p>An assessment of the noise impacts on playing fields and sports pitches was included in Chapter 24 of the ES (APP-139) and Chapter 17 of the ES Addendum (REP1-139). In summary, no significant adverse effects were identified. The key considerations in drawing this conclusion are that these receptors are considered to be of low sensitivity to noise and the cable installation rates (REP1-151) of 30-50m per day will result in a short duration of exposure to adverse noise effects and anticipated equipment at HDD locations, including hoarding. Furthermore, the installation of the cables within open ground removes the need for percussive cutting, breaking and re-surfacing equipment and therefore the activities are expected to be less audibly intrusive.</p> <p>Measures in the OOCEMP (REP7-032) are available to control dust (5.6.1.2) and noise (5.11).</p> <p>It is agreed that although not assessed as significant, disturbance will depend on a number of factors relating to the timing of matches and site conditions (working hours, particular activities, dry conditions). It will be the responsibility of the site Environmental Manager to respond to complaints and liaise with PCC's Environmental Health Officer in this respect (paragraph 4.4.4.2 of the OOCEMP (REP7-032)).</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
TT2.16.6	Portsmouth City Council	During ISH2, it was concluded that the additional data in the Supplementary Transport Assessment were largely agreed with the exception of figures for Portsbridge Roundabout. The Applicant has provided a Technical Note for this location at D6 [REP6-076]. Is Portsmouth City Council in agreement with the conclusions of the Technical Note, notwithstanding any perceived limitations in the modelling. If not, why not?	PCC remain concerned with the conclusions of the Technical Note [REP6- 076]. Full details of those concerns are provided in PCCs separate response at Deadline 7 in respect of matters raised at Deadline 6 under the heading 'REP6-076 Portsbridge Roundabout Technical Note'	Please refer to the Applicant's Response to Deadline 7 and 7a submissions (document reference 7.9.39).
TT2.16.10	Hampshire County Council Portsmouth City Council	During ISH2, reference was made to a figure of 200 metres being a reasonable walking distance for persons to travel in order to retrieve their displaced parked cars (as opposed to 400 metres suggested by the Applicant). The origin of this is not clear in the Deadline 6 submissions. Please could greater clarity be provided as to the source of this, and what effects, if any, the shorter distance might have on the Applicant's parking strategy where parking spaces are temporarily displaced due to construction.	<p>The origin of the 200m walking distance as being reasonable for residents to walk to parked cars is drawn from the PCC approach to assessment of suitability of on street parking opportunities to substitute for residential parking shortfall at new developments and is the common standard applied by most highway authorities having been established as best practice by the work of Lambeth Council. This differs from the 400m walking distance found reasonable in the CIHT guidance for accessing employment, education, retail and passenger transport on foot.</p> <p>The applicant has not yet confirmed where alternative parking facilities may practically be found nor provided an explicit parking strategy so it is unclear what impact this reduced distance may have on their ability to provide alternative parking within a reasonable walking distance. This is of specific concern for those residents fronting sections where road closures are envisaged and consequently access to properties prevented for an extended period.</p>	<p>Please refer to the Applicant's Written Summaries of Oral Submissions at ISH2 (REP6-062). The Applicant notes the clarification on the 200m distances and also that this refers to the availability of parking for new developments in a permanent situation. The Applicant maintains the view that a 400m distance (5-minute walk) is appropriate for displaced parking which will only take place on a temporary basis.</p> <p>The 400m distance represents a maximum five minute walk at a speed of 5km per hour, which is the industry standard approach for assessment of travel time when traveling by foot and is considered an acceptable maximum distance for the displacement of parking on a temporary basis.</p> <p>This is based upon a distance of 400m being accepted as:</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
				<ul style="list-style-type: none"> <li>An acceptable distance to walk to common facilities such as shops in a town centre locations (Table 3.2 of Guidelines for Journeys on Foot, Institution of Highways and Transportation, 2000);</li> <li>The maximum distance for residents to walk to a mode of transport, as stated in the Buses in Urban Developments which recommends that all housing development is located within 400m of a bus stop (Chartered Institute of Highways and Transportation (January 2018); and</li> <li>The Public Transport Access Level (PTAL) assessment methodology used by Transport for London assumes “that people will walk up to 640 metres to a bus service” from home.</li> </ul> <p>The assessment of available parking during construction of the Onshore Cable Route is contained within the Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy (included within Appendix 1 of the FTMS (REP6-030)), and shows that in the vast majority of locations where parking surveys have been completed, all displaced parking could be accommodated within 400m distance from residential properties (and in most cases within a lesser distance). However, 400m has been considered as the “worst case”. The strategy for displaced parking during construction of the Onshore Cable Route is contained within REP6-030.</p>

**Table 1.9 – Applicant’s Comments to Second Written Questions - South Downs National Park Authority**

Reference	Respondent(s)	Question	Response	Applicant’s Comments
<b>EIA2.6.6</b>	Applicant	The results of the ash die-back survey [AS-054] in the vicinity of the proposed Converter Station site have implications for the results of the EIA, in terms of a future baseline, LVIA and mitigation requirements. Could the Applicant please explain how this supplementary information has been, or will be, integrated into the ES?	Although this question is not directed at the SDNPA we wish to note that whilst there is commentary on the implications of the ash dieback for the assessment of effects, the Environmental Statement has not yet been updated. The SDNPA would welcome the opportunity to review the updated information once received.	The LVIA assessment associated with the ash dieback findings has been updated and is referred to in the Applicant’s Response to the Examining Authority’s Further Written Questions (ExQ2) EIA2.6.6 (REP7-038) and Environmental Statement Addendum 2 section 12.3.4 (REP7-067).
<b>HAB2.8.3</b>	Natural England South Downs National Park Authority Winchester City Council	Are the proposed woodland management measures to deal with ash die-back in the two ancient woodland copses known as Stoneacre Copse and Mill Copse, as set out in the Applicant’s updated Outline Biodiversity and Landscape Strategy submitted at Deadline 6 [REP6-038]: a) appropriate and proportionate; b) capable of being implemented without harming the integrity of the ancient woodland habitats; and c) sufficient to meet visual mitigation requirements against the updated future baseline?	The SDNPA welcome the inclusion of the management measures for the two identified woodlands. We consider that, in answer to question a), the approach put forward is appropriate and proportionate.  In respect of b) the SDNPA is not able to comment on the harm (or lack thereof) that may result from the implementation at this stage without seeing more detailed proposals setting out the replanting methodology.  In respect of c) the SDNPA recognises that the proposals are likely to meet visual mitigation requirements for these woodlands, but only in the long term with the maturing of vegetation to take the place of the diseased mature trees.  The ash die back planting to mitigate visual effects to the south of Mill Copse is indicated on the applicant’s revised Landscape Mitigation plans, however the replacement planting within the existing woodlands, hedgerows and for individual trees is not.	The Applicant responds to these points as follows: a) The Applicant notes SDNPA comment that the approach put forward is appropriate and proportionate. b) In terms of the points raised over whether woodland management measures are capable of being implemented without harming the integrity of the ancient woodland habitats, the Applicant refers to the updated OLBS (REP7-023). A woodland management plan will be prepared for all existing and proposed woodland as part of requirement 7 of the dDCO (REP7-013) and this will apply to all woodland including Mill Copse and Stoneacre Copse. Paragraph 1.7.1.8 of the updated OLBS states that the woodland management plan will include annual monitoring plans to review yearly actions and progress of ash dieback as well as the success of new and replacement planting and of natural regeneration. Specific management objectives for Mill Copse and Stoneacre Copse are covered in paragraphs 1.7.6.42 to 1.7.6.49 which refers to selective felling and replacement with alternative species whilst retaining some deadwood, natural regeneration and a monitoring and management plan. Reference will be made in the OLBS to Natural England and Forestry Commission’s joint advice on managing SSSI woodlands with ash dieback as requested by Natural

Reference	Respondent(s)	Question	Response	Applicant's Comments
				<p>England, and the UK Forestry Standard 2017 and Ancient Woodland Restoration, November 2018 as requested by WCC.</p> <p>c) In terms of visual mitigation and the assessment of effects, the Applicant refers to the Applicant's Response to the Examining Authority's Further Written Questions (ExQ2) EIA2.6.6 (REP7-038) and Environmental Statement Addendum 2 section 12.3.4 (REP7-067). The updated OLBS (REP7-023) refers to replacement planting within existing woodland, hedgerows and for individual trees within the Order Limits. Paragraph 1.7.1.2 states that "<i>Replacement planting will take place where required including the replacement of trees affected by ash dieback</i>" and that "<i>replacement planting associated with Section 1 Converter Station Area will take place throughout the operational lifetime of the Proposed Development</i>" (paragraph 1.7.1.3). The OLBS goes on to state at paragraph 1.7.1.8 that "<i>a woodland management plan will be produced for existing woodland, individual and hedgerow trees within the revised Order limits...</i>"</p> <p>Therefore appropriate replacement planting within the existing woodlands, hedgerows and for individual trees is secured through the dDCO.</p>
LV2.9.1	Applicant	<p>The new viewpoint photography provided by the Applicant at Deadline 6 ([REP6- 055] to [REP6-057]) is welcome. It is noted that new VP 1b and new VP 2 closely replicate VP 15 and VP 1 in terms of compass direction, but in both cases are from lower elevations.</p> <p>Please could the corresponding elevations (AOD) for the new viewpoint locations be provided so that they can be accurately compared with the elevations provided for VP 15 and VP 1.</p>	<p>The photography for the two viewpoints requested by the SDNPA (Prew's Hanger and Days Lane) is welcomed and there are two additional angles of views for the Day Lane access point which is helpful.</p> <p>However, as noted by the Examining Authority the corresponding wire outline images and assessment of effects are not provided to assist a judgement being made on the impacts. The SDNP would welcome this additional information.</p>	<p>The Applicant notes this comment.</p> <p>As requested by the Examining Authority at ExQ2 LV2.9.1, the Applicant has provided visualisations of the Proposed Development on the baseline photographs from new viewpoint 1b (Figures 15.59A, B and C) and new viewpoint 2 (Figures 15.60 A, B and C) (Additional Viewpoint Location Plan and Additional Viewpoints Part A - Figures 15.57 to 15.59 - REP7-062 and Additional Viewpoint Location Plan and</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
		<p>Please could the Applicant provide visualisations of the Proposed Development on the baseline photographs from new VP 1b and new VP 2, together with an assessment of effects, including any breaking of the skyline by the Converter Station building and structures.</p> <p>Could confirmation be provided that all three magnifications of new VP 2 are at a bearing of 211 degrees, noting that the higher magnification photographs (15.60B and 15.60C) are not centred on the broader, panoramic shot (15.60A).</p>		<p>Additional Viewpoints Part B-Figures 15.60 – 15.61 A, B and C - REP7-063).</p> <p>The visualisations are accompanied by an assessment of effects experienced by recreational receptors from these locations which are summarised in the Applicant's Response to the Examining Authority's Further Written Questions (ExQ2) (REP7-038) and in section 12.4 of the Environmental Statement Addendum (REP7-067).</p>
<p><b>TT2.16.8</b></p>	<p>Applicant Hampshire County Council</p>	<p>It is proposed to use four passing bays in Day Lane to allow construction-related HGVs to pass non-project traffic and non-related HGVs, and images have been provided showing the locations in the Day Lane Technical Note [REP6-073]. These passing bays appear to be beyond the Order limits and the document does not describe how the bays would be secured or surfaced. Would this be this through a s278 agreement?</p> <p>What evidence exists that all the land for the passing bays is within the public highway?</p> <p>What baseline evidence is there regarding the use, availability and environmental effects arising from the use of these parcels of land for passing bays?</p> <p>What surfacing would be used and how would this impact trees, hedgerows and wildlife?</p>	<p>The SDNPA acknowledges that there are highways safety considerations influencing the provision of four passing bays on Day Lane. SDNPA defers to the Local Highway Authority, Hampshire County Council, on these highways' safety matters.</p> <p>The SDNPA restricts itself here to commenting that these passing bays will partially erode the rural and attractive character of Day Lane.</p> <p>The SDNPA also seeks confirmation from the applicant whether or not proposed passing bays a) and d) are located within the public highway.</p> <p>Our boundary mapping shows the National Park boundary running along the edge of the public highway. It appears from Figure 2 of the applicant's Day Lane Technical Note (examination library reference REP6-073) that the passing bays may be located within the existing highway boundary (and thus outside of the South Downs National Park) but we would appreciate the applicant's confirmation on this point</p>	<p>The proposed passing bays on Day Lane are all located within the Hampshire County Council highway boundary and represent very minor widening of the existing carriageway width by 0.5m only. The Applicant therefore disagrees that their provision will erode the existing nature of Day Lane.</p>



**Table 1.10 – Applicant’s Comments to Second Written Questions - Freeths on behalf of the University of Portsmouth**

Reference	Respondent(s)	Question	Response	Applicant’s Comments
SE2.15.4	Applicant Portsmouth City Council University of Portsmouth	Would playing fields and sports pitches outside but adjacent to the Order limits (for example, at Bransbury Park and the University of Portsmouth) will be able to operate at full capacity when construction works are underway nearby?	<p>This Statement provides a detailed response to the questions posed above.</p> <p>We have excluded the University pitches on the western side of Furze Lane from this response as they are not within the terms of the Examining Authority’s question being further than “outside but adjacent to the Order limits”. If the Examining Authority requires an additional comment on this area, we can provide it separately upon request.</p> <p>AQUIND (“the Applicant”) submitted revised layout drawings (dated 16th October 2020) which we understand to be the most up-to-date works plans. As can be seen on sheets 9 and 10 of those revised drawings, there is land owned and operated by the University on the Langstone Campus which falls outside the purple shaded area identified as “Limits of Deviation for Work No. 4”. This land accommodates 3 sports pitches which due to their current alignment extend part into and part outside the area of the Order Limits.</p> <p>As has been demonstrated in the Application (see the Environmental Statement (“ES”) Addendum – Appendix 13 – Framework Management Plan for Recreational Impacts) “trenching, working areas could be positioned anywhere within the Order Limits” (see paragraph 4.2.3.5). Plate 4 in the same document shows that all 3 sports pitches would be significantly within the Order Limits with a realignment proposal identified in Plate 5.</p> <p>It is noted that paragraph 4.2.3.7 of the ES Addendum – Appendix 13 states that “if the cable route were to be along the eastern edge of the Order Limits, direct impacts on the football pitch and southern rugby pitch could be avoided completely”. However, as is noted above, the Applicant also considers that trenching could happen anywhere within the Order Limits, therefore the statement of direct impacts being completely avoided is unlikely to occur and the worst case scenario must be adopted.</p> <p>The Applicant in paragraph 4.2.3.7 of the ES Addendum – Appendix 13 also suggests that the southern rugby pitch could be moved to the west, avoiding the “Indicative HVDC Cable route” – although still remaining within the</p>	<p>Following discussion with the University of Portsmouth, the Applicant is no longer proposing to realign pitches and the Framework Management Plan for Recreational Impacts has been updated and submitted in advance of Deadline 7c (AS-062).</p> <p>The impact on pitches is therefore based on minimising the period of construction. This is anticipated to be for 4 weeks in April/ May, followed by a period of up to 8 weeks reinstatement in June/ July (although it is feasible to reduce this to 2-3 weeks). At the time of pitch surveys, it was noted that pitches had not been used for the last couple of years, but if they were to be brought back into use, construction works would affect the end of the University playing season. If, by moving two of the pitches as proposed, impacts on use would be avoided.</p> <p>It is also acknowledged that there is a potential impact for up to 8 weeks, if the pitches are used by summer schools.</p> <p>As this period comprises reinstatement, there is no indirect impact from disturbance to spectators or other users.</p> <p>In response to the noise and vibration queries raised, recreational grounds including sports pitches are considered to be of low sensitivity to noise, as explained in paragraph 24.4.7.4 of Chapter 24 of the ES (APP-139). To clarify, this sensitivity applies when sports pitches are in use, and such receptors would not be considered as sensitive receptors when the sports pitches are not in use (e.g. at night).</p> <p>An assessment of the sports pitches at Langstone Campus was not included in Chapter 24 of the ES or Chapter 17 of the ES Addendum (REP1-139) because at the time of the submission of these documents, the Furze Lane cable route option was considered the worst case with respect to noise and vibration,</p>

		<p>Would noise, vibration and general disturbance disrupt users and the ability to use these areas fully?</p> <p>If so, are such effects evidenced in the ES?</p>	<p>Order Limits. Whilst on the face of it this may appear a solution to allow at least one of the pitches to be used during the construction period, it is not clear whether there will still be trenching impacts on the pitch even after being moved. In addition, from a practical use perspective, the BUCS (British Universities &amp; Colleges Sport) Rugby Union Regulation RUU 13.1 requires an area extending to a “minimum...distance of three metres to prevent spectator encroachment” to be roped off. Plate 5 shows the realigned pitch to be hard up against the access road that runs to the east of the main Campus buildings. As such, the 3 metre roped off area will be highly unlikely to be achieved, and this would leave the pitch very unlikely to be able to be used for official BUCS competitive matches.</p> <p>Our submissions on behalf of the University to date have demonstrated that the worst case scenario would be that for the full stated 16 weeks of construction (as a minimum) all 3 of these pitches will not be able to be used. As such, there is no ability for the University to operate these pitches at even partial capacity during construction works.</p> <p>As the pitches are unable to be used in any form during the entire construction period, the impact of noise, vibration and general disturbance on the users of this area cannot then be considered and assessed.</p> <p>The Applicant considers that mitigation is available on this land through pitch realignment to allow some of the pitches to be used (see the ES Framework Management Plan for Recreational Impacts and Plate 5). Through reviewing the ES it is noted in Chapter 24 (Noise and Vibration) that the Applicant considers sports pitches to be of “low sensitivity” but this depends on the time of the impacts occurring, in addition, the Applicant considers them not to be “sensitive to vibration” (Paragraph 24.4.7.4 of Chapter 24).</p> <p>There is no subsequent assessment of the impact of construction noise, vibration and general disturbance that we can see in the wider ES on the sports pitches. The only assessment of the Langstone Campus appears to be on the student halls of residence, rather than the sports pitches.</p>	<p>because it would involve noisier road breaking and resurfacing activities and had a greater number of nearby sensitive receptors. The ES Addendum (paragraph 17.3.2.31) concluded that no significant noise effects will result from the eastern cable route option through the playing fields, which will not involve any road breaking or resurfacing activities and with fewer high sensitivity receptors nearby.</p> <p>To provide some additional context to the noise effects expected at the Langstone Campus sports pitches, greater than negligible noise level magnitudes would be anticipated within an area up to 22m from the cable route; beyond 22m from the route the noise level magnitudes are expected to be negligible. Large adverse noise level magnitudes would be expected for any sports pitches within 7m of the cable route and based on the anticipated duration of works (assumed installation rate of 30m per day (REP1-151)), and low receptor sensitivity, this would result in, at worst, minor adverse effects (not significant).</p> <p>With respect to vibration, no significant vibration sources are expected from cable and duct installation within the playing fields due to the absence of road breaking or resurfacing activities. Furthermore, users of sports pitches are not considered sensitive to vibration because the users are themselves transient and are unlikely to therefore perceive any notable vibration, if it were to be generated.</p> <p>Overall it can be robustly concluded that there will be not significant noise or vibration effects on user of the Langstone campus sports pitches from cable and duct installation works.</p>
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We would welcome clarification and confirmation of this from the Applicant.

**Table 1.11 – Applicant’s Comments to Second Written Questions – Winchester City Council**

Reference	Respondent(s)	Question	Response	Applicant’s Comments
CH2.4.2	Winchester City Council Hampshire County Council	<p>Please could the Applicant expand on the answer to question ExQ1 CH1.4.6 (in [REP1-091]), and particularly the part of its response that suggests, ‘In the unlikely event that they are identified, there may be a requirement, where practicable, for their preservation in situ...’.</p> <p>Could the Applicant explain how preservation in situ might be achieved given the cut and fill required to achieve the required formation level for the Converter Station. Could this result in a necessary change in design, elevation or location outside the parameters set in the relevant parameter plans and dDCO?</p> <p>If so, how would this be achieved?</p> <p>Do the relevant local authorities’ archaeologists have confidence that any important archaeological remains found at the Converter Station site would be suitably protected through the Onshore Outline CEMP [REP6-036]?</p>	<p>Based on the evidence presented in the ES as to the sites archaeological potential, as far as it is reasonably possible to ascertain it is considered unlikely that the preservation of any significant heritage asset found, would be required. This premise formed the basis of the formal advise, within which it was confirmed that impacts to buried heritage assets could be appropriately mitigated in line with the measures set out in the CEMP (5.8).</p> <p>It might be beneficial if requirement 14 made a more explicit reference to the need for a methodology to deal with an eventuality if it arose. There is only a fleeting reference at present.</p> <p>Although not part of this specific question, the Council feel it appropriate to draw the ExAs attention to the fact that the potential obliteration of any heritage asset could also occur if the applicant adopted the soil removal or inversion technique for the creation of the chalk grassland at Lovedean. In that instance, the need to establish that type of habitat is not considered so critical to justify the harm that might result and the Council considers that the land should be left undisturbed with any archaeological features it may hold in situ.</p>	<p>The Applicant largely agrees with Winchester City Council (save where set out below). A detailed response to this question is provided in the Applicant’s Response to ExA further questions CH 2.4.2 (REP7-038).</p> <p>In the highly unlikely event that remains are uncovered which require preservation in situ, design changes could be considered but only where this is feasible or warranted and where it would accord with the consented design parameters (OOCEMP, paragraph 5.8.1.8 (REP6-036, Rev006)). For example, it may be possible to modify proposed formation levels or adopt other means of avoidance.</p> <p>Paragraph 5.8.1.8 of the OOCEMP has been modified to clarify that such changes could be considered but only where this would accord with the consented design parameters (REP7-032). This approach is secured as part of Requirement 14 of the dDCO (REP7-013).</p> <p>Chapter 21 of the ES (APP-136), Heritage and Archaeology assumes that topsoil would be removed within land within the Order limits as part of preliminary works and preparation of the Onshore Cable Corridor ‘working width’, where it crosses greenfield land but also for the purposes of Ecological mitigation works (other relevant potential impacts 21.6.2.42). Whilst prior topsoil stripping is likely to form the main impact to potential archaeological remains, where deeper impact is proposed the magnitude of change remains unchanged (large) as potential remains are likely to be present directly below the topsoil, rather than depths greater than 1.0m, based on the rural environment of Sections 1-3 of the Order limits.</p> <p>Any potential impact deriving from the creation of chalk grassland would be mitigated through the strategy as agreed in the ES and the OOCEMP (REP7-032). This entails Greenfield area trial trench evaluation and subsequent mitigation. Mitigation could take the form of targeted archaeological excavation (preservation by</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
DCO2.5.1	<p>Applicant All Local Authorities Representatives of Mr Geoffrey Carpenter and Mr Peter Carpenter</p>	<p>In relation to the proposed commercial use of the surplus capacity of the fibre optic cable, the Examining Authority notes that there are a number of opinions as to whether any associated works can be authorised by any DCO, and also which works would constitute the development and which would be Associated Development.</p> <p>The Applicant, the local planning authorities, and Mr Geoffrey and Mr Peter Carpenter are requested to comment on the following interpretation.</p> <p>For any project that was not the subject of a s35 direction, the development requiring consent would be listed in s14 of the Planning Act 2008 (PA2008) and described in one or more of the relevant subsequent sections (for example, s16 for an electric line), together with any Associated Development that falls within the definition set out in s115(2) of PA2008.</p> <p>This project does not fall within one of the s14 categories, but instead it is to be treated as a Nationally Significant Infrastructure Project by virtue of the Secretary of State's s35 Direction. Therefore, in this case, it is the s35 Direction that defines the Nationally Significant Infrastructure Project, the development requiring consent.</p> <p>Looking at the Direction, the wording is that <i>'THE SECRETARY OF STATE DIRECTS that the proposed Development, together with any development associated with it, is to be treated as development for which development consent is required.'</i> (Our emphasis.)</p> <p>The 'proposed development' is defined as 'the proposed UK elements of the AQUIND Interconnector ("the proposed</p>	<p>The Council has reviewed the document submitted to the SoS and the Section 35 Directive that was issued. For the reasons set out below, the Council considers that the ExA would be applying too liberally an interpretation of the legislation and to the intentions and actions of the Secretary of State if they considered the FOC as part of the principal development being considered under this application.</p> <p>Regarding the legislative background, Section 115 of the Planning Act provides that, in addition to the development for which development consent is required under Part 3 of the Act ("the principal development"), consent may also be granted for associated development. Associated development is defined in the Planning Act 2008 as development which is associated with the principal development. Sub-sections (2) to (4) of 115 of the Act set out other requirements relating to associated development. The definition of development set out in the Secretary of State direction may include associated development as defined within the Act. The definition of development under s35 of the Act is or forms part of a proposed project. The very fact that such definition includes all the development does not determine whether or not the works/ operation included within the development definition is primary or (forms part of) associated development. To state that the definition of development includes all primary development overlooks that some development may form a part of, such as the fibre optic cable, do otherwise may provide an interpretation which over-rides the statutory definition and legislator's intent.</p> <p>Additionally, the guidance note attached describes associated development as subordinate to the main development (substation) with a direct correlation. Indeed the guidance states below:</p> <p><i>"It is expected that associated development will, in most cases, be typical of development brought forward alongside the relevant type of principal development or of</i></p>	<p>record), well in advance of commencement of ground works and or archaeological watching brief carried out alongside the topsoil removal (21.8.1.5).</p> <p>Please refer to the Applicant's response to the ExA's further written questions submitted at Deadline 7 (REP7-038) and the Statement in relation to FOC Infrastructure (REP1-127).</p> <p>The Section 35 Direction specifically confirms the 'Proposed Development' for which development consent is required. There is therefore no question as to whether elements of the 'Proposed Development' are associated development, as it has already been confirmed they are development for which development consent <u>is required</u>.</p> <p>The Secretary of State had all relevant information before him when making the section 35 Direction including in relation to the proposed commercial use of the fibre optic cables in addition to those serving their necessary purpose for the monitoring of the electricity cables and communications between the Converter Station. It is not appropriate for the Council to speculate that the Secretary of State did not have a proper understanding of the FOC capacity.</p>

Reference	Respondent(s)	Question	Response	Applicant's Comments
		<p>Development”), as set out in the Direction request’.</p> <p>The Direction request is this document. Therefore, the project would appear to consist of the elements described in that document, including the offshore data cables (paragraph 3.5.2(A)), the onshore data cables (paragraph 3.5.1(D)) and the ‘construction of a converter station comprising a mix of buildings and outdoor electrical equipment’ (para 3.5.1(C)). The project description also states that ‘Signal enhancing, and management equipment may also be required along the land cable route in connection with the fibre optic cables’ (3.5.1(D)).</p> <p>Paragraph 3.12 refers to the use of ‘the spare fibre optic cable capacity for the provision of commercial telecommunications services’ as Associated Development. However, the s35 direction states that ‘any development associated with’ the Proposed Development is to be treated as development for which consent is required. Therefore, the Examining Authority is minded to consider that this use, although described as ‘Associated Development’, would actually be part of the proposed project, and not Associated Development for the purposes of s115 of PA2008.</p> <p>The Examining Authority also notes the effect of s157(2) of PA 2008, which means that consent is taken to ‘authorise the use of the building for the purpose for which it is designed’ where no purpose is specified.</p>	<p><i>a kind that is usually necessary to support a particular type of project, for example (where consistent with the core principles above), a grid connection for a commercial power station.”</i></p> <p>Consequently, it follows that the spare fibre optic cable for which commercial telecommunications are reliant forms part of the associated development and not primary.</p> <p>Turing to the second question of the intention of the SoS, the level of detail that was available for consideration lacked any indication of the capacity of the FOC and the percentage split between that dedicated to the Interconnector and that element to be used to form a commercial use. The Council believes that had the 80/20 split been known together with an understanding of capacity then the SoS would not have considered the FOC to be part of the proposal in any form.</p>	
<b>HAB2.8.3</b>	Natural England South Downs National Park Authority Winchester City Council	Are the proposed woodland management measures to deal with ash die-back in the two ancient woodland copses known as Stoneacre Copse and Mill Copse, as set out in the Applicant’s updated Outline Biodiversity and Landscape Strategy submitted at Deadline 6 [REP6-038]: a) appropriate and proportionate;	The Council has reviewed the updated OLBS and the ash die back submissions (AS052 to AS-054). In response to the three specific questions the Council will respond as follows: (a) Having reviewed the submitted information, the Council accepts the assessment and proposed actions as detailed in response to the emerging impacts arising from	The Applicant response is summarised under the following points: a) The Applicant has not included the woodland belt south of Mill Copse within the Order limits and therefore the undertaking of the management and maintenance of this woodland belt is not secured by the DCO. The Applicant is at an advanced stage of negotiations with Winchester College and expects to

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		<p>b) capable of being implemented without harming the integrity of the ancient woodland habitats; and</p> <p>c) sufficient to meet visual mitigation requirements against the updated future baseline?</p>	<p>ash die back. This acceptance is conditional on the applicant being able to implement the full range of proposed actions. In that context, the Council is concerned that the proposed new woodland belt to be planted on the south side of Mill Copse lies outside the Order Limits. It is unclear how this can be secured if the DCO cannot refer to it.</p> <p>(b) The council notes the primary concern of the applicant relating to maintaining the landscape screen but does not see anything incompatible in achieving this goal whilst also maintaining and possibly enhancing the habitat value of the ancient woodland. The proposed actions could in the long term contribute to the management and enhance the habitat value of the woodland.</p> <p>c) Whilst noting the impacts arising from ash die back which are identified as most critical in year 10, the Council accepts the proposed action as sufficient to address any concerns, on the basis they are all achieved.</p>	<p>confirm agreement of an option for easement shortly which will secure the rights for the tree planting, maintenance and long term management. However, progress on this has not been as expected and therefore as this land is not included within the Order limits at this time this matter cannot be secured by the DCO, and the Application should be determined on the basis that the management of this woodland belt is not included.</p> <p>b) The Applicant agrees that whilst the primary concern is to address long term visual screening, there will be beneficial effects derived from improvements to landscape character and habitat value for both woodlands.</p> <p>c) The Applicant's assessment of significance of the visual change from ash dieback in ES Addendum 2 provides an update of the assessment, reviewing only the inclusion of Stoneacre Copse and Mill Copse (without the additional woodland to the south) as well as the implications of the assessment if ash dieback was not mitigated as now proposed. The assessment concludes that the two receptors which will suffer a more significant effect than that assessed in the ES are receptors utilising Monarch's Way at year 0 and year 10, and recreational users of the Public Right of Way DC19 / HC28 to the south of the converter station site, at year 10.</p>
<p><b>OW2.12.3</b></p>	<p>Environment Agency Portsmouth Water Winchester City Council</p>	<p>In response to our first written question OW1.12.11 in respect of whether the baseline data in the proximity of Kings Pond Meadow are adequate to ensure a robust assessment, the Applicant indicated that samples taken from exploratory holes at Soake Farm and Hilcrest were suitable proxies. Do you agree? If not, why not?</p>	<p>The Council will defer to those agencies and bodies who have a greater knowledge of groundwater movement. The one aspect that the Council does wish to highlight is the concern that the excavations of the trenches, installation of the conduit and the infilling of the trenches is undertaken in a controlled manner that does not create a route for surface water to follow which might then reduce the amount flowing into Kings Pond.</p>	<p>Portsmouth Water has confirmed in their response to OW2.12.3 that the baseline data in the proximity of Kings Pond Meadow is considered to be adequate to ensure a robust assessment and the samples taken from exploratory holes at Soake Farm and Hilcrest are considered to be suitable proxies.</p> <p>This has also been confirmed within the Statement of Common Ground between Portsmouth Water and the Applicant submitted at Deadline 7 (REP7-057).</p> <p>The Applicant can confirm that the excavations of the trenches, installation of the cable ducts and the backfilling of trenches will be undertaken in a controlled manner by following all measures as detailed in Section</p>

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				6.2.5of the OOCEMP (REP7-032). The cable trench will be reinstated to the initial ground level, which should avoid any preferential surface flow pathways being created.
PP2.13.1	Applicant Local authorities	<p>In December 2020, a number of policy documents and Court decisions that might be considered relevant to this DCO application came into the public forum. These included the:</p> <p>i) Energy White Paper  <a href="https://www.gov.uk/government/publications/energy-white-paperpowering-our-net-zero-future">https://www.gov.uk/government/publications/energy-white-paperpowering-our-net-zero-future</a></p> <p>ii) Impact of Interconnectors on Decarbonisation  <a href="https://www.gov.uk/government/publications/impact-ofinterconnectors-on-decarbonisation">https://www.gov.uk/government/publications/impact-ofinterconnectors-on-decarbonisation</a></p> <p>iii) Supreme Court judgment on the Airport National Policy Statements and Heathrow Airport Expansion  <a href="https://www.supremecourt.uk/cases/docs/uk-sc-2020-0042-judgment.pdf">https://www.supremecourt.uk/cases/docs/uk-sc-2020-0042-judgment.pdf</a></p> <p>iv) Defra policy paper, Changes to the Habitats Regulations 2017  <a href="https://www.gov.uk/government/publications/changes-to-thehabitats-regulations-2017/changes-to-the-habitats-regulations2017">https://www.gov.uk/government/publications/changes-to-thehabitats-regulations-2017/changes-to-the-habitats-regulations2017</a></p> <p>In relation to each of these, and any other relevant, recently published policy or cases, please explain the relevance and significance for the current Proposed Development and what influence, if any, arises that the Examining Authority and Secretary of State should be aware of and take into consideration.</p>	<p>Of the four papers the Habitats Regulations 2017 relates to a section of the scheme outside the Winchester City Council area. Accordingly, the Council does not intend to comment on that document.</p> <p>Before commenting on the 3 individual papers it would be appropriate to reflect on what weight they might carry in any assessment of the proposal. The Energy White paper is signposting the likely direction of future government legislation. The interconnector decarbonisation document is a report commissioned by BEIS. The Supreme court judgement is a clear interpretation of how legislation/policy should be interpreted. As the final court of appeal its judgements are definitive.</p> <p>The White paper covers a wide area but does acknowledge the potential benefits of further interconnectors in terms of the contribution they can make to a balanced and smart energy supply as we move to a greater proportion from renewable sources. Support toward the zero net carbon target and contributing toward a more competitive energy market which would mean low process for consumers are also highlighted as benefits. The paper also seeks to promote greater private sector investment.</p> <p>The Decarbonisation report appears to have provided some of the background to the Energy White paper in terms of the positive benefits of additional interconnection.</p> <p>Regarding the supreme court judgement, this related to a question over the status of a National Policy Statement and the fact it does not reflect the changes to Net Zero carbon targets or the Paris Accords that have been signed since the document was adopted. The Supreme</p>	<p>Please refer to the Applicant's response to the ExA's further written questions (REP7-038) and the Applicant's comments on Hampshire County Council's response to further written question PP2.13.1 above,</p> <p>The Applicant broadly agrees with the comments in relation to the Energy White Paper and the Aurora Report on the impact of Interconnectors on Decarbonisation. However, as set out in the Second Needs and Benefits Addendum (REP7-064), these publications highlight the benefits of AQUIND Interconnector on a national level and should be afforded substantial weight in the planning balance.</p> <p>The Supreme Court the decision of the Court of Appeal in relation to the Airport NPS is not considered relevant.</p>

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			<p>court ruled the airports NSP is lawful. The inclusion in the decision making process of other government objectives would come into play at the decision making stage. Of relevance to this application is the reflect the judgement gives to the status of NPS EN1.</p>	



