



AQUIND Limited

AQUIND INTERCONNECTOR

Applicant's Response to Deadline 7 and 7a Submissions

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1. INTRODUCTION

- 1.1.1.1. The following tables set out the Applicant's responses to other parties' submissions to the Examining Authority (ExA) made at Deadline 7 and 7a.
- 1.1.1.2. A response has not been provided for each individual submission or topic raised. The responses have focused on issues thought to be of most assistance to the ExA.
- 1.1.1.3. The Applicant also does not seek to respond to all the points made where the Applicant's response is already contained within other submissions made since the Application was accepted, save where it is thought helpful to repeat or cross refer to the information contained in the previous documentation.
- 1.1.1.4. Appendix A and B to this document set out the Applicant's response to the submissions made on behalf of Winchester City Council, (REP7-096) and Mr Geoffrey Carpenter and Mr Peter Carpenter (REP7-115 to REP7-120) (respectively).
- 1.1.1.5. Appendix C is a copy of the presentation given to local residents on 15 January 2020 on the AQUIND Interconnector Project in relation to the response from Kevin Flynn (REP7-123).
- 1.1.1.6. Appendix D contains an email with the information provided to Mr Langley in relation to the health and safety risks and use of bentonite drilling fluid, to aid the response provided to Kirsten McFarlane (REP7a-007).

2. SUBMISSIONS TO DEADLINE 7

Table 2.1 - APLEAL – Community Action Group

Ref:	Question:	Applicant's Comments
1	<p>General</p> <p>The IFA2 project which comes ashore at Lee-on-Solent and has just been commissioned has provided 23 acres of common land for community recreation. Whereas, in the whole of this project I find that there is no community amenity provided whatsoever. Neither a footpath, cycle path, nature area or common access land. In the course of the work by AQUIND to be done there is clearly the opportunity to provide some community benefit. Will the Examining Authority please explain why it is not taking AQUIND to task and forcing them to search out opportunities to provide some community benefits as these must surely be possible?</p>	<p>The impacts of the Proposed Development on communities, including community facilities, have been carefully taken into account and the findings are assessed in Chapter 25 (Socio-economics, APP-140) of the Environmental Statement (APP-140). The mitigation measures proposed have been carefully considered and the provision of additional footpaths, cycle paths, nature areas or common access land is not necessary to mitigate the impacts of the Proposed Development and therefore is not proposed.</p> <p>Each application is subject to its own specific facts and circumstances and determined on its own merits. It is relevant in this regard that the Converter Station for IFA2 was to be located on part of a public open space allocation, safeguarded from other development by local plan policy. It was acknowledged by the applicant for the IFA2 proposals that compensatory provision of public open space was necessary to address the conflict with the requirements of the development plan and the provision of a large public open space was proposed to address this conflict.</p> <p>A copy of the Officer's Report explaining the considerations in relation to open space in relation to the IFA2 proposals, beginning on page 26, can be located at the following link: https://modern.gov.fareham.gov.uk/documents/g3381/Public%20reports%20pack%2023rd-Jan-2017%2010.00%20Planning%20Committee.pdf?T=10</p>
2	<p>Landscaping</p> <p>In our submission for Deadline 6 we asked that a measurable performance parameter be provided for the landscaping work. To support this the Day Lane Solar Farm was given as an example where the landscaping totally failed to meet the purpose for which it is intended. The AQUIND proposal states an intention, unless this intention has something that is measurable it is totally worthless. The response from AQUIND did not offer any measurable assurance that it would do the job. In addition, the question of the long term management of the landscaping was also not addressed - that is who will be responsible for the long term upkeep task?</p>	<p>The Applicant Responses to Deadline 6 and 6a Submissions – Additional Submissions (REP7-076) explains that in terms of “a measurable performance parameter” for the landscaping works, this will form part of the detailed landscaping scheme which will be submitted for approval by Winchester City Council before works commence. The updated OLBS (REP7-023) paragraph 1.8.2.1 states that “This shall encompass the management, maintenance and monitoring plans to ensure the full and successful establishment and ongoing monitoring of existing, new and replacement planting throughout the operational lifetime of the Proposed Development.” Paragraphs 1.1.3.8 and 1.1.3.9 of the updated OLBS also state that management, maintenance and monitoring plans and prescriptions will be prepared alongside the detailed landscaping scheme with periodic reviews for each area of planting/habitat against specific targets /indicators.</p> <p>The undertaker has responsibility for complying with the requirements, and requirement 8(3) requires that all landscaping provided in connection with Works No.2 and the optical regeneration stations within Works No. 5 must be retained, managed and maintained during the operational period. Accordingly, the undertaker is responsible for the long term management</p>

Ref:	Question:	Applicant's Comments
		and maintenance of the landscaping proposals to be provided as part of the Proposed Development.
3	Traffic and Transport	
	<p>In our submission for Deadline 6 we raised our concerns about the safety of non-motorised users of Day Lane. Since then four passing places have been proposed in Day Lane. I have spoke with Hampshire CC Highways who inform me that these are necessary to ensure safe passing places for HGVs and cars. When I asked HCC Highways on their view about the safety of pedestrians, cyclists and horse riders in Day Lane the reply was the regulations did not require that provision be made for their safety. AQUIND have the opportunity to provide safe passage for these users by accessing the perimeter area of the Day Lane Solar Farm, this would involve very little cost. Especially considering that their plans include a slip road for large loads, which will cut across the perimeter land.</p> <p>It would seem beyond the wit of any man that we see an issue regarding the safe passing of HVGs and cars, but have no issue with the safe passing of HGVs, cars and non-motorised users. If neither HCC Highways or AQUIND provide a rational case it is beholding that the Examining Authority to press the matter and /or explain themselves the reasoning?</p>	<p>As is set out in the Day Lane Technical Note (REP6-073), it is proposed that traffic marshals are located at three locations on Day Lane during periods when movement of construction vehicles are taking place. The proposed traffic marshals will inform one another, and drivers of construction vehicles, of non-motorised users travelling on Day Lane to minimise the potential for conflicts between road users. The proposed implementation of four passing places on Day Lane will also ensure conflicts between all road users are managed. The proposed locations of passing places and traffic marshals on Day Lane is set out in Figure 2 of the Day Lane Technical Note (REP6-073).</p> <p>The Applicant also refers to the response set out in the Hampshire County Council Deadline 7 submission (REP7-085) which expresses agreement that “the potential impact on vulnerable road users would be suitably managed” on Day Lane by the proposed passing places and use of traffic marshals / banksmen.</p>

Table 2.2 - East Hampshire District Council

Ref:	Question:	Applicant's Comments
2.1	<p>Proposed mitigation planting would take several years to take meaningful effect and increases the burden of management. Given the timetable for development works, any remaining ash trees would likely provide minimal screening benefit and the development Converter building would likely have reduced screening effect for much of its 40 year life. The final planting schedule including species and sizes would be agreed with the relevant LPA and the South Downs National Park Authority.</p>	<p>Whilst the Applicant agrees that the screening effect for some receptors would diminish as a result of ash die back for a period of time, as reflected 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), this would not be for the duration of the Converter Station's operational lifetime.</p> <p>Due to ash dieback, effects on recreational users of the Public Right of Way DC19 / HC28 to the south of the converter station site would alter from Minor to Moderate in the 2019 ES, to Moderate at year 10, but by year 20 would remain at the level predicted in the 2019 ES of Minor to negligible (not significant). This would result from the combination of existing and mitigation planting providing screening, including planting to the south of Stoneacre Copse and hedgerow tree planting edging the southern side of the Access Road.</p> <p>In addition, and as referred to in the updated OLBS (REP7-023) the management objective for Stoneacre Copse would be to address long- term visual screening. Whilst proposals for Stoneacre Copse include selective felling, replacement planting will take place with some standing deadwood remaining. Some areas will be allowed to regenerate naturally to increase the density of the understorey and encourage further ground flora to establish. The Applicant notes that beneficial effects will be derived from improvements in woodland management for both landscape character and biodiversity.</p>

Ref:	Question:	Applicant's Comments
2.6	<p>The Applicant still has not demonstrated the need for Article 9 within the proposed draft DCO. No clarification has been provided and the Applicant has simply advised that this is a common condition. Whilst EHDC/HBC accepts it may have been used elsewhere, we do not consider that this is a site-specific justification, as there are also DCOs commonly without this provision. EHDC/HBC does not consider that it is appropriate to seek exemption from primary legislation (Environmental Protection Act 1990 – Part III – Statutory Nuisance) without site-specific justification. It is considered Section 80 of this legislation provides adequate defences in terms of approvals under the Control of Pollution Act 1974 (COPA) (Section 80 (9)(a)) and in the demonstration of Best Practical Means (BPM) (Section 80 (7)).</p>	<p>Please refer to the Applicant's answer to question N2.11.1 in the Response to the Examining Authority's Further Written Questions (REP7-038). This response confirms the Applicant's position as to why the relevant paragraphs of Article 9 are appropriate, the precedent set by many made DCOs for these, and the Applicant's position in relation to the Agent of Change Principle and why this does not assist.</p> <p>In summary, statutory claims and proceedings could cause significant delays to the Proposed Development or materially hinder its operation, wholly unnecessarily taking into account the agreed acceptability of the operational noise impacts.</p> <p>The Applicant requires certainty that it will be able to operate the Proposed Development without fear of proceedings or needing to take additional measures to address complaints in the future based on the settled position with regard to the acceptable noise levels during its operation at the time consent is granted. It is therefore necessary for the relevant paragraphs of Article 9 to be included in the DCO so as to protect the continued operation of nationally significant energy infrastructure from statutory noise complaints in relation to noise levels which are determined to be acceptable only.</p>
2.7	<p>Reference was made to the statutory nuisance statement within the EIA assessment, relating to noise and vibration, that concludes "no nuisance is likely to occur" (PINS Reference EN020022) and it was questioned if this document was therefore correct. It is understood that the Applicant has stated that the lack of Article 9 would prejudice their position from an "Agent of Change" perspective. It is unclear what the Agent of Change argument is that is relevant here (detail was not provided to this reasoning).</p>	<p>The Statutory Nuisance Statement (APP-107) has concluded that noise from both the operation and construction of the proposed development are highly unlikely to give rise to conditions that would be considered a statutory nuisance. With respect to construction, the commitment to ensure Best Practicable Means is followed will ensure noise from construction activities will be reduced as much as practicably possible and hence activities should be considered reasonable. With respect to operation, the noise criteria secured through requirement 20 of schedule 2 of the draft DCO are highly conservative, conferring a high degree of protection to noise sensitive receptors, and therefore will avoid nuisance conditions arising.</p> <p>Whilst the likelihood of statutory nuisance conditions arising remains highly unlikely, the Applicant's position is that Article 9 (Defence to proceedings in respect of statutory nuisance) is justified because statutory claims and proceedings, if brought, could cause significant delays to the construction of the project or materially hinder the continued operation of nationally significant infrastructure. Complaints may be made whether or not a statutory nuisance exists. Where a complaint is made it would, save for where Article 9 is included in the form proposed, be necessary for that complaint to be considered in accordance with section 82(1) of the Environmental Protection Act 1990. Given the acceptable levels of operational noise are settled and secured, the inclusion of Article 9 in the form proposed avoids the need for such complaints to be considered.</p> <p>The Applicant disagrees that the 'Agent of Change' principle provides any comfort, as set out in the response to the Examining Authority's further written question ref: N2.11.1 submitted at Deadline 7 (REP7-038). Article 9 is necessary to ensure complaints cannot be brought and therefore do not need to be considered in relation to acceptable operational noise levels.</p>
2.9	<p>However, EHDC/HBC still have concerns with Article 9 referencing the operating (use) period. The inclusion of the term "cannot be reasonably be avoided" is not favoured</p>	<p>As set out in Applicant's response to the Examining Authority's further written question ref: N2.11.1 submitted at Deadline 7 (REP7-038), the phrase "cannot reasonably be avoided" appears in a number of recently made DCOs including:</p>

Ref:	Question:	Applicant's Comments
	<p>because it is considered to water down the test of BPM that would otherwise be in place.</p>	<ul style="list-style-type: none"> • Southampton to London Pipeline DCO – Article 41(1)(b) • Norfolk Vanguard DCO – Article 8(1)(b) • Hornsea Project Three Offshore Wind Farm DCO- Article 7(1)(a)(b) • West Burton C DCO - Article 8(1)(b) <p>The phrase “cannot reasonably be avoided” provides for a fact and circumstance specific test of reasonableness. What is reasonable, and what can be reasonably avoided, will be determined by considering what is reasonable in the circumstances. Reasonableness, and the matters which should properly be taken into account to determine reasonableness, is a well understood legal concept and one which may if necessary be considered by the Courts. As shown by the inclusion of such wording in other recently made DCOs, the inclusion of a test of reasonableness is the appropriate test to be applied.</p>
<p>2.10</p>	<p>The applicant has now proposed a defence based upon following the Noise Management Plan (NMP) as referenced with “condition 20” of the draft DCO (clarification was subsequently sought by Inspector that this should have been referenced as Requirement 20 - Control of noise during the operational period). Although the inclusion of a NMP is welcomed, EHDC/HBC have concerns that it is unreasonable over the 40-year life of such an operation to seek an exemption from statutory nuisance solely based on a NMP before all equipment and operational realities have been established. If there is the opportunity to require the NMP to be reviewed and revised at appropriate intervals that would be welcomed – for example at a 5-year interval, or if a new operator takes over or there are material changes to the installation plant /equipment. This would make it more palatable.</p>	<p>A significant amount of work has been undertaken by the Applicant to confirm that the operation of the Proposed Development will not give rise to statutory nuisance.</p> <p>The robust operational noise criteria, secured through Requirement 20 of schedule 2 of the draft DCO, must be achieved throughout the operational lifespan of the proposed development, regardless of the operator or specific plant or equipment on-site. This requirement to achieve the operational criteria throughout the operational lifespan provides assurance that the noise conditions required to be achieved during the operational lifespan of the Proposed Development are acceptable. The comments made by the authority would suggest they do not understand the effect of the Requirement, which is to ensure the specified noise levels cannot to be exceeded in the future. Those levels, which have been accepted by the authority as appropriate, are not a matter which will be subject to future review, as it would not be appropriate for them to be so given the uncertainty this would create for the operation of the Proposed Development.</p>
<p>2.12</p>	<p>This (Agent of Change paragraph of NPPF) should provide the applicant with reassurance, not concern, that any future development that could prejudice their operation would be assessed in planning terms in accordance with the Agent of Change principle. The Planning Authority would be required to ensure that any proposals for sensitive receptors closer to the Applicant's site would not therefore prejudice agreed operational parameters. The applicant is therefore seeking planning controls via this DCO to negate a concern that the NPPF already provides adequate controls and duties upon the planning authority to prevent.</p>	<p>The Applicant notes that these comments repeat verbatim the comments raised by WCC at Deadline 6 which were responded to directly by the Applicant at Deadline 7 (REP7-074).</p> <p>As previously stated, the Applicant does not agree that the ‘Agent of Change’ principle provides comfort that future planning applications would be assessed in planning terms in accordance with the Agent of Change principle, nor that this would in any way prevent a person seeking to bring proceedings in nuisance in relation to the operation of the Proposed Development within the noise thresholds determined to be acceptable.</p>
<p>2.13</p>	<p>The Agent of Change principle is not part of a defence to proceedings in statutory nuisance under the Environmental Protection Act 1990 (or in common law nuisance) and it maybe that it is this that Applicant is referring to.</p>	<p>This is correct. Article 9 only provides a defence “where proceedings are brought” and the ‘Agent of Change’ principle is not part of a defence to proceedings in statutory nuisance under the Environmental Protection Act 1990. The point made by the authority evidences why the ‘Agent of Change’ principle does not provide any comfort in relation to matters concerning statutory nuisance.</p>

Table 2.3 - Hampshire County Council

Ref:	Question:	Applicant's Comments
Other Consents and Licences		
	<p>An updated version has been submitted by the applicant at deadline 6. This does not include reference to S278 or the permit scheme. The Highway Authority draw this to attention as it is believed this should be included, even if secured through the s106 agreement.</p>	<p>The permit scheme is secured by the draft DCO so does not need to be referred to in a document outlining the consents and licences to be obtained in addition to those contained in the DCO.</p> <p>The Section 106 Agreement to be entered into will secure the entering into of Section 278 Agreements. As such they will be secured, and it is not considered it is necessary to reference those in the other consents and licences document. It is also not understood what merit the authority consider the point made raises. The consents and licences document is explanatory, it does not determine what is and is not needed, which is determined by relevant applicable laws and regulations.</p>
Access and Rights of Way Plan		
	<p>The access and rights of way plan has been updated. There is no change with regards the proposed accesses within the HCC area of the network that is evident on the plans.</p> <p>The proposed vehicular access at Day Lane/Broadway Lane have been set out in sufficient detail for the limits of access rights to be reduced at this point of the network. The Highway Authority can see no reason for why the extents here need to be so broad and they should be reduced as has been done elsewhere on the network where details have been progressed.</p> <p>The access and rights of way plan also shows the vehicular access at Anmore Road. Some additional information has been provided by the applicant in relation to the updated standard detail for temporary accesses and additional tracking details of movements to the access. Comments on the additional information provided are set out further below in reviewing the revised CTMP.</p>	<p>The Access and Rights of Way Plans show the indicative areas where accesses may be provided. Whilst the comments are noted, it is also noted that the Applicant has agreed to enter into minor works Section 278 Agreements in relation to all such accesses, which provides a further level of control such that the authority is able to ensure the accesses are acceptable from a highway safety perspective. It is therefore considered there is no need to revise the Access and Rights of Way Plans further.</p> <p>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).</p> <p>The additional information provided evidence of 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 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.</p>
Sustainable Travel Impacts and Mitigation		
	<p>The impact on sustainable modes of transport with regards walking and cycling impacts on the highway remain a matter that the Highway Authority considers has not been fully assessed by the applicant.</p>	<p>The impact of the proposals on pedestrians and cyclist amenity has been fully assessed in Chapter 22 of the Environmental Statement (APP-137) and Chapter 15 of the Environmental</p>

Ref:	Question:	Applicant's Comments
		<p>Statement Addendum (REP1-138), with further assessment information on the impacts on walking and cycling networks included in Section 1.13. of the Transport Assessment (APP-448).</p> <p>The overarching traffic management principles set out by the Applicant to mitigate identified impacts on pedestrians and cyclists are included within Section 2.10. of the Framework Traffic Management Strategy (REP6-030). As is set out in paragraph 2.10.1.1. of the Framework Traffic Management Strategy (REP6-030), <i>"in all cases the construction works will ensure that pedestrians and cyclists can pass in a safe manner, with suitable barriers between the construction works"</i>.</p>
Walking and Cycling		
	<p>It is understood that footway and cycleway closures will be limited to only when necessary in order to physically install the cables in the footway or if required for a safe Traffic Signs Manual Chapter 8 (referred to as Chapter 8) compliant traffic management (TM) arrangement.</p> <p>Where footways are closed, provision for pedestrians will be provided within the Chapter 8 layouts. These details shall be submitted for approval to the Highway Authority as part of the permit scheme requirements. It's understood that PCC have requested widths of 1.2 metres to be secured for pedestrians and 1.5 metres for cyclists within TM arrangements. Although these are wider than the minimum widths set out in chapter 8, given the traffic flow on the A3 and B2150, these requests are supported by HCC and where appropriate the standard TM arrangement details shown in the FTMS should be amended accordingly.</p> <p>Discussions between HCC and the applicant ahead of deadline 7 indicated that the applicant would be willing to add wording to the FTMS to reflect these additional desirable minimum widths. It is was also recognised that if this can't be achieved, HCC would accept chapter 8 compliant TM arrangements minimum widths of 1m for pedestrians and 1.2m for cyclists.</p> <p>The Highway Authority are not aware of any other specific measures proposed to aid with pedestrian and cyclists' access along the route and the severance the cable laying works has the potential to cause to these routes. The extent of the potential severance issues will not be fully understood until the details of the cable locations within the order limits are known.</p> <p>Beyond securing controls in the FTMS for the works to provide sufficient alternative pedestrian and cycle provision, there are limited opportunities to mitigate the impact this may cause to residents.</p> <p>One key area however that has not been addressed is how cyclists are being accommodated when bus lane closures are required. The applicants preferred approach to reduce the impact of traffic management along the A3 is to utilise the bus lanes for cable installation. The FTMS sets out how, 'where possible', bus delays as a result of the closure will be reduced. However, it fails to set out equivalent measures as to how cyclists using the bus lanes will be managed through the works.</p>	<p>The Applicant has amended the FTMS (REP6-030) to provide desirable minimum widths for the provision of temporary pedestrian and cycle routes adjacent to the construction corridor. The Applicant also notes HCC's acceptance of the minimum widths required by Traffic Signs Manual Chapter 8.</p> <p>The Applicant refutes HCC's comments that the extent of potential severance cannot be understood until the alignment of the Onshore Cable Route. A robust assessment of severance impacts has been undertaken and all traffic management will be designed in accordance with guidance set-out in Traffic Signs Manual Chapter 8 and will therefore provide the necessary mitigation of pedestrian and cycle facilities for the temporary period in which construction is taking place.</p> <p>Whilst the Applicant notes that the exact alignment of the Onshore Cable Route on A3 London Road has not yet be determined, the FTMS (REP6-030) has been produced to ensure that consideration is given during detailed design of traffic management strategies to how cyclists will merge with general traffic at traffic management locations and therefore ensuring necessary safe provision for cyclists.</p> <p>The Applicant has given further consideration to how cyclists can be safely catered for on the A3 London Road when merging with general traffic to pass by the roadworks. Given that neither Chapter 8 of the Traffic Signs Manual nor Safety at Street Works and Road Works A Code of Practice (DfT, 2013) provide guidance on such situations the Applicant has set out in the updated FTMS that consideration is required on a case-by-case basis of how this situation is managed, so it can be incorporated into detailed traffic management strategies and agreed with HCC. In all cases 'cycle lane ahead closed' advance signing will be provided to ensure that cyclists have ample opportunity to alter their road position before reaching the road works.</p> <p>The Applicant will share the revised FTMS with PCC / HCC prior to Deadline 8 to ensure these amendments are agreed for submission of the final document into the Examination at Deadline 8.</p>

Ref:	Question:	Applicant's Comments
	<p>Chapter 8 does not include a standard detail for this type of highway arrangement and therefore bespoke TM requirements will need to be provided. The FTMS should clearly set out the need for the TM contractors to provide bespoke TM arrangements that demonstrate that consideration has been given for how to manage cyclists through the road works along the A3 to ensure that they are safely able to re-join the carriageway or for example specifically provided with a temporary cycle lane to allow continuous movement along the A3. Depending on the extent of the set up and the duration of time it will be implemented along the route the Highway Authority may require that the design is subject to safety audit in order to ensure cycle needs have been properly considered and managed.</p>	
	<p><u>Buses</u></p>	
	<p>Discussions have been ongoing with the applicant regarding the potential for a bus mitigation package to ensure the services are not significantly adversely affected by the works. The Highway Authority have previously set out its concerns regarding the impact on bus journey times within its deadline 5 submission. These concerns remain unchanged. The Highway Authority have begun to explore whether a mechanism could be secured to provide appropriate mitigation should some of the more significant impacts emerge or matters be greater than forecast.</p> <p>The primary concern for the Highway Authority is the loss of patronage on the route due to delays caused by roadworks on the corridor over an extended period of time. Delays which make the service unreliable is likely to result in modal shift away from bus use. Aquind works will be carried out along key corridors in Hampshire which currently offer high performing commercial bus services (bus routes D1/D2 aside). It is vital that provision is made so that if the cumulative impact on bus services of the works carried out is significant, appropriate support is in place to mitigate this impact to enable these services to continue to grow and encourage modal shift.</p> <p>To achieve this, one suggestion is that a fund be put aside for bus operators. Bus operators should be able to utilise this fund to: a) provide additional vehicles to maintain existing frequencies; b) cover revenue shortfalls experienced if patronage drops as a direct impact of the works; c) put financial incentives in place to retain existing users; or d) any other measure deemed reasonable by the bus operators and the County Council.</p> <p>Without the measure of a fund being put in place, the long-term viability of the impacted bus services is at risk. This risk is unacceptable to the Highway Authority and conflicts with the County Council's priority on supporting sustainable public transport and combating climate change. Without such measures, the works could also undermine the Transforming Cities Fund (TCF) project which is focused on achieving modal shift. There is a risk that public perception of the bus network in the area could deteriorate due to the overall impact of the works thus discouraging the desired, and necessary, modal shift.</p> <p>It is also key to note that the services from Portsmouth and along the A3 serve as a key route to the Queen Alexandra (QA) Hospital, a major hospital serving Portsmouth</p>	<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 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. With specific regard to the comments made in relation to the Queen Alexandra Hospital, the Supplementary Transport Assessment (REP1-142) included an assessment of bus services 7 and 8 which route along the A3 London Road between Portsmouth and Waterlooville and in close proximity to the hospital. The assessments, which considered the entirety of each bus route, forecast that the No. 7 service will experience an increase in journey of three minutes or less while the No. 8 service will experience an increase in journey time of five minutes or less as result of traffic management required to construct the Onshore Cable Route. It is the Applicant's view therefore that these increases are not significant, particularly in consideration of the mitigation provided of such impacts through measures contained within the FTMS.</p>

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	<p>and the wider area. It is also a major employer within the area and, for the foreseeable future, a hub for the COVID-19 recovery programme. It is vital therefore that access by all modes to the QA is maintained to the highest standard possible.</p> <p>It is noted that within the ExA questions it has been asked for evidence of the views of the bus operators. A meeting has been held between the Highway Authorities (HCC and PCC) with the bus operators on the 21st January to discuss the application and information provided to date. The bus operators have provided the responses appended to this response in Appendix 1 and 2.</p>	
Joint Bay Technical Note		
	<p>A Joint Bay Technical Note has been provided by the applicant at deadline 6 which sets out the indicative joint bay locations along the route and standard details for the joint bays with regards size and depth. A meeting was also held on the 5th January 2021 with the applicant's engineering team and officers from the Highway Authority to discuss matters of engineering detail. Whilst a separate note has been provided by the applicant at deadline 6 on this matter, it is the HA's position that the joint bays, and the associated laydown areas, are matters that should be secured under the Framework CTMP. The proposed locations of the joint bays, as now understood, should be included within the CTMP through appending this Joint Bay Technical Note.</p> <p>The technical note has also set out the construction requirements based on a 0700 to 1700 hour working day, Monday to Friday and 08:00-13:00 on Saturdays. The notes indicate a 4-week period for construction of a single joint bay. The HA are concerned that these joint bay construction impacts on the highway have not been considered fully within the FTMS or the CEMP with regards the extents of full or partial closures, or presence of traffic lights on the corridor, and this should be addressed by the applicant.</p> <p>Within the area that falls within the Hampshire administrative area, there are a total of 16 joint bay locations identified. Joint bays 1 to 5 are to be fully constructed and built outside of highway land.</p> <p>Joint bay 6 is a double joint bay in the car park to the north of Southdown View. The overlay of the standard set up provided by the applicant doesn't take into regard the onsite hedgerow or the potential impact of the works the shared use path. The highway boundary also extends to the height barrier and therefore the joint bay will be laid within the highway here. The laydown areas are shown to also impact on the signal junction with Darnell Road and therefore the operational capabilities of the junction. Southdown View is also of a residential nature with a narrow access, however there are no assessments of the impact on residential accessibility, or impact of construction vehicles in this location, included within the FTMS. For example, will parking restrictions be required or can the required construction vehicles track the Sunnymead Drive/Southdown view junction?</p> <p>Joint bay 7 is proposed in the highway on Hambledon Road service road to the south of Milton Road roundabout. The double joint bay is fully within the highway and the</p>	<p>The Applicant does not consider it is appropriate to secure the location of Joint Bays via the Framework CTMP given that the Joint Bay Feasibility Report (RE7-073) provides indicative locations for Joint Bays only. The appropriate manner in which to secure the details of joint bay locations and their construction is through Requirements 6 and 25 of the dDCO, which secure their detailed design and the traffic management measures to be implemented in relation to their delivery. This has been clearly explained to HCC by the Applicant.</p> <p>Where Joint Bays are shown to be located within the highway the construction will be facilitated by the same traffic management as identified within the FTMS (REP6-030) for that location. Where they are located within side-roads, such as on Hambledon Road and Campbell Crescent, access to properties will be maintained using the same strategy secured within Appendix 1 of the FTMS with specific reference made to these within the updated document to be shared with HCC prior to Deadline 8. The joint bay construction impacts on the highway have been considered fully, with the parameters of the traffic management secured by the FTMS which need to be complied with in relation to their construction ensuring the impacts of construction will be managed in an acceptable manner.</p> <p>The Joint Bay Feasibility Report is a proving document, and it has evidenced the feasibility of the delivery of joint bays such that the Onshore Cable Route can be constructed within the parameters of controls to be secured.</p> <p>The detailed matters which HCC have raised are all matters which will be addressed as necessary as part of the detailed design exercise. It is noted that whilst HCC have raised specific points in relation to specific locations, none of the points raised are incapable of resolution through detailed design, which is the appropriate time at which those matters will be addressed in detail.</p> <p>With regard to the specific comments raised by HCC, and to assist the ExA in having confidence in the Applicant's assessments and the parameters of the traffic management measures to be secured, the Applicant responds as follows:</p> <p>All joint bay locations are indicative and the locations will be confirmed at detailed design stage. Every effort will be made to avoid any loss of tree / hedgerow where possible. In relation to the shared use path, this can be diverted around the proposed works area to maintain public access.</p>

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	<p>installation is likely to cause significant disruption for properties affected. The proposed layout would also appear to require the closure of Fennell Close for the 4 week period. It is unclear whether there is flexibility in the layout to facilitate alternative laydown and compound areas to prevent unnecessary disruption. The tracking drawings in Appendix D of the Supplementary Transport Assessment (STA) do not include tracking of the drum cable vehicles into Hambledon Road service road and this needs to be provided by the applicant.</p> <p>Joint bay 8 is located within a drainage swale and therefore would not be an appropriate location for a joint bay.</p> <p>Joint bay 9 is located outside the highway boundary and therefore the HA have no comments.</p> <p>Joint bays 10, 11, 14, 15 and 16 are located fully within the carriageway and the proposed layout would be likely to cause traffic disruption beyond that assessed within the FTMS with the works area extending beyond the bus lanes.</p> <p>Joint bay 12 is located in the verge at Campbell Crescent where there are significant services including a telegraph pole. The verge here is also supported by a retaining wall between Campbell Crescent and the footway on the A3. There is a significant area of mature landscaping, including an established tree, that will also be likely to be affected where significant damage would not be supported by the Highway Authority. The works would look to also restrict access to Campbell Crescent for residents which has not been assessed within the FTMS. The northern access to Campbell Crescent also serves Deverell Hall (a well-used community facility) which has significant vehicular movements when in use.</p> <p>Joint bay 13, whilst primarily off highway, does encroach onto the highway for the purposes of the delivery areas. No traffic management measures are proposed within this document and it's not clear if this has been accounted for in the FTMS.</p> <p>Overall, it is referred to in various documents submitted by the applicant (including the Design and Access Statement), and was explained within the hearings, that joint bays where possible would not be laid within the carriageway and that it was actually in engineering terms difficult to do so. Despite this it is apparent that several locations are in fact within the carriageway.</p> <p>The locations and positions of the proposed joint bays are contrary to section 6.4.3 of the Design and Access Statement which clearly states "Joint Bays should be located beyond the carriageway of the highway unless such a location is unavoidable. Where unavoidable, joint bays must be sited where their construction involves no greater constraint on the operation of the highway than traffic management associated with the laying of the onshore cable in the same location permissible in accordance with the FTMS."</p> <p>The details of the joint bays are now better understood, and it is agreed that the bays themselves are not considered a structure in their own right. However, it is evident that the joint bay positioning will impact the highway with regards additional traffic management, additional reinstatement, and additional impacts on residents' access</p>	<p>At Joint Bay 6 the delivery of cable drums may be undertaken outside of core working hours to minimise traffic disruption at the Darnell Road / B2150 Hambledon Road traffic signal junction as stated in paragraph 1.3.4.1 of the Joint Bay Feasibility Report (REP7-073).</p> <p>Taking account of the existing double yellow lines on the bend of Southdown View and the existing carriageway width beyond it, it will not be necessary to suspend on-street parking or access to properties should general construction traffic be required to use Southdown View rather the proposed construction access location AC/3/c on the Access and Rights of Way Plans (REP7-008). If cable drum deliveries are required via Southdown View these will require a Temporary Traffic Regulation Order (TTRO) to suspend on-street parking as detailed within in the Access to Onshore Cable Route Construction Impacts on the updated Access to Properties and Car Parking and Communication Strategy to be submitted at Deadline 8 (Appendix 1 of the FTMS (REP6-030)). The final alignment of the Onshore Cable Route and location of Joint Bay 6 together with the construction access requirements associated with it will be confirmed by the Contractor during detailed design. Any construction access works will also be approved by HCC and undertaken pursuant to a S278 Agreement.</p> <p>The location of Joint Bay 07 has been updated in the Joint Bay Feasibility Report (REP7-073) to ensure that access to Fennel Close can be maintained for the duration of the 4 week construction period. Access to driveways to properties on Hambledon Road will be maintained wherever possible through the strategy set out in the Access to Properties and Car Parking and Communication Strategy to be submitted at Deadline 8 (Appendix 1 of the FTMS (REP6-030)).</p> <p>Tracking of the access by the cable drum delivery vehicle is provided in Appendix 3 of the Supplementary Transport Assessment Addendum (REP7-065). This shows that access is achievable, but that temporary TROs may be required on Hambledon Road to suspend on-street parking when cable drum deliveries are due to take place. This is detailed in the Access to Properties and Car Parking and Communication Strategy to be submitted at D8 (Appendix 1 of the FTMS (REP6-030))</p> <p>The Applicant acknowledges the comment in relation to the drainage swale and advises that all joint bay locations are indicative and their locations will be confirmed at detailed design stage. In this case the swale would be avoided.</p> <p>Joint Bays 10, 11, 14, 15 and 16 are all located within the bus lanes on A3 London Road as shown with the Joint Bay Feasibility Report (REP7-073). Construction would take place at separate times where double Joint Bays are proposed to ensure that works can be accommodated through single lane closures as set-out in the FTMS (REP6-030) for the construction of the Onshore Cable Route within these locations. Whilst delivery of cable drums would require an additional lane closure these would be undertaken outside of core-working hours to minimise traffic disruption and would take approximately one hour to complete.</p> <p>The indicative location of Joint Bay 12 and associated compound has been revised in the Joint Bay Feasibility Report (REP7-073) to show that access to properties on Campbell Crescent can be maintained throughout the construction period. The locations of joint bays will be confirmed</p>

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	<p>which has currently not been clearly considered within the FTMS and the supporting appendices and therefore not represented appropriately within the CEMP.</p>	<p>at detailed design stage and in this area there is sufficient flexibility to position the joint bay in an alternative location to avoid affecting these accesses.</p> <p>Delivery of cable drums to Joint Bay 13 would require a single lane closure facilitated by shuttle-working traffic signals, as set-out in the FTMS for this section of A3 London Road. Such traffic management would only be required during delivery of the cable drums, which would take place outside of core working hours and would take approximately one hour to complete.</p>
<p>Indemnity Requirements</p>		
	<p>The requirement for an indemnity was discussed further at a meeting with the applicant on the 5th January 2021.</p> <p>The Highway Authority are still of a view that it should not be subject to additional costs which would make future highway schemes cost prohibitive and prevent works from being undertaken. This is of particular concern on sections of the route where there are already planned works. Examples include the Ladybridge Roundabout with regards the MDA scheme and the TCF project works and for the provision of a bell-mouth and right turn lane onto the A3 for construction of Waterloo MDA (known as the phase 8 construction access). It is also a concern where there are real risks of future maintenance works to the culvert south of Ladybridge Roundabout. The Highway Authority are therefore seeking the ability within the approval mechanism process secured within the DCO for indemnity to be provided where there are real engineering risks associated with the works and these are not able to be designed out or managed through works coordination.</p>	<p>The Applicant maintains its position that an indemnity is not appropriate. Please refer to Question 5.5 of the Applicant's transcript for ISH1 submitted at Deadline 5 (REP5-058) which sets out the Applicant's position on this in detail.</p> <p>The Applicant does acknowledge the comments made in relation to known proposed works and the need for the parties to work with one another to design all works such that they may come forward together. It is noted that the works HCC refer to are not designed and no clear programme is set for their delivery. Rather than the provision of indemnity, the appropriate manner in which to address the issue is to ensure the parties work with one another in relation to the design of works in those locations. The Applicant has discussed this with HCC and it is understood that there is agreement in principle for the parties to work with one another in relation to the design of works in the known locations where highway works are proposed so as to address the engineering risks. The Applicant is continuing discussions with HCC to address this matter through the Section 106 Agreement to be entered into, noting there is a need for joint working which is most appropriately secured through bilateral contractual arrangements rather than through the DCO requirements.</p>
<p>Highway Reinstatement</p>		
	<p>The Highway Authority have discussed the requirements for highway reinstatement with the applicant and requested that the applicant produce a set of parameters for which reinstatement requirements will be agreed with the Highway Authority once the cable laying details are known. As previously set out, significant trenching of the highway will place an additional asset maintenance burden on the authority which is not considered acceptable. The applicant, as the DCO is drafted, would not be subject to current restrictions to protect new highway surfaces that would otherwise apply to other statutory undertakers. Example parameters that the Highway Authority would like to see would be:</p> <ol style="list-style-type: none"> 1. The Highway Authority therefore seek that where the applicant lays cables in the highway where a surface is less than 5 years old, that half or full carriageway reinstatement is provided. 2. The Highway Authority also seek that where the existing structure of the highway is sound, and the surface in good condition, that half or full carriageway reinstatement is provided if the trench falls within the wheel tracked area. This would decrease significantly the risks of safety defects arising during the 5 year 	<p>The Applicant will reinstate the highway to the standard required in accordance with the New Roads and Street Works Act 1991 and will be subject to post reinstatement liabilities in accordance with that Act also. This is the position provided at law in relation to such works, and is therefore appropriate. The traffic management strategies to be approved in accordance with Requirement 25 require details of the proposed approach to the reinstatement of the public highway in connection with those works, including (where applicable) details of both temporary and permanent reinstatement to be provided. The reinstatement proposed will be required as a minimum to be compliant with the statutory requirements in this regard.</p> <p>The New Roads and Street Work Act as applied by the DCO is applied to ensure adequate statutory controls are in place in relation to the works but that also there is no impediment to delivery, as is appropriate in relation to nationally significant infrastructure.</p> <p>Noting the above, the Applicant has no intention to address reinstatement further in the FTMS to address the requests by HCC, being satisfied that the position already provided for is acceptable.</p>

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	<p>maintenance period, and therefore the likelihood that remedial works will need to be undertaken.</p> <p>3. A further requested parameter relates to the bus lane reinstatement which is currently subject of 'red' surfacing to delineate the bus route, and how this was to be managed and reinstated again in a way that would reduce the requirements for further remedial work as a result of failed reinstatements.</p> <p>In the light of the above, the Highway Authority seek additional clarification on parameters to be set out within the FTMS by the applicant.</p>	
Construction Worker Travel Plan		
	<p>No amendments have been provided within the deadline 6 submission to the travel plan despite clear concerns regarding its effectiveness and appropriate set up for an employment area of this type. The Highway Authority have discussed this further with the applicant and consider the following must be addressed by the applicant in a revised travel plan before the document can be agreed:</p> <ul style="list-style-type: none"> • Additional measures, as set out within the HA's deadline 5 response, for consideration and implementation as appropriate. • Commitment to undertake staff surveys to understand where origin and destinations of works (to assess local origin locations if workforce are to be provided accommodation during the working week). • Amendments to the monitoring requirements so that appropriate monitoring requirements can be agreed at the full travel plan stage depending on the measures being implemented. <p>Regarding securing the travel plan it is understood that different elements will be secured within different documents as set out below:</p> <ul style="list-style-type: none"> • Approval of the full travel plans, implementation and compliance to be secured within the DCO; • Approval fees to the Highway Authority to be secured through the post planning PPA; • Monitoring fees to the Highway Authority to be secured through the s106 <p>The details surrounding these matters are yet to be agreed but this can be confirmed to cover all required elements.</p>	<p>With regard to the comments in relation to securing travel plans, the Applicant has confirmed to HCC that a single travel plan for the contractor's workforce is required to be approved in accordance with Requirement 21 of the draft DCO. It is correct that approval fees are to be secured through a PPA and that monitoring fees are to be secured via the Section 106 Agreement.</p> <p>The Applicant has agreed to include additional measures requested by HCC where these are considered appropriate, in addition to the provision of a staff survey at the start of the construction phases and amendments to monitoring requirements during the construction. The updated Travel Plan will be submitted at Deadline 8.</p> <p>The Applicant is continuing to progress the PPA and Section 106 Agreement with HCC, and confirms that the matters referred to across will be secured by those.</p>
Arboriculture Matters		
	<p>The principle of how arboriculture matters are to be assessed and managed through the detailed design and implementation of the scheme are agreed.</p>	<p>Following a meeting with HCC on the 11/02/2021 a schedule of changes to the proposed text provided by HCC was agreed between the parties. The Applicant has provided below a copy of</p>

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	<p>Matters of detailed wording remain outstanding however between Hampshire County Council's Highways Arboriculture Team (HCC Highways Arboriculture) and the applicant. The remaining specific comments are set out below:</p> <ol style="list-style-type: none"> 1. The following wording within the CEMP: "it is agreed in principle that CAVAT payments will be made to mitigate the impacts of the loss of trees and hedgerows in HCC ownership where these are not otherwise replaced" reads that where lost trees are not replaced, a CAVAT payment will be made. This may be a misunderstanding, but this assumption is not correct. Where any trees/hedges are removed, HCC Highways Arboriculture will require a CAVAT compensation, regardless of whether the trees/hedgerows are replaced or not. The applicant is asked to confirm that this will be the case and amend the wording as appropriate. 2. It needs to be made clear within the CEMP that no highway tree/hedge will be removed unless agreement with HCC Highways Arboriculture has been reached (including the agreed compensation). Again, this is likely to be a minor wording point. 3. No tree planting will be carried out within the highway without the approval of HCC Arboriculture. This point needs to be made clear as third party trees will still need to be replaced by the applicant. The current wording requires repositioning at least 5m away from the Onshore Cable Route within the Order Limits. However, given that the Order Limits will comprise mostly highway, it is currently unclear whether this is achievable in practice without third party mitigation planting within the highway, which HCC Highways Arboriculture will not support. 4. We have previously supplied a mitigation hierarchy which should be inserted into Section 6 of the CEMP to reflect how mitigation should be considered. The hierarchy is as follows: 	<p>the text agreed between the parties. The Applicant will update the OOCEMP with the following text for submission at D8:</p> <p>It is agreed in principle that CAVAT payments will be made to mitigate the impacts of the loss of trees in HCC ownership. In instances where hedgerows within HCC ownership are to be removed, in whole or in part, then financial compensation will be agreed on a case by case basis. Payment will be made in lieu of any obligation to replant or otherwise replace.</p> <p>HCC (as Highway Authority) will retain responsibility for any mitigatory planting deemed to be required. HCC will undertake mitigatory planting using the compensatory monies provided through CAVAT or, in the case of hedgerows, as otherwise agreed.</p> <p>No highway tree or hedge shall be removed unless it can be clearly demonstrated that:</p> <p>The application of protection measures described within British Standard BS 5837:2012 does not provide sufficient mitigation for sustainable retention; or, The costs associated with sustainable retention exceed its agreed CAVAT value.</p> <p>Highway trees and hedges shall only be removed with prior written approval of HCC Highways Arboriculture.</p> <p>Third-party mitigation planting will not be undertaken within the Highway Boundary. In instances where third-party trees are to be removed then suitable opportunities for mitigatory planting will be agreed as necessary with landowners. Planting sites will be determined once the scope of third-party tree removal has been confirmed.</p> <p>Unless a tree is dead or is so structurally impaired or diseased that it would need to be removed for sound arboricultural management within the next ten years. Then;</p> <p>Ensure that cable trenching and any associated construction work, storage and traffic is excluded from the Root Protection Area (RPA) or canopy spread, whichever is largest. If this is not possible then,</p> <p>A precautionary approach to tree protection will be adopted and an Arboricultural Method Statement (AMS) provided which clearly demonstrates that construction activities can be undertaken with minimal risk of adverse impact to trees which are to be retained.</p> <p>The AMS shall adhere to the principles described within BS 5837:2012, shall be produced by a suitably qualified and experienced arboriculturist and shall be approved by HCC Highways Arboriculture prior to commencement of work. The AMS shall be implemented in full and shall only be varied following technical review by an arboriculturist and approval by HCC Highways Arboriculture. The AMS shall be supported by a Tree Protection Plan where required. If this is not possible then:</p> <p>As a last resort remove the tree(s) and provide compensation for the loss at the appropriate CAVAT value. The CAVAT value must be agreed with HCC Highways Arboriculture prior to tree removal or the commencement of any construction work within the Root Protection Area (or crown spread where this is greater). Construction work includes enabling activities, site clearance and storage of materials or machinery.</p>

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	<ul style="list-style-type: none"> Unless a tree is structurally impaired, dead, or diseased, such that it would need to be removed for sound arboricultural management within the next five years. Then, Ensure that cable trenching and any associated construction work, storage and traffic is excluded from the Root Protection Area (RPA) as recommended by BS5837:2012[1] or canopy spread, whichever is largest. If this is not possible then, Work within the RPA must only be done in accordance with an Arboricultural Method Statement (AMS) prepared by a competent arboriculturist and approved by HCC Highways Arboriculture. This AMS must include details of special methods and techniques that will be used, such as micro-tunnelling or air spade excavation, for example, and any methods of ground protection and physical barriers that will be needed to avoid root damage, canopy damage and soil compaction, which will cause subsequent root damage. If this is not possible then, As a last resort remove the tree(s) and provide compensation for the loss at the appropriate CAVAT value. This must be agreed with HCC Highways Arboriculture prior to tree removal. 	
Supplementary Transport Assessment (STA) Appendix D		
	<p>Appendix D of the STA sets out the vehicle tracking along the cable laying route. This has been re-reviewed with a more detailed understanding following the hearings. The Highway Authority are generally content with the tracking drawings presented. The u-turn manoeuvre on Hambledon Road will be undertaken via the assistance of traffic marshalls and will be undertaken outside of the AM and PM peak hours which is considered acceptable.</p> <p>Areas requiring temporary suspensions to on-road parking will require a Temporary Traffic Restriction Order (TTRO) which will need to be secured through the DCO. Reviews of the DCO will need to be undertaken to confirm that these are all included as required.</p>	<p>Further to the Joint Bay Feasibility Report (REP7-073) submitted at D7 the Applicant has completed updated tracking assessments to reflect the revised strategy for pulling of cables from alternate Joint Bays along the Onshore Cable Route. These tracking plans, which showed that all movements could be accommodated within the highway, are included in Appendix 3 of the Supplementary Transport Assessment Addendum (REP7-065).</p> <p>Article 16 of the draft DCO provides the ability for the undertaker to make temporary traffic regulation orders as necessary in connection with the authorised development subject to the consent of the relevant traffic authority (such consent not to be unreasonably withheld or delayed). Specific locations for TTRO's are not stated in the draft DCO. It is not necessary to do so and there is no intention for any amendments to be made to the draft DCO in this regard.</p>
Day Lane Traffic Management Strategy		
	<p><u>Latest Amendments</u></p>	
	<p>To address HCC's concern regarding the lack of passing places along Day Lane, the applicant is now proposing to provide 4 passing bays on Day Lane, indicatively shown on Figure 2 of the document. Tracking drawings have also been provided in drawing numbers AQ-UK-DCO-TR-LAY-009 Rev A and AQ-UK-DCO-TR-LAY-010 for two 10.2m long tipper HGVs passing concurrently.</p> <p>The principle of these passing bays is considered acceptable by HCC in highway terms although potential impacts on the watercourses/ditches, ecology and landscape</p>	<p>The Applicant notes HCC's agreement in principle to the provision of passing bays on Day Lane and that the use of banksman / traffic marshalls will mitigate roads safety concerns raised by APLEAL.</p> <p>The highway works required for the passing places will be secured via S278 agreement, the entering into of which is to be secured via the Section 106 Agreement to be entered into with HCC, which has been discussed and agreed within HCC. The Section 106 Agreement is drafted so as to secure the delivery of the access junction works, including the passing places, in</p>

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	<p>need to be appraised further by the applicant and discussed with relevant authorities by the applicant.</p> <p>The proposed passing bays will better facilitate two-way movements of HGVs along Day Lane in collaboration with the wider traffic management strategy. This in-turn reduces the safety concerns of two HGVs or a HGV and a car meeting on Day Lane and having to reverse the full length of Day Lane to a location where suitable carriageway width is provided for the vehicles to pass.</p> <p>The Highway Authority has been made aware of local concerns regarding the interaction of construction traffic with existing more vulnerable road users (walkers, cyclists and horse riders). The passing places will also aid these users. With the combined presence of banksman/traffic marshals, HGV's being managed by escort vehicles to communicate the presence of such users, and a speed limit reduction to 30mph it is considered during the hours of construction that the potential impact on vulnerable road users would be suitably managed.</p> <p>Within the note the applicant has not confirmed the delivery mechanism for the passing bays. This has been discussed with the applicant and the Highway Authority consider the most efficient and timely way for these to be delivered is for the works to be included within the S278 works at the site access. The passing places will be required to be in place prior to construction and secured within the S106 agreement. It is not considered necessary for the passing bays to be removed post construction. As part of the detailed design work for the laybys, the Highway Authority would also expect the following matters to be addressed:</p> <ul style="list-style-type: none"> • Confirmation whether the laybys will be edged with kerbing or an open area of blacktop. • Provision of a 45 degree load line. • Tie in details to the existing carriageway to be confirmed by the applicant. 	<p>advance of the commencement of the construction of the Proposed Development. This is to ensure the measures are in place to address the impacts of construction traffic before such traffic is present on the highway, therefore providing adequate mitigation.</p> <p>The passing bays have been designed as 0.5 m wide by 20 m long and will be accommodated within the highway boundary as illustrated in the Proposed Passing Bay Swept Path Analysis AQ-UK-DCO-TR-LAY-009 and AQ-UK-DCO-TR-LAY-010 supporting the Day Lane Technical Note (REP6-073). The works will result in very minor road widenings of the existing carriageway, of up to 0.5 m. The works may be carried out on either side of the highway, however the maximum widening would remain 0.5 m. Details of carriageway edging, load line (vertical construction) and how the passing bays will tie into the existing carriageway will be confirmed during detailed design.</p> <p>Significant effects on landscape and visual amenity through loss of trees, hedgerows and associated root protection areas as well as over-engineering will be avoided through micro-siting and detailed design informed by site surveys.</p> <p>Measures will be taken to not change the lane's rural character by avoiding the use of additional signage, road markings, kerbs and lighting. This will be reflected as a design principle within the updated DAS to be submitted at Deadline 8.</p> <p>No trees or hedgerows will be removed in order to establish the passing bays and therefore there will be no impacts on ecological features restricted to these habitats such as bats and dormouse. Potential removal of non-hedgerow habitat based on a 0.5 m widening will be negligible and not lead to significant effects on other ecological features. Standard precautionary measures included in the Onshore Outline CEMP for ecological features will be applied (REP7-032).</p> <p>These include measures to ensure legal compliance for breeding birds whereby any clearance of suitable habitat will be timed to avoid to breeding season of March to August. If scheduled within this period a suitably experienced ornithologist will be present to advise on any necessary protective measures and confirm that the works are not likely to cause disturbance to nesting birds. To avoid killing or injury to hedgehogs that may be present any potential suitable habitat will be hand searched for hedgehogs prior to its clearance. Piles of cut vegetation such as brush piles will also be searched as these can harbour sheltering hedgehogs. To avoid killing or injury to reptiles that may be present, a Precautionary Method of Works ('PMoW') will precede vegetation clearance in habitats which could support these animals.</p> <p>Root protection measures will be secured through compliance with the principles outlined in the Onshore Outline CEMP (REP7-032) and ES Appendix 16.3 Arboriculture Report (APP-411 and REP7-066). The principles to be applied include the identification of root protection areas (RPAs), the avoidance of RPAs where practicable and, if encroachment is unavoidable, the implementation of an Arboricultural Method Statement (AMS) sufficient to ensure the sustainable retention of trees and hedges.</p> <p>Micro-siting will assist in the avoidance of RPAs whilst the ability to widen the carriageway on both sides will enable root disturbance to be minimised in instances where avoidance cannot be achieved. Should it not be possible to avoid work within an RPA, then a task-specific AMS will be produced. This document will identify the working practices and tree protection measures</p>

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		<p>necessary to minimise the likelihood of damage to acceptable levels and will accord with best practice guidance as identified in British Standard BS 5837:2012. As with all works with the potential to impact highway trees, the AMS will be produced by a competent arboriculturist and further subject to approval by HCC Highways Arboriculture prior to commencement of any construction work.</p> <p>Minor Ordinary Watercourses (e.g. minor ditches) 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 be noted that a number of principles are embedded into section 5.7 of the Onshore Outline CEMP (REP7-032) in relation to maintaining Ordinary Watercourses with no increased flood risk and inclusion of suitable pollution prevention measures. This approach has been discussed and agreed with HCC LLFA, as reflected within Table 4.13 of the SoCG with HCC (REP7-050).</p>
	<p><u>Strategic Management of HGV Movements</u></p>	
	<p>To control the movement of HGVs to the site, the applicant is proposing to utilise a 'check-in' system which involves the HGV drivers co-ordinating with the banksmen and traffic marshalls on Day Lane to avoid conflict with departing HGVs. A number of laybys have been identified within a 20 minute drive of the site which are primarily located on the Strategic Road Network.</p> <p>The Highway Authority have concerns that the arrival system will still result in HGVs arriving over the course of the hour with no real co-ordination strategy. This will result in unnecessary delays to existing traffic on Day Lane which will need to be held whilst the HGVs approach the site.</p> <p>The Highway Authority have proposed an alternative strategy to the applicant which will allow HGVs to be convoyed into the site. The system will involve holding HGVs at the existing layby on Hulbert Road, off the A3(M) Junction 3, which is under the jurisdiction of HCC as Highway Authority. Half of the layby will be coned off for use by arriving HGVs which will allow groupings of 3 HGVs to be escorted to Day Lane and the converter station. This will regulate the arrivals and reduce the period of time that general traffic is held on Day Lane. The escort vehicle can also be utilised to control vehicle speeds along Day Lane to 15mph as well as being in contact with banksman/traffic marshalls along the route so should the need arise to halt the convoy at a passing place this can be communicated. It will be necessary to secure within the CTMP and appropriately in the legal documents a requirement for the applicant to apply for parking suspensions in the layby and cover the required costs. It will also be necessary for the area to be barriered off appropriately to physically enforce the suspension and for the area to be manned during hours of operation. Consideration has been given to a TTRO on the area, but this provides very little signage and no financial means for Havant Borough Council to enforce if necessary. A parking suspension would also come accompanied by significant signage which would assist with regards making the proposal self-enforcing. TTRO's are also only valid for a period of 18 months or an alternative fixed period as agreed by the Secretary of State. This leaves little flexibility should a review of the CTMP near the</p>	<p>Further to on-going discussions with HCC on this subject, a further revision to the Day Lane Technical Note (REP7-046a) has been issued to HCC for agreement. This updated note includes the alternative strategy proposed by HCC for use of the layby on Hulbert Road as a location for arriving HGVs to be held and then escorted to site in convoy, which is now understood to be agreed with HCC.</p> <p>The FCTMP is to be updated to include all relevant matters relating to these arrangements. The draft DCO contains the powers necessary to lawfully implement the measures. This includes the powers for the Applicant to provide signage and enforce the TTRO once made. The periods of any TTRO will be for such period as specified by the undertaker. This therefore ensures the measures can be in place for as long as they need to be. It is not necessary for the LPA to provide signage or to enforce the TTRO as the Undertaker is able to do so in accordance with the powers provided for in the draft DCO, which has been explained to HCC.</p> <p>The Applicant also notes that the strategy for the management of departing HGVs is considered acceptable subject to the provision of a Road Safety Audit (RSA). An independent RSA has been completed on behalf of the Applicant and a Designer's Response shared with HCC. The Applicant believes that HCC is in agreement that the outcomes of the RSA can be addressed in the following ways:</p> <ul style="list-style-type: none"> • Opening of the western gate of the haul road first to allow unimpeded access for HGVs directly into the Converter Station, such that queuing back onto Day Lane does not occur; • Suitable profiling of any land required for visibility purposes will be required and dealt with at the detailed design stage; and • Prevent left turning into the Converter Station, to be enforced by a Traffic Regulation Order.

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	<p>end of the project conclude that the use of such a system is no longer necessary (due to very few or no further HGV movements) or if the system needs to remain in place for longer due to delays with the project.</p> <p>Outbound HGV movements now involves the 'stacking' of HGVs into groups of 3 when leaving the site. During peak construction, the banksmen/traffic marshals located closest to the site will co-ordinate HGV departures to ensure that they leave in a convoy of 3 vehicles. Based on the HGV movements provided within Table 1, 9 HGV departures are expected from the site during the peak operational hours. This equates to eastbound HGVs being present on Day Lane once every 20 minutes. This revised strategy is now considered acceptable, subject to provision of a Road Safety Audit and amendments as necessary because of the audit comments along with inclusion of these vehicles being managed via escort vehicle and speeds do not exceed 15mph.</p>	
	<p><u>Use of Banksmen and Traffic Marshalls</u></p>	
	<p>The use of banksmen presented in previously proposed traffic management strategies for Day Lane has been updated in the latest technical note. The HA previously raised concern with the location of Banksman 1 and their ability to control traffic and prevent HGVs from travelling westbound along Day Lane.</p> <p>The latest strategy relocates Banksman 1 into Lovedean Lane to better control oncoming traffic. While the Highway Authority agree with the principle location of the banksman, further evidence has been requested from the applicant to understand the impact on the local road network by holding traffic at the Lovedean Lane/Day Lane junction, specifically regarding the queue lengths which will be generated. This information will also be necessary for the Day Lane/Broadway Lane in relation to traffic being held for westbound vehicles.</p>	<p>Further to on-going discussions with HCC on this subject, a further revision to the Day Lane Technical Note (REP7-046a) has been issued to HCC for agreement prior to D8.</p> <p>The Day Lane Technical Note (REP 7-046A) has identified that the maximum forecast queue at the Day Lane / Lovedean Lane junction is 5 PCUs (Passenger Car Units). The Applicant considers that this level of delay is minor and would not cause material inconvenience for general traffic travelling through the junction, particularly as this circumstance would only take place up to three times per hour.</p>
	<p><u>HGV Traffic Movements on Day Lane</u></p>	
	<p>Table 1 of the 'Revised HGV Construction Management Strategy for Day Lane' document clarifies the expected maximum number of HGV trips to the converter station site. Of the 142 two-way HGV movements, 86 of these will be dedicated to work on the converter station area, while the remaining movements relate to the cable route and landfall.</p> <p>These numbers are taken as the maximum number of daily HGV movements considered within the Day Lane traffic management strategy. The DCO should secure a legal restriction to the maximum number of daily HGV movements to the converter station site so that the Highway Authority can be confident on the effective management of Day Lane and level of disruption to general road users this will cause.</p>	<p>The Applicant agrees to secure the 71 two-way HGV movements (142 movements in total) per day as the maximum number of HGV trips to and from the Converter Station during the construction period. The Applicant considers this estimate of HGV movements used for assessment purposes to be very robust and that the number of HGVs traveling to and from the Converter Station per day is likely to be lower than this figure as a result of contractor efficiencies employed through the construction of the Converter Station and Onshore Cable Route.</p> <p>This maximum number of HGV movements per day is updated within Section 3.1 of the Framework CTMP (REP6-032) which will be submitted at D8 and an amendment will be made to Requirement 17 (Construction Traffic Management Plan) to clearly secure this. It is proposed that a new sub-paragraph 3 shall state:</p> <ul style="list-style-type: none"> • <i>Notwithstanding anything contained in any approved construction traffic management plan, Work No.2 (bb) (access junction and associated gated highway link) shall not be</i>

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		<p><i>used for more than 71 two-way HGV movements (142 in total) per day in connection with the construction of the authorised development landwards of MHWS.</i></p>
	<p>Highway Alterations to Facilitate Abnormal Load Deliveries</p>	
	<p>Abnormal Indivisible Load (AIL) deliveries to the converter station. To facilitate the movement of the AILs from the Strategic Road Network to the site, it was identified that street furniture at the A3 Portsmouth Road/Dell Piece West/Catherington Lane signal junction and the A3 Portsmouth Road/Lovedean Lane junction would need to be removed and reinstated. However, comments were raised regarding the preparation work required before any signal equipment could be removed at the A3 Portsmouth Road/Dell Piece West signal junction and the requirement for HCC's contractor to be onsite whilst the signal poles are removed. It was also identified that further information was required to identify the works required to Lovedean Lane/Portsmouth Road junction to facilitate the AIL movements.</p> <p>To address these comments, the applicant has produced a document titled 'Temporary Highway Alterations to Facilitate Abnormal Load Deliveries'. The document identifies the street furniture which will need to be temporarily removed to facilitate the AIL movements at both of the junctions noted above. The works will involve socketing furniture such as signal heads and street signs. With regards to the former, HCC's ITS team will be required to make any changes at the A3/Catherington Lane signal junction given the specialist nature of the equipment (as identified in previous correspondence).</p> <p>Whilst the Highway Authority are generally accepting of the temporary amendments required to facilitate the movements, questions remain over the process and triggers for making the necessary junction amendments. The works required to install the retention sockets are required ahead of the AIL movements taking place. However, it is currently unclear where the necessary timeframes are secured within the DCO and also how this will work in practice i.e. when will the Highway Authority's ITS team be informed of the required changes? How will the cost of these junction changes be mitigated? Who and under what mechanism will the non ITS work be undertaken? It is noted that one of the signs at the Lovedean Lane junction is lit and therefore requires engagement with SSE under HA's private finance initiative agreements.</p> <p>The Highway Authority have made the above representation ahead of deadline 7 direct to the applicant and await a response.</p>	<p>The specific measures required to facilitate the delivery of AIL's and the timing of this will be confirmed. The need for the Applicant to liaise with the highway authority in relation to the AIL movements is a matter which is principally dealt with through the Road Vehicles (Construction and Use) Regulations 1986, with the notification procedures required in accordance with those to be followed.</p> <p>With regard to the measures required in relation to street furniture, the powers for the undertaker to undertake works to street furniture outside of the Order limits with the consent of the street authority is provided for by Article 11 of the draft DCO. The power for the undertaker to alter the layout of any street with the consent of the relevant street authority is provided by Article 10 of the draft DCO. Accordingly, the powers for these works to be undertaken as necessary are clearly provided for ensuring there is no impediment to delivery. The comments of HCC regarding the need for them to undertake these works are noted and the Applicant confirms it would be willing to enter into an Agreement pursuant to Article 15 to facilitate this. It is therefore considered this matter is already adequately provided for and there is not a need for any further specific agreements to be in put in place at this time for the purpose of ensuring works are carried out in an appropriate manner, however the Applicant is aware HCC are looking to address this matter in the Section 106 Agreement and the Applicant is continuing to work with HCC to agree the position.</p>
	<p>Updated Framework Traffic Management Strategy</p>	
	<p><u>Night Time Working</u></p>	
	<p>Matters relating to the permit scheme being able to require night time working or extended working hours as discussed at the hearings remains unresolved. The Highway Authority has discussed with the Local Authorities environmental health teams and it is the HA's understanding that they are content with this inclusion and require no further assessment work. To be clear the Highway Authority are</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>

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	<p>requesting that it has the flexibility that should a need arise, or it to be considered more appropriate on receipt of the detailed designs, that it can in agreement with the environmental health teams instruct longer working hours including the potential for works to be undertaken at night if justified. This matter has been raised due to the objection from the Highway Authority on the applicant's proposed closure of the A3 over a number of weekends. This objection still remains.</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>
<u>Public Transport</u>		
	<p>One of the key mitigation measures suggested by the applicant to minimise the impact on public transport has been that bus priority signals would be provided where bus lanes are to be closed. This has been amended in the latest drafting of the FTMS to read 'where practicable'.</p> <p>The Highway Authority seek clarity on the frequency of when these measures will be able to be deployed and where it is considered not to be practicable. If it isn't possible to implement the measures in the majority of cases, then there are no meaningful mitigation measures being provided to reduce delay on bus routes.</p> <p>This measure was referenced by the applicant at the hearings as a key mitigation for buses and if it cannot be readily implemented this is a concern.</p> <p>The Highway Authority would also request that the details of the proposed temporary traffic management layout and operation is provided within the FTMS regarding temporary bus gates. The Highway Authority are unclear on how the legally required signal arrangements can be provided within a temporary arrangement.</p>	<p>The amendment made to paragraph 2.11.2 of the FTMS (REP6-030) was made to provide consistency with wording already provided in all sections of A3 London Road where lane closures are required for facilitate construction of the Onshore Cable Route. It is the intention of the Applicant to include such mitigation where it is practicable and on this basis an example layout has been included in the updated FTMS of a temporary bus gate to show how this could be achieved in the majority of locations. In addition to the provision of a temporary bus gate layout, the Applicant has also provided in the updated FTMS details of advanced warning signage to be employed in any situations where temporary bus gates cannot be installed in order to mitigate the impacts of traffic management.</p>
<u>Access to Properties, Car Parking and Communication Strategy</u>		
	<p>Representation made by the HA in its deadline 3 response sought clarification from the applicant on its strategy for providing access to individual properties during the works. This strategy would ultimately feed into the communication strategy and therefore would potentially need updating to better identify individuals who are considered vulnerable, placing more of an onus on the applicant to undertake the work necessary to identify these individuals and to also investigate how displaced parking will be accommodated.</p> <p>Appendix 1 of the updated FTMS provides an 'Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy' document. Whilst a tracked changed version has not been provided it is evident that this document has been amended. Although it doesn't go as far as to give access to residents more readily as discussed at the hearing, it does make changes to the noticing and indicates that road plating will be available at request.</p>	<p>In respect of HCC's comments regarding the definition and identification of 'vulnerable', the Applicant notes that vulnerable persons will be identified through the communication strategy (and the definition as discussed with HCC has been updated to include under 5's) prior to the works being undertaken. Additional measures now included in the strategy include a requirement for contractors to knock on doors of all affected properties 24 hours prior to work within the relevant sections to advise residents when works will be commencing and to identify any other access requirements. The Applicant however notes that it cannot force members of the public to share such information and therefore it will also be up to the affected residents to identify their access requirements as part of the overall communication strategy.</p> <p>The Applicant is in agreement with HCC regarding the proposed 24 hour notice period for individual properties for which vehicular access will be physically restricted. As is set out above,</p>

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	<p>Access for those who are considered vulnerable under Inclusive Mobility Guidance has been stated to be available at all times within 1 hours notice, and bespoke arrangements can be made via the dedicated free telephone number, depending on need. Whilst this is a welcome step, given the availability of alternative parking this does not consider those for example with small children. It is stated that the detailed CEMP will set out a process for identifying vulnerable people along the cable corridor. However, it is not clear why this cannot be established and secured at the planning stage. It is also not clear why this cannot be included within Appendix 1 of the FTMS rather than the more generic CEMP. This would make it clear for those approving matters post approval what the requirements are.</p> <p>More specific information has been provided for alternative parking locations and the impacts on residential properties. The key missing piece of information however is the distance to these alternative parking locations. The information is also based on a lot of assumptions about parking levels and available capacity.</p> <p>At Mill Road specifically, the impact of implementing a traffic regulation order (TRO) has not been considered the extended needs for parking restrictions as a result of joint bay construction. In addition when looking at the A3 the applicant has acknowledged on a number of locations that alternative parking may not be available should the assumed car parking capacity not be correct and therefore the impact cannot be mitigated. In order to conclude matters and agree these elements of Appendix 1 the Highway Authority require 4 key changes in relation to access to the document. These are:</p> <ol style="list-style-type: none"> 1. Amend the definition of 'vulnerable' to not only include that as set out within 'Inclusive Mobility' but also those families with young children, with a young child being defined as those of primary age or younger. 2. Amend the notice period of vehicular access being physically prevented to an individual property to being no later than 24 hours before, as opposed to the morning of works as currently drafted. 3. Provide the distances to parking within the tables provided to demonstrate that no distances exceed the 400m and for the Highway Authority to be satisfied that where distances fall between 200-400m, or parking in the identified areas not being available as assumed, reasonable adjustments are made during construction to provide access, with these matters to be agreed within the permit scheme process. 4. Provision of a mechanism for identifying properties which are home to vulnerable people included within the FTMS. <p>As currently prepared, the Highway Authority do not consider the strategy to be acceptable and have communicated the changes sought above to the applicant for potential inclusion within its deadline 7 submission.</p> <p>Specifically, within the FTMS it should be noted that reference under 2.5.3.3 in the FTMS has removed the requirement for residential access to be maintained wherever possible. This is not acceptable and should be reinstated.</p>	<p>the revised Access to Properties and Car Parking and Communication Strategy (Appendix 1 of REP6-030) includes this as an update.</p> <p>Furthermore, at the request of HCC, the Applicant has updated Section 5 of the Access to Properties and Car Parking and Communication Strategy (Appendix 1 of REP6-030) to include distances from displaced parking locations to available alternative parking locations. This confirms that in the great majority of locations, parking is available within 400m of affected properties, which the Applicant notes will be a temporary position only required when the contractor is unable to provide road plating to maintain access (approximately 2-3 days).</p> <p>The Applicant also notes that details of the temporary TRO requirements for Mill Road are included within the Table 5.1 of the Access to Properties document. This shows that displaced parking can be accommodated on Anmore Road, Mill Close and Windmill Fields for the temporary periods when cable drum deliveries are required.</p> <p>The Applicant can confirm it has addressed matters 1-4 raised by HCC.</p> <p>The Applicant's considers it helpful to identify that the measures to be taken in relation to access to properties in specific locations will be matters that are addressed in the traffic management strategies to be approved for the relevant works in accordance with Requirement 25. It is not the case this information will be secured by the issuing of permits as suggested by HCC. That is not the role of the permit scheme in this instance.</p> <p>The use of communication channels in relation to the works., including the use of social media and collaboration with the authorities in this regard, are matters which are detailed in the travel demand strategy. The Applicant has agreed to incorporate the travel demand strategy into the FTMS so that the need to follow the measures set out therein are secured.</p> <p>The Applicant will provide an updated version of the Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy (Appendix 1 of REP6-030) to HCC prior to Deadline 8, with a view to submitting an agreed document to the ExA at Deadline 8.</p>

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	<p>Regarding the communication strategy as set out within sections 6- 10 of Appendix 1 of the FTMS, the strategy doesn't propose to utilise any social media channels to actively engage with the local community and travelling public effected by the road works. In addition, no approach has been made to the Highway Authorities, Local Authorities, or its partners regarding how they could assist with communicating the project more widely. Initial discussions should be held to understand what is possible, what methods of communication are already well established for this type of project and for the strategy to set out these measures and a greater commitment for all parties to work together in order to minimise the impact of the works on the residents and highway users.</p>	
<i>Framework Signage Strategy</i>		
	<p>To supplement the FTMS and communication strategy, the applicant has produced a Framework Signage Strategy (FSS) to mitigate the impact of re-routing traffic by:</p> <ul style="list-style-type: none"> • Providing signage on the Strategic Road Network which informs drivers of the roadworks, allowing them to adapt their journey to avoid the delays where possible. • Providing signage on the local road network to advise of roadworks within the vicinity of the cable corridor. • Providing signage to discourage the use of certain alternative routes which have been identified as unsuitable for large volumes of re-routed traffic. • The use of Variable Message Signs (VMS) to flexibly adapt the message based on the section of road being worked on at that point in time. <p>The purpose of the FSS is to reduce the forecast levels of queuing presented in the TA and STA junction modelling reports by communicating and reporting to drivers the planned roadworks to adjust their journeys accordingly.</p> <p>The FSS proposes the location of signage at both a strategic and local level. An overview of these locations is provided in Figure 3 of the document. VMS signs are proposed along the A3(M) between junctions 2 and 5 to keep drivers on the strategic road network (where possible) to avoid the delays on the A3 and the assessed link roads. The location of the signage will need to be agreed in consultation with Highways England.</p> <p>On the local road network, a mixture of advanced warning, fixed repeater and VMS signs are proposed to advise of roadworks, sign routes suitable as an alternative route and discourage the use of other routes and provide messages regarding any delays, accidents, or upcoming information to be aware of.</p> <p>The Highway Authority are broadly in agreement with the proposed signage strategy which will need to be adapted based on the works at different points in the project. Similarly, to the FTMS, the FSS should be a live document which is amended by the appointed contractor close to the start of the works and subsequently updated to reflect the agreed signage locations. Additional signage should be included on the A32 at Droxford and further north on the A3. The Highway Authority would also</p>	<p>The Applicant notes these comments. The signage strategy is a strategy through which the detailed signage approach will be secured and thereafter required to be implemented. It is not correct to state that the strategy is a live document or needs to be amended in the future, though it is correct that the individual strategies will be live to the relevant issues at the time and respond to those when being confirmed to ensure appropriate signage is provided.</p> <p>The Applicant will share the revised Framework Signage Strategy and FTMS with PCC / HCC prior to D8 to ensure amendments to these are agreed for submission of the final document into the Examination at D8.</p>

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	<p>request confirmation of how agreement for placement of signs and use of signs on the Strategic Road Network has been secured within the application. Experience from its own schemes has shown this can be problematic in practice and thus it is considered to be a fundamental part in achieving any reduction in traffic flows along the cable route.</p>	
	<p><u>General Comments on the FTMS Drafting</u></p>	
	<p>More general the Highway Authority have the following specific comments on the FTMS.</p> <ul style="list-style-type: none"> Paragraph 2.6.1.1. of the FTMS states that Provisional Advance Authorisations will be obtained “typically 3 months before works in a location are scheduled to be undertaken”. This section should be updated to read that the approvals will be obtained at least 3 months before works start to ensure that the necessary road space booking can be obtained. It should also be noted that section 2.6.1.2. is not part of the permit scheme and would need to be approved separately. Paragraph 2.13.1.2. states that mitigation can be directed by the Highway Authority in the event that there are road traffic accidents which require immediate action. Emergency events such as gas leaks, burst water mains and loss of customer service also fall under this category but have not been noted within this section of the FTMS. Section 6.7 of the FTMS specifies work times for one of the sections of the cable route. This does not provide the Highway Authority with the flexibility to request night works in certain busy locations of the route. The wording in the FTMS should therefore not commit to working times/days. These matters should be considered through consultation with HCC as part of the permit process. 	<p>The Applicant agrees to the proposed updates to paragraphs 2.6.1.1, 2.6.1.2 and 2.13.1.2 of the FTMS (REP6-030). The Applicant will share the revised FTMS with PCC / HCC prior to D8 so that these amendments can be agreed for submission of the final document into the Examination at D8.</p> <p>The Applicant does not agree that the traffic management, including the hours of working, are matters to be agreed through the permitting process. The permits to be issued pursuant to the permit scheme will be reflective of the matters approved in the relevant traffic management strategies, which will be in accordance with the parameters of controls provided for by the FTMS. The Applicant has explained its position in relation to HCC’s request for more flexibility regarding when works are undertaken.</p>
	<p>Updated Construction Traffic Management Plan</p>	
	<p><u>Anmore Lane Access Requirements</u></p>	
	<p>Tracking drawings have recently been provided by the applicant for the temporary construction access on Anmore Road. The tracking demonstrates that a large tipper lorry can egress the site, although it is noted that this manoeuvre will be close to the proposed onsite security fencing. The applicant should consider setting the fencing further back to avoid any conflicts with the swept paths of lorries.</p> <p>To achieve the tracking for vehicles routing to the Mill Road/Anmore Road junction, a TTRO is required to prevent on street parking. The applicant has not specified how long the TTRO will be required, nor where alternative means of parking are expected to take place. These matters will need to be addressed before the Highway Authority can be comfortable with this approach. Whilst the tracking movements can be achieved, they do overhang the footways at the junction of Mill Road/Hambledon Road and require all road space at the junction for the manoeuvre. No assessment has been taken in this area at school drop off and pick up times.If the proposed</p>	<p>The impact of the proposed TTRO on Mill Road and Anmore Road on access to private properties and parking is set out in a revised version of the “<i>Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy</i>” which will be submitted into the examination at Deadline 8. The identified residual impact of parking and access on Mill Road and Anmore Road is deemed to be negligible due to availability of alternative parking, the retention of access to private driveways at all times and the temporary nature of the TTRO, with suspension of on-street parking only being required for when cable drum deliveries are to take place. The Applicant has confirmed in discussions with HCC that it is amenable to confirming HGV movements will not take place in this location during school drop off and pick up times in addition to during peak hours, and this information will be included in the updates to be made to the final FCTMP to be submitted at Deadline 8.</p> <p>Appendix C of the Applicant's Responses to Deadline 6 Submissions – Hearings (REP7-075) contains further information regarding the feasibility of routing construction traffic via the fields to the north of Anmore Road. The additional information submitted summarises that whilst</p>

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	<p>access is to be acceptable, restrictions will need to be secured within the CTMP to prevent construction traffic arriving and departing during these times.</p> <p>More generally a question has been asked of the applicant on why access to Kings Pond Meadow cannot be achieved via the field to the north, or the construction access from Hambledon Road to the south. HCC are waiting for a response from the applicant on these matters. Access from these locations would prevent the need for any lorry routing via the residential roads in Denmead in close proximity to Denmead Infant and Junior Schools and would be welcomed from a highways safety and amenity perspective.</p>	<p>consideration has been given by the Applicant to this routing, the Order Limits north of Anmore Road do not contain sufficient space to contain a haul road alongside the Onshore Cable Corridor.</p> <p>The Applicant has also explained to HCC that it is not appropriate to route construction vehicles from Hambledon Road over Kings Pond. The site is protected and there will not be haul road within Kings Pond as HCC suggest.</p> <p>Given the Applicant and HCC have agreed the position regarding the Anmore Lane Access Requirements, including the additional measures to be confirmed as being required in this location, it is considered this matter is now resolved between the Applicant and HCC.</p>
	<p><u>Site Access</u></p>	
	<p>The site access works as shown on drawing AQD-WSP-UK-OS-DR-Z-200215 Rev 04 are still pending a Road Safety Audit and amendments relating to the banned right turn signage.</p> <p>Within the FTMS the 30mph speed limit is shown on drawing EN020022ESAPPENDIX-22.1.G.1shal Rev 2. The proposed temporary 30mph limit should be extended for the full length of Day Lane and be in place for the full length of the construction programme.</p>	<p>Both the draft Stage 1 Road Safety Audit, and the Designer's Response have been shared with Hampshire County Council. The Applicant is awaiting response from HCC as the overseeing organisation.</p> <p>Paragraph 2.3.1. of the Road Safety Audit referenced the requirement for banned right turn signage. Drawing AQD-WSP-UK-OS-DR-Z-200215 has been updated to include details of the location of the proposed 'No Left Turning' sign. The ban of left turn movements will be enforced by a TTRO, powers for the provision of which are provided for within the draft Development Consent Order (dDCO).</p>
	<p>The Applicants Response to Issue Specific Hearings</p>	
	<p><u>CPO Hearing</u></p>	
	<p>A post meeting note was required as a result of the issue specific hearings on the CPO rights from the applicant to determine a process for identifying when easements for cables being laid below the highway were being enacted and for how this is to be agreed. It is agreed that the DCO requires the details of the cable including its depth to be agreed with the Highway Authority. It is then stated it will be for the applicant to determine if based on features within the Highway whether the depth is within or outside of the highway limit. This should be determined in conjunction with the relevant highway authority, who know their asset best and the draft DCO should include this within the specific requirements being reviewed and approved for the cable details, noting that approval of this element may not be possible till construction has commenced on particular sections.</p>	<p>The Applicant understands that this comment relates to paragraph 3.1.48 of the Applicant's post hearing notes (REP6-062). The inclusion of additional wording in the dDCO is not considered necessary as requirement 6(3)(b) of the dDCO already 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. This will involve discussions with the highway authority. It is not considered that it is necessary for any 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 acquisition 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 provided for.</p>

Table 2.4 - Havant Borough Council

Ref:	Question:	Applicant's Comments
	The only comments raised by Havant Borough Council at Deadline 7 relate to Article 9 and the submissions are the same as those raised by East Hampshire District Council above	Please refer to Table 2.2 - East Hampshire District Council above for the Applicant's response to the comments raised by Havant Borough Council, which are a repeat of the submission of East Hampshire District Council in relation to Article 9 of the dDCO.

Table 2.5 - Highways England

Ref:	Question:	Applicant's Comments
Protective Provisions		
	Dialogue continues with the Applicant to agree the appropriate protective provisions in relation to the Strategic Road Network and protection of its assets (which includes National Roads Telecommunications Services) to be incorporated with the DCO. Formal agreement is imminent and is anticipated to be submitted to the ExA well in advance of deadline 8	Protective provisions have now been agreed between the parties.
Traffic and Transport		
<u>An updated, more detailed assessment of the collision data at A3(M) Junctions 2 and 3 and at the A27/ A2030 junction</u>		
	This was discussed at the meetings held on 6th and 21st January and WSP stated that this had been done but that they would await agreement on the junction capacity modelling before issuing it to us, as the two were linked (in the sense that the modelling would allow us to understand the risk that collision clusters associated with excessive queueing on the slip roads would be exacerbated by the Scheme);	The Applicant submitted a Technical Note providing a review of collision data at Strategic Road Network junctions at Deadline 7 (REP7-039) which contained a review of existing collision data against forecast and observed traffic flows at four junctions on the Strategic Road Network. As stated in Section 6.2 of this Technical Note (REP7-039), it was found that at both the junctions of A2030 / A27, and at both Junction 2 and Junction 3 of the A3 (M) the Proposed Development is not expected to materially worsen risk of collisions. Following a meeting on 12 February 2021, Highways England advised the Applicant that although their formal review of this document was still in progress they do not believe there are any highway capacity issues caused by the development that are likely to materially impact on safety. In anticipation of formal conclusion of this matter, the Applicant believes there are no outstanding issues that are not mitigated within the existing strategies as set out in the FTMS and FCTMP.
<u>A further submission in respect of the junction capacity modelling for A3(M) Junctions 2 and 3</u>		
	This was raised at the meeting held on 18th November, at which we expressed the opinion that the ARCADY and LINSIG models submitted to date required an update. This was to be addressed by WSP by obtaining locally-derived traffic flows for these junctions, rather than those produced by the SRTM, which was regarded as not having sufficiently fine detail in the vicinity of these junctions to produce precise, accurate turning movements. WSP have now incorporated their response to this	Appendix 2 of the Supplementary Transport Assessment Addendum submitted at Deadline 7 (REP7-065) contains 'Technical Note HE03 – Response to Highway England Technical Note TN03'. This Technical Note (Appendix 2 of REP7-065) contains a series of both ARCADY and LinSig models which assess both Junction 2 and Junction 3 of the A3 (M) in a variety of future year scenarios. The results of the modelling found that the implementation of the Proposed Development did not materially worsen the operation of either junction.

<p>issue in the updated models referred to above. This is the subject of a WSP Technical Note, received on 17th December 2020.</p> <p>A review of this material is currently under way. At a meeting held on 21st January, some initial comments were fed back to WSP. These will require a small amount of additional work to overcome one specific issue relating to queueing at A3(M) Junction 2. However, the initial review has found that, in principle, these are credible model runs which appear to show acceptable outcomes. This will be formally confirmed ahead of Deadline 8.</p> <p>It is anticipated that the issues identified to date are not showstopper issues and will if necessary be mitigated through commitments to be made either in an updated FCTMP or a supplement to the Transport Assessment.</p> <p>It has been agreed by all parties that a statement of common ground between Highways England, Hampshire County Council, Portsmouth City Council and AQUIND is not required. Although all parties remain committed to continue dialogue throughout the construction period to manage any potential issues as they arise.</p>	<p>The Applicant notes Highways England's acceptance of the modelling undertaken and the associated outcomes.</p> <p>Following a meeting on 12 February 2021, Highways England advised the Applicant that the revised model runs are now acceptable.</p>
<p>Other Matters</p>	
<p><u>Relevant Highway Authority</u></p>	
<p>We have reviewed and understood AQUIND's position on the matters related to Highways England not being included as a 'relevant highway authority'. We remain concerned in relation to how matters in relation to potential (as could be formally agreed in the Construction Management Plan that might not be detailed in the FCTMP or FCMS) mitigation proposals on both Portsmouth City Council's and Hampshire County Council's road networks during the construction period and the important role the strategic road network will play.</p> <p>This potential issue for matters on the local road network that could indirectly impact the strategic road network is mitigated by the applicant's suggested additional wording in the DCO for the Construction Management Plan (Requirement 17):</p> <p>"to be submitted to and approved by the relevant highway authority in consultation with Highways England".</p> <p>Highways England would be agreeable to the change wording in the DCO, if it can be confirmed that matters formally approved by the relevant highway authority in the Construction Management Plan (Requirement 17) only relates to matters on the highway network the relevant highway authorities are responsible for. For avoidance of doubt, the current two relevant highway authorities, Hampshire County Council and Portsmouth City Council are unable to approve matters that relate to the strategic road network managed by Highways England. Any matters that may be identified in the Construction Management Plan that require formal approval on the strategic road network managed by Highways England will require additional consultation by AQUIND and formal approvals sought that can only be given by Highways England. Highways England recommends early engagement on any such matters to avoid any unnecessary delay.</p>	<p>Amendments have been made to Requirement 17 to confirm consultation will be undertaken with Highways England in so far as the relevant construction traffic management plan relates to the strategic road network managed by them. This will ensure Highways England comment and agreement of any matters which are relevant to the network managed by them, prior to those measures being secured in the relevant approved construction traffic management plan.</p>

Table 2.6 - Ian Cluegh

Ref:	Question:	Applicant's Comments
	<p>I wish to complain again about the plan to lay an electric cable through Portsmouth.</p> <p>If we need a cable from France surely it should come ashore where it can be connected immediately it comes ashore. Portsmouth is one of the most densely populated city's on the south coast. It will cause pandemonium, and with every month that passes Aquind keep moving the goal posts. The latest being they want to destroy an entire woodland, at a time when we are being told we must plant trees to save the planet.</p> <p>This is a cable that no one wants, please do not let this happen.</p>	<p>The Proposed Development is the product of an extensive optioneering process. The ES sets out the alternatives considered by the Applicant and the reasons why the Proposed Development was chosen (ES Chapter 2 Consideration of Alternatives and Supplementary Alternatives Chapter Appendix 3 of ES Addendum, REP1-152).</p> <p>On 11th December 2020, the Applicant submitted a request to change the Order limits in order to include the addition of two new areas of land that comprise woodland and a private access track (AS-052). This land is required in order to address the impact of ash dieback and the consequential reduction in visual screening of a part of the Proposed Development, the Converter Station. A recent survey of the woodlands on which the future baseline relies for visual screening has identified a number of mitigation measures to address the loss of trees as a consequence of ash dieback. The subsequent inclusion of these woodland areas in the Order limits allows areas of additional screening planting to be planted, the management of the decline of ash trees, encouragement of natural regeneration and replacement planting within these woodland areas. This management will ensure the survival and enhancement of woodland which would otherwise be likely to decline in landscape, visual and biodiversity value. There are no proposals to destroy woodland as suggested.</p>

Table 2.7 - Kevin Flynn

Ref:	Question:	Applicant's Comments
	<p>I would like to put in a complaint about the Aquind project.</p> <p>I live at [redacted] which will be directly effected by the project.</p> <p>It has been such a mess from start to finish with them changing the goal posts with regards to the entrance to the site.</p> <p>Recently following a zoom call with one of Aquinds representatives I was informed that they would be using the public footpath at the bottom of my garden where my football often flies out of the garden to which he always goes and retrieves it.</p> <p>Not only is this a dangerous proposition but is also a huge inconvenience to my family and the surrounding properties.</p> <p>Originally Aquind were going to gain entrance to the site dead Opposite Day Lane which makes sense as would prevent the heavy machinery having to tackle the very sharp turn into the public footpath.</p> <p>However, it has since been recognised that there are some difficult water works to cross at the end of day lane , which I find to be some what worrying. If Aquind can pull pipeline through the ocean but cannot tackle a couple of water works what sort of company are we actually dealing with?</p> <p>So without further a do I would like to first raise my concerns about and his friends health and well being, alongside that the obvious disruption to my life and my</p>	<p>The Applicant's agent held a video-conference with a number of the residents of Little Lovedean and Broadway Farm Barns on Wednesday 02 December 2020 to provide an update and answer any queries they may have in relation to the Proposed Development.</p> <p>This included discussions in relation to the Applicant's temporary use of the farm track during the construction of the Proposed Development. For the avoidance of doubt, the farm track runs through Plots 1-65 and 1-63 as shown on the Land Plans - Rev04 (REP6-004). The farm track is already used by agricultural machinery as well as by HGVs accessing the grain stores located west of Broadway Lane (immediately west of Plots 1-63 and 1-75) to remove harvested grain once it has reached the correct moisture levels.</p> <p>The Applicant has made it clear that the use of this farm track would be temporary and that a permanent access road would be constructed further north, between the farm track and the junction of Day Lane and Broadway Lane. This was communicated to local residents in a presentation made on 15 January 2020, a copy of which was sent to the residents of Little Lovedean and Broadway Farm Barns on 16 January 2020 by email. A copy of the presentation is attached for reference within Appendix C (document reference 7.9.39.4) . As such, the reference to the Applicant changing the goal posts is not accurate.</p>

Ref:	Question:	Applicant's Comments
	neighbours lives. I am also concerned that a company such as Aquind cannot get over a couple of waterwork issues when conducting their business.	<p>The Applicant's agent also provided an overview of why it was not possible for the permanent access road to be located immediately west of the junction of Day Lane and Broadway Lane. This is because of the presence of a number of old oil-filled lead sheathed 132kV underground cables, rather than water works, which are to be avoided.</p> <p>The Applicant's use of the farm track will only be during the initial stage of the construction programme. Once the main access road has been constructed there will not be any further needs for construction traffic to take access over the farm track.</p>

Table 2.8 - Viola Langley

Ref:	Question:	Applicant's Comments
	Deadline 7 Submission	
	We have started a collection of vulnerable species spotted in the allotments in Portsmouth. I will keep you informed about species spotted. So far: newts, slowworms, Dartford Warblers, hawks, tits, robins, lots of butterflies: red admirals, small and big white, ringlets, commas etc. I will update you regularly with new finds	Chapter 16 Onshore Ecology of the ES (APP-131), and the ES Addendum (REP1-139) assess predicted effects on ecological features as a result of the Proposed Development. These are supported by ecological reports detailing the survey work and other types of study used to inform the assessment, included as appendices to Chapter 16 of the ES. The assessment determined that the Proposed Development would not lead to significant adverse effects on ecological features including statutory and non-statutory designated wildlife sites. In addition, effects on the allotments will be avoided during construction by the use of HDD. As the cable will be buried, the allotments will not be affected during operation.
	Deadline 7 Submission - Responses to ExQ2	
	<p>Question1: Is there a contradiction in the applicant's response to point 1 of my Open Floor Hearing submission? I am referred back to their comment in reponse to Judith Clementson point 4.</p> <p><i>"It is also important to put the short-term effects of the pandemic in the context with longer term objectives and projections. The UK Government has this year committed to achieving net zero carbon emissions by 2050. As recognised in the recently published Government Response to the National Infrastructure Assessment (November 2020) this commitment is "likely to result in a significant increase in electricity demand".</i></p> <p>The National Infrastructure Strategy 1 Energy white paper: Powering our net zero future - https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future AQUIND INTERCONNECTOR WSP PINS Ref.: EN020022 Document Ref.: Applicant's Response to Submissions made at Open Floor Hearings December 2020 AQUIND Limited Page 1-13 Key concerns raised in oral and written representations Applicant's response (NIS) published at the same time also states</p>	It is not clear what contradiction is being suggested. The response recognises that the Covid-19 pandemic has short term implications on how we live, work and travel but that long term projections are that, in order to achieve net zero, demand for electricity will increase significantly.

Ref:	Question:	Applicant's Comments
	<p>that to achieve net zero the power system will need to be much larger to cope with additional demand from electrification in transport, heating and industry and that “this expanded system will require increased investments in network infrastructure, sources of flexibility, such as interconnection, demand response and storage and enough low carbon generation capacity to provide the vast majority of the UK’s electricity needs” . In summary, whilst the pandemic affects energy consumption in the short term it highlights the increasing demand for renewables, and the consequent need for flexibility to address issues of intermittency and security of supply, the long term objectives for net zero will result in increased demand for electricity and for the majority to be provided by low cost renewables."</p>	
	<p>2. Question: Do I understand this correctly that our target to be net zero by 2050 increases our electricity demand? How does this interconnector project help in this situation?</p>	<p>That is correct. This is not the Applicant’s assessment, it is contained within the UK Government’s Energy White Paper: Powering our net zero future.</p> <p>Increased demand for electricity will require increased investment in network infrastructure and sources of flexibility. Interconnectors are recognised as a means of delivering this flexibility which can help integrate low carbon generation and limit curtailment of generation from intermittent renewable sources</p> <p>The Applicant refers to the Needs and Benefits Second Addendum (REP7-064) which addresses this point in detail.</p>
	<p>3. Question Can the applicant justify these statements in relation to a planning application and give quantifiable and verifiable data. <i>" In summary, whilst the pandemic affects energy consumption in the short term it highlights the increasing demand for renewables"</i></p>	<p>Yes. The Global Energy Review 2020 published by the IEA in April 2020 examined the impacts on the Covid-19 pandemic on global energy demand.</p> <p>The report documented a decline in global energy demand in the first quarter of 2020, with fossil fuel demand being hit the hardest, but that renewables still posted a growth in demand. The report identified that even where demand for energy reduces the demand for renewables is predicted to increase because of low operating costs and preferential access to many power systems.</p> <p>The Applicant refers to our Needs and Benefits Addendum (REP1-136) which addresses this point in detail.</p>
	<p>4. Questions: What regulatory powers will be employed to ensure that costs to consumers are lower? <i>"and driving down costs for consumers."</i></p>	<p>The Office of Gas and Electricity Markets (Ofgem) have the remit of protecting UK consumers working with Government, the industry and consumer groups to deliver a net zero economy at the lowest cost to consumers.</p> <p>The Applicant address the benefits of AQUIND Interconnector in reducing electricity prices for consumers and increasing social welfare in the Needs and Benefits Addendum (REP1-136).</p>

Ref:	Question:	Applicant's Comments
	<p>5. Question:</p> <p>Is the applicant entitled to promote the dubious associated development issue of enhanced FOC as part of the an answer to COVID implications on the Interconnector project?</p> <p><i>"The commercial use of the fibre optic cables will assist in the delivery of improved services such as broadband speeds. Fibre connections are becoming increasingly desirable due to their high speeds.</i></p> <p><i>Demand for increased bandwidth is increasing as businesses, governments, organisations, and the public continue to rely on more interconnectivity, particularly in the wake of COVID19 where more distributed working arrangements have become the norm"</i></p>	<p>The Applicant has nothing further to add to the statement referred to. It is a factually correct and valid point.</p>
	<p>6. Question</p> <p>Referring to my point three:</p> <p>Are the examiners really satisfied that the optioneering process was properly conducted and concluded? Would you please consider the following document ?</p> <p>Can we assume that you the examiners have not already had the benefit of this submission?</p> <p>(You have this document as a PDF and word document file in your library)</p>	<p>The Applicant has provided a response to the points made on the Optioneering process within the Applicant's Response to Deadline 6 Submissions – Hearings (REP7-074), Table 4.2.</p> <p>The Applicant is satisfied that it has carried out a robust analysis of the reasonable alternatives and has reached an appropriate and logical conclusion in so doing.</p>
	<p>Referring to point 4 consultation with the public:</p> <p>7. Question</p> <p>Are the examiners aware of the deficiencies of the presentation to the public in early 2019?</p> <p>Please refer to:</p> <p>https://aquindconsultation.co.uk/wp-content/uploads/sites/13/2019/03/AQUINDInterconnector-Exhibition-Boards.pdf</p> <p>When these presentation boards were used to present the scheme to the public you will see that on the board relating to landfall it is clearly stated that all parts will be underground at Fort Cumberland car park. There was no mention of the need to construct any building at this point. Indeed, in contrast, there is mention of 2 telecommunication buildings needed at Lovedean at the Converter Building.</p>	<p>The Applicant has consulted extensively with regard to the proposed development and has clearly stated within the Non-Technical Summary of the PEIR (APP-090) at paragraph 3.2.1 "Up to two Optical Regeneration Stations ('ORS') associated with the FOC (one for each circuit) are anticipated within approximately 1 km of the Landfall. Each ORS would be housed in a separate building with dimensions of approximately 4 m x 5 m long x 3m high (20 m² footprint). Each ORS may be contained within a security fence, which may also include equipment associated with an auxiliary power supply to the ORS".</p> <p>The PEIR states in 3.3.6.5 that "The location of the ORS infrastructure has not yet been determined, however it is anticipated this will be located within the Site Boundary and the detail of what is to be developed and where this is to be located will be confirmed in the final proposals for the Proposed Development and assessed as part of the EIA."</p> <p>The Applicant has clearly outlined from the outset that flexibility with regard to the design parameters would be required. The Applicant undertook close consultation with key stakeholders throughout the process and has complied fully with the requirements as set out in the Planning Act 2008.</p>
	<p>8.Question</p> <p>How could residents local to Ford Cumberland car park be so deceived?</p>	
	<p>9. Question</p> <p>Are there not other examples of such lack of information or poorly communicated?</p>	

Ref:	Question:	Applicant's Comments
	<p>10. Question</p> <p>Allotment holders recently completed a questionnaire sent to them by the applicant. For what purpose was this questionnaire used?</p>	<p>Information in relation to the interests of allotment holders was sought by the Applicant prior to the submission of the DCO application, including by way of request for information documents sent to Portsmouth City Council as freeholder of the land and site notices erected at the allotments. No response was received to these requests at that time.</p> <p>Further to representations that have since been made by Portsmouth City Council and by allotment tenants during the course of the examination the Examining Authority requested the Applicant to update the Book of Reference for the application to include the interests of the holders of allotments within the Order limits, on the understanding that the allotment tenancies grant interests in land that is to be affected by the proposals. The Applicant has used the responses to the questionnaire to record the allotment holder land interest in the Book of Reference.</p>
	<p>11.Question</p> <p>Refer to insufficient consultation point 8 Kimberly Barrett:</p> <p><i>"AQUIND has continued its engagement with key stakeholders and maintained an open line of communication with the local community"</i></p> <p>Do the Examiners think the submissions from local residents support this view?</p>	<p>Whilst the Applicant cannot comment on the perspectives of local residents, the Consultation Report (APP-025) outlines the engagement undertaken by the Applicant prior to the submission of the DCO and local residents have had numerous opportunities to comment on the application before and during the Examination. The Applicant has at all times complied with the requirements as outlined in the Planning Act 2008.</p>
	<p>13. Question</p> <p>Referring to answer 5b of response by Aquind</p> <p><i>Aquind: "b. The Local Authorities are each statutory consultees, have been consulted throughout the process and are taking part in the Examination"</i></p> <p>Will the ExA continue to recognise the unanimous objection by local authorities to the proposed project ?</p>	<p>The Applicant is aware of the LPA's position with regard to the proposed development. Matters between parties are all set out in the SoCGs which have been submitted to the ExA all through the Examination and updated regularly to take account of ongoing discussions.</p>
	<p>14. Question</p> <p>Is the ExA confident that the so called short term adverse effects are beneficial in the long term when local Authorities give all the evidence that it is questionable?</p> <p><i>Aquind: "c- e. The SoS in considering any proposed development, and in particular when weighing its adverse impacts against its benefits, is required to take into account paragraph 4.1.3 of the Overarching National Policy Statement for Energy (EN1). This states that the SoS should take into account its potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long-term wider benefits and its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts"</i></p>	<p>The Applicant is unable to comment on the view that the ExA will take on this matter. However, the Applicant has clearly set out over the course of the Examination the benefits of the scheme and this can be found in the Needs and Benefits Report (APP-115) and Addenda (REP1-136 and REP7-064).</p>

Ref:	Question:	Applicant's Comments
	<p>15.Question Referring to point 6 (electro- magnetic Field omissions) of response from Aquind Is the ExA 100 % confident that there are no implications for the health of residents particularly where near to residents' homes (Moorings Way) ? There have been so far no scientific studies to prove this.</p>	<p>The Applicant has provided a response on EMF within the Applicant's Response to Deadline 4 (REP6-067) within Table 4.1 and Applicant's Response to Deadline 5 Submissions (REP6-069) with Table 4.1.</p> <p>Public Health England have confirmed that they "<i>are satisfied that, based on the submitted documentation and suggested control/mitigation measures, the development is unlikely to present a significant risk to public health.</i>" (REP1-218).</p>
	<p>16. Question Referring to point 7 of response by Aquind "ES Chapter 18 (APP-133) identifies a record of possible methane at Milton Common from a record of an in-ground waste fire occurred in the early 1980s, which is understood to have been caused by ignition of methane in the ground. This has been taken into account and section 6.10.2 of the OOCEMP (REP4-005) sets out measures to be taken if contamination is present during construction and these include gas protection measures.!" Why has the applicant not mentioned asbestos which was in my submission?</p>	<p>Working methods to address potential risk from methane are discussed in the response to Question 20 below.</p> <p>Contaminants have not been individually named in the assessment however this does not mean asbestos has not been assessed. All contamination elements are referred to as "contamination" which includes asbestos.</p> <p>Asbestos is only a risk if fibrous material is broken during excavation and Asbestos in soils only becomes a risk if soils are dried out which are then able to travel as windblown dust.</p> <p>During construction a watching brief would be implemented during the excavation to ensure that any unexpected contamination within the Made Ground (including landfill waste) is rapidly risk assessed and dealt with appropriately. During construction regular monitoring visual inspection will be carried out in order to identify any unexpected contamination.</p> <p>As specified in 6.9.2 of the updated version of the OOCEMP submitted at Deadline 7 (REP7-032) the following mitigation measures are in place to mitigate dust impact, including asbestos:</p> <ul style="list-style-type: none"> • There is a potential for noise, dust and odour impacts in the immediate vicinity of the proposed excavations within Milton Common. The appointed contractor will prepare a detailed specification of the proposed excavation and installation methodology in this location outlining the measures to be put in place to monitor and mitigate such impacts. • the introduction of an exclusion zone in the immediate area of the excavation to keep members of the public at distance. • excavation of the trench in short lengths to minimise odour and dust impacts. • a programme of noise, dust and odour monitoring with agreed red/amber/green alerts and associated actions to reduce impacts. <p>When dust arises dust dampening is also used to reduce windblown. Dust dampening activities are noted in the OOCEMP (REP7-032) in sections 5.5.1.1 and 5.6.1.2. These include:</p> <ul style="list-style-type: none"> • Water/surfactant will be sprayed onto material being worked to damp down any potentially contaminated dust and prevent it from becoming airborne. Chemicals and surfactants will be reviewed before being used on-site and included within the contractor's method statements; AND • The cleaning of vehicle wheels prior to leaving site

Ref:	Question:	Applicant's Comments
	<p>17. Question</p> <p>Has the ExA received all relevant material regards asbestos on Milton Common and surrounding area of Fort Cumberland?</p>	<p>WSP has been provided with multiple reports from PCC to review. Asbestos is assumed as present due to the presence of Made Ground and Landfill material. Contaminant risks are discussed within the Environmental Statement - Volume 3 - Appendix 18.1 Preliminary Risk Assessment and Generic Quantitative Risk Assessment (APP-429) and mitigation measures are discussed within the OOCEMP (REP7-032).</p> <p>As specified in 6.9.2 of the updated version of the OOCEMP submitted at Deadline 7 (REP7-032) the following mitigation measures are in place to mitigate dust impact, including asbestos:</p> <ul style="list-style-type: none"> • There is a potential for noise, dust and odour impacts in the immediate vicinity of the proposed excavations within Milton Common. The appointed contractor will prepare a detailed specification of the proposed excavation and installation methodology in this location outlining the measures to be put in place to monitor and mitigate such impacts. • the introduction of an exclusion zone in the immediate area of the excavation to keep members of the public at distance. • excavation of the trench in short lengths to minimise odour and dust impacts. • a programme of noise, dust and odour monitoring with agreed red/amber/green alerts and associated actions to reduce impacts. <p>When dust arises dust dampening is also used to reduce windblown. Dust dampening activities are noted in the OOCEMP (REP7-032) in sections 5.5.1.1 and 5.6.1.2. These include:</p> <ul style="list-style-type: none"> • Water/surfactant will be sprayed onto material being worked to damp down any potentially contaminated dust and prevent it from becoming airborne. Chemicals and surfactants will be reviewed before being used on-site and included within the contractor's method statements; AND • The cleaning of vehicle wheels prior to leaving site
	<p>18.Question</p> <p>How will the applicant deal with asbestos and prevent health hazards for the residents?</p>	<p>Please see response to Question 16 above.</p>
	<p>19. Question</p> <p>What are the regulations with regards to asbestos in this DCO?</p>	<p>The Control of Asbestos Regulations 2012 are applicable.</p>
	<p>20. Question</p> <p>Can the applicant describe in more detail what these methane gas protection measures are and how to give residents confidence that these are no health hazards for them?</p>	<p>Methane is not a health hazard per se unless released in vast quantities in a confined space.</p> <p>Methane is contained within the landfill via an engineered capping layer and controlled via methane control measures. To reduce the risk of release, and as outlined in 6.9.2 of the OOCEMP (REP7-032), the following measures will be undertaken</p>

Ref:	Question:	Applicant's Comments
		<ul style="list-style-type: none"> • There is a potential for noise, dust and odour impacts in the immediate vicinity of the proposed excavations within Milton Common. The appointed contractor will prepare a detailed specification of the proposed excavation and installation methodology in this location outlining the measures to be put in place to monitor and mitigate such impacts. • the introduction of an exclusion zone in the immediate area of the excavation to excavation of the trench in short lengths to minimise odour and dust impacts. • Clay stanks (or similar) will be installed at regular intervals along the trench to prevent migration of landfill gas along the route and beyond the existing gas vent trench around Milton Common. • Appropriate gas protection measures will be applied to access chambers or jointing pits to prevent ingress of landfill gas. • Reinstatement of an engineered landfill cap to its existing condition or better. <p>Detailed design will be undertaken following appointment of contractor and health hazards will be further taken into consideration at this stage.</p>
	<p>21. Question</p> <p>Could there be any other hazardous materials (e.g. radium) on Milton Common considering their dubious origin?</p>	<p>Milton Common deposited waste included industrial and household waste.</p> <p>No previous reports provided by PCC mention that particularly hazardous materials were deposited at the site. There may be some radium components (old clock dials etc.) however, if present, these would be deemed a very low risk with regard to any potential long term effects.</p> <p>Risk during the works would be related to short term exposure, however it is extremely unlikely that any significant deposits of radioactive material will be encountered. In addition, section 6.9.2 of the OOCEMP (REP7-032) details the mitigation measures that will be in place during the works which include the following:</p> <ul style="list-style-type: none"> • excavation of the trench in short lengths to minimise odour and dust impacts • Clay stanks (or similar) will be installed at regular intervals along the trench to prevent migration of landfill gas along the route and beyond the existing gas vent trench around Milton Common. • Appropriate gas protection measures will be applied to access chambers or jointing pits to prevent ingress of landfill gas. • Reinstatement of an engineered landfill cap to its existing condition or better.

Table 2.9 - Portsmouth City Council

Ref:	Question:	Applicant's Comments
Further Comments in Respect of Highways, Transport and Traffic Issues		
<u>REP6 – 011 and 012 Revised Access & Rights of Way Plans</u>		
1.2	<p>These plans are provided in both low and high resolution although do not include all of access points necessary to implement the works, for example the access required to Eastern Road immediately to the north of the A27 interchange required to access the Farlington Playing Field is not identified.</p> <p>The updated FCTMP (REP6-031 para 5.2.1.7) suggests that all accesses to Eastern Road will be left - in left out, although these drawings are not sufficiently detailed to show the intended access arrangements which will need to be agreed through the CTMPs for each section. PCC considers that those details will need to be supported with independent safety audits although PCC would note the following where it does not seem possible to create accesses:</p> <ul style="list-style-type: none"> • AC/7/a given the now advised position of the joint bays (REP6-070) whilst retaining scope for a vehicle to turn on the site • AC/8/b given the inadequate distance to merge to the outside land and so turn via Airport Service Road – requiring an agreed routing strategy for all movements • AC/9/a given the absence of opportunity further to the south to turn – requiring an agreed routing strategy for all movements • AC/9/d given the absence of opportunity further to the south to turn – requiring an agreed routing strategy for all movements 	<p>Updated Access and Right of Way Plans have been submitted at Deadline 7 (REP7-008) to include the access to Farlington Playing Fields from the A2030 Eastern Road.</p> <p>The Applicant also notes that PCC comments regarding specific accesses were discussed at a meeting held on 21/01/21. The concern relating to AC/7/a at Zetland Fields has now been resolved through submission of Joint Bay Feasibility Report (REP7-073) which included the relocation of indicative Joint Bays in this location further south within Zetland Fields so to provide adequate space for vehicles to enter the site.</p> <p>Vehicles exiting AC/8/b on the A2030 Eastern Road southbound carriageway will be required to use Airport Service Road, Robinson Road and Anchorage Road to access the A2030 northbound carriageway and exit Portsea Island.</p> <p>Vehicles exiting AC/9/a on A2030 Eastern Road southbound carriageway will be required to use Velder Avenue and Rodney Road to complete a u-turn at the Rodney Road / Fratton Road roundabout and then exit Portsea Island via the A2030 Eastern Road northbound carriageway.</p> <p>This updated construction traffic routing has been incorporated into the FCTMP, which will be shared with PCC prior to D8 to ensure these amendments are agreed for submission of the final document into the Examination at Deadline 8.</p> <p>The specific details of all access to be temporarily created or improved will be agreed with the highway authority, both by virtue of Requirement 10 and the need for minor works agreements to be entered into in relation to them in accordance with the proposed Section 106 Agreement. Adequate controls are therefore provided in relation to the temporary creation and improvement of highway accesses in connection with the construction of the Proposed Development.</p>
<u>REP6 – 030 and 031 Revised Framework Traffic Management Strategy (FTMS)</u>		
1.3	<p>It is explained at para 1.1.1.3 that the FTMS is informed by the predicted impacts established through the TA (APP-137) and STA (REP1-142) and at para 1.1.1.4 responds to mitigate those essentially through works programming, public information and a signing strategy. Whilst the council agrees that there is little benefit of further traffic modelling, recognising the limitations of the Solent Region Transport Model (SRTM) - for example it being a strategic model not including all of the minor roads which traffic may divert via - the impacts on these roads do need to be assessed and if necessary mitigated although this is not addressed nor provided for in either the FTMS or FCTMP.</p>	<p>The Applicant reasserts that realistic worst-case and robust assessment on the highway network has already been completed within the Transport Assessment (APP448), Chapter 22 of the ES (APP-137), Supplementary Transport Assessment (REP1-142) and ES Addendum (REP1-137). The SRTM modelling is representative of impacts that may occur on roads not included within the model. In this way, the overall impact on roads affected by the works but not provided for by the modelling has been adequately assessed.</p> <p>Traffic impacts will be further mitigated by a Travel Demand Management (TDM) Strategy (document reference 7.9.37) which has been developed by the Applicant, to be implemented during works on the A3 London Road in Hampshire and A2030 Eastern Road on Portsea Island. The TDM Strategy will be secured as part of the Framework Traffic Management Strategy (REP6-030). The TDM Strategy document focuses on the travel behaviour change solutions that can be</p>

Ref:	Question:	Applicant's Comments
		<p>delivered during the works on A3 London Road and A2030 Eastern Road and sets out an intent to work in partnership with local authorities and other local partners to deliver a comprehensive TDM Strategy to reduce peak hour traffic flows and impacts associated within the implementation of traffic management on these key corridors.</p> <p>The Applicant has further discussed the non-modelled roads with PCC in a meeting on 21 January 2021 and it has been agreed that no further assessment is required. Instead, any impacts on roads not included within the SRTM can be resolved through further traffic management mitigation measures that can be incorporated into individual Traffic Management Strategies which will be agreed with PCC prior to the works taking place. Such measures may include:</p> <ul style="list-style-type: none"> • One-way working • No entry orders • Banned turns • Suspension of on-street parking • Priority measures / road narrowing • Bolt-down speed humps • Temporary speed limits <p>The Applicant will update the FTMS to make specific reference to these measures and share this with PCC in advance of Deadline 8.</p>
1.4	<p>Para 2.4.1.2 explains the need for detailed design of works and traffic management measures to be submitted to the LHA prior to the commencement of works. PCC suggest that this should additionally detail the requirement for LHA approval of the same prior to the commencement of work and in the case of works to form a new access to the highway the requirement for a S278 agreement.</p>	<p>The Applicant agrees with this comment and has updated the FTMS accordingly. The Applicant will share the revised FTMS with PCC prior to D8 to ensure these amendments are agreed for submission of the final document into the Examination at Deadline 8.</p> <p>The Applicant has provided PCC with a draft Section 106 Agreement and draft form minor works highways agreement. The Section 106 Agreement will secure the need to enter into the minor works highways agreement. It is therefore considered the Applicant has addressed PCC's comments, whilst awaiting any comments on those documents from PCC.</p>
1.5	<p>Para 2.5.3.2 explains that vehicular access for vulnerable residents or those with mobility impairments will be maintained at all times although the term 'vulnerable' is not defined and this should be clarified to include those of school age.</p>	<p>Further to discussions held with PCC on 21/01/21 the Applicant has agreed to update the access to properties strategy to include children under the age of 5 in the definition of vulnerable persons included in Section 4.4 of the Access to Properties and Car Parking and Communication Strategy (Appendix 1 of REP6-030).</p> <p>The Applicant will share the revised FTMS with PCC prior to Deadline 8 to ensure these amendments are agreed for submission of the final document into the Examination at Deadline 8.</p>
1.6	<p>Para 2.5.3.3 explains that traffic management will only be required to be in place at individual side roads for 1-2 weeks due to the way in which construction will progress</p>	<p>As is set out in paragraph 4.2.1.2. of the Framework Traffic Management Strategy (REP6-030), the ducts for each circuit will be installed in sections, typically up to 100m in length, with each section taking approximately one week to complete. Depending on where this 100m section</p>

Ref:	Question:	Applicant's Comments
	<p>in sections. Given the explanation that progress in carriageways will be at a minimum rate of 12m / day it is difficult to understand why this needs to be more than 1-2 days</p>	<p>finishes it is possible a side-road is also impacted by the subsequent 100m set-up to install cable ducts during the following week, therefore requiring traffic management to be installed on the affected side road for two weeks. Due to the construction methodology for the Onshore Cable Route the 100m section of traffic management will be installed for the full week required to install the cable ducts and reinstate the highway, as is necessary to ensure safe and appropriate working practices.</p>
<p>1.7</p>	<p>Para 2.6.1.1 assumes that permit applications will be approved in 10 days on the basis that detailed designs and traffic management measures have been approved in advance. Despite the intention to seek provisional advanced notifications the issue of such permits irrespective of provisional advanced notice cannot be assumed where that would result in conflict with other committed works either in the same area or on diversionary routes. This needs to be recognised in the DCO provisions and in particular that it cannot be assumed that a permit securing the roadspace can necessarily be made available at the time of application.</p>	<p>The timescales for the approvals of permits are those which are prescribed by the Permit Scheme. The Applicant has merely reflected the position provided by the Permit Scheme. Process for the provision of permits is provided for at Article 9A of the draft DCO.</p> <p>Article 9A (1)(d) provides “<i>where a provisional advance authorisation has been granted to the undertaker in advance of the grant of a permit in relation to the construction of the authorised development the relevant street authority may not grant a permit for any other works in the location during the time period to which that provisional advance authorisation relates save that nothing will restrict the ability of the local highway authority to grant a permit for emergency works</i>”. The application of the permit scheme to the DCO was agreed on the basis that this necessary protection was included, The Applicant will not accept the application of the Permit Scheme to the DCO without this protection being included, which is specifically included to ensure there is certainty of when works can be undertaken by the undertaker in accordance with the FTMS controls and with all relevant persons having agreed this in advance.</p>
<p>1.8</p>	<p>Para 2.6.1.2 explains the information required to be submitted to the LHA as a part of a section specific CTMP, The need for a schedule of condition of any part of the highway affected by the works is required although the format and approach is not detailed. In line with current practice for such roadworks PCC suggest that this should include as a minimum a photographic record and scanner survey of the affected carriageway to be repeated upon completion of the reinstatement which will only be accepted once such surveys find the carriageway to be in an equivalent or better condition</p>	<p>The Applicant notes that this comment relates to paragraph 2.6.1.2 of the FTMS (REP6-030) rather than the CTMP as PCC have referenced. Paragraph 2.6.1.2 of the FTMS provides details of information which will be submitted to the Local Highway Authority as part of detailed traffic management strategies for each section of works. Whilst the Applicant agrees with PCC’s comment regarding the provision of photographic and scanner survey of the affected highway it is also noted that the Applicant will reinstate the highway to the standard required in accordance with the New Roads and Street Works Act 1991 and be subject to post-reinstatement liabilities in accordance with that Act. The traffic management strategies to be approved in accordance with Requirement 25 require details of the proposed approach to the reinstatement of the public highway in connection with those works, including (where applicable) details of both temporary and permanent reinstatement to be provided. The reinstatement proposed will be required as minimum to be compliant with the statutory requirements in this regard and the Applicant will not be reinstating the highway to a better condition than prior to the works.</p> <p>The Applicant will share the revised FTMS (REP6-030) with PCC prior to Deadline 8 to ensure these amendments are agreed for submission of the final document into the Examination at Deadline 8.</p>
<p>1.10</p>	<p>Section 2.9 explains the approach to the signing strategy (reiterated in 2.13.1.1 in respect of the Responsive Traffic Management Protocol) which will seek to direct drivers to the most appropriate routes given the anticipated disruption. Those alternative routes are different to those predicted to be used by some drivers in the STRM and if effective will modify the traffic flows predicted in the STRM. It is not clear</p>	<p>The Applicant reasserts that realistic worst-case and robust assessment on the highway network has already been completed within the Transport Assessment (APP448), Chapter 22 of the ES (APP-137), Supplementary Transport Assessment (REP1-142) and ES Addendum (REP1-137). The SRTM modelling is representative of impacts that may occur on roads not included within the</p>

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	<p>if or how those effects have been pick up and used to refine traffic level assumptions in the broader analysis of impact.</p>	<p>model and therefore agrees with PCC's view that there is little benefit in undertaking further traffic modelling.</p> <p>In addition to this, and following discussion with PCC, the Applicant believes that concerns related to impacts on roads not included within the SRTM can be resolved through further traffic management mitigation measures that can be incorporated into individual Traffic Management Strategies which will be agreed with PCC prior to the works taking place. Such measures may include:</p> <ul style="list-style-type: none"> • One-way working • No entry orders • Banned turns • Suspension of on-street parking • Priority measures / road narrowing • Bolt-down speed humps • Temporary speed limits <p>The Applicant will update the FTMS to make specific reference to these measures and share this with PCC in advance of Deadline 8.</p>
<p>1.11</p>	<p>Para 2.14.1.1. introduces a 'where possible' caveat to the commitment to actively manage access by emergency vehicles. The facilitation of the timely passing of the work by emergency service vehicles is a fundamental requirement and this commitment should be secured in all eventualities.</p>	<p>The Applicant agrees with this comment and has updated the FTMS (REP6-030) accordingly. The Applicant will share the revised FTMS with PCC prior to D8 to ensure these amendments are agreed for submission of the final document into the Examination at Deadline 8.</p>
<p>1.12</p>	<p>Section 7.2 considers the programme and construction on Farlington Ave between Portsdown Hill Road and Seaview Road although has not been updated to reflect the now intended location of the joint bays (REP6-070) in the carriageway – contrary to the commitment made by the Applicant at ISH2. The location of these joint bays is such that they may practically require a road closure or if implemented independently seemingly cannot be delivered within the programme period. The effects of such a road closure in this location have not been considered in the context of diverted traffic movements nor is it clear if or how those effects have been picked up and used to refine traffic level assumptions in the broader analysis of impact. PCC consider that these are significant omissions from the Applicant's assessment and need to be addressed or examined and tested further in their absence.</p>	<p>The Joint Bay locations shown in the Joint Bay Feasibility Report (REP7-073) are indicative, and the Applicant has not identified anything indicatively in this document contrary to any statements made on behalf of the Applicant at ISH2.</p> <p>All works undertaken to construct Joint Bays will be completed within the parameters set out in the Framework Traffic Management Strategy (REP6-030), and as such an assessment of the impacts of such traffic management proposals is included in the Transport Assessment (APP-448) and the Supplementary transport Assessment (REP1-142).</p> <p>The Applicant confirms that road closures will be implemented on Farlington Avenue only for the delivery of cable drums, which will take approximately one hour to complete. As is set out in the UK Joint Bay Feasibility Report (REP7-073), such deliveries of cable drums to Joint Bay locations on Farlington Avenue may be delivered outside of core working hours / overnight to minimise the duration of any required road closures and therefore minimise any impacts on traffic.</p>

Ref:	Question:	Applicant's Comments
1.13	Para 8.1.1.7 has been amended to remove the option of 24hr working on Fitzherbert Road which will extend the period of disruption caused by this work. Given the commercial nature of this environment the option for 24hr working to minimise disruption should be maintained.	The Applicant agrees with this comment and has updated the FTMS (REP6-030) accordingly. The Applicant will share the revised FTMS with PCC prior to D8 to ensure these amendments are agreed for submission of the final document into the Examination at D8.
<i>REP6 – 032 and 033 Revised Framework Construction Traffic Management Plan (FCTMP)</i>		
1.14	In common with the FTMS the FCTMP does not make provision for mitigation works beyond programming, signing and communications and does not consider the need for mitigation on routes which do not feature in the SRTM.	The FCTMP (REP6-032) provides controls and management mechanisms for the movement of construction traffic associated with the Proposed Development, not the wider traffic management of existing traffic, which is detailed in the FTMS. The SRTM is therefore not a relevant concern for the FCTMP. The FCTMP (REP6-032) through provision of controls on vehicle routing, timing of movements, communication, road safety and enforcement of HGV movements includes appropriate measures to mitigate the impacts of construction traffic.
1.15	Para 2.7.1.1 identifies sensitive receptors for which mitigations measures are to be developed in the detailed section CTMPS. These should include routes not assessed though the STRM which may prove attractive diversion routes for drivers	The Framework CTMP (REP6-032) identifies sensitive receptors along the Onshore Cable Corridor and wider area that may be negatively impacted by construction traffic and has been used to inform the designation of construction traffic routes prescribed in Section 3.4 of the FCTMP.
1.16	Para 5.2.1.7 explains that any temporary access created to Eastern Road will be required to operate on a left in left out basis. This requirement should apply to all access used by construction vehicles accessing Eastern Road except where they do so via a traffic signal controlled junction.	As roads not included within the SRTM are almost exclusively minor residential roads these would not be suitable for use by construction traffic and have therefore been excluded from the proposed construction traffic routes. As such it is the Applicant's view that inclusion of these roads in the FCTMP as sensitive receptors is not necessary.
1.17	Para 5.2.1.8 require LHA approval of the final design of all highway accesses. This should also reference the need for S278 agreements to be in place prior to the formation of any such access, include the provision of turning spaces such that vehicles may enter and leave the highway in a forward gear and approach to reinstatement upon completion of the installation.	<p>The Applicant is in agreement with PCC that all accesses used by construction vehicles on the Eastern Road will do so via a left-in-left-out arrangement, as set out in Para 5.2.1.7 of the CTMP, except where traffic signals permit all movements, making this requirement unnecessary.</p> <p>Para 5.2.1.8 of the FCTMP has been amended to include reference to the provision of turning spaces such that vehicles may enter and leave the highway in a forward gear.</p> <p>The Applicant will share the revised FCTMP with PCC prior to Deadline 8 to ensure these amendments are agreed for submission of the final document into the Examination at Deadline 8.</p> <p>The Applicant has agreed to minor works highway agreements being entered into in relation to the creation and improvement of temporary construction accesses, and this includes for reinstatement of the accesses once complete. The Applicant has provided PCC with a draft Section 106 Agreement and draft form minor works highways agreement. The Section 106 Agreement will secure the need to enter into the minor works highways agreement.</p>
1.18	Para 6.1.1.3 explains that the FCTMP only provides an overview of the interventions required and that individual section CTMPs will provide detailed design and safety audit. Whilst this is welcomed the feasibility of the proposals should be established	Careful consideration has been given in Section 3.6 of the Framework CTMP (REP6-032) to potential construction traffic impacts of the Proposed Development, with Section 6 detailing design interventions that are appropriate to be confirmed at this stage of the project. All other interventions identified within Section 3.6, such as use of temporary TROs, junction modification to cater for abnormal loads or use of traffic marshalling has been fully considered by the Applicant

Ref:	Question:	Applicant's Comments
	prior to the approval of the DCO or alternative proposals identified in the event that proposed interventions when designed in detail cannot be approved.	and included only where offering a feasible solution. It is the Applicant's view therefore that there is no reason why proposed interventions will not be approved once detailed design is completed.
1.19	Para 7.4.1.1 details the before and after pavement condition surveys. This is limited to a visual inspection and photographic record and, as noted above, should be expanded to require the use of scanner surveys for carriageway condition and drainage surveys where the proposed installation will cross lateral connections. PCC note that it is likely that full lane width resurfacing will be required to replicate pre condition survey findings following in carriageway trenching.	<p>The Applicant agrees with Portsmouth City Council's comment regarding the requirement of pavement condition surveys to include the use of scanner surveys for carriageway condition and drainage surveys, and will include this specification in an updated Framework Construction Traffic Management Plan (FCTMP) to be submitted to the ExA at Deadline 8.</p> <p>In response to PCC's comment regarding reinstatement of carriageways, any reinstatement required as a consequence of the movement of construction vehicles will be undertaken through reliance on the relevant powers in the draft DCO, and agreed with the highway authority in advance as per the commitment at paragraph 7.4.1.2 of the FCTMP (REP6-032). PCC's comments appear to relate to reinstatement following trenching works being undertaken, which is a matter addressed in the FTMS, not the FCTMP which they are commenting on here.</p>
	<u>REP6-069 Applicant Response to Deadline 5 Submissions</u>	
1.20	In para 2.1 and 2.7 the applicant contends that the impacts of the construction on the road network have been fully assessed, although at ISH2 accepted the limitations of the SRTM, particularly with regard to the minor roads which were not included in the model. No further assessment has been undertaken with regard to the impact on those minor roads and as a consequence it is simply not possible for the Applicant to assert that the impacts on the road network have been fully assessed.	The Applicant reasserts that realistic worst-case and robust assessment of the impacts on the highway network has been completed within the Transport Assessment (APP448), Chapter 22 of the ES (APP-137), Supplementary Transport Assessment (REP1-142) and ES Addendum (REP1-137). The SRTM modelling is representative of impacts that may occur on roads not included within the model. Accordingly, the assessment undertaken is wholly adequate for the purposes of assessing the impacts of the Proposed Development on the highway.
1.21	The applicant has also accepted the need to produce a road safety technical note (now provided at REP6-071) to consider the road safety implications not addressed in either the Transport Assessment (APP-448) or Supplementary Transport Assessment (REP1-142). This does also not consider those roads which do not form part of the SRTM and to that degree the assessment remains incomplete. Simply adequate evidence has not been provided to allow the impacts to be understood and the DCO properly determined.	<p>In addition to this, and following discussion with PCC, the Applicant believes that concerns related to impacts on roads not included within the SRTM is resolved through further traffic management mitigation measures that can be incorporated into individual Traffic Management Strategies which will be agreed with PCC prior to the works taking place. Such measures may include:</p> <ul style="list-style-type: none"> • One-way working • No entry orders • Banned turns • Alteration of on-street parking • Priority measures / road narrowing • Bolt-down speed humps • Temporary speed limits
1.22	At para 2.19 the applicant contends that the road safety technical note REP6071 provides a full assessment of road safety implication of queuing traffic although this only actually considers those roads included in the SRTM and to that degree remains incomplete.	
1.23	PCC must advise the ExA that that the applicant has failed to provide adequate evidence to allow the impacts to be understood and for the applicant's assertions to be accepted. In PCC's view the impact of the proposed works pursuant to the DCO cannot in effect be properly determined.	The Applicant will update the FTMS to make specific reference to these measures and share this with PCC in advance of Deadline 8.

Ref:	Question:	Applicant's Comments
<u>REP6-070 Joint Bay Technical Note ('JBTN')</u>		
1.24	The JBTN advises on the probable location of joint bays which the applicant had previously advised and confirmed in ISH2 could not be determined in advance of contractor input. Contrary to the advice given in ISH2 however a number of joint bays are proposed to be located within carriageway.	The Joint Bay Technical Note (REP7-073) is an indicative feasibility study which shows indicative locations of joint bays along the cable route. The Applicant has always stated that joint bays will be located off the carriageway as far as reasonably practicable.
1.25	<p>Within Portsmouth these are limited to:</p> <ul style="list-style-type: none"> A pair of Joint Bays (JB18 & JB19) proposed in Farlington Avenue. The location of these is such that they may practically require a road closure or if implemented independently and independent for the trenching work seemingly cannot be delivered within the programme period. The effects of such a road closure here have not been considered in the context of diverted traffic movements nor is it clear if or how those effects have been picked up and used to refine traffic level assumptions in the broader analysis of impact. A pair of Joint Bays (JB21) in Eastern Road 70m south of the junction with Havant Road – whilst these can be accommodated using the same traffic management as would be required for the cable trenching, they will extend the period and hence disruption of the works. If implemented independently from each other and independent from the trenching work (as would be required to avoid the need for road closure), it would seem that they cannot therefore be delivered within the programme period. 	<p>Joint bays 18 and 19 would be constructed independently avoiding the need for road closure, which would not be permissible in any event in accordance with the FTMS. The joint bays must be constructed in accordance with the parameters for traffic management secured by that document. They will also be constructed in accordance with the restrictions on when works can be undertaken in specific locations in accordance with the FTMS,.</p> <p>Similar to JB18 and JB 19, JB21 would be constructed independently avoiding the need for a road closure, and the works to construct the Joint Bays will also be undertaken in accordance with the restrictions on when works can be undertaken in specific locations in accordance with the FTMS.</p>
1.26	Joint Bay 22 appears to obstruct the temporary construction access to Zetland Field. This will require relocation further to the south to allow access and turning to be achieved within the order limits or revision to those.	The Joint Bay Technical Note is an indicative feasibility study, however please refer to revised Joint Bay Technical Note (REP7-073), page 2-27, JB22 where the joint bay location has been updated to take access into consideration.
<u>REP6-071 Road Safety Technical Note (RSTN)</u>		
1.27	The RSTN considers the road safety implications of increased congestion / queuing where that is predicted by the SRTM although critically does not reflect on the limitations of the STRM and consider those other routes which are not modelled yet may prove attractive alternative routes for drivers.	The Applicant reasserts that realistic worst-case and robust assessment on the highway network has already been completed within the Transport Assessment (APP448), Chapter 22 of the ES (APP-137), Supplementary Transport Assessment (REP1-142) and ES Addendum (REP1-137). The SRTM modelling is representative of impacts that may occur on roads not included within the model.
1.28	The RSTN considers strategic junctions on Eastern Road south of the A27, Copnor Road / Burrfields Road and the A3 / Church Street / Hope Street / Commercial Road junctions.	In addition to this, and following discussion with PCC, concerns related to impacts on roads not included within the SRTM are resolved through further traffic management mitigation measures that can be incorporated into individual Traffic Management Strategies which will be agreed with PCC prior to the works taking place. Such measures may include:
1.29	Section 2.2 considers the queue length estimates and increased queuing impacts at junctions. Generally the analysis finds that the increased predicted congestion and extended queue lengths experience will not in themselves introduce specific safety concerns although will block side roads and extend across pedestrian crossings.	<ul style="list-style-type: none"> One-way working No entry orders

Ref:	Question:	Applicant's Comments
	<p>Where those side roads are included in the SRTM the approach to modelling reflects that congestion. However the effects of disruption to side roads not included in the SRTM has not been considered and is likely to cause significant local congestion with traffic diverting via minor roads. These effects have not been modelled nor has any mitigation been considered. This reflects the acknowledged limitations of the model and evidences the need for further intervention to mitigate impacts on routes not included within the model.</p>	<ul style="list-style-type: none"> • Banned turns • Suspension of on-street parking • Priority measures / road narrowing • Bolt-down speed humps • Temporary speed limits
1.30	<p>In the case of the A3 / Church Street / Hope Street / Commercial Road junction considered at para 2.2.8 an 'additional risk of collisions between vehicles queuing on Commercial Road with vehicles on the circulatory of the Marketway Roundabout' is found.</p>	<p>The Applicant will update the FTMS to make specific reference to these measures and share this with PCC in advance of Deadline 8.</p>
1.31	<p>The general mitigations recommended at paras 2.2.8.2 and 2.2.8.9 are for temporary signs and markings to be provided at impacted junctions and crossings although the specific junctions where mitigation is required are not identified nor do the FTMS nor FCTMP make provision for such mitigations in the section specific CTMPs.</p>	<p>The Applicant agrees that paragraph 2.2.8.2 notes that there may be an additional risk of collisions between vehicles queuing on Commercial Road with vehicles on the circulatory of the Marketway Roundabout. This is a result of traffic reassigning away from construction work on the A2030 Eastern Road. The Applicant also notes that paragraph 2.2.8.2 states that "it is therefore recommended by the Applicant that temporary signage and markings are installed at the impacted junctions advising drivers not to block junctions when queuing" while paragraph 2.2.8.3 states "where pedestrian crossings are at risk of being blocked by queueing traffic, signage will be implemented, as deemed appropriate by the appointed road safety liaison officer, advising traffic not to block through crossings."</p>
1.32	<p>Section 3 considers road safety implications on links and at para 3.3.2.1 reports proportionally very high traffic increases of up to 77% although considers the absolute increase in traffic number to be such that these will not give rise to driver frustration. PCC do not agree with that finding as on those roads which experience parking on either side where drives have to give way to each other when travelling in different directions, even very minor increases in absolute numbers of movements can lead to significant impacts. Mitigation measures should be provided for in the section specific CTMPs to discourage drivers from diverting via such routes.</p>	<p>The Applicant agrees with this comment regarding the provision for mitigations set out within the Road Safety Technical Note and has updated the FTMS (REP6-030) accordingly. The Applicant will share the revised FTMS with PCC prior to Deadline 8 to ensure these amendments are agreed for submission of the final document into the Examination at Deadline 8.</p>
1.33	<p>Paras 3.3.3.12 to 3.3.3.24 identify roads where specific mitigations are found necessary. These should be reflected in the FTMS / FCTMP accordingly and provided for in the section specific CTMPs.</p>	
1.34	<p>Section 4 considers the road safety implications of traffic management measures found necessary to accommodate diverted traffic and increased congestion at specific locations:</p> <ul style="list-style-type: none"> • A3 London Road between Lansdown Avenue and Bus Lane (South of the Brow); • Portsdown Hill Road between the Portsdown Hill Road car park access and Farlington Avenue; • Farlington Avenue between Portsdown Hill Road and Sea View Road; • Moorings Way; • Locksway Road / Longshore Way between Thatched House Public House and Portsmouth University playing fields; and • Henderson Road between Bransbury Road and Fort Cumberland Road. 	

Ref:	Question:	Applicant's Comments
1.35	Specific safety risks are reported at section 4.3.2. and 4.3.3 at the first two of these locations together with specific interventions proposed to mitigate those risks. PCC suggest that those measures should be reflected in the FTMS / FCTMP accordingly and provided for in the section specific CTMPs	
1.36	Section 4.4 considers the safety implications of single lane closures on Eastern Road and generally finds that these do not raise specific highway safety concerns. Where blocking back across junctions or pedestrian crossings is predicted, signs are proposed to discourage drivers from so doing and to use both lanes to queue merging in turn. Whilst those measures should be reflected in the FTMS / FCTMP accordingly and provided for in the section specific CTMPs, additional consideration should be given for the potential for drivers to divert via minor roads not included in the SRTM and specific provision made to mitigate against the effects of that.	
<u>REP6-074 Highway Alterations to Facilitate Abnormal Load Deliveries</u>		
1.38	Whilst the measures are acceptable, PCC note that in practice any alterations to traffic signals will need to be carried out by Colas ITS as the term contractor in Portsmouth. The extent of works will need to be agreed with and costs for works payable to Colas prior to any works being carried out as described in this document. It is envisaged that the need for such works would be established and agreed upon submission of a Provisional Advance Authorisation (PAA) under the Portsmouth Permit Scheme.	<p>The specific measures required to facilitate the delivery of ALL's and the timing of this will be confirmed. The need for the Applicant to liaise with the highway authority in relation to the ALL movements is a matter which is principally dealt with through the Road Vehicles (Construction and Use) Regulations 1986, with the notification procedures required in accordance with those to be followed.</p> <p>With regard to the measures required in relation to street furniture, the powers for the undertaker to undertake works to street furniture outside of the Order limits with the consent of the street authority is provided for by Article 11 of the draft DCO. The power for the undertaker to alter the layout of any street with the consent of the relevant street authority is provided by Article 10 of the draft DCO. Accordingly, the powers for these works to be undertaken as necessary are clearly provided for. The comments of PCC regarding the need for their contractor to undertake works to traffic signals are noted, and the Applicant confirms it would be willing to enter into an Agreement pursuant to Article 15 of the draft DCO to facilitate this. It is therefore considered this matter is already adequately provided for and there is not a need for any further specific agreements to be in place at this time for the purpose of ensuring works are carried out in an appropriate manner.</p> <p>The application of the Permit Scheme will be a matter of fact in relation to the works proposed, with the Permit Scheme having been applied to the DCO by Article 9A.</p>
<u>REP6-076 Portsbridge Roundabout Technical Note</u>		
1.39	This Technical Note assesses the changes in traffic flows through Portsbridge Roundabout during the construction of the on-shore cable corridor. The Technical Note has been produced in response to discussions held between the applicant and PCC as Highway Authority in relation to Question 3A.5 of Issue Specific Hearing 2 (Traffic, Highways and Air Quality).	The Applicant does not agree with the argument set out by PCC that the Portsbridge Roundabout is a logical alternative route onto Portsea Island for vehicles wishing to avoid works on A2030 Eastern Road. The Applicant refers to analysis undertaken within the Portsbridge Roundabout Technical Note (REP6-076) regarding comparative journey times between the route onto Portsea Island via Portsbridge Roundabout and the route via the M275. The higher classification of roads

Ref:	Question:	Applicant's Comments
1.40	The note details the answer as given by the applicant to the ExA question (3A.5) for ISH2 relating to Portsbridge Roundabout and goes on to compare traffic flows on the alternate routes and likely journey times on those routes that might explain the findings of the modelling undertaken to date.	on the route via the M275, and consequently lower journey times, make this route the logical alternative for users diverting away from works on the A2030.
1.41	The modelling produced by the applicant suggests that a maximum of an additional 34 vehicles would use Portsbridge Roundabout in modelling scenario 1 (DS1 - TM measures on A2030 SB) and 36 vehicles in modelling scenario 2 (DS2 - TM measures on A2030 NB). Both of these are for the PM peak period. The AM peak suggested a small flow increase in DS1 and a decrease in DS2. The stated figures are across the roundabout as a whole. Of particular concern to PCC is the existing queue that occurs in the AM peak on the A27 (WB) slip road, often extending so far as to interfere with traffic flow on the main carriageway. This queue is not replicated in the applicant's model as raised within PCC's response to Q3A.5 for ISH2. It is this fact that casts doubt over the accuracy of the local junction model produced to test capacity/queue lengths at the junction.	<p>In response to comment 1.41 and as stated in paragraph 3.30 of Applicant's Transcript of Oral Submissions for ISH2 (REP5-061) and replicated in REP6-076, it is accepted that when using the SRTM outputs the Do-Minimum scenario queues extend back from the westbound A27 off-slip onto the A27 mainline in peak hours. However as also stated in REP5-061 the SRTM predicts that the A27 Westbound off-slip experiences a maximum increase of nine vehicles in the PM peak Do-Something 1 scenario and a decrease in traffic in all other scenarios. Therefore, regardless of how the junction capacity model compares to the existing situation, the Proposed Development is not anticipated to materially worsen existing queue lengths on this approach.</p> <p>The Applicant has also submitted a Technical Note providing a review of collision data at Strategic Road Network junctions at Deadline 7 (REP7-039) which contained a further review of existing collision data against forecast and observed traffic flows at Portsbridge Roundabout. As is stated in Section 6.2 of this Technical Note (REP7-039), it was found that at Portsbridge Roundabout, the Proposed Development is not expected to materially worsen the collision risk, and thus will not negatively impact upon road safety.</p>
1.42	It is acknowledged that the flow changes are taken from the SRTM (strategic model) which reassigns traffic based upon the most equitable route available. Drivers are able to find the most equitable route over time through signing of routes but also trial and error. Clearly, this process has become easier through the development of more advanced satellite navigation and opensource traffic apps such as Waze; however, it is likely that when faced with an unexpected and/or temporary obstruction/delay, a driver may look to take the next nearest and/or available route. Therefore, for many drivers who would usually use Eastern Road, it will follow that, if Eastern Road is disrupted, Portsbridge Roundabout and then A3 London Road/A288 Copnor Road would be the logical diversion.	The Applicant considers that the Signage Strategy, Communication Strategy and Travel Demand Management Strategy are comprehensive and adequate to mitigate the temporary impacts associated with the construction of the Proposed Development to an acceptable level.
1.43	The Technical Note provides data for flow changes across the three routes onto/off of Portsea Island when traffic management ('TM') measures are in place on Eastern Road. As would be expected, a significant number of drivers re-distribute from Eastern Road (as shown in the below table) albeit this is considerably more noticeable in the PM peak than in the AM peak period. Given PCC's concern with regard the A27 Westbound off slip, the analysis will focus predominantly on the DS1 results.	

Ref:	Question:	Applicant's Comments																												
	<p><i>Table 1: Change in traffic flow on road bridges to/from Portsea Island</i></p> <table border="1"> <thead> <tr> <th rowspan="3">Route</th> <th colspan="4">Change in Traffic Flows from the DM to the relevant DS (vehicles)</th> </tr> <tr> <th colspan="2">AM</th> <th colspan="2">PM</th> </tr> <tr> <th>Northbound (DS2)</th> <th>Southbound (DS1)</th> <th>Northbound (DS2)</th> <th>Southbound (DS1)</th> </tr> </thead> <tbody> <tr> <td>A2030 Eastern Road</td> <td>-46</td> <td>-90</td> <td>-42</td> <td>-238</td> </tr> <tr> <td>A3 London Road south of Portsbridge Roundabout</td> <td>2</td> <td>37</td> <td>8</td> <td>80</td> </tr> <tr> <td>M275 north of Junction 1</td> <td>11</td> <td>49</td> <td>32</td> <td>153</td> </tr> </tbody> </table>	Route	Change in Traffic Flows from the DM to the relevant DS (vehicles)				AM		PM		Northbound (DS2)	Southbound (DS1)	Northbound (DS2)	Southbound (DS1)	A2030 Eastern Road	-46	-90	-42	-238	A3 London Road south of Portsbridge Roundabout	2	37	8	80	M275 north of Junction 1	11	49	32	153	<p>Further to these assessments, the Applicant also notes that a mitigation strategy has been developed to mitigate the temporary impacts associated with the Proposed Development including the following:</p> <ul style="list-style-type: none"> - Framework Traffic Management Strategy (REP6-030), which applies programme restrictions to construction works on the A2030 Eastern Road to school holiday periods, June and early July when peak hour traffic conditions are lower than other times of the year. This will reduce the impacts of traffic management on A2030 Eastern Road and the consequential traffic reassignment onto alternative routes that include Portsbridge roundabout; - The Communication Strategy (Appendix 1 of the FTMS), which provides a commitment to communicate all upcoming works with affected residents and identified stakeholders; - The Framework Signage Strategy (Appendix 3 of the FTMS), which provides a strategy for the provision of fixed and variable signage across the study area to ensure that drivers are aware of current and upcoming works and allow them to make informed choices to avoid traffic management locations; - The Travel Demand Management Strategy (REP7-079) which provides additional mitigation by focusing on the promotion of travel behaviour change solutions that can be delivered during the works on A3 London Road and A2030 Eastern Road. It sets out an intent to work in partnership with local authorities and other local partners to deliver a comprehensive TDM Strategy to reduce peak hour traffic flows and impacts associated within the implementation of traffic management on these key corridors <p>In combination, these provide a robust strategy to mitigate the temporary impacts associated with the construction of the Proposed Development to an acceptable level.</p>
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1.44	<p>In DS1, the diverted trips are relatively low (compared to overall flow at A2030) and split approx. 60/40 between the M275 and Portsbridge Roundabout in the AM peak, suggesting these two routes are broadly comparable for journey time. In comparison, the PM peak sees far more vehicles divert away from A2030 Eastern Road with a larger proportion (approx. 2/3rds) favouring the M275 over Portsbridge roundabout as a means of accessing Portsea Island. This reflects other modelling undertaken that suggests greater levels of congestion at Eastern Road in the afternoon peak than in the morning - which will be exacerbated by the construction of the onshore cable corridor.</p>																													
1.45	<p>The note provided then gives some example journey times for a route between A27 westbound and a point to the north of Southsea (and broadly central to the logical endpoints of both the western and eastern corridor routes). The first route uses the M275/A3/A2030 (Holbrook Road), and the second uses A3 (Via Portsbridge Roundabout)/A2047). Unsurprisingly, the motorway route is equal, or faster than, the non-motorway route in all scenarios/peak periods as the majority of the non-motorway route is along a 30mph single carriageway road</p>																													
1.46	<p>The applicant also makes the point that works further along the A3 (outside of the Portsmouth's Highway boundary) may influence route choice away from the A3 Portsbridge Roundabout (and beyond into Portsmouth) as a result of works that may be in place at the same time as those on A2030 Eastern Road. This is a fair assumption, however network plots showing diversion of traffic across the wider network have not been provided to corroborate this assumption.</p>																													
1.47	<p>Whilst the flow changes presented in the technical note across the three routes are a reasonable assumption from a strategic model, PCC would return to the temporary nature of works and the fact that many drivers when confronted with a significant delay on their usual route will likely try the next nearest alternative in order to try and avoid the disruption which for many (presuming their destination is on the east of Portsea Island) is to travel via Portsbridge Roundabout. The fact that the strategic model is not suggesting this to be the case, indicates that the longer route (via A288 Copnor Road) is likely to suffer significant congestion over and above existing</p>																													

Ref:	Question:	Applicant's Comments
	<p>congestion in the peaks on this route; this is likely to be congestion significant enough to divert a majority of drivers onto a much longer (albeit faster) route. Clearly this will in part depend on the final destination however it is likely that when works are introduced, there will be an initial re-distribution of traffic to parallel routes, this may well then divert again upon finding this route to be equally congested. It is during this adjustment period that the biggest chance of the queues at Portsbridge Roundabout extending to an unsafe level exists.</p>	
1.48	<p>For this reason PCC suggest that it is imperative that the signing and communications strategies are comprehensive enough to warn drivers well in advance of works; both in terms of time prior to works taking place but also far enough away on the network so as to give drivers a realistic choice of route/travel mode as without such direction the SRTM findings on which the ES is based are unlikely to be representative .</p>	
<p>Further Comments in respect of the Design and Access Statement</p>		
<p><u>REP6-025 Design and Access Statement (DAS) - 5.5 Design and Access Statement - Clean - Rev003</u></p>		
1.49	<p>Section 4.2 of the DAS confirms that: "The indicative design for the ORS is functional with limited opportunity to alter the aesthetics. The siting of the ORS has been selected to minimise the impact upon the area"</p> <p>That the building is 'functional' in character and appearance is neither surprising nor unexpected given its scale and industrial purpose. A case has not been articulated by the applicant, here or elsewhere in the document, that its functional appearance is in any way a deliberate aesthetic choice intended to enhance the quality of the structure in some way. Nor does that, in and of itself, lend any greater weight to the ORS' design acceptability. PCC suggest that it would be useful, constructive and, given the sensitivities of the site, good conservation practice, if the applicant could be clear about the parameters/ limitations of alterations to the aesthetic of the building.</p>	<p>Information regarding the design approach and design credentials for the Optical Regeneration Stations is provided in the Optical Regeneration Station Design Approach document (REP1-093). It is confirmed in this document that by their nature, the ORS buildings are required to be functional, with limited opportunity to alter the aesthetic and that rather than focusing on enhancement of the local environment, design development has concentrated on limiting impact.</p> <p>The Applicant can advise that the parameters taken into consideration for the spatial requirements of the ORS (please refer to Section 5.5.2.5 to 5.5.2.9 of the Design and Access Statement (REP7-021)) include the equipment that will support the signal amplification, the maintenance and access requirements and the flood risk measures.</p> <p>These parameters (height, width and length) of the ORS are based on the functional requirements for the amplification and safe operation of the ORS and in turn the Proposed Development.</p> <p>With regard to the aesthetics, the appearance of the structures will be determined post consent with the submission of a detailed design to PCC for approval that will be within the defined parameters plan.</p>
1.50	<p>Paragraph 5.5.1 3 of the DAS states that: "Each ORS requires a small scale single storey structure located within the defined parameters.....The compound for an ORS will have a maximum size of 18 m x 35 m". PCC maintains our previously expressed concerns that the proposed building and compound are not 'small' in their context and will be harmful to their setting and the character of the area.</p>	<p>The Applicant confirms that as explained in relation to item 1.49 above, the spatial requirements are based on the functional requirements for the amplification and safe operation of the ORS and in turn the Proposed Development.</p>

Ref:	Question:	Applicant's Comments
1.51	<p>Paragraph 5.7.4 of the DAS comments initially that there would "no significant effects on the overall urban character area (UCA 10 – Eastney), given the size of this area" it does however later concede that there would be "Localised effects on landscape features, namely the sense of openness and tranquillity. The ORS buildings, surrounding compound and associated security fencing would be prominent features in an otherwise open landscape" PCC concur with the latter part of this statement and whilst the DAS concedes this point, no convincing effort is made to provide a robust rationalization for the scale and justification for the consequential impact of the scheme in this sensitive location.</p>	<p>The LVIA assessed the impacts of the ORS buildings on landscape / townscape character and visual amenity and the conclusions are summarised in Environmental Statement Chapter 15 Landscape and Visual Amenity Table 15.10 and 15.11 (APP-130).</p> <p>Based on Appendix 15.3 Landscape and Visual Assessment Methodology (APP-401) the LVIA concludes that the landscape character area is of medium sensitivity. Appendix 15.4 Landscape Character (APP-402) explains that whilst the area includes a number of national (non landscape) designations these have been degraded by the surrounding quality of the landscape character resulting in a medium landscape value, a medium susceptibility to change and medium sensitivity to change.</p> <p>The magnitude of change is considered to be a small to negligible given the proportion of works relative to the character area as referred to in paragraph 1.14.2.2, Appendix 15.8 Assessment of Landscape and Visual Effects (APP-406) and demonstrated in Figure 15.43 (APP-279) which is why there would be minor to negligible adverse (not significant) effects on landscape character.</p> <p>The updated DAS (REP7-021) provides a summary of conclusions outlined in the LVIA (APP-130). The LVIA paragraph 15.8.15.3 and 15.8.15.8 to 15.8.15.9 states that during construction and operation there would be moderate adverse localised significant effects on landscape features (namely the sense of openness) and this will remain unchanged in Year 10 and Year 20. Further information is provided in paragraph 1.14.1.3 and 1.14.2.3 Appendix 15.8 Assessment of Landscape and Visual Effects (REP-406) which explains that such effects are intangible, experiential and perceptual and result from the presence of new physical structures in what is otherwise an open landscape.</p> <p>In terms of the rationale for the ORS buildings please refer to the response in relation to item 1.50 above.</p>
1.52	<p>Paragraphs 6.3.3 and 7.5.3 of the DAS both suggest that the "design and land take for the ORS and the Telecommunications Buildings will be minimised as much as possible". Whilst PCC welcomes that suggestion and considers seeing evidence and more detail regarding the maximum extent to which the height, footprint and scale of the structure can be minimized would be constructive. Nevertheless this assertion is not sufficient on its own to provide the ExA with any proper basis to conclude what the impact will be and in particular that it will be an acceptable impact.</p>	<p>The applicant can confirm that the parameters take into consideration for the spatial requirements for the ORS buildings, please refer to Section 5.5.2.5 to 5.5.2.9 of the Design and Access Statement (REP7-021) are for the signal amplification equipment needs, the maintenance and access requirements and to mitigate against the flood risk of that area. While design and land take for the ORS and the Telecommunications Buildings will be minimised as much as possible, Chapter 15, Landscape and Visual, of the Environmental Statement (APP-130) has considered the parameters as set out in the ORS parameter plan (REP1-009) and has explained the predicted environmental effects. That provides the basis for the ExA to consider this aspect of the Proposed Development.</p> <p>In terms of paragraphs 6.3.1 bullet point 3 and 7.5.1 bullet point 3, the Applicant notes PCC's comments regarding the ORS compound's design parameters and confirms that the distance between the ORS structures and the boundary fence/ new planting to Fort Cumberland Road is designed to minimise the risk of trees (existing and proposed) falling and damaging the ORS infrastructure. In addition, in other locations, space is provided between the ORS structures and the boundary fence to ensure appropriate space for access and maintenance.</p>

Ref:	Question:	Applicant's Comments
Further comments in respect of the OOCEMP		
<u>REP6-037 OOCEMP 6.9 Onshore Outline Construction Environmental Management Plan - Tracked - Rev005</u>		
1.53	Para 5.2.1.1 of the OOCEMP (and elsewhere within document) show that there has been a change from 'will' (an expression a wish or intention) to 'must' (an obligation to do something). PCC supports this change but queries why 'must' is not used at 5.12.2.3: 'The appointed contractor would will MUST need to develop these measures so that communication methods are effective during construction.	The Onshore Outline CEMP will be updated for Deadline 8 in respect of paragraph 5.12.2.3.
1.56	As noted above PCC believe Para 5.12.3 of the OOCEMP should be amended to provide a more directive commitment and refer rather to 'must' than 'should': ie Community Facilities 'must' be consulted ... etc. Similarly PCC suggest that alteration should be made to Para 6.9.1.1, 6.10.1.1, to state 'Works MUST avoid the footway ...'. PCC note that as this is a document to be approved pursuant to a 'requirement' it is recommended that it must contain legally binding language, i.e. 'must', rather than 'will'.	The Onshore Outline CEMP will be updated for Deadline 8 for paragraphs 6.9.1.1, 6.10.1.1 to state: <i>"Works must avoid the footway or verge where there are mature trees except where existing constraints make this unavoidable."</i>
Further comments in respect of Deadline 4 submissions		
<u>REP6-067 7.9.23 Applicants Responses to Deadline 4 Submissions</u>		
1.57	With regard to Paragraph (Row 65) Fort Cumberland car park occupancy, little or no consideration appears to have been given to the fact that car-park occupancy fluctuates given that the car park serves a beach and open space area and is also heavily influenced by the weather pattern at the time. PCC retains its concerns that no mitigation is proposed for the temporary loss of parking provision and associated recreational impact and that there is a continued reliance on 'surrounding residential streets'. This is proposed without, to date an accurate understanding of the current provision and use of the car park, or the opportunity that the car park could provide should PCC wish to delineate parking to maximise the efficiency of the current space.	The Applicant undertook occupancy surveys over the late August bank holiday in 2020 which have been summarised in the Onshore Cable Route Construction Impacts on Access to Properties and Communication Strategy (Appendix 1 of the FTMS (REP6-030)). Given the location of the Car Park within close proximity to Eastney Beach, the survey undertaken during a Bank Holiday in summer can be reasonably assumed to capture peak demand despite the Covid-19 pandemic. The results of this parking survey found maximum accumulated occupancy to be 63 vehicles. Overnight parking surveys undertaken on the surrounding roads of Ferry Road, Fort Cumberland Road, Gibraltar Road, Lumsden Road and Finch Road in July 2020 found reserve capacity of approximately 70 on-street parking spaces, when demand for on-street parking in such residential areas is likely to be at its highest. As is stated in the Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy (Appendix 1 of REP6-030), this reserve capacity is deemed sufficient to cater for displaced demand during construction at the Landfall.

Ref:	Question:	Applicant's Comments
1.58	<p>In respect of Row 99 - PCC is not satisfied with the applicant's response on the 18.92% net loss. This is an unacceptable loss, regardless of the distinctiveness of the habitats involved. The NPS for National Networks (December 2014) ie for national road and rail networks NSIPS includes the following guidance on biodiversity and ecological conservation (see Pages 51-55):</p> <p>"5.24 The Government's biodiversity strategy is set out in Biodiversity 2020: A Strategy for England's wildlife and ecosystem services. Its aim is to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people. This aim needs to be viewed in the context of the challenge of climate change: failure to address this challenge will result in significant impact on biodiversity.</p> <p>5.25 As a general principle, and subject to the specific policies below, development should avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives. The applicant may also wish to make use of biodiversity offsetting in devising compensation proposals to counteract any impacts on biodiversity which cannot be avoided or mitigated. Where significant harm cannot be avoided or mitigated, as a last resort, appropriate compensation measures should be sought.</p> <p>Biodiversity within and around developments 5.33 Development proposals potentially provide many opportunities for building in beneficial biodiversity or geological features as part of good design.⁸⁰ When considering proposals, the Secretary of State should consider whether the applicant has maximised such opportunities in and around developments. The Secretary of State may use requirements or planning obligations where appropriate in order to ensure that such beneficial features are delivered.</p> <p>5.36 Applicants should include appropriate mitigation measures as an integral part of their proposed development, including identifying where and how these will be secured. In particular, the applicant should demonstrate that:</p>	<p>As the Examining Authority will be aware, the NPS for National Networks (December 2014) is not the relevant National Policy Statement for this Application and, therefore, the text quoted by PCC does not provide the appropriate tests for this examination or the decisions by the Secretary of State.</p> <p>The Overarching National Policy Statement for Energy: EN-1 ('NPS EN-1'), published in 2011 by the Department of Energy & Climate Change, sets out the national policy for energy infrastructure which has effect in relation to the Proposed Development. In line with this statement and as set out in the Biodiversity Position Paper (REP1-138) the Proposed Development has followed the mitigation hierarchy and put in place actions to address any impacts on habitats and species identified as being of principal importance for the conservation of biodiversity. In addition, the Proposed Development has used Natural England's Biodiversity Metric 2.0 measuring and accounting tool to demonstrate that the design can achieve a net gain for the hedgerow and calcareous grassland Priority Habitats.</p> <p>The biodiversity assessment takes into account all habitats present within the project boundary. This includes habitats that are identified as significant and those that are not. As a result, it is possible to conclude that a development has no significant residual effect while still resulting in a net loss in biodiversity.</p> <p>Recreating any habitat, such as removing an area of semi-improved grassland land and then recreating it, results in a loss of units in the metric due to the time to target condition risk factor. This will lead to a loss of units even where the habitat is fully restored. This is the case for the Proposed Development, for example where arable fields and road verges are removed temporarily and then reinstated, resulting in no loss of habitat but a loss of units. Impacts on these habitats are assessed as not significant in Environmental Statement Chapter 16, Onshore Ecology (APP-131), and the ES Addendum (REP1-139) but they are still counted within the biodiversity assessment.</p>

Ref:	Question:	Applicant's Comments
	<ul style="list-style-type: none"> • During construction, they will seek to ensure that activities will be confined to the minimum areas required for the works; • During construction and operation, best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised (including as a consequence of transport access arrangements); • Habitats will, where practicable, be restored after construction works have finished; • Developments will be designed and landscaped to provide green corridors and minimise habitat fragmentation where reasonable; • Opportunities will be taken to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals, for example through techniques such as the 'greening' of existing network crossing points, the use of green bridges and the habitat improvement of the network verge. 	
1.59	<p>PCC consider, based upon the advice of its own experts, that the parts of this NPS shown above in bold are clearly relevant to this DCO scheme just as they would be to any other such major project and have not been met.</p>	<p>This statement is false.</p> <p>Section 104 (3) of the Planning Act 2008 provides that the SoS must decide an application for development consent in accordance with any relevant National Policy Statement ('NPS').</p> <p>The S35 Direction issued by the SoS on 30 July 2018 clearly confirms that the relevant NPS for this Application is the 'Overarching National Policy Statement for Energy' (NSP EN-1). Accordingly, NPS EN-1 is the primary policy against which the Proposed Development should be assessed, with local policy being an important and relevant consideration.</p> <p>The text quoted from the NPS for National Networks is relevant to the examination of nationally significant road or rail infrastructure project (as defined by sections 22, 25, 26 and 35 of the Planning Act), but that is not the subject of this Application.</p>
1.60	<p>PCC also has concluded based upon the advice of its own experts that the level of loss envisaged as a consequence of Aquind's proposal is not acceptable, as highlighted within our response at Deadline 4. We would therefore recommend that suitable mitigation is devised, or compensation if no other options are suitable.</p>	<p>The Proposed Development has followed the mitigation hierarchy and put in place actions to address any impacts on habitats and species identified as being of principal importance for the conservation of biodiversity. In addition, the Proposed Development has used Natural England's Biodiversity Metric 2.0 measuring and accounting tool to demonstrate that the design can achieve a net gain for the hedgerow and calcareous grassland Priority Habitats.</p> <p>The biodiversity assessment takes into account all habitats present within the project boundary. This includes habitats that are identified as significant and those that are not. As a result, it is possible to conclude that a development has no significant residual effect while still resulting in a net loss in biodiversity.</p> <p>Recreating any habitat, such as removing an area of semi-improved grassland land and then recreating it, results in a loss of units in the metric due to the time to target condition risk factor. This will lead to a loss of units even where the habitat is fully restored. This is the case for the Proposed Development, for example where arable fields and road verges are removed temporarily and then reinstated, resulting in no loss of habitat but a loss of units. Impacts on these habitats are assessed as not significant within Environmental Statement Chapter 16,</p>

Ref:	Question:	Applicant's Comments
		Onshore Ecology (APP-131), and the ES Addendum (REP1-139) but they are still counted within the biodiversity assessment.
Further Comments on Recreational Impact		
<u>REP6-061 Applicants Response to Submissions made at Open Floor Hearings</u>		
1.61	<p>In REP6-061 in section 9 regarding Socio-Economics/Human health (on pages 1-7 to 1-8) the applicant state that reinstatement of grass areas for overwintering bird foraging (SWBGS) at Farlington would be carried out in October. However in the submitted Framework Management Plan for Recreational Impact [REP4-026] (FMPRI) reinstatement is scheduled for October for 8 weeks taking the work period through to the end of November. This is in direct conflict with the designation of the site as part of the Solent Waders and Brent Geese Strategy (SWBGS) which restricts work on this site between October and March, described in Chapter 16 of the ES Volume 1 (APP-131) and acknowledged within para 4.2.1.6 of the FMPRI</p>	<p>As set out in the Applicant's Response to Submissions made at Open Floor Hearings (Response to PCC Table 1.1, REP6-061)</p> <p><i>c. Reinstatement for use by sports teams is different in terms of requirements to reinstatement for use by birds foraging. All grassland within the Farlington Playing Fields SWBGS site will be restored to its previous grazeable condition during the month of October.</i></p> <p>It is estimated that returfing will take 1-2 weeks.</p> <p>In terms of reinstatement for sport, the Applicant's adviser, PSD Agronomy, has confirmed that pitches will be playable within 2-3 weeks if thick cut turf is used. However, as PCC have raised concerns around reinstatement, the Applicant has allowed additional time (8 weeks) in the updated Framework Management Plan for Recreational Impacts (document reference 7.8.1.13 Rev003) for submission at Deadline 7c for re-establishment of returfed pitches for playing sport. This additional time does not apply to use by brent geese, which will be able to feed immediately on re-turfed areas.</p> <p>This has also been referred to the Applicant's transcript for ISH3 (REP5-069) and the responses to question 3B and 7P. The Applicant notes PCC's ongoing concerns on this issue, but these are unfounded, and proposals for reinstatement at Farlington Playing Fields in so far as they relate to brent geese have been agreed with Natural England.</p>
1.62	<p>It is clear therefore that confirmation that all reinstatements will be completed prior to October in line with the Solent Waders and Brent Geese Strategy (SWBGS) is required and due amendments made to the FMPRI.</p>	<p>The analysis presented in the ES Addendum (REP1-139) demonstrates that the overlap of reinstatement work into October will not affect overwintering bird foraging at Farlington Playing Fields.</p> <p>Sections 10.2.4.4 to 10.2.4.13 of the Environmental Statement Addendum (REP1-139) assess the impacts and potential effects of the overlap between grass reinstatement works at Farlington Playing Fields and the period when it is used by overwintering birds (brent geese) as a foraging area (October to March). Likely effects are summarised in Section 10.2.4.12 which states:</p> <p>"The temporary habitat loss (just 17% of a single non-breeding season) accounts for just 1.2% of the SWBGS core sites and 0.2% of the SWBGS network over a period when the majority of the Solent brent goose population would not be present. The effect on the designated brent goose population is therefore concluded to have no perceptible change on baseline conditions. Brent geese will still be able to utilise the majority of Farlington SWBGS which in itself forms just a small component of the SWBGS network available"</p>

Ref:	Question:	Applicant's Comments
		<p>Section 10.2.4.13 concludes:</p> <p>"It is concluded that there would be no effect on Qualifying Features of Chichester and Langstone Harbours SPA/Ramsar or intertidal wintering birds. Restoration measures for SWBGS including P08A are captured in the updated Onshore Outline CEMP".</p>
<p>1.63</p>	<p>On page 1-8 the applicant also state that: "With the exception of the HDD-4 Compound, the playing fields would be cleared of temporary works for the duration of the Victorious camping festival. The Applicant is seeking to engage with PCC regarding impacts on the Victorious Festival and what mitigation could be applied"</p> <p>The applicant does not however refer to the state of the ground that would be available for camping or the size or exact location of the HDD4 compound and its impact on the festival campsite. The applicant has inferred that the field would not be re-instated prior to the festival. PCC are in consultation with festival organiser to ascertain if layout could be revised whilst still complying with all health and safety requirements. Accurate plans of impacted areas, both areas of bare ground not suitable for camping, and size and location of HDD 4 compound are necessary for PCC and festival organisers to make a full assessment of the impact. PCC will provide this assessment to the examination when it is available but would urge the ExA to give due consideration to this omission at this late stage.</p>	<p>The Framework Management Plan for Recreational Impacts (document reference 7.8.1.13 Rev003), states:</p> <p>4.2.1.19. <i>In respect of events, the contractor will review the construction programme to minimise disruption at key events, this includes the Victorious Festival. The contractor will seek to reduce the areas taken up by temporary works where possible (see Appendix A for further detail). The layout of the site for festival purposes is relatively fixed, given the need to segregate the car parking and camping areas, and ensure that the campsite is away from residential dwellings. In agreement with festival organisers, the contractor would be able to put in place temporary surfacing for the car parking area however it is recognised that temporary surfacing would be difficult to achieve for the camping area of the site.</i></p> <p>The Applicant will work with the contractor to minimise temporary works (Phase 3 and 8) immediately prior to the festival, to enable a reduced footprint or early reinstatement where possible. The Applicant also welcomes PCC engagement with the festival organiser to explore alternative layouts for the festival where this is possible.</p>
<p><u>REP6-063 Applicant's Response to action points raised at ISH1, 2 and 3, and CAH 1 and 2</u></p>		
<p>1.64</p>	<p>In REP6-063 para 4.1.20 to 4.1.33 the applicant state its reasons for not carrying out HDD drilling under Farlington sports, one of which is the timescales involved in HDD drilling. The applicant states in para 4.1.30 the open trenching between HDD 3 and HDD 4 across/around Farlington for a distance of approximately 600m, would take 24 days to complete. This is based on their conservative estimate of 50m per day. However in the FMPRI works are scheduled for 25 weeks in 2022 and 23 weeks in 2023. There appears to be a vast difference in timescales between that described in REP6-063 and the FMPRI which accepts that part of the 48 weeks in 2022 and 2023 are taken up with connections to the HDD. PCC is therefore concerned as to the accuracy of the assertions that connections that will take 312 days leaving 24 days for trenching works (total 48 weeks) have been properly compared to the timeframe for HDD works. PCC would therefore urge the ExA to test this evidence and in the absence of further clarity conclude the evidence lacks weight and cannot be relied upon.</p>	<p>The Applicant can clarify that the duration of 25 weeks in 2022 and 21 weeks in 2023 are the overall construction durations affecting pitch 10 at Farlington Playing Fields as shown in the table in Appendix C: Playing Fields Within The Order Limits - Indicative Phasing, in ES Addendum - Appendix 13 Framework Management Plan for Recreational Impacts – Rev 002 (REP4-026).</p> <p>A further breakdown of the working activities is detailed in the indicative phasing plans provided for Appendix A: Farlington Playing Fields - Indicative Phasing, in ES Addendum - Appendix 13 Framework Management Plan for Recreational Impacts – Rev 002" (REP4-026). These identify more specific work activities, when these activities will be carried out and their durations.</p> <p>The Applicant can advise that for the, approximately, 600m long route between HDD 3 and HDD 4, a duration of 4 weeks will be required for the installation of the HVDC cable, construction and installation of the joint bay along with the back fill and reinstatement of the HVDC cable for circuit 1 and a separate 4 week duration for the installation of the HVDC cable, construction and installation of the joint bay along with the back fill and reinstatement of the HVDC cable for circuit 2. This is presented in Phase 5 and 10 of Appendix A: Farlington Playing Fields Indicative</p>

Ref:	Question:	Applicant's Comments
		Phasing ES Addendum - Appendix 13 Framework Management Plan for Recreational Impacts – Rev 002” (REP4-026).
	Further Comments in respect of Compulsory Acquisition	
	<u>REP6-069 7.9.25 Applicant's Responses to Deadline 5 Submissions; REP6-021 Funding Statement; REP6-062 Applicant's Written Summaries of Oral Submissions at ISH1, 2 and 3, and CAH 1 and 2'; REP6-063 'Applicant's Response to action points raised as ISH1, 2, and 3, and CAH 1 and 2.</u>	
	<i>Funding</i>	
1.66	<p>PCC has reviewed the ‘Applicant’s responses to Deadline 5 Submissions’ [REP6-069] and the updated Funding Statement [REP6-021]. The applicant is incorrect in suggesting that a claimant is unable to request an advance payment on the DCO being made (paragraph 2.22-2.26 of [REP6-069]); an advance payment request can be made on the DCO being made, with payment to be made on notices being served. Further, the applicant has misinterpreted the CA Guidance which states :</p> <p>‘Applicants should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the order being made, <u>and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of</u>’ (PCC underline)’. </p>	<p>The Applicant responses to Deadline 5 Submissions correctly stated “claimants can make a request for an advance for 90 percent of the compensation owed once the DCO has been made” (REP6-069). Claimants can make a request for an advance payment once the DCO has been made, and section 52(4ZA) of the Land Compensation Act 1973 provides that payment is to be made before the day on which the notice of entry is given or, if later, within 2 months of receiving the advance payment request. This is the latest date on which payment may be made. Section 52(1) <i>allows</i> a claim for an advance payment to be made and paid at any time after the compulsory acquisition has been authorised, but does not require this.</p>
1.67	<p>The applicant sets out in paragraph 7.11 of the updated Funding Statement [REP6-021] that ‘it is not anticipated any claims for blight will arise. Should any claims for blight arise in consequence of the Application the cost of meeting such claims will be met from the sources of funding described above at section 6 to this Statement.’</p>	<p>The Applicant has not misinterpreted the CA Guidance which simply requires the implications a blight notice to be taken into account. As confirmed in the Funding Statement, blight notices have been taken into account and any claims will be met from the sources of funding described in the funding statement.</p>
1.68	<p>The Applicant, it appears, seems to be considering claims that may arise for injurious affection (no land taken) under Section 10 of the Compulsory Purchase Act 1965 (during construction) or Part 1 of the Land Compensation Act (once the scheme is operational). The Guidance is concerned in respect of blight notices that can be served now, as the land within the Order limits is statutorily blighted pursuant to the provisions of the Town and Country Planning Act 1990. PCC has not undertaken an assessment to determine whether there would be any hereditaments whose owner-occupiers could potentially serve a blight notice, but it appears evident that land that could readily be identified as ‘agricultural units’ is included within the Order limits and the potential for a blight notice to be served by owner-occupiers should be provided for in any statement confirming the requisite funds are in place to service any blight notices.</p>	<p>The Applicant highlights that PCC has not undertaken any assessment upon which to evidence this comment. In any event, as explained in paragraph 7.11 of the updated Funding Statement, “<i>should any claims for blight arise as a consequence of the Application the cost of meeting such claims will be met from the sources of funding described above at section 6 to this Statement</i>” (REP6-021).</p>
1.69	<p>Were a blight notice to arise, the updated Funding Statement [REP6-021] provides no assurance that the required funds are available at the time they are needed, which in the case of a blight notice, is the point the DCO application was made.</p>	<p>There is no evidence put forward by PCC to confirm any blight has occurred which a blight notice could be served in relation to. PCC are seeking to make arguments on a hypothetical basis without taking into account the realities of the proposals and whether any actual blight occurs. It is</p>

Ref:	Question:	Applicant's Comments
		not reasonably considered that the proposals would result in a fall in property values or would render properties unsaleable, such that a blight notice could be validly served.
1.70	<p>The Funding Statement [REP6-021] provides no certainty on when funds will become available, and further, the sole stakeholder of the Applicant is an entity that is based in Luxembourg. This underlines the jeopardy that those affected by the project face, whereby land is sterilised for an extended period of time, with no reasonable expectation of compensation being paid when required. PCC considers it is perhaps for this reason that the applicant has resisted any proactive attempts to compensate those with subsoil interests in advance of the Application being submitted, and why the Applicant refuses to align its approach to compensating such owners as per equivalent (or larger) infrastructure projects.</p>	<p>Please refer to:</p> <ol style="list-style-type: none"> 1) The Applicant's response to the further written question of the ExA with reference CA2.3.2, submitted at Deadline 7 (REP7-038); and 2) Appendix B of the Applicants Responses to Deadline 6 Submissions – Hearing Appendices (REP7-075). <p>The updated Funding Statement submitted at Deadline 6 (REP6-021) sets out the basis on which it is anticipated regulatory status will be obtained and project financing secured and the Applicant has very clearly evidenced the rational basis on which there is a reasonable prospect of funds becoming available within the statutory period. This includes any funding necessary to meet claims arising out of a blight notice.</p> <p>Further, a guarantee is now included at Requirement 26 of the dDCO to provide assurances that the powers of compulsory acquisition will not be capable of exercise until it has been evidenced that the funds required for compensation are satisfactorily secured.</p> <p>The Applicant has on my occasions explained its position in relation to the acquisition of rights in subsoil which is below the land forming the highway. Statutory compensation provisions will be applicable in relation to any acquisition of any such rights.</p>
1.71	<p>PCC as set out before requests that a bond or security is put in place to ensure that funds for the compulsory acquisition powers being sought by the applicant are available and are secured. PCC notes that the ExA has requested responses to the Examining Authority's Further Written Questions (ExQ2) [PD-031], which raises potential options within the dDCO in respect securing the funds are available to compensate for compulsory acquisition of land and interests sought as well as temporary possession, (question CA2.3.13) and PCC has responded separately to the ExA's question.</p>	<p>Please refer to Requirement 26 (Guarantees in respect of the payment of compensation etc.) of the dDCO which was inserted at Deadline 7. The Applicant is not aware of any previous request for this from PCC.</p>
<p><i>Compulsory Acquisition of Subsoil</i></p>		

Ref:	Question:	Applicant's Comments
1.72	<p>PCC is disappointed that the applicant is continuing to pursue the negative approach to Affected Persons in respect of the provision of compensation (paragraph 2.33-2.25 'Applicant's responses to Deadline 5 Submissions' [REP6-069]). The Applicant is reminded that the CA Guidance sets out (paragraph 25) that:</p> <p><u>'Applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.</u></p> <p>Where proposals would entail the compulsory acquisition of many separate plots of land (such as for long, linear schemes) it may not always be practicable to acquire by agreement each plot of land.' (PCC underline).'</p>	<p>On no occasion has the Applicant pursued a negative approach to Affected Persons in respect of compensation. The Applicant has a dedicated team who have been engaging proactively with Affected Persons in accordance with the CA Guidance.</p>
<p>1.73</p> <p>1.74</p>	<p>The applicant asserted at the Compulsory Acquisition Hearing 2, and which is reflected in the 'Applicant's Written Summaries of Oral Submissions at ISH1, 2 and 3, and CAH 1 and 2' [REP6-062] that;</p> <p><i>'It is not practicable to negotiate with all of the landowners of highway sub-soil and in the rare instances where it is necessary to go beneath the plane of the highway, compensation is available' (page 85).</i></p> <p>PCC disagrees with this and reminds the applicant and the ExA that it has all the details of subsoil owners within the Book of Reference and that the applicant has relied upon HS2, Crossrail and Channel Tunnel Rail Link as precedents for their approach to subsoil land acquisition. The promoters of those schemes, however as well as the applicants for the Southampton to London Pipeline DCO 2020, did not find it 'impracticable' to negotiate with affected landowners of subsoil. On the contrary, a proactive approach to provide an upfront figure to avoid landowners having to instruct a surveyor to negotiate a very low level of compensation was adopted by HS2, Crossrail and the Channel Tunnel Rail Link. The applicant is well aware of this but has maintained its contrary position based upon an unsubstantiated plea of it being more difficult than the same exercise across a far less complex series of interests than other developers who have clearly seen benefit in their approach. Whilst the proof and extent of the resources of the applicant are still opaque PCC would point out and ask the ExA to note that it cannot be beyond the resources of the Applicant to write to all such interests in the Book of Reference and offer equivalent compensation as these other projects provided.</p>	<p>None of the schemes referred to below involved negotiation with owners of subsoil. Instead they involved a nominal value being set in relation to subsoil land. The Applicant has explained the extent to which the schemes referred to are analogous to the Application in the Highway Subsoil Acquisition Position Statement (REP1-131). Taking into account the land in which rights may be required, and further the infrequency of this given the Onshore Cables will in the main be located in land which does form the highway, the approach taken by the Applicant is entirely appropriate and complies with the CA Guidance. Statutory compensation provisions will be applicable in relation to the acquisition of any such rights.</p>
1.75	<p>PCC also requests that detail is provided to support the assertion by the applicant that intrusion into the subsoil will be 'rare.'</p>	<p>The basis on which intrusion into subsoil will be infrequent is because the Onshore Cables will only be installed at such depth where it is not practicable to install them above this depth, for example where necessary to avoid existing constraints such as utilities.</p>
1.81	<p>In the circumstances it is clear that there needs to be an explicit identification or means of identification and agreement with PCC as relevant highway authority as to the extent of the 'zone of ordinary use' to ensure that it can be readily identified where works are to be carried out in the 'zone of ordinary use' or subsoil.</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. This will involve discussions with the highway authority. It is not considered that it is necessary for any processes to be provided for in the DCO in addition to the need for the design and depth of</p>

Ref:	Question:	Applicant's Comments
		<p>cables to be confirmed and the necessary vesting processes to be following in relation to any acquisition of rights in subsoil below the land which forms the highway. Adequate protections and controls are provided for.</p> <p>Nonetheless, should PCC wish to provide the Applicant with details of the precise zone of ordinary use for PCC highways where the onshore cables are to be located, this would be gratefully received.</p>
	<i>Fibre optic cable as Associated Development ('AD')</i>	
1.84	<p>PCC has been requested to respond to the ExA's specific question (DCO2.5.1) of the Examining Authority's Further Written Questions (ExQ2) [PD-031] relating to the interpretation that the ExA is minded make that development comprising the use of the excess or 'spare' FOCs as well as the operational development required to allow for its use for commercial telecoms, rather than amounting to AD is to be treated as part of the 'proposed development.' PCC has responded separately to this question in legal submissions which conclude that this would as a matter of law be a flawed conclusion.</p>	<p>Please refer to the Applicant's response to the ExA's further written question DCO2.5.1 (REP7-038) and Appendix A of the Applicant's response to Deadline 6 Submissions, section 7 (REP7-075).</p>
1.87	<p>PCC considers that the use of the 'spare' capacity within the FOC for a separate commercial use than the HVDC interconnector use does not and cannot form part of that (principal) development. In addition, the use and indeed the operational development required to enable that commercial FOC use also cannot be treated as 'AD' within the meaning of the PA 2008</p>	<p>The Applicant maintains its position that the FOC are an integral part of the development which the Section 35 Direction was issued in relation to. The Applicant's response to the ExA's further written question DCO2.5.1 (REP7-038) otherwise confirms its view on the position on why the other elements of operational development related to the commercial use of the Fibre Optic Cables constitute associated development for which development consent may be granted.</p>
1.88	<p>This response from the Applicant set out in REP6-063 confirms that the excess capacity of the FOC is neither part of the principal development and there is no direct relationship between the principal development and FOCs providing excess capacity. The Associated Development Guidance⁴ makes it clear that (paragraph 5(iii)) that:</p> <p>'Development should not be treated as associated development if it is only necessary as a source of additional revenue for the applicant, in order to cross-subsidise the cost of the principal development.'</p>	<p>Please refer to Annex 1 of the Applicant's Statement in Relation to FOC (REP1-127) which provides an assessment of the FOC Infrastructure in relation to the Associated Development Guidance.</p>
1.89	<p>It is concerning that the Applicant is seeking to rely on the excess capacity to fund the project, as set out in paragraph 6.4 of the updated Funding Statement [REP6-021]:</p> <p>'In addition, the revenues from the commercial use of the FOC within the Project may contribute an additional 5% of total revenues.'</p>	<p>The Applicant is not "relying" on the commercial use of the fibre optic cables to fund the Project.</p> <p>As confirmed in Annex 1 of the Applicant's Statement in Relation to FOC (REP1-127), the Project could proceed and would be viable without the commercial use of the FOC Infrastructure, however AQUIND Interconnector has been designed to operate effectively to its design capacity and to realise fully the benefits which it can provide in the public interest. The revenues associated with the commercial use of the FOC Infrastructure are not necessary as a source of additional revenue in order to cross-subsidise the cost of the Proposed Development and its primary function.</p>

Ref:	Question:	Applicant's Comments
1.90	<p>The reliance on the separate commercial use of the 'spare' FOC (which should not be consented as part of the Aquind Interconnector DCO) underlines further the precarious nature of the Applicant's funding arrangements for the Project and critically, the uncertainty of which the Applicant is seeking to burden Affected Persons impacted by the Project.</p>	<p>Please refer to the Applicant's response to the ExA's further written question CA2.3.2 (REP7-038) regarding the reasonable prospect of funds becoming available within the statutory period.</p> <p>The Applicant has very clearly evidenced the rational basis on which there is a reasonable prospect of funds becoming available within the statutory period, and in light of the statement of the Government in the Energy White Paper that they "will work with Ofgem, developers and our European Partners to realise at least 18GW of interconnector capacity by 2030", it would be irrational to conclude there is anything but a reasonable prospect of the funding being secured for the Project, including for the land acquisition costs, within the statutory period.</p>
1.91 1.92	<p>As such, PCC submits not only that the commercial FOC use and the infrastructure required for that commercial use cannot be treated lawfully as the project to which the s35 direction applied but also that in the alternative (but in accordance with the applicant's position in evidence) it cannot in the alternative lawfully be treated as AD.</p> <p>To that end, the SofS has no power to grant a DCO which includes that separate development and indeed grants powers to acquire land required for that unlawful development specifically the telecommunications and the ORS buildings. The only option in such circumstances is to refuse to grant the DCO or to recommend the DCO be subject to a formal amendments process which is now not possible within the examination timetable.</p>	<p>The Applicant disagrees and maintains its position as set out in the response to the ExA's further written question DCO2.5.1 (REP7-038).</p>
<p><i>Impact on Fort Cumberland carpark and the ORS</i></p>		
1.93	<p>In the 'Applicant's Responses to Deadline 5 Submissions [REP6-069]' the Applicant (paragraph 2.46) appears to have misinterpreted the issue raised by PCC in respect of the rights sought for the landscaping for the ORS building. The extent of the landscaping is not clearly defined but will be required for the lifetime of the ORS building (the land for which it is identified as being compulsorily acquired). The Applicant could install dense hedging displacing any users of the land, or a limited number of shrubs – the point is that the rights sought inaccurately reflect the sterilisation of land and only serve to limit the Applicant's compensation liability. This does not in anyway contradict the position that PCC does not wish to have the ORS building in the car park serving the adjacent open space. PCC is aware that it is a car park, (as identified by the Applicant in paragraph 2.44), but it serves the adjacent Open Space and in the consideration of Special Category Land applicants should take a conservative approach and consider the use of land in respect of 'fact and degree' and in this case recognise the proposals will displace users.</p>	<p>Section 1.5.5.1. of the OLBS (REP7-023) sets out the specific embedded mitigation measures and detailed design guidance to be implemented in relation to the ORS at the landfall location and the Indicative Landscape Mitigation Plan (Landfall) (APP-283) identifies the indicative area over which landscaping will take place. The extent of rights sought will be determined in consultation with PCC as required by Requirement 7 and the Applicant will only exercise rights over so much land as is necessary.</p> <p>Requirement 7 (Provision of landscaping) will ensure that the landscaping required to mitigate impacts associated with the Authorised Development are confirmed before any phase of Works No. 2, Works No.4 or the construction of the optical regeneration stations within Works No. 5 can commence.</p> <p>Requirement 8 (Implementation and maintenance of landscaping) will ensure that the landscaping is carried out and adequately maintained so as to provide the required visual mitigation in relation to the relevant parts of the Authorised Development.</p> <p>The Applicant maintains its position that the Car Park is not special category land as it is not open space, it is a car park, which this response from PCC appears to acknowledge when considering this against the relevant statutory definition of Open Space.</p>
<p><i>Impact on recreation/open space</i></p>		

Ref:	Question:	Applicant's Comments
1.94	<p>PCC has reviewed the 'Applicant's responses to Deadline 5 Submissions' [REP6-069] and the 'Applicant's Post Hearing Notes – Appendix 3' [REP6066]; as noted above regrettably the documents do not provide any further certainty or understanding over the use or duration of displacement from Special Category Land. Appendix 3 indicates that Farlington Playing Fields will be subject to works for a (non continuous) 52 weeks, but this timescale provides no certainty over specific anticipated programming of the works. Noting the apparent discrepancy of timescale is a variety of documents it can however only be assumed that the 52 weeks will be over the duration of the 5 years for which the Applicant has applied for powers; if not, powers should be limited to the extent that powers are expected to be used in this location.</p>	<p>The phasing shown in Appendix 3 (REP6-066) sets out the anticipated phasing of works which amounts to 52 weeks. This originates from Appendix A of the Framework Management Plan for Recreational Impacts (FMPRI) as submitted at Deadline 4 (REP4-026). This was also submitted at Appendix 25.5 of the Environmental Statement (APP-473) and shows the programme for works between April and September 2022 and between April and September 2023. These documents consistently show this information and no other timescales have been provided by the Applicant. As was explained at the hearings, the works are planned to be undertaken over two years between April to September in each year, therefore ensuring compliance with the relevant restrictions relating to wintering birds in this location.</p>
1.95	<p>A detailed programme for works must be agreed with an appropriate time limit for powers for each section of the route that impacts Special Category Land. Further, the Applicant has indicated (paragraph 3.3.2 of "Applicant's Written Summaries of Oral Submissions at ISH1, 2 and 3, and CAH 1 and 2' [REP6062]) that reinstatement of land will take 8 to 10 weeks. This is considered by PCC a 'best case' estimate and we refer to REP6-079 (paragraph 2.2.12) where we agree with the interpretation of the University of Portsmouth's specialist consultant (Sports Field Ltd.) who estimate reinstatement would be nearer 3 to 4 months. It is clear adequate reinstatement periods (or any reinstatement periods) have not been provided for in the phasing plans as set out in the Framework Management Plan for Recreational Impacts [REP4-026] and Appendix 3; as such, the reported displacement of 52 weeks at Farlington Playing Fields (and other durations at other sections of the route) is clearly misleading and inaccurate.</p>	<p>The Applicant commissioned specialist pitch surveys by PDA Agronomy in January 2021 and the updated FMPRI has been provided to PCC on 12th February 2021 and submitted to the examination before deadline 7c. While returning would take 1-2 weeks over large areas, the Applicant's adviser PDA Agronomy has estimated that reinstatement of sports pitches will take 2-3 weeks before they are playable where thick-cut big roll turf is used. However, in response to concerns raised by PCC regarding reinstatement and damage, the FMPRI uses an 8 week period of reinstatement for pitches before they are playable in order to provide a robust worst case scenario.</p> <p>If reinstatement periods go beyond 52 weeks, due to an additional 1-2 weeks of returning, then this would be limited to very small areas of public land, and up to an additional 8 weeks limited to pitches 4, 8, 10 and the 9v9 pitch. This does not affect conclusions previously stated, including those relating to Special Category Land.</p> <p>The Applicant has provided a draft Section 106 Agreement to PCC which in part contains obligations relating to the works being undertaken on open space land, and which would secure the need for realignment and reinstatement of sports pitches to be undertaken in accordance with an approved Recreational Management Plan, which is to accord with the Framework Management Plan for Recreational Impacts in so far as it is relevant to those.</p>
1.96	<p>PCC maintains concerns over the Order limits (generally), and at Farlington Playing Fields there appears to be a lack of consistency in respect of the Order limits and the demonstration of why land is required (through the phasing plans). PCC requests that the Order limits are refined to reflect the phasing plans.</p>	<p>The Applicant has used the phasing plans to illustrate how impacts can be mitigated at Farlington Fields.</p> <p>The Applicant has otherwise already explained why the extent of the Order limits at Farlington playing Fields is necessary (please see section 4.53 of the Applicant's Transcript of Oral Submissions for Compulsory Acquisition Hearing 1 (REP5-034)). The extent of the area of Farlington Playing Fields included within the Order limits is to a large degree dictated by the requirements of the HDD in this location, without which it would not be possible to install the Onshore HVDC Cables in an acceptable manner.</p>

Ref:	Question:	Applicant's Comments
1.97	<p>PCC notes that the Applicant wishes to work with PCC to agree a strategy for the mitigation on recreational land (in particular Farlington Playing Fields) – PCC will seek to engage with the Applicant to agree how works can be undertaken to limit the significant impacts that will result from the works, but notes that the impacts cannot be meaningfully mitigated. At present, the scale of the works are significant and set to last beyond five years.</p>	<p>As previously stated, it is anticipated the works will be undertaken over two years and the FMPRI (AS-062) already sets out how it is possible to substantially reduce the number of affected pitches assumed in the ES (APP-473).</p> <p>The Applicant has provided a draft Section 106 Agreement to PCC which in part contains obligations relating to the works being undertaken on open space land, and which would secure the need for realignment and reinstatement of sports pitches to be undertaken in accordance with an approved Recreational Management Plan, which is to accord with the Framework Management Plan for Recreational Impacts in so far as it is relevant to those.</p>
<i>Efforts to negotiate</i>		
1.98	<p>At Deadline 5, the Applicant stated that revised Heads of Terms would be issued ahead of Deadline 6 (Statement of Reasons [REP5-012]). This was updated at Deadline 6 with the Applicant stating that revised Heads of Terms had been issued on 23rd December 2020 (Statement of Reasons [REP6019]). However, PCC is yet to receive any revised Heads of Terms, and despite a productive meeting between agents on 21st January 2021, PCC is still waiting to be provided with any confirmation that the details discussed in various meetings have been taken into account in pursuing a private treaty agreement. PCC is concerned that the Applicant has no genuine intention to seek to secure a private treaty agreement and is relying on securing compulsory acquisition powers. Such an approach is contrary to Government guidance and is also inconsistent with previous statement made by the Applicant that is seeking to acquire land and rights by agreement.</p>	<p>The updated, revised and improved Heads of Terms were issued to PCC on 25 January 2021 and further productive meetings have taken place with the Council's representatives to progress a voluntary agreement since this date. The Applicant has been engaging with PCC since early 2018 in relation to the rights required for the construction, maintenance and operation of the Proposed Development and strongly disagrees with the Council's assertion that the Applicant has no genuine intention to seek to secure a private treaty agreement and is relying on securing compulsory acquisition powers.</p>
French Project and Consents		
1.99	<p>PCC is aware of the process that has to be completed to obtain consent for the project to be developed in France but only to the limited extent that the applicant has provided.</p> <p>PCC remains very concerned about the assumptions the ExA and the SofS is being asked to make about the financial viability of the Aquind interconnector project and the support it has in France (as well as the likelihood of obtaining the regulatory exemptions sought).</p> <p>To that end it appears that it is now fundamental that the DCO have a requirement that none of the DCO's provisions can be triggered until the French project has received the requisite consents.</p>	<p>A DCO requirement relating to the need for French consents to have been obtained is not necessary and also would be a crude mechanism that would likely give rise to unintended consequences given this is a matter which relates to French law and regulation.</p> <p>The Applicant has confirmed funding will be secured once necessary regulatory approvals and consents in France are obtained.</p> <p>A requirement for security/guarantee for CPO costs is now included at Requirement 26 of the dDCO to provide assurances that the powers of compulsory acquisition will not be capable of exercise until it has been evidenced that the funds required for compensation are satisfactorily secured. Such funds are to be derived from the funding for the Project, and therefore the CPO powers in the DCO will not be capable of exercise until funding is secured. As such, the works will in any event not be implemented until the necessary consents for the French elements of the Project are also secured.</p>

Table 2.10 - Sainsburys

Ref:	Question:	Applicant's Comments
	<p>Following the representations we made in Compulsory Acquisition Hearing 2 (11th December 2020) in respect of the availability of an alternative, and less impactful cabling route through utilising Eastern Road at the earliest opportunity, AQUIND's agents responded on the 22nd January 2021 advising that they considered AQUIND's proposed route to be the least impactful and were therefore not open to considering alternatives. By way of justification for this position, they highlighted: (i) the number of existing utility services present within Eastern Road's footpath and the highway, and (ii) the fact that works in the highway would result in an impact to road users. It is claimed that both of these impacts could be avoided were the proposed route adopted and therefore the proposed route was rightfully considered the least impactful. This statement is made without any consideration as to the impact on Sainsbury's despite AQUIND advising that they are not able to commit to undertaking works during non-trading periods. Consequently, it is clear that the works will have a significant impact on Sainsbury's store as well as customer's accessibility to the store after 6:30pm.</p>	<p>The Applicant sent Sainsbury's a detailed justification for the proposed Onshore Cable Route on 22 January 2021 which provides the justification for why the Applicant's proposed cable route is a less impactful option than that proposed by Sainsburys. Key points from the response include:</p> <ul style="list-style-type: none"> - With regards to installing the cables in the footpath which runs along the eastern side of Eastern Road as suggested by Sainsbury's, the footpath already contains a number of utilities, namely a pair of SSE High Voltage Cables (these cables continue through the south western corner of Sainsbury's car park and then cross under the railway) and a Southern Gas Networks gas main. Closer to the junction with Fitzherbert Road there are also SSE low voltage cables, City Fibre and Openreach telecommunications cables, Southern Water Sewers and Portsmouth City Council drains. The presence of these utilities would mean that the cables could not be accommodated in the footpath but instead both circuits would have to be installed in the highway and would run past the busy junctions of Eastern Road and Grove Road and Eastern Road and Fitzherbert Road. - The route proposed by Sainsbury's would result in a significant number of additional utility crossings for both circuits above what would be required for the route proposed by the Project, namely; <ul style="list-style-type: none"> - 3 no. Southern Water sewers; - 2 no. pairs of SSE High Voltage cable; - 1 no. SSE low voltage cable; - 3 no. Southern Gas mains; and - 2 no. PCC drains. - Moving the route from the car park to the highway would also require the removal and reinstatement of the steps and adjoining walls in the vicinity of the pedestrian access, in an area which also accommodates buried high voltage cables. <p>The justification also set out the reasons why the Applicant is not able to commit to undertaking all works outside of trading hours. This is specifically driven by the need to undertake certain noise generating works before 10.00pm to satisfy the requirements in relation to noise levels.</p> <p>The Applicant has also made a number of changes to the Order Limits and rights identified as being required for the construction, maintenance and operation of the Proposed Development as set out in the updated Land Plans (REP7-003) and the Book of Reference (REP7-019). This has resulted in the amount of land over which New Connection Works Rights are sought being reduced from 12279m² to 7381m², a reduction of 4898m². Whilst some of this area has been retained for Temporary Use, the Applicant will assess opportunities to further minimise the impacts of the Proposed Development through detailed design.</p> <p>A further meeting took place with Sainsbury's representatives on 08 February 2021 to progress matters and the Applicant will continue to engage with Sainsburys to address their concerns where possible and agree measures which can be implemented to the mutual benefit of both parties.</p>

Ref:	Question:	Applicant's Comments
	<p>We respectfully disagree that this is the least impactful route. In support of AQUIND's claim a drawing showing existing utilities has been provided (a copy of which can be found in Appendix 1 of this letter). As is evident from the drawing, the need to cross of a number of utilities is little justification for not utilising Eastern Road given a significant number of existing utility services, if not more, will need to be crossed at Fitzherbert Road under AQUIND's current route proposals. Simply put, if these crossings can be managed at Fitzherbert Road, there is no reason why this challenge cannot be addressed at Eastern Road.</p>	<p>The Applicant has not stated the alternative route suggested by Sainsbury's is not feasible, it has stated it is more impactful. The comments made by Sainsbury's relate to feasibility, which is not particularly relevant to identifying which alternative is more impactful. Therefore, the disagreement that the route selected by the Applicant is least impactful is not in any way substantiated by the comments explaining why Sainsbury's consider that to be the case.</p> <p>This was discussed with Sainsbury's representative on 08 February 2021. The Applicant's representative noted the potential for a significant number of the utilities which are present in Fitzherbert Road (as shown on the drawing provided by Sainsburys) to be crossed in Plot 7-08, which is located immediately north of Fitzherbert Road. This would be subject to detailed design but provides the opportunity that the majority of the utility crossings in this area can take place outside of the highway. The route proposed by Sainsburys does not provide the same opportunities.</p>
	<p>Secondly, undertaking works on the public highway would be less impactful than undertaking works within Sainsbury's car park as there would be greater flexibility in the timing of the works given there would be no need to avoid Sainsbury's trading periods. The works on the highway could be undertaken during periods of the day where traffic volumes are lower, and given the greater availability of construction hours, would be completed quicker than if the works were undertaken on the Sainsbury's Farlington store's car park.</p>	<p>Again, the comments made do not in any way support the assertion that the alternative is less impactful. Particularly, there is no consideration of impacts, rather the only consideration is the speed of construction. It is obvious that installing the Onshore Cables in the highway in this location would be more impactful on traffic than installing the Onshore Cables in the Sainsbury's Car Park in accordance with the controls of when those works can be undertaken, noting that works would not commence until after 18.30 and restrictions at peak trading times (Christmas and Easter), access would be retained to the Sainsbury's Car Park and only a small percentage of parking spaces would be affected at any one time.</p>
	<p>We highlight these points as it is evident that the justification promoted by AQUIND for their proposed route through the entirety of Farlington store's car park is not because it is the least impactful, but because it is the one which is more convenient. An alternative exists which, if adopted, would reduce the interference with a private interest with land. The proposed acquisition is not necessary or proportionate and as such the proposals do not accord with the Ministry of Housing, Communities and Local Government's guidance on procedures for the compulsory acquisition of land under the Planning Act 2008.</p>	<p>These comments are wholly disagreed with, and it is also noted, contradict the preceding point made. It is not more convenient for the Applicant to undertake works during late hours, noting the restrictions this places on working practices. Sainsbury's themselves recognise this where they seek to outline above that the construction of the works in the highway would be quicker (and therefore more convenient).</p> <p>The Applicant needs to take into account all relevant considerations when selecting alternatives, which includes seeking to avoid compulsory acquisition of private land, but also the need to consider the environmental impacts of the proposals. The Applicant has undertaken this exercise and is content with its selection of the Onshore Cable Corridor. It is obvious that the Onshore Cable Corridor proposed in relation to the Sainsbury's land is less impactful than the alternative suggested by them. It is for this reason Sainsbury's have not been able to substantiate otherwise.</p>

Table 2.11 - Winchester City Council comments at Deadline 6 on Applicant's Response to Deadline 4 Submissions

Ref:	Question:	Applicant's Comments
5.5 Design and Access Statement		
	<p><i>The Applicant seeks permission for buildings between 22m and 26m and has undertaken the assessment of the worst case impacts on this basis. These dimensions are based on advice which the Applicant has received from contractors experienced in constructing converter stations.</i></p> <p><i>As is explained in the Applicant's Transcript of Oral Submissions for Issue Specific Hearing 1 on Development Consent Order (REP5-058) in response to question 4.2 and in the Applicant's oral response in relation to the same, taking into the account feedback received from the contractors a reduction in the permissible building height below 26m could decrease an already limited number of potential contractors able to participate in a competitive tender process for the Converter Station. If such height restriction is imposed a situation could occur where the Applicant is left with a single contractor able to deliver the Proposed Development which in turn may deliver a sub-optimal solution for a project of national significance and undermine the Applicant's ability to achieve value for money for energy consumers.</i></p> <p><i>As the proposed site of the converter station sits above an aquifer, whilst fully explored as a means of reducing the visual impact of the building, sinking the building into the ground by several metres is not a viable solution. As the site slopes from north to south the potential flood risk also had to be considered when reviewing the options for excavating the site to reduce the building height.</i></p> <p>There are two separate but related points here. Regarding the overall height of the building the applicant has not responded to the core question which is, if faced with two quotes from different contractor and the higher one would result in a taller building, what weight is given to the desire to keep the building as low as possible and how will that decision making process be shared with the LPA to ensure landscape impact has been given its due consideration?</p> <p>Concerning the second point on the applicants desire to run a competitive tendering process, the council recalls the helpful interjection by Richard Turney (who is counsel for HCC) that this is not correct and no breach of law would occur if only one tender was available.</p>	<p>The height of these buildings will be dependent on the design of the internal high voltage equipment. This equipment is of a modular nature, but each potential supplier will have their own optimised solution in terms of the length, width and height of their equipment. In addition, all suppliers will need to account for the electrical clearance, of about 3m, between their equipment and the floor, roof and walls of the building. At this early stage of the design of the buildings it is important to provide flexibility to enable an optimum design.</p> <p>The Applicant will work with the preferred supplier during the detailed design stage to optimise the solution for the Converter Station which includes the design of the converter building.</p> <p>The visual impacts of the Converter Station with a maximum parameters of 26m in height has been assessed and is what consent is sought for. It will not be the case that further visual assessment will be undertaken in the future, or that the undertaker will be required to evidence how they have sought to reduce the height when bringing forward proposals within the assessed maximum parameter. The principle of development will be established and development which complies with the parameters will be permissible.</p> <p>The Applicant has acknowledged that it is possible to run a single bidder tender process, but the Applicant has also confirmed that the flexibility is sought is to ensure a single bidder process does not need to be followed, as this may deliver a sub-optimal solution for a project of national significance and undermine the Applicant's ability to achieve value for money for energy consumers.</p> <p>The detailed design, including the scale of buildings in Works No.2 (the Converter Station), will be subject to approval by the relevant planning authority through the discharge of Requirement 6(b) of the draft DCO (REP7-013).</p>
	<p><i>OOCEMP (REP5-019) paragraph 5.3.4.3 states "Where features are to be removed, consideration for replanting with like for like species in the locality is required. Hedgerow trees will require repositioning to at least 5 m away from the Onshore Cable Route within the Order Limits. Mitigation may also be achieved by appropriate compensatory tree planting within the locality. Where agreed with the Highway Authority they will replant highway trees in the highway where it is deemed appropriate and though the CAVAT compensation process". The Applicant has continued to engage with WCC on replacement trees during ongoing discussions on the relevant sections of the dDCO under Part 7 and Schedule 2 (REP5-008).</i></p>	<p>Replacement planting will be at the nearest suitable location within the Order limits. Third-party mitigation planting will not be undertaken within the Highway Boundary. In instances where third-party trees are to be removed then suitable opportunities for mitigatory planting will be identified. Planting sites will be determined once the scope of third-party tree removal has been confirmed. Lost highways trees will be replaced, where agreed, through the Local Highway Authority via CAVAT compensation. This planting may be outside the Order limits.</p>

Ref:	Question:	Applicant's Comments
	<p><i>Requirement 9 remains under discussion with WCC and the Applicant is seeking agreement on this matter in the SoCG.</i></p> <p>The Council understands the technical limitation on planting within 5m of the trench. However how will the planting within the locality be secured if there is no available position within the Oder Limits?</p>	
<p>7.7.4 Position Statement in relation to the Refinement of the Order Limits REP1-133</p>		
	<p><i>The Applicant can confirm that from construction point of view, the access rights would only be required between the drilling compounds for surveys, to track the drill head (walk over, therefore no disturbance of ground) and for clean-up, if there is a breach of drilling fluid.</i></p> <p>At the present time the list of access rights as detailed under the heading Access Rights is too broad and needs refining with regard to this specific section of the site. It is noted the restriction of Rights has been Applied at Milton Allotments which is also a Location where monitoring rights are required as drilling takes place.</p>	<p>The Applicant notes the concerns of WCC and has updated the Onshore Outline Construction Environmental Management Plan (REP7-032) to commit under paragraph 6.4.1.3 that 'to avoid the potential effects to Soake Farm Meadows SINC and Denmead Meadows SINC, access by foot will be permitted only with no vehicular access'.</p>
<p>7.8.13 ES Addendum Appendix 3 Supplementary Alternatives Chapter REP1-152</p>		
	<p><i>A cross-country option was considered in 2017 and 2018, including following the receipt of feedback from local authorities to further look into non-highway options.</i></p> <p><i>A route through the fields, adjacent to the A3 to the west, has been fully considered by the Applicant in a proportionate manner. A review of environmental designations and constraints showed areas of Priority Habitat, Sites of Importance for Nature Conservation (SINCs) and Ancient and Replanted Woodland. As well as environmental constraints, other important factors such as private land, compulsory acquisition requirements, and potential for future development (including strategic housing allocations) were taken into account. The Applicant's reasoned conclusion was that a route across the countryside in this location was not preferable as an alternative to the route selected and should not be pursued.</i></p> <p><i>The Applicant identified land sterilisation (putting restrictions on a plot or portion of land to prohibit all/some building/improvements) as a constraint West of Waterlooville as installing underground cables and joint bays would require the exclusion of development (including landscaping) above the cable route and for an area of typically 11m in width for potentially up to 5km to allow future access, where necessary. The land above the cable route would need to be kept clear from development and any significant vegetation. This would apply to the permanent easement of the cable route. This would therefore significantly constrain any proposed development in proximity to the cables.</i></p> <p>Please identify the specific sections within chapter 2 of the ES where this consideration in 2017 & 2018 is referred to. Please confirm that any consideration did review this specific cross country route from Portsdown Hill up to the Hambledon</p>	<p>See previous response provided in Table 2.5 (paragraph 4.6.4.2) (REP7-074), prepared in response to a similar statement made in WCC's Local Impact Report (REP1-183). The Applicant also refers to its full response provided at Deadline 6 in Table 2.1 – Havant Borough Council of (REP6-067), which sets out further detail in relation to the chronology and consideration of the route.</p> <p>A cross-country option was considered in 2017 and 2018. Consideration was given to the fields to the west of the A3 and, given the various environmental, land and acquisition constraints, was not preferable as an alternative to the highway option and was not pursued in this general location.</p> <p>Subsequently, following the suggestion of the alternative countryside routes by HBC and WCC in the responses provided at the AQUIND public consultation in April 2019, the potential for the specific routes proposed was further considered. These were located in a similar location to the unpursued cross-country option considered in 2017 and 2018. The assessment of these options is well documented in section 2.6.4 of ES Chapter 2 (Consideration of Alternatives) (APP-117) and section 8 of the Supplementary Alternatives Chapter (REP1-152), confirming how this led to the confirmation of the previous conclusions made.</p>

Ref:	Question:	Applicant's Comments
	<p>Road and that this was not a reference to other routes from other landfall points under consideration at the time.</p> <p>To date, despite all the responses from the applicant the timeline of actions does not support their version of events.</p> <p>The issues over sterilisation have been responded to in the past.</p>	

Table 2.12 - Winchester City Council – Paper No.1 Winchester City Councils General Views on dDCO revision 5

Ref:	Question:	Applicant's Comments
	<p>The applicant's decision to retain R7-9 unchanged has implications on sections within the Outline Landscape & Biodiversity Strategy Rev003 dated 23 December (REP6-038) which references back to the requirements. This lack of clarity is considered to reinforce the view that there is uncertainty in what R7, R8 & R9 are intended to achieve. Further confusion is added by references in the OOCEMP (REP6-036) to planting and future management of features and the land.</p>	<p>The Applicant considers that the Outline Landscape & Biodiversity Strategy and dDCO Requirements are clear and appropriate. Please refer to the Explanatory Memorandum (REP7-015) which summarises the purpose and effect of requirements 7 – 9.</p> <p>Requirement 7 (Provision of landscaping) will ensure that the landscaping required to mitigate impacts associated with the Authorised Development are confirmed before any phase of Works No. 2, Works No.4 or the construction of the optical regeneration stations within Works No. 5 can commence.</p> <p>Requirement 8 (Implementation and maintenance of landscaping) will ensure that the landscaping is carried out and adequately maintained so as to provide the required visual mitigation in relation to the relevant parts of the Authorised Development.</p> <p>Requirement 9 (Biodiversity management plan) will ensure the appropriate measures described in the environmental statement in relation to biodiversity in connection with the Authorised Development are carried out prior to onshore site preparation works or a phase of Works No. 2, Works No.4 or Works No. 5 can commence.</p> <p>It is unclear what the 'implications on the Outline Landscape & Biodiversity Strategy' are, which WCC are referring to in their Deadline 7 submission (REP7-096) and the Applicant is closely engaged with WCC to understand and resolve these comments through the dDCO and SoCG.</p>
	<p>A number of new additional requirements are proposed relating to the following:</p> <ul style="list-style-type: none"> • An Employment and Skills Plan • No start UK side until French side has all approvals 	<p>The Applicant has explained previously that it does not consider a Requirement restricting commencement of development until all approvals in France have been obtained is necessary, and also that this would be a crude mechanism that would likely give rise to unintended consequences given this is a matter which relates to French law and regulation.</p> <p>The Applicant has confirmed funding will not be secured until necessary regulatory approvals and consents in France are obtained.</p> <p>A requirement for security/guarantee for CPO costs is now included at Requirement 26 of the dDCO to provide assurances that the powers of compulsory acquisition will not be capable of exercise until it has been evidenced that the funds required for compensation are satisfactorily secured. Such funds are to be derived from the funding for the Project, and therefore the CPO powers in the DCO will not be capable of exercise until funding is secured. As such, the works will</p>

Ref:	Question:	Applicant's Comments
		in any event not be implemented until the necessary consents for the French elements of the Project are also secured.
	Regarding the Employment and Skills Plan, an Employment and Skills Strategy document produced by the applicant is currently under discussion with the applicant and other interested parties. Once agreed and submitted at Deadline 7c or Deadline 8 then this document could be referenced in any requirement.	A requirement to submit an employment and skills plan to WCC for approval was inserted into the dDCO at Deadline 7 (see Requirement 27) (REP7-013).

Table 2.13 - Winchester City Council – Paper No.2 Winchester City Councils Comments on Ash Die Back Submission

Ref:	Question:	Applicant's Comments
	<p>The further consideration has raised several questions that need addressing.</p> <p>Firstly, how the new landscape planting south of Mill Copse will be secured. The response to the ash dieback at Mill Copse is to consist of four actions. These are:</p> <ul style="list-style-type: none"> • Removal of some dead ash • Leaving some dead ash in situ on the basis that even skeletal trees have some screening value • New planting within the copse • A new 10m wide tree belt to be planted off the southern edge of the woodland in what is currently agricultural land. <p>The new planting belt is referred to at section 3.1.1.2 in the document Request for Change to the Order Limits (AS-054). This new belt is annotated as PW27 on the plan attached as appendix 2 to the OLBS Rev 003 (REP-038). However, this land is not shown within the changed Order Limits as shown on sheet 1 of the Land Plans Rev04 (REP6-004). In appendix 2 of the Request for Changes to the Order document reference is made to an “option for easement” with Winchester College to secure the planting and New Landscape Rights.</p> <p>If this land is not within the Order Limits, it is under clear exactly how the planting, maintenance and long term management can be secured with a link back to the DCO requirements.</p>	<p>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.</p> <p>The Applicant is at an advanced stage of negotiations with Winchester College and expects to 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>The land identified as the woodland belt south of Mill Copse has been identified to offer greater flexibility for mitigation and to provide screening, however this is not identified as essential mitigation and as such it is not considered that there is a compelling case within the public interest for the compulsory acquisition of land. A negotiated agreement is being progressed with Winchester College to provide this land for the additional landscaping belt.</p>

Ref:	Question:	Applicant's Comments
	<p>A second question is whether the requirements need some explicit reference to the proposed actions and specifically those which will apply to Stoneacre Copse, where the necessity to balance the maintenance of the habitat with the maintenance of the landscape screen needs to be considered. There are a number of publications that offer good practice on management such as:</p> <ul style="list-style-type: none"> • The UK Forestry Standard 2017 (Forestry Commission) • Ancient Woodland Restoration November 2018 (Woodland Trust) 	<p>The Applicant has stated in the updated OLBS (REP7-023) that a woodland management plan must be prepared as part of Schedule 2, 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.</p> <p>In terms of Stoneacre Copse, paragraph 1.7.6.46 to 1.7.6.49 Management Area I Stoneacre Copse of the updated OLBS states that "subject to development consent, liaison with Natural England would be required for the long-term management of this woodland and a felling licence may be required from Forestry England over the production of a woodland management plan".</p> <p>The woodland management plan will be produced in accordance with the UK Forestry Standard, and good management practices. The OLBS will be revised to state this clearly and refer to both the UK Forestry Standard 2017 and Ancient Woodland Restoration, November 2018 as requested.</p> <p>A core intent for these woodlands as referred to in paragraph 12.3.3.2 of the ES Addendum 2 (REP7-067) is to ensure their long term visual screening value for the proposed Converter Station and as a result of that intent, secure their long term retention.</p>
	<p>Thirdly, consideration of the future management of these woodland has raised the general question if the powers within the New Landscape Rights as listed in Appendix A Rights and Restrictions Sought Statement of Reason Rev004 (REP6- 019) includes the ability to install deer control fencing. Local knowledge indicates there is a significant population of Roe and Muntjac deer in the area. Deer fencing to exclude them from newly planted areas can be 2.5m tall. The current list of actions that sit within the New Landscape Rights may allow tree guard but it is unclear if it includes fencing of this size and potential extent.</p>	<p>The new landscaping rights means all rights and restrictions necessary for the undertaker and/or those authorised by the undertaker to maintain trees, shrubs and landscaping. The provision of fencing to protect newly planted trees is an activity involved in the maintenance of trees. The new landscaping rights are therefore sufficient to allow for tree guards and/ or fencing to be installed.</p>

Table 2.14 - Winchester City Council – Paper No.3 Winchester City Councils Comments on Joint Bay Technical Note 7.9.26 (REP6-070)

Ref:	Question:	Applicant's Comments
	<p>JB4 is to be located at the western end of field No 13 (see Figure 1 in the Denmead Meadows Position Paper RREP6-072) which lies at the northern end of the Denmead Meadows complex. The Council notes this will result in the permanent loss of a small area of soft ground.</p>	<p>The Joint Bay Technical Note (REP7-073) is an indicative feasibility study. Where a joint bay is buried in that location the ground will be reinstated to its previous condition in accordance with the reinstatement requirements for this land and therefore any loss will be temporary.</p>
	<p>JB5 is to be located on the south side of Hambledon Road opposite Soake Lane. This location is east of the field, which is identified as a potential site for the launch compound for HDD5 (field 14 on Figure 1 in the Denmead Meadows Position Paper RREP6-072). The Council has a number of questions regarding this location for the JB. There is a</p>	<p>The Applicant can confirm that the HDD 5 launch site will now be located south of Hambledon Road, refer to sheet 3 of 12 of the Works Plans (REP7-005).</p>

Ref:	Question:	Applicant's Comments
	<p>concern that this location for JB5 will be used to justify or support the location of the HDD5 launch compound to be positioned on the north side of the road in field 3 ((see Figure 1 in the Denmead Meadows Position Paper RREP6-072). The ExA will recall from other representations made by the Council that it supports the location for the launch compound on the south side of the road (field 14). It is considered that the following would help to facilitate that outcome.</p>	
	<p>The Rights of Way Plans Rev 003 (REP6-011) only shows a single access point on the south side of the Hambledon Road. On that basis, the access to facilitate the construction of this joint bay is assumed to be from the land to the west and along the strip of ground that run parallel to the road.</p>	<p>The Applicant can confirm that the access will be via AC/3/b as per sheet 3 of 10 of (REP6-011).</p>
	<p>However, the cables must enter the land off the Hambledon Road and that will result in a break in the hedgerow.</p>	<p>The Applicant can confirm that this will be required, and this is reflected on Figure 3 Tree and Hedgerow Retention Plans First Written Question Responses – Appendix 10 – Tree Survey Schedule and Constraints Plans (REP7-037). A new hedgerow will be planted once construction works have been completed as referred to in section 6.2.3 of the Onshore Construction Environmental Management Plan (REP7-032).</p>
	<p>The Council notes that one of the points raised against the use of the southern location for the launch compound is the restriction this imposes on the cable run. However, the Council asks why JB5 cannot be moved further west into the same field as the southern compound location and used to facilitate a sharper change in direction? The distance between JB5 and JB6 at 800m is well within the range of 600m to 2000m for cable lengths presented in section 1.1.1.3 of the Technical Note. Furthermore, as the section is relatively straight, the route characteristics should be favourable to facilitate the winching of the cable though the conduits along this length.</p>	<p>The Applicant can confirm that the HDD 5 launch site will now be located south of Hambledon Road, refer to sheet 3 of 12 of the Works Plans (REP7-005).</p> <p>The Joint Bay Technical Note (REP7-073) is an indicative feasibility study which shows the indicative locations of joint bays along the cable route.</p> <p>Nonetheless, it is not possible to locate JB05 in the same field as the HDD launch site due to the requirement to maintain a minimum bend radius for the cable.</p>
	<p>JB6 is shown as straddling the car parking area at the western end of Southview Road and a section of the highway. However, the text alongside the diagram indicates that the JB will be located within the car park. A straddling position would mean the total loss of the boundary hedgerow. Clarification is requested on the precise location of the JB and the temporary land take to facilitate its construction. The Council recognises the constraints in identifying an alternative location within the order limits. However, it considers that the applicant should clear the highway completely.</p>	<p>The Joint Bay Technical Note (REP7-073) is an indicative feasibility study which shows the indicative locations of joint bays along the cable route. The standard joint bay area, delivery area and work compound area are provided in Section 1.3 of Joint Bay Technical Note. It is noted that a delivery area is shown straddling the highway, but that this delivery area would be used for a very short duration (likely no more than a few hours) for the delivery of a cable drum only.</p> <p>In the event that the area shown is used for a Joint Bay then the detailed design of the Joint Bay area will be, as far as is reasonably practicable, located off carriageway unless such positioning is unavoidable taking into account environmental and other constraints.</p>
	<p>It is unclear at the present time, exactly how much of the boundary between the car park and the road will be temporarily lost to the project.</p>	<p>The Joint Bay Technical Note (REP7-073) is an indicative feasibility study which shows the indicative locations of joint bays along the cable route.</p>

Ref:	Question:	Applicant's Comments
	The Access and Rights of Way plan indicates a new access formed through the boundary.	The Access and Rights of Way Plans show locations where access may be taken from the highway. The precise location of accesses will be confirmed in accordance with Requirement 10 and also subject to a minor works highways agreement with Hampshire County Council. In the event that the area shown is used for a Joint Bay then the detailed design of the Joint Bay area will clarify the exact requirements.
	A concern is raised about the management of the access. The existing junction with Darnel Road is a traffic light controlled T-junction. There is a concern over the proximity of the temporary access to this TL controlled junction. The question is raised whether there is scope for a staggered traffic light controlled junction.	Temporary construction access AC/3/c shown on the Access and Rights of Way Plans (REP7-008) will provide a construction access to Billy's Lake public car park to facilitate construction of Joint Bay 06 should it be located as shown in the Joint Bay Feasibility Report (REP7-073) and access via Southdown View not be possible. To mitigate the concern related to the Darnell Road traffic signal junction, it is proposed that the construction access junction would operate on a left-in / left-out basis for general construction traffic with traffic entering site completing a u-turn at the B2150 Hambledon Road / Forest Road roundabout. All manoeuvres out of the site would also be undertaken with banksman control to ensure these are completed safely. As such there should be no requirement to implement a staggered traffic signal controlled junction at this location, noting also that construction traffic movements will only be permitted outside of peak hours. This additional construction traffic management has been incorporated into the Framework CTMP which will be submitted at D8.

Table 2.15 - Winchester City Council – Paper No.5 Winchester City Councils Comments on the Design and Access Statement Rev003 (REP6-025)

Ref:	Question:	Applicant's Comments
	Firstly, the record of meetings in Section 4 (Consultation) is not up to date. The record stops at 23 October 2020. There have been additional meetings since that date on the design and specifically on the cladding colour issue. Secondly, within Section 6 at 6.6.2 Building Design Principle 3 does not reflect the latest position in terms of the colour palette that was being discussed up to 23 December 2020.	The record of meetings has been revised in section 4.3.9 of updated DAS (REP7-021) to reflect continued design meetings and correspondence in August, October and November last year. The Applicant notes that there is no paragraph 6.6.2 in the DAS (REP6-025). However, Section 6 at paragraph 6.2.2. Building Design Principle 3 has been revised to reflect the latest position in terms of the colour palette and subsequent discussions after the 23 December 2020 and this is covered in section 6.2.2 of the updated DAS (REP7-021).
	Winchester City Council is aware of the views expressed by the South Down National Park Authority who are seeking a broader range to the colour palette. The Council originally expressed some concern over this approach. However, as a result of discussions between the authorities which clarified the precise intentions behind the SDNP position, WCC considers that it could accommodate a broader range of colours providing the caveat is clearly expressed that there is no obligation that all the colours will be used. The final choice for each elevation will be made on site as part of the contextual context assessment.	Further to discussions with WCC, SDNPA and EHDC, changes were made to the DAS (REP7-021) to reflect a broader colour palette as well as a caveat which states that there is no obligation that all the colours will be used. Paragraph 5.7.2.3 of the updated DAS states: <i>“Cladding typically consists of narrow vertical elements of varied contextual colours (primarily dark recessive colours). The colour palette focuses primarily on darker recessive colours with some additional lighter colours included should these be required where the building cuts the skyline. This approach to include a broader range of colours will provide a degree of flexibility when undertaking the contextual study at detailed design. The clause to undertake a further contextual study included in design principle 3 will test each elevation from different viewpoints and angles to determine the colour ratios and whether overall such elevations should have a</i>

Ref:	Question:	Applicant's Comments
		<p><i>greater transition of darker to lighter colours. This does not imply that the lighter colours will be used, but rather that they may be included subject to the study's findings and agreed in discussion with the relevant discharging authority in consultation with the SDNPA. The roof of each building will be a dark recessive non reflective colour to minimise visual impact."</i></p> <p>Building Design Principle 3 states:</p> <p>Colours will be selected from a palette of contextual colours (which are primarily dark recessive colours) within the ranges below chosen to complement the surrounding landscape. A contextual study will be undertaken to review the colour ratios for each elevation from the below colour range. The roofing will be in a dark recessive non-reflective colour to minimise visual impact.</p> <p>RAL 8022; 6009; 8019; 6015; 6020; 6014; 7022; 7013; 8025; 6003; 1020; RAL 8015; 8012; 7008; 6011; 7040; 1002; 1014; 7035</p>

Table 2.16 - Winchester City Council – Paper No.6 Winchester City Councils Comments on the Denmead Meadows Position Paper (REP6-072)

Ref:	Question:	Applicant's Comments
	<p>The Council would like to take the opportunity of submitting a report on the habitat quality of the Kings Pond SINC entitled Hampshire Biodiversity Information Centre Kings Pond Meadow Habitat Survey May 2020. The Council is not the author of this report and has only recently obtained the agreement of the authors for its release. This report is considered to support the Councils position that the habitat value of the Kings Pond Meadow SINC and specifically Field 8 east should have a greater level of regard applied to it than the applicant has applied.</p>	<p>The Applicant is somewhat disappointed that a report of relevance produced and therefore apparently available since May 2020, before the Examination of the Application commenced, has only just been raised by WCC. The Applicant will seek to address the contents of the report in the time remaining.</p>
	<p>The technical reasons why the drilling section cannot be extended northward to emerge on the agricultural land north of Anmore Road have already been outlined and accepted. This leads to the conclusion that the compound has to be located south of the Anmore Road. Accordingly, the Council feels that the focus should be on minimising any impacts from its temporary presence.</p> <p>The applicants intentions are to remove a layer of soil and then reinstate this using any surplus seed from the seed harvest undertaken as part of the restoration of the land at the southern end. Leaving the soil in situ and using protective mats and teram should be considered together with seeding.</p> <p>When constructing the open trenches careful removal of the seed bearing layer of soil with the use a micro digger or light pressure equipment with access limited to the smallest area necessary should be considered. The Council is ready to discuss with the applicant the</p>	<p>The Applicant welcomes agreement with WCC regarding the need for the HDD5 reception compound (the "northern recovery drill compound") location.</p> <p>The Applicant will review its mitigation proposals in light of the Hampshire Biodiversity Information Centre report ("Kings Pond Meadow Habitat Survey May 2020") to ensure they fully offset impacts and the potential for residual effects, and welcomes the offer from WCC to discuss the methodology adopted to undertake the work and reinstate the ground.</p> <p>The Applicant has continued discussions with both Winchester City Council and Natural England regarding this matter and in particular the scope of mitigations proposed for Fields 8 (east) within Kings Pond Meadow SINC and Field 13. These discussions are at an advanced stage and broadly agreed with WCC.</p> <p>The Applicant proposed to undertake the following with respect to Field 8 (east) which lies within the Kings Pond Meadow SINC:</p>

Ref:	Question:	Applicant's Comments
	<p>methodology to be adopted to undertake the work and in the reinstate the ground.</p>	<ul style="list-style-type: none"> • Soil protection through low ground pressure machinery and ground matting; • Cutting, storage of turves from within the Order Limits – these will be stored for a maximum of 3 weeks before replacement; • Collection of seed from plants growing within Lowland Meadow HPI habitat at Denmead Meadows will be undertaken and used to re-seed Field 8 (east) post construction <p>Field 13 will be subject to:</p> <ul style="list-style-type: none"> • Where stripping of top soil is required to level and prepare the compound's surface, it will be stored for the duration of the compound's operation and replaced following completion of HDD works. No subsoil excavation will be required and this horizon will be left in-situ. • Use of a suitable ground protection solution, such as matting and low ground pressure machinery to avoid compaction of soils adjacent to the trench. • Collection of seed from plants growing within Lowland Meadow HPI habitat at Denmead Meadows will be undertaken and used to re-seed Field 13 post construction.

Table 2.17 - Winchester City Council – Paper No.7 Winchester City Councils Matters to be Considered within a 106 Agreement

Ref:	Question:	Applicant's Comments
	<p>The Council wishes to see the certain matters covered by 106 agreement. They will be activity discussed with the applicant over the coming weeks.</p> <p>The matters to be covered in the discussion will include:</p> <ul style="list-style-type: none"> • Resources to cover post consent work • A decommissioning bond • An Employment and Skills Plan • A legacy Fund • Exploration of practicalities of a community link to the FOC (if retained with a commercial element) <p>There have been ongoing discussion with the applicant over the precise matters to be considered and then the most appropriate mechanism to secure them.</p>	<p>Resources to cover post consent work – this will be covered through the post consent Planning Performance Agreement (PPA), a draft of which has been provided to WCC and on which a response is awaited.</p> <p>A decommissioning bond – the Applicant is not agreeable to a decommissioning bond being provided as this is not considered necessary to mitigate the effects of the Proposed Development and therefore this has not been included. In reaching this conclusion the Applicant has considered other projects of similar scale and complexity for which a DCO has been made and notes that, so far as it is aware, none are subject to the need to provide a decommissioning bond.</p> <p>An Employment and Skills Plan – A requirement to submit an employment and skills plan to WCC for approval was inserted into the dDCO at Deadline 7 (see Requirement 27) (REP7-013).</p> <p>A legacy fund – the Applicant is not agreeable to a legacy fund being secured in any Section 106 Agreement. Such a fund is not necessary to mitigate the effects of the Proposed Development and would be unlawful.</p> <p>Exploration of practicalities of a community link to the FOC – The Applicant is not agreeable to suggestion, with this request being made without any thought to what infrastructure may need to be delivered to provide for such a link and that this is not included in the DCO.</p>

Ref:	Question:	Applicant's Comments
	In terms of the Employment and Skills Plan there is a discussion on the use of a requirement or a clause in a legal agreement to secure it.	As stated above, a requirement to submit an employment and skills plan to WCC for approval was inserted into the dDCO at Deadline 7 (see Requirement 27) (REP7-013). The use of Requirements ensures an enforceable position.
	Regarding the arrangement to cover post decision actions by the Council the applicant wishes to use a PPA whilst the Council wishes to secure this via a legal agreement.	A draft post-consent PPA was issued to WCC on 20 January 2021, which if entered into will be a binding legal agreement subject to the jurisdiction of the Courts.

Table 2.18 - South Downs National Park Authority

Ref:	Question:	Applicant's Comments
	SDNPA's comments on the applicant's Request for Changes to the Order Limits (AS-054)	
	<p>In relation to Mill Copse and Stoneacre Copse the SDNPA's view on the proposed management measures is set out in our response to Examining Authority Question HAB2.8.3, also provided at this deadline.</p> <p>The Ash Dieback Survey (the receipt of which is welcomed) contained in Appendix 3 identifies a far wider effect on trees from the disease than simply the two woodlands proposed to be included within the Order Limits (Mill Copse and Stoneacre Copse). However, these wider areas beyond Mill and Stoneacre Copses are not picked up in the Outline Landscape and Biodiversity Strategy Document, nor the Landscape Mitigation Plans. There are areas of woodland outside of the revised order limits (for example to the east of Lovedean substation, adjacent to the SDNPA boundary) that also have substantial ash dieback disease identified in the survey, the loss of which will lead to increased adverse visual effects.</p> <p>The Ash Dieback Survey states that there is no need for management of these woods in order to maintain the future baseline, however the number of trees affected may increase in the future and therefore this assumption may alter in future years.</p> <p>The report also makes reference to voluntary agreements that might be considered with other landowners and the SDNPA would like to understand whether this would be secured through the DCO process, perhaps as part of the ongoing monitoring and replanting of areas affected by Ash Dieback - and particularly where this has the potential to affect the visual baseline.</p>	<p>The Applicant has explained in paragraph 12.3.5.5 of the ES Addendum 2 (REP7-067) that "<i>Ash dieback will reduce the density of canopy in woodlands in the wider area. However, this is not predicted to alter the impact of the Proposed Development on receptors further afield due to depth of woodland, variety of species other than ash and the 'layering' effect of multiple intervening woodland features in filtering and screening views from a greater distance.</i>"</p> <p>In terms of the specific reference to woodland to the east of Lovedean substation the ash dieback findings in Request for Changes to the Order Limits (AS-054) Appendix 3, paragraph 1.4.1.3 explains that "<i>the screening functions of the other woodlands listed (Woodlands C, D and E) will not be affected by ash dieback to such an extent that the Environmental assumptions will be affected</i>". Whilst the woodland screens the existing Lovedean substation, the woodlands contribute to a layering of woodland partially screening views of the Proposed Development only.</p> <p>In terms of the example cited regarding woodland outside of the revised order limits and east of Lovedean substation, as outlined in section 12.3.4 ES Addendum 2 (REP7-067), the assessment concluded that for residential receptors off Broadway Lane (Receptor No 17 and 18) the magnitude of impact experienced would be marginally different but the significance of effects would remain unchanged. Receptors would have oblique views with screening provided by the northern end of Stoneacre Copse, and new mitigation proposals in the foreground. In terms of recreational receptors along Day Lane / Broadway Lane whilst there would be a slight change in middle distance views, this would not be enough to alter the magnitude of impact and therefore the significance of effects. For receptors to the north of Lovedean Substation, views would remain unchanged since the extent of ash providing screening across to the Proposed Development is limited.</p> <p>The Applicant has explained that there is not a need to manage the woodlands referred to above because they do not serve a primary visual screening function for the Proposed Development. The ash dieback findings in Request for Changes to the Order Limits (AS-054) Appendix 3, paragraph 1.5.1.1 states that "In order to maintain the LVIA future baseline there is no need to carry out any management of Woodlands C, D or E."</p>

Ref:	Question:	Applicant's Comments
		<p>With regard to visual screening and the impacts of ash dieback, the Applicant confirms the Application should be determined on the basis that the areas identified for management within the Order limits will be those that are managed and maintained in connection with the Proposed Development.</p>
<p>SDNPA Comments on 'Applicant's Response to Deadline 5 Submissions' (REP6-069)</p>		
	<p>With reference to Table 2.5 (page 2-51) and row 2.4.2, and having listened to the applicant's rationale and justification, the SDNPA no longer considers that proposed DCO requirement 17 (Construction Traffic Management Plan) should be determined after consultation with the SDNPA.</p> <p>However, we remain of the view that the Construction Traffic Management Plan should be determined by Local Planning Authorities, for reasons most recently detailed in our deadline 6 submission, REP6-099.</p>	<p>The Applicant notes that SDNPA no longer considers DCO Requirement 17 should be determined after consultation with the SDNPA. The Applicant reasserts its position that the highway authorities are the relevant bodies to discharge this Requirement.</p>
	<p>As a general point, and now that we are several months into the examination, it would be helpful if the applicant could confirm which Converter Station option is to be selected.</p>	<p>The Applicant can confirm that discussions with the landowner, National Grid, are ongoing. Confirmation of one option will follow on from this process.</p>

3. SUBMISSIONS TO DEADLINE 7A

Table 3.1 – Patrick A Whittle

Ref:	Question:	Applicant's Comments
	Objection is made to the acquisition of an area of woodland, plus a private track, of an area equivalent to three football pitches. The loss of Mill Copse and Stoneacre Copse, and the adjacent track, would have a detrimental effect on the wildlife in that environment. The addition of this late request is a clear further indication of the lack of fore-thought in the planning of this project, which had already been exemplified in the chosen cable route and location of an interconnector. The publication of the application during the festive season is also regrettable as many residents will have missed it.	Mill Copse and Stoneacre Copse will not be lost. The areas are included to allow for their management to address the presence of ash dieback within them in connection with the visual screening of the Converter Station. This objection has been made without consideration of the reasons for the inclusion of these woodlands.

Table 3.2 – Cynthia Whittle

Ref:	Question:	Applicant's Comments
	The Aquind project leaders have shown ineptitude in their planning of the proposed route for high voltage cables and optic fibres under the Solent and Portsmouth to Lovedean. They have ignored the consequences for residents, human and wildlife, as well as the whole built and natural environment. The latest amendment seeking compulsory purchase of 2.5 Hectares of woodland is an example of inadequate planning and disrespect for the local countryside and wildlife. The Hampshire landscape is under threat so we need to preserve the natural habitat that remains.	The 2.5 ha of woodland comprises Mill Copse and Stoneacre Wood. These woodlands are affected by ash dieback and rights are sought to allow the Applicant to actively manage these woodlands in order to maintain both their screening and habitat value in the long-term.

Table 3.3 – Chris Westcott

Ref:	Question:	Applicant's Comments
	The additional land purchase is unnecessary as other trees will fill some of the spaces created by dead ash. In addition, if the loss of canopy is severe, the understorey will thicken up creating a better screen than the high forest.	<p>The inclusion of additional woodland within the Order limits is necessary as whilst some natural regeneration will occur, uncontrolled grazing will also take place creating a "patchwork" of new planting which is unlikely to address the wood's visual screening function.</p> <p>The updated OLBS (REP7-023) explains that a woodland management plan will be prepared and this will include selective felling, replacement planting with alternative species, the retention of some deadwood, natural regeneration and a monitoring and management plan ensuring that the ultimate objective of providing a visual screen is maintained. The OLBS will be secured through Schedule 2 requirement 7 and 8 of the dDCO (REP7-013).</p>

Table 3.4 – Havant Friends of the Earth

Ref:	Question:	Applicant's Comments
	<p>With reference to Aquind's 2nd Change Request (AS-052), for the compulsory acquisition of additional areas of ancient woodland adjacent to the Converter Station site: Havant Friends of the Earth agree that this will be necessary in order to ensure sufficient screening of the Converter Station in the long term. We understand that careful management of the woodland will be needed, because of the prevalence of ash dieback disease. We would not want to see the immediate felling of all diseased trees, but that advice be followed to remove trees once leaf cover reduces to less than 50%, with the replacement planting of larger types of native non-ash trees. In view of the drive towards Zero Carbon, we would also like to see additional tree planting wherever there is appropriate space. The recommendations of the Outline Landscape and Biodiversity Strategy dated 23.12.2020 should be followed. Aquind should commit to protecting this ancient woodland, its eco-systems and wildlife by going into long-term partnership with the an organisation like the Hampshire and Isle of Wight Wildlife Trust to manage the woodlands for maximum biodiversity.</p>	<p>The Applicant notes these comments. The updated OLBS (REP7-023) reflects these aims in terms of selective felling and replacement planting. The Undertaker will be the entity responsible for undertaking the management and maintenance of the Woodland in accordance with the DCO.</p>

Table 3.5 – Blake Morgan LLP on behalf of Mr. Geoffrey Carpenter and Mr. Peter Carpenter

Ref:	Question:	Applicant's Comments
	<p>The Applicant is seeking a development consent order within Order Limits identified by red line showing their maximum extent. The Limit area overlaps the Carpenters land. It excluded Stoneacre Copse ("SC") identifiable from Schedule 4 of the Carpenters Deadline 1 Written Representations. The Applicant now identifies 'ash dieback' ("ADB") that affects ash in SC but didn't include the area in the Limits necessary for its Application.</p> <p>The Applicant identified in September 2020 rapid ADB spread and its consequence for landscape and visual mitigation of its development as "significant". It seeks, at this exceptionally late stage, to change its plans to ensure the future baseline upon which its environmental statement ("ES") was based doesn't change as a result of an actual likely significant effect on the environment that it cannot rule out.</p> <p>The Applicant knew of ADB at the time of the original ES. The Arboriculture Report mentions ADB but not in this location. Whilst the first infection was confirmed in 2014, no further account is made of ADB in relevant LVIA documents. The assertion that ADB impact was more than "anticipated" accepts the potential for impact but indicates ADB was not adequately appraised. By contrast, National Grid's Sub-Station Extension ES (May 2013) immediately north of the Affected Land considered ADB before the first confirmed infection.</p> <p>ADB can be highly destructive to ash trees through leaf loss and canopy decline to basal trunk lesions. Decline rates vary. Some ash may have genetic tolerance. Owners should protect trees with limited signs of ADB. The key is monitoring and management. It cannot be said that the visual impact future baseline could not degrade rapidly (nor</p>	<p>The Applicant's notes that no objection is raised to the inclusion of Stoneacre Copse within the Order limits within this representation. The Applicant has undertaken a robust assessment of the landscape and visual impacts of the Proposed Development, including of the future position. Whilst the inclusion of the woodland areas is towards the end of the Examination, the Applicant has ensured all necessary processes required by law in relation to their addition into the Order limits are able to be followed within the overall timescales for the Examination. Further, having recognised that ash dieback was more prevalent than anticipated, the Applicant has undertaken appropriate surveys to provide the necessary evidence base to explain the effect of ash dieback and to appraise the impacts of this on the future visual screening of the Converter Station. This has allowed the Applicant to appropriately report any changes to the likely significant environmental effects, which in turn provides justification for the inclusion of these areas within the Order limits for the purpose of ensuring their future management and maintenance. The Applicant has addressed this matter in an appropriate and legally compliant manner.</p> <p>With specific reference to the exclusion of the Carpenter's properties, properties 10 and 12 were not considered as part of the ash dieback assessment. The LVIA concluded that receptors at No 12 would have a direct open view across to the Converter Station, whilst receptors at No 10 would experience a direct view from their rear dormer window and balcony as referred to in Appendix 15.6 Visual Amenity (APP-404) and explained further in paragraph 1.4.2.23 Appendix 15.8 Assessment of Landscape and Visual Effects (APP-406). Whilst the presence of</p>

Ref:	Question:	Applicant's Comments
	<p>slowly). Such uncertainty undermines the validity of the Applicant's VIA and photomontages because its ES contains no reasonable worst-case scenario assessment of the proposals' impacts on visual receptors due to actual likely effects of ADB on canopies.</p> <p>The ADB survey (using Tree Council classification but without visualisations showing the reasonable worst-case scenario in the short to medium term) concludes on visual impact on certain residential receptors but excludes the Carpenters' properties. The ADB survey plan indicates high ADB progression at the western end of SC immediately north-east of those properties and adjudges, "losing ash in this woodland would have a significant impact on visual amenity". This judgement cannot coherently align with the assertion that ADB "will have one effect which is more adverse... only in relation to one receptor" and results in real doubt as to the robustness of the appraisal of ADB on visual impact and the ES's present and future baselines.</p> <p>To identify and seek to increase the Order Limits (and the extent of compulsory land take by inference asserted as being required) reflects underlying appraisal inadequacies and existence of a likely significant effect on the environment resulting from ABD. SC holds personal value for the Owners as the site of their father's ashes and, noting high sensitives to sustainably manage this woodland, they are exploring ABD management of their land as a real alternative.</p>	<p>Stoneacre Copse would be noticeable in part of the view, the majority of the view would be of the Converter Station and Access Road.</p> <p>As referred to in Tables 15.11 of the LVIA (APP-130), the assessment concluded that there would be Major adverse effects on visual receptors during construction associated with No 10, 11, 12 and 13. At year 0 there would be Moderate-major to Major adverse effects on No 10 and Major on No 12. Over time proposed mitigation planting would provide visual screening in the foreground in the form of woodland and hedgerow planting, however due to the nature of the change of the view (altering the composition and depth) the LVIA judged that the effects experience by receptors of No 12 would be Moderate-major neutral in year 10 and 20. For receptors of No 10 effects would diminish to Minor-moderate significant at year 10 and Minor-moderate (not significant) by year 20. The presence of ash dieback and its continued impact on Stoneacre Copse would not alter the magnitude of impact or significance of effects on properties 10 and 12.</p>

Table 3.6 – Winchester City Council

Ref:	Question:	Applicant's Comments
	<p>Winchester City Council was one of the parties who raised the implications of ash dieback on the landscape features that are being relied upon to screen the proposal within the surrounding landscape. Accordingly, the Council welcomes the applicants attention to this matter and the written submissions and proposals that are intended to address the concern. The Council does not raise any concerns over the procedural steps undertaken to add the additional woodlands to the Order Limits. The Council does have a small number of comments to make:</p> <p>1 WCC notes that part of the proposed management strategy to address ash dieback at Mill Copse includes the planting of a tree belt off the southern edge of the woodland in what is current an agricultural field. However, this strip of ground does not form part of the revised Order Limits and the question is asked how can its planting and future management be secured?</p>	<p>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.</p> <p>The Applicant is at an advanced stage of negotiations with Winchester College and expects to 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>2 There is uncertainty if the New Landscape Rights (NLR) that would be apply to both woodland areas includes the necessary measures to protect any new planting from deer grazing. This may require extensive fencing and it is unclear if the current wording of the NLR covers this.</p>	<p>The new landscaping rights means all rights and restrictions necessary for the undertaker and/or those authorised by the undertaker to maintain trees, shrubs and landscaping. The provision of fencing to protect newly planted trees is an activity involved in the maintenance of trees. The new landscaping rights are therefore sufficient to allow for tree guards and/ or fencing to be installed.</p>

Ref:	Question:	Applicant's Comments
	3 Stoneacre Copse is an ancient woodland and the need to balance any maintenance of its value as a landscape screen should not forget its original designation which is based on its biodiversity value.	The rights are sought to allow the Applicant to actively manage these woodlands in order to maintain both their screening and habitat value in the long-term.

Table 3.7 – Tracey Jones

Ref:	Question:	Applicant's Comments
	I am writing to protest over the Aquind companies bid to gain rights over two woodlands in Lovedean. I am against the whole Aquind project as it will seriously affect the city of Portsmouth and the green spaces there and then all the other areas where the cables will be laid. I am also against the buildings which Aquind want to build at Lovedean and the impact on people and the environment there. I am protesting against the bid to gain rights over the woodlands at Lovedean as green spaces are so important... more now than ever with the effects of climate change, pollution, habitat loss etc all having an impact on our own health and all of nature. I am really concerned about the bid to gain rights over these two woodlands, i am concerned that this will result in the loss of trees and habitats for wildlife even though the company is saying they will protect the woodland. Once the company has rights over the land then they will be able to do anything to it and can quite easily go back on any promises and guarantees made at the start. I cannot stress enough how important woodlands are to people and to wildlife and to our environment, it is so important to protect them. I am very concerned they will not be protected if Aquind is allowed to have the rights over these woodlands.	<p>The Applicant is seeking the inclusion of additional woodland within the Order limits as it is necessary to put in place a woodland management plan that manages ash dieback to maintain a screening function.</p> <p>The updated OLBS (REP7-023) explains that a woodland management plan will be prepared which will include selective felling, replacement planting with alternative species, the retention of some deadwood, natural regeneration and a monitoring and management plan ensuring that the ultimate objective of providing a visual screen is maintained. The OLBS will be secured through Schedule 2 requirement 7 and 8 of the dDCO (REP7-013).</p> <p>In terms of Stoneacre Copse, paragraph 1.7.6.46 to 1.7.6.49 Management Area I Stoneacre Copse of the updated OLBS states that “<i>subject to development consent, liaison with Natural England would be required for the long-term management of this woodland and a felling licence may be required from Forestry England over the production of a woodland management plan</i>”.</p> <p>The proposal is to manage these woodlands to retain their function as screening and to enhance their biodiversity in the face of the threat from ash dieback.</p> <p>This objection has been made without consideration of the reasons for the inclusion of these woodlands.</p>

Table 3.8 – Kirsten McFarlane

Ref:	Question:	Applicant's Comments
	Dear Inspectorate, The objections, questions and submissions which have been sent by members of LETS STOP AQUIND FB group:(LSA) represent my CR2 concerns; especially (redacted). As of today, there are 1947 members in our group, so please consider all the evidence sent to you by our group members as representing all 1947 of us, including me. Since Oct.2020 LSA has tried to bring together the local community to contribute to your examination of the AQUIND proposal. We have varied concerns and focal points for this, but I hope the public help you find a positive, fair, healthy conclusion to your investigation into AQUIND's CR2. The overall message from the LSA is clear – the CR2 will not help to mitigate the plan's problems, it wont improve or make AQUIND'S plans acceptable. CR2 once again demonstrates an unacceptable level of	The Applicant notes none of the points raised are of relevance to the CA Request, and therefore considers this representation should properly be disregarded. It is noted that the matters raised have also otherwise already been responded to by the Applicant in previous submissions.

Ref:	Question:	Applicant's Comments
	<p>conflicting messages/gaps/errors/omissions in AQUIND's project and communications. Their documents are littered with flippant disregard for the wellbeing of the population along their planned route, wild life, city infrastructure management, and the environment.</p>	
	<p>CR2 does not do anything to change the impact of this proposal, nor improve quality of life, nor does it respect our human rights* including to live, flourish, be healthy if this project happens. (*Human Rights Act 1998: Protocol 1 Article 1; Right to peaceful enjoyment of my property. Article 6 ; Right to a fair trial (or public hearing) Article 8 ; Respect for my private life, home and correspondence. Article 14 ; Protection from discrimination in respect of those rights and freedoms.)</p>	
	<p>Especially now we are under COVID Level 5 lockdown, with no idea of how long COVID will affect the world long term. CR2 perpetuates the major impact AQUIND has on (redacted). My (redacted) is now delayed another year because of COVID - DWP and other gov departments are deferring decisions by at least 1 year. Could the ExA also defer this decision? Or delay the proposed start date of the project?</p>	
	<p>Please let us focus on what is essential in 2021-2061: Flood defence building, new health and community centres, focusing on concurrent critical issues; decisions: such as new home planning, meeting pollution targets, environmental problems, Brexit and EU issues, managing COVID. We dont need or want AQUIND as an additional burden.</p>	
	<p>Ref: ExA's further written questions. 07.01.2021: I hope the responses will help the examination progress positively, and constructively. I and answer our previous questions.</p>	
	<p>I concur with all the concerns submitted in: 1: MG2.1.3 and MG2.1.4 "demonstrate that there is a 'reasonable prospect' of funds being available for this project"</p>	
	<p>2: Air Quality: "concerns remain that exceedances may be caused or exacerbated by the Proposed Development".</p>	
	<p>3. Compulsory Acquisition: 'demonstrate that there is a 'reasonable prospect' of funds being available for this project.'</p>	
	<p>1. Miscellaneous and General: MG2.1.3 and MG2.1.4 : I am worried about what AQUIND will respond with. I hope AQUIND addresses issues truthfully, without further omissions or manipulation. e.g. AQUIND says their clay slurry piped underground won't actually 'affect the surface'. Clay coming to the surface will make our gardens, land and allotments unusable. There is no compensation or mitigation for this other than it should not happen.</p>	

Ref:	Question:	Applicant's Comments
	<p>AQUIND have had too many chances to change; 'fix' their proposal. Can you set a limit to number of further changes allowed hence forth?</p>	
	<p>I repeat Violas (LETS STOP AQUIND) questions:</p> <ul style="list-style-type: none"> • What health and safety risk assessments have been carried out for people working on the allotments during the HDD drilling underneath them for the anticipated 3 months of drilling. • What health and safety risk assessments have been carried out for allotment holders vehicles (including vans) travelling on the internal paths whilst the drilling process is going on. • What is the evidence of health and safety / food standards effects of any bentonite break out to plants designed for human consumption. • If the HDD fails for any reason can the Ex Authority make recommendations and the SofS place a restrictions on the DCO stipulating that there is to be no open trenching for the cables across the allotments. 	<p>Although these points are not directly relevant to the CA Request, please see the email attached at Appendix D which contains further information in relation to the health and safety risks and use of bentonite drilling fluid.</p>

