

TEXT_Aquind_ISH5_Session1_18022021

Thu, 2/18 11:20AM • 58:56

00:04

Good morning and welcome to this Issue Specific Hearing which forms part of the examination of the application for the Aquind interconnector Nationally Significant Infrastructure Project.

00:15

Before we proceed, Can I check with the case team that you can hear me and that the recording has started?

00:22

Good morning Mr. Mahon can see and hear you clearly and the recording has started.

00:27

Thank you, Mr. Jones.

00:30

So today, this issue specific hearing will address a range of highway and environmental matters, notably those relating to the environmental statement, landscape and views, ecology, socio economics and transport. We will go through the usual introductions and opening remarks for the record, and for the benefit of new participants, and those watching the live stream and digital recording.

00:55

Please could all participants ensure that they are muted unless invited to speak and please turn off mobile phones that are not being used to access this hearing?

01:05

We would also ask you to keep your cameras switched off whilst you are not speaking.

01:10

So I am Andrew Mahon. I was appointed on the 12th of February 2020 under Section 65 of the Planning Act 2008. Under delegation from the Secretary of State as the lead member of a panel to examine this application,

01:26

I have a background in ecology and environmental impact assessment. And I'm a chartered environmentalist and a chartered landscaping architect.

01:35

My fellow panel members were appointed on the same date. And now I'll ask them to introduce themselves starting with Mr. Wallis.

01:43

Good morning, everyone. My name is David Wallis. I'm a chartered member of the Royal Town Planning Institute and I've academic qualifications in environmental planning. I'll hand over to Mr. Roscoe.

01:55

Good morning. I'm Stephen Roscoe. I have a background in engineering and development and I'm a chartered civil engineer.

02:03

Thank you both. And you will have met some of our colleagues from the Planning Inspectorate case team already. Hefin Jones is the case manager and he is accompanied today by two case officers, Jake Stephens and Katie O'Loan.

02:16

You will find information about the application and documents produced for this examination on the Planning Inspectorate national infrastructure website. Our rule eight letter of Tuesday, the 11th of January 2021 includes that web address.

02:33

This hearing is being held on the Microsoft team's platform, but the chat functions are not in use today.

02:40

The examining authority will invite participants to speak at appropriate times. Should you wish to make an urgent comment, you may use the hand up function, though please be advised that there may be a delay before we see it. And to please wait to be invited to speak. Any telephone participants should clearly state their name if they wish to make an urgent comment. But again, please wait to be invited before making your contribution.

03:07

Please speak loudly and clearly when you are making your submissions especially those on the telephone.

03:13

The applicant has arranged for this hearing to be live streamed on the website of Production 78.

03:20

The chat function on the Production 78 webpage is not in use.

03:25

Please could those watching the live stream refresh their browser after each break to ensure that they do not miss the restart.

03:34

If you participate in this hearing, it is important that you understand that you will be recorded and live streamed and as a digital recording with subtitles will be published. It will be made available on the project page of the national infrastructure website that I referred to earlier.

03:51

The Planning Inspectorate's practice is to retain the recordings for a period of five years from the Secretary of State's decision on the Development Consent Order.

04:02

Because the digital recording is retained and published, it forms a public record that can contain your personal information and to which the general data protection regulation applies.

04:15

To avoid the need to edit the digital recordings, please do not add information to the public record that you wish to be kept private and confidential.

04:25

Mr. Roscoe will be taking note of the main action points that arise during the course of the hearing. And he will seek to agree those with the relevant parties before we close.

04:34

Mr. Wallis will now take us through agenda item two.

04:39

Thank you very much, Mr. Mahon. Yes, agenda item two. This is a hearing into a number of environmental matters where it is felt that they would benefit from the giving of oral evidence. The Examining Authority has issued a detailed agenda to which I hope you have a copy to hand if not is available on the project pages of the national infrastructure

05:00

website, the agenda is set out in a form of questions that the Examining Authority wishes to explore in this hearing. We will address the question to the relevant party initially and then seek views of others as discourse ensues. In all cases, the applicant will be offered the last word, the Examining Authority may ask questions of its own at any time.

05:22

We are aware that some of the agenda items have at least partially been addressed in documents submitted at previous deadlines. And in these cases, and subject to other party's comments, we are generally content for the applicant to respond today with a very brief summary of the situation and a reference to the relevant submission where the matter is addressed.

05:43

speakers will have the opportunity to provide us with a written summary of their all submissions together with any supporting evidence or references by deadline eight on the examination timetable. That deadline is Monday the first of March 2021.

06:00

The applicant will also be invited to respond to the points made in writing by the same deadline. Please ensure any submissions reach us by that deadline as late submissions may not be taken into account.

06:13

In terms of speakers, I would like to confirm for the purposes of the audio recording today. Those parties who are here wishing to speak when I call you please identify yourself with your name, who you are representing and your position at the organisation if that is applicable, starting then with who is here on behalf of the applicant please.

06:36

So I'm here on behalf of the applicant My name is Simon Bird QC instructed by Herbert Smith Freehills appearing with Mr. Martin Jarvis of Herbert Smith Freehills and our team today so we'll be Miss Rita Bowden landscape lead, Ian Ellis ecology lead, Paul Hudson, terms of cable engineering, Ursula Stevenson, the role on socio economic assessment. Alan O'Sullivan, dealing with the acquisition of land and rights. Chris Williams, who's the transport lead, John Michener of WSP is the principal arboricultural consultant in the arboriculture team at WSP, and associate member of both the arboriculture association and the Institute of Chartered foresters. He also holds a technician certificate of arboriculture and has a professional tree inspection qualification of the Arboriculture Association, and a BSc honours in countryside management. Then Tom Farmer to deal with noise and vibration, and then Stewart Bennett, to deal with air quality. And finally, Ross Hudson, who's the marine lead on behalf of the applicant. So that's the team for today. Thank you. Thank you very much and welcome to everyone there

07:45

next may I ask who appears on behalf of Portsmouth City Council, please.

07:50

Good morning sir, Celina Colquhoun here counsel for Portsmouth city council instructed by Kieran Laban, who is here with me and Mr. Stribling, who is the parks and recreation officer we're together in one room.

08:05

In addition, Mr. McGuire dealing with planning issues is online. And Miss Charles who will deal with air quality matters. Those are the who you'll hear from today. You may not hear from Mr. Lehmann. Anything else happens but those are

08:19

costs course. Thank you very much, and welcome to all those there

08:23

next who is appearing on behalf of Hampshire County Council, please.

08:29

Good morning sir, Richard Turney council instructed on behalf of the County Council. I've got again with me on the call today, Ian Nachman, the permit scheme and Traffic Manager, Holly Drury, Principal transport planner, Tim Guymer, spatial planning lead officer, Chris Hurst transport planner.

08:50

I'll also mention I don't know if they'll introduce themselves. So I mentioned it now that I know that representatives from First Group and Stagecoach, the bus operators, are going to be joining us for the agenda items that are relevant to those matters. And that those are Mr. Mark Reddy and Mr. Edward Hodgson. And they'll join us later in the day.

09:12

Excellent. Okay. Thank you very much. So just to clarify, they're not here at the moment, but we'll be here later in the day. Is that correct? they'll certainly be here later in the day, they may already be on the call, but if I've saved them the job of introducing, okay, thank you very much. Thank you for that. And welcome to all those on behalf of Hampshire County Council when those representing stagecoach and first group

09:34

Ms Colquhoun said that your hand is raised. Is this an important matter for now? Very, very quickly, so I forgot to mention Mr. Hayward who will deal with transport matters.

09:44

Thank you very much and welcome, Mr. Hayward.

09:48

Okay, next I'd like to hear who's here on behalf of Winchester city council please.

09:54

Good morning, sir. My name is Steven Cornwell. I'm a planning Officer of Winchester and I'm the lead officer

10:00

with regarding this project. I've got with me today, Catherine Knight, the council's solicitor, Stuart Dunbar Dempsey, the landscape officer and Richard Smith, the ecology officer. Thank you. So thank you very much and welcome to all there. Next may ask is appearing on behalf of East Hampshire District Council, please.

10:27

Good morning. It's John Holmes, planning officer for East Hampshire District Council. And also representing today for Havant Borough Council, and it will just be myself today for both councils.

10:41

Thank you very much for confirming that and welcome.

10:45

Next may I ask who is here on behalf of the South downs National Park Authority.

10:50

Good morning, sir. My name is Mike Hughes. I'm a charter Tam Planet South Downs National Parks authority. And I'm also joined by my colleague, Robin Butcher, who's a charter member of the landscape Institute. Thank you, sir. Excellent. Thank you very much and welcome both. Next may ask who's here on behalf of the parish Council of Denmead.

11:13

Good morning, sir. My name is Paula Lankford Smith. I'm chairman of Denmead Parish Council.

11:18

Thank you. Okay.

11:22

Good morning, sir. Kevin Andreoli, vice chairman of Denmead parish Council. Excellent. Thank you very much. Thank you for joining us.

11:30

Okay, And last, but by no means least, who is here representing the University of Portsmouth please?

11:38

Good morning, sir. My name is Mark Harris. I'm a chartered town planner and partner in the planning and environment group of fleets.

11:46

Thank you very much and welcome. Is there anyone else here who have not yet had the pleasure of introducing who wishes to address us?

11:56

Okay, nothing heard. That's good. Proves we're doing things right. Thank you, everyone for those introductions. Just to remind everyone that we do have a lot to get through today. So in order to make best use of hearing time and to ensure fairness, please do not repeat points that have been made by others. be reassured that the examiner for two will have heard and understood the point. If you bring up matters that are not relevant to the examination, we may interject to explain this and ask you to move on to your next point. Please refrain from interrupting or disrupting the event as this would be unhelpful to us and to yourselves in getting points heard,

12:33

will be second to adjourn at regular breaks to ensure no one suffers from screen fatigue and lunch will be convened at an appropriate time. I would encourage you all during the breaks to keep connected to this hearing. And not to and to turn your microphone and camera off at those times to ensure your privacy.

12:52

Please note that those watching the live stream may need to refresh the browsers after a break to continue watching.

12:59

Without further ado, I'll hand back to Mr. Mahonn who will take you through agenda item three on the agenda.

13:08

Thank you Mr. Wallis. Agenda item three so 3.1 question for the applicant should environmental statement addendum to which was submitted at deadlines seven be subject to any formal consultation process under the EIA regulations.

13:26

Good morning, sir. I have a response. But it is a little bit lengthy. I'm just wondering how you want me to approach this whether you want me to keep it very brief, or whether you're happy to give you a more full explanation. If you could give us a summary of your explanations submitted in writing, that would be great. Thank you. So the response is that there isn't any formal consultation process under the structure planning environmental impact assessment regulations 2017 for further environmental information. And on that basis, it's not considered it's necessary to undertake a formal consultation process. And in considering this matter, we have considered relevant regulations for food require consultation into the infrastructure planning environmental impact assessment regulations, which are regulations 16 and regulation 20. Both of which relates to a much larger amounts of information being submitted in which provides for consultation timescales in relation to those but they're not considered to be analogous to the submission if he asked them to.

14:21

And then further, I can sir, just ask other members of our team to provide an update on the informal consultation that was undertaken taking into account that there isn't a formal consultation process, just to evidence how we have sort of done our best to ensure that all consultation with all necessary relevant stakeholders has been undertaken at the earliest stage. In that respect, I could refer you to Mr. Ross Hobson, followed by Miss Maria Bowden followed by Alice and then Mr. Stewart Bennett. So Mr. Chris Williams and Mr. Stewart Bennett, but I could also provide that data

15:00

writing that would be preferable. This relates presumably to consultation with statutory consultees. Yes, related to consultation in relation to the marine elements and in relation to the information submitted in

respect of ash dieback in relation to the decisions taken in respect of Denmead meadows, and mitigations proposed in that respect, in respect of the updated traffic and transport information further to ongoing engagement with the highway authorities. And lastly, with regards to the updated and submitted air quality information. Could each of those people give me a very brief summary of those consultations that will be useful?

15:38

In the first phase, Mr. Hudson to provide an update on marine matters, thank you. Thank you. Good morning, Russ Hudson for the applicant. We have undertaken consultation with a number of consultants, including the DLMO, who gave you an update on this yesterday, we have provided clarification on a particular issue regarding human defects and physical processes, which we hope to have resolved. I'm subject to agreement at deadline eight in the statement of common ground, Natural England JCC Historic England and Trinity house, I've all been consulted upon the addendum regarding the marine elements, and all of them have provided in writing confirmation that they have no outstanding and concerns or objections.

16:23

And then we've also consulted with the maritime and coastguard agency. And various they raised the deployment initially about

16:33

some concern or about the reduction of water depths due to the infrastructure and that matter is resolved, as we already have a condition schedule 15 Part Two condition for C three within the DML which basically prohibits and reduction of water depths greater than 5%. And the MCA also consulted with her majesty's Coast Guard Dover, who advised that we should also consult with basically French authorities who are responsible for monitoring

17:07

managing traffic and the subject line of the Dover transport separation scheme. We consulted with the French authorities last week, and we are still awaiting a response from them. One has not been received to date. But we'll continue to engage with the MCA and the French authorities as appropriate without basically,

17:27

resolving any outstanding concerns, which were documented in state was a common ground by deadline eight. I'd have to go into more detail should you require but that's a summary at this point. That's very useful. Sorry. Thank you, Mr. Hudson. Just to confirm in that case, that your contention would be that all of the necessary statutory consultees have are now aware of the cross channel fibre crossing element of the environmental statement. That's correct. That's fine. Thank you. Okay. Next, Mr. Jarvis.

17:57

We Ms Marita Boden in relation to ash dieback. Thank you. Thank you sir, Marita Boden on behalf of the applicant. So in terms of ash dieback we've had ongoing discussions with all the local authorities natural England, and also

18:17

East Hampshire to a certain extent,

18:19

With regard to ash dieback, an ash dieback survey was commissioned. And further discussions took place with Winchester on the 10th of February in connection with ash dieback and particularly the area of additional woodland to the south of mill copse, which we'll touch on in relation to question 4.2. Southdowns National Park have also raised questions in relation to ash dieback at deadline seven, which we've provided a response to. And East Hampshire, again have raised questions at deadlines seven in relation to the loss of ash dieback within. Sorry, loss of trees within stone acre copse

19:02

and expressed a particular concern that sort of mitigation planting would take several years to have a meaningful effect. We've responded to that in our application responses to the ExA further written questions explaining that whilst we accept that there would be some receptors that we'd have experienced diminishment effects. This would not be over the entire duration of the conversation

19:29

comments from Natural England in relation to deadlines seven state that they are they are happy that the additional areas of woodland milk cops and stone acre copse have been included within the order limits and their contempt that what we proposed will reflect a to well reflect the management of ash dieback within these woodlands and they agree that's appropriate and proportionate, given the significant impact ash dieback is likely to

20:00

Have on these Woodlands. Excuse me. Sorry, I've got a croaky throat. Miss Miss Berg. I'm interested in the process really rather than the details of that summarise.

20:10

Does that conclude the ash dieback element of the consultation? Yes it does. Thank you. Can I ask you also, can you help me with the additional visualisations and the viewpoint assessments that have been added into the environmental statement? What processes have been through in terms of consultation on those as well? Yes, of course. We've had a comments back at deadlines seven C. from South down National Park, to say that they are content with the additional visualisations that have been prepared. And they're content with the assessment. So in terms of formal consultation that's only been with South down National Park Authority. That's correct, sir. We haven't received any further comments from any other local authorities with regard to that particular issue. Thank you. Thank you with that. Mr Jarvis, who's next? It will be Mr. Ian Ellis in respect of Denmead meadows.

21:08

Thank you, Mr. Ellis. Good morning, sir. analysis for the applicant. In respect to information submitted at deadlines, seven respected Denmead Meadows we've held conversations with Winchester City Council on both the 10th and 12th of February, and with natural England on the 11th of February. That's concentrated on two main aspects. Firstly, the selection of the Southern compound at HDD five and mitigation elsewhere in damaged Meadows complex at fit what we refer to as fuel at least and field 13.

21:40

Those conversations in our advanced stage and we note Winchester City Council's submission that deadlines seven C.

21:47

And that's obviously covered under agenda item 5.2. So I can provide more detail than that's the best way of going about things. That's fine. Thank you. Yes. Thank you, Mr. Ellis.

21:59

You had one more I believe Mr. Jarvis.

22:04

Mr. Chris Williams in relation to traffic and transport. Thank you.

22:09

Mr. Williams.

22:13

Thank you. So we have been discussing various submissions with Hampshire, Portsmouth and highways England. The joint Bay delivery assessment, which was submitted a deadline six. We have had discussions with Hampshire and Portsmouth regarding some of the indicative locations shown on those in that document and in particular, those within the highway considered how those locations can be reconsidered and confirmed how their construction is dealt with within the framework traffic management strategy. With an update made to the joint Bay feasibility report submitted a deadline seven to reflect those discussions. We've had detailed discussions with Hampshire County Council regarding the HCV management strategy for day lane to ensure that we can agree a suitable

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methodology and management strategy for the use of day lane by construction traffic vehicles.

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Following on from that, we've discussed the road safety note submitted to both Portsmouth New Hampshire with each relevant IRA authority

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in relation to how the additional mitigations that were identified within those notes could be secured within the F TMS and also how in particular in relation to Portsmouth,

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how consideration can be given to routes which were not assessed as part of the srtm and how a strategy for potential mitigation can be provided for that.

24:02

In relation to Highways England, we have been discussing the junction capacity assessment technical note, which we completed for junctions two and three of the ATM and confirm that Highways England are contend the proposed development will not have a material impact on the operation of those junctions. We have also been discussing the road safety

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sorry the collision data technical notes submitted to highways England.

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We understand that that review is still in progress, but we are hoping that highways England can confirm their acceptance of that

24:45

very soon.

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And finally, of course, there is the supplementary transport assessment addendum

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that that has provided a summary and updated analysis

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based on the

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documents that we have discussed

25:03

sorry that I have discussed above. So that that has been

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discussed with Hampshire, Portsmouth and highways England as part of that. Thank you, Mr. Williams. And finally, Mr Jarvis.

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And finally, it's Mr. Stewart Bennett in relation to air quality, sir.

25:22

Mr. Bennett

25:26

Thank you, Stuart Bennett, on behalf of the applicant. On the fifth of February 2021. A call to discuss the statements of common ground was held between the applicants and Portsmouth City Council.

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In the call, the council agreed that the methodology applied and results presented in excess attendance to appendix five submitted a deadline seven which incorporated the latest air quality monitoring data and the Clean Air zone robust and provide an accurate reflection of likely impacts at the exceedance and near exceedance locations described in the air quality local plan.

26:04

Thank you very much, Mr. Bennett are useful.

26:07

Anything else from the applicant on this job is presumably the conclusion of that is that as your content is all of the additional consultation relating to yesterday, has been undertaken?

26:20

Yes, we're content that we've undertaken the necessary consultation with relevant stakeholders in relation to those matters. And in addition, there has been opportunity for other third parties to comment on the information which has been in the examination since deadlines, seven deadlines, 74 responses on that information, just pass and then also remaining time in the application for further comments to be made, sir. Thank you. Thank you very much.

26:45

Could I just ask Winchester. Mr. Cornwell,

26:49

you weren't specifically mentioned when we talked about the additional visualisations but I believe you have commented on those in your most recent submission. So are you content that you've had the opportunity to see those and be consulted on?

27:03

So I'm not sure if my colleague Stuart Dunbar-Dempsey is on the hearing or not? I would defer to him. Yes, he is, I'll pass over to him, sir. Thank you. Mr. Dempsey.

27:17

Thanks, sir. Yes, I have studied the additional viewpoint photography and visualisations that have been submitted. And there were

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three separate viewpoints. And we are content that

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it doesn't really throw up anything significantly.

27:43

Variants with what is already been submitted. Thank you, Dunbar-Dempsey, was there anything else on this agenda item anybody wish to raise?

27:55

Ms Colquhoun.

27:59

So, yes, sir, the

28:05

Portsmouth city council can confirm in terms of any informal discussions that were had with the applicant in regard to the air quality issues can confirm that that methodology was agreed. There are however, issues still outstanding as to their conclusions. And that's a matter that's going to be looked at later in this hearing.

28:31

Sir, however,

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in terms of the question asked in 3.1, as to whether formal consultation should or should not be required under the 2017 regulations, sir, I heard what Mr.

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Jarvis said about compliance.

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But

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what you as an examining authority would clearly have to have in mind is not so much

29:03

with the size of the information that has been submitted, which in my submission is entirely irrelevant, it is just whether this is a further environmental information that was required and in terms of regulation 20, whether it was required, indeed, by examining authority or came out of the examination, and sir, it does appear at least with regard to the air quality evidence and the additional evidence, which obviously doesn't say much concern Portsmouth, but that that is the paradigm of further information coming out of an examination. And the purpose of the consultation requirements under regulation 20 is that the public is made aware. So

29:58

all we know is that

30:00

All the public knows is that the agenda was published on the 25th of January. And there is obviously been no other way of informing the public, that this additional information is out there.

30:18

And so I would submit that there are concerns that the examining authority needs to have with regard to whether this should go to consultation, because it is not so much whether Portsmouth or indeed any of the other statutory bodies or hands, etc. in the local planning authorities have had sight of this information, it is whether this is additional information that should be subject to consultation, and we can await to see Mr. Jarvis's full written submissions, which I expect are going to come forward. But,

30:52

sir, I think there are concerns that are raised by this addendum. And it needs to be very carefully justified so that there should be a presumption the public should be consulted. And they have only and it's only been available since the 25th of January.

31:12

And he was good. And that's obviously the reason we have the question in the agenda today. Did you have anything immediate you wish to come back on, Mr. Jarvis or should we wait for your written statement?

31:21

With regard

31:23

just with regards to regulation 20. Regulation 20 applies whether it's an accepted application, and the environmental statement is determined to be inadequate, and a formal request is issued by an examining authority for updates to be made to that, that's clearly not what we're dealing with here. What we're dealing with here very commonplace situation is further environmental intervention being required as a consequence of ongoing discussions between stakeholders and through the course of an examination of an application which is entirely appropriate to be considered within the examination itself. Just with regards to timescales and the ability for people to comment on this, I would highlight regulation 20 of the town and country planning environmental impact assessment regulations 2017, which does specifically apply in relation to further environmental information, and which is noted is not replicated in the infrastructure planning environmental information regulations. The time period for the suspension of application where further environmental information is submitted is 30 days in those circumstances, with the es addendum to having been submitted on the 25th of January 2021. Deadline a being on the first of March 2021. There is more than 30 days for persons to comment on this. So taking into account procedural fairness, and the rules that would apply under a different regime. The necessary timescales for persons to have time to reply are accounted for or rather provided for in these

circumstances. And I think that's just a further point to take into account when considering whether there is any need for any formal consultation either the need for the statements, or whether it is appropriate for persons interested in the information who have seen it to date and are involved in the examination to continue to view the information that's published at the deadlines, in which they're well aware that they should be looking at if they wish to make responses in relation to it. Thank you. So thank you, Miss Johnson. Thank you Ms Colquhoun? Does anybody else have a comment on that particular agenda item?

33:11

Now let's move on to agenda item 3.2. If we may have the candidates for the APA, Mr. Jarvis have the figures associated with the new viewpoint photography and visualisations been added to the schedule of documents forming the ies? And if not, should they be cut? Do you also tell me whether all of the necessary documents are now listed in that schedule?

33:35

Keep it very brief. The answer to both questions is yes.

33:39

That you will be submitted as an updated version at deadline eight.

33:44

I don't know if now would be the time to touch on the point we discussed yesterday.

33:49

There is a perfect time for the Trojan horse to come forward and expand this a little bit more widely and deal with how we're going to ensure that all of those documents are included on schedule 14.

34:03

And so as I set out yesterday, so I think my preference would be to define the environmental statement in the detail by reference to that document and to that document to be certified, which then provides a clear account of all of the documents which do form the E f, the alternative would seem to be to list out all of the documents in that document individually and scheduled. 14 to the DCO which in my view does not appear to be necessary.

34:30

I expect if you're not in a position to provide a response now or rather, if you would like the ability to continue to consider this through the recommendation period. And I could make submissions at deadline as setting out the alternative approaches and what the amendments would be that would need to be made to DCA to reflect each such that if a review is taken that one's preferable during the recommendation and decision stage that can be incorporated into the DCF issues.

34:58

Having to specify

35:00

Notice a principle it sounds okay to me provided

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that all the definition of the environmental statement includes the document you refer to, but makes it clear that it includes all of those listed within that document.

35:15

That would seem to cover it.

35:18

You

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You ended yesterday with a but I think, not quite remember what the but was. It was that simply because it would be too onerous to include all of the individual documents within scheduled. 14.

35:33

I think it would be on it. And it sort of feels that we're certifying exactly the same information, but we're doing it in a more concise manner. And I think that's probably more in keeping with how we should be approaching statutory drafting. against the principle I'm happy. But as I say, I think we need to make sure there is a very clear audit trail through that process, which demonstrates that all of those individual documents, all the additional documents, anything to do with mitigation, the assessment that highlighted the need for the medication, and the information. The assessment was based on anything that's been submitted since the beginning of the application but needs to be added to that list.

36:11

template that unless anybody else in the room has an opposing view, which they wish to bring forward now.

36:22

Nothing hurts Java. So that sounds like a plan.

36:26

Thank you. So

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was there anything else on the environmental statement or the environmental impact assessment?
Anybody who wishes to raise

36:36

one hand?

36:39

It's Miss Butcher.

36:42

Thank you, sir. I just like to raise the point on behalf of the Southwest National Park in respect to the figures that were taken the new photography and visualisations that were mentioned in 3.2. At the beginning of the sentence, the figures include all the new views provided. However, the ES assessment was only undertaken for viewpoints one a and b and two and not the view three a included in the figures, or indeed the other views associated with the access point and days lane that were issued as part of the deadline six submission, rep six, hyphen, oh, five, seven, in the viewport points part, see figure 15.6 to 15.63. The focus is understandably on the covered station buildings, but the SDNPA also consider the impacts and appraisals in the vicinity of the access areas should be considered in terms of impact on landscape character, and visual immunity due to the proximity of the south as national park or the northern side dateline, and therefore should be included in the ES addendums. Thank you.

37:44

Thank you for that. And the reason for that principle is because we examine authorities and ask for those assessments. Did you wish to add anything Mr. Jarvis on your landscape?

37:56

Ms. Boden may wish to add something? Yes. Yes, thank you, sir. And the reason the reason for obviously, we adhere to your guidance, and that's with the additional viewpoints around the access and the access road and gated link road were not required. However, they are that the impacts on residential receptors and recreational with central receptors in the vicinity of

38:23

the road and the gated link road have been considered as part of the Yes, I'm afraid I can't point to the exact paragraphs within the LBIA and supporting appendices, but they are considered. Thank you. Okay. Ms Butcher what, in particular, do you think would benefit us as an examining authority? If there was to be such an assessment given that we couldn't have visualisations?

38:50

I think I just think that it's important to say this is one of the most highly used areas around the converter station on days lane. And I think the impact of the access road, the entrance, the gated link road, and indeed, the labels and all the effects on dateline will be quite substantially

39:11

viewed by residents and recreational users in that area. And I think it is important to include, I think, if South Downs could be furnished with the references and the sections of the Yes, this is included in that would help us to assess this if we if we apologies if we've missed this.

39:29

That would be really helpful. Yeah, Mr. Jarvis, if you could arrange for that at some sort of post hearing note to make sure South Downs have access to that information.

39:39

I think

39:41

at the moment, I don't see any particular need to have a separate assessment for associated with those photography because we don't have visualisations as such and so I'm quite content at the moment. But if we can help

39:55

you with that, that would be very useful.

40:00

To address that before deadline as such that that position in relation to it can be confirmed that deadline for you, sir, thank you. Thank you very much.

40:11

Okay, if we move on to agenda item four, it's nothing else on three.

40:19

And then coming back to the south downs National Park Authority, and do you have any remaining points of dispute with the applicant with regards to the landscape mitigation proposals for the converter station compound and the surrounding area? And do you think these are likely to remain in dispute at the end of the examination? Is that Miss butcher again?

40:39

Yes, sir, it is. So the SDNPA note that there are still two options for the converter station location identified in the landscape medication pads. I realised this was touched on previously, but we can confirm that option b two, which we understand the applicants pursuing is still the authorities preferred option.

40:58

To see authority would also like clarification on the references to specific woodlands, p. w, one, etc. that are contained in the visual impact appraisal section of the s, it would be helpful this would be very helpful for the references to be added to the landscape mitigation plans.

41:15

In relation to the landscape mitigation proposals, the SDNPA can confirm that two of the concerns with the applicants landscape mitigation proposals raised at deadline six remain. Firstly, the inadequate additional lap woodland and hedgerow planting set out in the proposals and secondly, dishonesty to deal with ash dieback. In respect to the first the authority understand the operational constraints relating to planting in close proximity to capacitation but are still concerned at the lack of more substantial woodland planting in areas further away from the converted station, which would assist in combating like likely degradation of the landscape character through creation of smaller fields not viable, viable for agricultural purposes.

41:53

In respect to the second the applicant has set out the ash dieback search strategy and reports. However, this is not fully reflected on the landscape mitigation plans in respect to the existing wooded areas, hedgerows and individual trees inside the order limits. Furthermore, the applicant is stated in unreferenced, footnote in the outline landscape and biodiversity strategy on page 121. That states with the exception of hedges and hedgerow trees along the boundaries of the order limits which are assumed to be retained and less specifically noted. There SDNPA would like clarification on the purpose of this footnote and what this relates to. Thank you. Thank you very much.

42:34

Miss Bowden.

42:37

Thank you, sir. I'll just respond to the first point in relation to pw the references to pw one etc. And those particular references came up through discussions with Winchester City Council. The references actually specifically relate to management prescriptions within the OBS, and figures, one, two, and three. So that's where the references come from. And whilst I note your notes, the landscape officers comment that they should also be included on the indicative landscape mitigation plans. I feel that's inappropriate because these are actually management prescriptions relating to specific areas of woodland and hedgerows.

43:24

In terms of the particular footnote, I would have to come back to that as opposed to hearing note in relation to the LPS. But I'd like to just make one point and that's in relation to the placement planting. Replacement planting is referred to in the woodland management plan, and that applies to all woodland, individual trees and trees within hedgerows. At this moment in time, because the ash dieback survey has been undertaken, we would need to determine through detailed design exactly which trees would be felled from a health and safety perspective, and which trees would be beneficial in terms of remaining a standing Deadwood to provide partial visual screening.

44:11

Screening function

44:13

has consequences that we can't determine exactly where

44:19

we can't define exactly where replacement planting will take place at this moment in time, but it will take place as part of the detailed design process.

44:29

Thank you anything else on that Miss Butcher?

44:34

I think I just like to ask that that replacement planting is noted in the key on the landscape

44:42

mitigation plans at the moment it just says areas of existing woodland so if we could have it noted that that will be addressed on the plants that would help us Thank you. That's

44:51

so taken that point. That's no problem. Thank you. We will action that. Thank you very much. I think we've obviously we've touched on a number of miners.

45:00

Instead or smaller points, which we can probably sort out between us. But I suspect at the end of the examination, we're still going to have a point of principle difference between the amount of woodland planting away from the conversation site and we have both of the opposition's on that.

45:20

I'm not sure we covered that but I think South downs National Park Authority requested a deadline seven see that a design principle is specifically added in relation to ash die back in the design and access statement. Did you cover that in this picture?

45:36

Um, no, I didn't say but I can do for just

45:40

bear with me. We'd asked if there could have been a design principle relating to the treatment of the existing Woodlands in relation to the ash dieback. And I think we'd had put forward some suggested words for consideration.

45:53

That's something under consideration. Mr. Jarvis. Miss Burton.

46:01

Apologies, sir. May I just come in? We have obviously seen the South downs national parks deadline 70 response. We haven't seen any specific wording in relation to the design principle. So we'd request that could be drafted so we could review that and obviously share it with the other local authorities

46:21

before determining whether it's actually appropriate to include or not,

46:25

I can spell your word. Where is this wording that you refer to? I can send this we can send this wording on to the relevant parties for consideration. If you can do that that would be really useful. So the examination Thank you very much.

46:42

Did anybody else wish to come in and make a comment on agenda item 4.1.

46:49

Nothing heard there so let's move on to 4.2 4.2 relates to the proposed 10 metre strip of planting to the south of mill cops it was part of change request to so that was document as zero 54.

47:06

In that document, this was sent a screen create a screen at eye level from some key receptors but appears to be deleted from the outline landscape and biodiversity strategy and deadlines seven, and that's rep seven. Oh 23. My question is why that's been deleted? And also to what extent does this reduce the effectiveness of the additional visual mitigation identified to be required in relation to ash dieback disease, and the additional mitigation plans and change requests to

47:36

Bowden, I suspect

47:39

going to be myself there in relation to the why and then Miss Bowden in relation to the queries regarding the effectiveness of the mitigation.

47:49

And so taking into account the nature of the changes to the magnitude of impact the experience in the early years, which the inclusion of the 10 meter strip of planting may have addressed, it was considered to be an insurance policy rather than being absolutely required for the proposed development. And with this in mind, only mill cops which is a more significant area, and will provide a required level of screening which is considered to be required in connection with the proposed development for its operational lifetime, with included within the order limits in this location. The additional planting was assessed to have only a marginal effect in reducing the visual impact for users of monarchs way at year zero in year 10, which is the only receptor area where this is relevant. The effect of ash dieback is mitigated by the active management mill cops as set out near sidenote to whilst the effect of ash dieback will result in some inevitable short term increased impacts until new planting becomes established as a result of the increase. As a result of the increase in the extent of disability. No new significant effects arrived. The LBI already considered the views would be most noticeable to the north east of the conversation and east of mill carp, generating a medium magnitude of change on a high sensitivity receptor. Whilst the 10 meter strip of planting to the south of mill cops would have a limited mitigating effect in the event that the effects of ash die back are to the worst case scale predicted its benefits is nonetheless limited, and the applicant does not therefore consider that there is a compelling case in the public interest for its compulsory acquisition, unlike the position in relation to mill cops and stone a cops which provide a much stronger screening function being larger areas of woodland. And I would just like to say that the applicant is at an advanced stage of negotiations with the landowner to acquire an interest in the land with a view to providing the landscaping strip in the interest of enhancing the secured mitigation. those negotiations are continuing but have not progressed as expeditiously as

hoped and therefore it's not considered appropriate to include this land in the order Linux at this time, sir. And I will let Murray to Bowden go on to talk about the effectiveness but I wonder whether you might have any queries for myself with regard to the why before we move on to that

50:00

point that's fine I may come back at the end if necessary.

50:05

Thank you. Thank you so, so the addition of the exclusionary the additional strip of woodland reduces the effectiveness by one step in terms of magnitude as assessed in the period from year nought to 10. This is until such time as mitigation planting and natural regeneration has grown up to form a good visual screen eye level. The assessment as referred to previously assumed a worst case as it's not possible to predict the exact timings of the progression of ash tie back in well, cops, the timing of felling that may be necessary for safety and good coach cultural practices when the existing understory will be disturbed by tree works, and also when new planting will be undertaken and natural redirect generation encouraged. It's anticipated that even in the worst case, as tied back and consequential management works would occur between year naught and year 10. The understory new planting regeneration within mill cops would have thickened up and grown by year 20 to provide sufficient screening high level the additional strip of woodland was 10 metres wide, and was a mix of sizes to reinforce high level screening for users of Molex way in these early years, after which male cops self has been predicted to provide the same level of mitigation screening without the 10 metres strip planting South male cops. Therefore, whilst the additional Woodlands would supplement the active management of well cops in early years during and after the anticipated loss of mature ash trees would have a limited longer term value. And taking this into account, the nature of the changes the magnitude of impacts experienced in the early years, which the inclusion of the 10 metres for planting may have addressed, it was considered as an insurance policy rather than absolutely necessary for the proposed development. With this in mind, mill cops, which is as mentioned before, the more significant area of woodland, and add will provide required screening, which is considered to be required in connection with post development for its operational lifetime was included within the order limits in this location.

52:24

Thank you, Miss Burton, I'm

52:27

right, I'm trying to sort this out in my mind, I understand completely understand completely. The assessment, as you undertook it, you believe to be taken on a worst case basis in relation to a dash die back. So that hasn't changed. That is a consistent theme throughout.

52:45

But I'm assuming that when we received change request to you'd undertaken a reassessment, based on that worst case within the cops itself, but also the strip of Portland outside of the cops. And I'm hearing that, from both of you that that was the strip of Portland added only a marginal benefit in terms of mitigation.

53:07

Nevertheless, I believe that the assessment we've read includes that marginal benefit.

53:15

And the deadlines tendency submission suggests that we should determine or give our advice on the determine of the application, assuming that mitigation is absent. So without that marginal benefit, I'm not sure what I'm supposed to be looking for the output of that assessment.

53:33

Without that marginal benefit.

53:38

Thank you. So I think all we can say on that notice that is Mr. Jarvis has referred to we can't rely on the additional area of woodland to the south.

53:50

Based on the discussions that are taking place, which may not come to fruition during the examination timetable.

53:58

Mr. Jarvis chimed in to add.

54:01

Just to add to it if I can summarise what I said a bit more succinctly, it's for the applicant to take a judgement as to whether or not it can justify the compulsory acquisition of elements of land. And if we had included this land within the order limits, at that time, given there wasn't an agreement in place, we would have had to have put it forward on a compulsory acquisition basis, we were not satisfied given the very marginal benefit and that low and that no new significant effects arose where it was not included that it was justified for this to be required. That's not the case with the larger areas of woodland that have been included were greater impacts would have arisen if they hadn't been included in light, the natural occurrence of ash die back. And that's why they were included in the order limits and change request to that there's 10 metre strips of planting was not and on the basis that an agreement is not yet in place with the landowner. It's still not possible to include it in the audience. And on that basis, we're asking the examining authority to determine the African

55:00

on the basis that that 10 metre strip of planting is not included in the order limits and the marginal benefits that it would have provided are not relied on for the purposes of the assessment in the residual effects. So

55:13

understand completed the compulsory acquisition aspects of that. Sorry, if it wasn't clear. My question is, if you're asking us to make our recommendation on the basis of not including that 10 metre strip,

how are we to understand the impact assessment because we don't have that from you. We have an assessment, which includes that script, not without it.

55:35

Apologies.

55:37

The assessment without it, so

55:41

the assessment that we would be relied upon for the purposes of your recommendation is that which is contained in PS addendum to so rather than in the change request that was issued before then.

55:53

Okay, that clarifies it.

55:56

That's very useful. Thank you. So that's where I look, I look in Yes, addendum to? Yes, thank you. Okay.

56:06

Yeah, I think the South Downs would like to suggest something that may assist with this issue of the non inclusion of the area towards the south of mill cops. And we wonder whether there is an opportunity to look at the woodland management and the replanting prescription for the area within the mill cops in a different way to the general prescriptions set out where there's a possibility for including larger species, at the beginning or larger sizes of species at the beginning of the planting, to ensure that there's a greater level of screening established at the beginning, in the years nought to 10, then might be otherwise, if it's treated set if it's treated the same as the rest of the woodland.

56:51

Thank you. Is there anything further you wish to say on that?

56:55

Yes, that would be very much part of the consideration in the management plan. And as we've referred to before, the assessment in ES addendum actually considered a worst case, it's envisaged that through the management

57:12

of the woodland natural regeneration, digital planting, that it's likely that sort of screening functional level will be attained before 10 years, but we can't guarantee that which is why we actually assessed it as a worst case.

57:28

Thank you. Mr. Cornwell. Your hand is up. Would you like to make the point?

57:33

Sir, I think you've actually addressed or you raised the question yourself that was going through my mind of

57:43

if I looked back at the change to information.

57:48

Well, within that, was it clear that this woodland was as it were an insurance policy and not

57:56

an essential component of addressing the ash dieback.

58:02

And Robin butchers also addressed that other issue of how we could accelerate the management of mill cops to potentially address this issue. Thank you.

58:15

I can just come on.

58:18

Does anybody else have anything else about the landscape and visual element of this agenda before we move on?

58:28

school while your hand is still up? Is that a legacy?

58:34

Thank you. Which case nothing heard that. I suggest before we move on to agenda item five, which is on shore ecology. We take a five minute break. So we will reconvene at five past 11 please