AQUIND Limited

AQUIND INTERCONNECTOR

Applicant's Written Summary of the Oral Case at Issue Specific Hearing 5 (ISH5)

The Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010, Rule 8(c)

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APPLICANT'S WRITTEN SUMMARY OF ORAL SUBMISSIONS

ISSUE SPECIFIC HEARING 5 - ENVIRONMENTAL MATTERS AND HIGHWAYS

THURSDAY 18 FEBRUARY 2021

1. INTRODUCTION

1.1 On 14 November 2019, AQUIND Limited (the '**Applicant'**) submitted an application for the AQUIND Interconnector Order (the '**Order'**) pursuant to section 37 of the Planning Act 2008 (as amended) (the **'**Act') to the Secretary of State ('**SoS'**) (the '**Application'**).

1.2 The Application was accepted by the Planning Inspectorate ('**PINS'**) on 12 December 2019, with the examination of the Application commencing on 8 September 2020.

1.3 On 3 February 2021 the Examining Authority ('**ExA'**) issued the agenda for Issue Specific Hearing 5 into Environmental Matters and Highways ('**ISH5'**).

1.4 ISH5 on Environmental Matters took place on Thursday 18 February 2021.

1.5 This document contains the Applicant's written summaries of the oral submissions made at ISH5. During ISH5 representatives of the Applicant provided responses in summary form, and where this is the case this document contains the fuller responses of the Applicant in relation to the points raised.

1.6 Where further information was requested by the Examining Authority at the hearings, this information will be provided as post hearing notes.

2. HEARING PARTICIPANTS ON BEHALF OF THE APPLICANT

2.1 In attendance at ISH5 on behalf of the Applicant was Mr Richard Glasspool.

2.2 The Applicant was represented at ISH5 by Simon Bird QC of Francis Taylor Building and Martyn Jarvis, Senior Associate of Herbert Smith Freehills LLP.

2.3 In addition, the Applicant was represented by the following specialists during ISH5:

2.3.1 Maritta Boden of WSP: Maritta is an Associate Director at WSP in the Landscape and Urban Design team.

(A) Maritta has been a Chartered member of the Landscape Institute since 1994 and an Associate member of the RTPI since 2009. Maritta holds a BA (Hons) in Landscape Architecture and a MSc in Environmental Impact Assessment (EIA) and has over 25 years' experience in environmental consultancy covering landscape planning and design as well as environmental planning. Maritta has been the landscape lead on the Project since September 2017, advising on both Onshore UK and Onshore France elements of work covering the Converter Station, Onshore Cable Route and Landfall and has attended many of the public consultation and engagement events with local planning authorities.

2.3.2 Ian Ellis of WSP: Ian Ellis is an Associate Director in the Ecology Team at WSP.

(A) Ian holds a Masters in Research in Ecology and Environmental Management and is a full member of the Chartered Institute of Ecology and Environmental Management. Ian has 18 years' experience in environmental consultancy and has provided expert witness in ecological matters at both DCO Issue Specific Hearings and public inquiries. Ian has been the Ecology Lead on in relation to the Application since December 2018 which has involved the management of the ecology chapter of the Environmental Statement. Ian is also the lead author of the onshore elements of the HRA report for the Project.

2.3.3 Paul Hudson of WSP: Paul is a Principal Cable Engineer with WSP and holds an BSC (Hons) in Electrical / Electronic Engineering.

(A) Paul has worked in the power cable industry for over 35 years, in manufacturing, system design and installation design in the UK, working for the world's largest cable company and now as a consultant with WSP and has worked on several major HV cable contracts. Paul has experience in the HVDC and HVAC tendering processes and subsequently for HVDC and HVAC contracts for the IFA2 project in the UK and France and was responsible for the development of the NSN Interconnector project through to FID and EPC contract award. During his career Paul has been responsible for the delivery of the 600kV HVDC Western Link project and Projects Business Manager for HV Systems for cable systems from 66kV to 400kV, fluid filled and XLPE.

2.3.4 Ursula Stevenson of WSP: Ursula is a Technical Director at WSP with 20 years' experience in EIA and holds a BA in Geography and Archaeology, and a Masters of Science in Environmental Assessment and Management.

(A) Ursula has been a full Member of the Institute of Environmental Management and Assessment (MIEMA) since 2004, a Chartered Environmentalist with the Royal Society for the Environment (CEnv) since 2005 and became a Registered Environmental Impact Assessor (REIA) with IEMA in 2007. Ursula has undertaken the role of Technical Reviewer for the EIA for the Application since late 2018, and the lead role for the Socio-economic Assessment.

2.3.5 Alan O'Sullivan of Avison Young: Alan is a Director in the Energy & Natural Resources team at Avison Young and holds a BSc (Hons) in Finance and a Post-Graduate Diploma in Surveying.

(A) Alan has over 12 years of experience advising on a wide range of property matters (land acquisition, disposals, easements, wayleaves, mineral rights,

business rates, strategic advice, estates rationalisation, estate management, property management, due diligence) in relation to the energy and utilities industries for both public and private sector clients and is leading the acquisition of land and land rights for the Proposed Development.

2.3.6 Chris Williams of WSP: Chris is an Associate Transport Planner with 17 years' experience in highways and transport planning.

(A) Chris holds a BSc (Hons) in Human Geography and an MSC in Transport Planning and Engineering and is the Transport Lead in relation to the Application. Chris is a Member of the Chartered Institute of Highways and Transportation.

2.3.7 John Mitchener of WSP: John is a Principal Arboricultural Consultant in the Arboriculture team at WSP and an Associate Member of both the Arboriculture Association and the Institute of Chartered Foresters. John also holds a Technician's Certificate in Arboriculture and Professional Tree Inspection qualification from the Arboricultural Association and a BSc (Hons) in Countryside Management.

(A) John is an experienced consultant with 15 years of involvement in both the public and private sectors. John has worked as an arboricultural consultant, local authority tree officer and as a senior arboriculturist managing trees within the highways estate.

2.3.8 Tom Farmer of WSP: Tom is a Senior Consultant in the Acoustics team at WSP and an Associate Member of the Institute of Acoustics. Tom holds a MEnvSci (Hons) degree in Environmental Sciences and a Post Graduate Diploma in Acoustics and Noise Control obtained from the Institute of Acoustics in 2017.

(A) Tom has 6 years' experience in the field of environmental consultancy and has been the acoustics lead for the Application since January 2019 with responsibility for the preparation of the noise and vibration chapter of the Environmental Statement and associated submissions.

2.3.9 Stuart Bennett of WSP: Stuart is Chartered Environmentalist and Associate Director of air quality in WSP's Environmental business unit with over eighteen years of experience in strategic air quality planning, assessment, monitoring, mitigation and management.

(A) Stuart proves strategic guidance and technical support on air quality projects and related disciplines. Stuart has extensive knowledge of air quality assessment, mitigation and management processes applicable to Nationally Significant Infrastructure Projects.

2.3.10 Ross Hodson of Natural Power: Ross Hodson is a Principal Consultant at Natural Power, with over 10 years' experience in EIA and HRA for marine development. Ross holds a BSc (Hons) in Marine Biology and MSc in Clean Technology from Newcastle University and has been a Practitioner Member of the Institute of Environmental Management and Assessment since 2013.

(A) Ross has been the marine lead on AQUIND for over two years providing support and technical advice on marine elements of the Application and has also provided technical review for marine Environmental Statement chapters and supporting assessments such as HRA and WFD assessments.

3. EIA AND ES

Question 3.1

Should ES Addendum 2 submitted at Deadline 7 [REP7-067] be subject to any formal consultation process under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017?

Speakers: Martyn Jarvis, and if necessary Ross Hodson, Maritta Boden, Ian Ellis, Chris Williams and Stuart Bennett

3.1 The Applicant is of the opinion that it is not necessary for ES Addendum to be the subject of any 'formal' consultation process under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 for the following reasons:

3.1.1 There is not a formal process for consultation on further environmental information within the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (contrasting with the position provided for by Regulation 20 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017) (*publicity where an environmental statement is submitted after the planning application*)).

3.1.2 Despite this, the consultation requirements provided for by the IP EIA Regs have been considered more generally by the Applicant to identify if any procedure contained therein should be followed in relation to the submission of the ES Addendum. In particular, the Applicant has considered the processes provided for by Regulation 16 and Regulation 20, both of which require information to be provided to the consultation bodies and the publication of notices.

3.1.3 Regulation 16 relates to the acceptance of an application and therefore a new environmental statement being available for review, and Regulation 20 applies where an environmental statement is submitted but is determined not to be adequate and new updated information is required. In both instances, significant amounts of new environmental information would be provided, and this is the underlying reason why consultation is required in those circumstances. It is not considered that the circumstances in which those processes must be followed are analogous to the submission of ES Addendum 2.

3.1.4 The information included in ES Addendum 2 has been produced further to engagement with stakeholders. The Applicant has discussed the relevant matters contained therein with the relevant stakeholders prior to the submission of ES Addendum 2 and this is continuing to be discussed with those stakeholders following the submission of ES Addendum 2.

3.1.5 Accordingly, the Applicant has taken and is continuing to take measures to ensure that relevant stakeholders are consulted and their views understood on relevant matters, so as to confirm the position on the outstanding matters for the ExA during the course of the Examination. Information in this regard is to be included within the submitted Statements of Common Ground, in relation to which discussions are ongoing and further updates will be provided in due course (at Deadline 8).

3.1.6 Taking this account, the Applicant is of the view that in the circumstances it is not necessary to undertake additional notification or consultation processes in the interests of ensuring procedural fairness, in addition to those already provided for by virtue of the Examination process.

3.1.7 All relevant persons will have been notified of the further information submitted by the Applicant at Deadline 7, and there is more than adequate time and opportunity throughout the remainder of the Examination for persons interested in the Application to comment on those submissions, be that via written representations or at these hearings.

3.1.8 It is noted in this regard that the period for consultation under Regulation 20 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 is a period of not less than 30 days following notification of publication. The Applicant submitted ES Addendum 2 at Deadline 7 on 25 January 2021. ES Addendum 2 was published on the PINS website and persons notified of such publication on 28 January 2021. The Examination closes on 8 March 2021, with Deadline 8 being on 1 March 2021. There is in excess of a minimum of 30 days for

persons to comment on ES Addendum 2 by Deadline 8, and therefore the timescale available for this is in excess of the analogous (albeit not applicable and expressly not provided for) provisions provided in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which serves to support the conclusion that no procedural fairness issues arise in relation to the time available for persons to comment.

3.1.9 Whilst the circumstances of submissions in relation to applications, including their timing in the examination and the content submitted, do need to be considered on a case by case basis, it is not the case that additional 'formal' consultation processes need to be followed each time such further information is provided. This is because the examination already provides for the notification of the further information to persons interested in the Application, and serves as the basis on which they are consulted and invited to provide any representations on that information.

3.2 Set out below is a summary of the 'informal' consultation that has been undertaken in relation to the contents of ES Addendum 2 and the responses received to date:

In respect of information relating to additional cable crossing in the marine environment:

3.3 The Applicant engaged with the following key consultees for the ES Addendum 2 and also requested feedback from these consultees once the ES Addendum was published.

3.3.1 Marine Management Organisation;

3.3.2 Natural England;

3.3.3 Joint Nature Conservation Committee;

3.3.4 Maritime and Coastguard Agency;

3.3.5 Historic England; and

3.3.6 Trinity House.

3.4 The Applicant discussed the need for the additional cable crossing and the approach to the ES Addendum with the **MMO** in advance of the production and submission of ES Addendum 2, with the need being necessitated by evolving proposals for a proposed communications cable which crosses the Marine Cable Corridor.

3.5 The **Marine Management Organisation** provided feedback on 11 February 2021. The MMO has advised that for benthic, fish and shellfish topics, they are content with the information contained and conclusions made within the ES Addendum 2. However, they requested clarification in relation to physical processes and confirmation of the potential cumulative impacts with the closest aggregate projects to the Proposed Development and whether those impacts are likely to be minor or negligible. The Applicant provided additional clarifications to the MMO on 17 February which will be appended to the SoCG submitted at Deadline 8. The Applicant is content that this matter can be resolved by the end of Examination..

3.6 **Natural England** provided written confirmation on 17 February 2021 that they have no objections regarding the information within the ES Addendum 2 or updated HRA and they are content with the conclusions presented.

3.7 **The Joint Nature Conservation Committee** has responded (12 February 2021) that they have no objections regarding the information within the ES Addendum 2 and are content with conclusions presented.

3.8 The **Maritime and Coastguard Agency (MCA)** provided feedback on the documentation on 04 and 05 February 2021. The MCA's main comment was that they would not want '*the additional cable crossing to reduce navigable depths by more than 5% but given the depths in this location they don't foresee it being an issue*'. The Applicant responded to the MCA to remind them that mitigation is secured within the deemed Marine Licence that ensures that any part of the crossing does not compromise existing safe navigation through reducing navigable depths by more than 5% (Schedule 15, Part 2, Condition 4(c)(iii)). The MCA confirmed (15 Feb 2021) that they are content that the existing DML condition was sufficient in mitigating concerns about reduction in water depths.

3.9 The MCA also consulted with Her Majesty's Coastguard (HMCG) Dover, who advised that the Applicant should consult with the French administration who are responsible for monitoring and traffic management in the southern lane of the Traffic Separation Scheme in mid Channel (which is in the UK Marine Area). The Applicant initiated consultation with French Authorities via email on 11 February 2021. No response has been received to date and the Applicant continues to engage with the MCA to progress towards a signed SoCG by Deadline 8.

3.10 **Historic England** provided feedback on the documentation on 17 February 2021 and confirmed that all marine matters are resolved (and this will be reflected in an updated SoCG at Deadline 8).

3.11 **Historic England** provided feedback on the documentation on 17 February 2021 and confirmed that all marine matters are resolved (and this well be reflected in an updated SoCG at Deadline 8.

In respect of the information in relation to ash dieback:

3.12 On 10th February 2021 ash dieback was discussed with WCC, with WCC questioning why the additional area of woodland to the south of Mill Copse was omitted and how was it secured. The Applicant explained the reasons why the additional woodland was not included in the order limits. It was also explained that the Applicant is in advanced negotiations with the landowner to acquire an interest in the land with a view to providing the landscaping strip in the interests of enhancing the secured mitigation. These negotiations are continuing but have not progressed as expeditiously as hoped (albeit there is no reason to consider the option in relation to this land will not still be agreed). The Applicant issued an email to WCC on 12 February 2021 confirming their explanation at the meeting.

3.13 SDNPA provided a response to ash dieback at Deadline 7 (REP7-089) questioning the action taken to respond to areas of woodland outside of the revised Order limits and the need for management. The Applicant has not received any further comments as part of recent meetings on 12 February 2021 but has agreed to pay a section 106 contribution to SDNPA which in part includes measures to address the effects of ash dieback within 5 km of the Converter Station.

3.14 EHDC as part of their Deadline 7 response (REP7-082) agreed that the loss of ash trees within Stoneacre Copse would change the significance of effects associated with the Public Right of Way (footpath DC19 / HC28) as set out in the Environmental Statement Addendum 2 section 12.3.4 (REP7-067). They added that proposed mitigation planting would take several years to take meaningful effect and increase the burden of management. The Applicant agrees that the screening effect for some receptors would diminish as a result of ash dieback 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), however this would not be for the duration of the Converter Station's operational lifetime.

3.15 Natural England (NE) in their response at Deadline 7 (REP7-107) to ExA WQ 2 HAB2.8.3 notes the additional information submitted in response to ash dieback and the extension to the Order limits to include Mill Copse and Stoneacre Copse. NE state that these areas of woodland would allow for additional screening planting (suitable non-ash native species) to be planted, and management of the decline of ash trees and replacement planting within the woodland blocks. NE welcome the inclusion of these woodland parcels in the Order limits to ensure that long term management can be secured, and they agree that this is appropriate and proportionate given the significant impact that ash dieback is likely to have on these woodlands.

In respect of the additional viewpoint photography

3.16 The Applicant has consulted with South Downs National Park in relation to the additional viewpoint photography and received comments at Deadline 7c (REP7c-024) which state that "The applicant's assessment of the likely effects and impacts for viewpoints 1a, 1b and 2 is accepted by the SDNPA".

(Post hearing note: To avoid confusion, the Applicant notes that only visualisations of the Proposed Development on the baseline photographs from new viewpoint 1b and 2 were

requested based on Ex Q2 LV2.9.1 together with an assessment of effects for these viewpoints).

In respect of the information submitted in relation to Denmead Meadows

3.17 In respect of the information submitted in relation to Denmead Meadows, on 10th February 2021 this matter was discussed with WCC. A subsequent discussion was then held with WCCs ecologist on 12th February 2021. The Applicant and WCC reviewed the submissions at Deadline 7 whereby the southern options for the HDD5 compound was selected (REP7-067). It was agreed that this location, south of Hambledon Road, removed impacts on lowland meadow habitat in Field 3 of the Denmead Meadows complex.

3.18 The Applicant discussed WCC's submission at Deadline 7 regarding a Hampshire Biodiversity Information Centre (HBIC) draft report from May 2020 involving a botanical survey of Kings Pond Meadow Site Important for Nature Conservation (SINC) (REP7-071). While the Applicant's and HBIC's survey outcomes broadly agree in that Field 8 (east) whereby the Onshore Cable Route will trench north to Anmore Road in the field was heavily degraded due to grazing, HBIC did suggest there were elements of lowland meadow habitat. The Applicant reviewed the HBIC Report and presented an updated approach to mitigation at both Field 8 east and Field 13. The consultation on this approach is at an advanced stage with WCC being broadly supportive of the detail provided. The Applicant hopes to agree all elements prior to Deadline 8.

3.19 The Applicant held a meeting with Natural England on 11th February 2021 where their representation at Deadline 7 and those of the Applicant were discussed with respect to Denmead Meadows. This again included discussion on the positive outcome for habitats with the selection of the southern option for the HDD5 compound. With respect to mitigation at Kings Pond Meadow (Field 8 east) and Field 13, Natural England outlined their view on requirements including grassland translocation, storage and management / monitoring. The Applicant has considered this view and have updated the mitigation strategy for these fields. The Applicant intends to outline these updates to Natural England in due course in order to reach agreement on this matter in advance of Deadline 8.

3.20 **In respect of the information submitted relating to traffic and transport:**

3.20.1 Joint Bay Delivery Assessment

3.20.2 Further to submission of the Joint Bay Technical Note (REP6-070) discussions with PCC and HCC were completed regarding the indicative locations of Joint Bays shown and how those located within the highway could be constructed. As part of these discussions the Applicant confirmed that construction of Joint Bays within the highway would be subject to the same traffic management as prescribed in the FTMS (REP6-030) for the installation of cable ducts. Following feedback received from HCC and PCC the indicative locations of some Joint Bays was also revised, with these updates forming part of the Joint Bay Feasibility Report (REP7-073_submitted at Deadline 7.

3.20.3 Day Land Technical Note

3.20.4 Detailed discussions have been held with Hampshire County Council in order to confirm that an acceptable access strategy can be provided by the Applicant in order to facilitate the construction of the Convertor Station. This has seen regular meetings held with the Highway Authority in order to confirm the highway alterations needed to Day Lane. It has been agreed that the final positioning of the Day Lane passing bays will be confirmed at the detailed design stage to ensure no adverse implications will occur in respect to adjacent trees and hedgerows. In addition, discussions have been held in respect of the Stage 1 Road Safety Audit, the findings of which have been incorporated within the highway general arrangements, which have been accepted by HCC.

3.20.5 Discussions have also been held with regards to agreeing the management strategy to be applied to the movement of all HGV traffic along Day Lane, specifically the protocol for HGV's arriving at the site being required to first check in at the Hulbert Road laybys in order to then travel to the site under escort. Discussions have also been held in respect of how the suspension of the existing parking provision at Hulbert Road laybys will be addressed together with the

requirement that use of the laybys will need to be monitored by the Applicant. Each of these measures will be included within the updated Framework CTMP (REP6-0320) to be submitted at Deadline 8

3.20.6 PCC Road Safety Note

3.20.7 Following the Highway Authority's review, detailed discussions have been held with PCC in order to determine a set of traffic management measures that can apply to the routes assessed and to roads within Portsmouth which have not been assessed through the SRTM, but which may see changes in traffic flows during the delivery of the Onshore Cable Route. These traffic management measures are set out in an update of the Framework Traffic Management Strategy, which will be submitted at Deadline 8.

3.20.8 HCC Road Safety Note

3.20.9 During discussions between the Applicant and HCC, it has been noted by the Applicant that the proposed road safety mitigations were welcomed and that these should be secured within the FTMS and reviewed throughout the construction period as necessary. These measures have been incorporated in to the update FTMS (REP6-030) to be submitted at Deadline 8.

3.20.10 Highways England Technical Note

3.20.11 It has been confirmed by Highways England that there are no adverse highway capacity issues arising from the installation of the Onshore Cable Route at junctions with the Strategic Road Network. It has been agreed that ongoing engagement will be required between the Contractor, HCC, PCC and Highways England in order to provide a reactive approach to traffic management during the construction of the Onshore Cable Route. The Applicant awaits final confirmation from Highways England that the review of Collison data at the junctions of the SRN is acceptable.

3.20.12 Supplementary Transport Assessment Addendum

3.20.13 The Supplementary Transport Assessment Addendum, which provides a summary of all documents referenced above, has been discussed with PCC and HCC as part of the discussions of the individual documents referenced above.

3.21 **In respect of the information submitted relating to air quality:**

3.22 On 5th February 2021, a call to discuss the SoCG was held between the Applicant and PCC. PCC agreed that the methodology applied, and results presented, in ES Addendum 2 Appendix 5 (REP7-072) are robust and provide an accurate reflection of likely impacts at the exceedance and near exceedance locations described in the Air Quality Local Plan.

Question 3.2

Have the figures associated with the new viewpoint photography and visualisations ([REP7-062] and [REP7-063]) been added to the schedule of documents forming the ES? If not, should they be?

Speaker: Martyn Jarvis

3.23 The Applicant can confirm that Schedule of Documents Forming the ES (REP7-080) submitted at Deadline 7 includes reference to the 'Additional Viewpoints Location Plans and Viewpoints' which was originally submitted in three parts at Deadline 6 (REP6-055, REP6,056 and REP6-057), whilst updated versions of Part A and Part B were submitted at Deadline 7 (REP7-062 and REP7-063 respectively). The examination library references for the two updated documents will be amended within the Schedule of Documents Forming the ES at Deadline 8.

3.24 The Applicant can confirm that as requested by the Examining Authority only viewpoint 1b and 2 were assessed and these are referred to in the Applicant's Response to the Examining

Authority's Further Written Questions LV2.9.1 (REP7-038) and the Environmental Statement Addendum 2 (REP7-067).

3.25 In terms of viewpoint 3a, 3b and 3c around the Access Road entranceway and the "Gated Link Road" at the junction of Broadway Lane and Day Lane, the visual impact was assessed as part of the LVIA (APP-130) and supporting Appendix 15.8 Assessment of Landscape and Visual Effects (APP-406).

3.26 The assessment considered impacts on residential, recreational and transport receptors as follows:

Construction

3.27 ***Residential receptors:*** The LVIA paragraph 15.8.3.10 and Appendix 15.8 paragraph 1.3.2.12 explain the nature of effects with the worst affected residential receptors being identified as Nos 17 and 18 experiencing a moderate-major significant effect and a minor-moderate (not significant) effect on No. 27. It should be noted that as referred to in Appendix 15.6 Visual Amenity, Table 3 (APP-404) property numbers can infer groups of properties rather than just a single property which is the case for No. 17 and 23.

3.28 ***Recreational receptors:*** The LVIA paragraph 15.8.3.11 and Appendix 15.8 paragraph 1.3.2.40 to 1.3.2.41 states that in terms of recreational users utilising the Horndean Technology College cycle route which runs to the east along Day Lane and Broadway Lane (called Anmore Lane further south) moderate (significant) localised adverse to negligible effects to the east would be experienced.

3.29 The LVIA paragraph 15.8.3.11 and Appendix 15.8 paragraph 1.32.27 states that users of Monarch's Way would experience a moderate-major (significant) effect during construction.

3.30 ***Transport receptors:*** The LVIA paragraph 15.8.3.12 and Appendix 15.8 paragraph 1.3.2.45 states that users of these two lanes (Day Lane and Broadway Lane) near the Converter Station entrance would perceive a medium magnitude of change, giving rise to a localised moderate adverse (significant) effect.

Operation

3.31 ***Residential receptors:*** The LVIA paragraph 15.8.4.24 to 15.8.4.26 and Appendix 15.8 paragraph 1.4.2.19 states that the worst affected properties at Nos. 17 and 18 are anticipated to be subject to moderate-major adverse (significant) effects at Year 0 which for No 18 will alter over time and as planting matures to minor-moderate neutral (significant) at Year 20 based on proximity. For No 17, effects will reduce to minor-moderate (not significant) adverse by year 20. For No. 27 receptors would experience either direct or oblique views at a distance, filtered by intervening vegetation and a small magnitude of change resulting in a minor-moderate (not significant) effect.

3.32 ***Recreational receptors:*** The LVIA paragraph 15.8.4.34 and Appendix 15.8 paragraphs 1.4.2.58 to 1.4.2.60 states that users utilising the Horndean Technology Cycle Route would experience localised moderate adverse (significant) at Year 0 diminishing as planting matures to minor adverse (not significant) by Year 20.The LVIA paragraph 15.8.4.28 and Appendix 15.8 paragraph 1.4.2.44 state that users of the Monarch's Way would continue to experience moderate-major adverse (significant) effect at Year 0 diminishing to minor-moderate adverse (not significant) effect by Year 20.

3.33 ***Transport receptors:*** The LVIA paragraph 15.8.4.36 and Appendix 15.8 paragraph 1.4.2.68 to 1.4.2.69 state that there would be a localised moderate adverse (significant) effect. By Year 10 mitigation planting would help integrate the entranceway into its surroundings reducing the perceived magnitude of change and thus the overall effect would be negligible to minor (not significant).

Certified documents

3.34 In terms of the certification of documents generally, as discussed at the hearing, the Applicant proposes to include a definition of "Environmental Statement" in the interpretation provisions of the dDCO. This term will be defined by reference to the documents contained in the "Schedule of Documents forming the Environmental Statement" which will be reviewed, updated and submitted in final form at Deadline 8.

4. LANDSCAPE AND VISUAL EFFECTS

Question 4.1

Does the South Downs National Park Authority have any remaining points of dispute with the Applicant with regards to the landscape mitigation proposals for the Converter Station and the surrounding area? Are these likely to remain in dispute at the end of the Examination?

Speaker: Maritta Boden

4.1 The Applicant understands that SDNPA's key concerns over landscape mitigation and as outlined at Ex A Q4f) ii) Deadline 5 (REP5-091) relate to:

4.1.1 claimed inadequate additional woodland and hedgerow planting;

4.1.2 the strategy to deal with Ash dieback; and

4.1.3 the requested use of a bigger range of planting sizes to help provide screening at an earlier stage.

4.2 The SDNPA's post hearing note (REP6-099) states that, whilst operational constraints relating to planting near the Converter Station are understood, they have a concern in relation to a lack of more substantial woodland planting in areas further away from the Converter Station. Such planting, they contend, would also assist in combatting the likely degradation of the landscape through the creation of smaller field areas not viable for agricultural purposes.

4.3 The Applicant responded to all of these points in the Applicant's Written Summaries of Oral Submissions at ISH1, 2 and 3, and CAH1 and 2 (REP6-062) and the Applicant's Responses to Deadline 6 and 6a Submissions- Additional Submissions (REP7-076) as follows:

Inadequate additional woodland

4.3.1 i) *Inadequate additional woodland: The Applicant has sought to introduce further woodland planting within the Order limits through the extension of new woodland planting to the west of the Converter Station (PW-8 and PW-9), the extension of woodland planting to the north of the Converter Station (PW-5) and a new area of woodland (PW-25) north of Broadway Lane (south). As stated in the response to EX A Question 4F.2 the Applicant's Written Summaries for Oral Submissions at ISH1, ISH2 and 3, and CAH 1 and 2 (23 December 2020, REP6-062), the extent of planting around the vicinity of the Converter Station reflects the limitations imposed by infrastructure and safety constraints. The indicative landscape mitigation plans have worked with offsets and standoffs set based on a range of existing and proposed utilities on site including existing overhead lines and Scottish Southern Energy Networks oil filled cables. See section 1.6.4 of the OLBS (REP7-023)*

4.4 In response to SDNPA's comments over the rectilinear shape of woodlands, the Applicant has softened woodlands (PW-5, PW-8 and PW-9) north and west of the Converter Station to create more organic forms. As stated in the response to ExA Question 4F.2 the Applicant's Written Summaries for Oral Submissions at ISH1, ISH2 and 3, and CAH 1 and 2 (REP6-062), the planting aims to mimic some of the small copses around dells and the rectilinear form of planting which results, through maturing belts of linear hedgerows. The shape of the woodland to the north of the Converter Station and the new hedgerow reflects the required 30m offset from the overhead lines and the need to maximise screening.

4.5 Woodland edge planting will be introduced, and a loose woodland edge generated where possible to soften woodland margins, as stated in the OLBS (REP7-023) as follows:

4.5.1 Paragraph 1.6.5.2 "*New native woodland belts and copses with glades and more open woodland edge to encourage understorey and ground flora to develop– again would benefit several ecological features*"

4.5.2 Paragraph 1.6.7.1 "*Within specific locations (determined through detailed design), glades and open "looser" woodland edges shall be created to provide a range of woodland habitats and enhance the understorey and ground flora (including ferns) to establish and regenerate naturally*."

4.6 The Applicant notes that, as referred to in the title of the mitigation plans, these plans are indicative. They will be developed and refined in consultation with WCC and SDNPA at detailed design, and they require approval by WCC in accordance with Schedule 2 Requirement 7 of the dDCO (REP7-013). The detailed landscaping scheme and accompanying mitigation plans will, in accordance with the OLBS, show a looser woodland edge providing a range of woodland habitats and enhancing the understorey and ground flora (and not the rectilinear form which SDNPA expressed concern over (see REP5-092 Participation at Hearings)

4.7 The Applicant has taken an appropriate and proportionate approach to the extent of mitigation planting and considers that this is sufficient to acceptably mitigate the landscape and visual effects of the Converter Station Area. The extent of planting has been guided by offsets and existing constraints as referred to in the OLBS.

4.8 With regards to the creation of smaller field areas, the Applicant maintains its position that the smaller agricultural fields will remain suitable for agricultural use.

Ash Dieback

4.8.1 ii) *Ash dieback: The Applicant undertook an ash dieback survey and the findings are presented in the Request for Changes to the Order Limits (AS-054, December 2020). These findings were further reviewed in the Environmental Statement Addendum 2 (REP7-067) and Appendix 3 – Ash Dieback Survey Results (REP7-070). Two areas of woodland, Mill Copse (EW-3) and Stoneacre Copse (AW) were incorporated into the revised Order Limits in order to allow the Applicant to manage them to maintain their effectiveness in providing a visual screening function. Revisions have been made to the OLBS (REP7-023) to include both woodlands and provide outline management objectives.*

4.9 In terms of the impacts of ash die-back within the wider area, whilst this is likely to reduce the density of canopy in woodlands in the wider area, 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." (see paragraph 12.3.5.5 of the ES Addendum 2 (REP7-067)).

4.10 Regarding woodlands to the east of Lovedean substation, the ash dieback findings in ES Addendum 2, (section 12.3.4) 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.

4.11 The Applicant acknowledges the request by SDNP to include a design principle in relation to ash die back however it has not yet seen the proposed drafting. The Applicant will continue to engage with SDNP in relation to this and an update will be provided at Deadline 8.

Bigger range of planting sizes

4.11.1 *iii) Bigger range of planting sizes: In order to provide a greater flexibility in the final choice of species, mixes and heights the Applicant has revised both the OLBS (REP7-023) paragraph 1.6.8.1 and 1.6.8.5 and omitted height references from Appendix 15.7 (Landscape Schedules, Planting Heights and Image Board) (REP6-029) i. The final planting schedule will be subject to approval of the relevant discharging authority post consent in consultation with the SDNPA as part of the detailed landscaping scheme (secured by Requirement 7 to the dDCO (REP7-013)).*

4.12 The Applicant has therefore sought to address concerns in relation to planting sizethrough the amendments made at Deadline 6 and 7.

Question 4.2

The Applicant included proposals for a 10m strip of planting to the south of Mill Copse on agricultural land as part of change request 2 [AS-054]. This was said to create a screen at eye level from some key receptors. This appears to have been deleted from the Outline Landscape and Biodiversity Strategy at Deadline 7 [REP7-023]. Why? To what extent does this reduce the effectiveness of the additional visual mitigation identified to be required in relation to ash die-back disease, and the additional mitigation strategy and plan in change request 2?

Speakers: Martyn Jarvis and Maritta Boden

Why?

4.13 The additional planting was assessed to have only a marginal effect in reducing the visual impact for users of the Monarch's Way at Year 0 and 10.

4.14 The effect of Ash Die Back is mitigated by the active management of Mill Copse as set out in ES Addendum 2. 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 in the extent of visibility, no new significant effects arise.

4.15 The LVIA already considered that views would be most noticeable to the north east of the Converter Station and east of Mill Copse generating a medium magnitude of change on a high sensitivity receptor and ES Addendum 2 contains an assessment of environmental effects without the inclusion of the 10m strip of planting which can be relied upon by the Examining Authority.

4.16 Whilst the 10m strip of planting to the south of Mill Copse would have a limited mitigating effect in the event that the effects of ash dieback are to the worst case scale predicted, its benefit 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 Copse and Stoneacre Copse which provides a stringer screening function, being larger areas of woodland).

4.17 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 interests of enhancing the secured mitigation. Those negotiations are continuing, but have not progressed as expeditiously as hoped (albeit there is no reason to consider the option in relation to this land will not still be agreed).

To what extent does this reduce the effectiveness of the additional visual mitigation identified to be required in relation to ash die-back disease, and the additional mitigation strategy and plan in change request 2?

4.18 In accordance with the assessment undertaken the exclusion of the additional strip of woodland planting reduces the effectiveness by one "step" in terms of magnitude as assessed, in the period from Year 0 to Year 10 until such time as mitigation planting and natural regeneration has grown up to form a good visual screen at eye level.

4.19 It is not possible to predict the exact timing of the progression of ash die-back in Mill Copse and thus the timing of felling that may be necessary for safety and good arboricultural practice reasons. Consequently, it is not possible to predict exactly when the existing understorey will be disturbed by tree works nor exactly when new planting would be undertaken within the copse and natural regeneration encouraged and on this basis the assessment undertaken assumed a worst case. It is anticipated that even in the worst case the ash die-back and consequent management work would occur between Year 0 and Year 10 and that the understorey, new planting and regeneration within Mill Copse would have thickened up and grown enough by Year 20 to provide sufficient screening at eye level.

4.20 The additional strip of woodland planting which was 10m wide and a mixture of sizes would reinforce eye level screening for users of the Monarch's Way in these earlier years. After the early years, Mill Copse itself is predicted to provide the same level of mitigation screening without the 10m strip of planting to the south of Mill Copse. Therefore, whilst it might have some more limited longer term value, in accordance with the assessment undertaken its role would be to provide a supplement to the active management of Mill Copse in the early years during and after the anticipated loss of mature ash trees. After the early years, Mill Copse

itself is predicted to provide the same level of mitigation screening without the 10m strip of planting to the south of Mill Copse.

4.21 Taking into account the nature of the changes to the magnitude of impacts to be experienced in the early years which the inclusion of the 10m strip of planting may have addressed, it was considered to be an 'insurance policy', rather than being absolutely required for the Proposed Development. With this in mind only Mill Copse (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) was included within the Order limits in this location.

5. ONSHORE ECOLOGY

Question 5.1

With reference to Deadline 7 submissions, including the Outline Landscape and Biodiversity Strategy (section 1.5.3.7) [REP7-023], can the Applicant explain the reasons for the changed approach to the creation of species-rich grassland at the Converter Station site?

Speakers: Maritta Boden and Ian Ellis

5.1 The Applicant's approach has not changed, rather it is acknowledging that the creation of calcareous grassland is not straight forward and needs the appropriate soils and management in order to be successful. In response to queries from WCC, further clarification on the creation of calcareous grassland at Lovedean is outlined in the Applicant's Responses to Deadline 6 and 6a Submissions – Additional Submissions (REP7-076) as well as updates to the OLBS REP7-024 (para 1.7.5.33 and table 1.7) and supporting Appendix 1 (para. 1.1.1.39 to 1.1.1.46).

5.2 The existing grassland at Lovedean is botanically species-poor due to agricultural improvement. whilst the Applicant is aiming to achieve the creation of calcareous grassland based on indicator species on site and is confident that this can be achieved, there is inevitably a risk associated with this.

5.3 If the habitat created is a neutral species rich grassland, where despite best efforts calcareous grassland is not able to established, the result will still be a high or very high distinctiveness grassland supporting many of the same species (flora and fauna).

5.4 Taking this into account, Landscape Design Principle 5 in the DAS (REP7-021) was altered to read "The biodiversity of the grassland at the Converter Station will be improved to achieve a species rich grassland" and the OLBS (REP7-024) now states under paragraph 1.5.3.7 *"Improvement of grassland at the Converter Station involves the application of a native seed mix of a local provenance to achieve a species rich grassland aiming for a calcareous grassland based on indicator species present on site."*

5.5 Soil inversion followed by normal cultivation to form a fine tilth of impoverished base-rich soil is most likely with 150 mm topsoil scraped off and mixed with subsoil (resulting from excess fill associated with the creation of the Converter Station platform) to create an impoverished substrate as opposed to removing subsoil off site. The seed mix sown shall be appropriate to the local biogeographical context and native species of UK provenance and will be subject to the approval of the relevant discharging authority. If appropriate, seed may be sourced from local donor sites. (Paragraph 1.7.5.33 of the updated OLBS (REP7-023)).

5.6 In terms of obtaining local seed, Denmead Meadows will provide a source which reflects a species rich grassland. Seed harvesting will occur as part of the mitigation within the meadows and this will be extended to provide works at Lovedean.

5.7 Exact details of how species-rich grassland will be established at the Converter Station will be confirmed at the detailed design stage, once conditions such as soil depth and existing soil composition have been determined by ground investigation works, soil sampling and testing as well as reviewing the implications on surface water / drainage and ground levels.

5.8 All decisions about techniques at the detailed design stage will take into account the whole environmental cost / benefit of such works; the potential environmental cost of off-site disposal would weigh heavily against large-scale soil removal.

5.9 The Applicant sees this as a positive opportunity to support changes to chalk grassland whilst also generating a positive gain in terms of biodiversity within the landscaping that is required to mitigate the visual impacts of the Proposed Development.

5.10 Should calcareous grassland not be delivered but the outcome be a good condition species rich grassland, the biodiversity units achieved will not be affected. This is because within the DEFRA metric 2.0 for Biodiversity Net Gain, calcareous grassland is assigned a high 'difficulty to deliver' value. This effectively means that the units gained from the site are multiplied by 0.33 (so in effect reduced) to take account of the risk to delivery. With this risk taken into account, the Application would still deliver a net gain in units and area where a good condition species rich grassland is delivered.

Question 5.2

The Deadline 7 selection of the southern option for the launch compound at Denmead Meadows/ Hambledon Road is noted.

Can the Applicant summarise the changes, including implications for the ecological and hydrological assessment and mitigation for the King's Pond, Denmead Meadows and Soake Farm area?

Also, could confirmation be provided about how the commitment is secured through the dDCO, including foot access only along the route of the HDD across the high value habitat. (Outline Landscape and Biodiversity Strategy section 6.4.)

Speakers: Ian Ellis

Summary of any changes

5.11 The confirmation of the southern option of the launch compound at Deadline 7 involves placing the compound south of Hambledon Road so that the onshore cable route will pass underneath Denmead Meadows by HDD to the reception compound at Field 13.

5.12 As with the northern option, the southern option also avoids Soake Farm Meadows. However, it will also avoid Field 3 which lies outside of the SINC designation. Field 3 was categorised as Lowland Meadow, a Habitat of Principal Importance and valued accordingly in the Environmental Statement. Field 3 was considered to be the only field within the Denmead Meadows complex that was impacted by the proposed development that solely consisted of lowland meadow habitat of principal importance. There will therefore now be no residual impacts on the habitat of and population of green-wined orchid known to be present within Field 3.

5.13 The scope of the mitigation proposed at Field 3 was extensive and subject to a detailed overview at the submission at Deadline 6 entitled Denmead Meadows Position Paper (REP6-072). That mitigation which involved seed harvesting, soil preservation, turve stripping and storage, turve replacement and further restoration measures will no longer be required.

5.14 The land south of Hambledon Road for the southern option of the launch compound was subject to botanical survey in 2019 and reported in the Non-statutory Designated Sites Report (APP-412). The land here (referred to as Field 14) is intensively used as agricultural pasture. Parts of the area are developed or have been used to support agricultural practices, including gravel road plainings forming hardstanding, piles of wood, old trailers, several derelict cars, hay bales and buildings/outhouses. This land is therefore of negligible ecological value and no specific mitigation is proposed. This information has been provided to Natural England and it informed their support for the selection of the southern option of the launch compound.

5.15 There are no implications for the hydrological assessment or mitigation as a result of the selection of the southern option.

5.16 The assessment undertaken within ES Chapter 20 (Surface Water Resources and Flood Risk) (APP-135) does not change as a result of the proposed re-location of HDD5 entry compound, as both locations have similar receptors and a low risk of flooding based on the Flood Risk Assessment (APP-439). Outline principles for the management of surface water and flood risk including pollution prevention measures, which would apply to both locations, are secured within Section 5.7 of the OOCEMP.

5.17 There are also no changes to the environmental assessment for groundwater as a result of the selection, as the HDD compound will still be situated on the superficial head deposits and Lambeth Group geology. All works are therefore to be confined within the superficial Head Deposits and Lambeth Group. The 5 m standoff between the Chalk and the HDD will remain. The minor change in length of the HDD here also makes no difference to the assessment (as groundwater seepage measures will be in place).

5.18 Ecological mitigation is still proposed for areas further north in Denmead Meadows in Field 8 (east) which forms part of Kings Pond Meadow SINC and Field 13, being the site of the Reception Compound.

5.19 Since the submission at Deadline 7 by WCC of the draft botanical survey report of Kings Pond Meadow by Hampshire Biological Information Centre (HBIC), the Applicant has continued consultation with both Winchester City Council and Natural England, The survey report by HBIC and the Applicant's surveys of this area do broadly align, and both recognise that Field 8 (east) is heavily grazed and has substantial areas of semi-improved grassland. The HBIC Report does identify a portion of degraded Lowland Meadow habitat within the field. On this basis, the Applicant has provided WCC and Natural England with a revised protocol for mitigation for temporary habitat loss of Fields 8 east and Field 13.

5.20 It is noted that Field 13 was not subject to survey by HBIC in 2020. The Applicants survey noted this is being a field of a very short, horse-grazed, semi-improved grassland with occasional bare soil, animal dung and poaching and does not qualify as a Habitat of Principal Importance.

5.21 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) and Field 13. These discussions are at an advanced stage.

5.22 The Applicant proposed to undertake the following with respect to Field 8 (east) which lies within the Kings Pond Meadow SINC:

5.22.1 Pre-construction survey to identify plant species present and classify botanical communities;

5.22.2 Cutting and storage of turves – to be stored in Field 13 outside of the HDD 5 reception compound. The duration of storage will be for a maximum of 3 weeks;

5.22.3 Ground protection – use of matting or similar in addition to the application of low ground pressure machinery;

5.22.4 Storage, with no mixing of horizons, of sub soil excavated from trenching.

5.22.5 Replacement of soil structure and turves

5.22.6 Collection and application of seed from elsewhere within the Denmead Meadows complex

5.22.7 Field 8 east and Field 13 will then be managed to allow them to regenerate to their condition prior to the onset of construction works.

How commitments are secured in the dDCO

5.23 At Deadline 7 updated Works Plans (REP7-005) were submitted. Sheet 3 of the Works Plans shows the HDD to be undertaken in this location, identifying the area for the HDD Compound and the trenchless crossing zone. The northern HDD Compound area was removed from the Works Plans at this time.

5.24 Requirement 6(3)(d) of the dDCO in relation to the detailed design approvals for Work No.4 (the Onshore Cable Route) requires the approval of the "*spatial extent and layout of any HDD compound (which must be located within the areas identified for HDD compounds on the works plans only)*". Requirement 6(10)(a) requires that HDD must be used for the purpose of passing under Denmead Meadows (in the area identified as a trenchless crossing zone on Sheet 3 of the works plans). As such, HDD must be used to pass under Denmead Meadows and the southern compound must be located in the area identified for this.

5.25 The commitment to foot access only at Denmead Meadows is secured under paragraph 6.4.1.3 of the Outline Onshore Construction Environmental Management Plan (OOCEMP) (REP7-032), which states:

5.25.1 "*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.*"

5.26 In response to comments made by WCC regarding ongoing management of land and the potential for reinstatement measures to be frustrated, Mr Jarvis on behalf of the Applicant confirmed that the Applicant is seeking to mitigate impacts by implementing mitigation measures and relying on temporary rights to carry out measures through years 1 – 5. The

Applicant is not proposing to acquire this land for a 5 year period to provide additional aftercare.

5.27 Paragraph 6.4.1.3 of the OCEMP (REP7-033) provides 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*" and it would not be appropriate to place additional restrictions on the landowner in the manner suggested by WCC.

Question 5.3

At Deadline 7, Natural England [REP7-107] draws attention to a 'bird refuge for brent geese' at Milton Common, and, apparently, the possibility of a second area coming forward. This appears to draw on information provided by Portsmouth City Council.

Can the Examining Authority be appraised of what these areas are, where they are, the level of usage by brent geese, and the implications for the HRA and the proposed 'winter working principles'.

Speakers: Martyn Jarvis and Ian Ellis

The Applicant's understanding of the planning position

5.28 Based on the observations of the site visit it is concluded that there has not been a bird refuge established on Milton Common. Furthermore, it has not been evidenced that the provision of a bird refuge on Milton Common can be successfully established, and there exists no extant planning permission or management plan in relation to Milton Common in relation to such areas being established.

5.29 On 20 February 2020, Portsmouth City Council granted planning permission (Ref. 19/01368/FUL) for the development of Phase 4b of the North Portsea Island flood and coastal erosion management scheme (the "Planning Permission"). The development is being undertaken by Portsmouth City Council Eastern Solent Coastal Partnership ("ESCP"). Phase 4b, as with previous phases of the scheme, was subject to EIA and HRA assessments.

5.30 Condition 11 of the Planning Permission is:

"*Prior to any works or preparation of land commencing in relation to Compound 6 (to be sited on P23R core habitat), a detailed management plan, which includes appropriate mitigation measures and the interpretation for the offsetting sites, shall be submitted to and approved by the Local Planning Authority.*

> *The measures shall include: (i) details of the timing within which Compound 6 will operate (ii) detailed methods for habitat reinstatement including the turf composition and management measures (iii) a plan showing the extent of Compound 6 and the extent of habitat reinstatement; and, (iv) the party(s) responsible for these measures.*
>
> *The compound and reinstatement shall be fully undertaken in accordance with such approved management plan.*"

5.31 On 6 March 2020, ESCP submitted an application with reference 20/00329/DOC to discharge condition 11 (amongst others) (the "Condition Discharge Application"). A Construction Environmental Management Plan and Biodiversity Mitigation and Enhancement Plan proposing the creation of two off-site refuge areas (the "Refuges") to compensate for temporary habitat loss impacts on land used by over-wintering dark-bellied Brent geese and waders for feeding and roosting (Core Site P23R and Core Site P11).

5.32 On 13 May 2020, following a review of the Condition Discharge Application and the application documents for the Planning Permission available on the Council's Planning Portal, Herbert Smith Freehills LLP submitted an objection to the Condition Discharge Application (the "Objection") on behalf of AQUIND Limited. The Objection was made on the basis that:

5.32.1 no loss of habitat at Core Site P11 (whether temporary or permanent) was permitted by the Planning Permission and so such a loss could not justify the Refuges;

5.32.2 no permanent loss of habitat at Core Site P23R was permitted and so there was no justification for the creation of permanent Refuges through the Biodiversity Mitigation and Enhancement Plan;

5.32.3 the establishment of the Refuges, whether temporary or permanent, had not formed part of the measures set out in the Environmental Statement or Habitats Regulations Assessment and so they had not been subject to adequate assessment or public consultation during the application for the Planning Permission; and

5.32.4 the temporary impact of Compound 6 on Core Site P23R could be avoided by the annual reinstatement of the habitat, and so there was no justification or appropriate assessment for the provision of off-site compensatory measures in respect of this impact.

5.33 Between 14 and 27 August 2020, ESCP submitted Version 2 of the Construction Environmental Management Plan and Biodiversity Mitigation and Enhancement Plan. Neither document referenced the Refuges. The Construction Environmental Management Plan confirmed that Compound 6 would be reinstated annually to avoid the temporary habitat loss at Core Site P23R.

5.34 On 28 August 2020, the Council responded to the Objection. This response referenced several documents relating to the Refuges forming part of the application for the Planning Permission which had not previously been available to the public through the Council's Planning Portal and had been uploaded after 14 May 2020. The Council's response stated:

5.34.1 ESCP submitted further documents to the Council on 11 December 2019 prior to the grant of the Planning Permission including details of the Refuges. The Council considered that the additional details provided were sufficient to assess the environmental effects of the development;

5.34.2 The Refuges were appropriately assessed as mitigation and not compensatory measures under the Habitats Regulations, because the impact on the SPA is indirect (arising from the temporary habitat loss at Core Site P23R which is outside the SPA).

5.35 On 9 December 2020, the Council approved the Condition Discharge Application for all of the conditions included in the application other than Condition 11. The approved documents and the Objection have subsequently been removed from the Council's Planning Portal – without any explanation.

5.36 As of 11 February 2021, no further application has been made by ESCP to discharge Condition 11 of the Planning Permission and approve details of Refuges. No independent planning application for the creation of the Refuges is revealed by the "Map Search" on the Council's Planning Portal.

5.37 The approved construction programme in the Construction Environmental Management Plan provides for the initial set up of Compound 6 on 1 April 2021. Even if Compound 6 was not demobilised and reinstated by 30 September 2021 in accordance with the approved details, no habitat loss impact would occur until winter 2021.

5.38 Despite the response of the Council to the Objection, it is considered that the Refuges are compensatory measures which were subject to an inadequate Appropriate Assessment during the grant of the Planning Permission. The potential adverse effect upon the SPA is caused by the retention of Compound 6 on Core Site P23R during the over-wintering period. This effect is not avoided or reduced by the creation of alternative habitat on Milton Common. In addition, the positive creation of new habitat is generally considered to be insufficiently certain to be treated as mitigation. In order to rely upon the Refuges, ESCP should have been required to demonstrate the absence of alternative mitigation. In the circumstances, a clear alternative to avoid the impact was available, as ESCP had already assessed the removal of Compound 6 each winter as being effective mitigation. The effectiveness of the annual removal of Compound 6 was accepted as appropriate by Natural England who notified the Council on 1 December 2019 that it concurred "*with the assessment conclusions, providing that all mitigation measures outlined in the shadow Habitat Regulations Assessment are appropriately secured*".

5.39 There are two particular issues which were insufficiently addressed in the assessment of the Refuges such that the use of the Refuges by the Brent geese cannot be considered sufficiently certain to treat the Refuges as mitigation measures:

5.39.1 The current recreational use of Milton Common makes the location of the Refuges unsuitable. The Council appears to have accepted ESCP's assessment that the size and shape of the Refuges would prevent recreational disturbance which is stated would only take place at the edges of the Refuges, leaving the geese undisturbed at the centre of each Refuge. However, no assessment is made of the regular use of Milton Common by dog walkers with dogs off-leash or the fact that aerial impacts of Milton Common and the plans included in the adopted "*Milton Common Local Nature Reserve Restoration and Management Framework*"[1] show that the Refuges are bisected by the existing network of paths across the site. The adopted Management Framework describes off-leash dog access as being an important feature of the Common and one of the objectives of the Management Framework is to "*ensure that the needs of dog walkers are sympathetically accommodated*" and proposed that the most suitable area for further habitat for the use by Brent geese at Milton Common would be a strip of land on the northern boundary of the Common which was on grassland which is rarely used for recreation.

5.39.2 The historic use of Milton Common as landfill was not assessed by ESCP or the Council. The superseded draft of the Construction Management Plan submitted by ESCP in March 2020 noted that existing shrubs and other obstacles to mowing would need to be removed from the Refuges in order to create sward for the geese. However, the adopted Management Framework for Milton Common describes how the historic use of landfill to reclaim the land means that mechanical maintenance of grass is "*extremely difficult*" and "*management with hand tools only is usually required*".

The Applicant's understanding of the position at Milton Common today

5.40 Further to the information submitted at Deadline 7 the Applicant has attended Milton Common on Friday 12th February 2021 to further understand what may have been established. In summary, the findings of that site visit as follows:

5.40.1 Signs have been erected which purport to establish the southern refuge. No such signage has been erected in relation to the proposed northern refuge.

5.40.2 No fencing or barrier of any kind has been erected in relation to the southern refuge, so the area remains open to extensive disturbance (noting it is bisected by the existing network of paths across the site.

5.40.3 There was no geese presence within the area, with it also being observed that extensive dog walking was ongoing within and next to it.

5.40.4 Geese were however observed to be present in the SWBGS functionally linked site with reference P23R.

5.40.5 From observation the grass sward, despite signage stating otherwise, was wholly unmanaged and clearly in part over the 5cm maximum quoted on the signage.

5.41 Photographic evidence to support this position will be provided as part of the Applicant's Deadline 8 submissions.

5.42 Based on the observations of the site visit it is concluded that there has not been a bird refuge established on Milton Common. Furthermore, it has not been evidenced that the provision of a bird refuge on Milton Common can be successfully established, and there exists no planning permission or management plan in relation to Milton Common in relation to such areas being established.

[1] Portsmouth City Council, Milton Common Local Nature Reserve Restoration and Management Framework adopted on 21 July 2015 (accessed 11 February 2021): https://democracy.portsmouth.gov.uk/documents/s8065/Appendix%20A%20-%20Milton%20Common%20LNR%20Restoration%20and%20Management%20Framework.pdf

5.43 As a consequence, the Applicant does not consider that there are any implications for the HRA. The HRA has assessed all properly established functionally linked habitat sites and protections, through the winter working principles, are provided in relation to these.

5.44 Despite the above, the Applicant does recognise the task the ExA has to address in reporting on the HRA and confirming its legal robustness.

5.45 Should the bird refuges on Milton Common at some point in the future be lawfully established and properly managed so as to provide functionally linked habitat, winter working principle 1 would de facto apply in relation to them, and therefore adequate mitigation is already secured from a HRA perspective.

5.46 A copy of the planning permission, HSF objection, the Council's response to this, a site location plan and photographs taken at the site visit referred to above is included at Appendix 1 to this document.

6. SOCIO-ECONOMIC

Question 6.1

What position has been reached regarding the amount of land required to be taken from Farlington Playing Fields to allow the construction and subsequent operation of the Proposed Development?

Is the amount of land and the timed phases of work upon it adequately secured in the Order limits and DCO?

Speaker: Martyn Jarvis

6.1 Indicative phasing plans have been prepared for Farlington Playing Fields, which describe the duration of given stages of the works, their approximate footprint, and associated constraints. These are set out in Appendix A of the Framework Management Plan for Recreational Impacts.

6.2 The Phasing Plans have been prepared to demonstrate that it is feasible to partially mitigate impacts through programme and arrangement of temporary working areas, in order to support the DCO Application. It is felt that these can be refined during detailed design to further mitigate impacts within the Order limits. The OOCEMP will therefore be updated for Deadline 8, to include the requirement for the Contractor to submit a detailed CEMP, including Phasing Plan, for agreement with PCC prior to commencement of construction.

6.3 The Applicant has submitted a Method Statement for Reinstatement at Farlington Fields in advance of Deadline 7c, in Appendix D of the Framework Management Plan for Recreational Impacts (AS-062). This will be secured as part of the OOCEMP submitted at Deadline 8. It includes a number of measures that will be taken to minimise impact on the existing drainage, including protection of ground surface and underlying drainage system, temporary drainage system where necessary, installation of the cable at a suitable depth to allow reinstatement of the drainage at their existing location and depth, realignment of the cable duct trench route along the eastern elevation so far as possible so that the trenches run parallel to the lateral drains, which it is anticipated will allow the cable circuits to be installed between drains, and reinstatement and survey of the drainage works after construction.

6.4 To avoid impacts on the Farlington Playing Fields in so far as is possible, the Applicant is also seeking agreement with PCC to enter into a section 106 agreement, a draft of which was submitted to PCC on 21 January 2021

6.5 Under the draft agreement, the Applicant agrees to undertake the Pre-Construction Realignment of pitches, the Pitch Reinstatement Works and the Post-Construction Realignment of pitches. Such realignment and reinstatement works are to be undertaken in accordance with an approved Recreational Management Plan, which is to accord with the Framework Management Plan for Recreational Impacts. These matters are covered at paragraph 2 of Schedule 1 to the draft Section 106 Agreement with PCC.

6.6 The pitch realignment, and therefore the pitches which are to be affected and those which are not, would be secured through the proposed planning obligations approach.

6.7 No feedback on this proposal has been received from PCC to date. The reason stated for this is because the updated Framework Management Plan for Recreational Impacts has recently been submitted to PCC for review (12 February 2021), albeit the Applicant sees no reason why this has delayed PCC agreeing in principle to the approach whilst waiting to confirm the contents of the Framework Management Plan for Recreational Impacts to be appended.

6.8 The Applicant is of course hopeful PCC are agreeable to the Applicant undertaking measures to ameliorate the impacts on Farlington Playing Fields during the undertaking of the works for the benefit of the residents of Portsmouth, but ultimately it is for PCC decide how they wish to proceed.

6.9 With reference to Plate 2 of the Framework Management Plan for Recreational Impacts and the line of questioning from the Examining Authority in relation to the cable corridor being no more than 15m wide, Mr Jarvis on behalf of the Applicant confirmed that the Applicant has continued to look at how it could align the cables to have the least damage. One of the

options is to run the cables parallel with the lateral drains to minimise intersection points. Effectively, it will be managed through the submission and approval of the phasing plan and method statement which will confirm where the works are to be undertaken within the Order Limits.

Question 6.2

(a) Has agreement been reached with regard to the requirements, timescales and quality of reinstatement at the Farlington Playing Fields, including the underlying drainage system? If not, why not?

(b) What is the position between the Applicant and Portsmouth City Council with regards to the anticipated Reinstatement Method Statement for Farlington Playing Fields? If this Reinstatement Method Statement cannot be relied on, what confidence can be given to the Examining Authority and the Secretary of State regarding the robustness of the Framework Management Plan for Recreational Impacts [REP4-026]? Should the relied-upon mitigation measures be transferred from this into an appropriate outline management plan to ensure that they can be secured through any DCO?

(c) Do any inconsistencies remain in the Applicant's information about the timing of restoration works, noting that November is mentioned in the Deadline 4 Framework Management Plan for Recreational Impact, apparently in conflict with a commitment to avoid times when brent geese could be present (Solent Waders and Brent Geese Strategy)?

Speaker: Martyn Jarvis

Position regarding agreement reached in relation to the timescales and quality of reinstatement, including in respect of the underlying drainage system

6.10 The Framework Management Plan for Recreational Impacts (FMPRI) has been updated and was submitted to PCC, the ExA and Sport England on 12 February 2021.

6.11 Appendix E contains a report on quality and reinstatement prepared by PSD Agronomy, a specialist sports turf contractor.

6.12 Appendix D is a method statement in relation to reinstatement at Farlington Playing Fields. The Method Statement has been produced drawing on the survey undertaken and reported by PSD Agronomy to more clearly confirm the overarching principles and requirements for the reinstatement that is to be achieved, including the quality of the reinstatement required.

6.13 Working methods have been set out in the Method Statement for FMPRI and include a number of measures that will be taken to minimise impact on the existing drainage, including protection of ground surface and underlying drainage system; the installation temporary drainage system where necessary; installation of the cables at a suitable depth to allow reinstatement of the drainage at their existing location and depth; realignment of the cable duct trench route along the eastern elevation so far as possible so that the trenches run parallel to the lateral drains which it is anticipated will allow the cable circuits to be installed between drains, and reinstatement and survey of the drainage works after construction

6.14 The surface level of playing surfaces post reinstatement will meet Performance Quality Standard guidelines of 25mm under a 2m straight edge for a Basic standard pitch. In all cases, backfilling of excavations should achieve a CBR value of 5% at maximum 500mm increments to mitigate against potential future settlement in conjunction with appropriate uniform consolidation of the topsoil avoiding excessive compaction which will inhibit rooting and turf establishment.

6.15 Reinstatement of deep excavations will be undertaken using suitable fill in accordance with guidance of CIRIA FB75 and CIRIA SP78 to manage post construction settlement in compliance with Quality Standard Guidelines for a Basic Standard Pitch.

6.16 Despite it being the clear view of PSD Agronomy that reinstatement for sports use can be achieved in 2-3 weeks, the Applicant recognises the concerns of PCC and has therefore retained the worst case 8 week period for reinstatement, allow also for an initial period of maintenance being undertaken by a specialist sports turf contractor prior to handback to PCC.

6.17 By outlining the methods that must be adopted, including the manner in which re-turfing must be undertaken and the standards to be achieved, the timescales for reinstatement are confirmed.

6.18 The Applicant will update the OOCEMP at Deadline 8 to include the following so as to clearly secure compliance with the Method Statement at Appendix D of the FMPRI:

> *"Para 6.2.9.11 - Given the duration and complexity of works at Farlington Fields, an Outline Method Statement for this site is set out in Appendix D of the FMPRI. The Method Statement includes principles for protection of playing surfaces, drainage and reinstatement. The contractor will be required to comply with these principles in order to minimise damage to the playing fields, or propose alternative measures which provide equal or better protection/ reinstatement in agreement with PCC.*
>
> *6.2.9.12. A detailed CEMP will need to be prepared for Farlington Fields, to include a Phasing Plan, specification for excavating and filling (to manage resettlement), ground protection and reinstatement of drainage system and turf for submission and agreement with PCC prior to construction commencing"*

6.19 Accordingly, the Method Statement now included at Appendix D of the FMPRI must be complied with when reinstatement is undertaken.

Position between the Applicant and Portsmouth City Council with regards to the anticipated Reinstatement Method Statement for Farlington Playing Fields?

6.20 The FMPRI was first submitted to PCC on the 16th June 2020 and subsequent drafts were issued at Deadline 1 (6th October) and Deadline 4 (17th November).

6.21 At a meeting on 8th October 2020 to discuss the mitigation proposed, PCC stated that they could not comment on any of the mitigation proposed until the Order Limits were updated to reflect the most recent iteration (submitted at Deadline 1 (and again at 3 following a request for further information)). This was despite none of the Order limits changes relating to Farlington Playing Fields.

6.22 A further meeting was held on 16th December 2020 and PCC agreed to confirm whether pitch relocation is acceptable and whether any further mitigation can be applied. The Applicant has not yet received any formal comments on any draft of the FMPRI, other than those submitted to the Examiner.

6.23 The Applicant appointed PSD Agronomy in December 2020 to undertake pitch surveys and report on feasibility of mitigation, including reinstatement of drainage. Surveys were undertaken in January 2021 and a Report has been issued prior to Deadline 7C.

Position regarding reliance on the FMPRI

6.24 As outlined above the Method Statement is to be secured through the OOCEMP, and therefore the ExA and the Secretary of State may place reliance on these measures.

Inconsistencies regarding the timing of restoration works, noting that November is mentioned in the Deadline 4 Framework Management Plan for Recreational Impact

6.25 There are no inconsistencies in relation to the timing of the restoration works. As detailed in Applicant's transcript for ISH3 (REP5-069) and the responses to question 3B and 7P and the Applicant's Response to Deadline 7 and 7a Submissions (document reference 7.9.39), the requirement for restoration for recreation is different to that required to mitigate for impacts on Brent geese.

6.26 The Applicant will lay turf at the end of September on completion of works. The Applicant has allowed 1-2 weeks for re-turfing and it will be available immediately for geese to forage during October. The Applicant has allowed 8 weeks for the restoration to active sports pitch use, taking the restoration for sport to the end of November, although specialist advice provided by PSD Agronomy (Appendix E to the FMPRI, (AS-062)) has indicated that use of thick cut turf will enable them to be playable in 2-3 weeks.

6.27 At the hearing, Mr Jarvis on behalf of the Applicant confirmed that the reference in paragraph 3.1.1.1 of the FMPRI to the cable route being designed to avoid key recreational facilities is a reference to the drawing of the red line and the Applicant has sought to avoid playing fields

wherever possible. This has resulted not all of the cricket squares being included within the Order Limits.

Question 6.3

Is the proposed drafting of the Applicant's Employment and Skills Strategy [REP7-077] acceptable to the relevant local authorities?

6.28 The Applicant welcomes the positive comments of the local authorities in relation to the general acceptance of the Employment and Skills Strategy. The Applicant will continue to work with the authorities to address any additional comments that arise.

Question 6.4

Are any mitigation measures (onsite or offsite) with regards to the displacement of users of Farlington and other playing fields still under discussion or likely to come forward within the Examination? If not, why not?

Speakers: Martyn Jarvis

6.29 No, because there are no other areas where displaced persons could be relocated.

6.30 The recreational impacts will be addressed through the Framework Management Plan for Recreational Impacts which will reduce impacts during the period of construction works, and therefore the provision of community fund is not necessary.

6.31 Furthermore, it is not considered any such fund would deliver effective mitigation of the impacts and/or meet the relevant legal tests for inclusion in a section 106 agreement.

Question 6.5

Does the University of Portsmouth have any comments on the mitigation measures and method statements now offered by the Applicant (paragraph 6.2.9.11 of [REP7-032]), and do these ameliorate or alleviate the University's earlier concerns regarding the effects of the Proposed Development on its sports pitch provision and operation?

Speaker: Martyn Jarvis

6.32 The OOCEMP [REP7-033] was updated at Deadline 7 to include the following measures in relation to the University of Portsmouth:

> *"Para 6.2.9.11 - A detailed method statement will be prepared and agreed with the University of Portsmouth prior to works to the University Pitches within the redline boundary. The method statement will comprise arrangement of temporary works, programme and reinstatement.*
>
> *Para 6.2.9.12 - For works through the University of Portsmouth land the contractor will keep the works as far to the eastern extent as practical to minimise impacts on sports facilities. This will take into account other environmental and engineering restrictions and considerations."*

6.33 The Applicant will continue to progress discussions with the University of Portsmouth however the Applicant's maintains the accuracy of the position as set out in the Framework Management Plan for Recreational Impacts and considers that the additional measures referred to above will help to reduce any impacts on the University's sports pitches.

7. HIGHWAYS AND TRANSPORTATION

Question 7.1

Have any conclusions been drawn by the parties in relation to the use of the Lambeth method to establish a maximum 200m walking distance to reach cars displaced from street parking outside residential properties?

Can the Applicant advise whether 200m or 400m is considered a reasonable walking distance for retrieving displaced cars, provide a rationale for this and describe if and how this influences any of the ES assessments and documents. Where this is the case, please provide updates.

Speakers: Chris Williams

7.1 It remains the Applicant's view that a 400m distance (5-minute walk) is an acceptable maximum distance for displaced parking, which will only take place on a temporary basis, where properties are impacted by construction of the Onshore Cable Route.

7.2 The 400m distance represents a maximum five minute walk at a speed of 5km per hour, which is the transport planning industry standard approach for assessment of travel time for journeys made on foot and is applicable in both rural and urban areas. As stated as part of ISH2, this is based upon a distance of 400m being accepted within the transport planning industry as:

7.2.1 an acceptable distance to walk to common facilities such as shops in a town centre locations (Table 3.2 of Guidelines for Journeys on Foot, Institution of Highways and Transportation, 2000);

7.2.2 the maximum distance for residents to walk to a mode of transport, as stated in the Busses in Urban Developments which recommends that all housing development is located within 400m of a bus stop (Chartered Institute of Highways and Transportation (January 2018)) and

7.2.3 the Public Transport Access Level (PTAL) assessment methodology used by Transport for London assumes "that people will walk up to 640 metres to a bus service" from home.

7.3 It is also noted by the Applicant that the Lambeth methodology is a guide to the location of parking places to serve new development i.e. permanent parking relationships associated with new developments. It is not intended to address short term, temporary disruption of parking. Even in this context, the Lambeth methodology indicates that it cannot be prescriptive, providing as follows:

7.3.1 while a 200m distance should be considered for residential development, a parking distance of up to 500m can be considered for commercial developments; and

7.3.2 people are unlikely to stop halfway along a road at an imaginary 200m / 500m line so survey should be extended to the next junction or shortened to the previous one, or taken to a suitable location along a road.

7.4 This guidance shows therefore that that there is flexibility in the measurement of parking distance from a property and that distances beyond 200m are acceptable when considering the location in question.

7.5 It is also clear that 400m is a recognised distance for assessment purposes when considering the implications of journeys on foot arising from development based upon the references set-out within 7.2.1, 7.2.2 and 7.2.3 above.

7.6 The strategy for displaced parking during construction of the Onshore Cable Route is contained within the Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy, included within Appendix 1 of the FTMS (REP6-030). The assessment of available parking completed for properties impacted by construction showed that in the vast majority of locations where parking surveys have been completed, all displaced parking could be accommodated within 400m distance from residential properties, with very few residents likely to need to walk the full 400m distance.

7.7 As a result of the revised strategy, where the contractor will be required to plate the trench at all times except when construction is taking place at that location, the requirement for displacement parking will also generally be limited to 3-4 properties for a period of 2-3 days.

7.8 This is acceptable, taking into account the limited duration of disruption and the commitment to provide access on demand to emergency services, mobility impaired and vulnerable persons and parents with children under the age of five years old, plus the commitment to use best endeavours to facilitate access in all other circumstances.

7.9 There is nothing more any person could do when undertaking works in a street to ameliorate the impacts of doing so whilst delivering the works in a timely manner and thereby avoiding extending impacts because of the duration of the works.

PCC Concerns

7.10 In response to PCC's concern that parking surveys over-estimate on-street parking capacity within Portsmouth, the Applicant remains of the view that the methodology used to assess this is robust, noting that the Portsmouth City Council's Adopted Parking Standards and Transport Assessments Supplementary Planning Document in paragraph recommends the use of the Lambeth model when completing parking surveys, as the Applicant has done.

7.11 Paragraph 2.4.1.2 of the Supplementary Transport Assessment Addendum states that 20-30 parking spaces on Locksway Road and 70 spaces Kingsley Road may need to be suspended to allow adequate width for construction vehicles to access Joint Bays at the eastern end of these roads. This however should only be required if cable drums need to be delivered to indicative Joint Bay locations, which for Kingsley Road has not been identified as a requirement as part of the preliminary cable pulling assessments completed to-date.

7.12 Such parking suspension would also be limited to construction working hours on the days in which cable drums are being delivered. On Locksway Road, there is adequate capacity available within the surrounding area to cater for displaced parking should a suspension of on-street parking be required for a number of hours, particularly given the higher level of available on-street parking capacity during the daytime in comparison with overnight.

7.13 It is also noted by the Applicant that for residents of Locksway Road and Kingsley Road, the use of unrestricted on-street parking means it is normal circumstances for residents not to be able to park outside of their property. As such it is considered that displacement of parking during any temporary parking suspension would not represent a significant change to existing situation.

7.14 **ES Assessments**

7.15 The ES assessments of impacts resulting from construction of the Onshore Cable Route is not sensitive to whether a 200m or 400m distance is used as a threshold. Whilst a 400m distance was considered as the maximum distance for alternative parking capacity, in the majority of cases parking availability was found within this distance meaning that very few residents would be required to walk that distance.

7.16 In addition, the strategy for providing access to properties means that the impact will be limited to 3-4 properties at a time for 2-3 days for each 100m construction zone.

7.17 This impact is concluded in accordance with the methodology to be not significant and would not alter any of the residual effects beyond those already concluded by the ES assessment.

Question 7.2

Could the Applicant briefly set out the outcomes of the Road Safety Audit shared with Hampshire County Council.

Are there any remaining differences between the parties or concerns regarding this?

Speakers: Chris Williams

7.18 Further to discussions with Hampshire County Council, the Applicant commissioned an independent Road Safety Audit (RSA) of the proposed access junction for the Converter

Station, provision of passing bays and traffic management on Day Lane to facilitate movement of construction vehicles on this link.

7.19 The RSA raised only minor recommendations, all of which the Applicant and HCC agree can be addressed through detailed design and construction traffic management. The outcomes of the RSA can be summarised as:

7.19.1 A recommendation that traffic marshalling is used on the gated link road to ensure that inbound and outbound HGV convoys do not block back onto the carriageway, thereby avoiding rear shunt accidents. This potential issue will be mitigated through coordination of traffic marshals at each end of the link road who will be able to hold general traffic and allow continued access into and out of this of the Converter Station access road should this issue be likely to arise. This approach is set out within an updated version of the Framework Construction Traffic Management Plan (REP6-032) which will be submitted at Deadline 8.

7.19.2 A recommendation that suitable visibility splays are achieved through re-profiling of the inside corner of the Day Lane / Broadway Lane junction. This will ensure that adequate forward visibility is achievable to vehicle movement on the western end of the gated link road as vehicles approach from Day Lane. This recommendation will be covered through detailed design, with a note included on Drawing AQD-WSP-UK-OS-DR-Z-200215 Rev 4 to reflect this.

7.19.3 It is recommended that to further discourage all vehicle types from attempting to turn left into the Converter Station site from Broadway Lane, No Left Turn signing should be introduced into the overall scheme proposals, supported by a traffic regulation order. This recommendation has been accepted with a No Left Turn sign included on Drawing AQD-WSP-UK-OS-DR-Z-200215 Rev 4. This will be enforced by a Traffic Regulation Order, with the need to obtain this (utilising the powers providing for this in the DCO) to be added to the Framework Construction Traffic Management Plan (REP6-032) which will be submitted at Deadline 8.

7.20 The Applicant's Designer's Response to the RSA was submitted to Hampshire County Council for review on 11/02/21 and therefore the Applicant welcomes final confirmation that the proposed layout is now considered acceptable to the highway authority.

Question 7.3

What is the status of negotiations with the bus companies? Are any further mitigation measures being considered, and are outstanding objections likely at the end of this Examination?

Speakers: Martyn Jarvis and Chris Williams

7.21 Further to HCC's Deadline 7 response, the Applicant has 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. Whilst the Applicant remains of the view that a fund is not necessary to ameliorate the impacts on buses identified in the assessments undertaken, which are not disputed, the Applicant has listened to the request for funds for in the event the impacts are some reason worse than those identified through the assessment undertaken.

7.22 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 traffic management associated with the Proposed Development.

7.23 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 clearly and directly linked to the impacts of the traffic management associated with the Proposed Development.

7.24 The Applicant also expects this fund to cover the costs of marketing following the works being undertaken where it can be evidenced 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).

7.25 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 fair, robust and appropriate form of planning obligation is provided for, the Applicant is committed to resolving this matter prior to the end of the examination.

Question 7.4

Does the Joint Bay Feasibility Report [REP7-073] replace parts or supersede in full the Joint Bay Technical Note [REP6-070]? Should it be appended to a management plan?

Speakers: Martyn Jarvis

7.26 The Joint Bay Feasibility Report (REP7-073) supersedes in full the Joint Bay Technical Note (REP6-070).

7.27 The Joint Bay Feasibility Report has been produced to establish the feasibility of construction of the Onshore Cable Route using a number of indicative Joint Bay locations. As it is only possible to confirm the locations of these Joint Bays during detailed design of the Onshore Cable Route, the report and locations of Joint Bays are not secured at this time.

7.28 The relevant design and construction management principles are included within the DAS and the OOCEMP, and more recently HCC have engaged on these design principles and provided further input. The Applicant is in the process of agreeing the updates needed to these design principles with HCC, and these will be incorporated in the DAS to be submitted at Deadline 8.

Question 7.5

The Supplementary Transport Assessment at paragraph 2.5.12 [REP7-065] lists 17 joint bays that it is said will be taken forward. A number of joint bays are within the carriageway (including bus lanes) or within the highway limits, requiring single lane closures for cable drum deliveries.

For all, if maintenance is required at a joint bay location, what are the implications for traffic management (type of closure, nature of closure, type of vehicles attending, nature of traffic management etc)?

Have the effects of this been taken into account in the ES?

Will joint bays in the highway require acquisition of highway subsoil?

Speakers: Martyn Jarvis and Chris Williams

Comments that the Joint Bays that will be taken forward

7.29 The reference to 17 Joint Bays included within paragraph 2.5.12 refers to the indicative locations identified within the Joint Bay Feasibility Report (REP7-073). Cable drum deliveries would need to be made to those if they came forward in those locations, based upon preliminary assessments of cable pulling requirements.

7.30 The Joint Bay Feasibility Report therefore proves the feasibility of constructing the Onshore Cable Route through detailing indicative locations for 35 Joint Bays, of which nine are indicatively located within the carriageway or highway limits. The STA then confirms how if they were the locations, cable drums would be delivered, thereby evidencing the feasibility of the approach and the position on impacts.

Position regarding maintenance/repair of Joint Bays and required Traffic Management

7.31 There is no requirement for maintenance of the Joint Bays on a routine basis. The only time the Joint Bays would need to be revisited would be in the unlikely event of a failure, either of the joint itself or a cable failure which would require the failed cable section to be replaced.

7.32 In the event of a failure of a joint or cable the work to repair this will be similar to the work required for constructions. That is:

7.32.1 Excavation of the joint bay

7.32.2 Removal of failed joint or cable

7.32.3 Installation of new cable

7.32.4 Jointing of new cable onto existing or installation of new joint

7.32.5 Backfilling of joint bay

7.32.6 Reinstatement of carriageway.

7.33 The type of plant and equipment required for these activities will be identical to that required for the original construction and the traffic management will be the same as prescribed in the FTMS (REP6-030) for the construction of the Onshore Cable Route. Timescales overall will be the same as for the construction period because, as whilst the works will be associated with only one cable and joint rather than 2 any saving is offset by the need to remove the faulty component.

Position in relation to the ES

7.34 The operational stage of the Proposed Development was scoped out of the ES Chapter 22 on traffic and transport as stated in Table 22.1 of the ES Chapter 22. This was on the basis that the anticipated traffic impacts during the operational phase of the development is unlikely to generate significant effects, which reflects the rarity in which such maintenance would be required.

Acquisition of the subsoil beneath the highway

7.35 There will be no requirement for the acquisition of highway subsoil for Joint Bay locations.

7.36 Any joint bay will be situated in an area free from services to allow a free and unobstructed area for the jointing works to be carried out, as required to ensure the quality of the works. The base of the joint bay will therefore be constructed at the burial depth to suit the normal burial depth for the cable system. This will be slightly deeper than the main cable trench to allow the joint bay to accommodate the extra diameter of the joints. This will increase the depth of the joint bays by approximately 200-300mm compared to the main cable trench only.

Joint bay design principle

7.37 Amendments to the design principles in the Design and Access Statement requested by HCC are agreed and this was outlined to HCC on 12 February 2021. The amendments will be included in section 6.4 of the updated Design and Access Statement to be submitted at Deadline 8.

Question 7.6

Has work progressed on the s278 Agreement to secure the facilitation of passing bays on Day Lane?

Is Hampshire County Council content with the traffic management measures on Day Lane? If not, why not?

Speakers: Martyn Jarvis and Chris Williams

s278 Agreement

7.38 The draft form of the Section 278 Agreement secures the Converter Station Access Junction Works, which includes the Day Lane passing places as part of those works.

7.39 The draft form of the Section 278 Agreement has progressed well. The last draft was issued by the Applicant's solicitors to HCC on 12 February 2021. There a no more than two or three points to be agreed between the parties. Whilst HCC will of course provide their own update in this regard, the Applicant considers there is no reason why this will not be agreed shortly and secured in the Section 106 Agreement to be entered into with HCC prior to the end of the examination.

HCC concerns

7.40 The Applicant notes the comments that have been raised by HCC regarding traffic management measures on Day Lane and these have been addressed in an update to the Day Lane technical note. The Applicant has also issued an updated version of the FTMS, Travel Plan and FTMP to HCC.

7.41 The Applicant will address HCC's concerns in relation to the Broadway Farm access junction in a technical note. This technical note will provide a summary of existing conditions and an assessment of proposed use by construction traffic, including swept path analysis, and a strategy for the management of these vehicles. This technical note will be submitted to HCC on Monday 22 February 2021 and it is intended that measures to control use by construction traffic will be added to the Framework CTMP for submission at Deadline 8.

Question 7.7

What evidence is before the Examination that the passing bays on Day Lane can be delivered without causing significant effects on biodiversity, landscape and views?

What root area protection measures would be required to ensure tree and hedgerow integrity, and how would these be secured through any DCO?

Speakers: Ian Ellis, Maritta Boden, Chris Williams and John Mitchener

Description of the Works

7.42 The passing bays have been designed as 0.5m wide by 20 m long and will be accommodated within the highway boundary, as illustrated in the Proposed Passing Bay Swept Path Analysis supporting the Day Lane Technical Note (REP6-073). The works will result in very minor road widening's of the existing carriageway. 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 and how the passing bays will tie into the existing carriageway will be confirmed during detailed design.

Visual impacts

7.43 Significant effects on landscape and visual amenity generated through the loss of trees, hedgerows will be avoided through micro-siting and detailed design, informed by site surveys.

7.44 This judgement has been informed by the photographs presented in the Proposed Passing Bay Swept Path Analysis supporting the Day Lane Technical Note (REP6-073) and a further site survey undertaken on 16 February 2020, which reviewed the width of existing verges, proximity of trees and hedgerows with their associated RPAs in relation to the edge of the existing carriageway and this information will be included within an updated version of the Day Lane Technical Note (REP6-073).

7.45 The most recent survey indicates that passing bay 1/A can be micro-sited further east to avoid impacting on trees and where the verge is wider, and similarly passing bay 2/ B can be micro-sited further east to avoid mature trees. With regards to both passing bay 3/C and 4/D there is again sufficient room to accommodate the minor widenings within the existing carriageway whilst avoiding impacts on adjacent trees / hedgerows. In terms of passing bay D it appears that the carriageway continues under the verge in some locations although this needs to be explored further post consent and as part of the detailed design. The presence of a ditch is recorded along the northern side of Day Lane which will be considered in relation to Passing bay A and D, noting that the ditch is located at least 1.5-2m from the edge of the existing carriageway.

7.46 In terms of tree pruning since Day Lane is already used by HGVs on a regular basis it is unlikely that any management measures are required.

7.47 It should be noted that the locations of the passing bays referred to in the Technical Note are for indicative purposes only, and as stated previously it is expected that through micro-siting and detailed design that no trees or hedgerows will be lost, therefore avoiding landscape and visual impacts.

7.48 Measures will be taken to not change the lane's rural character through the use of additional signage, road markings, kerbs and lighting. This will be reflected as a new design principle within the updated DAS to be submitted at Deadline 8.

Ecological Impacts

7.49 Given that no trees or hedgerows will be removed in order to establish the passing bays, there will be no impact on ecological features 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.

7.50 In any event, standard precautionary measures included in the Onshore Outline CEMP for ecological features will be applied (REP7-032). These include measures to ensure legal compliance for breeding birds whereby clearance of suitable habitat will be timed to avoid the 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.

7.51 To avoid killing or injury to hedgehogs that may be present, scrub and other dense vegetation where suitable habitat is present will be hand searched for hedgehogs prior to its clearance. Piles of cut vegetation such as brash piles will also be searched as they can harbour sheltering hedgehogs.

7.52 To avoid killing or injury to reptiles that may be present, a Precautionary Method of Works ('PMoW') will precede vegetation clearance and earthworks in habitats which could support these animals which will detail how working methods during the Construction Stage of the Proposed Development can minimise the risk of killing or injury to reptiles.

7.53 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, where encroachment is unavoidable, the implementation of an Arboricultural Method Statement (AMS) sufficient to ensure the sustainable retention of trees and hedges.

7.54 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. Where work within an RPA cannot be avoided, then a task-specific AMS will be produced (the requirement for which is to be included in the updates to the OOCEMP issued at Deadline 8). This document will identify the working practices and tree protection measures 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.

Traffic Impacts

7.55 In terms of visual impacts, consideration has been given to residential, recreational and transport users during construction and operation and the nature of effects are outlined under Question 3.2 of this document.

7.56 In respect of traffic impacts, in summary during construction there will be moderate-major adverse (significant) effects experienced by residential receptors No 17 and 18 and localised moderate adverse (significant) effects experienced by recreational users of Horndean Technology College Cycle Route and transport users. Recreational receptors utilising Monarch's Way will experience a moderate-major adverse (significant) effect during construction. It should be noted that HGVs already utilise Day Lane and as such the oblique views from Monarch's Way towards Day Lane are already degraded.

7.57 The Applicant does not agree that the inclusion of passing bays on Day Lane post construction would lead to vehicles using these for parking. This is because of the very minor level of carriageway widening that is proposed.

Question 7.8

Could Hampshire County Council expand on its concerns [REP7-035] in relation to the proposed traffic management measures on Anmore Road and the potential for residents' parking displacement on that highway during construction works.

Speaker: Chris Williams

7.58 In response to discussions with Hampshire County Council, the Applicant submitted at Deadline 7 the Anmore Road Technical Note (Appendix C of REP7-075) which provided further clarification on the proposed traffic management measures on Anmore Road. Taking account of swept path analysis included in Appendix 8 of the FCTMP (REP6-032), this Technical Note described how a large tipper HGV (the HGV most commonly used with the proposed construction activities) is able to navigate along Anmore Road directly east of the junction of Mill Road without conflicting with on-street parking. As such, no temporary Traffic Regulation Orders are required on this link to enable such movements.

7.59 The swept path analysis undertaken for AIL movements shows that that these are not able to be completed without conflicting with parked cars on Anmore Road. As such, a TTRO will be required for this link during cable drum delivery. The need for this TTRO has been included in Section 5.8 of the "Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy" which is included in Appendix 1 of the updated Framework Traffic Management Strategy (FTMS) and within Section 3.6 of the updated FCTMP (REP6-032) which are to be submitted at Deadline 8. Through reference within the CTMP, this mitigation will be provided within detailed CTMPs as secured by Requirement 17 of the dDCO.

7.60 During the period when a TTRO will be required (approximately 8 days (non-consecutive) and only during core working hours when cable drum deliveries are scheduled) on-street parking from Anmore Road will be displaced onto Anmore Road west of the junction with Mill Road, Mill Close and Windmill Gardens all of which are within 150 – 350m of their original location

7.61 The Anmore Road Technical Note also included an assessment of Mill Road which, based on-site observations, demonstrated how access by HGVs was achievable with the presence of on-street parking. Nevertheless the Applicant has agreed a temporary TRO will be applied to allow for the suspension of on-street parking on one side of Mill Road should this be found to be required during the construction periods. This has been included within the updated Framework CTMP which is to be submitted at Deadline 8, which is secured by Requirement 17 of the dDCO.

7.62 Taking account of recent discussions with HCC the Applicant understands that the traffic management strategy for Anmore Road to be agreed with HCC.

7.63 In response to HCC's comments questioning why it is necessary to provide an access via Anmore Road the Applicant confirmed that the access via Anmore road is to access Kings Meadows. The Applicant considered alternatives however no other routes were considered appropriate for the following reasons:

7.63.1 Soake was considered to provide inadequate width of HGV construction traffic and was therefore discounted as a viable route;

7.63.2 The width available on the northern side of Anmore Road is not adequate to provide a haul road and construct the Onshore Cable Route, while the proximity of Hillcrest Childrens Home also makes it inappropriate to provide a haul road in this location;

7.63.3 All construction traffic is prohibited from using Anmore Road north of the access to Kings Pond Meadows as set out in the Framework CTMP.

7.64 Therefore, the use of Mill Road and Anmore Road were the only feasible roads that were available and that suitable management of HGVs is proposed to limit their impact which will be temporary. The Applicant does not consider it is necessary to add a cap on HGV

movements in the requirements as this is already adequately covered by the measures contained in the FCTMP.

Question 7.9

Could the Applicant respond to the Deadline 7 submission from James Bunbury [REP7-122], with particular reference to Abnormal Indivisible Load (AIL) deliveries to joint bay 1.

In addition to the issues raised by Mr Bunbury, are there any consequential noise or vibration effects of AILs accessing this joint bay that are not reported in the Environmental Statement?

Speakers: Chris Williams and Tom Farmer

AIL Delivery Route to JB01

7.65 James Bunbury stated that based on the Joint Bay Technical Note (REP6-070), the delivery route for joint bay 1 is incomplete, only providing information on how the cable drum will be delivered to the Converter Station area from the A3(M), but not from the Converter Station area to joint bay 1. James Bunbury requested information on how the cable drum will be moved from the Converter Station area to joint bay 1, and if it is the case how this will be achieved via internal haul routes, My Bunbury requested information on the location of these haul routes.

7.66 The Applicant agrees with Mr Bunbury that the construction traffic route for JB01 uses the A3(M), Dell Piece West, A3 Portsmouth Road, Lovedean Lane and Day Lane to access the Converter Station and that no traffic will be permitted to use Broadway Lane south of the of the Converter Station access junction. This is secured within Section 3.4 of the Framework Construction Traffic Management Plan (REP6-032).

7.67 Within the Converter Station Area, the Access Road from Broadway Lane to the Converter Station and the roads around the Converter Station compound function as haul roads as they will facilitate delivery of equipment and material to and around the compound.

7.68 The cable construction corridor (shown on sheets 1 and 2 of the Works Plans (REP7-005)) will have a haul road within it. This cable construction corridor haul road will commence from the converter station boundary and access onto this haul road will be via the converter station. Cable drum deliveries for joint bays 01, 02 and 03 will be via this haul road. For an example of how the haul road be positioned please refer to Appendix 1 of the Applicant's Post Hearing Notes (REP6-064).

Consequential noise or vibration effects of AILs accessing this joint bay

7.69 For the purpose of answering the noise and vibration part of this question, it is considered appropriate to separate the AIL deliveries into two activities. Firstly, the unloading of the AIL at the joint bay, and secondly the movement of the AILs via the haul route (the section of the route within the Order Limits).

7.70 With respect to the unloading of AILs at joint bay 1, this has been included in the noise and vibration assessment and was grouped with the cable installation and pulling activity at joint bays. It is the unloading of AILs at joint bays that is considered to represent the key activity relevant to the noise and vibration assessment because it is stationary, and would therefore impact nearby receptors for a longer period, compared with a transient pass-by of an AIL on the haul route.

7.71 Paragraphs 24.6.3.3 and 24.6.3.5 of Chapter 24 of the ES (APP-139) concluded that the noise and vibration effects of cable installation, including the unloading of the cable drums (from the AIL) at joint bay 1 was negligible and not significant.

7.72 The delivery of the AILs to Joint Bay 1 via the haul route has not specifically been assessed in the noise and vibration chapter of the ES because it is considered highly unlikely that significant adverse noise or vibration effects would arise, and therefore it is not necessary for it to be included in the assessment.

7.73 Given that the haul route (linking the converter station area to joint bay 1) will be located at least 48m from the nearest sensitive receptor, vibration from the AILs is unlikely to be perceptible.

7.74 Whilst noise could temporarily be perceived at the nearest sensitive receptors as the AIL passes by, the noise level from AILs travelling along this haul route between the Converter Station Area and a joint bay location is predicted to be no greater than 49 dB $L_{Aeq,T}$ across the working day when the greatest number of deliveries are expected. This is 16 dBA below the threshold between a negligible and small adverse noise level magnitude for daytime construction works.

7.75 It is also relevant to consider the number, duration and timing of the expected AILs. Based on the indicative joint bay locations in the feasibility report (REP7-073), there are expected to be up to 16 AIL cable drum deliveries in total using this haul road to access joint bays 1, 2 and 3, and as a worst case, up to four deliveries would occur within a single day, which has been accounted for in the noise calculation above. This is not a concern with respect to noise, particularly considering the transient nature of moving vehicles and that the AILs are to travel to along the internal haul route from the Converter Station to the joint bay during core working hours (even if they are delivered to the Converter Station Area outside of core working hours to minimise impacts of AILs on the highway network).

7.76 Paragraph 3.3.2.3 of the updated FCTMP (REP6-032) confirms that overnight deliveries of AILs are not permitted along internal haul roads to the Converter Station, other than in relation to the delivery of the transformers to the Converter Station, which is secured via Requirement 17 of the dDCO.

7.77 Therefore, it is concluded that there will be no consequential noise or vibration effects from AILs using the haul route within the order limits from the converter station area to the indicative locations for joint bay 1, 2 and 3.

Applicant's response to HCC Comments in relation to reinstatement and out of hours working

7.78 Reinstatement of the carriageway will be carried out in accordance with the New Roads and Street Works Act 1991.

7.79 The Applicant has submitted a note which evidences that out of hours working would give rise to adverse effects. It has proposed a form of wording to provide for directions to be given for other working hours where it is evidenced such directions will not give rise to environmental impacts which are beyond those assessed.

7.80 The Applicant understand HCC's in principle issue with this proposal is that they would have to consider whether the provision of directions would give rise to effects beyond those reported in the Environmental Statement, and instead would rather rely on consultation with the relevant EHO to provide a view on whether out of hours working are acceptable as they would in relation to non-EIA development (without any reference to the Environmental Statement). It is precisely for this reason that the Applicant will include wording in the dDCO in the form it considers to be appropriate and legally sound.

8. MISCELLANEOUS

Question 8.1

Is Portsmouth City Council in agreement with the Applicant [REP7-088] that there is 'substantial headroom' for $PM_{2.5}$, PM_{10} and NO_2 between the predicted levels and target levels to the extent that they are not a concern and unlikely to suffer an exceedance?

Speakers: Stuart Bennett

8.1 The locations which are areas of 'exceedance' or 'near exceedance' described in the Air Quality Local Plan with respect to the AQMAs are included in the CAZ sensitivity testing work (Appendix 5 to ES Addendum 2 (REP7-072)) and these include locations inside and outside of the AQMAs. These are:

8.1.1 Inside AQMA

(A) Church Street – AQMA 11

(B) Hope Street – AQMA 11

(C) Commercial Road – AQMA 11

(D) Mile End Road – AQMA 11

(E) London Road – AQMA 6

8.1.2 Outside AQMA

(A) Alfred Road - outside

(B) Market Way – outside (not scoped in)

(C) Eastern Road Water Bridge – well north of AQMA 9

(D) All A27 and M27 outside AQMAs

8.2 The term 'headroom' specifically refers to AQMA 9 and all impacts were predicted to be beneficial in the ES and in the Eastern Road sensitivity testing slight adverse.

8.3 No exceedances were predicted in ES for AQMA 9. Therefore, assessment of AQMA 9 was not completed in the CAZ sensitivity testing work as it is not an area of 'exceedance' or 'near exceedance' described in the Air Quality Local Plan.

8.4 Results for the areas of 'exceedance' or 'near exceedance' reported in CAZ sensitivity testing Appendix 5 to Addendum 2 (REP7-072) are summarised as follows:

8.4.1 Inside AQMA

(A) Church Street – AQMA 11

(1) Small deterioration which will not affect non-compliance and is consistent with ES Chapter 23

(B) Hope Street – AQMA 11

(1) Imperceptible deterioration which will not affect compliance and is consistent with ES Chapter 23

(C) Commercial Road – AQMA 11

(1) Imperceptible deterioration which will not affect non-compliance and is consistent with ES Chapter 23

(D) Mile End Road – AQMA 11

(1) Imperceptible improvement which will not affect non-compliance and is consistent with ES Chapter 23

(E) London Road – AQMA 6

(1) An imperceptible deterioration in concentration is predicted on London Road within the AQMA which will not affect compliance.

8.4.2 Outside AQMA

(A) Alfred Road – outside

(1) A small deterioration is predicted of a magnitude which is unlikely to jeopardise compliance

(B) Market Way – outside

(1) Market Way was not scoped into the assessment because traffic changes are so small that all impacts on air quality will be imperceptible

(C) Eastern Road Water Bridge – well north of AQMA 9

(1) An imperceptible deterioration is predicted but this will not cause a non-compliance and there is no human exposure at this location

(D) All A27 and M27 outside AQMAs

(1) Small adverse and beneficial impacts are predicted on the strategic road network (A27 and M27)

8.5 The CAZ methodology, which still conservatively assumes traffic management for 52 weeks in 2022, was approved by PCC and the results have provided re-assurance to PCC that new exceedances are unlikely and that predicted impacts are negligible.

8.6 This was confirmed in a meeting between the Applicant and PCC on Friday 5th February 2021 and is represented in the updated SoCG.

8.7 To summarise, it has been evidenced that the Proposed Development will not inhibit the long term falling trend shown in the air pollution improvements being monitored in Portsmouth. The modelling reported in the CAZ sensitivity testing work shows that the Proposed Development is not expected to inhibit compliance or the future ability to achieve compliance on the roads examined. The findings of the air quality assessment remain valid and unchanged as a result of the latest published 2020 Annual Status Report and modelling on the impacts of the CAZ.

8.8 In response to the comments raised by PCC and the Examining Authority at the hearing, the Applicant is to carry out a factoring exercise to quantify the proportional air quality impacts on the town centre in comparison to a nominal NO_2 threshold increase required to ensure compliance with the Ministerial Order. Following the request from the Examining Authority, the results will be submitted as an additional technical note within days and prior to Deadline 8.

9. ANY OTHER RELEVANT ISSUES

Question 9.1

Winchester City Council's response to the Examining Authority's Rule 17 request for further information in relation to site inspections.

9.1 N/A

Question 9.2

Any items the Examining Authority considers necessary and relevant to before the close of the Hearing.

9.2 N/A