

AQUIND interconnector - Hampshire County Council's Written Summary of Oral Submissions

Issue Specific Hearing 4 - Draft Development Consent Order held on Wednesday 17 February 2021

Hampshire CC attendees: Richard Turney(RT), Holly Drury (HD), Tim Guymer (TG), Ian Ackerman (IA), Chris Hirst (CH)

Agenda Item	Agenda Item	HCC Comment
3.3	<p>Article 2 provides the definition of 'commence', which excludes any works falling within the definition of 'onshore site preparation works.' Do any local authorities have any outstanding concerns with either the definition of commence as currently in the dDCO or the scope of works excluded from that definition, principally contained in the definition of onshore site preparation works (a) – (i) inclusive?</p> <p>Is Hampshire County Council content that (j) Work No.2 (bb) is within the list of onshore site preparation works given it is being pursued under a separate s278 agreement?</p>	<p>RT – HCC has concerns relating to the proposed use of Broadway Farm access prior to formal commencement which requires further response from the applicant. Insufficient information has been provided to assess the potential use of the access by HGVs given that the Day Lane HGV management strategy will not be in place whilst the access is in use. Another concern with the on-site preparation works includes the delivery of plant which inherently involves HGV movements. Therefore, HCC are concerned with the scope of preparatory works as currently defined.</p> <p>Martyn Jarvis, for the applicant (MJ) – With regard to Broadway Farm, discussions have taken place between HCC and the applicant. The applicant is willing to commit to a CTMP which will be added into requirement 17.</p> <p>RT – Broadway Farm access has not been properly assessed at this stage. HCC have suggested to limit access to the farm for 3.5 tonne vehicles to expediate matters and it would deal with the immediate concern. The overarching point though is that a full assessment is required in the first place.</p> <p>Mike Hughes on behalf of SDNP – concerned about having sight of design of works to 2BB.</p> <p>MJ – will give further thought and submit for Deadline 8.</p>

Part 3 Streets

3.9	In relation to Article 9A, and with reference to paragraphs 4.2.7 to 4.2.14 of Portsmouth City Council's submission at Deadline 6 [REP6-079], can the Applicant explain the scope and extent of the application of the highway permit schemes as they relate to the Framework Traffic Management Strategy. The roles of the FTMS, the permit schemes and the relevant (retained) parts of the New Roads and Street Works Act (NRSWA) in the Proposed Development should be explained, as well as how each one would be applied and secured through any DCO.	<p>RT – No further points to add on the main debate. One observation to make in respect of article 9A.HCC have previously stated to the applicant that the reference shouldn't be to <u>emergency</u> works but <u>immediate</u> works to include those which include reconnecting customers to water, for example, where there is no threat to property or person. HCC are not sure whether the applicant has formally responded on this point. Otherwise, no further comments to add to those made by PCC.</p> <p>MJ – Permit applicable here. Struggling on PCC's points to co-ordinate works on the highway. Works can only be carried out in certain places and certain times in accordance with the FTMS. With regards to Mr Turney's point, emergency works expressly defined in Article 9A (7). Does this address it? Or is further clarity required?</p> <p>RT – If it helps MJ, the point is the same. Urgent works are reconnecting those out of service whereas immediate are both urgent and emergency. Article 9A (7) therefore does not go far enough at this stage. AQUIND works at the moment currently would take priority over reconnecting a house to it's water supply should it be cut off.</p> <p>MJ – Further thought to be given to these points in responses at Deadline 8..</p>
3.10	The Examining Authority's schedule of changes to the draft Development Consent Order in relation to Article 10(2).	<p>MJ – Doesn't agree with the ExA's change. Grateful on Highway Authority's views on the wording.</p> <p>RT – Point to take away. Didn't have any comments on the ExA's proposals but will reflect on what MJ has just said and provide a post hearing note (note provided at end of this transcript)</p>
3.12	Any other matters that parties wish to raise.	RT – HCC have heard MJ's response on PCC submission and the disapplication of relevant parts of NRSWA.

		<p>HCC will come back in writing formally on these points if necessary. Echoing Mr Zwart that there are concerns regarding the use of the Broadway Farm access here.</p> <p>A post meeting note is provided at the end of this transcript.</p>
Part 7 Miscellaneous and General		
3.23	The Examining Authority's schedule of changes to the draft Development Consent Order in relation to Articles 43, 45, 46 and 47(2).	<p>RT – Schedule 3 should provide that the submissions for approval come forward in accordance with the phasing plan. This ensures that they are compartmentalised and easier to review.</p> <p>MJ – 42 days is considered an appropriate timeframe for approval of the relevant documents. Do HCC agree?</p> <p>RT – HCC confirm that they did not push for 42 days to be changed. HCC would favour having longer timeframes for approval. But it is right to say that it did not expressly object to 42 days in the first place.</p>
5. Schedule 2, Requirements		
5.2	Winchester City Council to explain proposed changes to, or commentary on Requirements 2, 3, 4, 6, 7, 8, 9, 10, 15, 16, 22, 24 and 27 (numbering as in the Applicant's Deadline 6 dDCO).	<p>RT – HCC request the approval of a phasing plan and not just its submission. In respect of Reqt 6, there were points of detail. HCC are seeking a list of additional information to be provided for detailed approval including the detailed design of joint bays. HCC are currently awaiting a response from the applicant on this matter. With regard to Reqt 10, HCC are content either way as to whether highway accesses are approved by the LPA in consultation with the HA or vice versa. But HCC doesn't object to the current drafting.</p> <p>In respect of Reqt 15 (consultation on the CEMP) as presently drafted, there is no requirement for consultation with the HA on this document, despite the highway implications. HCC request that this is included in the DCO to ensure consultation prior to approval. Reqt 17 CTMP – Highways England is also a highway authority and it is unclear who is going to be approving and who will be consulted on the CTMP. It is inappropriate</p>

		<p>for HCC to be the authority who determines the CTMP where there are impacts on HE's network.</p> <p>Reqt 18 - Construction hours – HCC have made the point on numerous occasions that it is necessary to ensure that out of hours working can be carried out under the DCO where it is required to avoid traffic impacts/to mitigate. It has been suggested that this is included under the relevant permit in consultation with the environmental health officers. Works to the highway, particularly a highly trafficked sensitive road such as the London Road, need to be carried out as effectively and efficiently as possible which may require extended working.</p> <p>Reqt 21 – Travel Plan requirement. At the moment, this is proposed to be subject to approval by the relevant local planning authority. This is a matter which should be for the approval of the relevant HA.</p> <p>Finally, Reqt 25 – concerned with the TM strategy, HCC are seeking an amendment relating to the submission of the overarching strategies before the start of Works 4. This includes the access to properties strategy, signage strategy and communication strategy. Reqt 25 should be amended to reflect this.</p> <p>An additional requirement is sought to restrict the maximum number of working gangs to 6 on the highway at any one time, reflecting what has been put forward by the applicant in their evidence.</p> <p>Not all elements of the CTMP need to be consulted on in full. I.e. those relating to arb matters and highway matters will need to be consulted on.</p> <p>MJ – Arboricultural note to be submitted which MJ considers addresses HCC arboricultural concerns.</p>
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5.7	<p>With regards to the total numbers of HGV movements on Day Lane, the Applicant is presumed to have a very high level of confidence that these numbers are reliable and would not need to be increased in practice following their assessments. As such, and to provide confidence to all parties affected by the HGV movements, the Examining Authority and the Secretary of State, could the Applicant propose a suitable Requirement to introduce a cap on the numbers such that the real effects could not exceed the worst-case parameters assumed in the assessment?</p>	<p>MJ – Content to contain a cap on HGV movements in the DCO. Discussed with HCC and agreed.</p> <p>RT – HCC also content.</p>
5.8	<p>Any other matters that parties wish to raise.</p>	<p>MJ – Agreed to add a sub paragraph in the DCO which restricts the max number of working gangs to 6. This is agreed with HCC.</p> <p>RT – Nothing further from HCC to add.</p> <p>RT – Suggest return to point regarding Broadway Farm at ISH5 hearing tomorrow. There is no strategy yet and no assessment work has been provided. The management strategy would not be in place given that this is a pre-commencement matter. The applicant needs to address this point.</p>

21.2	Can the Applicant report on the position with regard all 'Other Consents' since publication of [REP6-024]?	RT – HCC recognise the approach from PCC with regard to the S106 and its effectiveness. Nothing that HCC are saying contradict the point that PCC is making. Regarding planning performance agreements, they also need to be concluded by the end of the examination. It is only by concluding the PPA that HCC (and therefore the ExA) can be satisfied that the resource impacts to the County Council have been appropriately addressed. Just to emphasise the urgency to conclude the PPA along with the S106 agreements.
22.3	Have Hampshire County Council and Portsmouth City Council come to an agreement with the Applicant on securing CAVAT payment methods in the dDCO or through a separate legal obligation? If obligations are to be used, will signed copies be available by the end of the Examination?	TG – HCC have agreed wording in the S106 with regards CAVAT payments which is expected to be submitted shortly

Post hearing note on agenda item 3.10 – HCC response on article 10 (2) wording

Agenda item 3.10 relates to amendments tabled by the Examining Authority to the drafting of article 10(2). The Applicant indicated that they would have difficulty accepting these changes as they referred to the incorrect requirements for reinstatement. The Highway Authority agrees with the Applicant on this matter. This article gives permission for works on the highway which are outside those undertaken by a Statutory Undertaker and therefore would usually be pursuant to other types of highway approvals e.g. S184/S171 or S278. Reinstatement must therefore be to the satisfaction of the Highway Authority and not in accordance with the 'Specification for the Reinstatement of Openings in Highways'. The original drafting should therefore be reverted to.

Post hearing note on agenda item 3.12 – HCC response on DCO drafting in relation to Section 58A of the New Road and Street Works Act 1991

The Highway Authority asks that further thought is required on how Section 58A of the New Road and Street Works Act 1991 is applied within the DCO with regard to the need for there to be a period of time post completion of the works which gives residents relief from the AQUIND roadworks.

S58A of the New Roads and Street Works Act 1991 imposes restrictions on works in the same area for up to 6 months following substantial street works. When permits are issued to AQUIND for the cable works, the provisions of S.58A enable a notice to be sent to all other works promoters confirming that there is a 6 month ban on all planned works following the completion of the AQUIND works. The only exemption to the 6-month restrictions would be immediate works and new customer connections.

The Highway Authority recognise that there could be an issue if AQUIND have a need to return to a section of work they have completed within this 6-month period. However the Highway Authority could, under its powers, allow them to return to these works. Alternatively the Applicant could seek provisions in the DCO to ensure that they wouldn't be bound by S58A. However, the Highway Authority consider that the provisions of S58A should always be retained to stop other works promoters from undertaking works within the 6-month period following completion of the works enabled by this DCO.