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Subject: EN020022 Aquind Interconnector - Deadline 8 submission from Hampshire County Council (Reference: 20025080)
Date: 01 March 2021 16:58:57
Attachments: [6-3-6-400 Aquind Final HCC Deadline 8 Response Signed PDF.pdf](#)

Dear Sirs

On behalf of Hampshire County Council, please find attached Hampshire County Council's submissions at Deadline 8.

A Statement of Common Ground has also been agreed with the applicant which will be submitted by the applicant later today.

Kind regards

Tim Guymer

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Your reference EN020022

Date

1st March 2021

Email tim.guymer@hants.gov.uk

Dear Sirs

Aquind Interconnector DCO - Deadline 8 submission of Hampshire County Council

Hampshire County Council has completed its review of the drafting of the Aquind Interconnector Development Consent Order (DCO) and the accompanying documentation as submitted by the applicant to the Examining Authority as of 26 February 2021. The County Council has also further reflected on the ISH4 and ISH5 hearings.

A final Statement of Common Ground has now been signed with the applicant which the County Council trusts provides the Examining Authority with clarity on the respective positions of both parties on a number of matters. The County Council can also confirm that a Section 106 (s106) agreement has been signed with the applicant to secure a number of planning obligations from the applicant, if the Development Consent Order is granted.

As set out in the Statement of Common Ground a number of matters are now agreed with the applicant, including matters relating to Hampshire County Council's statutory responsibilities as Lead Local Flood Authority. Matters are now also agreed for landscape, ecology, archaeology and the historic environment.

To supplement the Statement of Common Ground and aid the Examining Authority as it considers its recommendation to the Secretary of State, the remainder of this submission provides an update of the position of Hampshire County Council in its statutory role as Highway Authority.

Director of Economy, Transport and Environment
Stuart Jarvis BSc DipTP FCIHT MRTPI

In addition to the application being formally reviewed as of the position of 26 February 2021, the Highway Authority also refer to some further elements of the application (the Design and Access Statement, framework Construction Environmental Management Plan, Day Lane Technical Note and proposed revision to the draft DCO) which the applicant has shared prior to submission. Subject to these documents being submitted as shared, this response is the final written response to be made within the hearing process by the Highway Authority and outlines its final position on matters that it has previously identified as unresolved.

Drafting of the Development Consent Order

Further to representation made in its Deadline 7c response the following points on the drafting of the DCO are made by the Highway Authority.

Requirement 6 was requested in previous responses and discussion to be amended to reflect the additional design detail which the Highway Authority require to be prepared in order to approve the proposed cable details and joint bay locations. This has been agreed with the applicant and wording has been provided under requirement 6(5). The Highway Authority considers that reference to certain highway apparatus such as street lighting is missing from the drafting and it is understood that this is to be addressed by the applicant prior to the Deadline 8 submission of the dDCO. The Highway Authority has not had sight of the final dDCO to be able to confirm that this is acceptable.

As raised at the ISH4 hearing on the 17th February, the Highway Authority is not satisfied with the use of the term “emergency” with regards requirement 9(a) 2(d). The requirement should make reference to the definition of ‘immediate’ not ‘emergency’ as set out in the New Road and Street Works Act 1991 (NRSWA). For clarity under NRSWA there are three definitions for works:

- Emergency – Threat to life or property
- Urgent – reconnect customer out of service.
- Immediate – combined term to cover both ‘Emergency’ and ‘Urgent’ work.

The amended draft DCO (dDCO) in circulation ahead of Deadline 8 made the required amendment to Article 9a (d).

The Examining Authority has also requested changes to article 10 (2) wording which was covered under agenda item 3.10 of the ISH4 hearing. The Highway Authority provided a Post Hearing Note agreeing with the applicant’s representations that the suggested amendment made by the Examining Authority was not agreed. For completeness this is also included within this response at Appendix 1.

Item 3.12 of the ISH4 hearing agenda discussed the applicant's proposed disapplication of Section 58 of NRSWA which would otherwise prevent statutory undertakers from carrying out works for a period of time on those parts of the highway which have been affected by the AQUIND works. The Highway Authority has subsequently set out its position in a Post Hearing Note submitted to the Examining Authority on the 26th February and which can also be found in Appendix 2. This requests amendments to the drafting of the dDCO to ensure that the permit scheme can allow the application of S58a on the works undertaken by Aquind. This has been deemed acceptable by the applicant and amendments have been made in the Framework Traffic Management Strategy (FTMS) under section 2.7.1.2.

Matters relating to the use of Broadway Farm access have not been able to be resolved in technical terms prior to the closure of the examination. Therefore, the applicant has agreed to include wording at Requirement 17 to require a Construction Traffic Management Plan (CTMP) to be submitted and approved by the Highway Authority prior to any works at Work No.2 (including Work No. 2 (bb)). This will enable the Highway Authority to consider in full the access proposals in this regard and agree the management of works that are required in order to accommodate the safe vehicular access to the site. The proposed wording is as follows:

"The construction of any phase of Work No. 2 (bb) and the undertaking of Onshore Site Preparation Works in connection with Work No.2 must not begin for the purposes of section 155(1) of the 2008 Act until a construction traffic management plan (in accordance with the framework construction traffic management plan) relating to those works has been submitted to and approved by the relevant highway authority."

This will also allow the Highway Authority to properly consider the impacts of the use of the access for construction traffic if approved on the public right of way network and ensure any necessary closures are in place.

Requirement 18 relates to the hours of construction of the project. Regrettably it has not been possible to agree wording with the Applicant to address the Highway Authority's concerns relating to its ability to direct out-of-hours working. This matter has been identified in the Post Hearing Note submitted to the ExA within the County Council's written summary of oral submissions to ISH5. For completeness, this Post Hearing Note is also appended to this response in appendix 4

Requirement 21 relates to the preparation and approval of a Travel Plan. The Travel Plan should be approved by the Highway Authority and this has been amended in the current draft that the applicant shared with the Highway Authority prior to Deadline 8. Travel Plans in Hampshire, for the inspector's information, are usually secured via obligation and therefore discharged as obligations with the Highway Authority. We are therefore satisfied by this amendment.

The Highway Authority agrees with the representations made by Winchester City Council and others that seeks a requirement to cover the uncertainty about the relevant equivalent consents being forthcoming from the French side of the project. A suitably worded requirement is therefore sought within the dDCO which prevents works being commenced on the UK side unless, and until the approvals set under section 9 of the Statement of Reasons have been obtained by the applicant and evidenced to the local planning authorities and relevant highway authorities.

Phasing Plan

At Deadline 7c the Highway Authority requested that they should be consulted on the phasing plan under Requirement 3 of the dDCO. This has been discussed in detail with the applicant and it is agreed that it would be more appropriate to secure control of the timeframes for submissions and the size of these within a Planning Performance Agreement (PPA) covering post-consent works and resourcing. A PPA has yet to be agreed with the applicant on this matter. From a Highway Authority perspective, it is considered that a suitable works programme provided prior to commencement would be an appropriate way to manage this issue. It's agreed that it is not in the applicant's interest to submit large amounts of information for approval as this will result in refusals of permission.

Final Framework Construction Traffic Management Plan

A final draft Framework Construction Traffic Management Plan (CTMP) has been submitted to the Examining Authority on the 25th February which the Highway Authority has based its final views on. The final CTMP includes the following appendices:

- Appendix 2 - Converter Station Access Drawing
- Appendix 5 - AIL Route Access Study report
- Appendix 7 – Framework Construction Worker Travel Plan
- Appendix 8 – Example Construction Access Layout
- Appendix 10 - Broadway Farm Technical Note

The appendices of this document are reviewed in turn below. The Highway Authority is content that the main body of the fCTMP reflects all the requested changes to the document.

Appendix 2 – Converter Station Access Drawing

Appendix 2 of the CTMP details the site access works agreed through consultation with the Highway Authority. The extent of the works is detailed within drawing number AQD-WSP-UK-OS-DR-Z-200215 rev 06 and will be delivered through a S278 agreement with the Highway Authority. The site access works are supported by the provision of a 30mph limit. Further relevant drawings are appended to the Day Lane Management Strategy in drawing AQ-UK-DCO-TR-LAY-011.

Appendix 5 – Abnormal Indivisible Load Route Access Study

The delivery of abnormal indivisible loads (AIL) to the site has been agreed through the provision of the Collett AIL Report and the Temporary Highway Alterations to Facilitate Abnormal Load Deliveries document. The reports note the requirement to temporarily remove street furniture (including signal heads) at the A3/Catherington Lane signal junction and the A3/Lovedean Lane junction.

At Deadline 7, the Highway Authority raised the question over the proposed mechanism for approval and delivery of the accommodation works. The applicant has agreed that the works required to the A3/Catherington Lane will be undertaken by the Highway Authority and its specialist contractors with the costs covered by the undertaker. The works at the A3/Lovedean Lane junction will be provided for via a minor works s278 and this is secured in the s106.

Appendix 7 – Framework Construction Worker Travel Plan

A revised travel plan has been shared with the Highway Authority which now commits to the need for a staff travel survey on commencement of the development. It also sets out a more flexible set of measures which can be utilised and agreed at the stage of approving the full travel plan prior to commencement of any phase of the onshore works. This is secured within Requirement 21 of the dDCO. The monitoring requirements for the travel plan are secured within the s106 agreement and the approval fee is sought via the PPA with the County Council. Therefore, the Highway Authority is satisfied that all matters relating to the travel plan have been resolved for the proposed development.

Appendix 8 – Example Construction Access Layout

An example of the agreed form for the temporary construction access is detailed within Appendix 8 and shown in drawing number AQ-UK-DCO-TR-LAY-001 Rev B. Tracking drawings AQ-UK-SCO-TR-LAY-002 Rev A and AQ-UK-DCO-TR-LAY-003 Rev A demonstrate that tracking movements for cable drum deliveries and HGV movements can be achieved through the proposed access form. Each temporary construction access shall be subject to a S278 agreement with the Highway Authority as secured through the s106. The locations of the temporary access points are shown and secured in principle in the Rights of Way and Access Plan.

Appendix 10 - Broadway Farm Access

As discussed at the ISH5 hearing, the applicant has provided a new document titled 'Broadway Farm Access Technical Note' in Appendix 10 of the CTMP to assess the proposed use of the Broadway Farm access prior to the construction of the vehicular site access from Day Lane.

Whilst the Highway Authority still has concerns regarding the level of assessment undertaken to-date and the proposed use of the access, it has been agreed with the applicant that a thorough assessment shall be undertaken within a separate detailed CTMP. This will need to be agreed with the Highway Authority prior to any use of the access by traffic associated with the proposed development.

The detailed CTMP should address the following matters:

- Further information regarding the proposed visibility splays;
- Measures to prevent the spread of debris onto the highway;
- Remedial measures to rectify any damage to the access created by construction traffic;
- A programme for construction, including a trigger to confirm when the Broadway Farm access will no longer be utilised by construction traffic;
- Further details regarding the location of banksmen and their positioning to prevent vehicle/HGV conflict along Broadway Lane;
- Information on the wider vehicle routing and use of the Hulbert Road laybys which ensures that the HGV operational system is in operation prior to the access coming into use; and
- Consideration towards whether any public right of way will need to be closed whilst Footpath No. 4 is being utilised by construction traffic.

Regarding the penultimate point in the above list, the Highway Authority has queried the process behind the pre-commencement approval of the detailed CTMP, along with the implementation of the necessary traffic management controls which are not currently triggered until the commencement of development. This point has been raised with the applicant and wording has been provided within the working dDCO as discussed earlier in this response.

Day Lane Management Strategy

The management strategy for construction related traffic travelling to and from the Lovedean converter station is covered under the 'Revised HGV Construction Management Strategy for Day Lane' document. The final draft of this document was submitted to the Examining Authority on 25th February. The Highway Authority has reviewed this final draft and can confirm that the amendments requested at Deadline 7c have been suitably incorporated and the document is now agreed.

The document sets out the agreed strategy for managing inbound and outbound HGV movements to the site. Inbound HGVs will be co-ordinated to arrive in groups of 3 by first meeting at the Hulbert Road layby off the A3(M) Junction 3. The HGVs will be escorted by a lead vehicle which will control vehicle speeds on the approach to the site to 15mph. This will be supplemented by a Temporary Traffic Regulation Order (TTRO) along Day Lane which reduces the speed limit to 30 mph and the provision of traffic

marshals who will help to co-ordinate the use of STOP/GO boards to prevent the escort unexpectedly meeting an oncoming vehicle. Laybys will also be provided along Day Lane to provide dedicated passing places in the instance that the convoy meets an oncoming vehicle. The passing places will be delivered via a S278 agreement as detailed in drawing number AQ-UK-DCO-TR-LAY-008 Rev C which is secured under Appendix 9 of the CTMP.

Outbound HGV movements will again be held to depart in groups of 3 via escort. The HGVs will be held across the new link road and internal to the site by the new access onto Day Lane. Sufficient stacking capacity is therefore available to cater for this arrangement.

At its Deadline 7c response and as discussed at the ISH5 hearing there remained an issue for the Highway Authority relating to parking suspension enforcement both more widely and in particular at the Hulbert Road layby. From a Highway Authority's perspective, it is understood that it will be for Winchester City Council, East Hants District Council and Havant Borough Council to undertake any parking enforcement. This is not considered to be problematic generally in the built-up areas however where enforcement is required in more remote areas this could be more problematic. The Highway Authority needs to be satisfied that, if necessary, enforcement could be resourced by the relevant councils. There is particular concern at the Hulbert Road layby which depends on the parking availability for the safe operation of the highway and is set to be in place for a significant period of time. It is the Highway Authority's understanding that a suitable financial arrangement has been made with Havant Borough Council through a PPA with the applicant to address these concerns.

A matter that came up for discussion at the ISH5 hearing related to the reinstatement of the Day Lane passing places. This has been addressed through the provision of a Post Hearing Note submitted to the Examining Authority on the 26th February (and can be found in Appendix 4 setting out an agreed position with East Hampshire District Council and the South Downs National Park Authority).

The Highway Authority's final point at Deadline 7c related to the control of HGV movements to the Converter Station site and the need for control of the total daily HGV movements. This has been addressed in the revised dDCO under requirement 17(4) which states:

“(4) Notwithstanding anything contained in any approved construction traffic management plan, Work No. 2 (bb) (access junction and associated gated highway link) shall not be used for more than 71 two-way HGV movements (142 in total) per day in connection with the construction of the authorised development landwards of MHWS.”

Anmore Road and Mill Road Management Strategy

The management strategy for construction traffic accessing Anmore Road is covered under the 'Construction Vehicle Management on Anmore Road and Mill Road' document. This was submitted in its final form to the ExA at Deadline 7 within the applicant's response to Deadline 6 submission under appendix C (REP7-075). The Highway Authority's position on Anmore Road is as set out within its Deadline 7c response and this position remains. The Highway Authority is satisfied that access to Anmore Lane can be achieved. The CTMP controls the number of HGV movements to the Anmore Road access point to 4 two-way movements each day. This minimises the impact to residents of Mill Road and Anmore Road to a level which could not be deemed severe.

Final Draft Framework Traffic Management Strategy

A revised Framework Traffic Management Strategy (FTMS) along with its appendices has been provided to the Highway Authority ahead of the Deadline 8 submission and subsequently submitted to the Examining Authority on the 25th February.

Of particular relevance to the Highway Authority are the following appendices:

- Appendix 1 – Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy
- Appendix 3 – Framework Signage Strategy
- Appendix 4 - Temporary Bus Gate Layout
- Appendix 5 – FTMS Drawings
- Appendix 6 – FTMS Diversion Drawings

The document addresses a number of comments raised by the Highway Authority within its deadline 3 – 7 responses. It is noted that the wording changes requested by the Highway Authority at Deadline 7 have now been included within the FTMS document, which is now considered acceptable. Specific points raised by the Highway Authority in previous responses are addressed below.

Reinstatement Criteria

The Highway Authority's Deadline 7 response set out concerns regarding the implications of the proposed works in relation to reinstatement of the highway and the resource burden on the Highway Authority that extensive trenching would be likely to have. It was proposed that a framework could be provided for that would inform when reinstatement would be undertaken above the minimum requirements as set out within the Specification for the Reinstatement of Openings in the Highway. This would ensure that the proposed works do not undermine the structural integrity of the highway itself.

This matter has been discussed further with the applicant and amendments have been made to paragraph 2.7.1.3 of the FTMS that now suitably address

the issue in relation to the disapplication of S58 in relation to reinstatement to the satisfaction of the Highway Authority. This requires the applicant to agree full or half carriageway reinstatement requirements at the detailed design stage where section 58/58a applies to the existing surface. This is acceptable. The Highway Authority still considers that the works will place an additional maintenance burden on the Highway Authority through considerable trenching of the A3 and B2150 and its position on this is reflected within the SoCG.

It is also noted within the FTMS that there is a commitment to undertake condition surveys of the cable route and construction routes by scanner and that the carriageway will be left in a no worse condition. This is a welcomed addition and allows for appropriate discussion during construction.

The Highway Authority raised concerns at the ISH4 hearing that the dDCO would also disapply the ability for any S58/58a protection granted under NRSWA which would otherwise have been capable of being applied to the network after substantial road works providing protection for a period of time up to 5 years on any new surfacing or highway construction. The Highway Authority has reviewed the dDCO and is content that the wording prevents a permit being refused as a result of a s58/58a but does not remove its ability to apply section 58/58a to the works undertaken by the applicant.

Joint Bays

The Highway Authority set out comments within its Deadline 7c response in relation to the need to secure additional wording surrounding the design and location of both the cable and the joint bays. These design criteria ensure that non-compliance would give the Highway Authority justified reasons for why the cable design would be unacceptable.

The Highway Authority have reviewed an amended draft of the Design and Access Statement which is to be submitted to the Examining Authority by the applicant at Deadline 8. The Highway Authority is satisfied that the design criteria has been included as requested under section 6.4 of the DAS. This is covered in more detail under the 'Design and Access Statement' section of this response.

Bus Mitigation

Further to the concerns raised throughout the examination by the Highway Authority with regard to the impact of the proposed traffic management measures on the bus services, a bus mitigation package has now been agreed between all relevant parties. In essence, the package will only be triggered under particular circumstances where there is disruption to the bus service. The funding secured provides sufficient comfort to ensure that it would cover a reasonable expectation of delays that could be expected by the bus companies over the course of the works on the relevant highways.

The mitigation package was calculated based on the number of weeks that traffic management measures are expected to be in place and directly impacting upon the identified bus services. A pro rata contribution was then calculated based on the total number of weeks the services will be delayed multiplied by the weekly running cost per bus. An additional 25% contingency was also provided for given the number of unknowns associated with the project and to protect the bus operators from any unforeseen delays. Taking account of the above, the following mitigation funds were identified:

- Bus Delay Mitigation Fund - £1,102,070.00.
- Bus Delay Mitigation Contingency Fund - £275,517.50.

In addition, the following contribution was also agreed towards a post-construction marketing campaign to address potential decreases in bus patronage as a direct consequence of the delays on the road network from the traffic management measures:

- Patronage Marketing Contribution - £290,000.00.

It was agreed that these funds would be paid to the County Council to monitor and provide the required funds if the relevant triggers are reached. The s106 provides the applicant with a window of time to raise questions on any claim the County Council consider is valid and this process is detailed in the s106 drafting.

Subsequent discussions have been held to agree trigger points in the s106 agreement for when these monies could be called upon. It was agreed that Real Time Information (RTI) will be analysed by the Highway Authority across the affected bus routes. This data will be compared against the 'baseline year' (between January 2019 – January 2020) journey time data to determine when there has been a journey start time compliance decrease of 3% compared to the relevant month in the baseline scenario. Once the additional bus has been added to the cycle, ongoing claims will be triggered by the additional journey time along the stretch of the route affected by the roadworks, for example by analysing the journey time between the last stop prior to the roadworks and the first stop after the roadworks. Whilst the additional journey times continue to be observed, funds will be drawn to fund the additional bus in the cycle.

Once the RTI indicates that there are no longer delays present between the affected bus stops, no further funds will be drawn to accommodate the additional bus unless the need for such a service is triggered again.

It was also agreed that 'control routes' will be observed to understand how bus patronage is faring across the County. Should there be a general decrease in bus patronage across these control routes, this will be taken into account when determining whether it is appropriate to release funding for the bus operators from the Patronage Marketing Contribution.

The relevant triggers have been reflected in the s106 agreement.

Appendix 1 – Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy

It's noted that the distances to alternative parking areas have been set out in this document for the various sections along the route. It is apparent for the Hampshire area of the network that a vast majority are between the 200-400m distance. It's noted that amendments have been made, as discussed at the ISH5 hearing, to accommodate a wider category of vulnerable people and this significantly mitigates the impact of the increased walking distances. However, the applicant and their contractor will need to be mindful of individual needs of residents throughout construction to ensure that, where necessary, appropriate access is provided through positive engagement with the affected residents.

The parking surveys carried out have not been completed for all areas where parking is assumed to be available. PCC has also raised concerns with the way in which the Lambeth Method has been applied to the surveys, where they have been undertaken. It will be necessary for the applicant to confirm parking availability along the route at the detailed design stage. If parking cannot be provided there would remain an unmitigated impact unless there is an expectation that the applicant will be required to provide access as proposed for all vulnerable users for these residents.

Should the Highway Authority receive justified complaints from residents about the access provision being offered to them, and reflecting on their individual circumstances, it will need to engage with the contractors to reach a suitable resolution.

Appendix 3 – Framework Signage Strategy

An updated signage strategy has been submitted to the Examining Authority and the principles set out in this document are now agreed by the Highway Authority. It's noted that the signage strategy requires measures on all relevant areas of the highway network (across highway authorities) and its imperative for its effective deployment that the principles are agreed also by Highways England and Portsmouth City Council.

Clauses have been added to Requirement 25 of the dDCO in relation to securing submission of the strategic elements of the signage strategy ahead of any construction in works area No.4. This will be in consultation with Highway England. Whilst this places responsibility on Hampshire County Council as Highway Authority to undertake such consultation, the principle of the requirement is agreed.

Appendix 4 Temporary Bus Gate Layout

Representations have been made throughout the Highway Authority's responses in relation to provision for managing and mitigating the impacts of bus delays. Appendix 4 of the fTMS provides drawing number AQ-UK-DCO-

TR-SK-1 Bus Priority Temporal Traffic Signal Management Layout. The Highway Authority does not have experience of implementing this proposed traffic management layout and has concerns regarding the lack of secondary signal heads to be provided. Whilst it welcomes further discussions at the detailed design stage about deploying an appropriate arrangement to facilitate buses re-joining the main carriageway, it is not possible at this early stage of design to confirm whether this can be achieved.

Appendix 5 – FTMS Drawings

This appendix is made up of the following drawings in relation to the County Council's jurisdiction as Highway Authority:

- EN020022-ESAPPENDIX-22.1.G.1 Rev 4 Framework Traffic Management Proposals – Section 1
- EN020022-ESAPPENDIX-22.1.G.2 Rev 2 Framework Traffic Management Proposals – Section 2/3
- EN020022-ESAPPENDIX-22.1.G.3 Rev 2 Framework Traffic Management Proposals – Section 4.1
- EN020022-ESAPPENDIX-22.1.G.4 Rev 2 Framework Traffic Management Proposals – Section 4.2/4.3
- EN020022-ESAPPENDIX-22.1.G.5 Rev 2 Framework Traffic Management Proposals – Section 4.4/4.5/5.1

The drawings set up the proposed traffic management details for these sections, including the required 30mph limit on Day Lane to agreeable extents. The final detail of the appended plans will be agreed at the detailed design stage. The Highway Authority remains concerned regarding the impact of the closure of the A3 during the day over a number of weekends and detailed representations have been made on this matter. It remains a matter not agreed between the applicant and the Highway Authority.

Appendix 6 – FTMS Diversion Drawings

The diversion plan drawings are included within this appendix and remain as per those agreed with the Highway Authority at Deadline 3.

S278 Legal Agreement(s)

The Highway Authority has agreed the form of the minor works and full S278 agreements required to implement the site access works, dedicated passing places on Day Lane and the temporary construction accesses.

The full S278 agreement will be required to implement the site access works and dedicated passing places while the minor works agreement will be used to implement the temporary construction accesses and the works necessary to accommodate the AiL within the highway. The agreements will be entered into following agreement on the detailed design of the aforementioned highway works through the Highway Authority's S278 design check process.

Section 106 Agreement

A Section 106 (s106) agreement has been agreed between the Highway Authority and the applicant. The key matters secured within the agreement are noted below:

- Bus mitigation fund to cover the following elements:
 - Bus Delay Mitigation Contingency Fund - £275,517.50.
 - Bus Delay Mitigation Fund - £1,102,070.00.
 - Patronage Marketing Contribution - £290,000.00.
- AiL Street Works – The temporary works required to facilitate the movement of abnormal indivisible loads.
- CAVAT assessment/compensation – The assessment and payment of any mitigation funding agreed with the Highway Authority in relation to trees within the highway removed in connection with the construction of the development.
- Converter Station Access Works – Implementation of the site access works and passing places on Day Lane prior to commencement of development.
- Temporary Construction Access Works – Implementation of the temporary construction works prior to access being required from these points
- Payment of the monitoring and approval fees associated with the Travel Demand Management Strategy.
- Payment of the monitoring and approval fees associated with the Travel Plan.
- Reasonable endeavours for the undertaker to discuss the detailed design requirements for Ladybridge Roundabout and to pay to the County Council any additional fees accrued to deliver the approved scheme should the proposed development increase the cost of delivery.

The agreed draft form S278 Agreements have been appended and secured within the s106 in relation to the site access works, AiL accommodation works and the temporary construction access works. The S278 agreements will be finalised and completed as and when the project requires.

Design and Access Statement

The Highway Authority's Deadline 7c response required a number of changes to the Design and Access Statement to set out design parameters for the detailed cable design and joint bay locations. This is to protect the Highway Authority's position when reviewing the detailed design elements of the works given the significant number of unknown details at this time. The required wording is as follows:

- Section 6.4 should include an additional section on cable design principles which is also relevant to joint bay design. This should include the following:
- For the design of the cable location and joint bays to not negatively impact on any highway drainage infrastructure unless changes can be agreed through the detailed design that are acceptable to the Highway Authority and that these changes don't place any additional maintenance liability on the Highway Authority and for costs of any changes to be covered by the applicant.
- For the design of the cable location and joint bays not to impact negatively as determined by the Highway Authority on any infrastructure on the highway such as Street Lights, ITS equipment, bollards, fencing, vehicle restraint systems and the like without the written consent of the Highway Authority through approval of the detailed design.
- To avoid where possible laying the cable or joint bays in locations which require traffic management measures above those stated in the FTMS.
- To locate the cables and joint bays in a manner which limits the requirements for significant traffic management for any future maintenance.
- Section 6.5.4 we would like some clarity on this section. It is unclear what this means in practice. It should be made explicit here that noise generating activities will only take place between certain hours and how noise will be monitored.
- Table 8.1 under the Human Health section talks about trees. This should be moved to the 'Trees' section. Wording changes are also requested as set out below in order to ensure the Highway Authority is protected from being required to mitigate private tree/hedge loss in the highway.
- Where practicable, any mature trees and hedgerows which are within the site boundary will be retained. Highway trees will only be removed as a last resort, where retention in the presence of the scheme would be contrary to sound arboricultural practice as confirmed in writing by the relevant local planning authority in consultation with the Highway Authority Arboriculture professional and with prior agreement on compensation / mitigation (dependant on LPA/HA position) values for each highway tree prior to its removal. There will be no third-party tree planting within the highway without express permission from the Highway Authority. Where agreed, the Local Highway Authority will undertake any highway tree mitigation planting required, to be funded from the highway tree compensation monies; There will be no third-party tree planting within the highway without express permission from the Highway Authority. Where requested, Highway tree mitigation planting will be undertaken by the Highway Authority through CAVAT funding.

The Highway Authority has had sight of an updated Design and Access statement which incorporates the required wording above under Section 6.4 for the joint bay design parameters. Whilst it is acknowledged that there are a number of unknowns regarding the location of the joint bays, the Highway Authority is satisfied that the wording above helps to cover the uncertainties as much as practicable at this stage.

It is also noted that the changes requested under Section 6.5.4. have been removed from the Design and Access Statement and moved to the CEMP paragraph 5.3.1.1. The Highway Authority is satisfied with this approach given that all Arboricultural matters will be compiled under this document. It is understood that the changes requested under Table 8.1. need to remain to demonstrate how it has complied with national planning policies in line with the other elements detailed within the table. This matter is therefore considered acceptable too.

Access and Rights of Way Plan

The applicant's latest Access and Rights of Way Plan still refers to temporary stopping up rather than closures of Day Lane which was previously agreed to be the incorrect use of terminology. The Highway Authority's Deadline 7c response requested amendments within the Access and Rights of Way Plan to reflect this requirement; however, it is noted that no changes have been made.

Construction Environmental Management Plan (CEMP)

The Highway Authority's final required changes to the CEMP were outlined in its Deadline 7c response. The response set out an agreed schedule of changes with regards to arboricultural matters which were to be incorporated into the document.

The Highway Authority has now had sight of the updated CEMP to be submitted to the Examining Authority by the applicant at Deadline8, which incorporates all of the wording changes requested under its Deadline 7c response. The document is therefore considered acceptable.

Travel Demand Management Strategy (TDMS)

The Traffic Demand Management Strategy (TDMS) was produced by the applicant to supplement the measures set out in the FTMS. This seeks to encourage travel behaviour change via commitments to working with local affected groups to achieve modal shift away from the private car. The use of the TDMS is considered a useful framework in collaboration with the Communication Strategy (secured under Appendix 1 of the FTMS). The necessary monitoring fees are secured under the s106 agreement with the approval fees to be covered within the PPA with the County Council. The document itself is secured under Article 25, Schedule 2, of the dDCO.

Summary

Throughout the examination the Highway Authority has sought to inform the Examining Authority of its understanding on matters and its position regarding highway impacts. The Highway Authority has sought, where possible, to proactively engage in the process and work with the applicant to negotiate appropriate mitigation to minimise (where possible) the impacts on the highway. This has been secured through the measures secured primarily in the FTMS, CTMP and associate appendices and through the legal powers in the dDCO and s106 agreement.

Nevertheless, it remains the position of the Highway Authority that the scheme itself provides no highway benefit to the general public and considerable disruption to the network during construction works. Therefore, the Examining Authority will need to determine whether there are wider deliverable benefits to the scheme which enable a positive recommendation to be made to the Secretary of State for approval

The Highway Authority has set out its concerns relating to the potential traffic impacts throughout construction and the consequential implications extensive road works may have in term of road safety, modal shift, access and amenity. The impacts, to the best technical ability of officers of the Highway Authority, have been assessed, however, the interpretation of the impact remains a professional judgement. It is the Highway Authority's professional judgement that the impacts would be deemed significant during the construction phase, even with the presence of the agreed mitigation measures. Given the level of detail available at this time, the true extent of this impact remains an unknown detail, which will only truly be apparent when the scheme is under construction.

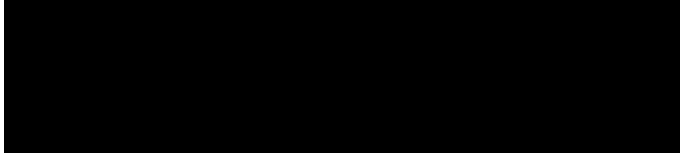
It is acknowledged that post construction the highway implications to the scheme are limited. Where the applicant has considered it reasonable, measures have been secured to reduce the burden on the Highway Authority. Examples includes compliance with the Highway Authority's request for full reinstatement where s58 applies. It is also acknowledged that the applicant has agreed to appropriate measures to ensure joint design of potentially conflicting projects in order to prevent additional costs that could preclude committed schemes from being delivered.

It's unfortunate that the applicant has not been able to provide the flexibility the Highway Authority was seeking in matters relating to work hours and the Highway Authority would ask the Examining Authority to consider the position it has set out in this response and previous submissions carefully.

The Highway Authority has welcomed the opportunity to consider the application fully and trust that its representations aid the Examining Authority in reaching a final position on matters.

Finally, Hampshire County Council wishes to place on record its thanks for the work of the Examining Authority, and the wider case work team, in undertaking this examination in these difficult circumstances.

Yours Sincerely



Chris Murray – Head of Strategy Planning

Appendix 1 – ISH4 Post Hearing Note Agenda Item 3.10

The Highway Authority's 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.

Appendix 2 – ISH4 Post Hearing Note Agenda Item 3.12 – Highway Authority response on DCO drafting in relation to Section 58 of the New Road and Streetworks 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 dDCO 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 dDCO 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 dDCO

Appendix 3 – ISH5 Post Hearing Note Agenda Item 7.9 - Out of Hours Working

The Highway Authority remains concerned about the potential impact on traffic as a result of not being able to expedite works by working additional hours or by working alternative hours to avoid times of heavy traffic.

Across all highways in Hampshire the County Council has always worked closely with local Environmental Health teams when considering the need to undertake works outside of normal working hours. Local, site by site assessments are made and both the disruption to traffic and the potential disruption to residents are considered. Out of hours working is only ever directed if the local Environmental Health team are content that the works will be short term, and the disruption to residents will be minimal. Furthermore, if subsequent complaints are received then the situation is revisited and the out of hours direction is withdrawn if necessary.

When traffic management is left up with no works going on, for example, over weekends, it results in avoidable congestion and, typically generates complaints. Section 66 of the New Roads and Street Works Act requires an undertaker to expedite their works. The ability for the Highway Authority to direct additional hours in the evening and on weekends would facilitate this requirement and would have the advantage of getting the works done quicker. Working alternative hours avoids the peak traffic times, reduces complaints about traffic and reduces traffic congestion. As is clear from the assessment below, there would be ongoing impacts from traffic management being left in place over weekends without work being carried out.

The A3 London Road, the main route used for the cable laying in Hampshire, is a strategic route, linking Havant with Portsmouth and the M27 and is also a tactical diversion route used when the A3M is closed. On weekdays traffic flows increase to approximately 1300 movements per hour at 07:00 and remain at similar hourly levels until 17:00 when they jump to 1800 movements per hour. Traffic then only tails off at about 20:00. Weekend traffic levels are a constant 1200 vehicles per hour from 10:00 to 17:00. Any intrusive traffic management on this route will have a severe impact on traffic flow and it is therefore imperative that all options to negate avoidable congestion must be considered, including out of hours working.

A further assessment of the impact on the A3, London Road is provided at the end of this note.

The Highway Authority recognises the limitations of the Applicant's Environmental Statement but does not consider that this justifies the blanket approach to out of hours working being proposed. If appropriate controls are put in place, occasional out of hours working would not result in any significant environmental effects. It is only significant effects which need to be assessed through the EIA process.

The ESSO Southampton to London Pipeline DCO contained the following measures in respect of out of hours working:

Construction hours

14.—(1) Subject to sub-paragraphs (2), (3) and (4), construction works must only take place between 0800 and 1800 on weekdays (except Public and Bank Holidays) and Saturdays, except in the event of an emergency...

(4) Nothing in sub-paragraph (1) precludes—

- (a) the receipt of oversize deliveries to site and the undertaking of non-intrusive activities;
- (b) start-up and shut-down activities up to an hour either side of the core working hours and undertaken in compliance with the CEMP; and
- (c) works on a traffic sensitive street where so directed by the relevant highway authority pursuant to a permit granted under the permit schemes and following consultation by the relevant highway authority with the relevant planning authority under the terms of such scheme.**

The Highway Authority considers that a similar provision should be inserted into this dDCO. If necessary, the exception could be expanded to state:

“works on a traffic sensitive street where so directed by the relevant highway authority pursuant to a permit granted under the permit schemes and following consultation by the relevant highway authority with the relevant planning authority under the terms of such scheme, **and where the relevant planning authority is satisfied that there will be no new significant effects beyond those assessed in the Environmental Statement**”.

This wording is considered by the Highway Authority to address the Applicant’s concern in full, whilst giving flexibility to the Highway Authority in consultation with the relevant planning authority to permit out of hours working.

Works on the A3, London Road. – Assessing the Traffic Impact

In order to assess the likely impact on traffic from the reduction of carriageway due to works the Code of Practice for the Coordination of Street Works and Works for Road Purposes and Related Matters (CoP) presents an algorithm in Appendix G. The algorithm produces an indicative score that should be used to determine whether additional steps may be needed to minimise the impact of works.

In order to use the algorithm, the following data was used.

Traffic count data. (average hourly count) = P Data was taken from Weds, Oct 2nd 2019. An average hourly vehicle count was determined from the traffic

counts at the peak times (07:00-09:00 and 16:00-18:00). The average was calculated to be: 1537. The actual formula requires counts to be factored up to take account of the additional impact of heavy vehicles. In this case we used actual vehicle numbers instead – this will necessarily provide a ‘best case scenario’ for the outcome.

A3 carriageway width. =

W This was taken to be 6.7m taken from a point just north of the junction with Ladybridge Road.

Works Space = S

This was estimated to be 3m. ie the removal of one lane. This seemed reasonable given that most of the traffic management described is temporary traffic lights.

The algorithm is as follows.

Disruption Effect Score (DES) = $[(P \times 100) / (1600 \times (W - S) / 3.65)]$

Accordingly, the DES for works at peak times is 95. Using the charts in appendix G of the CoP confirms this to be “severe” impact for both buses and general traffic. “Severe” is the highest level of impact.

Using the same algorithm but using traffic peak traffic counts from Sundays (10:00 to 17:00) confirms a DES of 67 which is a moderate impact on buses and general traffic.

Using the same algorithm but using traffic counts from night works (22:00 and 05:00) confirms a DES of 23 which equates to a nil impact on traffic.

It can clearly be evidenced that even leaving temporary TM up on a Sunday on the A3 will have a moderate impact on traffic and it is therefore unacceptable to leave the TM without any works going on. It can also be seen that clearly the best time, traffic-wise to undertake works is at night.

Appendix 4 – ISH5 Post Hearing Note Agenda Item 7.7 – Passing Bays on Day Lane

This matter was discussed with the SDNPA and EHDC following ISH5 and the following form of wording was agreed as a post hearing note: The applicant has recently proposed the introduction of passing bays at Day Lane to accommodate HGV traffic during construction. Hampshire County Council, as Highway Authority, supports this measure as it is required to ensure highway safety during construction. The South Downs National Park Authority (SDNPA) note that Day Lane is outside of, but adjoins, the National Park and that these passing bays will result in a moderate erosion of the rural character of Day Lane. To be taken into account with this landscape impact, the Highway Authority considers that the permanent retention of the passing bays would have a moderate benefit for pedestrian safety by providing areas of pedestrian refuge.

Hampshire County Council (as Highway Authority), SDNPA and East Hampshire District Council (EHDC), as Local Planning Authority, have agreed that:

1. Whether to retain the passing bays on a permanent basis will be assessed based on actual experience and any relevant data after the completion of construction works for the Aquind scheme.
2. After construction works have completed the Highway Authority will consult with both SDNPA and EHDC (as Local Planning Authority) to determine whether the passing bays should be retained on a permanent basis or not.
3. The Section 278 agreement is being drafted with a clause within it that requires Day Lane to be returned to its predevelopment state (i.e. the passing bays are removed) if this is determined through the consultation with SDNPA and EHDC to be necessary or desirable.

The contents of this note have been agreed between EHDC, Hampshire County Council and SDNPA. It is understood that the applicant is content with this proposal. The draft S278 agreement will be submitted to the Examining Authority by the applicant appended to the agreed form of the s106.