



AQUIND Limited

AQUIND INTERCONNECTOR

Statement of Common Ground Between
AQUIND Limited and Portsmouth City Council

The Planning Act (2008)

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1. INTRODUCTION AND PURPOSE

1.1. PURPOSE OF THE STATEMENT OF COMMON GROUND

1.1.1.1. A Statement of Common Ground (SoCG) is a written statement produced as part of the application process for an application for a Development Consent Order (DCO) and is prepared jointly by the applicant and another party.

1.1.1.2. This SoCG has been prepared with Portsmouth City Council ('PCC') to show where agreement has been reached with AQUIND Limited ('the Applicant') during the pre and post DCO application consultation and in the course of the DCO Examination. This SoCG collectively refers to AQUIND and PCC as 'the parties'.

1.1.1.3. The purpose and possible content for SoCG's is set out in paragraphs 58-65 of the Department for Communities and Local Government's guidance entitled "Planning Act 2008: examination of applications for development consent" (26 March 2015). Paragraph 58 of the guidance describes a SoCG as follows:

"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence."

1.1.1.4. This SoCG comprises a record of agreement which has been structured to reflect topics of interest to PCC on the AQUIND Interconnector DCO Application ('the Application'). Topic specific matters agreed, not agreed and actions to resolve the matter between PCC and the Applicant are included.

1.1.1.5. The position with respect to each topic of interest is presented in a tabular form.

1.1.1.6. This SoCG has been prepared by the parties for Deadline 8 and represents an accurate reflection of matters discussed and is the final version of this document between both parties.

1.2. DESCRIPTION OF THE PROPOSED DEVELOPMENT

1.2.1.1. 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 "PA2008") to the Secretary of State on 14 November 2019 (the 'Application').

1.2.1.2. The Application seeks development consent for those elements of the AQUIND Interconnector (the 'Project') located in the UK and the UK Marine Area (the 'Proposed Development').

1.2.1.3. The Project is a new 2,000 MW subsea and underground High Voltage Direct Current ('HVDC') bi-directional electric power transmission link between the South Coast of

England and Normandy in France. By linking the British and French electric power grids it will make energy markets more efficient, improve security of supply and enable greater flexibility as power grids evolve to adapt to different sources of renewable energy and changes in demand trends such as the development of electric vehicles. The Project will have the capacity to transmit up to 16,000,000 MWh of electricity per annum, which equates to approximately 5% and 3% of the total consumption of the UK and France respectively.

1.2.1.4. The Proposed Development includes:

- HVDC marine cables from the boundary of the UK exclusive economic zone to the UK at Eastney in Portsmouth;
- Jointing of the HVDC marine cables and HVDC onshore cables;
- HVDC onshore cables;
- A Converter Station and associated electrical and telecommunications infrastructure;
- High Voltage Alternating Current ('HVAC') onshore cables and associated infrastructure connecting the Converter Station to the Great Britain electrical transmission network, the National Grid, at Lovedean Substation; and
- Smaller diameter fibre optic cables to be installed together with the HVDC and HVAC cables and associated infrastructure.

1.3. THIS STATEMENT OF COMMON GROUND AND THE ROLE OF PCC

1.3.1.1. This SoCG has been prepared jointly by the Applicant and Portsmouth City Council ("PCC") in accordance with the DCLG Guidance and precedent examples of SoCG available on the Planning Inspectorate's website.

1.3.1.2. PCC is interested in the Proposed Development as a Local Planning Authority, Highway Authority and Street Authority in respect of the parts of the Proposed Development located within their administrative boundary. In addition, PCC is an owner of land affected by the Proposed Development.

1.3.1.3. PCC would be responsible for discharging many of the requirements of the Order associated with development in their administrative area should development consent be granted for the Proposed Development. PCC would also be responsible for monitoring and enforcing many of the DCO provisions and requirements.

1.3.1.4. For the purpose of this SoCG the Applicant and PCC will be jointly referred to as the "Parties".

1.3.1.5. The Applicant has sought to engage with PCC throughout the Examination and has previously submitted unilateral draft SoCGs at Deadlines 1 and 4 to reflect the

Applicant's engagement efforts. At Deadline 6, updated unilateral draft SoCGs were submitted by both Parties to reflect progress where discussions had occurred.

1.3.1.6. At Deadline 7, the Applicant prepared a consolidated version of the unilateral drafts submitted at Deadline 6 into one draft SoCG, including relevant updates. This document included discussions right up to Deadline 7 and represented a consolidated joint draft SoCG between both Parties at Deadline 7.

1.3.1.7. This SoCG reflects the outcome of discussions between the parties at Deadline 8 of the Examination. Throughout this document, points of agreement and disagreement between the parties are clearly indicated.

2. RECORD OF ENGAGEMENT UNDERTAKEN TO DATE

- 2.1.1.1. The parties have been engaged in consultation since the early stages of the proposed scheme. Early correspondence dates back to April 2017, with significant consultation occurring around the non-statutory consultation period in 2018, the statutory consultation period and up to the submission of the DCO Application. Further engagement has continued, following the submission of the DCO Application and during the Examination period.
- 2.1.1.2. The table below sets out a summary of the key meetings between the parties in relation to the Proposed Development.

Table 2.1 – Schedule of Pre-Application Meetings and Correspondence

Date	Form of Contact	Summary
19/04/2017	Meeting (PCC, Planning)	Pre-application Meeting – Ruth Ormella, Development Manager, PCC
27/09/2017	Meeting (PCC, Planning)	Pre-application Meeting – Alan Banting, PCC
15/01/2018	Meeting (PCC, Leader, Planning, Victory Energy, Energy Services)	Leader’s Briefing – PCC, with Cllr Donna Jones, Tristan Samuels, Dan O’Hara, CEO of Victory Energy Supply Ltd, and Andrew Waggott, Energy Services Team Manager
13/02/2018	Meeting (LPA Planning Teams)	Pre-application Meeting – general update on project, with Hannah Chapman (SDNPA), Jon Holmes (EHDC), Julia Mansi (EHDC), Alan Banting (PCC), Lewis Oliver (HBC), and Nick Parker (WCC)
14/03/2018	Meeting (LPA Planning Teams)	Pre-application Meeting (Optioneering) with Hannah Chapman and Nat Belderson (SDNPA), Jon Holmes (EHDC), Alan Banting (PCC), Lewis Oliver (HBC), Nick Parker (WCC), Gemma McCart and Holly Drury (HCC – Highways Team) and Vicki Westall (HCC – LLFA)
21/05/2018	Meeting (Planning, Highways and Estates)	Meeting re highways, cable routing and GI Works workshop - Alan Banting – PCC Planning, Michelle Love – PCC/COLAS David Ball – PCC (Property)

Date	Form of Contact	Summary
26/06/2018	Skype Meeting (Estates, Planning)	GI - voluntary agreement for access for works, attended by Tristan Samuels – PCC, Ben Dowling – PCC Councillor, Alan O Sullivan – GVA, Cassie Fountain - WSP
13/08/2018	Meeting (LPA Planning Teams)	Planning Meeting: update on progress; update on Planning Strategy and associated programme; update on LPAs' role in DCO; update on PPA/SoCC attended by WCC, EHDC, HBC, PCC and SDNPA and HCC.
17/08/2018	Meeting (PCC, ESCP)	East Solent Coastal Partnership (now Coastal Partners)/PCC: Sharing information on Coastal Defence Works Programme/AQUIND proposed works and programme
07/11/2018	Meeting (PCC, Highways)	Portsmouth CC Highways Officers, Colas representatives and WSP Team: proposed works and programme.
12/11/2018	Telecon (PCC, Estates and Planning)	Call following up emails requesting updates from PCC.
15/11/2018	Meeting (PCC, Leader, Estates, Planning)	Meeting with Councillor Gerald Vernon-Jackson (Leader PCC), Steve Pitt (Deputy Leader PCC), Julie Dean (Corporate Comms), David Ball (Estate/property). Clare Upton-Brown (Planning), PCC Legal Services, Louise Wilders (Director of Community Engagement) regarding LIQs and ongoing engagement.
27/11/2018	Skype Meeting (LPAs - WCC, HBC, EHDC, PCC, SDNPA)	Local Authority Update Meeting: progress report. Update on progress with project; Land referencing progress and next stages; PEIR production and formal consultation on SoCC; preparation for Formal Consultation Q1 2019.

Date	Form of Contact	Summary
11/12/2018	Meeting (LPAs – Planning and Highways, WCC, HBC, EHDC, PCC, HCC)	Local Authority Update Meeting: progress report.
10/01/19	Meeting (Planning and Highways, including WCC, EHC, HBC, HCC, SDNP)	Preferred Converter Station location; Preliminary Environmental Information Report (“PEIR”) for forthcoming statutory consultation; Update on cable route options; Land referencing (including Land Interest Questionnaires (“LIQ”)); Future engagement; Statement of Community Consultation (“SoCC”).
22/01/19	Meeting (Planning and Highways, including WCC, EHC, HBC, HCC, SDNP)	PEIR and forthcoming statutory consultation / process; Cable route options and rationale; Alternatives to limit impact of cable route on highway.
05/02/19	Telecon (Planning and Highways, including WCC, EHC, HBC, HCC, SDNP)	Deposit locations for Consultation Documents; Converter Station design and level of information in PEIR.
07/02/19	Meeting (Planning, Estates, Highways)	Cable route options; Construction methodology for cable installation; Consultation methodology agreed as per SoCC; Awareness to recreational space users who may not live in the area; Proposed Development and forthcoming consultation; Site notices, and appropriate locations along the cable corridor and in car parks of recreational areas.

Date	Form of Contact	Summary
15/05/19	Meeting ESCP	Update on progress and consultation responses; Milton Common proposals and design of sea defences.
12/06/19	Meeting (Contaminated Land Officer)	Review of historical records of contaminated land.
03/07/19	Meeting (Planning and Highways)	Onshore Cable Corridor update on technical work; Transport Assessment scope; Transport SRTM scoping note (methodology and assumptions).
06/07/19	Meeting (Landscape)	Viewpoints, visualisations and mitigation requirements for ORS buildings at landfall.
15/07/19	Meeting (Elected Members and senior officers)	February – April 2019 consultation; Onshore underground cable route; Construction impacts.
23/07/19	Workshop (LLFA/Drainage, including EA, Portsmouth Water and HCC LLFA/Drainage)	Update on Proposed Development and flood risk profile within the Order Limits; Surface water resources and flood risk assessment; Permitting requirements; Potential constraints at Converter Station; Crossing of the ESCP flood defences.
06/08/19	Meeting (Environmental Health, including EHDC and HBC)	Construction noise and vibration along Onshore Cable Corridor.
09/08/19	Telecon (Planning, Estates, Transport)	Update on Stakeholder meetings; Timescales and DCO Process; Optioneering Update, specifically, Landfall, Open Space including Bransbury Park and Farlington Playing Fields, and Farlington Avenue; Targeted Consultation; Land Referencing Update.
16/08/19	Telecon	Route Option update; Targeted Consultation; Land Referencing Update.

Date	Form of Contact	Summary
22/08/19	Meeting (Planning, Estates, Transport)	Onshore Cable Corridor – optioneering update; ORS buildings at landfall; DCO process.
30/08/19	Meeting (Planning, ESCP)	Coastal defences at Milton Common; Phase 4 ESCP works.
04/09/19	Briefing (Elected Members, Planning)	Councillor Briefing on Proposed Development, Onshore Cable Corridor and DCO Process.
10/09/19	Meeting (Planning, Estates, Transport)	Update on planning and transport; Elected member concerns on air quality; Land interest questionnaire refresh; Update on ESCP meeting (30/08/19); Works at landfall including the ORS; Outputs of traffic (STRM) modelling, focussing on individual junctions; AIL routes; Utilities; Groundwater.
25/09/2019	Telecon (Planning, Estates, Transport)	Project update; Progress on Order Limits/refinement; ORS at Landfall; DCO process.
08/10/19	Meeting (Planning, Estates, Transport)	Order Limits and key changes post consultation, including retained flexibility; Landfall, buildings and construction timescale; HDD/trenchless crossings; Impact on open land; Transport update; DCO process update.
29/10/2019	Meeting (Arboriculture, Planning)	Review of approach and likely impacts of TPO features; Mitigation on worst-case scenario.

Date	Form of Contact	Summary
04/11/19	Telecon (Planning, Transport, Estates)	Submission update; Traffic; Air Quality; Contaminated Land; Arboriculture; ORS; Ecology; Open Space; Post Submission and Comms.
18/12/2019		Updated Order Limits Project Description Landfall, construction and ORS (and permanent land acquisition) Milton Common Baffins Milton Rovers and Langstone Playing Fields Farlington Playing Fields Farlington Avenue Portsdown Hill Road SoCG Section 56 Notices, site notice (additional locations) Communications Strategy
07/01/2020	Meeting	Project Update SoCG and Future Meetings Open Space Estates/Property and DCO (PCC Land Ownership) Communications
12/03/2020	Telecon	Project and Examination Update Highways, focus on Relevant Representation SoCG
04/08/2020	Telecon	Examination Update SoCG Draft
11/08/2020	Telecon (Transport)	Transport update covering Eastern Road Technical Note, traffic management, modelling, survey data and abnormal loads

Date	Form of Contact	Summary
12/08/2020	Telecon (East Solent Coastal Partnership)	Examination Update, potential for aligning programme, compound locations and access between the Applicant and ESCP coastal defence works. Flood defence crossing and working principles.
28/09/2020	Telecon	Run through of route through Portsmouth City Council's area of jurisdiction (including changes to the Order limits post submission, to be submitted at Deadline 1).
08/10/2020	Telecon (Recreation, Planning, Estates)	Project Update in respect of socio economics with particular reference to the Applicant's Framework Management Plan for Recreational Impacts (FMP) to be submitted at Deadline 1. Specific discussion around Order Limits and issues at Farlington Playing Fields, Baffins Milton Rovers/Langstone Harbour Sports Ground and Bransbury Park.
27/10/2020	Telecon (Coastal Partners)	Discussion between the Applicant and Coastal Partners (formerly East Solent Coastal Partnership) on potential collaborative working and coordination in respect of onshore cable route duct installation in the area of flood defences on Portsea Island and timing of use of construction compounds review of draft landscape scheme prepared by CP.
29/10/2020	Telecon (Planning, Highways, Estates, Recreation, Legal, Corporate)	Keeping in Touch meeting covering examination update, traffic/transport, Eastney and Milton Allotments, SoCG, FMP, ORS, land matters.
11/11/2020	Email (EHO)	Response by Applicant on range of queries including night time working equipment, construction working hours, Harbourside Caravan Park. Response by reference to information submitted at deadlines 1 and 2.

Date	Form of Contact	Summary
12/11/2020	Telecon (Planning, Highways, Estates, Recreation, Legal, Corporate)	Keeping in Touch meeting covering examination update, traffic/transport, Eastney and Milton Allotments, SoCG, FMP, ORS, land matters. The Applicant agreed to provide updated SoCG to PCC reflecting changes since Deadline 1 and that a bigger update and discussions on outstanding matters would take place following receipt of PCC comments on Deadline 1 SoCG and its update, with view to significant update before Deadline 5.
25/11/2020	Telecon (Planning, Highways, Estates, Recreation, Legal, Corporate)	Keeping in Touch meeting covering examination update, traffic/transport, Eastney and Milton Allotments, SoCG, FMP, ORS, land matters, Coastal Partners ongoing discussions.
26/11/2020	Telecon (Planning, LLFA)	Topic Meeting on Flood Risk matters covering: addendum to FRA, and addendum to Sequential Test document since original DCO submission.
01/12/2020	Telecon (Planning, Ecology and Arboriculture)	Topic Meeting on Ecology and Arboriculture matters in draft SoCG.
04/12/2020	Telecon (Planning, Highways, Estates, Recreation, Legal, Corporate)	Keeping in Touch meeting covering examination update, traffic/transport, Eastney and Milton Allotments, SoCG, FMP, ORS, land matters.
08/12/2020	Telecon (Planning, Highways, HE and HCC Highways, and Air Quality)	Topic Meeting on Traffic and Transport matters in draft SoCG. (Note Air Quality Matters discussed on 17/12/202).
16/12/2020	Telecon (Planning, Socio-Economics, Recreation)	Topic Meeting on Socio Economic matters in draft SoCG.
17/12/2020	Telecon (Planning, Air Quality)	Topic Meeting on Air Quality matters in draft SoCG.
22/12/2020	TBC	Topic Meeting on Traffic and Transport matters

Date	Form of Contact	Summary
07/01/2021	Telecon (Noise and Vibration)	Topic Meeting on Noise and Vibration matters and SoCG.
08/01/2021	Telecon (Planning, Highways, Estates, Recreation, Legal, Corporate)	Keeping in Touch meeting covering examination update, traffic/transport, Eastney and Milton Allotments, SoCG, FMP.
13/01/2021	Telecon (Coastal Partners)	Meeting with Coastal Partners covering programme and works for both AQUIND and North Portsea Island Coastal Defence Works, to identify, discuss and progress solutions for working on both projects, in potentially similar timeframes.
14/01/2021	Telecon (Transport and Highways, PCC, HCC, HE)	Meeting to discuss issues in common between HCC/PCC/HE for potential Tri-Party SoCG.
20/01/2021	Telecon (Planning, Highways, Estates, Recreation, Legal, Corporate)	Keeping in Touch meeting covering examination update, traffic/transport, Eastney and Milton Allotments, SoCG, FMP.
21/01/2021	Draft SoCG	Updated consolidated SoCG issued to PCC by the Applicant
21/01/2021	Telecon (Highways)	Topic meeting on highways and transport matters.
21/01/2021	Telecon (Planning)	Meeting to discuss update to SoCG for D7.
25/01/2021	Telecon (Planning)	Meeting to discuss update to SoCG for D7
01/02/2021	Telecon (Highways)	Meeting to update on Transport Matters with HCC, PCC and HE
01/02/2021	Telecon (Ground Conditions)	Topic meeting on ground conditions matters following up on SoCG position for D7.
02/02/2021	Telecon (Coastal Partners)	Topic meeting on Coastal Partners matters regarding Coastal Defences

Date	Form of Contact	Summary
04/02/2021	Telecon (Planning, Highways, Estates, Recreation, Legal, Corporate)	Keeping in Touch meeting covering examination update, traffic/transport, Eastney and Milton Allotments, SoCG, FMP.
09/02/2021	Telecon (Coastal Partners)	Topic meeting on Coastal Partners matters regarding Coastal Defences
09/02/2021	Telecon (PCC, LLFA)	Topic meeting on surface water resources and flood risk following up on SoCG position for D7
10/02/2021	Telecon (Planning, PCC)	Meeting to discuss update to SoCG for D8
16/02/21	Telecon (PCC, LLFA)	Topic meeting on ground water matters.
22/02/21	Telecon (Planning, PCC)	Meeting to discuss update to SoCG for D8
23/02/21	Telecon (Planning, Highways, Estates, Recreation, Legal, Corporate)	Keeping in Touch meeting covering examination update, traffic/transport, SoCG, FMP.

3. SUMMARY OF TOPICS COVERED IN THE STATEMENT OF COMMON GROUND

3.1 TOPICS COVERED IN THE STATEMENT OF COMMON GROUND

3.1.1.1. The following topics discussed between the Applicant and PCC are covered by this SoCG:

- Planning policy
- Needs for the Proposed Development
- Landscape and visual amenity
- Ecology (including arboriculture)
- Soils and agricultural land use
- Ground conditions
- Groundwater
- Surface water and flood risk
- Heritage and archaeology
- Traffic and transport
- Air quality
- Noise and vibration
- Socio-economics
- Human health
- Waste and material resources
- Cumulative effects
- Draft DCO (including requirements to the draft DCO)
- Optical Regeneration Stations
- Community Fund
- Definition of Associated Development
- Relevance and Position of Other Licences and Consents (France)

3.1.1.2.

Where helpful to assist with an explanation of the position of the Parties these topics have been split into sections to align with the Onshore Cable Corridor within the administrative boundary of PCC:

- Section 4 (south) – London Road/Portsdown Hill Road to Burnham Road
- Section 5 – Farlington
- Section 6 – Zetland Fields and Sainsbury's Car Park
- Section 7 – Farlington junction to Airport Service Road
- Section 8 – Great Salterns Golf Course to Velder Avenue/Moorings Way
- Section 9 – Velder Avenue/Moorings Way to Bransbury Road
- Section 10 – Eastney (Landfall)

4. CURRENT POSITION

4.1. PLANNING POLICY

Table 4.1 – Planning Policy

Ref.	Description of matter	Current Position	RAG
Planning Policy			
PCC 4.1.1	Role of NPS EN-1	It is agreed that the relevant National Policy Statement for the Proposed Development is the Overarching National Policy Statement for Energy (EN-1) (2011) and represents the primary policy basis for the determination of the application as set out in the Planning Statement (APP-108).	Agreed
PCC 4.1.2	PCC Development Plan	Local planning policies from the relevant authorities can be ‘important and relevant’ considerations for the Secretary of State (‘SoS’) in determining the Application. The Development Plan for PCC comprises (as set out at Appendix 4 of the Planning Statement (APP-108)): <ul style="list-style-type: none"> • The Portsmouth Plan (2012); • Portsmouth City Local Plan saved policies (2006); and the • Seafront Masterplan SPD (2013). • Eastney Beach Habitat Restoration and Management Plan SPD (2014). • Parking Standards and Transport Assessments SPD adopted (2014). • Air Quality and Pollution SPD (2006). • Developing Contaminated Land SPG (2004). • Hampshire Minerals and Waste Plan (2013) • Minerals and Waste Safeguarding SPD (2016) 	Agreed

4.2. NEED FOR THE PROPOSED DEVELOPMENT

Table 4.2 – Need for the Proposed Development

Ref.	Description of matter	Current Position	RAG
PCC 4.2.1	Need for the development (general)	The overarching need for the Proposed Development as set out in the Needs and Benefits Report (APP-115) and Needs and Benefits Addendum Rev 002 (REP1-136) is a matter for consideration by the SoS as decision maker in considering applications for development consent under the Planning Act 2008. PCC agree that the need for the development is a matter for the decision maker. PCC acknowledge the need to move to a low carbon economy and that, as set out in EN-1, significant need for new major energy infrastructure generally. <p>PCC identify that in accordance with EN-5, paragraph 2.2.2, the connection has to be via the most direct route. The Applicant’s position regarding the relevance of EN-5 is set out in the Position Statement on EN-5 [REP1-130]</p>	Agreed

Ref.	Description of matter	Current Position	RAG
4.2.3	Need for the development (the currently proposed route)	<p>Whilst PCC consider, in accordance with EN-5, paragraph 2.2.2, the connection has to be via the most direct route, PCC disagrees that the proposed route is the only viable option.</p> <p>The Applicant's position regarding the relevance of EN-5 is set out in the Position Statement on EN-5 [REP1-130].</p> <p>With regard to the proposed route, the Applicant provided an overview of the process undertaken to identify electricity grid connection points in England and France, site selection for the UK Landfall, the Cable Corridor (Onshore and Marine) and the location for the Converter Station in the ES, Chapter 2 – Consideration of Alternatives (Document Ref APP-117) and the Supplementary Alternatives Chapter, Appendix 3 of ES Addendum (REP1-152). This process included the identification, appraisal and selection of options to refine the Proposed Development. Further information was provided regarding the main reasons for the selection of the chosen options for the Proposed Development, including a comparison of the environmental effects pertinent to that option selection. It also provided the rationale for the design approach for the Proposed Development, and explained the decision making process that had been followed.</p> <p>In response to matters raised by PCC on this issue at OFH1, the Applicant confirmed in REP6-061, Table 1.1 that:</p> <p>4.2.1.1. <i>Each element of the scheme is the product of an extensive optioneering process. As required by the Infrastructure Planning Environmental Impact Assessment (EIA) Regulations 2017, the Environmental Statement (ES) sets out the alternatives considered by the Applicant and the reasons why the Proposed Development was chosen (ES Chapter 2 Consideration of Alternatives (APP-117) and the Supplementary Alternatives Chapter, Appendix 3 of ES Addendum (REP1-152)). Additional detail surrounding the chronology of option selection, including in relation to the elements of the Proposed Development in Portsmouth, is detailed within the Applicant's Transcript of Oral Submissions for Compulsory Acquisition Hearing1 (REP5-034), with specific reference to questions 9.1, 9.2 and 9.3.</i></p> <p>4.2.1.2. <i>The Applicant has thoroughly considered and balanced the relevant considerations in relation to the alternatives studied, guided by the relevant policy requirements, and reached reasonable and logical conclusions. Whilst it is not incumbent on the Applicant to show that the project represents the best option from the alternatives considered, the Applicant is of the view that, when all relevant considerations are fairly balances, it has selected the optimum final option.</i></p> <p>On the basis of the above, the relative positions of PCC and the Applicant on the proposed route for the AQUIND Interconnector are fundamentally different and the selection of the proposed route is not agreed.</p>	Not Agreed.
PCC 4.2.4	Wider benefits	<p>PCC notes the wider economic benefits the project could bring (as identified by the Applicant in the Needs and Benefits Report (APP-115) and Addendum (REP1-136))</p> <p>This matter is agreed but PCC are concerned that there are limited opportunities for direct employment benefits from the scheme and are keen to ensure that opportunities for direct local employment are maximised. This matter is addressed separately below at 4.2.5.</p>	Agreed
PCC 4.2.5	New Employment Opportunities	<p>The Applicant notes PCC's response at D6 (REP6-083) which advised that in order to come to an agreed position on the benefits of new employment opportunities (Section 2.4.4 of the Needs and Benefits Report) PCC would need an undertaking from the Applicant that direct job opportunities would be made available to Portsmouth residents seeking work – which could include an employment and skills plan delivered under S106. Without that undertaking, whilst PCC recognises the indirect employment benefit that the scheme may bring, the lack of direct job opportunities available to PCC residents would be a detractor.</p>	Agreed

Ref.	Description of matter	Current Position	RAG
		<p>In response, the Applicant has prepared a draft Employment and Skills Strategy, in consultation with Siobhan Flynn (the Local Growth Programme Manager - Employment and Skills, at the Solent Local Enterprise Partnership – which covers PCC and HBC) and Jamie Mackay at EnterpriseM3 – the LEP which covers WCC and EHDC), and has submitted this document at D7 (Document Ref: 7.9.35) (REP7-077). A Requirement is included in the draft DCO submitted at Deadline 7 (REP7-013) to secure the submission, approval and compliance with an Employment and Skills Plan in accordance with the Employment and Skills Strategy.</p> <p>On 22/02/21, PCC confirmed that the overall draft Employment and Skills Strategy is acceptable.</p>	

4.3. LANDSCAPE AND VISUAL AMENITY

Table 4.3 – Landscape and Visual Amenity

Ref.	Description of matter	Current Position	RAG
Landscape and Visual Amenity			
PCC 4.3.1	Area of study relevant to PCC	It is agreed that the parts of the Landscape and Visual Amenity assessment set out in Chapter 15 of the ES (APP-130) relevant to PCC are Sections 4 (London Road/Portsdown Hill Road to Burnham Road (south)) to Section 10 (Eastney - Landfall) which fall within PCC's administrative boundary.	Agreed
PCC 4.3.2	ES Methodology - Study Area	The 120 m study area on either side of the cable route is agreed (as noted at paragraph 15.1.2.6 of Chapter 15 of the ES APP-130) The scoping out of permanent significant operational effects on landscape and visual receptors within and beyond the 120 m buffer on either side of the Onshore Cable Corridor is also agreed (as per paragraph 15.3.5.1).	Agreed
PCC 4.3.3	ES Methodology - Study Area	It is agreed (as noted at paragraph 15.1.2.7 of Chapter 15 of the ES APP-130) that a 300 m study area around the Landfall is appropriate, with no requirement for a Zone of Theoretical Visibility (ZTV) for the Optical Regeneration Station(s) (ORS).	Agreed
PCC 4.3.4	ES Methodology - Study Area	The locations of the verified views and wirelines for the ORS at Landfall have been agreed (as noted at paragraph 15.4.4.24 of Chapter 15 of the ES APP-130).	Agreed
PCC 4.3.5	ES Baseline	The landscape and visual baseline environment for the relevant sections, as set out at section 15.5.3 of Chapter 15 of the ES APP-130) are agreed.	Agreed
PCC 4.3.6	Predicted impacts (type of predicted impacts)	The impacts considered to have the potential to give rise to temporary significant effects during construction of the Proposed Development in relation to the Onshore Cable Corridor and Landfall are identified at section 15.3.6 of Chapter 15 of the ES (APP-130). PCC confirmed in its Deadline 6 submission that it agrees that the temporary significant effects as set out in Section 15.3.6 of the ES represent an accurate account of predicted impacts, though disagreed with the potential duration of those impacts. However, PCC considered that the duration of impacts had not been considered.	Agreed

Ref.	Description of matter	Current Position	RAG
		<p>For the purpose of this SoCG, the Applicant has therefore ‘split’ the ‘Predicted Impacts’ topic in to two, and this row now only deals with the type of predicted impacts. PCC have confirmed that the temporary significant effects as set out in Section 15.3.6 of the ES represent an accurate account of predicted impacts. This matter is agreed between the parties.</p>	
4.3.7	<p>Predicted impacts (Duration of predicted impacts)</p>	<p>As noted in row 4.3.6, above, PCC identified at Deadline 6 that in their view the duration of these predicted impacts had not been considered.</p> <p>The Applicant noted that the duration of impacts had been considered in the ES in respect of each topic where relevant. In terms of the duration of predicted landscape and visual impacts, the ES should be read as a whole, including Appendix 15.3 (APP-401) as referred to in section 15.4 Assessment Methodology. Appendix 15.3 Landscape and Visual Assessment Methodology, paragraph 1.8.1.2 states that the duration in the context of the Proposed Development is as follows:</p> <ul style="list-style-type: none"> • Short term – 0 -3 years (temporary) • Medium term – 3 – 20 years (temporary and permanent) • Long term – 20 to 40 years (permanent) <p>Table 7 in Appendix 15.3 expands on this and goes on to state that in terms of duration and reversibility a medium (medium-term) magnitude of landscape and visual change can be semi-permanent or partially reversible, whilst small (short-term) can be partially reversible or reversible. Tables 15.10 and 15.11 of the ES also summarise the nature of effects and includes references to duration.</p> <p>On 22/02/21, PCC confirmed that the description of the duration periods as noted in paragraph 1.8.1.2 were agreed. This matter is agreed between the parties.</p>	Agreed
PCC 4.3.8	<p>Mitigation - Outline Landscape and Biodiversity Strategy</p>	<p>The extent of the mitigation relating to the ORS at the Landfall set out in the Outline Landscape and Biodiversity Strategy (REP1-034) submitted with the Application, revised at D6 (REP6-038), and again at D7 (Document Ref 6.1 Rev 005) (REP7-023), are matters which are not agreed.</p> <p>At D6, PCC noted that it was awaiting details of mitigation for Fort Cumberland Car Park, and requested that the Applicant provides a suitable landscape specification which takes account of the specific coastal environment encountered at this location.</p> <p>The Applicant confirmed that the proposed layout of landscape mitigation at Fort Cumberland Car Park is provided in the Outline Landscape and Biodiversity Strategy, Appendix 2, Figure 3 (REP6-038) that was submitted at Deadline 6, (and included in the updated OLBS submitted at D7 (REP7-023). In addition, the planting specification for this location is provided in Appendix 15.7 of the ES, Section 1.2.2. The most recent version of the latter document can be found at REP6-029. The Applicant provided an extract of the planting specification to assist PCC’s consideration of this matter, and in particular, that the planting specification will take account of the specific coastal environment at this location (noting that the detail of any planting scheme will be covered by Requirement 7).</p> <p>On 05/02/21, PCC confirmed that this matter was not agreed, because “PCC’s view is that this development would urbanise an existing open space whose character is open and undeveloped.”</p> <p>The Applicant notes PCC’s position on this matter, but maintains that the proposed mitigation is effective, appropriate and satisfactory.</p>	Not Agreed

Ref.	Description of matter	Current Position	RAG
PCC 4.3.9	Mitigation - Onshore Outline CEMP – General Environmental Control Measures	The general measures set out in the Onshore Outline CEMP (REP5-019) section 5.2 (Landscape and Visual Amenity), revised at Deadline 6 (REP6-036) are agreed.	Agreed
PCC 4.3.10	Mitigation - Onshore Outline CEMP – Location Specific Construction Environmental Control Measures	<p>The following measures set out in the Onshore Outline CEMP (REP5-019):</p> <ul style="list-style-type: none"> • Section 6.2.3 (Landscape and Visual Amenity); • Section 6.5.1 (Section 4 - Hambledon Road to Farlington Avenue - Arboriculture and Landscape); • Section 6.6.1 (Section 5 - Farlington - Arboriculture and Landscape); • Section 6.7.1 (Section 6 - Zetland Field and Sainsbury's Car Park - Arboriculture and Landscape); • Section 6.8.1 (Section 7 - Farlington Junction to Airport Service Road - Arboriculture and Landscape); • Section 6.9.1 (Section 8 - Eastern Road (adjacent to Great Salterns Golf Course) To Moorings Way - Arboriculture and Landscape); • Section 6.10.1 (Section 9 - Mooring Way to Bransbury Road - Arboriculture and Landscape); and • Section 6.11.1 (Section 10 - Eastney (Landfall) - Arboriculture and Landscape); <p>are agreed between the Parties.</p> <p>At D6 (REP6-083) PCC noted that this matter is ongoing, and requested that rather than stating 'where practicable, design should avoid positioning cables in conflict with RPA's', this should be 'unless no alternatives exist, cables must not be positioned in conflict with RPA's' or similar.</p> <p>The Applicant notes that the OOCEMP (REP6-036) was revised at D6, including references to methodology around highway trees and the CAVAT payment scheme. The OOCEMP was further updated at D7 (REP7-032).</p> <p>The Applicant has subsequently updated the Arboricultural Method Statement for D7 (Document Ref 7.7.21 Rev 001) (REP7-066), which responds to the issue relating to protection/retention of trees. In particular, Section 1.3.2 provides details of the proposed hierarchy for mitigation consideration of tree loss.</p> <p>On 22/02/21, PCC confirmed the following location specific CEMP matters in the OOCEMP were agreed:</p> <ul style="list-style-type: none"> • Section 6.5.1 (Section 4 - Hambledon Road to Farlington Avenue - Arboriculture and Landscape); • Section 6.6.1 (Section 5 - Farlington - Arboriculture and Landscape); • Section 6.7.1 (Section 6 - Zetland Field and Sainsbury's Car Park - Arboriculture and Landscape); • Section 6.8.1 (Section 7 - Farlington Junction to Airport Service Road - Arboriculture and Landscape); 	Agreed

Ref.	Description of matter	Current Position	RAG
		<p>With regard to Section 6.9.1 (Section 8 - Eastern Road (adjacent to Great Salterns Golf Course) To Moorings Way - Arboriculture and Landscape), PCC confirmed that:</p> <p><i>“Detailed design measures shall be undertaken to minimise the impact on mature Category B trees, TPO tree T59, all trees within Milton Common and the eastern edge of Portsmouth College/Eastern Road. Through design and construction, measures shall be taken to avoid positioning cables in conflict with RPA’s of existing trees and follow BS 5837 as a minimum overseen by a suitably qualified clerk of works. Trees shall be replaced with like for like species of a similar size and trees repositioned at least 5 m away from the Onshore Cable Route within the Order Limits. Where the siting of new trees cannot be accommodated within the Order Limits, replanting in the locality is required”</i></p> <p>With regard to Section 6.10.1 (Section 9 - Mooring Way to Bransbury Road - Arboriculture and Landscape), PCC confirmed that:</p> <p><i>“In general, all features shall be avoided. Detailed design measures shall be undertaken to avoid positioning cables in conflict with RPAs of existing trees. Where significant incursion is unavoidable, trees shall be replaced with like for like species of a similar size subject to agreement with PCC and planted 5 m beyond the Onshore Cable Route within the Order Limits. Where the siting of new trees cannot be accommodated within the Order Limits, replanting in the locality is required. Opportunities shall also be explored to remove trees in poor condition and, where appropriate, replace with other ornamental species in agreement with PCC.”</i></p> <p>With regard to Section 6.11.1 (Section 10 - Eastney (Landfall) - Arboriculture and Landscape), PCC confirmed that:</p> <p><i>“Impacts on all trees including trees subject to TPO shall be avoided. Measures shall be taken to avoid positioning cables in conflict with RPA’s of existing trees and follow BS 5837 as a minimum overseen by a suitably qualified clerk of works. Where significant incursion is unavoidable, trees shall be replaced with like for like of a similar size species subject to agreement with PCC and planted at least 5 m beyond the Onshore Cable Route within the Order Limits. Where the siting of new trees cannot be accommodated, replanting in the locality is required. The northern (east bound) side of Henderson Road and Fort Cumberland Road would be a preferred choice to avoid impact on existing street trees in this section.”</i></p> <p>With regard to the CAVAT scheme, PCC advised that <i>“CAVAT allows a fiscal value to be attached to a tree it does not take into account the ecosystem services trees provide which would be an additional cost if manually or mechanically undertaken. Use of the Itree model can calculate values for ecosystem services.”</i></p> <p>PCC confirmed that the Arboricultural Method Statement (AMS) (Document Ref 7.7.21 Rev 001) (REP7-066) was accepted in respect of CAVAT.</p> <p>PCC also confirmed that the updated OOCEMP and Arboricultural Method Statement for D7 were agreed in principle as generic documents, until specific detail is provided for consideration.</p>	

Ref.	Description of matter	Current Position	RAG
		<p>In response, on 25/02/21 the Applicant confirmed to PCC that the OOCEMP Section 6.2.2 had been updated to address comments made by PCC in respect of trees. Section 6.2.2 outlines the general design principles which are to be applied across the scheme when working near trees. This section therefore applies in all instances where construction work will take place on land owned by PCC Highways or any other PCC department.</p> <p>The general design principles include the following requirements:</p> <ul style="list-style-type: none"> No tree or hedge will be removed without the consent of PCC; No construction work will occur within the root protection area of any tree or hedge identified for retention without the provision of an Arboricultural Method Statement (AMS). The AMS must be agreed with PCC prior to implementation. <p>The Applicant considers that the implementation of these two design principles are sufficient to allay any concerns regarding the loss or damage of trees or hedges. These principles apply to all trees and hedges regardless of quality or statutory status.</p> <p>In addition, the Applicant has amended the OOCEMP to reflect that the CAVAT scheme will relate to affected trees within the DCO Land and which are in the ownership of the Council. This scheme is included in the Unilateral Undertaking in respect of Development Consent Obligations pursuant to s106 of the Town and Country Planning Act 1990 for Portsmouth City Council.</p> <p>The Applicant has provided the response above to PCC, and hopes that PCC will agree that the OOCEMP now confirms the location specific construction environmental control measures – mitigation which are appropriate for the scheme.</p> <p>On 01/03/21 PCC confirmed that this matter was agreed.</p>	Agreed
PCC 4.3.11	Mitigation - Onshore Outline CEMP – Onshore Monitoring Plan	<p>The measures set out in the Onshore Outline CEMP (REP5-019) section 7.1 (Onshore Monitoring Plan - Landscape and Visual Amenity - Management of Vegetation), as updated in the revised version submitted at D6 (REP6-036), and again at D7 (REP-032), are yet to be agreed.</p> <p>The Applicant welcomes a response from PCC on this matter, but notes that if no comments are received, then the Applicant intends to remove this item from the SoCG at D8.</p> <p>On 01/03/21 PCC confirmed that this matter was agreed.</p>	Agreed
PCC 4.3.12	Residual effects	<p>Subject to further discussion in relation to predicted impacts and mitigation measures, the Applicant seeks PCC's agreement of the assessment of residual effects set out at Tables 15.10 and 15.11 of Chapter 15 of the ES (APP-130).</p> <p>PCC did not provide comments on this matter at D6 and PCC await further details regarding the reinstatement of playing pitches.</p> <p>The Applicant is awaiting the outcome of specialist surveys being undertaken 20/21 January 2021 to inform an update of the Framework Management Plan for Recreational Impacts and will provide this to PCC and the ExA as soon as it is available during the week commencing 8th February 2021, albeit it is not anticipated the findings of that survey will in any way change the residual effects identified taking into account the methodology employed to determine those.</p> <p>The Applicant welcomes PCC's consideration and review of the updated FMP to inform any further discussions by both Parties, and to confirm a position in advance of D8. The Applicant separately welcomes PCC's agreement of the assessment of residual effects set out at Tables 15.10 and 15.11 of Chapter 15 of the ES (APP-130).</p>	Unresolved at DL8

Ref.	Description of matter	Current Position	RAG
		<p>On 22/02/21, PCC confirmed that this matter is still ongoing as the FMPRI is still being reviewed, and PCC's responses on this matter will be submitted at DL8.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the FMPRI.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. This matter is unresolved at DL8. The Applicant intends to respond to any comments raised by PCC at DL9.</p>	
PCC 4.3.13	Requirement – detailed landscaping scheme	<p>The draft DCO (REP1-021) requirements (7 and 8) relating to the need for a detailed landscaping scheme, comprising hard and soft landscaping, and a scheme of implementation and maintenance (LPA approval), as amended in (REP-015), and updated in (REP7-013) are yet to be agreed. The Applicant confirms that Requirement 8 now includes reference to seeding of areas.</p> <p>At D6, PCC advised that as the draft DCO is being worked on separately, it would be inappropriate to agree, or otherwise, at this stage.</p> <p>The Applicant notes that ongoing discussions regarding the dDCO and Requirements may allow progress on this matter. The draft DCO was discussed further at ISH4 on 17/02/21.</p> <p>On 22/02/21, PCC confirmed that they were broadly in agreement on this matter, but were awaiting confirmation from PCC's Legal Team.</p> <p>The Applicant confirms that PCC issued comments on the dDCO prior to Deadline 7c and the Applicant has provided its responses directly to PCC. The Applicant's comments on these changes will form part of the Applicant's schedule of responses to the draft DCO to be submitted at Deadline 8.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. This matter remains unresolved at DL8.</p>	Unresolved at DL8

4.4. ECOLOGY (INCLUDING ARBORICULTURE)

Table 4.4 – Ecology (including Arboriculture)

Ref.	Description of matter	Current Position	RAG
Ecology (including Arboriculture)			
PCC 4.4.1	Area of study relevant to PCC	It is agreed that the parts of the Onshore Ecology assessment set out in Chapter 16 of the ES (APP-131) relevant to PCC are Sections 4 (London Road/Portsdown Hill Road to Burnham Road (south)) to Section 10 (Eastney - Landfall) which fall within PCC's administrative boundary.	Agreed
PCC 4.4.2	ES Methodology – Study Area	The study areas for the Preliminary Ecological Appraisal ("PEA") for ecological features (as noted in section 16.1.2 of Chapter 16 of the ES APP-131) are agreed as appropriate (as identified in an email from PCC dated 10/12/2020).	Agreed

<p>PCC 4.4.3</p>	<p>ES Baseline</p>	<p>The ecological baseline as set out at section 16.5 of Chapter 16 of the ES APP-131. The Applicant requested PCC's review and agreement of this baseline for the relevant sections, and these matters are now agreed between the parties.</p> <p>As identified at D6 in (REP6-083), PCC was unable to agree the baseline as the following areas remained of concern:</p> <ul style="list-style-type: none"> <i>The bat surveys undertaken were restricted to the Converter Station Area. No bat surveys were undertaken within PCC no written justification for this is within the application. PCC therefore request that suitable bat surveys of Milton Common are undertaken to inform the mitigation proposals. Such surveys will help gain an understanding of how effects on this species group can be adequately avoided, mitigated or compensated within PCC. At this stage PCC are of the view that there is insufficient information to assess the project, with respect to bats, in the context of the intrinsic value of Milton Common and the potential impacts.</i> <i>PCC disagree with the baseline assessment that the breeding bird community as important at the Local scale. PCC would place it at County importance, at least, given that black redstart is breeding adjacent to the site.</i> <i>PCC are concerned that the status of reptiles outside the converter station area has not been sufficiently investigated via appropriate survey of suitable habitat. Instead, there is an assumption of presence in low numbers. This assumption is not in line with good practice and, particularly given the scale of this scheme, PCC would expect to see a survey of suitable habitat. The additional justification on this point to be submitted following PCC ecology meeting on 01/12/20 has not been provided by the Applicant's ecologist. We do not currently consider that the limited reptile survey conducted to be an accurate representation of the site's reptile population. Milton Common received a translocated population of reptiles in recent years, however this site and all other parts of the site within PCC's area was excluded from the reptile surveys. The ES is based on an assumption that reptiles are present in low numbers, however, this assessment is likely to be inaccurate and unsuitable for some areas within PCC's jurisdiction. We therefore request that all areas of suitable habitat within PCC are surveyed for reptiles in line with current guidance.</i> <p>In response, the Applicant noted the following:</p> <ul style="list-style-type: none"> The Proposed Development will follow a route either around the edge of Milton Common or along a footpath through it. This narrow corridor will lead to a small amount of temporary habitat loss in areas subject to heavy disturbance by footfall. Habitats will be restored following the completion of works. Outside of Milton Common the Onshore Cable Route will principally follow highways such that any impacts on habitats and species are negligible. The ecological survey programme was developed through analysis of the Onshore Cable route and its interaction with key habitats. The survey design was published for consultation within the Preliminary Environmental Information Report (PEIR) in late 2018. Given the limited and short term nature of works at Milton Common, and the background level of disturbance, surveys for commuting and foraging bats were not undertaken unlike areas where considerable habitat loss and management would occur (i.e. at the converter station at Lovedean). To characterise the assessment presented in Chapter 16 of the Environmental Statement it is considered sufficient and appropriate to utilise up to date habitat survey data and ecological records (from HBIC). The majority of the Proposed Development will be constructed along roads and through urban areas unsuitable for reptiles. Outside the converter station area where reptile surveys were focussed, the Order Limits cross only limited amounts of suitable habitat for reptiles where following roads is not possible (e.g. at Milton Common). Given the limited and short term nature of works, and the background level of disturbance in such areas, surveys for reptiles were not undertaken. Habitat survey data and up to date ecological records (from HBIC) were used within the assessment presented in Chapter 16 of the Environmental Statement and are sufficient to characterise impacts of the Proposed Development on reptiles outside of the Converter Station Area. 	<p>Agreed</p>
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Ref.	Description of matter	Current Position	RAG
		<ul style="list-style-type: none"> Bats and reptiles have not been presumed absent from Milton Common and other areas of suitable habitat, and mitigation for both features is provided within ES Chapter 16 Onshore Ecology (APP-131). It is further noted that in 4.4.9 below PCC agree that residual effects identified in Chapter 16 on ecological features, including bats and reptiles, are unlikely to change following provision of further information; therefore, additional survey data would not alter the findings or conclusions presented. The Applicant has identified areas where land take will occur within the Proposed Development that have potential to support common reptiles. This is limited to the Lovedean Converter Station where full surveys for reptiles were undertaken in 2019. Other sections of the Proposed Development were not subject to surveys as standard mitigation by habitat manipulation is sufficient to ensure legal compliance. These areas, including Milton Common, involve temporary land take of a limited working width. The precautionary measures are detailed in the 'Precautionary Measures of Work for Reptiles' in the Outline Onshore Construction Environmental Management Plan (REP5-019). The measures proposed do not distinguish between population size class definitions and are considered to apply in all scenarios. In addition, any survey work would not alter the conclusion on residual effects with regards to reptiles. This approach is proportionate given the highly localised and temporary nature of the work and is in line with similar developments such as the Southampton to London Pipeline Project. With respect to black redstart, surveys identified this species within the derelict Fraser Range site. This is outside the Order Limits, with the closest black redstart sighting being <300m from the Eastney Landfall site and therefore does not breed in habitat that coincides with the Proposed Development. The evaluation of the breeding bird community is therefore appropriate and reflects those bird species that use habitats within and immediately adjacent to the Order Limits, which as demonstrated by breeding bird survey data (APP-420) is not the case for black redstart. The Applicant welcomes PCC's agreement that this matter is agreed. The water body within Great Salterns Lake SINC was included within the great crested newt Habitat Suitability Index (HSI) study, listed as Pond X (APP-417). It was found to have a very low HSI score of 0.27 and scoped out of the study as unsuitable to support great crested newts. Evidence shows Great Salterns Lake to be saline, precluding its use by this species. The SINC's designation definition information held by Hampshire Biodiversity Information Centre (HBIC) indicates it supports salt marsh habitat that would not be present if it comprised fresh water. The Applicant notes that PCC requested further HSI study data in its response at D6 (REP6-083). The Applicant provided additional HSI study data, as requested, to PCC on 27/01/21 to assist the progression of this matter. <p>On 25/01/21, PCC confirmed that, following discussions with the Applicant, its previous comment made at D6 in (REP6-083) regarding the black redstart is withdrawn.</p> <p>On 10/02/21 PCC confirmed this matter was now agreed. The Applicant welcomes PCC's agreement on this matter.</p>	

Ref.	Description of matter	Current Position	RAG
<p>PCC 4.4.4</p>	<p>Predicted impacts</p>	<p>The impacts are identified with regards to ecological/environmental designations and species in relation to the Onshore Cable Corridor and Landfall are identified (including mitigation) at sections 16.5.1.47 to 60, 16.6.2 and 16.6.3 of Chapter 16 of the ES (APP-131, and associated Appendix 16.3 (APP-411)), and are agreed with PCC.</p> <p>PCC had raised concerns on the lack of clarity on the final cable route, and a resultant potential for significant effects on bird disturbance to the Solent SPAs (notably Langstone and Chichester Harbour SPA) and the functionally linked land.</p> <p>The Applicant provided the additional HSI study data, as requested, to PCC on 27/01/21 to assist the progression of this matter and noted that the impacts of the Proposed Development in respect of the whole Onshore Cable Corridor have been appropriately and robustly assessed, and therefore the worst case impacts of the installation of the Onshore Cables within the Onshore Cable Corridor have been assessed and reported. The Applicant did not agree that there was a lack of clarity with regard to the impacts within the Onshore Cable Corridor, and noted that appropriate mitigation is to be secured where necessary.</p> <p>On 10/02/21 PCC confirmed this matter was now agreed. The Applicant welcomes PCC's agreement on this matter.</p>	<p>Agreed</p>
<p>PCC 4.4.5</p>	<p>Mitigation - embedded</p>	<p>The embedded mitigation measures are set out in paragraphs 16.6.2.1 of Chapter 16 of the ES (APP-131) and are agreed with PCC.</p> <p>At Deadline 6, PCC noted (REP6-083) that they had expressed concerns that vegetation clearance works being timed to avoid the breeding bird season and how this will sit alongside completing certain works in the wintering season. If both restrictions were applied to the same element of works, that would only leave September for these elements. PCC therefore requested the submission of a programme of ecological works.</p> <p>In response, the Applicant noted the following:</p> <ul style="list-style-type: none"> • Winter seasonal restrictions have been put in place mainly to prevent effects on wintering bird populations and relate to Chichester and Langstone Harbour SPA and its associated Solent Wader and Brent Goose Strategy sites. These areas are either in the harbour itself or are open amenity habitats (e.g. grass sports fields) that do not present a risk in relation to nesting birds during the breeding season. • A further restriction occurs at Denmead Meadows (outside of PCC's jurisdiction) where works will be undertaken outside the winter wet season, being undertaken between August and November. Removal of small areas of suitable nesting habitat would be required, occurring at the end of the bird breeding season. As stipulated in Embedded Mitigation measures within Chapter 16 Onshore Ecology of the ES (APP-131) , if clearance at this location overlaps with the bird breeding season it will not be removed unless surveyed and approved by a qualified ecologist. • It is intended to clear all other vegetation that could support nesting birds outside the bird breeding season, considered to be between March and August. But it is recognised that this may not be possible in all cases, and if clearance is required due to exceptional circumstances during the breeding season it will only be removed after survey and approval by a qualified ecologist to make sure no active nests are present. <p>On 10/02/21 PCC confirmed this matter was now agreed. The Applicant welcomes PCC's agreement on this matter.</p>	<p>Agreed</p>

Ref.	Description of matter	Current Position	RAG
PCC 4.4.6	Mitigation - Onshore Outline CEMP – General Environmental Control Measures	<p>The measures set out in section 6.2.1 (Onshore Ecology) of the Onshore Outline CEMP (REP5-019), referring to construction noise effects on Wintering Birds, and section 5.3 (Onshore Ecology), including precautionary methods of works and arboriculture, are agreed with PCC.</p> <p>At D6, PCC advised (REP6-083) that while section 5.3 of the CEMP is broadly acceptable, PCC hoped to be in a better position to agree with the precautionary measures for reptiles and breeding birds when requested information in 4.4.3 and 4.4.5 above had been provided.</p> <p>The Applicant provided responses to 4.4.3 and 4.4.5 above, and provided additional HSI study data to PCC.</p> <p>On 10/02/21 PCC confirmed this matter was now agreed. The Applicant welcomes PCC's agreement on this matter.</p>	Agreed

Ref.	Description of matter	Current Position	RAG
PCC 4.4.7	Mitigation - Onshore Outline CEMP – Location Specific Construction Environmental Control Measures	<p>The following sections of the Onshore Outline CEMP (REP5-019) are agreed with PCC:</p> <ul style="list-style-type: none"> • Section 6.2.1 (Onshore Ecology); <ul style="list-style-type: none"> ◦ Winter Restriction of Works Adjacent to Chichester and Langstone Harbour SPA; ◦ Bats and Lighting (Farlington Playing Fields); ◦ Soil Horizon Preservation (Milton Common SINC, unimproved and semi-improved grassland); and ◦ Ground Protection (Milton Common SINC, unimproved and semi-improved grassland); • Section 6.2.2 (Arboriculture)section 6.5.1 (Section 4 Hambledon Road to Farlington Avenue - Arboriculture and Landscape); • Section 6.6.1 (Section 5 Farlington - Arboriculture and Landscape); • Section 6.7.1 (Section 6 Zetland Field and Sainsbury’s Car Park - Arboriculture and Landscape); • Section 6.8.1 (Section 7 Farlington Junction to Airport Service Road - Arboriculture and Landscape); • Section 6.9.1 (Section 8 Eastern Road (adjacent to Great Salterns Golf Course) To Moorings Way - Arboriculture and Landscape); • Section 6.10.1 (Section 9 Moorings Way to Bransbury Road - Arboriculture and Landscape); • Section 6.11.1 (Section 10 Eastney (Landfall) - Arboriculture and Landscape); <p>The Applicant notes that the Onshore Outline CEMP was updated at D7 (Document Ref. 6.9 Rev 006) (REP7-032), and the Outline Landscape and Biodiversity Strategy was also updated at D7 (Document Ref 6.10 Rev 005) (REP7-023).</p> <p>At D6, PCC noted that the Applicant has provided further detail in the CEMP relating to the restoration of SWBGS sites, which is welcomed. PCC also noted that the requested additional detail on the role of the Ecological Clerk of Works has not been provided.</p> <p>In response, the Applicant confirmed that the Ecological Clerk of Works will be responsible for monitoring implementation and compliance with mitigation measures included in the Biodiversity Management Plan (Requirement 9), as informed by the Environmental Statement, OOCEMP and OLBS.</p> <p>PCC have previously sought further clarification on lighting across the remaining areas of the scheme, if this is indeed required, and how lighting will be minimised where possible in line with the guidance and have yet to see this information.</p> <p>In response, the Applicant noted, with respect to lighting and potential impacts on ecological features, construction work will be restricted to daylight hours between dawn and dusk within areas without public street lighting (e.g. Converter Station Area) during the bat active season (April to October) to avoid disturbance effects of lighting on bats.</p> <p>The exception is works at HDD-4, located at Farlington Playing Fields, which will operate 24/7 during the bat active season. Additional measures will be put in place here to avoid disturbance effects on bats. Lighting of construction work will be designed with reference to recommendations issued by The Bat Conservation Trust (2014) and Institute of Lighting Engineers (2009), and be cowled/hooded to avoid extraneous light spill, and focussed onto works areas only to maintain dark corridors on the edge of the playing fields and avoid disturbance of commuting and foraging bats. Farlington Playing Fields is unlit and construction lighting could result in disturbance of bat commuting routes and foraging areas located around the site’s edge where scrub and woodland are located. These habitats are used by bats to navigate and find food; open areas are avoided as no physical features are present to reflect echolocation calls. Thus, to avoid effects on bats trenching areas and compounds for HDD work will be set back from the edge of the playing field by at least 10 m to maintain habitats there and preserve bat flight lines.</p> <p>On 10/02/21 PCC confirmed this matter was now agreed. The Applicant welcomes PCC’s agreement on this matter.</p>	Agreed

Ref.	Description of matter	Current Position	RAG
PCC 4.4.8	Mitigation - Onshore Monitoring Plan	<p>The agreement of the Onshore Outline CEMP (REP5-019):</p> <ul style="list-style-type: none"> • Section 7.1 (Onshore Monitoring Plan - Arboriculture - Protection of trees); • Section 7.1 (Onshore Monitoring Plan - Onshore Ecology - Seed harvesting and reseeded at Denmead Meadows, Kings Pond Meadow SINC and Unimproved Neutral Grassland); and • Section 7.1 (Onshore Monitoring Plan - Onshore Ecology - Construction impacts to the environment) <p>At D6, PCC advised that they would consider residual effects unlikely to change following provision of the further information requested as above. On this basis, PCC are broadly in agreement with residual effects. Ecological monitoring requirements for this scheme are limited in the PCC area.</p>	Agreed
PCC 4.4.9	Residual effects	<p>Subject to further discussion in relation to predicted impacts and mitigation measures, The Applicant seeks PCC's agreement of the assessment of residual effects set out in section 16.9 and table 16.9 of Chapter 16 of the ES (APP-131).</p> <p>At D6, PCC advised that they would consider residual effects unlikely to change following provision of the further information requested as above. On this basis, PCC is broadly in agreement with residual effects.</p>	Agreed

<p>PCC 4.4.10</p>	<p>Requirement - Biodiversity Management Strategy/Plan</p>	<p>Draft DCO (REP1-021) Requirement 9 relating to the need for a Biodiversity Management Strategy/Plan with mitigation and enhancement measures (LPA approval) is yet to be agreed.</p> <p>PCC note that while the Outline Landscape and Biodiversity Strategy outlines management prescriptions for a 5-year aftercare period, the Council would expect the management plan to cover the lifetime of the operational phase of the development.</p> <p>In response, the Applicant notes that the updated OLBS submitted at D7 (Document Ref 6.10 Rev 005) (REP7-023) covers these matters. In particular, paragraphs 1.8.2.1 to 1.8.2.4 state:</p> <p><i>The management of existing and proposed landscapes/habitats at the Converter Station Area and in connection with the ORS shall be subject to a detailed landscaping scheme. This shall encompass the management, maintenance and monitoring plans to ensure the full and successful establishment and ongoing monitoring of existing, new and replacement planting throughout the operational lifetime of the Proposed Development.</i></p> <p><i>The detailed landscaping scheme shall prescribe maintenance regimes. New planting shall be subject to a five-year period within which reinstatement is required to secure successful establishment, commencing on completion of landscaping works associated with each phase.</i></p> <p><i>The plan shall consider the management of the identified features in further detail, considering the objectives and functions and align with the Onshore Outline CEMP (APP-505).</i></p> <p>The Applicant notes that para 1.7.1.3 states:</p> <p><i>The proposed management prescriptions for existing, new and replacement planting associated with Section 1 Converter Station Area will take place throughout the operational lifetime of the Proposed Development. The undertaker will be responsible for the maintenance of landscaping to be provided in connection with the ORS buildings at the Landfall, as confirmed at Requirement 8 to the dDCO.</i></p> <p>In addition, the Applicant's Responses to Deadline 4 Submissions (REP6-067) states at paragraph 80:</p> <p><i>As referred to in The Applicant's Comments on Responses to Examining Authority's First Written Questions MG1.1.22 (REP2-008) the revised Outline Landscape and Biodiversity Strategy (OLBS) (REP-034) makes it clear that the Applicant will be responsible for the ongoing management and maintenance of the planting around the ORS during the lifetime of the Proposed Development. As stated in paragraph 1.8.2.1, "The management of existing and proposed landscapes/habitats at the Converter Station Area and in connection with the ORS shall be subject to a detailed landscaping scheme. This shall encompass the management, maintenance and monitoring plans to ensure the full and successful establishment and ongoing monitoring of existing, new and replacement planting throughout the operational lifetime of the Proposed Development."</i></p> <p><i>Requirement 8 of the dDCO (REP5-008) states under 8(3) that "All landscaping provided in connection with Works No.2 and the optical regeneration stations within Works No.5 must be retained, managed and maintained during the operational period."</i></p> <p>The Applicant welcomes PCC's review and response to the information provided above regarding the maintenance period set out in the OLBS and Requirement 8, and requests a response to inform any further discussions by both parties, and to confirm a position in advance of D8.</p>	<p>Unresolved at DL8</p>
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Ref.	Description of matter	Current Position	RAG
		<p>On 22/02/21, PCC advised that confirmation was awaited from their Property Team to ensure that relevant matters were captured in the Land Agreement. PCC noted that the parties do not agree on the approach to securing management or maintenance. Either in Land Agreement, s106 or within connection rights.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>This matter remains unresolved at DL8.</p>	

Ref.	Description of matter	Current Position	RAG
PCC 4.4.11	Arboriculture	<p>The details set out in sections 1.3.1 -1.3.3.1 of the submitted Arboriculture Report (APP-411) are agreed.</p> <p>It is acknowledged that PCC does not protect trees under its own control (within PCC land). A summary of effects for onshore ecology is included at Table 16.9 of ES Chapter 16 Onshore Ecology (APP-131) and includes for the loss of Category A trees. The loss of Category B trees and dense and scattered scrub is scoped out of the assessment as per Table 16.1. These effects are yet to be agreed.</p> <p>On 22/02/21, PCC confirmed that sections 1.3.1 - 1.3.3.1 are agreed as a statement of fact in respect of the conduct of the consultation. However, PCC advised that all trees are to be considered in 'scope' irrespective of category. The cumulative benefits of lower quality trees must be taken into account in terms of amenity value, ecosystem services and ecology.</p> <p>In response, the Applicant noted that the ES Ecology Chapter, Table 16.1, confirms that category B trees and scrub have been scoped out from ecological assessment in the ES on the basis that their loss would not give rise to likely significant ecological effects. However, from an arboricultural perspective the Applicant confirms that 'Environmental Statement – Volume 3 – Appendix 16.3 Arboriculture Report' does acknowledge the presence of all trees irrespective of category. It further provides guidance on the constraints associated with all trees and the measures needs to mitigate adverse effects. Appendix 16.3 therefore addresses the potential impacts associated with all trees including those specifically associated with amenity.</p> <p>The Applicant notes that Section 6.2.2 of the OOCEMP outlines the general design principles which are to be applied across the scheme when working near trees. This section therefore applies is all instances where construction work will take place on land owned by PCC Highways or any other PCC department. The general design principles include the following requirements:</p> <ul style="list-style-type: none"> • No tree or hedge will be removed without the consent of PCC; • No construction work will occur within the root protection area of any tree or hedge identified for retention without the provision of an Arboricultural Method Statement (AMS). The AMS must be agreed with PCC prior to implementation. <p>The requirement for approval by the Local Authority prior to the removal of any tree or hedge, or the commencement of any work which may cause damage, provides opportunity for further specific consultation should this be desirable. It also ensures that the value of each tree or hedge can be fully accounted for irrespective of whether it is subject to statutory protection.</p> <p>The Applicant considers that the implementation of these two design principles are sufficient to allay any concerns regarding the loss or damage of trees or hedges. These principles apply to all trees and hedges regardless of quality or statutory status.</p> <p>In addition, the Applicant has amended the OOCEMP to reflect that the CAVAT scheme will relate to affected trees within the DCO Land and which are in the ownership of the Council. This scheme is included in the Unilateral Undertaking in respect of Development Consent Obligations pursuant to s106 of the Town and Country Planning Act 1990 for Portsmouth City Council.</p> <p>The Applicant has provided the response above to PCC, and hopes that PCC will agree that the OOCEMP now confirms that there are suitable controls in place in relation to trees and hedges, which are appropriate for the scheme and that this matter is now agreed.</p> <p>On 01/03/21, PCC confirmed this matter was agreed.</p>	Agreed

<p>PCC 4.4.12</p>	<p>Mitigation</p>	<p>PCC has advised that the loss of any trees must be avoided and subsequently the details set out in sections 1.7.5 to 1.7.11 in the submitted Arboriculture Report (APP-411), identifying the baseline arboricultural conditions, potential impacts and specific mitigation, are agreed between the parties.</p> <p>The Onshore Outline CEMP (REP5-019) states that:</p> <p><i>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 Arboriculture professional and with agreement on compensation / mitigation (dependant on LPA 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;</i></p> <p><i>There will be no third-party tree planting within the highway without express permission from the Highway Authority. Where requested, tree mitigation planting will be undertaken by the Highway Authority through CAVAT funding.</i></p> <p>On 22/02/21, PCC confirmed that although CAVAT allows a fiscal value to be attached to a tree, it does not take into account the ecosystem services trees provide which would be an additional cost if manually or mechanically undertaken. Use of the Itree model can calculate additional values for ecosystem services. Whilst the alternative Itree model approach is preferred, as HCC had agreed to CAVAT scheme, PCC would agree with the use of the CAVAT scheme too.</p> <p>In response, the Applicant noted that Sections 1.7.5 to 1.7.11 of Arboricultural Report (APP-411) must be read in conjunction with Section 6.2.2 of the OOCEMP. The OOCEMP has been updated to provide greater clarity on the process which is to be adopted in instances where trees may need to be removed. The updated version of the OOCEMP (submitted at DL8) now clearly states the following:</p> <ul style="list-style-type: none"> • <i>The constraints associated with trees and hedges shall be considered during all stages of design and construction. Design and construction work shall seek to avoid adverse arboricultural impacts.</i> • <i>No tree or hedge on land owned by a Local Authority (HCC Highways, PCC Highways or the relevant PCC Department in respect of non-highway trees) shall be removed unless it can be clearly demonstrated that:</i> • <i>The application of protection measures described within British Standard BS 5837:2012 does not provide sufficient mitigation for sustainable retention; or,</i> • <i>The costs associated with sustainable retention exceed its agreed CAVAT value.</i> • <i>Local Authority owned trees and hedges shall only be removed with prior written approval of the relevant Local Authority department.</i> • <i>It is agreed in principle that CAVAT payments will be made to mitigate the impacts of the loss of trees in Local Authority ownership. In instances where hedgerows within Local Authority ownership are to be removed, in whole or in part, then financial compensation will be agreed on a case by case basis. Payment will be made in lieu of any obligation to replant or otherwise replace.</i> • <i>The Local Authority will retain responsibility for any mitigatory planting deemed to be required. The Local Authority will undertake mitigatory planting using the compensatory monies provided through CAVAT or, in the case of hedgerows, as otherwise agreed.</i> • <i>Third-party mitigation planting will not be undertaken within the boundary of any highway owned by HCC or PCC nor will it take place on any other land owned by the Local Authority. In instances where third-party trees are to be removed then suitable opportunities for mitigatory planting will be agreed as necessary with landowners. Planting sites will be determined once the scope of third-party tree removal has been confirmed.</i> • <i>In instances where trees or hedges may be at risk during construction then the following mitigation hierarchy will be applied:</i> 	<p>Agreed</p>
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Ref.	Description of matter	Current Position	RAG
		<ul style="list-style-type: none"> • <i>Unless a tree is dead or is so structurally impaired or diseased that it would need to be removed for sound arboricultural management within the next ten years. Then cable trenching and any associated construction work, storage and traffic will be excluded from the Root Protection Area (RPA) or canopy spread, whichever is largest. In instances where this cannot be achieved then,</i> • <i>A precautionary approach to tree protection will be adopted and an Arboricultural Method Statement (AMS) provided which clearly demonstrates that construction activities can be undertaken with minimal risk of adverse impact to trees which are to be retained. The AMS shall adhere to the principles described within BS 5837:2012, shall be produced by a suitably qualified and experienced arboriculturist and shall be approved by the Local Authority prior to commencement of work. The AMS shall be implemented in full and shall only be varied following technical review by an arboriculturist and approval by the Local Authority. The AMS shall be supported by a Tree Protection Plan where required. In instances where an AMS does not provide sufficient certainty over sustainable retention then:</i> • <i>Permission will be sought from the Local Authority to remove tree or hedge and an agreement for compensation will be reached at the appropriate CAVAT value. The CAVAT value must be agreed with the Local Authority prior to tree removal or the commencement of any construction work within the RPA (or crown spread where this is greater). Construction work includes enabling activities, site clearance and storage of materials or machinery.</i> • <i>Pruning outside of the Order Limits to allow abnormal loads shall be limited to that necessary to permit passage along the highway The Highways Act 1980 section 154 requirements. Where the abnormal load requires additional clearance, this shall be targeted pruning at specific points. All specifications are to be agreed with the haulier, landowner, project team and, where appropriate, the Local Authority prior to the works being carried out. All tree works are to be carried out in accordance with British Standard 3998:2010 "Tree Work - Recommendations".</i> • <i>Within the Order limits the lopping of trees will only be carried out where absolutely necessary and will be prescribed in accordance with British Standard 3998: 2010 "Tree Works – Recommendations". All pruning and felling works shall be specified by a suitably trained and experienced arboriculture consultant and shall be carried out by a suitably trained and experienced arboriculture contractor</i> <p>The Applicant welcomes PCC's confirmation of agreement to the use of the CAVAT scheme for appropriate tree mitigation planting, and confirms that for PCC's area, this scheme is to be used for appropriate tree mitigation planting in connection with trees within the DCO land and which is in the ownership of the Council. This is clearly stated in the updated OOCEMP for Deadline 8 (see PCC 4.4.13, below for the updated wording for Section 6.2.2.2 of the OOCEMP at Deadline 8).</p>	

Ref.	Description of matter	Current Position	RAG
<p>PCC 4.4.13</p>	<p>Schedule 11 and Articles 41 and 42 of Part 7 of the dDCO.</p>	<p>PCC is concerned about the potential removal of significant trees within the local authority area as identified in Schedule 11 of the dDCO (REP1-021). The inclusion of the TPO trees within Schedule 11 of the dDCO (REP1-021) and other non-protected trees within PCC, and Articles 41 and 42 of Part 7 of the dDCO are yet to be agreed.</p> <p>On 22/02/21, PCC note that 'significant trees' is limited to those in Requirement 9 - PCC can see no mechanism preventing the removal of trees, and therefore PCC do not agree this matter.</p> <p>On 25/02/21, the Applicant confirmed to PCC that Section 6.2.2 of the OOCEMP has been updated to provide greater clarity on the process which is to be adopted in instances where trees may be at risk during construction. The OOCEMP now clearly states that Local Authority consent is required for the implementation of any Arboricultural Method Statement or the removal of any tree. This process provides PCC with certainty regarding the retention and protection of all trees irrespective of whether they are protected. This process provides for further discussion on arboricultural impacts during detailed design.</p> <p>The updated OOCEMP (Section 6.2.2) addresses comments made by PCC in respect of trees. Section 6.2.2 outlines the general design principles which are to be applied across the scheme when working near trees. This section therefore applies in all instances where construction work will take place on land owned by PCC Highways or any other PCC department. The general design principles include the following requirements:</p> <ul style="list-style-type: none"> • No tree or hedge will be removed without the consent of PCC; • No construction work will occur within the root protection area of any tree or hedge identified for retention without the provision of an Arboricultural Method Statement (AMS). The AMS must be agreed with PCC prior to implementation. <p>The Applicant considers that the implementation of these two design principles are sufficient to allay any concerns regarding the loss or damage of trees or hedges. These principles apply to all trees and hedges regardless of quality or statutory status.</p> <p>The Applicant has provided the response above to PCC, and hopes that PCC will agree that the OOCEMP now confirms that there are suitable controls in place in relation to trees and hedges, which are appropriate for the scheme and that this matter is now agreed.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the dDCO.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>This matter remains unresolved at DL8.</p>	<p>Unresolved at DL8</p>

4.5. GROUND CONDITIONS

Table 4.5 – Ground Conditions

Ref.	Description of matter	Current Position	RAG
Ground Conditions			
PCC 4.5.1	ES Methodology – Study Area	It is agreed that the study areas as identified in section 18.1.2 of ES Chapter 18 Ground Conditions (APP-133) is appropriate. On 11/02/21, PCC (Contaminated Land Team) confirmed that this matter is agreed.	Agreed
PCC 4.5.2	ES Methodology – Modelling	It is agreed that the assessment methodology (as identified in section 18.8 of ES Chapter 18 (APP-133)) including for the completion of a Preliminary Risk Assessment (PRA) and preliminary Conceptual Site Model (CSM) to inform further ground investigation work and the Generic Quantitative Risk Assessment (GQRA) (APP-429) is appropriate. At D6, PCC noted that: <i>This is ideally a conceptual model in line with BS10175, rather than the simpler geotechnical conceptual site model in line with BS5930. It is understandable that on an engineering project there has been a leaning towards the latter and they overlap considerably and so are accepted. PCC would anticipate that the opposite time for the detailed conceptual model will be created for each section.</i> The Applicant discussed ongoing matters with PCC at a meeting on 01/02/21. On 11/02/21, PCC (Contaminated Land Team) confirmed: <i>Section 18.8 of Chapter 18 of the APP-133 seems to be a paragraph of cumulative impacts. However EA methodology has been discussed and agreed previously as above.</i> <i>Future submissions for the risk assessment of the individual sections of the works (or areas of interest within each section such as Milton Common) must include review of information and have the conceptual model consisting of diagram, plan, and for locations where further testing, assessment or mitigation works are required a network diagram. This will help demonstrate that likely pollutant linkages have been considered Only then can the GQRA be undertaken.</i> <i>The summary of the GQRA in Chapter 9 of APP-429, includes review of only 2 reports at Milton Common, 1 report at Allotments, and only 1 report at Portsmouth College. The other reports available for these and the rest of the route are not mentioned although presumably have been considered in background documents. The CLT await completion of the conceptual model for the route, and individual sections, and identification of areas requiring testing and assessment.</i> <i>This baseline or inventory of further works should be provided pre- DCO</i>	Agreed
PCC 4.5.3	ES Methodology – Modelling	Following the initial ground investigation carried out along the route as part of the ES the CSM was updated accordingly. It is further agreed that where the initial ground investigation and GQRA identified a potentially significant contamination risk to sensitive receptors more detailed ground investigation would be carried out following any grant of the Order. This would be carried out to confirm the required level of remediation and any other mitigation measures. The Applicant discussed ongoing matters with PCC at a meeting on 01/02/21. On 11/02/21, PCC (Contaminated Land Team) confirmed:	Not Agreed

Ref.	Description of matter	Current Position	RAG
		<p><i>The methodology has been agreed as above (to follow BS10175). A complete the conceptual model for the route and each section of the route would be useful. The conceptual site model in the GI survey was updated after the survey, but that GI survey and hence CSM was not targeted at locations with likely pollution but ease of access - the conceptual model for the geoenvironmental assessment is not necessarily yet completed. It maybe serendipity means coverage was sufficient, but CLT cannot see this from the submissions provided. We remain neutral on this matter. Is there planned to be any further targeted sampling along the route to identify areas for GQRA - which areas still require further tested and risk assessment.</i></p> <p><i>It is intended to follow up this work with more detailed ground investigation carried out after grant of the Order. This can only be agreed, if there is an intention to identify areas, or the areas themselves are clearly listed for agreement. The Chapter 18 seems to mention three areas but that doesn't include landfall, the areas of infilling near the Wharf etc. Please confirm the conceptual models have been formed, and which areas are to be considered further. These areas may be investigated under DCO prior to commencement, but at this stage CLT are unclear that the works will be completed and that all areas will be considered?</i></p> <p><i>This preliminary SI and/or inventory of where further works should be provided pre- DCO, the further works can be post-DCO</i></p> <p>On 22/02/21, PCC confirmed that for the purposes of the SoCG, this matter was not agreed.</p> <p>In response, the Applicant can confirm that a Preliminary Risk Assessment (PRA) and a Generic Quantitative Risk Assessment (GQRA) have been produced and can be found in Appendix 18.1 (Preliminary Risk Assessment and Generic Quantitative Risk Assessment) of the ES (APP-429). The PRA/GQRA including individual CSMs for the 10 Sections of the cable route (including alternatives) were prepared in accordance with contaminated land guidance including BS10175:2011+A2:2017 and as this was produced before the new LCRM document was released in October 2020 it follows guidance provided by Contaminated Land Report 11 (CLR11). The individual CSMs for the 10 Sections of the Cable sections can be found within Section 10 of the PRA/GQRA Appendix 18.1 (of the ES (APP-429)).</p> <p>A Site Investigation was carried out by WSP in 2018 with the results incorporated into the GQRA for the individual 10 Sections of the Cable Route. These results were incorporated into the CSM as detailed above. The results for each section can be found within Section 9 of the PRA/GQRA Appendix 18.1 (of the ES (APP-429)).</p> <p>The Applicant confirms site specific method statements will be produced by appointed contractors as detailed in the OOCEMP (REP7-032), and will be made available for PCC to review after the grant of the Order, pursuant to Requirement 13 of the draft DCO (REP7-013).</p> <p>The Applicant confirms that the 2018 ground investigation was a baseline assessment with specific targeted areas e.g. Milton Common. The number of sampling points and the methods of sampling and testing do not preclude the possible existence of contamination where concentrations may be higher than those actually encountered or ground conditions that vary from those identified. In addition, there may be exceptional ground conditions elsewhere which have not been identified by this investigation.</p> <p>Additional site specific ground investigation, remediation, verification and validation will be carried out following grant of the Order as secured under Requirement 13 of the draft DCO. A watching brief for unexpected contamination is required for the whole Onshore Cable Route during construction as detailed in the OOCEMP (REP7-032). Therefore, irrespective of variations in ground conditions that may not have been specifically identified by the surveys to identify the baseline, appropriate measures are secured by Requirement 13, to address any contamination encountered when the works are undertaken.</p> <p>The Applicant maintains that its methodology is appropriate and does not agree with PCC's comments.</p>	
PCC 4.5.4	ES Baseline	The ground conditions baseline environment is set out at section 18.5 of ES Chapter 18 (APP-133).	Not Agreed

Ref.	Description of matter	Current Position	RAG
		<p>PCC considers that a detailed assessment of contaminated land should have been expected as part of the DCO application to build upon the desk study completed with a conceptual model completed for each area. The Conceptual Site Model described in section 18.5.3 of ES Chapter 18 Ground Conditions and provided for each section in Appendix 18.1 (APP-429) is not agreed.</p> <p>At D6, PCC stated (REP6-083) that:</p> <p><i>“With regard the land contamination aspects of the work, PCC is of the view that the whole length of the cable run should be risk assessed in tranches, each with its own PRA and GQRA rather than have a screening of the entire length that lacks local detail. The latter seems to be the approach still being adopted and as this scheme is outside of the norm, may be acceptable.</i></p> <p><i>Some units naturally suggest themselves, such as landfall site, the public open space and allotments at Eastney, Milton Common itself. However, the RA for all areas of the ground will be needed for MS for each tranche. A general MS for restoration may suffice for areas without known contamination issues, but given the soils have been previously worked, their tolerance to being worked and the potential for being mixed with polluted soils nearby or at depth means a Method Statement will be helpful.</i></p> <p><i>On-going. For a utilities installation, this seems in-depth, but the conceptual model should be created for each section of the project”</i></p> <p>The Applicant can confirm that a Preliminary Risk Assessment (PRA) and a Generic Quantitative Risk Assessment (GQRA) have been produced and can be found in Appendix 18.1 (Preliminary Risk Assessment and Generic Quantitative Risk Assessment) of the ES (APP-429). The PRA/GQRA including individual CSMs for the 10 Sections of the cable route (including alternatives) were prepared in accordance with contaminated land guidance including BS10175:2011+A2:2017 and as this was produced before the new LCRM document was released in October 2020 it follows guidance provided by Contaminated Land Report 11 (CLR11). The individual CSMs for the 10 Sections of the Cable sections can be found within Section 10 of the PRA/GQRA Appendix 18.1 (of the ES (APP-429)).</p> <p>A Site Investigation was carried out by WSP in 2018 with the results incorporated into the GQRA for the individual 10 Sections of the Cable Route. These results were incorporated into the CSM as detailed above. The results for each section can be found within Section 9 of the PRA/GQRA Appendix 18.1 (of the ES (APP-429)).</p> <p>Method Statements will be provided as detailed in the OOCEMP (APP-019). Unexpected contamination encountered will be dealt with in accordance with the OOCEMP (Section 5.5 and Section 6.9.2). The Applicant notes that the most up to date version of the OOCEMP was submitted at D7 (REP7-032)</p> <p>PCC also commented that:</p> <p><i>The PCC Contaminated Land Team look forward to seeing the Method Statements and risk assessments by subcontractor. The desk study should be checked and sampling of any further areas identified undertaken.</i></p> <p><i>The 2018 test locations were all located solely for easy access to provide geotechnical information rather than choosing locations that are likely to be contaminated. The Desk study was undertaken retrospectively. There is a chance that contamination was missed using this approach. Its quality as an untargeted survey considering the geotechnical rather than geoenvironmental aspects is accepted. The conceptual model should have greater focus upon ensuring the land quality is not reduced by the installation of the cable run.</i></p> <p><i>The use of CLR11 as a guidance document is acceptable. CLR11 was not withdrawn due to a problem with its content, and the approach detailed therein remains valid.</i></p>	

Ref.	Description of matter	Current Position	RAG
		<p>In response, the Applicant confirms site specific method statements will be produced by appointed contractors as detailed in the OOCEMP (REP7-032), and will be made available for PCC to review after the grant of the Order, pursuant to Requirement 13 of the draft DCO (REP7-013).</p> <p>The Applicant confirms that the 2018 ground investigation was a baseline assessment with specific targeted areas e.g. Milton Common. The number of sampling points and the methods of sampling and testing do not preclude the possible existence of contamination where concentrations may be higher than those actually encountered or ground conditions that vary from those identified. In addition, there may be exceptional ground conditions elsewhere which have not been identified by this investigation.</p> <p>Additional site specific ground investigation, remediation, verification and validation will be carried out following grant of the Order as secured under Requirement 13 of the draft DCO. A watching brief for unexpected contamination is required for the whole Onshore Cable Route during construction as detailed in the OOCEMP (REP7-032). Therefore, irrespective of variations in ground conditions that may not have been specifically identified by the surveys to identify the baseline, appropriate measures are secured by Requirement 13, to address any contamination encountered when the works are undertaken.</p> <p>The Applicant discussed ongoing matters with PCC at a meeting on 01/02/21.</p> <p>On 11/02/21, PCC (Contaminated Land Team) confirmed:</p> <p><i>As the more detailed SI survey is being deferred to later stage, the areas that will be considered further must be clearly stated. The preliminary site assessment, the CSM and GI survey wasn't targeted to find pollution although it has achieved good coverage - there may be other locations to consider and locations that are not being considered further and left to be covered solely by watching brief should be demonstrated to not need assessment. The more detailed documents are intended to be submitted at later stage.</i></p> <p><i>The GI survey in 2018 and testing was undertaken before the records required for the geoenvironmental desk study were collected to identify which locations should be targeted for pollution. The Chapter 18, has indicated 5 reports have been looked at but does not demonstrate the route has been assessed. The applicant should confirm that they have incorporated all these data from historical records, and also added to the original CSM to form a geoenvironmental conceptual model highlighting the unknowns that remain. A network diagram is a useful tool to demonstrate unknowns have been resolved. The sampling should be explained with reference to the conceptual model to demonstrate that appropriate depths and locations have been investigated. This process will help decide upon route options, and where work is still required, the scope for that investigation or mitigation.</i></p> <p><i>It should be confirmed which locations the applicant is intending to create Method Statements for. The OOCEMP does not consider land condition beyond a watching brief (this includes the OOCEMP was updated in January/February), and the draft aquifer contamination mitigation strategy is not yet available.</i></p> <p><i>This baseline or inventory of further works should be provided pre- DCO.</i></p> <p>On 22/02/21, PCC confirmed that for the purposes of the SoCG, this matter was not agreed.</p> <p>The Applicant maintains that its methodology and identification of the baseline for the ES is appropriate and does not agree with PCC's comments.</p>	
PCC 4.5.5	ES Baseline – Pollution	<p>Details for the location of further survey work identified as a post DCO deliverable as identified in section 11.2.1.1 the ES chapter 18 (APP-133) are not agreed.</p> <p>On 25/01/2021, PCC advised that further locations should be suggested (or confirmed as not required) from the conceptual model. This may help the choice in route locations.</p> <p>The Applicant discussed ongoing matters with PCC at a meeting on 01/02/21.</p>	Not Agreed

Ref.	Description of matter	Current Position	RAG
		<p>On 11/02/21, PCC (Contaminated Land Team) confirmed:</p> <p><i>This is on-going. Once the SI survey is complete to identify areas requiring GQRA is complete, the areas needing further testing and assessment can be decided upon, and then the risk assessments completed. The GQRA could be deliverable post-DCO.</i></p> <p>On 22/02/21, PCC confirmed that for the purposes of the SoCG, this matter was not agreed.</p> <p>The Applicant maintains that its methodology is appropriate and does not agree with PCC's comments.</p>	
<p>PCC 4.5.6</p>	<p>ES Baseline – Historic</p>	<p>PCC requested a watching brief for the Proposed Development for any unexpected areas of pollution. Details of the proposed mitigation for construction and decommissioning, including a watching brief as set out in section 18.9.2 of ES chapter 18 (APP-133) are not agreed.</p> <p>At D6, PCC advised that:</p> <p><i>The further survey work should have been undertaken as early in process as possible, ideally when suggested in 2019. There is no reason to delay these works and the knowledge they will bring to the undertaking of the scheme unless the AQUIND project is not going ahead.</i></p> <p>The Applicant confirms that the appointed contractor may undertake further ground investigation as necessary in compliance with Requirement 13 of the dDCO (REP7-013). Remediation Options Appraisal, Remedial Strategy, verification reports and subsequent monitoring are also covered under Requirement 13 of the dDCO.</p> <p>On 25/01/2021 PCC advised that establishing risk and remedial options only after appointing a contractor limits options.</p> <p>The Applicant notes the comments made above but does not agree that the proposed approach limits options. The comment made is without substance. The Applicant discussed this matter with PCC at a meeting on 01/02/21.</p> <p>On 11/02/21, PCC (Contaminated Land Team) confirmed:</p> <p><i>This point has become conflated between the baseline to establish where pollution may be a significant constraint and so should be identified before ground works begin, and the need for a watching brief for any project. The latter is even more pertinent on a linear scheme that will cross so much land. The watching brief in the OOCEMP and would be required by the REQUIREMENT 13 clause 3 are both acceptable. They would be agreed, if interpreted in conjunction with <PCC spec for soils>, and <Methods of Working>. CLT are unclear on which areas are going to be taken forward for more detailed work. Whilst it is stated that the appointed contractor 'may undertake further ground investigation as necessary in compliance with Requirement 13' is weaker than actually requiring the risk assessment to be undertaken to required standards. Please can all areas with further ground works required be clarified?</i></p> <p><i>CLT considers that once a Land Professional/ ground worker is tendered and contracts signed, there is less scope to alter the contract specification, or funding. There is less scope to alter routes to new locations. Tying contractors down, before completing the SI survey work means they are not tendering blindfolded but with reduced knowledge about the project. The scope of risk assessment, and remedial options are often constrained as a result.</i></p> <p><i>The baseline should be finalised before DCO. The actual assessment of areas needing further SI survey and consideration of remedial options could be deliverable post DCO, although it leaves the contractor agreeing works without knowing the mitigation required.</i></p> <p>On 22/02/21, PCC confirmed that for the purposes of the SoCG, this matter was not agreed.</p> <p>The Applicant maintains that its methodology is appropriate and does not agree with PCC's comments.</p>	<p>Not Agreed</p>

Ref.	Description of matter	Current Position	RAG
PCC 4.5.7	ES Baseline – Historical Use/Mitigation	<p>The ground conditions baseline environment set out at section 18.9.1.1 – 18.9.3.2 of ES Chapter 18 (APP-133) is not agreed.</p> <p>On 25/01/2021, PCC advised to refer to comments submitted at 4.5.4, and also commented:</p> <p><i>The PCC Contaminated Land Team look forward to seeing the Method Statements and risk assessments by subcontractor. The desk study should be checked and sampling of any further areas identified undertaken.</i></p> <p><i>The 2018 test locations were all located solely for easy access to provide geotechnical information rather than choosing locations that are likely to be contaminated. The Desk study was undertaken retrospectively. There is a chance that contamination was missed using this approach. Its quality as an untargeted survey considering the geotechnical rather than geoenvironmental aspects is accepted. The conceptual model should have greater focus upon ensuring the land quality is not reduced by the installation of the cable run.</i></p> <p><i>The use of CLR11 as a guidance document is acceptable. CLR11 was not withdrawn due to a problem with its content, and the approach detailed therein remains valid.</i></p> <p>In response, the Applicant confirms Site specific method statements will be produced by appointed contractors as detailed in the OOCEMP (REP7-032), and will be made available for PCC to review after the grant of the Order, pursuant to Requirement 13 of the draft DCO (REP7-013).</p> <p>The Applicant confirms that the 2018 ground investigation was a baseline assessment with specific targeted areas e.g. Milton Common. The number of sampling points and the methods of sampling and testing do not preclude the possible existence of contamination where concentrations may be higher than those actually encountered or ground conditions that vary from those identified. In addition, there may be exceptional ground conditions elsewhere which have not been identified by this investigation.</p> <p>Additional site specific ground investigation, remediation, verification and validation will be carried out as necessary following grant of the Order as secured under Requirement 13 of the draft DCO. A watching brief for unexpected contamination is required for the whole Onshore Cable Route during construction as detailed in the OOCEMP (REP7-032). Therefore, irrespective of variations in ground conditions that may not have been specifically identified by the surveys to identify the baseline, appropriate measures are secured by Requirement 13, to address any contamination encountered when the works are undertaken.</p> <p>The Applicant held a meeting with PCC on 01/02/21 to discuss PCC’s concerns.</p> <p>On 11/02/21, PCC (Contaminated Land Team) confirmed that this matter remained on-going as these Method Statements will not be submitted until a later stage. PCC requested the following:</p> <p><i>Please confirm that the conceptual models of each section are complete, update to be visual, along with locations that do not require further SI (there are no significant unknowns) and those areas that are going to be subject to further SI survey. The conceptual model should highlight all matters that are unknowns that may have impacts on the project and land condition afterwards, and how future SI surveys are going to investigate and resolve these matters. The information created pre-DCO must be detailed enough to inform contractors and so must be more than a GI survey of the length but must identify areas with pollution constraints. Once that information is available, then this can be worked on post DCO.</i></p> <p><i>The baseline should be finalised before DCO. The actual assessment of areas needing further SI survey work could be deliverable post DCO if all locations consider and risk assess their works in line with BS10175.</i></p> <p>On 22/02/21, PCC confirmed that for the purposes of the SoCG, this matter was not agreed.</p>	Not Agreed

Ref.	Description of matter	Current Position	RAG
		The Applicant maintains that its methodology is appropriate and does not agree with PCC's comments.	
PCC 4.5.8	Predicted Impacts	<p>The impacts during construction of the Proposed Development in relation to the Onshore Cable Corridor and Landfall are identified at sections 18.7.3 and 18.7.4 (for construction and operation respectively) of Chapter 18 of the ES (APP-133).</p> <p>On 25/01/2021, PCC advised that this matter was to be reviewed. The PCC Contaminated Land Team has been wondering about whether there was a CEMP for coastal areas, including other areas such as Eastney Lake.</p> <p>The Applicant notes the Onshore Outline CEMP (the most up to date version of which is Document 6.9, Rev 006 submitted at D7 (REP7-032) covers onshore areas which adjoin the coast and therefore all areas that need to be covered by a CEMP will be. A Marine CEMP is secured through the Deemed Marine Licence for all land from MHWS.</p> <p>The Applicant discussed this matter at a meeting with PCC on 01/02/21.</p> <p>On 11/02/21, PCC (Contaminated Land Team) confirmed that:</p> <p><i>The OOCEMP when made available did not consider ground condition beyond watching brief. The information is being delayed until a later stage. This heightens the need to establish ground conditions and areas needing further works along the trench.</i></p> <p>On 22/02/21, PCC confirmed that for the purposes of the SoCG, this matter was not agreed.</p> <p>The Applicant maintains that its methodology and assessment of predicted impacts is appropriate and does not agree with PCC's comments.</p>	Not Agreed
PCC 4.5.9	Predicted Impacts - CSM Results	<p>The outcome/results of the Conceptual Site Model (CSM) (section 6 of ES Chapter 18 (APP-133) are yet not agreed.</p> <p>On 25/01/2021, PCC advised that this matter was pending and to be reviewed. However, PCC noted that they were unsure if further sampling is to be undertaken and would welcome a section by section report as the conceptual model for the landfall site will be distinctly different to other areas.</p> <p>In response, the Applicant confirmed that additional ground investigation, remediation, validation and verification will be carried out following any grant of the Order as secured under Requirement 13, and this would include further sampling as necessary. The original ground investigation was a baseline assessment (please see response to PCC 4.5.4 for detail on WSP 2018 ground investigation sampling).</p> <p>Each individual section of the cable route has been discussed in detail in terms of geology, hydrogeology, hydrology, and contaminative land uses within the ES and the PRA/GQRA. Individual conceptual site models for each section of the Cable route e.g. Section 10, Landfall and Section 8 Milton Common have been produced and can be found within Section 9 of the PRA/GQRA Appendix 18.1 (of the ES (APP-429).</p> <p>The Applicant discussed this matter at a meeting with PCC on 01/02/21.</p> <p>On 11/02/21, PCC (Contaminated Land Team) confirmed:</p> <p><i>The Baseline should be established with conceptual model for each section of the trench first. This could be deliverable post-DCO</i></p> <p>On 22/02/21, PCC confirmed that for the purposes of the SoCG, this matter was not agreed.</p> <p>The Applicant maintains that its methodology and assessment of predicted impacts is appropriate and does not agree with PCC's comments.</p>	Not Agreed
PCC 4.5.10	Mitigation at Milton Common	The proposed mitigation for Milton Common in ES Chapter 18 (APP-133, section 18.9.2.3) is not agreed.	Not Agreed

Ref.	Description of matter	Current Position	RAG
		<p>On 25/01/2021, PCC advised that this matter is pending. PCC welcomed the information submitted, but were unsure if /when full details will be submitted.</p> <p>The Applicant confirmed that no further information will be submitted at the application stage (i.e. before the end of the Examination). However, the proposed mitigation measures for Milton Common can be found within the ES Chapter 18 (APP-133) as well as within Section 6.9.2.1 of the Onshore Outline CEMP (REP7-032)).</p> <p>The Applicant discussed this matter at a meeting with PCC on 01/02/21.</p> <p>On 11/02/21, PCC (Contaminated Land Team) confirmed:</p> <p><i>No further details are to be submitted as this detail is being either left, or left to a later subcontractor. The detailed information needed to work on this disused landfill site are not complete but do show AQUIND is aware of the history. There is reference made to reusing surface soils from areas such as Milton Common, but the existing thicknesses of cover soil above the waste would seem to limit this as an option. The assessment is to be completed in the future. This could be conditioned into the DCO</i></p> <p><i>Once details are submitted the CLT will be able to review.</i></p> <p>On 22/02/21, PCC confirmed that for the purposes of the SoCG, this matter was not agreed.</p> <p>The Applicant welcomes the recognition from PCC that detailed assessment can be controlled by a suitable condition imposed on the DCO, and notes that Requirement 13 will ensure that the appropriate assessments are undertaken prior to the commencement of works involving ground which may be contaminated. The Applicant maintains that its methodology and assessment of predicted impacts and mitigation is appropriate at this stage, and does not agree with PCC's comments.</p>	
<p>PCC 4.5.11</p>	<p>Mitigation - Onshore Outline CEMP – General Environmental Control Measures</p>	<p>PCC has identified the need for a Method Statement to include for remediation and waste disposal. The measures set out in section 5.5 (Ground Conditions) of the Onshore Outline CEMP (the most up to date version of which is Document 6.9, Rev 006 submitted at D7) specifically section 5.5 and its associated Appendix 4 – Outline Materials Management Plan which includes for a Remediation Strategy are not agreed.</p> <p>On 25/01/2021, PCC advised that this matter was pending, and that they look forward to the remediation strategy being submitted.</p> <p>The Applicant confirmed that no further information would be submitted at the application stage (i.e. before the end of the Examination). However the Material Management Plan can be found within Appendix 4 of the Onshore Outline CEMP (REP7-032) and the remediation strategy will be submitted as secured by Requirement 13.</p> <p>The Applicant discussed ongoing matters with PCC at a meeting on 01/02/21.</p> <p>On 11/02/21, PCC (Contaminated Land Team) confirmed:</p> <p><i>The MMP is a blank template, the OOCEMP does not consider land contamination beyond watching brief (which is acceptable), and the remediation method statement for Milton Common is not complete. The CLT will review any submissions when they are made. If the required information is available in some form, the CLT does not mind which overarching document is used. This can be delivered post DCO.</i></p> <p>On 22/02/21, PCC confirmed that for the purposes of the SoCG, this matter was not agreed.</p> <p>The Applicant welcomes the recognition that the mitigation measures can be identified post-OOCEMP, and acknowledges that PCC's view that a Remediation Strategy is required, and has provided an Outline Materials Management Plan which includes a Remediation Strategy. Although this matter is not agreed between the parties, the Applicant considers that Requirement 13 will ensure that the appropriate assessments are undertaken</p>	<p>Not Agreed</p>

Ref.	Description of matter	Current Position	RAG
		prior to the commencement of works involving ground which may be contaminated. The Applicant maintains that its methodology and assessment of predicted impacts and mitigation is appropriate at this stage, and does not agree with PCC's comments.	
PCC 4.5.12	Mitigation - Onshore Outline CEMP – Location Specific Construction Environmental Control Measures	<p>The measures set out in section 6.9.2 (Section 8 - Eastern Road (adjacent to Great Salterns Golf Course) To Moorings Way - Ground Conditions) of the Onshore Outline CEMP (REP5-019) are not agreed.</p> <p>The Applicant noted that the most up to date version of the Onshore Outline CEMP is document Ref: (REP7-032).</p> <p>The Applicant discussed ongoing matters with PCC at a meeting on 01/02/21.</p> <p>On 11/02/21, PCC (Contaminated Land Team) confirmed that this matter was ongoing, and that: <i>The OOCEMP does not consider ground contamination, but has some working information. This is presumably deliverable if the DCO is worded such. If a GQRA is required in these areas, then the CLT can comment further</i></p> <p>On 22/02/21, PCC confirmed that for the purposes of the SoCG, this matter was not agreed.</p> <p>The Applicant notes that although this matter is not agreed by the parties, it considers that Requirement 13 will ensure that the appropriate assessments are undertaken prior to the commencement of works involving ground which may be contaminated to ensure appropriate mitigation is employed. The Applicant maintains that its methodology and assessment of predicted impacts and mitigation is appropriate at this stage, and does not agree with PCC's comments.</p>	Not Agreed
PCC 4.5.13	Mitigation - Onshore Outline CEMP – Onshore Monitoring Plan	<p>The measures set out in section 7.1 – (Onshore Monitoring Plan - Onshore Ecology - Construction impacts to the environment) of the Onshore Outline CEMP (REP5-019) are not agreed.</p> <p>The Applicant noted that the most up to date version of the Onshore Outline CEMP is document Ref: (REP7-032).</p> <p>The Applicant discussed ongoing matters with PCC at a meeting on 01/02/21.</p> <p>On 11/02/21, PCC (Contaminated Land Team) confirmed that this matter was ongoing, and that the: <i>“OOCEMP does not consider ground contamination, but has some working information, and includes watching brief. Is CLT the intended consultee on 4.5.13? This seems to be deliverable post DCO.”</i></p> <p>On 22/02/21, PCC confirmed that for the purposes of the SoCG, this matter was not agreed.</p> <p>The Applicant welcomes the recognition that the mitigation measures can be delivered post-DCO. Although this matter is not agreed between the parties, the Applicant considers that Requirement 13 will ensure that the appropriate assessments are undertaken prior to the commencement of works involving ground which may be contaminated which will identify appropriate mitigation measures in detail. The Applicant maintains that its methodology and assessment of predicted impacts and mitigation is appropriate at this stage, and does not agree with PCC's comments.</p>	Not Agreed
PCC 4.5.14	Residual effects	<p>The assessment of residual effects set out in section 18.10 and table 18.8 of Chapter 18 of the ES (APP-133) are not agreed between the parties,</p> <p>The Applicant discussed ongoing matters with PCC at a meeting on 01/02/21.</p> <p>On 11/02/21, PCC (Contaminated Land Team) confirmed that this matter was ongoing, and that: <i>Once the SI survey is finalised, and all locations requiring GQRA identified then the CLT can consider if residual impacts have been summarised. The CLT are likely to be in agreement with impacts suggested.</i></p>	Not Agreed

Ref.	Description of matter	Current Position	RAG
		<p>On 22/02/21, PCC confirmed that for the purposes of the SoCG, this matter was not agreed.</p> <p>The Applicant notes that although this matter is not agreed between the parties, the Applicant considers that Requirement 13 will ensure that the appropriate assessments are undertaken prior to the commencement of works, to identify residual effects in more detail. The Applicant maintains that its methodology and assessment of predicted impacts, mitigation and residual effects is appropriate at this stage, and does not agree with PCC's comments.</p>	
<p>PCC 4.5.15</p>	<p>Requirement 13 – Contaminated Land and Groundwater</p>	<p>The draft DCO (REP1-021) and its Requirement 13 for a written scheme, per phase, to deal with contaminated land, including groundwater (LPA approval in consultation with the EA (and MMO for intertidal area)) is not agreed. The Applicant notes that the most up to date version of the draft DCO was submitted at D7 (REP7-013).</p> <p>Additional provision within Requirement 13 relating to unexpected contamination, and a scheme to deal with such contamination, remediation works, and verification is not agreed.</p> <p>The Applicant discussed ongoing matters with PCC at a meeting on 01/02/21.</p> <p>On 11/02/21, PCC (Contaminated Land Team) confirmed that this matter was ongoing, and that:</p> <p><i>The DCO is written to relate to unexpected pollution, and so should be rephrased to either guide the process from start to finish (akin to planning conditions, and working out wording for phasing of discharge so that it can proceed smoothly), or the information submitted upfront so that all areas needing GQRA are known in advance.</i></p> <p><i>Clause 1 and 2 is a pre-commencement requirement to have a 'written scheme' to avoid harm to persons, controlled water or environment. The 'written scheme' must be equivalent to the desk study, site investigation, and if necessary remedial method statement' as detailed in BS10175. This should be undertaken for all of the sections to demonstrate whether or not GQRA is required.</i></p> <p><i>The onshore outline construction environmental management plan (CEMP) does not involve itself with land contamination beyond the watching brief, and the draft aquifer contamination mitigation strategy is not yet available. The wording of these clauses is not suitable without clarification (which maybe we can agree in the statement of common grounds) as there are phrases such as "likely to cause significant harm to persons" would potentially depart from the precautionary criteria used in planning regime, and into the significant possibility of significant harm (SPoSH) used for Part 2a. Given the definition of 'significant harm' to human health, all harm should be prevented from occurring and the trigger point for action, must be before significant harm is or has occurred.</i></p> <p><i>For clarification, the avoidance of any harm not only significant harm of all receptors is the aim; the term 'persons' should adopt the more encompassing 'human health and the environment' i.e. all persons during and after construction.</i></p> <p><i>Clause (3) relates to a watching brief for the developer and is welcome. Note, that only gross pollution will be noticed unless it is identified by the routine soil testing of stockpiles during works or as part of verification.</i></p> <p><i>Clause (4 to 6) relates to CLT matters. Clause 4 applies to areas already identified as having contamination issues, which is why the desk study of each of the sections should be completed, or undertaking to do so, before DCO, so that the approach intended in each area is known. The risk assessment for each section of the trench should indicate no CL issues and so can be managed by watching brief, and all other areas have their own Method Statement or "scheme". This should be equivalent to a desk study, site investigation, and (if necessary) a remedial method statement'. The conceptual model must prevent harm to receptors (end-users) and o go beyond significant harm. Significant harm doesn't always include limited</i></p>	<p>Not Agreed</p>

Ref.	Description of matter	Current Position	RAG
		<p>ailments or cancers, and is a minimum standard compared to planning system. Requirement 13 mentions of "investigation and assessment report", identify the extent of any contamination and the remedial measures and subsequent clauses are all acceptable but brief. The following clarifies the quality of submissions sought:</p> <ul style="list-style-type: none"> The Phase 1 desk study should document all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential pollutant linkages (including consideration of asbestos), including proposals for site investigation if required (the sampling rationale for all proposed sample locations and depths should be linked to the conceptual model). The Phase 2 site investigation report documenting the ground conditions of the site and incorporating chemical and consideration of gas migration as identified as appropriate by the conceptual model. The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation A Phase 3 remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring. <p>Please note that the receptor used in the conceptual model should include end-users, and residents next to the scheme. In the summary on Milton common, I was reassured that gas migration was being looked at.</p> <p>I have copied the wording of the conditions this wording as it seems to best explain why we are still not in agreement over the survey of the run as outlined in points 4.5.2 to 4.5.14</p> <p>Clause (6) relates to verification and is acceptable. At the end of works, a verification plan should be agreed that will include testing the disturbed land to confirm the condition that it has been left in is free from contamination.</p> <p>On 22/02/21, PCC confirmed that for the purposes of the SoCG, this matter was not agreed.</p> <p>The Applicant notes that although this matter is not agreed between the parties, the Applicant considers that Requirement 13 provides a suitable mechanism to ensure PCC have appropriate control over assessment, methodology for undertaking works, and appropriate mitigation measures. The Applicant maintains that its methodology and assessment of predicted impacts and mitigation is appropriate at this stage, and does not agree with PCC's comments.</p>	

4.6. GROUNDWATER

Table 4.6 – Groundwater

Ref.	Description of matter	Current Position	RAG
Groundwater			
PCC 4.6.1	ES Methodology – Study Area	It is agreed that the 0.5 km study areas as identified in section 19.1.2 of ES Chapter 19 Groundwater (APP-134) is appropriate.	Agreed
PCC 4.6.2	ES Baseline	The baseline environment is set out at section 19.5 of ES Chapter 19 (APP-134).. At D6 (REP6-083) PCC advised that:	Agreed

Ref.	Description of matter	Current Position	RAG
		<p><i>The Baseline environment for groundwater is agreed as a suitable for sections 4-10 (Portsmouth). The groundwater flows and levels data attained for the project from separate workstream of AQUIND, EA and PCC provide a good baseline of detail, and are also agreed. AQUIND are aware of the future WFD classifications as a baseline, and further detail on how this will be achieved will be expected in the CEMP at detailed design stage, when dealing with groundwater encountered in trenches etc. PCC LLFA is okay to agree 4.6.2 ref: sections 4-10</i></p>	
<p>PCC 4.6.3</p>	<p>Predicted Impacts</p>	<p>The predicted impacts (section 19.6.4 to 19.6.9 of ES Chapter 19, APP-134) are considered in light of embedded mitigation identified in section 19.6.1.</p> <p>At D6 (REP6-083) PCC advised: <i>Predicted Impacts - disagree with 19.6.4.31. as PCC consider it medium to high likelihood groundwater will be found at trench depth, especially during / immediately after prolonged or heavy rainfall. 19.6.6.8 - At Detailed Design stage, PCC will ask for clarification of exact location of land drain east of St Johns College playing pitches. Extra care needs to be taken for discharge of groundwater in this area as EA Main River 'Farlington Marshes Gutter' is home to protected species including water voles. 19.6.6.15 - again extreme care needs to be taken at HDD of Milton Common to not be causing pollution issues. PCC will expect Detailed Design Stage to clarify</i></p> <p><i>Also, PCC LLFA believes it will be difficult to design the groundwater mitigation as stated in section 19.6.1.4 as volumes may not be as easy to determine as seems to be expected. Trench work may indeed provide a groundwater flow pathway by penetrating a previously impermeable barrier. As such, PCC LLFA recommends a blanket worse case approach for the worst sections with groundwater found at a level high than bottom of trench level, with a scaled down dewatering approach if groundwater conditions are more favourable than expected. Also, there are other options for groundwater disposal, such as pumping to an infiltration pond that may be feasible. Predicted impacts are as best as can be agreed with the information available.</i></p> <p>The Applicant welcomes the acknowledgement from PCC that the '<i>Predicted impacts are as best as can be agreed with the information available</i>'.</p> <p>The Applicant accepts that the conditions will likely vary locally and during detailed design stage an appropriate dewatering strategy will be confirmed. The suggested use of infiltration ponds (trenches) will be considered at the detailed design stage. Any dewatering would be very short term, during construction only.</p> <p>The Applicant therefore considers that as far as it is possible to agree matters regarding predicted impacts for groundwater, these have been agreed with PCC at this stage, with both parties acknowledging that more information will be available at the detailed design stage to address PCC's concerns.</p> <p>On 10/02/21, PCC confirmed that this matter was not agreed. This is because the predicted impacts cannot be known at this time until exact detail is provided on a very local level, which would be information expected at Detailed Design Stage. Predicted impacts would also be informed and mitigated through licences and consents that may be required, again this detail is not yet available to be able to reach an agreement.</p> <p>The Applicant maintains that the methodology and assessment of predicted impacts for groundwater are appropriate at this stage, and does not agree with PCC's comments.</p>	Not Agreed
<p>PCC 4.6.4</p>	<p>Mitigation - Onshore Outline</p>	<p>The measures set out in section 5.6 (Groundwater) of the Onshore Outline CEMP (REP5-019) are agreed.</p>	Agreed

Ref.	Description of matter	Current Position	RAG
	CEMP – General Environmental Control Measures	At D6, PCC advised (REP6-083): <i>Mitigation General - Agreed in principle by PCC, but needs also agreement from EA, Highways Authority (for discharge to highway drainage) and Southern Water (if discharge to adopted sewer is proposed). Recognition of good practice guidelines is noted. PCC will expect the full technical detail at Detailed Design Stage, in full CEMP.</i>	
PCC 4.6.5	Mitigation - Onshore Outline CEMP – Location Specific Construction Environmental Control Measures	The measures set out in section 6.2.5 (Groundwater) of the Onshore Outline CEMP (REP5-019) are agreed. At D6, PCC advised (REP6-083): <i>Mitigation Location Specific - 6.2.5.1 the sewerage undertaker is Southern Water, not Portsmouth Water. As above, agreed in principle by PCC, but needs agreement from the other parties. Good practice guidelines again noted</i> The Applicant has noted this point and the OOCEMP has been amended.	Agreed
PCC 4.6.6	Residual Effects	Subject to further discussion in relation to predicted impacts and mitigation measures, the Applicant seeks PCC's agreement of the assessment of residual effects set out in section 19.8 and at Table 19.7 of Chapter 19 of the ES (APP-134). At D6, PCC advised that this section is dependent on the above sections 4.6.3-4.6.5 and all comments there apply here also. The Applicant notes with regard to PCC 4.6.3 that as far as it is possible to agree matters regarding predicted impacts for groundwater, these have been agreed with PCC at this stage, with both parties acknowledging that more information will be available at the detailed design stage to address PCC's concerns. In addition, the Applicant notes that both PCC 4.6.4 and 4.6.5 are 'agreed' matters. On 10/02/21, PCC confirmed that this matter was not agreed. This is because the residual impacts are also not known and cannot be agreed at this time as they are dependent on the same detailed information as identified in PCC 4.6.3, above. The Applicant maintains that the methodology and assessment of predicted impacts for groundwater are appropriate at this stage, and does not agree with PCC's comments.	Not Agreed

4.7. SURFACE WATER RESOURCES AND FLOOD RISK

Table 4.7 – Surface Water Resources and Flood Risk

Ref.	Description of matter	Current Position	RAG
Surface Water Resources and Flood Risk			
PCC 4.7.1	ES Methodology – Study Area	It is agreed that the study area as identified in section 20.1.2 of ES Chapter 20 Surface Water Resources and Flood Risk (APP-135) is appropriate.	Agreed

Ref.	Description of matter	Current Position	RAG
PCC 4.7.2	ES Baseline	<p>It is noted that PCC disagreed with the baseline within Chapter 20 as part of their Relevant Representation ahead of Deadline 1. The Applicant can confirm that the EA flood maps were updated following the publication of the ES and the Applicant agrees that the ORS building is now located in Flood Zone 3 as reflected in the ES Addendum (REP1-139).</p> <p>Regarding the ES Baseline, on 25 January 2021 PCC noted that if using EA maps it will of course need to be the most up to date set. However, these should only be used for reference and overview purposes as the maps were produced on a national scale, and PCC does not consider them wholly accurate on a local scale. PCC prefers to make reference to local knowledge and flood history for surface water flood risk in Portsmouth. The Applicant notes that incorporation of local knowledge has been undertaken through consultation with PCC LLFA to inform the understanding of the flood risk profile, Chapter 20 and the Flood Risk Assessment.</p> <p>It should also be noted that, alongside the update to the ES baseline as part of the ES Addendum, updates have been made through a Flood Risk Assessment Addendum (REP1-157) discussed at PCC 4.7.9, and Sequential and Exception Test Addendum (REP1-158) discussed at PCC 4.7.12, to reflect the change of the Flood Zone 3 extents within the tidal extent of Portsmouth.</p> <p>A meeting was held with PCC's Lead Local Flood Authority (LLFA) representative on 26 November 2020 to discuss the updates relevant to the flood risk environment and assessment documentation submitted to supplement the publication of the original ES due to a subsequent change to the Flood Map for Planning. The Applicant presented the updates to PCC's LLFA who has since confirmed agreement with the Flood Risk Assessment Addendum and Sequential Test Addendum and has provided comments to PCC's planning team where items within this SoCG that can be updated to agreed. A further meeting was held between the applicant and PCC LLFA on 10 February to discuss any remaining ongoing topics.</p> <p>Based on the ES Addendum, which now reflects the updated Flood Map for Planning and changes in Flood Zones, the baseline environment as per the details set out in section 20.5 of ES Chapter 20 (APP-135) are now agreed.</p>	Agreed
PCC 4.7.3	Coastal Partners (formerly East Solent Coastal Partnership)	<p>Coastal Partners (formerly East Solent Coastal Partnership) is a partnership between four Local Authorities (Fareham, Gosport, Portsmouth, and Havant) to provide advice on the coastal environment and in particular in relation to matters relating to the North Portsea Island Coastal Schemes (Milton Common and Great Salterns Quay, and Eastern Road and Kendall's Wharf).</p> <p>Following discussions with PCC on 25 January 2021, PCC have confirmed that matters in relation to coastal defences will be responded to directly by Coastal Partners. However, on 01 February 2021, PCC confirmed that Coastal Partners will be responsible for advising PCC on these matters, and that PCC would provide final agreement on the position for each relevant matter.</p> <p>In principle agreement has already been sought and provided by Coastal Partners on such matters, and the Applicant has sought formal confirmation from Coastal Partners on these matters through ongoing engagement, noting that a further meetings and discussions have continued to progress matters. Final confirmation on the position for each relevant matter discussed at PCC 4.7.4 to PCC 4.7.6 will be provided by PCC on behalf of Coastal Partners .</p> <p>Agreement of this approach has been confirmed with PCC on 09 February 2021.</p>	Agreed
PCC 4.7.4 (i)	Coastal Partners – works	<p>i) The principle that works adjacent to the coastal flood defences can and will be designed to avoid works to existing or proposed coastal flood defence alignments is agreed with Coastal Partners and PCC.</p>	Agreed

Ref.	Description of matter	Current Position	RAG
PCC 4.7.4 (ii)	adjacent to Coastal Flood Defences	ii) The principle of a short HDD (HDD-6) under the existing coastal flood defence to the north bund at Milton Common, west of Frog Lake is agreed with Coastal Partners and PCC.	Agreed
PCC 4.7.4 (iii)		iii) The principle of the proposed Horizontal Directional Drill (HDD) under Broom Channel (Langstone Harbour HDD-3) to pass below or avoid any sheet piling associated to the coastal flood defence is agreed with Coastal Partners and PCC.	Agreed
PCC 4.7.4 (iv)		<p>iv) Specific design principles and construction principles in relation to flood defences are embedded in principles section 6.4.4 of the DAS (REP7-021) and section 5.7 of the OOCEMP (REP7-032) respectively.</p> <p>Requirement 6 (detailed design) and Requirement 15 (construction environmental management plan) of the draft DCO (REP7-013) requires the submission of detailed design and a construction environment management plan, in accordance with the design principles of the DAS and OOCEMP respectively, therefore securing the measures relevant to coastal flood defences during construction and operation.</p> <p>It should be noted that works within 16m of a coastal flood defence will be subject to approval or exemption of Environmental Permits with the Environment Agency. Relevant in principle agreements in relation to these permits are agreed between the Applicant and Environment Agency and included within the relevant SoCG (REP7-055).</p> <p>On 26/02/21, PCC confirmed that the avoidance of existing and proposed coastal defences (designated or otherwise) as set out and to be finalised in the detailed design, is welcomed. Discussions will continue between PCC, the Applicant and Coastal Partners to take any opportunities to resolve conflicts.</p> <p>As noted in PCC's Addendum to their response on coastal flood defence matters, there is agreement that the application documents including the DAS and the OOCEMP, draft DCO and Requirements secure relevant measures to protect and retain coastal flood defences during construction and operation, and provide for appropriate reinstatement of land affected by the Applicant's works. This response indicates that this matter is agreed between the parties.</p>	Agreed
PCC 4.7.5	Potential conflict with the proposed construction compound and delivery of NPI Phase 4	<p>PCC considers that depending on timing of the construction of the Proposed Development, there is the potential for conflict with delivery of NPI Phase 4 coastal defence works construction compound to the yard to the south-west of Kendall's Wharf.</p> <p>The Applicant has had several meetings and exchanged information with Coastal Partners, and engaged in discussions with them regarding programme constraints, with the intention of reaching agreement on appropriate measures to resolve the potential overlap which will be documented through a Works Co-operation agreement where appropriate between the Applicant, Coastal Partners and PCC. A Memo identifying the locations where works for both projects might overlap, assuming anticipated dates for the construction programmes for each scheme, and suggesting potential solutions for each location, together was discussed and updated following a meeting with Coastal Partners on 09/02/21. A copy of the updated Memo, Minutes of the meeting and a draft Works Co-operation Agreement were provided to Coastal Partners by 11/02/21</p> <p>Coastal Partners and PCC have considered the documents provided, and on 26/02/21, PCC advised that this approach is agreed in principle. However, the details of the cooperation agreement are still in progress and it is not yet clear if a resolution exists.</p> <p>As noted in PCC's Addendum to their response on matters coastal flood defence matters, PCC state that:</p>	Unresolved at DL8

Ref.	Description of matter	Current Position	RAG
		<ul style="list-style-type: none"> • They agree that there is the potential for some sharing of compounds, dependent on the final details to be proposed. • Concern is raised that some compounds are very small so there is limited space. An assessment of alternative locations could be required but feasible space is also very limited, largely due to protected habitats and existing access routes. • Sharing of compound areas could be agreed as a principle within the Works Co-operation Agreement with finer details to be agreed in a Method Statement including alignment of activities and agreed timescales • Aquind would need to cover all associated costs including costs of assessment of alternative locations, physical relocations or reorientations, legal or surveyor costs, planning costs and costs linked to any delays in CP's programme • Relocation would need to be undertaken Oct-Mar inclusive <p>In response, the Applicant notes that the parties continue to have meaningful engagement on the form of the Works Co-operation Agreement and envisage being in a position to reach agreement within the next couple of weeks.</p> <p>This matter remains unresolved at DL8.</p>	
PCC 4.7.6	Cumulative construction traffic effects/ potential impacts on access to the NPI construction compound	<p>PCC is concerned that the Access and Rights of Way Plans include land to the east of the highway that raises potential concern that:</p> <ul style="list-style-type: none"> (a) south of the Langstone Harbour Viewing Car Park where land will be realigned in 2022 as part of the NPI Phase 4 coastal defence works; and (b) on the northern end of Milton Common, this area will be used as a construction compound during the NPI Phase 4 works and based on the current construction programme will be unavailable from April 2021 until September 2022. <p>Further detail on Cumulative effects are set out in Chapter 29 of the ES (APP-144).</p> <p>The Applicant has had several meetings and exchanged information with Coastal Partners and engaged in discussions with them regarding programme constraints, with the intention of reaching agreement on appropriate measures to resolve the potential overlap which will be documented through a Works Co-operation agreement where appropriate between the Applicant, Coastal Partners and PCC. A Memo identifying the locations where works for both projects might overlap, assuming anticipated dates for the construction programmes for each scheme, and suggesting potential solutions for each location, together was discussed and updated following a meeting with Coastal Partners on 09/02/21. A copy of the updated Memo, Minutes of the meeting and a draft Works Co-operation Agreement were provided to Coastal Partners by 11/02/21</p> <p>Coastal Partners and PCC have considered the documents provided. On 26/02/21, PCC provided further information in response, and advised that it is concerned that the Access and Rights of Way Plans include land to the east of the highway that raises potential concern that:</p> <ul style="list-style-type: none"> (a) the area of land south of Great Salterns Mansion (Access AC/8/c as shown on sheet 8 of 10 on the Access and Rights of Way Plans) where this land will be used in 2021, 2022 and 2023 as vital compound space to deliver the NPI Phase 4 coastal defence works; (b) south of the Langstone Harbour Viewing Car Park where land will be realigned in 2022 & 2023 as part of the NPI Phase 4 coastal defence works; and (c) on the northern end of Milton Common, this area will be used as a construction compound during the NPI Phase 4 works and based on the current construction programme will be unavailable from April 2022 until September 2023. 	Unresolved at DL8

Ref.	Description of matter	Current Position	RAG
		<p>PCC have advised that the use of a Works Co-operation Agreement is agreed in principle; however, the details of the cooperation agreement are still in progress and it is not yet clear if a resolution exists. As noted in PCC's Addendum to their response on matters coastal flood defence matters, PCC state that:</p> <ul style="list-style-type: none"> • Any change in programme for the CP project will result in significant costs, given the tight seasonal constraints that exist. For example, a 12 week interruption is effectively 50% of the year's construction period. • CP are happy to work with the Applicant to minimise overlaps • All associated costs with delays will need to be covered by Aquind if programming cannot be resolved • Given the significant public benefit of the FCERM schemes and the existing flood and associated risks, PCC/CP feel it is reasonable for 'careful programming' to also include a review of certain elements of Aquind's programme, to avoid conflicts. • It should be noted that certain compounds (4 & 5) form the main access to the FCERM works during 2022. • Any delays to the North Portsea Island Phase 4b project will also have a knock on impact to Phase 5 (Ports Creek) as this scheme immediately follows completion of Phase 4b. • PCC/CP feel that the Agreement should also look at opportunities for cooperating to minimise impacts in addition to resolving conflicts. For example, could collaborative working allow the cable works to be undertaken whilst CP have the ground excavated? <p>In response, the Applicant notes that the parties continue to have meaningful engagement on the form of the Works Co-operation Agreement and envisage being in a position to reach agreement within the next couple of weeks.</p> <p>This matter remains unresolved at DL8.</p>	
<p>PCC 4.7.7</p>	<p>Mitigation - Onshore Outline CEMP – General Environmental Control Measures</p>	<p>The principles for Ordinary Watercourse crossings are detailed in ES Appendix 20.3 (Watercourses Summary) (APP-308) section 20.7 (embedded mitigation) and 20.9 (mitigation and enhancement) of ES Chapter 20 (APP-135) and are replicated within section 5.7 of the OOCEMP (REP7-032).</p> <p>The principles for management of surface water and groundwater flood risk along the Onshore Cable Route during construction are detailed in ES Chapter 19 Groundwater (APP-134) and ES Chapter 20 Surface Water Resources and Flood Risk (APP-135) respectively and are replicated in section 5.6 & 5.7 of the OOCEMP (REP7-032).</p> <p>Requirement 15 (Construction environmental management plan) of the draft DCO (REP7-013) requires the submission of a construction environment management plan, in accordance with the OOCEMP, therefore securing the principles for works affecting Ordinary Watercourses crossings during construction. Ordinary Watercourse Consent approval or exemption will be sought in addition to any approval granted by the DCO as discussed in PCC 4.7.8.</p> <p>On 25 January 2021, PCC noted that details regarding the existing and proposed flood defences and embedded mitigation in paragraph 20.7.5.6 set out in section 20.5.5 the ES Chapter 20 (APP-135) are yet to be agreed. However further to this, the Applicant notes that specific matters in relation to flood defences are agreed in principle with Coastal Partners as discussed in PCC 4.7.4 above and as embedded into the DAS (REP7-021) and OOCEMP (REP7-032) as appropriate.</p> <p>PCC note that predicted impacts have been well thought out. There is, as with groundwater, more detail expected at detailed design stage. For example, if a trench were to become inundated with surface water from prolonged or heavy rainfall how this would be mitigated and discharged to the environment.</p>	<p>Agreed</p>

Ref.	Description of matter	Current Position	RAG
		<p>On 25 January 2021, PCC noted that with regard to local mitigation set out in the OOCEMP, the measures are agreed in principle, with the following comments:</p> <ul style="list-style-type: none"> a) Please add PCC LLFA to list of consultees in 6.3.5.9 and 6.3.5.12 for standards, consents, Temporary Site Water Management Plan and all other items of relevance relating to drainage and surface water flood risk. b) AQUIND also need to be aware of the nature of WC14 as critical infrastructure for Portsmouth - as Great Salterns Lake drains approximately ¼ of the islands surface water. The pumps are Environment Agency assets. c) PCC are unclear on reference to 'HE' as noted in regulator, should this read PCC LLFA or Highways Authority? d) There is also a highways drainage box culvert immediately south of WC14, which drains into the lake from Eastern Road highway drainage, it is at depth from carriageway surface and should not be prohibitive to the proposal <p>In response:</p> <ul style="list-style-type: none"> a) The Applicant shall include PCC LLFA as a named consultee alongside approval from the relevant planning authority where relevant to drainage and surface water flood risk parts of Requirement 6, 12 and 15 of the dDCO. It should also be noted that PCC LLFA are listed against item 6 (Ordinary Watercourse Consent) of the other Consents and Licences (REP6-24) which is in addition to any grant of DCO as discussed in PCC 4.7.8. b) The Applicant acknowledges that WC14 is critical infrastructure in relation to flood risk management within Portsmouth. Great Salterns Drain and pumping apparatus is part of a Main River and will be subject to environmental permitting with the Environment Agency prior to commencement of works. Overarching principles for construction works over culverted watercourses are embedded into Section 5.7 and 6.2.7 of the OOCEMP (REP7-032) and have been discussed and agreed with the Environment Agency as reflected within the SoCG between the Applicant and EA (onshore) (REP7-055). c) Reference to 'HE' within Table 6.1 of the OOCEMP shall be updated to reflect 'PCC LLFA and/ or Highways Authority and reference to the highways drainage box culvert immediately south of this location. d) The Applicant welcomes the share of information regarding the highways drainage box culvert immediately south of WC14 which will be considered alongside other culverted watercourses at the detailed design stage. Prior to construction and excavation works the Applicant will undertake a full utility search including a request for as-built information of all known affected culverts. This information will be used to progress detailed design in relation to all crossings. Trial holes will also be carried out on all crossings to confirm that as-built information is correct prior to construction. Detail of this process ahead of construction have been added to the OOCEMP for submission at Deadline 8. <p>The Applicant confirms further details regarding detailed design, including surface water and groundwater management, will be developed in the construction environmental management plan in accordance with the OOCEMP, as secured by Requirement 15 of the dDCO (REP7-013). Furthermore, the Applicant confirms it will plan works and develop a safe system of works to avoid damage to any existing infrastructure.</p> <p>However, should any drainage infrastructure be damaged as a direct consequence of the works undertaken by the Applicant, proportionate remedial works would be undertaken to reinstate the affected infrastructure. Such provisions would be agreed with PCC LLFA through relevant Environmental Permitting based upon the overarching principles for construction works over watercourses are embedded into Section 5.7 of the OOCEMP. PCC LLFA have noted that they will be available for onsite advice at short notice for any such issues, or for previously unknown drainage / flood risk infrastructure encountered during construction stage.</p> <p>The principles for surface water and groundwater principles set out within the OOCEMP are agreed by both parties.</p>	

Ref.	Description of matter	Current Position	RAG
<p>PCC 4.7.8</p>	<p>Ordinary Watercourse Consent</p>	<p>Ordinary Watercourse Consent is separate to, and in addition to any grant of DCO consent.</p> <p>Whilst the permitting process will be completed after detailed design, the general principles in relation to the surface water resources and flood risk environment as per the Flood Risk Assessment (APP-439), ES Appendix 20.3 (Watercourses Summary) (APP-308), ES Chapter 20 Surface Water Resources and Flood Risk (APP-135) have been embedded into the OOCEMP (REP7-032) as discussed and agreed in PCC 4.7.7.</p> <p>Whilst PCC as LLFA cannot guarantee approval of permits until all permit application information, with full details of the proposed construction methodology, has been submitted; the Applicant believes that the general principles to be adopted ensure there should not be any impediment to a permit/exemption being provided to enable construction of the Proposed Development.</p> <p>Where appropriate, and where Environmental Permits (Ordinary Watercourse Consent) approval or exemption is required, as detailed in the Other Consents and Licences document (REP6-024), detailed information for the relevant Environmental Permitting will be submitted to PCC LLFA for review and approval and will follow the construction principles outlined within section 5.6 & 5.7 of the OOCEMP (REP7-032) as secured within Requirement 15 of the draft DCO (REP7-013).</p> <p>The principles for Ordinary Watercourse Consent and construction principles set out within the OOCEMP are agreed.</p>	<p>Agreed</p>
<p>PCC 4.7.9</p>	<p>Flood Risk Assessment and Flood Risk Addendum</p>	<p>The Flood Risk Assessment (APP-439), includes an assessment methodology including consideration of climate change, on and off-site impacts and proposed mitigations relevant to the flood risk environment.</p> <p>The Applicant agreed that the FRA (APP-439) required updating following a change in Flood Zone from 2 to 3 at the ORS location.</p> <p>The Flood Risk Assessment (APP-439) is now supplemented by the Flood Risk Assessment Addendum (REP1-157), of which the assessment methodology including updated consideration of climate change, on and off-site impacts and proposed mitigations relevant to the tidal environment, which is supported by the EA.</p> <p>Existing and updated inbuilt design measures, namely ORS surface water management discussed in PCC 4.7.10 and ORS tidal flood management discussed in PCC 4.7.11 alongside other design measures and construction mitigation are included within the Design and Access Statement (REP7-021) and OOCEMP (REP7-032).</p> <p>Requirement 15 (Construction Environmental Management Plan) of the draft DCO (REP7-013) requires the submission of a Construction Environmental Management Plan, in accordance with the OOCEMP (REP7-032), and Requirement 6 (Detailed design approval) of the draft DCO (REP7-013) requires the design of the Proposed Development to be in accordance with the design principles of the DAS (REP7-021) and Flood Risk Assessment measures as included within the Flood Risk Assessment and Flood Risk Assessment Addendum, therefore securing these principles.</p> <p>Following on from the meeting with PCC's LLFA on 26 November 2020, where items relevant to the flood risk environment were discussed, PCC LLFA confirmed that the Flood Risk Assessment Addendum and Sequential Test Addendum were accepted.</p> <p>This matter is agreed from LLFA perspective (surface water and groundwater) by PCC noting that tidal and fluvial matters are agreed with the Environment Agency (EA) as reflected in the onshore Statement of Common Ground between the Applicant and the EA submitted at Deadline 7 (REP7-055). Specific matters in relation to works associated to coastal flood defences and Coastal Partners are agreed in principle as discussed in PCC 4.7.4 above.</p>	<p>Agreed</p>

Ref.	Description of matter	Current Position	RAG
PCC 4.7.10	Flood Risk Assessment (ORS Operational Surface Water Management)	<p>Outline principles of the surface water drainage strategy at the ORS are included within the Flood Risk Assessment (APP-439).</p> <p>Draft DCO (REP7-013) Requirement 6 (Detailed design approval) requires the design of the Proposed Development to be in accordance with the design principles of the DAS (REP7-21) and Flood Risk Assessment measures therefore securing the principles within the Flood Risk Assessment (APP-439) and Flood Risk Assessment Addendum (REP1-157).</p> <p>Following on from the meeting with PCC's LLFA on 26 November 2020, where items relevant to the flood risk environment were discussed, the LLFA confirmed that the FRA Addendum and Sequential Test Addendum were accepted.</p> <p>On 25 January 2021, PCC noted that the surface water run-off rate from ORS is defined by current planning policy - in that it cannot be increased from the pre-development run-off rate. Predicted impacts have been well thought out and this matter is now agreed.</p>	Agreed
PCC 4.7.11	Flood Risk Assessment Addendum (ORS Operational Tidal Flood Risk Management)	<p>The Applicant agreed that the FRA (APP-439) required updating following a change in Flood Zone from 2 to 3 at the ORS location.</p> <p>The Flood Risk Assessment (APP-439) is now supplemented by the Flood Risk Assessment Addendum (REP1-157). The assessment methodology, including consideration of climate change, on and off site impacts and proposed mitigations relevant to the tidal environment, is supported by the EA. Proposed inbuilt design measures and other mitigation measures are included within the Design and Access Statement (REP7-021) and OOCEMP (REP7-032).</p> <p>The draft DCO Requirement 6 (Detailed design approval) requires the design of the Proposed Development to be in accordance with the design principles of the DAS and Flood Risk Assessment measures, therefore securing the principles within the Flood Risk Assessment (APP-439) and Flood Risk Assessment Addendum (REP1-157).</p> <p>These tidal flood risk design measures for the ORS have been embedded into the Design and Access Statement (REP7-021). Following on from the meeting with PCC's LLFA on 26 November 2020, where items relevant to the flood risk environment were discussed, the LLFA confirmed that the FRA Addendum and Sequential Test Addendum were accepted and this matter is now agreed.</p>	Agreed
PCC 4.7.12	Sequential and Exception Test Addendum	<p>Following a change in Flood Zone from 2 to 3 at the ORS location a Sequential and Exception Test Addendum (REP1-158) was prepared and submitted at Deadline 1 to demonstrate that the requirements of the sequential and exception test have been met.</p> <p>Following on from the meeting with PCC's LLFA on 26 November 2020, where items relevant to the flood risk environment were discussed, the LLFA confirmed that the FRA Addendum and Sequential Test Addendum were accepted, with the LLFA confirming this item can be updated to reflect agreement. On 25 October 2021, PCC confirmed agreement to this matter.</p>	Agreed
PCC 4.7.13	Predicted Impacts	<p>The impacts of the Proposed Development in relation to the Onshore Cable Corridor and Landfall are identified at section 20.7 of Chapter 20 of the ES (APP-135).</p> <p>Following on from the meeting with PCC's LLFA on 26 November 2020, where items relevant to the flood risk environment were discussed, the LLFA confirmed that the FRA Addendum and Sequential Test Addendum were accepted. PCC noted that predicted impacts are well thought out as discussed in PCC 4.7.7 and PCC have confirmed agreement on this matter.</p>	Agreed
PCC 4.7.14	Residual effects	<p>Following on from the meeting with PCC's LLFA on 26 November 2020, where items relevant to the flood risk environment were discussed, the LLFA confirmed that the FRA Addendum and Sequential Test Addendum were accepted.</p>	Agreed

Ref.	Description of matter	Current Position	RAG
		On 25 January 21, PCC confirmed, with regard to residual effects, that PCC LLFA agreed with the outline assessment of residual effects in Table 20.12 of ES Chapter 20 Surface Water and Flood Risk (APP-135).	

4.8. HERITAGE AND ARCHAEOLOGY

Table 4.8 – Heritage and Archaeology

Ref.	Description of matter	Current Position	RAG
Heritage and Archaeology			
PCC 4.8.1	ES Methodology – study area	It is agreed that the study area of 500 m as set out in section 21.1.2 of ES Chapter 21 (APP-136) is appropriate.	Agreed
PCC 4.8.2	Engagement	It is agreed that engagement will be undertaken with the Hampshire County Council (HCC) Archaeologist, as representative for PCC.	Agreed
PCC 4.8.3	Scope of Geophysical Survey	The scope is agreed with the HCC Archaeologist, and survey subsequently completed.	Agreed
PCC 4.8.4	ES Baseline	<p>The baseline environment is set out at section 21.5 of ES Chapter 21 (APP-136). The Applicant welcomes PCC's review and agreement of this baseline for the relevant sections. Further to the identified areas of archaeological interest, Requirement 14 provides for the provision of a written scheme of investigation and is yet to be agreed.</p> <p>PCC note that at 21.5.11.2.,the applicant states that "this Section does not contain any Designated Heritage Assets but does lie within the vicinity of two Scheduled Monuments". It is noted that a Scheduled Ancient Monument is a Designated Heritage Asset.</p> <p>At 21.5.11.10. PCC also agree with the applicant's assessment that Fort Cumberland is considered to be of Very high significance, and that its setting makes a high contribution to its significance.</p> <p>The Applicant confirms it is agreed that Fort Cumberland Scheduled Monument is an asset of Very High significance. With regard to the statement in paragraph 21.5.11.2 of Chapter 21 of the ES (APP-136), this refers to the Order Limits. Fort Cumberland, a Scheduled Monument of Very High significance, lies outside of the Site (i.e. not within the boundary of the Order Limits). Therefore the statement is accurate.</p>	Agreed
PCC 4.8.5	Predicted impacts	<p>Impacts considered to have the potential to give rise to likely significant effects are set out at section 21.6.2 of ES Chapter 21 (APP-136).</p> <p>At D6, PCC (REP6-083) advised that at section 21.6.2 the applicant does not identify, acknowledge or address the impact of the proposed ORS on the setting/ open character of the scheduled Fort Cumberland. PCC considered this to be a significant shortcoming, and did not agree that this represents an accurate reflection of the predicted impacts</p> <p>The Applicant provided a detailed response on this matter in Table 2.2 of 'Applicant's Response to Deadline 4 Submissions', <i>Document Reference 7.9.23, 70-78</i>.</p> <p>The negligible impact as assessed in Chapter 21 of the ES (APP-136) is considered by the Applicant to be robust, having been determined in accordance with Historic England guidance (GPA Setting). The Applicant considers the impact to the significance of Fort Cumberland is negligible in respect of views from the western ravelin, based on the distance from the asset and the presence of a modern residential housing estate, located</p>	Not Agree3d

Ref.	Description of matter	Current Position	RAG
		<p>15m to the north-west of the proposed ORS compound. The ORS would not have a significant impact on how the asset (when taken as a whole) is appreciated and understood.</p> <p>It has been agreed between the Applicant and Historic England that the proposed ORS would not result in substantial harm to the Fort Cumberland Scheduled Monument and Grade II*listed building (Document Ref. 7.5.13, ref 3.1.5). Historic England maintain that the level of harm is less than substantial whilst the Applicant considers the overall effect to Fort Cumberland scheduled monument is negligible. Irrespective of this differing professional opinion, in EIA terms the proposed change would not constitute a 'significant' environmental effect warranting substantial design amendments to the proposed scheme.</p> <p>On 25/02/21. PCC confirmed that this matter was not agreed. PCC consider that this assessment also ignores views towards the asset, rather than simply from the asset. (See comments previously provided by PCC (dated 14.01.21)). PCC also noted that alterations (reductions) to the height, scale, footprint, design and landscaping associated with the structure would reduce its impact. PCC consider this is a legitimate objective, consistent with national and local policy, and good conservation practice. PCC do not consider that the Applicant has considered such alterations.</p> <p>In response, the Applicant maintains that the negligible impact as assessed in Chapter 21 of the ES (APP-136) is robust, and considers the ORS would not have a significant impact on how the asset (when taken as a whole) is appreciated and understood. This matter is therefore not agreed between the parties.</p>	
PCC 4.8.6	Mitigation - Onshore Outline CEMP – General Environmental Control Measures	<p>The measures set out in section 5.8 (Heritage and Archaeology) of the Onshore Outline CEMP (REP7-032) are yet to be agreed.</p> <p>The Applicant notes that PCC seek further detail and strengthening of the proposed archaeological mitigation strategy, including the submission of a WSI (REP1-193). Although the WSI has yet to be produced, there is agreement on the proposed outline strategy and timing of further archaeological works with Hampshire County Council (HCC) archaeological advisor, as outlined below.</p> <p>It was agreed with the HCC Archaeologist during the ES assessment stage (paragraph 21.3.4.1 of ES Chapter 21, (APP-136)) that any further, intrusive, investigation (i.e. trial trenching and/or strip, map and sample) following the geophysical survey that was undertaken and submitted for the DCO Application (Appendix 21.3 of the ES, APP-443) would be carried out post DCO consent. Each of stage of investigation will be directed by a WSI outlining the scope and methodology, in accordance with Requirement 14 Archaeology, of the draft DCO (REP7-013).</p> <p>On 22/02/21, PCC advised that a final response would be confirmed following a detailed consideration of the Requirements, subject to review from their Legal Team.</p> <p>On 01/03/21, PCC confirmed this matter was agreed.</p>	Agreed
PCC 4.8.7	Mitigation - Onshore Outline CEMP – Onshore Monitoring Plan	<p>The measures set out in section 7.1 (Onshore Monitoring Plan - Heritage and Archaeology - Archaeological remains) of the Onshore Outline CEMP (REP7-032) are yet to be agreed.</p> <p>Whilst the WSI is yet to be produced, the Applicant notes that the PCC's archaeological advisor (HCC) is satisfied with the information submitted in the Environmental Statement in relation to the three proposed strategies (greenfield, brownfield and highway) for addressing the archaeological potential within the route parameters.</p>	Agreed
PCC 4.8.8	Residual effects	<p>Subject to further discussion in relation to predicted impacts and mitigation measures, the Applicant seeks PCC's agreement of the assessment of residual effects set out at section 21.9 and table 21.6 of Chapter 21 of the ES (APP-136).</p>	Not Agreed

Ref.	Description of matter	Current Position	RAG
		<p>PCC do not agree with the applicant that during the Operational Stage, the only residual effect on Designated Heritage Assets would be in relation to Scotland (Cottage). This fails to acknowledge/ ignores the impact of the proposed ORS on the setting/open character of Fort Cumberland.</p> <p>The Applicant directs to the response to 4.8.5 above.</p> <p>On 22/02/21, PCC confirmed this matter was not agreed,</p> <p>In response, the Applicant maintains that the negligible impact as assessed in Chapter 21 of the ES (APP-136) is robust, and considers the ORS would not have a significant impact on how the asset (when taken as a whole) is appreciated and understood. This matter is therefore not agreed between the parties.</p>	
PCC 4.8.9	Requirement 14 - Archaeology	<p>Draft DCO (REP1-021)) Requirement 14 requiring a Written Scheme of Investigation for areas of interest as identified in the ES (LPA approval), with works carried out in accordance with the approved scheme is agreed.</p> <p>The Applicant noted in the response to 4.8.6, that HCC is content with the proposed methodology set out in the ES. It was agreed that any further, intrusive, investigation (i.e. trial trenching and/or strip, map and sample) following the geophysical survey that was undertaken and submitted for the DCO Application (Appendix 21.3 of the ES, APP-443) would be carried out post DCO consent.</p> <p>Each of stage of investigation will be directed by a WSI outlining the scope and methodology, in accordance with Requirement 14 Archaeology, of the draft DCO (REP7-013).</p> <p>On 22/02/21, PCC confirmed this matter was agreed.</p>	Agreed

4.9. TRAFFIC AND TRANSPORT

Table 4.9 – Traffic and Transport

Ref.	Description of matter	Current Position	RAG
Traffic/Transport/Highways			
PCC 4.9.1	ES Methodology – Study Area & Model	The details within section 22.1.2 of ES Chapter 22 (APP-137)) and the Transport Assessment, incorporating the Sub Regional Transport Model (SRTM) Scoping Note (APP-448) were confirmed as agreed at a meeting between the Applicant and PCC on 08/12/2020.	Agreed
PCC 4.9.2	ES Methodology - Scenarios	<p>The assessment methodology as per section 22.4 of ES Chapter 22 (APP-137) and the coding note to be tested within the SRTM is agreed.</p> <p>The Transport Assessment, incorporating the SRTM Scoping Note (APP-448) was supplemented by a Technical Note (ERTN01) prepared by the Applicant to address modelling queries raised by PCC concerning a "worst case" scenario covering a possible cable route along the A2030 between Tangier Road and Eastern Avenue and cumulative residual impacts of traffic merging to pass-by works. PCC confirmed agreement of the assessment at a meeting between the Applicant and PCC on 08/12/2020 following review of the Technical Note.</p>	Agreed

Ref.	Description of matter	Current Position	RAG
<p>PCC 4.9.3</p>	<p>Predicted impacts</p>	<p>The predicted impacts are identified in section 22.6 (specifically sections 22.6.8 to 22.6.14) of ES Chapter 22 (APP-137) are not agreed.</p> <p>PCC do not agree that the scale of impacts is correctly stated.</p> <p>On 25/01/21 PCC advised (in dialogue with the Applicant) that the predicted impacts do not include either capacity or safety effects on roads not included within the SRTM and to that degree remain incomplete. The Applicant noted PCC’s concern regarding roads not included in the SRTM and further noted PCC’s agreement that detailed assessment of these roads is not practical or required, but PCC seeks flexibility to require traffic management on these roads when individual Traffic Management Strategies are created. The Applicant considered how such measures may be incorporated into the FTMS.</p> <p>On 25/01/21, PCC advised that the implications of joint bays now proposed within the highway remain to be assessed.</p> <p>The Applicant noted the comments, which were discussed at a meeting with PCC held on 21/01/21. The Applicant continued to engage with PCC on this matter and sought to provide clarity on the assessment of Joint Bays, noting that all Joint Bays will be constructed within the parameters of the mitigations provided for in the FTMS.</p> <p>On 26/02/21, PCC confirmed that: <i>“Fundamentally this relies on the findings of the Solent Region Transport Model and Road Safety Technical Note, however this is a strategic model which only considers the strategic routes in the network. It is our view that this needs to be moderated manually to take account of those circumstances where the base model predictions do not reflect the observed case, planned mitigations (such as the signing strategy which directs traffic to different routes than are predicted in the model) and to determine impacts on non-strategic roads not included in the model nor addressed in the Road Safety Technical Note.</i></p> <p><i>Determination of the impacts is further frustrated by optionality in the cable route and the joint bay locations only being indicative. It is the LHA view that greater certainty over these elements is required to reasonably establish the impacts.</i></p> <p><i>Whilst recognising the limitations of the SRTM it is Aquind’s view that the approach taken to determine the impacts of the proposal is sufficiently robust despite not considering the non-strategic roads at all.”</i></p> <p>In response, the Applicant notes that the use of the SRTM was agreed as part of the scoping exercise completed with PCC prior to submission of the DCO application. It is also incorrect to state the SRTM includes only ‘strategic routes in the network’ with numerous non-strategic residential roads included across the PCC network as have been assessed within the Transport Assessment, Environmental Statement, Supplementary Transport Assessment, ES Addendum 2 and Supplementary Transport Assessment Addendum. The Applicant also remains of the view that the assessments completed are representative of impacts which may occur on roads which are not included within the SRTM. A strategy for mitigating such impacts is included within the FTMS submitted at D8 (Section 2.6), which was the strategy agreed with PCC in order to deal with these potential impacts.</p> <p>This matter is not agreed between the parties.</p>	<p>Not Agreed</p>
<p>PCC 4.9.4</p>	<p>Mitigation - Onshore Outline CEMP – General</p>	<p>The following measures set out in the Onshore Outline CEMP, the most up to date version of which is (REP7-032):</p> <ul style="list-style-type: none"> Section 5.9 (Traffic and Transport) of the Onshore Outline CEMP, referring to the Framework CTMP and Framework TMS; 	<p>Not Agreed</p>

Ref.	Description of matter	Current Position	RAG
	Environmental Control Measures	<ul style="list-style-type: none"> Section 5.12 (Socio-Economics), of the Onshore Outline CEMP referring to the Framework CTMP, Framework TMS and additional traffic management, are not agreed. <p>On 25/01/21, PCC advised (in dialogue with the Applicant) that the mitigation measures required on roads not included within the SRTM and for which the predicted impacts remain to be determined have yet to be identified. The Applicant notes PCC's concern regarding roads not included in the SRTM and further notes PCC's agreement that detailed assessment of these roads is not practical or required, but PCC seeks flexibility to require traffic management on these roads when individual Traffic Management Strategies are created (as discussed above at 4.9.3). The Applicant has incorporated this into Section 2.6 of the FTMS submitted at D8.</p> <p>On 25/01/21, PCC also advised that the safety and suitability of access points: AC/7/a, AC/8/b, AC9/a, AC9/d are not yet agreed, See the Applicant's response to PCC 4.9.3 (above) regarding the use of the SRTM to assess predicted impacts across PCC's highway network.</p>	

With regards to individual access points, the Applicant has made the following updates since D7:

- AC/7/a: The indicative location of Joint Bay 22 has been relocated within the Joint Bay Feasibility Report (REP7-098) to ensure it does not clash with the construction access from A2030 Eastern Road into Zetland Fields which PCC had expressed as a concern. Following a meeting between the Applicant and PCC on the 09/02/21 it is understood that his concern has now been resolved.
- AC/8/b, AC/9/a and AC/9/d: The updated FCMTMP submitted prior to Deadline 8 includes controls to ensure these junctions operate only as a left-in / left-out basis and provided details of construction traffic routes off Portsea Island on this basis. Following a meeting between the Applicant and PCC on the 09/02/21 it is understood these amendments overcome PCC's concerns in relation to these access junctions.

On 26/02/21, PCC advised that they did not agree that the mitigation of impacts can reasonably be judged through the Framework Traffic Management Plan and Construction Traffic Management Plan particularly given the optionality preserved for the contractor in routing and programming / scheduling works and in respect of impacts (both capacity and safety) which have not been determined on the non strategic roads. It is the LHA view that Aquind should have secured early contractor involvement and been able to be specific about both the cable route and have developed the section specific detailed traffic management plans and construction traffic management plans to inform the ExA.

Without those there are too many variables and unknowns to be able to determine that the impacts can be reasonably mitigated to allow a positive determination of the DCO.

The Applicant also remains of the view that the assessments completed are representative of impacts which may occur on roads which are not included within the SRTM.

In response on this matter, the Applicant does not agree that early contractor involvement is necessary at this stage given that permission for the Development Proposals has not yet been granted, with the level of assessment completed being appropriate for the current stage of the project. Early contractor involvement would also not be practical at this stage as a Contractor would not be able to complete detailed designs and related engineering requirements. Sufficient approval powers are provided within the DCO to PCC in connection with detailed traffic management and construction traffic management controls.

PCC also advised on 26/02/21, that they did not agree that the approach to determining the availability of alternative on street parking spaces for vehicles displaced during the construction works is fundamentally sound both in terms of the walking distances assumed, survey methodology employed and assumed capacity in those roads which have not been subject to survey.

In response on this matter, The Applicant maintains that the assessment of on-street parking contained within the STA and STA Addendum is robust which is based upon the Lambeth parking survey methodology which PCC recommend for use within paragraph 3.9 of their 'Adopted parking standards and transport assessments' Supplementary Planning Document.

PCC also advised on 26/02/21, that we do not seem to be able to agree specific wording that the carriageway is to be in no worse condition upon completion of the works than it was prior to commencement when using photographic / scanner assessment despite agreeing to those forms of condition assessment.

In response, the Applicant notes that the FCTMP (para. 7.4.1.3 submitted prior to D8 include the following paragraph "*Highway reinstatement will be completed in accordance with the New Roads and Street Works Act 1991 and will be subject to post reinstatement liabilities in respect to that Act. Where a notice pursuant to Section 58 or 58A has been issued in relation to the relevant part of the public highway and the prescribed period in that notice remains in effect when the works are undertaken such reinstatement may include half or full carriageway reinstatement, to be agreed with the relevant highway authority. Completion of satisfactory reinstatement will be agreed with the relevant local highway authority through the use of post-completion*

Ref.	Description of matter	Current Position	RAG
		<p><i>photographic and scanner surveys.</i>" The fact that such reinstatement would need to be agreed with PCC as highway authority is, in the view of the Applicant, sufficient to secure the necessary highway reinstatement requirements</p> <p>This matter is not agreed between the parties.</p>	
<p>PCC 4.9.5</p>	<p>Mitigation - Onshore Outline CEMP – Location Specific Construction Environmental Control Measures</p>	<p>The measures set out in sections 6.2.7 (Noise and Vibration), referring to out of hours working hours and section 6.2.9 (Human Health), referring to road closures and access, of the Onshore Outline CEMP (REP7-032), and in the OOCEMP updated at DL8 General 'location-specific' environmental control measures are in Section 6 of the OOCEMP, with Noise and Vibration is at Section 6.2.8 and Human Health is at Section 6.2.10 are not resolved at DL8.</p> <p>A meeting was held with the PCC EHO on 07/01/21, where this matter was discussed further.</p> <p>The Applicant welcomes PCC's response following this meeting, to confirm whether this position is now agreed.</p> <p>The Applicant notes that a response has not been received from PCC in time for this matter to be finalised at DL8.</p> <p>This matter remains unresolved at DL8.</p>	<p>Unresolved at DL8</p>
<p>PCC 4.9.6</p>	<p>Residual effects</p>	<p>The assessment of residual effects set out in section 22.9 and table 22.10 of Chapter 22 of the ES (APP-137) and ES Addendum Chapter 15 (REP1-138), the updated by the ES Addendum (APP-137) and ES Addendum 2 (submitted at D7), and relevant considerations in the Road Safety Technical Note REP6-071, Portsbridge Roundabout Technical Note REP6-076 , the FTMP and FCTMP. These matters are not agreed between the parties.</p> <p>On 26/02/21, PCC provided the following response:</p> <p><i>Assessment of Impacts</i></p> <p><i>Fundamentally the assessment of impacts and mitigations relies on the application / findings of the Solent Region Transport Model and Road Safety Technical Note, however this is a strategic model which only considers the strategic routes in the network. Whilst this is the best existing traffic model available for the area and it is agreed that there is little value in further modelling work, it remains the LHA view that this needs to be moderated manually to take account of those circumstances where the base model predictions do not reflect the observed case, planned mitigations (such as the signing strategy which directs traffic to different routes than are predicted in the model) and to determine impacts on non strategic roads not included in the model nor addressed in the Road Safety Technical Note.</i></p> <p>In response on this matter, the Applicant notes that use of the SRTM was agreed with PCC as part of the scoping exercise completed prior to submission of the DCO application and maintains that the assessments completed are robust. The Applicant also agrees with PCC that there would be no benefit in completing further traffic modelling.</p> <p><i>Road Safety Technical Note REP6-071 (PH)</i></p> <p><i>The applicant contends that Road Safety Technical Note and general approach to assessment is representative of impacts of roads not included in the model and the assessment is wholly adequate for assessing the development impacts and notes the inclusion of the further traffic management options within the FTMS to be used to address impacts on roads not included in the model. Whilst welcome this does not resolve the fundamental difference</i></p>	<p>Not Agreed</p>

Ref.	Description of matter	Current Position	RAG
		<p><i>that the impact of the proposals on routes not included within the SRTM have not been assessed and consequently the PCC view remains that the ExA has insufficient information to determine the DCO despite the mitigation option types provided for in the revised FTMS</i></p> <p>In response on this matter the Applicant reiterates that the use of the SRTM was agreed as part of the scoping exercise completed with PCC prior to submission of the DCO application. It is also incorrect to state the SRTM includes only 'strategic routes in the network' with numerous non-strategic residential roads included across the PCC network as have been assessed within the Transport Assessment, Environmental Statement, Supplementary Transport Assessment, ES Addendum 2 and Supplementary Transport Assessment Addendum. The Applicant also remains of the view that the assessments completed are representative of impacts which may occur on roads which are not included within the SRTM and therefore that the Secretary of State does have sufficient information to determine the DCO. A strategy for mitigating such impacts is included within the FTMS submitted at D8 (Section 2.6), which was the strategy agreed with PCC in order to deal with these potential impacts.</p> <p><i>Portsbridge Roundabout Technical Note REP6-076 (SF)</i></p> <p><i>The applicant and PCC disagree what is, and is not, the logical diversion route around the proposed works for the on-shore cable corridor at A2030 Eastern Road however it is acknowledged that the SRTM model has shown the higher order route (M275) is predicted to be the preferred diversion for drivers attempting to avoid works at Eastern Road. Whilst this may be the case for drivers unfamiliar with the area, however those familiar and/or needing to reach areas in the east of Portsea Island are unlikely to take a far more circuitous route unless forced to. It is more likely drivers will take the nearest route round the works which will inevitably involve some uplift in movements leaving the A27 to Portsbridge Roundabout or potentially routing between primary routes utilising smaller residential roads, the safety impacts of which are unknown.</i></p> <p><i>It is acknowledged that the applicant has since produced an updated signage strategy, Travel Demand Management (TDM) strategy and communications strategy. There are also further measures proposed for the FTMS to address any safety concerns on residential roads. It remains to be seen whether the applicant has adequately modelled the impacts of the works, and whether these measures can counteract the significant disruption likely to be caused to traffic moving to/from Portsea Island. The LHA have the benefit of experience managing the network in this part of the city, and monitoring during the pandemic has shown that local traffic overwhelmingly favour using the route through the centre of Portsea Island, using Portsbridge Roundabout to access the northern areas of the city and the wider city region, with significant uplift of traffic year on year using this route and a decrease in traffic using the remaining two routes (M275/A2030) - presumably as a result of homeworking. This would suggest that the assumptions made by the model might not necessarily match the logical response/intuition of residents looking to avoid road works at Eastern Road.</i></p> <p><i>Model plots requested of the wider Portsmouth highway network have not been produced to show the outputs of the strategic model to better understand why the works would have the predicted effect of reducing the number of vehicles using Portsbridge Roundabout as well as the more predictable reduction in traffic at Eastern Road - if this were the case, it would be expected that significant east-west movements would be seen for vehicles routing across to/from the M275 which the applicant's modelling suggests is the preferred route. This diversionary east-west movement has not been borne out in the applicant's assessment which in part leads the LHA to conclude that the traffic is utilising the smaller residential roads which are not included in the strategic model. The updated mitigation strategies are welcomed, however at this late stage of the examination process, it is still not clear whether the scope and effectiveness of these strategies will be sufficient given that the LHA cannot have full confidence that the modelling accurately reflects the impacts.</i></p>	

In response, the Applicant reasserts that realistic worst-case and robust assessment on the highway network has already been completed within the Transport Assessment (APP448), Chapter 22 of the ES (APP-137), Supplementary Transport Assessment (REP1-142) and ES Addendum (REP1-137). The SRTM modelling is representative of impacts that may occur on roads not included within the model and therefore agrees with PCC's view that there is little benefit in undertaking further traffic modelling. The Applicant also notes reiterates that the safety impacts of traffic reassigning onto residential roads is known, as has been assessed within the Road Safety Technical Note and Supplementary Transport Assessment Addendum. In addition to this, and following discussion with PCC, the Applicant believes that concerns related to impacts on roads not included within the SRTM can be resolved through further traffic management mitigation measures that can be incorporated into individual Traffic Management Strategies as required by Section 2.6 of the FTMS submitted prior to D8; the approach to which has been agreed with PCC.

With regards to PCC's comments on the use of alternative routes into Portsea Island the Applicant notes that no evidence has been provided of such assertions and it remains the Applicant's view that the modelled assignment of traffic across the PCC network, based upon journey times between origin and destination, is robust. Given that the A2030 Eastern Road provides a link between the A27 and areas such as Fratton and Southsea at the southern end of Portsea Island it is also the Applicant's view that the M275 provides a legitimate alternative route for such trips and one that would be preferable to use of Portsbridge roundabout and A3 / A2047.

Mitigation of Impacts

We do not agree that the mitigation of impacts can reasonably be judged through the framework Traffic Management Plan and Construction Traffic Management Plan particularly given the optionality preserved for the contractor in routing and programming / scheduling works and in respect of impacts (both capacity and safety) which have not been determined on the non strategic roads. It is the LHA view that Aquind should have secured early contractor involvement and been able to be specific about both the cable route and have developed the section specific detailed traffic management plans and construction traffic management plans to inform the ExA. Without those there are too many variables and unknowns to be able to determine that the impacts can be reasonably mitigated to allow a positive determination of the DCO

The Applicant also remains of the view that the assessments completed are representative of impacts which may occur on roads which are not included within the SRTM.

In response on this matter, the Applicant does not agree that early contractor involvement is necessary at this stage given that permission for the Development Proposals has not yet been granted with the level of assessment completed being appropriate for the current stage of the project. Early contractor involvement would also not be practical at this stage as a Contractor would not be able to complete detailed designs and related engineering requirements. Sufficient approval powers are provided within the DCO to PCC in connection with detailed traffic management and construction traffic management controls.

In addition, on 26/02/21 PCC advised that they do not agree that the approach to determining the availability of alternative on street parking spaces for vehicles displaced during the construction works is fundamentally sound both in terms of the walking distances assumed, survey methodology employed and assumed capacity in those roads which have not been subject to survey.

In response on this matter, the Applicant maintains that the assessment of on-street parking contained within the STA and STA Addendum is robust which is based upon the Lambeth parking survey methodology which PCC recommend for use within paragraph 3.9 of their 'Adopted parking standards and transport assessments' Supplementary Planning Document.

Ref.	Description of matter	Current Position	RAG
		<p><i>In addition, PCC advised that we do not seem to be able to agree specific wording that the carriageway is to be in no worse condition upon completion of the works than it was prior to commencement when using photographic / scanner assessment despite agreeing to those forms of condition assessment</i></p> <p>The Applicant's response to PCC 4.9.4 (above) confirms the Applicant's position regarding reinstatement of highways.</p> <p>This matter is not agreed between the parties.</p>	
<p>PCC 4.9.7</p>	<p>Requirement 10 – Details of access to a Highway by Vehicular Traffic</p>	<p>Draft DCO (REP7-013) Requirement 10 requiring written details of siting, design, layout, visibility splays, access management measures and maintenance programme for permanent or temporary access to a highway to be used by vehicular traffic (LHA approval) is not agreed.</p> <p>On 25/01/21, PCC noted that the proposal to provide details of construction accesses as part of Section-Specific CTMPs was not acceptable. Rather, these need to be resolved at this stage to establish feasibility.</p> <p>In response, the Applicant considered the details provided in the FCTMP are appropriate at this stage of the project as they contain a standard detail layout for a typical construction access.</p> <p>On 26/02/21, PCC confirmed that the FCTMP D8 intended approach to new accesses is agreed although the indicative details are not sufficient to establish that safe accesses can be achieved in each specific location which will have site specific circumstances. The detailed design of the accesses is reserved to be considered through the individual section specific CTMPs. It is the LHA view that the ExA cannot therefore be confident that safety designs for these individual accesses can be achieved. It is the LHA view that the applicant should have secured early contractor involvement and been able to be specific about both the cable route and have developed the section specific detailed construction traffic management plans to inform the ExA. Without those there are too many variables and unknowns to be able to determine that the impacts can be reasonably mitigated to allow a positive determination of the DCO.</p> <p>In response, the Applicant welcomes PCC's agreement to the approach to new accesses set out in the updated FCTMP for D8. However, the Applicant maintains that the details provided in the FCTMP are appropriate at this stage of the project noting that the construction methodology and associated construction traffic management measures is based upon professional experience of similar projects. The Applicant does not agree that early contractor involvement is necessary at this stage given that permission for the Development Proposals has not yet been granted with the level of assessment completed being appropriate for the current stage of the project. Early contractor involvement would also not be practical at this stage as a Contractor would not be able to complete detailed designs and related engineering requirements.</p> <p>The Applicant also disagrees that the proposed construction access junctions cannot be safely implemented with their locations identified within the FCTMP also based upon professional judgement. The final design of all highway accesses is to be required to be agreed with the relevant highway authority before the commencement of works in relation to the relevant phase of works which the access is required through a Minor Works Agreement in accordance with Requirement 17 of the DCO.</p> <p>This matter is not agreed between the parties.</p>	<p>Not agreed</p>
<p>PCC 4.9.8</p>	<p>Requirement 17 – Construction</p>	<p>Draft DCO (REP7-013) Requirement 17 requiring a Construction Traffic Management Plan in accordance with the framework construction traffic management plan, per phase (LHA approval) is not agreed.</p>	<p>Not Agreed</p>

Ref.	Description of matter	Current Position	RAG
	Traffic Management Plan	<p>On 25/01/21, PCC noted that feedback on FCTMP was provided at D6 and updated at D7, awaiting response.</p> <p>The Applicant notes the comments made above and continued to engage with PCC on this matter to seek to confirm a position with PCC in advance of D8.</p> <p>On 26/02/2021, PCC confirmed that the FCTMP D8 is largely agreed although:</p> <p><i>Para 2.8.7.5 and table 6 at para 3.6.1.1 considers access for AILs and explains that where these are required for delivery of cable drums to joint bays they will may be limited to overnight / weekend periods to mitigate the impact of loads moving through the highway network; however this does not recognise that residential parking demand is increased in the evenings and at weekends. Where on street parking suspensions are necessary to facilitate access of AILs this should be undertaken during the day (outside of peak hours) as was reported to the ExA in ISH5 by Mr Williams on behalf of the applicant.</i></p> <p><i>Para 7.4.1.3 helpfully explains that reinstatement will be agreed with the relevant LHA through the use of post condition photographic and scanner surveys. It is the LHA view that when so assessed the condition of the highway must as a minimum be no worse than that found prior to the commencement of the works and the FCTMP should be explicit in that regard.</i></p> <p>In response, the Applicant welcomes PCC's broad agreement to the FCTMP.</p> <p>Paragraph 2.8.7.5 of the FCTMP states that <i>'Where AIL movements are required these will be undertaken outside of school opening / closing times, peak hours, and may be limited to weekend and overnight periods to mitigate the impact of these moving through the highway network.'</i> Such occurrences would therefore take place specifically to mitigate impacts and would not take place along routes where the impacts of such would be greater at night or during weekends. The Applicant maintains that the details provided in the FCTMP confirm matters which address PCC's comments in relation to AILs. The Applicant's response to PCC 4.9.4 (above) confirms the Applicant's position regarding reinstatement of highways.</p> <p>This matter is not agreed between the parties.</p>	
PCC 4.9.9	Location of Joint Bays	<p>It is agreed that joint bay locations are to be discussed and agreed subject to DCO approval. The Environmental Statement Volume 2 – Figure 24.2 Illustrative Cable Route (APP-336), HDD sites and Joint Bays for noise and vibration assessment, provides indicative joint bay locations to aid discussions.</p> <p>The Applicant submitted an Engineering Report showing indicative locations of joint bays at Deadline 6.</p> <p>The Applicant notes the comments made above and continued to engage with PCC on this matter to seek to confirm a position with PCC in advance of D8.</p> <p>On 25/01/21, PCC noted that joint bay locations are varied and now in part are located in carriageway.</p> <p>In response, the Applicant confirms that location of Joint Bays shown within the Joint Bay Technical Note (REP6-070) and Joint Bay Feasibility Report (REP7-098) are indicative only with these documents completed as proving exercise to show that the Onshore Cable Route can be feasibility constructed. Following submission of REP6-070 and discussions between the Applicant and PCC the location of Joint Bay 22 within Zetland Fields</p>	Not Agreed

Ref.	Description of matter	Current Position	RAG
		<p>and 26 on the A2030 Eastern Road were relocated to overcome PCC concerns in relation to their proximity to proposed construction access junctions in these locations. These amendments were reflected in REP7-098.</p> <p>On 26/02/2021, PCC noted:</p> <p><i>The applicant contends at paras 1.24-1.26 of REP7c-012 that the JBTN REP6-070 is an indicative feasibility study and reiterates that joint bays will be located off carriageway as far as possible. Whilst the proposals in the updated JBTN (REP7-073) seem acceptable given its status as indicative only no reliance can be placed on this to inform the determination of the DCO and consequently the PCC view remains that the ExA has insufficient information to determine the DCO.</i></p> <p>In response on this matter, the Applicant disagrees with PCC's view that there is insufficient information available to determine the DCO. The Joint Bay Feasibility Report (REP7-073) provides indicative locations for the construction of Joint Bays along the Onshore Cable Route and confirms that those located within the highway can be constructed using the same traffic management as prescribed within the FTMS for each location. The FTMS has also been updated at D8 to reflect these indicative Joint Bay locations and the traffic management required to facilitate construction has been assessed by the Applicant through the ES and associated documents. The Applicant therefore disagrees with PCC's assertion that the Secretary of State has insufficient information to determine the DCO.</p> <p><i>On 26/02/21, PCC also advised that FTMS D8 Para 7.2.1.5 explains that the joint bay envisaged in Farlington Ave will be accommodated through signal controlled shuttle working each requiring 20 days per circuit. Therefore in this location traffic management will be in effect for 40 days simply for the joint bays in addition to that required for trenching. This will have an increased impact on local residents which has not been assessed nor mitigated, for example whilst trenching works may disrupt access to individual properties for 1 or 2 days, in which case an extended walk to a parking space may be acceptable, the joint bays may disrupt that access for 20 days in which case specific convenient alternative parking provision should be identified. Furthermore information regarding joint bay location is only indicative so cannot be relied upon by the ExA when determining the application.</i></p> <p>In response, the Applicant confirms that the assessment of shuttle working traffic signals in the Transport Assessment and Supplementary Transport Assessment showed that these would operate well within capacity with delays of less than one minute. This is representative of likely traffic delay impact regardless of the final Joint Bay location along Farlington Avenue As demonstrated within the Joint Bay Feasibility Report (REP7-098) this shows that construction of a Joint Bay would require a maximum length of approximately 60m during cable pulling period (approximately 5 days per Joint Bay) and 35m during the rest of the construction period. This will not have a significant impact on on-street parking capacity on Farlington Avenue as assessed within the Appendix 1 of the FTMS.</p> <p>This matter is not agreed between the parties.</p>	
PCC 4.9.10	Co-ordination of third parties on the public Highway	<p>PCC have advised that they operate a permit scheme, with a lane rental scheme to follow. The Applicant agrees to the use of the permit scheme implemented via the DCO and Article 9A included in the draft DCO addresses this matter.</p> <p>On 26/02/21, PCC confirmed that the approach to manage roadspace allocation through application of the permit scheme is agreed.</p>	Agreed
PCC 4.9.11	Requirement 19 – Traffic Management Strategy	<p>Draft DCO (REP1-021) Requirement 19 requiring a Traffic Management Strategy in accordance with the Framework Traffic Management Strategy is not agreed.</p> <p>On 26/02/2021, PCC confirmed that the FTMS D8 submitted 24/02/21 is not agreed, and provided the following comments:</p> <p><i>FTMS</i></p>	Not Agreed

Ref.	Description of matter	Current Position	RAG
		<p><i>PCC advised that Para 2.3.3.3 now explains that construction of joint bays, when required in the carriageway, will be subject to the same traffic management arrangements and proposals as apply to the trenching work. However these joint bays will occupy the carriageway for 20 days each and consequently will have a proportionately greater impact than the trenching works which has not been assessed nor alternative / additional mitigation considered. For example whilst trenching works may disrupt access to individual properties for 1 or 2 days, in which case an extended walk to a parking space may be acceptable, the joint bays may disrupt that access for 20 days in which case specific convenient alternative parking provision should be identified. Furthermore information regarding joint bay location is only indicative so cannot be relied upon by the ExA when determining the application.</i></p> <p>In response on this matter, the Applicant confirms that the construction of Joint Bays within the highways will be facilitated by the same traffic management as that required to install cable ducts in the same location as prescribed by the FTMS and assessed in detail within the ES and associated documents.</p> <p>The Applicant also notes that the indicative Joint Bays shown within the Joint Bay Feasibility Report do not disrupt access to individual properties other than in relation to on-street parking, for which it has been demonstrated that alternatives are available within 400m. Also, as demonstrated within the Joint Bay Feasibility Report (REP7-098) construction of a Joint Bay would require a maximum length of approximately 60m during cable pulling period (approximately 5 days per Joint Bay) and 35m during the rest of the construction period. This will not have a significant impact on on-street parking capacity, as assessed within the Appendix 1 of the FTMS, and therefore the Applicant disagrees that their location cannot be relied upon by the ExA when determining the application.</p> <p><i>PCC advised that Para 2.5.3.6 explains that the exact traffic management strategy for side road accesses will be agreed with the Highway Authority through submission of detailed designs and traffic management measures prior to the commencement of works. These details should be provided at this stage to give the ExA confidence that safe arrangements with adequate traffic capacity can be achieved. In the absence of these it is the view of the LHA that the ExA does not have sufficient information regarding the impact of the scheme nor mitigation required to allow a positive determination of the DCO.</i></p> <p>In response on this matter, the Applicant notes that the exact requirements of the traffic management at side roads will be dependent upon the final alignment of the Onshore Cable Route which will be confirmed during detailed design. In all cases, the required traffic management layouts will be in accordance with guidance contained within the Traffic Signs Manual Chapter 8 which will ensure that safe working arrangements are provided in all circumstances. Where traffic signals are required, these will be manually adjusted during peak hours to minimise traffic delay as required by the FTMS and will be in place for only 1-2 weeks per circuit.</p> <p><i>PCC advised that Section 2.6 para 2.6.1.1 recognises that additional traffic management measures may be necessary to mitigate impacts on minor roads outside of the onshore cable route and detail a list of the sorts of interventions which may be considered. It remains the case that the impact of diverted traffic on roads which are not included in the Strategic Transport Model have not been determined nor specific interventions developed to mitigate those impacts. In the absence of this detail it is the view of the LHA that the ExA does not have sufficient information regarding the impact of the scheme nor mitigation required to allow a positive determination of the DCO.</i></p>	

In response, the Applicant reasserts that realistic worst-case and robust assessment on the highway network has already been completed within the Transport Assessment (APP448), Chapter 22 of the ES (APP-137), Supplementary Transport Assessment (REP1-142) and ES Addendum (REP1-137). The SRTM modelling is representative of impacts that may occur on roads not included within the model and therefore agrees with PCC's view that there is little benefit in undertaking further traffic modelling. In addition to this, and following discussion with PCC, the Applicant believes that concerns related to impacts on roads not included within the SRTM can be resolved through further traffic management mitigation measures that can be incorporated into individual Traffic Management Strategies as required by Section 2.6 of the FTMS submitted prior to D8; the approach to which has been agreed with PCC.

PCC advised that Para 2.6.1.3 explains that should the committed part signalisation of the A3(M) junction 3 scheme be implemented prior to the construction of the cable route then this will require further consideration. The approach in these circumstances should have been developed to ensure that the impacts of the scheme could be reasonably mitigated and the ExA decision on the DCO informed accordingly. In the absence of this information it is the view of the LHA that the ExA does not have sufficient information regarding the impact of the scheme nor mitigation required to allow a positive determination of the DCO.

In response on this matter, the Applicant notes that this comment refers to A3(M) Junction 3, the junction with Hulbert Road, which falls under the jurisdiction of Highways England and Hampshire County Council rather than PCC. The Applicant also notes that the Hampshire County Council have not raised a concern in relation to this junction and that this matter is agreed with Highways England at Section 4.4.1 of their SoCG (REP6-044).

PCC advised that Para 2.7.1.3 helpfully explains that reinstatement will be agreed with the relevant LHA through the use of post condition photographic and scanner surveys. It is the LHA view that when so assessed the condition of the highway must as a minimum be no worse than that found prior to the commencement of the works and the FTMS should be explicit in that regard.

In response, the Applicant notes that the FCTMP (para. 7.4.1.3 submitted prior to D8 include the following paragraph "*Highway reinstatement will be completed in accordance with the New Roads and Street Works Act 1991 and will be subject to post reinstatement liabilities in respect to that Act. Where a notice pursuant to Section 58 or 58A has been issued in relation to the relevant part of the public highway and the prescribed period in that notice remains in effect when the works are undertaken such reinstatement may include half or full carriageway reinstatement, to be agreed with the relevant highway authority. Completion of satisfactory reinstatement will be agreed with the relevant local highway authority through the use of post-completion photographic and scanner surveys.*" The fact that such reinstatement would need to be agreed with PCC as highway authority is, in the view of the Applicant, sufficient to secure the necessary highway reinstatement requirements

PCC advised that Para 2.14.1.2 refers to the use of traffic marshals being 'considered' in certain locations. At this stage commitment should be made to the provision of such marshals to give confidence that the impacts will be satisfactorily mitigated. In the absence of such commitment the ExA cannot be assured that the impacts will be satisfactorily mitigated

In response the Applicant is firm in its commitment of traffic marshals with paragraph 2.14.1.2 of the FTMS with this providing specific locations where they will be deployed. It is also noted that detailed traffic management strategies will require approval by PCC.

PCC advised that Para 7.2.1.5 explains that the joint bay envisaged in Farlington Ave will be accommodated through signal controlled shuttle working each requiring 20 days per circuit. Therefore in this location traffic management will be in effect for 40 days simply for the joint bays in addition to that required for trenching. This will have an increased impact on local residents which has not been assessed nor mitigated, for example whilst trenching works may disrupt access to individual properties for 1 or 2 days, in which case an extended walk to a parking space may be acceptable, the joint bays may disrupt that access for 20 days in which case specific convenient alternative parking provision should be identified. Furthermore information regarding joint bay location is only indicative so cannot be relied upon by the ExA when determining the application.

Ref.	Description of matter	Current Position	RAG
		<p>In response, the Applicant confirms that the assessment of shuttle working traffic signals in the Transport Assessment and Supplementary Transport Assessment showed that on Farlington Avenue these would operate well within capacity with delays of less than one minute. As demonstrated within the Joint Bay Feasibility Report (REP7-098) this shows that construction of a Joint Bay would require a maximum length of approximately 60m during cable pulling period (approximately 5 days per Joint Bay) and 35m during the rest of the construction period. This will not have a significant impact on on-street parking capacity on Farlington Avenue as assessed within the Appendix 1 of the FTMS, and therefore the Applicant disagrees that the extent of their location cannot be relied upon by the Secretary of State when determining the application.</p> <p><i>PCC advised that Section 7.3.2 explains the road closure necessary for the trenching work in Farlington Ave for a 350m length with construction zones of 100m. Given progress rates in the order of 24m/day (para 2.3.2.1 refers) even if construction lengths are reduced to 100m that will practically prevent access to properties for a 4 /5 day period. This will have an increased impact on local residents which has not been assessed nor mitigated rather para 7.3.2.4 explains that detailed traffic management strategies should include additional traffic management measures. In the absence of this detail it is the view of the LHA that the ExA does not have sufficient information to be confident that the impact of the scheme can be satisfactorily mitigated as is required to allow a positive determination of the DCO.</i></p> <p>In response on this matter the Applicant confirms that an assessment of displaced parking on Farlington Avenue has been completed within Appendix 1 of the FTMS, which concluded that adequate on-street parking capacity was available on streets surrounding Farlington Avenue within 400m of the impacted properties. The Applicant discussed this with PCC on 09/02/21 prior to update of the FTMS for D8, where it was understood by the Applicant that PCC were comfortable with proposals for the road closure to take place in 100m sections.</p> <p><i>PCC advised that Para 7.8.2.3 similarly indicates that additional traffic management interventions may be required on residential roads east and west of Farlington Ave, West of the A2030 Eastern Road and north of Grove Road. The impact of the works on these roads has not been assessed and it is the view of the LHA that the ExA does not have sufficient information regarding that impact nor detail of the mitigation required to allow a positive determination of the DCO.</i></p> <p>In response the Applicant confirms that routes such as Grove Road and roads surrounding Farlington Avenue are assessed within the Road Safety Technical Note submitted to PCC in November 2020 and Appended to the Supplementary Transport Assessment Addendum. Following completion of this document discussions between the Applicant and PCC it was agreed to include additional measures within the FTMS to account for impacts on routes outside of the Onshore Cable Corridor. Where required, additional measures to mitigate impacts were incorporated into the FTMS submitted at D8. The Applicants understood these to be agreed.</p> <p><i>PCC advised that Para 8.1.1.7 explains that works on Fitzherbert Road may be undertaken on a 24hr working basis to minimise disruption although does not make any commitment to that. As a consequence it is the view of the LHA that the ExA does not have sufficient information to be confident that the impact of the scheme can be satisfactorily mitigated as is required to allow a positive determination of the DCO.</i></p> <p>In response on this matter the Applicant notes that all highway assessments have been completed using weekday peak hours and therefore provide a robust assessment of impacts. The completion of 24hr working on Fitzherbert Road would therefore result in lesser traffic and transport impact in comparison with those already assessed.</p> <p>The Applicant also reiterates that the PCC will have sufficient powers to approve the final traffic management strategies for Fitzherbert Road.</p>	

Ref.	Description of matter	Current Position	RAG
		<p><i>PCC advised that Paras 10.2.1.14 and 10.3.1.16 consider the traffic management required for a section of Eastern Road and explain that detailed traffic management strategies should include consideration of additional traffic management measures on residential roads between London Road / Kingston Road / Copnor Road and between Tangier Road/ Baffins Road and Eastern Road The impact of the works on these roads has not been assessed and it is the view of the LHA that the ExA does not have sufficient information regarding that impact nor detail of the mitigation required to allow a positive</i></p> <p>In response on this matter, the Applicant reasserts the SRTM modelling is representative of impacts that may occur on roads not included within the model. In addition, and at the request of PCC, the Applicant completed the Road Safety Technical Note, which considered the potential highway safety implications of traffic using alternative routes when reassigning away from traffic management on the Onshore Cable Route. In addition to this, and following discussion with PCC, the Applicant believes that concerns related to impacts on roads not included within the SRTM and those identified within the Road Safety Technical Road as requiring mitigation can be resolved through further traffic management measures that can be incorporated into individual Traffic Management Strategies as required by Section 2.6 of the FTMS submitted prior to D8. This approach has been agreed with PCC.</p> <p><i>FTMS Appendix 1 Access to Properties Car Parking and Comms Strategy D8</i></p> <p><i>Section 5.2 explains the approach taken to establish the availability of alternative parking facilities within a reasonable walking distance of displaced parking. It is explained at 5.2.1.1 that residential parking surveys have been undertaken in accordance with the Lambeth model. However the Lambeth methodology is specific that the walking distance to be considered is 200m. That is consistent with the walking distance considered reasonable by PCC when considering the proximity of off site parking opportunities relative to new residential development although despite this the applicant has applied a walking distance of 400m which is more appropriate when considering the proximity of retail / employment / education / leisure and access to public transport.</i></p> <p><i>PCC have misgivings regarding the detail of the Lambeth methodology which practically overestimates the availability of on street parking spaces as it relies on a formulaic approach in which the length of available parking roadspace is divided by 5 to determine the parking capacity. However this does not recognise the impact of inconsiderate or indiscriminate parking and predicts a level of parking capacity which simply isn't realised on street. Furthermore at para 5.4.2.1 it is explained that the available road length has been divided by 4.5 (rather than 5 as recommended in the Lambeth methodology) to determine onstreet parking capacity. There is no justification for this which will simply unrealistically increase the number of parking spaces on street.</i></p> <p>In response, the Applicant maintains that the assessment of on-street parking contained within the STA and STA Addendum is robust which is based upon the Lambeth parking survey methodology which PCC recommend for use within paragraph 3.9 of their 'Adopted parking standards and transport assessments' Supplementary Planning Document.</p> <p><i>PCC advised that Para 5.4.2.2 further explains that where parking surveys have not been undertaken an existing parking occupancy rate of 75% has been assumed without basis or justification.</i></p> <p><i>In response on this matter, the Applicant retains the view that this is a robust basis for assessments of on-street parking capacity in the absence of surveys and proposed strategy for providing access to properties.</i></p> <p><i>It is the LHA view that the approach to determining both the number of onstreet parking spaces and practical availability of those within a reasonable walking distance of the displaced spaces is severely flawed and that the ExA can place little weight on the contention that displaced parking can be</i></p>	

Ref.	Description of matter	Current Position	RAG
		<p><i>accommodated elsewhere on street within a reasonable walking distance. There are no practical mitigations for displaced on street parking proposed which is of particular concern on the:</i></p> <ul style="list-style-type: none"> <i>ALL routes via Locksway Road / Longshore Way and Kingsley Road where parking would need to be restricted over very significant lengths and the neighbouring streets are characterised by terraced property where the demand for on street parking already exceeds the space available; and</i> <i>Farlington Avenue where a road closure is thought necessary for an extended period</i> <p><i>The assessment underestimates the impact of parking displacement on residential amenity and air quality arising from drivers circulating whilst hunting for a place to park. This is likely to lead result in vehicles being parked at junctions / obstructing footways or where parking is restricted to the disbenefit of highway safety. This impact has not been properly assessed and it is the view of the LHA that the ExA does not have sufficient information regarding that impact nor detail of the mitigation required to allow a positive determination of the DCO.</i></p> <p>In response on this matter, the Applicant maintains that the assessment of on-street parking contained within the STA and STA Addendum is robust which is based upon the Lambeth parking survey methodology which PCC recommend for use within paragraph 3.9 of their 'Adopted parking standards and transport assessments' Supplementary Planning Document.</p> <p>With specific response to Locksway Road / Longshore Way Kingsley Road, the Applicant also notes that Paragraph 3.4.10.3 of the updated Framework CTMP (AS-074) states that the contractor will be required to use smaller construction vehicles and plant when accessing these roads which would mitigate as far as practicable the need to suspend on-street parking.</p> <p>It is also noted that when taking account of this construction traffic control, it may only be necessary to suspend on-street parking to cater for the delivery of cable drums to Joint Bays should they be located at the eastern end of Locksway Road / Kingsley Road as shown indicatively in the Joint Bay Feasibility Report and are identified as a location for pulling of cables into the cable route. Based on the preliminary strategy for this which was used to inform the cable drum delivery requirements assessed within the STA and STA Addendum, Kingsley Road will not be required to accommodate cable drum deliveries and will therefore not require temporary suspension of on-street parking.</p> <p>Notwithstanding this point, the Applicant also notes that suspension of on-street parking to accommodate such cable drum deliveries would be limited to a very short period within construction working hours, where on-street parking on residential areas including Locksway Road and Kingsley Road is lower than the overnight position assessed by the Applicant. On this basis, the Applicant maintains that the assessments of available parking is robust and that any temporary restrictions to on-street parking can be accommodated without significant impacts being generated on highway safety.</p> <p>With regards to Farlington Avenue, it has been demonstrated that there is sufficient capacity available to accommodate displaced parking on surrounding streets during the required road closures.</p> <p><i>FTMS Appendix 3 Traffic Signage Strategy</i></p> <p><i>I am comfortable with the traffic signing strategy although this does direct traffic to use routes which are not necessarily those to which traffic is found to reassign in the strategic traffic model (SRTM). As such this undermines the validity of the re-routing predictions in the SRTM model runs and consequently</i></p>	

Ref.	Description of matter	Current Position	RAG
		<p><i>confidence in all of the assessments which rely / draw from those findings which must be considered in that light. This should act to reduce the confidence which the ExA can have in both the determination of impacts and effectiveness of mitigation claimed in the information supporting the DCO application</i></p> <p>In response, the Applicant reasserts that realistic worst-case and robust assessment on the highway network has already been completed within the Transport Assessment (APP448), Chapter 22 of the ES (APP-137), Supplementary Transport Assessment (REP1-142) and ES Addendum (REP1-137). The SRTM provides the best tool available for the assessment of impacts associated with construction of the Onshore Cable Route and it is the Applicant's view that the Signage Strategy does not undermine the assessments undertaken, noting that the Signage Strategy is only part of the mitigation strategy proposed by the Applicant. Additional mitigation measures have also been included within Section 2.6 of the FTMS to address any unforeseen impacts which may occur during construction.</p> <p>This matter is not agreed between the parties.</p>	
PCC 4.9.12	Requirement 21 – Travel Plan	<p>Draft DCO (REP1-021) Requirement 21 requiring a Travel Plan for the contractors workforce (LPA/LHA approval) are agreed.</p> <p>The Applicant notes the Construction Worker Travel Plan appended to the Framework Traffic Management Strategy (REP1-068) was submitted at Deadline 1.</p> <p>PCC confirm this matter is now agreed (20/01/2021).</p>	Agreed
PCC 4.9.13	Abnormal Loads	<p>The Applicant agrees with PCC in that the reference to abnormal loads within the Framework Construction Traffic Management Plan incorrectly states that "a vehicle is considered abnormal when.... the gross weight is over 80 tonnes". This has been rectified in the updated version of the FCTMP (REP1-068) submitted to the ExA at Deadline 1 to align with the definition (over 44 tonnes) within the Glossary (REP1-005).</p> <p>An assessment of abnormal loads associated with delivery of cable drums to indicative joint bays was completed by the Applicant as part of the Supplementary Transport Assessment (REP1-142) submitted at Deadline 1, with a further Technical Note on the number of abnormal loads movements to each location provided to PCC on 11/11/20. The Applicant welcomes comments from PCC on these documents.</p> <p>On 25/01/21, PCC advised that feedback on FCTMP was provided at D6, and updated at D7 awaiting response.</p> <p>The Applicant notes the comments made above and continued to engage with PCC on this matter to seek to confirm a position with PCC in advance of D8.</p> <p>On 26/02/21, PCC confirmed that:</p> <p><i>The approach to abnormal loads is broadly agreed although FCTMP D8 para 2.8.7.5 and table 6 at para 3.6.1.1 explains that where AIL deliveries are required for cable drums to joint bays they will may be limited to overnight / weekend periods to mitigate the impact of loads moving through the highway network; however this does not recognise that residential parking demand is increased in the evenings and at weekends. Where on street parking suspensions are necessary to facilitate access of AILs this should be undertaken during the day (outside of peak hours) as was reported to the ExA in ISH5 by Mr Williams on behalf of the applicant.</i></p> <p>In response, the Applicant welcomes PCC's broad agreement to the FCTMP, and notes their response to PCC 4.9.8 (above) which confirms that paragraph 2.8.7.5 of the FCTMP states that 'Where AIL movements are required these will be undertaken outside of school opening / closing times, peak hours, and may be limited to weekend and overnight periods to mitigate the impact of these moving through the highway network.' Such occurrences</p>	Not Agreed

Ref.	Description of matter	Current Position	RAG
		would therefore take place specifically to mitigate impacts and would not take place along routes where the impacts of such would be greater at night or during weekends. The Applicant maintains that the details provided in the FCTMP confirm matters which address PCC's comments in relation to AILs. This matter is not agreed between the parties.	

4.10. AIR QUALITY

Table 4.10 – Air Quality

Ref.	Description of matter	Current Position	RAG
Air Quality			
PCC 4.10.1	ES Methodology – study area	The area of study is agreed (as noted at section 23.1.2 of revised ES Chapter 23 submitted at Deadline 1 (REP1-033)).	Agreed
PCC 4.10.2	ES Methodology	It is agreed that use of the Institute of Air Quality Management (IAQM) Dust Assessment methodology, aligned with the Transport Assessment and modelling referred in 4.1.14 above), and set out in section 23.4.2 of revised ES Chapter 23 submitted at Deadline 1 (REP1-033) is appropriate. It is also agreed that the assessment should include emissions related to traffic diversions, construction traffic, and the temporary and permanent emissions from backup power generation.	Agreed
PCC 4.10.3	ES Baseline	The baseline is set out at section 23.5 of revised ES Chapter 23 submitted at Deadline 1 (REP1-033). The Applicant confirmed that the baseline data presented in Section 23.5 of revised ES Chapter 23 submitted at Deadline 1 (REP1-033) represents local air quality. The Applicant undertook a teleconference call with the Air Quality Lead for Transport at PCC on 17/12/2020. It was confirmed that the Clean Air Zone (CAZ) was not included in the Applicant's traffic modelling. Some sensitivity testing was requested by PCC to ensure the impact of the CAZ on traffic redistribution is included in the air quality impact assessment. The Applicant proposed a scope of works to incorporate the CAZ within the modelling. This scope was agreed with PCC on 13/01/21. Following agreement of the scope of works, Appendix 5 to Addendum 2 (REP7-072) was submitted at D7 on 25/01/21 addressing this matter. On 5 th February 2021, a call to discuss the SoCG was held between the Applicant and PCC. PCC stated that they are in agreement that the baseline scenario in Appendix 5 to Addendum 2 (REP7-072) is represented accurately by the CAZ preferred scenario as reported in the 2019 Air Quality Local Plan.	Agreed
PCC 4.10.4	Predicted impacts	The potential air quality impacts are identified at section 23.6 of revised ES Chapter 23 submitted at Deadline 1 (REP1-033). The Applicant undertook a teleconference call with the Air Quality Lead for Transport at PCC on 17 December 2020. It was confirmed that the Clean Air Zone (CAZ) was not included in the Applicant's traffic modelling and that potential Covid-19 impacts had not been considered. Some sensitivity testing was requested by PCC to ensure the impact of the CAZ on traffic redistribution is included in the air quality impact assessment and potential Covid-19 impacts had been addressed. A scope of works to address the two matters was agreed in email correspondence on the 19/01/21. Following agreement of the scope of works, Appendix 5 to Addendum 2 (REP7-072) was submitted at D7 on 25/01/21 addressing the two matters.	Agreed

Ref.	Description of matter	Current Position	RAG
		On 5 th February 2021, a call to discuss the SoCG was held between the Applicant and PCC. PCC agree that the results presented in Appendix 5 to Addendum 2 (REP7-072) are an accurate reflection of likely impacts at the exceedance and near exceedance sites described in the 2019 Air Quality Local Plan.	
PCC 4.10.5	Mitigation - Onshore Outline CEMP – General Environmental Control Measures	The measures set out in section 5.10 (Air Quality) of the Onshore Outline CEMP (REP7-032) are agreed. The Applicant notes that it will need agreement with PCC on the latest version of the Onshore Outline CEMP (REP7-032). All contractors will automatically implement the ‘highly recommended’ measures listed for the high and medium risk sites described in Table 5.2 of the Onshore Outline CEMP. These are not subject to consultation with the EHO but are subject to approval by the LPA via the works specific CEMP, who would be expected to consult with the EHO as necessary on this matter as part of that approval process.	Agreed
PCC 4.10.6	Mitigation - Onshore Outline CEMP – Onshore Monitoring Plan	The measures set out in section 7.1 (Onshore Monitoring Plan - Air Quality - Human and Ecological receptors) of the Onshore Outline CEMP, the latest version of which is (REP7-032), are yet to be agreed. On 26/02/21, PCC confirmed that neither PCC or HCC have expertise in this topic, and requested that this matter be determined by ExA. In response, the Applicant notes that this matter is unable to be progressed, and identifies that this matter as ‘not agreed’ for the purposes of this SoCG.	Not Agreed
PCC 4.10.7	Mitigation - Onshore Outline CEMP – Engagement with PCC EHO	The Applicant noted that it will need agreement with PCC on the latest version of the Onshore Outline CEMP (REP7-032) on the basis that the PCC EHO will engage with the Applicant and their contractors to ensure the appropriate mitigation from Table 5.1 of the Onshore Outline CEMP is implemented at each location. On 26/02/21, PCC agreed that PCC EHO will need to engage on individual sites.	Agreed
PCC 4.10.8	Residual effects	The assessment of residual effects set out in table 23.116 of revised ES Chapter 23 submitted at Deadline 1 (REP1-033) is agreed. PCC confirm that this matter is now agreed.	Agreed

4.11. NOISE AND VIBRATION

Table 4.11 – Noise and Vibration

Ref.	Description of matter	Current Position	RAG
Noise and Vibration			
PCC 4.11.1	ES Methodology – study area relevant to PCC	The study area relevant to PCC as set out in paragraphs 24.1.2.5 to 24.1.2.11 of ES Chapter 24 (APP-139) is agreed.	Agreed
PCC 4.11.2	ES Methodology	The detailed methodology for the construction noise and vibration assessment relevant to the Onshore Cable Corridor is set out in sections 24.4.2 and 24.4.3 of ES Chapter 24 (APP-139) and supplemented by the revised assumptions in section 17.3 of the ES Addendum (REP1-139). The Applicant noted the queries raised regarding the construction noise assessment methodology and provided a response at Deadline 4. Following written correspondence 04/12/2020 between the Environmental Health Officer at PCC and the Applicant, this matter is agreed.	Agreed

Ref.	Description of matter	Current Position	RAG
		The construction traffic noise assessment methodology set out in section 24.4.4 of ES Chapter 24 (APP-139) is agreed.	
PCC 4.11.3	ES Baseline	The baseline survey and associated operational assessment methodology for the ORS at landfall is set out in sections 24.4.1 and 24.4.5 of ES Chapter 24 (APP-139). The baseline environment for the ORS at Landfall is set out at section 24.5 of ES Chapter 24 (APP-139). Following written correspondence 04/12/2020 with the Environmental Health Officer at PCC and the Applicant, the baseline environment for the ORS at Landfall is agreed.	Agreed
PCC 4.11.4	Predicted impacts	The impacts of Noise and Vibration for the Proposed Development are set out in section 24.6 of Chapter 24 of the ES (APP-139), and in relation to the construction noise and vibration assessment, supplemented by section 17.3 of the ES Addendum (REP1-139). <u>Predicted impacts - ORS at Landfall</u> Responses were provided to PCC's noise related queries about the ORS in the Applicant's Comments on Responses to Examining Authority's first Written Questions (REP2-008). Following written correspondence with the Environmental Health Officer at PCC, the predicted impacts during construction and operation of the ORS at Landfall are agreed. <u>Predicted Effects – Construction in Onshore Cable Corridor</u> Responses to all queries raised by PCC, most of which were in relation to the construction noise assessment for the Onshore Cable Corridor, were provided in the Applicant's formal written submissions at Deadlines 1 to 4, and in particular the Applicant's Comments on Local Impact Reports (REP2-013) in response to PCC's Local Impact Report (LIR) submitted at Deadline 2. Following written correspondence with the Environmental Health Officer at PCC, the predicted effects from construction activities in the Onshore Cable Corridor during Core Working Hours are agreed. Written correspondence has also confirmed that the predicted effects are agreed in respect of cable and duct installation works outside of Core Working Hours in Section 5 (Havant Road between Farlington Avenue and Eastern Road), Section 6 (Sainsbury's Car Park), and Section 8 (Eastern Road between Airport Service Road and the north of Milton Common), where timing of works is required to mitigate adverse traffic effects and minimise business disruption to Sainsbury's. It is agreed that, as breaking and cutting of the road surface and resurfacing activities will not be permitted at night in proximity to sensitive receptors in these areas, no further assessment to that contained in Chapter 24 of the ES (APP-139) and Chapter 17 of the ES Addendum (REP1-139) is necessary.	Agreed
PCC 4.11.5	Mitigation - Onshore Outline CEMP – General Environmental Control Measures	The measures set out in section 5.12 (Noise and Vibration) of the Onshore Outline CEMP Rev 005 are agreed, following the resolution of the points which were previously subject to ongoing discussions: <ul style="list-style-type: none"> <u>Whether Section 61 consents under the Control of Pollution Act 1974 should be cited in the Outline Onshore CEMP.</u> The Applicant and PCC agree that it is not mandatory or necessary in all circumstances for Section 61 consents to be applied for. However, PCC note that these should be considered particularly for any proposed areas of night-time works near sensitive receptors. The Applicant has confirmed that the 'Other Consents and Licenses' document will be referenced in section 5.11 of the Outline Onshore CEMP, to provide guidance to a contractor that such consents will be considered as part of the preparation of detailed CEMPs post DCO consent. PCC have accepted this proposal and therefore this matter is now agreed. <u>Whether construction noise limits should be set in the Outline Onshore CEMP.</u> The Applicant and PCC now agree that there is no requirement to set noise limits for the purposes of an EIA. This matter is now agreed. PCC also note that it has been agreed with the Applicant that any construction noise limits will be set under the Control of Pollution Act 1974, Sc60 or Sc 61 for works which are completed during out of hours. 	Agreed

Ref.	Description of matter	Current Position	RAG
		<ul style="list-style-type: none"> <u>Whether construction noise monitoring should be cited in the Outline Onshore CEMP.</u> The Applicant and PCC agree that noise monitoring is not required for the planned construction activities. The Applicant has confirmed that the Outline Onshore CEMP will be updated to confirm that temporary noise monitoring could be employed as one of the means for investigating and resolving valid noise complaints. PCC have accepted this proposal and therefore this matter is now agreed. <u>The details of the noise and vibration complaints procedure in the Outline Onshore CEMP.</u> The Applicant has explained that the mitigation measures specified in the Outline Onshore CEMP will reduce the likelihood of noise complaints and the complaints procedure will be consistent across the construction phase. This matter is now agreed. 	
PCC 4.11.6	Mitigation - Onshore Outline CEMP – Location Specific Construction Environmental Control Measures	<p>The measures set out in section 6.2.8 (Noise and Vibration) of the Onshore Outline CEMP (Rev 005) are agreed. The specific mitigation measures relevant to the construction works that could take place outside of core working hours (Onshore Cable Corridor sections 5, 6 and 8) are detailed in section 6.2.8 of the Onshore Outline CEMP.</p> <p>Further information requested by PCC in relation to mitigation measures for night-time cable duct installation works was provided in the Applicant’s Comments on Local Impact Reports (REP2-013) in respect of PCC’s LIR. Information on the noise mitigation measures at Harbourside Caravan Park were provided in writing to PCC on 19 June 2020, and further detail was provided in the Applicant’s response to PCC’s LIR (REP2-013). Further information requested by PCC in relation to different contractors and the control of working hours was provided in the Applicant’s response to PCC’s LIR (REP2-013).</p> <p>Written correspondence from PCC has confirmed that the location-specific construction environmental control measures for the works outside of core working hours in Section 5 (Havant Road between Farlington Avenue and Eastern Road) and Section 6 (Sainsbury’s Car Park), which are required to mitigate adverse traffic effects and minimise business disruption to Sainsbury’s, are agreed.</p> <p>The location-specific construction environmental control measures for the works outside of core working hours in Section 8 (Eastern Road between Airport Service Road and the north of Milton Common), and in particular those works on Eastern Road outside the Harbourside Caravan Park, are under discussion. PCC is content with the mitigation measure that prevents road surface cutting/ breaking and resurfacing activities at night (22:00-07:00) outside the Caravan Park. PCC requests that this mitigation measure is also extended to the works outside the residential flat above the Great Salterns Harvester, directly to the south of the Caravan Park. The Applicant has agreed to this request and this is reflected in the Outline Onshore CEMP Rev 005 submitted at Deadline 6.</p> <p>PCC has requested that as the works will be completed 24 hours per day, leniency with regards to protecting occupants that reside in this location should be provided. PCC has suggested that respite could be achieved through the offer of temporary alternative accommodation or a break in the works. The Applicant is not in agreement with these proposed approaches and, specifically with regard to temporary rehousing, these properties are not eligible in accordance with the relevant British Standard.</p> <p>Following further discussions post Deadline 6, the following matters have now also been agreed:</p> <ul style="list-style-type: none"> With regard to the potential works outside of core working hours in section 5 (Havant Road between Farlington Avenue and Eastern Road), the Applicant and PCC agree that option 2 or option 3 (Paragraph 6.2.8.10 of the Outline Onshore CEMP (REP6-036)) (i.e. avoiding night-time working) will be preferable with respect to noise impacts. This view is reflected in Paragraph 6.2.8.11 of the Outline Onshore CEMP and this matter is now agreed. 	Agreed

Ref.	Description of matter	Current Position	RAG
		<ul style="list-style-type: none"> With regard to the works outside of core working hours in section 8 (Eastern Road between Airport Service Road and the north of Milton Common), it was agreed by both parties that Section 8 requires night time work to ensure that the traffic flow into Portsmouth particularly in summer months runs as smoothly as possible during the construction phase. Mitigation measures will be carried out as set out in the Onshore Outline CEMP and this document is to be amended to include directions to contractors in relation to the Other Consents and Licensees Document, which makes reference to applications of SC61 of the Control of Pollution Act 1974 for when works will be completed out of hours. With regard to works outside of core working hours in section 6 the mitigation measures identified for section 8 will apply as well as the reference to applying for a Sc61 notice prior consent to work. PCC note that the Applicant has explained that temporary housing could not be offered just to one location and needed to be consistent throughout all areas of the construction phase, and this would be a costly for the Applicant if it was to be applied to all sensitive receptors. Given this explanation it is understandable as to why the temporary housing eligibility from BS5288 has been applied due to the transient nature of the works. PCC therefore does not have any further comments to make in relation to the provision of temporary housing. This matter is now agreed. 	
PCC 4.11.7	Requirement 20 – Control of noise during operation	<p>Draft DCO requirement 20 with regard to the ORS, sets out the requirement for a noise management plan, which should include the mitigation (and attenuation achieved by these measures) to minimise noise, and a scheme for noise monitoring to ensure compliance with the noise criteria, and a complaints procedure (requiring LPA approval).</p> <p>The revised wording of Requirement 20 submitted in the updated dDCO at Deadline 1 references the <i>Operational Broadband and Octave Band Noise Criteria Document</i> (REP1-129), which is a certified document contained at Schedule 14 to the dDCO. The document sets out the operational daytime and night-time broadband and octave band noise criteria for the ORS, which are based on Chapter 24 of the ES (APP-139).</p> <p>PCC has confirmed in writing that the operational noise criteria for the ORS are acceptable, and are also likely to protect any occupants from noise at the proposed Fraser Range development. Therefore, this matter is agreed.</p> <p>PCC notes that Requirement 20 refers to the operation of the ORS and there is no mention of the Converter Station. Whilst PCC agree that any plant could technically operate at background level with mitigation, these measures have yet to be agreed as the type of plant to be installed is not yet known. Noise levels for Requirement 20 2 (a) have been agreed (noise levels from plant/equipment at the ORS are to operate equal to background 43dB(A) daytime and 35dB(A) night time (ES Chapter 24 Table 24.53) and also in octave bands (ES Chapter 24 24.6.11.27 - 24.6.11.29) but no information has been submitted for Requirement 20 2(b) - mitigation or 20 2 (c) - noise monitoring for testing attenuation and mitigation measures. It is unlikely that these can be agreed until the plant/equipment and the design construction of the building is known. If the plant/equipment was to be operated at the agreed levels then it would not give rise to statutory nuisance or cause a loss of amenity unless there is equipment or plant failure giving rise to an increase in noise levels. Under S80 (7) of the Environmental Protection Act the company would have a defence to prove best practicable means were being used. PCC therefore are of the view that it is not necessary to have this Article.</p> <p>The Applicant notes that Requirement 20 (Control of noise during the operational period) refers to both the Converter Station Area (Works No. 2) and the Optical Regeneration Stations. The operational noise criteria for the ORS are agreed with PCC. PCC are correct in stating</p>	Agreed

Ref.	Description of matter	Current Position	RAG
		<p>that information for Requirement 20 (2)(b) (mitigation measures to achieve the criteria) and (2)(c) a noise monitoring scheme have not yet been submitted. This information cannot be provided until a contractor is appointed and the detailed design including exact plant specifications are confirmed. However, Requirement 20 (1) states that prior to the operation of the development, the noise management plan <i>'must be submitted to and approved by the relevant planning authority.'</i> The Applicant considers that this control, alongside the highly robust noise criteria, provides PCC with sufficient control over operational noise impacts at the ORS.</p> <p>On 22/02/21, PCC confirmed that the wording of Requirement 20 was agreed, because the Applicant will need to submit a noise management plan for approval prior to the operation of the ORS and the levels that they have specified for broad band noise and octave bands should be sufficient not to cause a statutory nuisance .</p> <p>However it was noted that the Article 9 exemption was not agreed, and this matter is dealt with separately in PCC 4.11.8, below.</p>	
PCC 4.11.8	Article 9 exemption	<p>On 22/02/21, PCC noted that the Article 9 exemption was not agreed.</p> <p>In response, the Applicant notes that significant amount of work has been undertaken by the Applicant to confirm that the operation of the interconnector would not give rise to statutory nuisance and the Applicant would need to comply with the noise management plan approved pursuant to Requirement 20 at all times. Statutory claims and proceedings could cause significant cause delays to the Project or materially hinder its operation, wholly unnecessarily taking into account the agreed acceptability if the operational noise impacts, which could have implications for the continued operation of the Project.</p> <p>It is therefore necessary to protect the Proposed Development from statutory noise complaints whilst it is in operation because the Applicant requires certainty that it will be able to operate the Proposed Development without fear of proceedings or needing to take additional measures to address complaints in the future, based on the settled position with regard its Operation at the grant of consent.</p> <p>The Applicant does not agree with PCC's comments, and this matter is not agreed between the parties.</p>	Not Agreed

4.12. SOCIO-ECONOMICS

Table 4.12 – Socio-economics

Ref.	Description of matter	Current Position	RAG
Socio-economics			
Update:		<p>On 26/02/21, PCC confirmed that the following sections (4.12.3 - 4.12.16) have been reviewed as part of the review of the FMPRI process and which will be submitted at DL8.</p> <p>The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>These matters remain unresolved at DL8.</p>	
PCC 4.12.1	ES Methodology – Study Area	<p>The study area is set out in section 25.1.2 of ES Chapter 25 (APP-140).</p> <p>On 26/02/21, PCC confirmed that the Study Area is agreed.</p>	Agreed
PCC 4.12.2	ES Baseline	<p>The baseline environment is set out at section 25.5 of ES Chapter 25 (APP-140).</p> <p>On 26/02/21, PCC confirmed that the Baseline is agreed.</p>	Agreed

Ref.	Description of matter	Current Position	RAG
PCC 4.12.3	Predicted impacts	<p>The predicted impacts set out at section 25.7 of ES Chapter 25 (APP-140) are yet to be agreed. On 26/02/21, PCC confirmed that the predicted impacts and following sections (4.12.4 - 4.12.16) have been reviewed as part of the review of the FMPRI process and which will be submitted at DL8.</p> <p>The Applicant intends to respond to any comments raised by PCC at DL9. These matter remains unresolved at DL8.</p>	Unresolved at DL8
PCC 4.12.4	Parking	<p>The details for parking set out in section 25.7 of ES Chapter 25 (APP-140) are yet to be agreed, with PCC concerned about the temporary loss of provision to Farlington Playing Fields. On 26/02/21, PCC confirmed that matters PCC 4.12.4 - 4.12.16 have been reviewed as part of the review of the FMPRI process and which will be submitted at DL8.</p> <p>The Applicant intends to respond to any comments raised by PCC at DL9. This matter remains unresolved at DL8.</p>	Unresolved at DL8
PCC 4.12.5	Access to Farlington Playing Fields/Bransbury Park	<p>The details for access to Farlington Playing Fields and Bransbury Park set out in Table 25.14 of ES Chapter 25 (APP-140) are yet to be agreed. The Applicant notes that a concern was raised in the examination regarding access to King George V Playing Field (located immediately to the east) of Farlington Playing Fields. The Applicant has confirmed that access will be maintained.</p> <p>The Applicant is not aware of any concerns identified by PCC regarding access to Bransbury Park..</p> <p>On 26/02/21, PCC confirmed that the predicted impacts and following sections (4.12.4 - 4.12.16) have been reviewed as part of the review of the FMPRI process and which will be submitted at DL8.</p> <p>The Applicant intends to respond to any comments raised by PCC at DL9. This matter remains unresolved at DL8.</p>	Unresolved at DL8
PCC 4.12.6	Time required for reinstatement of playing fields	<p>The details for reinstatement of open space set out in ES Chapter 25 (APP-140) are yet to be agreed, with PCC raising concerns about the time taken for reinstatement of pitches for re-use. Further detail on reinstatement options is provided in the Framework Management Plan for Recreational Impacts (FMP) submitted to PCC for comment in advance of finalisation and submission to the ExA in June 2020. A further updated FMP which draws on information submitted to the ExA by PCC at Deadlines 1-3 was submitted to the ExA at Deadline 4 and the Applicant welcomed ongoing dialogue with PCC to agree the content of the FMP and/or identify any areas for further work in refining mitigation proposals. The Applicant commissioned pitch surveys using a specialist contractor and the FMP was updated as soon as the report from the specialist contractor was available, and an updated version of the FMP and methodology was provided to PCC by 12th February 2021, in order to progress matters on this issue by Deadline 8.</p> <p>On 26/02/21, PCC confirmed that the predicted impacts and following sections (4.12.4 - 4.12.16) have been reviewed as part of the review of the FMPRI process and which will be submitted at DL8.</p> <p>The Applicant intends to respond to any comments raised by PCC at DL9. This matter remains unresolved at DL8.</p>	Unresolved at DL8
PCC 4.12.7	Timing/ Temporary loss of open space	<p>The details of the timing and temporary loss of open space set out in section 25.10 of ES Chapter 25 (APP-140) and illustrative phasing included in Appendix 25.5 (APP-473) are yet to be agreed.</p>	Unresolved at DL8

Ref.	Description of matter	Current Position	RAG
		<p>Further detail on how the impacts on recreational assets can be mitigated, including programme, is provided in the Framework Management Plan for Recreational Impacts which was updated with the outcome of pitch surveys.</p> <p>On 26/02/21, PCC confirmed that the predicted impacts and following sections (4.12.4 - 4.12.16) have been reviewed as part of the review of the FMPRI process and which will be submitted at DL8.</p> <p>The Applicant intends to respond to any comments raised by PCC at DL9. This matter remains unresolved at DL8.</p>	
PCC 4.12.8	Accessibility of allotments	<p>The details as set out in 3.6.4.45 – 3.6.4.46 ES Chapter 3 (APP-118) confirming the cable installation via HDD under Milton Allotments, and confirming access over the paths during installation for monitoring works are yet to be agreed. Further supporting information has been provided during the Examination.</p> <p>On 26/02/21, PCC confirmed that the predicted impacts and following sections (4.12.4 - 4.12.16) have been reviewed as part of the review of the FMPRI process and which will be submitted at DL8.</p> <p>The Applicant intends to respond to any comments raised by PCC at DL9. This matter remains unresolved at DL8.</p>	Unresolved at DL8
PCC 4.12.9	Loss of Open Space regarding events / festivals	<p>The details of the residual effects on tourism (including the loss of open space set out in section 25.9.6 of ES Chapter 25 (APP-140) are yet to be agreed.</p> <p>Further details on the illustrative phasing for retaining access to Farlington Playing Fields as shown in Appendix 25.5 (APP-473) is yet to be agreed. Additional detail on how the works at Farlington Playing Fields could be phased to allow use for the festivals is provided in the Framework Management Plan for Recreational Impacts submitted to PCC for comment in advance of finalisation and submission to the ExA.</p> <p>On 26/02/21, PCC confirmed that the predicted impacts and following sections (4.12.4 - 4.12.16) have been reviewed as part of the review of the FMPRI process and which will be submitted at DL8.</p> <p>The Applicant intends to respond to any comments raised by PCC at DL9. This matters remains unresolved at DL8.</p>	Unresolved at DL8
PCC 4.12.10	Work Nos 4 to 5 – impacts on open space	<p>The details included within Work Nos 4 to 5, with regards to the impacts on open space contained within Schedule 1 (2) of the dDCO (REP1-021) are yet to be agreed.</p> <p>On 26/02/21, PCC confirmed that the predicted impacts and following sections (4.12.4 - 4.12.16) have been reviewed as part of the review of the FMPRI process and which will be submitted at DL8.</p> <p>The Applicant intends to respond to any comments raised by PCC at DL9. This matter remains unresolved at DL8.</p>	Unresolved at DL8
PCC 4.12.11	Maintenance rights	<p>The details for maintenance rights set out in 3.6.4.45 – 3.6.4.46 ES Chapter 3 (APP-118) are yet to be agreed, with PCC considering the rights to be too onerous.</p> <p>On 26/02/21, PCC confirmed that the predicted impacts and following sections (4.12.4 - 4.12.16) have been reviewed as part of the review of the FMPRI process and which will be submitted at DL8.</p> <p>The Applicant intends to respond to any comments raised by PCC at DL9. This matter remains unresolved at DL8.</p>	Unresolved at DL8
PCC 4.12.12	Temporary Diversions PRow	<p>Temporary diversions of PRow are assessed in ES Chapter 25 section 25.7.2.34 - 25.7.2.38 (APP-140) are yet to be agreed. Details of likely diversions are provided in a Note on PRow, Long Distance Walking Paths and Cycle Route Diversions (REP1-145). No further comments have been received from PCC.</p>	Unresolved at DL8

Ref.	Description of matter	Current Position	RAG
		<p>On 26/02/21, PCC confirmed that the predicted impacts and following sections (4.12.4 - 4.12.16) have been reviewed as part of the review of the FMPRI process and which will be submitted at DL8.</p> <p>The Applicant intends to respond to any comments raised by PCC at DL9. This matter remains unresolved at DL8.</p>	
PCC 4.12.13	Cable works- Loss of business activity	<p>The potential impacts of the Proposed Development on business activity within the City of Portsmouth are not yet agreed.</p> <p>On 26/02/21, PCC confirmed that the predicted impacts and following sections (4.12.4 - 4.12.16) have been reviewed as part of the review of the FMPRI process and which will be submitted at DL8.</p> <p>The Applicant intends to respond to any comments raised by PCC at DL9. This matter remains unresolved at DL8.</p>	Unresolved at DL8
PCC 4.12.14	Mitigation - Onshore Outline CEMP – General Environmental Control Measures	<p>The measures set out in section 5.12 (Socio-economics) of the Onshore Outline CEMP (REP5-019) are yet to be agreed.</p> <p>On 26/02/21, PCC confirmed that the predicted impacts and following sections (4.12.4 - 4.12.16) have been reviewed as part of the review of the FMPRI process and which will be submitted at DL8.</p> <p>The Applicant intends to respond to any comments raised by PCC at DL9. This matter remains unresolved at DL8.</p>	Unresolved at DL8
PCC 4.12.15	Mitigation - Onshore Outline CEMP – Location Specific Construction Environmental Control Measures	<p>The measures set out in section 6.2.8 (Socio-economics) of the Onshore Outline CEMP (REP5-019) are yet to be agreed.</p> <p>On 26/02/21, PCC confirmed that the predicted impacts and following sections (4.12.4 - 4.12.16) have been reviewed as part of the review of the FMPRI process and which will be submitted at DL8.</p> <p>The Applicant intends to respond to any comments raised by PCC at DL9. This matter remains unresolved at DL8.</p>	Unresolved at DL8
PCC 4.12.16	Residual effects	<p>The assessment of residual effects set out at section 25.10 and tables 25.15 of Chapter 25 of the ES (REP5-019) are yet to be agreed.</p> <p>On 26/02/21, PCC confirmed that the predicted impacts and following sections (4.12.4 - 4.12.16) have been reviewed as part of the review of the FMPRI process and which will be submitted at DL8.</p> <p>The Applicant intends to respond to any comments raised by PCC at DL9. This matter remains unresolved at DL8.</p>	Unresolved at DL8

4.13. HUMAN HEALTH

Table 4.13 – Human Health

Ref.	Description of matter	Current Position	RAG
Human Health			
Update for Information		The Applicant requested comments on Human Health matters from PCC throughout the Examination process. PCC provided their first comments on matters on the topic of Human Health on 26/02/21.	
PCC 4.13.1	ES Methodology – Study Area	The study area is set out in section 26.1.2 of ES Chapter 26 (APP-141). On 26/02/21, PCC confirmed that the Study Area is agreed.	Agreed
PCC 4.13.2	ES Baseline	<p>The baseline environment is set out at section 26.5 of ES Chapter 26 (APP-141). On 26/02/21, PCC confirmed that this matter was agreed in principle. However, PCC noted surprise that children were not included as a vulnerable population group as part of the HIA methodology. It would be helpful to understand why, given order limits are in proximity to schools and play areas.</p> <p>In response, the Applicant welcomes PCC’s agreement to the ES Baseline. However, with regard to PCC’s concerns, the Applicant notes that para 26.4.2.3 of ES Chapter 26 (APP-141) states “<i>Since the EIA scoping stage, additional vulnerable groups have been judged to be present within the study area, comprising children and young people, and those with mobility impairment.</i>” Children and young people have been included in the human health assessment; where they are deemed to be particularly vulnerable to an effect, a note has been made within the assessment. For example, para 26.6.3.41 states “<i>Older people, children and young people, low-income groups and people with existing health conditions have been identified as vulnerable to the effects of reduced physical activity...</i>”</p> <p>The Applicant therefore confirms that children were included as a vulnerable population group as part of the HIA methodology.</p> <p>This matter remains unresolved at DL8.</p>	Unresolved at DL8

<p>PCC 4.13.3</p>	<p>Predicted Impacts</p>	<p>The predicted impacts are set out at section 26.6 of ES Chapter 26 (APP-141).</p> <p>On 26/02/21, PCC confirmed they agreed with respect to the general areas of impact, however, the following comments were provided:</p> <ul style="list-style-type: none"> • <i>“I query the conclusion at 26.6.3.6 which states Overall, with the embedded mitigation measures recommended in Chapter 23 (Air Quality), the effect of pollutant emissions on human health from the construction of the Onshore Cable Route and Landfall is anticipated to be slight adverse (not significant). Members of the population who have pre-existing health conditions, making them vulnerable to dust and poor air quality, will be particularly sensitive to these effects. Furthermore, 26.6.3.4 finishes with HDD drilling could result in temporary short-term adverse effect on human health from emissions PM, NO2, CO, and THC contained within exhaust gases. Chapter 23 (Air Quality) concludes that the emission of PM, CO and THC contained within exhaust gases from HDD drilling would have a negligible effect on health. Chapter 23 (Air Quality) identifies that there would be changes in the concentration of NO2 equivalent to a maximum of 13% of the annual air quality objective, though the predicted increase does not exceed objective levels for NO2. Earlier in the Human Health Chapter at 26.5.5.5 It states: Whilst there are legal limit values and Air Quality Strategy (‘AQS’) objective values, it is widely recognised that pollutants related to construction and the products of combustion can be considered non-threshold pollutants, i.e. there is no known threshold concentration below which NO2 or PM10 (PM with an aerodynamic diameter of 10µm or less) have no effect on a population’s health. The conclusion given in 26.6.3.6 does not seem compatible with the evidence.</i> • <i>The assessment of noise impact is predicated on construction operation hours. Does it account for the significant amount of people currently working from home, many of whom will likely to continue to do so for some time to come? Would this change the assessment of impact?</i> • <i>The noise assessment identifies at 26.6.3.10 (last bullet in reference to Section 8) that Work is expected take place at this location for approximately 33 days, during which time 24-hour working could be undertaken. The Harbourside Caravan Park would experience short-term major adverse effect (significant) from trenching work during weekday evening, weekend daytime, and night-time works. This is expected to last for no longer than four nights at any one receptor. Weekday daytime works at Harbourside Caravan Park represent a moderate adverse (not significant) effect. Weekday daytime works at the flat above the Harvester represent a negligible (not significant) effect. The weekday evening and weekend daytime represent a moderate adverse (not significant) effect. The night-time works represent a major adverse (significant) effect. This does not appear to account for the potential impact to vulnerable group in the specific Harbourside location as identified in the baseline - older people - even though this is recognised more generally in 26.6.3.16 conclusions.</i> • <i>The impacts outlined on green space in 26.6.3.37 through to 26.6.3.41 may not have considered the impact of COVID19 on demand for and utilisation of green spaces. Milton Common, the national cycle route and coastal path from Eastney that tracks along Eastern Road fall within order limits and have all seen increasing competition for space from pedestrians, cyclists, recreation users etc over the last 12 months. Loss of any of this space and impact on visual amenity will be detrimental at any time, but if circumstances and demand continues this might alter the conclusions on significant and magnitude of impact?”</i> <p>In response, the Applicant refers to para’s 26.6.3.6, 26.6.3.4 [SIC, 26.6.3.3] of ES Chapter 26 (APP-141), in relation to the short-term impacts on health from emissions to air from HDD activity. The conclusion outlined in para 26.6.3.6 is accountable to both the magnitude and duration of pollutants emitted from HDD activity. Though it is stated that short-term adverse effects of non-threshold pollutants emissions from HDD activity could occur, the magnitude of these pollutants as a result of predicted emissions from HDD activity are well below air quality limit values and are emitted over a very short duration during the construction phase, amounting to at most slight adverse health impact. These impacts are reconfirmed in the Environmental Statement – Volume 3 – Appendix 23.4 Air Quality Generator Emissions Modelling.</p>	<p>Unresolved at DL8</p>
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Ref.	Description of matter	Current Position	RAG
		<p>The assessment in ES Chapter 26 (APP-141) was undertaken in November 2019 and therefore does not reflect any lifestyle changes which have arisen as a result of the COVID-19 pandemic. Section 26.6.3.16 of ES Chapter 26 (APP-141) identifies populations (older people, people with existing health conditions, and unemployed and low-income groups) that might spend more time at home, and therefore experience greater exposure to noise impacts. Increased levels of home working could mean that increased numbers of the general population are based within residential receptors during the day. However data on the number of people working from home within the study area is not available, and therefore it is not possible to determine the size of the additional population who could potentially be exposed to day time construction noise. Continued changes in government policy regarding lockdown restrictions on the population will contribute to this number fluctuating and therefore determining if the magnitude of the impact could change from that assessed within the ES is not possible. It should be noted that the assessment of effects of construction noise on human health was informed by ES Chapter 22, which assigns a sensitivity of 'high' to all residential receptors. Regardless of whether residential receptors (homes) are occupied during day time hours, they have been considered as sensitive in this assessment. Therefore the increase in home working does not change the overall conclusions in the human health assessment.</p> <p>The effects listed above are taken from the ES Chapter 24 (APP-139) Noise and Vibration to inform the health assessment in ES Chapter 26 (APP-141). ES Chapter 24 (APP-139) does not make a distinction on impacts to vulnerable groups who may live within a residential receptor, and all residential receptors are considered to be of high sensitivity. ES Chapter 26 (APP-141) has assumed (see section 26.4.2.2) that all human receptors are sensitive and individual vulnerable groups were assumed to be distributed within the general population. Where a group within the population was deemed to be particularly vulnerable to an effect, a note was made within the assessment. The assessment in ES Chapter 26 (APP-141) of impacts on health due to construction noise (section 26.6.3.16) has identified that areas within the study area for the Onshore Cable Route have an older population, and therefore this group could be more vulnerable to the effects of construction noise, identified as temporary short-term moderate adverse (significant).</p> <p>The assessment in ES Chapter 26 (APP-141) was undertaken in November 2019 and therefore does not reflect any lifestyle changes which may have arisen as a result of the COVID-19 pandemic. The assessment in section 26.6.3.41 of ES Chapter 26 (APP-141) concludes that construction effects on landscape and open space would affect a moderate-large total number of people, though due to transient construction activities, effects would be localised for short periods of time and affect small population groups. Despite a potential in increased users of green space and PRoW, it is anticipated that construction effects will remain limited to small numbers of people of short periods of time due to the transient nature of construction activities.</p> <p>The Applicant welcome's PCC's agreement to the broad areas of impact, and hopes that the response above provides further information of assistance.</p> <p>This matter remains unresolved at DL8.</p>	
PCC 4.13.4	Mitigation - Onshore Outline CEMP – Location	<p>The measures set out in section 6.2.9 (Human Health) of the Onshore Outline CEMP (REP5-019) are not agreed.</p> <p>On 26/02/21, PCC confirmed that this matter was not agreed as these currently stand, and provided the following comments:</p> <p><i>"The Human Health section of the CEMP makes no reference to the impacts of air and noise quality as identified in the Human Health chapter of the Environment Statement."</i></p>	Not Agreed

Ref.	Description of matter	Current Position	RAG
	<p>Specific Construction Environmental Control Measures</p>	<p><i>I am concerned that the principles set out in the traffic management strategy - particularly single lane operation - will effectively impede (or deter) active travel, create a competition for space between cyclists and pedestrians and have possible road safety concerns. This applies to the whole onshore cable route, but particularly around key active travel/recreation locations such as Bransbury Park. Seek further reassurance on this.</i></p> <p><i>I am concerned with the proposal that footway obstruction allows for 1m width alongside as absolute minimum - this is the bare minimum for inclusive mobility and I'd be keen to see a commitment to a minimum of 1500mm to ensure a barrier-free pedestrian environment. Where bus stops need to be closed, there is no provision set out in the CEMP for enabling full accessibility to bus patrons who are disabled, visually impaired or have limited mobility.</i></p> <p><i>Temporary diversions of public rights of way - no detail outlining where these will be and what route they will take. I am concerned that the temporary diversions may not be accessible, inclusive of all pedestrians and may not be subject to natural surveillance for safety. Adequate signage and maintenance of temporary diversions are crucial in order not to deter users and impact on physical activity and recreation."</i></p>	

Ref.	Description of matter	Current Position	RAG
		<p>In response, the Applicant notes that ES Chapter 26 (APP-141) refers to best practice construction methods described in the Onshore Outline CEMP (REP7-033) but does not specify that these are within the Human Health section of the CEMP. To avoid repetition, measures to address air quality and noise effects during construction are set out under the respective headings for these topics.</p> <p>The Framework Traffic Management Strategy (FTMS) (AS-072) sets out the overarching principles and methodology to be used during the construction of the Onshore Cable Corridor. The appointed contractor will be required to develop it in further detail, and any traffic management measures will need to be submitted for approval to the relevant Highway Authority.</p> <p>Section 2.5.1.3 of the FTMS states the following overall principle, applicable to the traffic management requirements of the Onshore Cable construction;</p> <ul style="list-style-type: none"> • <i>Traffic management measures should provide for non-car modes, ensuring that safe and convenient routes are provided for pedestrians, cyclists and public transport users. Removal of such provision should only be considered as a last resort and where required must accompanied by suitable diversion routes.</i> <p>It is therefore considered that the safety of cyclists and pedestrians is covered by the principles set out in the FTMS. The FTMS includes a section on Pedestrians and cyclists (section 2.12) and states that <i>"In all cases the construction works will ensure that pedestrians and cyclists can pass in a safe manner, with suitable barriers between the construction works"</i> (section 2.12.1.1).</p> <p>The Applicant notes that the final version of the FTMS includes a revision to state that the desirable minimum width of 1.2m shall be provided (section 2.12.2.1).</p> <p>The Environmental Statement Addendum – Appendix 14 Note on PRow, Long Distance Walking Paths and Cycle Route Diversions (REP1-145) provides indicative diversion routes for PRow, long distance walking routes and cycles routes during construction. These diversions are indicative at this stage as a contractor has not yet been appointed.</p> <p>The Framework Traffic Management Strategy (FTMS) (AS-072) sets out requirements for pedestrian and cycle routes along the Onshore Cable Corridor during construction. Section 2.12.1.1 of the FTMS states <i>"In all cases the construction works will ensure that pedestrians and cyclists can pass in a safe manner, with suitable barriers between the construction works. Particular attention will also be paid to the needs of people with mobility and visual impairments to ensure that their safety and free movement is retained. All layouts will follow protocol defined by Chapter 8 of the Traffic Signs Manual (DfT, 2009)."</i></p> <p>For the reasons identified above, the Applicant does not agree with PCC's comments regarding mitigation and control measures in the OOCEMP, and considers that the mitigation and control measures are suitable and appropriate to address impacts on human health.</p>	
PCC 4.13.5	Residual effects	<p>The assessment of residual effects set out at table 26.19 of Chapter 26 of the ES (APP-141).</p> <p>On 26/02/21, PCC confirmed that agreement of the residual effects would be subject to comments above being resolved.</p>	Unresolved at DL8

Ref.	Description of matter	Current Position	RAG
		<p>In response, the Applicant notes PCCs comments and has provided responses above to address the concerns raised. This matter remains unresolved at DL8, as the Applicant has not had an opportunity to discuss the above with PCC given the time available before DL8.</p> <p>This matter remains unresolved at DL8.</p>	
<p>PCC 4.13.6</p>	<p>Health- Access to Leisure Facilities and Open Space</p>	<p>The details set out in paragraphs 26.6.3.17 to 41 of ES Chapter 26 (APP-141) are not fully agreed.</p> <p>On 26/02/21, PCC confirmed that the stated health impacts in these paragraphs are agreed. However, PCC confirmed that they did not agree with 26.6.3.28 <i>Although this disruption to access could result in a reduction in participation of leisure and a loss of health benefits associated with leisure activities and physical activity, temporary construction disruption is not anticipated to be sufficient to deter people from accessing these facilities completely</i> or 26.6.3.31 <i>Overall, disruptions to local transport routes and changes in access to community and leisure facilities and residents is likely to result in a temporary, short-term, minor adverse effect (not significant) on health to the general population and vulnerable groups including those with existing health conditions, older people, those with mobility impairment and socially isolated groups</i> PCC would argue that this depends on the quality and implementation of the CEMP - see comments above in this respect.</p> <p>With regards access to open space, PCC agree with the stated health impacts, but question the conclusions on significance and magnitude of impact. PCC's view is that the conclusion in 26.6.3.41 that <i>The overall effect on human health associated with the above temporary changes to landscape and green space associated with Onshore Cable Corridor and Landfall is anticipated to have a temporary, medium-term minor adverse effect (not significant) on human health during construction for the general population and vulnerable groups including older people, children and young people, low-income groups and people with existing health conditions, who are particularly vulnerable to the effects of reduced physical activity or may depend more on free of charge recreational facilities. This would affect a moderate-large total number of people, the construction of the Onshore Cable Corridor will be transient resulting in localised effects for short periods of time and to small population groups is not discharged by the mitigations set out in the CEMP.</i></p> <p><u>PCC also note that as things currently stand, the green and open spaces across the city are heavily utilised and very valuable assets for our residents. Any disruption to these areas may have an impact of greater magnitude than the HIA and human health chapter conclude given these were undertaken pre-COVID19 pandemic.</u></p> <p>In response, the Applicant notes PCCs comments and has provided responses above to address the concerns raised.</p> <p>The assessment in ES Chapter 26 (APP-141) was undertaken in November 2019 and therefore does not reflect any lifestyle changes which may have arisen as a result of the COVID-19 pandemic. The assessment in section 26.6.3.41 of ES Chapter 26 (APP-141) concludes that construction effects on landscape and open space due to transient construction activities would be localised for short periods of time and affect small population groups, therefore resulting in a minor adverse (not significant) effect as set out in the methodology in Table 26.3 of ES Chapter 26 (APP-141). Despite a potential for increased current users of green space and PRoW, it is anticipated that construction effects will remain limited to small numbers of people of short periods of time due to the transient nature of construction activities.</p> <p>Significance was determined by the scale set out in Table 26.3 of ES Chapter 26 (APP-141), and a minor adverse (not significant) effect was judged based on the likely temporary effects to a small numbers of people in a localised area at any one time, due to the transient nature of construction activities. As a significant effect wasn't identified, no specific mitigation measures were set out with regards to human health for this effect. However</p>	<p>Unresolved at DL8</p>

Ref.	Description of matter	Current Position	RAG
		<p>measures set out in the CEMP and Framework Transport Management Strategy to ensure access is maintained for users of open space will help ensure effects are kept to a minimum.</p> <p>This matter remains unresolved at DL8.</p>	
PCC 4.13.7	Response from Public Health England on matters relating to human health for information purposes only	<p>The Applicant notes that Public Health England (PHE) responded to the application through a relevant representation (RR-065) and state that they “are satisfied with the methodology used to undertake the environmental assessment.” Their response also states “The Onshore Outline Construction Environmental Management Plan includes provisions for the management, assessment and control of dust, pollution incidents, land contamination, plant and vehicle movements, impacts on water resources and waste management. The document proposes full consultation / agreement with the appropriate regulatory bodies and consequently we believe these matters can be satisfactorily addressed and wish to make no additional comments”. PHE concluded that the proposed development is unlikely to present a significant risk to public health.</p> <p>PCC raised a concern in their Relevant Representation around the “Consequential effects on the health and well-being of residents due to restricted access to open space and sports facilities” (https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-001506-7.9.4%20Applicant's%20Response%20to%20Relevant%20Representations.pdf) though our assessment in Chapter 26 covers the importance of greenspace (including recreational facilities) to health and well-being, and assesses effects arising due to the loss of greenspace.</p>	For information only.

4.14. WASTE AND MATERIAL RESOURCES

Table 4.14 - Waste and Material Resources

Ref.	Description of matter	Current Position	RAG
Waste and Material Resources			
PCC 4.14.1	ES Methodology – Study Area	<p>The primary and secondary study areas are set out in section 27.1.2 of ES Chapter 27 (APP-142).</p> <p>On 25/01/21 PCC advised the Applicant that, subject to further internal consultation, it is likely that the Study Area can be agreed. It is noted that the primary area covers the area within order limits; the secondary area comprises waste disposal authorities within the SE region.</p> <p>On 01/02/21, PCC confirmed that this matter is now agreed. The Applicant welcomes PCC’s agreement on this matter.</p>	Agreed
PCC 4.14.2	ES Baseline	<p>The baseline environment is set out at section 27.5 of ES Chapter 27 (APP-142).</p> <p>On 25/01/21 PCC advised that, subject to further internal consultation, it is likely that the ES Baseline can be agreed.</p> <p>On 01/02/21, PCC confirmed that this matter is now agreed. The Applicant welcomes PCC’s agreement on this matter.</p>	Agreed
PCC 4.14.3	Predicted Impacts	The predicted impacts are set out at section 27.6 of ES Chapter 27 (APP-142).	Not Agreed

Ref.	Description of matter	Current Position	RAG
		<p>On 25/01/21, PCC noted that in 27.6.2.5, no information has been provided with regard to materials imported to site during the Construction Stage: ORS or the resurfacing of the Fort Cumberland Car Park, and requested that the Applicant address this matter.</p> <p>In response, the Applicant noted that Table 27.12 (Materials imported to site during the Construction Stage: Onshore Cable Corridor) of Chapter 27 Waste and Materials Resources of the ES makes reference to the materials required for ORS infrastructure. This incorporates the key bulk materials required for construction - aggregate, blockwork, brickwork and concrete. In addition, anticipated quantities of asphalt and aggregate for road re-instatement is included, however this is not specific to the resurfacing of the Fort Cumberland Car Park. Given the size of the car park area, the omission of material for the car park re-surfacing is not considered to be material to the outcome of the assessment. As such, the findings of the Waste and Material Resources chapter remain valid.</p> <p>On 05/02/21, PCC confirmed that 4.14.3 (and 4.14.6) cannot be agreed as PCC object to the development proposed on the Fort Cumberland Car Park (please see 4.3.8 above).</p> <p>The Applicant does not agree with PCC's comments, and maintains that the findings of the Waste and Material Resources chapter remain valid.</p>	
PCC 4.14.4	Mitigation - Onshore Outline CEMP – General Environmental Control Measures	<p>The measures set out in section 5.14 (Waste and Material Resources) of the Onshore Outline CEMP (REP5-019) are agreed.</p> <p>On 25/01/21, PCC noted that provided the Applicant can confirm that the general environmental control measures set out in the Onshore Outline CEMP accords with guidance in: Waste hierarchy guidance (publishing.service.gov.uk), this matter can be agreed.</p> <p>In response, the Applicant notes that the general environmental control measures outlined in Section 5.1.3 of the Onshore Outline CEMP (the most up to date version of which was submitted at D7 (REP7-032), makes reference to the application of the Waste Hierarchy. Furthermore, the requirement for the Contractor to develop a Materials Management Plan and Site Waste Management Plan will support the greater priority areas of the Waste Hierarchy (prevention, re-use and recycling).</p> <p>On 01/02/21, PCC confirmed that this matter is now agreed. The Applicant welcomes PCC's agreement on this matter.</p>	Agreed
PCC 4.14.5	Residual effects	<p>The assessment of residual effects set out in section 27.9 and table 27.22 of Chapter 27 of the ES (APP-142).</p> <p>On 25/01/21, PCC advised that, subject to further internal consultation, it is likely that the residual effects can be agreed.</p> <p>On 05/02/21, PCC confirmed that 4.14.5 cannot be agreed as PCC object to the development proposed on the Fort Cumberland Car Park (please see 4.14.3 and 4.3.8 above)</p> <p>The Applicant does not agree with PCC's comments, and maintains that the findings of the Waste and Material Resources chapter, including residual effects remain valid.</p>	Not Agreed

4.15. CUMULATIVE EFFECTS

Table 4.15 – Cumulative Effects

Ref.	Description of matter	Current Position	RAG
Cumulative Effects			
PCC 4.15.1	Methodology	It is agreed that the approach taken to the assessment of cumulative effects, including the zone of influence is set out in section 29.4 of ES Chapter 29 of the ES (APP-144), is appropriate and proportionate in accordance with PINS Advice Note 17 (Cumulative Effects Assessment).	Agreed
PCC 4.15.2	Coastal Defence Scheme	<p>Details of the cumulative effects associated with the coastal defence schemes set out within section 29.5 of ES Chapter 29 (APP-144) are yet to be agreed.</p> <p>The Applicant and PCC note that several meetings have taken place with Coastal Partners and PCC's project team for the North Portsea Island (NPI) schemes, to discuss the NPI schemes that are potentially affected by the alignment of the AQUIND scheme or will be constructed at the same time. These meetings have discussed programme/timings and how the projects can work together to minimise disturbance, maintain landscaping etc. Matters also discussed include the requirement to ensure the flood protection is not affected during the AQUIND works.</p> <p>On 26/02/21, PCC advised that the coastal defence schemes have progressed significantly since the drafting of the ES in November 2019. North Portsea Island FCERM Phase 4a is largely complete, Phase 4b has commenced and Phase 5, for which public funding has been allocated, will be submitted for the required consents in 2021/2022.</p> <p>The requirement of a Flood Risk Activity Permit will ensure flood risk levels are maintained. Full cumulative impacts are yet to be agreed. (See matters PCC 4.7.5 and PCC 4.7.6 above).</p> <p>In response, the Applicant notes that the parties continue to have meaningful engagement on the form of the Works Co-operation Agreement and envisage being in a position to reach agreement within the next couple of weeks. However, this matter remains unresolved at DL8.</p>	Unresolved at DL8
PCC 4.15.3	HRA – cumulative effects	<p>Details of the cumulative effects associated with the HRA (APP-491) are set out within section 16.7 of Chapter 16 (APP-131) are agreed.</p> <p>PCC raise concern on the disturbance to SWBGS sites, specifically that the HRA in-combination assessment for onshore defers to the onshore ecology cumulative effects assessment.</p> <p>The Applicant notes that the revised HRA submitted at Deadline 1 (REP1-081) detailed an updated assessment with respect to SWBGS sites which are functionally linked to local Special Protection Area sites. This included a revision to the winter working principles following consultation with Natural England where it was agreed that subject to their implementation there would be no adverse effects on the integrity of either Chichester and Langstone Harbours SPA or Portsmouth Harbour SPA. The HRA submitted at Deadline 1 also included an update to the in combination assessment including for onshore ecology, as detailed in Appendix 3 (REP1-086).</p> <p>PCC note that Natural England is satisfied with the Applicant's proposed winter working principles following their various detailed discussions. At this matter is ultimately up to Natural England, PCC are happy for this point to be agreed.</p>	Agreed
PCC 4.15.4	Cumulative effects and co-ordination of project and other planned works	<p>Details of the cumulative effects of other developments set out within Table 29.14 of ES Chapter 29 (APP-144) and updated at Deadline 1 (REP1-146 and REP1-147) are yet to be agreed.</p> <p>The Applicant and PCC note that several meetings have taken place with Coastal Partners and PCC's project team for the North Portsea Island (NPI) schemes, to discuss the NPI schemes that are potentially affected by the alignment of the AQUIND scheme. These meetings have discussed programme/timings and how the projects can work together to minimise disturbance, maintain landscaping etc. We have also discussed the requirement to ensure the flood protection is not affected during the AQUIND works.</p>	Unresolved at DL8

Ref.	Description of matter	Current Position	RAG
		<p>On 26/02/21, PCC confirmed that the requirement of a Flood Risk Activity Permit will ensure flood risk levels are maintained. Full cumulative impacts are yet to be agreed. (See matters PCC 4.7.5 and PCC 4.7.6 above)</p> <p>In response, the Applicant notes that the parties continue to have meaningful engagement on the form of the Works Co-operation Agreement and envisage being in a position to reach agreement within the next couple of weeks. However, this matter remains unresolved at DL8.</p>	

4.16. DRAFT DEVELOPMENT CONSENT ORDER (INCLUDING REQUIREMENTS TO THE DRAFT DCO)

Table 4.16 – Draft Development Consent Order

Ref.	Description of matter	Current Position	RAG
Update Note for information	PCC General Comment on dDCO and Requirements	<p>PCC considers the dDCO to be continuing to develop iteratively and will want to review the dDCO as amended at following ISH1. This work is therefore ongoing. PCC would welcome the applicant convening a roundtable meeting with all local authorities present to review the dDCO in detail following the Deadline 6 update. PCC acknowledges that the wording of the dDCO is likely to continue to change until shortly before the close of the examination so common ground on the dDCO will broadly remain ongoing until then.</p> <p>The Applicant notes that other Authorities have responded to the dDCO and Requirements in their respective SoCGs, and therefore have offered to set up a meeting with PCC to discuss PCC-specific queries re the dDCO and Requirements. PCC did not take up this offer from the Applicant.</p> <p>It is noted that the draft DCO was discussed at ISH4 on 17/02/21.</p> <p>On 26/02/21, PCC confirmed that rather than use the SoCG to provide comments on the draft DCO, PCC undertook to submit the written dDCO article-by-article review that it has now submitted to the applicant and the ExA. We trust that is of ample assistance to all parties.</p> <p>The Applicant confirms that PCC issued comments on the dDCO prior to Deadline 7c and the Applicant has provided its responses directly to PCC. The Applicant's comments on these changes will form part of the Applicant's schedule of responses to the draft DCO to be submitted at Deadline 8.</p> <p>The Applicant notes that there are many items in this Table which remain unresolved at DL8.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the dDCO and Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p>	
PCC 4.17.1	Scope of Powers		Unresolved at DL8

Ref.	Description of matter	Current Position	RAG
		<p>PCC consider the scope of the powers being sought through the dDCO (APP-019) are appropriate. PCC is pleased to note certain concessions but remains fundamentally opposed to the nature and breadth of the powers sought. In particular, PCC raises concerns on the securing of powers regarding trees, amendment of existing legislative frameworks, and departure from the New Roads and Street Works Act 1991.</p> <p>The Applicant fundamentally disagrees that the powers in the DCO are too broad and not appropriate. The Applicant has offered to set up a meeting with PCC to discuss the dDCO and Requirements, though given the scrutiny already applied to these matters it is not considered requests to amend these articles further will be justified and therefore it is not anticipated the Applicant's position will change.</p> <p>It is noted that the draft DCO was discussed at ISH4 on 17/02/21.</p> <p>The Applicant confirms that PCC issued comments on the dDCO prior to Deadline 7c and the Applicant has provided its responses directly to PCC. The Applicant's comments on these changes will form part of the Applicant's schedule of responses to the draft DCO to be submitted at Deadline 8.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the dDCO and Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>This matter remains unresolved at DL8.</p>	
PCC 4.17.2	Operative Provisions	<p>The dDCO (REP1-021) is being reviewed by PCC, and consequently the wording of the operative provisions are yet to be agreed.</p> <p>PCC acknowledges that the wording of the dDCO is likely to continue to change until shortly before the close of the examination so this point will remain ongoing until then.</p> <p>The Applicant offered to set up a meeting with PCC to discuss the dDCO and Requirements.</p> <p>It is noted that the draft DCO was discussed at ISH4 on 17/02/21.</p> <p>The Applicant confirms that PCC issued comments on the dDCO prior to Deadline 7c and the Applicant has provided its responses directly to PCC. The Applicant's comments on these changes will form part of the Applicant's schedule of responses to the draft DCO to be submitted at Deadline 8.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the dDCO and Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>This matter remains unresolved at DL8.</p>	Unresolved at DL8

Ref.	Description of matter	Current Position	RAG
PCC 4.17.3	Discharge of Requirements (procedure and timescales)	<p>The dDCO (REP1-021) is being reviewed by PCC, and consequently the procedure and timescales provided for the discharge of requirements are yet to be agreed.</p> <p>PCC consider the 40 working day timescales provided for the discharge of requirements are adequate. PCC is concerned that the procedure for discharging requirements is unduly restrictive in relation to the request of further information. PCC fundamentally disagrees with any provision for deemed approval in the event that PCC does not respond in a specified time period; deemed refusal is the appropriate outcome.</p> <p>The Applicant welcomes PCC's agreement to the 40 working days timescale for procedure for discharging requirements.</p> <p>The Applicant is content the powers in the DCO, including those relating to deemed approvals, are entirely appropriate and reflect the need to ensure there is no impediment to the nationally significant infrastructure being delivered in a timely manner, and it is on this basis the Applicant has identified like provisions in made Orders.</p> <p>The Applicant offered to set up a meeting with PCC to discuss the dDCO and Requirements.</p> <p>It is noted that the draft DCO was discussed at ISH4 on 17/02/21.</p> <p>The Applicant confirms that PCC issued comments on the dDCO prior to Deadline 7c and the Applicant has provided its responses directly to PCC. The Applicant's comments on these changes will form part of the Applicant's schedule of responses to the draft DCO to be submitted at Deadline 8.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the dDCO and Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>This matter remains unresolved at DL8.</p>	Unresolved at DL8
PCC 4.17.4	Interpretation	<p>The dDCO (REP1-021) and its explanation of meaning are yet to be agreed.</p> <p>The Applicant offered to set up a meeting with PCC to discuss the dDCO and Requirements.</p> <p>It is noted that the draft DCO was discussed at ISH4 on 17/02/21.</p> <p>The Applicant confirms that PCC issued comments on the dDCO prior to Deadline 7c and the Applicant has provided its responses directly to PCC. The Applicant's comments on these changes will form part of the Applicant's schedule of responses to the draft DCO to be submitted at Deadline 8.</p>	Unresolved at DL8

Ref.	Description of matter	Current Position	RAG
		<p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the dDCO and Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>This matter remains unresolved at DL8.</p>	
PCC 4.17.5	Phases of authorised development onshore	<p>The dDCO (REP1-021) requirement for a written scheme setting out phases of the authorised development to be submitted and approved (LPA approval) are yet to be agreed.</p> <p>The Applicant offered to set up a meeting with PCC to discuss the dDCO and Requirements.</p> <p>It is noted that the draft DCO was discussed at ISH4 on 17/02/21.</p> <p>The Applicant confirms that PCC issued comments on the dDCO prior to Deadline 7c and the Applicant has provided its responses directly to PCC. The Applicant's comments on these changes will form part of the Applicant's schedule of responses to the draft DCO to be submitted at Deadline 8.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the dDCO and Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>This matter remains unresolved at DL8.</p>	Unresolved at DL8
PCC 4.17.6	Works No. 4 – Detailed design approval (onshore HVDC Cables)	<p>The requirement of Works No. 4, details of the (a) proposed layout; (b) proposed cable burial depths; and (c) indicative location of the joint bays, link boxes and link pillars within the dDCO (REP1-021) are yet to be agreed.</p> <p>The Applicant offered to set up a meeting with PCC to discuss the dDCO and Requirements.</p> <p>It is noted that the draft DCO was discussed at ISH4 on 17/02/21.</p> <p>The Applicant confirms that PCC issued comments on the dDCO prior to Deadline 7c and the Applicant has provided its responses directly to PCC. The Applicant's comments on these changes will form part of the Applicant's schedule of responses to the draft DCO to be submitted at Deadline 8.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the dDCO and Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p>	Unresolved at DL8

Ref.	Description of matter	Current Position	RAG
		This matter remains unresolved at DL8.	
PCC 4.17.7	Works No. 5 – Detailed design approval (onshore connection works)	<p>The requirement of Works No. 5, details of the (a) proposed layout; (b) proposed cable burial depths; (c) indicative location of the joint bays, link boxes and link pillars; and (d) optical regeneration stations within the dDCO (REP1-021) are yet to be agreed. The Applicant offered to set up a meeting with PCC to discuss the dDCO and Requirements.</p> <p>It is noted that the draft DCO was discussed at ISH4 on 17/02/21.</p> <p>The Applicant confirms that PCC issued comments on the dDCO prior to Deadline 7c and the Applicant has provided its responses directly to PCC. The Applicant's comments on these changes will form part of the Applicant's schedule of responses to the draft DCO to be submitted at Deadline 8.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the dDCO and Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>This matter remains unresolved at DL8.</p>	Unresolved at DL8
PCC 4.17.8	Requirement 11 – Fencing and other means of enclosure	<p>The dDCO (REP1-021) requirement that construction sites are to remain securely fenced at all times during construction and removed on completion of phase is agreed.</p> <p>On 26/02/21, PCC confirmed that this matter was agreed.</p>	Agreed
PCC 4.17.9	Requirement 15 - CEMP	<p>The dDCO (REP1-021) requirement for a CEMP according with the outline CEMP, per phase (LPA approval). <i>See reference to Onshore Outline CEMP within tables below for specific topic/theme considerations</i> is agreed.</p> <p>On 26/02/21, PCC confirmed that this matter was agreed as per amended Requirement in REP7-014.</p>	Agreed
PCC 4.17.10	Requirement 18 – Construction Hours	<p>The proposed standard working hours between 0700 and 1700 hours on weekdays and 0800 and 1300 hours on Saturdays, excluding public holidays, except in the event of emergency unless otherwise agreed (LPA approval) are agreed.</p> <p>On 26/02/21, PCC confirmed that this matter was agreed as per amended Requirement in REP7-014.</p>	Agreed
PCC 4.17.11	Requirement 22 – Restoration of land used temporarily for construction	<p>The dDCO (REP1-021) requirement for reinstatement of land to its former condition (LPA approval) within 12 months of completion is yet to be agreed. It is noted that open space reinstatement also covered in the Outline Landscape and Biodiversity Strategy (REP1-034).</p> <p>On 26/02/21, PCC confirmed that this matter was agreed, subject to this being addressed in the FMPRI.</p> <p>On 26/02/21, PCC confirmed that PCC's response to the review of the FMPRI process will be submitted at DL8.</p> <p>The Applicant intends to respond to any comments raised by PCC at DL9.</p>	Unresolved at DL8

Ref.	Description of matter	Current Position	RAG
<p>PCC 4.17.12</p>	<p>Requirement 25 – Amendment to approved details</p>	<p>This matter remains unresolved at DL8.</p> <p>The dDCO (REP1-021) requirement for development to be carried out with approved details unless any amendment or variation is previously agreed in writing with the relevant LPA or HA, being in accordance with the principles of the ES, is yet to be agreed.</p> <p>The Applicant offered to set up a meeting with PCC to discuss the dDCO and Requirements.</p> <p>It is noted that the draft DCO was discussed at ISH4 on 17/02/21.</p> <p>The Applicant confirms that PCC issued comments on the dDCO prior to Deadline 7c and the Applicant has provided its responses directly to PCC. The Applicant's comments on these changes will form part of the Applicant's schedule of responses to the draft DCO to be submitted at Deadline 8.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the dDCO and Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>This matter remains unresolved at DL8.</p>	<p>Unresolved at DL8</p>
<p>PCC 4.17.13</p>	<p>Order Limits</p>	<p>Details as set out in Environmental Statement - Volume 2 - Figure 3.2 Order Limits (Onshore) (APP-147) and Environmental Statement - Volume 2 - Figure 3.9 Order Limits Sections (Onshore) (APP-154) are yet to be agreed, with PCC considering that the Order Limits contain an unjustified amount of land which results in uncertainty for the Council.</p> <p>The Applicant offered to set up a meeting with PCC to discuss the dDCO and Requirements.</p> <p>It is noted that the draft DCO was discussed at ISH4 on 17/02/21.</p> <p>The Applicant confirms that PCC issued comments on the dDCO prior to Deadline 7c and the Applicant has provided its responses directly to PCC. The Applicant's comments on these changes will form part of the Applicant's schedule of responses to the draft DCO to be submitted at Deadline 8.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the dDCO and Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>This matter remains unresolved at DL8.</p>	<p>Unresolved at DL8</p>

Ref.	Description of matter	Current Position	RAG
<p>PCC 4.17.14</p>	<p>Part 3 – Streets</p>	<p>Discussions are ongoing with PCC with regard to the rights to carry out works in the highway and the ability for the undertaker to utilise statutory highway powers to facilitate the carrying out of such works in an expeditious manner. The Applicant has confirmed that as none are required in connection with the Authorised Development, the DCO will confer an ability make permanent TRO's.</p> <p>The Applicant offered to set up a meeting with PCC to discuss the dDCO and Requirements. It is noted that the draft DCO was discussed at ISH4 on 17/02/21.</p> <p>The Applicant confirms that PCC issued comments on the dDCO prior to Deadline 7c and the Applicant has provided its responses directly to PCC. The Applicant's comments on these changes will form part of the Applicant's schedule of responses to the draft DCO to be submitted at Deadline 8.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the dDCO and Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>This matter remains unresolved at DL8.</p>	<p>Unresolved at DL8</p>
<p>PCC 4.17.WH1</p>	<p>Works No. 4, exception 1</p>	<p>The proposed working hours exception for Section 5 Havant Road near Drayton between Farlington Avenue and Eastern Road – up to 24 hour working for one weekend (noisy activities avoided during darkness) or 0700 to 2200 hours for up to four weekends are yet to be agreed.</p> <p>The Applicant offered to set up a meeting with PCC to discuss the dDCO and Requirements.</p> <p>It is noted that the draft DCO was discussed at ISH4 on 17/02/21.</p> <p>The Applicant confirms that PCC issued comments on the dDCO prior to Deadline 7c and the Applicant has provided its responses directly to PCC. The Applicant's comments on these changes will form part of the Applicant's schedule of responses to the draft DCO to be submitted at Deadline 8.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the dDCO and Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>This matter remains unresolved at DL8.</p>	<p>Unresolved at DL8</p>
<p>PCC 4.17.WH2</p>	<p>Works No. 4, exception 2</p>	<p>The proposed working hours exception for Section 6 Fitzherbert Road and Sainsbury's car park – night works (noisy activities avoided during darkness) are yet to be agreed.</p>	<p>Unresolved at DL8</p>

Ref.	Description of matter	Current Position	RAG
		<p>The Applicant offered to set up a meeting with PCC to discuss the dDCO and Requirements.</p> <p>It is noted that the draft DCO was discussed at ISH4 on 17/02/21.</p> <p>The Applicant confirms that PCC issued comments on the dDCO prior to Deadline 7c and the Applicant has provided its responses directly to PCC. The Applicant's comments on these changes will form part of the Applicant's schedule of responses to the draft DCO to be submitted at Deadline 8.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the dDCO and Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>This matter remains unresolved at DL8.</p>	
<p>PCC 4.17.WH3</p>	<p>Works No. 4, exception 3</p>	<p>The proposed working hours exception for Section 6/7 Farlington Railway Crossing (trenchless) – 24 hour working are yet to be agreed.</p> <p>The Applicant offered to set up a meeting with PCC to discuss the dDCO and Requirements.</p> <p>It is noted that the draft DCO was discussed at ISH4 on 17/02/21.</p> <p>The Applicant confirms that PCC issued comments on the dDCO prior to Deadline 7c and the Applicant has provided its responses directly to PCC. The Applicant's comments on these changes will form part of the Applicant's schedule of responses to the draft DCO to be submitted at Deadline 8.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the dDCO and Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>This matter remains unresolved at DL8.</p>	<p>Unresolved at DL8</p>
<p>PCC 4.17.WH4</p>	<p>Works No. 4, exception 4</p>	<p>The proposed working hours exception for Section 7 Langstone Harbour (Kendall's Wharf to Farlington Playing Fields HDD) – 24 hour working are yet to be agreed.</p>	<p>Unresolved at DL8</p>

Ref.	Description of matter	Current Position	RAG
		<p>The Applicant offered to set up a meeting with PCC to discuss the dDCO and Requirements.</p> <p>It is noted that the draft DCO was discussed at ISH4 on 17/02/21.</p> <p>The Applicant confirms that PCC issued comments on the dDCO prior to Deadline 7c and the Applicant has provided its responses directly to PCC. The Applicant's comments on these changes will form part of the Applicant's schedule of responses to the draft DCO to be submitted at Deadline 8.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the dDCO and Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>This matter remains unresolved at DL8.</p>	
<p>PCC 4.17.WH5</p>	<p>Works No. 4, exception 5</p>	<p>The proposed working hours exception for Section 8 Eastern Road between Airport Service Road and north of Milton Common – up to 24 hour working, seven days a week for approximately 33 days (noisy activities avoided outside Harbourside Caravan Park during darkness) are yet to be agreed.</p> <p>The Applicant offered to set up a meeting with PCC to discuss the dDCO and Requirements.</p> <p>It is noted that the draft DCO was discussed at ISH4 on 17/02/21.</p> <p>The Applicant confirms that PCC issued comments on the dDCO prior to Deadline 7c and the Applicant has provided its responses directly to PCC. The Applicant's comments on these changes will form part of the Applicant's schedule of responses to the draft DCO to be submitted at Deadline 8.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the dDCO and Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>This matter remains unresolved at DL8.</p>	<p>Unresolved at DL8</p>
<p>PCC 4.17.WH6</p>	<p>Works No. 5 (Onshore Connection Works)</p>	<p>Proposed Requirement 18, setting working hours between 0800 and 1800 hours on weekdays and 0800 and 1300 hours on Saturdays, excluding public holidays, except in the event of emergency unless otherwise agreed (LPA approval) are yet to be agreed.</p>	<p>Unresolved at DL8</p>

Ref.	Description of matter	Current Position	RAG
		<p>The Applicant offered to set up a meeting with PCC to discuss the dDCO and Requirements.</p> <p>It is noted that the draft DCO was discussed at ISH4 on 17/02/21.</p> <p>The Applicant confirms that PCC issued comments on the dDCO prior to Deadline 7c and the Applicant has provided its responses directly to PCC. The Applicant's comments on these changes will form part of the Applicant's schedule of responses to the draft DCO to be submitted at Deadline 8.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the dDCO and Requirements.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>This matter remains unresolved at DL8.</p>	

4.17. OPTICAL REGENERATION STATIONS

Table 4.17 – Optical Regeneration Stations

Ref.	Description of matter	Current Position	RAG
Optical Regeneration Station (ORS)			
PCC 4.18.1	Location	<p>The Applicant sought PCC's in-principle agreement that the ORS should be sited at Fort Cumberland Car Park, being considered by the Applicant to be the most appropriate location within 1 km search radius of landfall. Details considered in Chapter 2 of the ES (APP-117) paragraph 2.6.6.22.</p> <p>The site at Eastney is in use as a public car park, which is finished in rolled scalplings. The parking facility nestles inconspicuously into the scrubland character of the adjacent open space to the north-east, which forms part of a Local Wildlife Site Encircling Fort Cumberland.</p> <p>At D6, PCC stated that they <i>"do not agree that the ORS should be sited at Fort Cumberland car park. However if the SoS agrees that an ORS is a legitimate part of this development, there is still insufficient evidence regarding its size and scale"</i>.</p> <p>The Applicant has provided a response to Question 3.4 regarding the FOC infrastructure and the ORS buildings at Fort Cumberland Car Park at Eastney in REP6-063 – [Document 7.9.22, section 2.9] which provides the Applicant's response to Action Points Raised as ISH1,2 and 3, and CAH1 and 2, which identifies the Applicant's position on the need for ORS in this location, and the required scale.</p> <p>On the basis of the above, it is noted that the relative positions of PCC and the Applicant on the location and scale of the ORS buildings are fundamentally different and are not agreed.</p>	Not Agreed
4.18.2	Parameters	PCC does not wish to comment on the appropriateness of the Proposed Development's design from an engineering point of view, though it is acknowledged and agreed that the Applicant has sought to incorporate a degree of flexibility within the layout and design. The flexible approach and	Not Agreed

Ref.	Description of matter	Current Position	RAG
		<p>maximum design parameters which are set out and secured in Table WN6 of Requirement 5 (Schedule 2) of the draft DCO are matters for further discussion. PCC advised at D6 that <i>“PCC notes that the applicant is seeking wide parameters, PCC considers this to be unnecessary and unjustified”</i></p> <p>The Applicant has provided a response to Question 3.4 regarding the FOC infrastructure and the ORS buildings at Fort Cumberland Car Park at Eastney in REP6-063 – [Document 7.9.22, section 2.9] which provides the Applicant’s response to Action Points Raised as ISH1,2 and 3, and CAH1 and 2, which identifies the Applicant’s position on the need for ORS in this location, and the required scale. The use of a parameter approach is entirely justified.</p> <p>On the basis of the above, it is noted that the relative positions of PCC and the Applicant on the location and scale of the ORS buildings are fundamentally different and are not agreed.</p>	
4.18.3	Detailed design approval	<p>The design principles for Works No. 5, optical regeneration stations, are contained in the Design and Access Statement (APP-114). The Applicant sought PCC’s review of these design principles and agreement that they provide appropriate guidelines for future detailed design.</p> <p>At D6, PCC provided the following response:</p> <p><i>PCC do not agree that the very limited design principles articulated in the D&A (for the ORS) provide appropriate guidelines for future detailed design.</i></p> <p><i>The site justifies and requires more than simply ‘adequate’ mitigation of the scheme’s impact. The scale of the compound is such that the LPA does not consider mitigation measures alone (which could themselves further erode open setting and context) as sufficient to make the scheme acceptable.</i></p> <p><i>Significance of Assets – ‘flawed’ and downplayed</i></p> <p><i>PCC agree with the applicant’s assessment (as set out at 21.5.11.10. of the ES), that “The group of assets which make up Fort Cumberland is considered to be of Very high significance. Their setting makes a high contribution to their significance, derived from their value as a group and the preserved surrounding landscape which contributes to their context and understanding as heritage assets. Although the presence of modern residential developments has impacted on the asset’s historic setting”.</i></p> <p><i>The ES goes on to suggest that the car park (where the proposed structure would be located) does not currently contribute to the setting of the fort, “but as it is still flat does allow continuation of the historic ‘fields of fire’ from the ravelin towards Fort Cumberland Road”. PCC do not agree with this statement and consider its reasoning to be flawed. Whilst the surface treatment of the carpark contrasts with its surroundings it is at present ‘open’ (free of buildings), and for this reason contributes to the significance of the fort by sustaining uninterrupted views within the asset’s historic field of fire (both from, and towards the asset). The introduction of a new structure (particularly of the footprint, scale, and height of the proposal) in this location cannot but erode and diminish the existing ‘openness’ which the car park and its environs provide and sustain.</i></p> <p><i>Assessment of Impact is considered to be downplayed</i></p> <p><i>The ES analysis of the fort concludes with the assertion that the likely direct, permanent, long-term effect of the proposal on Fort Cumberland would be of negligible significance (prior to the implementation of mitigation measures).</i></p>	Not Agreed

Ref.	Description of matter	Current Position	RAG
		<p><i>PCC are of the view that this assertion significantly downplays the impact of the proposal. It suggests that the applicant has brought insufficient consideration of the scheme’s heritage impacts to bear in their justifications for its acceptability. This ‘setting aside’ of impact (implicit in the line taken by the applicant), lacks credibility and is in my opinion unconvincing.</i></p> <p><i>Impact ‘less than substantial’</i></p> <p><i>Notwithstanding these observations, it is not asserted here that the impact of the structure, as it stands, would be ‘substantially harmful’ to the setting of the asset.</i></p> <p><i>It is also acknowledged that the proposal would inevitably require above ground physical infrastructure at landfall. In light of this the point of contention is the, scale, height, finish and overall physical ‘presence’ of the structure within its setting.</i></p> <p><i>Minimisation of Impact – unconvincing</i></p> <p><i>At p.43 (Para 7.5) - The Design and Access Statement which accompanies the submission suggests that the “The design and land take for the ORS and the Telecommunications Buildings will be minimised as much as possible”.</i></p> <p><i>It is unclear why the site should accommodate telecommunications equipment (in addition to any machinery/ infrastructure required for the ongoing monitoring /maintenance of the interconnector). If the purpose of this equipment is for example a revenue raising measure unrelated to the functioning of the interconnector, it is reasonable to suggest that its inclusion within the scheme (and therefore any increase in scale/impact which it necessitates), are unnecessary.</i></p> <p><i>It is also unclear why the proposed boundary/ means of enclosure around the site has the footprint it does. The 8m offset for example between the proposed boundary enclosure, and the buildings on the site is notable.</i></p> <p><i>These factors suggest that the statement made in the D&S is also unconvincing. The approach taken is inconsistent with the ‘very high’ significance of the asset, and the value of its preserved surrounding landscape. Insufficient effort has been made to genuinely minimise the land take and other related design parameters for this structure.</i></p> <p><i>Proposal not capable of conservation support</i></p> <p><i>In light of this the proposal as it currently stands is not considered capable of conservation support. The proposal’s impacts call for measures which go beyond the planting of soft landscaping around the structure to help ‘screen’ its presence.</i></p> <p><i>Reduction in scale/footprint required</i></p> <p><i>Insufficient effort has been made to ensure that the proposed compound is genuinely as compact/ small as it should/could be. The footprint/scale of the structure are considered excessive within their sensitive context, and in need of significant revision (downsizing), it is suggested, by a minimum of at least 50%, The proposed height of the structure (4m) may also benefit from a reduction.</i></p>	

Ref.	Description of matter	Current Position	RAG
		<p>With regard to the matters raised by PCC above on design parameters, the Applicant does not consider there are any further items that need to be added to the DAS to address the concerns identified by PCC. Details of the need for the ORS is provided in the Applicant's response to PCC4.18.2, above. Details of the design parameters and the key components of the ORS are provided in the Design and Access Statement (Document 5.5, version 004 submitted at Deadline 7), and also responded to in Table 2.2 of 'Applicant's Response to Deadline 4 Submissions' [REP6-067], Document Reference 7.9.23, items 70-78 and 81.</p> <p>The Applicant notes PCC's comments regarding the ORS compound design parameters, and confirms that the distance between the ORS structures and the boundary fence to Fort Cumberland Road is designed to minimise the risk of trees (existing and proposed) falling and damaging the ORS equipment. In addition, in other locations, space is provided between the ORS structures and the boundary fence to ensure appropriate space for access and maintenance.</p> <p>With regard to the matters raised by PCC above on the significance of assets, the assessment of impact, and the minimisation of impact on the heritage asset, the Applicant directs PCC to the detailed response provided in Table 2.2 of 'Applicant's Response to Deadline 4 Submissions' [REP6-067], Document Reference 7.9.23, 70-78 and 81.</p> <p>The negligible impact as assessed in Chapter 21 of the ES (APP-136) is considered by the Applicant to be robust, having been determined in accordance with Historic England guidance (GPA Setting). The Applicant considers the impact to the significance of Fort Cumberland is negligible in respect of views from the western ravelin, based on the distance from the asset and the presence of a modern residential housing estate, located 15m to the north-west of the proposed ORS compound. The ORS would not have a significant impact on how the asset (when taken as a whole) is appreciated and understood.</p> <p>It has been agreed between the Applicant and Historic England that the proposed ORS would not result in substantial harm to the Fort Cumberland Scheduled Monument and Grade II*listed building (Document Ref. 7.5.13 - Statement of Common Ground with Historic England - Rev 004, ref 3.1.5) [REP6-047]. Historic England maintain that the level of harm is less than substantial whilst the Applicant considers the overall effect to Fort Cumberland scheduled monument is negligible. Irrespective of this differing professional opinion, in EIA terms the proposed change would not constitute a 'significant' environmental effect warranting substantial design amendments to the proposed scheme.</p> <p>The Applicant has also commented on this issue at PCC 4.8.4 and 4.8.5 (above). On the basis of the above, it is noted that the relative positions of PCC and the Applicant on the design parameters, mitigation, impact of ORS buildings on the setting of the heritage asset are fundamentally different and are not agreed.</p>	
4.18.4	Fencing and other means of enclosure	<p>Proposed Requirement 11 of the dDCO (REP1-021) requiring permanent fencing to be completed before ORS is brought into use and maintained for the operational lifetime is agreed. The most up to date version of the dDCO was submitted at D7 (REP7-013).</p> <p>On 26/02/21, PCC confirmed that this matter was agreed with regard to PCC 4.17.8 (see above)..</p>	Agreed
-	-	<p><i>For soft landscaping associated with the ORS see REP6-038, the Outline Landscape and Biodiversity Strategy, Appendix 2, Figure 3 for the outline landscape layout, and REP6-029 Section 1.2.2, which provides details of a proposed planting schedule for Fort Cumberland Car Park.</i></p>	
-	-	<p><i>For Noise associated with the ORS see [Paragraphs 24.6.11.24 to 24.6.11.30 of Chapter 24 of the ES (APP-139)]. In terms of mitigation measures, the noise criteria are secured through the Operational Broadband and Octave Band</i></p>	

Ref.	Description of matter	Current Position	RAG
		Noise Criteria Document (REP1-129). These criteria will ensure that the predicted impacts do not exceed those presented in the ES.]	

4.18. COMMUNITY FUND

Table 4.18 – Community Fund

Ref.	Description of matter	Current Position	RAG
PCC 4.19	Community Fund (Sports and Recreation Contribution)	<p>PCC’s RR stated “PCC consider that a fund for community benefits to secure localised improvements for road users should be at least be required from Aquind to assist project mitigation. Biodiversity enhancement measures and a delivery programme for such improvements at Eastney after completion of works for the landfall underground connection bay should also form part of essential mitigation works.”</p> <p>The Applicant had considered this matter but confirmed that relevant matters are covered by mitigation already to be provided, and therefore in their view there was no evidenced need for a Community Fund.</p> <p>On 26/02/21, PCC confirmed that they seek a Community Fund for the benefit and compensation of users of Portsmouth City Council facilities at Farlington Playing Fields and land east of Eastern Road including Milton Baffins Rovers FC, and Bransbury Park and Fort Cumberland and other open space affected by the Order.</p> <p>PCC identified that a fund would protect sports clubs as a long-term prospect at the affected playing areas from the loss of revenue that would be caused by disruption to the playing season on the basis that prolonged suspension of club fixtures makes membership of a club an unattractive prospect, driving members away or out of the sport entirely. Aquind has accepted that it is not possible for the lost capacity to be absorbed elsewhere, so the best mitigation must be to ensure that clubs are attractive and financially viable once work is completed to draw sportspeople back.</p> <p>PCC also identified that amateur sports clubs tend to rely on modest membership fees, meaning they rarely have significant reserves to fall back on if their activities are interrupted. Whilst clubs’ reliance on the goodwill of dedicated volunteers greatly assists with minimising costs, the fixtures are the lifeblood of a club and a fund would give reassurance that the club has the financial means to re-emerge as a functioning, competitive entity after works are completed so as to preserve as much goodwill as possible.</p> <p>PCC consider that a fund could enable events or improvements at other open spaces in the city to mitigate the loss of open spaces during construction. Further, such a fund could provide legacy benefits at the sites once construction is completed. This would be proportionate to the scale of the project and its long operational period.</p> <p>Following receipt of PCC’s detailed quantification and justification for the contribution, which was provided to the Applicant on 25 February 2021, the Applicant reconsidered its position on this matter.</p> <p>The Applicant has updated the Unilateral Undertaking in respect of Development Consent Obligations, pursuant to s106 of the Town and Country Planning Act 1990, to include a ‘Sports and Recreation Contribution’ for the sum of £100,000 (one hundred thousand pounds) (Index Linked) to be paid to the Council for distribution to sports clubs within the Council’s administrative area who will be directly affected by the Development as a result of the temporary loss of available sports pitches.</p>	Unresolved at DL8

Ref.	Description of matter	Current Position	RAG
		<p>The Applicant has provided the response above to PCC and hopes that this will enable PCC to confirm this matter is now agreed.</p> <p>On 01/03/21, PCC confirmed that an Appendix would be submitted with their DL8 submissions, dealing with the Unilateral Undertaking and the Community Fund.</p> <p>The Applicant notes PCC's response, and will review the DL8 responses when available, and respond if appropriate. The Applicant intends to respond to any comments raised by PCC at DL9.</p> <p>This matter remains unresolved at DL8.</p>	

4.19. DEFINITION OF ASSOCIATED DEVELOPMENT

Table 4.19 – Definition of Associated Development

Ref.	Description of matter	Current Position	RAG
PCC 4.20	Definition of Associated Development	<p>The Examining Authority is directed towards following documents which clearly set out Portsmouth City Council's stance regarding the Fibre Optic Cable:</p> <p>RR-185 Portsmouth City Council</p> <p>PDA-003 Portsmouth City Council - Submission for procedural Deadline A</p> <p>REP1-172 Portsmouth City Council - Deadline 1 Submission - APPENDIX A - Task A - Response to Examining Authority's first written questions</p> <p>REP1-173 Portsmouth City Council - Deadline 1 Submission - APPENDIX B - Task B - Local Impact Report</p> <p>REP1-174 Portsmouth City Council - Deadline 1 Submission - APPENDIX C - Task C - Written Representation</p> <p>REP2-018 Portsmouth City Council - Deadline 2 Submission - Comments on responses to Deadline 1</p> <p>REP3-025 Portsmouth City Council - Deadline 3 Submission - Comments on responses to Deadline 2 and draft Development Consent Order</p> <p>REP4-034 Portsmouth City Council - Deadline 4 Submission</p> <p>REP4-036 Portsmouth City Council - Deadline 4 Submission - Comments on responses to deadline 3</p> <p>REP5-084 Portsmouth City Council Deadline 5 Submission - Letter regarding Fibre Optic Cable Development and Project of Common Interest</p> <p>REP5-086 Portsmouth City Council - Deadline 5 Submission - Transcript of Oral Evidence to be presented at Compulsory Acquisition Hearing 1</p> <p>REP5-087 Portsmouth City Council - Deadline 5 Submission - Transcript of Oral Evidence to be presented at Issue Specific Hearing 1</p> <p>REP5-090 Portsmouth City Council - Deadline 5 Submission - Transcript of Oral Evidence to be presented at Open Floor Hearing 1</p>	Not Agreed

Ref.	Description of matter	Current Position	RAG
		<p>PCC fundamentally disagrees that it would be lawful to include fibre optic cables and equipment as associated development for the purposes Aquind are seeking. The practical implications that this line of reasoning has had for the compulsory acquisition of land make this point especially stark: the addition of fibre optic cables to this electricity interconnector is directly responsible for the optical regeneration stations near Fort Cumberland and the Telecommunications Buildings at Lovedean and their excessive size. The ORS are designed solely to serve commercial data purposes totally distinct from the transmission of electricity. The dominance of the fibre optic elements of what is proposed as the actual Interconnector Scheme and which are wholly for commercial gain (in what is supposed to be solely electrical infrastructure) has become 'the tail that wags the dog' in this application.</p> <p>The Applicant responded to the matters raised by PCC in respect of fibre optic cables in REP6-069, Document 7.9.25 (Applicant's Response to Deadline 5 Submission) Table 2.4, which states:</p> <p><i>The Applicant has confirmed its position on why the commercial use of the spare capacity within the fibre optic cables required for the operation of the Proposed Development is associated development in accordance with Section 115 of the Planning Act 2008 and how such associated development complies with the relevant guidance provided in this regard within the Statement in Relation to FOC (REP1- 127). The spare fibres are intrinsically linked to the fibres that perform the support function as they form part of the same cable. In other words, the fibre optic cables need to be considered as a whole – they are two cables (one installed with each of the HVDC and HVAC Cable Circuits) with multiple fibres required in connection with the Proposed Development for control, protection and monitoring purposes. As set out in the Statement in Relation to FOC (REP1-127)., the Proposed Development could not operate reliably without the fibre optic cables. The mere fact that will be spare capacity in these cables is not “an aim in itself” and the commercial element is subordinate to the principal development.</i></p> <p><i>There is no error of law in Para 4.6 of REP1-127. Para 4.6 reads: In addition, the Planning Inspectorate's Advice Note Thirteen states at paragraph 2.9 that “associated development is subordinate to the NSIP, but necessary for the development to operate effectively to its design capacity.” In this regard it should be noted that the proposed Development is not an NSIP (though has been confirmed to be of national significance), and the advice note is read on the basis that the use of the Proposed Development for the transfer and conversion of electricity is taken to be the primary use which any associated development would need to be subordinate to”. The Proposed Development is not an NSIP under the Planning Act 2008, were that the case a Section 35 Direction would not have been required to confirm development consent is required for it, however it has been confirmed to be of national significance and development for which development consent is required by virtue of the s.35 Direction.</i></p> <p><i>The Applicant is in no way seeking to preclude the ExA and the Secretary of State from performing their role under s.115 Planning Act 2008. It is acknowledged that the Secretary of State will determine whether the commercial telecommunications use of the spare fibres within the fibre optic cable and the FOC infrastructure is associated development for which development consent may be granted in due course.</i></p> <p><i>As is confirmed in the Statement in Relation to FOC (REP1-127) and as was confirmed in the hearings, all electricity interconnectors require fibre optic cable to allow for the converter stations to communicated with one another. Without this, the project would not be able to reliably operate. The Applicant has been clear that it is seeking consent to use the spare capacity within the fibre optic cables for commercial telecommunications purposes, and has explained why this is associated development, subordinate to the principal development which performs the transfer and conversion of electricity within the Statement in Relation to FOC (REP1-127).</i></p>	

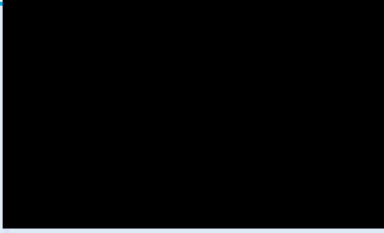

Ref.	Description of matter	Current Position	RAG
		<p><i>The Applicant has provided a response to the Examining Authority's Further Written Question at DCO 2.5.1 (REP7-038) in relation to this matter.</i></p> <p>On the basis of the above, it is clear that the relative positions of PCC and the Applicant are fundamentally different and are not agreed.</p>	

4.20. RELEVANCE AND POSITION OF OTHER LICENCES AND CONSENTS (FRANCE)

Table 4.20 – Relevance and Position of Other Licences and Consents (France)

Ref.	Description of matter	Current Position	RAG
PCC 4.20	Relevance and Position of Other Licences and Consents (France)	<p>The Examining Authority is directed towards the following documents which clearly set out Portsmouth City Council's stance regarding the uncertainties concerning the development proposed in France:</p> <p>REP5-084 Portsmouth City Council - Deadline 5 Submission - Letter regarding Fibre Optic Cable - Development and Project of Common Interest</p> <p>REP5-090 Portsmouth City Council - Deadline 5 Submission - Transcript of Oral Evidence to be presented at Open Floor Hearing 1</p> <p>The Applicant has responded to the matters raised by PCC in their Deadline 5 submissions, in REP6-069, Document 7.9.25 (Applicant's Response to Deadline 5 Submission) Table 2.4, which states:</p> <p>The Applicant refers to the response to question 5.5 within the Applicant's Transcript of Oral Submissions for Compulsory Acquisition Hearing 1 which provides clear information regarding the regulatory status of the project and the pathway to obtaining regulatory status in 2021. PCC misunderstand the regulatory regime which applies to energy markets and the points raised are fundamentally flawed as a consequence of this. Updates are made to the Funding Statement submitted at Deadline 6 to confirm relevant regulatory matters, and updates are also made to the Other Consents and Licences document (also submitted at Deadline 6) to again update on the progress being made in relation to obtaining the necessary consents in France.</p> <p>The Applicant set out the position in response to PCC's REP5-084 (Fibre Optic Cable - Development and Project of Common Interest) in REP6-061 (Document 7.9.20), which stated:</p> <p><i>b. The status of Project of Common Interest, whilst a nice attribute, does not have any material impact on the development of the project or indeed any impact on the regulatory status that the Applicant is pursuing with ACER.</i></p> <p><i>Please also refer to the Applicant's hearing transcript for Compulsory Acquisition Hearing 1 (REP5-034), and the post hearing summary and updated Funding Statement submitted at Deadline 6.</i></p> <p>The Applicant has set out the position regarding the status of Other Licences and Consents (France) in Document 5.2 – Other Consents and Licences (Rev 003) at Deadline 6 – [REP6-024], see Table 2.1, items 24-30.</p> <p>On the basis of the above, it is clear that the relative positions of PCC and the Applicant are fundamentally different and are not agreed.</p>	Not agreed

5. SIGNATURES

Ref.	Portsmouth City Council	AQUIND (the Applicant)
Signature		
Printed Name	Ian Maguire	Kirill Glukhovskoy
Title	Assistant Director for Planning and Economic Growth	Managing Director
On behalf of	Portsmouth City Council	AQUIND Limited
Date	01/03/2021	01 March 2021

