



AQUIND Limited

AQUIND INTERCONNECTOR

Statement of Common Ground Between
AQUIND Limited and the South Downs
National Park Authority

The Planning Act 2008

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DOCUMENT

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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. A SoCG sets out the matters of agreement between both parties, matters where there is not agreement and matters which are under discussion.

1.1.1.2. In this regard paragraph 58 of the Department for Communities and Local Government's guidance entitled "Planning Act 2008: examination of applications for development consent" (26 March 2015) hereafter referred to as DCLG 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."

1.1.1.1. The aim of a SoCG is to assist the Examining Authority to manage the examination of an application for a DCO by providing an understanding of the status of matters at hand and allowing the Examining Authority to focus their questioning. The effective use of SoCG is expected to lead to a more efficient examination process.

1.1.1.2. A SoCG may be submitted prior to the start or during an Examination and updated as necessary or as requested during an Examination.

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 ('SoS') on 14 November 2019 (the 'Application').

1.2.1.2. The Application seeks development consent for those elements of 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 SDNPA

1.3.1.1. This SoCG has been prepared jointly by the Applicant and the South Downs National Park Authority ('SDNPA') to reflect the final positions of the Parties at Deadline 8. This is an update of the drafts issued at deadlines 1 (REP1-121), 3 (REP3-009), 5 (REP5-026) and 7 (REP7-051). A summary of the changes made to this updated draft SoCG is contained in the Schedule of Changes submitted at Deadline 8. It has been prepared in accordance with the DCLG Guidance and precedent examples of SoCG available on the Planning Inspectorate's ('PINS') website.

1.3.1.2. The SDNPA is interested in the Proposed Development in its role as the National Park Authority for the South Downs National Park ('SDNP'). While no part of the Proposed Development is located within the National Park, the proposed Converter Station (Option B(i), which is the closer of the two options) is surrounded by the National Park on three sides and is located approximately 180 m from the National Park boundary at its closest point. The proposed landscaping and vehicular entrance is directly adjacent to the National Park boundary.

- 1.3.1.3. The SDNPA will be a consultee in relation to requirements as specified within the DCO should development consent be granted for the Proposed Development.
- 1.3.1.4. For the purpose of this SoCG the Applicant and the SDNPA will be jointly referred to as the 'Parties'.
- 1.3.1.5. During the course of the examination various matters have been subject to ongoing discussion between the Parties. As this represents a final agreed SoCG to be submitted at Deadline 8, as per the Examination timetable all matters are now recorded as 'agreed' or 'not agreed'.

2. RECORD OF ENGAGEMENT UNDERTAKEN TO DATE

2.1.1.1. The table below sets out a summary of the key meetings and correspondence between the Parties in relation to the Proposed Development.

Table 2-1 – Consultation with South Downs National Park Authority

Date	Form of Contact	Summary
15/10/2018	Meeting with East Hampshire District Council ('EHDC'), Winchester City Council ('WCC') and SDNPA	Initial briefing on proposals for Converter Station Area.
10/01/2019	Meeting (Planning and Highways, including WCC, EHDC, SDNPA, Hampshire County Council ('HCC'))	Preferred Converter Station location; Preliminary Environmental Information Report ('PEIR') for forthcoming statutory consultation; update on Onshore Cable Route options; land referencing (including Land Interest Questionnaires ('LIQ')); future engagement; Statement of Community Consultation ('SoCC').
22/01/2019	Meeting (Planning and Highways, including WCC, EHDC, SDNPA, HCC)	PEIR and forthcoming statutory consultation / process; Cable Route options and rationale; alternatives to limit impact of Cable Route on highway.
31/01/2019	Meeting with WCC, EHDC and SDNPA	Operational needs, requirements and constraints of a Converter Station; Approach to statutory consultation.
05/02/2019	Telecon (Planning and Highways, including WCC, EHDC, SDNPA, HCC)	Deposit locations for Consultation Documents; Converter Station design and level of information in PEIR.
21/06/2019	Meeting with WCC, EHDC and SDNPA	Design of the Converter Station and landscaping constraints.
10/07/2019	Meeting with WCC, EHDC and SDNPA	Updates and progress in relation to landscape mitigation design and built form of Converter Station.
20/08/2019	Meeting with WCC, EHDC and SDNPA	Discussion of Design Principles and landscape mitigation.
22/01/2020	Meeting with SDNPA	Key application documents of interest to the SDNPA; Structure of the SoCG.

Date	Form of Contact	Summary
01/04/2020	Call with Planning Officer	Discussion of points not yet agreed in the SoCG.
21/05/2020	Call with Planning and Landscape Officer	Introduction of Applicant Team to new Planning and Landscape Officer; discussion of key points on landscape matters covered in SoCG.
08/07/2020	Call with Planning and Landscape Officer	Call to discuss assessment of alternatives, Converter Station design and landscape impacts.
06/08/2020	Call with Landscape Officer	Call to discuss viewpoints, photomontages and ash die back.
25/08/2020	Call with Planning, Landscape and Design officers from SDNPA, WCC and EHDC	Design group call to discuss Converter Station and Access Road design and Design Principles.
02/10/2020	Via email exchange	Draft of this SoCG agreed between the SDNPA and the Applicant for submission into the Examination at Deadline 1.
21/10/2020	Call with Planning, Landscape and Design officers from SDNPA, WCC and EHDC	Design group call to discuss progress on Converter Station and Access Road design and Design Principles.
30/10/2020	Call with Planning Officer	Call to discuss the Applicant's response to the SDNPA's Deadline 1 submission and SDNPA's Deadline 2 submission.
18/11/2020	Call with Planning Officer	Call to discuss agenda for Issue Specific Hearing 3, outstanding points in the SoCG; and planning obligations.
25/11/2020	Call with Planning, Landscape and Design officers from SDNPA, WCC and EHDC	Design group call to discuss progress on Converter Station and Access Road design and Design Principles.
30/11/2020	Email confirmation from Planning Officer	SDNPA confirming agreement on Deadline 5 SoCG submission (REP5-026).
04/12/2020	Call with Planning and Landscape officer from SDNPA	Call to discuss revised colour palette and Design Principles. SDNPA's new Landscape consultant introduced.
18/12/2020	Email to Planning Officer	Email with proposed updates to the SoCG.
14/01/2020	Email to Planning Officer	Email with further proposed updates to the SoCG.
20/01/2021	Email from Planning Officer	Email to Applicant with potential options for planning obligations.
25/01/2021	Call with Planning Officer	Call to agree updates to the SoCG for Deadline 7.
12/02/2021	Call with Planning Officer	Call to discuss Section 106 Agreement.

Date	Form of Contact	Summary
16/02/2021	Call with Planning Officer	Call to discuss closing out the SoCG for Deadline 8 submission.
25/02/2021	Email from Planning Officer	Email response received that confirms SDNPA agree with the amended words for the Day Lane Design Principle.
28/02/2021	Email sent to Planning Officer	Further information, in the form of a Technical Note submitted to SDNPA on alternatives.
01/03/2021	Email from Planning Officer	Email to confirm final SoCG for sign off.

3. SUMMARY OF TOPICS COVERED BY 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 SDNPA are discussed in this SoCG:

- Planning policy
- Needs Case for the Proposed Development
- Landscape and visual amenity including dark skies
- Cumulative effects
- Onshore Outline Construction Environmental Management Plan ('Onshore Outline CEMP')
- Draft DCO (including requirements to the draft DCO)
- Alternatives

3.1.1.2. For the avoidance of doubt, matters not covered in this SoCG have not been discussed between the Parties as they have not been raised by the SDNPA during the consultation undertaken to date between the Parties.

4. CURRENT POSITION

4.1. PLANNING POLICY

Table 4-1 – Planning Policy

Ref.	Description of matter	Current Position	RAG
Planning Policy			
SDNPA 4.1.1	Role of NPS EN-1	It is agreed that the relevant National Policy Statement ('NPS') 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, Examination Library reference APP-108).	Agreed
SDNPA 4.1.2	Development Plan	Local planning policies from the relevant authorities can be 'important and relevant' considerations for the SoS in determining the Application. The Development Plan for the SDNPA comprises (as set out at Appendix 4 of the Planning Statement, Examination Library reference APP-112): <ul style="list-style-type: none"> • South Downs Local Plan (2019). 	Agreed

4.2. NEED FOR THE PROPOSED DEVELOPMENT

Table 4-2 – Need for the Proposed Development

Ref.	Description of matter	Current Position	RAG
Need for the Proposed Development			
SDNPA 4.2.1	Need for the Proposed Development	The overarching need for the Proposed Development as set out in the Needs and Benefits Report (Examination Library reference APP-115) is a matter for consideration by the SoS as decision maker in considering applications for development consent under the PA2008.	Agreed

4.3. LANDSCAPE AND VISUAL AMENITY INCLUDING DARK SKIES

Table 4-3 – Landscape and Visual Amenity Including Dark Skies

Ref.	Description of matter	Current Position	RAG
Landscape and Visual Amenity			
SDNPA 4.3.1	Area of study relevant to the SDNPA	It is agreed that the part of the Landscape and Visual Amenity assessment set out in Chapter 15 of the ES (Examination Library reference APP-130) relevant to the SDNPA is Section 1 Lovedean (Converter Station Area).	Agreed

Ref.	Description of matter	Current Position	RAG
SDNPA 4.3.2	ES Methodology – Study area	It is agreed that the 8 km, 3 km and 1.2 km study areas for Section 1 (Lovedean – Converter Station Area) as set out in paragraphs 15.1.2.3 – 15.1.2.5 of ES Chapter 15 are appropriate.	Agreed
SDNPA 4.3.2a	ES Methodology – Viewpoints	<p>Further, the viewpoints as identified in paragraph 15.4.4.15 are agreed. However, the SDNPA had requested that three additional viewpoints should be taken:</p> <ul style="list-style-type: none"> • The first viewpoint is near Monarch Way past Scotland Farm – the SDNPA noted that there is a very well used track, though the Applicant understands this is private land from a previous visit to this location and which the Applicant has subsequently confirmed. • The second viewpoint is from the PRoW near Prew’s Hanger (on the submitted viewpoint location plan Figure 15.17, this footpath is obscured). The SDNPA noted that this is an interconnecting route which is valued and well used for recreational purposes. • The third viewpoint is in relation to the entranceway off Broadway Lane and Day Lane. <p>The Applicant provided an Additional Viewpoint Location Plan and Additional Viewpoints Part A, B and C at Deadline 6 (REP6-055, REP6-056 and REP6-57). For viewpoints 1 and 3 options were presented. At the Examining Authority’s request, visualisations for viewpoint 1b and 2 were submitted for Deadline 7 (REP7-062 and REP7-063) alongside revisions made to the baseline viewpoints and an assessment from viewpoint 1b and 2 covered in ES Addendum 2 Section 12.4 (REP7-067).</p> <p>It was confirmed at a meeting on 16 February that SDNPA agree with the additional viewpoints presented and that the assessment of additional viewpoints, where given, represents an accurate reflection of the impacts.</p>	Agreed
SDNPA 4.3.3	ES Methodology – Assessment of light impacts	Consideration needs to be and has been given to the Dark Night Skies including the International Dark Skies Reserve.	Agreed
SDNPA 4.3.4	ES Baseline – Section 1 – Lovedean	The landscape and visual baseline environment is set out at section 15.5.3 of Chapter 15. This is agreed.	Agreed
SDNPA 4.3.5	ES Baseline - Local landscape character assessment – Characteristics of SDNP	It is agreed that the local landscape character assessment of the SDNP contained in Appendix 15.5 of the ES (Examination Library reference APP-403) accurately describes the character of the SDNP, including the International Dark Skies Reserve.	Agreed
SDNPA 4.3.6	Predicted Impacts –	The impacts that are considered by the Applicant to have the potential to give rise to temporary and/or permanent significant effects during construction and operation of the Proposed Development in relation to the Converter Station are identified at section 15.3.6 of Chapter 15 of the ES.	Agreed

Ref.	Description of matter	Current Position	RAG
	Converter Station	SDNPA agree that these represent an accurate reflection of the potential impacts, excluding the predicted operational impacts on tranquillity, which is covered separately in 4.3.6a below.	
SDNPA 4.3.6a	Predicted Impacts – Tranquillity during operation	<p>The parties have discussed the matter of tranquillity in relation to the predicted impacts throughout the SoCG process.</p> <p>The issue of tranquillity was discussed at Issue Specific Hearing 3 and responses submitted at Deadline 6. The Applicant notes that tranquillity is a Special Quality of the National Park, however the Converter Station Area sits outside of the National Park. The Examining Authority noted that there was a disagreement over the different interpretation of “tranquillity” and this continues to be an area of disagreement. The Applicant has based the LVIA on the Glossary in the Guidelines for Landscape and Visual Impact Assessment, Landscape Institute and Institute of Environmental Management and Assessment, Third Edition, 2013, which provides that tranquillity is “a state of calm and quietude associated with peace, considered to be a significant asset of landscape”. This differs from the SNDPA’s interpretation of tranquillity (as for example set out in the South Downs Local Plan and the South Downs National Park Tranquillity Study) which includes references to the presence of buildings in the landscape.</p> <p>Based on the Applicant’s interpretation in accordance with GLVIA3, there will be no effects on tranquillity during the operation of the Converter Station. The SDNPA does not agree.</p> <p>The prediction of operational impacts on tranquillity is therefore not agreed.</p>	Not agreed
SDNPA 4.3.7	Mitigation - Outline Landscape and Biodiversity Strategy	<p>The updated Outline Landscape and Biodiversity Strategy (REP6-038) submitted at Deadline 6 for the Converter Station Area, and the extent of the mitigation in the Strategy which was updated at Deadline 7 (REP7-023) are agreed.</p> <p>Measures have been taken to incorporate information from the Ash Dieback Survey into the Outline Landscape and Biodiversity Strategy as well as references to a woodland management plan and a mix of stock sizes including transplants, whips and standards. A final planting schedule will be subject to approval as referred to in the draft Development Consent Order (REP7-013).</p> <p>The SDNPA would have preferred the applicant to have proposed more substantial woodland planting in areas further away from the Converter Station, but notes that the development consent obligation pursuant to section 106 of TCPA 1990 now agreed with the SDNPA (agreed draft to be submitted at Deadline 8) will provide funding for mitigation in the form of new woodland planting as well as the management and improvement of existing woodland in the National Park within 5km of the Converter Station, therefore providing for additional woodland planting in areas further away from the Converter Station.</p>	Agreed
SDNPA 4.3.8	Mitigation - Onshore Outline CEMP – General Environmental Control Measures	The measures set out in the Onshore Outline CEMP (Rev 003, Examination Library reference REP4-005 and subsequently updated at Deadline 7, Rev 004, REP7-032) section 5.2 (Landscape and Visual Amenity) are agreed.	Agreed
SDNPA 4.3.9	Mitigation - Onshore Outline CEMP – Location Specific	<p>The following measures set out in the revised Onshore Outline CEMP are agreed (REP7-032):</p> <ul style="list-style-type: none"> Section 6.2.4 (Landscape and Visual Amenity); 	Agreed

Ref.	Description of matter	Current Position	RAG
	Construction Environmental Control Measures	<ul style="list-style-type: none"> Section 6.3.1 (Section 1 – Lovedean (Converter Station Area) – Landscape and Visual). This section includes a specific reference to cranes which will be retracted when not in use, and states that depending on the manufacturer the cranes are likely to be approximately 5 m in height when not in use. It adds that tower cranes will not be used on site References to the design principles and updated Outline Landscape and Biodiversity Strategy have now been omitted from this section and are covered in the updated DAS (REP7-0215). 	
SDNPA 4.3.10	Residual effects – Section 1 General	The assessment of residual effects relating to Section 1 set out at Tables 15.10 and 15.11 of Chapter 15 of the ES are agreed.	Agreed
SDNPA 4.3.10a	Residual effects – Ash dieback	<p>An ash dieback survey was undertaken, and the findings presented in the Request for Changes to the Order Limits (AS-054 December 2020). These findings were further reviewed in the Environmental Statement Addendum 2 (REP7-067) and Appendix 3 – Ash Dieback Survey Results (REP7-070). Two areas of woodland, Mill Copse (EW-3) and Stoneacre Copse (AW) were incorporated into the revised Order Limits to allow the Applicant to manage them to maintain their effectiveness in providing a visual screening function.</p> <p>The SDNPA notes that whilst the ash dieback survey and inclusion of Mill and Stoneacre Copse within the Order limits are welcome, the SDNPA is concerned over the wider effects of the disease beyond woodlands included within the revised Order limits and the need for management.</p> <p>The Parties are now in agreement on this issue given the measures put forward and agreed in respect of ash die back in the Outline Landscape and Biodiversity Strategy and on the basis that a Section 106 Agreement has now been agreed, contributions of which will go towards the creation and enhancement of new woodland and measures to address the effects of ash dieback within the National Park and within 5 km of the Converter Station.</p>	Agreed
SDNPA 4.3.11	Residual effects – Access Road	<p>The ES predicted that the impact associated with the proposed Access Road is that it dissects fields and will result in moderate adverse effects in year 0, and by year 10 minor adverse non-significant effects</p> <p>The SDNPA has noted that the proposed Access Road is right on the National Park’s boundary, and that the change to that corner of the field will be significant. The SDNPA queried whether it will result in the loss of an existing hedgerow, and the Applicant has confirmed that an existing hedgerow will be lost, hence the assessment concluded a significant effect in this location. Proposals to soften this area (which include a new area of woodland and the relocation of a proposed hedgerow closer to the “gated link road” have been explored by the Applicant and are presented on revised versions of the indicative landscape mitigation plans for both Option B(i) north and south (REP6-027 and REP6-028) and landscape mitigation plans for Option B(ii) (REP6-054) and reflected in an updated version of the OLBS (REP6-038), now revised at Deadline 7 (REP7-023).</p> <p>On this basis it is agreed that the impacts associated with the Access Road will be moderate adverse effects in year 0, and by year 10 minor adverse non-significant effects, as identified within the ES.</p>	Agreed
SDNPA 4.3.12	Requirement 6 – Detailed Design	<p>Following agreement with the SDNPA the applicant is going to be providing two additional design principles in an updated Design and Access Statement to be submitted at Deadline 8. These two design principles will read as follows:</p> <p>Ash dieback Design Principle:</p>	Agreed

Ref.	Description of matter	Current Position	RAG
		<p><i>New woodland, tree and hedgerow planting, within existing areas identified as affected by Ash Dieback, will be introduced within the Order Limits to replace diseased trees where replacement planting will provide appropriate screening from sensitive receptors, enhance landscape character, increase landscape and ecological connectivity and improve biodiversity. Ongoing management of the decline of ash trees will be carried out to encourage natural regeneration, and ensure the identification and implementation of further replacement planting as required. Management will include selective felling where necessary as well as the retention of a proportion of standing deadwood for biodiversity reasons.</i></p> <p>Day Lane Design Principle:</p> <p><i>When designing passing bays measures will be taken to retain Day Lane’s rural character by not introducing additional signage, road markings, kerbs or lighting.</i></p> <p>The addition of these two new design principles is welcomed and supported by the SDNPA.</p> <p>In relation to the colours to be used to the Converter Station the Applicant has included the following revised wording for Building Design Principle 3 in the updated Design and Access Statement at Deadline 7 (REP7-021):</p> <p><i>3. Colours will be selected from a palette of contextual colours (which are primarily dark recessive colours) within the ranges below chosen to complement the surrounding landscape. A contextual study will be undertaken to review the colour ratios for each elevation from the below colour range. The roofing will be in a dark recessive non-reflective colour to minimise visual impact.</i></p> <p><i>RAL 8022; 6009; 8019; 6015; 6020; 6014; 7022; 7013; 8025; 6003; 1020; & RAL 8015; 8012; 7008; 6011; 7040; 1002; 1014; 7035</i></p> <p>The SDNPA is in agreement with this.</p> <p>SDNPA has suggested revisions to wording in the DAS paragraph 4.3.9.6 to state:</p> <p>Comment: (SDNPA) felt the range of agreed colours set out in the latest revision of the ‘Contextual Elevation Study’ (dated 27.11.20) was not sufficiently broad enough to be able to be used to mitigate the proposals. Whilst accepting that the lower levels of the building do need the darker, more recessive appearance SDNPA requested that a wider colour range be adopted to ensure <u>flexibility in choosing</u> a suitable colour treatment where the built form is set against the sky, incorporating the paler colours, <u>if deemed to be appropriate</u>, identified in the previous iteration (24.11.20).</p> <p>The Applicant has agreed that the revised wording will be included in an updated version of the DAS to be submitted at Deadline 8 and this matter is agreed.</p>	

Ref.	Description of matter	Current Position	RAG
SDNPA 4.3.13	Requirements 7 and 8 – Detailed landscaping scheme	Draft DCO requirements (7 and 8) for a detailed landscaping scheme, comprising hard and soft landscaping, and a scheme of implementation and maintenance (LPA approval subject to consultation with the SDNPA) are agreed.	Agreed
SDNPA 4.3.14	Planning obligations	A planning contribution towards woodland and hedgerow planting and improvements to Public Rights of Way within 2 km of the Converter Station has been agreed with the SDNPA and is to be secured in the agreed development consent obligation with SDNPA. This is welcomed by the SDNPA and will mitigate some of the landscape harm associated with the development.	Agreed

4.4. CUMULATIVE EFFECTS

Table 4-4 – Cumulative Effects

Ref.	Description of matter	Current Position	RAG
Cumulative Effects			
SDNPA 4.4.1	ES 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 (Cumulative Effects) (Examination Library reference APP-144) is appropriate and proportionate, in accordance with PINS Advice Note 17 (Cumulative Effects Assessment).	Agreed
SDNPA 4.4.2	Assessment	It is agreed that the Applicant has taken account of all relevant planned and consented projects within the administrative boundary for the SDNPA as set out within figure 29.6 (Onshore Short List of Developments) of ES Chapter 29.	Agreed

4.5. ONSHORE OUTLINE CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Table 4-5 – Onshore Outline Construction Environmental Management Plan

Ref.	Description of matter	Current Position	RAG
Onshore Outline Construction Environmental Management Plan			
SDNPA 4.5.1	Roles and Responsibilities	The Onshore Outline CEMP (Rev 005, Examination Library reference REP6-036) and the personnel with defined environmental responsibilities as set out in Section 3 of the Onshore Outline CEMP are agreed.	Agreed
SDNPA 4.5.2	General Environmental Requirements	The General Environmental Requirements set out in Section 4 of the Onshore Outline CEMP: <ul style="list-style-type: none"> • Requirements and Consents; • Competence, Training and Awareness; • Internal Communication; • External Communication; • Method Statements; and • Environmental Incidents; are agreed.	Agreed
SDNPA 4.5.3	Monitoring and Review	The CEMP and the proposal for an Environmental Manager to be responsible for maintaining the register of all environmental monitoring, to be made available for auditing and inspection as set out in Section 7 of the Onshore Outline CEMP are agreed.	Agreed
SDNPA 4.5.4	General Environmental Control Measures	The SDNPA welcomes the amendment to paragraph 5.2.2.1 of the Onshore Outline CEMP, stating that 'The Lighting Scheme will be developed in accordance to the SDNPA Technical Advice Note 2018, Dark Skies'. The proposed general environmental control measures contained in Section 5 of the Onshore Outline CEMP, where relevant to the Onshore Cable Corridor are agreed.	Agreed
SDNPA 4.5.5	Location Specific Construction Environmental Control Measures	The proposals for site specific management measures for Section 1 set out in Section 6 of the Onshore Outline CEMP are agreed.	Agreed
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4.6. DRAFT DEVELOPMENT CONSENT ORDER

Table 4-6 – Draft Development Consent Order

Ref.	Description of matter	Current Position	RAG
Scope of the Draft DCO and Draft Requirements			
SDNPA 4.6.1	Discharge of Requirements (procedure and timescales)	The parties generally agree on the procedure and timescales provided for the discharge of requirements in the draft DCO (Rev 005, Examination Library reference REP6-015), and the extent to which the SDNPA is consulted with by the relevant local authority on the discharge of requirements, save for as set out at 4.6.2 below.	Agreed

Ref.	Description of matter	Current Position	RAG
SDNPA 4.6.2	Discharge of Requirements – Requirement 17	<p>The sole area of disagreement on this matter is that SDNPA continue to remain of the view that Requirement 17 in respect of Construction Traffic Management Plans should be determined by Local Planning Authorities rather than by Local Highways Authorities. This is because they give rise to local planning considerations and such an approach was taken in the recent DCO for the Southampton to London Pipeline.</p> <p>The Applicant considers the planning considerations in relation to the FCTMP, and moreover the CTMP's to be produced from this, are matters which may be and have been addressed during the examination of the Application, and that therefore the planning issues which may arise have been able to assessed by the relevant local planning authorities. Further, the Applicant considers that matters of detail regarding construction traffic on the highway is a matter which is best approved by the relevant highway authorities (being the authorities who have been most heavily in the review and agreement of the FCTMP).</p>	Not Agreed
SDNPA 4.6.3	Requirement 5 – Converter station and optical regeneration station parameters	The SDNPA remains concerned over the impacts of the Converter Station however, without prejudice to this position, the SDNPA considers that the parameters contained in Table WN2 under draft DCO requirements 5 are an appropriate way to limit the scale of the Proposed Development.	Agreed
SDNPA 4.6.4	Requirement 6 – Detailed design approval	<p>In relation to Works No. 2 Requirement 2 requires the submission of details relating to the</p> <ul style="list-style-type: none"> (a) layout of buildings; (b) scale of buildings; (c) existing and proposed site levels; (d) proposed finished ground floor slab level; (e) external appearance and materials of buildings; (f) hard surfacing materials; (g) location of the attenuation ponds; (h) vehicular access, the access road, parking and circulation areas; (i) external lighting and lightning protection; (j) fencing; and (k) proposed services above and below, ground, including drainage, power and communications cables and pipelines, manholes and supports; <p>for that phase of the works, which will confirm how those details accord with the design principles and parameters for Works No. 2.</p> <p>Further, the Applicant has confirmed that the following is to be included in the DCO to be submitted at Deadline 8 in relation to Work No.2 (bb):</p>	Agreed

Ref.	Description of matter	Current Position	RAG
		<p><i>(2) The construction of Work No. 2 (bb) must not be commenced for the purposes of section 155(1) of the 2008 Act until written details of the—</i></p> <p><i>(a) siting;</i></p> <p><i>(b) design;</i></p> <p><i>(c) layout;</i></p> <p><i>(d) visibility splays; and</i></p> <p><i>(e) landscaping</i></p> <p><i>in so far as relevant to those works have been submitted to and approved in writing by the relevant planning authority (in consultation with the South Down National Park Authority and the relevant highway authority).</i></p> <p>The contents of Requirement 6 in relation to Works No.2 is agreed.</p>	
SDNPA 4.6.5	Requirement 7 – Provision of landscaping	The draft DCO requirement for the provision of landscaping is agreed.	Agreed
SDNPA 4.6.6	Requirement 8 – Implementation and maintenance of landscaping	<p>The draft DCO requirement for the implementation and maintenance of landscaping is agreed.</p> <p>The SDNPA has queried how maintenance of landscaping will be secured, especially where the Applicant is not acquiring the freehold over land required for landscaping. The Applicant has responded that a deed of grant of easement is being sought with the appropriate landowners for the long-term maintenance and management of existing planting and retained hedgerows, and powers of compulsory purchase acquisition are sought to acquire the rights and impose restrictions to do so for in the event a voluntary agreement is not reached with those persons. The approach being taken is set out in the Statement of Reasons (REP6-019). The Applicant is satisfied that the necessary rights for the Applicant and restrictions to landowners to secure the maintenance of landscaping will be secured through the Order. The draft Order should be read in conjunction with the Land Plans (REP6-004) and the Book of Reference (REP6-022), which confirm the rights sought over each plot of land. The coloured shading of the plots as shown on the Land Plans identifies the purpose for which the land is required in connection with the Proposed Development and is outlined under Paragraph 2.1.1.5 of the Book of Reference.</p> <p>The SDNPA has queried how compliance following potential breaches of landscaping requirements will be enforced. The Applicant has explained that enforcement of DCO requirements is a matter addressed in Part 8 of the Planning Act 2008, and it would be an offence for the Applicant not to comply which would be actionable as such. The Applicant has also explained that any person, not just a local authority, can commence proceedings against the undertaker in case of a breach of a requirement.</p> <p>A copy of a precedent deed of grant of easement has been provided to the SDNPA so that the legal documentation proposed to be used is known and understood. Having reviewed this legal agreement the SDNPA is content that such an agreement would secure suitable access for the</p>	Agreed

Ref.	Description of matter	Current Position	RAG
		Applicant to the land to plant, manage and maintain landscaping for the duration of the operation of the development and that this would be secured by proposed draft DCO requirements 7 and 8. The matter is therefore agreed.	
SDNPA 4.6.7.	Requirement 16 – External construction lighting	<p>The draft DCO requires that no phase of Works No. 2 may commence until written details of any external lighting to be installed at any of the construction sites within that phase or in relation to that phase, including measures to prevent light spillage, will, after consultation with the SDNPA, be submitted to and approved by the relevant local planning authority, and any approved means of lighting must subsequently be installed and retained for the duration of the construction period.</p> <p>This requirement is agreed.</p>	Agreed
SDNPA 4.6.8	Requirement 22 – Restoration of land used temporarily for construction	The draft DCO requires that any land within the Order limits landwards of the MLWS which is used temporarily for construction must be reinstated to its former condition, or such condition as the relevant local planning authority may approve, within twelve months of the completion of the authorised development. This requirement is agreed.	Agreed
SDNPA 4.6.9	Requirement 23 – Control of lighting during the operational period	<p>The draft DCO requires that there will be no external lighting of Works No. 2 during the hours of darkness save for in exceptional circumstances. The SDNPA has requested further information on the proposed lighting, such as what constitutes exceptional circumstances and technical specifications including colour, brightness and angles and has drawn the Applicant's attention to the Authority's Dark Night Skies Technical Advice Note.</p> <p>The Applicant's position is that it is not possible to exhaustively list out all potential circumstances and it would not be a sound drafting approach to seek to do so, as this would have a high likelihood of leading to exceptional circumstances not being included for. It is also not considered the concept of exceptional circumstances is such that further drafting clarification is necessary. Exceptional circumstances would be matters such as intruders seeking to enter the Converter Station or being within the areas in close proximity to the Converter Station so as to require deterrence (including during the hours of darkness), or in the event of circumstances where it is necessary for lighting to allow operatives to work safely to address emergency issues, such as operational failures. It is also relevant that the operational lightning will any event be carefully designed so as to minimise light spill in circumstances where it is necessary to light the Converter Station during the hours of darkness, so as to ensure in those periods adverse effects are avoided, with those details to be approved by the relevant planning authority in accordance with Requirement 6 to the dDCO.</p> <p>The Applicant is therefore content that the position is adequately stated and secured in the dDCO. As outlined in the updated Onshore Outline CEMP (REP1-087) Section 5.2.2.1, the appointed contractor will develop a Lighting Scheme for the construction and operational stages of the Converter Station which will be submitted for approval, following consultation with the SDNPA, to the Local Planning Authority. Section 5.2.2.1 also states that the lighting scheme will be developed in accordance with the SDNPA's Dark Skies Technical Advice Note. The SDNPA welcomes this and is satisfied with the applicant's explanation in respect of exceptional circumstances. This matter is therefore agreed.</p>	Agreed

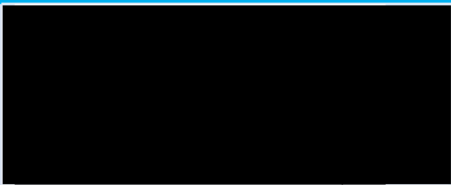
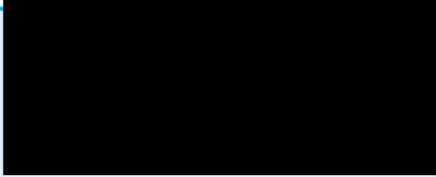
4.7. CONSIDERATION OF ALTERNATIVES

Table 4-7 – Consideration of Alternatives

Ref.	Description of matter	Current Position	RAG
Consideration of Alternatives			

Ref.	Description of matter	Current Position	RAG
SDNPA 4.7.1	Consideration of Alternatives (Converter Station Micro-sited Options)	<p>Chapter 2 (Consideration of Alternatives) of the ES (Examination Library Reference APP-117) sets out the alternatives that the Applicant considered in relation to the location of the Proposed Development.</p> <p>With regard to the Converter Station location at Lovedean, two possible Converter Station sites, referred to as Options A and B were taken forward for informal consultation in 2018, resulting in Option B as the final proposed site. Out of the two options, the SDNPA's preferred option was Option B.</p> <p>The Applicant considers that Option B makes the best use of the existing landscaping and topography in terms of screening the Converter Station from views. In addition, Option B is closer to Lovedean substation than some of the other options assessed, thus reducing the length of Cable required and reducing associated construction works.</p> <p>Option B is being progressed through the examination with two micro options, options i) and ii). Of these two options SDNPA's preference is option B (ii) as it has a reduced impact in most long distance views from the National Park and has a lower impact on existing vegetation on site than option B (i).</p>	Agreed
SDNPA 4.7.1a	Consideration of Alternatives (Connections)	<p>The Applicant has prepared additional detailed information on the assessment of alternatives undertaken, which has been submitted into the Examination at Deadline 1 (Examination Library Reference REP1-152). The SDNPA has, in their Deadline 2 submission (Examination Library Reference REP2-020), accepted the Applicant's reasons for discounting grid connections at Chickerill and Bramley. The SDNPA questioned, in its submissions to the examination, why the other seven options were not progressed.</p> <p>National Grid ESO responded to the Examining Authority's Further Written Questions with reference to EIA 2.6.1 in a letter dated 25 January 2021. This provides a technical explanation on why the other seven substations were not taken forward for further assessment.</p> <p>The Applicant has had further discussions with SDNPA on this matter in terms of the wider network reinforcement required for the other options.</p> <p>The Applicant is providing a post hearing note on this point at Deadline 8, which the SDNPA have had sight of. The SDNPA is now content that a reasonable rationale is given for why the 7 other substations were not progressed.</p>	Agreed
SDNPA 4.7.2	Access Road	The parties agree that ES Chapter 2 paragraph 2.6.5.8 to 2.6.5.13 provides adequate further information in relation to the location of the Access Road and alternative locations and alignments considered.	Agreed

5. SIGNATURES

Ref.	South Downs National Park Authority	AQUIND (the Applicant)
Signature		
Printed Name	Mike Hughes	Kirill Glukhovskoy
Title	Major Planning Projects and Performance Manager	Managing Director
On behalf of	South Downs National Park Authority	AQUIND Limited
Date	01 March 2021	01 March 2021

