



AQUIND Limited

AQUIND INTERCONNECTOR

Statement of Common Ground Between
AQUIND Limited and Havant Borough Council

The Planning Act 2008

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Agreed Draft

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1. INTRODUCTION AND PURPOSE

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."

1.1.1.3. 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.

1.1.1.4. 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 ('FOC') to be installed together with the HVDC and HVAC Cables and associated infrastructure.

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

1.3.1.1. This SoCG has been prepared jointly by the Applicant and Havant Borough Council ('HBC') to reflect the final positions of the Parties at Deadline 8. This is an update of the drafts issued at deadlines 1 (REP1-122); 4 (REP4-013) and 7 (REP7-052). A summary of the changes made to this updated 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. HBC is interested in the Proposed Development as a Local Planning Authority ('LPA') in respect of the parts of the Proposed Development located within their administrative boundary. This specifically includes Onshore Cables and works, and Temporary Works areas within Section 4 of the Onshore Cable Route.

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

1.3.1.4. For the purpose of this SoCG the Applicant and HBC 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 Havant Borough Council

Date	Form of Contact	Summary
26/09/2017	South Downs National Park Authority ('SDNPA'), Winchester City Council ('WCC'), East Hampshire District Council ('EHDC') and HBC	Landscape and visual discussion on approach to assessment and viewpoints.
16/01/2018	Meeting with officers	Converter Station (including location) benefits; Onshore Cable Route consultation.
13/02/2018	Meeting with officers	Project update; planning strategy and parameter based approach; Converter Station; Cable Route; site selection.
14/02/2018	Meeting with Elected Members	Project overview; key milestones; public consultation; anticipated timescales; Cable installation; construction management plan.
13/08/2018	Briefing with all host LPAs	Briefing on Section 35 Direction and DCO process; update on proposed pre-application engagement and anticipated statutory consultation timescales.
27/11/2018	Project meeting with all host LPAs	Discussed EIA scoping report submitted to PINS; DCO process and pre-application period; Statement of Community Consultation ('SoCC') discussion; proposed timescales; updated Site boundary as presented in EIA Scoping Report; update on alternative Cable Route options being considered which are proposed for consultation; request for feedback; update on Converter Station

Date	Form of Contact	Summary
		optioneering and feedback sought on preference between Option A and B; separate meeting was requested; update on land referencing and other engagement activity in the area.
11/12/2018	Project meeting with all host LPAs	Project meeting with planning officers; discussed SoCC update and questions; update on emerging results of ground investigation work; update from Converter Station meeting; discussion of Cable Route options being progressed.
10/01/2019	Project meeting with all host LPAs	Project meeting with planning officers; discussed preferred Converter Station option; Preliminary Environmental Information Report ('PEIR') for forthcoming statutory consultation; update on Cable Route options, land referencing, future engagement and SoCC; request for details of residents who had been concerned with Land Interest Questionnaire ('LIQ') process from PCC.
22/01/2019	Project meeting with all host LPAs	Project meeting with planning officers. Discussed forthcoming statutory consultation and process; Preliminary Environmental Information Report ('PEIR'); consultation document; Cable Route options to be presented and rationale behind them, especially in Denmead; West of Waterlooville Major Development Area ('MDA') highlighted by HBC as an opportunity to limit impact of Cable Route.
05/02/2019	Project call with all host LPAs	Project meeting call with planning officers; deposit locations for Consultation Documents; level of detail on Converter Station design in PEIR from WCC.
06/08/2019	Meeting (acoustics) with HBC Environmental Health Officers ('EHOs') from EHDC, HBC and	Meeting to discuss and agree detailed construction noise and vibration assessment methodology. EHOs

Date	Form of Contact	Summary
	Portsmouth City Council ('PCC')	
10/10/2019	Meeting with Elected Members	Elected Members asked the Applicant to consider the West of Waterlooville Major Development Area (MDA); other topics covered included: Construction Traffic Management Plan ('CTMP'); construction process and timescales; Electromagnetic Field ('EMF') assessment; DCO process; Brexit implications; consultation; Rochdale Envelope principle.
24/01/2020	Meeting with planning officer	Key Application submission documents; Examination process; structure of the SoCG; key provisions in the draft DCO.
31/03/2020	Call with planning officer	Call to discuss first draft of the SoCG.
20/04/2020	Call with planning officers and EHOs from HBC, PCC, WCC and EHDC on acoustics	Call to discuss outstanding matters for discussion in SoCG regarding noise and vibration impacts along the Onshore Cable Corridor.
13/05/2020	Call with planning officer	Update call to discuss the PPA and progression of the SoCG.
21/07/2020	Email	Updated draft SoCG issued by Applicant to LPA
13/08/2020	Call with planning officer	Update call to discuss the PPA and progression of the SoCG; updated draft SoCG issued by Applicant to LPA following call.
29/09/2020	Email	Updated draft SoCG issued by Applicant to LPA.
01/10/2020	Email	First draft SoCG agreed for submission between Applicant and LPA.
14/10/2020	Call with planning and environmental health officer	Call to discuss outstanding noise queries from HBC.
05/11/2020	Call with planning officer	Call to update the SoCG for submission at Deadline 4.

Date	Form of Contact	Summary
21/11/2020 26/11/2020 03/12/2020	Emails to planning officer	Emails about updates to the SoCG.
04/01/2021	Email from planning officer	Email from planning officer advising that proposed updates to SoCG will be reviewed.
15/01/2021	Email from planning officer	Confirmation from planning officer of agreed changes to the SoCG for Deadline 7.
11/02/2021	Email from planning officer	Confirmation Article 9 will not be a matter of common ground for HBC.
19/02/2021	Email from planning officer	Confirmation received from planning officer to confirm officer is satisfied with the final version which can now be signed 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 HBC are discussed in this SoCG:

- Planning policy
- Needs Case for the Project
- Landscape and visual amenity
- Ecology (including arboriculture)
- Heritage and archaeology
- Traffic and transport
- Air quality
- Noise and vibration
- Socio-economics
- 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 HBC 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			
HBC 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
HBC 4.1.2	HBC Development Plan	It is agreed that the relevant planning policy framework in respect of HBC includes: <ul style="list-style-type: none"> • Havant Borough Core Strategy (2011); and the • Havant Borough Local Plan (Allocations) (2014). 	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			
HBC 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
HBC 4.2.2	Wider benefits	<p>The Needs and Benefits Report (APP-115) also sets out the wider beneficial benefits of the Proposed Development in terms of job creation and economic activity.</p> <p>The Needs and Benefits Report sets out the long term contribution that the AQUIND project will deliver in terms of decarbonisation, affordability and security of supply which will be of local (including for residents of Havant) as well as national benefit. The wider beneficial benefits of the project in terms of job creation and economic activity are also set out in the Needs and Benefits Report at section 2.4 of the Needs and Benefits Report where they relate to the local area, specifically:</p> <ul style="list-style-type: none"> • new employment opportunities (section 2.4.4.); and • wider economic activity (section 2.4.5). <p>The above points are agreed.</p>	Agreed

4.3. LANDSCAPE AND VISUAL AMENITY

Table 4-3 – Landscape and Visual Amenity

Ref.	Description of matter	Current Position	RAG
Landscape and Visual Amenity			
HBC 4.3.1	Area of study relevant to HBC	It is agreed that the parts of the Landscape and Visual Amenity assessment set out in Chapter 15 of the Environmental Statement ('ES') (Landscape and Visual Amenity) (Examination Library reference APP-130) relevant to HBC are the parts of Section 4 (Hambleton Road to Farlington Avenue) which fall within HBC's administrative boundary.	Agreed
HBC 4.3.2	ES Methodology – Study area	The methodology as set out in section 15.4 of ES Chapter 15 in relation to that part of Section 4 of the Onshore Cable Corridor that is within HBC's administrative boundary is agreed. Specifically, it is agreed that the 120 m study area on either side of the Onshore Cable Corridor as set out in paragraph 15.1.2.6 of ES Chapter 15 is appropriate.	Agreed
HBC 4.3.3	Predicted impacts and residual effects	Section 15.8.9 of ES Chapter 15 sets out the summary of significant effects for Section 4 of the Onshore Cable Corridor. Table 15.10 summarises the residual effects on landscape character. Table 15.11 summarises the residual effects on visual amenity. Section 15.9.2 assesses cumulative effects. HBC has no concerns over landscape and visual amenity impacts and effects in relation to the land within their administrative boundary.	Agreed

4.4. ECOLOGY (INCLUDING ARBORICULTURE)

Table 4-4 – Ecology (including Arboriculture)

Ref.	Description of matter	Current Position	RAG
Ecology (including Arboriculture)			
HBC 4.4.1	Area of study relevant to HBC	It is agreed that the parts of the Onshore Ecology assessment set out in Chapter 16 of the ES (Onshore Ecology) (Examination Library reference APP-131) relevant to HBC are the parts of Section 4 (Hambleton Road to Farlington Avenue) which fall within HBC's administrative boundary.	Agreed
HBC 4.4.2	ES Methodology – Study area	The methodology as set out in section 16.4 of ES Chapter 16 in relation to that part of Section 4 of the Onshore Cable Corridor that is within HBC's administrative boundary is agreed. Specifically, it is agreed (as noted in section 16.1.2 of ES Chapter 16) that the study areas for the Preliminary Ecological Appraisal ('PEA') for ecological features are appropriate.	Agreed
4.4.3	Predicted impacts and residual effects	Section 16.6.2 of ES Chapter 16 sets out the summary of significant effects for Section 4 of the Onshore Cable Corridor. Section 16.7 assesses cumulative effects. Section 16.9 assesses residual effects, which are summarised in Table 16.9. HBC has no concerns over ecological and arboricultural impacts and effects in relation to the land within their administrative boundary.	Agreed

4.5. HERITAGE AND ARCHAEOLOGY

Table 4-5 – Heritage and Archaeology

Ref.	Description of matter	Current Position	RAG
Heritage and Archaeology			
HBC 4.5.1	ES Methodology – Study area	<p>The methodology as set out in section 15.4 of ES Chapter 21 (Heritage and Archaeology) (Examination Library reference APP-136) in relation to that part of Section 4 of the Onshore Cable Corridor that is within HBC’s administrative boundary is agreed.</p> <p>Specifically, it is agreed that the study area of 500 m from the Order Limits as set out in section 21.1.2 of ES Chapter 21 is appropriate.</p> <p>It is agreed that engagement will be undertaken with the Hampshire County Council (‘HCC’) Archaeologist, who has the remit for such matters in the Borough of Havant.</p>	Agreed

4.6. TRAFFIC AND TRANSPORT

Table 4-6 – Traffic and Transport

Ref.	Description of matter	Current Position	RAG
Traffic and Transport			
HBC 4.6.1	Engagement with HCC	It is agreed that engagement will be undertaken with HCC Highways, who have the remit for such matters in the Borough of Havant.	Agreed

4.7. AIR QUALITY

Table 4-7 – Air Quality

Ref.	Description of matter	Current Position	RAG
Air Quality			
HBC 4.7.1	Area of study relevant to HBC	The area of study relevant to HBC is agreed (as noted at section 23.1.2 of ES Chapter 23 (Air Quality) (Examination Library reference APP-138).	Agreed
HBC 4.7.2	ES Methodology	<p>It is agreed that use of the Institute of Air Quality Management (‘IAQM’) Dust Assessment methodology, aligned with the Transport Assessment (Examination Library reference APP-448) and modelling, is appropriate.</p> <p>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.</p>	Agreed

Ref.	Description of matter	Current Position	RAG
HBC 4.7.3	ES Baseline	The baseline for Section 4 is set out at section 23.5 of ES Chapter 2 and agreed.	Agreed
HBC 4.7.4	Predicted impacts	The impacts are identified at section 23.6 of Chapter 23 of the ES and it is that these represent an accurate reflection of the predicted impacts. The Applicant notes the comment made in HBC's Relevant Representation ('RR') that HBC acknowledges that the impacts in relation to air quality would be temporary, however that adequate measures need to be secured in the proposed CEMP.	Agreed
HBC 4.7.5	Mitigation – Onshore Outline CEMP – General Environmental Control Measures	The measures set out in section 5.10 (Air Quality) of the Onshore Outline CEMP (REP-7-032) are agreed.	Agreed
HBC 4.7.6	Mitigation – Onshore Outline CEMP – Onshore Monitoring Plan	The measures set out in section 7.1 table 7.1 (Onshore Monitoring Plan - Air Quality) of the Onshore Outline CEMP(REP-7-032) are agreed.	Agreed
HBC 4.7.7	Residual effects	The assessment of residual effects set out in table 23.79 of Chapter 23 of the ES is agreed.	Agreed

4.8. NOISE AND VIBRATION

Table 4-8 – Noise and Vibration

Ref.	Description of matter	Current Position	RAG
Noise and Vibration			
HBC 4.8.1	Area of study relevant to HBC	The study area for that part of the Onshore Cable Corridor in Section 4 which is within HBC's administrative boundaries, as set out in paragraphs 24.1.2.5 to 24.1.2.9 of ES Chapter 24 (Noise and Vibration) (Examination Library reference APP-139), is agreed. The study area for the construction traffic noise assessment, as set out in paragraphs 24.1.2.11 of ES Chapter 24, is agreed.	Agreed
HBC 4.8.2	ES Methodology	The assessment methodology for the construction noise and vibration assessment relevant to the Onshore Cable Corridor, as set out in sections 24.4.2 and 24.4.3 of ES Chapter 24 and supplemented by the revised assumptions in section 17.3 of the ES Addendum is agreed. The assessment methodology for the construction traffic noise assessment, as set out in section 24.4.4 of ES Chapter 24, is agreed.	Agreed

Ref.	Description of matter	Current Position	RAG
HBC 4.8.3	ES Baseline	<p>The construction noise and vibration assessment are based on fixed criteria, which have been agreed and, therefore, the baseline environment is not relevant to this aspect of the assessment.</p> <p>The baseline environment is not relevant to the construction traffic noise assessment.</p>	Agreed
HBC 4.8.4	Predicted impacts	<p>The Applicant acknowledges HBC's RR which states that HBC acknowledges that the impact in relation to noise and vibration would be temporary, however that adequate measures need to be secured in the proposed CEMP.</p> <p>The impacts of construction noise for the section of the Onshore Cable Corridor within the HBC administrative boundary are set out in section 24.6.5 of Chapter 24 of the ES. This includes the detailed noise assessment that has been completed for the out-of-hours trenching works in section 4. Further clarity on the out-of-hours works in Section 4 was provided in a written response to HBC on 19 June 2020 and in an email to the Environmental Health Officer on 6 August 2020. Supplementary information was also provided in section 17.3 of the ES Addendum submitted at Deadline 1 and explained in a call between the Applicant and HBC on 14th October 2020. This is now agreed.</p> <p>The impacts of construction vibration for the section of the Onshore Cable Corridor within the HBC administrative boundary, as set out in section 24.6.5 of ES Chapter 24, are agreed. The impacts of construction traffic noise, as set out in section 24.6.13 of ES Chapter 24, are agreed.</p>	Agreed
HBC 4.8.5	Mitigation – Onshore Outline CEMP – General Environmental Control Measures	<p>The general mitigation measures relevant to construction noise for the Onshore Cable Corridor are set out in section 5.11 (Noise and Vibration) of the Onshore Outline CEMP (REP7-032).</p> <p>The specific mitigation measures relevant to the out-of-hours works in section 4 are set out in section 6.2.8 of the Onshore Outline CEMP. In particular, the Applicant has recognised the importance of community liaison to ensure that local residents are kept informed about the proposed construction work and its expected impact (Section 5.11.2.6 of the OOCEMP). This will be particularly important for these works outside of core hours, and the Applicant proposes that nearby residents are informed of the specific timings when road cutting/breaking activities are expected to take place outside of their property so that they can make alternative arrangements, if they wish, whilst the noisiest works are taking place. This measure is now included in Paragraph 6.2.8.7 of the OOCEMP (REP7-032).</p> <p>Section 4.8.5 is now agreed.</p>	Agreed

Ref.	Description of matter	Current Position	RAG
HBC 4.8.6	Requirement 18 – Construction Hours	<p>Proposed working hours are a key consideration for noise and vibration as they determine the times of day that noise and vibration impacts may be experienced.</p> <p>The proposed core working hours for the onshore cable corridor (i.e. Works No. 4) of between 0700 and 1700 hours on weekdays and 0800 and 1300 hours on Saturdays (except public holidays), except in the event of an emergency unless otherwise agreed (requiring LPA approval) are agreed. Further clarity was requested from HBC on the definition of a ‘start-up and shut-down activity’, which are stated in requirement 18 of the draft DCO as potentially occurring up to an hour either side of the core working hours. The Applicant provided a written response to HBC on 19 June 2020 confirming the proposed definition of a ‘start-up and shut-down activity’, and that the absence of this definition in Requirement 18 of the dDCO was an accidental omission. The proposed definition of a ‘start-up and shut-down activity’ is as follows:</p> <p><i>“start-up and shut-down activities” means at the start of the working day the opening up of the site, the arrival of site staff & contractors, changing into appropriate PPE wear, pre-shift briefings, site inductions, tool box talks, and all associated site safety checks and at the end of the working day the cleaning and tidying of work areas, changing out of PPE wear, post-shift debrief, the departure of site staff and contractors, and closing and securing the sites”.</i></p> <p>Based on this definition, the Applicant considers start-up and shut-down activities to comprise standard practises which are not considered to give rise to noise or vibration effects that warrant separate assessment. This is now agreed.</p> <p>HBC noted that the proposed working hours for Works No.3 (i.e. temporary works areas in the vicinity of the converter station) are not stated in requirement 18 of the draft DCO. Further information was requested by HBC on how the temporary works areas will be used in relation to the Onshore Cable Corridor and what working hours will apply. The Applicant provided a written response to HBC on 19 June 2020 as follows.</p> <p><i>“The temporary work areas will be used in conjunction with Works No. 1 and 2 (the Converter Station Area) and Works No. 4 (the Onshore Cable Corridor). The core working hours that apply to the temporary work areas is the same as the core working hours for the works it is to be used in connection with. Therefore, the core working hours for the temporary work area will be Weekdays 0700-1800 hours and Saturday 0800-1300 hours. With respect to the use of the laydown areas outside of the core working hours, it has been confirmed that contractors for the HDD works (where different working hours apply) would not require use of these areas. With respect to the out-of-hours works required for cable duct laying for the Onshore Cable Corridor, it has been confirmed that access to the cable route laydown areas near the Converter Station would not be required outside of the core working hours stated above. Therefore, the use of the laydown areas outside of the core working hours would be limited to start-up and shut-down activities up to one hour either side of the core working hours.”</i></p> <p>This is now agreed.</p>	Agreed
HBC 4.8.7	Residual effects	The assessment of residual effects set out in table 24.58 of Chapter 24 of the ES is agreed.	Agreed

4.9. SOCIO-ECONOMICS

Table 4-9 – Socio-economics

Ref.	Description of matter	Current Position	RAG
Socio-economics			
HBC 4.9.1	ES Methodology – Study area	The study area as set out in section 25.1.2 of ES Chapter 25 (Socio-economics) (Examination Library reference APP-140) in relation to the part of Section 4 within the administrative boundaries of HBC is agreed.	Agreed
HBC 4.9.2	ES Baseline	The baseline environment as set out at section 25.5 of ES Chapter 25 is agreed.	Agreed
HBC 4.9.3	Predicted impacts	The predicted impacts as set out at section 25.7 of ES Chapter 25 are agreed.	Agreed
HBC 4.9.4	Mitigation - Onshore Outline CEMP – General Environmental Control Measures	HBC requested in their RR in relation to the concerns noted above in section 4.9.3, that that discussions regarding programming should be proactively held with the Highway Authority, local business groups and local Councillors to ensure that road space conflicts are managed, and to utilise extensive local knowledge. This will ensure that any proposed traffic management systems and diversion routes are appropriate, access is a fundamental issue that would need resolving, to ensure that the construction phase does not significantly adversely impact on the viability of businesses and residents during this period. In order to address the comment raised by HBC in their RR, it is agreed that reference to communication with local ward councillors will be added to paragraph 5.12.2.1 of the Onshore Outline CEMP. Subject to this amendment, the measures set out in section 5.12 (Socio-economics) of the Onshore Outline CEMP are agreed.	Agreed
HBC 4.9.5	Mitigation - Onshore Outline CEMP – Location Specific Construction Environmental Control Measures	Subject to further engagement by the Applicant with HCC, HBC does not have any further comments on the measures set out in section 6.2.9 (Socio-economics) of the Onshore Outline CEMP (REP07-032).	Agreed
HBC 4.9.6	Residual effects	The assessment of residual effects set out at section 25.10 and tables 25.15 of Chapter 25 of the ES is agreed.	Agreed

4.10. CUMULATIVE EFFECTS

Table 4-10 – Cumulative Effects

Ref.	Description of matter	Current Position	RAG
Cumulative Effects			
HBC 4.10.1	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 (Cumulative Effects) (Examination Library reference APP-144) is appropriate and proportionate, in accordance with PINS Advice Note 17 (Cumulative Effects Assessment).	Agreed
HBC 4.10.2	Assessment	It is agreed that the Applicant has taken account of all relevant planned and consented projects within the administrative boundary for HBC as set out within section 29.5 of ES Chapter 29.	Agreed
HBC 4.10.3	ES Chapter	The assessment of Cumulative Effects for the Proposed Development as set out in table 29.14 of Chapter 29 of the ES is agreed.	Agreed

4.11. ONSHORE OUTLINE CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Table 4-11 – Onshore Outline Construction Environmental Management Plan

Ref.	Description of matter	Current Position	RAG
Onshore Outline Construction Environmental Management Plan			
-	-	<i>For topic specific outline CEMP environmental control measures see the relevant specialist / topic areas.</i>	
HBC 4.11.1	Roles and Responsibilities	The Onshore Outline CEMP (REP7-032) and the personnel with defined environmental responsibilities as set out in Section 3 of the Onshore Outline CEMP are agreed between the Applicant and HBC.	Agreed
HBC 4.11.2	General Environmental Requirements	The General Environmental Requirements set out in Section 4 of the Onshore Outline CEMP (REP7-032): <ul style="list-style-type: none"> • Requirements and Consents; • Competence, Training and Awareness; • Internal Communication; • External Communication; • Method Statements; and • Environmental Incidents; are agreed between the Applicant and HBC.	Agreed

HBC 4.11.3	Monitoring and Review	The CEMP and the proposal for an Environmental Manger 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 (REP7-032) is agreed.	Agreed
HBC 4.11.4	General Environmental Control Measures	The proposed general environmental control measures contained in Section 5 of the Onshore Outline CEMP (REP7-032), where relevant to the Onshore Cable Corridor within HBC's administrative boundaries, are agreed.	Agreed
HBC 4.11.5	Location Specific Construction Environmental Control Measures	The proposals for site specific management measures for Section 4 (where relevant for HBC) as set out in Section 6 of the Onshore Outline CEMP (REP7-032) are agreed.	Agreed

4.12. DRAFT DEVELOPMENT CONSENT ORDER

Table 4-12 – Draft Development Consent Order

Ref.	Description of matter	Current Position	RAG
Scope of the Draft DCO and Draft Requirements			
HBC 4.12.1	Scope of Powers	The scope of the powers being sought through the revised draft DCO (REP7-013) is agreed.	Agreed

HBC 4.12.2	Operative Provisions	<p>The wording of the operative provisions is not agreed.</p> <p>HBC has queried Article 9 of the draft DCO in respect to statutory nuisance and considers that this should be removed. The Applicant has advised that this Article that will remain in the DCO as it is necessary to protect the delivery of the nationally significant infrastructure project. The Applicant has explained other examples to HBC.</p> <p>In response, HBC set out a closing position on Article 9 in their written response submitted at Deadline 7 (REP7-082). This is summarised as follows:</p> <ul style="list-style-type: none"> • HBC do not consider the need for Article 9 is specifically justified; • HBC do not consider it is appropriate to seek exemption from primary legislation without site specific justification; • HBC still have concerns with Article 9 referencing the operating (use) period. The inclusion of the term “cannot be reasonably be avoided” is not favoured because it is considered to water down the test of BPM that would otherwise be in place; • the Agent of Change Principle should provide the applicant with reassurance, not concern, that any future development that could prejudice their operation would be assessed in planning terms in accordance with the Agent of Change principle <p>In response to HBC at Deadline 7c the Applicant reiterated their answer to question N2.11.1 of the ExA’s Further Written Questions (REP7-038) which re-affirmed their position on Article 9 (namely why the relevant paragraphs of Article 9 re appropriate, the precedent set by many made DCOs for these, and the Applicant’s position in relation to the Agent of Change Principle and why this does not assist). Furthermore, the phrase “cannot reasonably be avoided” appears in a number of recently made DCO’s and provides for a fact and circumstance specific test of reasonableness.</p> <p>The Applicant disagrees that the Agent of Change principle provides any comfort. Article 9 is necessary to ensure complaints cannot be brought and therefore do not need to be considered in relation to acceptable operational noise levels. Article 9 only provides a defence “where proceedings are brought” and the Agent of Change principle is not part of a defence to proceedings in statutory nuisance under the Environmental Protection Act 1990. In the Applicant’s view the point made by the authority is evidence of why the Agent of Change principle does not provide any comfort in relation to matters concerning statutory nuisance.</p> <p>The Applicant considers their position is justified because the statutory claims and proceeding, if brought, could cause significant delays to the construction of the project or materially hinder the continued operation of nationally significant infrastructure. Complaints may be made whether or not a statutory nuisance exists. Where a complaint is made it would, save for where Article 9 is included in the form proposed, be necessary for that complaint to be considered in accordance with section 82(1) of the Environmental Protection Act 1990. Given the acceptable level of operational noise are settled and secured, the inclusion of Article 9 in the form proposed avoids the need for such complaints to be considered.</p> <p>In summary, statutory claims and proceedings could cause significant delays to the Proposed Development or materially hinder its operation, wholly unacceptable considering the agreed acceptability of the operational noise impacts. 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 to the acceptable noise levels during its operation at the time consent is granted.</p> <p>Both Parties agree the above is now a matter for the ExA to arbitrate on.</p>	Not Agreed
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Ref.	Description of matter	Current Position	RAG
HBC 4.12.3	Discharge of Requirements (procedure and timescales)	The procedure and timescales provided for the discharge of requirements is agreed.	Agreed
HBC 4.12.4	Interpretation	The draft DCO (REP7-013) and its explanation of meaning are agreed.	Agreed
HBC 4.12.5	Requirement 3 – Phases of authorised development onshore	The draft DCO (REP7-013) requirement 3 for a written scheme setting out phases of the authorised development to be submitted and approved (requiring LPA approval) is agreed.	Agreed
HBC 4.12.6	Requirement 6 – Detailed design approval	The draft DCO (REP7-013) requirement 6 for written details of the design of a phase of works which form part of Works No.4 to be submitted and approved by the relevant planning authority is agreed.	Agreed
HBC 4.12.7	Requirement 12 – Surface and foul water drainage	The draft DCO (REP7-013) requirement for details of the surface and foul water drainage system (including means of pollution control), per phase (requiring LPA approval in consultation with the sewerage and drainage authority), is agreed, subject to adding referencing to consultation with the lead local flood authority.	Agreed
HBC 4.12.8	Requirement 15 – CEMP	The draft DCO (REP7-013) requirement for a CEMP according with the Onshore Outline CEMP, per phase (requiring LPA approval) is agreed. See <i>reference to Onshore Outline CEMP within tables below for specific topic / theme considerations</i> is agreed.	Agreed
HBC 4.12.9	Requirement 18 – Construction Hours	The proposed standard working hours for Works No. 4 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 (requiring LPA approval) are agreed.	Agreed
HBC 4.12.10	Requirement 25 – Traffic management strategy	HBC defers the agreement of the wording of draft DCO (REP7-013) requirement 25 in relation to a traffic management strategy, which is to be approved by the relevant highway authority in consultation with the relevant planning authority, to HCC.	Agreed
HBC 4.12.11	Requirement 21 – Travel Plan	HBC defers the agreement of the wording of draft DCO (REP7-013) requirement 21 in relation to a travel plan, which is to be approved by the relevant highway authority in consultation with the relevant planning authority, to HCC.	Agreed

Ref.	Description of matter	Current Position	RAG
HBC 4.12.12	Requirement 22 – Restoration of land used temporarily for construction	The draft DCO requirement for reinstatement of land to its former condition (requiring LPA approval) within 12 months of completion is agreed, subject to inclusion of a reference to the relevant highway authority. <i>Note open space reinstatement also covered in the Outline Landscape and Biodiversity Strategy.</i>	Agreed
HBC 4.12.13	Requirement 28 – Requirement for written approval	The wording of draft DCO requirement 28 is agreed.	Agreed
HBC 4.12.14	Requirement 29 – Amendment to approved details	The draft DCO requirement 29 for development to be carried out with approved details unless any amendment or variation is agreed in writing with the relevant LPA or local highway authority ('LHA'), being in accordance with the principles of the ES is agreed, subject to removal of the word 'immaterial' in 25(2) and replacement of "that other person" with "local highway authority".	Agreed


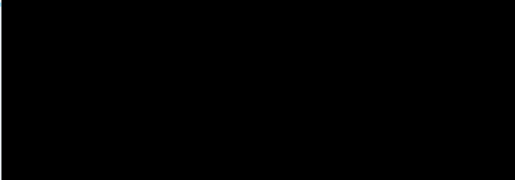
4.13. ASSESSMENT OF ALTERNATIVES

Table 4-13 – Assessment of Alternatives

Ref.	Description of matter	Current Position	RAG
Assessment of Alternatives			
HBC 4.13.1	Alternatives – General	<p>The Applicant's assessment of alternatives contained in Chapter 2 of the ES (Examination Library reference APP-117) with regard to the location of the Onshore Cable Corridor is now agreed.</p> <p>HBC considered that there would be opportunities to take the Onshore Cable off the highway and these should be given serious consideration by the Applicant, with evidence provided if these were not considered acceptable. Paragraph 2.6.3 considers the proposed West Waterlooville Alternative Route, which HBC considered would enable the cabling to avoid pinch points of the highway network around Waterlooville. HBC considered that the following paragraphs which have discounted this option did not give any compelling advice that this option had been seriously considered by the Applicant, no evidence had been provided of correspondence with Berewood, who are the landowners of the West of Waterlooville Major Development Area (MDA). HBC noted that neither had this been supplemented with any information regarding the delivery programme for works for the MDA. As such HBC had concerns as to whether this alternative routing has been seriously considered. HBC also suggested a proposed alternative countryside route. The Applicant had provided information in paragraphs 2.6.4-2.6.4.5 inclusive. HBC acknowledged that designations do exist across the countryside route, however HBC considered that this proposed alternative appears to have been ruled out without full reference or sufficient information, in the form of appropriate mapping of constraints, which would enable the cabling across the countryside to avoid the constraints that have been highlighted, and in addition avoid the MDA.</p> <p>Further details on the assessment of alternatives had subsequently been prepared by the Applicant and submitted into the Examination at Deadline 1 (Examination Library Reference REP1-152). In response to this, HBC expressed further concerns in their Deadline 2 submission (Examination Library Reference REP2-017) that no indications of dates of when this potential route was considered have been provided. HBC considered that the Applicant's</p>	Agreed

		<p>arguments in REP1-152 appear to have been retro-fitted to conclude that the highway route is preferred, without full due consideration of this route in detail.</p> <p>The Applicant, in their Deadline 3 submission (Examination Library Reference REP3-014) explained that consideration of a Cable Route in this location was first considered in 2017, however it was discounted at this stage because of the potential for environmental impacts on designated sites and because the Applicant did not want to sterilise the land in this location, noting that it is an area allocated for housing development. Following the suggestion of the alternative countryside routes by HBC and WCC in responses provided at the AQUIND public consultation on 16 and 29 April 2019, respectively, the potential for a route in those location was further considered to confirm the previous conclusions made. A summary of how the HBC and WCC countryside routes have been considered by the Applicant is provided at section 2.6.4 of ES Chapter 2, submitted as part of the 2019 Application. Further to continued requests for additional information regarding how the Applicant considered these routes, a more detailed explanation of the countryside routes and the reasons why they were not pursued was provided in section 8 REP1-152. In addition, the Applicant provided a further details at Deadline 6 (REP6-067) see table 2.1 paragraph 4-15.</p> <p>HBC is satisfied with the further details provided, and the assessment of alternatives is now agreed.</p>	
HBC 4.13.2	Hayling Island	Regardless of the points raised in 4.13.1 above, HBC agrees with the Applicant's assessment and discounting of the Hayling Island cable routes as set out in the Chapter 2 of the ES.	Agreed

5. SIGNATURES

Ref.	Havant Borough Council	AQUIND (the Applicant)
Signature		
Printed Name	SIMON JENKINS	KIRILL GLUKHOVSKOY
Title	Director of Regeneration & Place	MANAGING DIRECTOR
On behalf of	Havant Borough Council	AQUIND Limited
Date	25/02/2021	25/02/2021

