



AQUIND Limited

AQUIND INTERCONNECTOR

Applicant's Response to Deadline 7c Submissions

The Planning Act 2008

Infrastructure Planning (Examination Procedure)

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1. INTRODUCTION

- 1.1.1.1. The following tables set out the Applicant's responses to other parties' submissions to the Examining Authority (ExA) made at Deadline 7c.
- 1.1.1.2. A response has not been provided for each individual submission or topic raised. The responses have focused on issues thought to be of most assistance to the ExA.
- 1.1.1.3. The Applicant also does not seek to respond to all the points made where the Applicant's response is already contained within other submissions made since the Application was accepted, save where it is thought helpful to repeat or cross refer to the information contained in the previous documentation.
- 1.1.1.4. Where other parties have provided comments on the drafting of the draft Development Consent Order, responses are provided within the schedule of responses to changes requested to the draft Development Consent Order (document reference 3.1) submitted alongside these responses at Deadline 8. These matters are not repeated in this document.
- 1.1.1.5. Appendix A (document reference 7.9.45.1) to this document includes the Applicant's response to the submissions made on behalf of Mr Geoffrey Carpenter and Mr Peter Carpenter.

2. SUBMISSIONS TO DEADLINE 7C

Table 2.1 - East Hampshire District Council (EHDC)

Ref:	Question:	Applicant's Comments
1	Day Lane Technical Note Doc Ref: 7.9.29	
1.1	<p>Hampshire County Council will lead in the response to The Day Lane Technical Note and the management of construction traffic. EHDC however, is not concerned about the landscape impacts of the proposed passing bays in principle; designing in passing bays is preferable to HGV's habitually driving over verges causing potentially greater visual or ecological impact. That said, landscape harm could arise through damage or loss to trees, particularly the trees in the approximate location of passing bay 'b'. EHDC would highlight the importance of retaining trees and protecting their root zones, but note this would be secured through a s.278 process. Similarly, any issues regarding the ordinary water course on the northern side of Day Lane where passing bays 'a' and 'd' are proposed should be safeguarded through the s.278 agreement. We would not want to see poorly constructed passing bays that quickly become potholed, which could result in visual harm to the character of the rural road.</p>	<p>Root protection measures will be secured through compliance with the principles outlined in the Onshore Outline CEMP (document reference 6.9 submitted at Deadline 8) and ES Appendix 16.3 Arboriculture Report (APP-411 and REP7-066).</p> <p>Micro-siting will assist in the avoidance of RPAs whilst the ability to widen the carriageway on both sides will enable root disturbance to be minimised in instances where avoidance cannot be achieved. Where work within a RPA cannot be avoided, then a task-specific AMS will be produced (the requirement for which is to be included in the updates to the OOCEMP issued at Deadline 8). This document will identify the working practices and tree protection measures necessary to minimise the likelihood of damage to acceptable levels and will accord with best practice guidance as identified in British Standard BS 5837:2012. As with all works with the potential to impact highway trees, the AMS will be produced by a qualified arboriculturalist and further subject to approval by HCC Highways Arboriculture prior to commencement of any construction work.</p> <p>The Day Lane Technical Note (document reference 7.9.29), has been updated and has been submitted at Deadline 8 to include technical information relating to specification and construction methodology, of the passing bays.</p> <p>The maintenance of the passing bays by the Applicant during their period of use is to be secured through the section 278 Agreement to be entered into in relation to the passing bays.</p>

Table 2.2 - First Hampshire and Dorset Limited

Ref:	Question:	Applicant's Comments
1	<p>First Bus operates 155 buses in the area from two main depots in Fareham and Portsmouth and Stagecoach operates 76 buses from their Portsmouth depot. We are very concerned with the nature of these works and the impact it will have on our bus services. First Bus alone carries around 13 million passenger journeys per year with Stagecoach also carrying significant passenger numbers. The bus services provided by all operators are an integral part of the community and help drive local economic growth.</p>	<p>Further to HCC's Deadline 7 response (REP7-085), the Applicant has met with First Group, Stagecoach, HCC and PCC on 11/02/21 to discuss the impact of the proposed works and how mitigation can be secured prior to the end of the examination.</p> <p>During this meeting a mitigation fund to be provided by the Applicant was discussed, which could be drawn upon by the bus companies to mitigate against reduction in bus service punctuality as a result of the construction of the Proposed Development within the highway.</p>
2	<p>The works on both the Eastern Road in Portsmouth and the A3, are highly likely to cause major disruption to our networks. Our customers' top priority is always the punctuality and reliability of the bus service, and therefore, we believe there will be a considerable impact to bus services. It is recognised that Aquind have reported upon</p>	<p>The Applicant and HCC, in collaboration with the relevant Bus Operators, have agreed to the provisions for a 'Bus Mitigation Delay Fund', which may be drawn down in the event it is</p>

Ref:	Question:	Applicant's Comments
	the effect of their works, however, as an experienced bus operator we believe they are probably understated.	evidenced certain measures of delay linked to traffic management associated with the works to deliver the onshore cables on the highway trigger the need for additional buses to be provided.
3	One of the areas where works are planned to take place is on the A3 corridor, which has already been recognised as a major bus flow, due to £35m being invested on the corridor, some 11 years ago, for bus priority measures to help tackle traffic congestion. Furthermore, the wider area has also recently been awarded funds from the Government's Transforming Cities Fund to introduce and enhance bus priority measures and in turn reduce bus journey times.	The quantum of the fund has been determined on a worst case basis, identifying the cost for the provision of additional buses on the routes which have the potential to be directly impacted based on the number of weeks that works will be undertaken on the roads which coincide with the specified bus routes. A contingency fund is also provided for, for in the event of the works over-running beyond the reasonable worst case timescales reported in the Framework Traffic Management Strategy (AS-072).
4	Portsmouth itself is a very compact city and Portsea Island can only be accessed by just 3 roads coming into/out of Portsmouth. Our experience shows that when there is disruption to one of these three key routes, this causes significant traffic congestion on the remaining two access roads into the city. We believe the works which are planned for the Eastern Road will cause major disruption and have a knock-on effect of causing delays and congestion to bus services across the whole of Portsea Island.	In addition to the 'Bus Mitigation Delay Fund', a 'Patronage Marketing Contribution' is also provided for. This may be drawn down where it is evidenced the increase in bus patronage for the specified routes which may be directly impacted by the works is a defined percentage less than analogous routes of the Bus Operators. By using analogous 'control' routes, it is possible to determine whether any lower level of increase is directly related to the construction of the Proposed Development.
5	As bus operators we have proposed mitigating measures to allow us to try and provide a reliable and punctual bus service. These measures are around providing suitable funds to assist with deploying additional buses into the bus network to retain the current frequency of bus services, however, this will still entail bus journeys being of a longer duration. To this end, a further mitigation is for a marketing exercise to be deployed, post works, to try and encourage people back to using buses, as longer journey times while the works take place, will usually result in people choosing different modes of travel.	<p>The quantum of the 'Patronage Marketing Contribution' has been negotiated by the Applicant, HCC and the Bus Operators, and is considered to represent an amount that would be required for a 6-12 month bus marketing campaign to increase bus patronage, which is what that contribution if drawn down must be spent on.</p> <p>These matters are to be secured via the Hampshire County Council development consent obligation (document reference 7.5.25).</p>

Table 2.3 - Hampshire County Council

Ref:	Question:	Applicant's Comments
Applicant's response to Deadline 6 representations		
Site Access Timing		
	It is noted within the responses to the Deadline 6 submissions that the applicant is proposing to access the converter station site through the existing farm track via Broadway Farm off Broadway Lane for the first 3 to 6 months of construction. No details of this proposed access have been provided by the applicant to the Highway Authority and its use is not included in the CTMP.	Further to these comments and discussions with HCC on this subject the Applicant submitted the Broadway Farm Technical Note to HCC on 22/02/21 (Appendix to the Framework Traffic Management Strategy (FTMS)(AS-072)), which provided details of the existing use of the access junction by agricultural vehicles, the required use by construction vehicles in connection with the construction of the Converter Station access junction, the adequacy of this access to accommodate such vehicles and the strategy to control these movements. Following on from submission of this document to HCC, it has been agreed that a pre-commencement requirement be included within the Draft DCO for Work No. 2 (bb) (related to the permanent access junction and gated highway link shown on Drawing AQD-WSP-UK-OS-DR-Z-200215), which requires a CTMP to be submitted to and approved by the Highway Authority.
	The Highway Authority have been in discussion with the applicant requiring those site access works to be included, and defined, as 'pre-commencement works' to ensure that the S278 works for the site access can be constructed prior to formal commencement of wider activities on site. This request has been accommodated in the DCO and S106 definitions. This will limit the need for access required from the Broadway Farm track and it is questionable as to why access via the Broadway Farm access is required.	

Ref:	Question:	Applicant's Comments
	<p>If the access to Broadway Farm is to be utilised information is needed regarding visibility splays and any improvements required at the existing access in order to accommodate the proposed use. It is currently of a condition and design appropriate to facilitate access to private properties, not construction traffic. It therefore has not been assessed by the Highway Authority as appropriate for the intensified use by different vehicle types.</p>	<p>As requested by HCC, this CTMP will be required to provide the following details:</p> <ul style="list-style-type: none"> • Further information on the visibility splays which can be achieved from the Broadway Farm access junction; • Measures to prevent mud / debris from construction traffic being dragged onto Broadway Lane; • Details of remedial and reinstatement requirements of the access junction once access is no longer required; • Confirmation of the construction programme and the trigger point for when use of this access is no longer required; • Further details of the location of banksman / traffic marshals on Broadway Lane to facilitate the safe manoeuvre of access into and out of the Broadway Farm access junction; • Further details of the wider vehicle routing and use of the Hulbert Road layby to manage access by HGVs; and • Confirmation of requirements to temporarily stop up Public Right of Way (PRoW) footpath 4.
	<p>It has been acknowledged throughout the examination that Day Lane cannot accommodate large vehicle movements to the site without significant traffic management measures on Day Lane and alterations to the Day Lane/Broadway Lane junction. Therefore, in the absence of any further evidence to demonstrate that large vehicles can be safely accommodated, the use of any existing access to the converter station site should be restricted through the DCO to vehicles no larger than 3.5tons. The Highway Authority strongly request that the Examining Authority require that no HGV movements can be undertaken to site until such point in time that the site access works including the Day Lane passing places have been constructed and the Day Lane operation strategy is in place.</p>	<p>The updated Framework CTMP (AS-074) has also been updated to include these requirements for the use of the existing Broadway Farm access in paragraph 2.4.2.3, Section 5.3.2. and Section 6.2 and is therefore secured by Requirements 17(1) of the dDCO submitted at Deadline 8.</p>
	<p>Arrivals</p>	
	<p>A question remains regarding enforcement of any parking suspension within the DCO. The DCO grants the necessary powers for the applicant to implement and enforce parking restrictions and suspensions. However, the requirements for enforcement are legally complex and at present it is not clear how the applicant is proposing to meet these enforcement requirements.</p>	<p>The Applicant has agreed to cover HBC's costs of monitoring and enforcement pursuant to a planning performance agreement.</p>
	<p>As requested by the Highway Authority, the applicant has undertaken a junction modelling exercise at the Lovedean Lane/Day Lane junction to understand the potential queuing caused by holding traffic at the junction while a HGV convoy approaches. The interpeak analysis demonstrates a maximum queue length of 4 and 5 vehicles respectively across the northbound and southbound approaches. The low level of queuing experienced during these times is not considered to have a material impact on safety at the junction; however, given the proximity of the vehicle queue to Lovedean Lane and that it can be considered unexpected for the location, appropriate warning signage should be provided on the junction approach within the Chapter 8 traffic management arrangements. This is a detail that can be agreed post planning on approval of the CTMP.</p>	<p>The Applicant notes HCC's acceptance that this matter can be agreed on approval of the Framework CTMP.</p>

Ref: Question:	Applicant's Comments
<p>Whilst the principle of this strategy is now considered acceptable, there are a few points that the applicant has yet to address:</p> <ol style="list-style-type: none"> 1. Implementation of a TTRO which reduces the speed limit on Day Lane to 30mph from Lovedean Lane to Broadway Lane south of the site access. The TTRO will be required for the life of the project. 2. Provision of the engineering details requested in HCC's D7 response in relation to the Day Lane passing bays. 3. Resolution to concerns relating the enforcement of the parking suspension requirements, in particular at Hulbert Road layby. 4. Commitment in the DCO to restrict the maximum number of HGV movements to the converter station as set out within Page 2 of the latest Day Lane Construction Management Strategy note. The report currently refers to the management of "project related" construction HGVs from meeting each other on Day Lane but actually the system prevents any "project related" HGVs meeting any other HGV traffic along the lane. This should be reflected within the note. 5. The report proposes that the management system is only in place during peak construction. This is not as agreed. The management system needs to be in place to manage all HGV movements to the site from the commencement of construction, hence the requirement for the site access works and Day Lane works to be implemented prior to commencement and the Day Lane operation to manage HGV movements to be in place. 6. The management of HGVs arriving to the converter station for the construction of the onshore cable route should also be subject to the same arrival process. The HGVs should be released in groups no more than 3 times in an hour to reduce the delays to other users of Day Lane during construction. This should be reflected within the note. 7. A note should be included which states that HGV movements will be controlled at a maximum of 15mph while travelling along Day Lane to provide the appropriate time to react to any traffic travelling in the opposite direction to the convoy. 	<p>A response to each comment is provided below:</p> <ol style="list-style-type: none"> 1. Implementation of a 30mph speed limit on Day Lane from Lovedean Lane to the Broadway Lane access junction is included within Table 6 and Section 6.2 of the updated FCTMP (AS-074) and is therefore secured by Requirement 17 of the dDCO (REP7-013). 2. Engineering details for the Day Lane passing bays will be provided at detailed design, as agreed within HCC as part of the Converter Station Access and Day Lane Road Safety Audit Designers Response which is appended to the updated Day Lane Technical Note (REP7-045a). 3. The Applicant has agreed to cover HBC's costs of monitoring and enforcement pursuant to a planning performance agreement. 4. Paragraph 3.1.1.3 of the FCTMP has been updated to apply a limit of 71 two-way HGV movements per day (142 in total) accessing the Converter Station. An amendment has also been made to Requirement 17 of the dDCO to secure this restriction. 5. The Applicant agrees that the management system will be in place for the entirety of the construction period, unless otherwise agreed with Hampshire County Council. The updated Day Lane Technical Note (REP7-046a) submitted at Deadline 8 sets out the approach to be taken forward for the management of HGV's during non-peak construction. As is set out in the Technical Note, stacking of HGV's will not be required during non-peak construction due to the decrease in overall movements at these times in comparison to the peak. However, whilst convoys of multiple HGV's may not be required, it is proposed that during non-peak construction single or pairs of HGV's still be held at on-site and allowed to depart the Converter Station Area at 20-minute intervals only. HGVs traveling to site will also be required to check in to the Hulbert Road layby and will travel to site via an escort vehicle. This will ensure that potential conflict with arriving HGVs and other traffic is controlled throughout the entirety of the construction period. 6. Paragraph 6.2.2.10 to 6.2.2.13 of the updated FCTMP (AS-074) includes details of the arrival process for HGVs traveling to the Converter Station, which will apply to all HGVs associated within construction of the Converter Station and Onshore Cable Route. These HGVs will need to check in at Hulbert Road layby and travel to site under escort, with their release restricted to times which will not conflict with vehicles departing the Converter Station. It is therefore considered by the Applicant that this provides suitable control to prevent vehicle conflicts occurring on Day Lane. 7. Paragraph 6.2.2.16 of the updated FCTMP has been added to require the maximum speed of 15mph as a control to HGVs travelling in convoy to the site under escort. This applies to both HGV's associated with the construction of the Converter Station Area and HGV's associated with the construction of the Onshore Cable Route.
<p>Anmore Road and Mill Road Management Strategy</p>	

Ref: Question:	Applicant's Comments
<p>To understand the existing HGV movements along Anmore Lane, the applicant has provided ATC survey data from 2018. The survey data reveals that based on a 5 day average, two-way flow assumption, 69 and 74 HGV movements are typically expected across the course of a day at Mill Road and Anmore Road respectively.</p> <p>This accounts for circa 9% and 8% of the overall traffic flow along these roads. The Highway Authority has questioned the accuracy of this data given that neither road serves industrial units which would lend itself to a higher proportion of existing HGV flows, nor do the roads act as suitable links for HGV traffic. There is some question therefore on whether this is a comparable base.</p>	<p>The Applicant has reviewed the survey data and cannot see evidence of any systemic error in data collection. It is not possible to undertake additional surveys at this time, due to both the impacts of the Covid-19 pandemic and the limited time available in the Examination. Notwithstanding this, the Applicant notes HCC's comment below that the additional HGV movements arising from the Proposed Development are not deemed severe, and will be controlled in the FCTMP (AS-074).</p>
<p>Based on the applicant's assumptions, a maximum of 8 additional HGV movements are expected along Anmore Road and Mill Road per day in association with the proposed development. Even with the question of the base data this level of HGV movement could not be deemed as severe although there remains a question of amenity impact on the residents living on Mill Road. The maximum number of vehicle movements to the Anmore Road access should be restricted within the DCO.</p>	<p>Paragraph 6.2.3.6. of the updated Framework CTMP (AS-074) includes a restriction on the maximum number of HGV movements (outside of the 2-3 day mobilisation and decommissioning process of the HDD-5). This will restrict the number of HGVs to 4 two-way HGV movements (8 in total) per day. This will be monitored and enforced through measures included within Section 8 of updated FCTMP (AS-074).</p>
<p>A TTRO will be required to temporarily restrict on-street parking during the delivery of cable drums to the site again impacting on residential amenity. It is noted that this is secured separately under the "Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy" which is appended to the FTMS. Parking on Mill Road is evidenced to occur on both sides of the carriageway and therefore it may be possible that construction traffic routing to the site would be obstructed. The DCO provides powers to implement TTRO's if needed to ensure parking only occurs one side of Mill Road and therefore ensure construction traffic movements are not prevented access. These should only be implemented to accommodate all construction movements to the Anmore Road access if situations arise which give rise to an issue.</p>	<p>Paragraph 3.4.4.3 and 6.2.2.3 of the updated Framework CTMP(AS-074) provides for a TTRO to be implemented on Mill Road that prohibits on-street parking on one side of the road should construction traffic be obstructed by such.</p>
<p>During the course of the examination, it has not been possible to assess parking need during school drop of and collection times. The proximity of Mill Road to Denmead Infant and Primary however could make it an attractive parking location and walking route for school children. Therefore, in the interest of highway safety any HGV movements to and from the proposed site must be restricted to outside of school drop-off and pick-up hours to reduce the conflict with parked vehicles during this time.</p>	<p>Section 3.3.2 and paragraph 6.2.3.4 of the updated FCTMP (AS-074) provides a restriction on HGVs movements on Mill Road and Anmore Road during school drop-off and pick-up times.</p>
<p>The latest note also comments on the potential vehicular accesses via the field to the north and Hambledon Road to the south. This would be the Highway Authorities preferred option. It is understood however that a vehicular access cannot be achieved to the north because an area of land wide enough to accommodate a haul road does not fall within the DCO order limits. With regard to the access to the south it is understood that there are significant environmental implications in routing vehicles to the Kings Pond Meadow cable route and as a result of wider discussions this access is being removed from the proposed scope of the works.</p>	<p>The Applicant agrees that there is insufficient space to route a haul road through the fields on the northern side Anmore Road and the location of Hillcrest Children's Home also makes such a strategy unsuitable.</p> <p>The Applicant also agrees that it is not possible to route construction traffic vehicles across Kings Pond Meadows from B2150 Hambledon Road due to its designation as a SINC.</p> <p>The use of the Mill Road and Anmore Road to access construction works at Kings Pond Meadows or Anmore Road (for the durations that those works are ongoing) is a suitable route for construction traffic. Such access will be controlled by measures included within the</p>

Ref: Question:	Applicant's Comments
	updated Framework CTMP (AS-074) to ensure that impacts associated with use by HGVs is mitigated as far as practicable.
Traffic Demand Management Strategy	
<p>The Highway Authority have reviewed the TDMS and consider the document as a useful framework in collaboration with the Communication Strategy. The relevant monitoring and approval fees for the document should be secured under the S106 agreement.</p>	<p>The Applicant confirms that the relevant approval fee is to be secured via a planning performance agreement with HCC, being a fee related to a discharge of requirement.</p> <p>The monitoring fees is to be secured by the Hampshire County Council development consent obligation (document reference 7.5.25).</p> <p>An updated TDM Strategy (REP7-079) has been submitted at D8 to reflect relevant updates to the FTMS (AS-072).</p>
Joint Bay Report	
<p>As outlined in HCC's Deadline 7 response, there remains a number of concerns over the proposed location of the suggested locations of the joint bays within HCC's network. The concerns raised in the previous response are as follows:</p> <ul style="list-style-type: none"> • Consideration of the traffic impacts during construction of the joint bays. • Further information on joint bays 6 – 16 which are predominantly located within the highway. 	<p>The indicative Joint Bay locations identified within the Joint Bay Feasibility Report (REP7-073) have been taken into account within the updated FTMS (AS-072). Construction of any Joint Bays within the highway will be facilitated by traffic management measures which are either the same or less disruptive than that prescribed within the FTMS for the installation of cable ducts in the same location. As such, their construction has been fully considered as part of the highway and traffic modelling assessments completed to assess the impacts associated with construction of the Onshore Cable Route. Furthermore, the Access to Properties note (Appendix 1 of the FTMS) and Framework CTMP have been updated to secure the necessary controls for access and construction traffic.</p> <p>The Applicant can advise that for the joint bays between joint bay 6 and joint bay 16 every effort will be made to avoid the highway. This is detailed in the indicative UK Joint Bay Feasibility Report (REP7-073). The report details how areas along the highway including verges and car parks will be utilised and where not possible bus lanes would be utilised. As part of the Traffic management where joint bays are in the highway joint bays will be constructed sequentially so as to avoid 2no lane closures in the same vicinity and to allow the flow of traffic in the area (which would not be permissible in accordance with the FTMS). The traffic management arrangement will mirror that of the duct installation to ensure that if lane closure is required it would be single lane closure. The traffic management is further detailed in the Framework Traffic Management Strategy (AS-072).</p>
<p>An updated report has been submitted by the applicant which has considered some of the points raised at Deadline 7. The revised report confirms that access on Hambledon Road service road shall be maintained throughout construction and managed through the construction process. Primarily the Highway Authority are waiting for revised versions of the FTMS and to be satisfied that the construction of joint bays has been properly considered.</p>	<p>Section 6.3 of the updated FTMS (AS-072) prescribes that construction of the Onshore Cable Route along Hambledon Road will be facilitated by single-lane closures, with two-way traffic flow facilitated by an informal give and take approach as appropriate for a road with such low traffic flows. This will therefore maintain access along Hambledon Road and Fennel Close throughout the construction period.</p>
<p>Ultimately it is understood that the Joint Bay report carries no legal weight and therefore review of the detail is of limited benefit at this time. The locations are indicative and do not set the parameters for where joint bays may or may not be located. Therefore, the</p>	<p>The Applicant can confirm that design criteria suggested by HCC have now been added in to Section 6.4 of the Design and Access Statement (document reference 5.5 submitted at Deadline 8)</p>

Ref: Question:	Applicant's Comments
<p>Highway Authority have sought to seek design criteria within the design and access statement to protect the Highway Authority's position regarding the engineering design of joint bays and where they can be located within the highway boundary limits. These parameters are covered earlier in our response.</p>	
<p>Design and Access Statement</p>	
<ul style="list-style-type: none"> • Section 6.4 should include an additional section on cable design principles which is also relevant to joint bay design. This should include the following: <ul style="list-style-type: none"> ○ For the design of the cable location and joint bays to not negatively impact on any highway drainage infrastructure unless changes can be agreed through the detailed design that are acceptable to the Highway Authority and that these changes don't place any additional maintenance liability on the Highway Authority and for costs of any changes to be covered by the applicant. ○ For the design of the cable location and joint bays not to impact negatively as determined by the Highway Authority on any infrastructure on the highway such as Street Lights, ITS equipment, bollards, fencing, vehicle restraint systems and the like without the written consent of the highway authority through approval of the detailed design. ○ To avoid where possible laying the cable or joint bays in locations which require traffic management measures above those stated in the FTMS. ○ To locate the cables and joint bays in a manner which limits the requirements for significant traffic management for any future maintenance. 	<p>The Applicant can confirm that the Design and Access Statement (document reference 5.5 submitted at Deadline 8) to be submitted as a part of Deadline 8 has been revised to include the cable design principles as agreed with Hampshire County Council.</p> <p>It is not permissible for traffic management measures to be provided which are beyond the parameters for traffic management detailed in the FTMS.</p>
<ul style="list-style-type: none"> • Section 6.5.4: We would like some clarity on this section. It is unclear what this means in practice. It should be made explicit here that noise generating activities will only take place between certain hours and how noise will be monitored. • Table 8.1 under the Human Health section talks about trees. This should be moved to the 'Trees' section. Wording changes are also requested as set out below in order to ensure the Highway Authority are protected from being required to mitigate private tree/hedge loss in the highway. 	<p>It is assumed HCC is referring to section 6.4.5 of the Design and Access Statement (DAS) (REP7-021) as section 6.5.4 does not exist. For further clarity on the noise mitigation measures relevant to the construction of the Onshore Cable Corridor, the Applicant would direct HCC to sections 5.11 and 6.2.8 of the Onshore Outline CEMP (REP7-032). Specifically, the Applicant would refer HCC to Paragraph 6.2.8.5 which describes the types of screening measures that might be appropriate for works in the highway, and paragraph 6.2.8.20, which expands on the information in section 6.4.5 of the DAS in relation to joint bays.</p> <p>The Applicant can confirm that the DAS (document reference 5.5 submitted at Deadline 8) has been revised in response to the comments in relation to table 8.1.</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 in consultation with the Highway Authority Arboriculture professional and with prior agreement on compensation / mitigation (dependant on LPA/HA position) values for each highway tree prior to its removal. There will be no third party tree planting within the highway without express</i></p>	<p>These changes are accepted and have been made in the Onshore Outline CEMP (document reference 6.9 submitted at Deadline 8).</p>

Ref: Question:	Applicant's Comments
<p>permission from the Highway Authority. Where agreed, the Local Highway Authority will undertake any highway tree mitigation planting required, to be funded from the highway tree compensation monies; There will be no third-party tree planting within the highway without express permission from the Highway Authority. Where requested, Highway tree mitigation planting will be undertaken by the Highway Authority through CAVAT funding.</p>	
<p>Additional Technical Points Noted at this Time</p>	
<p>Collett Report</p>	
<p>The Abnormal Indivisible Loads (AiL) details have been assessed and set out within this report. It appears however that compliance with the information provided within this document is not explicitly secured anywhere. This includes details on the required infrastructure changes at Dell Piece signal junction and the Lovedean Lane/A3 junction along with vehicle routing and AiL process and procedures to be followed. This document should be appended to the FCTMP to ensure that the measures within it are secured within the DCO.</p>	<p>The Abnormal and Indivisible Loads Route Access Study produced by Collett has been included in Appendix 5 of the updated Framework CTMP submitted prior to Deadline 8 (AS-074). Where temporary highway works are required to accommodate vehicle movements shown within Appendix 5 these would be dealt with under a Minor Works Agreement of Section 278 Agreement as stated in paragraph 2.8.7.7 of the Framework CTMP. As also noted within the same paragraph, the actual scope of works would need to be confirmed and agreed with the Local Highway Authority and then undertaken prior to the abnormal load contractor confirming any further highway amendments that are required as part of the abnormal load procedure. As such this is secured via Requirement 17 of the DCO (REP7-013) and the development consent obligation with HCC.</p>
<p>Phasing Plan</p>	
<p>The onshore cable laying works within Hampshire are all included in area 4 of the works plan (reference EN020022-2-4-WP Sheet 1 to 6). The site access works are in works area 2. The Highway Authority remain unclear on how phasing of the works will break up works area 4, which is of considerable duration.</p>	<p>The phases of Work no.4 will be confirmed when Requirement 3 of the draft DCO is discharged.</p>
<p>Approvals of relevant requirements such as requirement 10 should be restricted in the DCO to the submission and approval of each phase to ensure the Highway Authority have the ability to review and approve the information within the timeframes secured within the DCO.</p> <p>The need for a phasing plan is set out in requirement 3 of the DCO and it should refer to approval of the phasing plan by both the planning and highway authorities to ensure that approval can be granted for each phase. There should also be a limit to the number of phases which can be submitted at any one time for approval to ensure that sufficient resources of the authorities are available to respond within the timescales set out.</p>	<p>The approvals to be obtained do relate to phases as relevant and necessary.</p> <p>This request for the phasing plan to be approved is not agreed. There is no parameter for this approval, and furthermore it is not appropriate to provide those now as this is a matter for detailed design. The Applicant is fully aware of the need to submit details to discharge requirements in a manageable manner, and itself will be required to produce the information to do so in a timely manner to allow for the works to come forward in the shortest possible timeframe, taking into account the inherent complexities of a scheme of the type of the Proposed Development. The Applicant has offered all LPA's planning performance agreements to cover resourcing costs and is in discussions with HCC regarding future resourcing so as to ensure the authority are adequately resourced and that the authorised development comes forward in as timely and manageable a manner as is possible.</p> <p>It is noted that other made Orders do not include for the phasing plan to be approved, notably the Southampton to London Pipeline Order 2020, and it is considered the reason for this aligns with those set out above.</p>
<p>Access and Rights of Way Plan</p>	

Ref:	Question:	Applicant's Comments				
	Amendments were asked for in HCC's Deadline 7 response to the access limits at the site access given the detail is known and these have not been actioned to date.	Please refer to the Applicant's Deadline 7 (REP7c-012) response to this topic.				
	The plans still refer to temporary stopping up rather than closures which was a matter agreed by parties at the hearings to be an incorrect use of terminology within the DCO. This should also be amended in the Access and Rights of Way plans to avoid misunderstanding.	The Applicant can confirm that the Access and Rights of Way Plans (Document Reference 2.5) have been updated to reflect the revised wording and will be submitted at Deadline 8.				
	<p>HCC are now able to provide further comments on some of the temporary access arrangements which were not mentioned in the Deadline 7 response.</p> <ul style="list-style-type: none"> AC/3/c - Hambledon Road/Darnel Road signal junction - Any vehicle access should be located to the far northwest of the blue line shown on the plans. This will avoid having to relocate the traffic island and the existing signal poles on both the far side and the island itself. There is existing signal ducting running along the footway across this proposed access. The cover to these ducts will be insufficient for a proposed access. The scheme would need to enhance the protection to these ducts to avoid damage which can be a concrete overlay. Access AC/4/a London Road near Mill Lane - The access should avoid being located in the far southwest section of the blue line. This is due to clashing with the Toucan crossing. This will avoid the need to relocate the crossing and equipment. 	The final location of each access junction will be determined during detailed design and agreed with HCC through the minor works S278 process as is to be secured via the by the Hampshire County Council development consent obligation (document reference 7.5.25).				
Construction Environmental Management Plan						
	<table border="1"> <thead> <tr> <th data-bbox="281 1138 795 1213">HCC Deadline 7 submission</th> <th data-bbox="795 1138 1454 1213">Subsequently agreed changes to CEMP</th> </tr> </thead> <tbody> <tr> <td data-bbox="281 1213 795 1789">The following wording within the CEMP: "it is agreed in principle that CAVAT payments will be made to mitigate the impacts of the loss of trees and hedgerows in HCC ownership where these are not otherwise replaced" reads that where lost trees are not replaced, a CAVAT payment will be made. This may be a misunderstanding, but this assumption is not correct. Where any trees/hedges are removed, HCC Highways Arboriculture will require a CAVAT compensation, regardless of whether the trees/hedgerows are replaced or not. The applicant is asked to confirm that this will be the</td> <td data-bbox="795 1213 1454 1789"> <p>It is agreed in principle that CAVAT payments will be made to mitigate the impacts of the loss of trees in HCC ownership. In instances where hedgerows within HCC 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</p> <p>HCC (as Highway Authority) will retain responsibility for any mitigatory planting deemed to be required. HCC will undertake mitigatory planting using the compensatory monies provided</p> </td> </tr> </tbody> </table>	HCC Deadline 7 submission	Subsequently agreed changes to CEMP	The following wording within the CEMP: "it is agreed in principle that CAVAT payments will be made to mitigate the impacts of the loss of trees and hedgerows in HCC ownership where these are not otherwise replaced" reads that where lost trees are not replaced, a CAVAT payment will be made. This may be a misunderstanding, but this assumption is not correct. Where any trees/hedges are removed, HCC Highways Arboriculture will require a CAVAT compensation, regardless of whether the trees/hedgerows are replaced or not. The applicant is asked to confirm that this will be the	<p>It is agreed in principle that CAVAT payments will be made to mitigate the impacts of the loss of trees in HCC ownership. In instances where hedgerows within HCC 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</p> <p>HCC (as Highway Authority) will retain responsibility for any mitigatory planting deemed to be required. HCC will undertake mitigatory planting using the compensatory monies provided</p>	These changes have been agreed and are incorporated into the Onshore Outline CEMP (document reference 6.9 submitted at Deadline 8).
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Ref:	Question:	Applicant's Comments
	<p>case and amend the wording as appropriate.</p> <p>It needs to be made clear within the CEMP that no highway tree/hedge will be removed unless agreement with HCC Highways Arboriculture has been reached (including the agreed compensation). Again, this is likely to be a minor wording point.</p> <p>No tree planting will be carried out within the highway without the approval of HCC Arboriculture. This point needs to be made clear as third-party trees will still need to be replaced by the applicant. The current wording requires repositioning at least 5m away from the Onshore Cable Route within the Order Limits. However, given that the Order Limits will comprise mostly highway, it is currently unclear whether this is achievable in practice without third party mitigation planting within the highway, which HCC Highways Arboriculture will not support.</p> <p>HCC have previously supplied a mitigation hierarchy which should be inserted into Section 6 of the CEMP to reflect how mitigation should be considered. This hierarchy is as follows:</p>	<p>through CAVAT or, in the case of hedgerows, as otherwise agreed.</p> <p>No highway tree or hedge shall be removed unless it can be clearly demonstrated that:</p> <p>The application of protection measures described within British Standard BS 5837:2012 does not provide sufficient mitigation for sustainable retention; or,</p> <p>The costs associated with sustainable retention exceed its agreed CAVAT value.</p> <p>Highway trees and hedges shall only be removed with prior written approval of HCC Highways Arboriculture.</p> <p>Third-party mitigation planting will not be undertaken within the Highway Boundary. 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.</p> <p>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;</p>

Ref:	Question:	Applicant's Comments
	<p>Unless a tree is structurally impaired, dead, or diseased, such that it would need to be removed for sound arboricultural management within the next five years. Then,</p> <p>Ensure that cable trenching and any associated construction work, storage and traffic is excluded from the Root Protection Area (RPA) as recommended by BS5837:2021[1] or canopy spread, whichever is largest. If this is not possible then,</p> <p>Work within the RPA must only be done in accordance with an Arboricultural Method Statement (AMS) prepared by a competent arboriculturist and approved by HCC Highways Arboriculture. This AMS must include details of special methods and techniques that will be used, such as micro-tunnelling or air spade excavation, for example, and any methods of ground protection and physical barriers that will be needed to avoid root damage, canopy damage and soil compaction, which will cause subsequent root damage. If this is not possible then,</p> <p>As a last resort remove the tree(s) and provide compensation for the loss at the appropriate CAVAT value. This must be agreed with HCC Highways Arboriculture prior to tree removal</p>	<p>Ensure that cable trenching and any associated construction work, storage and traffic is excluded from the Root Protection Area (RPA) or canopy spread, which is largest. If this is not possible then,</p> <p>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 HCC Highways Arboriculture 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 HCC Highways Arboriculture. The AMS shall be supported by a Tree Protection Plan where required. If this is not possible then:</p> <p>As a last resort remove the tree(s) and provide compensation for the loss at the appropriate CAVAT value. The CAVAT value must be agreed with HCC Highways Arboriculture prior to tree removal or the commencement of any construction work within the Root Protection Area (or crown spread where this is greater). Construction work includes enabling activities, site clearance and storage of materials or machinery.</p>

Ref:	Question:	Applicant's Comments
	The final outstanding matter in relation to Highway Trees relates to the drafting of the DCO where the Highway Authority require 'in consultation with the Highway Authority' to be included within article 15 in relation to the discharge of the CEMP for any phase. This is to ensure the Highway Authority is consulted on the assessments undertaken for any loss of highway asset and agreement to any detailed assessments undertaken through the CEMP requirements.	Requirement 15 has been updated in the draft DCO to be submitted at Deadline 8 to confirm CEMP's will be approved in consultation with the relevant highway authority in so far as such phase of the authorised development is located on the highway.
Framework Construction Traffic Management Strategy and Framework Traffic Management Strategy		
	The applicant has not submitted updated versions of the FTMS and the CTMP for HCC to review. These documents are required to ensure that all of the points raised in previous representation and correspondence have been reflected within these documents.	An updated version of the FTMS (AS-072) and Framework CTMP (AS-074) were submitted on 25/02/21 incorporating all outstanding matters with HCC.

Table 2.4 – Marine Management Organisation

Ref:	Question:	Applicant's Comments
1	Herring Mitigation	
1.1	Further to the latest Statement of Common Ground, the MMO have agreed the herring mitigation condition wording below with the applicant via email on the 11th February: <i>Unless otherwise agreed in writing with the MMO, the licensed activities or any part of those activities are not to be undertaken between Kilometre Points 90 to 109 during the period of 15th December to 15th January inclusive.</i>	This wording is included in the DML submitted at Deadline 8.
2	Appeals	
	Further to the updated DCO submitted by the Applicant at Deadline 6, the MMO would like to reiterate that it strongly objects to being held to timeframes and the Appeals process of Schedule 16, which is the current case in conditions 3(3), 3(4), 5(3), 5(4), 12(12), 13(1) and 13(2). The MMO has set out its reasoning for this in its response at Deadline 6 and will be doing so in full again in response to the ExA's proposed schedule of changes to the dDCO at Deadline 8. The MMO would like to reiterate that it is wholly inappropriate for the dDCO to replace the existing mechanisms of challenge via judicial review. If the DCO were to be granted with the proposed appeal process included, this would not be an appeal procedure broadly consistent with the existing statutory processes set out in the Marine Licensing (Licence Application Appeals) Regulations 2011 (the 2011 Regulations). This would lead to disparity between licences issued as DMLs and those issued directly by the MMO under the Marine and Coastal Access Act 2009 and create an unlevel playing field across the regulated community. Had parliament intended the appeal process to extend to discharge of any conditions within specific timescales, whether in relation to Nationally Significant Infrastructure Projects or the marine licence granted directly by the MMO, then the wording of the Appeal Regulations would have been drafted differently.	The Applicant does not agree with the MMO. The Applicant's position on this matter has been clearly stated within Table 4.1 of the SoCG submitted at Deadline 8 (document reference 7.5.16 submitted at Deadline 8).

Ref:	Question:	Applicant's Comments
	<p>The MMO also notes position on Norfolk Vanguard Offshore Wind Farm DCO with ExA recommendation on Schedules 9 to 12, Part 5 – procedure for appeals concluding in para 9.4.42:</p> <p><i>'There is no substantive evidence of any potential delays to support an adaptation to existing procedures to address such perceived deficiencies. To do so would place this particular Applicant in a different position to other licence holders.'</i></p> <p>The MMO fails to see any “substantive evidence” presented by the Applicant in this case to justify such major departure from the existing mechanisms.</p> <p>Similarly, Hornsea Three Offshore Wind Farm ExA Recommendation report states in ‘Alternative dispute resolution methods in relation to decisions of the MMO under conditions of the DMLs’ section in paras 20.5.27 – 20.5.29:</p> <p><i>'We agree with the MMO on this point. The process set out in the Marine Licensing (Licence Application Appeals) Regulations 2011 does not cover appeals against decisions relating to conditions. Whilst it would be possible to amend those regulations under PA2008, the result would be to create a DML which would be different to other marine licences granted by the MMO. We recommend that the Applicant's alternative drafting in Articles 38(4) and 38(5) is not included in the DCO. (...) We have commented above that the scale and complexity of the matters to be approved under the DMLs is a strong indicator that those matters should be determined by the appropriate statutory body (the MMO). In our view an approach whereby matters of this magnitude would be deemed to be approved as a result of a time period being exceeded would be wholly inappropriate. Notwithstanding the exclusion of European sites, this approach would pose unacceptable risks to the marine environment and navigational safety. We recommend that the Applicant's alternative drafting is not included in the DCO.'</i></p> <p>Whilst the MMO strongly objects to condition 3(4), it would like to notify the Applicant that the cross referencing is incorrect in this condition, as it refers to the timing restrictions under sub-paragraph (2), when the timing restrictions are in sub-paragraph (3). It also references “Part 3” of the licence, which is now Schedule 16.</p>	

Table 2.5 – Portsmouth City Council

Ref:	Question:	Applicant's Comments
2	Further comments in respect of Highways, Transport and Traffic issues	
2.1	<p>REP7-033 Onshore Outline Construction Environmental Management Plan</p> <p>Section 5.9 – this section summarises the FTMS [REP6-030 / 031] and FCTMP [REP6-032 / 033] and explains that the construction of the proposed development will need to comply with the TMS and CTMP to be developed for each section. The construction will similarly need to comply with the Communication Strategy [Appx 1 to FTMS]; travel plan [Appx 6 to FCTMP] and Traffic Demand Management Strategy</p>	<p>Section 5.9 of the Onshore Outline CEMP (document reference 6.9 submitted at Deadline 8) has been updated to directly reference the Communications Strategy, travel plan and Traffic Demand Management Strategy.</p>

Ref:	Question:	Applicant's Comments
	[REP7-079] (TDMS) each of which should equally be so referenced in this section to ensure the obligations suggested within them are placed upon the undertaker.	
2.2	<p>REP7-039 Technical Note providing review of collision data at Strategic Network Junctions</p> <p>PCC is satisfied that this note is technically correct although is limited to an analysis of collision data at strategic network junctions rather than also considering the collision data at the minor road junctions. These are not included in the strategic traffic model but can reasonably be expected to accommodate diverted traffic movements, and will be required to inform the development of the section specific TMS / CTMPs</p>	The Applicant notes PCC's acceptance of this Technical Note and the management of minor roads excluded from the strategic modelling during the development of the section-specific TMS and CTMPs. To secure this, the updated FTMS (AS-072) in section 2.6 has included a requirement for the Contractor to consider the use of traffic management measures outside of the Onshore Cable Route.
2.3	<p>The Technical Note finds at para 3.3.3.3 that the proposed development will increase the queue length on the A3(M) north off slip to Hulbert Road by 60m in the DS1 scenario and 72m in the DS2 scenario into the A3(M) mainline. In that light the finding that this is "not expected to materially change the collision risk at this junction" does not appear to have been justified and is more an unsubstantiated assertion. While Highways England are the relevant highway authority for the A3(M). PCC as the relevant local highway authority retains concerns that the increase in queue length will result in increased risk that the Applicant has neither properly assessed nor sought to mitigate as a potential impact.</p>	<p>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).</p> <p>The Applicant therefore disagrees with PCC's assertion that the analysis is incorrect.</p>
2.4	<p>The findings that traffic flows using the Eastern Road junction with the A27 will reduce in section 4 of the Technical Note are accepted and consequently the proposal will not increase the risk of collisions at that junction.</p>	The Applicant notes and agrees with this comment.
2.5	<p>The consideration of Portsbridge roundabout replicates the information provided in REP6-076 Portsbridge Roundabout Technical Note and consequently the PCC response thereon has not been addressed.</p> <p>At section 5.3 the Technical Note reports a cluster of collisions at the slip road connection to the circulatory carriageway and a significant increase in circulating traffic in the pm peak period, yet concludes at para 5.3.1.7 that the traffic and collision risk impact of the proposed development will be "negligible". This finding is faulty. There is no reason not to expect the cluster of collisions to increase proportionally with the increase in circulating traffic and there is no practical intervention available to mitigate that. Consequently PCC considers the risk is far greater than negligible and recommend that the ExA does not accept Aquind's assessment.</p>	<p>The Applicant disagrees that Section 5.3 of the Technical Note (REP7-079) shows a significant increase in circulatory traffic in the PM peak, noting that Table 5.2 shows an increase across Portsbridge Roundabout of only 34 and 36 vehicles when comparing the DM scenario with the DS1 and DS2 scenarios, respectively. This is equivalent to approximately one additional vehicle every two minutes as a result of construction of the Onshore Cable Route which will not lead to a material impact on existing accident trends at this junction.</p> <p>The Applicant also disagrees with PCC's assertion that "<i>there is no practical intervention to mitigate that</i>" traffic increase. A mitigation strategy has been developed to mitigate the temporary impacts associated with the Proposed Development including the following:</p>

Ref:	Question:	Applicant's Comments
		<ul style="list-style-type: none"> • Framework Traffic Management Strategy (AS-072), which applies programme restrictions to construction works on the A2030 Eastern Road to school holiday periods, June and early July when peak hour traffic conditions are lower than other times of the year and which will be lower than the traffic forecasts identified by the SRTM, which provides traffic outputs reflective of “neutral” periods, where traffic flows are greater. Given that traffic flows will be of a lower level at the time of the works being undertaken, this will reduce the likelihood of collisions taking place. This will reduce the impacts of traffic management on A2030 Eastern Road and the consequential traffic reassignment onto alternative routes that would include Portsbridge roundabout; • The Communication Strategy (Appendix 1 of the FTMS), which provides a commitment to communicate all upcoming works with affected residents and identified stakeholders; • The Framework Signage Strategy (Appendix 3 of the FTMS), which provides a strategy for the provision of fixed and variable signage across the study area at a strategic and local level to ensure that drivers are aware of current and upcoming works and allow them to make informed choices to avoid traffic management locations; • the Travel Demand Management Strategy (document reference 7.9.37 submitted at Deadline 8) which provides additional mitigation by focusing on the promotion of travel behaviour change solutions that can be delivered during the works on A3 London Road and A2030 Eastern Road. It sets out an intent to work in partnership with local authorities and other local partners to deliver a comprehensive TDM Strategy to reduce peak hour traffic flows and impacts associated within the implementation of traffic management on these key corridors <p>In combination, it is the Applicant's view that these measures provide a robust strategy to mitigate the temporary impacts associated with the construction of the Proposed Development to an acceptable level.</p>
2.6	<p>REP7-065 Supplementary Transport Assessment Addendum (STA Addendum)</p> <p>The STA Addendum largely replicates REP6-071 Road Safety Technical Note (RSTN); REP6-074 Highway Alterations to Facilitate Abnormal Load Deliveries; and REP6-076 Portsbridge Roundabout Technical on which commentary was provided by PCC at deadline 6 but has not been addressed in this addendum and consequently remain valid. It also replicates REP7-039 Technical Note providing a review of collision data at Strategic Network Junctions in an appendix, commentary on which is provided above.</p>	<p>The Supplementary Transport Assessment (STA) Addendum (REP7-065) was intended to provide a summary of updated technical submissions and update to assessments completed in relation these, which includes the documents listed in PCC's comment. A response on Portsbridge Roundabout is provided at 2.5 above.</p>
2.7	<p>The STA Addendum also seems to address some new matters at Para 2.4.1.2. In this section the Applicant identifies significant lengths of on street parking which will need to be suspended (20-30 spaces Locksway Road and 70 spaces Kingsley Road). This is in order to provide adequate width for construction vehicles. To establish scope to accommodate displaced vehicles elsewhere on street parking surveys have been</p>	<p>Paragraph 2.4.1.2 of the STA Addendum (REP7-065) is not new information other than in relation to the Joint Bay numbering that would require temporary suspension of on-street parking along Locksway Road and Kingsley Road during delivery of cable drums. All other information provided at 2.4.1.2 of the STA Addendum was included within the STA (REP1-142) in paragraphs 3.8.4.1 to 3.8.4.4.</p>

Ref:	Question:	Applicant's Comments
	<p>undertaken using the Lambeth methodology. This methodology is not approved for use in Portsmouth where it has been found to significantly over estimate on street parking capacity and does not take account of indiscriminate or inconsiderate parking by residents.</p> <p>The finding by the Applicant that there is overnight capacity on street for a further 200 vehicles within a reasonable walking distance of the displaced vehicles is not supported with what can physically be observed nor is it otherwise demonstrated in evidence such as photographs to demonstrate the practical availability of such capacity (which is what PCC would expect) rather than relying on a formula to determine such capacity. PCC, based upon its own local highway authority experience do not have confidence that this quantum of spare parking capacity is practically available as is suggested and would ask that the ExA look at this matter specifically at their site inspection. In light of these observations PCC considers that the ExA should consider there is an absence of alternative parking provision and that the fact that there is no practical alternative option undermines Aquind's assessment and means that the impact here will be far greater than suggested.</p>	<p>Aside from this, 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 and 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.</p>
2.9	<p>REP7-079 Traffic Demand Management Strategy(TDMS)</p> <p>The TDMS is an expansion of the Communications Strategy [Appx 1 to FTMS REP6-030 / 031] intended to influence mode choice and journey timing. Whilst proposing helpful stakeholder engagement strategies / protocols it does not include any practical incentives for people to make the travel choice options which may be put forward. PCC considers this strategy is unlikely to have a significant effect in managing traffic demand which will more practically be influenced by the impacts of the cable / joint bay installation works and associated traffic management.</p>	<p>The Applicant does not accept PCC's assertion that the TDMS is "unlikely to have a significant effect on managing traffic demand". That notwithstanding, the Applicant identifies that this is just one strand of the comprehensive mitigation strategy proposed by the Applicant that also includes:</p>

Ref:	Question:	Applicant's Comments
		<ul style="list-style-type: none"> • Framework Traffic Management Strategy (AS-072), which applies programme restrictions to construction works on the A2030 Eastern Road to school holiday periods, June and early July when peak hour traffic conditions are lower than other times of the year. This will reduce the impacts of traffic management on A2030 Eastern Road and the consequential traffic reassignment onto alternative routes that include Portsbridge roundabout; • The Communication Strategy (Appendix 1 of the FTMS), which provides a commitment to communicate all upcoming works with affected residents and identified stakeholders; and • The Framework Signage Strategy (Appendix 3 of the FTMS), which provides a strategy for the provision of fixed and variable signage across the study area at both strategic and local levels to ensure that drivers are aware of current and upcoming works and allow them to make informed choices to avoid traffic management locations. <p>In combination, these measures will mitigate the impacts of construction of the Onshore Cable Route to ensure that traffic impacts are not unacceptable.</p>
2.10	It does rely on HE VMS signs to communicate messages to drivers on the trunk road network although there is no certainty that the HE will be able to make those signs available. As a consequence PCC recommend that the strategy should provide for mobile VMS signs to be deployed on this network	The Framework Signage Strategy, included in Appendix 3 of the updated FTMS (AS-072) submitted prior to Deadline 8, includes an allowance for the use of mobile VMS on the Strategic Road Network should the fixed VMS signs be unavailable. In response to comments from HCC, provision of a further mobile VMS has also been allowed for on the A3 (M).
3	Further Comments on Framework Management Plan for Recreational Impact (FMPRI)	
3.1	In response to the ExA's Further Written Questions (ExQ2) DCO2.5.10 in relation to the progress of the FMPRI, the Applicant in its response in REP7- 038 informed the Examination that it is now "proposing to secure the measures in the FMPRI through a Section 106 Planning [sic] Obligation" which will require the submission to and approval by PCC of such a plan prior to commencement as well as a separate agreement as to suggested works on land outside the Order Limits owned by PCC. The scheme is required to accord with a (final) FMRPI which PCC understands will be submitted to the examination.	<p>Proposed mitigation for pitch realignment and reinstatement has been put forward in the updated FMPRI (AS-062). The OOCEMP has also been updated (document reference 6.9 submitted at deadline 8) to include a method statement, which contains principles for protection, drainage and reinstatement of playing fields and this is appended to the OOCEMP at Appendix 8. The Method Statement includes principles for protection of playing surfaces, drainage and reinstatement. The contractor will be required to comply with these principles in order to minimise damage to the playing fields, or propose alternative measures which provide equal or better protection/ reinstatement in agreement with PCC.</p> <p>In addition, Recreational Management Plans will need to be prepared for affected sites (Farlington Fields, Bransbury Park, Langstone Harbour Sports Ground, Zetland Field) to include Phasing Plan or programme of works, specification for excavating and filling (to manage resettlement), ground protection, realignment of any pitches within the Order Limits, reinstatement of turf and drainage system (where a drainage system exists) for submission and agreement with PCC prior to construction commencing.</p> <p>The OOCEMP is secured through the dDCO Requirement 15 (REP7-013).</p>
3.2	PCC has been in discussion with the Applicant as shown in an exchange of correspondence between PCC and the Applicant dated 22 January 2021 (which is appended [Appendix 2]) and 27 January 2021 (REP7-081a). Those discussions as reflected in the letters focussed in particular on the as yet undetermined approach the	As set out above, the Appendix 8 of the OOCEMP includes several measures to protect the drainage system including:

Ref:	Question:	Applicant's Comments
	<p>Applicant is intending to address the drainage system beneath Farlington Playing fields which the Applicant confirmed at the hearing [REP6-062] it had not hitherto surveyed.</p>	<ul style="list-style-type: none"> • all existing drainage affected by works will be reinstated at the earliest opportunity during the works; • land drains will be protected from point loading pressure caused by plant and equipment with the use of track mats. For protection under stone haul roads a geogrid mesh material will be used to reinforce the underlying soil which in turn will mitigate damage caused by wheel loading pressures. Alternatively track matting may also be used as a suitable geogrid / stone haul road alternative; • where plant/equipment and contractor's vehicles need to be taken onto grass surfaces, appropriate protection will be provided to prevent depressions in the surface which cannot be removed by conventional decompaction operations, such as vertidrainage; • flood risk must not be increased during construction where any land drains are damaged by trenching activities, during construction of HDD pits and joint bays, and all land drains must be repaired ahead of subsoil back filling; • temporary drainage will be provided during construction where pitches in use are directly and / or indirectly affected by interruption or damage to the drainage system; • where excavated material is used to backfill trenches, top soil will be stripped and stored locally separate to subsoil with appropriate weather protection. Excavated material unable to achieve the required California Bearing Pressure (CBR) value will be replaced by suitable imported material. <p>The OOCEMP is secured through the dDCO Requirement 15 (REP7-013).</p>
<p>3.3</p>	<p>PCC has been provided with a copy of an updated FMPRI which it received late on 12 February 2021. This document seeks to provide the necessary updates that PCC have been seeking from the Applicant throughout the Examination to recognise and address the drainage system at Farlington playing fields and ensure a robust assessment of impacts on recreation in the City. At the time of writing the Applicant has not submitted this updated FMPRI but on the presumption that the Applicant will submit it before the end of the examination, PCC will provide its response as soon as practicable thereafter.</p>	<p>The Applicant sent the document to PINS and PCC within the agreed timeframe (14.50pm on 12 February).</p>
<p>3.5 3.6</p>	<p>PCC has made <u>repeated</u> requests throughout the examination (and beforehand) for the information contained in this update. These requests are highlighted through queries in respect of the irregularities of the Order Limits and their presumptions in respect of the periods of reinstatement.</p> <p>To be clear not only has PCC raised these matters but also it is self-evident that in the absence of a full and robust assessment PCC has had nothing to comment on in the submitted documents. PCC notes the use of the term in the Applicant's letter to 'confirmatory surveys' however it is clear that this is the first time the Applicant has carried out surveys of the drainage system here</p>	<p>The Applicant has brought forward surveys which would have normally been undertaken during detailed design to address PCC's concerns. The Applicant has endeavoured to undertake this survey as soon as practicable once these issues were raised during the Examination, as they had not been raised in previous consultations with PCC. Inevitably some time is needed in commissioning and executing such a survey, particularly due to additional restrictions and working methods required for COVID-19.</p> <p>The surveys support the previous assessment provided in the FMP (issued to PCC in June 2020) and demonstrate that the proposals outlined are feasible and robust (and in that sense were indeed confirmatory). The proposed Phasing Plan for Farlington Fields has not changed. The proposed temporary works areas for Farlington Fields have not changed. The proposed reinstatement period has not changed.</p> <p>The main changes arising from the surveys is that the four previously proposed football pitch relocations were not recommended due to ground quality, and instead one new pitch relocation</p>

Ref:	Question:	Applicant's Comments
		<p>was proposed. As PCC has not previously commented on pitch relocation at Farlington Fields, nor other aspects of mitigation proposed, the Applicant has made this modification in the FMP.</p> <p>However, the Applicant remains confident that further mitigation can be achieved for the remaining three football pitches during detailed design by working with the Contractor to further reduce/ realign works areas to minimise impact. The Applicant has therefore proposed to submit a further detailed method statement for agreement with PCC at that time.</p>
3.10	<p>REP7-058 Explanatory Memorandum supporting S106 Agreement with Portsmouth City Council</p> <p>In correspondence from the Applicant's solicitors (and in their commentary (section 4.19) to the ongoing Statement of Common Ground (REP7-048a) it was confirmed that the Applicant was not willing to consider providing a Community Fund to assist in mitigating the severe impacts on recreational and open space which will occur for the duration of the works. The Applicant's advisors have suggested that the recreational impacts can be mitigated by realigning pitches during the period of construction.</p>	See responses below.
3.11	While PCC will now review the Applicant's updated FMPRI, it is quite clear to PCC that the suggested pitch realignment scheme will not achieve the mitigation suggested.	See response above in relation to relocation of pitches, and below in relation to impact.
3.12	This is because even if some pitches can be realigned there will be a large number which will still be directly impacted for a period of time (during and after the works are being carried out or completed).	<p>Chapter 25 of the Environment Statement (APP-140) assessed the impacts based on all pitches within the Order Limits and a 52 week construction period. Mitigation included a requirement for the Contractor's review to review the programme and works area to reduce this impact.</p> <p>The Framework Management Plan for Recreational Impacts (FMPRI) (AS-062 and previous iterations) was produced to demonstrate that application of this mitigation could reduce impact.</p> <p>The FMPRI states that the impact would be on 4 of the 9 football pitches within the Order limits (1 of the 4 is currently disused). The football pitches would be affected up to 36 weeks of the playing season, spread over three playing seasons (16 weeks of this period is an allowance for reinstatement). This number can be reduced to 3 affected pitches if the 9v9 pitch is relocated to pitch 10 (the disused pitch). There is also an impact on one disused cricket pitch for 26 weeks (including 16 weeks allowance for reinstatement) over two summer playing seasons.</p> <p>This is a worst-case assessment, as it is feasible that reinstatement times can be reduced to a total of 6 rather than 16 weeks. As stated above, working with an appointed Contractor, it is feasible that further mitigation can be achieved, particularly in relation to alignment of temporary works areas.</p>
3.13	The drainage arrangements at Farlington Playing Fields have only, in recent weeks, been subject to any proper consideration, and the FMPRI and assessment not yet formally submitted to the Examination. As PCC has not had an adequate opportunity to assess the applicant's further submission it has not been confirmed to what extent, if any, the impact on the system can be mitigated. This must as a matter of common sense have an impact upon how and whether realignment and/or intermittent use of the land can occur in between works being carried out seasonally as suggested.	As set out above, Appendix 8 of the OOCEMP (document reference 6.9 submitted at deadline 8) comprises an outline method statement which includes several measures to protect the drainage system as well as reinstatement. The contractor must comply with the method statement and it is secured as part of the OOCEMP as part of dDCO Requirement 15 (REP7-013). The method statement draws on recommendations and advice from a specialist contractor, PSD Agronomy (refer to survey report at Appendix E of the Framework

Ref:	Question:	Applicant's Comments
		Management Plan for Recreational Impacts (AS-062)). The Applicant therefore considers this to be robust and would allow reinstatement for use between construction phases.
3.14	Finally, the proposed realignment of pitches as noted above involves moving pitches outside of land within the Order Limits and in relation to land over which the Applicant has not sought powers or control. The realignments proposed will also result in sub-optimal solutions (including reduced pitches sizes and smaller 'run off' areas between pitches).	<p>The only pitches owned by PCC where pitch realignment may be required outside the Order Limits is at Bransbury Park. PSD Agronomy undertook a specialist study (Appendix E to the FMPRI, AS-062) and confirmed that if realigned, the pitches could still achieve a standard size and un-off area.</p> <p>The FMPRI (AS-062) assesses the worst case scenario (without realignment of these pitches). The Applicant has not been successful in agreeing a licence with PCC to carry out realignment of these pitches outside the Order Limits, however there is a requirement for a Recreation Management Plan to be developed by the Contractor in the OOCEMP (document reference 6.9 submitted at Deadline 8). This may still enable realignment if an agreement PCC can be reached in the future.</p>
3.15	For the Applicant to suggest that the impact on recreation and on this open land is mitigated is wholly misleading. While PCC will review the recently provided FMPRI even in the best case scenario it is clear that there will be considerable disturbance to the recreational use of this well used facility and open space. To that end a Community Fund to assist in addressing the impacts is clearly warranted and should be included in any s.106 agreement or otherwise secured through the DCO.	<p>A Sports and Recreation Contribution (£100,000) has been included in the unilateral undertaking to PCC following PCC providing a clear explanation of how the contribution meets the relevant legal tests. This is further explained in the Development Consent Obligations - Explanatory Note submitted at Deadline 8 (document reference 7.5.28).</p> <p>The Sports and Recreation Contribution will 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>
4	Further Comments in respect of the Draft DCO	
4.1	The ExA have utilised their discretion to accept and publish PCC's – 'Comments on the draft DCO ahead of Issue Specific Hearing 4'. This provides detailed comments on the most recent version of the dDCO submitted at Deadline 7. PCC has provided these to the ExA and the Applicant in advance of the relevant Hearing ISH 4 due to take place on 17 February 2021 to assist in those discussions, and PCC continues to discuss these comments with the applicant in advance of the Hearing to ensure the Hearing time can be used as effectively as possible.	<p>To be clear, PCC has at no point agreed to a meeting to discuss the DCO or the Requirements with the Applicant, and has provided its only comments on the DCO at a late stage despite having ample opportunity to do so before Deadline 7.</p> <p>The Applicant's response to PCC's comments on the DCO is included within the schedule of responses to changes requested to the draft Development Consent Order (document reference 3.1 submitted at Deadline 8) submitted alongside these responses at Deadline 8. This was provided in draft form to PCC on 23 February 2021. No response was received from PCC on these before Deadline 8.</p>
5	Further Comments in respect of Compulsory Acquisition	
5.1	<p>REP7-045 Fort Cumberland Road Car Park Drawings</p> <p>The two car park layouts within the below referenced drawing are in PCC's opinion misleading; drawing number AQ-UK-DCO-TR-LAY-006 indicates that, at present, the car park (which is not marked up) can accommodate 106 car parking spaces. Drawing number AQ-UK-DCO-TR-LAY-007 indicates that, despite a significant area of land being taken from the car park for the ORS building (and associated screening), the number of car parking spaces increases to 109 (due to the assumption that spaces are marked out).</p>	<p>The Applicant refers to the response to PCC's response to ExA question SE2.15.1 (REP7c-010),</p> <p>With regards to the drawing 'Fort Cumberland Car Park Existing Layout' submitted at D7 (REP7-045) the Applicant notes that it is difficult to quantify the exact parking capacity of the car park given the informal nature of parking within the existing car park. The Applicant however maintains that the estimate of existing capacity is robust taking account of the way in which vehicles use the car park.</p>

Ref:	Question:	Applicant's Comments
5.2	<p>PCC considers that this is quite clearly a nonsense; the simple act of marking up of bays does not increase the capacity of the car park. The assumption regarding the area required per car parking space should be the same to assess the loss of spaces with and without the ORS building/screening. No attempt has been made by the Applicant to consider the lost opportunity cost arising from the loss of this land. PCC note that should the Council have chosen to surface and mark the car park this is likely to have provided circa 150 spaces (circa 40 more than the applicants are suggesting in their proposed mitigation) and further consideration could have reasonably been given to future opportunities such as the introduction of parking charging in peak periods due to the location and accessibility to the seafront or to the installation of electric charging points for a significant number of the spaces on this site, as being rolled out elsewhere within the city, to meet the future demand for residential car charging as a preference to providing those on street. That would provide an opportunity to both meet an emerging demand and develop an income stream. As such the presentation of a net gain of car parking spaces and a subsequent positive residual implication of the works is totally misleading and inaccurate.</p>	<p>Furthermore, the Applicant has now updated the drawing 'Fort Cumberland Car Park Proposed Layout with Formal Parking Bays' (REP7-045) to show how the proposed layout can accommodate 121 car parking spaces with this forming an appendix to the Portsmouth City Council Development Consent Obligation (document reference 7.5.27)</p> <p>The Applicant maintains the view that in comparison with the existing car park the proposed layout and provision of formal parking spaces will provide at least parity with PCC's assessments of parking capacity of 120 spaces. This is because vehicles will park closer together in formal spaces when compared with unmarked areas, leading to a more efficient use of space.</p> <p>At no point has PCC provided any evidence of proposals that could provide 150 car parking spaces, nor before this submission at Deadline 7 has there been any mention of the installation of electric car charging points. The proposals presented by the Applicant do not preclude the future introduction of car parking charges at this location, or the installation of electric car charging points.</p> <p>The Applicant maintains that the proposals presented are robust and does not agree with PCC's assertion that these are misleading and inaccurate.</p>
5.3	<p>REP7-014 Draft DCO – Tracked – Proposed Guarantees Requirement 26</p> <p>Acknowledging that PCC has provided detailed comments on the wider dDCO in a separate submission, PCC would highlight that within that submission the requirement for a bond in the proposed new Requirement 26 – 'Guarantees in respect of the payment of compensation etc is seen as a positive move on the Applicant' part. As noted in its submission, PCC welcomes the Applicant's change of position and the progress made in the willingness now to provide a bond/security but has concerns over timing and approval for the implementation of the security/guarantee.</p>	<p>The Applicant notes that PCC welcomes the inclusion of the guarantee provisions.</p> <p>In relation to PCC's concerns over timing and approval for the implementation of the security/guarantee, the new provision provides that the authorised development landwards of MHWS must not be commenced and the undertaker must not exercise the powers in articles 20 to 36 until the security has been provided in respect of the liabilities of the undertaker to pay compensation to landowners in connection with the acquisition of their land or of rights over their land by the undertaker exercising its powers under Part 5 of this Order.</p> <p>The Applicant is satisfied this is appropriate both in terms of timing and approval for the implementation of the security/guarantee.</p>
5.4	<p>PCC is unable to comment on the validity of the costs and valuations put forward however setting that aside the Applicant is seeking to secure Compulsory Acquisition powers now. The evidence only demonstrates it has the resources at a time when it wants to implement the powers leaving those affected by the DCO application for powers in 'limbo.'</p> <p>It should be noted that if a blight notice was served now, the Applicant, if it did not have grounds to counter the blight notice, would have to service the acquisition subject to the blight notice. This point is merely to demonstrate the point that statutory blight exists now, and it is therefore PCC's position that the Applicant should demonstrate that it would have the funds for the compulsory acquisition of land/rights within a prescribed timescale of the DCO being made. Further, the arrangement for confirming the bond/security is satisfactory should be subject to local authorities' approval.</p>	<p>As set out at paragraph 7.11 of the Funding Statement (REP6-021), it is not anticipated that any claims for blight will arise. The statements made in relation to blight are purely speculative. In any event, the Applicant understands the blight implications for the Project and has taken blight into account in accordance with the relevant guidance.</p> <p>The Applicant is entirely confident that funding will be secured within the statutory time period, and in this regard the Applicant refers to the post hearing note to Compulsory Acquisition Hearing 3 in respect of the non-UK Planning Consents and Approvals required (AS-069).</p> <p>The Applicant does not agree that the arrangement for confirming that the bond/security is satisfactory should be subject to local authorities' approval. The Secretary of State is the appropriate person to approve this.</p>
6	<p>Response in Respects of Air Quality</p>	

Ref:	Question:	Applicant's Comments
6.1	<p>REP7-072 Environmental Statement Addendum 2- Clean Air Zone Sensitivity Testing</p> <p>The Applicant's Environmental Statement Addendum 2- Clean Air Zone Sensitivity Testing has been prepared in response to concerns raised at ISH2 with regards to the impacts of the proposed development on the Clean Air Zone (CAZ). The methodology developed by WSP to consider such impacts was agreed with PCC, with the parameters set out in 1.2.1.1 agreed so that the modelling work undertaken by WSP could be compared to the Portsmouth Local Air Quality Plan as closely as possible. It is however noted that the sensitivity tests provided cannot be used as a direct comparison to the Portsmouth Local Air Quality Plan due to the limitations set out in paragraphs 1.3.3.4 to 1.3.9.8. These limitations are considered reasonable by PCC in that they provide an indication of the scale of impact of the proposed development in relation to the CAZ.</p>	<p>It is correct and agreed that a direct comparison cannot be made between the model predictions made in the Portsmouth Local Air Quality Plan and the Environmental Statement Addendum 2- Clean Air Zone Sensitivity Testing (REP7-072). The latter was completed with new datasets of fleet emissions and air quality monitoring which were not available to PCC when the Portsmouth Local Air Quality Plan was completed in 2019.</p>
6.2	<p>The differences in methodology used in WSP's sensitivity tests and the methodology used in the Portsmouth Local Air Quality Plan have led to the WSP tests suggesting that the majority of receptor locations would show exceedance of EU limits in 2022 with the CAZ in place. This is contrary to the modelling undertaken for the Portsmouth Local Air Quality Plan which demonstrates all receptors are likely to be compliant in 2022 with a CAZ in place. This means therefore that the WSP sensitivity tests are overestimating concentrations compared to the PCC modelling. Therefore the total decrease or increase in concentrations of NO₂ provide a more useful indicator than the particular concentrations given for each location.</p>	<p>This is correct and it is agreed that the total decrease or increase in concentrations of NO₂ provide a more useful indicator than the modelled concentrations at each location.</p>
6.3	<p>It is therefore of concern that the sensitivity test demonstrates a 0.5µg/m³ and 0.3µg/m³ increase in NO₂ at receptor 573 under Do-Something Scenario 1 and 2 respectively. The modelling undertaken for the Portsmouth Local Air Quality Plan suggests that in 2022 with the CAZ in place the concentration of NO₂ at receptor 573 will be 40.2µg/m³. Therefore based on PCC's modelling, site 573 could tolerate an increase in NO₂ concentrations of ~0.3µg/m³ before being considered in breach of the EU limit. Based on these values the Do Something 1 and 2 scenarios could lead to an exceedance at receptor 573.</p>	<p>The overall judgement as to whether an increase will cause an exceedance of the EU Limit is based on both the modelled predictions and the remaining conservatism in the model. This remaining conservatism is a retained assumption that road closures and diversions will be required for <i>the whole</i> of 2022. This assumption was retained because the specific timing of road closures and diversions during the application stage have not yet been approved and therefore could not be accurately represented in the air quality model.</p> <p>Further explanation on this matter is provided in the Air Quality Clean Air Zone Sensitivity Testing Explanatory Note (REP7-072) in which the annual average concentrations predicted assuming 52-weeks of works have been factored to predict concentrations corresponding to the actual availability of the highway for construction activity. On Eastern Road, the total availability of the highway to undertake works will be 12 and 14 weeks which is 23% and 27% of the year respectively. Applying these factors to the annual average at receptor 573 on Alfred Road (+0.2µg/m³) shows that the increase will be less than the +0.3µg/m³ threshold required to ensure compliance. Elevated pollution concentrations will therefore be temporary. The Applicant therefore maintains its position that the Proposed Development will not inhibit compliance with EU Directive at receptor 573 on Alfred Road.</p>
6.4	<p>Paragraph 1.6.1.7 concludes "it is judged that the proposed development will not inhibit compliance with EU Directive 2008/50/EC on the local road network and SRN in Portsmouth". Whilst the sensitivity test demonstrates generally minor positive impacts on the SRN (see tables 5 and 6), the test also demonstrates the likely negative impact</p>	<p>The Environmental Statement Addendum 2- Clean Air Zone Sensitivity Testing (REP7-072) demonstrates likely adverse impacts at all 'exceedance' and 'near-exceedance' sites identified in the Portsmouth Local Air Quality Plan. However, the Air Quality Clean Air Zone Sensitivity Testing Explanatory Note provides numerical evidence that increases at all 'exceedance' and</p>

Ref:	Question:	Applicant's Comments
	of the proposed development on all 'exceedance' and 'near-exceedance' sites identified in the Portsmouth Local Air Quality Plan. Therefore PCC does not agree with the conclusion drawn in 1.6.1.7. and notes that the Applicants modelling demonstrates a worsening of air quality at all sites with at least one (receptor 573) likely to lead to an exceedance of the EU limit value and thus the ability of PCC to meet the Directive. The ExA is invited to give this significant consideration in their assessment of the Applicant's proposal.	'near-exceedance' sites will be below the threshold required to ensure compliance when factored to account for the duration of the works. Elevated pollution concentrations will therefore be temporary and will not occur at the predicted levels t. The Applicant therefore maintains its position that the Proposed Development will not inhibit compliance with EU Directive.

Table 2.6 – Portsmouth City Council – Responses to Second Written Questions

Ref:	Respondent	Question	Response	PCC Comments for Deadline 7	Applicant's Comments
CA2.3.2	Applicant	Beyond what is written in Revision 2 of the Funding Statement [REP6-021] and section 3.2 of the 'Applicant's Response to action points raised at ISH1, 2 and 3, and CAH 1 and 2' [REP6-063], please can the Applicant supply any information, redacted or not, to the ExA to demonstrate that there is a 'reasonable prospect' of funds being available for this project. If no further information can be provided, how should the ExA approach the matter of funding in its recommendation?	RESPONSE FROM APPLICANT: "The Applicant does not hold any further information which is not of a commercially sensitive nature and which its provision into the public domain would not potentially prejudice the Applicant's future commercial position. Whilst the Applicant fully appreciates the basis on the request made by the ExA, the Applicant is not in a position to provide the information requested. It has been considered whether information could be provided on a redacted basis, however the nature of the redactions that would be required to be made would mean any such submissions would be of little value. However, it is not considered that it is necessary to provide any further information to satisfactorily evidence that there is a reasonable prospect of funds becoming available for the Project within the statutory period. The updates made to the Funding Statement at Deadline 6 (REP6-021) set out the basis on which it is anticipated regulatory status will be	PCC notes the submission by the Applicant of the Aquind Energy 2019 accounts [REP7-047] and also the suggestion of a Requirement on the DCO that some form of security including the option of a bond be entered into. PCC remains concerned that the Applicant still cannot provide any full evidence of the <u>availability</u> of funds required prior to the DCO and any A powers being considered. The scheme is wholly speculative. PCC maintains therefore that the tests under S.122 of the PA 2008 cannot be satisfied and the powers should not be granted. It is noted that the Applicant maintains the position that the evidence it has put forward in relation to the need for and benefit of the project has been "largely unchallenged". This is seemingly counter to the recent Drax decision of the Court of Appeal [2021] EWCA Civ 43 and the approach to need for energy related DCOs as part of an examination. To that end	As per paragraph 18 of the Guidance related to procedures for compulsory acquisition (DCLG, September 2013) Applicants should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the order being made. The Applicant has provided multiple submissions over the course of the examination evidencing why there is a reasonable prospect of funding being likely to be available to enable compulsory acquisition within the statutory time period. The most recent of these submissions is the post-hearing note to Compulsory Acquisition Hearing 3 in respect of the non-UK Planning Consents and Approvals required (AS-069), which provides further explanation of the reasonable prospect test. This specifically addresses the position in respect of regulatory approval and consents in France and demonstrates the pathway the Applicant is following to secure those consents and that there is a reasonable prospect of them being obtained within the statutory period following the Order being made. There is no test requiring an Applicant to demonstrate secured funding prior to the grant of the DCO as PCC suggest. The needs and benefits of the Proposed Development, and moreover the Project, are clearly explained in the Needs and Benefits Report (APP-115), the Addendum to the Needs and Benefits Report (REP1- 136), and the second Addendum to the Needs and Benefits Report submitted at

Ref:	Respondent	Question	Response	PCC Comments for Deadline 7	Applicant's Comments
			<p>obtained and project financing secured. The information provided by the Applicant in this regard sets out the clear and rational basis on which it is anticipated funding will be secured for the Project, subject to the grant of the DCO and the settlement of regulatory status.</p> <p>With further regard to regulatory status, all future interconnector projects in the UK will need to obtain regulatory status before they can be operated, and as has already been submitted by the Applicant there is nothing unusual about the sequence of approach of the Applicant in seeking to obtain all consents and regulatory approvals in parallel with one another. To the contrary, it is an entirely logical approach to take, which gives confidence to all decision makers that the Project is progressing appropriately for the approvals required from them to be provided.</p> <p>Furthermore, the statements of the Government in the Energy White Paper (December 2020) that they <i>"will work with Ofgem, developers and our European Partners to realise at least 18GW of interconnector capacity by 2030"</i>, provide further support for the Applicant's position and provide the ExA further assurance should that be required that the regulatory framework to facilitate the delivery of increased interconnection by 2030 in accordance with and to meet the targets set will be put into place, so as to facilitate the Project</p>	<p>however, if Aquind is correct then it would mean that PCC and other interested parties were expected to produce detailed evidence to ensure the issue of need and benefit is properly tested. To that extent this is an issue, as firstly, PCC does not have the resources to test these matters and secondly, PCC is entitled, as are all interested parties, to rely upon the ExA as inquirers under the 2008 Act to test the Applicant's case for the DCO.</p> <p>It is nevertheless for the Applicant to show the need for and benefits of this interconnector in light of the very generalised support in EN-1 for interconnectors. There is of course no NPS which addresses telecommunications projects either as part of an energy DCO project or on their own.</p> <p>There remain significant uncertainties about demonstrating funding now. The future projected profits from the scheme are seriously in doubt as a consequence of its inability to obtain exemptions in Europe as explained below and in the covering letter.</p> <p>To that end the SofS cannot conclude that the Applicant can show a reasonable prospect currently of requisite funds for CA being available as it is all dependent upon its speculative position.</p>	<p>Deadline 7 (REP7-064), and these remain unchallenged.</p> <p>The reference to the challenge to the Drax DCO decision is of no relevance to this Application. The Applicant's case in relation to compulsory acquisition powers sought, including how the tests provided for by Section 122 of the Act, has been very clearly set out during the course of the Examination and the Applicant is satisfied that it has demonstrated why the land included in the Order limits is required for the development to which the development consent would relate and why there is a compelling case in the public interest for the land to be acquired compulsorily (where it is not able to be acquired on a voluntary basis).</p>

Ref:	Respondent	Question	Response	PCC Comments for Deadline 7	Applicant's Comments
			<p>and other planned projects as necessary which are to be funded on a Project Finance Model.</p> <p>Noting the above, the Applicant considers the ExA should approach the matter of funding, and particularly the question of whether it is considered there is a reasonable prospect of the Project being funded, by considering whether anything has been raised which seriously questions the Applicant's evidence that there is a reasonable prospect of funding becoming available. In considering this question, the ExA should give very significant weight to the evidence of the Applicant of the fundability of the Proposed Development, which is reinforced by the clear Government intent to deliver increased interconnection and to put in place the necessary regulatory framework to do so, and the largely unchallenged evidence of the need for this and the compelling benefits which increased interconnection will provide in the public interest. The needs and benefits of the Proposed Development, and moreover the Project, are clearly explained in the Needs and Benefits Report (APP-115), the Addendum to the Needs and Benefits Report (REP1- 136), and the second Addendum to the Needs and Benefits Report submitted at Deadline 7.</p>	<p>To be clear, CA powers cannot be granted through a DCO under the PA 08 (or any similar CPO powers for other projects) on a contractual or conditional basis. In other words the Applicant must demonstrate its case now not after the DCO has been granted and prior to CA powers being exercised. This is why, whilst Requirement 26 may be welcomed in that the Applicant is now willing to enter a bond or security, the Applicant needs to enter into that bond or security now or at least prior to the DCO being made.</p>	

Ref:	Respondent	Question	Response	PCC Comments for Deadline 7	Applicant's Comments
			<p>The Applicant submits that when having regard to all relevant information, the only rational conclusion that can be reached on this question is that there is a reasonable prospect of the Project being funded."</p>		
CA2.3.6	Applicant	<p>During CAH1, the ExA asked the Applicant 'what more can you give me on this' when referring to funding availability and security for its estimated Compulsory Acquisition costs. The Applicant is now requested to list the additional information provided during the Examination and explain, against each item, why further information on this item cannot be provided to the Examination.</p>	<p>RESPONSE FROM APPLICANT:</p> <p>"During discussions on agenda item 5.2 at CAH1, - on behalf of the Applicant agreed to look into whether any reports (or extracts) could be provided which would give the ExA confidence in the Applicant's ability to fund the proposed development.</p> <p>Following the hearings, in the post hearing notes (REP6- 063), the Applicant confirmed that it is not in a position to disclose extracts from the confidential reports referred to at the hearings.</p> <p>The Applicant has continued to consider this request and its position in respect of the documents referred to at the hearings is set out below:</p> <p>The documents referred to in CAH1 session 3 transcript are listed below:</p> <ul style="list-style-type: none"> • 2019 KPMG Report - this report, produced for the purpose of and including information which is as a result of confidential commercial discussions, cannot be submitted into the Examination because of the commercially sensitive nature of the material contained in it and the agreed conditions of the engagement with finance providers, being the basis on which they agreed 	<p>PCC notes the suggestion the Applicant makes about the TCA and that it has somehow " established [sic] a new regulatory framework for energy infrastructure linking the member states of the European Union and the United Kingdom, including an exemption regime similar to that in Regulation 2019/943".</p> <p>The Applicant needs to explain this further by reference to the relevant articles of the TCA and any legislative support it has for this contention.</p> <p>What this response fails to acknowledge in any event is that the exemption applications made to ACER and Ofgem/CRE can no longer proceed under the EU Regulations which AQUIND submitted the ongoing Exemption Request (s).</p> <p>PCC is unaware of any decision to date as to how the TCA impacts on the ongoing Exemption requests will be addressed and that there is in fact an operative regime similar to the Electricity Regulation 2019/943 as a consequence of the TCA.</p> <p>The fundamental issue the Applicant has is with the French</p>	<p>Please refer to the Applicant's post hearing note in respect of the non-UK Planning Consents and Approvals required in connected with the Project (AS-069). This includes the explanation of the exemption route under the TCA which is applicable to Interconnectors. The Applicant has good prospects of being awarded an exemption through either the ACER or TCA route within a relatively short timeframe, and it is evidently apparent that the Applicant has fully taken into account the need to obtain and is taking all appropriate steps to properly manage the need to obtain the regulatory status required to operate the Project.</p>

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			<p>to provide feedback. It is not considered the provision of this on a redacted basis would be of any genuine assistance, as it would be necessary to remove most of the information and therefore not provide evidence which genuinely benefits the decision-making process for the Application</p> <ul style="list-style-type: none"> Any reports produced in that work – all information produced by KPMG is subject to non-disclosure requirements in favour of KPMG. It is therefore not the sole decision of the Applicant as to whether such information can be released into a public forum. The non-disclosure requirements are legitimately provided for so as to protect the commercial position of KPMG and the finance providers engaged with. In any event, for the reasons set out above it is not considered the submission of the reports would be of any genuine assistance to the decision making process in light of the redactions that would need to be made to the information so as to protect the commercial confidentiality of all relevant persons Regulatory submissions to both CRE and ofgem – CRE and Ofgem started on 18 December 2020 a Joint Consultation on AQUIND's Exemption Request¹. Exhibit 1 to the Exemption Request was published as part of the consultation materials. In 	<p>regulatory regime compared with the UK and which impact the viability of Aquind's projected business. These issues would appear to remain even on the most generous of readings of the TCA.</p>	

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			<p>Exhibit 1 AQUIND provided the national regulatory authorities with the detailed analysis of the Project's benefits, including monetised and non-monetised benefits, also summarised in the Need and Benefits Report (APP- 115), Needs and Benefits Addendum (REP1-136) and the second Needs and Benefits Addendum submitted for Deadline 7. Section 1.4.2 also explains the assumptions behind AQUIND's revenues from the use of its capacity by third parties to transmit power between two connected markets (congestion revenues) as well as GB capacity market. The NRAs had also been provided with relevant financial models. It is a recognised practice among regulatory authorities that details of such calculations are not made available publicly as it is commercially sensitive information and may prejudice the interests of a project. Section 4 of the Exemption Request, also published by the NRAs, provides an explanation of AQUIND's financing strategy (section 4.5), that is linked to AQUIND's forecast revenues, with appropriate redactions in the version made available publicly. In particular, AQUIND explained its expectations for the proportion of debt and equity in its total financing package and expected sources of finance, which were also explained in the Funding Statement (APP-023), the</p>		

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			<p>updated Funding Statement (REP6- 020) and the Applicant's responses to the Examining Authority first Written Questions CA1.3.1 (REP1-091). A number of organisations within each group – debt and equity providers – were included in the investor engagement exercise carried out by KPMG 2019 on the basis of revenue forecasts submitted with the Exemption Request.</p> <p>The Trade and Cooperation agreements (TCA) agreed on December 24, 2020 dedicates specific attention to the cooperation between the UK and the EU on efforts to combat climate change. As part of this cooperation, the TCA established a new regulatory framework for energy infrastructure linking the member states of the European Union and the United Kingdom, including an exemption regime similar to that in Regulation 2019/943 under which AQUIND submitted the ongoing Exemption Request.</p> <p>Following discussions with the Energy Regulatory Commission (CRE) and its British counterpart Ofgem, AQUIND expects that the NRAs will shortly publish a decision as to how the TCA impacts on the ongoing Exemption Request"</p>		
CA2.3.7	Applicant	Has any evidence to support the Applicant's financial standing been provided to any relevant regulatory	Response From Applicant: "Please see the information in the above responses regarding the Joint Consultation on AQUIND's Exemption Request	PCC would ask the ExA to note the "exemption regime" referred to no longer applies to this project.	Please see explanation in the post hearing note in respect of the non-UK Planning Consents and Approvals required in connected with the Project (AS-069) which explains why there is no impact on the exemption proceedings before ACER's Board of Appeal and also regarding the possibility of an

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		<p>authorities? If so, what? What was the response, if any, from those authorities?</p>	<p>and information relevant to the financing of the Project contained therein. The information provided to the regulatory authorities, which where appropriate in maintaining confidence is not disclosed into the public domain, is the information sufficient for the purposes of those regulatory authorities performing their regulatory function in accordance with their assigned responsibilities. The financial standing of AQUIND Limited is not a parameter in the assessment under the exemption regime."</p>		<p>exemption under the Trade and Cooperation Agreement.</p>
CA2.3.8	Applicant	<p>In view of the Deadline 6 submission by Mr G and Mr P Carpenter ([REP6-138], Section E paragraph 29), please clarify the rational basis upon which the Applicant thinks there is a genuine reasonable prospect of the requisite funds becoming available to enable Compulsory Acquisition within the statutory period following the DCO being made.</p>	<p>RESPONSE FROM APPLICANT:</p> <p>"The Applicant has been engaging with a number of potential investors since the start of the Project, including British and international investment funds and international energy companies, all of whom consider electricity interconnectors to be an attractive type of future investment.</p> <p>The Applicant has invested approximately £35m in the development of the Project as of 30 June 2020 and the residual cost of completing the pre-construction stage of the Project is forecasted at £15m. The Applicant has secured financing from its current investors sufficient to support the Project until the Completion of the development stage, which includes obtaining all necessary permissions and authorisations in</p>	<p>PCC notes the Applicant's reliance upon the Energy White Paper (EWP) (not the 'Planning' White Paper it is assumed). The EWP does not contain or represent Government policy as yet.</p> <p>In addition, references to the project being 'bankable' and that the hope of an "appetite for investment in interconnectors" is very far from actual evidence that the Applicant is required to provide that this project and this Applicant can show that the relevant level of finances available to warrant the granting of CA powers to the Applicant.</p> <p>Once again, PCC would emphasise that this is a wholly private speculative venture which sits uncomfortably in the PA 08 regime most especially in respect of the grant of CA powers.</p>	<p>The Applicant's position regarding the Energy White Paper and the clear support this provides for Interconnectors taking into account the considerable benefits they may provide has been clearly set out.</p> <p>The Applicant has also provided clear information to explain the basis on which it is considered the Project is 'bankable'.</p> <p>The Applicant has explained above the actual tests which apply in relation to the grant of compulsory acquisition and the availability of funds, being that Applicant's must be able to demonstrate that there is a reasonable prospect of the requisite costs for acquisition becoming available within the statutory period (which the Applicant has demonstrated).</p> <p>The Planning Act 2008 does not discriminate between private and public projects, instead being focused on the delivery of nationally significant infrastructure, which the Proposed Development is.</p>

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			<p>the UK and France, including the DCO.</p> <p>As is standard practice for many major infrastructure Projects, post the development stage, the Project is intended to be funded through project finance secured against the operational profits (revenues) of the Project.</p> <p>Following publication of the Planning White Paper in December 2020, appetite for investment in interconnectors is only likely to further increase. The White Paper specifically recognises that "Interconnection increases the ability of the GB electricity market to trade with other markets, enhances the flexibility of our energy system and has been shown to have clear benefits for decarbonisation". This White Paper provides a clear indication of future policy and approach to meeting the UK energy demands, and that Interconnectors will form a key part of this this. It is therefore anticipated a regulatory environment will be created in the UK to ensure investment in this energy infrastructure is able to be forthcoming, for instance through a further cap and floor regime. In this regard it is noted the Energy White Paper includes a commitment by the Government to "work with Ofgem, developers and our European partners to realise at least 18GW of interconnector capacity by 2030" . Further information in respect of the Energy White Paper in relation to the Proposed Development is</p>		

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			<p>provided within the second Addendum to the Needs and Benefits Report (document reference 7.7.19).</p> <p>The Applicant therefore remains entirely confident that the Project is bankable and that funds will be forthcoming to enable compulsory acquisition within the statutory period following the DCO being made and is of the view there is no rational basis on which to conclude otherwise.</p> <p>Taking into account the fact that (i) the Applicant has had no problems securing financing for the Project to date, (ii) the expected appetite for future investment in interconnectors as part of the green transition is likely to increase, particularly in light of the Energy White Paper; and (iii) it is not unusual for the securing of funding in connection with the delivery of a project to be dependent on the securing of a development consent order, it is considered the Applicant has satisfactorily demonstrated that there is a reasonable prospect of the requisite funds becoming available to enable Compulsory Acquisition within the statutory period following the DCO being made."</p>		
CA2.3.13	Applicant	Should the ExA decide to include any of the following provisions in its recommended DCO along the lines suggested in the Deadline 6 submission by Mr G and Mr P Carpenter relating to the security of Compulsory Acquisition funding ([REP6-138], Schedule 1) ,	<p>RESPONSE FROM APPLICANT:</p> <p>"The Applicant has included a guarantee Requirement at Requirement 26, and the Applicant's view is that the Order should be made including this Requirement. The Applicant identifies that the guarantee Requirement included is most closely aligned to that which is contained in the Manston Airport</p>	It is PCC's position that CA powers should only be granted if a form of security/bond is in place as a pre - condition of the DCO being made. The land was statutorily blighted (under the provisions of the Town and Country Planning Act 1990) on the application being made and as such the compensation liability is 'alive' now, and the appropriate	<p>As set out at paragraph 7.11 of the Funding Statement (REP6-021), it is not anticipated that any claims for blight will arise. The statements made in relation to blight are purely speculative. In any event, the Applicant understands the blight implications for the Project and has taken blight into account in accordance with the relevant guidance.</p> <p>The Applicant is entirely confident that funding will be secured within the statutory time period.</p>

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		<p>what would be the Applicant's position on each of these provisions, and why? (i) Rookery South (Resource Recovery Facility) DCO - enforceable bonded funds located in Jersey ([REP6-138], Section G paragraph 4a). (ii) Able Marine Energy Park DCO - appropriate guarantees to the relevant planning authorities for the payment of compensation under the DCO Compulsory Acquisition provisions before their implementation with any compensation to be met from the Applicant's parent company's existing funds ([REP6-138], Section G paragraph 4e). (iii) Swansea Bay Tidal Generating Station DCO - a mechanism for the provision of security in respect of the payment of compensation under the DCO ([REP6-138], Schedule 1).</p> <p>(iv) Thorpe Marsh Gas Pipeline DCO - a guarantee agreement, Escrow arrangement, bond or other suitable alternative security to cover estimated Compulsory Acquisition costs ([REP6-138], Section B paragraph 21 and Section G paragraph 4b). (v) Manston Airport DCO – a section 120(3)</p>	DCO"	funds need to be secured to reflect the powers sought by the Applicant.	

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		PA 2008 provision that construction cannot commence, and Compulsory Acquisition powers cannot be exercised until a guarantee to pay compensation under the DCO or an alternative form of security is provided to the satisfaction of the Secretary of State ([REP6-138], Section G paragraph 4c). (vi) Wylfa Newydd (Nuclear Generating Station) dDCO - dDCO articles restricting the exercise of Compulsory Acquisition powers until certain compensation funding security requirements are met ([REP6-138], Section G paragraph 4d).			
CH2.4.1	Historic England Hampshire County Council Applicant	With reference to paragraph 5.6.12 of NPS EN-1, what elements of cultural, historical and functional significance for Fort Cumberland's setting are derived from the 'fields of fire'? How do these elements: a) apply to the land where the ORS facility is proposed to be located; and b) apply to the land where proposed landscape mitigation is to be	With reference to paragraph [5.8.12] of NPS EN-1, what elements of cultural, historical and functional significance for Fort Cumberland's setting are derived from the 'fields of fire'? RESPONSE FROM APPLICANT: "With regard to Overarching National Policy Statement for Energy (EN-1), the Applicant assumes that the correct paragraph reference is 5.8.12, rather than 5.6.12 which relates to dust, odour, artificial light, smoke, steam and insect infestation (Section 5.6) rather	"The Applicant's position with regard to the impact assessment is outlined in the latest revision of the Statement of Common Ground (SoCG) with Historic England submitted at Deadline 7 (REP6- 047, Rev 005). 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 the car park and the visual impacts from the modern residential housing estate located 15m to the north-west	The Applicant's response with regard to this comment is set out in 70-78 of Table 2.2 in the Applicant's Responses to Deadline 4 submissions (REP6-067). The Applicant's final position in relation to Fort Cumberland is detailed in the agreed Statement of Common Ground (SoCG) with Historic England submitted at Deadline 8 (document reference 7.5.13). Irrespective of this differing professional opinion between the parties, the perceived harm would not constitute a 'significant' environmental effect warranting substantial design amendments to the Proposed Development. As outlined in Section 5.8 in National Policy Statement EN-1 it will be for the examining authority to decide whether any perceived harm has clear

Ref:	Respondent	Question	Response	PCC Comments for Deadline 7	Applicant's Comments
		<p>planted?</p> <p>How would the Proposed Development affect such significance and the future value and understanding of the asset? Would mitigation planting itself affect the significance of the asset's setting?</p>	<p>than Cultural Heritage.</p> <p>Elements of the 'fields of fire' which contribute to the significance of Fort Cumberland are the sightlines and connectivity with land and sea-based approaches along with historic relationships with other fortifications and approaches. The position of the fort is important to understanding how it would have defended Langstone Harbour in the event of an attack. It had direct lines of sight out to sea and was also protected by a ravelin on its western side which defended the landward approaches (ES Chapter 21, para 21.5.11.8). The existing coastal plain which forms part of the fields of fire to the west of the asset makes a contribution to the significance of the fort and so do the sightlines from positions to the north, east and south of the monument (landward/seaward), of which the combined contribution increases understanding of the Fort's functional significance.</p> <p>This in turn allows the public to understand and appreciate the heritage significance of the fort. These sight lines are still evident and contribute to its significance but to varying degrees.</p> <p>How do these elements: a) apply to the land where the ORS facility is proposed to be located; and</p> <p>b) apply to the land where proposed landscape</p>	<p>of the proposed ORS compound. The Applicant considers that the landward view from the western ravelin has been substantially altered.</p> <p>PCC maintains concerns, raised in previous submission that the impact on Fort Cumberland's setting and the local heritage and open landscape will be unacceptably harmed by the proposed unjustified and disproportionate ORS compound</p> <p>PCC maintains concerns, raised in previous submission that the impact on Fort Cumberland's setting and the local heritage and open landscape will be unacceptably harmed by the proposed unjustified and disproportionate ORS compound.</p>	<p>justification, in order to weigh that perceived harm against the public benefits of the development.</p>

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			<p>mitigation is to be planted?</p> <p>a) The contribution of the land where the ORS facility is proposed to be located is diminished by its present use as a car park, with its associated height restriction barriers and constant movement of traffic, in addition to the visually intrusive surrounding urban fabric, which has been substantially altered through the construction of a 1960s housing estate (located 15m north of the Proposed Development) and 20th century motor shed adjacent to the north. Due to the surrounding modern development, the existing contribution of the landfall car park on the significance of Fort Cumberland is considered low. As a result, the historic 'fields of fire' is at present poorly understood.</p> <p>b) The proposed landscape mitigation planting is contained within the Order Limits at the Landfall. As shown on the Indicative Landscape Mitigation Plan (Landfall) Figure 15.50</p>		

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			<p>(APP-283), planting is proposed around the boundary of the ORS facility in the form of a native hedgerow with hedgerow trees; existing grassland/scrub to the north-east would be reinstated. The contribution of the current land to the historic 'fields of fire 'is low, given the present use as a gravelled carpark."</p> <p>How would the Proposed Development affect such significance and the future value and understanding of the asset?</p> <p>RESPONSE FROM APPLICANT:</p> <p>"The Applicant's position with regard to the impact assessment is outlined in the latest revision of the Statement of Common Ground (SoCG) with Historic England submitted at Deadline 7 (REP6- 047, Rev 005). 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 the car park and the visual impacts from the modern residential housing estate located 15m to the north-west of the proposed ORS compound. The Applicant considers that the landward view from the western ravelin has been substantially</p>		

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			<p>altered.</p> <p>The location of the proposed ORS compound would introduce a new built form in long views out from the western ravelin towards Fort Cumberland Road. However, the proposed ORS would be lower in height than the current housing estate, and when seen against the background of the surrounding residential development would not be visually intrusive. Taken overall, the ORS would not have a significant impact on how the asset is appreciated and understood. The overall environmental effect is therefore considered negligible.</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 (REP6-047, Rev 005). 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.</p> <p>Irrespective of this differing professional opinion, the proposed change would not constitute a 'significant' environmental effect warranting substantial design amendments to the Proposed Development."</p>		

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			<p>Would mitigation planting itself affect the significance of the asset's setting?</p> <p>RESPONSE FROM APPLICANT:</p> <p>"The settings assessment has considered the potential for impact in relation to the embedded landscape mitigation. The predicted impact is considered negligible in respect to Fort Cumberland (see above). The embedded landscape mitigation planting would not form any additional impact to the significance of the asset as the proposed changes would not alter the baseline urban setting in which the ORS would sit, which at present includes modern 1960s development and a line of mature trees, bounding a caravan park to the west of the landfall car park. As with the ORS buildings themselves, the overall change to the fort and its wider construction is negligible."</p>		
DCO2.5.10	Applicant	<p>The Framework Management Plan for Recreational Impacts (FMPRI) [REP1-144] is soon to be accompanied by a Reinstatement Method Statement as suggested in paragraph 6.5.1 of the Applicant's Response to Action Points Raised at ISH1, 2 and 3, and CAH 1 and 2 [REP6-063].</p> <p>Given the mitigation measures already in the FMPRI and the additional reinstatement method</p>	<p>RESPONSE FROM APPLICANT:</p> <p>"The Applicant has been considering this further and is now proposing to secure the measures in the FMPRI through a Section 106 Planning Obligation with PCC.</p> <p>The Applicant has submitted a draft section 106 Agreement with PCC at Deadline 7 which contains: (i) a requirement for the undertaker to submit a detailed Recreational Management Plan in relation to each of the Playing Fields prior to commencement; and (ii) a restriction on</p>	<p>PCC Response DI7:</p> <p>PCC is concerned that the FMPRI is still incomplete at this late stage despite providing information regarding the nature of the sites at the earliest opportunity within the Examination. Once the applicant has considered the actual impacts on playing pitches, recreation, open space and habitat in Portsmouth PCC will need adequate time to consider and comment on any proposed avoidance or mitigation both in respect of their adequacy and the mechanisms proposed for their delivery within the DCO.</p>	<p>The FMPRI has been finalised and reinstatement and realignment of sports pitches is now secured via paragraphs 6.2.9.10 to 6.2.9.16 of the OOCEMP.</p> <p>Following receipt of heads of terms from PCC on 19 January 2021, the Applicant's solicitor provided a copy of the draft development consent obligation agreement to PCC on 21 January 2021.</p> <p>The Applicant sent further emails to PCC's solicitor in relation to the development consent obligation agreement on 2 February 2021, 10 February 2021 and 11 February 2021 but did not receive any engagement until 12 February 2021 at which point PCC only provided a high level response in relation to the heads of terms.</p> <p>A revised agreement was issued to PCC on 15 February 2021 taking into account the high level</p>

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		<p>statement, should the FMPRI become a certified document? If not, why not? If not, can the Applicant explain how the mitigation measures and recommendations in the FMPRI at paragraphs 4.1.2.4 and 4.2.1 to 4.2.7 are to be secured in any DCO? In respect of all playing fields and open spaces, does the Applicant consider that planning obligations may be appropriate with respect to enabling playing pitches to be realigned and relocated (even on a temporary basis during construction) outside the Order limits?</p>	<p>commencement until the Council has approved the Recreational Management Plan for that Playing Field. The detailed Recreational Management Plan submitted for approval must be in accordance with the FMPRI and contain details relating to the delivery of pitch reinstatement and realignment works, including:</p> <ul style="list-style-type: none"> (a) estimated programming and costs for the Pre-Construction Pitch Realignment Works and the Post-Construction Pitch Realignment Works; (b) estimated programming for the Pitch Reinstatement Works; (c) technical specifications for the Pitch Reinstatement Works; (d) scaled drawings; and (e) details of any drainage potentially affected by the construction of the Proposed Development. <p>The draft Section 106 Agreement contains an ongoing obligation on the undertaker to carry out any</p>	<p>Further PCC response: PCC and the Applicant have been in discussion as to how the issue of entering into a DCO obligation under s106 of the 1990 Act can be approached lawfully when the Applicant cannot show it is interested in land – a prerequisite for being able to enter into such obligations. PCC notes that the dDCO now contains Art 8(4) which deems the Applicant to have such an interest once the DCO is made. This is a matter that will be discussed in ISH 4. As the Applicant has no interest in the Order land prior to the DCO being made this will have no effect until that point. PCC have advocated the approach adopted in the Thames Tideway Tunnel (TTT) DCO to resolve matters whereby the Applicant enters into an undertaking to enter into DCO obligations (as appended in draft) and that this be reflected on the face of the DCO as well. To be clear the TTT DCO did contain a provision in the same terms as draft Art 8(4) in Sch 19 to the DCO which addressed statutory modifications however in the main body of the TTT DCO was an article which addressed adherence to the undertaking approach. PCC notes that any proposed planning obligation should be submitted to the ExA by way of Unilateral Undertaking before the Examination closes. PCC also note that applicant has</p>	<p>comments in their email of 12 February 2021 and further requests for engagement and offers to hold a call were sent on 17 February 2021, 19 February 2021, 21 February 2021 and 23 February 2021. Nothing further was received from PCC until 24 February 2021 when PCC's solicitor returned comments on the draft agreement and highlighted that there were fundamental points of principle disagreed between the parties. At that point it became apparent that the Applicant would not be able to reach a bilateral agreement with PCC and therefore it has submitted a unilateral agreement in favour of PCC at deadline 8. Please also refer to the Applicant's section 106 explanatory note submitted at Deadline 8 (document reference 7.5.28) which provides further explanation of the position in relation to and obligations secured by the Portsmouth City Council Development Consent Obligation (document reference 7.5.27). This note also more generally explains the approach taken by the Applicant to securing Development Consent Obligations in relation to the DCO.</p>

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			<p>works to realign and reinstate the sports pitches in accordance with the relevant approved Recreational Management Plan.</p> <p>As some of the sports pitches fall outside the redline boundary, the Applicant has proposed that PCC enter into a Deed of Undertaking (akin to a licence) with the Applicant to enable the Applicant to carry out the realignment works on PCC's Land in accordance with the plans approved by PCC. The Applicant sees no reason why PCC should not be amenable to these measures being taken to avoid impacts on residents within Portsmouth.</p> <p>In respect of the playing fields on the University of Portsmouth Land, the OOCEMP has also been updated at Deadline 7 (REP-036, Rev 006) to include the following paragraph at 6.2.9.11:</p> <p><i>For works through the University of Portsmouth land the contractor will keep the works as far to the eastern extent as practical to minimise impacts on sports facilities. This will take into account other environmental and engineering restrictions and considerations. A detailed method statement will be prepared and agreed with the University of Portsmouth prior to works to the University Pitches within the redline boundary. The</i></p>	<p>proposed a separate Deed of Undertaking to PCC in order deliver aspects of their offered mitigation outside the Order Limits. PCC further notes that the Applicant 'sees no reason why PCC should not be amenable to these measures...'. Due to the Applicant's delay in providing an updated FMPRI, (which was only submitted to the Council by the Applicant as recently as 12 February 2021), PCC has not yet opportunity to review the document and is unable to comment whether it would be amenable to allowing the applicant to undertake works on its land.</p>	

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			<p><i>method statement will comprise arrangement of temporary works, reinstatement and programme. The Applicant will work with the University of Portsmouth to realign pitches, if detail design confirms the works can be limited to the eastern edge of the pitch"</i></p>		
N2.11.1	Applicant	<p>It is noted that Article 9 of the dDCO (defence against statutory nuisance) [REP6-015] has been amended. Why is it considered necessary to protect the Proposed Development from statutory noise complaints whilst it is in operation?</p> <p>Please provide details of any made DCO precedents for inclusion of the 'operational' phase of a development in this manner.</p> <p>Please provide details of any made DCO precedents for inclusion of Articles 9(1)(b), 9(2) and 9(3).</p> <p>What does the Applicant believe is specific to this Proposed Development to warrant what appears to be an exceptional approach to a 'Defence to proceedings in respect of statutory nuisance' Article such as this?</p>	<p>PCC response at DL7 "PCC are of the firm view that this requirement is not necessary as there should not be any statutory noise nuisance caused if Schedule 2 Requirement 15 and Schedule 2 Requirement 20 is followed. It is therefore recommended that this Requirement is removed from the DCO. "</p> <p>Why is it considered necessary to protect the Proposed Development from statutory noise complaints whilst it is in operation?</p> <p>RESPONSE FROM APPLICANT: "A 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.</p> <p>The noise management plan will contain objectively assessed noise levels and it would be unfair to require the undertaker to achieve levels in the future which are lower than those which have been assessed if the surrounding environment changes outside of the Applicant's control.</p> <p>The Applicant does not agree that the 'Agent of Change' principle</p>	<p>PCC note the Applicant's response but do not believe the information provided justifies the exceptional approach they have proposed in respect of the operational phase of the ORS. PCC remain of the view that Article 9 should be amended to remove reference to the operational phase of the ORS.</p>	<p>The Applicant maintains its position as set out in previous submissions and has explained how the approach taken is not "exceptional" through identifying other precedent examples.</p>

Ref:	Respondent	Question	Response	PCC Comments for Deadline 7	Applicant's Comments
			<p>provides comfort that future planning applications would be assessed in planning terms in accordance with the Agent of Change principle, nor that this would in any way prevent a person seeking to bring proceedings in nuisance.</p> <p>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 (or in common law nuisance).</p> <p>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>Please provide details of any made DCO precedents for inclusion of the 'operational' phase of a development in this manner.</p> <p>RESPONSE FROM APPLICANT:</p>		

			<ul style="list-style-type: none"> • Southampton to London Pipeline – Article 41(1)(b) states that it shall be a defence if “the defendant shows that the nuisance is a consequence of the use of the authorised development and that it cannot be reasonably avoided.” This would apply during the operation of the scheme. • Norfolk Vanguard – Article 8(1)(b) states that it shall be a defence if the defendant shows that the nuisance: <ul style="list-style-type: none"> ○ “relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised project and that the nuisance is attributable to the use of the authorised project which is being used in compliance with requirement 27 (control of noise during operational phase); <p>or is a consequence of the use of the authorised project and that it cannot reasonably be avoided”</p> <ul style="list-style-type: none"> • Hornsea Project Three Offshore Wind Farm - Article 7(1)(a)(b) states that it shall be a defence if the defendant shows that the nuisance: <ul style="list-style-type: none"> ○ “relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised project and that the nuisance is attributable to the use of the authorised project in compliance with requirement 21 (control of noise during operational 		
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			<p>phase); or o is a consequence of the use of the authorised project and that it cannot reasonably be avoided”</p> <ul style="list-style-type: none"> • West Burton C - Article 8(1)(b) states that it shall be a defence if the defendant shows that the nuisance: <ul style="list-style-type: none"> ◦ “relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised development and that the nuisance is attributable to the use of the authorised development which is being used in accordance with a scheme of monitoring of noise agreed with the relevant planning authority as described in requirement 22 (control of noise - operation); or <p>is a consequence of the use of the authorised development and that it cannot reasonably be avoided” Please provide details of any made DCO precedents for inclusion of Articles 9(1)(b), 9(2) and 9(3).</p> <p>RESPONSE FROM APPLICANT: the following made DCOs contain articles of a similar nature:</p> <ul style="list-style-type: none"> • Southampton to London Pipeline – see Articles 41(1)(a)(ii), 41(2) and 41(3). • Norfolk Vanguard – see Article 8(1)(b)(i) and 8(2). • Hornsea Project Three Offshore Wind Farm - see Article 7(1)(a)(b) and 7(2). • West Burton C – see Article 8(1)(b) and 8(2). 		
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Ref:	Respondent	Question	Response	PCC Comments for Deadline 7	Applicant's Comments
			<p>What does the Applicant believe is specific to this Proposed Development to warrant what appears to be an exceptional approach to a 'Defence to proceedings in respect of statutory nuisance' Article such as this?</p> <p>RESPONSE FROM APPLICANT: "As highlighted above, Article 9 is a standard form provision in many made DCOs and this is not considered to be an "exceptional approach". Nevertheless, for the specific reasons set out above, the Applicant believes that the inclusion of Article 9 in the form included in the dDCO is entirely justified."</p>		
OW2.12.1	Applicant	<p>It is understood that the trenchless technique to be used for HDD-4 will not be HDD, but an alternative trenchless solution known as micro-tunnelling. With respect to preventing groundwater seeping into the tunnel, can the Applicant indicate how this is accounted for and secured within the Onshore Outline CEMP [REP6-036]?</p>	<p>RESPONSE FROM APPLICANT: "The tunnelling process will use a low permeability drilling material such as bentonite slurry to reduce friction as the liner is installed and this will minimise the risk of water ingress during tunnelling. As it is bored, impermeable ducting will be inserted which will ensure no ingress into the tunnel once complete. The Onshore Outline CEMP (REP6-036) was updated to include this statement (submitted at Deadline 6). Ingress of groundwater at the entrance and exit pit will be managed through the use of perimeter sheet piled walls toed into the Chalk, to reduce groundwater ingress from the superficial River Terrace Deposits. Any groundwater seepage at the base of the pits will be sump pumped during operation. More detail is provided in Paragraph</p>	<p>PCC note the Applicant's response to this ExA question, but the Applicant's submitted evidence does not seem to clarify where groundwater seepage would be pumped to in order to show that this proposal will not lead to surface water drainage issues. This is an important factor which needs to be addressed.</p>	<p>The Applicant can advise that the management of groundwater for HDD-4 will be in the dewatering strategy provided by the appointed contractor at detailed design stage. This strategy takes into consideration ground water seepage management and mitigation of surface water drainage issues. The Applicant can further advise that a meeting between the Applicant and PCC took place on 16/02/2021 for the purposes of discussing these matters and coming to agreement in the Statement of Common Ground. The Applicant reassured PCC that matters related to pumped water discharge at HDD-4 and other locations will be fully addressed at detailed design stage, where a dewatering strategy will be produced (which will also involve applying for the necessary environmental permits). This is secured in the Onshore Outline CEMP (document reference 6.9 submitted at Deadline 8), paragraphs 5.7.1.4 (bullet point 16), 6.2.6.3, 6.2.6.4 and 6.2.6.10, 6.2.6.11 which specifically address HDD-4 dewatering. In the meeting 16/02/2021 PCC agreed that these matters would be fully addressed at detailed design, and the matter was marked as "Agreed".</p>

Ref:	Respondent	Question	Response	PCC Comments for Deadline 7	Applicant's Comments
			6.2.6.10 of the Onshore Outline CEMP (REP6- 036)."		
OW2.12.5	Applicant Portsmouth City Council	<p>Please could Portsmouth City Council provide the ExA with details of the subsurface drainage system (field drains, mole drains, tile drains, etc) at Farlington Playing Fields, including any maps or diagrams that would assist our understanding?</p> <p>Could any of these systems be severed or otherwise interrupted by the installation of the Proposed Development and, if so, what would be the effects on drainage and playing surface quality?</p> <p>What mechanism would ensure their proper restoration through a CEMP and any DCO?</p> <p>Could any of these drains be compacted or damaged during construction works and, if so, what mechanism would ensure their investigation and restoration through a CEMP and any DCO?</p> <p>The Applicant's Deadline 6 post-Hearing note [REP6-063] refers to planned SI works at Farlington Playing Fields, and to the preparation of a Method Statement in relation to reinstatement that will be submitted 'at a</p>	<p>RESPONSE FROM APPLICANT:</p> <p>"The Applicant has received drawings of the drainage system from PCC.</p> <p>The drainage system will be interrupted by excavation works including the cable installation, joint bays and HDD. There is also potential for compaction from plant and equipment. If not repaired, this would interrupt drainage and contribute to water-logging of playing surfaces. It is not envisaged that temporary drainage would be required for affected pitches during construction as they are not being used. However, there may be a requirement for temporary drainage if interruption of flow has potential to indirect affect drainage on another pitch still in use.</p> <p>However, proper restoration is secured through the OOCEMP (REP6-036, Rev006) in the following places:</p> <p>Paragraph 1.2.2.13 - where land is used temporarily and returned to the landowner, there will be liaison on working methods and restoration. Should remedial actions become necessary following soil reinstatement, these shall be undertaken as agreed prior to handover back to the landowner.</p> <p>Paragraph 6.8.2.1 - Farlington Playing Fields have a history of surface water and groundwater flooding due to artificial land. A</p>	<p>PCC received a copy of a method statement for works at Farlington Playing Fields as part of an updated FMPRI on 12 February 2021. It is understood that it is also to be submitted to the ExA and its currently being reviewed by the Council as noted above.</p>	<p>The Method Statement is secured via the OOCEMP and Requirement 15 of the dDCO (REP7-013).</p>

Ref:	Respondent	Question	Response	PCC Comments for Deadline 7	Applicant's Comments
		<p>future deadline'. What certainty can the Applicant provide that the relevant information on this matter will be available prior to the close of the Examination and in sufficient time for Portsmouth City Council and other parties to read and comment on it?</p>	<p>land drainage survey at pre-construction stage, a reinstatement plan and a post-construction survey must be undertaken in order to monitor the impacts of the Proposed Development.</p> <p>The OOCEMP has been updated at Deadline 7 (document 6.9) to include the following additional measures at Paragraph 6.2.9.4:</p> <p>Land drains will be protected from point loading pressure caused by plant and equipment with the use of track mats. For protection under stone haul roads a geogrid mesh material will be used to reinforce the underlying soil which in turn will mitigate damage caused by wheel loading pressures. Alternatively track matting may also be used as a suitable geogrid / stone haul road alternative.</p> <p>Any land drains damaged by trenching activities must be repaired in the same working day ahead of subsoil back filling. Land drains damaged during construction of HDD pits and joint bays must be repaired on completion of the works ahead of back filling where the situation is considered an emergency (i.e. if relevant action is not taken, there will be adverse health, safety, security or environmental consequences that in the reasonable opinion of the undertaker would outweigh the adverse effects to the public of taking that action). Temporary drainage will be provided during construction if pitches still in use</p>		

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			<p>are indirectly affected by interruption or damage to the drainage system.</p> <p>In respect of the further SI works planned at Farlington Playing Fields, pitch surveys were undertaken on 20-21st January 2021 with a report due to the Applicant by 5th February 2021. The Applicant will provide the updated Framework Management Plan and a Method Statement to PCC by 12th February and this will be submitted into the Examination."</p>		
SE2.15.1	Applicant Portsmouth City Council	<p>What progress has been made with regards to agreeing the reinstatement of the car park at Fort Cumberland?</p> <p>Would the car park be fully re-surfaced and marked out, and, if so, in what timeframe?</p> <p>What proportion of capacity would be lost, and how would the loss of car parking be compensated?</p> <p>If a reinstatement method statement is being prepared for Farlington Playing Fields, should a similar document be prepared for Fort Cumberland Car Park as opposed to using a s106 agreement as proposed by the Applicant?</p>	<p>RESPONSE FROM APPLICANT:</p> <p>"Discussions are currently on-going between the Applicant and PCC, with the Applicant having submitted a proposed car park layout and surface specification to PCC prior to Deadline 7 for comment</p> <p>Car parking spaces are not currently marked in Fort Cumberland Road Car Park with Drawing AQ-UK-DCO-TR- LAY-006 included in Appendix 6 (document reference 7.4.3.6) of this document showing that up to 106 cars could be accommodated within the car park with full use of the central area. The proposed layout for the car park shown on Drawing AQ-UK-DCO-TR-LAY-007 included in Appendix 6, parking capacity for 109 cars whilst taking account of the ORS building and access to the SINC.</p> <p>The Applicant understands it is PCC's preference to the access road for the car park to consist of a tarmacked surface and the car parking spaces to be constructed of an open cell concrete such a Grasscrete.</p>	<p>As noted in the main PCC submission at deadline 7c the Council does not believe the Applicant has appropriately assessed the impacts of the loss of capacity at the Fort Cumberland car park.</p> <p>PCC is working with the Applicant to agree the number of lost car parking spaces in consequence of the proposed works. Reinstatement principles will also be agreed and documented either in Methods of Working Schedule (to be appended to the private treaty agreement being negotiated on a Without Prejudice basis) or in the proposed draft s.106.</p>	<p>The Applicant has revised its proposals for the resurfacing of Fort Cumberland Car Park and an updated specification and plans have been appended to the Portsmouth City Council Development Consent Obligation (document reference: 7.5.27)</p> <p>The Portsmouth City Council Development Consent Obligation requires the undertaker to submit a Car Park Resurfacing Specification to the Council for approval prior to Commencement of Works No 5 and the Car Park Plan has been updated to show how the proposed layout can accommodate 121 car parking spaces. This provides parity against PCC's stated existing car parking capacity.</p>

Ref:	Respondent	Question	Response	PCC Comments for Deadline 7	Applicant's Comments
			<p>The carpark would need to be reinstated following completion of the works (OOCEMP REP6-036, Rev006) includes measures at 5.12.6.1 and 5.12.4.4.</p> <p>A draft Section 106 Agreement with PCC has been submitted at Deadline 7 (document reference 7.5.27) which includes provision for a specification to be submitted to PCC for resurfacing of the Fort Cumberland car park. The specification will include a method statement and the estimated programme for resurfacing works. The draft Section 106 requires the undertaker to carry out the car parking resurfacing works in accordance with the approved specification prior to the operation of the Proposed Development."</p>		
SE2.15.3	Applicant	<p>Who will be responsible for confirming that the Applicant's reinstatement measures at the various playing fields and sports pitches affected by the Proposed Development have been completed satisfactorily?</p> <p>If any defects are claimed, what will be the mechanism for agreeing them and, if necessary, putting them right?</p>	<p>RESPONSE FROM APPLICANT:</p> <p>"The landowner will be responsible for confirming reinstatement has been completed. There are mechanisms in the Onshore Outline Construction Environmental Management Plan (REP6-036, Rev006), dDCO (REP6-015) and Section 106 agreement for Applicant to correct any defects identified by the landowner. Pitch surveys are being undertaken to confirm existing quality and land drainage and will inform standard of reinstatement.</p> <p>The Onshore Outline Construction Environmental Management Plan (REP6-036, Rev006), paragraph 6.2.3.1 bullet points 15 to 17 states that there will be the "<i>prompt reinstatement of temporary construction areas (including</i></p>	<p>PCC has shared with the Applicant a draft Method of Working Schedule which will have site specific reinstatement requirements (including for Farlington Playing Fields) and will need to be appended to any private treaty agreement (or S.106 agreement) with appropriate considerations for resourcing within the Local Authority.</p>	<p>An Outline Method Statement for Farlington Playing Fields is set out in Appendix 8 to this Onshore Outline CEMP (also provided at Appendix D of the Framework Management Plan for Recreational Impacts). The Method Statement includes principles for protection of playing surfaces, drainage and reinstatement.</p> <p>Paragraphs 6.2.9.10 to 6.2.9.16 of the OOCEMP have been updated to reflect the fact that the contractor will be required to comply with these principles in order to minimise damage to the playing fields, or propose alternative measures which provide equal or better protection/ reinstatement in agreement with PCC.</p> <p>The contractor will also be required to prepare a detailed Recreational Management Plan for each of the Playing Fields to cover reinstatement and realignment of any pitches within the Order Limits.</p>

Ref:	Respondent	Question	Response	PCC Comments for Deadline 7	Applicant's Comments
			<p>trenches, laydown and construction (including haul road) corridor on completion of the cable route installation as soon as practicable after sections of work are complete.</p> <p>Reinstatement would involve the careful handling of soils and a return to the existing habitat type.”</p> <p>Paragraph 1.2.2.13 also states that. Provisions for reinstatement of land drainage at Farlington Fields are also made at 6.8.2.1.</p> <p>As set out above in response to WQ DCO2.5.10 the Applicant has submitted a draft section 106 with PCC which contains an obligation on the undertaker to submit a detailed Recreational Management Plan to the Council for approval prior to commencement. The Recreational Management Plan must be in accordance with the FMPRI and it would contain specific details relating to the delivery of pitch reinstatement and realignment works which would need to be approved by the Council prior to Commencement. If the works were not carried out in accordance with the approved details, the undertaker would be in breach of a section 106 obligation.</p> <p>In respect of the University of Portsmouth playing fields, the OOCEMP has been updated at Deadline 7 (REP6- 036, Rev 006) to include the following paragraph at 6.2.9.11:</p> <p>A detailed method statement will be prepared and agreed with the University of Portsmouth prior to works to the University Pitches within the redline boundary. The</p>		

Ref:	Respondent	Question	Response	PCC Comments for Deadline 7	Applicant's Comments
			<p>method statement will comprise arrangement of temporary works, reinstatement and programme.</p> <p>Compliance with the OOCEMP is secured by Requirement 15 of the dDCO (REP6-015). It is also relevant to note that:</p> <ul style="list-style-type: none"> • requirement 22 also secures the restoration of land temporarily used for construction, which further makes the matter subject to enforcement; and <p>requirement 9 (Biodiversity management plan) was updated at Deadline 6 to include an additional clause requiring ".....details of a scheme for the reinstatement of land used as temporary compounds during construction and any replacement planting to replace removed sections of hedgerow or removed trees." "</p>		
TT2.16.1	Applicant	<p>On page 5-93 of [REP2-013], the Applicant stated that a Road Safety Audit should be completed. The ExA has not seen this to date, only a Road Safety Technical Note [REP6-071]. When will such an Audit be produced and submitted to the Examination?</p> <p>Will the safety audit be prepared by independent consultants?</p> <p>At this time, can the Applicant set out, with reasons, why it appears</p>	<p>RESPONSE FROM APPLICANT:</p> <p>The Applicant has recently commissioned a Road Safety Audit, which has been undertaken by independent consultants, and submitted in draft to HCC as the highway authority on 20 January 2021. The scope of the Audit includes the following:</p> <p>Proposed passing places on Day Lane (as set out in REP6-073)</p> <p>Proposed junction upgrade at the junction of Day Lane / Broadway Lane (as set out in REP1-142); and</p> <p>Traffic management proposals for the management of HGV traffic accessing the Converter Station (as</p>	<p>PCC consider that the road safety note (REP6-071) provided by the Applicant to consider safety implications on the local road network does not consider likely impacts or mitigation for such impact on minor roads not included within the traffic model (SRTM). This was a matter raised at a meeting between PCC and the Applicant's agent WSP on 21st January 2021 at which agreement was reached that the FTMS / FCTMP would need to be modified to make provision for the assessment of impact on those roads in the section specific CTMPs together with a menu of</p>	<p>A new section 2.6 has been added to the updated FTMS (AS-072) that refers to additional mitigation at minor roads that may be required. These will be considered and included during the development of section-specific TMSs, and will be submitted to PCC for agreement in accordance with Requirement 25 of the DCO (document reference 3.1 submitted at Deadline 8).</p> <p>The Applicant reasserts its position that it is not possible or necessary to develop section-specific TMS / CTMPs at this time, and that Requirements 17 and 25 of the DCO requires that the phase specific CTMPs are approved by the relevant highway authority prior to their implementation.</p>

Ref:	Respondent	Question	Response	PCC Comments for Deadline 7	Applicant's Comments
		<p>that different methods have been applied with regard to assessing accidents and road safety along the onshore cable corridor and the wider study area?</p>	<p>set out in REP6-073 which is also being updated and resubmitted at Deadline 7).</p> <p>Accidents and Safety in respect to road traffic for both the Onshore Cable Corridor and the wider study area are assessed in the Supplementary Transport Assessment (STA) (REP1- 142), and within the Environmental Statement Addendum (REP1-139).</p> <p>Additional Road Safety Technical Notes for both the local road network under the jurisdiction of Portsmouth City Council (PCC) (REP6-071) and Hampshire County Council (HCC) (REP6-075) were also completed in response to requests from the Local Highway Authorities and to deal with specific concerns raised during the course of the Examination.</p> <p>Portsmouth City Council specifically requested further consideration be given to the road safety implications of increased congestion and traffic queues either on the Onshore Cable Corridor or identified diversion routes in paragraph 5.6.16 of their Local Impact Report (REP1-173) and thus the Road Safety Note (REP6-071) was completed to address this request. This assessed the road safety implications of increased queue lengths at junctions on the Onshore Cable Corridor and wider study area and at traffic management locations, while separately considering the impact of increased traffic flow on</p>	<p>intervention types which may be required to mitigate those.</p> <p>It remains the PCC position that the development of these section specific CTMPs including interventions to mitigate construction impacts should have been provided by this stage having been informed by early contractor involvement and are necessary to reasonably inform the examination and determination of the DCO.</p>	

Ref:	Respondent	Question	Response	PCC Comments for Deadline 7	Applicant's Comments
			<p>highway links separately to ensure a robust assessment of all impacts associated with construction of the Onshore Cable Route.</p> <p>Hampshire County Council in their Deadline 5 submission (REP5-080) stated that no evidence had been provided by the Applicant of the road safety implications associated increases in traffic flows on links resulting from traffic diverting away from the Onshore Cable Corridor and thus the Road Safety Note (REP6-075) was completed to address this comment.</p>		

Table 2.7 – South Downs National Park Authority

Ref:	Question:	Applicant's Comments
1	<p>SDNPA comments on a letter from National Grid Electricity Systems Operator Limited (examination library reference REP7-109, dated 25 January 2021)</p> <p>National Grid's letter is in response to a written question from the Examining Authority, reference EIA2.6.1, relating to 7 existing substations and why these were discounted from consideration as grid connection points. Having reviewed this letter carefully the SDNPA remain somewhat unclear, despite wishing to draw this matter to a close, as to why these 7 locations were discounted at an early stage.</p> <p>The SDNPA notes that the agenda for Issue Specific Hearing 4 (reference EV-016) has questions, at agenda point 22.2, on this matter. We also note that National Grid has been invited to attend this hearing and the SDNPA wishes to engage on this matter. Therefore it is hoped that at the hearing this matter can be finally resolved.</p>	<p>Please see Consideration of Alternatives (Connections) in which has been submitted as Appendix 6 to the Applicant's Post hearing notes (document reference 7.9.44) - Appendix 6 (document reference 7.9.44.6). This provides further explanation of the Applicant's understanding of the reasons why the remaining 7 sub-stations from the long list of 10 identified for the consideration of a connection location for the Proposed Development were not taken forward for further consideration by NGESO.</p> <p>The Applicant has shared the technical note with SDNPA. The SDNPA is now content that a reasonable rationale is given for why the 7 other substations were not progressed as also detailed in the SDNPA SoCG submitted at Deadline 8.</p>
2	<p>SDNPA comments on 'Applicant's Responses to Deadline 6 and 6a Submissions – Additional Submissions' (REP7-076)</p> <p>In the bottom row of table 4.14 on page 4-32 it is not accurate to state that the SDNPA has accepted that there was a logical and reasonable rationale for selecting Lovedean as the grid connection point. Rather, the SDNPA consider, as we set out in our deadline 2 response, that there was a logical and reasonable rationale for selecting Lovedean as a grid connection point above that of the alternatives at Chickerell and Bramley. However as we make clear in the very same deadline 2 response (and since) the applicant's stated reasoning for not progressing with the other 7 substation locations is, in our view, limited.</p>	<p>Please see the response above and the Applicant's post hearing notes submitted at Deadline 8 (document reference 7.9.44).</p>

Ref:	Question:	Applicant's Comments
3	<p>SDNPA comments on the Outline Landscape and Biodiversity Strategy (REP7-023)</p> <p>1. This latest version of the Outline Landscape and Biodiversity Strategy has removed reference to the previously proposed 10m strip of planting to the south of Mill Copse. This was previously indicated on the applicant's Landscape Mitigation plans, however the latest revision at deadline 7 has removed this.</p> <p>This screening was identified as important by the applicant previously (Change Request Reference AS-054) in response to ash die back. The SDNPA would question the extent to which this reduces the effectiveness of the additional visual mitigation identified to be required in relation to ash die-back disease.</p> <p>2. The SDNPA note that replacement planting proposed by the applicant within the existing woodlands, hedgerows and for individual trees is not indicated on the Landscape Mitigation Plans.</p>	<p>1. The Applicant refers to of its response in relation to agenda item 4.2 within the Applicant's Written Summary of the Oral Case at Issue Specific Hearing 5 (AS-067) which explains why the 10m strip of planting has not been included in the Order limits and the extent to which this reduces the effectiveness of the additional visual mitigation identified to be in relation to ash dieback.</p> <p>Why the additional planting was removed: In summary, the additional planting was assessed to only have a marginal short-term effect in reducing the visual impact for users of the Monarch's Way at Year 0 and 10 in the event that the effects of ash dieback are to the worst case scale predicted and until new planting becomes established through the active management of Mill Copse as set out in the ES Addendum 2 (REP7-067). After the early years, Mill Copse itself is predicted to provide the same level of mitigation screening without the 10m strip of planting to the south of Mill Copse; new planting and regeneration within Mill Copse would have thickened up and grown enough by Year 20 to provide sufficient screening at eye level.</p> <p>The benefit of the additional planting is limited and the Applicant does not therefore consider that there is a compelling case in the public interest for its compulsory acquisition (unlike the position in relation to Mill Copse and Stoneacre Copse which provides a stronger screening function, being larger areas of woodland).</p> <p>The Applicant has now agreed heads of terms with the landowner to acquire an interest in the land with a view to providing the landscaping strip in the interests of enhancing the secured mitigation. It is anticipated the Option Agreement for the rights required from the landowner will be completed shortly after the end of the Examination.</p> <p>The effectiveness of the additional visual mitigation: In accordance with the assessment undertaken the exclusion of the additional strip of woodland planting reduces the effectiveness by one "step" in terms of magnitude as assessed, in the period from Year 0 to Year 10 until such time as mitigation planting and natural regeneration has grown up to form a good visual screen at eye level.</p> <p>As outlined above the assessment assumed a worst case, as it is not possible to predict the exact timing of the progression of ash die-back in Mill Copse, the timing of felling that may be necessary for safety and good arboricultural practice reasons, when the existing understorey will be disturbed by tree works, when new planting would be undertaken and natural regeneration encouraged.</p> <p>Taking into account the nature of the changes to the magnitude of impacts to be experienced in the early years which the inclusion of the 10m strip of planting may have addressed, it was considered to be an 'insurance policy', rather than being essential for the Proposed Development. With this in mind only Mill Copse (which is a more significant area and will provide a required level of screening which is considered to be required in connection with the Proposed Development for its operational lifetime) was included within the Order limits in this location.</p> <p>2. The Applicant has agreed to make revisions to the indicative landscape mitigation plans for Option Bi) north and south (document references 6.2.15.58 and 6.2.15.49) and Option</p>

Ref:	Question:	Applicant's Comments
		<p>Bii) north and south (document reference 7.8.8) and the Outline Landscape and Biodiversity Management Plans Figure 1 and 2 in Appendix 2 of the Outline Landscape and Biodiversity Strategy (document reference 6.10 submitted at Deadline 8) to include a note stating that "Replacement planting will take place within existing woodland, hedgerows and in relation to individual mature trees" and these revised plans will be submitted at Deadline 8.</p>
4	<p>SDNPA comments on the Environmental Statement Addendum 2 (REP7-067)</p> <p>1. There is no reference made to the impacts of the changes recently made to the entrance / haul road off Days Lane and the proposed laybys on Day Lane. Such commentary on impacts has been provided in respect of the separate Prew's Hanger view. Whilst the focus is understandably on the large Converter Station buildings, the changes to the site entrance are also important, especially as Days Lane adjoins the boundary with the South Downs National Park.</p> <p>As Page 14-80 notes (paragraph 14.1.3.3) the revised strategy for the management of HGVs requires an update to the Predicted Impacts along Day Lane during the Construction Stage as reported in the ES Addendum. The same should apply, in our view, to the landscape impacts of the changes at Days Lane.</p> <p>2. In the Assessment of Visual Effects section (page 12-72 onwards) there are references to specific woodlands (PW-5 for example) but there is no plan in either this document, the Outline Landscape and Biodiversity Strategy nor the Landscape Mitigation Plans that shows which areas of woodland have which reference.</p>	<p>1. In terms of the impact of changes "recently made" to the Access Road entranceway and the "Gated Link Road" at the junction of Broadway Lane and Day Lane, the visual impact was assessed as part of the LVIA (APP-130) and supporting Appendix 15.8 Assessment of Landscape and Visual Effects (APP-406). Consideration was given to residential, recreational and transport users during construction and operation, and the nature of effects are outlined under Agenda Item 3.2 of Applicant's Written Summary of the Oral Case at Issue Specific Hearing 5 (AS-067).</p> <p>In summary, during construction there will be moderate-major adverse (significant) effects experienced by residential receptors No 17 and 18 and localised moderate adverse (significant) effects experienced by recreational users of Horndean Technology College Cycle Route and transport users. Recreational receptors utilising Monarch's Way will experience a moderate-major adverse (significant) effect during construction. It should be noted that HGVs already utilise Day Lane and as such the oblique views from Monarch's Way towards Day Lane are already degraded.</p> <p>During operation, residential receptors of No 17 and 18 will experience a moderate-major adverse significant effect at Year 0 which will diminish for No 17 to not significant by year 20 as planting matures, and alter to minor-moderate neutral (significant) for No 18 by Year 20. Recreational users of Horndean Technical Cycle Route and users of the Monarch's Way would experience significant effects (moderate and moderate-major respectively) at Year 0 and such effects diminish to not significant by Year 20.</p> <p>In terms of the Day Lane Technical Note, this is updated at Deadline 8 to reflect landscape and visual matters. Significant effects on landscape and visual amenity generated through the loss of trees / hedgerows will be avoided through micro-siting and detailed design, informed by site surveys. This judgement has been confirmed by site visits, in particular a site survey undertaken on 16 February 2020, which reviewed the width of existing verges, proximity of trees and hedgerows with their associated RPAs in relation to the edge of the existing carriageway and this information will be included within an updated version of the Day Lane Technical Note (document reference 7.9.29 submitted at Deadline 8).</p> <p>When designing passing bays care will be taken to not change the lane's rural character through the use of additional signage, road markings, kerbs and lighting. This is reflected as a new design principle within the updated DAS (document reference 5.1) to be submitted at Deadline 8.</p>

Ref:	Question:	Applicant's Comments
		<p>2. In terms of SDNPAs requests for references to specific woodlands (PW), the Applicant refers to Section 1.7 of the Outline Landscape and Biodiversity Strategy (OLBS)(document reference 6.10 submitted at Deadline 8) and associated management prescriptions referred to in this section. The exact location of specific woodland and associated management prescriptions are presented in Appendix 2, Figure 1 and 2 Outline Landscape and Biodiversity Strategy Management Plans for Option Bi) and Option Bii) of the OLBS.</p>
5	<p>SDNPA comments on Additional Viewpoint Location Plan and Additional Viewpoints Parts A and B (REP7-062 and REP7-063)</p> <p>The SDNPA welcome the additional viewpoints provided; viewpoint 1a and 1b from the south of Scotland Farm; 2 from Prew's Hanger; and 3a, 3b and 3c in the vicinity of the Haul Road layby opposite the site entrance and the site entrance itself. The Applicant has now provided wireframe images for 1a, 1b and 2, as well as assessing the likely effects and impacts on visual amenity. The applicant's assessment of the likely effects and impacts for viewpoints 1a, 1b and 2 is accepted by the SDNPA.</p> <p>The SDNPA asks why similar assessment work (i.e. the likely effects and impacts on visual amenity) has not been carried out for the additional viewpoints 3a, 3b, and 3c. As it stands there is no assessment for visual effects at the site entrance and the haul road layby area.</p>	<p>The Applicant notes SDNPA's comment that the Authority accept the likely effects and impacts for viewpoint 1b and 2, noting that only visualisations of the Proposed Development on the baseline photographs from new viewpoint 1b and 2 were requested based on Ex Q2 LV2.9.1 together with an assessment of effects for these viewpoints as referred to in the Applicant's Response to the Examining Authority's Further Written Questions LV2.9.1 (REP7-038).</p> <p>In terms of viewpoint 3a, 3b and 3c around the Access Road entranceway and the "Gated Link Road" at the junction of Broadway Lane and Day Lane, the visual impact was assessed as part of the LVIA (APP-130) and supporting Appendix 15.8 Assessment of Landscape and Visual Effects (APP-406). The nature of the effects is summarised in the post hearing notes as requested by the Examining Authority (document reference 7.9.44) and the Applicant's Written Summary of the Oral Case at Issue Specific Hearing 5 (AS-067).</p>
6	<p>SDNPA comments on the Design and Access Statement (REP7-021)</p> <p>1. In relation to paragraph 4.3.9.6, a separate call with SDNPA was undertaken on 4 December 2020 as the SDNPA's Landscape Consultant couldn't attend the earlier call with wider LPA attendance. In this paragraph under 'Comment' the SDNPA's view is more accurately reflected as the following (text additions in red for ease of reference):</p> <p><i>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 flexibility in choosing a suitable colour treatment where the built form is set against the sky, incorporating the paler colours, if deemed to be appropriate, identified in the previous iteration (24.11.20).</i></p> <p>2. Page 18 notes that the decision whether to select Option B i) or B (ii) for the Converter Station will be finalised following the grant of the Development Consent Order. SDNPA has stated previously that Option B (ii) is, without prejudice, our preferred option given its lower impact on existing vegetation and as it has slightly lower adverse impact in most views. Now that we are several months into the examination, it would be helpful if the applicant could confirm which Converter Station option is to be selected.</p>	<p>The Applicant has made revisions to the Design and Access Statement (document reference 5.5) to reflect the comments made by the SDNPA and this will be submitted at Deadline 8.</p> <ol style="list-style-type: none"> The Applicant has accepted and altered the wording in paragraph 4.3.9.6 to reflect the changes suggested by SDNPA, providing further flexibility in choosing a wider colour range and incorporating paler colours if deemed appropriate. In terms of page 18 of the DAS, we note that this reference related to the track changed version of the DAS (REP7-022) and for avoidance of doubt relates to paragraph 3.2.1.15. The Applicant notes SDNPA preference for Option Bii). The Applicant can advise that Requirement 5 of the dDCO [Document Reference 3.1 Rev 006] refers to both options, confirming that either option would need to be constructed within the relevant parameter plan zone listed in Table WN2, and as shown on the converter station and telecommunications building parameter plans listed in Schedule 7. With regards to the "track changed" page 75 which relates to paragraph 5.7.3.8, the Applicant has reviewed the comments and made the following addition to refer to woodland and individual trees as well as hedgerows/ hedgerow trees which will state: "Similarly replacement planting will be introduced in relation to woodland planting and individual trees where it will provide appropriate screening from sensitive receptors, enhance landscape character, increase landscape and ecological connectivity and improve biodiversity."

Ref:	Question:	Applicant's Comments
	<p>3. Page 75 makes no reference of woodland planting for Ash dieback – it only references hedgerows. We suggest that this be updated.</p> <p>4. With reference to page 80 it is recommended that, in light of recent evidence, ash dieback planting within woodlands and hedgerows be included as a new design principle.</p> <p>Other than this and without prejudice to our view that the landscape mitigation plans put forward by the applicant are inadequate, the SDNPA is content with the wording of the Design Principles for the Converter Station.</p>	<p>4. With reference to the “track changed” page 80 and SDNPA’s suggestion of a new design principle on ash dieback under paragraph 6.2.3, the Applicant has subsequently requested sight of the new suggestion which has been received and made some suggested amendments which were agreed with SDNPA. The Applicant has also consulted with WCC and EHDC to obtain agreement prior to including a new design principle into the DAS. The proposed design principle reads:</p> <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>
7	<p>SDNPA comments on the Day Lane Technical Note (REP7-046a)</p> <p>Road laybys are proposed which we understand lie within the highway boundary (and thus outside of the National Park). With reference to this change the Day Lane Technical Note makes no comment in respect of arboricultural or biodiversity matters, nor does it make any reference to impact on views.</p> <p>In respect of views Monarch’s Way runs across fields to the immediate north. Lorry movements during construction will have an adverse impact on views. It is accepted that the laybys themselves will not cause harm to views, however the laybys do represent a moderate erosion of the rural character of this lane. Will the applicant remove the laybys once they are no longer required?</p> <p>From a desktop study we would note the following in respect of arboricultural matters and the laybys proposed:</p> <ul style="list-style-type: none"> • Layby a: grass area only – no concerns in respect of trees • Layby b: tree RPAs may be affected – is there an arboricultural survey? • Layby c: narrow verge. Hedge RPA may be affected – <u>if</u> there is a ditch then is this affected? • Layby d: narrow verge: Tree and hedge RPAs may be affected – is there an arboricultural survey, unless there is a ditch. <u>if</u> there is a ditch then is this affected? 	<p>The Day Lane Technical Note (document reference 7.9.29) has been updated as part of Deadline 8 to reflect landscape, arboriculture and biodiversity matters and a further site survey undertaken on 16 February 2020, which reviewed the width of existing verges, proximity of trees and hedgerows with their associated RPAs in relation to the edge of the existing carriageway.</p> <p>In respect of views from the Monarch’s Way, recreational receptors utilising Monarch’s Way will experience a moderate-major adverse (significant) effect during construction. It should be noted that HGVs already utilise Day Lane and as such the oblique views from Monarch’s Way towards Day Lane are already degraded. When designing passing bays measures will be taken to retain the lane’s rural character by not introducing additional signage, road markings, kerbs and lighting. This will be reflected as a new design principle within the updated DAS to be submitted at Deadline 8. With regard to the permanence of the layby’s, the Applicant is amenable to removing the layby’s and has agreed to a form of section 278 agreement with HCC which would provide for their removal where HCC agree this with EHDC and SDNPA. It is HCC who are seeking these to be retained permanently, not the Applicant.</p> <p>No new significant effects on landscape and visual amenity will be generated through the loss of trees and hedgerows, since such features will be avoided through micro-siting and detailed design, informed by site surveys.</p> <p>The most recent survey indicates that passing bay 1/A can be micro-sited further east to avoid impacting on trees and where the verge is wider, and similarly passing bay 2/ B can be micro-sited further east to avoid mature trees. With regards to both passing bay 3/C and 4/D there is again sufficient room to accommodate the minor widening’s within the existing carriageway whilst avoiding impacts on adjacent trees / hedgerows. In terms of passing</p>

Ref:	Question:	Applicant's Comments
		<p>bay D it appears that the carriageway continues under the verge in some locations although this needs to be explored further post consent and as part of the detailed design. The presence of a ditch is recorded along the northern side of Day Lane which will be considered in relation to Passing bay A and D, noting that the ditch is located at least 1.5-2m from the edge of the existing carriageway and the ditch will not be affected.</p> <p>It should be noted that the locations of the passing bays referred to in the Technical Note are for indicative purposes only, and as stated previously through micro-siting and detailed design it is anticipated no trees or hedgerows will be lost, therefore avoiding landscape and visual impacts.</p>

Table 2.8 – Stagecoach South

Ref:	Question:	Applicant's Comments
	<p>I write regarding the above planning proposal and I note that it includes roadworks in both Waterlooville and Portsmouth.</p> <p>Stagecoach currently runs 76 buses from our depot in Portsmouth, principally on a number of high frequency bus services connecting Havant with Waterlooville and Portsmouth. Our bus services play a vital role in the community, helping to deliver economic growth and combating the climate emergency.</p> <p>The roadworks associated with this planning application have the potential to significantly impact the efficient operation of bus services and we are naturally concerned at this potential disruption and we must ensure that there are sufficient mitigation measures in place to cover the costs of any additional resources required to maintain punctuality and reliability of the bus service.</p> <p>The area has seen significant past investment in bus infrastructure through the A3 bus priority corridor and we are also now working with the Local Authorities to deliver a substantial and exciting package of Rapid Transit measures as part of the Transforming Cities Fund and it is vital that these investments are not undermined by the proposed Interconnector works.</p> <p>We have been working with Portsmouth City Council and Hampshire County Council to develop mitigation that allows us to still provide a reliable and punctual bus service during the proposed works. These mitigations concentrate on establishing suitable funding streams that will be drawn upon should the works cause us to deploy additional resource to maintain our services and to deliver an area wide marketing campaign, post works, should passenger numbers be adversely affected.</p> <p>Working with our Local Authority partners, the principle of the funding pots and trigger points have been agreed with Aquind and we are now working with Aquind on the details to be included in a S106 agreement and I trust that agreement on suitable and appropriate funds can be agreed.</p>	<p>Further to HCC's Deadline 7 response (REP7-085), the Applicant has met with First Group, Stagecoach, HCC and PCC on 11/02/21 to discuss the impact of the proposed works and how mitigation can be secured prior to the end of the examination.</p> <p>During this meeting a mitigation fund to be provided by the Applicant was discussed, which could be drawn upon by the bus companies to mitigate against reduction in bus service punctuality as a result of the construction of the Proposed Development within the highway.</p> <p>The Applicant and HCC, in collaboration with the relevant Bus Operators, have agreed to the provisions for a 'Bus Mitigation Delay Fund', which may be drawn down in the event it is evidenced certain measures of delay linked to traffic management associated with the works to deliver the onshore cables on the highway trigger the need for additional buses to be provided.</p> <p>The quantum of the fund has been determined on a worst case basis, identifying the cost for the provision of additional buses on the routes which have the potential to be directly impacted based on the number of weeks that works will be undertaken on the roads which coincide with the specified bus routes. A contingency fund is also provided for, for in the event of the works over-running beyond the reasonable worst case timescales reported in the Framework Traffic Management Strategy (AS-072).</p> <p>In addition to the 'Bus Mitigation Delay Fund', a 'Patronage Marketing Contribution' is also provided for. This may be drawn down where it is evidenced the increase in bus patronage for the specified routes which may be directly impacted by the works is a defined percentage less than analogous routes of the Bus Operators. By using analogous 'control' routes, it is possible to determine whether any lower level of increase is directly related to the construction of the Proposed Development.</p> <p>The quantum of the 'Patronage Marketing Contribution' has been negotiated by the Applicant, HCC and the Bus Operators, and is reasonably considered to represent an amount that would be required for a 6-12 month bus marketing campaign to increase bus patronage, which is what that contribution if drawn down must be spent on.</p>

Ref:	Question:	Applicant's Comments
		These matters are to be secured via the Hampshire County Council development consent obligation (document reference 7.5.25).

Table 2.9 – Winchester City Council

Ref:	Question:	Applicant's Comments
3	Socioeconomic Benefits to Denmead	
3.1	At D7 the applicant responded to ExAQ2 SE2.15.2. (REP7-038) This question sought an explanation for the predicted socio economic benefits to the rural settlements of Denmead and Anmore. The response did acknowledge the difficulty in setting out precise tangible benefits and talked of three areas, employment. Spending and support for community services. The applicant did generalise in identifying a number of local residents employed in construction and speculated that they could find work associated with the scheme. This attempted link is considered tenuous and lacks any depth of analysis of whether those people are working for the type of contractor who may tender for work on site. The degree of benefit from spending arising from purchases at local shops or from accommodation stays is also speculative. As the applicant intends to encourage contractors to use preferred routes to and from the site and these do not go through the village then the benefits from passing traffic will be limited.	As set out within the Environmental Statement - Volume 1 - Chapter 25 Socio-economics (APP-140) and our previous response to ExAQ2 SE2.15.2. (REP7-038) the construction of the project will generate employment, some of which is expected to be sourced from within the local labour market. As we have also set out, some associated spending impacts from construction workers including on accommodation are to be expected within the local economy. As the response to ExAQ2 SE2.15.2 also makes clear (REP7-038), it is not possible to be specific about how many of these benefits will be captured at very small spatial scales. It will depend on the decisions of individuals as well as contractors. However, in line with jobs and workers everywhere, it is reasonable to expect that some local people will be attracted to work on the project and some workers will choose to spend money close to where they work.
	The Council did raise questions over the degree the local community will benefit from the scheme in Section 4.6.18 of its Local Impact Report (REP1- 183). The applicant now seem to be acknowledging that the local benefits are not as clear as indicated earlier. Overall the response at ExAQ2 is considered to confirm the Councils view that the scheme will not benefit the local community to any recognisable degree. This position does support the Councils original desire to see the applicant contribute to a local legacy fund for the benefit of the local community. It is understood that some form of mitigation is being offered regarding landscape impacts in the National Park. Such an approach should also apply to the local community who will have to live and work in the shadow of the development for the next 40 years.	Environmental Statement - Volume 1 - Chapter 25 Socio-economics (APP-140) concludes that the impact on jobs is a minor beneficial effect and state that measures would be put in place to maximise the potential for workforce and supply chain to be sourced locally. Any mitigation or enhancement measures to be agreed relate to potential impacts caused by the construction or operational phase of the project. Mitigation measures have been designed into the construction management plan to reduce or avoid disruption to communities caused by the construction of the project. No adverse effects on communities have been assessed in relation to the operational phase of the development, therefore no additional mitigation in the form of a local legacy fund is required. Nonetheless, at the request of Winchester City Council, the Applicant has developed an Employment and Skills Strategy (REP7-077) to capture and foster opportunities for local employment and training during the construction phase of the Proposed Development. The Strategy includes opportunities such as advertising locally, commitment of the Contractor to apprenticeships, engagement with schools, and use of local resources and businesses.
4	Calcareous Grassland at Lovedean	
4.2	Of greater significance is the indication from the applicant that the Biodiversity Metric calculation that forms part of the Biodiversity Position Paper rev-002 (REP3-12) included an element that creates a flexibility which enables the grassland to be either calcareous or species rich and still result in a net gain. On that basis, even if the lesser valued grassland results, the scheme would still be acceptable and no additional	Noted. The Applicant confirms that the position outlined by Winchester City Council is correct.

Ref:	Question:	Applicant's Comments
	enhancement would be required. As this calculation was based on the Natural England formula, Winchester City Council is looking to them to make the final confirmation that the above assertion is correct.	
5	Kings Pond Meadow	
5.1	The Council has been in discussions with the applicant on the implications of the proposal on the Kings Pond Meadow SINC. The proposal would see a roadway and cable circuits crossing Field 8 East. (See Appendix 4 Figure 1 Denmead Meadows SINC REP7-071) This field is part of the SINC. The roadway links the Anmore Road access (AC/2/a) as shown on sheet 3 of the Access and Rights of Way Plans (REP7-008) through to the proposed HDD5 recovery compound in Field 13.	The Applicant has submitted a position paper on Kings Pond Meadow mitigation at Deadline 8 (document reference 7.9.47). This concludes the helpful discussion with Winchester City Council on this matter. The paper addresses all three points raised. These points are also subject to full detail within the Statement of Common Ground between the Applicant and Winchester City Council. Items 1 and 2 are agreed while the Applicant was unable to agree point 3.
5.2	<p>The discussions have reached a stage where the applicant is clarifying three issues:</p> <ol style="list-style-type: none"> 1. Why the pre commencement survey was removed from the proposals 2. The implications of the roadway being formed on mats over the ground 3. Clarification on the degree of control or influence the applicant will have on the management of the ground for the 5 years after the site is reinstated. <p>The Council hopes to report on a successful conclusion to those discussions once the above points are satisfactorily clarified.</p>	<p>The Applicants position on control or influence of management is that works would be undertaken to reinstate the land following them and they will undertake monitoring to confirm their successful establishment in so far as the land remains undisturbed by the landowner, but should the landowner choose to undertake activities on the land which otherwise result in the degradation of its quality that is their decision and that is not something connected to the impacts of our works, nor that it would be appropriate for the Applicant to control.</p> <p>The Applicant cannot control the land for a period which prevents the landowner from undertaking activities which they are lawfully able to do before the works and will be able to do after. This would be unreasonable to the landowner.</p> <p>However, to ensure habitats are successfully reinstated, the area of Field 8 East subject to removal and replacement of turves would be fenced off to allow them to reintegrate with the surrounding soils undisturbed by livestock. Fencing will be left in place through the winter wet period which has been highlighted as important to the maintenance of habitats in the area, and also through the plant growing season in spring and early summer following works to allow vegetation to regrow. Removal of fencing will take place at the end of July in the year following completion of works, which will ensure the land is returned to the current baseline in a proportionate manner. The Applicant considers the reinstatement would be achieved, appropriately secured and managed to deliver an acceptable restoration of the turves. However, the parties are unable to reach an agreement on point 3.</p>
6	Access Route for Traffic to Kings Pond Meadow Compound	
6.2	<p>In the assessment of the traffic route options the Council asks why the option of coming straight down the haul route has not been considered.</p> <p>This haul road will be formed alongside the cable circuits from Lovedean as far south as Anmore Road. The haul road could be extended, crossing Anmore Road and leading directly into the Kings Pond Meadow (KPM) site. This would avoid the need for any HGV traffic to enter the highway.</p>	<p>The corridor width is not sufficient for a construction corridor with a haul road in this location, with location of Hillcrest Children's Home also making such a strategy unsuitable.</p> <p>It also is also the case that the presence of a tree with a Tree Preservation Order, TPO (which would need to be removed to facilitate such a haul road) makes a continuous haul road to Kings Pond Meadows is not feasible (please refer to Tree Survey Schedule and</p>

Ref:	Question:	Applicant's Comments
	<p>Whilst the Order Limits do narrow as they run through the gap between the residential properties on the north side of Anmore Road, there does appear to be sufficient width to form a temporary roadway. It there is a concern over the available width, then attention to the sequence that the work is undertaken at KMP and in the fields to the north may resolve the issue.</p>	<p>Constraint Plans (REP7-037)- Sheets 11 to 12 of 41 and also Appendix C and Section 1.1 of Appendix D of the Arboriculture Report (APP-411)).</p>
6.3	<p>If the cross country route is not an option, then the option of Soake Road should be consider before Mill Road. Whilst the Council notes the assessment of Mill Road in terms of traffic numbers there does not appear to have been any assessment of the displaced car parking demand and how this would be satisfied within the surrounding area.</p>	<p>Soake Road was considered as a potential construction traffic route by the Applicant prior to submission of the Application. This assessment concluded that the route was unsuitable to accommodate HGV traffic due to its existing width.</p> <p>An assessment of displaced parking for Mill Road and Anmore Road has been completed within the Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy, noting that full suspension of on-street parking should only be required to accommodate the delivery of cable drums over the course of 1-2 weeks. This assessment showed that all displaced parking could be accommodated on surrounding roads within a 400m walk of their existing location.</p>
7	<p>Ash dieback</p>	
7.1	<p>The Council has noted the plans and documents submitted at D7 no longer show the addition of a new tree belt on the southern side of Mill Copse. The OLBS (REP7-24) shows than any references to the additional tree planting belt have been deleted (Section 1.7.6.43).</p> <p>This deletion has resolved the question raised by the Council at D7 on how the applicant was going to secure the management of this ground considering it was not included within the Order Limit. However, its removal has now raises a new question. If the landscape screening contribution that the additional planting was intended to form was considered an important element of the response to ash dieback in Mill Copse, how is its loss now justified without alternative remedial actions?</p>	<p>The Applicant refers to of its response in relation to this agenda item 4.2 within the Applicant's Written Summary of the Oral Case at Issue Specific Hearing 5 (AS-067) which explains why the 10m strip of planting has not been included in the Order limits and the extent to which this reduces the effectiveness of the additional visual mitigation identified to be in relation to ash dieback.</p> <p>The Applicant has now agreed heads of terms with the landowner to acquire an interest in the land with a view to providing the landscaping strip in the interests of enhancing the secured mitigation</p>
8	<p>Converter Station Micrositing Option</p>	
8.1	<p>The ExA will recall that the application has presented the two micro siting options of B(i) and B(ii) for the Converter Station. The applicant indicated a preference for option B(ii) that would see the Converter Station positioned closer to the existing substation with the positive outcome that an existing hedgerow with trees on the western side could then be retained. This feature would be lost with option B(i). The applicant indicated that discussion where ongoing with the National Grid with a view to signing off the agreement to allow option B(ii) to move forward as the adopted proposal, before the end of the Examination. The Council notes that these negotiations have not been concluded and wishes to express its view that these discussions should be resolved as a matter of urgency.</p>	<p>The Applicant notes this comment from WCC and as per the Applicant's Comments on Local Impact Reports (REP2-013) agrees that Option B(i) represents the worst case scenario in terms of landscape and visual effects and on landscape and visual grounds agrees that Option B(ii) is the more favourable option.</p>

Ref:	Question:	Applicant's Comments
		<p>The Applicant continues to engage with NGET to secure an Option Agreement over Plot 1-27 to enable the siting of the Converter Station for Option B(ii). Heads of Terms are at an advanced stage and the Applicant is awaiting feedback from NGET on a revised set of Heads of Terms recently submitted to address further feedback received from National Grid. It is however noted that National Grid have recently changed who is instructed to act on their behalf in relation to the lease option, which has inevitably caused delay to the option agreement being agreed.</p> <p>In the event the Applicant is able to secure an Option Agreement from NGET, the Applicant would be able to commit to siting the Converter Station in the Option B(ii) location. However, taking into account that the option agreement is not yet agreed, at this time the Applicant cannot commit to option B(ii) being the option which is implemented. The Applicant would be content to provide further updates in due course. The Applicant and NGET have not yet agreed Heads of Terms in relation to the land rights required over Plot 1-27, though discussions are at an advanced stage. The parties expect that Heads of Terms will be agreed shortly and expect the Option Agreement will be drafted and agreed in the 4-6 weeks following this.</p>
8.2	<p>In the event that the Examination closes with this matter unresolved, it is assumed that the ExA will consider the suitability of either option. The Council wishes to place on record its objections to option B(i) as this is considered to both result in the loss of a well-established landscape feature and open up the proposed Converter Station to view from the west. The full impacts of the loss of this feature were set out in Section 4.6.9 of the Council's local impact report (REP1-183).</p>	<p>The Applicant notes this comment and as referred to in the Applicant's Response to Written Questions (ExQ1) MG1.1.2 (REP1-01) state that "<i>Where the optionality between B(i) and B(ii) remains within the Application, we would expect the ExA to make a recommendation based on either option being used, taking into account the impacts of each, on the basis that this is what has been assessed and applied for.</i>"</p>
9	<p>Choice of Lovedean for the Connection to the Grid</p>	
9.1	<p>The Council notes the further letter from National Grid ESO dated 25 January 2021 and which is document REP7-109. The Council has read the letter several times. Unfortunately, it is not considered to provide the clear audit trail that was anticipated. If anything it confuses the matter as it states the applicant provided the planning and environmental considerations in the CION process.</p>	<p>Please see Consideration of Alternatives (Connections) which has been submitted as Appendix 6 to the Applicant's Post hearing notes (document reference 7.9.44.6). This provides further explanation of the Applicant's understanding of the reasons why the remaining 7 sub-stations from the long list of 10 identified for the consideration of a connection location for the Proposed Development were not taken forward for further consideration by NGESO.</p> <p>The Applicant specifically refers to the responses given to Agenda item 22 as documented in the ISH4 transcript (EV-079) and (AS-065) which confirms how the duty to consider the National Park has been discharged by both NGESO and the Applicant.</p>
10	<p>Access and Rights of Way Plans</p>	
10.1	<p>Following the decision to locate the HDD5 launch compound on the south side of Hambledon Road, the Council does not understand why the access reference AC3/a is still shown on sheet 3 of the most recent version of this set of plans (REP7-008). Presumably that is an oversight and it is requested that this is removed.</p>	<p>The Applicant can advise that access will still be required via AC3/a during the construction works. This access would not be for vehicle use, it will be for access on foot. A minimal area within the hedgerows will be required as an access point to this area. This will allow the contractor to survey the land between entry and exit points during the works for Bentonite breakout and if required perform necessary clean up.</p>

