



**AQUIND Limited**

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## **AQUIND INTERCONNECTOR**

Applicant's Written Summary of the Oral Case  
at Open Floor Hearing (OFH3) and Compulsory  
Acquisition Hearing 3 (CAH3)

The Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010, Rule 8(c)

Document Ref: 7.9.42

PINS Ref.: EN020022

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**DATE: 1 MARCH 2021**

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**AQUIND INTERCONNECTOR DCO**

**APPLICANT'S SUMMARY OF ORAL SUBMISSIONS AND COMMENTS ON THE ORAL  
SUBMISSIONS OF OTHER PARTIES**

**OPEN FLOOR HEARING 3**

**AND**

**COMPULSORY ACQUISITION HEARING 3**

**FRIDAY 19 FEBRUARY 2021**

## 1. INTRODUCTION

- 1.1 On 14 November 2019, AQUIND Limited (the '**Applicant**') submitted an application for the AQUIND Interconnector Order (the '**Order**') pursuant to section 37 of the Planning Act 2008 (as amended) (the '**Act**') to the Secretary of State ('**SoS**') (the '**Application**').
- 1.2 The Application was accepted by the Planning Inspectorate ('**PINS**') on 12 December 2019, with the examination of the Application commencing on 8 September 2020.
- 1.3 This document has been prepared following Open Floor Hearing 3 ('**OFH3**') and Compulsory Acquisition Hearing 3 ('**CAH3**') which took place on Friday 19 February 2021 and contains a summary of the Applicant's oral submissions at those hearings.
- 1.4 A number of the matters raised at OFH3 and CAH3 have been raised previously within the relevant representations and/or written representations made by Interested Parties during the examination. As a result, a number of these matters have been addressed by the Applicant and cross references to the relevant responses have been provided. Where new matters have been raised, these have been addressed specifically.
- 1.5 Where further information was requested by the Examining Authority at the hearings, that information is provided in the Applicant's post hearing notes (document reference 7.9.44).

## **2. HEARING PARTICIPANTS ON BEHALF OF THE APPLICANT**

2.1 In attendance at OFH3 and CAH3 on behalf of the Applicant was Mr Richard Glasspool.

2.2 The Applicant was represented at OFH3 and CAH3 by Simon Bird QC of Francis Taylor Building and Martyn Jarvis, Senior Associate of Herbert Smith Freehills LLP.

2.3 In addition, the Applicant was represented by the following specialists during OFH3 and CAH3:

2.3.1 Alan O’Sullivan of Avison Young: Alan is a Director in the Energy & Natural Resources team at Avison Young and holds a BSc (Hons) in Finance and a Post-Graduate Diploma in Surveying.

(A) Alan has over 12 years of experience advising on a wide range of property matters (land acquisition, disposals, easements, wayleaves, mineral rights, business rates, strategic advice, estates rationalisation, estate management, property management, due diligence) in relation to the energy and utilities industries for both public and private sector clients and is leading the acquisition of land and land rights for the Proposed Development.

2.3.2 Joshua Kauffman of WSP: Joshua is a Geotechnical Engineer at WSP in the Civil, Bridge and Ground team and holds a BSc (Hons) in Applied Geology and MSc in Geotechnical Engineering.

(A) Joshua has worked on the Project since November 2016, as part of the geotechnical team looking at the Onshore Cable Route and Converter Station and has worked under the guidance of chartered engineers throughout his involvement on the Project.

2.3.3 Silke Goldberg, Partner at Herbert Smith Freehills LLP.

(A) Silke is a solicitor qualified in England and Wales, the Republic of Ireland, Germany and France. Silke advises clients on all aspects of European and UK energy law and regulations. Silke has significant experience advising on interconnectors and other transmission and distribution systems. Silke is a professor at Queen Mary University of London where she teaches energy regulation as well as an affiliated professor with the University of Haifa. Silke is also the editor of the European Energy Handbook and regularly publishes on aspects of energy and climate change law.

2.3.4 Maritta Boden of WSP: Maritta is an Associate Director at WSP in the Landscape and Urban Design team.

(A) Maritta has been a Chartered member of the Landscape Institute since 1994 and an Associate member of the RTPI since 2009. Maritta holds a BA (Hons) in Landscape Architecture and a MSc in Environmental Impact Assessment (EIA) and has over 25 years’ experience in environmental consultancy covering landscape planning and design as well as environmental planning. Maritta has been the landscape lead on the Project since September 2017, advising on both Onshore UK and Onshore France elements of work covering the Converter Station, Onshore Cable Route and Landfall and has attended many of the public consultation and engagement events with local planning authorities.

2.3.5 Hamid Mojtabavi of WSP: Hamid is an Associate Director in the Civil and Structural Engineering team at WSP.

(A) Hamid is a Chartered Engineer, having been a member of the Institution of Structural Engineers and Engineering Council since 2013 and a Member of the Association for Project Management since 2019. Hamid holds a BSc (Hons) in Civil Engineering and MSc in Structural Engineering and his responsibilities include the role of project manager and technical design lead in relation to large capital multi-disciplinary power, energy, industrial and commercial projects. Hamid has over 18 years’ experience as a consulting engineer and has worked on the

Project since October 2018 as the Civil and Structural technical lead focusing on the development of the Converter Station Area.

2.3.6 Ian Ellis of WSP: Ian Ellis is an Associate Director in the Ecology Team at WSP.

(A) Ian holds a Masters in Research in Ecology and Environmental Management and is a full member of the Chartered Institute of Ecology and Environmental Management. Ian has 18 years' experience in environmental consultancy and has provided expert witness in ecological matters at both DCO Issue Specific Hearings and public inquiries. Ian has been the Ecology Lead on in relation to the Application since December 2018 which has involved the management of the ecology chapter of the Environmental Statement. Ian is also the lead author of the onshore elements of the HRA report for the Project.

3. **OPEN FLOOR HEARING 3**

Key concerns raised in oral representations	Applicant's response
<b>Geoffrey and Peter Carpenter</b>	
<p>1. Significance of Stoneacre Copse to family.</p>	<p>Please refer to the Applicant's response to the Deadline 7 submissions made on behalf of Mr G Carpenter and Mr P Carpenter (REP7c-012 and REP7c-014).</p> <p>The Applicant acknowledges that the land is of significance to the family and continues to engage with the landowners to explore options for compensation through a voluntary agreement.</p> <p>In relation to the concerns raised in relation to access, the landscaping rights that the Applicant is seeking in respect of woodland management will not prevent the Affected Party's access. The Affected Party will continue to be able to access Stoneacre Copse from the farm track which runs along its eastern edge from the retained land to the south.</p>
<p>2. Last minute changes.</p>	<p>The proposed changes to the Order Limits are required to address the impact of progressive ash-dieback disease and the consequential effect on the landscape and visual impacts of the converter station.</p> <p>In response to concerns from the South Downs National Park Authority during the Examination, the Applicant surveyed the woodlands and discovered that the disease has spread more rapidly than expected when the Landscape and Visual Impact Assessment (LVIA) was undertaken between 2017 and 2019 (Chapter 15 of the ES (APP-130)).</p> <p>The changes are a direct result of ongoing consultation and appropriate survey work undertaken by the Applicant during the course of the Examination.</p>
<p>3. No consideration for landowners or alternatives.</p>	<p>The Applicant's Change Request 2 (AS-052 - AS-053) clearly sets out why the additional landscaping rights at Mill Copse and Stoneacre Copse are necessary.</p> <p>The woodland provides visual screening from residential properties off Broadway Lane and Broadway Lane (south) as well as recreational receptors to the east, south east and south. The woodland also serves a secondary function in providing a 'layering of woodland', partially screening views from more elevated positions and screening the existing Lovedean substation. It is therefore providing site specific mitigation.</p>

	Further, the Applicant has carried out a detailed alternatives assessment in relation to the Proposed Development (see ES Chapter 2 Consideration of Alternatives, APP-117, and Supplementary Alternatives Chapter, Appendix 3 of ES Addendum, REP1-152).
4. Engagement.	<p>Please refer to the Applicant's response to the submissions on behalf of Mr G Carpenter and Mr P Carpenter at Deadline 7 (REP7c-014).</p> <p>The Applicant has invested significant time and effort and negotiated in good faith with the Affected Party in an attempt to reach a private agreement and the Affected Party has mischaracterised the engagement by the Applicant and its representatives.</p> <p>As highlighted at the hearing, the Applicant was expressly instructed by the Affected Party not to contact them directly and for all information to go through their solicitors, which the Applicant has complied with following that clear instruction.</p>
5. Volume of documentation and contents not clear.	Due to the legal requirements associated with a DCO application, the nature of the Examination process and a project of this scale, a large volume of documentation (including documentation of a technical nature) is unavoidable.
6. Applicant will not take care of the land.	Requirement 8(3) of the draft Development Consent Order (REP7-013) requires all landscaping required in connection with the Converter Station to be retained, managed and maintained for the operational lifetime of the Project in accordance with the detailed landscaping scheme(s) approved.
7. Applicant cannot explain their position.	The Applicant has very clearly explained the position in relation to both change requests in the supporting documentation (see Change Request 1 (REP1-001 - REP1-002, REP3-019) and Change Request 2 (AS-051 - AS-055))
8. Stress and impacts on mental health caused by the Applicant.	The Applicant has sought to engage with landowners in the most meaningful and least impactful way. The Applicant has had a number of meetings with the landowners and their representatives to give them visibility of the Applicant's proposal as they have evolved over the past 4 years. The Applicant has also incorporated changes into the layout of the Proposed Development, for example moving the proposed location for the attenuation pond from land the landowners specifically wanted to retain.
9. Impact on farming business.	The Applicant has on a number of occasions requested further information from the landowners so that the impacts on the farming business can be assessed in more detail. On 03 November 2020 the Applicant requested a copy of the farm business accounts for the last three years or in the event farm business accounts are not produced, evidence of

	<p>the tax return made in relation to the farm. The Applicant also requested information as to whether the farm receives any grants under the Basic Payment Scheme or any other schemes. The Applicant is yet to receive a response and therefore maintains that the impacts on the farming business have been assessed correctly.</p>
<p><b>Henry Brice</b></p>	
<p>1. Applicant's approach to land valuation is flawed.</p>	<p>This is merely speculation on behalf of Mr. Brice. Avison Young, on behalf of the Applicant, has prepared the estimate of land acquisition costs. The estimate has been prepared by Alan O'Sullivan, a Director at Avison Young, who has carried out internal reviews with colleagues, as is both necessary and prudent, in advance of issuing Heads of Terms. The Applicant's offers made in respect of the landowners' land have been reviewed by, amongst others, Ms. Virginia Blackman. Ms. Blackman holds a BSc(Hons) in Rural Estate and Land Management, has been a Member of the Royal Institution of Chartered Surveyors since November 2000 and is a Registered Valuer. Ms. Blackman is also the National Head of the Site Assembly and Compulsory Purchase team at Avison Young.</p> <p>The landowner's representative has asserted that the Applicant's agent has based his offers on the figure of £1.08m listed in the title register for the landowners' property in Her Majesty's Land Registry. Practice guide 7: 'entry of price paid or value stated data in the register', updated 29 June 2020 states HMLR is under a statutory obligation under rule 8(2) of the Land Registration Rules 2003 to enter the price paid or a value, whenever practicable. Part 6 of Practice Guide 7 sets out the forms of entry when the exact price or value is known which includes entries in the form of "<i>The value stated as at [date of application] was £xxx.</i>" This is the exact form in which the entry made on the title register for the Affected Party's property has been entered on 13 August 2013.</p> <p>Notwithstanding this, the price listed in the Land Registry title register for the landowners' property is not the basis on which the offers in the Heads of Terms proposed by the Applicant have been made. The Applicant's agent has assessed national, regional and local data and has undertaken engagement with other agents practising in the Hampshire area to seek their views on local values to ensure the basis of the offers made were fair, reasonable and above market.</p>
<p>2. Engagement and failure to take "all reasonable steps".</p>	<p>Heads of terms were first sent to the landowners' representative on 09 March 2017 and the submissions made by the landowner's representative acknowledged that revised heads of terms have been sent to the Affected Party on a number of occasions. For the avoidance of doubt, the Applicant has provided Heads of Terms on the following dates; 09 March 2017,</p>

17 December 2017, 15 September 2018, 15 November 2018, 19 November 2019, 03 November 2020 and 21 January 2021.

The landowners' representative claim that each time revised heads of terms have been provided these constituted a new set of terms and required them to start their consideration again. The fact that heads of terms have been updated to reflect amendments to the scheme as a result of ongoing consultation, including to reflect feedback received from the landowners, such as in relation to the siting of the attenuation pond, is not unusual and is not something which affects the Applicant's case for compulsory acquisition.

It is also worth noting that the landowners' solicitor has requested that negotiations are taken forward between themselves and Herbert Smith Freehills (on behalf of the Applicant) and all documentation and discussions was to go through them, rather than the Heads of Terms continuing to be negotiated through land agents, as would be the normal manner in which discussions proceed.

In response to this request, the Applicant's solicitor has regularly requested updates from the landowner's solicitor, including requests for meetings to take place to discuss the heads of terms issued. The requests were made on 03 November 2020 on 18 November 2020, 2 December 2020, 4 December 2020 and 7 January 2021. To date the landowners' solicitors have not agreed to any meetings to discuss the Heads of Terms.

It should also be noted that the Heads of Terms sent to the landowner's representatives on 03 November 2020 made an offer in respect of being granted an easement over Stoneacre Copse. The correspondence to the landowner's solicitor stated '*You will note that the Heads of Terms also seek an easement over the area of Ancient Woodland at your client's property. This has been included following further engagement with South Downs National Park Authority and reflects a significant presence of Ash Dieback Disease (Hymenoscyphus fraxineus) in the local area.*'

It was only on 12 January 2021 that the landowner's legal representative responded to the Applicant stating that the parties are still far apart on a number of points in the Heads of Terms. Particular issues raised were the extent of land and rights sought and the scope of the DCO and CPO powers. The Applicant in response confirmed the land and rights which it is seeking to acquire is the land and rights that are required for the Proposed Development, it could not construct and operate the Proposed Development without such land and rights, and therefore the extent of the land and rights to be acquired was not a matter which remained open to negotiation at this late stage.

To avoid repetition, the Applicant has demonstrated the need for all relevant land and rights within the Order and has been attempting to secure the land and rights through negotiation

	<p>for approximately 4 years, has revised its plans to take into account and respond to feedback received from the landowner and has updated the Heads of Terms to reflect those discussions and revisions made.</p> <p>As is evident from the previous submissions made by the AP's representatives and as stated by the landowners' legal representatives on 12 January 2021, <i>'the parties are still far apart on a number of points in the Heads of Terms'</i>.</p> <p>The Applicant maintains that it has complied with, and continues to comply with, the relevant guidance at all times and it will continue to negotiate in good faith with the Affected Party in attempt to reach agreement. However, such agreement cannot be for less land and rights than are physically required to enable the construction, operation and maintenance of the scheme and must be assessed on a fair and reasonable basis.</p>
<p>3. Failure to reach voluntary agreements with landowners</p>	<p>The Applicant can confirm that of the 51 parties listed in the Statement of Reasons at Deadline 7, there are five parties from whom it is anticipated agreements will not be required, however they have been included to take a conservative approach in the event they may have rights within the Order Limits.</p> <p>Of the remaining 46 parties, heads of terms have been agreed with 10 parties, with legal drafting at various stages. This includes Winchester College whose land will accommodate approximately 1550m of the Onshore Cable Route, approximately 40% of the length of the access road, a significant amount of landscaping rights, and a significant proportion of the land required temporarily to support construction activities at the Converter Station Site. It also includes Network Rail Infrastructure Ltd, Highways England and the Secretary of State for Defence.</p> <p>There are a further 6 tenants of Portsmouth City Council where there has been a significant amount of engagement to date. Negotiations are either at an advanced stage with these parties or they have confirmed the Proposed Development won't have any impact on them and they have no objections. It is anticipated agreement with those parties will be secured through an Option Agreement with Portsmouth City Council, on the assumption Heads of Terms will be agreed with the Council as negotiations with the Council's agent are progressing well. The tenants may be party to the agreement or where they do not need to be party to the agreement it is likely their consent will be sought, should it be required.</p> <p>The Applicant is also at an advanced stage of negotiations with 15 other parties and it is anticipated a significant number of these will be finalised before or shortly after Deadline 9.</p> <p>There are 8 parties who are opposed to the Proposed Development or who are not engaging with the Applicant where securing voluntary agreement is likely to be more</p>

	<p>difficult. Notwithstanding this, the Applicant continues to engage with all parties to negotiate voluntary agreements wherever possible.</p>
<p>4. Constant threat of DCO and concerns in relation to the manner of negotiation carried out on behalf of the Applicant.</p>	<p>Please refer to the Applicant's response to the submissions on behalf of Mr G Carpenter and Mr P Carpenter at Deadline 7 (REP7c-014).</p> <p>The Applicant has invested significant time and effort and negotiated in good faith with the Affected Party in an attempt to reach a private agreement and the Affected Party has mischaracterised the engagement by the Applicant and its representatives.</p> <p>As highlighted at the hearing, the Applicant was expressly instructed by the Affected Party not to contact them directly and for all information to go through their solicitors.</p>
<p>5. Impacts on wellbeing.</p>	<p>The Applicant has sought to engage with landowners in the most meaningful and least impactful way. The Applicant has had a number of meetings with the landowners and their representatives to give them visibility of the Applicant's proposal as they have evolved over the past 4 years. The Applicant has also incorporated changes into the layout of the Proposed Development, for example moving the proposed location for the attenuation pond from land the landowners specifically wanted to retain.</p>
<p>6. Last minute decision to include Stoneacre Copse in the DCO.</p>	<p>As set out above, the proposed changes to the Order Limits are required to address the impact of progressive ash-dieback diseases and the consequential effect on the landscape and visual impacts of the converter station.</p> <p>In response to concerns from the South Downs National Park Authority during the Examination, the Applicant surveyed the woodlands and discovered that the disease has spread more rapidly than expected when the Landscape and Visual Impact Assessment (LVIA) was undertaken between 2017 and 2019 (Chapter 15 of the ES (APP-130)).</p> <p>The changes are therefore a direct result of ongoing consultation and appropriate survey work by the Applicant during the course of the Examination.</p>

#### 4. COMPULSORY ACQUISITION HEARING 3

### COMPULSORY ACQUISITION AND TEMPORARY POSSESSION POWERS

#### **Question 3.1**

***The Applicant to explain briefly how the Compulsory Acquisition and Temporary Possession powers within the dDCO relate to Change Requests 1 and 2.***

##### **Change Request 1**

- 4.1 Proposed Change I in Change Request 1 relates to the expansion of the Order Limits in respect of a small area of land (1457 square metres) towards the western edge of the football pitch at Baffins Milton Rovers FC (assigned plot number 8-03a). This addition is required simply to ensure an adequate working area is maintained following the proposed removal of land to the west of the pitch as an option for the cable route (Proposed Change H). The powers sought over this land are “New Connection Works Rights within Classes (a), (b), (c), (d), (e), (f), (g) and (h)”. This Proposed Change and was the subject of positive engagement with the football club as occupier.
- 4.2 Change Request 1 also involved changes to the rights sought over Plots within the existing Order limits at three locations (Proposed Changes N<sup>1</sup>, O<sup>2</sup> and P<sup>3</sup>). In each case the rights now sought (being new Access Rights and Temporary Use of Land Rights) are less extensive than those originally sought (new connection works rights).

##### **Change Request 2**

- 4.3 The land which is proposed to be added to the Order Land pursuant to Change Request 2 request is 24954 square metres of land comprising two areas of woodland adjacent to the existing Order Limits (Mill Copse and Stoneacre Copse), which has been assigned plot numbers 1-02a and 1-32a in the Book of Reference.
- 4.4 Plots 1-02a and 1-32a are proposed to be included within the Order Limits to mitigate the impact of progressive ash dieback disease on the landscape and visual impact of the proposed converter station from relevant receptors, by granting the Applicant the New Landscaping Rights (Classes (a), (b) and (c)) over these woodlands which will enable the Applicant to plant and manage these areas to maintain their visual screening function.
- 4.5 Please refer to the Applicant’s Change Request 1 (REP1-001, REP1-002, REP3-019) and Change Request 2 (AS-051 - AS-055) for further details relating to the rights sought and the reasons for the changes.

#### **Question 3.2**

***The Applicant to explain, in lay terms, how the Compulsory Acquisition and Temporary Possession powers within the dDCO relate to Plots 10-12 to 10-14b (the entrance, access tracks and allotment plots) at the Eastney and Milton Piece Allotments.***

##### **Plot 10-12 (Access road (unnamed, off Locksway Road, Portsmouth))**

- 4.6 New Access Rights within classes (a) and (d) are sought at this location to allow for access to the site for walkover surveys to maintain the cable once built.

##### **Plot 10-13 (Access tracks and hardstanding (Eastney and Milton Allotments, Portsmouth))**

- 4.7 The Applicant is seeking New Access Rights within class (h) over Plot 10-13 to allow access via foot over the internal pathway within the allotment. Allotment holders will

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<sup>1</sup> Plots 3-12 and 3-13 (Soake Farm)

<sup>2</sup> Plot 7-14 (Farlington Playing Fields Car Park)

<sup>3</sup> Plot 8-03 (Tudor Sailing Club Boat Yard)

continue to be able to use the pathways within the allotment site. Once the cable has been built, access will be required on foot for visual inspections

**Plot 10-14 (Allotments, access ways between allotments and subsoil below 2.5 metres below allotments and access ways (Eastney and Milton Allotments, Portsmouth))**

- 4.8 The Applicant requires Plot 10-14 for two purposes. At the surface, Temporary Use of Land rights over the surface only are required over the allotments in the unlikely event of a bentonite breakout. Secondly, New Connection Works Rights within Classes (a), (d) and (i) are required, but only in respect of the subsoil below 2.5 metres from the surface.

**Plot 10-14(a) and 10-14(b) (Access ways between allotments and subsoil below 2.5 metres below access ways (Eastney and Milton Allotments, Portsmouth))**

- 4.9 The rights over Plots 10-14(a) and 10-14(b) are the same, however they have been split into two separate plots as the internal pathways within the allotments are not joined. The Applicant requires Plots 10-14a and 10-14b for two purposes. At the surface, the Applicant is seeking New Access Rights within class (h) for access over internal pathways within the allotments. Allotment holders will continue to be able to use the pathways within the allotment site. Once the cable has been built, access will be required on foot for visual inspections. Secondly, New Connection Works Rights within Classes (a), (d) and (i) are required, but only in respect of the subsoil below 2.5 metres from the surface.

**Question 4.2**

***Interested Parties making relevant oral representations on Compulsory Acquisition and Temporary Possession powers within the dDCO at the request of the Examining Authority.***

- 4.10 Please see the response to the comments raised by Viola Langley under this agenda item in the table below.

**REPRESENTATIONS FROM AFFECTED PERSONS AND OTHER INTERESTED PARTIES**

Key concerns raised in oral representations	Applicant's response
<b>David Langley</b>	
<p>1. Concerns in relation to the use of drilling fluid and the risks of 'IR' (inadvertent release of drilling fluid).</p>	<p>The Applicant has responded directly to the concerns raised by Mr Langley in Appendix D of the Applicant's Response to Deadline 7 and 7a Submissions (REP7c-016).</p> <p>Please also refer to the Bentonite Breakout Note (REP7-043) which describes what bentonite is, the likelihood of a breakout occurring, the mitigation measures advised to be put in place and the clean-up procedure advised should a breakout event occur.</p>
<p>2. Potential of drilling fluid to cause harm to children, pets or flora and fauna.</p>	<p>The Applicant can advise that there is no risk of harm being caused by drilling fluid, bentonite, to children, pets or flora and fauna.</p> <p>The Applicant can further advise to comply with the relevant regulations manufacturers produce safety data sheets (SDS), which are then used by the employer to produce the material safety data sheets (MSDS). The MSDS is a requirement under Construction Design &amp; Management Regulations 2015 (CDM 2015) to ensure persons using the products and people who come into contact with the product do not come to harm. In this instance bentonite is a mined naturally occurring clay. The bentonite is delivered to site in sealed one tonne bags or 25 kg bags in a dry state, the dry bentonite is then placed in mix tanks which hold water to create the wet clay which is termed drill fluid or slurry within the industry.</p> <p>The MSDS states:</p> <ul style="list-style-type: none"> <li>• Classification Regulation (EC) No 1272/2008: not hazardous (This is the label seen on products, i.e., bleach would read 'corrosive')</li> <li>• Accidental Release measures: Environmental Risk: Non-toxic, cleaning up: Sweep or vacuum up and dispose of as non-toxic waste</li> <li>• Toxicological information: Ingestion: Orally non-toxic</li> <li>• Substances: Consists mainly of montmorillonite with less than 10% accessory minerals (quartz, feldspar, mica and calcite) Respirable Crystalline Silica (&lt;7.1u</li> </ul>

	<p>micro-10<sup>-6</sup>) may be present at less than 1% and therefore not classified as hazardous</p> <p>The Bentonite Breakout Note (REP7-043) includes material datasheets which identify the material as non-hazardous.</p>
<p>3. 'It's easy to dismiss the risk if you are a contractor, who ultimately will use whatever it takes to get the cables under or through the allotment areas on time in budget'</p>	<p>The standards to which the construction contractors must adhere are set out in a range of control documents that themselves will form part of legally binding Requirements as part of the DCO. The control documents cover matters including construction environmental management, construction traffic management, landscape and biodiversity management. The horizontal directional drilling to install the cables beneath the allotments forms part of the DCO proposal, and other methods will not be permissible at that location. This is specifically to protect the allotment area.</p> <p>The Applicant can advise and confirm that at construction stage, the Applicant will be obliged to ensure the CDM 2015 regulations are adhered to.</p> <p>The Applicant can further advise that The Health and Safety at Work Act. 1974 places a duty on employers to take reasonably practicable steps to ensure the health and safety of people who are not in their employment, such as members of the public.</p> <p>The contractor will, and moreover will be required to, undertake the works in a responsible and safe manner.</p>
<p>4. Drainage issues within the allotments.</p>	<p>Surface water drainage impacts and residual effects have been considered as part of ES Chapter 20 (Surface Water Resources and Flood Risk) (APP-135) which has been informed by the Flood Risk Assessment ("FRA") (APP-439). Both ES Chapter 20 and the FRA have informed the proposed environmental management mitigation measures and construction principles contained within Section 5.7 of the Onshore Outline Construction Environmental Management Plan (OOCEMP) (document reference 6.9 submitted at Deadline 8).</p> <p>Amongst a number of other measures these embedded construction principles within Section 5.7 of the OOCEMP (document reference 6.9 submitted at Deadline 8)) relate to maintaining surface water drainage and overland flow with no increase to flood risk and providing suitable and proportionate pollution prevention measures. In accordance with the dDCO (document 3.1 submitted at Deadline 8) works cannot commence until a construction environmental management plan relating to that phase of works has been submitted to and approved by the relevant planning authority which accords with the OOCEMP.</p>

	As HDD-2 will be drilled at a depth of 15 m below ground surface level under the allotments off Meryl Road, there is no impact expected to occur during the construction phase to any near-surface shallow groundwater/drainage concerns. Additionally, no change in the local groundwater level in the operation phase is anticipated to occur as a result of the installation of the HVDC cables.
5. Adverse impacts.	As confirmed by Mr Jarvis at the hearing, it is not anticipated that any of the circumstances referred to by Mr Langley are likely to arise. The risk of bentonite breakout is very low, and any breakouts will be cleaned up and a no visible trace approach is to be adopted.
<b>Janice Burkinshaw</b>	
1. Increased pressure on Portsmouth's infrastructure, particularly traffic congestion along the eastern road.	The Applicant has assessed the impacts associated with construction of the Onshore Cable Route and concluded that there will be localised areas on the highway network that experience an increase in traffic levels and associated congestion as a result of the construction of the Proposed Development. However, any impacts are temporary in nature and will be mitigated through measures set out within the updated Framework Traffic Management Strategy (AS-072), updated Travel Demand Management Strategy (REP7-079) and updated Framework Construction Traffic Management Plan (AS-074). These measures have been agreed with Portsmouth City Council in their role as Highway Authority as set out in the Statement of Common Ground (REP6-043).
2. The UK has stated its intention to switch resources to green sources of energy with the potential to make new supply to Lovedean unnecessary.	<p>The needs and benefits of 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 (REP7-064).</p> <p>As set out in the Needs and Benefits Second Addendum (REP7-064) the Energy White Paper: Powering our Net Zero Future published by the Government in December 2020:</p> <ul style="list-style-type: none"> <li>• confirms the future increase in electricity demand to meet net zero commitments;</li> <li>• recognises the role of interconnectors in delivering flexibility and integration of renewable sources;</li> <li>• recognises the benefits of greater levels of interconnection on decarbonisation (by up to 199MtCO<sub>2</sub>e by 2050);</li> </ul>

	<ul style="list-style-type: none"> <li>states that Government will work with Ofgem, developers and European partners to realise at least 18GW of interconnector capacity by 2030 (from the current capacity of 5GW).</li> </ul>
3. Environmental and health concerns.	<p>Chapter 30 of the Environmental Statement (Summary and Conclusions, APP-145), clearly sets out the residual environmental effects for each topic. The SoS will take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels when making a decision as set out in paragraph 4.1.3 of the Overarching National Policy Statement for Energy (EN-1).</p> <p>The impacts on health have been carefully taken into account and the findings are assessed in Chapter 26 (Human Health, APP-141) of the Environmental Statement and Public Health England have confirmed they are content that the Proposed Development does not give rise to health issues.</p>
4. Southern Water pipe installation resulted in liquid mud close to the surface of the allotments.	The technique used to create the Southern Water large diameter transfer tunnel was a tunnel boring machine (TBM). The technique of TBM is vastly different from the horizontal directional drilling (HDD), therefore, the generation or encountering of 'liquid mud' is not a risk which is foreseeable for the HDD.
5. Concern that HDD drilling will remove roots from plants trees, and affect installations on the plots	The drilling at the location of the allotments off Meryl Road (HDD-2) will install a bore approximately 15 m below ground surface, which will be well below any tree roots, therefore there will be no impact to them or the allotment plots.
6. Concerns in relation to alternatives.	The Applicant has undertaken rigorous alternatives assessment and reasons for the chosen route are set out in detail in the Environmental Statement, Chapter 2 Consideration of Alternatives (APP-117), and the Supplementary Alternatives Chapter, Appendix 3 of Environmental Statement Addendum (REP1-152).
<b>Viola Langley on behalf of Jenny Wood</b>	
1. Drilling under the allotment site could potentially contaminate the soil and destroy wildlife habitats that have taken years to create.	HDD drilling at the allotments will allow the cable to be constructed without it coming into contact with, or affecting, wildlife habitats or soils. The depth at which the cable is to be drilled places it well below vegetation and the soil in which it grows, and as a consequence also below the habitats used by animals. The use of HDD at the allotments will separate the construction of the cable from wildlife habitats and soils there, avoiding effects on these features.

2. People could lose their sheds and vegetation.	HDD drilling will be used to install the cable beneath the allotments so as to avoid any surface impacts over the allotments. There would be no removal of sheds or vegetation.
3. Loss of green spaces and impacts on health and wellbeing.	The impacts on health has been carefully taken into account and the findings are assessed in Chapter 26 (Human Health, APP-141) of the Environmental Statement and Public Health England have confirmed they are content that it does not give rise to health issues.
<b>Ellie Milner on behalf of Robert Milner</b>	
1. Impacts on health and wellbeing.	<p>HDD drilling will be used to install the cable beneath the allotments so as to avoid any surface impacts over the allotments. There would no restriction on access for allotment holders, or removal of their plots or structures.</p> <p>The impacts on health has been carefully taken into account and the findings are assessed in Chapter 26 (Human Health, APP-141) of the Environmental Statement.</p>
2. Concerns in relation to habitat destruction.	HDD drilling at the allotments will allow the cable to be constructed without it coming into contact with, or affecting, habitats and the wildlife that they support. The depth at which the cable is to be drilled places it well below vegetation and the soil in which it grows, and as a consequence also below the habitats used by animals. The use of HDD at the allotments will separate the construction of the cable from the habitats there, avoiding any and all habitat destruction.
3. Who will benefit from this Project?	<p>The needs and benefits of 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 (REP7-064).</p> <p>As set out in the Needs and Benefits Second Addendum (REP7-064) the Energy White Paper: Powering our Net Zero Future published by the Government in December 2020:</p> <ul style="list-style-type: none"> <li>• confirms the future increase in electricity demand to meet net zero commitments;</li> <li>• recognises the role of interconnectors in delivering flexibility and integration of renewable sources;</li> <li>• recognises the benefits of greater levels of interconnection on decarbonisation (by up to 199MtCO<sub>2</sub>e by 2050);</li> </ul>

	<ul style="list-style-type: none"> <li>states that Government will work with Ofgem, developers and European partners to realise at least 18GW of interconnector capacity by 2030 (from the current capacity of 5GW).</li> </ul>
<b>Alison Gregory on behalf Claire Camden</b>	
1. Laying a massive pipeline through the allotments would cause a lot of stress and allotment holders “need every centimetre” of their allotment.	HDD drilling will be used to install the cable beneath the allotments so as to avoid any surface impacts over the allotments. There would no restriction on access for allotment holders, or removal of their plots or structures.
2. Allotments are vital to physical and mental wellbeing.	As noted above, HDD drilling will be used to install the cable beneath the allotments so as to avoid any surface impacts over the allotments. There would no restriction on access for allotment holders, or removal of their plots or structures.  The impacts on health has been carefully taken into account and the findings are assessed in Chapter 26 (Human Health, APP-141) of the Environmental Statement.
3. Negative impacts on local wildlife	HDD drilling at the allotments will allow the cable to be constructed without it coming into contact with, or affecting, local wildlife. The depth at which the cable is to be drilled places it well below vegetation and the soil in which it grows, and as a consequence also below the habitats used by animals. The use of HDD at the allotments will separate the construction of the cable from local wildlife, avoiding negative impacts on such features.
4. Reference to nuclear energy “ripping through allotment”.	The cable will not be “ripping through” the allotments as drilling will take place beneath the surface. The reference to nuclear energy is not considered a relevant planning matter however for the avoidance of doubt the Applicant notes that the cable complies with all relevant guidance and Public Health England have confirmed they are content that it does not give rise to health issues.
5. Query from the Examining Authority in relation to Claire Camden not being included within Plot 10-12 of the Book of Reference	Ms Claire Camden was included within the Book of Reference in Plots 10-13, 10-14, 10-14a and 10-14b however was missed from Plot 10-12. The Book of Reference submitted at Deadline 8 has been updated to include Ms Camden’s interest as holding rights within Plot 10-12.

<b>Annette Hassett on behalf of Susan Caffrey</b>	
1. The Project will cause damage to the allotments.	HDD drilling will be used to install the cable beneath the allotments so as to avoid any damage to the allotments.
2. The Project will cause mayhem along Eastern Road.	The Applicant has assessed the impacts associated with construction of the Onshore Cable Route and concluded that there will be localised areas on the highway network that experience an increase in traffic levels and associated congestion as a result of the construction of the Proposed Development. However, any impacts are temporary in nature and will be mitigated through measures set out within the updated Framework Traffic Management Strategy (AS-072), updated Travel Demand Management Strategy (REP7-079) and updated Framework Construction Traffic Management Plan (AS-074).
1. "There has been no report on possible health issues that could arise".	impacts on health have been carefully taken into account and the findings are assessed in Chapter 26 (Human Health, APP-141) of the Environmental Statement and Public Health England have confirmed they are content that it does not give rise to health issues.
2. Air quality will be at dangerously high levels.	<p>Air quality has been assessed in the Environmental Statement Air Quality Chapter (REP1-034), supported by sensitivity testing on AQMA 9 (REP1-078) and subsequent testing on the impacts of Clean Air Zone (REP7-072). The Clean Air Zone was approved in November 2020 and is proposed to be operational in late 2021.</p> <p>The Applicant acknowledges there are areas of Portsmouth where nitrogen dioxide pollution is currently at an unacceptable level, and these are described in the Portsmouth City Council 2019 Air Quality Local Plan. Furthermore, the latest Portsmouth City Council 2020 Air Quality Annual Status Report submission, approved by the government, provides monitored results for 2019 which indicate that levels remain high in some locations. It should be noted however, that Portsmouth is subject to an improving trend in pollution overall and the Air Quality Local Plan indicates that compliance with the EU Limit value for nitrogen dioxide will be achieved in 2022 on the local road network with the Clean Air Zone in place. The Proposed Development has been designed to ensure that compliance not hindered and as such has been subject to rigorous assessment following best practice assessment techniques.</p> <p>The effects of the Proposed Development on local air quality in the City of Portsmouth have been assessed through dispersion modelling following established methods detailed by the UK Government, the Institute of Air Quality Management and</p>

	<p>Portsmouth City Council. An assessment of the risk from construction dust was also undertaken following a procedure described by the Institute of Air Quality Management which is accepted as valid in the UK planning system. All of the methodologies used were agreed by Portsmouth City Council.</p> <p>Construction of the Proposed Development will require road closures and diversions which will temporarily re-direct road traffic and lead to areas of congestion. It is planned, through the Framework Transport Management Plan, that such traffic management will be required for approximately 17 weeks during the construction year. Although traffic redistribution will cause both adverse and beneficial impacts on air quality, the impact of the Proposed Development was generally assessed as negligible. The Applicant emphasises that these assessed effects, particularly the effects on diverted traffic, are temporary for the period of construction only. It is expected that following construction traffic levels will return to previous levels, and that overall air quality will not be permanently affected.</p> <p>The Proposed Development will therefore not inhibit compliance with the EU Directive on the local and strategic road network or impact the long-term trend of improving air quality across Portsmouth.</p>
<p>3. The Project is “at odds” with Government policy and will cause only great damage to our city.</p>	<p>As set out in the Needs and Benefits Second Addendum (REP7-064) the Energy White Paper: Powering our Net Zero Future published by the Government in December 2020:</p> <ul style="list-style-type: none"> <li>• confirms the future increase in electricity demand to meet net zero commitments;</li> <li>• recognises the role of interconnectors in delivering flexibility and integration of renewable sources;</li> <li>• recognises the benefits of greater levels of interconnection on decarbonisation (by up to 199MtCO<sub>2e</sub> by 2050); and</li> <li>• states that Government will work with Ofgem, developers and European partners to realise at least 18GW of interconnector capacity by 2030 (from the current capacity of 5GW).</li> </ul> <p>The Environmental Impact Assessment has assessed the potential environmental effects caused by the Proposed Development. The majority of significant effects as summarised in the Non-technical Summary (REP1-079) occur during the construction Stage and relate to impacts such as noise, traffic and loss of recreational space at some locations. Effects during construction are temporary and land within the Onshore Cable Corridor will be reinstated (Para 6.3.2.1 in the OOCEMP (document reference 6.9 submitted at Deadline 8) and dDCO Requirement 15 (document 3.1</p>

	<p>submitted at Deadline 8). The only residual negative effect for Portsmouth once the Onshore Cable Route is constructed is at the landfall at Eastney, which will have effects on landscape and related impact on amenity value and residents for up to 10 years while planting matures. Impacts at decommissioning are predicted to be similar to those during construction.</p>
<p>4. There has been no dialogue by the Applicant on these issues.</p>	<p>The Applicant has carried out a rigorous consultation process that accords with s.42, 47 and 48 of the Planning Act 2008, as recognised by the acceptance of the application by PINS on 12 December 2019.</p> <p>As set out in the Rule 17 letter to the Planning Inspectorate, the Applicant explained the diligent inquiry process undertaken prior to the DCO application to identify allotment holders at Eastney and Milton Allotments, no response was received at the time. The process is listed below for reference:</p> <ul style="list-style-type: none"> <li>• Purchase and interrogation of HM Land Registry Official Copy Registers and Title Plans to identify all relevant freehold, leasehold, mortgagee, beneficiary, other charges, private rights or restrictive covenant information at Eastney and Milton Allotments;</li> <li>• Issue of a Land Questionnaire ('LIQ') dated 10th December 2018 to request information regarding Portsmouth City Council's own interests in land, associated third party interest and the spatial extent of the property including Eastney and Milton Allotments;</li> <li>• The erection of an 'unknown site notice' request for information at the entrance to the Eastney and Milton Allotments on 11th January 2019 to request information on the occupiers of the allotments. The notice included a map showing the land ownership boundary of the allotments and provided details of how to contact the Applicant's land team with any relevant information. This site notice was erected until 29th May 2019;</li> <li>• The erection of a section 48 consultation site notice at the entrance of the Eastney and Milton Allotments on 26th February 2019. This notice was erected until 29th May 2019;</li> <li>• Phone calls directly to Portsmouth City Council's dedicated allotment telephone number '023 9268 8070' on 30th April 2019, 14th May 2019 and 23rd May 2019; and</li> <li>• Issue of a Confirmation Schedule request for information dated 2nd October 2019 to request that Portsmouth City Council confirm the accuracy of the information</li> </ul>

	<p>on land interests, including Milton Piece Allotments, held by the Applicant prior to the submission of the DCO.</p> <p>Following notification to accept the application for Examination published on 12 December 2019, the Applicant erected a section 56 site notice at the entrance of the Eastney and Milton Allotments so as to notify allotment holders. This notice was erected from 03 January 2020 until 20 February 2020.</p> <p>Further to representations that have since been made by Portsmouth City Council and by allotment tenants during the course of the examination, the Examining Authority requested the Applicant to update the Book of Reference for the application to include the interests of the holders of allotments within the Order Limits, on the understanding that the allotment tenancies grant interests in land that is to be affected by the proposals. Correspondence and associated Land Interest Questionnaires were sent to all allotment holders via Portsmouth City Council on 27<sup>th</sup> November 2020. The Applicant has used the responses to the questionnaire to record the allotment holder land interest in the Book of Reference.</p>
<b>Paula Savage on behalf of Sydney Dooley</b>	
1. Stress and worry caused by the Project.	The Applicant has sought to engage with landowners in the most meaningful and least impactful way.
2. Concerns about the prospect of losing something that I live for every day.	HDD drilling will be used to install the cable beneath the allotments so as to avoid any surface impacts over the allotments. There would no restriction on access for allotment holders, or removal of their plots or structures.
3. The cable is useless to us and will not benefit us in any way.	The Needs and Benefits Report (APP-115) and Addenda (REP1-136, REP7-064) set out the benefits of interconnectors including cheaper electricity, flexibility of supply and integration of renewables, as well as socio-economic benefits.
4. Query from the Examining Authority in relation to Sydney Dooley not being included within Plot 10-14 of the Book of Reference.	Mr Sydney Dooley has not been included within Plot 10-14 of the Book of Reference as his allotment plot is located outside of the Order Limits. As such, Mr Dooley has been included within Plots 10-12, 10-13, 10-14a and 10-14b as holding rights listed as a Category 2 party within Part 1, Category 3 party within Part 2 and listed in Part 3 of the Book of Reference.

Jonathan Walker on behalf of Kirsten McFarlane	
1. The Applicants changes to the proposals, methodology and documentation is not adequate, constructive, fair or accurate.	The Applicant has followed the correct legal procedure in relation to the change requests. The documents submitted to request these changes are very clear and are accurate.
2. Quantity and quality of documentation.	The Applicant has made effort to present information in non-complex way but due to the statutory requirements, the nature of the Examination process and a project of this scale, the large volume of documentation (including documentation of a technical nature) is unavoidable.
3. Concerns that people have not been consulted upon properly satisfactorily or fairly.	<p>Every effort has been made to present information in a legible format that it easy to understand.</p> <p>The Applicant has carried out a rigorous consultation process that accords with s.42, 47 and 48 of the Planning Act 2008, as recognised by the acceptance of the application by PINS on 12 December 2019.</p> <p>As set out in the Rule 17 letter to the Planning Inspectorate, the Applicant explained the diligent inquiry process undertaken prior to the DCO application to identify allotment holders at Eastney and Milton Allotments, no response was received at the time. The process is listed below for reference:</p> <ul style="list-style-type: none"> <li>• Purchase and interrogation of HM Land Registry Official Copy Registers and Title Plans to identify all relevant freehold, leasehold, mortgagee, beneficiary, other charges, private rights or restrictive covenant information at Eastney and Milton Allotments;</li> <li>• Issue of a Land Questionnaire ('LIQ') dated 10th December 2018 to request information regarding Portsmouth City Council's own interests in land, associated third party interest and the spatial extent of the property including Eastney and Milton Allotments;</li> <li>• The erection of an 'unknown site notice' request for information at the entrance to the Eastney and Milton Allotments on 11th January 2019 to request information on the occupiers of the allotments. The notice included a map showing the land ownership boundary of the allotments and provided details of how to contact the Applicant's land team with any relevant information. This site notice was erected until 29th May 2019.;</li> </ul>

	<ul style="list-style-type: none"> <li>• The erection of a section 48 consultation site notice at the entrance of the Eastney and Milton Allotments on 26th February 2019. This notice was erected until 29th May 2019.;</li> <li>• Phone calls directly to Portsmouth City Council’s dedicated allotment telephone number ‘023 9268 8070’ on 30th April 2019, 14th May 2019 and 23rd May 2019; and</li> <li>• Issue of a Confirmation Schedule request for information dated 2nd October 2019 to request that Portsmouth City Council confirm the accuracy of the information on land interests, including Milton Piece Allotments, held by the Applicant prior to the submission of the DCO.</li> </ul> <p>Following notification to accept the application for Examination published on 12 December 2019 the Applicant erected a section 56 site notice at the entrance of the Eastney and Milton Allotments so as to notify allotment holders. This notice was erected from 03 January 2020 until 20 February 2020.</p> <p>Further to representations that have since been made by Portsmouth City Council and by allotment tenants during the course of the examination the Examining Authority requested the Applicant to update the Book of Reference for the application to include the interests of the holders of allotments within the Order limits, on the understanding that the allotment tenancies grant interests in land that is to be affected by the proposals. Correspondence and associated Land Interest Questionnaires were sent to all allotment holders via Portsmouth City Council on 27<sup>th</sup> November 2020. The Applicant has used the responses to the questionnaire to record the allotment holder land interest in the Book of Reference.</p> <p>An FAQ sheet was included within the questionnaire issued to all allotment holders in November 2020 which aimed at addressing some of the previous concerns surrounding the allotments and to confirm that there is no intention to impact on any of the allotment plots during the construction or operation of AQUIND Interconnector. The FAQ document also provided information as to why the Applicant was requesting information relating to their allotment and how that information would be used to inform the Book of Reference.</p>
4. Stress caused by the Project.	The Applicant has sought to engage with landowners in the most meaningful and least impactful way.

<p>5. All residents and businesses along the planned route including all of the city of Portsmouth should be considered as affected persons for the life of the Project.</p>	<p>“Affected Persons” are defined in the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 as “a person whose name has been given to the Commission in a notice under section 59 (notice of persons interested in land to which compulsory acquisition request relates)”.</p> <p>The construction of the Proposed Development will involve strictly temporary works associated with the installation of cables through the Portsmouth area. The nature of the works and the effects arising from them have been conveyed through engagement with the community starting with non-statutory consultation and public exhibitions during January 2018, the results of which were fed back into the scheme proposals. Statutory consultation took place between February and April 2019. Responses received at each stage were taken into account by the Applicant and fed back into preparation of the DCO application. Consultation activities, feedback, and the way feedback has been taken into account are all set out in the Stakeholder Report (APP-025) submitted with the DCO application in November 2019.</p>
<p>6. Poor communication with allotment holders.</p> <p>a. What has Applicant done to contact people who have moved to the area in past year?</p> <p>b. What about people who have only recently taken on allotment?</p>	<p>The Applicant has carried out a rigorous consultation process that accords with s.42, 47 and 48 of the Planning Act 2008, as recognised by the acceptance of the application by PINS on 12 December 2019.</p> <p>With regard to more recent correspondence with allotment holders, the Applicant has issued requests for information and when the applicant has been made aware of new persons it has updated the Book of Reference.</p> <p>The Applicant has made diligent enquiries to make contact with the allotment holders as listed under point 3 above.</p>
<p>7. Query from the Examining Authority in relation to Kirsten McFarlane not being included within Plot 10-14 of the Book of Reference</p>	<p>No Land Interest Questionnaire response was received from Ms Kirsten McFarlane and therefore the Applicant has not been made aware of the specific location of Ms McFarlane’s allotment plot. Ms McFarlane has been included within the Book of Reference since Deadline 5 (REP5-014) as holding rights within Plots 10-12, 10-13, 10-14a and 10-14b listed as a Category 2 party within Part 1, Category 3 party within Part 2 and listed in Part 3. Ms McFarlane was included in the Book of Reference following the publication of the Rule 8(3) Letter (PD-023).</p>
<p><b>Patrick O’Hara</b></p>	
<p>1. Flooding and climate change concerns</p>	<p>Consideration of climate change in accordance with Environment Agency latest guidance forms part of the Flood Risk Assessment (“FRA”) (APP-439) as detailed in</p>

	<p>Section 4. Due to the nature of the Proposed Development, there are only limited elements of infrastructure above ground during operation that have the potential to be impacted by, or impact, upon flood risk when considering the effects of climate change. The FRA, with consideration of climate change, has informed the proposed design principles embedded into the Design and Access Statement (REP7-021), including proposed surface water management of the Converter Station and tidal flood resilience and surface after management of the Optical Regeneration Stations.</p>
<p>2. Lack of detail in relation to Milton Common and HDD6</p>	<p>HDD 6 at Milton Commons is circa 65m in length from entry to exit, although comparatively short compared to other HDD's on the AQUIND project it still provides enough length for the drill path to reach competent ground for drilling.</p> <p>The Applicant has identified that the surface geology will be made ground. It is anticipated at this early stage of the project that the made ground will be cased through until the competent ground is reached. The casing provides a stable path for the drill to advance through and prevents the bore collapsing.</p>
<p>3. Lack of consideration for ground conditions along the route, including bore holes</p>	<p>As part of preliminary ground investigation in 2018 and Preliminary Infiltration Testing Survey in 2020 over one-hundred exploratory locations have been completed across the proposed route, these include targeted ground investigation namely at the converter station location, HDDs and landfall. The investigation also targeted areas to satisfy specific historical features, geologies and groundwater considerations. A general spatial approach was also adopted for the investigation to provide information along the entire route.</p> <p>The ground investigation included boreholes, trial pits and window samples which were supported by in-situ and laboratory testing. Additionally, geophysical surveys were completed in the vicinity of the converter station location.</p>
<p>4. Lack of consideration for historical landscape features (eg locks, early Victorian canals)</p>	<p>Detailed historic mapping is contained within Environmental Statement Addendum Appendix 17 (Historic Environment Desk Based Assessment Figures, Rev 001, Examination Library Ref. REP1-148). This includes the Ordnance Survey 1st edition 6": mile map of 1870 (Figure 10e) along with earlier small-scale historic mapping across the Order Limits.</p> <p>Although it is currently uncertain whether any below ground archaeological remains relating to the former Portsmouth &amp; Arundel canal or other late 19th century infrastructure survive within the Order Limits, based on the localised and likely shallow disturbance from cable trench installation, a programme of archaeological mitigation in the form of a watching brief during construction is considered appropriate</p>

	to mitigate any impact to potential archaeological remains. With respect to the proposed Horizontal Directional Drilling (HDD) in Section 9, based on the proposed depths (between 7.0–10.0mbgl), this is highly likely to be of a sufficient depth below any potential below ground archaeological remains.
5. Query from the Examining Authority in relation to Patrick O'Hara not being included within Plot 10-14 of the Book of Reference	Mr Patrick O'Hara has not been included within Plot 10-14 of the Book of Reference as his allotment plot is located outside of the Order Limits. As such, Mr O'Hara has been included within Plots 10-12, 10-13, 10-14a and 10-14b as holding rights listed as a Category 2 party within Part 1, Category 3 party within Part 2 and listed in Part 3 of the Book of Reference.
<b>Paula Savage on behalf of Rachel Lejean</b>	
1. Stress and upset caused by the Project.	The Applicant has sought to engage with landowners in the most meaningful and least impactful way.
2. It is distressing to think of the disruption that would be caused to the allotments.	HDD drilling will be used to install the cable beneath the allotments so as to avoid any surface impacts over the allotments. There would no restriction on access for allotment holders, or removal of their plots or structures.
3. The Project will bring more pollution as well as devastation and disruption to the allotment site.	<p>Air quality has been assessed in the Environmental Statement Air Quality Chapter (REP1-034), supported by sensitivity testing on AQMA 9 (REP1-078) and subsequent testing on the impacts of Clean Air Zone (REP7-072). In addition to air pollution from road traffic across the city, the scope of the air quality impact assessment work includes emissions from localised drilling activity which will be powered by diesel combustion. The Proposed Development has been designed to ensure minimal disruption to the users of Milton and Eastney allotments. This includes the use of HDD drilling beneath the allotments to minimise disruption to plots at the surface. The proposals do not include any changes to the allotment sizes. Furthermore, compliance with EU limit values for the protection of human health from emissions released by HDD activity has been assessed at the allotment following rigorous, best practice assessment techniques. Impacts of amenity from fugitive dust have also been assessment.</p> <p>The air quality effects of the Proposed Development on the allotment area can be seen on sheet 2 of Figure 23.15 (REP1-052) for the DS1 scenario and sheet 2 of Figure 23.16 (REP1-053) for the DS2 scenario. These figures show that there will be a temporary deterioration in concentrations of nitrogen dioxide of less than 1 µg/m<sup>3</sup> from a baseline of up to 13 µg/m<sup>3</sup>. This concentration is well below the EU limit value</p>

	<p>of 40 µg/m<sup>3</sup>. The deterioration will only occur during the construction period, with all works in this location scheduled to last for approximately 90 days with 12 hour working days to ensure the works are completed in the shortest possible time and pollution is minimised.</p> <p>The Proposed Development will therefore not cause non-compliance with the EU limit value for the protection of human health and has been designed to minimise disruption as far as is as practicable. The allotments will be afforded protection secured through the OOCEMP specific to the works required which includes measures commensurate to the risk of adverse impacts for this part of the construction route. These measures are shown in Table 36 of Environmental Statement Air Quality Chapter 23 (REP1-034), Appendix 23.3 for section 9 Moorings Way to Bransbury Road in which the allotments are situated.</p> <p>With the proper implementation of such measures, impacts on amenity and human health will be negligible at the allotment site.</p>
4. Environmental damage.	Chapter 30 of the Environmental Statement (Summary and Conclusions, APP-145), clearly sets out the residual environmental effects for each topic. The SoS will take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels when making a decision as set out in paragraph 4.1.3 of the Overarching National Policy Statement for Energy (EN-1).
5. Query from the Examining Authority in relation to why Ms Rachel Lejean was not included within the Book of Reference.	Ms Rachel Lejean has not been included within the Book of Reference as the Applicant has not received a response to the Land Interest Questionnaire circulated to all allotment holders on 27 <sup>th</sup> November 2020 and was therefore not aware of the interest in land.
<b>Viola Langley</b>	
1. Environmental concerns.	Chapter 30 of the Environmental Statement (Summary and Conclusions, APP-145), clearly sets out the residual environmental effects for each topic. The SoS will take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels when making a decision as set out in paragraph 4.1.3 of the Overarching National Policy Statement for Energy (EN-1).
2. The Interconnector will cause nothing but damage to biodiversity and allotments.	HDD drilling will be used to install the cable beneath the allotments so as to avoid any surface impacts over the allotments. There would no restriction on access for allotment holders, or removal of their plots or structures.

	<p>In addition, HDD drilling will allow the cable to be constructed without it coming into contact with, or affecting, habitats and the wildlife that they support. The depth at which the cable is to be drilled places it well below vegetation and the soil in which it grows, and as a consequence the biodiversity supported by the allotments. The use of HDD at the allotments will separate the construction of the cable from biodiversity, avoiding effects such features.</p>
<p>3. Inconsistency with Defra report on The Economics of Biodiversity.</p>	<p>The Economics of Biodiversity (authored by Professor Sir Partha Dasgupta, University of Cambridge) is a review that calls for changes in how we think, act and measure economic success to protect and enhance our prosperity and the natural world. The framework presented by the review sets out how we should account for nature in economics and decision-making.</p> <p>Through the use of HDD at the allotments, the cable will be installed avoiding all surface impacts. Wildlife and the habitats that support them, the elements of the natural world referenced in Professor Dasgupta's review, will not be affected. Thus, the Applicant does not accept that the Proposed Development is inconsistent with the Defra report on The Economics of Biodiversity. Avoidance of effects on nature within the allotments has been central to the decision making process of designing the Proposed Development.</p>
<p>4. Brent Geese will be disturbed.</p>	<p>HDD drilling of the cable underneath the allotments will prevent work from coming into contact with Brent Geese, and thus they will not be disturbed. Launch and reception compounds on the surface adjacent to Langstone Harbour where Brent Geese are found will be required to operate the HDD. Assessment work undertaken by the Applicant (Environmental Statement Chapter 16 Onshore Ecology; APP-131) demonstrates that by planning work with consideration of brent geese disturbance will be avoided.</p>
<p>5. Impacts on green spaces.</p>	<p>The Applicant has sought to avoid green spaces and recreational spaces and has made use of HDD where it can. For example, Milton Lock Nature reserve, Eastney beach and the Milton allotments. The Applicant has also sought to avoid playing spaces. It recognises there will be some impacts but these have been assessed, with mitigation provided for through the OOCEMP (document reference 6.9 submitted at Deadline 8).</p> <p>As explained above, HDD drilling will be used to install the cable beneath the allotments so as to avoid any surface impacts over the allotments.</p>

<p>6. Poor communication with allotment holders and inadequate consultation.</p>	<p>The Applicant has carried out a rigorous consultation process that accords with s.42, 47 and 48 of the Planning Act 2008, as recognised by the acceptance of the application by PINS on 12 December 2019.</p> <p>As set out in the Rule 17 letter to the Planning Inspectorate, the Applicant explained the diligent inquiry process undertaken prior to the DCO application to identify allotment holders at Eastney and Milton Allotments, no response was received at the time. The process is listed below for reference:</p> <ul style="list-style-type: none"> <li>• Purchase and interrogation of HM Land Registry Official Copy Registers and Title Plans to identify all relevant freehold, leasehold, mortgagee, beneficiary, other charges, private rights or restrictive covenant information at Eastney and Milton Allotments;</li> <li>• Issue of a Land Questionnaire ('LIQ') dated 10th December 2018 to request information regarding Portsmouth City Council's own interests in land, associated third party interest and the spatial extent of the property including Eastney and Milton Allotments;</li> <li>• The erection of an 'unknown site notice' request for information at the entrance to the Eastney and Milton Allotments on 11th January 2019 to request information on the occupiers of the allotments. The notice included a map showing the land ownership boundary of the allotments and provided details of how to contact the Applicant's land team with any relevant information. This site notice was erected until 29th May 2019.;</li> <li>• The erection of a section 48 consultation site notice at the entrance of the Eastney and Milton Allotments on 26th February 2019. This notice was erected until 29th May 2019.;</li> <li>• Phone calls directly to Portsmouth City Council's dedicated allotment telephone number '023 9268 8070' on 30th April 2019, 14th May 2019 and 23rd May 2019; and</li> <li>• Issue of a Confirmation Schedule request for information dated 2nd October 2019 to request that Portsmouth City Council confirm the accuracy of the information on land interests, including Milton Piece Allotments, held by the Applicant prior to the submission of the DCO.</li> </ul> <p>Following notification to accept the application for Examination published on 12 December 2019 the Applicant erected a section 56 site notice at the entrance of the Eastney and Milton Allotments so as to notify allotment holders. This notice was erected from 03 January 2020 until 20 February 2020.</p>
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	<p>Further to representations that have since been made by Portsmouth City Council and by allotment tenants during the course of the examination the Examining Authority requested the Applicant to update the Book of Reference for the application to include the interests of the holders of allotments within the Order limits, on the understanding that the allotment tenancies grant interests in land that is to be affected by the proposals. Correspondence and associated Land Interest Questionnaires were sent to all allotment holders via Portsmouth City Council on 27<sup>th</sup> November 2020. The Applicant has used the responses to the questionnaire to record the allotment holder land interest in the Book of Reference.</p> <p>An FAQ sheet was included within the questionnaire issued to all allotment holders in November 2020 which aimed at addressing some of the previously voiced concerns surrounding the allotments and to confirm that there is no intention to impact on any of the allotment plots during the construction or operation of AQUIND Interconnector. The FAQ document also provided information as to why the Applicant was requesting information relating to their allotment and how that information would be used to inform the Book of Reference.</p>
7. No agreements in France.	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).
<b>Christian Zwart, Mr Stott and Mr Brice on behalf of Mr P and G Carpenter</b>	
1. TCA and Regulatory matters.	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).
2. Failure to satisfy funding and compulsory acquisition tests.	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).
3. Concerns in relation to French consents.	Please refer to the Applicant's post hearing note in in respect of the non UK Planning Consents and Approvals required in connected with the Project (AS-069).
4. Failure to adequately take into account claims for blight.	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. It is not anticipated, from its assessment, that any affected person would be able to satisfy the statutory conditions for the service of a blight notice.

<p>5. The Applicant cannot satisfy the direction from Ofcom and does not benefit from the electronic communications code.</p>	<p>The direction issued by Ofcom relates to fibre optic cables which may connect to those which are to be delivered as part of the Authorised Development. The direction sought did not seek to apply the electronic communications code to the fibre optic cables which form part of the 'Proposed Development'. There are no reasons why the Applicant cannot satisfy the direction from Ofcom applying the electronic communications code to the Applicant, but in any event it is noted the direction does not apply to the Proposed Development and is therefore not a matter which is relevant to the examination of the Application.</p>
<p>6. The Applicant is not a commercial telecommunications undertaker and the government never intended for the DCO regime to be used for the purposes of granting development consent in respect of commercial telecoms uses.</p>	<p>Please refer to the Applicant's response to the ExA's further written questions submitted at Deadline 7 (REP7-038) and the Statement in relation to FOC Infrastructure (REP1-127).</p> <p>The DCO regime and section 35 process plays an important role in supporting the delivery of new infrastructure and it was entirely open to the Secretary of State to direct that the Proposed Development (including any development associated with it) is to be treated as development for which development consent is required.</p>
<p>7. Suppression of land value as a result of compulsory acquisition powers being granted over the Carpenter's land.</p>	<p>Please see the Applicant's response to the submissions on behalf of Mr G Carpenter and Mr P Carpenter at Deadline 7 (REP7c-014).</p> <p>The Applicant maintains that it has correctly valued the land and it has not sought to "supress" the value of the Affected Party's land in any way.</p>
<p>8. Flawed approach to land valuation and compensation.</p>	<p>Please see the Applicant's response in the table above in relation to the comments raised by Mr Brice at OFH3.</p>
<p>9. Timings and legal compliance with procedural requirements in relation to Change Request 1 and Change Request 2</p>	<p>Please refer to the Applicant's post hearing notes submitted at Deadline 8 in relation to this matter.</p>
<p><b>Celina Colquhoun on behalf of Portsmouth City Council</b></p>	
<p>1. TCA and Regulatory matters.</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).</p>

<p>2. Funding concerns linked to French Consents and Regulatory Status.</p>	<p>Please refer to the Applicant's separate post hearing note in respect of the non UK Planning Consents and Approvals required that was submitted on 23 February 2021 (AS-069).</p>
<p>3. New Connection Rights classes (h) and (i).</p>	<p>Further to comments raised by PCC at the hearing, the Applicant can confirm that New Connection Works Rights Class (h) will not be sought over Plots 10-14, 10-14a and 10-14b and the Book of Reference has been updated at Deadline 8 to reflect this. New Connection Works Rights Class (i) was added to the Book of Reference at Deadline 6 to confirm the position in relation to work in the subsoil at Eastney and Milton Allotments and therefore it is confirmed that New Connection Works Rights Class (h) is not required and should have been removed.</p>
<p><b>Ian Cunliffe on behalf of Portsmouth City Council</b></p>	
<p>1. Discrepancy between the Order Limits and the land required for the project in the Recreational Framework Management Plan.</p>	<p>The Framework Management Plan for Recreational Impacts (FMPRI) (AS-062) demonstrates how a contractor could minimise effects on playing fields through minimising areas occupied by temporary construction works.</p> <p>The updated OOCEMP (document reference 6.9 submitted at Deadline 8) refers the contractor to the FMPRI and also requires works to be carried out in accordance with the method statement 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 (OOCEMP, paragraph 6.2.9.11).</p> <p>This enables mitigation in the FMPRI to be achieved, but also allows the Contractor flexibility during detailed design to provide a better solution within the Order Limits and further reduce impacts on playing fields. The OOCEMP requires the Contractor to produce a detailed Recreation Management Plan for each affected area with playing fields and submit this to PCC prior to construction (paragraph 6.2.9.12-13).</p> <p>The OOCEMP is secured through Requirement 15 of the dDCO (document 3.1 submitted at Deadline 8).</p>
<p>2. Discrepancy between the Order Limits and the land required for the Project at Fort Cumberland Car Park.</p>	<p>Although the Applicant only requires parts of the Fort Cumberland Car Park for the construction of the Proposed Development, rights are sought over the whole of car park to allow for its temporary use as necessary and also allow for it to be resurfaced as part of the mitigation package.</p>

<p>3. Concerns over lack of ability to resource a blight notice if one was served.</p>	<p>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. It is not anticipated, from its assessment, that any affected person would be able to satisfy the statutory conditions for the service of a blight notice.</p>
<p>4. Highway subsoil acquisition.</p>	<p>The HS2 scheme referred to by Mr Cunliffe at the hearing is not a comparable scheme as it did not involve subsoil of a highway, but rather subsoil of properties generally. The Applicant's position with regard to the acquisition of highway subsoil, and why the approach taken is appropriate, is explained in the highway subsoil acquisition</p> <p>Mr Cunliffe inaccurately quoted the Applicant's position stated in a note of meeting between the Applicant and PINS prior to the submission of the Application dated 9 August 2019, stating the Applicant had confirmed "<i>it was opposed to seeking to negotiate private agreements with presumed owners of highway subsoil</i>". This is not correct. As confirmed by Mr Jarvis at the hearing, the meeting note referred to actually states as follows:</p> <p><i>The Applicant explained that in regard to the persons in type 2 (above), they are intending to apply for the compulsory acquisition of the rights to install, operate and maintain the cable in the land beneath the highway within the DCO application, <b>as opposed to</b> seeking to negotiate private agreements with the presumed owners of the highway subsoil. This approach was outlined in the Applicant's consultation document, published for the purpose of the statutory consultation.</i></p>

