



AQUIND Limited

AQUIND INTERCONNECTOR

Applicant's Response to Deadline 7 and 7a
Submissions

Edited down to contain Winchester City Council
responses only for submission at Deadline 8
(1 March 2021).

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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 7 and 7a.
- 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. Appendix A and B to this document set out the Applicant's response to the submissions made on behalf of Winchester City Council, (REP7-096) and Mr Geoffrey Carpenter and Mr Peter Carpenter (REP7-115 to REP7-120) (respectively).
- 1.1.1.5. Appendix C is a copy of the presentation given to local residents on 15 January 2020 on the AQUIND Interconnector Project in relation to the response from Kevin Flynn (REP7-123).
- 1.1.1.6. Appendix D contains an email with the information provided to Mr Langley in relation to the health and safety risks and use of bentonite drilling fluid, to aid the response provided to Kirsten McFarlane (REP7a-007).

2. SUBMISSIONS TO DEADLINE 7

Table 2.11 - Winchester City Council comments at Deadline 6 on Applicant's Response to Deadline 4 Submissions

Ref:	Question:	Applicant's Comments	Winchester City Council Response
5.5 Design and Access Statement			
	<p><i>The Applicant seeks permission for buildings between 22m and 26m and has undertaken the assessment of the worst case impacts on this basis. These dimensions are based on advice which the Applicant has received from contractors experienced in constructing converter stations.</i></p> <p><i>As is explained in the Applicant's Transcript of Oral Submissions for Issue Specific Hearing 1 on Development Consent Order (REP5-058) in response to question 4.2 and in the Applicant's oral response in relation to the same, taking into the account feedback received from the contractors a reduction in the permissible building height below 26m could decrease an already limited number of potential contractors able to participate in a competitive tender process for the Converter Station. If such height restriction is imposed a situation could occur where the Applicant is left with a single contractor able to deliver the Proposed Development which in turn may deliver a sub-optimal solution for a project of national significance and undermine the Applicant's ability to achieve value for money for energy consumers.</i></p> <p><i>As the proposed site of the converter station sits above an aquifer, whilst fully explored as a means of reducing the visual impact of the building, sinking the building into the ground by several metres is not a viable solution. As the site slopes from north to south the potential flood risk also had to be considered when reviewing the options for excavating the site to reduce the building height.</i></p> <p>There are two separate but related points here. Regarding the overall height of the building the applicant has not responded to the core question which is, if faced with two quotes from different contractor and the higher one would result in a taller building, what weight is given to the desire to keep the building as low as possible and how will that decision making process be shared with the LPA to ensure landscape impact has been given its due consideration?</p> <p>Concerning the second point on the applicants desire to run a competitive tendering process, the council recalls the helpful interjection by Richard Turney (who is counsel for HCC) that this is not correct and no breach of law would occur if only one tender was available.</p>	<p>The height of these buildings will be dependent on the design of the internal high voltage equipment. This equipment is of a modular nature, but each potential supplier will have their own optimised solution in terms of the length, width and height of their equipment. In addition, all suppliers will need to account for the electrical clearance, of about 3m, between their equipment and the floor, roof and walls of the building. At this early stage of the design of the buildings it is important to provide flexibility to enable an optimum design.</p> <p>The Applicant will work with the preferred supplier during the detailed design stage to optimise the solution for the Converter Station which includes the design of the converter building.</p> <p>The visual impacts of the Converter Station with a maximum parameters of 26m in height has been assessed and is what consent is sought for. It will not be the case that further visual assessment will be undertaken in the future, or that the undertaker will be required to evidence how they have sought to reduce the height when bringing forward proposals within the assessed maximum parameter. The principle of development will be established and development which complies with the parameters will be permissible.</p> <p>The Applicant has acknowledged that it is possible to run a single bidder tender process, but the Applicant has also confirmed that the flexibility is sought is to ensure a single bidder process does not need to be followed, as this may deliver a sub-optimal solution for a project of national significance and undermine the Applicant's ability to achieve value for money for energy consumers.</p> <p>The detailed design, including the scale of buildings in Works No.2 (the Converter Station), will be subject to approval by the relevant planning authority through the discharge of Requirement 6(b) of the draft DCO (REP7-013).</p>	<p>Noted</p>

<p><i>OOCEMP (REP5-019) paragraph 5.3.4.3 states “Where features are to be removed, consideration for replanting with like for like species in the locality is required. Hedgerow trees will require repositioning to at least 5 m away from the Onshore Cable Route within the Order Limits. Mitigation may also be achieved by appropriate compensatory tree planting within the locality. Where agreed with the Highway Authority they will replant highway trees in the highway where it is deemed appropriate and through the CAVAT compensation process”. The Applicant has continued to engage with WCC on replacement trees during ongoing discussions on the relevant sections of the dDCO under Part 7 and Schedule 2 (REP5-008).</i></p>	<p>Replacement planting will be at the nearest suitable location within the Order limits. 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 identified. Planting sites will be determined once the scope of third-party tree removal has been confirmed. Lost highways trees will be replaced, where agreed, through the Local Highway Authority via CAVAT compensation. This planting may be outside the Order limits.</p>	<p>Noted</p>
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Ref:	Question:	Applicant's Comments	Winchester City Council Response
	<p><i>Requirement 9 remains under discussion with WCC and the Applicant is seeking agreement on this matter in the SoCG.</i></p> <p>The Council understands the technical limitation on planting within 5m of the trench. However how will the planting within the locality be secured if there is no available position within the Oder Limits?</p>		
	7.7.4 Position Statement in relation to the Refinement of the Order Limits REP1-133		
	<p><i>The Applicant can confirm that from construction point of view, the access rights would only be required between the drilling compounds for surveys, to track the drill head (walk over, therefore no disturbance of ground) and for clean-up, if there is a breach of drilling fluid.</i></p> <p>At the present time the list of access rights as detailed under the heading Access Rights is too broad and needs refining with regard to this specific section of the site. It is noted the restriction of Rights has been Applied at Milton Allotments which is also a Location where monitoring rights are required as drilling takes place.</p>	<p>The Applicant notes the concerns of WCC and has updated the Onshore Outline Construction Environmental Management Plan (REP7-032) to commit under paragraph 6.4.1.3 that 'to avoid the potential effects to Soake Farm Meadows SINC and Denmead Meadows SINC, access by foot will be permitted only with no vehicular access'.</p>	<p>Noted. Should there not also be some indication in the Statement of Reason as it seems likely that would be the main reference document that anyone seeking clarification would go to?</p>
	7.8.13 ES Addendum Appendix 3 Supplementary Alternatives Chapter REP1-152		
	<p><i>A cross-country option was considered in 2017 and 2018, including following the receipt of feedback from local authorities to further look into non-highway options.</i></p> <p><i>A route through the fields, adjacent to the A3 to the west, has been fully considered by the Applicant in a proportionate manner. A review of environmental designations and constraints showed areas of Priority Habitat, Sites of Importance for Nature Conservation (SINCs) and Ancient and Replanted Woodland. As well as environmental constraints, other important factors such as private land, compulsory acquisition requirements, and potential for future development (including strategic housing allocations) were taken into account. The Applicant's reasoned conclusion was that a route across the countryside in this location was not preferable as an alternative to the route selected and should not be pursued.</i></p> <p><i>The Applicant identified land sterilisation (putting restrictions on a plot or portion of land to prohibit all/some building/improvements) as a constraint West of Waterlooville as installing underground cables and joint bays would require the exclusion of development (including landscaping) above the cable route and for an area of typically 11m in width for potentially up to 5km to allow future access, where necessary. The land above the cable route would need to be kept clear from development and any significant vegetation. This would apply to the permanent easement of the cable route. This would therefore significantly constrain any proposed development in proximity to the cables.</i></p> <p>Please identify the specific sections within chapter 2 of the ES where this consideration in 2017 & 2018 is referred to. Please confirm that any consideration did review this specific cross country route from Portsdown Hill up to the Hambledon</p>	<p>See previous response provided in Table 2.5 (paragraph 4.6.4.2) (REP7-074), prepared in response to a similar statement made in WCC's Local Impact Report (REP1-183). The Applicant also refers to its full response provided at Deadline 6 in Table 2.1 – Havant Borough Council of (REP6-067), which sets out further detail in relation to the chronology and consideration of the route.</p> <p>A cross-country option was considered in 2017 and 2018. Consideration was given to the fields to the west of the A3 and, given the various environmental, land and acquisition constraints, was not preferable as an alternative to the highway option and was not pursued in this general location.</p> <p>Subsequently, following the suggestion of the alternative countryside routes by HBC and WCC in the responses provided at the AQUIND public consultation in April 2019, the potential for the specific routes proposed was further considered. These were located in a similar location to the unpursued cross-country option considered in 2017 and 2018. The assessment of these options is well documented in section 2.6.4 of ES Chapter 2</p>	<p>The Council has prepared a separate response on this matter as part of its Deadline 8 submission. (main submission paper item 11)</p>

(Consideration of Alternatives) (APP-117) and section 8 of the Supplementary Alternatives Chapter (REP1-152), confirming how this led to the confirmation of the previous conclusions made.

Ref:	Question:	Applicant's Comments
	<p>Road and that this was not a reference to other routes from other landfall points under consideration at the time.</p> <p>To date, despite all the responses from the applicant the timeline of actions does not support their version of events.</p> <p>The issues over sterilisation have been responded to in the past.</p>	

Table 2.12 - Winchester City Council – Paper No.1 Winchester City Councils General Views on dDCO revision 5

Ref:	Question:	Applicant's Comments	Winchester City Council Response
	<p>The applicant's decision to retain R7-9 unchanged has implications on sections within the Outline Landscape & Biodiversity Strategy Rev003 dated 23 December (REP6-038) which references back to the requirements. This lack of clarity is considered to reinforce the view that there is uncertainty in what R7, R8 & R9 are intended to achieve. Further confusion is added by references in the OOCEMP (REP6-036) to planting and future management of features and the land.</p>	<p>The Applicant considers that the Outline Landscape & Biodiversity Strategy and dDCO Requirements are clear and appropriate. Please refer to the Explanatory Memorandum (REP7-015) which summarises the purpose and effect of requirements 7 – 9.</p> <p>Requirement 7 (Provision of landscaping) will ensure that the landscaping required to mitigate impacts associated with the Authorised Development are confirmed before any phase of Works No. 2, Works No.4 or the construction of the optical regeneration stations within Works No. 5 can commence.</p> <p>Requirement 8 (Implementation and maintenance of landscaping) will ensure that the landscaping is carried out and adequately maintained so as to provide the required visual mitigation in relation to the relevant parts of the Authorised Development.</p> <p>Requirement 9 (Biodiversity management plan) will ensure the appropriate measures described in the environmental statement in relation to biodiversity in connection with the Authorised Development are carried out prior to onshore site preparation works or a phase of Works No. 2, Works No.4 or Works No. 5 can commence.</p> <p>It is unclear what the 'implications on the Outline Landscape & Biodiversity Strategy' are, which WCC are referring to in their Deadline 7 submission (REP7-096) and the Applicant is closely engaged with WCC to understand and resolve these comments through the dDCO and SoCG.</p>	<p>The Council has prepared a separate response on this matter as part of its Deadline 8 submission. (Comments on dDCO paper No 4)</p>

A number of new additional requirements are proposed relating to the following:

- An Employment and Skills Plan
- No start UK side until French side has all approvals

The Applicant has explained previously that it does not consider a Requirement restricting commencement of development until all approvals in France have been obtained is necessary, and also that this would be a crude mechanism that would likely give rise to unintended consequences given this is a matter which relates to French law and regulation.

The Applicant has confirmed funding will not be secured until necessary regulatory approvals and consents in France are obtained.

A requirement for security/guarantee for CPO costs is now included at Requirement 26 of the dDCO to provide assurances that the powers of compulsory acquisition will not be capable of exercise until it has been evidenced that the funds required for compensation are satisfactorily secured. Such funds are to be derived from the funding for the Project, and therefore the CPO powers in the DCO will not be capable of exercise until funding is secured. As such, the works will

Ref:	Question:	Applicant's Comments
		in any event not be implemented until the necessary consents for the French elements of the Project are also secured.
	Regarding the Employment and Skills Plan, an Employment and Skills Strategy document produced by the applicant is currently under discussion with the applicant and other interested parties. Once agreed and submitted at Deadline 7c or Deadline 8 then this document could be referenced in any requirement.	A requirement to submit an employment and skills plan to WCC for approval was inserted into the dDCO at Deadline 7 (see Requirement 27) (REP7-013).

Table 2.13 - Winchester City Council – Paper No.2 Winchester City Councils Comments on Ash Die Back Submission

Ref:	Question:	Applicant's Comments	Applicant's Comments
	<p>The further consideration has raised several questions that need addressing.</p> <p>Firstly, how the new landscape planting south of Mill Copse will be secured. The response to the ash dieback at Mill Copse is to consist of four actions. These are:</p> <ul style="list-style-type: none"> • Removal of some dead ash • Leaving some dead ash in situ on the basis that even skeletal trees have some screening value • New planting within the copse • A new 10m wide tree belt to be planted off the southern edge of the woodland in what is currently agricultural land. <p>The new planting belt is referred to at section 3.1.1.2 in the document Request for Change to the Order Limits (AS-054). This new belt is annotated as PW27 on the plan attached as appendix 2 to the OLBS Rev 003 (REP-038). However, this land is not shown within the changed Order Limits as shown on sheet 1 of the Land Plans Rev04 (REP6-004). In appendix 2 of the Request for Changes to the Order document reference is made to an "option for easement" with Winchester College to secure the planting and New Landscape Rights.</p> <p>If this land is not within the Order Limits, it is under clear exactly how the planting, maintenance and long term management can be secured with a link back to the DCO requirements.</p>	<p>The Applicant has not included the woodland belt South of Mill Copse within the Order limits and therefore the undertaking of the management and maintenance of this woodland belt is not secured by the DCO.</p> <p>The Applicant is at an advanced stage of negotiations with Winchester College and expects to confirm agreement of an option for easement shortly which will secure the rights for the tree planting, maintenance and long term management. However, progress on this has not been as expected and therefore as this land is not included within the Order limits at this time this matter cannot be secured by the DCO, and the Application should be determined on the basis that the management of this woodland belt is not included.</p> <p>The land identified as the woodland belt south of Mill Copse has been identified to offer greater flexibility for mitigation and to provide screening, however this is not identified as essential mitigation and as such it is not considered that there is a compelling case within the public interest for the compulsory acquisition of land. A negotiated agreement is being progressed with Winchester College to provide this land for the additional landscaping belt.</p>	<p>The Council notes the position as outlined by the Applicant. It recalls the indication at ISH5 that this tree Belt was not essential but an insurance policy. That was not the impression obtained from the submission assessment before it was realised the land lay outside the Order limits.</p>

Ref:	Question:	Applicant's Comments	Winchester City Council Response
	<p>A second question is whether the requirements need some explicit reference to the proposed actions and specifically those which will apply to Stoneacre Copse, where the necessity to balance the maintenance of the habitat with the maintenance of the landscape screen needs to be considered. There are a number of publications that offer good practice on management such as:</p> <ul style="list-style-type: none"> • The UK Forestry Standard 2017 (Forestry Commission) • Ancient Woodland Restoration November 2018 (Woodland Trust) 	<p>The Applicant has stated in the updated OLBS (REP7-023) that a woodland management plan must be prepared as part of Schedule 2, requirement 7 of the dDCO (REP7-013) and this will apply to all woodland including Mill Copse and Stoneacre Copse. Paragraph 1.7.1.8 of the updated OLBS states that the woodland management plan will include annual monitoring plans to review yearly actions and progress of ash dieback as well as the success of new and replacement planting and of natural regeneration.</p> <p>In terms of Stoneacre Copse, paragraph 1.7.6.46 to 1.7.6.49 Management Area I Stoneacre Copse of the updated OLBS states that “subject to development consent, liaison with Natural England would be required for the long-term management of this woodland and a felling licence may be required from Forestry England over the production of a woodland management plan”.</p> <p>The woodland management plan will be produced in accordance with the UK Forestry Standard, and good management practices. The OLBS will be revised to state this clearly and refer to both the UK Forestry Standard 2017 and Ancient Woodland Restoration, November 2018 as requested.</p> <p>A core intent for these woodlands as referred to in paragraph 12.3.3.2 of the ES Addendum 2 (REP7-067) is to ensure their long term visual screening value for the proposed Converter Station and as a result of that intent, secure their long term retention.</p>	Noted
	<p>Thirdly, consideration of the future management of these woodland has raised the general question if the powers within the New Landscape Rights as listed in Appendix A Rights and Restrictions Sought Statement of Reason Rev004 (REP6- 019) includes the ability to install deer control fencing. Local knowledge indicates there is a significant population of Roe and Muntjac deer in the area. Deer fencing to exclude them from newly planted areas can be 2.5m tall. The current list of actions that sit within the New Landscape Rights may allow tree guard but it is unclear if it includes fencing of this size and potential extent.</p>	<p>The new landscaping rights means all rights and restrictions necessary for the undertaker and/or those authorised by the undertaker to maintain trees, shrubs and landscaping. The provision of fencing to protect newly planted trees is an activity involved in the maintenance of trees. The new landscaping rights are therefore sufficient to allow for tree guards and/ or fencing to be installed.</p>	Noted

Table 2.14 - Winchester City Council – Paper No.3 Winchester City Councils Comments on Joint Bay Technical Note 7.9.26 (REP6-070)

Ref:	Question:	Applicant's Comments	Winchester City Council Response
	<p>JB4 is to be located at the western end of field No 13 (see Figure 1 in the Denmead Meadows Position Paper RREP6-072) which lies at the northern end of the Denmead Meadows complex. The Council notes this will result in the permanent loss of a small area of soft ground.</p>	<p>The Joint Bay Technical Note (REP7-073) is an indicative feasibility study. Where a joint bay is buried in that location the ground will be reinstated to its previous condition in accordance with the reinstatement requirements for this land and therefore any loss will be temporary.</p>	<p>Noted</p>
	<p>JB5 is to be located on the south side of Hambledon Road opposite Soake Lane. This location is east of the field, which is identified as a potential site for the launch compound for HDD5 (field 14 on Figure 1 in the Denmead Meadows Position Paper RREP6-072). The Council has a number of questions regarding this location for the JB. There is a</p>	<p>The Applicant can confirm that the HDD 5 launch site will now be located south of Hambledon Road, refer to sheet 3 of 12 of the Works Plans (REP7-005).</p>	<p>Noted and welcomed</p>

Ref:	Question:	Applicant's Comments	Winchester City Council Response
	<p>concern that this location for JB5 will be used to justify or support the location of the HDD5 launch compound to be positioned on the north side of the road in field 3 ((see Figure 1 in the Denmead Meadows Position Paper RREP6-072). The ExA will recall from other representations made by the Council that it supports the location for the launch compound on the south side of the road (field 14). It is considered that the following would help to facilitate that outcome.</p>		
	<p>The Rights of Way Plans Rev 003 (REP6-011) only shows a single access point on the south side of the Hambledon Road. On that basis, the access to facilitate the construction of this joint bay is assumed to be from the land to the west and along the strip of ground that run parallel to the road.</p>	<p>The Applicant can confirm that the access will be via AC/3/b as per sheet 3 of 10 of (REP6-011).</p>	Noted
	<p>However, the cables must enter the land off the Hambledon Road and that will result in a break in the hedgerow.</p>	<p>The Applicant can confirm that this will be required, and this is reflected on Figure 3 Tree and Hedgerow Retention Plans First Written Question Responses – Appendix 10 – Tree Survey Schedule and Constraints Plans (REP7-037). A new hedgerow will be planted once construction works have been completed as referred to in section 6.2.3 of the Onshore Construction Environmental Management Plan (REP7-032).</p>	Noted
	<p>The Council notes that one of the points raised against the use of the southern location for the launch compound is the restriction this imposes on the cable run. However, the Council asks why JB5 cannot be moved further west into the same field as the southern compound location and used to facilitate a sharper change in direction? The distance between JB5 and JB6 at 800m is well within the range of 600m to 2000m for cable lengths presented in section 1.1.1.3 of the Technical Note. Furthermore, as the section is relatively straight, the route characteristics should be favourable to facilitate the winching of the cable though the conduits along this length.</p>	<p>The Applicant can confirm that the HDD 5 launch site will now be located south of Hambledon Road, refer to sheet 3 of 12 of the Works Plans (REP7-005).</p> <p>The Joint Bay Technical Note (REP7-073) is an indicative feasibility study which shows the indicative locations of joint bays along the cable route.</p> <p>Nonetheless, it is not possible to locate JB05 in the same field as the HDD launch site due to the requirement to maintain a minimum bend radius for the cable.</p>	Noted
	<p>JB6 is shown as straddling the car parking area at the western end of Southview Road and a section of the highway. However, the text alongside the diagram indicates that the JB will be located within the car park. A straddling position would mean the total loss of the boundary hedgerow. Clarification is requested on the precise location of the JB and the temporary land take to facilitate its construction. The Council recognises the constraints in identifying an alternative location within the order limits. However, it considers that the applicant should clear the highway completely.</p>	<p>The Joint Bay Technical Note (REP7-073) is an indicative feasibility study which shows the indicative locations of joint bays along the cable route. The standard joint bay area, delivery area and work compound area are provided in Section 1.3 of Joint Bay Technical Note. It is noted that a delivery area is shown straddling the highway, but that this delivery area would be used for a very short duration (likely no more than a few hours) for the delivery of a cable drum only.</p>	Noted

		<p>In the event that the area shown is used for a Joint Bay then the detailed design of the Joint Bay area will be, as far as is reasonably practicable, located off carriageway unless such positioning is unavoidable taking into account environmental and other constraints.</p>	
	<p>It is unclear at the present time, exactly how much of the boundary between the car park and the road will be temporarily lost to the project.</p>	<p>The Joint Bay Technical Note (REP7-073) is an indicative feasibility study which shows the indicative locations of joint bays along the cable route.</p>	<p>Noted</p>

Ref:	Question:	Applicant's Comments	Winchester City Council Response
	<p>The Access and Rights of Way plan indicates a new access formed through the boundary.</p>	<p>The Access and Rights of Way Plans show locations where access may be taken from the highway. The precise location of accesses will be confirmed in accordance with Requirement 10 and also subject to a minor works highways agreement with Hampshire County Council.</p> <p>In the event that the area shown is used for a Joint Bay then the detailed design of the Joint Bay area will clarify the exact requirements.</p>	<p>Noted</p>
	<p>A concern is raised about the management of the access. The existing junction with Darnel Road is a traffic light controlled T-junction. There is a concern over the proximity of the temporary access to this TL controlled junction. The question is raised whether there is scope for a staggered traffic light controlled junction.</p>	<p>Temporary construction access AC/3/c shown on the Access and Rights of Way Plans (REP7-008) will provide a construction access to Billy's Lake public car park to facilitate construction of Joint Bay 06 should it be located as shown in the Joint Bay Feasibility Report (REP7-073) and access via Southdown View not be possible.</p> <p>To mitigate the concern related to the Darnell Road traffic signal junction, it is proposed that the construction access junction would operate on a left-in / left-out basis for general construction traffic with traffic entering site completing a u-turn at the B2150 Hambledon Road / Forest Road roundabout. All manoeuvres out of the site would also be undertaken with banksman control to ensure these are completed safely. As such there should be no requirement to implement a staggered traffic signal controlled junction at this location, noting also that construction traffic movements will only be permitted outside of peak hours.</p> <p>This additional construction traffic management has been incorporated into the Framework CTMP which will be submitted at D8.</p>	<p>Noted</p>

Table 2.15 - Winchester City Council – Paper No.5 Winchester City Councils Comments on the Design and Access Statement Rev003 (REP6-025)

Ref:	Question:	Applicant's Comments	Winchester City Council Response
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	<p>Firstly, the record of meetings in Section 4 (Consultation) is not up to date. The record stops at 23 October 2020. There have been additional meetings since that date on the design and specifically on the cladding colour issue.</p> <p>Secondly, within Section 6 at 6.6.2 Building Design Principle 3 does not reflect the latest position in terms of the colour palette that was being discussed up to 23 December 2020.</p>	<p>The record of meetings has been revised in section 4.3.9 of updated DAS (REP7-021) to reflect continued design meetings and correspondence in August, October and November last year.</p> <p>The Applicant notes that there is no paragraph 6.6.2 in the DAS (REP6-025). However, Section 6 at paragraph 6.2.2. Building Design Principle 3 has been revised to reflect the latest position in terms of the colour palette and subsequent discussions after the 23 December 2020 and this is covered in section 6.2.2 of the updated DAS (REP7-021).</p>	<p>Noted</p>
	<p>Winchester City Council is aware of the views expressed by the South Down National Park Authority who are seeking a broader range to the colour palette. The Council originally expressed some concern over this approach. However, as a result of discussions between the authorities which clarified the precise intentions behind the SDNP position, WCC considers that it could accommodate a broader range of colours providing the caveat is clearly expressed that there is no obligation that all the colours will be used. The final choice for each elevation will be made on site as part of the contextual context assessment.</p>	<p>Further to discussions with WCC, SDNPA and EHDC, changes were made to the DAS (REP7-021) to reflect a broader colour palette as well as a caveat which states that there is no obligation that all the colours will be used. Paragraph 5.7.2.3 of the updated DAS states:</p> <p><i>“Cladding typically consists of narrow vertical elements of varied contextual colours (primarily dark recessive colours). The colour palette focuses primarily on darker recessive colours with some additional lighter colours included should these be required where the building cuts the skyline. This approach to include a broader range of colours will provide a degree of flexibility when undertaking the contextual study at detailed design. The clause to undertake a further contextual study included in design principle 3 will test each elevation from different viewpoints and angles to determine the colour ratios and whether overall such elevations should have a</i></p>	<p>Noted</p>

Ref:	Question:	Applicant's Comments	Winchester City Council Response
		<p><i>greater transition of darker to lighter colours. This does not imply that the lighter colours will be used, but rather that they may be included subject to the study's findings and agreed in discussion with the relevant discharging authority in consultation with the SDNPA. The roof of each building will be a dark recessive non reflective colour to minimise visual impact."</i></p> <p>Building Design Principle 3 states:</p> <p>Colours will be selected from a palette of contextual colours (which are primarily dark recessive colours) within the ranges below chosen to complement the surrounding landscape. A contextual study will be undertaken to review the colour ratios for each elevation from the below colour range. The roofing will be in a dark recessive non-reflective colour to minimise visual impact.</p> <p>RAL 8022; 6009; 8019; 6015; 6020; 6014; 7022; 7013; 8025; 6003; 1020;</p> <p>RAL 8015; 8012; 7008; 6011; 7040; 1002; 1014; 7035</p>	

Table 2.16 - Winchester City Council – Paper No.6 Winchester City Councils Comments on the Denmead Meadows Position Paper (REP6-072)

Ref:	Question:	Applicant's Comments	Winchester City Council Response
	<p>The Council would like to take the opportunity of submitting a report on the habitat quality of the Kings Pond SINC entitled Hampshire Biodiversity Information Centre Kings Pond Meadow Habitat Survey May 2020. The Council is not the author of this report and has only recently obtained the agreement of the authors for its release. This report is considered to support the Councils position that the habitat value of the Kings Pond Meadow SINC and specifically Field 8 east should have a greater level of regard applied to it than the applicant has applied.</p>	<p>The Applicant is somewhat disappointed that a report of relevance produced and therefore apparently available since May 2020, before the Examination of the Application commenced, has only just been raised by WCC. The Applicant will seek to address the contents of the report in the time remaining.</p>	<p>As explained, the report was not the property of the Council and the agreement of the authors was needed before it could be released.</p>

The technical reasons why the drilling section cannot be extended northward to emerge on the agricultural land north of Anmore Road have already been outlined and accepted. This leads to the conclusion that the compound has to be located south of the Anmore Road. Accordingly, the Council feels that the focus should be on minimising any impacts from its temporary presence.

The applicants intentions are to remove a layer of soil and then reinstate this using any surplus seed from the seed harvest undertaken as part of the restoration of the land at the southern end. Leaving the soil in situ and using protective mats and teram should be considered together with seeding.

When constructing the open trenches careful removal of the seed bearing layer of soil with the use a micro digger or light pressure equipment with access limited to the smallest area necessary should be considered. The Council is ready to discuss with the applicant the

The Applicant welcomes agreement with WCC regarding the need for the HDD5 reception compound (the “northern recovery drill compound”) location.

The Applicant will review its mitigation proposals in light of the Hampshire Biodiversity Information Centre report (“Kings Pond Meadow Habitat Survey May 2020”) to ensure they fully offset impacts and the potential for residual effects, and welcomes the offer from WCC to discuss the methodology adopted to undertake the work and reinstate the ground.

The Applicant has continued discussions with both Winchester City Council and Natural England regarding this matter and in particular the scope of mitigations proposed for Fields 8 (east) within Kings Pond Meadow SINC and Field 13. These discussions are at an advanced stage and broadly agreed with WCC.

The Applicant proposed to undertake the following with respect to Field 8 (east) which lies within the Kings Pond Meadow SINC:

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Ref:	Question:	Applicant's Comments	Winchester City Council Response
	<p>methodology to be adopted to undertake the work and in the reinstate the ground.</p>	<ul style="list-style-type: none"> • Soil protection through low ground pressure machinery and ground matting; • Cutting, storage of turves from within the Order Limits – these will be stored for a maximum of 3 weeks before replacement; • Collection of seed from plants growing within Lowland Meadow HPI habitat at Denmead Meadows will be undertaken and used to re-seed Field 8 (east) post construction <p>Field 13 will be subject to:</p> <ul style="list-style-type: none"> • Where stripping of top soil is required to level and prepare the compound's surface, it will be stored for the duration of the compound's operation and replaced following completion of HDD works. No subsoil excavation will be required and this horizon will be left in-situ. • Use of a suitable ground protection solution, such as matting and low ground pressure machinery to avoid compaction of soils adjacent to the trench. • Collection of seed from plants growing within Lowland Meadow HPI habitat at Denmead Meadows will be undertaken and used to re-seed Field 13 post construction. 	<p>These actions are considered appropriate as part of the Methodology of establishing the access road And the cable trenches. The WCC concern relates to the restoration work. This is addressed further as part of the Councils D8 submission. (main submission paper item 7)</p>

Table 2.17 - Winchester City Council – Paper No.7 Winchester City Councils Matters to be Considered within a 106 Agreement

Ref:	Question:	Applicant's Comments	Winchester City Council Response
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The Council wishes to see the certain matters covered by 106 agreement. They will be activity discussed with the applicant over the coming weeks.

The matters to be covered in the discussion will include:

- Resources to cover post consent work
- A decommissioning bond
- An Employment and Skills Plan
- A legacy Fund
- Exploration of practicalities of a community link to the FOC (if retained with a commercial element)

There have been ongoing discussion with the applicant over the precise matters to be considered and then the most appropriate mechanism to secure them.

Resources to cover post consent work – this will be covered through the post consent Planning Performance Agreement (PPA), a draft of which has been provided to WCC and on which a response is awaited.

A decommissioning bond – the Applicant is not agreeable to a decommissioning bond being provided as this is not considered necessary to mitigate the effects of the Proposed Development and therefore this has not been included. In reaching this conclusion the Applicant has considered other projects of similar scale and complexity for which a DCO has been made and notes that, so far as it is aware, none are subject to the need to provide a decommissioning bond.

An Employment and Skills Plan – A requirement to submit an employment and skills plan to WCC for approval was inserted into the dDCO at Deadline 7 (see Requirement 27) (REP7-013).

A legacy fund – the Applicant is not agreeable to a legacy fund being secured in any Section 106 Agreement. Such a fund is not necessary to mitigate the effects of the Proposed Development and would be unlawful.

Exploration of practicalities of a community link to the FOC – The Applicant is not agreeable to suggestion, with this request being made without any thought to what infrastructure may need to be delivered to provide for such a link and that this is not included in the DCO.

The Council will seek to secure a bond through the mechanism of a requirement.

The case is made in another part of the Councils D8 submission. **(Comments on dDCO paper no 4)**

Noted with further comment elsewhere in Councils D8 submission (main submission paper item 5)

The parties positions on this matter have been Outlined. There is nothing more to add.

Noted.

Ref:	Question:	Applicant's Comments	Winchester City Council Response
	In terms of the Employment and Skills Plan there is a discussion on the use of a requirement or a clause in a legal agreement to secure it.	As stated above, a requirement to submit an employment and skills plan to WCC for approval was inserted into the dDCO at Deadline 7 (see Requirement 27) (REP7-013). The use of Requirements ensures an enforceable position.	Noted
	Regarding the arrangement to cover post decision actions by the Council the applicant wishes to use a PPA whilst the Council wishes to secure this via a legal agreement.	A draft post-consent PPA was issued to WCC on 20 January 2021, which if entered into will be a binding legal agreement subject to the jurisdiction of the Courts.	Noted, the Council has accepted that a PPA will secure the necessary resources

3. SUBMISSIONS TO DEADLINE 7A

Table 3.6 – Winchester City Council

Ref:	Question:	Applicant's Comments	Winchester City Council Response
	<p>Winchester City Council was one of the parties who raised the implications of ash dieback on the landscape features that are being relied upon to screen the proposal within the surrounding landscape. Accordingly, the Council welcomes the applicants attention to this matter and the written submissions and proposals that are intended to address the concern. The Council does not raise any concerns over the procedural steps undertaken to add the additional woodlands to the Order Limits. The Council does have a small number of comments to make:</p> <p>1 WCC notes that part of the proposed management strategy to address ash dieback at Mill Copse includes the planting of a tree belt off the southern edge of the woodland in what is current an agricultural field. However, this strip of ground does not form part of the revised Order Limits and the question is asked how can its planting and future management be secured?</p>	<p>The Applicant has not included the woodland belt South of Mill Copse within the Order limits and therefore the undertaking of the management and maintenance of this woodland belt is not secured by the DCO.</p> <p>The Applicant is at an advanced stage of negotiations with Winchester College and expects to confirm agreement of an option for easement shortly which will secure the rights for the tree planting, maintenance and long term management. However, progress on this has not been as expected and therefore as this land is not included within the Order limits at this time this matter cannot be secured by the DCO, and the Application should be determined on the basis that the management of this woodland belt is not included.</p>	
	<p>2 There is uncertainty if the New Landscape Rights (NLR) that would be apply to both woodland areas includes the necessary measures to protect any new planting from deer grazing. This may require extensive fencing and it is unclear if the current wording of the NLR covers this.</p>	<p>The new landscaping rights means all rights and restrictions necessary for the undertaker and/or those authorised by the undertaker to maintain trees, shrubs and landscaping. The provision of fencing to protect newly planted trees is an activity involved in the maintenance of trees. The new landscaping rights are therefore sufficient to allow for tree guards and/ or fencing to be installed.</p>	

Ref:	Question:	Applicant's Comments	Winchester City Council Response
	3 Stoneacre Copse is an ancient woodland and the need to balance any maintenance of its value as a landscape screen should not forget its original designation which is based on its biodiversity value.	The rights are sought to allow the Applicant to actively manage these woodlands in order to maintain both their screening and habitat value in the long-term.	

