

## Summary Transcript from Issue Specific Hearing 4 dDCO

17 February 2021

The following items are referenced to the agenda items for the hearing.

### Part 1 General Provisions

- 3.3 The Council drew attention to the fact that the trigger for requirement 10 (Highway Accesses) related to commencement which meant that the works listed under onshore site preparation works (which included the removal of vegetation) could be undertaken before any details had been submitted and approved. The potential therefore existed for features to be lost before there was any consideration of their removal.

During the consideration of the second part of this item the Council sought a clarification of whether the scope of works to be included under the S278 agreement. Would this be extended to cover other access work?

- 3.4 Regarding proposed changes to Part 1, the Council confirmed that it was no longer seeking the introduction of the term “commissioning” into the interpretations section and it accepted that the existing term “operational” could be used and would replace commissioning in the requirements. Accordingly the matter was resolved.

### Part 2 Principle Powers

- 3.7 The Councils Chartered Environmental Health Practitioner spoke to Article 9:

Winchester City Council have been unable to progress this matter productively with the applicant; we have “agreed to disagree” on this matter. It is acknowledged that both Havant, E Hants and Portsmouth Councils also have issues with this proposed Article and are seeking its deletion in entirety. Although Winchester City has no objection to such a proposal, it remains of the opinion that a reasonable compromise is to seek the deletion of this Article as it relates to the use (operational) phase. We remain open to discussions on the exact rewording of this condition but in principle we are looking for:

Delete reference to “maintenance” from Article 9(1)(a)

Delete reference to “maintenance” from Article 9 (1)(b)

Delete in its entirety Article 9(1)(c)

It was acknowledged that a more detailed discussion of the principles behind this were fully discussed at the previous hearings (and within the submittal from Portsmouth City Council) and that the Inspector did not therefore require these matters to be reiterated at this hearing

- 3.24 The Council welcomed the revision to the text in 41(1)(b) as proposed by the applicant.

The remaining concern relating to both Article 41 & 42 was the absence of any requirement to replant, if at some point in the future the applicant had to return to a section of the cable route and have to expose the cable circuit. The proposals as laid down in the Articles would result in a payment to the landowner who would then make the decision whether to spend the money on replanting or install a simple post and wire fence. It was suggested that the New Connection Works Rights as set out in the Statement of Reason would allow for the applicant to undertake replanting.

*Postscript: The Council has noted there are at least 7 locations where the cable route crosses a field boundary. Of these, 5 are identified on the Hedgerow and Tree Preservation Order Plans rev 04 (REP7-012). The installation works will be followed by replanting at these locations. It is not tenable to accept that in the future these gaps may be filled with a post and wire fence with the consequential impact on landscape character. The Council believes that the applicant must be seeking to retain some future interest in the condition of these hedgerows, otherwise how will it maintain the embargo on planting trees over the cable circuits that it has referred to in the application. Accordingly the replanting provision is fully justified and achievable within the powers of the DCO.*

## **Schedule 2 Requirements**

- 5.1 The Council acknowledged the role it would play as the determining authority but would seek to consult and work with colleagues at the SDNP and East Hampshire as we have to date.
- 5.2 **Requirement 2** accept applicants suggested addition  
**Requirement 3** applicant says this not appropriate location to inset sequence obligation, Council would be happy for it to go in at some more appropriate place. The concept of informing the LPA of the sequence of work for the cross country section or that on road has merit. Esso pipeline has such a requirement.  
**Requirement 6** Council proposing headings to the various sections as it would enhance clarity.

Council happy to discuss merits of terminology to cover foundation and piling work in list of details

Council is proposing a new item (10) that would stop additional lighting or lightning mast being added beyond those approved. Reference made to bulkhead lights being attached to the building. Question if they would even be

development and consequently not covered by the restriction on use of lights. Important with dark skies initiative to limit scheme to approved lighting only. **Requirements 7,8,& 9** The Council has put forward a proposal for variations to these requirements.

**Requirements 10** welcome the HCC view that the roles could be reversed and application submitted to WCC with HCC as a consultee. This is the procedural arrangement with planning applications for an access.

**Requirement 24** This lacks a clear trigger it is not acceptable to leave it up to the applicant to decide. The Council notes the decommissioning requirement within the Abergelli Power Gas Fired Generating Station DCO which uses cessation of generation on commercial basis as the trigger point.

- 5.4 The Council welcomes the applicant's inclusion of the requirement relating to an Employment and Skills Plan. It is looking for some refinement of the text and will seek this during the general post hearing discussions with the applicant that will take place.
- 5.8 The Council is seeking the addition of two new requirements. The first one would be a Grampian type requirement and would prohibit a start on the UK side before the French side had acquired all the necessary approvals. A requirement has been put forward in the Council submission.

The second new requirement relates to a Decommissioning Bond. Again the Council has put forward a suitably worded requirement. The amount to be secured through the bond is negotiable, the Council has been unable to obtain any clear indication of the construction cost of the Converter Station. The amount should be sufficient to under basic decommissioning in the event the undertaker goes in receivership or liquidation.

**Postscript:** *Further discussion with the applicant have taken place since ISH4 on the dDCO and the latest position is outlined in paper no 4 which is part of the Councils Deadline 8 submission and in the statement of common ground signed 1 March 2021.*

**1 March 2021**

**End**

