



AQUIND Limited

AQUIND INTERCONNECTOR

Applicant's Response to Deadline 8 Submissions

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WSP

WSP House

70 Chancery Lane

London

WC2A 1AF

+44 20 7314 5000

www.wsp.com

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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 8.
- 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. In particular, the Applicant has not sought to respond to the submissions raised by individuals where the matters have already been addressed in the Applicant's Written Summary of the Oral Case at Open Floor Hearing (OFH3) and Compulsory Acquisition Hearing 3 (CAH3) submitted at Deadline 8 (REP8-056).
- 1.1.1.5. The Applicant's responses to changes proposed to the draft DCO at Deadline 8 by interested parties are submitted separately to this response document (document reference 7.3.10).
- 1.1.1.6. The Applicant's Response to the submissions made on behalf of Mr Geoffrey Carpenter and Mr Peter Carpenter are submitted separately to this response document (document reference 7.9.51), submitted at Deadline 9.

2. SUBMISSIONS TO DEADLINE 8

Table 2.1 – Winchester City Council

Ref:	Question:	Applicant's Comments
5	Employment and Skills Strategy	
	<p>The Council has been seeking a commitment to an Employment and Skills Plan since the application was submitted. The applicant submitted an Employment and Skills Strategy (ESS) at D7 (REP7-077) and included requirement 27 in its revision no. 006 of the dDCO at D7 (REP7-013) to deliver the plan.</p> <p>The submission is welcome by the Council as a positive response to the request by the Council. The ESS is considered to offer a very positive guide for the future submission of details at the requirement submission stage.</p> <p>However, it is not viewed as the definitive document on this topic. There are aspects that the Council wishes to see explored further at the appropriate time. These include the targets, the suitability of onsite visits, the number of educational establishments that are engaged with and the resources to be applied to implement the plan.</p>	<p>The Applicant notes this response and refers to the Statement of Common Ground between the parties submitted at Deadline 8 (REP8-044) where it is acknowledged under paragraph 4.2.5 that an Employment and Skills Plan will need to be produced in the future, in accordance with the Employment and Skills Strategy (REP7-077) submitted at Deadline 7. WCC will need to approve the content of that document in advance of construction as part of the discharge of DCO Requirements.</p> <p>In relation to site visits and engagement with educational establishments, again this is referred to in the Statement of Common Ground submitted at Deadline 8 under paragraph 4.2.6 which refers to the caveat as expressed above at 4.2.5.</p>
6	Socio Economic Benefits to Denmead	
	<p>At D7 the applicant responded to ExAQ2 SE2.15.2. (REP7-038) This question sought an explanation for the predicted socio-economic benefits to the rural settlements of Denmead and Anmore. The response did acknowledge the difficulty in setting out precise tangible benefits and talked of three areas, employment, spending and support for community services. The applicant did generalise in identifying a number of local residents employed in construction and speculated that they could find work associated with the scheme. This attempted link is considered tenuous and lacks any depth of analysis of whether those people are working for the type of contractor who may tender for work on site. The degree of benefit from spending arising from purchases at local shops or from accommodation stays is also speculative. As the applicant intends to encourage contractors to use preferred routes to and from the site and these do not go through the village then the benefits from passing traffic will be limited.</p> <p>The commitment to an Employment and Skills Plan is welcomed.</p> <p>The applicant's rejection of contributing to a more general community fund that would see the local area benefit from the scheme is regrettable. Citing the specific regulations is not viewed as adopting the same spirit as following the philosophy that resulted in the publication of the Community Benefits from Onshore Wind Developments: Best Practice Guidance for England Funds. The difference in attitude between Aquind and the developer of IFA2 where community benefits have been proposed is noted. Even at this late stage, and if necessary, secured outside the Examination process, the Council would welcome some engagement with the applicant to establish such a fund.</p>	<p>With regard to the first point the Applicant has nothing further to add.</p> <p>In relation to the Applicant's position on the request for a general community fund this has been discussed previously and a closing position set out under section 4.2.7 (Community benefits – planning contributions) of the Statement of Common Ground submitted at Deadline 8.</p> <p>Any planning contribution to be secured in connection with the AQUIND Interconnector DCO must be in compliance with the relevant tests provided for at paragraph 4.1.8 of NPS EN-1 and the provision of a general community fund does not meet these tests. It is therefore not a matter which is relevant to the determination of the Application. The Applicant would also note that it does not set government policy or guidance in relation to community benefits, and so guidance does exist in relation to developments of the nature of the Proposed Development.</p>

Ref:	Question:	Applicant's Comments
7	Kings Pond Meadow	
7.1	<p>The concern relates to the impact on a section of the Kings Pond Meadow SINC. The proposal would see a roadway and cable circuits crossing Field 8 East. (See Appendix 4 Figure 1 Denmead Meadows SINC REP7-071)</p> <p>This field is part of the SINC. The roadway links the Anmore Road access (AC/2/a) as shown on sheet 3 of the Access and Rights of Way Plans (REP7-008) through to the proposed HDD5 recovery compound in Field 13.</p>	<p>Potential impacts of the Proposed Development on Kings Pond Meadow SINC will be mitigated such that there would be no significant adverse residual effects on the habitats within it, as explained in Environmental Statement Chapter 16 Onshore Ecology (APP-131). Mitigation measures are described in detail in the Kings Pond Meadow Position Paper (REP8-067) submitted at Deadline 8 and in summary comprise:</p> <ul style="list-style-type: none"> - Pre-construction botanical survey to establish up to date botanical baseline data. - Cutting and storage of whole turves from areas above the cable installation trench and soil storage areas. - Installation of a porous ground protection solution covering trench-side areas and the roadway between Anmore Road and the HDD5 recovery compound. - Restoration and replacement of soil structure, turves and reseeded using brush harvested seed from Denmead Meadows itself. - Annual management and monitoring for a period of 5 years post-construction. <p>The Applicant has made considerable efforts to formulate and agree the mitigation and monitoring measures required at Kings Pond Meadow SINC, in addition to embedding mitigation through the use of HDD beneath ecologically sensitive areas, to ensure no significant adverse residual effects on the habitats within it will arise.</p>
7.2	<p>The outstanding issue concerns the applicant's intentions regarding the measures to secure the restoration of the land after the temporary use ceases.</p>	<p>Areas within the Order Limits at Kings Pond Meadow SINC will be managed to allow them to regenerate to their former condition post construction. An assessment will be made each year within the 5-year post-construction management and monitoring period as to whether aftercare management is needed, and appropriate actions taken, as detailed in the Onshore Outline Construction Environmental Management Plan (OOCEMP) (document reference 6.9 submitted at Deadline 9).</p> <p>Management will involve weed cutting/pulling, with a focus on removing invasive species to avoid them becoming dominant. Arising's will be removed and disposed of away from Denmead Meadows to aid retention of the nutrient status of the soils. Actions required and their timing will be informed by botanical surveys undertaken as part of monitoring (see below) and will be kept to areas that are affected by the works within the Order limits so as not to alter retained habitats.</p> <p>To ensure habitats are successfully reinstated, the area subject to removal and replacement of turves, which would be fenced off to allow them to reintegrate with the surrounding soils undisturbed by livestock. Fencing will be left in place through the winter wet period which has been highlighted as important to the maintenance of habitats in the area, and also through the plant growing season in spring and early summer following works to allow vegetation to regrow. Removal of fencing will take place at the end of July in the year following completion of works.</p>
7.3	<p>The proposal is to monitor the land in years 1, 3 & 5. Recent indications are that part of the land will be fenced off for the first winter. Whilst the applicant will undoubtedly have some form of contract with the landowner to cover the construction period, there is no</p>	<p>Following consultation proposed management and monitoring activities have been extended to occur in each year within the 5-year post construction period. This will be sufficient to restore the land back to its former condition. Overall, the land uses within Kings Pond</p>

Ref:	Question:	Applicant's Comments
	<p>proposal to extend that arrangement or indeed any type of arrangement that would influence the management of the land during the restoration period beyond the monitoring and simple management visits. This means outside the maintenance visit which will occur on three occasions over a period of 5 years, the landowner will be at liberty to use the land as they see fit, with the potential that those action may run directly counter to the restoration measures. The dDCO powers would cover such an agreement if the parties were willing to enter into one. This is not to imply there has to be ownership of the land but some form of understanding over the way the land is farmed. Without an adequate level of influence or control over the use of the land during the restoration period there must be an uncertainty that the land will be brought back to its former condition.</p>	<p>Meadow SINC will remain unchanged as to the preconstruction condition, as determined by the landowner. Currently grazing occurs in in the SINC and this is expected to continue and is not under the control of the Proposed Development. It is not appropriate for the Applicant to acquire an interest in the land by the use of CA powers or otherwise to prevent the ongoing use of the land by the Landowner as they may lawfully do so.</p> <p>The Applicant cannot control the land for a period which prevents the landowner from undertaking activities which they are lawfully able to do before the works and will be able to do after. This would be unreasonable to the landowner. The Applicant considers the reinstatement would be achieved, appropriately secured and managed to deliver an acceptable restoration of the turves. This is outlined in the Statement of Common Ground submitted at Deadline 8 (REP8-045) see section 4.4.21a.</p>
8	Access Route to Kings Pond Meadow Compound	
8.1	<p><i>The construction traffic route for accessing works within Kings Pond Meadow is identified within Section 3.4.4 of the Framework Construction Traffic Management Plan (REP6-032). HGV construction traffic to/from Anmore Road and Kings Pond will be routed either via the Converter Station Area and A3 London Road, B2150 Hambledon Road and Mill Lane or directly from junction 3 A3(M), Hulbert Road, A3 London Road, B2150 Hambledon Road and Mil Road.</i></p> <p><i>No construction traffic will use routes along Broadway Lane south of the Converter Station Area or Soake Road. This will be managed and enforced by provision of route planning information by the contractor.</i></p>	<p>See paragraph 8.2 below</p>
8.2	<p>In the assessment of the traffic route options the Council asks why the option of coming straight down the haul route has not been considered. This haul road will be formed alongside the cable circuits from Lovedean as far south as Anmore Road. The haul road could be extended, crossing Anmore Road and leading directly into the Kings Pond Meadow (KPM) site. This would avoid the need for any HGV traffic to enter the highway. Whilst the Order Limits do narrow as they run through the gap between the residential properties on the north side of Anmore Road, there does appear to be sufficient width to form a temporary roadway. It there is a concern over the available width, then attention to the sequence that the work is undertaken at KMP and in the fields to the north may resolve the issue.</p> <p>The proximity of the haul route to the [REDACTED] which was re erred to at ISH5 when this matter was discussed is not considered so critical an issue when the number of vehicles concerned is taken into account.</p> <p>The Council notes the assessment of Mill Road in terms of traffic numbers. When it is considered that this road is residential in nature with no obvious destination point to the north, the figures presented of a weekday average of 69 HGVs in Appendix C Construction Vehicle Management on Anmore Road and Mill Road (REP7-075) is strongly questioned. The Council asks that the applicant check this figure. There does</p>	<p>The Applicant notes these comments and refers to the Applicant's Response to Deadline 7C (REP8-064), which explains in paragraph 6.2 the restrictions that affect the possibility of extending the haul road to Anmore Road, in particular that there is not adequate width for such a haul road without the removal of the tree subject to a TPO (which WCC have previously sought the retention of) and that it would not be appropriate to place such a haul road next to [REDACTED].</p> <p>The Applicant also provided a response in the Applicant's Response to Deadline 7c Submissions regarding Mill Road (REP8-064). It remains the Applicant's view that the recorded traffic flows are correct, with an assessment of displaced parking included within the Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy (Appendix 1 of the FTMS (AS-072)).</p>

Ref:	Question:	Applicant's Comments
	not appear to have been any assessment of the displaced car parking demand and how this would be satisfied within the surrounding area.	
9	Converter Station Micro Siting Options	
9.2	<p>The Council has maintained a view throughout the Examination that option B(ii) should be the only scheme to go forward. Now that option B(i) is still under consideration, the Council feels that it should strengthen that view from severe concern to formally objecting to option B(i). The reason is that option B (i) is considered contrary to the intentions of the local planning polices as set out in the consideration of this issue in section 4.6.9 of the Councils Local Impact Report (REP1-183). The planning policy context, commentary and conclusion from that section are copied below:</p>	<p>WCC's position is understood.</p> <p>The Applicant continues to engage with NGET to secure an Option Agreement over Plot 1-27 to enable the siting of the Converter Station for Option B(ii). Heads of Terms have now been agreed.</p> <p>In the event the Applicant is able to secure an Option Agreement from NGET, the Applicant would be able to commit to siting the Converter Station in the Option B(ii) location. However, taking into account that the option agreement is not yet agreed, at this time the Applicant cannot commit to option B(ii) and therefore both options are provided for within the dDCO.</p>
10	Choice of Lovedean:	
10.1	<p>The background to this issue is well recorded. Having failed to receive a sufficient clear response in an initial approach to NGESO by the ExA, a second approach was made on 7 January 2021 as part of EXQ2. The central question was the role that the proximity of the Lovedean site to the national park played in the decision by the National Grid to offer Lovedean to Aquind as the location for the grid connection. This requirement finds expression in Section 62 of the Environment Act 1995. This section imposes a duty on the National Grid to have regard to the purposes of the National Park in their decision-making.</p>	<p>Both the Applicant and NGESO addressed this matter at ISH4.</p> <p>The response is set out under section 22.4 to 22.17 in the Applicant's Written Summary of the Oral Case at Issue Specific Hearing 4 Question 22.2 (AS-065).</p> <p>The Applicant also refers to the responses given to Agenda item 22 as documented in the ISH4 transcript (EV-079) as well as the Applicant's written summaries at ISH4 (AS-065) which confirms how the duty has been discharged by both NGESO and the Applicant.</p>
10.4	<p>Over the course of the two letters submitted by NGESO the Council has not seen the clarity of detail that it was expecting. Accordingly, at the present time the level of information that has come forward does not satisfy WCC that the correct procedure was followed or clearly audited.</p>	<p>This is noted and the Applicant refers to the closing position set out under 4.13.2 in the Statement of Common Ground between WCC and the Applicant submitted at Deadline 8 (REP8-045). The Applicant does consider this matter has been adequately addressed by itself and by NGESO during the course of the Examination.</p>
11	The Cross Country Route: Final Comments	

Ref:	Question:	Applicant's Comments
11.3 - 11.4	<p>The reason why the Council has persisted in responding on this matter is simple. In none of the evidence submitted by the applicant have they addressed the core question. This is summarised below as follows:</p> <p><i>“Where in the submission as part of the optioneering process, when the decision was taken to link the landfall at Eastney with the grid connection at Lovedean, does it clearly identify with a clear timeline that due consideration was given to assessing the merits of the cross country route as an alternative to coming up the highway”.</i></p> <p>None of the applicant's responses has dealt with this question directly. The most comprehensive response at deadline 1 the Supplementary Alternatives Chapter (REP1-152) devotes a whole section (section 8) to what is referred to as the Countryside Route. This section contains an assessment of the issues that such a route would need to address but it does not respond to the core question and provide the timeline sought which would show that this option was part of the assessment when the applicant was looking for the best route to link Eastney to Lovedean.</p>	<p>As well as the detailed assessment of the countryside route provided by the Applicant in the Supplementary Alternatives Chapter (REP1-152), further information was detailed in response to Question 9.2 of the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034). The Applicant also refers to its response provided at Deadline 6 (REP6-067 (Tables 2.1 and 2.3)) which sets out further detail in relation to the chronology and consideration of the route. The Applicant has very clearly considered the Countryside Route and the benefits and dis-benefits of following this route by comparison to the route along the highway and maintains its position that it has reached reasonable and logical conclusions with regard to the selection made.</p>
11.5	<p>The applicant has made reference to the consideration of the cross country route before 2019 offering two dates (2017 & 2018) but not linked them to specific sections in any text to support those claims. The applicant has also referenced to other documents but they also lack the level of evidence sought.</p> <p>There is a reference to a point in the statement of common ground with Natural England (REP5-027) NE4.8.1 where it states that they both agree on the concerns relating to the countryside route. That is noted. However, it is the view of the Council that the merits of the cross country route should have been evaluated and weighed against the road route prior to the choice of the cable route being made. It is inappropriate to evaluation one option on its own. This is not to imply that the Council supports one option over the other.</p> <p>Winchester City Council has no preference, it simply wishes to see the alternatives assessed against each other.</p>	<p>The Applicant has addressed this point within the Examination.</p> <p>The overall philosophy applied to the consideration of the reasonable alternatives, or the options, for the Proposed Development by the Applicant is explained at paragraph 2.3 of Chapter 2 of the ES (APP-117). This explains that a process of staged filtering was applied, increasing knowledge of the individual options, to consider them proportionately from a technical, cost and environmental perspective.</p> <p>A proportionate multidisciplinary approach was taken to the assessment of the reasonable alternatives, taking into account considerations relevant to and specialist input from experts in the fields of electrical engineering, cable engineering, the environment, planning and civil engineering in respect of both the onshore and marine environments. To provide as clear an explanation as is possible, the Applicant submitted a Supplementary Alternatives Chapter (REP1-152) to the ES Addendum, to provide further context behind the iterative process, and how relevant elements were considered. This specifically addressed considerations in relation to the Countryside Route. The Applicant maintains that it has considered the reasonable alternatives at the appropriate times and has reached reasonable and logical conclusions in relation to those.</p>
11.6	<p>In the light of the responses, the inevitable conclusion after 6 months is that the applicant did not consider the Cross Country Route when they were looking for a cable route to connect the landfall to the grid connection point.</p> <p>The Council's letter at PDB 2 noted the applicant's stated strategic intention from August 2014 as outlined in chapter 2 of the ES for the onshore cable route to be laid in the highway. The conclusion is that this principle drove the choice of the A3/B2150 and not some measured assessment of the pros and cons of the road route against the cross-country route. The exercise to assess the relative merits of the cross-country route only took place after April 2019 in response to the questions raised at the PIR stage. By that time the decision to follow the road route was already fixed.</p>	<p>As previously explained, a cross-country option was considered in 2017 and 2018, in addition to following the receipt of feedback from local authorities to further look into non-highway options. A route through the fields, adjacent to the A3 to the west, has been considered by the Applicant in a proportionate manner. Taking into account the various environmental constraints and other important factors such as strategic housing allocations and impacts to private land, 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 taken forward.</p>

Ref:	Question:	Applicant's Comments
	<p>Consequently, the most recent information submitted during the Examination has focused on identifying and assessing the constraints associated with such a route to present a case to justify the unsuitability of that route. In effect, it was retrospectively fitting the case to justify why the road route was adopted.</p>	<p>The Supplementary Alternatives Chapter (REP1-152) to the ES Addendum provides further information on the considerations made in 2017 and 2018 as to why a countryside route to the west of the A3 was not pursued at that time.</p>
<p>Conclusion</p>		
iii	<p><i>As the optioneering process progressed, and it focused in on the cable route 3D (Eastney to Lovedean), no option other than burying the cables under the A3 and B2150 appears to have been considered. The Cable route desk study of February 2017 gives no indication of considering the cross country option west of the A3.</i></p>	<p>See responses at 11.5 and 11.6 above in relation to the consideration of a cross-country route to the west of the A3.</p>
iv	<p><i>The consideration of alternatives is an iterative process and there is an expectation on a developer to consider new options or reconsider previously discounted options as a project is being developed. The only evidence to show that the applicant has considered the cross country route at any stage is in the response to the questions raised during the PEIR consultation process in April 2019.</i></p>	<p>The evidence was provided to demonstrate why WCC and HCC's suggested routes were not considered to be reasonable alternatives to the highway route proposed during the statutory consultation and thus not taken forward. This is also in line with the considerations and judgements made prior to this date as to why a countryside route to the west of the A3 was not pursued at an earlier stage, as is explained in the Supplementary Alternatives Chapter (REP1-152) (which it is noted was submitted following the Council's submission). It is therefore not correct to contend that the Applicant has provided no further information in response to the Council's previous submissions.</p>
vi	<p><i>WCC has consistently asked for the disclosure of any assessment of the cross country route. To date no additional information has been forthcoming that may have answered this question.</i></p>	<p>See responses at 11.5 and 11.6 above in relation to the consideration of a cross-country route to the west of the A3.</p>
vii	<p><i>It is not considered just a question of making an assessment of the two options. Any assessment of the cross country route against the highway route needs to have a sufficient level of information regarding both options for any meaningful and reasonable assessment to be made. The timing of the assessment is therefore an important consideration.</i></p>	<p>See responses at 11.5 and 11.6 above in relation to a cross-country route to the west of the A3. A reasonable and meaningful assessment was undertaken, and this is reported in the Supplementary Alternatives Chapter (REP1-152).</p>
viii	<p><i>It is accepted that no assessment can be made with full information on different option. However, there is a concern that the applicant has still not fully appreciated or acknowledged the technical and engineering difficulties of laying the cable circuits in the highway.</i></p>	<p>The Applicant can confirm that the technical aspects and engineering constraints associated with construction of the Onshore Cable Route within highway land have been fully appreciated and acknowledged, as has been evidenced throughout the course of the examination.</p>
Xii	<p><i>WCC highlighted the need for the applicant to seek clarification on this matter at one of the briefing meetings held with the Planning Inspectorate. This is recorded in the notes of a meeting held on 13 June 2019. The applicant does not appear to have acted upon this suggestion. The importance of this issue to the examination has therefore been identified for some time and by several local authorities.</i></p>	<p>The Applicant responded to this point through the inclusion of the considerations of WCC and HCC's suggested alternative countryside routes within ES Chapter 2 (Consideration of Alternatives) (APP-117). A section is included within this chapter to illustrate that HCC and WCC's suggestion had been considered, stating that it was considered that the impact associated with the countryside route outweighs temporary short-term impact on traffic, and the countryside route options suggested by WCC and HCC were not considered to be reasonable alternatives to the highway route proposed during the statutory consultation and therefore not taken forward.</p>
1.18	<p><i>If the consideration of the cross country route against the road route has merit, the Examining Authority is requested to consider the implications on public consultation. At</i></p>	<p>It is of course recognised by the Applicant that public engagement on proposed development is highly important to developing proposals. The Applicant has undertaken two rounds of</p>

Ref:	Question:	Applicant's Comments
	<i>neither the PEIR consultation stage or at the formal submission stage has the public been asked to express their views and preference for one route over the other? It is understood that public engagement is a fundamental part of the formulation of a scheme and in this instance that stage is missing.</i>	public consultation prior to the submission of the Application to seek feedback on its proposals and revised them as a result. However, it is for an Applicant to determine which options should be consulted on, and moreover which should not because they are not considered to be acceptable, as was the case in respect of the Countryside Route.
1.19	<i>The implication of not considering the cross country route during the optioneering process is that the applicant has failed the test of reasonableness which is referred to in the EIA regulations and the adequacy of the optioneering process must be questioned.</i>	See responses at 11.5 and 11.6 above in relation to the consideration of a cross-country route to the west of the A3. The Applicant is content that this matter has been addressed in a proportionate manner at the appropriate times, which is compliant with the requirements of the EIA Regulations and further the policies relating to alternatives contained in NPS EN-1. .
12	Lovedean Grassland Establishment	
12.1	The intent behind this item is to reinforce the view expressed in the Statement of Common Ground that the Councils signing off on this matter is subject to clarification that Natural England are content in the way that the Biodiversity Metric (BM) has been applied. It is the Councils interpretation of the sequence of events that the original BM that was part of Biodiversity Position Paper (REP3-012) considered the establishment of a calcareous grassland. That is to be expected as its publication precedes the discussion on the ability to form a chalk grassland and the emergence of the second option of a species rich grassland. The Council notes the view expressed by the applicant that the original calculation includes sufficient flexibility to allow for a species rich grassland and for the overall calculation to still show a net positive gain. The Council notes the high level of confidence on this matter expressed by the applicant. Winchester City Council does not have the internal expertise to assess the BM and confirm whether it does include the "built in correction factor" that would accommodate the establishment of a species rich neutral grassland instead of a chalk grassland. Accordingly, the Councils position is that its "sign off" on this matter is given on the understanding that the confirmation of Natural England is obtained on this specific point.	<p>The Applicant has highlighted that it sees the approach as a positive opportunity to support changes to grassland whilst also generating a positive gain in terms of biodiversity within the landscaping that is required to mitigate the visual impacts of the Proposed Development.</p> <p>Should calcareous grassland not be delivered but the outcome be a good condition species rich grassland then the biodiversity units will not be affected, and the habitat will still support the appropriate community of species (e.g. invertebrates etc).</p> <p>Within the DEFRA metric 2.0 for Biodiversity Net Gain, calcareous grassland is assigned a high 'difficulty to deliver' value. This effectively means that the units gained from the site are multiplied by 0.33 (i.e. reduced by two thirds) to take account of the risk to delivery. With this risk taken into account the Application involves a precautionary approach and will still deliver a net gain in units for priority habitats.</p> <p>Whilst the Applicant notes that since ISH5 WCC have requested Natural England sign off this matter, it is noted that the DEFRA metric calculations have remained unchanged since Deadline 1. Natural England confirmed within the statement of common ground with the Applicant that they agree with both the approach and assumptions applied (REP4-015). The Applicant therefore contends that Natural England has already "signed off" this matter.</p>

Table 2.2 – Winchester City Council - Summary Transcript from Issue Specific Hearing 5 Environmental Matters & Highways

Ref:	Question:	Applicant's Comments
3	EIA and ES	
3.2	The WCC Landscape Architect made the following contribution: These were, as you know, additional viewpoints added at the request of the SDNP. I confirm I have seen them and that these additional images have been noted but that I do not think that they add anything significant to the existing representative viewpoint analysis already carried out by the Applicant.	The Applicant notes these comments and refers to the Applicant's Written Summary of the Oral Case at Issue Specific Hearing 5 Question 3.2 (ISH5)(AS-065) which explains in paragraph 3.26 to 3.34 the nature of visual impacts associated with the Access Road and the "Gated Link Road".

Ref:	Question:	Applicant's Comments
	<p>The only thing I <i>had not appreciated</i> was that one of the SDNP's requested VP's (Rep 063: Fig 15 61 B and C VP3) was to try and illustrate the visual impact that the <i>new site access</i> would have at the junction with Day's Lane. Nothing to do with the Converter Station itself. The CS would not be visible from this point.</p> <p>However, I cannot really comment on this as I have seen no indication of what form the new access might take. I am anticipating this would be part of the detail submission.</p> <p>Postscript: <i>The latter observation on VP3 relates to a situation outside the Winchester City Council area as the impact is limited to around the proposed access point.</i></p>	
5	Onshore ecology	
	<p>The Council acknowledged that it had raised questions over the establishment of the grassland at Lovedean. Discussions had taken place with the applicant over several meetings that had clarified the situation and the Council was content that either a calcareous chalk grassland or a species rich neutral grassland would be created. The critical aspect centred on whether the resultant grassland still achieved the biodiversity enhancement net positive gain as set out in the Biodiversity Metric. The applicant was indicating that there was sufficient tolerance in the existing calculation to allow for either grassland type to be created and for the net gain to still come out as a positive figure. The Council relied on Natural England to interpret this assessment previously and was doing so again. Accordingly, its acceptance of the species rich neutral grassland was subject to Natural England signing off this matter.</p>	<p>Please see the response above at 12.1 in Table 2.1 in this regard.</p>
5.2	<p>On the subject of Denmead Meadows, the council has held several meetings with the applicant on the impacts on that section of the SINC to be crossed by the access road and the cable circuits. A solution to minimise impacts has been identified. The remaining concern relates to the restoration of the ground. Whilst the applicant is proposing to monitor the condition of the land at three times during a 5 year programme (years 1, 3 & 5) it is not proposed to enter into an agreement with the landowner to control or influence how the land will be used. Consequently, the restoration work risks being undone if an excessive number of livestock are brought onto the land or it is over grazed.</p> <p>The lack of some influence over the management is a fundamental concern to the LPA.</p>	<p>It is noted and welcomed that WCC has agreed that the mitigation proposed at Kings Pond Meadow is appropriate. With regard to restoration and monitoring, the Applicant has provided detailed proposals in discussion with WCC and presented in the Kings Pond Meadow Position Paper submitted at Deadline 8 (REP8-067). Further, Requirement 9 of the draft DCO (REP8-004) was amended to provide further certainty regarding the need to undertake future maintenance activities for the periods stated in the relevant biodiversity management plan.</p> <p>To ensure habitats are successfully reinstated, the area of Field 8 East subject to removal and replacement of turves would be fenced off to allow them to reintegrate with the surrounding soils undisturbed by livestock. Fencing will be left in place through the winter wet period which has been highlighted as important to the maintenance of habitats in the area, and also through the plant growing season in spring and early summer following works to allow vegetation to regrow. Removal of fencing will take place at the end of July in the year following completion of works.</p> <p>For monitoring, the paper updates the commitment on the five year programme to detail that Fields 8 (east) and 13 will be managed to allow them to regenerate to their former condition post construction. An assessment will be made each year within the 5 year post-construction management and monitoring period as to whether aftercare management is needed, and appropriate actions taken, as detailed in the Onshore Outline Construction Environmental Management Plan (CEMP) (REP8-024).</p>

Ref:	Question:	Applicant's Comments
	Regarding the point on foot access across the Meadow, the Council had raised the matter with the applicant as it was noted the Land Plan showed new access rights along a corridor north-south. The definition of new access rights covers a wide range of activities and given the sensitivity of the ground access should be limited to pedestrians only. It was noted a similar request had been put forward at the Milton allotment, so the precedent was set.	Regarding the commitment to foot access only at Denmead Meadows, the Applicant detailed at Issue Specific Hearing 5 that this is secured under paragraph 6.4.1.3 of the Outline Onshore Construction Environmental Management Plan (OOCEMP) (document reference 6.9 submitted at Deadline 9), which states: "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."

Table 2.3 – Winchester City Council - Responses for Submission at Deadline 8 - Winchester City Council comments at Deadline 6 on Applicant's Response to Deadline 4 Submissions

Ref:	Question:	Applicant's Comments	Winchester City Council Response	Applicant's Comments
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 drillhead (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>	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'.	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?	This is not considered necessary. The commitment in the OOCEMP (document reference 6.9 submitted at Deadline 9) (which is secured via Requirement 15 of the DCO) is sufficient.

Table 2.4 – Winchester City Council - Responses for Submission at Deadline 8 - Paper No.2 Winchester City Councils Comments on Ash Die Back Submission

Ref:	Question:	Applicant's Comments	Winchester City Council Response	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>	<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</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.</p> <p>That was not the impression obtained from the submission assessment before it was</p>	The Applicant refers to the Applicant's Written Summary of the Oral Case at Issue Specific Hearing (ISH5)(AS-065) Question 4.2, Table 2.13 of the Applicant's Response to Deadline 7 and 7a Submissions (REP7c-012) and Table 2.9 of the Applicant's Response to Deadline 7c (REP8-064), all of which consistently explain why the additional planting was not included within Change Request 2, the effectiveness of the additional visual mitigation and that heads of terms have now been agreed with the landowner to acquire an interest in the land with

Ref:	Question:	Applicant's Comments	Winchester City Council Response	Applicant's Comments
	<ul style="list-style-type: none"> Removal of some dead ash Leaving some dead ask 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 show within the changed Order Limits as shown on sheet 1 of the Land Plans Rev04 (REP6-004).</p> <p>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>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>realised the land lay outside the Order limits.</p>	<p>a view to providing the landscaping strip in the interests of enhancing the secured mitigation. It is expected that the Option Agreement for the rights required from the landowner will be completed shortly after the end of the Examination.</p>
	<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</p>	<p>Noted</p>	<p>The Applicant refers to the updated OLBS (REP8-015) which includes references to the publications on woodland management and the Applicant's Response to Deadline 7 and 7a Submissions (REP7c-012).</p>

Ref:	Question:	Applicant's Comments	Winchester City Council Response	Applicant's Comments
		<p>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>		

Table 2.5 – Winchester City Council - Responses for Submission at Deadline 8 - Paper No.6 Winchester City Councils Comments on the Denmead Meadows Position Paper (REP6-072)

Ref:	Question:	Applicant's Comments	Winchester City Council Response	Applicant's Comments
	<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>	<p>The Applicant has discussed the implications of the report with both WCC and Natural England. This has informed the Kings Pond Meadow Position Paper submitted at Deadline 8 (REP8-067) and also the agreement on mitigation for Kings Pond Meadow SINC detailed in the statement of common ground with WCC (REP8-045).</p>
	<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.</p> <p>Accordingly, the Council feels that the focus should be on minimising any impacts from its temporary presence.</p> <p>The applicant's intentions are to remove a layer of soil and then reinstatethis using any surplus seed from the seed harvest undertaken as part ofthe restoration of the land at the southern end. Leaving the soil in situ and using protective mats and teram should be considered together withseeding.</p> <p>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 beconsidered. The Council is ready to discuss with the applicant the methodology to be adopted to undertake the work and in the reinstatethe ground.</p>	<p>The Applicant welcomes agreement with WCC regarding the need for the HDD5 reception compound (the "northern recovery drill compound") location.</p> <p>The Applicant will review its mitigation proposals in light of the Hampshire Biodiversity Information Centre report ("Kings Pond Meadow Habitat SurveyMay 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.</p> <p>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.</p> <p>The Applicant proposed to undertake the followingwith respect to Field 8 (east) which lies within the Kings Pond Meadow SINC:</p> <ul style="list-style-type: none"> • Soil protection through low ground pressuremachinery and ground matting; 	<p>These actions are considered appropriate as part of the Methodology of establishing the access road and the cable trenches. The WCC concern relates tothe restoration work. This is addressed further as part of the Councils D8 submission. (main submission paper item 7)</p>	<p>Noted. The Applicant has responded in respect of the restoration (including monitoring) activities to be undertaken above.</p> <p>The Applicant's discussions with both WCC and Natural England on this matter reflect the details contained within the Kings Pond Meadow Position Paper submitted at Deadline 8 (REP8-067).</p>

Ref:	Question:	Applicant's Comments	Winchester City Council Response	Applicant's Comments
		<ul style="list-style-type: none"> • 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. 		

Table 2.6 – Winchester City Council - Responses for Submission at Deadline 8 - Paper No.7 Winchester City Councils Matters to be Considered within a 106 Agreement

Ref:	Question:	Applicant's Comments	Winchester City Council Response	Applicant's Comments
	<p>The Council wishes to see the certain matters covered by 106 agreement. They will be activity discussed with the applicant over the coming weeks.</p> <p>The matters to be covered in the discussion will include:</p> <ul style="list-style-type: none"> 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) <p>There have been ongoing discussion with the applicant over the precise matters to be considered and then the most appropriate mechanism to secure them.</p>	<p>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.</p> <p>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.</p> <p>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).</p> <p>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.</p> <p>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.</p>	<p>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)</p> <p>Noted with further comment elsewhere in Councils D8 submission (main submission paper item 5)</p> <p>The parties positions on this matter have been Outlined. There is nothing more to add.</p> <p>Noted.</p>	<p>The Applicant maintains its position as set out at Deadline 7, which are further articulated in the Applicant's Written Summary of the Oral Case at Issue Specific Hearing 4 at paragraphs 5.51 – 5.53.</p>
	<p>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.</p>	<p>A draft post-consent PPA was issued to WCC on 20 July 2021, which if entered into will be a binding legal agreement</p>	<p>Noted, the Council has accepted that a PPA will secure the necessary</p>	<p>This is noted and the Applicant is continuing to work with WCC to reach agreement on the PPA.</p>

Ref:	Question:	Applicant's Comments	Winchester City Council Response	Applicant's Comments
		subject to the jurisdiction of the Courts.	resources	

Table 2.7 – Hampshire County Council

Ref:	Question:	Applicant's Comments
	Day Lane Management Strategy	
	The management strategy for construction related traffic travelling to and from the Lovedean converter station is covered under the 'Revised HGV Construction Management Strategy for Day Lane' document. The final draft of this document was submitted to the Examining Authority on 25th February. The Highway Authority has reviewed this final draft and can confirm that the amendments requested at Deadline 7c have been suitably incorporated and the document is now agreed.	The Applicant wishes to clarify that the final version of the Day Lane Technical Note was submitted into the Examination at Deadline 8 (REP8-054). This document was identical to that reviewed by HCC on 25 th February other than a correction to Figure 1, updates to examination document references and inclusion of the design principle for Day Lane passing bays as contained within the Design and Access Statement also submitted at D8 (REP8-013).
	At its Deadline 7c response and as discussed at the ISH5 hearing there remained an issue for the Highway Authority relating to parking suspension enforcement both more widely and in particular at the Hulbert Road layby. From a Highway Authority's perspective, it is understood that it will be for Winchester City Council, East Hants District Council and Havant Borough Council to undertake any parking enforcement. This is not considered to be problematic generally in the built-up areas however where enforcement is required in more remote areas this could be more problematic. The Highway Authority needs to be satisfied that, if necessary, enforcement could be resourced by the relevant councils. There is particular concern at the Hulbert Road layby which depends on the parking availability for the safe operation of the highway and is set to be in place for a significant period of time. It is the Highway Authority's understanding that a suitable financial arrangement has been made with Havant Borough Council through a PPA with the applicant to address these concerns.	This is correct. The Applicant has agreed to provide any requires resource funding for enforcement and monitoring through the PPA with Havant Borough Council, and therefore this matter has been resolved.
	Reinstatement Criteria	
	The Highway Authority's Deadline 7 response set out concerns regarding the implications of the proposed works in relation to reinstatement of the highway and the resource burden on the Highway Authority that extensive trenching would be likely to have. It was proposed that a framework could be provided for that would inform when reinstatement would be undertaken above the minimum requirements as set out within the Specification for the Reinstatement of Openings in the Highway. This would ensure that the proposed works do not undermine the structural integrity of the highway itself	The Applicant disagrees that there will be an additional maintenance burden on the highway authority. The Applicant has confirmed to HCC through various submissions that all highway reinstatement works will be carried out in line with the New Roads and Street Works Act 1991 (NWSRA). The HVDC ducts will be installed as per the contractors detailed designed, with reinstatement carried out in line with the NWSRA specification for the reinstatement of openings in the highways fourth edition (DfT, 27 February 2019).
	This matter has been discussed further with the applicant and amendments have been made to paragraph 2.7.1.3 of the FTMS that now suitably address the issue in relation to the disapplication of S58 in relation to reinstatement to the satisfaction of the Highway	

Ref:	Question:	Applicant's Comments
	<p>Authority. This requires the applicant to agree full or half carriageway reinstatement requirements at the detailed design stage where section 58/58a applies to the existing surface. This is acceptable. The Highway Authority still considers that the works will place an additional maintenance burden on the Highway Authority through considerable trenching of the A3 and B2150 and its position on this is reflected within the SoCG.</p>	
	<p>Appendix 1 – Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy</p>	
	<p>It's noted that the distances to alternative parking areas have been set out in this document for the various sections along the route. It is apparent for the Hampshire area of the network that a vast majority are between the 200-400m distance. It's noted that amendments have been made, as discussed at the ISH5 hearing, to accommodate a wider category of vulnerable people and this significantly mitigates the impact of the increased walking distances. However, the applicant and their contractor will need to be mindful of individual needs of residents throughout construction to ensure that, where necessary, appropriate access is provided through positive engagement with the affected residents.</p>	<p>The Applicant notes HCC's acceptance of the amendments made to accommodate the definition of vulnerable persons and confirms that necessary engagement will be undertaken with affected residents throughout the construction period as detailed within the Access to Properties document, secured by way of the FTMS (AS-072) and Requirement 25 to the draft DCO (REP8-004). The Applicant also confirms that confirmatory surveys will be carried out prior to the start of construction out where it has not been able to complete representative car park surveys due to the Covid-19 pandemic. This commitment is specified in paragraph 5.2.2.1 of the Access to Properties document forming part of the FTMS.</p>
	<p>The parking surveys carried out have not been completed for all areas where parking is assumed to be available. PCC has also raised concerns with the way in which the Lambeth Method has been applied to the surveys, where they have been undertaken. It will be necessary for the applicant to confirm parking availability along the route at the detailed design stage. If parking cannot be provided there would remain an unmitigated impact unless there is an expectation that the applicant will be required to provide access as proposed for all vulnerable users for these residents.</p>	<p>The Applicant is confident that the assessment of capacity for displaced parking is robust and therefore there should be no reason for HCC to receive complaints about access provision being offered. This is because the strategy for providing access to properties makes a commitment to provide access on demand to emergency services, mobility impaired and vulnerable persons and parents with children of primary school age, and to endeavour to facilitate access in all other circumstances. In addition, as the contractor will be required to plate the trench at all times when construction is not taking place at that location, the requirement for displacement parking will also generally be limited to 3-4 properties for a period of 2-3 days.</p>
	<p>Should the Highway Authority receive justified complaints from residents about the access provision being offered to them, and reflecting on their individual circumstances, it will need to engage with the contractors to reach a suitable resolution.</p>	
	<p>Appendix 4 Temporary Bus Gate Layout</p>	
	<p>Representations have been made throughout the Highway Authority's responses in relation to provision for managing and mitigating the impacts of bus delays. Appendix 4 of the FTMS provides drawing number AQ-UK-DCO- TR-SK-1 Bus Priority Temporal Traffic Signal Management Layout. The Highway Authority does not have experience of implementing this proposed traffic management layout and has concerns regarding the lack of secondary signal heads to be provided. Whilst it welcomes further discussions at the detailed design stage about deploying an appropriate arrangement to facilitate buses re-joining the main carriageway, it is not possible at this early stage of design to confirm whether this can be achieved.</p>	<p>The Applicant notes HCC's comments on this matter, which will be discussed and agreed with the Highway Authority through submission of detailed traffic plans as required by the FTMS (AS-072). The Applicant however is confident that the proposals can be implemented given the temporary nature of such a layout.</p>
	<p>Access and Rights of Way Plan</p>	
	<p>The applicant's latest Access and Rights of Way Plan still refers to temporary stopping up rather than closures of Day Lane which was previously agreed to be the incorrect use of terminology. The Highway Authority's Deadline 7c response requested amendments within</p>	<p>The Applicant can confirm that the Access and Rights of Way Plans (REP8-003) submitted at Deadline 8 were updated to refer to closure as opposed to stopping up.</p>

Ref:	Question:	Applicant's Comments
	the Access and Rights of Way Plan to reflect this requirement; however, it is noted that no changes have been made.	
	Summary	
	Throughout the examination the Highway Authority has sought to inform the Examining Authority of its understanding on matters and its position regarding highway impacts. The Highway Authority has sought, where possible, to proactively engage in the process and work with the applicant to negotiate appropriate mitigation to minimise (where possible) the impacts on the highway. This has been secured through the measures secured primarily in the FTMS, CTMP and associate appendices and through the legal powers in the dDCO and s106 agreement.	HCC state that the scheme itself provides no highway benefit to the general public. With this in mind, it needs to be taken into account that the Proposed Development does not comprise works in the highway that will create an effect in perpetuity, as acknowledged by HCC. Given that the impacts identified will be temporary, there will be no cumulative, residual effects that require mitigation in relation to HCC's highway network. It is therefore not necessary in order to make the Proposed Development acceptable in highway terms to provide benefits in perpetuity for the travelling public.
	Nevertheless, it remains the position of the Highway Authority that the scheme itself provides no highway benefit to the general public and considerable disruption to the network during construction works. Therefore, the Examining Authority will need to determine whether there are wider deliverable benefits to the scheme which enable a positive recommendation to be made to the Secretary of State for approval.	The Applicant has identified through the Environmental Assessment that there are temporary significant impacts which have been mitigated in order to make the Proposed Development acceptable in highway terms during the construction phase. It is critical to note that HCC as Highway Authority have not deemed the effects and impacts of the Proposed Development during either the construction phase or the operational phase to be "severe".
	The Highway Authority has set out its concerns relating to the potential traffic impacts throughout construction and the consequential implications extensive road works may have in term of road safety, modal shift, access and amenity. The impacts, to the best technical ability of officers of the Highway Authority, have been assessed, however, the interpretation of the impact remains a professional judgement. It is the Highway Authority's professional judgement that the impacts would be deemed significant during the construction phase, even with the presence of the agreed mitigation measures. Given the level of detail available at this time, the true extent of this impact remains an unknown detail, which will only truly be apparent when the scheme is under construction.	Ultimately the Proposed Development is not a scheme for highway improvements, it is an Interconnector, the need for and benefits of which are set out 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).
	It is acknowledged that post construction the highway implications to the scheme are limited. Where the applicant has considered it reasonable, measures have been secured to reduce the burden on the Highway Authority. Examples includes compliance with the Highway Authority's request for full reinstatement where s58 applies. It is also acknowledged that the applicant has agreed to appropriate measures to ensure joint design of potentially conflicting projects in order to prevent additional costs that could preclude committed schemes from being delivered.	
	It's unfortunate that the applicant has not been able to provide the flexibility the Highway Authority was seeking in matters relating to work hours and the Highway Authority would ask the Examining Authority to consider the position it has set out in this response and previous submissions carefully.	Please see the Applicant's response to the more detailed comments of HCC below.
	Appendix 3 – ISH5 Post Hearing Note Agenda Item 7.9 - Out of Hours Working	The Applicant acknowledges and agrees with the proposed approach of 'local, site by site assessments' and consultation with local authority Environmental Health Departments for any works outside of core working hours. However, it remains the case that the Applicant must ensure that the DCO does not allow for residual likely

Ref:	Question:	Applicant's Comments
	<p>The Highway Authority remains concerned about the potential impact on traffic as a result of not being able to expedite works by working additional hours or by working alternative hours to avoid times of heavy traffic.</p> <p>Across all highways in Hampshire the County Council has always worked closely with local Environmental Health teams when considering the need to undertake works outside of normal working hours. Local, site by site assessments are made and both the disruption to traffic and the potential disruption to residents are considered. Out of hours working is only ever directed if the local Environmental Health team are content that the works will be short term, and the disruption to residents will be minimal. Furthermore, if subsequent complaints are received then the situation is revisited and the out of hours direction is withdrawn if necessary.</p> <p>When traffic management is left up with no works going on, for example, over weekends, it results in avoidable congestion and, typically generates complaints. Section 66 of the New Roads and Street Works Act requires an undertaker to expedite their works. The ability for the Highway Authority to direct additional hours in the evening and on weekends would facilitate this requirement and would have the advantage of getting the works done quicker.</p> <p>Working alternative hours avoids the peak traffic times, reduces complaints about traffic and reduces traffic congestion. As is clear from the assessment below, there would be ongoing impacts from traffic management being left in place over weekends without work being carried out.</p> <p>The A3 London Road, the main route used for the cable laying in Hampshire, is a strategic route, linking Havant with Portsmouth and the M27 and is also a tactical diversion route used when the A3M is closed. On weekdays traffic flows increase to approximately 1300 movements per hour at 07:00 and remain at similar hourly levels until 17:00 when they jump to 1800 movements per hour. Traffic then only tails off at about 20:00. Weekend traffic levels are a constant 1200 vehicles per hour from 10:00 to 17:00. Any intrusive traffic management on this route will have a severe impact on traffic flow and it is therefore imperative that all options to negate avoidable congestion must be considered, including out of hours working. A further assessment of the impact on the A3, London Road is provided at the end of this note.</p> <p>The Highway Authority recognises the limitations of the Applicant's Environmental Statement but does not consider that this justifies the blanket approach to out of hours working being proposed. If appropriate controls are put in place, occasional out of hours working would not result in any significant environmental effects. It is only significant effects which need to be assessed through the EIA process.</p> <p>The ESSO Southampton to London Pipeline DCO contained the following measures in respect of out of hours working:</p> <p>Construction hours</p>	<p>significant effects which are greater than those reported in the Environmental Statement.</p> <p>The Applicant does not agree with HCC's statement that a 'blanket approach to out of hours working' is being proposed. A number of areas of potential work outside of core working hours are proposed (e.g. Eastern Road), where the Applicant has demonstrated that, on balance, adverse amenity impacts are outweighed by the benefits in mitigating adverse traffic impacts and expediting works. The Applicant has concluded that the same conclusion cannot be drawn for other sections of the route due to the higher sensitivity of these areas to noise. The Applicant has updated the wording of the DCO to provide for flexibility in so far as it is evidenced any such directions for working outside of core working hours does not result in residual likely significant effects which are greater than those reported in the Environmental Statement, so as to ensure necessary compliance with the relevant regulations in this regard.</p> <p>The Applicant does not understand how HCC can conclude that 'if appropriate controls are put in place, occasional out of hours working would not result in any significant environmental effects', without the evidence, by way of assessment, to confirm this would be the case. The potential for additional significant environmental effects would be dependent on the nature of works completed and the location and duration of such works. For example, the Applicant's sensitivity tests have concluded, on the understanding of the type and nature of construction activities that are required to be undertaken, there is the potential for additional significant effects if night-time works were undertaken on the A3 London Road. Therefore, the DCO wording necessarily requires evidence that no additional significant environmental effects will result, which will require consultation at detailed design stage with an appointed contractor and the environmental health department at the relevant local planning authorities.</p> <p>The Applicant does not agree that the implementation of traffic management on the A3 London Road will have a severe impact on traffic flow, as has been robustly demonstrated by the weekday peak hour traffic assessments completed within the Transport Assessment (APP-448) and Supplementary Transport Assessment (REP1-142). The SRTM included a base flow in the Do-Minimum scenario of 1700-1800 vehicles per hour on the A3 London Road immediately south of Ladybridge Roundabout, prior to the Do-Something scenario modelling the impacts of implementing traffic management in this location and associated traffic reassignment away from the route. This is therefore a robust and more realistic assessment of likely impacts than presented using the Appendix G of the Code of Practice for the Coordination of Street Works and Works for Road Purposes and Related Matters and static traffic flows which relies upon data that is not reflective of the traffic reassignment.</p> <p>Furthermore, the Applicant has proposed a collection of mitigation strategies which will reduce traffic flows on the A3 London Road in comparison with HCC's assessment. These include:</p>

Ref:	Question:	Applicant's Comments
	<p>14.—(1) Subject to sub-paragraphs (2), (3) and (4), construction works must only take place between 0800 and 1800 on weekdays (except Public and Bank Holidays) and Saturdays, except in the event of an emergency...</p> <p>(4) Nothing in sub-paragraph (1) precludes—</p> <p>(a) the receipt of oversize deliveries to site and the undertaking of non-intrusive activities;</p> <p>(b) start-up and shut-down activities up to an hour either side of the core working hours and undertaken in compliance with the CEMP; and</p> <p>(c) works on a traffic sensitive street where so directed by the relevant highway authority pursuant to a permit granted under the permit schemes and following consultation by the relevant highway authority with the relevant planning authority under the terms of such scheme.</p> <p>The Highway Authority considers that a similar provision should be inserted into this dDCO. If necessary, the exception could be expanded to state:</p> <p>“works on a traffic sensitive street where so directed by the relevant highway authority pursuant to a permit granted under the permit schemes and following consultation by the relevant highway authority with the relevant planning authority under the terms of such scheme, and where the relevant planning authority is satisfied that there will be no new significant effects beyond those assessed in the Environmental Statement”.</p> <p>This wording is considered by the Highway Authority to address the Applicant's concern in full, whilst giving flexibility to the Highway Authority in consultation with the relevant planning authority to permit out of hours working.</p> <p>Works on the A3, London Road. – Assessing the Traffic Impact</p> <p>In order to assess the likely impact on traffic from the reduction of carriageway due to works the Code of Practice for the Coordination of Street Works and Works for Road Purposes and Related Matters (CoP) presents an algorithm in Appendix G. The algorithm produces an indicative score that should be used to determine whether additional steps may be needed to minimise the impact of works.</p> <p>In order to use the algorithm, the following data was used.</p> <p>Traffic count data. (average hourly count) = P Data was taken from Weds, Oct 2nd 2019. An average hourly vehicle count was determined from the traffic counts at the peak times (07:00-09:00 and 16:00-18:00). The average was calculated to be: 1537. The actual formula requires counts to be factored up to take account of the additional impact of heavy vehicles. In this case we used actual vehicle numbers instead – this will necessarily provide a ‘best case scenario’ for the outcome.</p> <p>A3 carriageway width. =</p> <p>W This was taken to be 6.7m taken from a point just north of the junction with</p>	<p>-Programme restrictions included within the FTMS that prohibit the use of shuttle working traffic signals on the A3 London Road outside of school holiday periods, June and early July when traffic flows will be lower than at other times of the year; and</p> <p>-Communication Strategy, Signage Strategy and Travel Demand Management Strategy which will ensure that the traveling public are aware of upcoming and current construction work and associated traffic management, thereby allowing them to make informed choices about route choice, time and mode of travel in proximity to the works.</p> <p>The combination of these measures will therefore ensure that the traffic impacts of shuttle working traffic signals on the A3 London Road are not severe.</p> <p>With regards to HCC's comment that the A3 London Road is a tactical diversion route when the A3(M) is closed, the Applicant notes that this situation is provided for by paragraph 2.15.1.2 of the FTMS, which states that “The ability of the FTMS to respond to events away from the Onshore Cable Corridor itself will mitigate impact of the works should these events occur. These unforeseen incidences include emergency events and / or urgent works, such as road traffic accidents, gas leaks, burst water mains and loss of customer service. This is particularly important for the A3 London Road and A2030 Eastern Road, both of which experience a significant increase in traffic flow when such incidents occur on either the A3(M) or M275. Such mitigation can be directed by HCC and PCC through powers contained within the Permit Scheme where new circumstances occur which could not have reasonably been foreseen or where the impact is significant.”</p> <p>Finally, due to the nature of the works, the Applicant maintains that it is not possible for works to avoid peak hour traffic periods (except in response to an emergency situation as described above) without there being a significant impact on the duration of works in an area and therefore a prolongation of impacts. It is therefore unlikely that extension of working hours would reduce the traffic impact of the works as the traffic management would still need to be in place</p> <p>Also, should only night-working be implemented, the installation rate on the A3 London Road would reduce from the assessed 12m per day to 6m per day, as highlighted in REP7-075, further reducing the benefits of out of hours working.</p>

Ref:	Question:	Applicant's Comments
	<p>Ladybridge Road.</p> <p>Works Space = S</p> <p>This was estimated to be 3m. i.e. the removal of one lane. This seemed reasonable given that most of the traffic management described is temporary traffic lights.</p> <p>The algorithm is as follows.</p> <p>Disruption Effect Score (DES) = $[(P \times 100)/(1600 \times (W-S)/3.65)]$</p> <p>Accordingly, the DES for works at peak times is 95. Using the charts in appendix G of the CoP confirms this to be "severe" impact for both buses and general traffic. "Severe" is the highest level of impact.</p> <p>Using the same algorithm but using traffic peak traffic counts from Sundays (10:00 to 17:00) confirms a DES of 67 which is a moderate impact on uses and general traffic.</p> <p>Using the same algorithm but using traffic counts from night works (22:00 and 05:00) confirms a DES of 23 which equates to a nil impact on traffic.</p> <p>It can clearly be evidenced that even leaving temporary TM up on a Sunday on the A3 will have a moderate impact on traffic and it is therefore unacceptable to leave the TM without any works going on. It can also be seen that clearly the best time, traffic-wise to undertake works is at night.</p>	

Table 2.8 – Havant Borough Council

Ref:	Question:	Applicant's Comments
Issue Specific Hearing 4: Draft DCO		
	<p>Agenda item 3 (Principal Powers): Havant Borough Council remains opposed to the inclusion of Article 9 for the reasons set out in previous submissions and this is a matter of dispute between the parties (see also the Statement of Common Ground).</p>	<p>The Applicant refers to the closing position set out under section 4.12.2 of the Statement of Common Ground at Deadline 8 (REP8-049).</p>

Table 2.9 – Marine Management Organisation - Issue Specific Hearing 4 dealing with matters relating to the draft Development Consent Order (DCO) (ISH4) – Post Hearing Note

Ref:	Question:	Applicant's Comments
	<p>TTT is a project to build a 25km long sewer under the Thames which was consented back in 2014. The TTT DCO does contain a Schedule on 'Procedure for Discharge of Requirements etc. and Appeals' covering applications "to a discharging authority for any consent, agreement or approval required by a requirement" along with timeframes. Schedule 17 contains the Appeals route for the whole Order, rather than specifically for</p>	<p>The Applicant did not raise TTT DCO as justification for their position on Appeals but to highlight a specific example of a DML granted with set timeframes for approvals and a supporting appeals process.</p>

Ref:	Question:	Applicant's Comments
	<p>the DML. Therefore, the TTT Appeals mechanism is fundamentally of a different nature to that of Schedule 16 in the Draft DCO for AQUIND.</p>	<p>The Applicant disagrees that the TTT appeals process is fundamentally different to Aquind proposal; both provide provision for set time frames for approvals of the DML conditions and a supporting appeals process to facilitate the timely delivery of Nationally Significant Infrastructure.</p>
	<p>It is also pertinent to highlight that the MMO as an organisation was created back in 2009 and continued to evolve ever since. Had TTT gone through the examination at present, a different set of arguments may have been raised. In addition, the MMO can confirm that the Appeals process contained within the TTT DCO has not been used in relation to any approval by the MMO, which serves as evidence that this is effectively an existing, but redundant provision in relation to the DML.</p>	<p>The MMO wish that all DMLs are treated as though they are normal marine licences. However, it is entirely proper for the Secretary of State to adopt approaches which may differ to those taken by the MMO where required and necessary for the timely delivery of national significant infrastructure. There have been a number of examples of this occurring in addition to TTT, including partial transfer of DMLs, construction timing restrictions and monitoring requirements.</p>
	<p>Nonetheless, irrespective of this historic decision, the MMO's stance has been clear on numerous projects since the TTT examination and the inappropriateness of any appeals and timeframes in relation to post-consent discharges by the MMO has been successfully argued on all the cases since. Throughout this time, a number of DCOs have been granted in which the Examiners agreed with the MMO's views – most recently on Norfolk Vanguard Offshore Windfarm and Hornsea Three Offshore Windfarm, as referenced in the MMO's Deadline 6 response. The MMO has also issued vast amounts of marine licences under Marine and Coastal Access Act 2009 which do not provide any such mechanisms to the licence holders. Annex B of the PINS Guidance Note 11, dated 2017, states clearly that "the MMO will seek to ensure wherever possible that any deemed licence is generally consistent with those issued independently by the MMO". Granting a DCO with the new and enhanced appeal process, which is inconsistent with the existing statutory processes, as proposed by the Applicant would lead to a clear disparity between the Applicant and those licence holders who obtained their marine licence directly from the MMO.</p>	<p>The Applicant has clearly outlined during the Examination process (and as detailed within the MMO SoCG submitted at DL8) the reasoning behind the need for timeframes and appeals (to ensure those timeframes are adhered to). The reason that the existing appeals mechanism in the TTT DCO has not been used is not because there is no need for it. That does not mean that it is not fit for purpose and provides no benefit to the developer. There is a clear need for timely decision making on post consent approvals for marine works, which can take many months and may result in delays to construction, increased costs etc. As the Applicant has very clearly set out, the proposed approach of an Applicant seeking to address matters of non-decision and delay by Judicial Review is entirely inappropriate as a remedy. The MMO has otherwise offered no meaningful remedy for such delays in decision making where there are not clear timeframes set in the dDML for decision to be taken, backed up by a process which ensures timely decision making.</p>
	<p>The MMO has made its position clear throughout this Examination that it should not be held to timeframes or subject to Appeals. The applicant failed to provide any convincing evidence as to why they should have access to an enhanced appeals process and created a solution for a problem which does not exist. The MMO fails to see the relevance of the TTT DCO, other than to highlight that there is simply no need for Appeals provision.</p>	
	<p>As stated in previous representations and at Issue Specific Hearing 4, it is the MMO's view that it is wholly inappropriate for the MMO to be subject to timeframes and appeals. Consequently, the MMO requests removal of the proposed timeframes within the Deemed Marine Licence and Schedule 16.</p>	

Table 2.10 – Marine Management Organisation

Ref:	Question:	Marine Management Organisation Comments	Applicant's Comments
46	<p>Procedure in relation to certain approvals, etc.</p> <p>Subject to paragraph (2), Schedule 3 (procedure in relation to certain approvals etc.) is to have effect in relation to all consents, agreements or approvals contemplated by any provisions of this Order. (2) Schedule 3 does not apply in respect of any consents, agreements or approvals contemplated by the provisions of Schedule 13 (protective To address concerns over an inadequate allowance of time by the local planning authorities, and to bring this into line with the corresponding arrangements set out in recently made Orders and agreed by the Secretary of State. AQUIND ExA's schedule of changes to the dDCO 4 Ref ExA's suggested changes ExA's comments provisions) or any dispute under article 18(6) (protective work to buildings) to which the following paragraph applies. (3) Subject to any other provision in this Order, any difference or dispute arising under any provision of Schedule 13 or article 18(6) must, unless otherwise agreed in writing between the undertaker and the party in question, be referred to and settled in arbitration, by a single arbitrator to be agreed upon by the parties within 14 days of receipt of the notice of arbitration, or if the parties fail to agree within the time period stipulated, to be appointed on application of either party (after giving written notice to the other) by the Secretary of State.</p>	<p>The MMO are concerned that it is not clear whether the MMO is included in Schedule 3. The ExA's proposed wording of "Provisions" rather than "Requirements" widens the use of the procedure in Art 46 beyond those approvals set out in Schedule 2 and applies it arguably to any approval required under any provision of the order, including approvals under the DML. The MMO feels strongly that approvals under the DML should not be part of Schedule 3. If the MMO are included within Schedule 3 then the MMO may be subject to two different appeals processes, the procedure in schedule 3 and the appeals process applied by Schedule 16. The MMO strongly objects to Schedule 16.</p> <p>Therefore, the MMO requests that Article 46(2) is amended to expressly exclude consents, agreements or approvals contemplated by the provisions of Schedule 15. The MMO's proposed wording is "Schedule does not apply in respect of any consents, agreements or approvals contemplated by the provisions of Schedule 15".</p>	<p>Article 46(2) has been updated in the DCO submitted at Deadline 8 (REP8-004) to reflect that the MMO is excluded from Schedule 3.</p>

Table 2.11 – Patrick O'Hara

Ref:	Question:	Applicant's Comments
	<p>Post Glacial rising sea levels have left drowned river valleys surrounding islands of higher ground. Early mapping shows the extent to which the salt-water creeks and lakes of Langstone Harbour have been reclaimed.</p> <p>Anthropogenic climate change is being mitigated by PCC and the Environment Agency.</p> <p>The coastline has been split into seven flood cells each with a unique strategy. Eastney Lake the site for HDD 2 is in Flood Cell 3 where the strategy is to monitor and maintain and where funding is unlikely, and contributions will be required.</p> <p>To the north the 'hard defences' of Flood Cells 4 and 5 will transfer pressure to the soft low-lying cliffs that bound the allotments. The shoreline is characterised by exposures of terrace gravels below the top-soil, gabions lie stranded bereft of</p>	<p>The Applicant has submitted a Flood Risk Assessment (APP-439 and REP1-157) which takes factors such as the effects of climate change and presence of erosion protection measures into account. The location for the Proposed Development is entirely suitable from a flood risk perspective.</p>

Ref:	Question:	Applicant's Comments
	<p>purpose and drainage pipes protrude from the cliff all attesting to a retreating coastline.</p> <p>Given the life span of the project this route is unsuitable.</p> <p>https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN020022/EN020022-003772-DL8%20Patrick%20O'Hara.pdf</p>	
	<p>Made Ground</p>	
	<p>Prior to 1869 a finger of Eastney Lake extended as far west as Milton Road; a second finger extended north almost reaching Locksway Road. Map regression shows episodes of reclamation culminating in the 1960s and are contemporaneous with the infilling of Milton Common.</p> <p>Parkman Environmental 1995 described the deeper areas of landfill to the centre and east of Milton Common as comprising >4m of highly putrescible domestic waste that is highly variable but comprises mixtures of wood, paper, cardboard, brick, glass, metal, rubble and plastic etc, in a dark grey/black silty sandy gravel matrix with a strong anaerobic odour of decay.</p> <p>It is of deep concern then to read that in assessing the area of the HDD 2 reception area as follows. historical landfill is noted adjacent and to the south-east of Milton and Eastney Allotments. Deposited waste included industrial, commercial and household waste. No further information is known for this historical landfill.</p>	<p>Eastney Lake Landfill is located adjacent and to the south-east of Milton and Eastney Allotments. Deposited waste included industrial, commercial and household waste. The Environment Agency records do not hold any further information on this landfill. Mitigation measures in relation to disturbance of landfill material is included in Section 5.5. and Section 6.9.2 of the OOCMP (document reference 6.9 submitted at Deadline 9).</p>
	<p>Below Ground Remains</p>	
	<p>SW of the Launch Site an indent in the coastline marks the entrance to basins associated with The Portsea Canal. An idea of the canal's ambition can be gauged by the 230 ton bm (c 350 tons displacement) collier that reached the centre of Portsmouth on the opening day in 1823 and the 12 feet depth of the canal it required.</p> <p>Dredged to 4 feet below low water mark the open gravelly nature of the subsoil required 3 feet of clay puddling to make impervious.</p> <p>The canal was an unmitigated disaster and soon fell into disuse. To the east of the island there was no pressure on the land and the canal remained open into the twentieth century. Similarly, the basins lay open and it is highly likely that the some 4,000 sq metres of basins were merely backfilled and grassed over. The potential for archaeological discovery is considerable as indeed is the possibility of brick and stone structures buried to depth.</p>	<p>Potential construction stage effects on possible Archaeological remains have been identified and reported in Chapter 21 of the ES (APP-136) (Heritage and Archaeology). A strategy has been agreed with the Hampshire County Council Archaeological Advisor (as advisor to PCC), that evaluation within brownfield areas will be carried out, where appropriate, to clarify the presence, nature, date and significance of any archaeological remains that may be present.</p> <p>Although it is currently uncertain whether any below ground archaeological remains relating to the canal survive within the order limits, based on the localised and likely shallow disturbance in this area which will comprise cable trench installation, a programme of archaeological mitigation in the form of a watching brief during construction is considered appropriate to mitigate any impact to potential archaeological remains. Although associated remains relating to the canal including basins may survive in the surrounding area, proposed Horizontal Directional (HDD) drilling will likely be of sufficient depth that such remains would not be affected during construction.</p>
	<p>The HDD will be moving through made ground and terrace gravels, in addition to the Bracklsham Beds.</p>	<p>Ground investigation has been completed to inform the geology underlying the Milton Piece Allotments. Three boreholes were completed in 2018, one at each end and one in the approximate centre of proposed HDD. The assessment provided in Chapter 18 Ground</p>

Ref:	Question:	Applicant's Comments
	<p>It may be that the above has been covered by detailed investigation, borehole logs, and ground penetrating radar. If so the Environment Report Chapter 18 Ground Conditions is tantalisingly opaque.</p> <p>Until such material is readily available to allotment holders the ExA can have no choice but to refuse the application for CPO.</p>	<p>Conditions has been conducted using the information available from the ground investigation carried out in 2018. The underlying geology including thicknesses and depths of strata encountered during the ground investigation including at Milton Piece Allotments is provided in detail within Section 4.11 and 8.10 within Appendix 18.1 Preliminary Risk Assessment and Generic Quantitative Risk Assessment (APP-429). A summary of the geology encountered including thicknesses and depths of strata during the ground investigation can be found within Section 18.5.4 of the ES Chapter 18 Ground Conditions (APP-133).</p> <p>The geology that was encountered at Milton Piece Allotments during the ground investigation included Made Ground over River Terrace Gravels, over the Wittering Formation (which is part of the Bracksham Group).</p> <p>Where the HDD is passing through upper layers of geology which are not considered competent casing will be used to support the bore and contain drilling fluid.</p>

Table 2.12 – Rachel Lajon

Ref:	Question:	Applicant's Comments
	<p>I would like to say how anxious and upset I am regarding the proposed Aquind interconnector project.</p> <p>I am an allotment holder at Milton Piece. I was overjoyed at getting the plot last year, after being on the waiting list for four years. I don't have a garden or outside space but I love gardening and caring for the environment.</p> <p>The realisation that I had space to grow my own veg (and have veg to give to friends) herbs and flowers, while encouraging pollinators and wildlife just filled my heart with joy.</p> <p>I could have cried the first time I stepped onto the allotment site. It was so peaceful yet so vibrant and bustling with life. It is wonderful to see and hear so many birds there. The site is a haven for wildlife, plants and people.</p> <p>Going to the plot has been a great way of getting some exercise and has done wonders for my mental health, especially during lockdown. It is so therapeutic. I have seen so many people enjoying the site and I know how valued and loved it is by the community.</p> <p>We must protect spaces like this., especially in a city like Portsmouth which has such high levels of pollution. This Aquind project will only bring more pollution as well as devastation and disruption to the allotment site. This would cause environmental damage as well as damaging peoples' wellbeing.</p> <p>It is so distressing to think of the disruption that would be caused to that haven of calm and beauty. Please.</p> <p>Please don't let this project go ahead.</p>	<p>The Applicant can advise and confirm that the allotment plot holders will not lose use of their allotments. The HDD method of installation will be utilised in this area in order to install the HVDC cable underground and avoid disruption to the surface of the land during construction.</p> <p>The Applicant would also like to refer to Appendix D - Response to Deadline 7 and 7a Submissions - AQUIND Interconnector Enquiry (REP7c-016), the email addresses the considerations that the Applicant has made and will continue to make. The email also provides relevant reference to the Bentonite Breakout Note (REP7-043).</p>

Table 2.13 – South Downs National Park Authority (SDNPA)

Ref:	Question:	Applicant's Comments
1	<p>A summary of the points made by the Authority at Issue Specific Hearing 4 (draft Development Consent Order) on 17 February 2021</p>	
	<p>We noted that we did not wish to see Work Number 2 bb) (the proposed access junction and gated highway link) removed from Requirement 6 as the scheme includes significant changes here on the boundary of the National Park that, in our view, should be approved in advance. The applicant's solicitor agreed to look into this following the hearing.</p>	<p>The Applicant refers to the draft DCO submitted at Deadline 8 (REP8-004) which has included a design approval requirement for Works Number 2 (bb) under Requirement 6 (2).</p>
	<p>Post hearing note: The applicant is intending to add the following to Requirement 6 at Deadline 8 to deal with this matter. SDNPA is therefore content on this point:</p> <p>The construction of Work No. 2 (bb) must not be commenced for the purposes of section 155(1) of the 2008 Act until written details of the–</p> <ul style="list-style-type: none"> (a) siting; (b) design; (c) layout; (d) visibility splays; and (e) landscaping <p>in so far as relevant to those works have been submitted to and approved in writing by the relevant planning authority (in consultation with the South Downs National Park Authority and the relevant highway authority).</p>	<p>Works Number 2 bb) under Requirement 6 (2) includes the wording requested and reads as follows:</p> <p>(2) The construction of Work No 2 (bb) (the general arrangement of which is shown on converter station access drawing) must not being for the purposes of section 155 (1) of the 2008 Act until written details of the:</p> <ul style="list-style-type: none"> (a) siting; (b) design; (c) lighting; (d) visibility splays; and (e) landscaping <p>In so far as relevant to those works have been submitted to and approved in writing by the relevant planning authority (in consultation with the South Downs National Park Authority and the relevant highway authority).</p>
	<p>In respect of agenda item 22.2 the SDNPA made reference to S62 as inserted by the Environment Act 1995 and the duty to have regard to the statutory purposes of the National Park. We noted therefore that the siting of the grid connection and the substation at Lovedean could not be solely a commercial decision but that it must have regard to the purposes of the National Park. We noted that the explanation given by the applicant for not proceeding with a grid connection at Chickerell and Bramley was logical and satisfactory to the SDNPA but that only a cursory explanation was given for discounting of the other 7 substation locations. SDNPA noted that it had been making this point for some time and that whilst the SDNPA was looking to be proportionate and reasonable here it did think it appropriate that an explanation was given.</p>	<p>See below – this matter is now agreed.</p>
	<p>Post hearing note: Following the close of the hearing the SDNPA has had further discussions with the applicant on this matter relating to why the 7 other possible substation locations were discounted at an early stage.</p>	<p>Please refer to the Applicant's Post Hearing Notes – Appendix 6 – Technical Note – Consideration of Alternatives (connections) submitted at Deadline 8 (REP8-063). The Technical Note was shared with SDNPA prior to submission where agreement on this matter</p>

Ref:	Question:	Applicant's Comments
	<p>The Applicant is providing a post hearing note on this point at Deadline 8, which the SDNPA has reviewed. The SDNPA is now content that a reasonable rationale has been given for why the 7 other substations were not progressed and it has therefore finally reached agreement with the applicant on this matter.</p>	<p>was subsequently reached as documented under paragraph 4.7.1a of the Statement of Common Ground submitted at Deadline 8 (REP8-048).</p>
2	<p>A summary of the points made by the Authority at Issue Specific Hearing 5 (Environmental Matters and Highways) on 18 February 2021</p>	
	<p>In relation to agenda item 4.1 the SDNPA noted that there are still two options for the converter station location identified in the landscape mitigation plans and confirmed that Option B(ii) remains our preferred option.</p> <p>In relation to the landscape mitigation proposals the SDNPA confirmed at the hearing that two of our concerns with the applicant's landscape mitigation proposals raised at Deadline 6 remained. These were firstly the inadequate additional woodland and hedgerow planting set out in the proposals and secondly the strategy to deal with Ash die back.</p> <p>In respect of the first the SDNPA noted the operational constraints relating to planting in close proximity to the Converter Station, but remained concerned at the lack of more substantial woodland planting in areas further away from the Converter Station, which would also assist in combatting the likely degradation of the landscape through the creation of smaller field areas not viable for agricultural purposes.</p> <p>In respect of the second, the application had set out the ash dieback strategy in reports, however this is not fully reflected on the landscape mitigation plans, in respect of the existing woodland areas, hedgerows and individual trees inside the Order Limits.</p> <p>Post hearing note: A S106 planning obligation, including provision for new woodland planting, is proposed (see below) to mitigate some of the landscape harm arising from the proposal. In relation to the ash dieback comment the applicant has agreed to reflect this in the key of the landscape mitigation plans to be submitted at Deadline 8 and the SDNPA is content on this matter.</p>	<p>The Applicant notes this response and as referred to in paragraph 4.7.1 of the Statement of Common Ground between the Applicant and SDNPA submitted at Deadline 8 (REP8-048) recognises that SDNPA preference is Option B (ii) as it has a reduced impact in most long distance views from the National Park and has a lower impact on existing vegetation on site than Option B (i).</p> <p>The Applicant maintains its position as reflected in Question 4.1 of the Applicant's Written Summary of Oral Submissions in relation to Issue Specific Hearing 5 (AS-067).</p> <p>In terms of additional woodland, further woodland planting has been introduced within the Order limits and as referred to in paragraph 4.7 of the Applicant's Written Summary of Oral Submissions (AS-067), the Applicant has taken an appropriate and proportionate approach to the extent of mitigation planting and considers that this is sufficient to acceptably mitigate the landscape and visual effects of the Converter Station Area. With regard to the creation of smaller field areas, the Applicant maintains its position that the smaller agricultural fields will remain suitable for agricultural use.</p> <p>With respect to the second point regarding the ash dieback strategy (which the Applicant understands is based on comments received at Deadline 7c Ref 3 over replacement planting proposed within the existing woodland, hedgerows and trees), the Applicant has made revisions to the indicative landscape mitigation plans for both Option B(i) and Option B(ii) and these were submitted at Deadline 8 (REP8-017, REP8-018 and REP8-052), along with revisions to Figure 1 and 2 of the updated OLBS (REP8-015). As mentioned in the Applicant's Response to Deadline 7c (REP8-064) all figures now include text within the key which states "Replacement planting will take place within existing woodland, hedgerows and in relation to individual mature trees."</p> <p>The Applicant notes this comment and has provided a response below in connection with the S106 planning obligation.</p>
	<p>In relation to hearing agenda item 4.2 SDNPA noted that the impact of this change could be ameliorated to some extent through larger woodland planting.</p>	<p>As referred to in Question 4.2 of the Applicant's Written Summary of Oral Submissions in relation to Issue Specific Hearing 5 (AS-067), the Applicant has deliberately erred on the side of caution and presented a worst case assessment, however the change could be ameliorated to some extent by larger planting stock and this has been accommodated through recent revisions to the OLBS (REP6-038) and the updated Appendix 15.7 (REP6-029).</p>
	<p>On agenda item 7.7 we noted that there will be a moderate erosion of the rural character of Day Lane during the construction period, with an effect on landscape character of the immediately adjoining National Park and visual</p>	<p>HCC, SDNPA and EHDC have agreed that the requirement to retain the passing bays on a permanent basis will be assessed based on actual experience and any relevant data after the completion of construction works for the Proposed Development.</p>

Ref:	Question:	Applicant's Comments
	<p>amenity from the Monarch's Way (which runs across fields to the immediate north) from the movement of lorries.</p> <p>The SDNPA welcomed the inclusion of a new design principle relating to the laybys. The SDNPA noted that it would welcome an undertaking from the applicant that the laybys will be removed and Days Lane restored to its original state at the end of the construction period. It was agreed at the hearing that SDNPA would discuss this matter with Hampshire County Council and East Hampshire District Council (as Local Planning Authority).</p>	<p>After construction works have completed, HCC will consult with both SDNPA and EHDC to determine whether the passing bays should be retained on a permanent basis or not.</p> <p>The Section 278 agreement includes a clause that requires Day Lane to be returned to its pre-construction state (i.e. the passing bays are removed) if this is agreed between HCC, SDNPA and EHDC to be required.</p>
	<p>The conclusion of Section 106 planning obligation negotiations</p>	
	<p>Agreement has been reached with the applicant on a Section 106 planning obligation to, should the proposal receive Development Consent, mitigate some of the impact of the proposed development on the South Downs National Park, a national resource that has the highest standards of protection in relation to landscape and scenic beauty.</p>	<p>The Applicant notes this response and as referred to under paragraph 4.3.14 of the Statement of Common Ground between the Applicant and South Downs National Planning Authority submitted at Deadline 8 (REP8-048) the parties have agreed a development consent obligation. Further details can be found in the Development Consent Order Obligations Explanatory Note submitted at Deadline 8 (REP8-043)</p>
	<p>Proposed changes to the Design and Access Statement</p>	
	<p>In discussions with the applicant it has been agreed that the following two new design principles will be added to the Design and Access Statement in respect of the Converter Station at deadline 8.</p>	<p>The Applicant notes this comment and refers to the updated Design and Access Statement submitted at Deadline 8 (REP8-012) which includes two new design principles relating to ash dieback and Day Lane passing bays listed below and which have been agreed by all relevant local planning authorities.</p>
	<p>New Ash die back Design Principle</p>	
	<p>New woodland tree and hedgerow planting within existing areas identified as affected by Ash Dieback, will be introduced within the Order Limits to replace diseased trees where replacement planting will provide appropriate screening from sensitive receptors, enhance landscape character, increase landscape and ecological connectivity and improve biodiversity. Ongoing management of the decline of ash trees will be carried out to encourage natural regeneration and ensure the Identification and implementation of further replacement plantings required. Management will include selective felling where necessary as well as the retention of a proportion of standing deadwood for biodiversity reasons.</p>	<p>The Applicant refers to the point made above.</p>
	<p>Day Lane Design Principle</p>	
	<p>When designing passing bays measures will be taken to retain Day Lane's rural character by not introducing additional signage, road markings, kerbs or lighting.</p>	<p>The Applicant refers to the point made above.</p>

Ref:	Question:	Applicant's Comments
	SDNPA supports the addition of these two design principles. The SDNPA has no further comment to make in respect of the other design principles proposed for the Converter Station.	

Table 2.14 – Cllr Langford-Smith on behalf of Denmead Parish council

Ref:	Question:	Applicant's Comments
	The lack of commitment to restore the Kings Pond meadow area after removing the compound	The Applicant had provided commitments to restoring Kings Pond Meadow through the Outline Onshore Construction Environmental Management Plan (REP8-024) and repeatedly outlined these measures during the examination. The Applicant has also continued dialogue with Winchester City Council and Natural England through the examination process in order to agree the entire proposed strategy. Restoration for Kings Pond Meadow is subject to agreement within the Statement of Common Ground with Natural England (REP8-031). This agreement is informed by the Kings Pond Meadow Position Paper also submitted at Deadline 8 (REP8-067). Field 8 (east) and Field 13 will be subject to intensive mitigation including ground protection and in the case of Field 8 (east) which of higher ecological value cutting, storage and restoration of turves. Restoration will further include application of seed harvested from elsewhere in Denmead Meadows and a commitment to monitoring until 5 years post construction.
	<p>The concern relates to the impact on a section of the Kings Pond Meadow SINC. The proposal would see a roadway and cable circuits crossing Field 8 East. (See Appendix 4 Figure</p> <p>Denmead Meadows SINC REP7-071) This field is part of the SINC. The roadway links the Anmore Road access (AC/2/a) as shown on sheet 3 of the Access and Rights of Way Plans (REP7-008) through to the proposed HDD5 recovery compound in Field 13.</p> <p>The outstanding issue concerns the applicant's intentions regarding the restoration of the land after the temporary use ceases. The proposal is to monitor the land in years 1, 3 & 5. Recent indications are that apart of the land will be fenced off for the first winter. Whilst the applicant will undoubtedly have some form of contract with the landowner to cover the construction period, there is no proposal to extend that arrangement or indeed any type of arrangement that would influence the management of the land during the restoration period beyond the monitoring and simple management visits. This means outside the maintenance visit which will occur on three occasions over a period of 5 years, the landowner will be at liberty to use the land as they see fit with the potential that those action may run directly counter to the restoration measures. The dDCO powers would cover such an agreement if the parties were willing to enter into one. This is not to imply there has to be ownership of the land but some form of understanding over the way the land is</p>	<p>The Kings Pond Meadow Position Paper also submitted at Deadline 8 (REP8-067) has been subject to intensive consultation with both Natural England and Winchester City Council. The paper considers the access haul road and details mitigation for its presence. Ground protection will also be used to offset effects of the haul road which will link the HDD5 reception compound with Anmore Road, in place for the approximate 13 week period over which HDD5 will be undertaken and for the duration of trenching.</p> <p>The position paper updates the previous commitment to monitor in years 1,3 and 5 with detail agreed with Natural England as outlined in the Statement of common Ground with the Applicant (REP8-031). Fields 8 (east) and 13 will be managed to allow them to regenerate to their former condition post construction. An assessment will be made each year within the 5 year post-construction management and monitoring period as to whether aftercare management is needed, and appropriate actions taken, as detailed in the Onshore Outline Construction Environmental Management Plan (CEMP) (REP8-024).</p>

Ref:	Question:	Applicant's Comments
	<p>farmed. Without an adequate level of influence or control over the use of the land during the restoration period there must be an uncertainty if the land will be brought back to its former condition.</p>	
	<p>The dismissal of extending the haul road to access Anmore Road. The care home is sited on a road already so a temporary second road would be acceptable and is far preferable than using Mill Road which contains a large number of residences</p>	<p>██████████ is currently setback from the edge of Anmore Road whereas a haul road would need to route inside the property boundary as a result of the extent of the Order limits in this location. The Applicant therefore maintains that it would not appropriate to provide a haul road in this location.</p>
	<p>The construction traffic route for accessing works within Kings Pond Meadow is identified within Section 3.4.4 of the Framework Construction Traffic Management Plan (REP6-032). HGV construction traffic to/from Anmore Road and Kings Pond will be routed either via the Converter Station Area and A3 London Road, B2150 Hambledon Road and Mill Lane or directly from junction 3 A3(M), Hulbert Road, A3 London Road, B2150 Hambledon Road and Mill Road.</p> <p>No construction traffic will use routes along Broadway Lane south of the Converter Station Area or Soake Road. This will be managed and enforced by provision of route planning information by the contractor. In the assessment of the traffic route options the Council asks why the option of coming straight down the haul route has not been considered. This haul road will be formed alongside the cable circuits from Lovedean as far south as Anmore Road. The haul road could be extended, crossing Anmore Road and leading directly into the Kings Pond Meadow (KPM) site. This would avoid the need for any HGV traffic to enter the highway. Whilst the Order Limits do narrow as they run through the gap between the residential properties on the north side of Anmore Road, there does appear to be sufficient width to form a temporary roadway. It there is a concern over the available width, then attention to the sequence that the work is undertaken at KMP and in the fields to the north may resolve the issue.</p> <p>The proximity of the haul route to the ██████████ is not considered so critical an issue when the number of vehicles concerned is taken into account. The Council notes the assessment of Mill Road in terms of traffic numbers. When it is considered that this road is residential in nature with no obvious destination point to the north, the figures presented of a weekday average of 69 HGVs in Appendix C Construction Vehicle Management on Anmore Road and Mill Road (REP7-075) is strongly questioned. The Council asks that the applicant check this figure. There does not appear to have been any assessment of the displaced car parking demand and how this would be satisfied within the surrounding area.</p>	<p>██████████ is currently setback from the edge of Anmore Road whereas a haul road would need to route inside the property boundary as a result of the extent of the Order limits in this location. The Applicant therefore maintains that it would not appropriate to provide a haul road in this location.</p> <p>It is also noted that the Applicant has agreed a strategy with HCC in their role as the highway authority for the management of HGVs accessing Kings Pond Meadows via Mill Road and Anmore Road. This includes the use of traffic marshals on Anmore Road when HGVs enter and exit the construction site, the prohibition of HGV movements during school drop-off and pick-up times and the limiting the number of HGVs to 4 two-way movements per day (8 in total) outside of HDD set-up and de-commissioning.</p> <p>The Applicant also provided a response in the Applicant's Response to Deadline 7c Submissions regarding Mill Road. It remains the Applicant's view that the recorded traffic flows are correct with an assessment of displaced parking included within the Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy (Appendix 1 of the FTMS (AS-072)).</p>

Ref:	Question:	Applicant's Comments
	<p>The micro siting of the converter station which we would prefer option B(ii) where the trees/hedgerow would be retained</p> <p>This the last opportunity for the Council to comment on this matter. Despite the preference by the applicant for option B(ii) and the indications that the negotiations with National Grid would be completed by this time, there is no indication that they are. Accordingly, the Council must respond on the basis of both options going forward into the recommendation and decision making stage of the process. The Council has maintained a view throughout the Examination that option B(ii) should be the only scheme to go forward. Now that option B(i) is still under consideration, then the Council feels that it should strengthen that view from severe concern to formally objecting to option B(i) as that option is considered contrary to the intentions of the local planning polices as set out in the consideration of this issue in section 4.6.9 of the Councils Local Impact Report (REP1-183).</p>	<p>The Applicant continues to engage with NGET to secure an Option Agreement over Plot 1-27 to enable the siting of the Converter Station for Option B(ii). Heads of Terms have now been agreed.</p> <p>Once the Option Agreement is secured from NGET, the Applicant will be able to commit to siting the Converter Station in the Option B(ii) location. However, taking into account that the option agreement is not yet agreed, at this time the Applicant cannot yet commit to option B(ii) being the option which is implemented, and therefore both are accounted for within the dDCO.</p>

Table 2.15 – East Hampshire County Council

Ref:	Question:	Applicant's Comments
1.1	Issue Specific Hearing 4: Draft DCO	
1.2	Agenda item 3 (Principal Powers): East Hampshire remains opposed to the inclusion of Article 9 for the reasons set out in previous submissions and this is a matter of dispute between the parties (see also the Statement of Common Ground).	The Applicant refers to the closing position set out under section 4.10.19 of the Statement of Common Ground submitted at Deadline 8 (REP8-047).
1.3	Issue Specific Hearing 5: Environmental Matters and Highways	
1.5	Agenda item 7.7 (Day Lane environmental impacts) East Hampshire is satisfied that the landscape/environmental impacts of the passing bays for Day Lane would be minimal and would not cause significant effects.	The Applicant notes this comment and refers to the updated Day Lane Technical Note submitted at Deadline 8 (REP8-054).

Table 2.16 – Ian Daye

Ref:	Question:	Applicant's Comments
	It is clear that the Milton / Eastney allotments and the Melville Rd leisure Park at Southsea are unique within this project due to HDD process going on beneath them (estimated 3 months period). Allotment holders, tenants and the occupants of mobile homes will be residing and working directly above the proposed HDD route.	The Applicant can advise that at Milton Allotments and for the installation of the cable to the transition joint bay for the submarine cable, the cable is to be installed by Horizontal Directional Drilling (HDD), with no effect on the surface of the land during construction.

Ref:	Question:	Applicant's Comments
	For them and with regards to their peace of mind, Health and Safety Risk Assessments (H&SRA) are so important in this proposed project.	The Applicant refers to Appendix D - Response to Deadline 7 and 7a Submissions - AQUIND Interconnector Enquiry [REP7c-016], the email explains the risk assessments that have been carried out and the duty of the Applicant at contract stage.
	Nothing was mentioned about the caravan park. How far down this proposed project is the so called 'detailed design' stage.	The detailed design stage is the stage that is undertaken once the contractor has been appointed. All detailed designs will be submitted to the relevant local authority and consultees in order to discharge the Requirements of the dDCO (document reference 3.1 submitted at Deadline 9).
	Is this detailed design stage just a little too late for the tenants and should the examining authority require a comprehensive H&SRA to be in place prior to any recommendations being made?	The Applicant refers to Appendix D - Response to Deadline 7 and 7a Submissions - AQUIND Interconnector Enquiry (REP7c-016), the email explains the risk assessments that have been carried out and the duty of the Applicant at contract stage.
	Leaving aside the use of Bentonite for a while, what is the H&SRA strategy proposed whilst the HDD is actually taking place under the allotment holders and the leisure park?	The Applicant refers to Appendix D - Response to Deadline 7 and 7a Submissions - AQUIND Interconnector Enquiry (REP7c-016), the email explains the risk assessments that have been carried out and the duty of the Applicant at contract stage.
	The applicant has supplied a report from Stockton Drilling Ltd with regards to Bentonite breakout. Have this company also been asked for an opinion, or have they supplied a report, with regards to a H&SRA for the public using their allotments or living in mobile homes above their proposed drilling operation?	The Applicant refers to Appendix D - Response to Deadline 7 and 7a Submissions - AQUIND Interconnector Enquiry (REP7c-016), the email explains the risk assessments that have been carried out and the duty of the Applicant at contract stage to Third Parties.
	<p>A further question was asked at deadline 6 concerning the use of allotment holder's vehicles going onto and move around the allotment area. At deadline 7 the applicant responded that there would be no restrictions on vehicles entering and driving through the allotments during the drilling process.</p> <p>Was this same question asked by the Applicant to Stockton Drilling Ltd about the movement of vehicles and caravans around the caravan park or allotments?</p>	The Applicant can confirm that there is no restriction or intervention on public vehicular movements.
	<p>In a further document submitted to the Examining Authority ' Further Written Questions Doc ref 7.4.3.4. Dated 25 Jan 2021 by the Applicant submitted a report supplied by Stockton Drilling Ltd dated 20 Jan 21.</p> <p>At paragraph 6.3 entitled 'Specific Constraints to HDD2 Allotments', it states ' At HDD2 where it passes under the allotments it has been identified during consultations to prohibit vehicular access at all times'.</p> <p>Can the Applicant clarify that this is in relation to their Contractor vehicles or are they those used by allotment holders in the course of their use within the allotments.</p>	The Applicant can confirm that there is no restriction or intervention on public vehicular movements. It can be further advised that paragraph 6.3 is in relation to the Applicant's Contractor vehicles in relation to the Proposed Development.
	What are the H&SRA / food standards effects if Bentonite gets into the roots of the growing plants?	The Applicant refers to Appendix D - Response to Deadline 7 and 7a Submissions - AQUIND Interconnector Enquiry (REP7c-016) which provides information in relation to the safety of bentonite.

Ref:	Question:	Applicant's Comments
	<p>The same section of this report goes on to say: ' It is recommended that the above options are used primarily and if specifically requested by the owner / holder that the top 400 mm of soil be removed and replaced with the same or higher quality top soil'. Does this also apply to the caravan park?</p>	<p>The reinstatement approach at the Allotments and the Caravan Park shall be similar where they both will be reinstated to their original state after the HDD works are carried out, should they be affected.</p> <p>The 400mm topsoil reference is relevant to allotments only due to the allotments being used for general gardening and vegetation above the HDD works. This would not be appropriate for the caravan park as it is different land-use.</p> <p>The contractor will be carrying out pre-work and post-work photographic surveys at the Caravan Park to ensure the conditions are the same as prior to carrying out the HDD works below. In a very unlikely scenario of bentonite breakout same clean up measures will be undertaken at the Caravan Park as at the allotments.</p>
	<p>Does the Applicant agree with this comment from their own specialist's report and are the Applicant prepared to enter into a 'no quibble' mitigation agreement to comply with this advice. Will this also apply to the Leisure park?</p>	<p>The Applicant can advise that the appointed contractor will provide their mitigation strategy based on their investigations and will take the Applicant's specialist's assessment into account.</p>
	<p>What are the diameter of the bore holes for each of the four power cables. What is the minimum distance that each cable or pair of cables have to be separated in the HDD proposed route?</p>	<p>The Applicant can advise that the precise diameter of the cable will be defined at detailed design stage. At this stage, based on a 150mm diameter cable, a bore 1.5x diameter is the normal recommended size, equalling 225mm diameter bore. The exact size will depend on drill tooling available at the time of construction.</p> <p>The spacing will be dependent on the final designed depth of the bore, it is expected this will be around a minimum of 5m separation in any direction.</p> <p>At the entry and exit points of the HDD the cables may be closer together than the 5m separation to help minimize the footprint of the construction compounds.</p>
	<p>Will there be any restriction for the public to access to the adjoining Milton Locks Nature Reserve during the HDD process, if so what are those restrictions?</p>	<p>The Applicant can confirm that there will not be any restriction to the Milton Locks Nature Reserve due to the HDD process.</p>
	<p>How will the public alert contractors of Bentonite breakout during none core working hours at evenings and weekends?</p>	<p>The works will have continuous monitoring, therefore, in the event of a breakout the site team shall be alerted by the monitoring procedure immediately. To support this there will also be a 24hr construction hotline, of which details will be posted publicly during the works.</p>
	<p>It is clear that the applicant has, in reality, absolutely no idea what their proposed route over Milton Common is at this stage. Is this yet another issue for so called 'detailed design'. In other words, ' we are not sure, let see what happens'. Is that any way to apply for a planning application?</p>	<p>The Applicant can advise that a feasibility study of the routes was undertaken and a logical sequence of steps undertaken at the feasibility stage to identify that the route across Milton Commons is the preferred route which is shown by the Order Limits.</p> <p>The Applicant can further advise that the construction contractor will use the boundary to best identify within where the cables are to be laid.</p>

Ref:	Question:	Applicant's Comments
		Ultimately where the cables are located on Milton Common, they will be within the Order limits.
	Should the tenants at Southsea caravan park residing in static mobile homes also be included in the book of reference as were the permitted to the allotment holders?	The Applicant engaged with the leaseholder of the caravan park as part of the diligent inquiry process and sought to provide information to all occupiers, however the leaseholder requested the Applicant not to do so. However, the Applicant placed Section 48 notices outside of the caravan park entrance on Melville Road and at the junction between Melville Road and Henderson Road at Statutory Consultation in 2019. The project was discussed with the leaseholders further and those discussions confirmed that due to the depth of the installation beneath the caravan park it was not anticipated there would be any impact on the interests of the occupiers of the mobile homes at the park (who it was confirmed do not hold any interest in the subsoil in which the Proposed Development is to be located). Having appropriately undertaken the necessary diligent inquiries, the occupiers of mobile homes were not identified to have an interest within Categories 1 or 2, as they do not have an interest within the subsoil where New Connection Works Rights are sought for HDD works underneath the caravan park. The occupiers of the mobile homes are also not identified as having a Category 3 interest as it is not expected that they will have a relevant compensation claim. As such they have not been included within the Book of Reference. The Applicant has continued to engage with the Leaseholder in relation to the Project throughout 2019, 2020 and 2021, who has confirmed that they have no objection to the proposals.

Table 2.17 – Tim Hancock Associates on behalf of Shell UK

Ref:	Question:	Applicant's Comments
	<p>Whilst I am instructed that my client does not oppose the principle of the proposed Scheme it is concerned to ensure that arrangements are made to adequately safeguard the operation of the service station during the works given that a construction access is to be taken over the demised area at its entrance and exit.</p> <p>Without prejudice to its position, we are in discussion with the promoting authority and trust that it will be possible to agree terms that will be satisfactory to my client. In the meantime, however, my client's position including the right to submit representations in relation to the Scheme is reserved.</p>	<p>The tenant (Shell (U.K.) Limited) leases their premises from Portsmouth City Council. The order limits for the Proposed Development includes 3 no. plots within the demise of the tenant's lease; plot 7-16 (amounting to 188m²), plot 7-18 (3m²) and 7-21 (68m²).</p> <p>As a result of the layout of the roads in this area, all traffic accessing Farlington Playing Fields or the Holiday Inn Hotel has to pass through plot 7-16 which is part of the area leased to the tenant and also pass through plot 7-21, also leased to the tenant, to egress back to the Eastern Road. There is no alternative means of access or egress without passing through these two plots. The swept path analysis for HGVs undertaken by the Applicant has also identified rights being required over plot 7-18. As the roads off the Eastern Road in this area are unadopted, the Applicant has identified that New Access Rights will be required over them.</p> <p>The Applicant engaged with the tenant's property management agent in December 2019 to provide an overview of the Proposed Development and answer any queries they had in relation to it. The tenant appointed a second agent in late November 2020 and further engagement has taken place with the newly appointed agent to provide additional information in relation to the</p>

Ref:	Question:	Applicant's Comments
		<p>Proposed Development, including measures to be put in place in relation to traffic management to minimise any impacts on them.</p> <p>The Applicant will continue to engage with the tenant to deal with any further queries they may have and agree a voluntary agreement between the Applicant, tenant and the tenant's landlord (Portsmouth City Council) to ensure the tenant's operations are adequately protected and the Applicant is able to secure the necessary access rights for the construction and maintenance of the Proposed Development by voluntary agreement where this is possible.</p>

Table 2.18 – Freeths on Behalf of University of Portsmouth

Ref:	Question:	Applicant's Comments
4	<p>We also held a meeting with the Applicant's team on Monday 15th February 2021. This followed an email response from them on 22nd January 2021 to our 21st December email 2020. The email exchange is provided as Appendix 1 to this Statement. This records the Applicant's commitment to ensure that if a joint bay is required on University land that it would be located in the south east corner and that there is to be no vehicular access over the pitches for maintenance (save for a cable fault). It also adds that the Applicant envisages that works can be undertaken where necessary without the haul road. Following this exchange there have been ongoing discussions between the University and Applicant, but no further agreement has been reached.</p> <p>https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN020022/EN020022-003791-DL8%20University%20of%20Portsmouth.pdf</p>	<p>The Applicant notes it has made the following commitments to the University in its attempts to secure a voluntary agreement to date:</p> <ul style="list-style-type: none"> - To install the Onshore Cable Route as far east as technically possible, subject to undertaking further ground investigations in the future to confirm there are no sub-surface impediments to this route. This is also covered at paragraph 6.2.8.15 of the OOCEMP (REP8-024). - In the event it will be necessary to install a joint bay on land owned by the University, the joint bay will be kept in the south east corner of the University's land to minimise impacts. - To use 'thick cut big roll turf' for the reinstatement of the pitches (noting that in the event the southern pitch is moved further west as suggested at Plate 5 of the Framework Management Plan for Recreational Impacts (AS-062) it is envisaged it will be possible to continue to use the southern pitch. - In the event the University is chosen as a host location for the Women's Euro 2022 (scheduled to run from 06 July – 31 July 2022), the Applicant will not mobilise or commence any works at the University until Monday 1st August 2022. <p>The Applicant will continue to engage with the University to attempt to secure a voluntary agreement for the rights required for the construction, operation and maintenance of the Proposed Development.</p>
5	<p>From our review of the relevant documents and as fed back to the Applicant's team on Monday 15th February 2021, our position is that the mitigation measures and method statements do not ameliorate or alleviate the University's earlier concerns regarding the impact on sports pitch provision and operation on this eastern parcel of the playing field land.</p>	<p>See below.</p>
6	<p>The reasons for this are:</p> <ul style="list-style-type: none"> • All three pitches remain in the Order Limits which needs to be this wide to accommodate construction and associated works. 	<p>As stated in the Applicant's Written Summary of Oral Submission at ISH3 (REP6-062), <i>subject to confirmatory ground investigations (previously resisted by the University) there is scope within the Order limits to locate the cable to the eastern edge of the pitches which would allow</i></p>

Ref:	Question:	Applicant's Comments
	<ul style="list-style-type: none"> All three pitches are to be used outside of the University term time period during the summer for the reasons explained to the Examination to date. This includes as a Women's Euro 2022 tournament training base where all playing fields and pitches are to be made available for use. A more recent offer by the Applicant to avoid work during this period and commence in September 2022 will then only impact on the University's normal usage. We appreciate acceptance of our proposal to keep the works as far to the eastern extent to minimise impact which is reflected in the indicative temporary works area shown on Plate 4 of the FMP. We also appreciate the proposal in the OOCEMP to prepare and agree a Construction Method Statement before works commence. It is also helpful that the haul road now appears to be unnecessary based on the confirmation provided in the applicant's email of 22nd January 2021. However, we understand from the Applicant that the works in the indicative temporary works area are subject to future geo-technical investigations and analysis by the appointed contractor should this Order be confirmed. As the geo-technical investigations have not been undertaken and a contractor has not been appointed this cannot be offered as a firm commitment which is why the temporary works area remains indicative and the Order limit is unchanged. The indicative status of the temporary works area within the Order Limits boundary and additional investigations and advice needed therefore leaves a significant question mark over the Applicant's ability to reduce the impact on sports facilities as promised in the OOCEMP and FMP. 	<p><i>for some reconfiguration of pitches to mitigate the short-term impact. This allows for the necessary access, drainage and soil storage arrangements.</i></p> <p><i>The programme for construction is timed during the summer months to minimise impacts during the main playing season, although it is accepted that use over the summer months will be impacted.</i></p> <p>To date, location of known underground services and ground conditions based on desk studies, confirms that the eastern alignment is feasible and it is preferable for the Contractor to minimise impact on pitches due to the cost of reinstatement. However, without the geotechnical investigation, the Applicant needs to retain flexibility in the to ensure that the Proposed Development can be constructed.</p>
7	<p>We therefore have to assume a worst case scenario position in terms of the temporary recreational and operational disturbance which will occur due to their continued presence in the Order Limits and recommend the Examining Authority forms the same conclusion.</p>	<p>The FMPRI (AS-062) assumes a worst-case scenario, regarding impact on the pitches within the Order limits (paragraph 4.2.3.11)</p>
8	<p>If you view the pitches on Plate 4 and 5 of the FMP, dealing with each pitch in turn it is reasonable to form the following conclusions:</p> <ul style="list-style-type: none"> Northern Football Pitch: this will be unavailable for a minimum of 4 weeks during the University term time. It will also be unavailable for 8 weeks during the summer when it is needed for other activities and commitments. No impact will occur if work is focused on the temporary works area but this is uncertain for the reasons explained. As half of the pitch is in the works area and there is no space to potentially realign we have to conclude the 	<p>The pitch impact predicted in the FMPRI (AS-062) is 12 weeks (4 weeks construction, 8 weeks reinstatement). The Applicant is not clear why the additional 4 weeks has been added to impact.</p> <p>All temporary pitch relocations proposed are consistent with existing sizes.</p>

Ref:	Question:	Applicant's Comments
	<p>pitch will unavailable for the construction period of between 12-16 weeks as a minimum.</p> <ul style="list-style-type: none"> • Middle or Northern Rugby Pitch: the alignment and position of this pitch means that it extends into the temporary works area and cable route. As there is insufficient space to the west of the pitch for realignment, this pitch will be completely unavailable for the construction period of between 12-16 weeks as a minimum. • Southern Rugby Pitch: we note the additional layout analysis presented in the PSD report (Appendix 3 of the FMP) which includes a potential temporary pitch layout (see Plate 3 and Appendix 2 of the PSD report) that avoids the indicative cable route and works area but keeps the pitch in the Order Limits area. The ability to deliver this realignment and keep the pitch open relies on works being kept to the east, but this does offer some potential to maintain a pitch in this location. Based on the dimensions presented it does however appear that the realigned pitch is too small compared with the minimum distances recommended for rugby pitches (see as a guide: https://www.harrodsport.com/advice-andguides/rugby-pitch-dimensions-markings). 	
9	<p>The University has no objection in principle to the proposal to use Big Roll Turf as a form of pitch reinstatement but does not believe this offers any assurance about pitch reinstatement. Based on the advice received by the University's specialist pitch advisor, the success of this method relies on a number of variables. Irrigation or rather the ability to provide adequate irrigation is key whichever turf is laid. The advice then continues that how well the turf is rooted and if it is stable would need to be assessed by inspection and in normal events would suggest lighter than normal use for the first winter. The advisor has also stated that if no post construction drainage is envisaged, then it may be that restricting use over the disturbed area will be required to allow soils to settle and some form of natural drainage return. Deep spiking for the first couple of seasons, to alleviate any compaction of soils will be vital according to the University's specialist.</p>	<p>4.1.2.3 of the FMPRI (AS-062) states: <i>PSD have advised that thick cut, big roll turf will mean that affected pitches are playable within 2-3 weeks, this is considerably faster than the 8 weeks reinstatement that has been allowed for other types of re-turfing. It is therefore likely that the reinstatement of sports pitches within this management plan will take place over a 2-3 week period, however, to ensure that there is adequate contingency, for example, for continued irrigation during periods of dry weather, a total of 8 weeks has applied in the assessment of impacts. This ensures that the worst case scenario has been assessed where new turf for reinstatement of pitches is proposed.</i></p> <p>It should also be noted that the pitches are Type 1, being undrained, and therefore according to Sport England Guidance 'Natural Turf for Sport' only suitable for use approximately twice per week, so would not normally be subject to intensive use.</p>
10	<p>This advice indicates that whilst technically possible, there are a series of influences affecting whether this form of pitch restoration can be successful or not and there may also need to be some restriction on activity in during the settlement period. This indicates the potential limitations of this restoration method.</p>	<p>As above</p>
11	<p>We have also noted the comments added to the latest version of the FMP on the condition and perceived usage of the pitch following the PSD survey (see</p>	<p>The Applicant has reported condition and use as per the PSD Agronomy survey. Throughout the application process the Applicant has assumed all pitches to be playable and in use. The</p>

Ref:	Question:	Applicant's Comments
	FMP paragraph 4.2.3.4). This suggests the pitches have not been used for the past 2 years and have been damaged by Brent geese activity. This infers although it is not stated in the submissions that the pitches are not as well used as we present and/or are not in a good condition. We can reassure the Examining Authority that the pitches were used to their capacity by the University pre pandemic. The current usage and lack of pitch markings is as a result of the pandemic. The pitches remain managed and available for use by elite sports for training which is permissible under current lockdown rules. We therefore strongly disagree with the implied statement of under-use and poor condition in the FMP.	Applicant does however note despite the availability of the pitches by elite sports for training during the current lockdown rules the pitches are nonetheless unused, as was observed by PSD Agronomy.
Conclusion		
12	We recognise the progress made by the Applicant in addressing some of the University's original concerns including the effect on the western pitches through the modification of the Order, seeking to focus works on the eastern boundary and now envisaging no need for a haul road. However, the University has to maintain its objection to the current proposed Order based on the unmitigated impact demonstrated in the submissions particularly on the northern and middle pitches and the potential realigned southern pitch being smaller than is recommended. This is underpinned by the uncertainty regarding the ability to achieve the mitigation proposed where the affected land is still retained within the Order and subject to the Applicant needing to undertaken further investigations and seek additional advice.	The Applicant has assessed that without additional mitigation, three pitches will be temporarily impacted for 12 weeks. There is currently no known reason why an eastern alignment of the cable corridor is not possible. Once confirmed in detailed design, the Contractor is required to take this alignment (OOCEMP (document reference 6.9 submitted at Deadline 9), secured in Requirement 15 of the dDCO (document reference 3.1 submitted at Deadline 9), in which case the impact can be reduced to one pitch.

Table 2.19 – Portsmouth City Council

Ref:	Question:	Applicant's Comments
1	Comments on Deadline 7c	
1.1	PCC provides the following comments on the further submissions made at deadline 7c. As requested by the ExA matters have progressed through ongoing discussions between PCC and the Applicant and where mutual agreement has been reached this is acknowledged in these submissions.	The Applicant notes PCC's comments, and confirms that where matters are agreed, these are set out in the SoCG with PCC (REP8-044).
2	Further comments in respect of Highways, Transport and Traffic issues	
	Framework Traffic Management Strategy (FTMS) REP7c-012 – Applicant Response to deadline 7 and 7a submissions Table 2.9 Section 1.3 -1.13 in respect of the FTMS	

Ref:	Question:	Applicant's Comments
2.1	With reference to section 1.3 para 1.1.1.3 and 1.1.1.4 – The Applicant contends that there is agreement that no further assessment work is required to establish impacts / mitigation on roads not included within SRTM. However that is not the PCC's position.	<p>The minutes of the meeting held with PCC on 8/1/21 provided at Appendix A (document reference 7.9.49.1) confirm that in the view of PCC in their role as highway authority, the traffic modelling had been taken as far as is necessary. Further work was required in order to develop a strategy to mitigate any unforeseen traffic diversions onto minor roads that could not be practically modelled through the SRTM, with this culminating in the preparation of an additional package of measures included within the FTMS at Section 2.6.</p> <p>It is the Applicant's position that they have taken all possible measures to address unforeseen effects that cannot be adequately modelled through the SRTM and these further mitigation measures that can be drawn upon if necessary during the delivery of the Proposed Development.</p> <p>It is also noted by the Applicant that the SRTM includes approximately 200 roads within Portsea Island alone, which further highlights the robust nature of assessments undertaken using this evidence base to assess the impacts of the Proposed Development on a considerable extent of the PCC highway network.</p> <p>The Applicant also notes that many of the points raised in PCC's DL8 response could have been raised at any time during the course of 2020/2021, but they have chosen to wait until D8 to do so.</p>
2.2	PCC considers that these issues were not addressed by Aquind in a timely way and given the stage the examination timetable has reached there is no time left to allow for further assessment. The Applicant has indicated an intention to address this lack of assessment and development of mitigation by providing for an expanded menu of typical interventions which could be brought forward through the section specific CTMPs in an updated FTMS to be submitted at deadline 8. Whilst helpful this will not resolve the fundamental concern that the DCO cannot be determined without assessment of those impacts and for there to be confidence that the impacts can be reasonably mitigated	The Applicant strongly disagrees with this comment. The Road Safety Technical Note was submitted to PCC on 17/11/20, introduced to the examination at Deadline 6 (REP6-071) and as part of the Supplementary Transport Assessment Addendum (REP7-065). At meetings held between the Applicant and PCC on 21/01/21 and 09/02/21 it was also agreed that the strategy for providing additional mitigation was appropriate and there was no benefit in completing further traffic modelling assessments. Notwithstanding this point, the Applicant maintains that the assessments completed are robust and provide a worst-case and representative analysis of impacts which may occur as a result of the construction of the Onshore Cable Route. The mitigation secured within the FTMS will therefore reduce impacts against those already robustly reported by the Applicant, all of which are temporary in nature and are not severe
2.3	With reference to section 1.4 para 2.4.2.1 – The Applicant proposes the addition of wording requiring LHA approval of detailed design of works and traffic management measures prior to the commencement of works in an updated FTMS to be submitted at deadline 8. Whilst helpful, PCC suggests that these details should have been developed to inform consideration of the DCO and in the absence of these the DCO application cannot reasonably be determined with any assumption as to the acceptability or otherwise of the works and traffic management measures	The Applicant maintains that it is not appropriate nor feasible to complete detailed traffic management plans at this stage of the project as these would have required a contractor to be appointed and all detailed designs to be completed prior to consent being granted.
2.4	With reference to section 1.5 para 2.5.3.2 – The Applicant proposes those under 5 years old to be included within the definition of vulnerable people for inclusion in FTMS update due at deadline 8. PCC / HCC's position is that this definition should include all primary aged children.	The FTMS (AS-072) in paragraph 2.5.3.2 included " <i>children of primary school age or younger</i> " as was shown within the version of the FTMS sent to PCC for approval on 23/02/21. The amendment to the FTMS required by PCC and HCC has therefore been accounted for.

Ref:	Question:	Applicant's Comments
2.5	With reference to section 1.7 para 2.6.1.1 – The Applicant accepts the requirement for a provisional advanced authorisation (PAA) in accordance with the Permit Scheme as necessary to secure roadspace with the only exception being emergency works. As detailed in oral submission at ISH5 PCC suggest that 'urgent works' should also be included within the exception	The FTMS (AS-072) reference to urgent works at paragraph 2.15.1.2 as was shown the version of the FTMS sent to PCC for approval on 23/02/21. The amendment to the FTMS required by PCC has therefore been accounted for. This is also accounted for in Article 9A to the draft DCO (document reference 3.1 submitted at Deadline 9)
2.6	With reference to section 1.8 para 2.6.1.2 – The Applicant accepts use of photographic and scanner surveys to determine carriageway condition although seeks to limit reinstatements to that required in accordance with NRSWA 1991 and states that the applicant will not reinstate the highway to a better condition than prior to the works. This remains a difference between the Applicant and LHA as PCC require that the carriageway is in no worse condition upon completion of the works than it was prior to commencement when using photographic / scanner assessment – this may practically result in some improvement to the existing condition.	<p>Paragraph 2.7.1.2 of the FTMS provides details of the information to be submitted to the Local Highway Authority as part of the approval process of traffic management plans. This includes details of the proposed approach to the reinstatement of the public highway in connection with those works. This includes (where applicable) details of both temporary and permanent reinstatement and where a notice pursuant to section 58 or 58A has been issued in relation to the relevant part of the public highway and the prescribed period in that notice remains in effect when the works are undertaken such reinstatement may include half or full carriageway reinstatement.</p> <p>The position regarding reinstatement is entirely appropriate.</p>
2.7	With reference to section 1.10 Section 2.9 – The Applicant does not agree that the signing strategy will divert traffic to different routes than that assumed in the SRTM mode, despite that being the specific intent of the signing strategy. Rather the Applicant takes the view that further traffic management measures can be incorporated into the individual traffic management strategies. Whilst helpful, this will not resolve the fundamental concern that without assessment of those impacts, the DCO cannot be determined on the basis that there can be confidence that the impacts can be reasonably mitigated.	<p>The Applicant maintains that the assessments completed are robust and provide a worst-case and representative analysis of impacts which may occur as a result of the construction of the Onshore Cable Route. The strategic element of the signage strategy seeks to ensure that traffic diverting away from the Onshore Cable Route during construction will utilise primary routes.</p> <p>The mitigation secured within the FTMS will therefore reduce impacts against those already robustly reported by the Applicant, all of which are temporary in nature and are not severe. It is also noted that PCC have not provided any suggestion about an alternative signage strategy which they would require in order to overcome the impacts they allege.</p>
2.8	With reference to section 1.12 section 7.2 – The Applicant confirms joint bay locations are only indicative and will be completed within parameters of FTMS. Whilst helpful, PCC would suggest that the ExA can have no real confidence in the location of the joint bays. PCC considers that these important details should have been developed and confirmed to inform consideration of the DCO and in the absence of certainty regarding the location of the bays, the ExA cannot assess the DCO application with an assumption that the impact can be mitigated.	<p>The Applicant can confirm that the even though the joint bay locations are indicative the final locations will be in line with the design principles secured in the Design and Access Statement (REP8-013) and within the traffic management parameters secured in the FTMS (AS-072).</p> <p>Construction of any Joint Bays located within the highway will be facilitated by the same traffic management as required for installation of cable ducts in the same location, which has been robustly assessed by the Applicant in the Transport Assessment (APP-448), ES Chapter 22 (APP-137), Supplementary Transport Assessment (REP1-142), ES Addendum (REP1-138), Supplementary Transport Assessment Addendum (REP7-065) and ES Addendum 2 (REP7-067).</p> <p>The Applicant strongly disagrees with PCC's assertion that the Application cannot be assessed. It evidently can, as there is an assessment and it has been examined over a course of 6 months.</p>
2.9	The applicant confirms that the road closures on Farlington Ave will only be required for delivery of the cable drums although that is inconsistent with the planned	The response provided by the Applicant at 1.12 of REP7c-012 relates only to the road closure required to deliver cable drums to the indicative Joint Bay location on Farlington Avenue as identified in the Joint Bay Feasibility Report (REP7-073). Such road closures will be required

Ref:	Question:	Applicant's Comments
	<p>approach for trenching in Farlington Avenue which envisages an eight week closure period of a 350m length detailed in the access to properties note para 4.3.2.3 refers</p>	<p>for approximately one hour per cable drum delivery. The Applicant has not suggested that this this is the only road closure required on Farlington Avenue during construction of the Onshore Cable Route, as identified within the Section 9 of the FTMS (AS-072) and all previous revisions.</p>
	<p>As yet unsubmitted update to FTMS provide by Applicant to PCC dated 23/02/21</p>	
<p>2.10</p>	<p>In line with the ExA's request the Applicant has directly provided an amended FTMS document for comments by PCC directly. This document has been provided in a track changed format of the original FTMS, with an update date of 23/02/2021. There has not been an opportunity to review the FTMS Rev004 published as part of the Examination library on 26/02/2021 to ensure it is identical to provide to PCC so for reference the version provided to PCC has been included with this submission as Appendix 1.</p> <p>https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN020022/EN020022-003888-DL8%20Portsmouth%20City%20Council.pdf</p>	<p>The Applicant confirms that the version of the FTMS provided to PCC on 23/02/21 with tracked changes was identical other than to correct minor typos at paragraphs 2.4.1.3 and 2.7.1.3. This was formally submitted to the ExA on 24/02/21 and then published as part of the Examination library on 26/02/21.</p> <p>The Applicant can therefore confirm that the version PCC have had sight of in advance of DL8 is in practical terms the same as the document formally submitted to the ExA, and a 'clean' version of the document was also submitted to the ExA.</p>
<p>2.11</p>	<p>Within that document in Para 2.3.3.3 it is now explained that construction of the joint bays, when required in the carriageway, will be subject to the same traffic management arrangements and proposals as apply to the trenching work. However these joint bays works will occupy the carriageway for 20 days each and consequently will have a proportionately greater impact than the trenching works. For example whilst trenching works may disrupt access to individual properties for 1 or 2 days, in which case an extended walk to a parking space may be acceptable, the joint bays may disrupt that access for 20 days in which PCC would suggest that case specific convenient alternative parking provision should be identified. Furthermore information regarding joint bay location is only indicative so cannot be relied upon by the ExA when determining the application. To be clear, the impact of the joint bay work within the carriageway has neither been assessed nor has there been the chance to consider any mitigation to any impact therefrom.</p>	<p>Construction of any Joint Bays located within the highway will be facilitated and governed by the same traffic management as required for installation of cable ducts in the same location, which has been robustly assessed by the Applicant in the Transport Assessment, ES Chapter 22, Supplementary Transport Assessment, ES Addendum, Supplementary Transport Assessment Addendum and ES Addendum 2. The Applicant strongly disagrees with PCC's assertion that the impact of the construction of Joint Bays has not been assessed.</p> <p>The Applicant can also confirm that the impact of construction on displaced parking has been assessed for the indicative locations shown within the Joint Bay Feasibility Report as part of the Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy (Appendix 1 of the FTMS). As demonstrated within the Joint Bay Feasibility Report (REP7-098) the construction of a Joint Bay would require a maximum length of approximately 60m during cable pulling period (approximately 5 days per Joint Bay) and 35m during the rest of the construction period. This will not have a significant impact on on-street parking capacity on any of the indicative locations assessed as demonstrated in Appendix 1 of the FTMS, or indeed at all.</p>
<p>2.12</p>	<p>Para 2.5.3.6 explains that the exact traffic management strategy for side road accesses will be agreed with the Highway Authority through submission of detailed designs and traffic management measures prior to the commencement of works. PCC suggests that these details should be provided at this stage to give the ExA confidence that safe arrangements with adequate traffic capacity can be achieved. In the absence of these it is the view of the LHA that the ExA does not have sufficient information in making its determination and recommendations to the Secretary of State to conclude that the impact of the scheme or its mitigation has been addressed to allow a positive determination of the DCO</p>	<p>The exact requirements of the traffic management at side roads will be dependent upon the final alignment of the Onshore Cable Route which will be confirmed during detailed design. In all cases, the required traffic management layouts will be in accordance with guidance contained within the Traffic Signs Manual Chapter 8 which will ensure that safe working arrangements are provided in all circumstances. Where traffic signals are required, these will be manually adjusted during peak hours to minimise traffic delay as required by the FTMS and will be in place for only 1-2 weeks per circuit.</p> <p>In terms of the capacity of the side roads, these are by definition lower class roads which carry less traffic than the main arms of a junction, and therefore will be less susceptible to</p>

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		<p>capacity impacts. Additionally, PCC have not provided any evidence themselves that there would be an unacceptable loss of capacity at side roads or even raised this as a concern in the multiple conversations PCC has had with the Applicant since the acceptance of the Application some 14 months ago.</p> <p>It is the Applicant's position that the Examining Authority does have sufficient information before them in order to determine the implications of the DCO.</p>
2.13	<p>Section 2.6 para 2.6.1.1 recognises that additional traffic management measures may be necessary to mitigate impacts on minor roads outside of the onshore cable route and detail a list of the sorts of interventions which may be considered. As noted above, it remains the case that the impact of diverted traffic on roads which are not included in the Strategic Transport Model have not been determined nor have specific interventions been developed to mitigate those impacts. In the absence of this detail it is the view of the LHA that the ExA does not have sufficient information in carrying out its assessment of the DCO to conclude that the impact of the scheme or its mitigation is acceptable.</p>	<p>The Applicant notes that at meetings held between the Applicant and PCC on 21/01/21 and 09/02/21 it was agreed that the strategy for providing additional mitigation on minor roads outside of the Onshore Cable Route was appropriate and there was no benefit in completing further assessments of such. Please refer to the email sent from the Applicant's transport consultant to PCC on 9/2/21 (provided at Appendix B) setting out the points for discussion at the latter meeting, which built upon the outcomes of the discussions held on 21/1/21 (document reference 7.9.49.2).</p> <p>Notwithstanding this point, the Applicant maintains that the assessments completed are robust and provide a worst-case and representative analysis of impacts that may occur as a result of the construction of the Onshore Cable Route and reiterates that the SRTM includes approximately 200 roads within Portsea Island alone, thereby providing a significant level of detail on predicted impacts. The mitigation secured within the FTMS will therefore reduce impacts against those already robustly reported by the Applicant, all of which are temporary in nature and are not severe.</p> <p>It should also be noted that the opportunity was given to PCC to raise any further matters on transport grounds which they wished to discuss. However, they choose not to do so until the end of the Examination. The Applicant strongly disagrees that the ExA does not have sufficient information to conclude that the impact of the scheme or its mitigation is acceptable.</p>
2.14	<p>Para 2.6.1.3 explains that should the committed part signalisation of the A3(M) junction 3 scheme be implemented prior to the construction of the cable route, then this will require further consideration. The approach in these circumstances in PCC's view should have been to have developed them properly to ensure that the impacts of the scheme could be reasonably mitigated and the ExA's deliberations as to the DCO being informed accordingly. In the absence of this information again it is the view of the LHA that the ExA does not have sufficient information regarding the impact of the scheme nor mitigation required to allow for a positive assumption to be made about such impacts in the determination of the DCO.</p>	<p>The Applicant notes that this comment refers to A3(M) Junction 3, the junction with Hulbert Road, which falls under the jurisdiction of Highways England and Hampshire County Council rather than PCC. The Applicant also notes that the Hampshire County Council have not raised a concern in relation to this junction and the approach to how reassigned traffic can be accommodated at this junction in the event the committed scheme is introduced prior to the delivery of the Proposed Development has been agreed with Highways England at Section 4.4.1 of their SoCG (REP8-030).</p>
2.15	<p>Para 2.7.1.3 helpfully explains that reinstatement will be agreed with the relevant LHA through the use of post condition photographic and scanner surveys. As noted above it is the LHA view that when so assessed the condition of the highway must as a minimum be no worse than that found prior to the commencement of the works and the FTMS should be explicit in that regard.</p>	<p>Paragraph 2.7.1.2 of the FTMS provides details of the information to be submitted to the Local Highway Authority as part of the approval process of traffic management plans. This includes details of the proposed approach to the reinstatement of the public highway in connection with those works, including (where applicable) details of both temporary and permanent reinstatement and where a notice pursuant to section 58 or 58A has been issued in relation to the relevant part of the public highway and the prescribed period in that notice remains in</p>

Ref:	Question:	Applicant's Comments
		<p>effect when the works are undertaken such reinstatement may include half or full carriageway reinstatement.</p> <p>The reinstatement secured is entirely appropriate.</p>
2.16	<p>Para 2.14.1.2 refers to the use of traffic marshals being 'considered' in certain locations. At this stage in PCC's view commitment should be made to the provision of such marshals to give confidence that the impacts will be satisfactorily mitigated. In the absence of such commitment the ExA cannot be assured that the impacts will be satisfactorily mitigated</p>	<p>In response the Applicant is firm in its commitment of traffic marshals with paragraph 2.14.1.2 of the FTMS (AS-072) providing specific locations where they will be deployed. It is also noted that detailed traffic management strategies will require approval by PCC.</p>
2.17	<p>Para 7.2.1.5 explains that the joint bay envisaged in Farlington Ave will be accommodated through signal controlled shuttle working each requiring 20 days per circuit. Therefore in this location traffic management will be in effect for 40 days simply for the joint bays in addition to that required for trenching. This will have an increased impact on local residents which has not been assessed or mitigation proposed. For example whilst trenching works may disrupt access to individual properties for 1 or 2 days, in which case an extended walk to a parking space may be acceptable, the joint bays may disrupt that access for 20 days in which case specific convenient alternative parking provision should be identified. Furthermore information regarding joint bay location is only indicative so cannot be relied upon by the ExA when determining the application.</p>	<p>The Applicant disagrees with PCC's statement that the traffic management associated with construction of Joint Bays has not been assessed. The impacts of such shuttle working traffic signals in the Transport Assessment and Supplementary Transport Assessment showed that these would operate well within capacity with delays of less than one minute. This is representative of traffic delay impact regardless of the final Joint Bay location along Farlington Avenue. Also, as demonstrated within the Joint Bay Feasibility Report (REP7-098) this shows that construction of a Joint Bay would require a maximum length of approximately 60m during cable pulling period (approximately 5 days per Joint Bay) and 35m during the rest of the construction period. This will not have a significant impact on on-street parking capacity on Farlington Avenue as assessed within the Appendix 1 of the FTMS.</p>
2.18	<p>Section 7.3.2 explains the road closure necessary for the trenching work in Farlington Ave for a 350m length with construction zones of 100m. Given progress rates in the order of 24m/day (para 2.3.2.1 refers) even if construction lengths are reduced to 100m that will practically prevent access to properties for a 4 /5 day period. This will have an increased impact on local residents which has neither been assessed nor mitigated. Rather, Para 7.3.2.4 explains that detailed traffic management strategies should include additional traffic management measures. In the absence of this detail it is the view of the LHA that the ExA does not have sufficient information to be confident that the impact of the scheme can be satisfactorily mitigated in carrying out their assessment as to the determination of the DCO.</p>	<p>PCC is incorrect that an assessment has not been completed on impact of a road closure on Farlington Avenue in relation to displaced of parking during construction works. This assessment has been completed within Table 5-12 of the Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy (Appendix 1 of the FTMS (AS-072), which was originally submitted into the Examination at Deadline 1. This assessment concluded that adequate on-street parking capacity was available on streets surrounding Farlington Avenue within 400m of the impacted properties. The Applicant discussed this with PCC on 09/02/21 prior to updates being made to the FTMS for D8, where it was understood by the Applicant that PCC were comfortable with proposals for the road closure to take place in 100m sections and the resultant temporary impact on displaced parking.</p> <p>The required consideration of additional traffic management measures is based upon the strategy discussed and agreed as appropriate with PCC on 21/01/21 and 09/02/21, included within the updated FTMS submitted at DL8.</p> <p>The Applicant disagrees with PCC's assertion that the ExA do not have sufficient information to determine the DCO application.</p>
2.19	<p>Para 7.8.2.3 similarly indicates that additional traffic management interventions may be required on residential roads east and west of Farlington Ave, West of the A2030 Eastern Road and north of Grove Road. The impact of the works on these roads has not been assessed and it is the view of the LHA that the ExA does not have</p>	<p>In response to paragraph 7.3.2.4, the required consideration of additional traffic management measures is based upon the strategy required by, discussed and agreed as appropriate with PCC on 21/01/21 and 09/02/21. Notwithstanding this point, the Applicant reiterates that the</p>

Ref:	Question:	Applicant's Comments
	sufficient information regarding that impact or the sufficiency of the mitigation required in carrying out their assessment as to the determination of the DCO.	<p>assessments completed for construction of the Onshore Cable Route are robust and provide a worst-case position of potential impacts.</p> <p>The Applicant therefore disagrees with PCC's assertion that the ExA do not have sufficient information to determine the DCO application as any mitigation provided through the provision of additional traffic management measures will therefore lessen the impacts already reported in detail.</p>
2.20	Para 8.1.1.7 explains that works on Fitzherbert Road may be undertaken on a 24hr working basis to minimise disruption although does not make any commitment to that. As a consequence it is the view of the LHA that the ExA does not have sufficient information to be confident about the acceptability of the impact of the scheme and/or whether it can be satisfactorily mitigated in their assessment as to the determination of the DCO.	<p>The Applicant notes that all highway assessments have been completed using weekday peak hours and therefore provide a robust assessment of impacts that may occur as result of the construction of the Onshore Cable Route. The completion of 24hr working on Fitzherbert Road would therefore result in a lesser traffic and transport impact in comparison with those already assessed by the Applicant, noting that the reason for the use of such working hours would be to reduce the traffic impact and disruption to those wishing to access Sainsbury's.</p> <p>The Applicant also notes the detailed traffic management strategies will be submitted to PCC for approval as required by section 2.7 of the FTMS (AS-072).</p> <p>The Applicant therefore strongly disagrees with PCC's assertion that the ExA do not have sufficient information to determine the DCO application.</p>
2.21	Paras 10.2.1.14 and 10.3.1.16 consider the traffic management required for a section of Eastern Road and explain that detailed traffic management strategies should include consideration of additional traffic management measures on residential roads between London Road / Kingston Road / Copnor Road and between Tangier Road/ Baffins Road and Eastern Road The impact of the works on these roads has not been assessed and once again it is the view of the LHA that the ExA does not have sufficient information regarding the acceptability of that impact or the detail and sufficiency of any mitigation required in carrying out their assessment of the DCO.	<p>The Applicant reasserts that outputs from the SRTM modelling are representative of impacts that may occur on roads not included within the model and that all assessments are a worst case scenario of potential impacts. This is as reported within the Transport Assessment (APP-448), ES Chapter 22 (APP-137), Supplementary Transport Assessment (REP1-142), ES Addendum (REP1-138), Supplementary Transport Assessment Addendum (REP7-065) and ES Addendum 2 (REP7-067). Any mitigation provided through the provision of additional traffic management measures will therefore lessen the impacts already reported in detail.</p> <p>The Applicant therefore strongly disagrees with PCC's assertion that the ExA do not have sufficient information to determine the DCO application.</p> <p>In addition, and at the request of PCC, the Applicant completed the Road Safety Technical Note, which considered the potential highway safety implications of traffic using alternative routes when reassigning away from traffic management on the Onshore Cable Route. Following PCC's review of this Technical Note and subsequent discussions with PCC, the Applicant is entirely confident that concerns related to impacts on roads not included within the SRTM and those identified within the Road Safety Technical Road as requiring mitigation, can be resolved through further traffic management measures that can be incorporated into individual Traffic Management Strategies as required by Section 2.6 of the FTMS submitted prior to D8. It is the Applicants view that this approach has been agreed with PCC.</p>
<p>Revised Framework Construction Traffic Management Plan (FCTMP) REP7c-012 – Applicant Response to deadline 7 and 7a submissions Table 2.9 Section 1.14-1.19 in respect of the FCTMP</p>		

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2.22	With reference to section 1.17 - The Applicant disputes the need for S278 agreements for construction access suggesting that these can be managed through S106 and minor works agreements – this does not reflect the most recently updated FCTMP which included provision of S278 agreements and in PCC's view had resolved the position. ¹	<p>As shown within the version Framework CTMP shared with PCC for agreement on 23/02/21 Paragraph 5.2.1.8 (AS-074) included the following text which reflects the Applicants final position on this topic:</p> <p>“The final design of all highway accesses is to be required to be agreed with the relevant highway authority before the commencement of works in relation to the relevant phase of works which the access is required in connection with, and a plan of the accesses anticipated to be required is contained within Appendix 4. These works will be completed via Section 278 Minor Works Agreements.”</p> <p>The entering into of the required minor works agreements will be secured by the Portsmouth City Council Development Consent Obligation (REP8-042)</p> <p>The Applicant therefore considers this item to be resolved.</p>
2.23	With reference to section 1.18 - in para 6.1.1.3 the Applicant disputes that detailed solutions in individual section specific CTMPs are required to allow determination of the DCO application. This is not agreed by PCC and remains a point of contention between PCC and the Applicant.	As has already been established, it is not appropriate nor feasible to complete detailed CTMPs at this stage of the project as these would have required a contractor to be appointed and all detailed designs to be completed prior to consent being granted. The Applicant has submitted sufficient information in the FCTMP to allow the DCO to be determined and agreed an approval mechanism for PCC to agree to the details of the final CTMPs.
As yet unsubmitted update to FCTMP provide by Applicant to PCC dated "February 2021"		
2.25	Within that document Para 2.8.7.5 and table 6 at para 3.6.1.1 considers access for AILs and explains that where these are required for delivery of cable drums to joint bays they will may be limited to overnight / weekend periods to mitigate the impact of loads moving through the highway network; however this does not recognise that residential parking demand is increased in the evenings and at weekends. Where on street parking suspensions are necessary to facilitate access of AILs this should be undertaken during the day (outside of peak hours) as was reported to the ExA in ISH5 by Mr Williams on behalf of the applicant.	<p>Paragraph 2.8.7.5 of the FCTMP (AS-074) states that “<i>Where AIL movements are required these will be undertaken outside of school opening / closing times, peak hours, and may be limited to weekend and overnight periods to mitigate the impact of these moving through the highway network.</i>”</p> <p>Such occurrences would therefore take place specifically to mitigate traffic impacts and would not take place along routes where the impacts of such would be greater at night or during weekends. On this basis any requirements for parking suspensions on residential roads would be as discussed at ISH5 and limited to day time working hours when residential parking demand is lower than evening and weekend periods. The Applicant maintains that the details provided in the FCTMP confirm matters which address PCC's comments in relation to AILs.</p>
2.26	Para 7.4.1.3 helpfully explains that reinstatement will be agreed with the relevant LHA through the use of post condition photographic and scanner surveys. It is the LHA view that when so assessed the condition of the highway must as a minimum be no worse than that found prior to the commencement of the works and the FCTMP should be explicit in that regard.	The Applicant has always been in agreement with PCC on this point, and para 7.4.1.3 of the FCTMP submitted at DL8 confirms this by stating “ <i>Highway reinstatement will be completed in accordance with the New Roads and Street Works Act 1991 and will be subject to post reinstatement liabilities in respect to that Act. Where a notice pursuant to Section 58 or 58A has been issued in relation to the relevant part of the public highway and the prescribed period in that notice remains in effect when the works are undertaken such reinstatement may include half or full carriageway reinstatement, to be agreed with the relevant highway authority. Completion of satisfactory reinstatement will be agreed with the relevant local highway authority through the use of post-completion photographic and scanner surveys</i> ”

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Joint Bay Technical Note (JBTN)		
REP7c-012 – Applicant Response to deadline 7 and 7a submissions Table 2.9 Section 1.24-1.26 in respect of the JBTN		
2.27	<p>With reference to sections 1.24 – 1.26 the Applicant contends that the JBTN is an indicative feasibility study and reiterates that joint bays will be located off carriageway as far as possible. Whilst the proposals in the updated JBTN (REP7-073) seem acceptable, given its status as indicative only, no reliance can be placed on this to enable the ExA to assess the DCO and make recommendations to the SofS on the basis that it has sufficient information to assume that the impact of the joint bays works will be acceptable.</p>	<p>The Applicant can confirm that even though the joint bay locations are indicative, the final locations shall be in line with the design principles secured in the Design and Access Statement [REP8-012] and within the parameters secured in the FTMS (AS-072).</p> <p>Construction of any Joint Bays located within the highway will be facilitated by the same traffic management as required for installation of cable ducts in the same location, which has been robustly assessed by the Applicant in the Transport Assessment (APP-448), ES Chapter 22 (APP-137), Supplementary Transport Assessment (REP1-142), ES Addendum (REP1-138), Supplementary Transport Assessment Addendum (REP7-065) and ES Addendum 2 (REP7-067).</p> <p>The Applicant therefore strongly disagrees with PCC's assertion that the DCO application cannot be assessed, with sufficient information having been provided to allow for a positive recommendation to be made.</p>
Portsbridge Roundabout Technical Note (PBTN)		
REP7c-012 – Applicant Response to deadline 7 and 7a submissions Table 2.9 Section 1.39-1.48 in respect of the PBTN		
2.28	<p>With reference to sections 1.39-1.48 - The Applicant and PCC disagree what is, and is not, the logical diversion route around the proposed works for the on-shore cable corridor at A2030 Eastern Road. However it is acknowledged that the SRTM model has shown the higher order route (M275) is predicted to be the preferred diversion route for drivers attempting to avoid works at Eastern Road. PCC would agree this may be the case for drivers unfamiliar with the area, however those familiar and/or needing to reach areas in the east of Portsea Island are unlikely to take a far more circuitous route unless forced to. It is more likely in PCC's view that drivers will take the nearest route round the works which will inevitably involve an increase in movements leaving the A27 to Portsbridge Roundabout or potentially routing between primary routes utilising smaller residential roads, the safety impacts of which are unknown.</p>	<p>In response, the Applicant reasserts that realistic worst-case and robust assessment on the highway network has already been completed within the Transport Assessment (APP448), Chapter 22 of the ES (APP-137), Supplementary Transport Assessment (REP1-142) and ES Addendum (REP1-137). The SRTM modelling is representative of impacts that may occur on roads not included within the model and therefore agrees with PCC's previous statements that there is little benefit in undertaking further traffic modelling. The Applicant also reiterates that the safety impacts of traffic reassigning onto residential roads is known, as has been assessed within the Road Safety Technical Note and Supplementary Transport Assessment Addendum. In addition to this, and following discussion with PCC, the Applicant is entirely confident that concerns related to impacts on roads not included within the SRTM are resolved through further traffic management mitigation measures that can be incorporated into individual Traffic Management Strategies as required by Section 2.6 of the FTMS submitted prior to D8; the approach to which has been agreed with PCC.</p>
2.29	<p>It is acknowledged that the Applicant has now produced an updated signage strategy, Travel Demand Management (TDM) strategy and communications strategy. There are also further measures proposed for the FTMS to address any safety concerns on residential roads. It still remains to be seen however whether the applicant has adequately modelled the impacts of the works, and whether these measures can counteract the significant disruption likely to be caused to traffic moving to/from Portsea Island. The LHA have the benefit of experience managing the network in this part of the city, and monitoring during the pandemic has shown that local traffic overwhelmingly favour using the route through the centre of Portsea</p>	<p>With regard to PCC's comments on the use of alternative routes into Portsea Island, the Applicant notes that no evidence has been provided by the Local Highway Authority to support such assertions and it remains the Applicant's view that the modelled assignment of traffic across the PCC network, based upon journey times between origin and destination, is robust. Given that the A2030 Eastern Road provides a link between the A27 and areas such as Fratton and Southsea at the southern end of Portsea Island it is also the Applicant's view that the M275 provides a legitimate and practicable alternative route for such trips and one that would be preferable to use of Portsbridge roundabout and A3 / A2047.</p>

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	<p>Island, using Portsbridge Roundabout to access the northern areas of the city and the wider city region. There has been a significant uplift of traffic year on year using this route and a decrease in traffic using the remaining two routes (M275/A2030) - presumably as a result of lockdown and homeworking. This would suggest that the assumptions made by the model might not necessarily match the logical response/intuition of residents looking to avoid road works at Eastern Road.</p>	<p>In response to PCC's request for model plots, it was the Applicant's understanding that following agreement of the strategy to provide additional mitigation in the FTMS (Section 2.6) and that no further traffic modelling was required, this request has been resolved. However, it is noted by the Applicant the SRTM contains a significant number of potential east-west routes across Portsea Island and the movement of traffic across these routes has already been assessed in detail within the Transport Assessment, ES Chapter 22, Supplementary Transport Assessment, ES Addendum and Road Safety Technical Note.</p>
<p>2.30</p>	<p>Model plots requested of the wider Portsmouth highway network have not been produced to show the outputs of the strategic model to better understand why the works would have the predicted effect of reducing the number of vehicles using Portsbridge Roundabout as well as the more predictable reduction in traffic at Eastern Road. PCC considers that if this were the case, it would be expected that significant east-west movements would be seen for vehicles routing across to/from the M275 which the Applicant's modelling suggests is the preferred route. This diversionary east west movement has not been borne out in the Applicant's assessment which in part leads the LHA to conclude that the traffic is utilising the smaller residential roads which are not included in the strategic model. The updated mitigation strategies are welcomed, however at this late stage of the examination process, it is still not clear whether the scope and effectiveness of these strategies will be sufficient given that the LHA cannot have full confidence that the modelling accurately reflects the impacts.</p>	
<p>As yet unsubmitted update to 'Onshore Cable Route Construction Impacts on Access to Properties and Car Parking and Communication Strategy' provided by Applicant to PCC dated " 24 February 2021 "</p>		
<p>2.32</p>	<p>Within that document, Section 5.2 explains the approach taken to establish the availability of alternative parking facilities within a reasonable walking distance of displaced parking. It is explained at 5.2.1.1 that residential parking surveys have been undertaken in accordance with the Lambeth model. However as the ExA will be aware the Lambeth methodology is specific that the walking distance to be considered is 200m. That is consistent with the walking distance considered reasonable by PCC when considering the proximity of off-site parking opportunities relative to new residential development. Despite this the Applicant has applied a walking distance of 400m which is more appropriate when considering the proximity of retail / employment / education / leisure and access to public transport.</p>	<p>The Applicant has previously responded to this topic as part of the Applicant's Response to Deadline 7c Submissions.</p> <p>The Applicant maintains that the assessment of on-street parking contained within the FTMS (AS-072) and Supplementary Transport Assessment (REP1-142) and Supplementary Transport Assessment Addendum (REP7-065) is robust which is based upon the Lambeth parking survey methodology which PCC recommend for use within paragraph 3.9 of their 'Adopted parking standards and transport assessments' Supplementary Planning Document. The Applicant has therefore followed the process advocated by the Local Highway Authority for determining the availability of on street parking.</p>
<p>2.33</p>	<p>PCC have misgivings regarding the detail of the Lambeth methodology which practically overestimates the availability of on street parking spaces as it relies on a formulaic approach in which the length of available parking roadspace is divided by 5 to determine the parking capacity. However this does not recognise the impact of inconsiderate or indiscriminate parking and predicts a level of parking capacity which simply is not realised as a matter of fact on street. Furthermore at para 5.4.2.1 it is explained that the available road length has been divided by 4.5 (rather</p>	<p>As noted above, the Applicant re-iterates that the use of the Lambeth methodology for surveys is recommended in PCC's 'Adopted Parking Standards and Transport Assessment' SPD (https://www.portsmouth.gov.uk/wp-content/uploads/2020/04/Parking-standards-and-transport-assessments-Supplementary-Planning-Document.pdf) and therefore PCC's view on this is unreasonable. The Applicant also notes that 5m parking length was used in all circumstances where parking surveys were completed within Portsmouth in accordance with the Lambeth methodology. This means that only the following areas where residential access</p>

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	<p>than 5 as recommended in the Lambeth methodology) to determine on street parking capacity. There is no justification for this which will simply act unrealistically increase the number of alleged parking spaces available on street.</p>	<p>or on-street parking may be impacted by construction of the Onshore Cable Route were assessed using a length of 4.5m:</p> <ul style="list-style-type: none"> • Portsdown Hill Road and adjacent roads, where the use of a 5m parking length would have reduced the reserve capacity by 1 car parking space; • Northern part of Farlington Avenue and adjacent roads, where use of the 5m parking length would reduce the reserve capacity by 4 spaces; and • Moorings Way and adjacent roads, where the use of the 5m parking length would reduce the reserve capacity by 3 spaces. <p>In all of these examples the assessed level of displaced parking could still be accommodated within the reduced reserved capacity when using the very robust assumption that all properties impacted by a 100m construction area will require displacement of parking. However, as noted by the Applicant at ISH5 the contractor will be required to plate the trench at all times except when construction is taking place at that location, during which time access on demand will be provided to emergency services, mobility impaired and vulnerable persons, while best endeavours will also be made to facilitate access in all other circumstances. Therefore, the requirement for displacement parking will be limited to 3-4 properties at a time for a period of 2-3 days and only when stated access requirements are not met.</p> <p>Taking this into account, the Applicant is of the view that this would not have a material impact on the assessments of displaced parking. It is also noted that this methodology was originally submitted at D1 which has given PCC ample opportunity to raise this matter with the Applicant.</p>
<p>2.34 – 2.35</p>	<p>Para 5.4.2.2 further explains that where parking surveys have not been undertaken, an existing parking occupancy rate of 75% has been assumed without basis or justification.</p> <p>It is the LHA view that the approach to determining both the number of on street parking spaces and practical availability of those within a reasonable walking distance of the displaced spaces is severely flawed and that the ExA can place little weight on the contention that displaced parking can be accommodated elsewhere on street within a reasonable walking distance. There are no practical mitigations for displaced on street parking proposed which is of particular concern on the:</p> <ul style="list-style-type: none"> • AIL routes via Locksway Road / Longshore Way and Kingsley Road where parking would need to be restricted over very significant lengths and the neighbouring streets are characterised by terraced property where the demand for on street parking already exceeds the space available; and <p>Farlington Avenue where a road closure is thought necessary for an extended period</p>	<p>Using experience and professional judgement, the Applicant had applied an assumed on-street parking occupancy rate of 75% to account for areas where surveys had not been undertaken. No alternative parking utilisation levels evidence to the contrary of these figures has been provided by PCC.</p> <p>Notwithstanding this, In order to provide further clarity, the Applicant has conducted a sensitivity test of the position with a higher assumed level of on street parking on roads discussed in response to comment 2.33.</p> <p>This further analysis has assumed an on-street parking utilisation rate of 90%. It has also allowed for the application of the higher factor to determine the level of on street availability (5 rather than 4.5); with the results of this analysis provided at Appendix C (document reference 7.9.42.3).</p> <p>These assessments show that on Portsdown Hill Road only one displaced vehicle could not be accommodated on-street while the area around the northern part of Farlington Avenue would have sufficient on street parking to accommodate any displaced vehicles. Finally, the area surrounding Moorings Way would see a theoretical level of displaced parking that could not be accommodated on-street, however this needs to be considered in context. The level of displaced parking would amount to no more than three vehicles. In addition, it needs to be considered that available alternatives areas of parking were measured 400m from the furthest away impacted property. Each property within the displaced parking area will have more</p>

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		<p>alternatives within its 400m zone. It is therefore the Applicants view that there would be a lesser impact shown given that alternatives area available.</p> <p>Consequently, it is the Applicants view that PCC are wrong to state that “both the number of on-street parking spaces and practical availability of those within a reasonable walking distance of the displaced spaces is severely flawed” and that the Examining Authority is able to conclude that displaced parking can be accommodated on street within a reasonable walking distance when taking into account the very robust assessment methodology and proposed access to properties strategy.</p>
2.36	<p>The assessment underestimates the impact of parking displacement on residential amenity and air quality arising from drivers circulating whilst hunting for a place to park. This is likely to result in vehicles being parked at junctions / obstructing footways or where parking is restricted to the disbenefit of highway safety. This impact has not been properly assessed and it is the view of the LHA that the ExA does not have sufficient information regarding that impact or the mitigation required to allow the ExA to conclude the impact will be acceptable</p>	<p>With specific response to Locksway Road / Longshore Way Kingsley Road, the Applicant also notes that Paragraph 3.4.10.3 of the updated Framework CTMP (AS-074) states that the contractor will be required to use smaller construction vehicles and plant when accessing these roads which would mitigate as far as practicable the need to suspend on-street parking.</p> <p>It is also noted that when taking account of this construction traffic control, it may only be necessary to suspend on-street parking to cater for the delivery of cable drums to Joint Bays should they be located at the eastern end of Locksway Road / Kingsley Road as shown indicatively in the Joint Bay Feasibility Report and are identified as a location for pulling of cables into the cable route. Based on the preliminary strategy for this which was used to inform the cable drum delivery requirements assessed within the STA and STA Addendum, Kingsley Road will not be required to accommodate cable drum deliveries and will therefore not require temporary suspension of on-street parking.</p> <p>Notwithstanding this point, the Applicant also notes that suspension of on-street parking to accommodate such cable drum deliveries would be limited to a very short period within construction working hours, where on-street parking on residential areas including Locksway Road and Kingsley Road is lower than the overnight position assessed by the Applicant. On this basis, the Applicant maintains that the assessments of available parking is robust and that any temporary restrictions to on-street parking can be accommodated without significant impacts being generated on highway safety.</p>
	<p>As yet unsubmitted update to Framework Signage Strategy provided by Applicant to PCC and undated</p>	
2.38	<p>While PCC is satisfied in principle with the traffic signing strategy, PCC notes that it does direct traffic to use routes which are not necessarily those to which traffic is found to reassign in the strategic traffic model (SRTM). As such this undermines the validity of the re-routing predictions in the SRTM model runs and consequently confidence in all of the assessments which rely / draw from those findings which must be considered in that light. This should act to reduce the confidence which the ExA can have in both the determination of impacts and effectiveness of mitigation claimed in the information supporting the DCO application.</p>	<p>The signage strategy is intended to affect driver's choices to direct them to strategic routes which are more suitable for diverted traffic, as opposed to all traffic finding its own way through the network, potentially via sensitive local roads. This does not undermine the validity of the modelling, which accurately represents realistic driver choice. Instead, the signage strategy is an intervention to influence that choice, and it is to be expected that it will be different to the modelling otherwise there would be no need for such a strategy.</p> <p>The Applicant further notes the use of the SRTM was agreed by all Local Highway Authorities at the scoping stage. The SRTM is jointly owned and operated by PCC, and PCC have utilised for their own purposes, such as the recent Transforming Cities Fund (TCF) bid. PCC cannot therefore question the credibility of the SRTM without also undermining all of their own previous uses of the model.</p>

Ref:	Question:	Applicant's Comments
3	Further Comments on Framework Management Plan for Recreational Impact (FMPRI)	
	AS-062 Framework for the Management Plan for Recreational Impacts (FMPRI)	
3.1	Following review of the updated FMPRI, PCC must express its concern that it still contains fundamental failings in respect of the objective it seeks to satisfy, namely, to mitigate the impacts on recreational, Open Space Special Category Land of the construction of the DCO scheme.	The Applicant disagrees with PCC's comments, and provides responses to relevant matters below.
3.2	Of principal concern is that the impacts cannot be mitigated – there will be the loss of the availability of recreational land resulting in the loss of playing pitches for an undetermined period of time. As a Framework plan the timescales and work areas at all sites are indicative only and give no guarantees over the areas impacted or the timescale of disruption, making a full impact assessment on sports pitches impossible to confirm	<p>The purpose of the FMPRI is not to secure mitigation but demonstrate that mitigation is achievable. The timing of construction works has always been limited to the spring/summer period due to the presence of brent geese and the advice received by PSD Agronomy has confirmed that an allowance of 8 weeks reinstatement is robust, so this period is not undetermined.</p> <p>The Applicant remains confident that further mitigation can be achieved during detailed design by working with the Contractor to further reduce/ realign works areas to minimise impact. The Applicant has therefore secured principles of mitigation in Appendix 8 of the OOCEMP (document reference 6.9 submitted at Deadline 9) as secured by Requirement 15 of the dDCO, and in the OOCEMP direct the Contractor to the FMPRI, in addition to requiring that further detailed Recreational Management Plans are provided to PCC for each site.</p>
3.3	It is noted that the FMPRI has been produced following the production of recommendations from an independent agronomist, however the FMPRI does not confirm that those recommendations will be adhered to. There remains significant uncertainty as a result of the Applicant's decision to attempt to produce a full and effective FMPRI dealing with all the impacts only in the final weeks of the Examination. PCC would note that the assessment of the drainage system at Farlington Playing Fields, the primary reason the Applicant has delayed in submitting a valid FMPRI, was undertaken over only a partial area of the site. Conclusions drawn in respect of the drainage system in particular, which purport to relate to the whole site must therefore be considered within that context.	<p>PCC are incorrect in the assumption that a 'valid' FMPRI was delayed due to drainage information. A valid FMPRI was submitted to PCC in June 2020, it has been periodically updated with new information or to address concerns raised by PCC through the Examination, and the latest update included drainage information as requested by PCC.</p> <p>As PCC has not provided any direct comments to the Applicant in relation to the FMRPI, it is difficult to understand the context of the complaint regarding partial area coverage. The full drainage system is covered and considered within the PSD Agronomy Report at Appendix E to the FMPRI (refer to Section 3.6.3, and Plates 9 & 10 of the Report).</p> <p>As stated previously, The OOCEMP has also been updated (document reference 6.9 submitted at deadline 9) to include a method statement, which contains principles for protection, drainage and reinstatement of playing fields and this is appended to the OOCEMP at Appendix 8. The Method Statement includes principles for protection of playing surfaces, drainage and reinstatement. The contractor will be required to comply with these principles in order to minimise damage to the playing fields, or propose alternative measures which provide equal or better protection/ reinstatement in agreement with PCC.</p> <p>In addition, Recreational Management Plans will need to be prepared for affected sites (Farlington Fields, Bransbury Park, Langstone Harbour Sports Ground, Zetland Field) to include Phasing Plan or programme of works, specification for excavating and filling (to manage resettlement), ground protection, realignment of any pitches within the Order Limits, reinstatement of turf and drainage system (where a drainage system exists) for submission</p>

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		and agreement with PCC prior to construction commencing. The OOCEMP is secured through the DCO Requirement 15 (REP8-024).
3.4	The FMPRI seeks to minimise the loss of playing pitches, but the FMPRI is only a demonstration of what could be achievable, and the proposals are not secured in the dDCO to provide any comfort at all to PCC or the occupiers/users of the land.	Statement above.
3.5	In addition, even having consulted with a specialist agronomist, and having sought to reduce the reinstatement periods for playing pitches, the occupation of land is not time limited, and as such the displacement from land within the Order limits has to be assumed to be for the 5 years (plus any reinstatement or other further period under Article 31 of the dDCO).	<p>It is not correct to assume occupation of the playing pitches for a period of 5 years. The Recreational Management Plans that are required to be prepared pursuant to paragraphs 6.2.8.12 and 6.2.8.13 of the OCEMP (REP8-044) will include information relating to the phasing and estimated programming for the works. Once construction has taken place and the land has been reinstated the playing pitches will return to normal occupation.</p> <p>It is not clear why PCC persist with this point despite the position regarding the duration of the works having been clearly explained.</p>
3.5	The Applicant, in correspondence with PCC on 26th February 2021, has confirmed that they now recognise the necessity of a Community Fund to assist with the mitigation of the adverse impacts on Sports and Recreation in the City. While this concession is of course welcome, PCC must observe that this comes far too late in the Examination process and for no apparent reason. It means therefore it is too late to enable the relevant parties to thoroughly consider it and for the ExA to benefit from the full scrutiny it deserves. The Applicant has failed to approach the DCO process in the spirit of the 2008 Act and the Guidance.	<p>As set out in Table 2.1 of the SoCG with PCC (REP8-044) the Applicant has been regularly consulting with PCC since April 2017. Although PCC has previously raised the impact on playing fields as an issue, it is only in the Examination that PCC has identified specific concerns, for example relating to the drainage system or levels of use.</p> <p>The Applicant has developed and refined mitigation proposals through several drafts of the FMPRI, first issued in June 2020. This has included areas of temporary works, various proposals relating to relocation of pitches, phasing and timing of works, but PCC have provided little or no feedback on acceptability of mitigation or alternative mitigation, such as alternative provision, as part of this process. The Applicant has been reliant on submissions made by PCC as part of the Examination process to inform these updates.</p> <p>The reason for now providing the Sports and Recreation Contribution (referred to by PCC as a Community Fund) is set out in the SoCG with PCC (REP8-044) at PCC 4.19, and further information in this regard is provided within the Development Consent Obligations _ Explanatory Note (REP8-043)</p>
3.7	Following review of the FMPRI PCC was able to confirm that there remained unmitigated adverse impact on playing pitch provision, and of course as a consequence, associated adverse impact on sport, community and well-being derived from this. As what might be termed a valid FMPRI has been provided only in the final few weeks of the Examination, PCC has not had the necessary time to provide a detailed evaluation of the evidence and indeed the adverse impacts. PCC has therefore had to base its assessment on the Applicant's submission and remains prejudiced thereby	PCC has had since June 2020 to engage on the FMPRI. It has chosen not to do so. The Applicant has sought to progress this matter without appropriate assistance from PCC, and despite this lack of engagement has formulated appropriate mitigation proposals which are to be secured by the DCO, as is explained above.
3.8	Appendix C of the FMPRI suggests the indicative best case scenario of adverse impacts on sports pitches is a loss of 32 weeks of football pitch capacity (8 weeks in both football playing seasons of 2022 and 2023 on both pitches 4 and 8 at Farlington Playing fields), and a loss of 55 weeks of cricket pitch capacity (12 weeks	Appendix C of the FMPRI does not show an impact on Farlington Field Cricket Pitch 2 (this is supported by the Phasing Plans in Appendix A). Cricket Pitch 3 is disused.

Ref:	Question:	Applicant's Comments
	<p>at Langstone Cricket pitch in the playing season of 2023, 17 weeks at Farlington Cricket pitch 3 in 2022 and 13 weeks in 2023 at both Farlington Cricket pitches 2 and 3).</p> <p>The Applicant suggests that further loss of pitch capacity was to be avoided through the future submission of Recreational Management Plans for each section of works and the associated realigning of pitches within and beyond the order limits.</p> <p>The submission to PCC for agreement of Recreational Management Plans for each playing field prior to relevant commencement was included in a bilateral Draft Development Consent Obligations Agreement submitted to PCC by the Applicant on 21st February 2021, with the purpose of bringing the purpose of the FMPRI into the scope of the DCO and binding the Undertaker to comply with the Recreational Management Plans. The Applicant, on that same date, submitted a draft "Deed of Undertaking for Sports Pitches", seeking to bind PCC to allow the Applicant to enter land outside the Order Limits to undertake realignment of pitches at their cost, but again, in accordance with a Recreational Management Plan submitted in accordance with the proposed Development Consent Obligation</p>	<p>As stated in the Applicant's submission to Deadline 7c (REP8-064), the only pitches owned by PCC where pitch realignment may now be required outside the Order Limits is at Bransbury Park.</p> <p>The FMPRI (AS-062) assesses the worst case scenario (without realignment of these pitches).The Applicant has not been successful in agreeing a licence with PCC to carry out realignment of these pitches outside the Order Limits, however there is a requirement for a Recreation Management Plan to be developed by the Contractor in the OOCEMP (document reference 6.9 submitted at Deadline 9). This may still enable realignment if an agreement PCC can be reached in the future.</p> <p>Further information regarding PCC's approach to the development consent obligation and the reasons why the Applicant was left with no choice but to follow a unilateral route are detailed in the Development Consent Obligations – Explanatory Note (REP8-043).</p>
3.9	<p>On this basis PCC has estimated a Community Fund of £100,000 would assist with managing and mitigating the adverse impacts on laying pitches, community infrastructure capacity, community cohesion and health and wellbeing. However since attempting to assist the Applicant in this way, the Applicant has altered its position and does not now intend to include any form of draft Development Consent Obligation (on a bilateral or unilateral basis) which addresses the submission of Recreational Management Plans. Neither is the Applicant seeking to agree to undertake pitch realignment outside of the Order Limits. This dramatically increases the adverse impact to sport and recreation within the City.</p>	<p>There is no need to include the submission of a Recreational Management Plan in the development consent obligation as the same mitigation is secured through paragraphs 6.2.8.10 – 6.2.8.14 of the OOCEMP (document reference 6.9 submitted at Deadline 9), as is explained above.</p> <p>As explained in the Development Consent Order Obligations Explanatory Note (REP8-043) the Applicant made numerous attempts to engage with PCC on the s106 development consent obligations agreement, however engagement was not forthcoming (not to any heads of terms at an early enough stage, or following that, on any drafts submitted by the Applicant).</p> <p>The Applicant shared a Deed of Undertaking with PCC on 21 January 2021 which was an agreement which would have allowed the Applicant to carry out the pitch realignment works outside the Order limits. However, no comments were received until 24 February 2021 when PCC recast the terms of the agreement such that it was no longer acceptable to the Applicant as it would have the ability to frustrate the scheme.</p> <p>At that point it became apparent that the Applicant would not be able to reach a bilateral agreement with PCC which would have secured the Deed of Undertaking in parallel and therefore it had no option but to submit a unilateral agreement in favour of PCC at Deadline 8.</p> <p>The s106 explanatory note submitted at Deadline 8 (REP7-058) provides further explanation of the position in relation to and obligations secured by the Portsmouth City Council Development Consent Obligation (REP8-042). It also explains more generally explains the approach taken by the Applicant to securing Development Consent Obligations in relation to the DCO.</p>

Ref:	Question:	Applicant's Comments
3.10	<p>The Applicant, in correspondence with PCC on 26th February 2021, has suggested that "reinstatement and realignment of sports pitches within the order limits is now secured via paragraphs 6.2.9.10 to 6.2.9.16 of the OCEMP (which will be updated at Deadline 8)." PCC has had no sight of what update might be proposed to secure the appropriate control, quality and guarantee of realignment and reinstatement, and, as the Applicant does not intend to provide this update until Deadline 8 PCC will be denied the opportunity to properly comment on this issue.</p>	<p>The OOCEMP (document reference 6.9 submitted at Deadline 9) refers to Appendix 8, the Method Statement for Farlington Fields, which also formed Appendix D of the FMPRI (AS-062) submitted to PCC on 12th February. PCC were aware of the timeline for this submission so that they had sufficient time to comment before the end of the Examination. The Applicant has provided further opportunity to comment through the requirement for the Contractor to produce more detailed Recreation Management Plans for the site as required by the OOCEMP 6.2.8.12-13 (secured by dDCO Requirement 15).</p>
3.11	<p>Currently paragraphs 6.2.9.10 to 6.2.9.15 (there is no 6.2.9.16 in the DL7 version REP7-032) of the OOCEMP provides no guidance of the efficacy of mitigation or how it is to be secured as it refers only to the FMPRI in general and to adopting specific mitigation only where necessary. In its response at Deadline 7 (REP7-08) and 7c (REP7c-010), in respect of the specific question posed by the ExA regarding how the mitigation measures and recommendations in the FMPRI would be secured in any DCO, the Applicant referenced the OOCEMP but confirms its intentions to do so through a s106 Planning Obligation. PCC are at loss to understand why the Applicant agreed that these obligations were necessary to make the proposed development acceptable in planning terms at Deadline 7c, and in correspondence on 21st February 2021 and are now in a complete volte face not proposing to include them in their template Development Consent Obligations at all.</p>	<p>Paragraph 5.1.1.2 of the FMPRI states:</p> <p><i>The OOCEMP submitted for the DCO includes the mitigation measures summarised in Section 3 of this FMP [relating to the Environmental Statement] and is included in the tender for the construction contract. It also specifies the use of the Method Statement attached at Appendix D for construction at Farlington Fields. Other measures included within the tender specification will ensure that the appointed contractor installs the cable route in a manner that mitigates, so far as is reasonably practicable, disruption to the use of recreational facilities within the Order Limits. The OOCEMP is secured by Requirement 15 of the DCO and ensures that areas of open space will be restored to the same condition as they were in prior to construction (REP1-021).</i></p> <p>The approach taken by the Applicant to the unilateral agreement and securing Development Consent Obligations in relation to the DCO is explained above and in the Applicant's Development Consent Obligation – Explanatory Note submitted at Deadline 8 (REP8-043).</p>
3.12	<p>While PCC have been denied the benefit of considering the further amendments to the OOCEMP that the Applicant proposes at Deadline 8, it nevertheless expresses significant concern that relying on a Construction Environmental Management Plan to manage recreational impacts fails to give the ExA the appropriate confidence that the mitigation within the FMPRI, discussed only in general terms and limited as it is, will be secured. The ExA is encouraged to consider appropriate revisions to the draft Development Consent Obligation at requirement 15 which would be necessary to give effect to whatever revision to the OOCEMP the Applicant is considering.</p>	<p>The OOCEMP is an appropriate mechanism as it is secured via Requirement 15 of the DCO. As stated above, the OOCEMP contains the method statement also provided within the FMPRI which sets out principles for protection of all playing surfaces, drainage and reinstatement.</p>
3.13	<p>PCC has therefore suggested alternative wording for a template Unilateral Undertaking that it invites the Applicant to adopt and the ExA to require to reinstate the appropriate obligations to increase confidence that the measures of the FMPRI can be secured</p>	<p>Please see comments below in relation to PCC's proposed alternative wording to the Unilateral Undertaking.</p>
3.14	<p>PCC also note that the Applicant, in their correspondence of 26th February 2021 has omitted all reference to seeking to realign pitches outside of the order limits as a form of mitigation. The fact that this option has been discussed is, PCC suggests, once again indicative that the Applicant failed to properly consider the impact of their application and necessary land within the order limits required to mitigate the project</p>	<p>Please see the comments below and the 106 explanatory note submitted at Deadline 8 (REP8-043) for an explanation of the Applicant's position.</p> <p>It is relevant to note that in respect of Farlington Playing Fields, PSD Agronomy advised that realignment could largely be achieved within the Order Limits and the land proposed for pitch realignment was not of very good quality and therefore the pitches may not be suitable for</p>

Ref:	Question:	Applicant's Comments
	<p>prior to submission of the application. It does not explain however why the Applicant has now abandoned this matter.</p>	<p>realignment in any event. The only other PCC area where the FMPRI indicates that there may be scope for pitch realignments outside Order Limits is Bransbury Park.</p> <p>Any pitch realignments would take place before construction works commence but they would only be for a temporary period while the works are being carried out. Following construction, the pitches would be reinstated in their original position.</p> <p>The reason pitch realignment and reinstatement was originally included in the bilateral agreement was to secure agreement with PCC by way of licence to carry out the realignment works outside the Order Limits.</p> <p>However as PCC were not amenable to the Applicant carrying out those works and/or the terms of the proposed bilateral agreement and deed of undertaking it became apparent to the Applicant that it would not be able to secure agreement with PCC before the close of the Examination. It is of course disappointing PCC has not sought to work with the Applicant in the best interests of its residents.</p> <p>Instead, the pitch reinstatement and realignment works within the order limits are secured via the OOCEMP (paragraphs 6.2.8.10 – 6.2.8.13) (document reference 6.9 submitted at Deadline 9).</p> <p>In addition, the Applicant has agreed to provide a Sports and Recreation Contribution to PCC in the sum of £100,000 to be distributed to sports clubs within the Council's administrative area who will be directly affected by the Development as a result of the temporary loss of available sports pitches.</p>
<p>3.15</p>	<p>This is particularly relevant at Bransbury Park where the only mitigation discussed in the FMPRI is achieved through realigning pitches outside of the Order Limits. As such no real effective mitigation is now proposed at that site.</p>	<p>As stated in the Applicant's response to Deadline 7c submissions (REP8-064), the Applicant has not been successful in agreeing a licence with PCC to carry out realignment of pitches outside the Order Limits at Bransbury Park, however there is a requirement for a Recreation Management Plan to be developed by the Contractor in the OOCEMP (document reference 6.9 submitted at Deadline 9). This may still enable realignment if an agreement with PCC can be reached in the future.</p>
<p>3.16</p>	<p>PCC is therefore, within its alternative draft Unilateral Undertaking, suggesting an obligation for the Applicant to use reasonable endeavours to promote those options with the Council. Notwithstanding that, PCC would wish to make clear that the Community Fund proposed, and agreed by the Applicant as a £100,000 Sport and Recreation Fund, as noted above, has been assessed on the basis of the unmitigated harm as described in Appendix C of the FMPRI. Without securing the proposed pitch realignments within and without the Order Limits as anticipated in the FMPRI the unmitigated harm is significantly greater and the associated Fund, fairly and reasonably related in scale and kind to the proposal, needs to be significantly increased.</p>	<p>The Applicant has already made substantial progress in demonstrating that impacts on playing fields reported within the Environmental Statement can be mitigated. The Applicant is confident that further mitigation can be achieved through detailed design, once a Contractor has been appointed, and submission of Recreation Management Plans for different sites in accordance with the OOCEMP.</p> <p>The suggestion of a £100,000 Contribution was put forward by PCC on 24 February 2021 at which point PCC knew the full magnitude of impacts and therefore it is not clear to the Applicant why PCC are suddenly suggesting a greater contribution is necessary, nor is there any sound rationale for a significant increase to be required.</p>
<p>3.17</p>	<p>The £100,000 suggested fund would support a combined loss of 87 weeks of individual pitch capacity for football and cricket, as described in Appendix C.</p>	<p>It should be noted that two of the affected pitches at Farlington Fields are disused (cricket pitch 3 and football pitch 10) and the estimated period affected include a conservative 8 week reinstatement which may be reduced to 2-3 weeks. The FMPRI assumes the duration of</p>

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	<p>Without pitch realignment outside the Order Limits a further 12 weeks of pitch loss at Bransbury Park would be caused; without certainty of managing pitch realignment within the order limits the 9v9 pitch and pitch 10 would also be greatly affected for the 16 weeks works are phased to occur in that area.</p>	<p>impacts on individual football pitches equates to 6-8 weeks at the start and/ or end of the season and cricket pitches (including the disused pitch), 10-13 weeks of the season.</p> <p>All impacts will be temporary and the Applicant has agreed to provide a Sports and Recreation Contribution to PCC in the sum of £100,000 to be distributed to sports clubs within the Council's administrative area who will be directly affected by the Development as a result of the temporary loss of available sports pitches.</p> <p>Further, realignment at Bransbury Park may still be possible if an agreement with PCC can be reached with PCC in the future.</p>
<p>3.18</p>	<p>Under the uncertain approach now proposed by the Applicant PCC must suggest a greater Sport and Recreation Contribution is warranted and asks the ExA to support that in order to reflect the increased adverse effects the Applicant has chosen to leave unmitigated. It is increasingly challenging however to estimate the appropriate level for such contributions given the late submission of the FMPRI has prevented PCC from assisting to produce a management plan. It is also noted that the more pitches that are affected, the greater the burden on PCC to seek to ameliorate the unmitigated harm through scheduling and relocation. Under the Applicant's current position and without as a minimum, an obligation on the Applicant to make reasonable endeavours to enter an agreement with PCC for mitigation outside the DCO Order Land, a contribution of £250,000 would therefore be recommended by PCC.</p>	<p>As stated above, the Applicant has taken every reasonable endeavour to develop mitigation proposals and has made considerable progress since the submission of the Environmental Statement, despite PCC's reluctance to engage.</p> <p>The suggestion of a £100,000 Contribution was put forward by PCC on 24 February 2021 at which point PCC knew the full magnitude of impacts and therefore it is not clear to the Applicant why PCC are suddenly suggesting a greater contribution is necessary.</p> <p>The Applicant would also note that above PCC have calculated a contribution amount of £100,000 based on 87 weeks of pitch loss. The only 'non-mitigated' impact following PCC's position in relation to realignment outside the Order limits is Bransbury Park, which may be affected for up to 12 weeks. On a pro-rata basis that equates to £14,000. There is clearly no justification for the £150,000 increase recommended.</p>
<p>3.19</p>	<p>This suggestion however must be considered in light of the confidence, or lack thereof, that the ExA can have that the scenario described in the FMPRI, and the mitigation assessed against it is the appropriate basis for considering the adverse impacts to recreation. As noted above, the FMPRI is an indicative document at best, and as the Applicant has not sought to limit their Order, in size or duration. The Order Limits, particularly at Farlington Playing Fields where it impacts on 11 playing pitches, are drawn excessively wide for the construction of the final line of the project and simultaneously unduly narrow to allow for realignment of the pitches. The impact will be for the full five years of the project's construction and beyond. As such the unmitigated impact on playing pitches and associated community, health and well-being could be of a magnitude many times greater than discussed in the FMPRI and considered by PCC above.</p>	<p>While the Applicant will have 5 years to exercise the CPO powers, it is not the case that works will be ongoing for this period. There is no incentive for the Applicant to take longer to construct the Proposed Development than is necessary, and it is also not necessary to provide controls on how long the Applicant may be in occupation on Farlington Playing Fields.</p> <p>Similarly, of the 11 pitches within the Order Limits, four are avoided by HDD and the Applicant has demonstrated that a further three can be avoided in the FMPRI. Again, there is no incentive to impact pitches which then require costly reinstatement, and the Applicant is confident that during detailed design, impacts can be further reduced.</p>
<p>3.20</p>	<p>PCC would express further concern that the Applicant has not properly accounted within the FMPRI for the needs of the Victorious Festival campsite on August Bank holiday weekends. At para 4.2.1.20 the Applicant appears to concede that they cannot guarantee the quality of the surface at Farlington for Victorious festival camping. As PCC have stated previously the whole site is required. The Applicant has provided no mitigation to the disruption caused to this important event over two consecutive years. Unfortunately, PCC do not have any alternative venues that offer the size, infrastructure, road links and location. The organiser needs to know the</p>	<p>In the Applicant's Responses to Deadline 3 Submissions (5.16-5.17, REP4-027) sets out what mitigation can and can't be achieved for the Victorious festival, essentially clearance of the area, but not full reinstatement of land. The Applicant understands that part of the affected area will be used for a car park during the festival (which would not conflict with previous use for temporary works) and the remaining area used as family camping would be affected (map shown in REP1-176). It should be noted that this does not equate to all camping provided by the Victorious Festival.</p>

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	<p>state of the field and areas available almost a year in advance to plan the site when tickets go on sale, and the Applicant appears unable to provide this notice. PCC can confirm that 3 weeks are required for camping from set up to site hand back, not the 2 weeks allowed for in the indicative phasing plan. While appropriate direct compensation will be managed through the Compulsory Acquisition process, PCC can confirm to the ExA that the camping is an important part of the festival and allows attendees to stay for the full 3 days of the music festival. The camping option is something that is included in all festivals of any size, and in an industry that has been severely impacted by Covid 19 in 2020 any further impact on the viability and deliverability of the festival may have critical permanent impacts.</p>	<p>PCC has previously been consulted on the Victorious Festival and the two weeks allowed for in the indicative phasing plan was appended to the Environmental Statement (APP-473) submitted in November 2019 and has been issued in four drafts of the FMPRI. PCC are now raising that three weeks are required. Nonetheless the OOCMP (5.12.5.1, document reference 6.9 submitted at Deadline 9) states:</p> <p><i>Prior to construction, the Contractor will review the events programme to determine where it may be possible for construction on key transport routes and relevant areas of open space to avoid one-off events. Where this is not possible, the Contractor will liaise with event organisers to implement additional traffic management or other measures to minimise disruption and congestion, such as screening of compounds and provision of security.</i></p>
3.21	<p>PCC is also concerned that Appendix D of the FMPRI, the Farlington Fields method statement, has incorrectly suggested that alternative parking is available. PCC is unclear why the whole of the Farlington car park is necessary for all the phases of construction, but notwithstanding this general concern, the alternative parking suggested by the Applicant is not of equal provision; it is used by visitors to Farlington Marshes and is not under the control of PCC. The area referred to is a 400m walk away to the first parking area which is very small and heavily used and with around 550m to the larger area. This route is across 2 slip roads serving the A27. It is clearly not a realistic expectation for sports pitch users to use these car parks and transport equipment over this route or distance. Such parking is not therefore suitable mitigation for this impact.</p>	<p>The Applicant can confirm that Appendix D – Farlington Fields Method Statement of the Environmental Statement Appendix 13 - Framework Management Plan for Recreational Impacts [AS-062] does not suggest alternative parking. It can further confirm that the method statement provides input into the proposals for the reinstatement of drainage and pitches (and the associated reinstatement programme) following installation of the HVDC cables.</p> <p>Appendix A of the FMPRI already demonstrates that a small area of the car park will be required for Phase 1 and will continue to be able to be used by the public throughout construction.</p>
4	<p>Further Comments in respect of the Draft DCO, planning obligations and planning performance agreement</p>	
4.1	<p>PCC have not managed to achieve Common Ground with the Applicant in respect of the drafting of the DCO or the provision of development consent obligations. Consequently to accompany those matters expressly dealt with in the SoCG between the Applicant and PCC, a table has been prepared (Appendix 6) following ISH4 detailing PCCs comments in respect of the dDCO articles and requirements. Without prejudice PCC would invite the ExA to consider the concerns and alternative drafting contained therein for incorporation within the DCO.</p>	<p>The Applicant's response to the comments raised by PCC on the DCO drafting is set out in the 'Schedule of requested changes to the draft Development Consent Order and the Applicant's Position' (document reference: 7.3.8 submitted at Deadline 9).</p>
4.2	<p>The Applicant and PCC remain in disagreement regarding the matters to be managed through development consent obligations, as noted above. Consequently without prejudice PCC has provided alternative template drafting of a unilateral undertaking (Appendix 7A and 7B) that the ExA is invited to prefer and include within the DCO pursuant to the newly proposed Article 50.</p>	<p>The Applicant does not agree to the alternative drafting put forward by PCC.</p> <p>The development consent obligations submitted by PCC at Deadline 8 do not show track changes and therefore they do not highlight the extensive changes being put forward by PCC at this late stage in the Examination. However, the Applicant maintains that the changes put forward by PCC are not acceptable as they could have the ability to frustrate the scheme (for example, if PCC were to carry out pitch realignment works as proposed, this could adversely impact on the construction timeline).</p> <p>As explained in the Applicant's Development Consent Order Obligations Explanatory Note (REP8-043), the Applicant has actively sought to engage with PCC on the drafting of the</p>

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		<p>development consent obligation following receipt of the heads of terms however it only received comments back from PCC on 24 February 2021 (two working days before Deadline 8).</p> <p>The Portsmouth City Council unilateral undertaking submitted at Deadline 8 ((REP8-042) secures the same mitigation as the original bilateral route, with the exception of realignment of pitches outside the order limits. Reinstatement and realignment of sports pitches within the Order limits is now secured via paragraphs 6.2.9.10 to 6.2.9.13 of the OOCEMP (document reference 6.9 submitted at Deadline 9) and a sports and recreation contribution was agreed to and is secured.</p>
4.3	<p>It is PCCs position that appropriate post consent resourcing provision for Local Authorities, to respond to the extraordinary burden created on LAs by the Applicants DCO, should be secured through the DCO itself rather than relying on PPA agreements solely outside the DCO process. As previously raised and in its post hearing note for ISH4 PCC has highlighted a mechanism to secure resourcing under a PPA through an enforceable provision of the DCO, through the requirement of a Development Consent Obligation. To assist the ExA PCC has also included such an obligation within its alternative Unilateral Undertaking template.</p>	<p>The Applicant has inserted a fee mechanism in Schedule 3, paragraph 3 of the dDCO following the suggestions raised at the hearings. This aligns with the approach taken in Southampton to London Pipeline DCO and the Applicant maintains that it is not necessary, nor appropriate, for PPA costs to be secured through a section 106 development consent obligations. Should PCC be willing to enter into a PPA for their resources the Applicant confirms it will do so, having driven all engagement on this matter to date.</p>
4.4	<p>The Applicant, in correspondence of 26th February 2021 confirms that it remains committed to entering into a PPA with PCC, and has in fact agreed a PPA for current work undertaken, albeit it continues to contest elements of costings within it. While the Applicant has had a draft PPA from PCC since 24th February 2021, and despite their stated commitment, they have not provided a response to enable the matter of resourcing to be resolved. PCC is aware however that the Applicant has agreed a post-consent PPA with Hampshire CC, and are therefore in the invidious position where there are unreasonable expectations of PCC managing the significant post consent work, both as LPA and LHA without appropriate resourcing purely as the Applicant has chosen not to progress discussion with PCC, whereas agreement has been reached with HCC as a LHA. This inequity of approach is not considered reasonable and consequently PCC firmly recommend to the ExA that a mechanism, in line with PCCs suggested Development Consent Obligation, is included within the DCO to ensure appropriate resourcing is enforceable. To assist the ExA to this end PCC attach the most recent draft PPAs provided to the Applicant (Appendix 8A, 8B, 8C & 8D), to illustrate the form of template agreement that could be required in line with a Development Consent Obligation.</p>	<p>The Applicant continues to progress PPAs and has reached agreement with a number of the local authorities since the hearings.</p> <p>Unlike HCC, engagement from PCC on the PPA has not been forthcoming, however the Applicant remains committed to entering into a PPA with PCC and hopes to be able to do this within the next few weeks.</p> <p>Schedule 3, paragraph 3 was inserted into the DCO at Deadline 8 to ensure that there is an appropriate mechanism for funding in the unlikely event private agreements cannot be reached between the parties.</p>
4.5	<p>The Applicant has informed PCC that they intend to include provision in the DL8 dDCO for the payment of 'fees' for managing requirements and requests. As discussed in the ISH the payment of nominal fees is a separate matter above and beyond the necessity to enter into binding obligations to cover the true costs to PCC, and thus the taxpayer, of managing post-consent matters.</p>	<p>As stated above, the Applicant remains committed to entering into a PPA with PCC to ensure it is appropriately resourced following the grant of the DCO.</p> <p>The Applicant also recalls PCC made no such comments at ISH. Their representative when questioned on whether this was in addition to or in the alternative did not have a response.</p>

Ref:	Question:	Applicant's Comments
5	Response in Respects of Air Quality	
5.1	PCC has reviewed the Applicant's responses to the ExA's second examination questions (ExQ2) submitted at deadline 7 and 7c, in respect of Air Quality matters and provide the further comments below to assist the Examination.	The Applicant notes PCC's comments, and provides responses in this Document, via items Ref 5.2 and 5.3, below.
5.2	AQ2.2.1: It is acknowledged that the scenarios indicated in the sensitivity tests presented in ES Addendum 2 Appendix 5 [REP7-067] are a worst case, as they show work on the highway being carried out for 52 weeks of the year. However, as the exact periods of disruption are yet to be identified and there are various points of uncertainty within the modelling, PCC would advise the ExA that it is appropriate to use these figures which suggest that the proposed development could inhibit compliance with the Ministerial Direction and not assume the impact would be less.	<p>Following Issue Specific Hearing 5 and in agreement with Portsmouth City Council and the Examining Officer, further processing of the model results from ES Addendum 2 Appendix 5 (REP7-072) was undertaken as recorded in the Clean Air Zone Sensitivity Testing Technical Note (REP8-061). This was completed to remove the final element of conservatism in the results, and the need for professional judgement, by ensuring that programme restrictions are explicitly represented in the modelling results and are not assumed for the whole year.</p> <p>The Ministerial Order stipulates a requirement to comply with an annual average for nitrogen dioxide which as the total emission in the year divided by 365 days. While the specific days in the year on which disruption will occur have not yet been identified, traffic management (single lane closures) on Eastern Road on Portsea Island will be permitted for no more than 14 weeks within the Easter Holidays (2 weeks), May Half-Term (1-week), June, July and August (approximately 13 weeks, with avoidance of the Victorious Festival Weekend). Traffic management is also to be removed on Portsmouth FC home match days. This means elevated pollutant emissions can only possibly occur for approximately 108/365 days and not 365/365 days. As the ES Addendum 2 Appendix 5 (REP7-067) assumes the A2030 Eastern Road elevated emissions will occur for 365 days/year, the results reported are conservative.</p> <p>In the Clean Air Zone Sensitivity Testing Technical Note this conservatism is removed from the results. The results in the Clean Air Zone Sensitivity Testing Technical Note include a proportional factor to the change in the road emissions component for the DS1 and DS2 scenarios representing the 14 week (c108 day) period of traffic management on the A2030 Eastern Road.</p> <p>The results using the method agreed by PCC during the hearing showed that the increases (+0.2 µg/m³) at the location of receptor 575 highlighted by PCC during the hearing would be within the headroom of +0.3 µg/m³ detailed during the oral submission. Furthermore, the additional technical note shows that the difference in concentration at other receptors highlighted as areas of exceedance or near-exceedance in the PCC 2019 Air Quality Local Plan shows that the potential of these receptors to achieve compliance is not affected by the Proposed Development.</p> <p>The programme restrictions contained within the FTMS (AS-072) are secured by Requirement 25 of the DCO (document reference 3.1 submitted at Deadline 9) – this states that all traffic management strategies must be 'substantially in accordance with' the FTMS.</p>
5.3	AQ2.2.4: Whilst the methodology used by the Applicant to consider the impact on air quality of the proposed development has been agreed, PCC do not agree with the conclusion drawn by the Applicant within the Applicant's Comments on Other Parties' Responses to the Examining Authority's Second Written Questions [REP7c-	Following Issue Specific Hearing 5 and in agreement with Portsmouth City Council and the Examining Officer, further processing of the model results from ES Addendum 2 Appendix 5 (REP7-072) was undertaken as recorded in the Clean Air Zone Sensitivity Testing Technical Note (REP8-061). The additional processing applied a proportional factor to the change in the

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	<p>010] that "those areas of concern that are predicted to be non-compliant remain so with or without the Proposed Development, and those that are predicted to achieve compliance remain compliant with or without the Proposed Development." The increase in concentrations of NO2 although they might be characterised as slight have the clear potential to cause exceedances which would inhibit compliance by PCC with the Ministerial Direction and the Air Quality Regulations.</p>	<p>road emissions component for the DS1 and DS2 scenarios commensurate with the worst-case scenario for the number of weeks of operation of traffic management on the A2030 Eastern Road.</p> <p>The results in Table 5 of the Clean Air Zone Sensitivity Testing Technical Note (REP8-061) show that the change in predicted concentrations of NO2 at all receptors is within the headroom calculated at all receptor locations from Table 3-1 of the PCC 2019 Air Quality Local Plan. The applicant therefore maintains the position that "those areas of concern that are predicted to be non-compliant remain so with or without the Proposed Development, and those that are predicted to achieve compliance remain compliant with or without the Proposed Development."</p> <p>Further to this the Clean Air Zone Sensitivity Testing Technical Note (REP8-061) emphasises that the changes to traffic flows are highly temporary in nature and that air quality is expected to return to the previous trajectory of improvement following the construction period of the Proposed Development.</p>
6	Further Comments in respect of Compulsory Acquisition	
	AS-062 Framework for the Management Plan for Recreational Impacts (FMPRI)	
6.1	<p>In respect of the Farlington Playing Fields, Plate 2 in the document shows the extent of the 'Indicative Temporary Works Area,' which also accommodates the Indicative HVDC Cable route.' However, this demonstration of the anticipated land requirements does not align with the Order limits; the phasing plans in Appendix A of the document show an increase in the land requirements demonstrated on Plate 2, in Phases 3 and 8, but even with this proposed increase in the occupation of land, there remains a significant discrepancy in respect of the Order limits and the land that the Applicant has identified it requires for the development.</p>	<p>As stated in Paragraph 1.96 - Applicant's Response to Deadline 7 and 7a Submissions [REP7c-012]; the Applicant has used the phasing plans to illustrate how impacts can be mitigated at Farlington Fields. The Applicant has otherwise already explained why the extent of the Order limits at Farlington playing Fields is necessary (please see section 4.53 of the Applicant's Transcript of Oral Submissions for Compulsory Acquisition Hearing 1 (REP5-034)). The extent of the area of Farlington Playing Fields included within the Order limits is to a large degree dictated by the requirements of the HDD in this location, without which it would not be possible to install the Onshore HVDC Cables in an acceptable manner.</p> <p>Further, the updated 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 and Appendix A of the document is intended to be indicative only.</p> <p>The updated OOCEMP (document reference 6.9 submitted at Deadline 9) 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>

Ref:	Question:	Applicant's Comments
		<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.</p> <p>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 9).</p>
6.2	<p>As per S.122 of the Planning Act 2008, powers of compulsory acquisition can be granted to private promoters of a DCO only if the Secretary of State is satisfied that the land:</p> <p>a) is required for the development to which the development consent relates, b) is required to facilitate or is incidental to that development, or c) is replacement land which is to be given in exchange for the order land under section 131 or 132</p>	<p>The Applicant has on numerous occasions explained how the tests in section 122 of the Planning Act 2008 have been met and why the land within the Order limits is required for and to facilitate the Proposed Development.</p> <p>Please refer to Section 2 of the Applicant's post hearing note to Compulsory Acquisition Hearing 3 (AS-069) which considers the application of the compulsory acquisition tests and guidance.</p>
6.3	<p>Further, the Secretary of State must be satisfied that 'that there is a compelling case in the public interest for the land to be acquired compulsorily.'</p>	
6.4	<p>The Applicant has simply failed to demonstrate that all the land over which it is seeking powers is required. The FMPRI serves to demonstrate the opposite of the test in that a significant amount of land in the Order limits is evidently not required and therefore the tests as applied in S.122 cannot be satisfied. Therefore, powers should not be granted over land that is within Order limits but has been demonstrated (by the Applicant) to not be required.</p>	
6.5	<p>The Applicant is required, not only to satisfy the two conditions in S.122, but also to demonstrate the 'proposed interference with the rights of those with an interest in land is for a legitimate purpose, and that it is necessary and proportionate (paragraph 8 of the Guidance).</p>	<p>The Statement of Reasons (REP8-008) demonstrates how paragraph 8 of the Guidance has been met. The Applicant has only sought CA powers where it has been absolutely necessary to do so and the it has only sought powers that are proportionate to the needs of the Project.</p> <p>Further, the Needs and Benefits Report (APP-115) and its associated addendums (REP1-136 and REP7-064) demonstrates that there is a need for the Project and thus there is a legitimate purpose.</p>
6.6	<p>The Applicant has failed to demonstrate the interference with property rights is proportionate, and in practical terms at Farlington, this mean the reported anticipated impacts in the FMPRI are misleading; Phases 3 and 8 have the widest anticipated land take, and are said to impact on 5 playing pitches, but the Order limits demonstrate an impact on 11 playing pitches.</p>	<p>Of the 11 pitches within the Order limits, four are avoided by HDD and the Applicant has demonstrated that a further three can be avoided in the FMPRI. There is no incentive to impact pitches which then require costly reinstatement, and the Applicant is confident that during detailed design, impacts can be further reduced.</p>

Ref:	Question:	Applicant's Comments
6.7	As drafted, the FMPRI and the dDCO provide no certainty whatsoever that the land take will be limited to reflect the anticipated impacts in the FMPRI – <u>the assumption has to be the 11 pitches will be potentially impacted for 5 years.</u>	<p>Although the Applicant will have 5 years to exercise the CPO powers, it is not the case that works will be ongoing for this period. There is no incentive for the Applicant to take longer to construct the Proposed Development than is necessary, and it is also not necessary to provide additional controls on how long the Applicant may be in occupation on Farlington Playing Fields.</p> <p>Paragraph 6.2.8.12 of the OOCEMP (document reference 6.9 submitted at Deadline 9) requires the contractor to submit a phasing plan in respect of Farlington Playing Fields which will secure the estimated programming for the works.</p>
6.8	The same concerns apply in respect of the Zetland Field (Plate 9) and Fort Cumberland Road Car Park – the Order Limits are considerably broader than the land requirements identified in the FMPRI and the anticipated duration of occupation in the FMPRI is disproportionate to the duration in which powers will be in place.	The Applicant can advise that the Order limits have been designed to accommodate the haul road, trenches and construction materials. While it is demonstrated that temporary works areas can be restricted within the order Limits to minimise impact on the area, the exact alignment of these needs to be confirmed at detailed design. Geotechnical investigations will need to confirm whether the alignment is feasible and other options may be explored, but these would seek to further mitigate impact on the area within the Order limits. Whilst it is most likely the Onshore HVDC Cables, HDD Compounds and other components will be installed within indicative temporary works area that define the cable corridor a degree of flexibility has been retained to allow for any unforeseen ground conditions rather than to increase impact. This applies to Zetland Field, Fort Cumberland Road Park and other public open space.
6.9	It is clear in PCC's view that the Applicant has failed to meet the requisite statutory tests.	Please see comments above. As set out in previous submissions, the Applicant maintains that it has satisfied the relevant legal tests and it has demonstrated this to be the case over the course of the Examination.
REP7c-010 - Deadline 7c Submission - 7.9.38 Applicant's Comments on Other Parties' Responses to the Examining Authority's Second Written Questions		
6.10	<p>Table 1.1 – DCO2.5.1</p> <p>PCC aligns with East Hampshire District Council in its interpretation of the S.35 Direction in respect of the Planning Act 2008 and relevant associated guidance and considers that spare capacity provided by the Fibre Optic Cables (FOCs) to be neither part of the principal development, nor associated development.</p>	The Applicant's position in relation to the section 35 direction is well known and the Applicant does not intend on repeating its previous submissions.
6.11	<p>Table 1.2 – CA2.3.4</p> <p>PCC agrees with Hampshire County Council; the circumstances in which acquisition of sub-soil will be required by the undertaker are unclear. The Applicant has also failed in its obligation as per Guidance to secure the land required for the scheme by agreement. This is relevant, not only to PCC, but residents of neighbouring properties whose land may well be required.</p>	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 Position Statement (REP1-131).
Table 1.8 - Portsmouth City Council		

Ref:	Question:	Applicant's Comments
6.12	<p>CA2.3.2</p> <p>PCC's concerns over the Applicant's lack of funds remain. The lack of progress on agreements with Affected Persons, the refusal to engage in negotiations with owners of sub-soil interests (contrary to Guidance) reflect the Applicant's lack of resources.</p>	<p>The Applicant has addressed the position in relation to funding and more particularly why there is a reasonable prospect of funds for acquisition becoming available within the statutory period over the course of the Examination.</p> <p>The Applicant has been seeking to progress on agreements with all Affected Persons, including PCC. It is only since PCC appointed a land agent in September 2020 that engagement has progressed.</p> <p>The Applicant's position in relation to the negotiation with owners of subsoil is well documented. It will only be in rare instances where any rights in the subsoil beneath the highway need to be acquired, and compensation provisions will apply.</p> <p>The Applicant would also highlight it has invested £50 million in the Project to date. Evidently there is not a lack of resources.</p>
6.13	<p>The Applicant has also continually failed to recognise that funds are required now, to address paragraph 18 of the CA Guidance, that 'the resource implications of a possible acquisition resulting from a blight notice have been taken account of.'</p>	<p>Please refer to Section 2 of the Applicant's post hearing note to Compulsory Acquisition Hearing 3 which considers the application of the compulsory acquisition tests and guidance (AS-069).</p> <p>The Applicant has not failed to recognise this. It has however reasonably concluded that there will not be any instances of blight. Notably no blight claim has been made, and the Applicant is not aware of any party satisfying the necessary statutory tests to do so.</p> <p>Further information with regard to blight is included in the response to the submission on behalf of Mr G and Mr P Carpenter is submitted at Deadline 9 (Document reference 7.9.51).</p>
6.14	<p>As identified in previous submissions, the Town and Country Planning Act 1990 identifies land as being blighted once the application for development consent has been made, and as such the resources for the acquisition of land, compelled via a blight notice, need to be demonstrated. Those resources, distinct from the Applicant's promised future funding, need to be demonstrated to be in place now, and they are evidently not.</p>	<p>The statements made in relation to blight are purely speculative. Necessary tests need to be satisfied before a blight notice can be issued, and the Applicant maintains its position that it does not anticipate any claims for blight will arise.</p> <p>In any event, the Applicant understands the blight implications for the Project and has taken blight into account in accordance with the relevant guidance.</p> <p>Further information with regard to blight is included in the response to the submission on behalf of Mr G and Mr P Carpenter is submitted at Deadline 9 (Document reference 7.9.51).</p>
6.15	<p>CA2.3.13</p> <p>PCC has repeatedly raised concerns in respect of the Applicant's funding position and made specific reference to a request for a bond at DL5, oral representations at CAH2, and DL6.</p>	<p>Please refer to Requirement 26 (Guarantees in respect of the payment of compensation etc.) of the dDCO which was inserted at Deadline 7. This requirement renders a bond unnecessary.</p>
6.16	<p>DCO2.5.1</p> <p>PCC has set out in detail at DL7 why the spare capacity FOCs that are proposed to be utilised for the separate commercial telecoms use and supporting infrastructure should not be interpreted as a matter of law as forming either part of the principal</p>	<p>As set out in the response to item 6.10 above, the Applicant has previously set out its position in relation to matters relating to the fibre optic cable operational development and use of this for commercial telecommunications purposes. The Applicant maintains this position.</p>

Ref:	Question:	Applicant's Comments
	development, or associated development. PCC's position is unchanged in this respect.	
6.17	<p>OW2.12.5</p> <p>PCC has commented separately on the FMPRI [AS-062], including the Method Statement that is annexed to that document. PCC has provided a draft Method of Working document to the Applicant on 14th January 2021, which PCC is awaiting comments on from the Applicant. This will include site specific requirements for sensitive sites within PCC's ownership, including Farlington Playing Fields and other sites.</p>	<p>The Methods of Working document is intended to form a Schedule to a voluntary agreement covering the property elements of the Proposed Development between the Applicant and PCC. PCC submitted an updated draft Methods of Working document to the Applicant on 17 February 2021. The updated document is being assessed by the Applicant to ensure there are measures requested by PCC are not inconsistent with the Applicant's requirements and commitments as set out the in the documents forming the application for Development Consent (e.g. OOCEMP, Environment Statement, draft DCO). The Applicant will provide a response to PCC on the latest version of the draft Method of Working shortly after Deadline 9 and this will be progressed in tandem with ongoing discussions to complete a voluntary agreement to secure the land rights required by the Applicant for the construction, operation and maintenance of the Proposed Development.</p>
6.18	<p>SE2.15.1</p> <p>PCC and the Applicant are not in agreement in respect of the number of car parking spaces that will be lost in respect of the ORS building and associated screening. This is relevant in respect of conversations on-going regarding compensation for the land for the land required by the Applicant, between the parties' respective agents.</p>	<p>It is the Applicant's view that sufficient evidence has been submitted to the Examination fully quantifying the necessary level of car parking to be re provided at Fort Cumberland Car Park. No quantitative and substantiated evidence backed up survey information has been submitted by PCC that indicates the car park is utilised by a greater number of vehicles than that proposed to be re-provided by the Applicant.</p> <p>The Car Park Plan attached to the unilateral undertaking was updated to show how the proposed layout can accommodate 121 car parking spaces. This provides parity against PCC's stated existing car parking capacity.</p>
6.19	<p>Conversations between the Applicant and PCC are continuing in respect of the appropriate method for formalising the requirements at Fort Cumberland Road Car Park, being either the S106 or/and the land agreement being negotiated.</p>	<p>Discussions between the Applicant and the Council's appointed agent are continuing and the parties are progressing outstanding matters with a view to agreeing a voluntary agreement. This will not be completed by Deadline 9 but the Applicant will continue to work collaboratively with the Council to resolve the outstanding points, ensuring the agreement also deals with any issues raised by the Council's tenants and secures and relevant consents required from them should such consents be required.</p> <p>Paragraph 1 of Schedule 1 to the Portsmouth City Council Development Consent Obligation (REP8-042) requires the Applicant to undertake the Car Park Resurfacing Works in respect of the car park at Fort Cumberland. The undertaking provides for the submission and approval of a Car Park Resurfacing Specification, and once approved the undertaking of the Car Park Resurfacing Works by the Applicant (with all costs to be borne by it).</p>
6.20	<p>SE2.15.4</p> <p>As set out in the CA related comments in respect of the Framework for the Management Plan for Recreational Impacts (FMPRI) [AS-062] the impacts presented in that document do not align with the Order limits or timescales provided for in respect of occupation of land in the draft DCO. Further, the proposed</p>	<p>As stated in Paragraph 1.96 of the Applicant's Response to Deadline 7 and 7a Submissions (REP7c-012); the Applicant has used the phasing plans to illustrate how impacts can be mitigated at Farlington Fields. The Applicant has otherwise already explained why the extent of the Order limits at Farlington playing Fields is necessary (please see section 4.53 of the Applicant's Transcript of Oral Submissions for Compulsory Acquisition Hearing 1 (REP5-034)). The extent of the area of Farlington Playing Fields included within the Order limits is to</p>

Ref:	Question:	Applicant's Comments
	<p>realignment of pitches is not provided for within the Order limits, and as such the mitigation cannot be delivered as proposed in the DCO as drafted.</p>	<p>a large degree dictated by the requirements of the HDD in this location, without which it would not be possible to install the Onshore HVDC Cables in an acceptable manner.</p> <p>The Applicant sought to enter into a deed of undertaking in respect of the realignment outside the Order Limits however PCC did not meaningfully engage with the Applicant on this until 24 February 2021 at which point it became clear to the Applicant that it would not be possible to reach agreement with PCC on terms that would be acceptable to the Applicant.</p> <p>The pitches will however be reinstated following construction in accordance with the OOCEMP (document reference 6.9 submitted at Deadline 9) and therefore any impacts will only be temporary. Further, the Applicant has agreed to provide a Sports and Recreation Contribution to PCC in the sum of £100,000 to be distributed to sports clubs within the Council's administrative area who will be directly affected by the Development as a result of the temporary loss of available sports pitches.</p>
<p>6.21</p>	<p>Table 1.11 - DCO2.5.1</p> <p>PCC aligns with Winchester City Council in its interpretation of the S.35 Direction in respect of the Planning Act 2008 and relevant associated guidance and considers that spare capacity provided by the Fibre Optic Cables (FOCs) to be neither part of the principal development, nor associated development.</p>	<p>As set out above, the Applicant's position in relation to the section 35 direction and use of the spare fibre optic cable capacity is well known.</p> <p>The Applicant maintains this position and has a fundamentally different view to that expressed by PCC.</p>
<p>REP7c-012 Applicant's Response to Deadline 7 and 7a Submissions Table 2.9 Paragraphs 1.68 1.69</p>		
<p>6.22</p>	<p>The Applicant has failed to recognise that the land in the Order limits is already 'blighted land,' as defined in the Town and Country Planning Act 1990, and as such, a liability in respect of statutory blight has been in place since the application was submitted.</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.</p>
<p>6.23</p>	<p>Therefore, the availability of (potential) future funding to which the Applicant consistently directs its responses in no way satisfies concerns over how it will service this exiting liability.</p>	<p>The statements made in relation to blight are purely speculative. Necessary tests need to be satisfied before a blight notice can be issued, and the Applicant maintains its position that it does not anticipate any claims for blight will arise.</p> <p>In any event, the Applicant understands the blight implications for the Project and has taken blight into account in accordance with the relevant guidance.</p> <p>Further information with regard to blight is included in the response to the submission on behalf of Mr G and Mr P Carpenter (document reference 7.9.51).</p>
<p>6.24</p>	<p>At paragraph 1.69 the Applicant states: 'There is no evidence put forward by PCC to confirm any blight has occurred which a blight notice could be served in relation to.' No evidence is required, it is a matter of fact confirmed in statute, not a matter, as the Applicant has mis-interpreted, to be 'whether any actual blight occurs.'</p>	<p>This statement has been taken out of context. As confirmed in the responses to paragraphs 1.67 and 1.68 the Applicant has not misinterpreted the CA Guidance which simply requires the implications a blight notice to be taken into account.</p> <p>The matter remains that in order to serve a blight notice the matters in section 150(1) of Town and Country Planning Act 1990 must be satisfied, and the Applicant remains of the view that</p>

Ref:	Question:	Applicant's Comments
		<p>circumstances that may give rise to the service of a blight notice will not arise in connection with the Proposed Development.</p> <p>Further information with regard to blight in included in the response to the submission on behalf of Mr G and Mr P Carpenter (document reference 7.9.51)</p>
6.25	Paragraph 1.71: PCC has requested a bond at DL5, CAH2 and DL6.	Please refer to Requirement 26 (Guarantees in respect of the payment of compensation etc.) of the dDCO which was inserted at Deadline 7. This requirement renders a bond unnecessary.
6.26	Paragraph 1.72: PCC disagrees with this statement and directs the Applicant to a meeting held with the Planning Inspectorate on 8th August 2019, pursuant to S.51 of the PA, whereby the Applicant stated that it was intending to apply for the compulsory acquisition of rights to 'install, operate and maintain the cable in the land beneath the highway...as opposed to seeking to negotiate private agreements with the presumed owners of highway subsoil.'	<p>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, as opposed to 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> <p>The Applicant's position with regard to the acquisition of highway subsoil, and why the approach taken is appropriate, and is explained in the Highway Subsoil Acquisition Position Statement (REP1-131).</p> <p>The Applicant maintains that on no occasion has it pursued a negative approach to Affected Persons in respect of compensation. The Applicant has a dedicated team who have been engaging proactively with Affected Persons in accordance with the CA Guidance.</p>
6.27	Further, the 'dedicated team' referenced by the Applicant has, from PCC's observation, been a single hard-working individual. A lack of resources and failure to satisfy the Guidance has resulted in the lack of agreements being reached with landowners and failure to satisfy Guidance.	<p>A dedicated team at Avison Young is responsible for landowner negotiations.</p> <p>Please refer to page 9 of the Applicant's Written Summary of the Oral Case at Open Floor Hearing (OFH3) and Compulsory Acquisition Hearing 3 (CAH3) for an update on the position regarding negotiations with landowners (REP8-056).</p> <p>There is no lack of resource.</p>
6.28	Paragraphs 1.73-1.74: The Applicant's statement that 'None of the schemes referred to below involved negotiation with owners of subsoil' is incorrect – compensation was offered in advance on HS2 and the Southampton to London Pipeline DCO.	<p>As has been explained on a number of occasions, the HS2 scheme is not a comparable scheme as it did not involve subsoil of a highway, but rather subsoil of properties generally. The Applicant is negotiating to acquire rights in subsoil in other land, but not in the subsoil of the highway because that land has no value.</p> <p>The Applicant maintains its position that the projects referred to (including Southampton to London Pipeline) did not negotiate with owners of subsoil. The offer of nominal fixed price compensation is not a 'negotiation.' In all cases, irrespective of whatever nominal compensation may have been offered, each landowner remains entitled to otherwise seek compensation through the relevant provisions in the authorising order. This position is the same as that which is provided for in the draft DCO. Any owner of subsoil in respect of which</p>

Ref:	Question:	Applicant's Comments
		rights are required in the future will be able to seek compensation in respect of the acquisition of such rights, as entirely lawful and appropriate.
6.29	Paragraph 1.93: PCC does not, as suggested by the Applicant, accept that the car park is not Open Space (or Special Category Land), and reiterates that it is a car park that serves, is contiguous to Open Space land, and that Applicants should take a cautious view and consider the use of land in practical (fact and degree) terms, not just strict statutory definitions.	The Applicant maintains its position as set out in its responses to Deadline 7 and 7a submissions (REP7c-012).
6.30	Paragraph 1.96: PCC remains concerned that the discrepancy between the phasing plans in the FMPRI and the Order limits results in the FMPRI being, at best, meaningless, and at worst mis-leading, in demonstrating the anticipated impacts on recreational land.	<p>The Applicant maintains its position as set out in its responses to Deadline 7 and 7a submissions (REP7c-012).</p> <p>The Applicant can advise that the Order limits have been designed to accommodate work compounds, haul road, trenches and construction materials. While it is demonstrated that temporary works areas can be restricted within the Order limits to minimise impact on the area, the exact alignment of these needs to be confirmed at detailed design. Geotechnical investigations will need to confirm whether the alignment is feasible and other options may be explored, but these would seek to further mitigate impact on pitches and area within the Order Limits. Whilst it is most likely the Onshore HVDC Cables will be installed within indicative temporary works area that define the cable corridor a degree of flexibility has been retained to allow for any unforeseen ground conditions rather than to increase impact.</p>
7	Further Post-hearing notes/submissions	
	Agenda Item 3.5 of ISH4 - 'Any other matters that parties wish to raise.' - PCC's disagreement with the Applicant in relation to definitions concerning the Permit Scheme	<p>The Applicant's position in relation to the changes sought by PCC in respect of the Permit Scheme are set out in the Schedule of requested changes to the draft Development Consent Order and the Applicant's Position (REP8-028).</p> <p>With regard to the inclusion of the additional definitions sought by PCC, the Applicant comments as follows:</p> <ul style="list-style-type: none"> • Permit – the introduction of a new definition for “permit” would be very confusing and could have unintended consequences elsewhere in the Order. Therefore this is not agreed. • Immediate Activities - this has been inserted in Article 9A(7). • Urgent activities – please see the Applicant's explanation in REP8-028 which confirms that the definition sought by PCC is in effect the same as that already included in the Order. • Provisional Advance Authorisation (PAA) – please see the Applicant's explanation in REP8-028 as to why this amendment has not been made.
	Agenda Item 3.10 of ISH4 – 'Art 10(2)' of the dDCO	The Applicant does not agree with the PCC for the reasons previously explained. It is noted HCC support the Applicant's position.

Ref:	Question:	Applicant's Comments
	Agenda Item 5.5 of ISH4 - 'Portsmouth City Council to set out its issues with the use of language within the Onshore Outline Construction Environmental Management Plan' in respect of 'must' and 'will' (paragraphs 1.53 to 1.56 in [REP7-088]).' - Use of "must" in preference to "will" in the OOCEMP.	In response to the comment in paragraphs 1.53 to 1.56 of REP7-088, the Applicant updated paragraphs 5.12.2.3, 6.9.1.1 and 6.10.1.1 of the Onshore Outline CEMP to use the terminology 'must'. An update has been made at Deadline 9 to the Onshore Outline CEMP to paragraph 5.12.3.1 to change 'should' to 'must'.
	Agenda Item 21.1 - 'Can the Applicant report on positions regarding any open, live or finalised planning obligations that the ExA should be aware of?' - Interrelationship between Requirement 26, fees and local authority costs arising from the DCO and the use of s.106 planning obligations and PPA	<p>Please see the Development Consent Order Obligations Explanatory Note submitted at Deadline 8 (REP8-043).</p> <p>The Applicant does not agree that it is necessary to cross refer to the PPAs in the development consent obligation agreements. PPAs are private contractual arrangements between the parties and the inclusion of PPA costs within a section 106 agreement would not meet the legal tests and therefore would therefore not be lawful.</p> <p>The Applicant can confirm that is it actively progressing PPAs with all parties however in line with the approach taken in it has inserted a fee mechanism in Schedule 3, paragraph 3 of the DCO to cover the unlikely situation where agreement cannot be reached. This aligns with the approach taken in the Southampton to London Pipeline DCO however we have include "unless otherwise agreed" drafting to confirm that when PPA is entered into, the terms of the PPA would take precedence.</p>
7.2	At the request of the ExA at ISH4 a Post Hearing note in respect of correspondence between allotment holders and PCC has also been prepared and is attached as Appendix 10	<p>The Applicant notes PCC's Post Hearing note in relation to correspondence with allotment holders.</p> <p>Please also refer to Appendix 1 of the Applicant's post hearing notes (REP8-058).</p>
7.3	Transcripts of Oral submission at ISH4 and ISH5 were relevant and not covered within this letter have also been provided and included with this submission at Appendix 11A and Appendix 11B.	The Applicant has responded to all of the points raised during the hearings at the hearings themselves or in the Applicant's Written Summary of the Oral Case at ISH 4 (AS-065) and ISH5 (AS-067).
8	Statement of Common Ground (SoCG)	
8.1	PCC has agreed a Statement of Common Ground with the Applicant. For clarity it is attached as Appendix 12.	The Applicant notes PCC's response, and submitted the final version of the agreed Statement of Common Ground with PCC, signed by both parties, at Deadline 8 (REP8-044).

Table 2.20 - Janet Jenkins

Ref:	Question:	Applicant's Comments
	Contrary to the information supplied by AQUIND, discharge of drilling fluids (bentonite) is a common phenomenon (please refer to research from Wroclaw University of Environmental and Life Sciences, 2018).	<p>Using the collective industry knowledge from professionals and experts engaged by the Applicant, the Applicant considers the chance of drilling fluid breakout is very low when applying industry standard and best working practice management and mitigations as described in the 'Bentonite Breakout Note (TIN-005)' (REP7-043).</p> <p>When researching 'Wroclaw University of Environmental and Life Sciences, 2018' the Applicant only found one paper 'Introducing Bentonite into the Environment in the</p>

Ref:	Question:	Applicant's Comments
		<p>Construction Stage of Linear Underground Investment Using the HDD Method' by Kwast-Kotlarek et al (2018).</p> <p>The paper states that "In general, "laying down pipes" using the horizontal directional drilling method causes less interference with the environment than open excavation trenches" (Kwast-Kotlarek et al, 2018). Furthermore the paper is specifically focussed on the environmental aspects of HDDs and uses limited case studies. The paper also concludes "the scale of the loss of bentonite used for directional drilling depends on the type of soil with which the construction works are conducted and that the realization of drilling works always results in introducing drilling fluid into the environment" (Kwast-Kotlarek et al, 2018). It does not comment on breakouts as a common cause but refers to the volume returns from circulation of drilling fluid. The Applicant recognises 100% returns of drilling fluid is unlikely, but it is considered returns will be close to 100%, as some bentonite might remain within the bore or enter within spaces around the circumference of the bore. Considering bentonite is a naturally occurring and non-hazardous material (See '7.4.3.4. ExQ2 Appendix 4 -Bentonite Breakout Note (TIN-005) (REP7-043)) which will be approximately 12-metres below the allotments ground surface this is not considered to pose any risk to the allotment or the allotment users.</p>
	<p>A breakout of bentonite would be a catastrophe to all plot holders. We eat the food we grow. We give the food we grow to our families and any excess to our friends.</p>	<p>The Applicant can advise that there is no risk of harm being caused by bentonite to the food that is grown on the allotments.</p> <p>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.</p> <p>Please 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>If the ground becomes contaminated our food becomes contaminated. Our plots will become unworkable. Our source of food no longer available.</p>	<p>Bentonite is a naturally occurring clay and as stated above there is no risk of harm being caused by bentonite to the food that is grown on the allotments.</p> <p>The contractor will be required to comply with the relevant manufacturers produce safety data sheets (SDS), which are then used to produce the material safety data sheets (MSDS).</p> <p>The MSDS is a requirement under Construction Design & 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.</p> <ul style="list-style-type: none"> • The Bentonite Breakout Note (REP7-043) includes an example MSDS for bentonite which identifies the material as non-hazardous and provides the following classifications. Classification Regulation (EC) No 1272/2008: not hazardous (This is the label -seen on products, e.g., bleach would read 'corrosive') • Accidental Release measures: Environmental Risk: Non-toxic, cleaning up: Sweep or vacuum up and dispose of as non-toxic waste • Toxicological information: Ingestion: Orally non-toxic

Ref:	Question:	Applicant's Comments
		<ul style="list-style-type: none"> Substances: Consists mainly of montmorillonite with less than 10% accessory minerals (quartz, feldspar, mica and calcite) Respirable Crystalline Silica (<7.1u micro-10⁻⁶) may be present at less than 1% and therefore not classified as hazardous.
	<p>Additionally, contamination would severely affect the invertebrates in the soil. These invertebrates are the cornerstone of our ecosystem. These invertebrates not only works as detritovores (feeding on dead plants and animals) – they are a vital building block, ultimately supporting birds, mammals, amphibians and reptiles. In Sir David Attenborough's words "if we and the rest of the back-boned animals were to disappear overnight, the rest of the world would get on pretty well. But if the invertebrates were to disappear, the world's ecosystem would collapse."</p>	<p>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.</p>
	<p>In the literature provided to me about AQUIND there is no explanation of the need for test boreholes, where and when they will be drilled, no diameter given for the pilot drilling or the diameter of the carrier pipe.</p>	<p>Exploratory boreholes have been completed as part of the 2018 ground investigation, this has informed the ground conditions and thus the feasibility and the likely depths of the HDD.</p> <p>The detailed design will be completed by the Principal Contractor, once appointed, whom will decide if further exploratory locations or investigation is required to inform detailed design.</p> <p>If the question is referring to test HDD bores, these will not be required prior to construction. The feasibility and design will only require standard exploratory information and not a sacrificial test HDD bore.</p>
	<p>AQUIND has not given details of who will be independently monitoring the process for loss in the separation system and deep loss – both of which will indicate a breakout of bentonite.</p>	<p>The principles have been set out in 7.4.3.4. ExQ2 Appendix 4 -Bentonite Breakout Note (TIN-005) (REP7-043). The Principal Contractor, once appointed, will be required to follow the principles set out in 7.4.3.4. ExQ2 Appendix 4 -Bentonite Breakout Note (TIN-005). The Principal Contractor, once appointed, will be responsible for monitoring and reporting of construction including 'monitoring the process for loss'.</p>
	<p>There is no mention of how contamination of the soil or water table will be managed by AQUIND.</p>	<p>The Applicant does not consider the ground within the allotment is at risk of contamination due to the HDD operations, please see the response above.</p>

Table 2.21 – Kirsten McFarlane

Ref:	Question:	Applicant's Comments
2.2	<p>The issues relating to the compulsory acquisition of rights and temporary possession of the land I have an interest in, have not been addressed or consulted upon properly, satisfactory, or fairly. This includes but is not limited to; the applicants plans for 'the surface', 'under' the surface, above the surface, all the access lanes within the Allotment site, and all the access streets across the city that will be impacted by this project, and affect my ability to access my allotment.</p>	<p>The Applicant has undertaken diligent inquiries at the appropriate stages and has undertaken consultation with persons interested in the land identified from those diligent inquiries in accordance with the 2008 Act. The Applicant has otherwise also complied with the requirements of the Act with regard to the placing of notices, including the placing of notices at the Allotments, when undertaking its statutory noticing duties. The Applicant has also undertaken two rounds of public consultation and has sought to engage with appropriate groups to ensure information reaches appropriate persons, such as the Allotment Association. The Applicant therefore strongly rejects the suggestion that it has not consulted fairly in relation to the Proposed Development.</p>
2.5	<p>Many allotment holders, along with interested parties, land owners and affected people along the entire route do not have access to the documents in the inspectorate document library online. For example, because:</p> <ol style="list-style-type: none"> 1. They do not have mobile phones, they do not have computers. 2. They can't go to the public library to use a computer there, because of the Pandemic lockdowns. 3. They have mental and physical conditions which limit their ability to digest and respond to this proposal. 4. They have too many other stress factors, including the Pandemic, to be able to respond to the threat of yet another development planning application happening in their lives. 5. English is not their first language which intensifies the difficulty for the lay person to understand the documents. 6. One example is a fellow allotment tenant who came to me last week saying she received a letter from AQUIND but does not understand it what, or what she's supposed to do, or what it means for the future of her allotment. She is intimidated by the applicant, but has no recourse - she has no mobile phone, no computer, and certainly no consultation from the applicant. 	<p>The Applicant notes that this matter is directed at the Planning Inspectorate and the Examination documents, rather than the DCO application itself, although commentary on the pre-application consultation is provided below.</p> <p>AQUIND is committed to engaging with the local community regarding its proposals for AQUIND Interconnector. Before submitting its Development Consent Order (DCO) application for the project, AQUIND undertook two rounds of pre-application public consultation in January – February 2018 and February – April 2019. Both public consultations were widely advertised in advance via a range of measure, including postal invitations which were distributed to households and businesses across the areas potentially affected by the project, newspaper notices, Facebook adverts and notices placed in appropriate locations. All project collateral issued for both consultations included details of all the Applicant's contact channels, including email, phone and freepost addresses.</p> <p>Moreover, the approach taken to the consultation in 2019 was agreed with the relevant local authorities within the Statement of Community Consultation (SoCC), including the approach to Hard to Reach groups. All directly affected local authorities and parish councils were given the opportunity to provide input on hard to reach that they felt should be directly informed of the consultation. The Applicant was grateful for the input provided regarding such groups and communities and ensured that all groups highlighted by both councillors and officers were added to the list of non-statutory stakeholders and therefore received a direct invitation to participate in the February – April 2019 consultation process, provided that contact details had been provided to the Applicant or were publicly available through other means (e.g. online).</p> <p>The Applicant has set out the diligent inquiries to make contact with the allotment holders and efforts made to clearly address the previous concerns surround the allotments under point 3 in the response to Ms McFarlane within the Applicant's Written Summary of the Oral Case at Open Floor Hearing 3 (OFH3) and Compulsory Acquisition Hearing 3 (CAH3) (REP8-056).</p>
5.	<p>Onshore Ecology</p>	

Ref:	Question:	Applicant's Comments
	<p>Just because Mr Jarvis didn't see Brent geese on one 'site visit', doesn't mean they aren't there (!), nor is it appropriate for him to represent this visit as evidence conducted in an appropriate manner. This behaviour is indicative of how poorly the applicant and its representatives have carried out their surveys and assessments.</p>	<p>The discussion regarding Milton Common at ISH5 was specifically regarding the provision and appropriateness of compensatory refuge habitat to offset impacts from a third party planning application. The observations made by the Applicant in 2021 were clearly not part of baseline data collection on brent geese for the Proposed Development.</p> <p>A full winter of through the tide counts for this and other SPA features is documented in the Winter Bird Survey Report (APP-421) which appropriately informed the assessment of impacts on this species as agreed with Natural England.</p>
	<p>Also with regards to questions around onshore ecology:</p> <p>It is unfair that parties will not be able to respond to the new changes being submitted today for deadline 8 by the applicant including the updates to create a final version of the Environmental statement.</p> <p>Environmental statements:</p> <ul style="list-style-type: none"> DOCUMENT: 7.9.41 DATE: 19 FEBRUARY 2021 Applicant's Written Summary of the Oral Case at Issue Specific Hearing 5 (ISH5) Certified documents 3.34 : "Schedule of Documents forming the Environmental Statement" which will be reviewed, updated and submitted in final form at Deadline 8." As such, and in order to provide more detail on my hearing 3 speech, I ask that the inspectorate please read my previous submission concerns regarding concerning the environmental statement documents. I have not had, nor will have, the chance to read the final version of the environmental proposal: "AQUIND INTERCONNECTOR December 23rd 2020 deadline 6 kirstenmcf.pdf": which I have resent for deadline 8 to inspectorate. <p>"Additional Objection statement: and additions to my previously submitted comments, and responses by Portsmouth residents, myself and councillors (deadlines 4 and 5).</p> <ul style="list-style-type: none"> by Kirsten McFarlane, Affected person and interested Party My reference: AQUI-013 This document includes comments and updates I have written between 09/10/20 and 23/12/2020. " 	<p>Updates to onshore ecology were made at Deadline 8 to reflect ongoing discussions with Winchester City Council and Natural England respectively regarding the Denmead Meadows complex only. No documents relating to ecology of Milton Common or adjacent areas were submitted.</p>

Ref:	Question:	Applicant's Comments
	<p>Further evidence Milton Piece and Eastney Lake Evidence: Wildlife – essential to biodiversity and the ecosystem of the allotments: example: millipedes and centipedes live under the surface of the allotments and are essential to propagation of crops on the land. I believe that the pipes within 1- 2.5 m of the surface under the plots will adversely, if not profoundly, affect the creatures which inhabit the ground. I do not agree that possible bentonite being pumped into the land 1-2m below surface level will not seep further to the surface and that it will not cause the land to be uninhabitable nor allow the land to be propagated if it is turned to clay. Even if it doesn't seep all the way to the surface, have a new thick layer of bentonite under the plots at 2.5-1.5 m below surface will surely worsen the water logging of the ground, to the point of persistent flooding of the surface.</p>	<p>The Applicant contends that HDD provides suitable mitigation to provide effective mitigation for any ecological features present at 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 9).</p> <p>Amongst a number of other measures these embedded construction principles within Section 5.7 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 requirement 15 of the dDCO 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>
4.3	Bioluminescent Centipedes, plot 99a, 18/10/2020: [Image enclosed]	The photograph is noted. It is again reiterated that HDD provides effective mitigation with respect to ecological features.
4.4	Brent Geese:	
4.4.1	Brent Geese over Milton Piece and Thatched Cottage pub area - flying to Milton Common.	The photograph is noted. Flight lines of brent geese will not be impacted by the proposed development due to the underground nature of the pipeline. In addition, the suite of winter working principles targeted to mitigate any disturbance effects during construction the restriction of works adjacent to the Chichester and Langstone Harbours SPA and areas determined to contribute to the Solent Waders and Brent Goose Strategy (SWBGS).
5.	Kestrels	
5.1	Several Kestrels hunt across the allotments: [Image enclosed]	The photograph is noted. Kestrels are a common and widespread species. In any event, this species should it be regularly present at the allotments it will not be impacted due to HDD.
6.4	<p>As with most paths, they are frequently flooded, muddy, icy and can be completely inaccessible. Therefore it is even more important that plot tenants have access to all the paths around their plots, and not have access diminished by the applicant:</p> <p>Example of same path between 100a and 99b: [Image enclosed]</p> <p>Example: the flooded path between 99a and 98a and the path (onwards south to road in order limits) between plots 99 and 98:</p> <p>15/11/2020 10.38am: [Image enclosed]</p>	<p>Access to the paths around allotment plots will not be diminished by the Applicant.</p> <p>The Applicant is seeking access over the existing paths only for the undertaking of visual inspections during construction to allow for checks to be made for any bentonite breakout associated with the HDD works, and rights to temporarily access the Allotment plots for the purpose of clearing any such bentonite breakout (in the unlikely event that occurs).</p>

Ref:	Question:	Applicant's Comments
7.	Ground Level is underestimated in 'impact' assessments by the applicant, and the impact of laying pipes 2.5m under the plots cannot be ensured or viable when the land level varies from sea level to only circa 1.5m above sea level (it would be good to see an accurate assessment of true ground levels across the entire proposed, current, updated order limit area:	The HDD is proposed to be below design depths from surface. The design depth is to be confirmed at detailed design, however, it has been estimated from site-specific ground investigation data by a HDD specialist. To maintain a clearance from the allotment ground surface, 2.5-metres is the clearance from ground-surface level that the HDD shall maintain outside of the areas the bore is entering and exiting.
7.1.1	For example, in one of the Stop AQUIND groups public banners, we include an image of the level that the pipes will run under the allotments. I just do not believe that this can be considered deep underground with no impact on the surface. [Image enclosed]	The questions appear to interchange metres above ordnance datum (m AOD) and meters below ground level (m bgl), which are not interchangeable measures. The depths quoted are relevant to meters below ground level and not ordnance datum levels, therefore, the Applicant can ensure the depths.
7.1.2	Please note that the ground level of the above example paths is up to circa 1 m higher than other paths in the 'order limit area'. Example: this is the path between 113a and 112a on the other side of the main access road – between the two access roads that Aquind want to include in their order limits is circa 3 ft lower than the access road level :15/11/2020 10.43am : [Image enclosed]	
7.1.3	Example of varying ground levels: This photo is taken from the main access road, looking west along the path between plot 112a and 113a, note that over 70% of this path is underwater. It's hard to see from a photo, but the road level is approx just below the level of the 113a text on the compost bin, in fact, the ground level below the bin is even further down as it is submerged in about 30cm of water, and the true estimated ground level compared to road is about 60cm/2 ft lower: [Image enclosed]	
7.1.4	27th December 2020: flooded plot, which is also at least 2-3 foot lower than the main access road ground level: [Image enclosed]	
	<p>Additional Objection statement: and additions to my previously submitted comments, and response by Portsmouth residents, myself and councillors (deadlines 4 and 5) .</p> <p>This document includes comments and updates I have written between 09/10/20 and 23/12/2020.</p>	A response has been provided by the Applicant at Deadline 7 to responses from Kirsten McFarlane at Deadline 6 within the Applicant's Response to Deadline 6 and 6a Submissions (Table 4.8) (REP7-076).

Table 2.22 – Network Rail

Ref:	Question:	Applicant's Comments
	<p>Network Rail objected to the application for the Order on 19 February 2020. An agreement has been now reached with the applicant. We have had the benefit of seeing the updated form of the DCO which was submitted yesterday at Deadline 8 and confirm that Network Rail is happy with the form of the protective provisions including in that version of the DCO.</p> <p>Network Rail confirms that it withdraws its objection to the application.</p>	<p>The Applicant has been working closely with Network Rail in addressing all concerns raised in relation to the micro tunnel crossing under the Network Rail asset. Actions are now captured and formally agreed with Network Rail who have withdrawn their objection to the Proposed Development. The Applicant will engage with Network Rail during the detailed design and construction phase of the project in order to meet Network Rail requirements.</p>

Table 2.23 – Sport England

Ref:	Question:	Applicant's Comments
	<p>Impact on playing field</p>	
	<p>We wish to maintain concerns about the wide ranging nature of the Order limits across the Farlington Playing Fields site, where the indicative route and associated works represents a 'best case scenario' in terms of minimising the impact on playing pitches. The Order limits would permit an alternative route which could impact on a greater number of playing pitches. Of all the playing field sites affected, Farlington Playing Fields is the most strategically important site for community sport with a large number of grass football pitches as well as multiple cricket pitches accommodating a large amount of play across the year. Our view is that these Order limits should be narrowed so as to minimise the likely impact on this site. Sport England has raised through discussions with the agent/applicant the need for a specialist assessment of the ground conditions at the sites by a suitably qualified agronomist to inform the process for the reinstatement of the playing field turf following works to ensure that the pitches can be returned to sporting use efficiently without affecting their quality in the long term. Sport England therefore welcomes the agent/applicant's use of 'PSD agronomy' as a technical contractor to undertake some initial assessment of the playing field sites to inform the approach to minimising and mitigating the impact of development on the site. Sport England has reviewed these details with some technical support from the Sports Turf Research Institute (STRI). Our consideration is that while it is theoretically possible that the proposed approach to reinstatement within the timeframes outlined is feasible and achievable, it is considered that the approach will need careful planning; preparation; implementation; management and maintenance. Furthermore, that the</p>	<p>The Applicant can advise that the Order limits have been designed to accommodate the haul road, trenches and construction materials. While it is demonstrated that temporary works areas can be restricted within the Order limits to minimise impact on the area, the exact alignment of these needs to be confirmed at detailed design. Geotechnical investigations will need to confirm whether the alignment is feasible and other options may be explored, but these would seek to further mitigate impact on the area within the Order limits. Whilst it is most likely the Onshore HVDC Cables, HDD Compounds and other components will be installed within indicative temporary works area that define the cable corridor, a degree of flexibility has been retained to allow for any unforeseen ground conditions rather than to increase impact.</p> <p>The Applicant has welcomed ongoing and constructive discussion with Sport England throughout the Examination. The Applicant also welcomes Sport England's review of information provided by PSD Agronomy, and recognises that while feasible, reinstatement requires detailed planning, preparation, implementation, management and maintenance.</p> <p>For this reason, in addition to outline Method Statement at Appendix 8, the OOCEMP (document reference 6.9 submitted at Deadline 9) requires further work to be undertaken as follows:</p> <ul style="list-style-type: none"> • The Contractor will review the construction programme and use of temporary works areas to reduce impact on open space (5.12.4.2-5.12.4.3). • the Contractor will prepare Recreation Management Plans to include specification for excavating and filling, ground protection, realignment of any pitches within the Order Limits, reinstatement of turf and drainage system (where applicable) (6.2.8.12-6.2.8.13).

Ref:	Question:	Applicant's Comments
	<p>proposed approach raises a number of questions; issues which will need careful consideration and where more detail is required. On that basis, Sport England has not been able to agree or sign-off on the scheme for reinstating the playing field. Sport England has identified below, in Appendix 1, the key technical issues/matters which need further consideration or detail</p>	<p>The OOCEMP is secured by Requirement 15 of the dDCO (document reference 3.1 submitted at Deadline 9).</p>
Alternative playing arrangements		
	<p>The Framework Management Plan identifies that the indicative phasing of works shows there will be significant periods of the playing season, over 3 seasons for both winter (football) and summer sports (cricket), where some of the pitches will be out of action and unavailable for use due to either works taking place and/or the turf recovering from reinstatement. Sport England maintains concerns that as it currently stands there is no strategy for meeting the training or matchplay needs of teams/clubs using the playing field sites affected during the playing season. No specific alternative playing arrangements have been identified. The Framework Management Plan notes that the agent will work with Portsmouth City Council to source suitable alternative arrangements. However, Sport England is concerned that the Playing Pitch Strategy for Portsmouth City Council which was produced a few years ago identifies existing capacity issues within the city's stock of playing pitches. Sport England is concerned therefore that there is a lack of capacity within Portsmouth's stock of playing pitches to accommodate displaced training or matches from the playing field sites affected by the development. This issue is most relevant at Farlington Playing Fields where there will be significant disruption to the football season across three seasons and and Baffins Milton Rovers Football Ground/Langstone Harbour Sports Ground where there will be disruption to the cricket season. There is community use of the cricket pitch at this site, and given that a significant proportion of the season will be lost as a result of works on the site, an alternative cricket pitch for use during this period will need to be sourced. In light of this, Sport England considers that consideration needs to be given to investment in new sports facilities or improving existing facilities to be able to accommodate the displaced training and matchplay that will result over an extended temporary period. This should be linked to the actions and recommendations identified in the Playing Pitch Strategy for Portsmouth and/or the Local Football Facility Plan which identifies key priorities for football facilities development in the city. Sport England further notes that although the Framework Management Plan indicates that the University of Portsmouth/Langstone Sports Ground site is not used by</p>	<p>The Applicant will continue to work with PCC to identify whether alternative facilities are available, although at this time PCC have advised that this is not the case.</p> <p>The Applicant has agreed to provide a Sports and Recreation Contribution to PCC in the sum of £100,000 to be distributed to sports clubs within the Council's administrative area who will be directly affected by the Development as a result of the temporary loss of available sports pitches.</p> <p>As stated in the FMPRI (AS-062), impacts on rugby pitches are programmed for the summer season and this will largely avoid the rugby playing season. The Contractor is required to review the programme in order to minimise impact on open space as set out above. The Contractor is also required to consult with affected community groups (5.12.4.1, OOCEMP).</p>

Ref:	Question:	Applicant's Comments
	<p>community clubs/groups, our understanding, having consulted with the Rugby Football Union (RFU), is that the rugby pitch is used by Southsea Nomads Rugby Club who do also train/play at the university on a pay per play basis. While the works on this particular site are scheduled to take place over the summer months and should avoid the rugby season, consideration will need to be given to alternative playing arrangements should the timings change or the works overrun into the rugby playing season.</p>	
Conclusion		
	<p>A summary of the key issues for further consideration and where more detail is needed on the reinstatement of playing field.</p>	<p>The OOCEMP (document reference 6.9 submitted at Deadline 9), secured by Requirement 15 of the dDCO (document reference 3.1 submitted at Deadline 9) includes a number of requirements:</p>
<p>1</p>	<p>Soil management processes/Trenching and backfilling</p> <ul style="list-style-type: none"> • Methodology for: <ul style="list-style-type: none"> ○ removal of topsoil; target depths of topsoil to be provided; amelioration of existing topsoil if deemed appropriate; ○ dealing with existing grass cover/organic matter (thatch) within trench line (prior to trench excavation); ○ backfilling trenches to ensure adequate and uniform consolidation, as set out, with maintenance of comparable infiltration/drainage rates to undisturbed ground (with supporting methodology/testing to achieve/confirm this); <p>Details of soil handling processes and topsoil storage.</p>	<ul style="list-style-type: none"> • Measures to protect existing drainage system (6.2.8.4) • Pre and post-construction drainage surveys (6.8.2.1) • Appendix 8 provides an outline method statement for Farlington Fields, including use of performance quality standards, principles for construction, excavation (including settlement issues), drainage and surface reinstatement. • Recreational Management Plans to provide further mitigation and detailed method statements (6.2.8.12-6.2.8.14). • Reinstatement and site inspections prior to handing back to landowner (1.2.2.13).
<p>2</p>	<p>Ground reinstatement/levels</p> <ul style="list-style-type: none"> • With risk of settlement over the trench lines, mitigation measures and method statements for surface levelling post reinstatement; • Surface level information required pre and post construction for comparison; • Improved blending of trench lines with established pitch areas- e.g. over seeding measures. 	
<p>3</p>	<p>Drainage</p> <ul style="list-style-type: none"> • Validation of (temporary) drainage measures - notably function of temporary soakaways; 	

Ref:	Question:	Applicant's Comments
	<ul style="list-style-type: none"> Monitoring and recording procedures for disturbed/damaged drainage (Farlington Playing Fields benefits from a drainage system); Secondary drainage (Farlington playing fields) to be installed after the 1st season of pitch usage. Options for mitigating poor surface drainage and performance over this period. Also risks and mitigation measures for slit drain settlement to be set out post installation; Methods for keeping excavations free from water (ground or surface) to be provided in specified works; Validation survey of reinstated drainage (scope/ methodology) 	
4	Post construction maintenance <ul style="list-style-type: none"> Detailed program of post reinstatement maintenance. 	
5	Irrigation <ul style="list-style-type: none"> Methodology/ infrastructure and equipment to provide adequate irrigation over establishment period. 	
6	Confirmation of final easements/haul routes and compound location/extent <ul style="list-style-type: none"> The above information is required to fully assess the impacts on the playing field areas/cricket pitch and square (notably in relation to Farlington). Temporary works in relation to provision of compound areas will inform reinstatement requirements. For haul routes, ground protection measures are mentioned. Materials and methods are to be confirmed – which are compatible with machinery to be used and the receiving ground conditions. Measures for reinstatement of superficial or more significant damage are to be set out with the specified works. 	
7	Protection of works during construction and establishment <ul style="list-style-type: none"> Details of methods/materials and reinstatement post removal 	
8	PQS post establishment <ul style="list-style-type: none"> A full suite of PQS (Performance Quality Standards) is required prior to pitch usage, to ensure standards are met which are at least comparable to the existing playing field area. 	

