



AQUIND Limited

AQUIND INTERCONNECTOR

Applicant's Response to the Second Information Request

The Infrastructure Planning (Examination Procedure) Rules 2010, Rule 8(1)(c)

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**APPLICANT'S RESPONSE TO SECRETARY OF STATE'S SECOND REQUEST FOR FURTHER
INFORMATION**

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1. INTRODUCTION

- 1.1 AQUIND Limited (the "**Applicant**") submitted an application for the AQUIND Interconnector Order (the '**Order**') pursuant to section 37 of the Planning Act 2008 (as amended) (the '**Act**') to the Secretary of State ('**SoS**') (the '**Application**') to authorise the construction and use of AQUIND Interconnector (the "**Proposed Development**").
- 1.2 The Application was accepted by the Planning Inspectorate ('**PINS**') on 12 December 2019, with the examination of the Application commencing on 8 September 2020 and completing on 8 March 2021. The Examining Authority ("**ExA**") submitted a Report and Recommendation to the SoS on 8 June 2021 and in accordance with section 107 of the Act the SoS is now under a duty to decide the Application by 21 October 2021.
- 1.3 On 13 July 2021 the SoS issued a request for information and updates from the Applicant in respect of the Application (the "**First Information Request**") and the Applicant responded to that First Information Request on 23 July 2021. Paragraphs 3.7 to 3.14 of the Applicant's response provided information regarding the effect of the exclusion of those elements of the Proposed Development related to commercial telecommunications on the compulsory acquisition provisions in the draft Development Consent Order ('**DCO**').
- 1.4 On 2 September 2021 the SoS issued a second request for information from the Applicant in respect of the Application, more particularly seeking further information to justify the need for and extent of compulsory acquisition powers (both permanent and temporary) sought in relation to those plots of land that would be affected by the removal of those elements of the Proposed Development related to commercial telecommunications from the DCO (the '**Second Information Request**'). This Statement provides the Applicant's response to the Second Information Request.

2. **JUSTIFICATION FOR THE EXTENT OF THE COMPULSORY ACQUISITION POWERS SOUGHT AT THE PLOTS OF LAND ASSOCIATED WITH THE PROPOSED OPTICAL REGENERATION SITE**

2.1 **Background**

2.2 Within the Applicant's response to the First Information Request it was explained that a revised Requirement 6(6) had been inserted into the draft DCO submitted alongside that response which would operate to constrain the amount of land that may be permanently acquired forming part of Plot 1-30 on which the Optical Regeneration Stations (ORS) would be located pursuant to the DCO. The revisions would require the Applicant to confirm how the design details "provide for optical regeneration stations of a scale which is necessary for the operation of the authorised development".

2.3 In tandem with Article 20(1) of the DCO, which would authorise the undertaker to "acquire compulsorily so much of the Order land within the permanent limits and described in the book of reference and shown on the land plans as is required for the construction, operation or maintenance of the authorised development or to facilitate it, or as is incidental to it" (our emphasis), this would ensure only so much land as is required for the ORS without the associated commercial telecommunications development would be authorised to be acquired.

2.4 The above would ensure the requirements of subsection (2)(a) of section 122 of the Planning Act 2008 (the 'Act') are satisfied in relation to Plot 1-30, with the approved detailed design information confirming the land required for the development to which the development consent relates. This approach aligned with the approach previously discussed during the examination of the Application and detailed in writing in REP6-036 at paragraph 2.9.2 (H).

2.5 The SoS has subsequently requested within the Second Information Request:

2.5.1 A revised plan that shows the land required for the ORS with any commercial telecommunications development removed, the siting of those buildings, and any revised Order limits;

2.5.2 Confirmation of how many (if any) ORS are required where the commercial telecommunications development is removed from the DCO; and

2.5.3 Confirmation of any changes anticipated to the impacts of the Proposed Development on the Fort Cumberland car park where the commercial telecommunications development is removed from the ORS.

2.6 **Confirmation of the need for the ORS**

2.7 As explained in the Applicant's Post Hearing Note for ISH1 (REP6-063) at paragraphs 2.9.1, 2.9.4 and 2.9.5:

*"2.9.1 Where the commercial use of the spare capacity in the fibre optic cables is not consented, the Telecommunications Buildings will not be required. **Two optical regeneration stations would still be required, for the reasons discussed further below**, but these would be of a smaller scale to those required where the commercial telecommunications use of the spare capacity in the fibre optic cables is properly determined to be associated development.*

.....

2.9.4 The ORS are required to boost the optical signal strength due to the distance of approximately 250km between the two converter stations. Without sufficient signal boosting equipment reliable communication between the two Converter Stations necessary for their continued safe operation would be put at risk. Accordingly, the ORS are required for essential communication for the Project, in addition to providing signal boosting for the spare fibres which are proposed to be used for commercial telecommunications purposes.

2.9.5 If the use of the spare fibres for commercial telecommunications purposes is not permitted by the DCO, the ORS would nonetheless still be required, but on a smaller scale to house the facilities required for the fibres used for essential communication purposes only."

- 2.8 It is reconfirmed by the Applicant that where the commercial telecommunications development is removed from the DCO, two ORS will continue to be required to boost the optical signal being used for the communications between the Converter Stations.
- 2.9 Further, the reason why there are, and it is necessary for there to continue to be, two ORS buildings is because there are two HVDC cable circuits forming part of the Proposed Development which are to operate independently of one another, and each cable circuit requires its own dedicated ORS building (as stated at paragraphs 5.5.1.1 and 5.5.1.2 of the Design and Access Statement (REP8-012)).
- 2.10 It is necessary for each cable circuit to have its own dedicated ORS building to provide necessary resilience in the event that there is any failure or damage to one of the ORS buildings or the apparatus to be contained therein, ensuring such failure does not impact both cable circuits and the operation of the Proposed Development as a whole.
- 2.11 **Changes in the scale and siting of the ORS and the continued need for landscaping**
- 2.12 As identified above two ORS buildings will continue to be required where the commercial telecommunications development is removed from the DCO, but these will be required on a smaller scale to house the facilities required for the fibres used for essential communications only.
- 2.13 As identified by the SoS within the Second Information Request, the Applicant has previously advised that approximately two thirds of the cabinets within the proposed ORS buildings would be used for the spare fibre strands to be installed to build in future availability¹. The Applicant also provided information during the examination, at paragraph 2.9.6 of the Applicant's Post Hearing Note for ISH1 (REP6-063), that explained "... *it is anticipated that the FOC to be installed with each pair of DC cables will contain sixteen (16) bundles of fibres, with each bundle containing twelve (12) fibres. Three (3) of these bundles are required for the essential operation of the interconnector and thirteen (13) bundles are available for commercial use...*"
- 2.14 In response to the request from the SoS for a revised plan that shows the land required for the ORS with any commercial telecommunications development removed, the Applicant has produced and submits alongside this response revised Indicative Optical Regeneration Stations Elevation and Floor Plans. For ease of reference a copy of the revised floor plan is included at **Appendix 1** to this Statement.
- 2.15 As shown on that indicative floor plan, each of the ORS buildings is reduced in size to 4.4m x 3.65m x 4m (excluding the compound for the back-up diesel generator, discussed further below). The following equipment is included for within each of the ORS buildings:
- 2.15.1 3 x fibre distribution cabinets, one for each bundle of fibres (one row of three cabinets)
 - 2.15.2 3 x Uninterruptable Power Supply (UPS) cabinets consisting of localized batteries, DC/AC Inverters and distribution units
 - 2.15.3 1 x communications board
 - 2.15.4 1 x fire extinguisher
 - 2.15.5 1 x first aid kit including emergency eye wash station
 - 2.15.6 1 x Automatic Transfer Switch
 - 2.15.7 1 x Integrated Load Centre

¹ See paragraph 5.5.2.6 of the Design and Access Statement (REP8-012) and paragraph 5.3 of the Statement in relation to FOC (REP1-127).

- 2.15.8 1 x HVAC unit on outside of building
- 2.15.9 1 x steps to access building (because the building is elevated above ground level to ensure flood resilience)
- 2.16 Further information regarding the justification for the layout and size of each ORS building is as follows:
 - 2.16.1 Each building contains 3 standalone fibre optic boosting cabinets with front and back access. Due to the access requirements they are positioned centrally within the room with associated circulation space for operatives.
 - 2.16.2 Each fibre optic boosting cabinet is designed in accordance with industry standard dimensions of approximately 0.6m x 0.6m x 2m
 - 2.16.3 The height of the ORS buildings remains the same at 4m. The finished floor level of the buildings continues to be designed with an external raised threshold of 950mm and an internal raised threshold to the bottom of the cabinets (300mm) is also incorporated to provide necessary tidal flood resilience². In addition, the HVA/C ductwork and lighting is to be located above the cabinets. Because of the need to incorporate the necessary tidal flood resilience design measures and all necessary equipment within the ORS buildings, the removal of the commercial telecommunications elements does not result in a reduction in height.
 - 2.16.4 There is a need for localized batteries to be incorporated to provide Uninterruptable Power Supply (UPS) power to the fibre optic boosting cabinets during any period of waiting for the back-up diesel generator to start and supply AC power where mains AC power is lost for any reason. In order to minimise the space required for these it is planned to house the batteries in air conditioned cabinets.
 - 2.16.5 A wall mountable automatic transfer switch is required to enable automatic switching between mains AC supply and the back-up diesel generator for each ORS building.
 - 2.16.6 External wall mountable HVA/C units are required for each building to provide fresh controlled air into the room and to control the temperature within the room between 5 to 30 degrees.
 - 2.16.7 It is important to maintain sufficient free space within the buildings for maintenance to be carried out and to allow for escape during maintenance while cabinet doors are in an open position. The need for this has been reflected in the positioning of all internal apparatus.
- 2.17 In addition, each ORS building is to be supported by a back-up diesel generator to provide emergency back-up power during any loss of mains AC power supply. Each back-up diesel generator is reduced in size following the removal of the commercial fibre optic boosting cabinets, from 1.30m x 4.09m to 1m x 2.55m.
- 2.18 The diesel generator is housed in a compound accessible from the outside with 0.8m circulation space for maintenance purposes, which is sized at 4.4m x 2.75m x 3m. The compound immediately adjoins the ORS building but is separate from this and has a separate access.
- 2.19 A fuel storage tank is provided for in connection with each back-up diesel generator, with the size of this reduced from 2.35m in diameter to 1.6m in diameter following the removal of the commercial fibre optic boosting cabinets. The fuel storage tanks are located 2m away from the ORS buildings so as to comply with relevant UK Fire Safety Regulations, namely the Control of Pollution (Oil Storage) (England) Regulations 2001. A 2m separation distance is also provided between the fuel storage tank and the perimeter fence to the east and west for the same reason.

² See paragraph 5.5.2.10 of the Design and Access Statement (REP8-012) which detail the design considerations to provide necessary tidal flood resilience.

- 2.20 The individual ORS buildings are located 10m apart from one another, to maintain the independence of the fibre optic cables in each HVDC cable circuit, providing greater resilience in the event of equipment failure, fire, adverse weather, vandalism and/or accidents
- 2.21 An 8m separation distance also continues to be incorporated between the rear of the enclosure for each diesel generator and north perimeter fence. This is necessary to minimise the risk of any falling trees striking any of the buildings and equipment within the ORS compound during the operational lifetime of the Proposed Development.
- 2.22 As shown on the indicative floor plan for the ORS at **Appendix 1**, the reduced requirement for the size of the ORS buildings and associated equipment results in a reduced ORS compound footprint of 30m x 16.4m.
- 2.23 With regard to the siting of the ORS compound, the most appropriate location for the ORS following the reduction in the size of the compound is in the north-west of Fort Cumberland car park. This siting maintains the maximum distance of the ORS from the Fort Cumberland Scheduled Monument and Grade II* listed building and locates them in closer proximity to the existing built development in this location where they will have a stronger visual relationship with the existing built form. Whilst this siting does result in a marginal increase in the separation distance between the ORS and the Fort Cumberland Scheduled Monument and Grade II* listed building it does not impact on the conclusion of the assessment of heritage and archaeological impacts contained within the Environmental Statement ('ES'). This is discussed further below at paragraphs 2.34 and 2.35 and within the ES Validity Review document submitted alongside this Statement as part of the Applicant's response to the Second Information Request.
- 2.24 It is also still necessary for landscape planting to be provided around the edges of the ORS compound to screen this and the ORS and related enclosures and plant that are required within this. The planting proposals would continue, consistent with the information contained at paragraph 1.5.5.1 of the outline Landscape and Biodiversity Strategy ("OLBS") (REP8-015), to include the provision of native hedgerow and hedgerow tree planting. The landscape planting around the ORS compound will provide a screening function for receptors located at the Southsea Leisure Park and the residential properties overlooking the location of the ORS compound from the north.
- 2.25 A revised Indicative Landscape Mitigation Plan for the Landfall is submitted alongside this response for information purposes only. The final landscaping scheme would continue to be required to be approved by Portsmouth City Council pursuant to Requirement 7(1) of the DCO and retained, managed and maintained during the operational period in accordance with Requirement 8(3) of the DCO.
- 2.26 Lastly, following the confirmation of the changes in the size of the ORS compound the Applicant has reviewed the potential for an increased amount of car parking spaces to be provided as part of the reinstatement works for Fort Cumberland car park which would be secured by paragraph 1 of Schedule 1 to the Portsmouth City Council Development Consent Obligation (REP8-042). In this regard it has been identified that the 1.4m reduction in the width of the ORS Compound could facilitate the delivery of an additional 8 car parking spaces, increasing the amount from 121 spaces to 129 spaces. A revised indicative car park layout drawing for Fort Cumberland car park illustrating the revised indicative layout is included at **Appendix 2** to this Statement, with the additional spaces shown shaded blue.
- 2.27 Should a DCO be granted without the commercial telecommunications development it is confirmed that it would not be necessary for the Portsmouth City Council Development Consent Obligation (REP8-042) to be revised to secure any increase in the number of car parking spaces to be provided, with paragraph 1.1 of Schedule 1 securing the submission of the Car Parking Resurfacing Specification for approval by Portsmouth City Council and the outline specification located at Schedule 2 securing that the car park layout "*provide[s] a minimum of 121 spaces, using formal parking space dimensions of 2.4m by 4.8m*". As such, any additional car parking spaces would be capable of being secured through the specification to be approved.

- 2.28 **Requirement for the continued use of Fort Cumberland Car Park in connection with Works No.5**
- 2.29 As shown on the Works Plan (REP7-005) the whole of the Fort Cumberland Car Park is identified as accommodating Work No.5 – onshore connection works - and more particularly the mobilisation zone in connection with HDD 1 (Works No. 5(d) at Schedule 1 to the draft DCO). More detailed information regarding the use of Fort Cumberland car park in connection with the Onshore Connection Works is provided at paragraphs 4.57 – 4.65 of the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034).
- 2.30 It is confirmed by the Applicant that it will remain necessary for access to be secured over the whole of Fort Cumberland car park and for the car park to be used in connection with the installation of the onshore connection works, as well as and independently of the ORS.
- 2.31 Accordingly, whilst the area of the car park which is proposed to be subject to permanent acquisition shown by Plot 10-30 is reduced in size (as shown on the revised Sheet 10 Land Plan submitted alongside this response and discussed further below) the area which is removed from Plot 10-30 is included within Plot 10-32. This ensures that the land is subject to the New Connection Work Rights which are required to be acquired in connection with the transition joint bay and the HVDC Cables approaching this, as well as allowing for so much of the car park as is necessary to be temporarily possessed during the construction of Work No. 5 to provide the compound for HDD1. It is also of relevance that the landscaping rights for the land adjacent to the ORS will be secured under class (f) of the New Connection Work Rights, as explained at paragraph 4.62 of Applicant's Transcript of Oral Submissions for CAH1 (REP5-034).
- 2.32 For this reason, the Order limits are not amended as a consequence of the amendments to Plot 10-30. Furthermore, the above evidences why all of the land comprised within Plot 1-30 and Plot 1-32, as amended, continues to be required for the development to which the development consent relates and/or is required to facilitate that development, in satisfaction of the condition at section 122 (2) (a) and (b) of the Act.
- 2.33 **Explanation of any changes to the impacts on Fort Cumberland car park**
- 2.34 Further to the Second Information Request the Applicant has undertaken a review of the ES submitted in support of the Application to confirm the continued validity of the conclusions on impacts on Fort Cumberland car park taking into account the reduction in the size and massing of the ORS. The ES Validity Review document is submitted alongside this statement and forms part of the Applicant's response to the Second Information Request.
- 2.35 In summary, there are no changes identified to the impacts on Fort Cumberland car park taking into account the reduction in the size and massing of the ORS where the commercial telecommunications development is removed. The ES Validity Review document contains further explanation of why this is the case.
- 2.36 **Summary of amendments to the draft DCO and certified documents**
- 2.37 To reflect the reduced size of the ORS buildings should the associated commercial telecommunications development not be included in any DCO which may be made for the Proposed Development, a revised draft DCO and Optical Regeneration Stations Parameter Plan are submitted alongside this Statement.
- 2.38 The further amendments to the revised draft DCO in summary are as follows:
- 2.38.1 The parameters included in Table WN5 for the ORS buildings, compound and security perimeter fence have been revised as follows:
- (A) The parameters for the ORS buildings are amended to 4.4m x 3.65m x 4m (compared to 11m x 4m x 4m);
 - (B) The parameters for the ORS compound are amended to 30m x 16.4m (compared to 35m x 18m); and

- (C) The parameters for the security perimeter fence are amended to 30m x 16.4m x 2.45m (compared to 35m x 18m x 2.45m).
- 2.38.2 The addition of the words "*how those details provide for optical regeneration stations of a scale which is necessary for the operation of the authorised development and*" at requirement 6(6) in the draft DCO submitted alongside the Applicant's response to the First Information Request are deleted, with the parameters having been reduced to accommodate ORS which are of a scale necessary for the operation of the Proposed Development without commercial telecommunications.
- 2.38.3 The revision number for Land Plan Sheet 10 is amended to 04 at Schedule 4, reflecting the updated land plan submitted alongside this response.
- 2.38.4 The revision number for the Optical Regeneration Station Parameter Plan is revised to 03 at Schedule 7 and Schedule 14, reflecting the updated parameter plan submitted alongside this response.
- 2.39 A revised Sheet 10 of the Land Plans and Book of Reference is submitted. The revised Sheet 10 of the Land Plans shows the revised location of the area of land which is proposed for permanent acquisition for the provision of the ORS, identified as Plot 10-30. The amendments to the Book of Reference reduce the area of Plot 10-30 from 559 sqm to 492 sqm and increase the area of Plot 10-32 from 3990 sqm to 4057 sqm, reflecting the revised size of the ORS compound.
- 2.40 The Optical Regeneration Stations Parameter Plan has been updated to show the revised compound footprint and the amended siting of this, in accordance with the size requirement and siting considerations explained above.
- 2.41 In addition, and whilst not a certified document, a revised Indicative Landscape Mitigation Plan for the Landfall is submitted for information purposes only. This shows the indicative landscaping scheme in relation to the ORS buildings and compound.
- 2.42 The Applicant team has considered whether any amendment would be needed to Requirement 7 of the draft DCO which secures the requirement for the detailed landscaping scheme for the ORS to be submitted to and approved by the relevant planning authority, however it is considered this is not necessary because the requirement is general in requiring the detailed landscaping scheme to be approved and the type of planting which is identified as to be provided at paragraph 1.5.5.1 of the OLBS (REP8-015) is not subject to change.

3. **JUSTIFICATION FOR THE EXTENT OF COMPULSORY ACQUISITION POWERS SOUGHT AT THE PLOTS OF LAND ASSOCIATED WITH THE COMMERCIAL TELECOMMUNICATIONS BUILDINGS ON THE SITE OF THE CONVERTER STATION**

3.1 **Background**

3.2 Within the Applicant's response to the First Information Request it was re-confirmed by the Applicant, in accordance with the information already provided to the ExA during the examination and in writing at paragraph 2.9 of REP6-036, that where the commercial use of the spare capacity in the fibre optic cables is not provided for in any DCO made for the Proposed Development the Telecommunications Buildings will not be required.

3.3 Further, the Applicant explained that no changes are made to the compulsory acquisition provisions in consequence of the potential removal of the Telecommunications Buildings because:

3.3.1 the area on which the telecommunications buildings are to be located is within an area identified for Work No.2 / Work No.3 on the Works Plans (REP7-075). This area will continue to be required to be used on a temporary basis for Work No.3 in connection with the construction of the Substation Connection Works, the Converter Station and the Onshore Cable Route;

3.3.2 the area of land also forms part of the holistic drainage scheme design required in connection with the Converter Station and the Access Road (part of Work No. 2), with the drainage scheme designed with two smaller attenuation ponds taking into account the works proposed, the topography of the land and a request during the pre-application stage by Mr P & G Carpenter in relation to the siting of the southern attenuation pond;

3.3.3 the area is also required to provide swales in connection with the drainage of the Access Road and landscaping along the Access Road in this location; and

3.3.4 the land surrounding the telecommunications building compound is required for essential mitigation to address specific adverse landscape and visual effects and biodiversity requirements (both ecological mitigation and where appropriate enhancement) for the Proposed Development. New woodland, scrub with trees, scrub and hedgerow planting all serve as essential mitigation both in terms of visual screening and landscape character. All landscaping provided remains necessary in order to mitigate the impacts of the Converter Station.

3.4 The SoS has subsequently requested within the Second Information Request:

3.4.1 Confirmation of the reasons why the full extent of land will still be required if those Telecommunications Buildings are removed from the DCO.

3.5 **Explanation of why the full extent of land is still required should the Telecommunications Buildings be removed from the DCO – Position in respect of temporary possession**

3.6 Whilst the land on which the Telecommunications Buildings are proposed to be located is required permanently for the authorised development where those buildings are not provided and which is discussed further below, for completeness the position in respect of the requirements for the use of that land during the temporary construction period for the Proposed Development is also explained.

3.7 As is detailed at paragraph 4.25 of the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034), temporary laydown and works compounds are required in connection with the construction of the Converter Station. The temporary works compound and laydown areas are the areas identified as Work No.3 on the Works Plans (REP7-005), shown shaded orange.

3.8 Within those areas, which are approximately 5 hectares in total, site offices, welfare facilities, storage areas and car parking for up to 206 vehicles may be located. For the Proposed Development, because of the constraints which are presented by existing

features, including sensitive hedgerows, the ancient woodland, overhead lines (OHLs) and pylons, as well as Lovedean Substation, the laydown and works compounds are spread within the site boundary and are linked with the main Access Road to each other and to the Converter Station, as identified as Work No.3 on the Works Plans (REP7-005). We advise the SoS to read fully paragraph 4.25 of the Applicant's Transcript of Oral Submissions for CAH1 (REP5-034) which provides additional information in relation to the temporary laydown and works compounds areas.

- 3.9 As can be seen on the Indicative Converter Station Area Layout Plans (REP7-010), sheets 2 and 3 of which are included at **Appendix 3** to this Statement for ease of reference, the land on which the Telecommunications Buildings are proposed to be located is land which is to be used as a temporary works compound and laydown area.
- 3.10 It is confirmed that the removal of the Telecommunications Buildings would not have any impact on the land which is required to provide the temporary works compound and laydown area. The Telecommunications Buildings would be constructed on this land once the Converter Station has been constructed and this land forming part of Plot 1-32 is no longer required to serve that temporary construction related purpose.
- 3.11 **Explanation of why the full extent of land is still required should the Telecommunications Buildings be removed from the DCO – Position in respect of permanent acquisition**
- 3.12 As outlined in the Applicant's response to the First Information Request the land on which the Telecommunications Buildings are to be located and in the vicinity of this, including the land to the south of where those buildings are proposed to be located (all of which forms part of Plot 1-32), is required for the development to which the development consent relates and/or is incidental to that development. Specifically, the land is required:
 - 3.12.1 to provide the holistic drainage scheme required in connection with the Converter Station and the Access Road (part of Work No. 2); and
 - 3.12.2 for essential mitigation to address specific adverse landscape and visual effects and biodiversity requirements (both ecological mitigation and where appropriate enhancement) for the Proposed Development.
- 3.13 Further detailed information, taken from the documents and information submitted by the Applicant during the examination of the Application, is provided below in relation to the necessity of the landscaping, ecological and drainage works on the land on which the Telecommunications Buildings and associated spur road are proposed and in the vicinity of this.
- 3.14 **Drainage Scheme**
- 3.15 As identified in the Applicant's response to the First Information Request, parts of Plot 1-32 (as shown on the Land Plans (REP7-003)) are proposed to host the drainage scheme required in connection with the Converter Station and the Access Road.
- 3.16 Detailed information in respect of the drainage proposals for the Converter Station and Access Road and the rationale for their design is provided within the Surface Water Drainage and Aquifer Contamination Mitigation Strategy located at Appendix 3 to the Design and Access Statement (REP8-012), paragraphs 2.4 – 2.7 and section 5.
- 3.17 A brief text summary of the drainage proposals is also provided at paragraph 4.29 of the Applicant's Transcript of Oral Submission for CAH1 ((REP5-034).
- 3.18 Drawings illustrating the proposed surface water drainage scheme are included at Appendix 1 to the Surface Water Drainage and Aquifer Contamination Mitigation Strategy, and which are also included at **Appendix 4** to this Statement for ease of reference.
- 3.19 The surface water drainage proposals have been designed taking into account the topography of the land, which falls from north to south with the low point being in the south-west corner of the Converter Station Area, and the layout of the Access Road taking access off of Broadway Lane and responding to the constraints presented by the existing

Ancient Woodland at Stoneacre Copse and the OHLs associated with the Lovedean Substation.

- 3.20 As can be seen on Sheet 1 of 2 of the drawings at **Appendix 4**, the Converter Station is proposed to be drained from the south-west corner of the compound, with the drainage flowing to the proposed detention basin which is immediately to the south of the Converter Station compound (shown on sheet 2 of 2). An overflow swale is proposed from the detention basin to connect to the swale network which is proposed to be located on the western side of the Access Road, allowing for connections with the infiltration basin in the south-west of Plot 1-32 at the Converter Station Area.
- 3.21 As identified above and as shown on the drawings at **Appendix 4 and 5**, a roadside swale is proposed to run along the length of the Access Road. The swale located along the Access Road is then proposed to be connected to the infiltration basin at the south west extent of the Converter Station Area, with the infiltration basin proposed at a low point in the existing topography to allow for runoff from the Access Road to be conveyed to this basin. The Access Road is to be designed with a cross fall to its south/west to direct runoff into the swale and to the infiltration basin when additional storage is required (as explained at paragraph 2.7 of the Surface Water Drainage and Aquifer Contamination Mitigation Strategy).
- 3.22 As identified in the Applicant's response to the First Information Request the drainage scheme, and more particularly the proposal for two attenuation basins, has also been designed taking into account pre-application discussions with Mr P & G Carpenter.
- 3.23 The original design of the drainage scheme provided for a single attenuation basin in the southern part of the Converter Station Area. This location was chosen following a site visit and assessment of the site by using available LIDAR survey information. This assessment concluded that the south west corner of the Converter Station Area was the most suitable place for the attenuation basin because it was the lowest point and suitable for design development of a gravity drainage system to serve both Converter Station and the Access Road.
- 3.24 Following discussions with Mr P & G Carpenter in relation to the proposed location of the attenuation basin and the amount of land required to accommodate it a further assessment of the drainage design was undertaken. This resulted in the attenuation basin being moved further east to minimise the impact on the landowner as they were keen to retain part of the land on which it was originally proposed to be located. Following further assessment by the Applicant, the revised location was determined not to be of sufficient size to accommodate the original proposed attenuation basin design. The design was modified from a single attenuation basin to two attenuation basins as shown in the indicative landscape plans for option B(i) (REP8-017 & REP8-018) and B(ii) (REP8-052).
- 3.25 The Telecommunications Buildings were then introduced following the design development of the drainage scheme for the Converter Station and the Access Road, with the drainage proposals for the Telecommunications Buildings providing for those to discharge into the swale on the west side of the Access Road and in turn into the infiltration basin when additional storage is required (as explained at paragraph 2.8.1.3 of the Surface Water Drainage and Aquifer Contamination Mitigation Strategy).
- 3.26 The removal of the Telecommunications Buildings has no influence on the design of the wider drainage scheme, with the Telecommunications Buildings having been designed to function with the wider drainage scheme for the Converter Station and the Access Road rather than the drainage scheme having been designed around the Telecommunications Buildings.
- 3.27 The Applicant has also considered whether, in the interest of minimising the land which is required to be acquired in connection with the drainage scheme, it would be possible to relocate the southern infiltration basin to where the Telecommunications Buildings are proposed should they not be included in any DCO to be granted, however it has been determined that this is not feasible.

- 3.28 To illustrate why such an approach would not be feasible the Applicant's Civil and Structural Engineering Team have produced the sketch located at **Appendix 6**. This identifies that where the infiltration basin is located further north within Plot 1-32 where the Telecommunications Buildings are proposed it would not be at the low point of the site and would be higher than the low point in the Access Road.
- 3.29 To drain the Access Road swale into an infiltration basin in that location whilst maintaining a shallow depth it would be necessary to direct water against gravity by use of pumps. Such an approach is not acceptable because of the risk of mechanical failure, which may cause flood events and, more significantly, infiltration of surface water discharge to the principal chalk aquifer that has not been treated as required in accordance with the Surface Water and Aquifer Contamination Mitigation Strategy.
- 3.30 In addition, to locate the infiltration basin where the Telecommunications Buildings are proposed without a pumped solution being utilised, the basin would need to be significantly deeper, indicatively identified at a depth of 5.5m compared with 1.7m for the infiltration basin proposed in the south west of the Converter Station Area, and the diameter of the infiltration basin would consequently increase by approximately 35 – 40m.
- 3.31 This increase in the depth and diameter of the infiltration basin would be as a consequence of the discharge point from the Access Road drainage system not being higher than the attenuation pond into which exceedances are to drain. It would be necessary where such a location for the infiltration basin were adopted for the swale along the Access Road to be made deeper so as to run counter to the existing topography and for the infiltration basin to sit at a level which is lower than the swale so that exceedances drain into this, significantly increasing the depth of the basin to circa 5.5m. Achieving a significantly deeper basin with a natural side slope at an acceptable gradient, having regard to slope stability, construction and safety considerations together with the need for future access and maintenance, would result in the increase to the diameter of the infiltration basin.
- 3.32 Such an increased depth and diameter for the infiltration basin is not acceptable for a number of reasons including; increasing the depth of the excavation results in an increased risk to the aquifer during construction; there would be an increased level of impact on existing the landscape from a visual perspective, including impacts on protected hedgerows; the increased depth would increase health & safety risk to an unacceptable level due to the potential depth of water hidden within the surrounding landscape. All the foregoing considerations were instrumental in the design process that resulted in the agreed Surface Water and Aquifer Contamination Mitigation Strategy, with the current infiltration basin location identified as the most feasible approach.
- 3.33 Accordingly, and as identified in the Applicant's response to the First Information Request, irrespective of whether the Telecommunications Buildings are provided the parts of Plot 1-32 which are required to host the drainage scheme will still be required for that purpose. Furthermore, whilst the use of the land on which the Telecommunications Buildings are proposed has been considered for the location of the southern infiltration basin, it has been reasonably determined (consistent with the design exercise already undertaken for the drainage scheme) that the land on which the Telecommunications Buildings are proposed would not be suitable for the location of the southern infiltration pond. As such, there are no changes to the land required to be acquired in connection with the drainage scheme in the vicinity of the proposed location of the Telecommunications Buildings, with the authorisation of the compulsory acquisition of that land continuing to satisfy the conditions at Section 122 of the Act.
- 3.34 **Landscaping and Ecological Mitigations and Enhancements**
- 3.35 Planting within the immediate vicinity of the Telecommunications Buildings and to the south is required in connection with the Converter Station for visual screening, landscape and biodiversity connectivity, strengthening of landscape features; reinforcing where feasible landscape management strategies for specific Landscape Character Areas / Types and increasing biodiversity.

- 3.36 The landscaping and ecological mitigations and enhancements proposed have been developed in response to extensive engagement, discussions and feedback with host Local Planning Authorities (LPA), such as Winchester City Council (WCC), to provide stronger connections between landscape features and improve east to west movement of wildlife, as evidenced in the Applicant's Response to Written Representations (Table 5.2 - CA3) (REP2-014) and Table 4.3, item 4.3.7 within the Statement of Common Ground with Winchester City Council (REP8-045), strengthening the effectiveness of the mitigations and enhancements which are to be provided.
- 3.37 Each area of planting (woodland, hedgerows, scrub and grassland) in the vicinity of the Telecommunications Buildings has been reviewed, and for ease references used below are based on their landscape management prescription (as per Figure 1 below) as referred to in the OLBS (REP8-015), Appendix 2 - Outline Landscape and Biodiversity Strategy Management Plans Figure 1 and Figure 2, which are identical for both Option B(i) and B(ii) in this area.

Figure 1: Extract from Outline Landscape and Biodiversity Strategy Management Plans



- 3.38 A description of the relevant areas of planting which were subject to review are as follows:
- 3.38.1 **Proposed native woodland up to 25m high (PW-17):** New woodland has been introduced to the south of the attenuation pond to provide visual screening for the Converter Station, to provide stronger connectivity between features (including Stoneacre Copse) and to create east-west movement of wildlife. Winchester City Council (WCC) requested further planting to the east of the woodland to improve connectivity with the ancient woodland (see Table 4.3, item 4.3.7 within the Statement of Common Ground with Winchester City Council (REP8-045)). The

Applicant has therefore extended the woodland planting whilst allowing access for maintenance.

- 3.38.2 **Proposed native woodland up to 15m high (PW-22):** New woodland was introduced to provide some screening at lower elevations to the Converter Station; adding to the layers of vegetation in the foreground and contributing to the density of screening overall, especially during winter months. The planting will also contribute to breaking up the overall mass of the Converter Station from views to the south and south west (see paragraph 3.1.23 (B) of the Applicant's Response to action points raised at ISH1, 2 and 3, and CAH 1 and 2 (REP6-063)). In addition, and in discussions with SNDPA, the planting (which also includes SC-5) sought to mimic the small copses which are prevalent in the landscape, as confirmed in the Applicant's response to ExA Question 4F.2 in the Applicant's Written Summaries for Oral Submissions at ISH1, ISH2 and 3, and CAH 1 and 2 (REP6-062), which states "*the planting aims to mimic some of the small copses around dells...*".
- 3.38.3 **Proposed Scrub (SC-4 /SC-5):** Scrub planting was introduced to improve connectivity (see paragraph 3.2.23 (C) of the Applicant's Response to action points raised at ISH1, 2 and 3, and CAH 1 and 2 (REP6-063)) and where health and safety and overhead line constraints prevented tree planting. This type of habitat functions as a foraging area, refuge and safe breeding space for protected and notable species. Management of scrub planting will take place to restrict growth and beyond constraints allowed to regenerate. As outlined above planting SC-5 also seeks to "mimic" small copses typical of the surrounding landscape.
- 3.38.4 **Proposed hedgerow (PH-3, PH-8):** PH-3 and PH-8 are proposed native hedgerows with trees permissible where there are no constraints. Both hedgerows seek to join with existing hedgerows where feasible. PH-3 new hedgerow planting alongside the Access Road serves to improve connectivity and provide partial screening from angles where hedgerow trees cannot be introduced, whilst PH-8 will not just improve connectivity but act as a visual screen in the short to medium term until new woodland (PW-17) becomes established).
- 3.38.5 **Proposed calcareous grassland (light green hatched shading):** The proposed calcareous grassland is to be introduced to improve ecological diversity where planting in the form of trees / scrub cannot be introduced due to existing constraints. Should it not be possible despite best efforts to establish calcareous grassland a neutral species rich grassland will be created (see the Applicant's response to question 5.1 in the Applicant's Written Summary of Oral Submissions for ISH 5 (REP6-067) and the Statements of Common Ground with Winchester City Council (item 4.4.3a of REP8-045) and Natural England (item 4.2.9 of REP8-031) in relation to how this accounted for in the Biodiversity Metric).
- 3.38.6 Such grassland raises the ecological value of the current grasslands which are botanically species poor, their importance being limited by agricultural improvement. Further, in terms of landscape character, the aim to establish calcareous grassland (and in the absence of this species rich grassland) ties in with landscape character management strategy objectives, discussed in further detail below.
- 3.39 The review of the relevant areas of planting has considered both the justification for their provision in terms of satisfying relevant national and local planning policies and guidance in relation to those and the changes to the likely significant landscape and visual and ecology effects where those areas are removed, so as to confirm the justification for their continued inclusion as part of the Proposed Development and the proposed permanent acquisition of the land on which they are located.

3.40 **Adherence with planning policy and landscape management strategy guidance**

3.41 From a planning policy perspective, the planting described above responds to LPA management / landscape strategy objectives in terms of landscape character as referred to in Appendix 15.4 of the ES (Landscape Character) (APP-402) and stated in Table 2.6 of the Applicant's Responses to Deadline 2 Submissions (REP3-014). Italicised additions have been made to the text below (which otherwise reflects the information included at item 3.7 of Table 2.6 to the Applicant's Response to Deadline 2 Submission (REP3-014) where other strategy and policy points are of relevance:

3.41.1 The South Downs National Park Landscape Character Area D (D2 Hambledon and Clanfield Downland Mosaic) Management Strategy seeks to conserve and extend areas of unimproved chalk grassland at Butser Hill and species-rich chalk grassland, yew woodland and rare juniper scrub at Old Winchester Hill. The landscape mitigation measures seek to support this objective through the introduction of calcareous grassland throughout the Converter Station Area. *In addition, the South Downs National Park Landscape Character Area D (D2 Hambledon and Clanfield Downland Mosaic) Management Strategy refers to conserving and improving existing hedgerows and reinstating hedgerows which are removed, as well as preventing fragmentation of the landscape caused by varying levels of management and farming. The landscape mitigation measures in this location seek to prevent fragmentation through the introduction of new hedgerows connecting with existing and reinstated hedgerows. The planting proposals described also accord with NPS EN-1 section 5.3 and NPPF sections 12 and 15.*

3.41.2 The East Hampshire LCT 3fi Downland Mosaic (LCA 3fii) Management Strategy seeks to restore hedgerow boundaries to provide visual unity and intactness and increase biodiversity and links to areas of woodland and promote growth of hedgerow trees to be required on a permanent basis. *In addition, the East Hampshire LCT 3fi Downland Mosaic (LCA 3fii) Management Strategy seeks under landscape development considerations to encourage opportunities for further woodland planting to soften, screen and contain built development. The landscape mitigation measures seek to introduce new hedgerow boundaries to improve connectivity with existing hedgerows and woodland, as well as introducing hedgerow trees where feasible and beyond the constraints outlined at section 1.6.4 of the OLBS (REP8-015), New woodland, in the form of PW-18 and PW-22, seek to soften, partially screen and contain the Converter Station Buildings and associated infrastructure in its surroundings. The planting proposals described also accord with NPS EN-1 section 5.3 and 5.10 in relation to green infrastructure connectivity, and NPPF sections 12 and 15.*

3.41.3 The Winchester City Council Hambledon Downs 17 (WCT W2) Management Strategy seeks to encourage the extension of existing chalk downland, through agricultural and planning policies (e.g. compensation for unavoidable loss of wildlife habitats resulting from planned development) and encourage the protection and conservation of important wildlife and historic features such as ancient hedgerows and woodlands, tracks and historic parks, especially where they provide a link with other semi-natural habitats and conserve and restore the structure and condition of the woodlands through appropriate management such as thinning, coppicing, replanting, ride and edge management and the removal of invasive alien species. *The landscape mitigation measures seeks to introduce calcareous grassland throughout the Converter Station Area, protect and extend existing hedgerows and woodland through replanting as well as managing long term both existing and proposed vegetation (paragraph 1.6.5.2 to 1.6.5.8 in the OLBS (REP8-015)) and creating links through to new planting. Again, the planting proposals described are in accordance with NPS EN-1 section 5.3 and NPPF sections 12 and 15.*

3.42 In addition and with more specific regard to local planning policies, various references are made in Appendix 15.2 National and Local Policy Review (APP-400) to the need for new

development to be informed by landscape character - its context, type, sense of place and distinctiveness, the need to enhance biodiversity, improve resilience of ecological networks, address deficits and improve connectivity. This includes linking areas of biodiversity as well as protecting designations including ancient woodland.

- 3.43 Polices of relevance which support the introduction of the planting described above include the following:
- 3.43.1 Winchester City Council's (WCC) Local Plan Part 1 Joint Core Strategy (2013):
 - (A) Policy CP13 High Quality Design
 - (B) Policy CP15 Green Infrastructure
 - (C) Policy CP16 Biodiversity
 - (D) Policy CP19 South Down National Park – Heritage and Landscape Character
 - (E) Policy CP20 Heritage and Landscape Character
 - 3.43.2 Winchester City Council's Local Plan Part 2 Development Management and Site Allocations (2017):
 - (A) Policy DM15 Local Distinctiveness
 - (B) Policy DM23 Rural Character
 - (C) Policy DM24 Special Trees, Important Hedgerows and Ancient Woodlands
 - 3.43.3 Winchester City Council's Local Plan Review (2006):
 - (A) Policy DP4 Landscape and the Built Environment
 - 3.43.4 East Hampshire District Council's (EHDC) Local Plan (Part 1) Joint Core Strategy (2014):
 - (A) Policy CP20 Landscape
 - (B) Policy CP21 Biodiversity
 - (C) Policy CP28 Green Infrastructure
 - (D) Policy CP29 Design
- 3.44 In terms of local policies relating to WCC, landscape mitigation measures in this location contribute to landscape character by introducing landscape features reflected in WCC's Landscape Character Assessment, March 2004. New planting has been used to strengthen the sense of place and local distinctiveness, protect and enhance the key characteristics of the landscape and avoid the loss of key features as required by WCC Policies CP13, CP20, DM15, DM23, DM24 and DP4.
- 3.45 Key landscape features include, as described in Winchester City Council's Landscape Character Assessment, March 2004 (see Table 6 of ES Appendix 15.4 (APP-402)) "*remnants of unimproved calcareous grassland*", "*copses, shelter-belts and woodlands*" and a "*strong pattern of hedgerows, intermittent trees and woodland*". In addition, the design of the landscape mitigation measures are in "*keeping with the context and setting of the landscape... of the South Downs National Park*" (see WCC Policy CP19).
- 3.46 The introduction of new hedgerows and woodland connect to existing vegetation. The landscape mitigation proposals seek to "*enhance both the natural and built environment and maximise the potential to improve local biodiversity*" (WCC Policy CP13), "*maintain, protect and enhance the function or the integrity of the existing green infrastructure network*" and "*link[s] areas of biodiversity*" (WCC Policy CP15). The proposals show how "*biodiversity can be retained, protected and enhanced through its design and implementation*" as well as "*maintaining a District wide network of local wildlife sites and corridors to support the integrity of the biodiversity network, prevent fragmentation...*" (WCC Policy CP16). In addition, proposals ensure the long term protection of special

features such as ancient woodlands, important hedgerows, special trees and distinctive ground flora and their setting (Policy DM24).

- 3.47 With regard to relevant EHDC policies, proposed hedgerow (PH-3) crosses over into East Hampshire's administrative area. The proposals for this hedgerow reflect policy objectives which seek to protect and enhance local distinctiveness and sense of place, protect and enhance natural features, maintain, manage and enhance the green infrastructure network and incorporate appropriate new planting to enhance the landscape setting and enhance biodiversity (EHDC Policies CP20 and CP29). In addition, this proposal will contribute to wildlife corridors, help prevent fragmentation and enhance the network of new and existing green infrastructure (EHDC Policies CP21 and CP28).
- 3.48 The measures incorporated in the OLBS, including those measures which are located in the vicinity of the land on which the Telecommunications Buildings are proposed within Plot 1.32, were also designed to be in accordance with planning policies relevant to biodiversity. They are outlined in section 16.2 of Chapter 16 of the ES (APP-131), with key aspects of the relevant policies which the ecological measures accord with summarised below.
- 3.48.1 NPS EN-1 contains the following policy statements which are considered to be of key relevance for the purpose of the assessment of environmental impacts on ecological features:
- (A) *As a general principle, and subject to the specific policies below, development should aim to avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives...where significant harm cannot be avoided, then appropriate compensation measures should be sought (paragraph 5.3.7)*
- 3.48.2 Winchester City Council (2013) Local Plan Part 1 Joint Core Strategy Adopted March 2013 and Local Plan Review 2006 includes policy CP16 Biodiversity, which identifies that the Local Planning Authority will support development which maintains, protects and enhances biodiversity across the District, delivering a net gain in biodiversity, and has regard to the following:
- (A) *Supporting habitats that are important to maintain the integrity of European sites.*
- (B) *New development will be required to show how biodiversity can be retained, protected and enhanced through its design and implementation, for example by designing for wildlife, delivering BAP targets and enhancing Biodiversity Opportunity Areas.*
- (C) *New development will be required to avoid adverse impacts, or if unavoidable ensure that impacts are appropriately mitigated, with compensation measures used only as a last resort. Development proposals will only be supported if the benefits of the development clearly outweigh the harm to the habitat and/or species.*
- (D) *Maintaining a District wide network of local wildlife sites and corridors to support the integrity of the biodiversity network, prevent fragmentation, and enable biodiversity to respond and adapt to the impacts of climate change.*
- (E) *Supporting and contributing to the targets set out in the District's BAP for priority habitats and species.*
- 3.49 **Changes to LVIA ES Assessment that would result from removing the permanent rights to acquire the land on which the Telecommunications Buildings are proposed and the land in the immediate vicinity of this**
- 3.50 With regard to the likely significant landscape and visual effects, changes to landscape character and visual amenity as a consequence of the removal of this land have been considered under the headings of:

- 3.50.1 Landscape character (specific to this area);
 - 3.50.2 Specific landscape features namely vegetation; and
 - 3.50.3 Visual amenity – residential receptors Nos 10,11, 12 and 13.
- 3.51 For the purposes of explaining any changes where the planting described above is removed the magnitude of change, the sensitivity of the receptor and nature of effect have been summarised from Chapter 15 Landscape and Visual Amenity (APP-130) and supporting Appendix 15.8 (APP-406) and changes indicated, where appropriate. Changes in effects have only focused on the operational stages of the Proposed Development as planting in this area will only be implemented during the latter stages of construction. Changes for both Option B(i) and Option B(ii) are the same in this area.

Landscape Character

- 3.52 The areas of planting in question required in connection with the Converter Station fall within WCC's Landscape Character Area 17 Hambledon Downs.
- 3.53 ***The 2019 LVIA ES assessment:*** describes the landscape character of the Hambledon Downs as of high to medium sensitivity, and of medium sensitivity in the context of the Converter Station Area. The magnitude of change in year 0 and on completion is large, generating direct **moderate-major adverse permanent long term localised (significant) effects reducing to minor adverse permanent long term localised (not significant) effects after 20 years** based on a small magnitude of change.
- 3.54 ***Potential changes in effects based on individual contribution of types of planting:*** As discussed above the planting strengthens landscape and biodiversity connectivity and landscape features, however individually each element of planting would not be of a size that removal would alter the overall magnitude of change although there would be some worsening. The categorisation of the overall effects therefore identified in the 2019 LVIA ES assessment would remain unchanged and remain as **direct moderate-major adverse, permanent, long term localised (significant) effects in year 0, decreasing to minor adverse permanent long term localised (not significant) effects after 20 years** based on a small magnitude of change.
- 3.55 ***In combination:*** Removal of the area of land in the vicinity of the proposed location of the Telecommunications Buildings and therefore the planting and associated biodiversity that has been enhanced would reduce the measures to strengthen landscape character and landscape and biodiversity connectivity overall. The magnitude of change **by year 20 would be medium to small resulting in a moderate to minor adverse (significant) effect on landscape character** throughout the operational lifetime of the Converter Station, an increased effect when compared to the minor adverse permanent long term localised (not significant) effect after 20 years identified previously and discussed at paragraph 3.54 above.
- 3.56 There would be a negligible effect on the setting of the South Downs National Park and adjacent Landscape Character Areas / Types given the extent of loss relative to the size of both the National Park and Character Areas / Types.

Specific landscape features local to the Converter Station Area – vegetation

- 3.57 ***The 2019 LVIA ES assessment:*** Identified that the sensitivity of vegetation is medium and **by year 10** the magnitude of change would be small resulting in a **minor beneficial direct (not significant) effect. By year 20** the magnitude of change would be medium to small resulting in a **moderate to minor beneficial direct permanent long term (significant effect).**
- 3.58 ***Potential changes in effects based on individual contribution of types of planting and in combination:*** The magnitude of change to vegetation would be marginally greater from that predicted in the 2019 LVIA but the difference is such that **the significance of effect would remain unchanged.** The extent of vegetation lost would be small by comparison with the overall mitigation proposed.

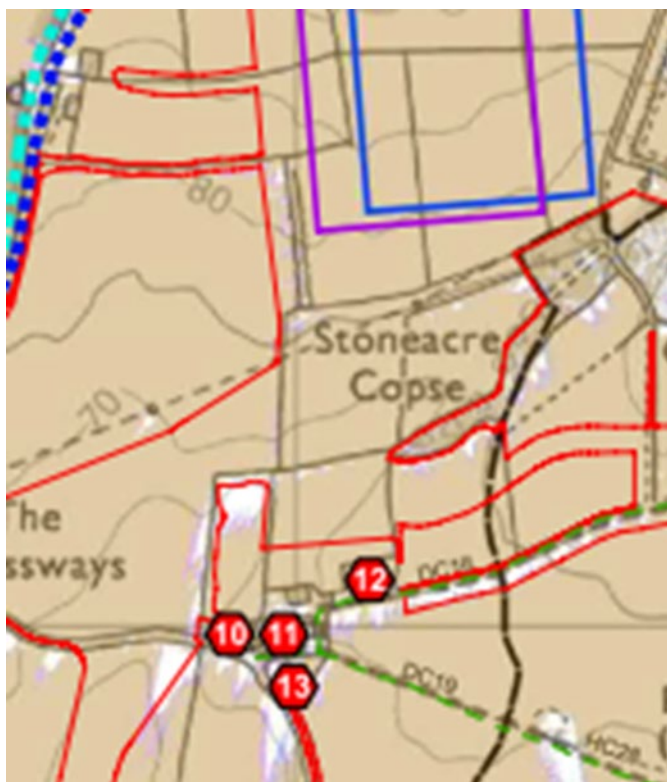
Setting of the South Downs National Park

- 3.59 There would be a negligible effect on the setting of the South Downs National Park given the extent of loss relative to the size of the National Park and as per the 2019 LVIA ES assessment, the position remains unchanged,

Visual Amenity

- 3.60 The loss of planting has been considered in relation to visual receptors immediately south of the Converter Station Nos. 10, 11, 12 and 13), with an extract from Figure 15.47 of the ES included below which identifies those receptors.

Figure 2: Extract from Figure 15.47 – Residential Receptors and Settlements (APP-280)



- 3.61 ***The 2019 LVIA ES assessment:*** Identifies that during operation (year 0 and on completion) there would be a large to small magnitude of change on high sensitive receptors generating a **major adverse (significant) effect on No.12, a moderate-major adverse (significant) effect on No.10** and a **minor to moderate adverse (significant) effect on Nos. 11 and 13.**
- 3.62 Over time, and as planting matures **by year 20** the screening effect would result in a **moderate-major neutral (significant) effect based on proximity for No 12** and a **minor – moderate adverse (not significant) effect as planting reaches maturity for Nos 10, 11 and 13).**
- 3.63 ***Potential changes in effects based on individual contribution of types of planting:*** The overall magnitude of change **by year 20** would remain unchanged if PW-17 was removed, remaining between large to small depending on the proximity and orientation of the visual receptor.
- 3.64 At year 0 there would be a **major adverse (significant effect) on visual receptor No 12, a moderate-major adverse (significant) effect on No.10** and a **minor to moderate adverse (significant) effect on Nos. 11 and 13.** There would therefore be no change at year 0.

- 3.65 Over time and by year 20 there would be a **major adverse (significant effect) for visual receptor No 12**, a **moderate-major adverse (significant) effect on No 10**, and **minor to moderate adverse (significant) effect on Nos. 11 and 13**.
- 3.66 As noted above the effects would remain unchanged at year 0 for Nos 10, 11, 12 and 13.
- 3.67 At year 20, for visual receptor No. 12, the nature of the effect would change from neutral to adverse and the level of effect would change from moderate-major to major, resulting in a **major adverse (significant effect) on visual receptor No 12**.
- 3.68 For visual receptor 10, at year 20 the level of effect would change from minor-moderate (not significant) to moderate-major (significant), resulting in a **moderate-major adverse (significant) effect on No 10**.
- 3.69 For visual receptors 11 and 13 at Year 20 the effects would not be changed.
- 3.70 No other individual element of planting on its own would alter the magnitude of change and therefore nature of effects due to their proposed heights and locations.
- 3.71 ***In combination:*** Where the loss of planting is considered in combination, the magnitude of change would remain large to small throughout the operational life of the Converter Station. The level of effect would be **major adverse (significant effect) on visual receptor No. 12**, a **moderate-major adverse (significant) effect on No. 10** and a **minor to moderate adverse (significant) effect on Nos 11 and 13**. The changes to the effects are the same as those detailed above.
- 3.72 **Changes to Ecology ES Assessment that would result from removing the permanent rights to acquire the land on which the Telecommunications Buildings are proposed and the land in the immediate vicinity of this**
- 3.73 Chapter 16 of the ES in respect of onshore ecology (APP-131) identifies at the Converter Station, direct loss or degradation of habitats and the disturbance of protected and notable species during the construction phase.
- 3.74 Landscape planting around the Converter Station, including in the location of the Telecommunications Buildings and in the immediate vicinity of those, will incorporate ecologically important habitats to offset those lost as a consequence of the construction of the Converter Station. Planting, as set out above, will include mixed woodland, scrub, hedgerow, scattered trees and marshy grassland associated with flood attenuation features. Sections of hedgerows removed to accommodate the installation of the Onshore Cable Route will be replanted. These planting measures are designed to enhance biodiversity within the Converter Station Area in addition to providing a visual screening function, and will replace grassland which has been developed.
- 3.75 The construction of the Converter Station will lead to the direct, permanent loss of 4.2 ha of semi-improved grassland, and further habitat will be converted to other habitats for landscaping in this area. Trenching for the Onshore Cable Corridor, installation of access routes, laydown areas and compounds will lead to further direct, temporary loss and degradation of neutral and calcareous semi-improved grassland. This will lead to loss of vegetation and alterations to the soil structure, likely lowering its botanical diversity. Chapter 16 of the ES (APP-131) identifies that direct impacts would be adverse and of medium magnitude, and with minor to moderate effects that are not significant before mitigation. Mitigation, including the application of green hay, preservation of soil horizons and turves and the use of ground protection results in negligible impact. The landscaping measures proposed would ensure that impacts on semi-improved neutral and calcareous grassland would be of a negligible magnitude, with negligible effects that are not significant.
- 3.76 Where the land on which the Telecommunications Buildings are located and the land in the immediate vicinity is no longer able to be acquired permanently and to provide for the establishment, retention and maintenance of new planting, the loss of landscaping planting in this location would weaken the proposals to enhance habitats at the Converter Station. Despite the loss of biodiversity value (discussed further below), the loss of landscaping in

this location would not alter the conclusion of a negligible effect identified in Onshore Ecology assessment (APP-131).

3.77 Conclusion

3.78 The review concluded that without the permanent acquisition of the parts of Plot 1-32 in the vicinity of the proposed location of the Telecommunications Buildings shown on Figure 1 on which the above referred to landscaping proposals are proposed, the landscape and biodiversity mitigation and enhancement measures necessary for the Proposed Development cannot be secured.

3.79 The loss of the proposed planting would result in a greater visual amenity effect on residential receptors to the south of the proposed Telecommunication Buildings.

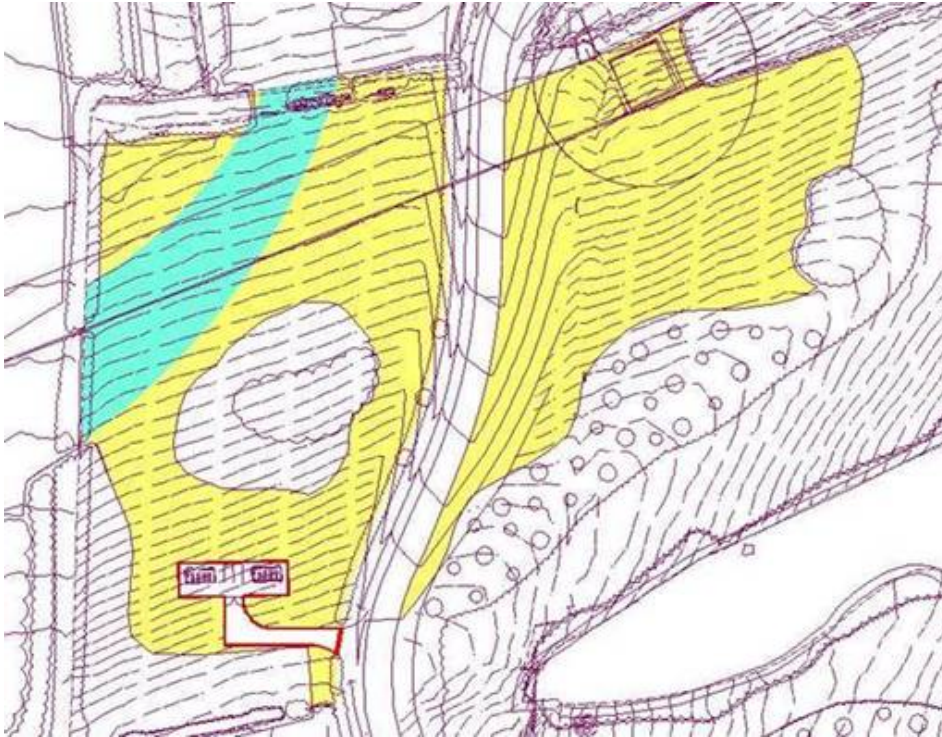
3.80 Similarly, there would be a greater adverse effect on landscape character associated with Landscape Character Area 17 Hambledon Downs within which the Telecommunication Buildings sit, resulting from an in-combination loss of planting generating a moderate to minor adverse (significant effect) throughout the lifetime of the Converter Station, rather than as identified in the 2019 LVIA ES Chapter a minor adverse (not significant) effect after 20 years and as planting matures.

3.81 Furthermore, where the land on which the Telecommunications Buildings are located and the land in the immediate vicinity is no longer able to be acquired permanently and to provide for the establishment, retention and maintenance of new planting, the loss of landscaping planting would weaken the proposals to enhance biodiversity at the Converter Station.

3.82 Impacts on the Biodiversity Gain Score where the land on which the Telecommunications Buildings are proposed and the other land on which calcareous / species rich grassland is proposed to be provided is removed from the Order limits

3.83 As identified above it is proposed that ecologically important habitats to offset those lost as a consequence of the construction of the Converter Station will be provided on the land on which the Telecommunications Buildings are proposed and the land surrounding this, with an area of 1.7ha comprised in Plot 1-32 identified as to provide calcareous grassland. A drawing more particularly identifying the area which is proposed to be used to establish new calcareous grassland is included at Figure 3 below. The proposed establishment of calcareous grassland on the land shown shaded yellow and blue on Figure 3 below and the ecological benefit which this provides is a reason why that land is required / incidental to the development to which the development consent relates.

Figure 3 – Area proposed for the establishment of calcareous grassland shown shaded yellow and blue



- 3.84 As part of the biodiversity assessment for the Proposed Development a quantitative biodiversity assessment was undertaken using the Natural England Biodiversity Metric 2.0 (December 2019), which included the establishment of calcareous grassland on the land identified yellow and blue on Figure 3. The methodology, assumptions and parameters used for the quantitative biodiversity metric, agreed with Natural England (see item NE4.2.9 within the Statement of Common Ground with Natural England (REP8-031). are detailed within the Biodiversity Position Paper (REP3-012).
- 3.85 To explain the impact of the removal of the land on which the Telecommunications Buildings are proposed to be located and in the vicinity of this on which calcareous grassland is proposed, a further quantitative biodiversity assessment has been undertaken utilising Biodiversity Metric 2.0 and the same methodology as outlined in the Biodiversity Position Paper (REP3-012).
- 3.86 The removal of the Telecommunications Buildings at the Converter Station would result in a reduction of the area of built environment through the removal of an area of created hardstanding (equating to 0.05ha). The area of hardstanding would be replaced with grassland.
- 3.87 If the areas on which calcareous grassland is proposed to be established are removed from being subject to permanent acquisition, noting that the justification for the inclusion of this land is the same as is the case for the inclusion of the land on which the Telecommunications Buildings are located where those are not provided, they are assumed in the quantitative biodiversity assessment to provide modified grassland, based on the understanding that these areas would likely be returned to agricultural land. This equates to the replacement of 1.7ha of calcareous grassland with the same area of modified grassland.
- 3.88 The previously submitted assessment identified that the baseline biodiversity units for the area-based habitats equated to a total of 410.80 units. The baseline for hedgerow units equated to a total of 83.35 units and the baseline for calcareous grassland units equated to 8.71 units. The baseline biodiversity unit position does not change where the Telecommunications Buildings are removed, with all of the land in Plot 1.32 required to be used in connection with the construction of the Converter Station.

- 3.89 The findings of the assessment for the Proposed Development contained within the Biodiversity Position Paper (REP3-012) identified that the post-development intervention will result in creation/retention of 87.60 hedgerow units, which equates to a gain of +4.25 biodiversity units, and creation/retention of 22.41 calcareous grassland units, which equates to a gain of +17.06 biodiversity units (representing an increase of 157%).
- 3.90 The area or length of each priority habitat (as applicable) and the value of the units attributable to those priority habitats before and after the Proposed Development is presented in Table 1.

Table 1 - Summary of Submitted Assessment Priority Habitats BM2.0 Results

Biodiversity Units within Priority Habitats	Baseline area	Baseline Value (units)	Post development area	Post-development Value (units)	Outcome for Biodiversity Units
Calcareous Grassland Priority Habitats	0.44ha	8.71	9.07ha	22.41	+17.06
Hedgerow Priority Habitats	8.11km	83.35	10.1km	87.60	+4.25

- 3.91 Where the land on which the Telecommunications Buildings and the land in the immediate vicinity is removed from being subject to permanent acquisition and providing calcareous grassland the post-development intervention will continue to result in creation/retention of 87.60 hedgerow units, which equates to a gain of 4.25 hedgerow units. The creation/retention calcareous grassland units would reduce to 18.78, which equates to a reduction in the outcome for biodiversity units to +10.07 (reduced by 6.9 biodiversity units and representing a reduced increase of 115%).
- 3.92 The area or length of each priority habitat (as applicable) and the value of the units attributable to those priority habitats before and after the Proposed Development with the land on which the Telecommunications Buildings and the surrounding land in the vicinity removed from being subject to permanent acquisition is presented in Table 2.

Table 2 - Summary of Revised Assessment Priority Habitats BM2.0 Results

Biodiversity Units within Priority Habitats	Baseline area	Baseline Value (units)	Post development area	Post-development Value (units)	Outcome for Biodiversity Units
Calcareous Grassland Priority Habitats	0.44ha	8.71	7.37ha	18.78	+10.07
Hedgerow Priority Habitats	8.1km	83.35	10.1km	87.60	+4.25

- 3.93 Whilst the revised quantitative biodiversity assessment continues to demonstrate that the Proposed Development can achieve a net gain for hedgerow and calcareous grassland priority habitats where the land on which the Telecommunications Buildings are to be located and the land surrounding those is removed from being subject to permanent acquisition to provide calcareous grassland, the outcome for biodiversity units is reduced by 6.9 biodiversity units. In the context of a previous post development value of +17.06 biodiversity units, a reduction of 6.9 biodiversity units is not insignificant.

3.94 The above assessment is considered by the Applicant to identify why the land on which the Telecommunications Buildings are proposed to be located and the land surrounding this on which calcareous grassland is proposed to be located continue to be required for the development to which the development consent relates, and why condition 2(a) of section 122 of the Act is satisfied. It is also further considered that there is a compelling case in the public interest for this land to be acquired so to provide for the delivery of calcareous grassland and the improvement of biodiversity in this location following the construction of the Proposed Development and the management of this improved habitat for the duration of its operation.

4. **EXPLANATORY NOTE AND ADDITIONAL REQUIREMENT REQUEST**

4.1 **Address for the inspection of the certified documents in the Explanatory note to the draft DCO**

4.2 Within the Second Information Request the SoS has noted that the draft DCO provided by the Applicant does not contain an address for the inspection of documents within the Explanatory Note.

4.3 The Applicant does not currently retain an office premises in the vicinity of the location of the Proposed Development and has therefore sought to discuss and agree with the host planning authorities the most appropriate location for the documents to be available for inspection. In this regard the Applicant has held discussions with Hampshire County Council, Havant Borough Council, Winchester City Council and East Hampshire District Council. The Applicant has not sought to discuss this matter with Portsmouth City Council in light of the continued difficulties of progressing matters relevant to the DCO with them.

4.4 Following these discussions it has been agreed that a copy of the DCO and the certified documents will be made available for inspection at the offices of Hampshire County Council, whose authority area hosts circa 50% of the Onshore Cable Route and the Converter Station Area. In light of the COVID-19 pandemic and also the linear nature of the Proposed Development and that this is located in multiple host authority areas, it has also been agreed that the Explanatory Note should make reference to those documents being available online.

4.5 Accordingly, should the SoS decide to grant a DCO for the Proposed Development he is requested to include the following as the final paragraph to the Explanatory Note:

4.5.1 *"A copy of the documents listed in Schedule 14 (Certified documents) to this Order and certified in accordance with article 43 (Certification of plans and documents, etc.) of this Order may be inspected free of charge at the website of the Planning Inspectorate or during normal working hours at the offices of Hampshire County Council at The Castle, Winchester SO23 8UJ"*

4.6 **Request for additional requirement in relation to documents approved pursuant to requirements of the DCO**

4.7 Whilst confirming where the DCO and certified documents are to be available for inspection with host authorities, Winchester City Council and Hampshire County Council raised with the Applicant a request to include an additional requirement in the DCO which establishes the need for a register of requirements, similar to requirement 22 of the Southampton to London Pipeline Development Consent Order 2020. Both authorities are also host authorities in relation to that DCO.

4.8 Whilst such a requirement was not requested at any stage during the examination of the Application, the Applicant confirms that it would nonetheless be content for such a requirement to be included in the DCO for the Proposed Development if granted by the SoS.

4.9 Accordingly, should the SoS be minded to do so, the Applicant confirms that an additional requirement 29 could be included in any DCO granted for the Proposed Development as follows:

"Register of Requirements

29.- (1) The undertaker must, prior to the formal submission of any application for approval under Schedule 3, establish and maintain in a form suitable for inspection by members of the public an online register of requirements contained in this Schedule 2 that provide for approvals to be given by a relevant planning authority or relevant highway authority.

(2) The register must set out in relation to each requirement the status of the requirement for each phase of the authorised development, in terms of whether any approval to be given by a relevant planning authority or relevant highway

authority has been applied for or given in relation to that phase, providing an electronic link to any document containing any approved details.

(3) The register must be maintained by the undertaker for a period of 3 years following completion of the construction of the authorised development."

5. OTHER MATTERS RAISED IN THE SUBMISSIONS OF INTERESTED PARTIES

- 5.1 The Applicant has considered the submissions of all interested parties that were made in response to the Applicant's response to the First Information Request. The Applicant considers that it has adequately addressed the substance of the issues raised in those submissions, both during the examination of the Application and in its response to the request for further information.
- 5.2 Further, to the extent that the SoS considers there are any new matters raised in the IP submissions, it is expected that the information will be taken in account by the SoS as appropriate, both for the purposes of reaching his decision in accordance with Section 104 of the Planning Act 2008 and for the purposes of deciding whether to make an order granting development consent in accordance with Regulation 21 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
- 5.3 Whilst noting that the Applicant's view is that all matters raised in the IP submissions have been appropriately addressed during the course of the examination of the Application and in its response to the request for further information, the Applicant considers it may be of assistance to the SoS to provide clarifications in relation to the submissions made on behalf made on behalf of Mr Geoffrey and Mr Peter Carpenter, Portsmouth City Council and Winchester City Council.

5.1 **Lawfulness of the inclusion in the DCO of the development required for the commercial telecommunications use of the fibre optic cables**

- 5.2 The Applicant has considered the submissions made on behalf of the above stated interested parties in relation to the lawfulness of the inclusion of the commercial telecommunications development within any DCO to be granted for the Proposed Development. It is not considered that any new matters are raised by those submissions which were not raised and considered during the examination of the Application.
- 5.3 The Applicant wishes to highlight the SoS the very firm view of the Applicant and its legal advisors that the commercial telecommunications development may lawfully be included in any DCO to be granted for the Proposed Development. The clear reasons for this view are summarised at paragraph 3.19 of the Applicant's response to the First Information Request.
- 5.4 In addition, and as summarised at paragraph 3.22 of the Applicant's response to the First Information Request, the Applicant wishes to draw to the attention of the SoS the considerable need for and benefits of the commercial telecommunications use of the fibre optic cables which are to be provided as part of the Proposed Development, and that it is hoped the commercial telecommunications development will be included within any DCO to be made by the SoS so as to realise the opportunity of those very considerable benefits of the Proposed Development.

5.5 **Clarifications in relation to the submissions made on behalf of Mr Geoffrey and Mr Peter Carpenter**

Consideration of Alternatives

- 5.6 The Applicant highlights that the Applicant did during the course of the examination of the Application consider the alternatives put forward on behalf of Mr Geoffrey and Mr Peter Carpenter. In this regard the Applicant brings to the attention of the SoS paragraphs 2.3 – 2.15 of REP9-019, which provides a summary of the Applicant's position in respect of the alternatives put forward on behalf of Mr Geoffrey and Mr Peter Carpenter and why these are not, in the view of the Applicant, suitable, including where this matter had already been addressed in prior submissions made.
- 5.7 In addition, the Applicant brings to the attention of the SoS paragraph 9.2 of REP9-019, which confirms that the Applicant has justified and defended its proposals as appropriate throughout the examination of the Application and has demonstrated why none of the alternative proposals put forward on behalf of Mr Geoffrey and Mr Peter Carpenter (and indeed others) are reasonable alternatives, and in consequence why they are not, in the

view of the Applicant, important or relevant matters for the SoS to take into account. Nonetheless, it is fully expected the SoS will consider as necessary the submissions made throughout the examination on behalf of Mr Geoffrey and Mr Peter Carpenter in relation to alternatives and the Applicant's responses in relation to those.

- 5.8 Lastly, the Applicant has not at any stage misdirected the ExA on how alternatives put forward by a third party are required to be considered by the ExA. It is noted that the Applicant's statement that the ExA **may** place the onus on the person proposing the alternative to provide evidence for its suitability at paragraph 3.5 of REP7c-104 (which correctly reflects the wording of the policy at the 8th bullet point of paragraph 4.4.3 of National Policy Statement EN-1) follows the demonstration **by the Applicant** of why the alternative access road proposed is not a suitable alternative.

Lovedean Substation Extension

- 5.9 The submissions on behalf of Mr Geoffrey and Mr Peter Carpenter also seek to allege that the Applicant has not considered or assessed the environmental effects of the National Grid Lovedean Substation Extension (13/01025/FUL) and the Proposed Development. This is not correct. The Lovedean Substation Extension was excluded from the list of committed developments considered within the cumulative effects assessment as the application was consented and already part implemented and, at the time of writing, one bay had already been constructed. It was therefore appropriate to include the Lovedean Substation Extension within the baseline for assessment, and more specifically in relation to the parts not already constructed in the future baseline for assessment. Where it was concluded that there was a potential for likely significant effects to arise, assessment information in relation to the Lovedean Substation Extension is included in the assessment undertaken within the relevant topic chapters of the ES.

Protective Provisions

- 5.10 In multiple instances it is stated that the Applicant has not provided any response to or criticism of the protective provisions submitted on behalf of Mr Geoffrey and Mr Peter Carpenter during the examination of the Application. That is not correct, with section 3 of REP9-009 clearly explaining the Applicant's position in relation to the draft DCO and protective provisions submitted on behalf of Mr Geoffrey and Mr Peter Carpenter, and which was submitted further to the position explained at Section 9 of REP8-028.

5.11 Issues raised regarding the determination of the Application, consultation and compliance with the principles of natural justice

- 5.12 Within the submissions of Portsmouth City Council in response to the Applicant's response to the Information several points are made regarding the potential removal of the commercial telecommunications development from the DCO and the consultation required in relation to those as follows:

- 5.12.1 the removal of the commercial telecommunications development would be a material change to the DCO and mean the development is no longer the development which was applied for;
- 5.12.2 the only appropriate stage to consider the removal of the commercial telecommunications development was during the examination of the Application and the SoS must ensure an opportunity for public consultation on any information which is before him in a manner which accords with natural justice.

- 5.13 Whilst it is expected the ExA have already considered the materiality of the removal of the commercial telecommunications development (given that this was an issue expressly addressed in the examination and at examination hearings) and the SoS likewise will do so for the purpose of his decision on the Application, it may be helpful if the Applicant provides its response to these points raised by Portsmouth City Council.

Materiality of the change

- 5.14 It is not agreed by the Applicant that the removal of the commercial telecommunications development from any DCO to be granted in respect of the Proposed Development would amount to a material change to the Application.
- 5.15 During the course of an examination of an application the decision on whether any changes proposed are 'material' is to be determined by the ExA. It is further the case that where the SoS proposes to make a development consent order which in different terms from that applied for in accordance with the powers conferred on him by section 114(1) of the Act he will be required to consider the materiality of that change, including the views of the ExA in this regard.
- 5.16 In determining whether a change is 'material' the ExA and the SoS should have regard to the relevant guidance on whether a change is material, which is to be found in the Planning Inspectorate's Advice Note 16: How to request a change which may be material, and the Guidance on Changes to Development Consent Orders, issued by the Department for Communities and Local Government and dated December 2015 ('**DCLG Guidance**').
- 5.17 Advice Note 16 provides advice on making changes to a DCO during the pre-examination and examination phases where those changes are considered to be material. Paragraph 2.1 states that whilst there is no legal definition of 'material', the appropriate considerations are: *'whether the change is substantial or whether the development now being proposed is not in substance that which was originally applied for.'* Whether a proposed change falls within either of those categories is a question of planning judgment which may be based on criteria including, for example:
- 5.17.1 whether the change would generate a new or different likely significant environmental effect(s);
 - 5.17.2 whether (and if so the extent to which) a change involves an extension to the Order land, particularly where this would require additional Compulsory Acquisition powers e.g. for new plots of land and/ or interests.
- 5.18 The DCLG Guidance was written to provide guidance on the processes available to change DCOs after consent, rather than during the pre-examination period. However, given that the DCLG Guidance provides more detailed advice on when changes may be material, the Applicant considers it is relevant to have regard to this when considering the materiality of a change to a DCO before a decision is taken in relation to it.
- 5.19 The DCLG Guidance does not attempt to prescribe whether particular types of change would be material or non-material. However, it does suggest that changes are more likely to be treated as material if they (paragraphs 12-16):
- 5.19.1 Require an updated environmental statement to take account of new, or materially different, likely significant effects on the environment. The guidance suggests that this includes significant effects that are positive.
 - 5.19.2 Require a Habitats Regulations Assessment.
 - 5.19.3 Require a new or additional licence for European Protected Species.
 - 5.19.4 Authorise the compulsory acquisition of any land, or an interest in or rights over land, that was not authorised previously.
 - 5.19.5 Would have an impact on local people and businesses sufficient to indicate that the change should be considered as material. The guidance states that *'... examples might include those relating to visual amenity from changes to the size or height of buildings; impacts on the natural or historic environment; and impacts arising from additional traffic.'*

Are the changes substantial or do they alter the development such that is not in substance what was originally applied for?

- 5.20 In the context of the Proposed Development as a whole it is not considered the removal of the commercial telecommunications development would alter the substance of the original

Application, which seeks consent for an electricity interconnector. Whilst the change would remove an element of the development, it is a very small elements of the overall development proposed and its removal would have no significant effects environmental or otherwise. It is not considered that a tenable argument that the change is such that it can rationally be construed as substantial or to have the effect of making the development is substance not what was originally applied for.

Would the changes give rise to any new or different likely significant effects

- 5.21 As identified in the ES Validity Review documents submitted as part of the Applicant's response to the First Information Request, the removal of the commercial telecommunications development does not give rise to any changes to the likely significant effects identified within the ES.

Would the change authorise an extension of the Order land and/or authorise the compulsory acquisition of any land, or an interest in or rights over land, that was not sought previously?

- 5.22 Within the Applicant's response to the First Information Request and in this response to the Second Information Request the Applicant has clearly explained why the land on which the commercial telecommunications elements are proposed remains to be required in connection with the Proposed Development in satisfaction of the conditions provided for at section 122 of the Act. There is a very minor change to a small proportion of Plot 1-30, whereby 67 sqm of this plot is instead included in Plot 1-32 which is subject to a less intrusive class of acquisition in the form of New Connection Works Rights. There would be no extension of the Order land.
- 5.23 Accordingly, it is evident that any removal of the commercial telecommunications development would not result in any extension of the Order land or authorise the compulsory acquisition of any land over which powers of compulsory acquisition had not previously been sought.

Is a Habitats Regulation Assessment or new European species licence required?

- 5.24 The removal of the commercial telecommunications development has no influence on the Habitats Regulation Assessment for the Proposed Development and would not give rise to any requirement for any licence in relation to protected species.

Would the change have an impact on local people and businesses sufficient to indicate that the change should be considered as material?

- 5.25 The removal of the commercial telecommunications development would not give rise to impacts on local people and local businesses, with the ES Validity Review documents submitted as part of the Applicant's response to the First Information Request and submitted alongside this Statement identifying that there are no changes to the likely significant effects reported in the ES and the reasons why this is the case.
- 5.26 The considerable benefits of the commercial telecommunications use, summarised at paragraphs 3.22 of the Applicant's response to the First Information Request, and which local people and local businesses may benefit from would no longer be realised. This loss of benefit is not however deemed to be sufficient to indicate that the change should be considered as material.

Summary

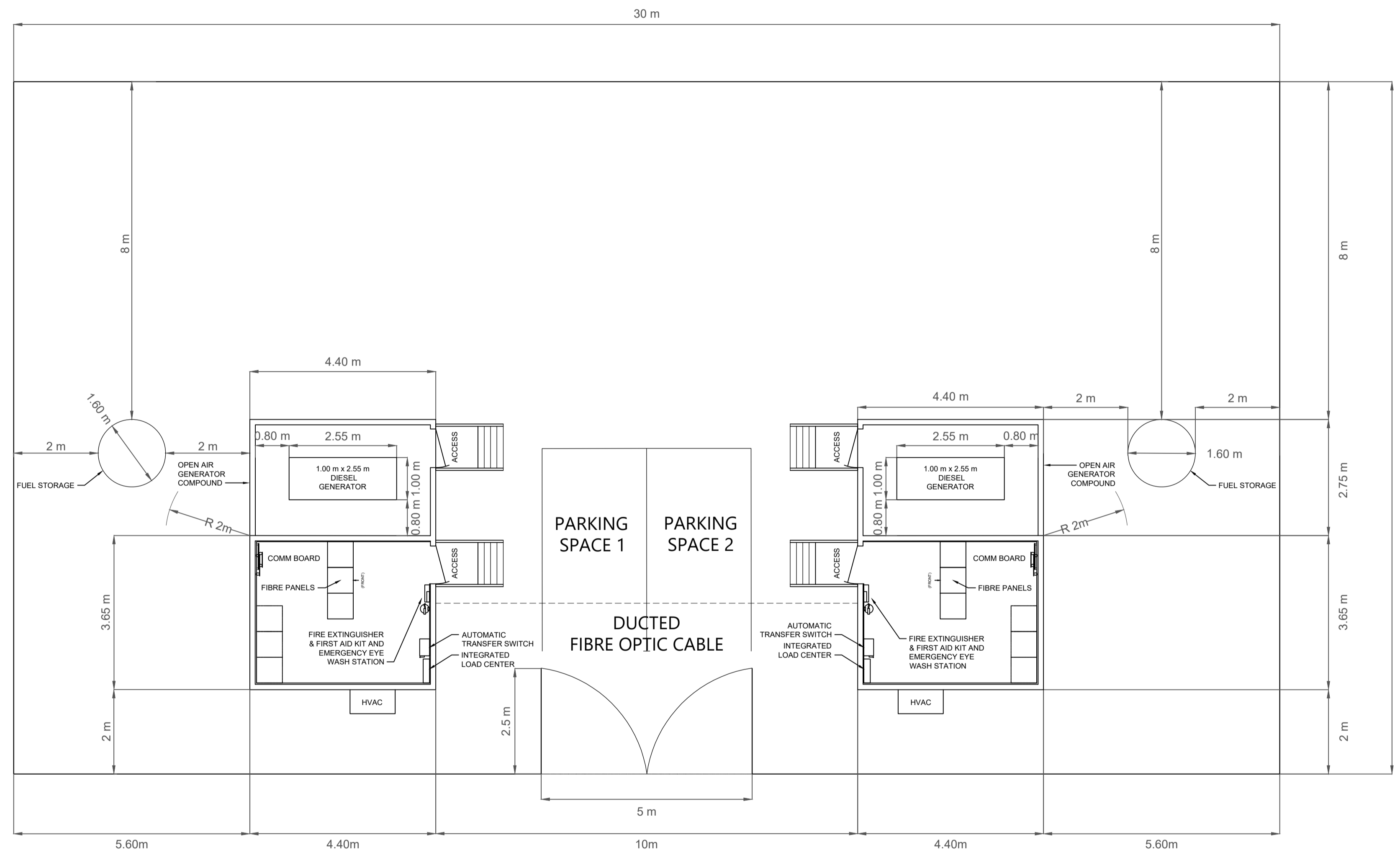
- 5.27 For the reasons set out above the Applicant is of the firm view that the removal of the commercial telecommunications development is not a material change to the DCO/the Proposed Development, having had regard to Advice Note 16 and the DCLG Guidance. Accordingly, it is within the lawful scope of the SoS powers to grant a DCO for the Proposed Development with the commercial telecommunications development removed.

Consideration of and consultation on the removal of the commercial telecommunications development

- 5.28 The potential for the commercial telecommunications development to be removed from the DCO was considered during the course of the examination on the Application, both at hearings into the Application and in written submissions. All of the information in relation to the potential removal of the commercial telecommunications development was considered and in turn consulted on during the course of the examination.
- 5.29 It is further noted that following receipt of the Applicant's response to the First Information Request an opportunity was provided for interested parties to provide comments on the information submitted by the Applicant between 28 July 2021 and 12 August 2021. Interested parties submitted their responses to the SoS within this timeframe.
- 5.30 In addition, and noting that the statutory deadline for a decision on the Application has been extended from 8 September 2021 to 21 October 2021, it is anticipated that the SoS will further invite comments from interested parties on this response by the Applicant.
- 5.31 Adequate consultation on the potential removal of the commercial telecommunications development was undertaken during the examination in relation to the information submitted during its course and consultation has and will be undertaken in relation to the further information requested by the SoS in the First Information Request and the Second Information Request. Accordingly, no person entitled to consultation on the information in relation to the removal of the commercial telecommunications development will be deprived of an opportunity to make any representation that they may wish to make in relation to that information.
- 5.32 **Certified Documents**
- 5.33 Amendments to the draft DCO and the relevant certified documents which are identified to be required should the SoS decide to grant the DCO absent the commercial telecommunications development are explained at paragraphs 3.2 to 3.14 of the Applicant's response to the First Information Request and further at paragraphs 2.32 to 2.38 of this Statement in response to the Second Information Request. Revised drafts of the DCO have been prepared and submitted to the SoS along with revised versions of the relevant certified documents.
- 5.34 The Applicant has reviewed the certified documents and prepared the updates which are identified to be necessary in connection with the revisions made to the draft DCO, should the SoS be minded to grant a DCO absent the commercial telecommunications development, and the Applicant is content that these amendments would be effective to remove any authorisation of the commercial telecommunications development from the DCO.
- 5.35 The Applicant notes the comments of Winchester City Council in their submissions of 12 August 2021 identifying that references to the Telecommunications Buildings and the ORS will remain within the certified documents. The Applicant is content that such information remaining in those documents will not give rise to confusion should the DCO be granted absent the commercial telecommunications development, however should it be considered necessary to provide more certainty the Applicant confirms it would have no objection to an additional paragraph 1(8) to Schedule 2 being included in such a DCO which states:
- 5.35.1 *"Any residual references within the documents certified by the Secretary of State under article 43 (Certification of plans and documents, etc.) to the commercial use of fibre optic cables or associated signal enhancing, management equipment or buildings required to enable or in connection with the commercial use of fibre optic cables are deemed to be null and void".*

- 5.36 **Proposed exclusion of any future authorisation of commercial telecommunications use through DCO if the commercial use of the spare capacity of the fibre optic cables and associated development is not included in any DCO made**
- 5.37 Whilst as set out above the Applicant would be content for an additional paragraph to be included in Schedule 2 to any DCO which is granted absent the commercial telecommunications development, the Applicant confirms it is not amenable to wording the effect of which is to prevent any future use of the fibre optic cables to be installed for commercial telecommunications where otherwise authorised for that use in the future.
- 5.38 The Applicant notes the wording suggested by Winchester City Council in this regard which states "*Any fibre optic cable and associated facilities laid as part of the authorised development shall only be used to facilitate the operational use of the interconnector through cable protection, control or monitoring and for simple communications between the two Converter Stations*", which is offered support by Portsmouth City Council in their submission of 12 August 2021.
- 5.39 The reasons why the Applicant is not content for wording to that effect to be included in any DCO which is granted absent the commercial telecommunications development is because this would necessitate a revision to the DCO in the future should commercial telecommunications use of the fibre optic cables be otherwise properly authorised pursuant to a separate authorisation. To require this would be a wholly unnecessary constraint on the future use of the fibre optic cables and would have the very real potential, should such a revision not be granted or take a considerable period of time to be obtained, of frustrating the use of infrastructure in a manner which meets the growth in demand for international bandwidth and meets the UK Government's infrastructure policy in relation to telecoms.
- 5.40 Furthermore, the amendments which would be made to the DCO make clear that the fibre optic data transmission cables are to be provided for "*the purpose of control, monitoring and protection of the HVDC cable circuits and the converter station*", with that wording being included in the defined terms "marine HVDC cables" and "onshore HVDC cables" contained at Schedule 1 to the revised draft DCO. There is therefore no doubt what any such DCO if made would authorise the use of the fibre optic cables for absent a separate statutory authorisation, and therefore no need for wording of the nature requested by Winchester City Council and Portsmouth City Council.

Appendix 1
Revised Indicative Optical Regeneration Stations Floor Plan



1 Optical Regeneration Station(s) Compound Plan View
1 : 75

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 - Regulation 5(2)(o)

REV	DATE	BY	DESCRIPTION	CHK	APP
03	08/09/2021	BP	THIRD ISSUE	ST	ST
02	15/09/2020	AL	SECOND ISSUE	JC	JC
01	29/10/2019	AL	FIRST ISSUE	JC	JC

DRAWING STATUS: ILLUSTRATIVE



PROJECT: AQUIND Interconnector

TITLE: Application document reference 2.10
Indicative Optical Regeneration Station(s)
Elevations and Floor Plans
Sheet 1 of 3

SCALE AT A1:	CHECKED:	APPROVED:
1:75	J Crouch	J Crouch

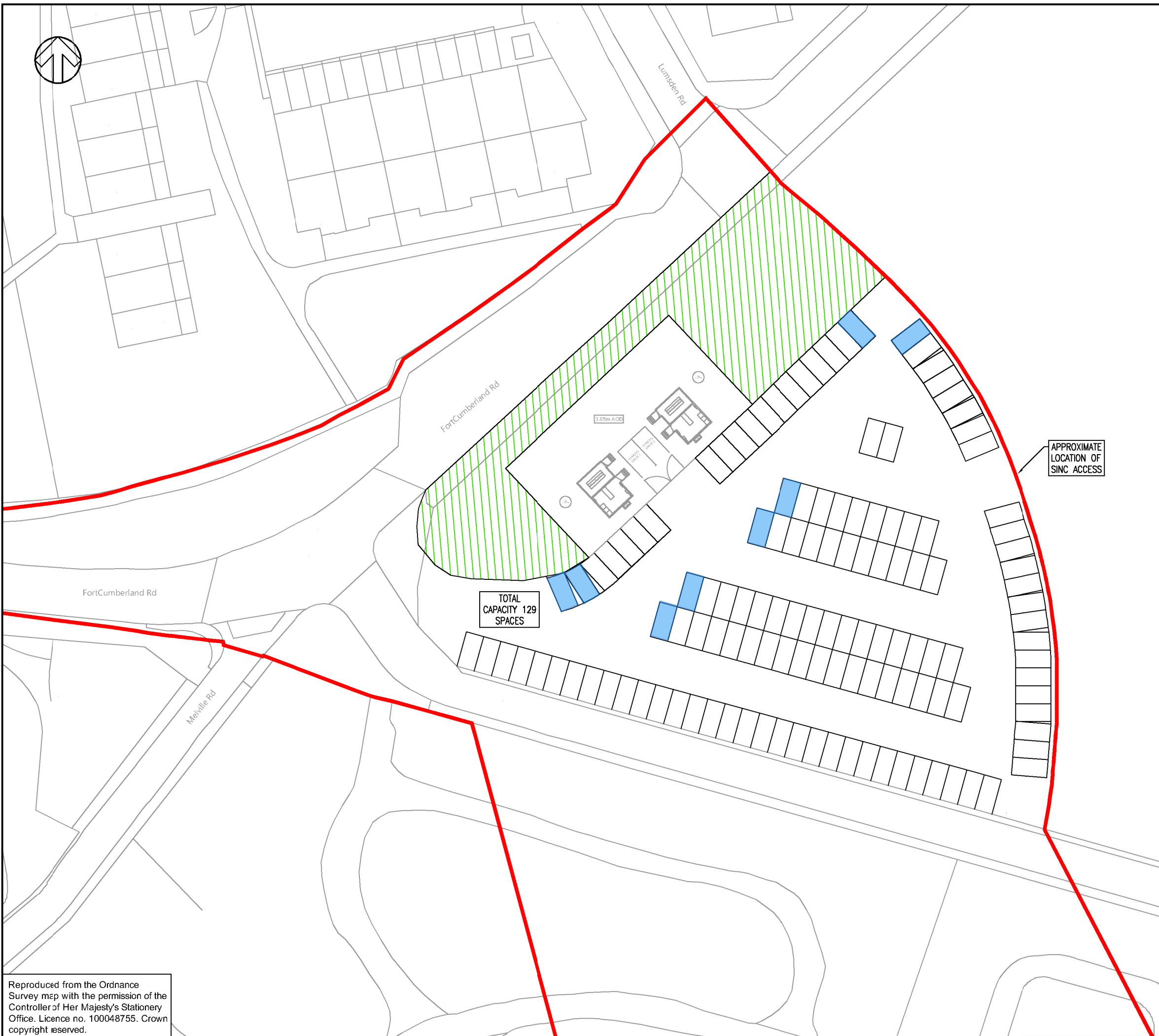
PROJECT No:	DESIGNED:	DRAWN:	DATE:
EN020022	A Lenia	A Lenia	15/09/2020

DRAWING No:	REV:
EN020022-2.10-EL-Sheet1	03

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Appendix 2
Revised Fort Cumberland Car Park Layout Drawing

File name \\UK-WSPGROUP.COM\CENTRAL_DATA\PROJECTS\62100XXXX\62100616 - AQUIND VO NO.3\IE MODELS AND DRAWINGS\300 - SITE\320 - TASK 7 UK ROUTE\SKAQ-JK-DCO-TR-LAY-007 COPY.DWG, printed on 10 September 2021 15:29:54, by Irvine, Amber



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DO NOT SCALE

- NOTES:
- ALL FORMAL PARKING SPACES USE DIMENSIONS OF 2.4m by 4.8m.
 - CAR PARK AISLES AND ACCESS ROAD TO BE CONSTRUCTED USING ASPHALT. DETAIL OF SUB-BASE, BINDER COURSE AND BASE COURSE WILL BE CONFIRMED DURING DETAILED DESIGN.
 - CAR PARKING SPACES TO BE CONSTRUCTED FROM GRASSCRETE / GRASSBLOCK OR SIMILAR MODULAR, PRE-CAST CONCRETE SYSTEM. EXACT DETAILS TO BE CONFIRMED DURING DETAILED DESIGN.

KEY:
 PROPOSED LANDSCAPE AREA

REV	DATE	BY	DESCRIPTION	CHK	APP
F	10/09/2021	AVI	UPDATED ORS BUILDING FOOTPRINT, LANDSCAPING AND INCREASED CAR PARK CAPACITY	SG	AC
E	12/02/2021	HN	UPDATED AISLES AND ACCESS ROAD	CH	CW
D	11/02/2021	AVI	UPDATED CAR PARK DESIGN WITH INCREASED CAPACITY	CH	CW
C	25/01/2021	AMS	CAR PARK AISLES AND SPACES CONSTRUCTION INFORMATION ADDED.	CH	CW
B	03/12/2020	AVI	ADDITION OF APPROXIMATE SINC ACCESS LOCATION	CH	CW
A	02/12/2020	AVI	FIRST ISSUE	CH	CW

DRAWING STATUS: S2 - FOR INFORMATION



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 wsp.com

CLIENT: 

ARCHITECT: -

PROJECT: AQUIND

TITLE: FORT CUMBERLAND CAR PARK PROPOSED CAR PARK LAYOUT WITH FORMAL PARKING BAYS

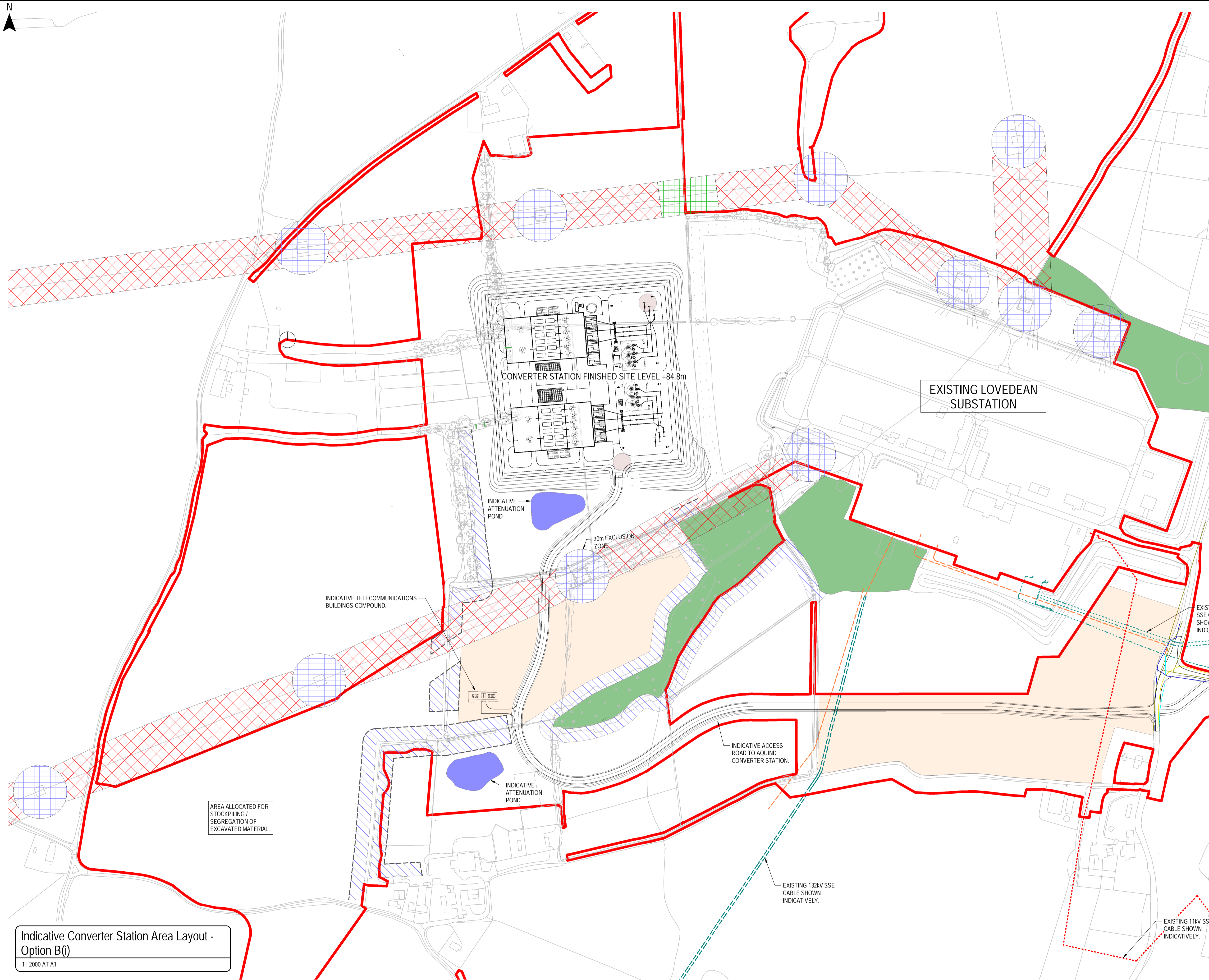
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PROJECT No: 62100616 DESIGNED: - DRAWN: AVI DATE: September 21

DRAWING No: AQ-UK-DCO-TR-LAY-007 REV: F

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Appendix 3
Indicative Converter Station Area Layout Plans



- NOTES:**
- LANDSCAPING FEATURES ARE OMITTED FOR CLARITY.
- LEGEND:**
- ORDER LIMITS
 - LAYDOWN AREA / WORKS COMPOUND
 - ANCIENT WOODLAND
 - INDICATIVE ATTENUATION POND
 - DENOTES 30m EXCLUSION ZONE AROUND PYLON WHERE CONSTRUCTION ACTIVITY IS PROHIBITED.
 - DENOTES EXCLUSION ZONE LOCAL TO SAG IN OHL WHERE CONSTRUCTION ACTIVITY / VEHICLES IS PROHIBITED.
 - DENOTES AREA WHERE CARE IS TO BE TAKEN WHEN WORKING LOCAL TO OHL.
 - DENOTES 15.0m EXCLUSION ZONE BETWEEN NEW WORKS & EXISTING ANCIENT WOODLAND / HEDGEROWS
 - KARSTIC FEATURE

Indicative Converter Station Area Layout - Option B(i)
1: 2000 AT A1

Infrastructure Planning (Applications: Prescribed Forms & Procedure) Regulations 2009 - Regulation 5(2)(o)

REV	DATE	BY	DESCRIPTION	CHK	APP
03	08/01/21	PB	THIRD ISSUE	HM	LP
02	30/09/20	PB	SECOND ISSUE	HM	LP
01	18/10/19	PB	FIRST ISSUE	HM	LP

DRAWING STATUS: **ILLUSTRATIVE**

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AQUIND

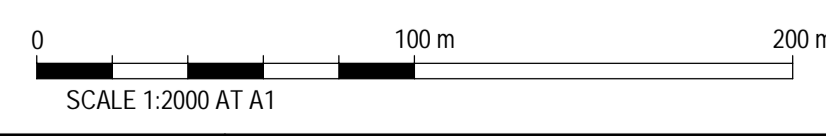
PROJECT: **AQUIND Interconnector**

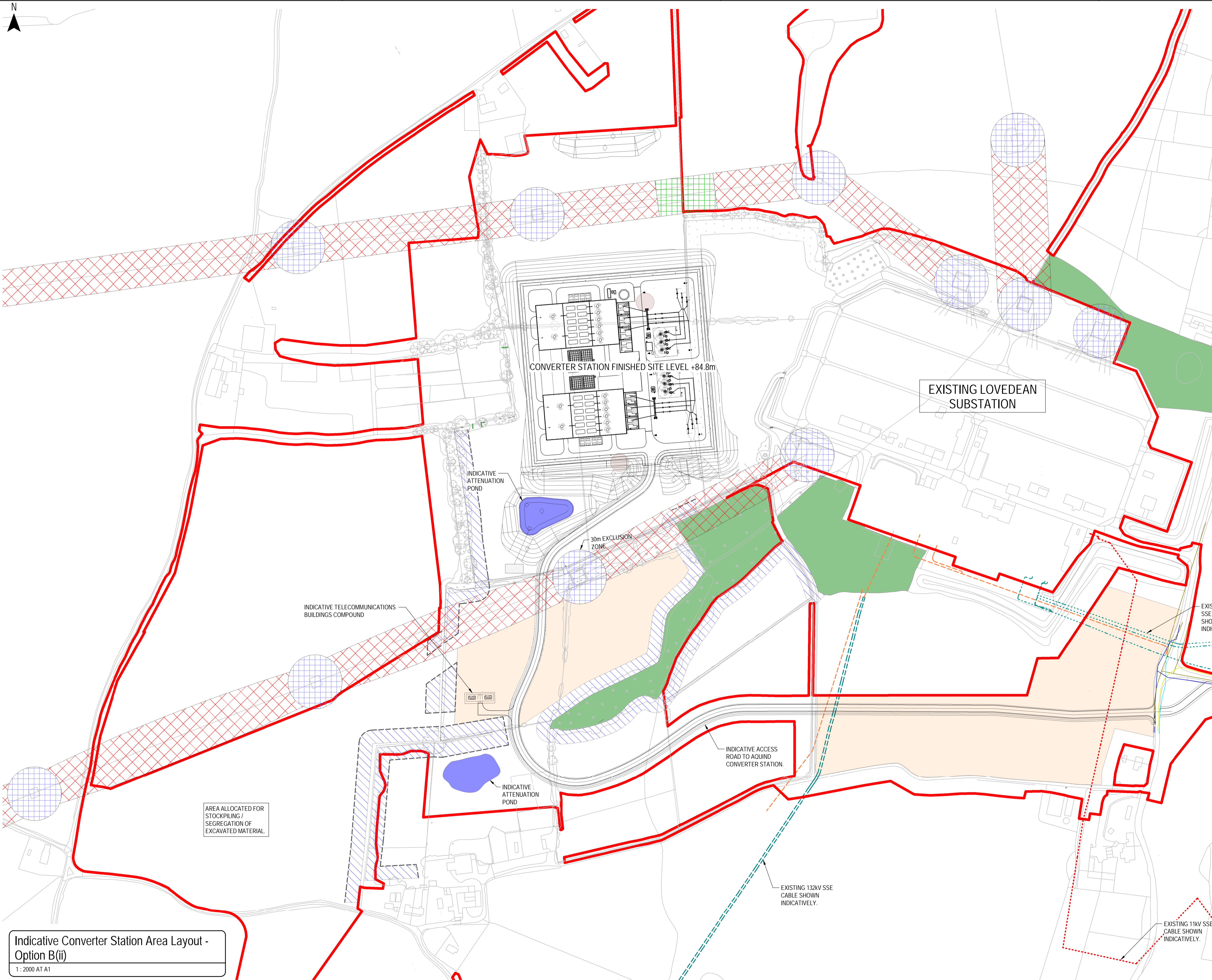
TITLE: **Application document reference 2.7
Indicative Converter Station Area Layout Plans
Option B(i)
Sheet 2 of 3**

SCALE AT A1:	CHECKED:	APPROVED:
1:2000	HM	LP
PROJECT NO:	DESIGNED:	DRAWN:
62100616	DH	PT
DRAWING NO:	DATE:	REV:
EN020022-2.7-LAY-Sheet2	18/10/19	03

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- NOTES:**
- LANDSCAPING FEATURES ARE OMITTED FOR CLARITY.
- LEGEND:**
- ORDER LIMITS
 - LAYDOWN AREA / WORKS COMPOUND
 - ANCIENT WOODLAND
 - INDICATIVE ATTENUATION POND
 - DENOTES 30m EXCLUSION ZONE AROUND PYLON WHERE CONSTRUCTION ACTIVITY IS PROHIBITED.
 - DENOTES EXCLUSION ZONE LOCAL TO SAG IN OHL WHERE CONSTRUCTION ACTIVITY / VEHICLES IS PROHIBITED.
 - DENOTES AREA WHERE CARE IS TO BE TAKEN WHEN WORKING LOCAL TO OHL.
 - DENOTES 15m EXCLUSION ZONE BETWEEN NEW WORKS & EXISTING ANCIENT WOODLAND / HEDGEROWS
 - KARSTIC FEATURE

Indicative Converter Station Area Layout - Option B(ii)
1 : 2000 AT A1

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Infrastructure Planning (Applications: Prescribed Forms & Procedure) Regulations 2009 - Regulation 5(2)(o)

REV	DATE	BY	DESCRIPTION	CHK	APP
03	08/01/21	PB	THIRD ISSUE	HM	LP
02	30/09/20	PB	SECOND ISSUE	HM	LP
01	18/10/19	PB	FIRST ISSUE	HM	LP

DRAWING STATUS: ILLUSTRATIVE

wsp

WSP House, 70 Chancery Lane, London WC2A 1AF
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wsp.com

CLIENT:

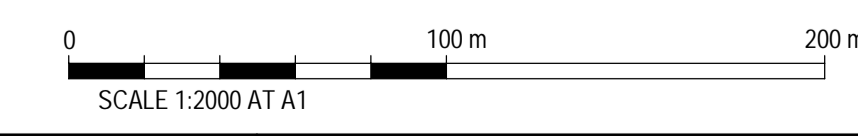
AQUIND

PROJECT: **AQUIND Interconnector**

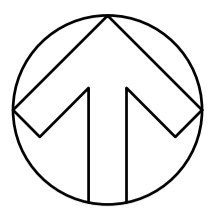
TITLE: **Application document reference 2.7
Indicative Converter Station Area Layout Plans
Option B(ii)
Sheet 3 of 3**

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PROJECT NO: 62100616	DESIGNED: DH	DRAWN: PT
DRAWING NO: EN020022-2.7-LAY-Sheet3	DATE: 18/10/19	REV: 03

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Appendix 4
Indicative Drainage Layout Details



DO NOT SCALE

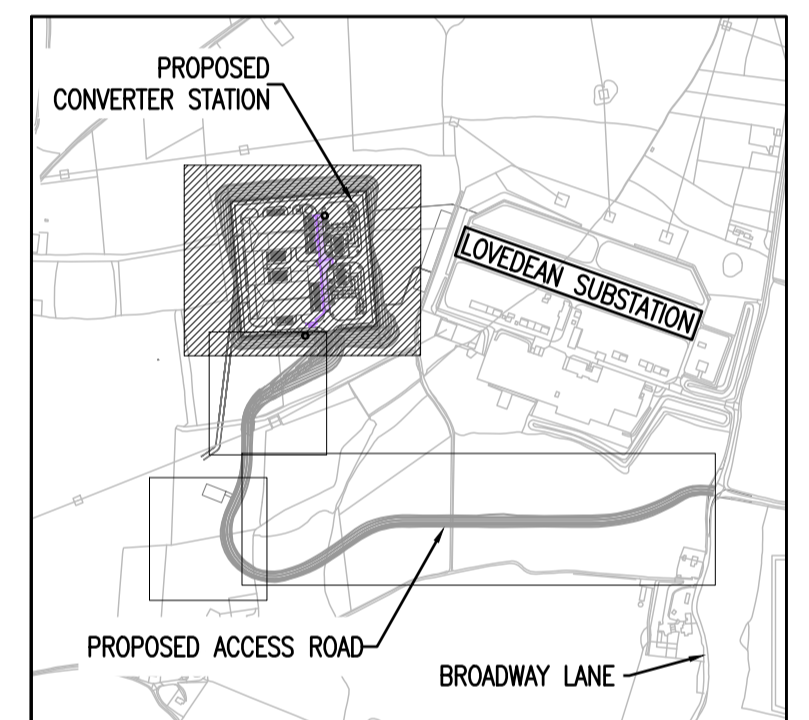
NOTES:

- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS, SCHEDULES AND SPECIFICATIONS INCLUDING:
 - AQD-WSP-OS-UK-RP-D-200001 AQUIND UK AQUIFER CONTAMINATION PREVENTION STRATEGY
 - AQD-WSP-OS-UK-DR-D-200141 BELOW GROUND DRAINAGE LAYOUT (SHEET 2 OF 2)
 - AQD-WSP-OS-UK-DR-D-200340 BELOW GROUND DRAINAGE TYPICAL DETAILS

KEY:

- SURFACE WATER DRAINAGE
- SURFACE WATER FILTER DRAIN (SITE)
- SURFACE WATER FILTER DRAIN (EARTHWORKS)
- SURFACE WATER DRAINAGE CHANNEL
- DRAINAGE FROM OIL CONTAINMENT AREA
- OIL CONTAINMENT AREA (BUND)
- OILY WATER DRAINAGE
- OILY WATER DRAINAGE CHANNEL
- OILY WATER DRAINAGE AREAS
- GRAVEL SURFACE AREAS
- SUDS - SWALE
- SUDS - DETENTION BASIN
- SUDS - INFILTRATION BASIN
- SUDS - SOAKAWAY
- KARST FEATURES

LOCATION PLAN:



POZ	DATE	BY	DESCRIPTION	CHK	APP
P02	12/09/2019	KR	UPDATED BASIN WITH UNDERDRAINS AND OTHER SUDS TO INCLUDE TREATMENT FILTER MEDIA. UPDATED OILY WATER AND OIL CONTAINMENT AREAS WITH SEPARATE DRAINAGE. UPDATED GRAVEL AREAS WITH UNDERDRAIN.	PW	NW
P01	10/07/2019	KR	FIRST ISSUE	MD	PW

DRAWING STATUS: S2 - FOR INFORMATION

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wsp.com

CLIENT: AQUIND

ARCHITECT:

SITE/PROJECT: AQUIND HVDC INTERCONNECTOR

TITLE: BELOW GROUND DRAINAGE LAYOUT (SHEET 1 OF 2)

SCALE @ A1:	CHECKED:	APPROVED:
1:500m	MD	PWW

PROJECT NO:	DESIGNED:	DRAWN:	DATE:
62100816	KR / PWW	KR	September 19

DRAWING NO:	REV:
AQD-WSP-OS-UK-DR-D-200140	P01

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FOUL DRAINAGE CESS POOL (18,000L CAPACITY)

OILY WATER AREA AND DRAINAGE

OIL CONTAINMENT AREAS. DETAILED DESIGN BY OTHERS. TRANSFORMER BUND, DIESEL GENERATOR WITH FUEL STORAGE AND BUND, VALVE COOLER WITH BUND

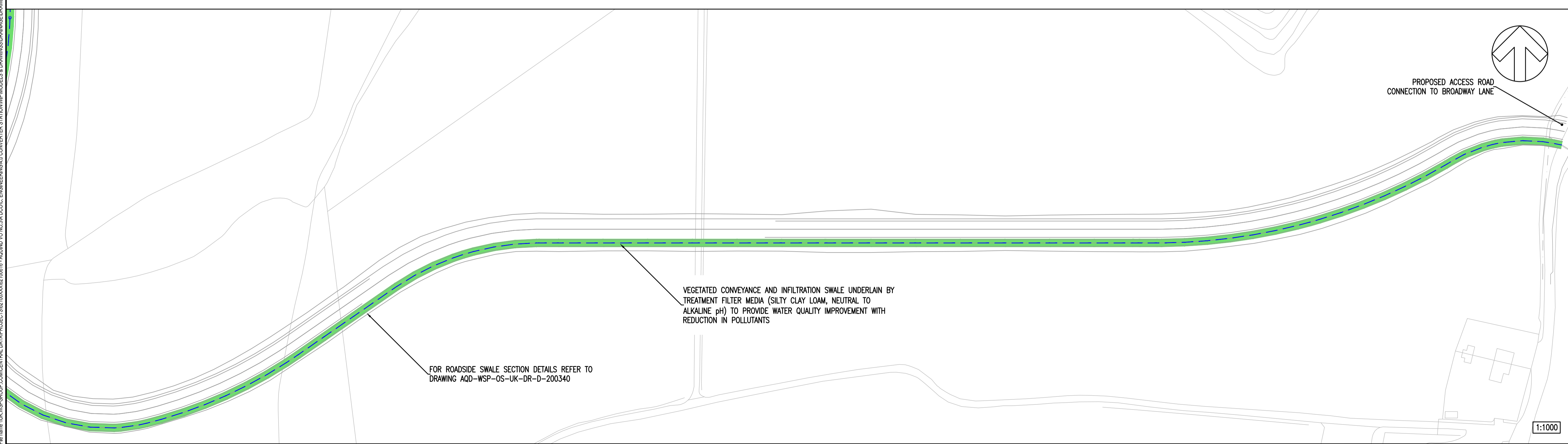
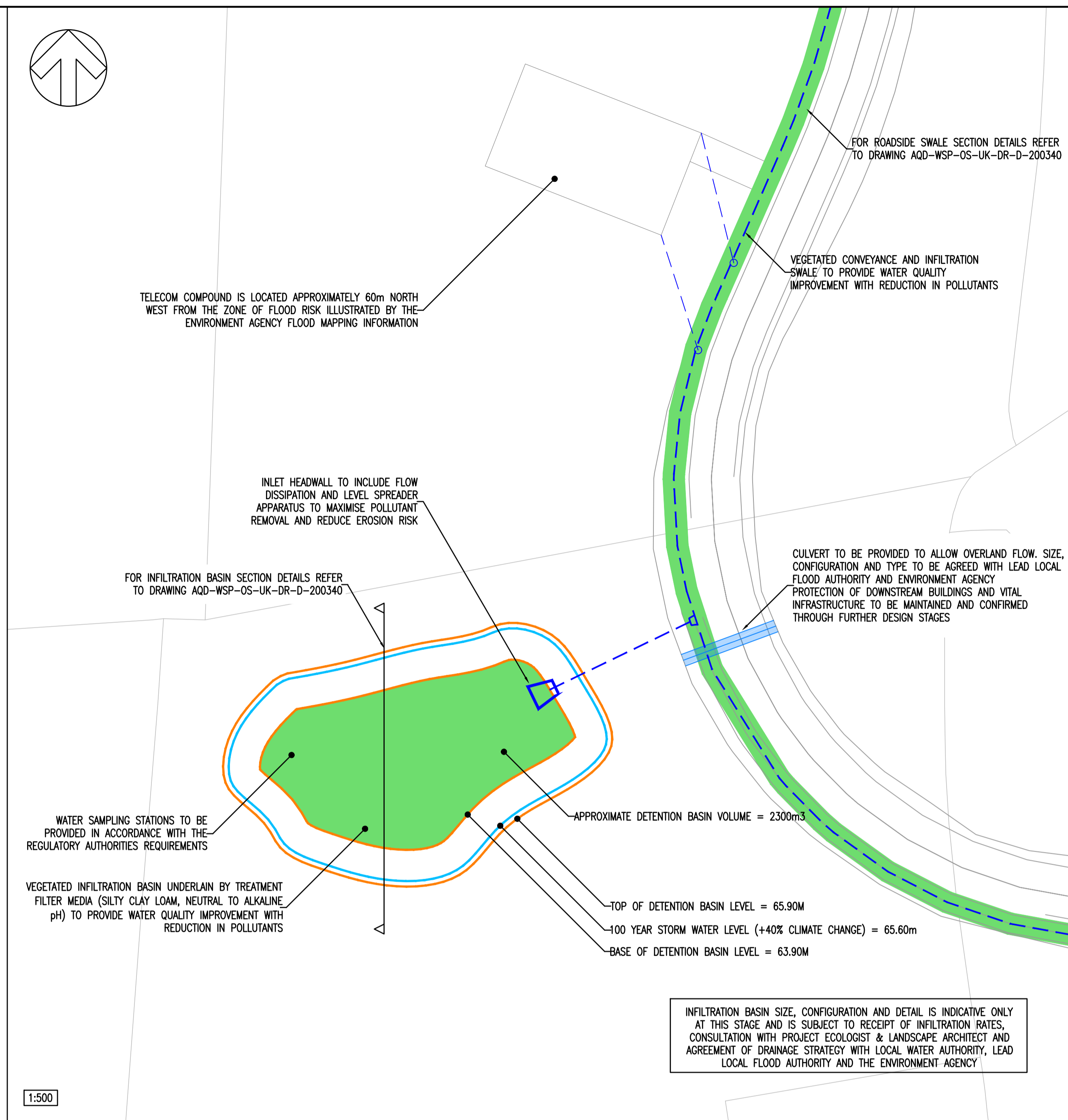
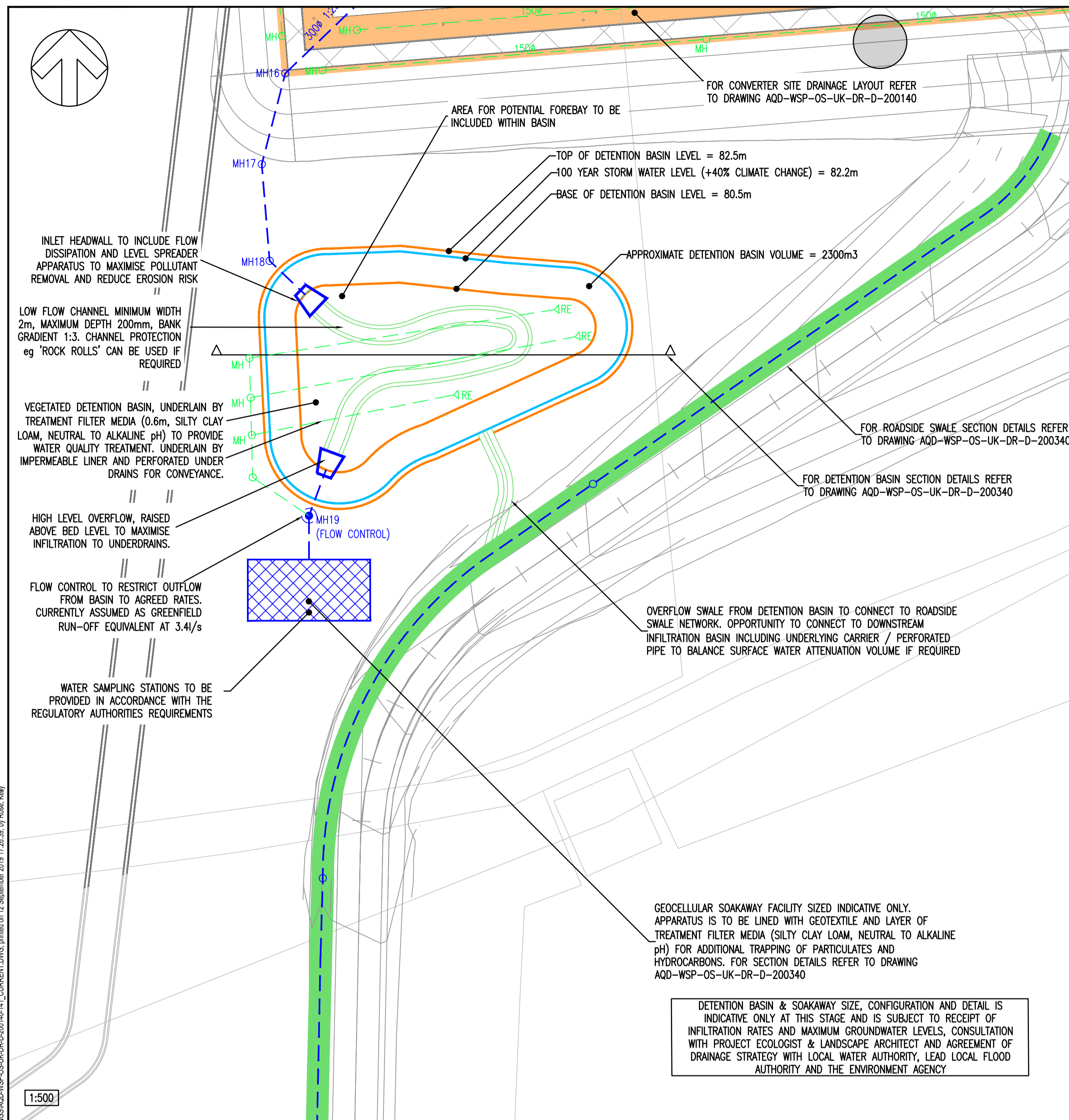
CATCHPIT MANHOLES TO BE PROVIDED AS SOURCE CONTROL SEDIMENT REMOVAL MEASURE

FOR DOWNSTREAM DRAINAGE DETAILS DETAILS REFER TO DRAWING AQD-WSP-OS-UK-DR-D-200141

DUMP TANK TO RECEIVE DRAINAGE FROM OIL CONTAINMENT AREAS

DETENTION BASIN & SOAKAWAY SIZE, CONFIGURATION AND DETAIL IS INDICATIVE ONLY AT THIS STAGE AND IS SUBJECT TO RECEIPT OF INFILTRATION RATES AND MAXIMUM GROUNDWATER LEVELS, CONSULTATION WITH PROJECT ECOLOGIST & LANDSCAPE ARCHITECT AND AGREEMENT OF DRAINAGE STRATEGY WITH LOCAL WATER AUTHORITY, LEAD LOCAL FLOOD AUTHORITY AND THE ENVIRONMENT AGENCY

File name: \\UK.VSPGROUP\CENTRAL_DATA\PROJECTS\2020\08\200141 - AQUIND HVDC\3A.DOCX, ENGINEERING\03.CONVERTER STATION\WSP.MODELS & DRAWINGS\DRAWINGS\AQD-WSP-OS-UK-DR-D-200141 - AQUIND UK AQUIFER CONTAMINATION PREVENTION STRATEGY (SHEET 2 OF 2).DWG, printed on 12 September 2019 17:28:23, by Rose, Kgh



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 - AQD-WSP-OS-UK-DR-D-200140 BELOW GROUND DRAINAGE LAYOUT (SHEET 1 OF 2)
 - AQD-WSP-OS-UK-DR-D-200340 BELOW GROUND DRAINAGE TYPICAL DETAILS

KEY:

- SURFACE WATER DRAINAGE
- SURFACE WATER FILTER DRAIN (SITE)
- SURFACE WATER FILTER DRAIN (EARTHWORKS)
- SURFACE WATER DRAINAGE CHANNEL
- DRAINAGE FROM OIL CONTAINMENT AREA
- OIL CONTAINMENT AREA (BUND)
- OILY WATER DRAINAGE
- OILY WATER DRAINAGE CHANNEL
- OILY WATER DRAINAGE AREAS
- GRAVEL SURFACE AREAS
- SuDS - SWALE
- SuDS - DETENTION BASIN
- SuDS - INFILTRATION BASIN
- SuDS - SOAKAWAY
- KARST FEATURES

LOCATION PLAN:

REV	DATE	BY	DESCRIPTION	CHK	APP
P02	12/09/2019	KR	UPDATED BASIN WITH UNDERDRAINS AND OTHER SUDS TO INCLUDE TREATMENT FILTER MEDIA. UPDATED OILY WATER AND OIL CONTAINMENT AREAS WITH SEPARATE DRAINAGE. UPDATED GRAVEL AREAS WITH UNDERDRAIN.	PW	NW
P01	10/07/2019	KR	FIRST ISSUE	MD	PW

DRAWING STATUS: **S2 - FOR INFORMATION**

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wsp.com

CLIENT: **AQUIND**

ARCHITECT: -

SITE/PROJECT: **AQUIND HVDC INTERCONNECTOR**

TITLE: **BELOW GROUND DRAINAGE LAYOUT (SHEET 2 OF 2)**

SCALE @ A1:	CHECKED:	APPROVED:
AS SHOWN	MD	PWW
PROJECT NO:	DESIGNED:	DRAWN:
62100616	KR / PWW	KR
DRAWING NO:	DATE:	REV:
AQD-WSP-OS-UK-DR-D-200141	September 19	P01

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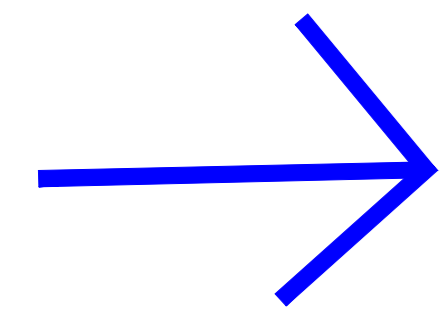
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Appendix 5
Drainage Features Typical Detail Drawing

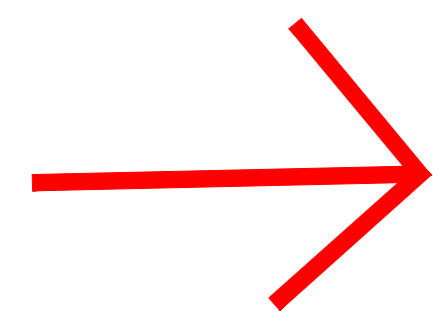
Appendix 6
Alternative Infiltration Basin and Drainage Principles Sketch

LEGEND

SKETCH EXTRRACT TAKEN FROM
EN020022-2.7-LAY-Sheet2



PRINCIPLE OF CURRENT DRAINAGE
PROPOSAL



PRINCIPLE OF DRAINAGE OF
ALTERNATIVE BASIN

