

**Response from the South Downs National Park Authority to the Examining Authority's written questions and requests for information (ExQI)**

The South Downs National Park Authority's (SDNPA) response to the questions asked of it are contained in the table below, against the Examining Authority's original question for ease of reference. These responses are provided for Deadline 2 of the examination (14 November, 2019).

Question Reference	Examining Authority Question	SDNPA Response
GQ.1.4	Provide an update of any planning applications that have been submitted, or consents that have been granted, since the Application was submitted that could either effect the proposed route or would be affected by the Proposed Development.	<p>There is only one relevant record. Planning permission was granted on 23 September 2019 at Greenmore, Brightstone Lane, Lower Farringdon, Alton, Hampshire, GU34 3ET, for:</p> <p><i>Two storey rear and side extension, single storey side extension and balcony, following demolition of existing conservatory, garage and carport</i></p> <p>SDNPA planning application reference SDNP/19/03239/HOUS relates. No built development would be within the Order limits, the application is noted here solely because its site boundary includes an access track to a public road. It is this existing access track that passes through the Order limits.</p>
BIO.1.2	Comment on the absence of an Outline LEMP in the Examination and whether it is agreed that such a document could be submitted as part of the discharge of Requirement 12 of the draft DCO [AS-059].	<ol style="list-style-type: none"> <li>1. There is currently no outline of this key document which is heavily relied on in the applicant's LVIA to reduce the effects of the development scheme.</li> <li>2. The SDNPA consider that the omission of an Outline LEMP at this stage leaves too much information (including</li> </ol>

	N.B – There is overlap between this question and LV.1.2 you may therefore wish to provide a combined response to both questions.	<p>mitigation and compensatory planting) to be considered by a range of relevant authorities at a very late stage in the project.</p> <p>3. This is an unnecessary risk to the project and the SDNPA recommends that the Outline LEMP is prepared and submitted now to enable all authorities to comment formally on its structure and content in the context of the DCO application process.</p>
DCO.I.15	Comment on the provision contained within Part 3 Article 14 of the draft DCO [AS-059].	<p>This gives the applicant wide-ranging powers and the SDNPA has concerns about the potential impact on the National Park. Therefore, in order to protect the scenic beauty of the National Park, we ask that where a new vehicular access is to be created or an existing access is to be altered approval should be sought in advance from the relevant Local Planning Authority.</p>
DCO.I.16	Comment on the provision contained within Part 4 Article 17 of the draft DCO [AS-059].	<p>The route through the National Park only crosses 4 minor (ditch) watercourses. The route over the chalk geology is also likely to be largely dry. However any discharge of water should be subject to the appropriate consents from the Environment Agency and the owner of the watercourse or sewer. It is also important to ensure that discharged water is of a suitable standard and does not contain pollutants or excess sediment. Ideally a drainage management plan should be produced and agreed to detail water management during construction.</p>
DCO.I.30	<p>The ExA is concerned by this Requirement as it considers there is a lack of clarity in how it is worded and how it would operate in practice.</p> <p><u>To the Applicant:</u></p> <p>i) Explain how this Requirement would function</p>	<p>In SDNPA's view this requirement is not clear and cannot therefore be considered effective.</p>

	<p>when dealing with multiple authorities.</p> <p>ii) Explain whether it is the intention for <u>all</u> stages or Work Nos to be approved before development commences, or just individual stages and Work Nos with individual host authorities.</p> <p>iii) If the former, explain when and how these stages will be identified.</p> <p>iv) If the latter, explain whether this approach differs with the definition of “commence” in Part I Article I of the draft DCO [AS-059] or that all stages and all relevant Requirements must be approved by all host authorities prior to commencement (except in the circumstances outlined).</p> <p><u>To the Host Local Authorities and National Park Authority:</u></p> <p>i) Comment on the effectiveness of this Requirement.</p>	
DCO.I.33	<p>Requirement 6 of the draft DCO [AS-059] states that the Construction Environmental Management Plan (CEMP) must be substantially in accordance with the Outline CEMP. However, the Outline CEMP [APP-129] contains scant and in some cases no details regarding the plans and measures set out in Requirement 6(2)(d). The ExA is concerned that in discharging the Requirement, relevant planning authorities would be determining information and evidence which is not before the Secretary of State, and subsequently the CEMP will be a substantial departure from the Outline CEMP.</p>	<p>The SDNPA agrees with the Examining Authority’s comments on this matter. In addition to the relevant planning authorities effectively determining information not before the Secretary of State the omission of a more detailed draft CEMP at this stage leaves, in SDNPA’s view, too much information to be considered by a range of relevant authorities at a very late stage in the project.</p> <p>The SDNPA requests that the CEMP includes details of a lighting management plan in respect of the protection of Dark Night</p>

	<p><u>To the Applicant:</u> i) Respond and justify the current approach.</p> <p><u>To All Relevant Planning Authorities:</u> Comment on the above.</p>	Skies.
DCO.I.34	<p>Requirement 6(2)(d)(vi) makes provision for a Community Engagement Plan to form part of the CEMP. The ExA places considerable importance on the need for such a plan to ensure effective engagement with the local community prior to and during construction. However, the ExA considers that a Community Engagement Plan or Local Liaison Officer should form a separate Requirement in draft DCO.</p> <p>Respond.</p>	The SDNPA agrees with the Examining Authority's view and considers that a Community Engagement Plan should form a separate requirement in the draft DCO.
DCO.I.35	<p>Requirement 8(3) of the draft DCO [AS-059] states that any hedgerow or tree planting which is removed, uprooted, destroyed, dies or becomes seriously damaged or defective within a three-year period must be replaced.</p> <p>Comment on the adequacy of the Requirement and on the time period allowed for reinstatement and management.</p>	<p>SDNPA recommends that this should be altered to a 5 year period, as is established practice within the English planning system (even for much smaller schemes). A period of at least 5 years is also set out in British Standard 8545 which states, in paragraph 11.2, that a post planting management and maintenance programme should be in place for at least 5 years. Should new planting fail within this time, the 5 year period should be restarted.</p> <p>In the SDNPA's view the 5 year time period should also apply to the loss or failure of existing trees and vegetation which have been pruned, lopped, suffered root compaction or any other form of disturbance due to the construction works. Again, should these require replacement during the 5 year period the replacements</p>

		themselves should then be, in the SDNPA's view, subject to a further five year period of control.
DCO.I.37	<p>Schedule 2 Requirement 20 – Further information</p> <p><u>To the Applicant:</u></p> <p>i) Justify the time period of two business days from receipt of the application that the relevant planning authority has for requesting further information, which the ExA is concerned is unreasonably short.</p> <p><u>To All Relevant Planning Authorities:</u></p> <p>ii) Comment on the above.</p>	As set out in table one, page 18 of our Local Impact Report we consider this time period to be unreasonable. 5 working days is suggested instead.
DCO.I.38	Comment on the Requirements in Schedule 2 Part 2 of the draft DCO [AS-059] in particular regard to the timescales given and the deemed consent provisions.	<p>The SDNPA has made a number of suggestions on this matter in table one, page 18 of our Local Impact Report. For ease of reference a summary of the points we made is as follows:</p> <ol style="list-style-type: none"> <li>1. LPAs should have 56 days to determine these applications (reference Section 18 (1))</li> <li>2. That the fee be non-refundable (reference Section 21 (2) (b))</li> <li>3. That the undertaker should only have the ability to appeal after the prescribed time limit has been reached; measured from the date the application was first submitted (reference Section 22 (1) (b) and (c))</li> </ol>
DCO.I.40	The ExA considers the following should be added to the list of certified documents in Schedule 11 of the draft DCO [AS-059]:	The SDNPA supports the inclusion of the LEMP in the list of certified documents in Schedule 11 of the draft DCO.

	<ul style="list-style-type: none"> <li>• Guide to the Application (of updated documents).</li> <li>• Outline Landscape and Ecology Management Plan (if to be provided).</li> <li>• Outline Construction Traffic Management Plan (if to be provided).</li> <li>• Outline Surface and Foul Sewage Drainage System (if to be provided).</li> <li>• Outline Written Scheme of Investigation (if to be provided).</li> </ul> <p>Amend the draft DCO accordingly.</p>	
FR.1.2	<p>Comment on the absence of an Outline SFDS in the Examination and whether it is agreed that such a document could be submitted as part of the discharge of Requirement 9 of the draft DCO [AS-059].</p>	<p>The SDNPA has concerns regarding the lack of an outline SFDS. Whilst there are very few watercourses on the pipeline's section within the National Park the management plan needs to consider the management of water and any potential contaminants (pollutants and sediment) from the operational procedures in construction. This could include any need to discharge water from the trench but also the management of general run off from operations such as the haul road.</p>
HE.1.2	<p>Comment on the absence of an Outline WSI in the Examination and whether it is agreed that such a document could be submitted as part of the discharge of Requirement 11 of the draft DCO [AS-059].</p>	<p>The SDNPA's view is that the WSI can be agreed at a later stage <i>provided</i> that that the applicant's Archaeological Method Statement has been finalised and agreed with key stakeholders.</p>
LV.1.2	<p>Comment on the absence of an Outline LEMP in the Examination and whether it is agreed that such a document can be submitted as part of the discharge of Requirement 12 of the draft DCO [AS-059].</p> <p>N.B – This question is repeated in BIO.1.2. The Relevant</p>	<p>Please see our answer in question reference BIO.1.2 above.</p>

	Planning Authorities may wish to address the issue in a combined response to both questions.	
LV.I.20	<p>The REAC (Ref: G92 Table I6.2) [APP-056] states that a three-year aftercare period would be established for all mitigation planting and reinstatement.</p> <p>Comment on the appropriateness of this measure and time length proposed.</p>	5 years is considered more appropriate, as per our response to question reference DCO.I.35 above.
LV.I.25	<ul style="list-style-type: none"> <li>i) Confirm acceptance of the representative viewpoints as set out in Appendix I0 of the ES [APP-I I4]; or</li> <li>ii) If not accepted, explain why.</li> </ul>	<p>SDNPA raises the following points with regard to the representative viewpoints;</p> <ul style="list-style-type: none"> <li>1. No evidence has been included within the applicant's LVIA to support the assertion that logistics hubs and construction compounds were assessed for landscape and visual impacts. They are not included in the representative viewpoints and have not been assessed in terms of landscape character or their visual impact. The logistics hub in Chawton at the junction of the A31/A32 and the construction compound locations have not been included within the Zone of Theoretical Visibility for the scheme.</li> <li>2. The SDNPA respectfully suggest that the proposed logistics hub at Chawton be included within the list of representative viewpoints from the National Park. A suitable viewpoint would be on the PROW from Chawton. Please note that most PROW users appear to walk on the bank.</li> </ul>
PC.I.I	Confirm that the study area applied to community receptors (500m from the Order Limits) in Chapter I3 of the ES [APP-053] is adequate.	The SDNPA considers this to be adequate.

PC.1.8	<p>The proposed hours of work are 4 hours longer than a standard working day and would operate 6 days a week [APP-128].</p> <p><u>To the Applicant:</u></p> <ul style="list-style-type: none"> <li>i) Advise why the extended working hours would be required.</li> <li>ii) Confirm that there would be no working on public as well as bank holidays.</li> <li>iii) What action is proposed to minimise the effect of deliveries and construction on the living conditions of residential properties particularly between the hours of 07:00 and 09:00.</li> <li>iv) Paragraphs 1.1.30 and 1.1.31 of the CoCP [APP-128] list a number of circumstances where working outside of these hours/days would be required. Explain the frequency that this may occur and what measures are proposed to inform residents when this does occur and what measures are proposed to minimise any harm to living conditions that may occur as a result of these alternative working hours.</li> </ul> <p><u>To All Relevant Planning Authorities:</u> Comment on the working hours proposed.</p>	<p>As set out in page 14 of our Local Impact Report it is acknowledged that longer working hours might mean that construction works are likely to be in any given area for a shorter period of time than would be the case if working hours were more restricted. However, this needs to be balanced against the impact on residents and the tranquillity of the National Park. The development within the National Park is in sensitive areas of moderate and high levels of tranquillity proximate to numerous public rights of way. The public rights of way network is most heavily used at weekends and, importantly, local residents would also reasonably expect to experience less disruption at weekends. Therefore the SDNPA considers that construction works should be limited to between 0800 and 1300 hours on Saturdays, as would, of course, be the case with general construction works across England.</p>
EIA.1.7	<ul style="list-style-type: none"> <li>i) Comment on the long list of other developments that have the potential to lead to inter-project cumulative effects at Appendix 15.1 of the ES [APP-125].</li> <li>ii) Confirm that potential inter-project cumulative effects have been fully assessed in the ES.</li> </ul>	<ul style="list-style-type: none"> <li>1. The SDNPA has no reason to dispute this long list.</li> <li>2. The SDNPA has no reason to consider that this has been carried out incorrectly.</li> </ul>



EIA.1.8	Confirm the ES [APP-055] to [APP-127] and the HRA report [APP-130] and [APP-131] have adequately assessed the cumulative or in-combination effects that could arise from other development, plans and projects along the proposed route.	The SDNPA has no reason to consider that the ES or HRA have not been carried out correctly in respect of the cumulative or in-combination effects that could arise from other development, plans and projects along the proposed route.
TT.1.2	Comment on the absence of an Outline CTMP in the Examination and whether it is agreed that such a document can be submitted as part of the discharge of Requirement 7 of the draft DCO [AS-059].	The SDNPA consider that the CTMP can be submitted as part of the discharge of Requirement 7 of the draft DCO.
T.T.1.4	<p><u>To the Applicant:</u></p> <p>i) Confirm that the Traffic and Transport assessment study area [APP-135] is established relevant to the locations of the proposed logistics hubs, construction compounds and where works are within roads which are anticipated to exceed four weeks in duration.</p> <p><u>To All Relevant Highway and Planning Authorities:</u></p> <p>i) Explain whether the extent of the study area for this assessment is acceptable.</p>	The extent of the study area in relation to the National Park is considered acceptable.
TT.1.11	<p>Paragraph 1.1.4 of the Planning Statement [APP-132] refers to the selection criteria for when trenchless as opposed to open cut techniques would be used. Amongst other things this includes 'heavily trafficked roads.'</p> <p><u>To the Applicant:</u></p> <p>i) Explain the criteria which determined roads which are deemed to be 'heavily trafficked'</p>	<ol style="list-style-type: none"> <li>1. The SDNPA considers that the correct roads within the National Park have been selected for trenchless crossings.</li> <li>2. There are no additional roads within the National Park that we consider would benefit from trenchless crossings.</li> </ol>

	<p><u>To All relevant Highway and Planning Authorities:</u></p> <ul style="list-style-type: none"> <li>ii) Confirm the roads selected as being correct.</li> <li>iii) Explain whether additional roads could be defined as 'heavily trafficked' and should benefit from trenchless crossings and if so, why.</li> </ul>	
TT.1.15	<ul style="list-style-type: none"> <li>i) Comment on the extent to which the local community (including local businesses, schools and farms) might be affected by the construction traffic routeing, diversions and related arrangements as proposed by the Applicant.</li> <li>ii) Comment on the suitability of the local road network for the size, quantity and type of construction traffic which is proposed would use it.</li> </ul>	<ol style="list-style-type: none"> <li>1. The local community and users of public rights of way in the Four Marks area may be adversely affected where the pipeline route intersects with five public rights of way within a distance of 2km. Whilst the diversions associated with each crossing are temporary, there is likely to be an adverse cumulative impact from construction traffic disturbance concentrated in this area.</li> <li>2. There is, of course, the potential for negative impacts on the communities of the National Park depending on the size of vehicles, the routes taken to access the logistics hubs and the construction compounds, and the times of day that this traffic occurs. Consideration should be taken to reduce impacts whilst travelling within the National Park at known peak times, especially around school drop off and pick up times when there is likely to be more pressure on the local network. Access to the logistics hubs should be routed exclusively on named routes (A31 only for the Chawton hub) that largely avoid the National Park.</li> </ol> <p>DCO requirement number 7 requires the submission and approval of a Construction Traffic Management Plan prior to commencement of development and the SDNPA is content to deal with the CTMP at this stage. As set out in paragraph 5.22 of the Authority's Local Impact Report the SDNPA respectfully suggests that the CTMP be submitted</p>

		to and approved by the relevant Local Planning Authority - rather than the relevant Highway Authority.
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