

Aquind (by email)
aquindconsultation@becg.com

Regeneration
Civic Offices
Guildhall Square
Portsmouth
PO1 2AU

29 April 2019

Dear Sir/Madam

Re: Aquind Interconnector consultation response

Thank you for the consultation on this project and Portsmouth City Council's response is set out below.

1. A summary of key concerns

- 1.1 The proposal should demonstrate that there is a need for any new electricity infrastructure project of this nature and clarify whether the original business case is still valid, from when the National Grid Transmission Studies identified 10 substations that could accommodate the Interconnector. The reasons for early discounting of 7 substations should be included.
- 1.2 The Council considers the project should be determined by the relevant local authorities through the planning application process rather than a Development Consent Order. By a joint letter with East Hampshire District Council, Hampshire County Council, Havant Borough Council, South Downs National Park Authority and Winchester City Council dated 11 March 2019 the Council wrote to the Secretary of State to confirm this point.
- 1.3 The rejection of the potential location of Chickerell, near Weymouth, was made on the basis that a connection would require “rebuild of the substation and wider reinforcements across the network” (para 2.4.3.5 of PEIR Chapter 2). The Overarching National Policy Statement for Energy (ONPSE EN-1) recognises the need for new network infrastructure but that the suitability of appropriate solutions based upon technical considerations and constraints alone would not balance consideration of wider environmental effects. In this context, the Council's view is that insufficient consideration has been given to assessing alternative landfall options along the south coast particularly those that would not cause major disruption in a highly built up area such as Portsmouth.
- 1.4 Available information on alternative options and their impacts appears inconsistent and insufficient to judge the conclusions drawn. Consideration of alternative landing points and cable routes for the Interconnector appears incomplete. Hayling Island, for instance, is discounted for constraints associated with crossing Langstone Harbour and inability of Langstone bridge to carry the cables; the same constraints exist for Eastern Road bridge that also forms a crossing of the same environmentally sensitive harbour. Cabling along the former Hayling railway ‘Billy’ line could have significant benefits during construction compared with a highway route, for any future disruption of repair/maintenance of the Interconnector over its lifetime use and path improvement upon completion.

- 1.5 The Council reserves its position in relation to the use of CPO powers by the Developer. The Council expects that the Developer will seek to demonstrate that the project meets an overriding public interest in order to justify the use of such powers which at this stage is not proven. As this is subject to further negotiation the Council would welcome further information from the Developer regarding its intentions in this regard. The Council will seek to robustly protect its landholdings and anticipates that the Developer will seek first to acquire any land or interests in land by genuine negotiation in the standard way, and only consider CPO powers as a matter of last resort. The Council anticipates needing to make further representations in relation to CPO issues at later stages of the process.
- 1.6 The promotion of the formal consultation in local media and via social media is considered insufficient. More resources/advertising should be allocated to promoting the consultation events and promoting the consultation to the wider population as well as those directly impacted by the proposed cable route; for example, people who use the recreational areas that will be affected would likely be unaware of the consultation and would have missed this opportunity to voice their opinion. The engagement with other stakeholders, community or interest groups and others who may have an interest in the proposed development as well as hard to reach groups has not been sufficient for a project of this size and significance.
- 1.7 The Council note the options appraisal for a converter station around Lovedean reference avoiding 'densely populated areas' to the east and south as well as the constraint of a 'well-traversed highway network', which is contradicted by the selection of Portsmouth as the location for the substantive part of the cable route. Covering just 40sqkm, Portsmouth is the most densely populated city outside of London, at over 5000 people per sq km. The A2030 (Eastern Road) conveys in excess of 40,000 vehicles per day and represents only 1 of 3 road links between Portsea Island and the mainland. Any reduction in capacity on one of these three key routes seriously reduces the resilience of the already strained highway network in Portsmouth.
- 1.8 A final route through Portsea Island and the mainland beyond has yet to be defined. It is not clear why Portsmouth has been chosen as the landfall point for the on-shore cable and even if large parts of the route were to be off-highway, there would still be considerable scope for disruption. It has been suggested the cable route will encroach into the highway as little as is practicable, however, in certain locations this will be unavoidable. The implications of cabling through the highway would, however, be far greater than off-road routing and result in severe impacts upon traffic movement with significant disruption and inconvenience to city residents, businesses and visitors. Queueing, diverted or rat-running traffic will significantly impact air quality, detrimentally impairing the ability of PCC to achieve its statutory obligations.
- 1.9 In national policy, where a new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure, including during its construction phase, the applicant should mitigate these impacts of the development. Given the serious congestion on the local highway network this must look beyond simply Construction Management to mitigate issues in construction.
- 1.10 A fund for community benefits to secure localised improvements for road users must also assist project mitigation. Biodiversity enhancement measures and a delivery programme for such improvements at Eastney beach after completion of works for the landfall underground connection bay would also form essential mitigation works.
- 1.11 The potential for cumulative effects and co-ordination of the Interconnector project with other development schemes must be assessed. A number of planned works and events conflict with the proposed cable route(s). The most significant of these will be the Coastal flood defences being renewed along both the eastern side of Portsea Island and the Seafront, Eastney to Old Portsmouth; these schemes will clash with the Interconnector construction programme. Whilst coastal defences work will not encroach into the A2030, there will be a

number of associated HGV movements, as compound space is extremely restricted. Due to constraints imposed upon these works as a result of the protections placed upon Langstone Harbour, no delay can be accepted as the programme is carefully planned to avoid impacting on protected wildlife for overwintering periods.

- 1.12 The absence of a clear rationale and weighting of environmental, social and economic effects, taking into account of technical feasibility, call into question the discounting of the East Wittering cable route where crossing private land could have significant benefits during construction compared with mainly highways routing.

Specific topics

2. Traffic and transport (Chapter 21)

- 2.1 The likely traffic delay resulting from the development is noted with many links within Portsmouth predicted to experience Major Adverse impacts (listed within Appendix 21.2). It is suggested that LinSig software will be used to model the impact of temporary traffic signals; this software will not model the wider network and detail cumulative impacts and therefore is highly unsuitable and not fit-for-purpose to accurately predict the likely impact of lane and road closures, especially on those routes deemed most sensitive. Modelling must account for wider issues/development closures that affect the network during the construction phase. This is especially important with regards emergency services response; statistics from South Central Ambulance Service (SCAS) show that for every one minute of delay to their response, patients' life expectancy decreases by 10% in cases of cardiac arrest. It will therefore be necessary to understand the scale of any delays caused in order for emergency services to be able to respond accordingly.
- 2.2 A defined route through Portsmouth has yet to be determined and remains unclear whether the favoured route is entirely through Highways land or varying between Highway and privately owned land. This is especially prevalent in the Milton area of Portsmouth where two very different alignments are indicated. The implications of the Highway route would be far greater than the mostly off-road route however both potential alignments would be expected to cause significant disruption to residents, businesses and visitors.
- 2.3 The A2030 - Eastern Road - is a prime example; large parts of it will be significantly affected over an extended period of time. The A2030 conveys in excess of 40k vehicles per day and forms one of only three road links between Portsea Island and the mainland. Any reduction in capacity on one of these three key routes will seriously reduce the resilience of an already strained highway network in Portsmouth. Given the density of population in Portsmouth and significantly congested road network, a development of this type in this location would be highly unsuitable and it must be questionable what appropriate mitigation would be capable of being implemented to manage the impacts of the works.
- 2.4 Significant impacts would be experienced by all road users along the routing of the cable during construction. The roads proposed to form the cable route through Portsmouth are mostly classified roads and form a corridor linking the eastern areas of the city to the national strategic network. It is expected that motorised users of the affected roads and non-motorised users including pedestrians and cyclists will be significantly affected.
- 2.5 Some details of potential vehicle movements have been given in the PEIR that may not be expected to be material to the operation of the highway network *provided these movements take place outside of peak periods*. Works are suggested to take place between 07:00-19:00 each day, however, it is unlikely that such working hours could be permitted. Planned works on traffic sensitive routes in the city are normally only allowed during off-peak hours, which in practice are typically between 09:30-15:30 each day. Portsmouth also operates a number of works embargoes coinciding with major events, Bank Holidays and for the entire month of

December. Only emergency works will be permitted during these periods. The currently proposed construction programme does not appear credible given the likely restrictions on road space in Portsmouth.

- 2.6 Abnormal loads are briefly noted in Chapter 21 of the PEIR. The frequency and/or proposed route of abnormal loads are not detailed. Aquind's consultants have suggested that 50T cable drums would be brought to site each day from the Ferryport (where the cable drums are proposed to be stored). This would result in abnormal loads being transported through the centre of Portsmouth on a daily basis, which would inevitably disrupt traffic and bus services even if undertaken outside of peak hours.
- 2.7 A detailed Construction Traffic Management Plan would be required, with a tailored CTMP produced for each phase detailing the Traffic Management requirements, to manage traffic effectively and minimise delays. Details of consultation carried out with residents should also be included, to be agreed with the LHA. A full set of Traffic Management drawings will be required as part of the CTMP which will be agreed by the LHA and Colas. Presently the traffic management drawings are very high level and simply indicate where lane closures/road closures are required, and additional table in Appendix 21.1 details this in more detail. It is suggested that roads closed will allow vehicular access for residents outside of working hours; this will be unacceptable, access to residents and business should be retained at all times.
- 2.8 At engagement meetings with Aquind's transport consultants, it was suggested that due to the scale of the project, more than one contractor is likely to be granted contracts for work packages associated with this project. It is of paramount importance that coordination is achieved between the two (or more) contractors as delays to one (or more) of the contractors have the potential for additional and unnecessary delay especially if working on the same section of road. The CTMP should detail how this relationship would work if multiple contracts are to be awarded and who will ultimately be responsible for coordinating highway works.
- 2.9 The City Council is currently in receipt of ministerial directives from DEFRA with regard to the Air Quality in Portsmouth. Whilst the areas subject to these directives are not located along the proposed cable routing, it is likely that the works will result in diverting trips to the other two main routes which each have a ministerial directive placed upon them (A3 & A2047). Recent Air Quality modelling also suggests that the air quality in Portsmouth is worsening with the areas of exceedance likely to increase from 4 to approx. 12. Compliance in the areas subject to ministerial directives must be achieved by mid-late 2021, putting this date firmly within the construction period for this project. A sustained period of disruption as would be caused by the proposed works has the very real potential of contributing further to the poor air quality in Portsmouth and this in itself should be a key reason to consider alternative routes outside of the city.
- 2.10 The Overarching National Policy Statement for Energy (ONPSE EN-1), in para 5.13.6, states that a new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure, including during the construction phase of the development. The applicant should mitigate these impacts with an aim to secure more sustainable patterns of transport development when considering mitigation measures (para 5.13.9); funding to bring forward proposals for increased capacity in the P+R (Tipner) earlier may, for instance, present an effective management measure for road congestion and mitigate against contributing to poor air quality.
- 2.11 Network co-ordination will be required for major events that form important contributors to the city's local economy as a visitor destination, such as Bank Holiday weekend music events and The Great South Run. The latter is a 10km road race held in Southsea and Eastney every October that require extensive road closures. No highway works can be in place during such major events. The proposed programme of works for the development will likely clash with significant schemes being delivered in Portsmouth and risks delaying these work packages; in

the case of proposed works associated with the Transforming Cities Fund any delay could jeopardise the overall delivery given the time restrictions likely to be placed upon the funding. The City Council, in conjunction with Hampshire County Council and the Isle of Wight Council, has been shortlisted for a share of this Fund. The proposed cable route will intersect and travel along sections of the route proposed to form the new South East Hampshire Rapid Transit (SEHRT) network. If successful in obtaining funding, the programme of works will run until 2022 and is time limited. Implementation of what will be a congested delivery period could not be delayed nor could newly installed highway infrastructure be disturbed or undermined.

2.12 Through a PFI, Colas contractually undertake the network duty of coordination of third parties/statutory undertakers on the public highway acting as Local Highway Authority. All works on the public highway are required under the New Roads and Street Act and Traffic Management Act to have notices served correctly on the Street Works Register, appropriate traffic regulation orders etc. Colas highlight a need for collaborative working/programming and raise concern that presently the PEIR provides no details on of procedural requirements for any highways works, including any necessary seasonal embargo or other traffic sensitivity limitations.

3. Air Quality (Chapter 22)

3.1 The PEIR appears to significantly downplay the potential effects on Air Quality, detrimentally impairing the ability of PCC to achieve its statutory obligations (see para 2.9 above).

4. Impact on Coastal Flood Defences

4.1 The potential cable routing through the recently a completed Flood Defence bund along Milton Common raises serious concerns about the integrity of the defence bund and resulting effects on liabilities and guarantees for these completed works. There is no information on maintenance of the defence works, reference to relevant guidance or construction into flood defence as a last resort option.

4.2 The PEIR states “flood defence integrity would need to be maintained”. The suggested routing “via the footpath which forms part of the sea defences” does not recognise that the cables would not be formed in a surface layer trench of the bund but require excavation into the sea defences designed as lower level rock armour along the foreshore.

4.3 The potential impact on flood risk cover fluvial and pluvial rather than on coastal or tidal effects, which is disappointing when options for part of the works to be through existing Flood Defence infrastructure is included. There is no sequential test assessment of route options.

4.4 Phase 4 of the North Portsea Island defence scheme will be on site and under construction over the proposed period for the Aquind project. There is no indication of where Aquind propose compounds along Eastern Road. From work already undertaken and pre-construction planning and agreements for Phase 4 of the North Portsea Island defence scheme it is clear that compound space along the A2030 corridor is severely limited.

5. Socio-Economics/Human Health (Chapters 24 & 25)

5.1 A detailed assessment of the impact on individual parks, recreation, sports pitches and other areas of open space provision will be required. Any loss of open space will result in significant adverse effects on health and well-being. Although described as temporary and will be restored upon completion, the PEIR identifies an integral part of understanding of the impacts on open space and recreational areas will be the duration of construction activities. The timing/programming of works associated with sports pitches will also inevitably be integral to potential impacts. The following sub-paragraphs set out particular considerations that the Developer will need to take account of in carrying out a detailed assessment.

- 5.2 There is no mitigation or re-provision of open space and sports pitches during the period of works with detrimental effects on leisure/recreational provision, play facilities serving local communities, interruption to tenancies of allotment plots affecting the health and well-being of residents.
- 5.3 It is anticipated that there may be a negative impact on the operations of the municipal golf course with potential loss of membership and casual play on the local leisure/recreation offer, and effects on trading operations of leaseholders and concessions.
- 5.4 It is considered that there may be an impact on, and loss of, open space for the holding of events or use to support events elsewhere in the city.
- 5.5 The Developer will need to assess the impacts of a loss of established or mature trees and their contribution to air quality, health and well-being that cannot be readily compensated for in the shorter-term by equivalent numbers of replacement (smaller) tree planting.
- 5.6 The temporary loss of parking provision that serves the open spaces during construction will affect public access to these spaces. A localised change to patterns of dog walker activity would be likely to impact recreational disturbance on the SPA for waders and Brent geese. In this context, a financial contribution will be necessary to mitigate the impact on the SPA.
- 5.7 It is expected that there will be a long-term impact on land drainage, water pipe and irrigation networks from heavy plant movements and cable excavations.
- 5.8 The proposed programme of cable works will potentially give rise to a loss of business activity within the city due to increased congestion.

6. Archaeology (Chapter 20)

- 6.1 In relation to land between the north side of the railway mainline and the administrative boundary of the city there are no cultural heritage assets recorded. There are some fields, open space north of the reservoir and Zetland field that may contain as yet unrecorded archaeological features although the majority of the route follows the existing road network where the likelihood of exposing archaeological features and/or deposits is considered to be negligible.
- 6.2 The land south of the railway mainline follows the existing road network (A2030) as well as Farlington playing fields where there are no cultural heritage assets recorded but the possibility remains of yet unrecorded archaeological features within the recreational ground. Land south of the A27 and Eastern Road roundabout consists of intertidal mudflats within Langstone Harbour. This is a drowned prehistoric landscape with the possibility of uncovering ancient peat deposits, as well as stray archaeological finds. Opposite the junction of Norway Road/Eastern Road is Kendall's Wharf where previous Geotechnical surveys have not recorded any archaeological features or deposits although the potential for as yet unrecorded features does remain, albeit not high.
- 6.3 Much of the route south of Kendall's Wharf to Milton Common follows the existing road network where the likelihood of exposing archaeological features and/or deposits is considered to be negligible. Other parts of Milton Common are made up largely of modern waste material, dumped over former intertidal mudflats and clays where the archaeological potential is considered to be negligible.
- 6.4 Land further south between Milton Common and Henderson Road splits the potential route two ways. One follows the existing road network where the likelihood of exposing archaeological features and/or deposits is considered to be negligible. The other includes (1) the area of relative high ground immediately to the east of St James' Hospital believed to have been occupied in the prehistoric era and any construction may expose archaeological features and/or stray finds and (2) the cable route crosses the line of the former Portsmouth Canal and whilst excavations may expose infilled remains of the canal basin (yet to be properly recorded), it is doubtful works would expose enough of the feature for interpretable sections to be

recorded. The route also crosses the allotments to the south of Locksway Road; this area contains no recorded heritage assets, although there is potential for as yet unrecorded archaeological features and/or deposits to be found.

- 6.5 At its far south-east end the cable route crosses surviving WWII Beach Defences at Eastney. It would be necessary for construction to avoid damage to these defences. The areas of beach and adjacent to it are considered of low archaeological potential, although as always there is a chance of as yet unrecorded archaeological features and/or deposits being exposed during groundworks. As for Fort Cumberland Road and private road linking it, the likelihood exposing archaeological features and/or deposits is considered to be negligible.
- 6.6 A full archaeological survey along the final cable route through the city should be provided.

7. Other heritage assets (Chapter 20)

- 7.1 Although the final cable route is still to be defined, at Eastney is Fort Cumberland (a scheduled monument and Grade II* listed building) as well as WWII Beach Defences (Grade II listed structures). Along the proposed cable route on the A2030, at its junction opposite Burrfields Road, is Great Salterns (Grade II listed building). Any impact on these heritage assets should be avoided.
- 7.2 In response to Historic England's scoping opinion response that particular attention should be paid to Fort Cumberland and an expectation that all options to choose a route that will not impact the Fort will be explored, the PEIR confirms the proposal would entail no physical impacts within or near the scheduled monument constraint area and the onshore cable route would be buried with no setting impacts.

8. Ground conditions (Chapter 18)

- 8.1 There are areas of significant site contamination along the identified route options and areas that have been previously remediated. Until the applicant assesses available records and create a conceptual model with knowledge about what is known about the ground conditions it remains problematical to comment further.
- 8.2 The boreholes locations shared by the applicant with the City's Contaminated Land Team were chosen for convenience and access rather than pollution risk. The initial survey is only indicative and there will be additional phase of works to consider ground pollution. The sampling to assess pollution along the length of the cable route and assess risks before starting any works should target areas of pollution and be based on a Conceptual Model of the risks created in accordance with CLR11 and following BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice'.
- 8.3 The survey by Aquind was to be completed at a later date by completing the desk study research and then undertaking further sampling as suggested in the updated Conceptual Model. Whilst most proprietary environmental searches will highlight areas of industrial use and so likely pollution, commercial searches do not include records that should be viewed for other site investigations and other sources of information such as historical petroleum storage, trade directory entries that are often variable between companies. The PEIR confirms councils have been contacted but it does not follow BS10175 because the information gathering phase has not yet been undertaken - at this stage the consultations from other local authorities have been 'noted' but not responded to. The work deviates from best practice and risks not adequately assessing pollution. It is expected this will be corrected when all responses have been consolidated.
- 8.4 Without the adequate level of detail about the sample locations and defined cable route, the survey cannot be targeted and the assessment of risks cannot be undertaken. The PEIR confirms the applicant intend checking council records for the full cable route and updating their conceptual model.

- 8.5 Whilst a general Method Statement should be in place to resolve unforeseen pollution encountered, there should be assessment and remediation documents in place for foreseeable areas to guide site working, remediation and waste disposal.
- 8.6 The PEIR confirms the applicant would not intentionally import contaminated soils that could pollute aquifers but detail is required as clean soil only must be used for restoration of areas of public open space.
- (a) The remediation of any disused landfill sites that the cable route may encounter must not be compromised, and the quality of restoration soils left at the surface should be proven clean and documented as such so no concerns are created and the migration of bulk gases (carbon dioxide and methane) must be prevented both during and after works
 - (b) If crossing the city's coastal defences that are in places created using restoration soils, the structural integrity must be ensured and chemical suitability of the soils in this area of public access maintained and proven clean
 - (c) Any polluted locations or areas of remediation should be known in advance, and the approach to these areas to ensure no new exposures, not allowing the movement of pollution, both during and after works should be documented in advance of works.

9. Onshore Ecology (Chapter 16)

- 9.1 The level of assessment and information on biodiversity is still being formulated, including mitigation to secure enhancement measures.
- 9.2 Until the defined route is identified there is potential for significant effects on bird disturbance to the Solent SPAs (notably the adjacent Langstone and Chichester Harbour SPA, designated predominantly to protect over-wintering birds) and Functionally Linked Land lying outside the physical boundaries of the SPA/Ramsar sites used by birds associated with the designated sites or measures for mitigation required to reduce impacts to acceptable levels to ensure the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations) and integrity of any relevant European sites are met. The impacts must be appropriately considered through a Habitats Regulations Assessment.

10. Cumulative effects (Chapter 28)

- 10.1 Chapter 28 has yet to be completed although sets out the intended methodology. In the absence of assessment the applicant and relevant local authorities should agree the approach to assessment and mitigation of how such a proposal would be implemented alongside other developments.
- 10.2 New development at Fraser Range Eastney (at para 28.6.3.7) is identified. A planning application for this site, ref 19/00420/FUL, has been formally submitted for new housing (for around 130 dwellings) with sea defence works, which is pending registration.
- 10.3 Reference is also made to Coastal Defence Schemes for Portsea Island (at para 28.6.3.8). A planning application for Phase 4(A) of the North Portsea Island defence scheme, between Kendall's Wharf and the A2030 (Eastern Road), was formally submitted on 23 April 2019. Furthermore, the £115 million Southsea Sea Defence project is also expected to be submitted by the end of May 2019; it covers a 4.5km stretch of seafront, from Old Portsmouth to Eastney, designed to protect 8,077 homes and 704 businesses from the risk of tidal flooding for the next century. Construction is programmed to start in early 2020 and the project completed in 2026. Further details of the project can be found at: <https://southseacoastalscheme.org.uk/>

11. Land acquisition and rights over land (Chapter 24)

- 11.1 In addition to comments at para 1.5, with reference to the Council's position on the use of CPO powers, whilst reserving its position in this regard, the acquisition of any easements in

highway subsoil must be subservient to the rights and obligations of the Highway Authority and the management needs of the Highway network.

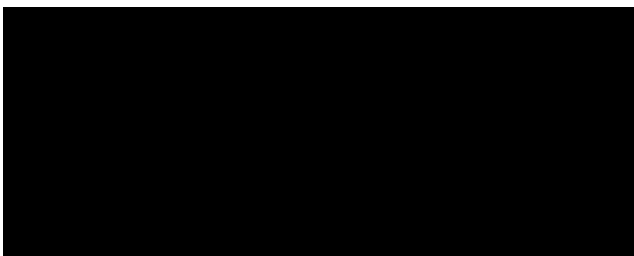
11.2 The Council also reserves its position regarding the temporary use of any Council land affected by the current proposals including acquisition of any interest in land within 1km of the landfall for construction, and operation of infrastructure required, as such details are unknown at this stage.

12. Conclusions

12.1 The City Council anticipates that all the issues identified above will be addressed in the formal documentation that will be submitted as part of your DCO application. The Council is willing to work with you on this as appropriate.

12.2 The City Council does, however, reserve its right to add to and/or expand on the matters raised herein as the application progresses.

Yours faithfully



Tristan Samuels
Director of Regeneration

Ian Maguire
Assistant Director of Planning &
Economic Growth
Portsmouth City Council

28 November 2019

BY EMAIL ONLY TO:

aquind@planninginspectorate.gov.uk

Dear Sir / Madam,

DCO APPLICATION AQUIND INTERCONNECTOR- SECTION 37 AND 55 OF THE PLANNING ACT 2008 - ADEQUACY OF CONSULTATION REPRESENTATION

1. Portsmouth City Council ("the Council") makes this representation to the Planning Inspectorate as a local authority for the purposes of sections 42 and 43 Planning Act 2008 ("PA 2008"). The Council makes this representation in accordance with the requirements of the PA 2008 following the application made by Aquind ("the applicant") on 14 November 2019 for a DCO which the Inspectorate is in the process of considering whether to accept under s.55.
2. The Council hereby sets out its views with regard to Aquind's pre-application process and confirms that it considers that the applicant's pre-application consultation was inadequate and that the Secretary of State should refuse to accept the application.
3. As a key local authority in respect of the proposed DCO we are of the opinion that there are significant and fundamental flaws in the process that Aquind has followed to date, amounting to a failure properly to articulate "*the proposed application*" as envisaged by s.48 PA 2008 (which must necessarily be built on clear consultation further to ss.42 and 47 PA 2008), and a subsequent failure to take account of responses to consultation under s.49 PA 2008.
4. One of the principal issues the Council has with regard to the way Aquind has conducted the pre-application process is with regard to the absence of any or any adequate evidence and documentation despite promises to provide such. The Council understands that it is a matter for the applicant under the PA 2008 as to whether the application should be available for public scrutiny at this stage however in the circumstances which obtain here where there has been such a paucity of information the decision not to publish the application only confirms the Council's concerns.

5. The Council jointly with other relevant authorities informed Aquind in our joint letter of 29th October 2019, that we did not consider that they Aquind was in a position to submit the DCO application. This was because the detail and information provided to date was only in a form sufficient to elicit holding responses in many key areas. The Council remains of this view and asserts that the absence of important information which should have been provided by the applicant to multiple stakeholders including the Council, means that "*the proposed application*" was not sufficiently clear to allow meaningful responses as s.48 PA 2008 must envisage.
6. In particular and by reference to the Secretary of State's Guidance Aquind's consultation has:
 - Not helped with the identification and resolution of issues at the earliest stage to reduce the overall risk to the project further down the line as it becomes more difficult to make changes once an application has been submitted;
 - Not enabled members of the public to influence this proposed project, to give feedback on potential options, and encouraged the community to help shape the proposal to maximise local benefits and minimise any downsides;
 - Not helped local people understand the potential nature and local impact of the proposed project, with the potential to dispel misapprehensions at an early stage;
 - Not involved Aquind seeking out important information about the economic, social and environmental impacts of a scheme from consultees, to help rule out unsuitable options;
 - Not enabled potential mitigating measures to be considered and, if appropriate, built into the project before an application is submitted; and
 - Not identified ways in which the project could, without significant costs to promoters, support wider strategic or local objectives
7. In relation to s.49 PA 2008, the Council considers that Aquind has failed to address "*whether the application that the applicant is actually to make should be in the same terms as the proposed application, have regard to any relevant responses*". It is clear to that having received a significant number of holding responses, the appropriate response in accordance with the relevant legislation and guidance would have been for Aquind to take further stock of its position and explore those responses further in order to advance them to a substantive position.
8. Instead, the applicant proceeded to submit the Consultation Report only some 14 days after receiving the joint local authority letter of 29 October 2019 without discussion with the local authorities or the public.

9. This is not only outwith the spirit of the purpose of the pre-application 'front loading' approach which recognises that "*pre-application consultation process is crucial to the effectiveness of the major infrastructure consenting regime*" but also contrary to the advice of Planning Inspectorate Advice Note 14 at p.6:

"Given the short 28 day timescale allowed for the acceptance stage it is particularly useful if applicants provide local authorities with early sight of the consultation report to inform their views."

10. To make matters worse, the applicant has failed to justify its departure from the guidance in this respect, purporting instead to assert that it has complied in the Consultation Report at para 19.2.1.2.
11. The Council submits that it is clear there has been a demonstrable lack of regard to the guidance published, contrary to the duty imposed by s.50 PA 2008.
12. Consequently, the Council has formed the view that the application falls short of the criteria for acceptance under s.55(3)(e)-(f) PA 2008. The Council submits that rejecting the application at this stage is the only reasonable way to allow Aquind to fully undertake the necessary consultation to enable a transparent, fully-reasoned and properly consulted application to be made at some point in the future. Further reasons for drawing this conclusion are detailed below.
13. The Council understands that its views at this stage are restricted to adequacy of the pre-application process and consultation, not the merits of the application however inevitable in order for such consultation to be adequate, an applicant must actually engage with real issues of substance raised by a proposed DCO scheme in order to show that it is taking an approach which reflects 'lessons learned' from stakeholders.
14. It is clear however to the Council that the approach taken by the applicant is rather one of 'lessons deferred' and gives examples below.
15. Naturally, these issues are such that, in the event the Inspectorate accepts the application, notwithstanding Portsmouth City Council's representations herein that it should be rejected, it will be necessary in the Council's view for there to be a number of issue specific hearings either to ensure adequate examination of such matters issue, or to ensure the Council and others have had a fair chance to put forward its case. Depending upon what evidence Aquind provides given the alarming lack of justification to date the Council may also request cross examination be permitted at such hearings.
16. For the avoidance of doubt, the Council has clearly not seen the detail of the application so we are not aware of the nature of the details the Inspectorate

has before it. However, based on information shared in meetings and telephone calls by Aquind representatives or rather sheer lack of it, we have concerns which can be summarised below.

17. Option Appraisal

- 17.1 At the most fundamental level, the Council has not been given access to the details of the options that were considered and discounted by Aquind for landfall.
- 17.2 We have been 'told' by Aquind, for example, that Hayling Island would not be a feasible option due to the need to route the cable beneath Langstone Harbour; however this exact method is proposed to route the cable from Portsea Island to the mainland.
- 17.3 It is simply not possible on the basis of the slim information provided to date to understand the logic and justification for the landfall position at the bottom of the most densely populated Local Authority in the UK outside of central London when the option appraisals have not been shared with us and the rationale not made explicit.
- 17.4 The Aquind project as the Inspectorate will appreciate was originally to be promoted under a series of planning applications under the Town and Country Planning Act 1990 ('the 1990 Act') prior to the direction under s.35 that it be treated as a DCO Project. The 1990 Act planning regime is clearly not premised on the same level of requirements for pre-application consultation and consideration as under the PA 2008. Consequently, the Inspectorate should be alive in particular to the adequacy of the optioneering that has occurred and whether it is premised in and constrained by the 1990 statutory regime and that as a consequence Aquind has simply sought to 'retrofit' the optioneering to align with the subsequent change to a DCO process under the Planning Act 2008 without fully understanding or reflecting the implications of the DCO regime.
- 17.5 The Council questions the coherence and adequacy of the application's pre-application process and consultation on this very basis and asserts that there are significant gaps which arise out of the way that Aquind has conducted itself in light of the change of consent regime.

18. Lack of documentation and evidence.

- 18.1 Fundamentally, the Council at this stage does not know and cannot inform its residents in any meaningful way of the proposed alignment that the cabling will take through the city.

- 18.2 At a meeting at the Civic Offices, Portsmouth on 8 October 2019 Aquind showed Council officers, for the first time, the order limits it intended to submit to the Planning Inspectorate. Aquind explained that the order limits were drafted wider than might ultimately be required, owing to a lack of technical detail on drilling and widths required to accommodate the 2 pairs of cables at particular choke points, leading to spurs of potentially surplus land being included. A broad, catch-all approach at places such as Farlington playing fields that illustrate a lack of detailed planning was also apparent.
- 18.3 It should be noted that the Consultation Report's claim at para 11.11.2.16 that "*the Order Limits in Farlington Playing Fields and Bransbury Park have been reduced to minimise disruption*" does not accord with the order limits shown to the Council at that meeting.
- 18.4 In the circumstances the Council has quite reasonably asked for a physical copy of the proposed order limits plan on 8 October 2019 but, despite representations by Aquind that it should have this information, has to date has not received it.
- 18.5 At the same meeting on 8 October 2019, the wider draft development consent order was described by Aquind's lawyer over the telephone from London. No copy however of the draft DCO has ever been provided to the Council.
- 18.6 Whilst there is no specific requirement for the Council to be provided with a draft of the Order, given the importance of it at this stage and given Aquind's apparent willingness to describe it but not provide it shows a clear (and consistent) reluctance on Aquind's part properly to engage. Rather it would appear that it is engaging only with the Council out of a sense of compulsion or to pay merely 'lip service' to the pre-application process requirement rather than a true intention to exchange information.
- 18.7 Prior to 8 October 2019, it is correct to say that the Council held a number of meetings with Aquind (or their representatives). During these meetings, consistent with matter highlighted above, Council officers have variously been promised sight of a number of other documents, including the transport assessment and the construction traffic management plan.
- 18.8 This information has never materialised and so it is simply not possible for the Council to assess let alone accept that Aquind has carried out relevant and robust assessments. Setting aside being able to understand whether the applicant has complied with the law this has meant there is reasonable and basis for agreeing mitigation with the applicant.

- 18.9 Aquind did agree the traffic modelling approach with the Council but without seeing its outputs it has not been possible to understand whether Aquind's modelling has accounted for all possible cable routes and the differing impacts those routes would have upon the Highway network. Aquind have indicated (again without proof) that the scheme limits allow for multiple cable routes however appear to have only tested the preferred route as outlined within their SRTM Coding note and subsequent Technical Note.
- 18.10 It is entirely feasible that the preferred route for example across Milton Common should be ruled out as a result of contaminated land known to be present. An alternative route that would therefore arise would necessarily have a severe impact however upon A2030 Eastern Road. The impacts of this have not been tested as far as the Council knows.
- 18.11 Traffic modelling and the consequential implications upon Air Quality of future traffic is something the Council raised with Aquind on 29 April 2019 as part of our formal consultation response.
- 18.12 Air Quality however is not addressed in the Consultation Document at all apart from repeating a passage of EN-1. The complete absence of any of proper information about the traffic analysis undertaken in this respect causes the Council serious concerns in light of its Air Quality duties and a central government directive under its Air Quality Policy to improve emissions in key areas of the city that may see traffic displaced into them as a result of Eastern Road, the eastern arterial route in the city, being blocked and diverted during construction. Further, a lack of "refinement of the proposals" (3.6.8 of the Consultation Document) into detailed propositions has prevented Portsmouth City Council from liaising with Hampshire County Council regarding cumulative and cross-boundary impacts. The consideration evidenced at 11-136 and pp.259-260 of the Consultation Report is wholly inadequate as the information underlying it has been kept from scrutiny.
- 18.13 The Council considers that the provision of all these documents which are central to the DCO scheme are clearly key to providing engaged, constructive feedback which is central to the pre-application process.
- 18.14 Aquind's apparent reluctance to provide such truly fundamental documents and detailed pieces of work are indicative of dysfunctional engagement, contrary to the 'front-loaded' DCO regime..

19. Engagement

- 19.1 Whilst we agree with the Consultation Report's claim that Aquind and their representatives have sought physically to contact and engage with the

Council it is the quality of that engagement that is of direct importance and concern.

- 19.2 As noted above, many of the things promised to the Council in terms of actual evidence and information have not materialised despite Aquind's promises. The Council therefore would characterise Aquind's communication as having been frequent but lacking in any substance.
- 19.3 There has in addition been only sporadic communication regarding the proposed Planning Performance Agreement. The Council were provided with what appears to be Aquind's standard version of PPA but has chosen to negotiate the terms. Having provided a proposal and response to Aquind's legal representatives in early October the Council has received no response to date.
- 19.4 Despite the Council also being a landowner in respect much of the proposed route in the city, the Council has also had no meaningful engagement concerning the proposed compulsory acquisition or any attempt by Aquind to negotiate with the Council as landowner in accordance with the relevant requirements and guidance.
- 19.5 The council also understands that Aquind has chosen not engage at all with property owners adjacent to the route in respect of the proposed acquisition of their legal interest in the subsoil beneath the public highway.
- 19.6 This is further evidence that Aquind fails to understand and comply with the appropriate DCO procedures and the submission of its application is premature.
- 19.7 To that extent, the Council does not consider para 11.12.1.4 and 11.12.1.5-6 of the Consultation Report accurately reflects the situation but are also contradictory. These assert that:

"The Applicant, via Option Agreements, has already secured rights for some of the land required for the Development by negotiated agreement in anticipation of the Development being delivered. Negotiations with other landowners are reasonably well progressed, whilst others are currently still on-going. The Applicant is not generally pursuing the freehold/leasehold transfer of/grant of rights over land prior to the DCO being made. This approach reflects the view of many landowners who do not wish to sell land (or contract to do so) until the consenting process for the Development is completed." [emphases added]

"The Applicant continues engagement with Section 44 consultees regarding their land interests and *is attempting to obtain the necessary agreements by voluntary agreement in advance of the DCO being made.* The approach reflects the Applicant's intention to agree by

private treaty all rights in land required for the Development, *and to only rely on Compulsory Acquisition powers as a last resort.*

It is anticipated that agreements will be completed by the close of Examination." [emphases added]

- 19.8 This clearly does not reflect the Council's own experience. Aquind has a duty to engage with all those with legal interests it proposes to acquire compulsorily.
- 19.9 The Council's overall position is that of objection to the DCO and that there is no compelling case in the public interest justifying the compulsory acquisition of its land. However the applicant must show it has sought to engage with all landowners and the Council's objection to the DCO is a separate question as to its capacity as a landowner with an interest which Aquind wish to acquire lest it be suggested otherwise.
- 19.10 The lack of understanding by Aquind of its position and the correct approach is characterised by the issuing of a Land Referencing Questionnaire ('the LRQ') to members of the public on or around 6 November 2018 along with the then proposed route of the cabling.
- 19.11 The letter accompanying the LRQ asked probing questions such as the identity of any mortgagee of the land. This was done without any prior engagement with the Council other than sending it a copy of the LRQ the day before it was posted to residents and businesses.
- 19.12 This meant the Council had no proper opportunity to comment or devise a communications strategy that could have aided both the Council and Aquind. As a result, Council Officers and Members had to field a large number of angry, confused queries from the public who were concerned that their property would be subject to compulsory purchase in the near future.
- 19.13 Another failing on Aquind's part is that it does not acknowledge or take into account the significant economic disruption to the city that would occur during the course of construction of the DCO project.
- 19.14 Temporary works in the city on a prolonged basis as proposed are likely to have lasting impacts on the livelihood of residents. This is not explored within any of the assessments the Council has seen (including the PEIR). Economic impacts in Aquind's view appear to be constrained to the socio-economic impact on recreational facilities (as suggested in para 11.11.2.15 of the Consultation report).

- 19.15 Aquind have not been clear about the extent of the rights that they intend to seek from the Council and appear to assume that temporary rights and occupation over land only lead to temporary disruption and require minimal mitigation and compensation. This evidently fails to understand that there will be cases where a 'loss' of land even for a period of 2 years or shorter can have significant impacts on business and the existing rights of the landowner as user and/or permanent effects.
- 19.16 A striking example of the above is that the proposed route, as far as the Council has been able to understand, will impact on a number of sports pitches throughout Portsmouth most notably (but not solely) through the siting of a compound at Farlington Playing Fields. This compound will be there for a number of months and depending on the timing could easily impact on two or three football seasons in Portsmouth.
- 19.17 The long term impact of this could be fundamental. As a tightly packed city, Portsmouth has very few other options available to mitigate the temporary loss of this land. We also have a real concern that the use of the site as a compound will negatively impact on the playing surface and that this could also take a number of years to recover.
- 19.18 Despite this evident and significant likely impact, there has been no discussion with the county Football Association or Sport England about the proposal.
- 19.19 The Council understands there have been discussions with local football clubs but this only occurred after the close of the statutory consultation.
- 19.20 Again, this is not adequate consultation, and also reflects a lack of understanding of social impact of its scheme as well.
- 19.21 In this respect, Aquind has shown no real regard for 5.12.8 of EN-1 and their comments at Table 11.5, page 11-136 of the Consultation Report demonstrate a reluctance to discuss the matter constructively.
- 19.22 The Council expressed concern over the lack of detail to Aquind in writing on 29 April 2019. Despite further meetings and calls with Aquind, these points were not sufficiently addressed by 29 October 2019 (2 days before the intended submission), leading the Council to issue its joint letter of that date with Hampshire County Council, Winchester City Council, East Hampshire District Council and Havant Borough Council. Aquind acceded to the request to delay submission (albeit only for 14 days) but did not engage with the Council during this time. The Council reiterates that the lack of detail shown to date has hindered it from having important discussions regarding cross-boundary and cumulative impacts.

20. The ORS Building

- 20.1 Whilst there has been reference to the need to build 'an' Optical Regeneration Station ("ORS") within the consultation documents, it was only, in an email of 7 August 2019 to Council officers that the following was made clear about what in fact is proposed.
- 20.2 This stated that:
- "in current discussions there would be two buildings approximately 3.5m high x 10.4m x 7m. We have been advised that whilst the Environmental Statement needs to consider the inclusion of the buildings, in reality these may not be required."*
- 20.3 This therefore represents a significant element of the scheme which could have a significant impact upon the City of Portsmouth. Despite this there has been consistently no information about the nature of the ORS the preferred site and the likely scale until recently. There still remains scant information.
- 20.4 The justification for the proposal to have an ORS and for it to be sited at the car park near Fort Cumberland is also not made out. Having looked at other interconnectors (such as IFA2 and Viking) we are not aware that they include a requirement for an ORS facility and yet Aquind assert that one is needed within 1km of landfall and that the car park near Fort Cumberland was the 'only' option.
- 20.5 Fort Cumberland is very near the site of the proposed ORS building. It is a Scheduled Ancient Monument and yet the Council understands Historic England have had minimal engagement from Aquind about the proposal. This is shown by the brief responses to Historic England's concerns at 11.9.11.8-9 in the Consultation Report.
- 20.6 There are clearly grave concerns about the justification for the ORS and about how Aquind has chosen to consult upon it.
- 20.7 This is consistent with there being no proper engagement about and justification for Aquind's choice to make landfall in such a densely populated city.

Associated Development

- 20.8 Further, questions must arise over whether the ORS is properly "associated development" under the PA 2008.
- 20.9 Aquind have made it clear that, separate from the energy related aspect of the interconnector Aquind refer to there being "dark fibre" data cables which will

be in excess of those it states are required for the interconnector itself. Its intention is to sell these data cables as a separate commercial enterprise.

- 20.10 As set out in para 5 and 6 of the Inspectorate's guidance in respect of Associated Development the following core principles apply to deciding whether something is properly associated development:
- (i) The definition of associated development requires a **direct** relationship between associated development and the principal development. Associated development should therefore either support the construction or operation of the principal development, or help address its impacts.
 - (ii) Associated development should not be an aim in itself but should be subordinate to the principal development.
 - (iii) Development should not be treated as associated development if it is only necessary as a source of additional revenue for the applicant, in order to cross-subsidise the cost of the principal development.
 - (iv) Associated development should be proportionate to the nature and scale of the principal development. Applications that include elements designed for the basis of overcapacity would be expected to demonstrate the need for the overcapacity as well as fully assessing the environmental effects.
 - (v) associated development should be typical of development brought forward alongside the relevant type of principal development or of a kind that is usually necessary to support a particular type of project, for example (where consistent with the core principles above), a grid connection for a commercial power station.
- 20.11 It would appear that the extent of data cables and the ORS fall well short of all the above.
- 20.12 Aquind simply do not address this issue at all. If it is not properly associated development which appears to the case then it clearly cannot be the subject of this DCO scheme and the Secretary of State has no power to grant application in its current form.
- 20.13 It is also notable that the Consultation Document states at p.17 "*Spare fibres in these cables may also be used for commercial telecommunications purposes. This is fixed [sic]." No explanation and no justification has however been provided for this position.*

21. Other Consultation Issues

- 21.1 The Council has very recently had a discussion with Aquind about the potential harm to trees along the proposed route as again there has been no real information.

- 21.2 It is understood that Aquind has simply undertaken a desktop analysis of the likely impact on trees with Tree Preservation Orders ("TPOs") and concluded no significant impact. However, this wholly ignores the large number of trees on and along the public highway which because they are in Council ownership have not been made subject to TPOs which might otherwise qualify for such protection. The Council's policy is to manage the trees it owns under the supervision of experienced arboriculturalists and contractors, negating the need for the protection (and the administrative burden) associated with TPOs.
- 21.3 Once again, the Council has not seen any documentation but we understand from our discussions with Aquind that this means the impact on trees as currently stated is severely underestimated. In a city such as Portsmouth with limited greenery and a developing strategy for green infrastructure, the loss of trees would lead to a significant adverse impact that does not appear to have been properly understood or assessed. Again, if there had been proper and adequate engagement with the Council this is a matter that could have been addressed and should have been addressed prior to the application being submitted.
- 21.4 The statement at 11.11.2.18 of the Consultation Report fails to acknowledge and glosses over these shortcomings, demonstrating once again the inadequacy of Aquind's consultation.
- 21.5 The Council is making important strides towards flood defences around Portsea Island (comprising the heart of the city) and the mainland coastline within its administrative area. This has entailed largescale consultation by the Council producing a great deal of public discussion.
- 21.6 The Council has however had no meaningful engagement from Aquind about the impact of the cabling that will necessarily breach the proposed flood defences. This will have important planning and cost implications that call into question optioneering, adequacy of consultation and preparedness to submit the application.
- 21.7 To state that "discussion is ongoing" as Aquind have stated is an extraordinarily inadequate response to these circumstances.
- 21.8 There is clear potential for these two significant infrastructure schemes to have fundamental impacts upon each other and cumulatively.
- 21.9 Without a proper understanding of this issue at this stage of the DCO process once again the application for this DCO must be rejected.
- 21.10 Aquind (or at least, their representatives) have referenced the desire to create a Statement of Common Ground with the Council and have said that they wished to either include this with the submission or to develop it straight

after the submission. We have seen nothing on this and so they set out neither the statement of common ground nor the statement of uncommon ground. This represents another failure on Aquind's part to understand the DCO regime and to follow Advice Note 2, paras 22.2-3 (and therefore s.50 PA 2008), which indicates that best practice is for Statements of Common Ground to be prepared early and ideally form part of the application documents. Having left this so late, hearing timescales would be incredibly challenging for all parties in the event that the application is accepted.

22 Reliance on National Policy Statement EN-1

- 22.1 The Council notes that the only relevant NPS to the interconnector scheme is National Policy Statement EN-1. This is predominantly concerned with the generation of electricity within the domestic market and makes only passing reference to interconnector projects as a facet of energy security.
- 22.2 It is also noted that the Secretary of State's reason in directing that the scheme be treated as an NSIP under s.35 was on the basis that the interconnector is "*similar in terms of electrical capacity to a generating station that would qualify...*".
- 22.3 It is hard to see that this is the case based upon the evidence to date.
- 22.4 Whilst the decision to make the scheme a NSIP cannot be challenged at this stage it is still not apparent as a matter of fact that EN-1 applies to it and supports it.
- 22.5 The tangential reference to interconnectors should inform the weight that the Examining Authority ascribes to the true imperative for the Aquind project. Indeed, the Council understands that this is the first interconnector project to receive a designation as a Nationally Significant Infrastructure Project.
- 22.6 This combines with the Council's concerns above that the scheme incorporates elements which do not qualify as associated development.

23 Funding

- 23.1 We have noted that Aquind do not yet have funding in place and that obtaining this funding will be very difficult without an exemption (from the Agency for the Cooperation of Energy Regulators ("ACER")) from the regulatory provisions on the use of congestion revenues, on unbundling, on third party access and on terms and conditions for connection and access, including tariffs.

- 23.2 ACER did not grant the exemption (June 2018) and Aquind's appeal was dismissed (October 2018). We are aware that Aquind have an outstanding appeal to the Court of Justice of the European Union (ref: *Aquind v Acer* T-735/18 2019/C 103/60). Given this not yet been determined this provides even further reason to conclude that the decision by Aquind to submit this DCO application at this stage is clearly premature.
- 23.3 Without evidence of funding the Examining Authority cannot conclude that any compulsory acquisition can be lawfully justified and the DCO would have to be refused outright.
- 23.4 The Council would therefore be surprised if the application could be considered "of a standard that the Secretary of State finds satisfactory" (s.55 PA 2008), especially as the applicant presumably contends it is of sufficient financial standing to deserve compulsory acquisition powers.

Summary

24. In light of all the matters raised herein, the Council considers that the Inspectorate ought to refuse to accept Aquind's application.
25. Aquind has clearly failed to comply with Chapter 2 of Part 5 PA 2008 on pre-application procedure, specifically in relation to consulting the Council (and other local authorities) and the local community under ss.42 and 47 PA 2008 respectively. This is because it is apparent from the consultation responses that insufficient detail was provided, yielding requests for further information as consultees felt unable to commit to reasoned conclusions. In turn, this meant that the applicant could not "publicise the proposed application" in an intelligible fashion as its full scope was plainly not understood. As such, s.55(3)(e) PA 2008 is not fulfilled.
26. In addition there are numerous elements of the scheme to which the application relates of which at this stage should have either been addressed or which seemingly fail to accord with the PA 2008. These include in particular failure to accord with the relevant guidance contrary to s.50 PA 2008; the questionable relevance of National Policy Statement EN-1; clear doubts over the definition and scope of the development of the ORS building and excess commercial data cable as associated development; concerns over scheme viability owing to ongoing regulatory disputes; the lack of availability of funding arrangements. It follows that the application and its accompaniments do not satisfy s.55(3)(f) PA 2008.
27. The consequence of each of these failures is that s.55(3) PA 2008 cannot be considered satisfied and the application in its current form should be rejected.

Yours faithfully,

Ian Maguire

Assistant Director, Planning and Economic Growth

Enc's:

Letter of 29 April 2019 from Portsmouth City Council to Aquind

Letter of 29 October 2019 from Portsmouth City Council and other local authorities to Aquind

BY EMAIL

Louise Rich
Technical Director - Planning
WSP
Aldermary House
10-15 Queen Street
London
EC4N 1TX

29 October 2019

**Regeneration -
Development Management**

Civic Offices
Guildhall Square
Portsmouth
PO1 2AU

Phone: [REDACTED]

Email: [REDACTED]

Ref:

Dear Louise

Re: AQUIND - DEVELOPMENT CONSENT ORDER

I am writing to you on behalf of the local planning and highways authorities involved in this project. I am aware that you are reporting that you are still on track to progress to the submission of a Development Consent Order for 31st October 2019. As local authorities, we have been engaging with the process to get to this point, and will be working alongside yourselves and the Planning Inspectorate to ensure effective contributions to the process.

However, we are at a stage where we must log our disappointment with some of the consultation and dialogue that has taken place with local authorities. We have been asked to provide views on a number of matters, but frequently the necessary technical assessments to inform input has not been made available to enable us to do this. The concern runs back to the PEIR consultation exercise when a number of topic areas clearly indicated that further study was being undertaken so only a rudimentary level of detail was available. Examples would be:

- Traffic assessment information has still not been received by Hampshire County Council or Hampshire County Council (as the relevant Highways Authorities) for comment, despite the very significant concerns around air quality impact - this means that we have been unable to ascertain impact or assess how they will be mitigated
- Officers have been asked to comment on matters including arboriculture and contaminated land without detailed technical information to inform this dialogue
- Details of plans for design and location of built structures have not been made available.
- The lack of ecological details.

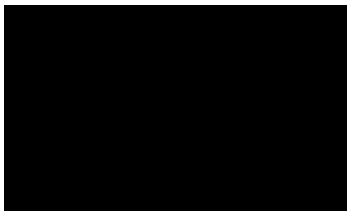
As difficult as this is for officers, the concern over the lack of transparency is also an issue for the wider public who have not had the opportunity to comment on the proposal when it was still in the formative stage.

Whilst we have at all stages attempted to give robust professional advice, this advice will have been hampered by the quality of the information that has been made available for comment and we therefore reserve the right to alter the advice offered or position taken at any stage that improved information is available. With particular reference to the traffic impact, there will be a very significant amount of work to do once the order application is submitted and limited time to discuss positions with you before making formal representations. You may be contemplating using the window between formal submission and the commencement of the formal examination process to make up for some of this lost contact, but that period cannot cover all the issues or act as a substitute for the weakness in engagement with the wider public.

It is also the case that the nature of consultation with individual authorities on separate elements of the proposed route has meant that the cumulative impact of proposals has not been possible to discern, and again, all advice offered is with this caveat.

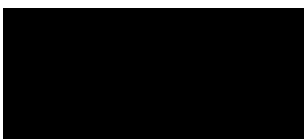
Even at this late stage, the consensus view is that you should pause the submission and use the time to more actively engage with the host authorities and the SDNP authority on those areas where further discussion is still viewed as necessary.

Yours sincerely



Ian Maguire
Assistant Director - Planning and Economic Growth
Portsmouth City Council

with and on behalf of:



Simon Jenkins
Director of Regeneration and Place
East Hampshire District Council and Havant Borough Council.

Chris Murray
Head of Strategic Planning
Hampshire County Council

Julie Pinnock
Service Lead - Built Environment
Winchester City Council

cc. Kiril Glukhovskoy, Managing Director, Aquind Ltd

From: [REDACTED]
To: [Aquind Interconnector](#)
Cc: [REDACTED]
Subject: Aquind DCO - Adequacy of Consultation Representation
Date: 28 November 2019 19:06:12
Attachments: [REDACTED]

Dear Sirs,

Further to your letter dated 15 November 2019 ref: EN020022, and your correspondence of today's date with my colleague, Paddy May, please find attached the Council's Adequacy of Consultation Representation with the enclosures referenced therein.

If you have any further queries, please do not hesitate to contact us.

Kind regards,

Kieran

Kieran Laven
Solicitor - Planning & Highways

Legal Services
Civic Offices
Guildhall Square
Portsmouth
PO1 2PX

[REDACTED]

Get information on what matters to you delivered straight to your inbox - sign up for My Portsmouth Updates today.
Visit www.portsmouth.gov.uk/updates-sign-up today

This email is for the intended recipient(s) only.

If you have received this email due to an error in addressing, transmission or for any other reason, please reply to it and let the author know. If you are not the intended recipient, you must not use, disclose, distribute, copy or print it.

This email may be monitored, read, recorded and/or kept by Portsmouth City Council. Email monitoring and blocking software may be used.
