

From: [Rabone, Anna](#)
To: [Aquind Interconnector](#)
Subject: Environment Agency responses to ExQ1
Date: 06 October 2020 14:20:43
Attachments: [image006.png](#)
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[Environment Agency - Responses to ExQ1 201006.pdf](#)

Dear Sirs,

Please find attached the Environment Agency's responses to the Examining Authority's written questions (ExQ1) which are due today (Deadline 1).

Thank you very much.

Kind regards,
Anna

Anna Rabone

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BY EMAIL: aquind@planninginspectorate.gov.uk

The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your ref: EN020022

Interested Party ref: 20025181

6 October 2020

Dear Sirs,

Application by AQUIND Limited for an Order Granting Development Consent for the AQUIND Interconnector - Environment Agency's responses to ExQ1 (Deadline 1).

Please find the Environment Agency's responses to the Examining Authority's written questions (ExQ1) set out below:

MG1.1.26

Question:

The proposed cable route includes a number of areas with known contamination issues, especially at Milton Common. Has the Applicant provided sufficient evidence to demonstrate that, should the cable be installed at these locations, contamination could be dealt with appropriately and in such a way that there would be no significant adverse effects on human health, the water environment or biodiversity?

Answer:

The Environment Agency's remit means that we do not consider impacts on human health in relation to contamination issues as this responsibility lies with the relevant Local Planning Authority.

In regard to effects on the water environment/groundwater, we agree with the Applicant that the risk is low on the vast majority of the cable route save for certain localised areas such as Milton Common. Information regarding how contamination will

be dealt with is high-level at present (with reference to section 18.9 of the Environmental Statement Chapter 18 Ground Conditions (**APP-133**) and the Onshore Outline CEMP (**APP-505**)). However, we are content with the overarching principles specified and that more detailed CEMPs for each relevant part of the Proposed Development will be produced by the appointed contractor(s) and provided to relevant authorities for review, including the Environment Agency where necessary (due to the presence of sensitive groundwater features present in that particular part of the Proposed Development).

Natural England would be best placed to assist in regard to effects on biodiversity.

CA1.3.42

Question:

What are the current positions of the Applicant and the Environment Agency in terms of its rights relating to watercourses? (Appendix B to the Statement of Reasons [APP-022] refers.)

Answer:

The Environment Agency has rights – under our statutory duty - to carry out maintenance, improvement or construction work on Main Rivers to manage flood risk. We agree that the Proposed Development will not have any serious detriment on these rights.

CA1.3.64

Question:

At section 20.9.2 [APP-135] and elsewhere, the ES notes that the contractor appointed to undertake the construction works would need to apply for various environmental permits, discharge and other consents once detailed design is complete. Given that such applications have not been made, the Examining Authority and Secretary of State cannot be sure from the information provided if adequate avoidance or mitigation of environmental effects are possible, and therefore if all of these consents are achievable. Could the Environment Agency and the relevant local authorities with responsibilities in this area please provide an opinion on the likelihood of all such permits and consents being achieved?

As part of any permit and consent applications, we will need to see further detailed information from the Applicant and we understand this is intended to be provided by the appointed contractor(s). Therefore, we cannot give an absolute guarantee that permits and consents will be forthcoming until we have seen that further information. However, from the information provided so far, it seems reasonably likely that the necessary permits and consents will be achievable.

DCO1.5.16

Question:

With reference to draft Requirement 13 in the dDCO [APP-019], should works halt in the circumstances where contamination is discovered pending the approval and implementation of the remediation scheme? Should this be written into the Requirement?

Answer:

Yes, works should halt in the circumstances where contamination is discovered pending the approval and implementation of a remediation scheme.

Yes, this should be written into the Requirements. We suggest an addition to section 13 of the current draft Development Consent Order with the wording (or similar) below:

“If, during development, contamination not previously identified is found to be present then no further development (unless otherwise agreed in writing with the discharging authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the discharging authority.

The remediation strategy shall be implemented as approved.”

DCO1.5.57

Question:

Are the relevant planning and highway discharging authorities and other relevant bodies content with their roles in the discharge of Requirements? (Refer to paragraph 12.4 of the Explanatory Memorandum [APP-020].)

Answer:

We are content with our role in the discharge of Requirements.

FR1.7.2

Question:

Is there any likely interaction between the Proposed Development and existing and proposed coastal flood defences on Portsea Island and do you envisage that the proposed works could compromise the integrity of the defences?

Do you see any reason why you might not grant the relevant permits and consents for any of the proposed works over, under or adjacent to the coastal defences?

Answer:

The proposed coastal flood defences are being undertaken by the Eastern Solent Coastal Partnership (ESCP). We have worked closely with the ESCP in regard to the proposed defences. We raised the matter as part of our Relevant Representation for this Proposed Development to ensure that there is adequate recognition of potential

impacts on the proposed coastal defences given the importance of these for the community. However, we understand that the Applicant has had direct detailed discussions with ESCP and therefore the ESCP would be better placed to provide an answer to this question. Our understanding is that there were some technical details being discussed to ensure the development does not compromise the integrity of the defences.

As stated previously, we will need to see further detailed information from the Applicant as part of any permit applications to ensure that the works are not increasing flood risk or adversely impacting on the existing defences, and we understand this is intended to be provided by the appointed contractor(s). Therefore, we cannot give an absolute guarantee that permits will be forthcoming until we have seen that further information. However, from the information provided so far, it seems reasonably likely that the necessary permits will be achievable.

FR1.7.4

Question:

If the flood risk assessment [APP-439] allowed differentiation between Flood Zones 3a and 3b, would there need to be any changes to the Proposed Development's approach to mitigation in the event that part of the development fell within Flood Zone 3b?

Answer:

As this development concerns buried cables in the main alongside some unoccupied infrastructure buildings (the converter station and at the landfall site), we do not believe there would need to be significant changes to the Proposed Development's approach to mitigation in the event that part of the development fell within Flood Zone 3b. However, the only minor change that may be necessary is that as Flood Zone 3b is functional floodplain, we would not want to see any storage of materials/stockpiles within Flood Zone 3b during construction works, so any plans for such storage would need to be amended accordingly. Additionally, we will not want to see any permanent change to the land in Flood Zone 3b, such as land raising.

HAB1.8.17

Question:

The Environment Agency's Relevant Representation [RR-165] raises concerns about the effects of offshore cable installation on the migratory fish features of Special Areas of Conservation. Please could the Environment Agency explain its concerns in more detail.

[Natural England is requested to explain why it is satisfied that effects on the migratory fish features of the relevant Special Areas of Conservation would not lead to adverse effects on the integrity of these sites (Relevant Representation [RR-181] refers).]

Answer (to first part of the question):

The offshore cable installation methodology is understood to involve an initial stretch of non-buried/protected cable from the exit point, and then buried or protected subsea cable out into the sea (Plate 3.1 of the Environmental Statement, Chapter 3 Description of the Proposed Development (**APP-118**)). The activities of installing the cable, building protections, creating trenches for the buried cables and disposal of material will disturb the seabed and mobilise sediments within the water.

Diadromous migratory fish use this corridor to begin their migration inland ultimately heading to rivers to spawn, and then subsequently for smolts to migrate out to sea. This is a qualifying feature for the Solent Maritime Special Area of Conservation. The presence of high levels of sediments and/or noise has the potential to cause a barrier for adult migratory fish on their journey to the rivers and can 'put off' smolts heading out to sea. This can impact on natural life cycles and in serious cases, result in reduced spawning, higher mortality rates and subsequent low population numbers. Disturbed sediment can also result in reduced dissolved oxygen in the water and may also contain contaminants which if mobilised can have detrimental impacts on any marine species within the area.

We raised the issue within our Relevant Representation to ensure it was considered. That said, we are satisfied that the Applicant has carried out the necessary assessments and agree with their conclusions that sediment and noise levels will not cause significant impacts on migratory fish. We are also content that adequate mitigations will be incorporated into the installation works and during operation of the Proposed Development. This has been reflected in the agreed marine Statement of Common Ground which will be submitted for Deadline 1.

OW1.12.9

Question:

Given the importance of groundwater in the vicinity of the Proposed Development, and especially the Converter Station site, are Portsmouth Water and the Environment Agency content with the conclusion reached in paragraph 18.5.4.4 of the ES [APP-133] that there is no real risk to public water supply in Source Protection Zone 1 as a result of these proposals?

Answer:

We are not content with the conclusion that there is no real risk to public water supply in Source Protection Zone 1 as a result of the proposals. We have raised this with the Applicant as part of our on-going discussions relating to the Converter Station site.

We do however agree that the risks can be managed if best practices and suitable controls are adopted, and detailed discussions have been held and will continue to be held with the Applicant about such practices and controls. Particular focus is upon the 'Surface Water and Aquifer Contamination Mitigation Strategy' (**APP-360**) which is a document that is intended to be updated by the Applicant in due course to reflect recent discussions held with us, Portsmouth Water and Hampshire County Council Lead Local Flood Authority.

We note that compliance with this document (**APP-360**) is referenced in the Requirements within the draft Development Consent Order (section 12(2) - **APP-019**), albeit this section is entitled “Surface and foul water drainage” which is not entirely reflective of the broader matters this document intends to cover. It may be helpful to amend the Requirement in due course, and we will work with the Applicant to address this if necessary as we proceed.

OW1.12.17

Question:

The surface water assessment in ES Chapter 20 [APP-135] assumes that the measures detailed in the Surface Water Drainage and Aquifer Contamination Mitigation Strategy are supported by the regulators and that these measures ‘will be further developed during detailed design by the Appointed Contractor’ (construction and operation). To what extent can the ExA and Secretary of State rely on this assumption?

[Also, in the absence of a definition for this Strategy in the dDCO [APP-019], could the Applicant advise how and where can it be secured?]

Answer (to the first part of the question):

We (the Environment Agency, Portsmouth Water, Hampshire County Council Lead Local Flood Authority and the Applicant) are working towards the Surface Water Drainage and Aquifer Contamination Mitigation Strategy [**APP-360**] being a document that contains the fundamental principles and rules that will need to be applied to the proposal to afford the necessary protections of the underlying aquifers and public water supply. Therefore, any further development by the appointed contractor(s) at detailed design should not seek to lower the protections set out within that document and as far as we understand, this will be secured by the Applicant in any contractual arrangements with the appointed contractor(s). Further clarification from the Applicant may assist the ExA and Secretary of State in this regard.

SE1.15.16

Question:

Given the actual and perceived human health concerns around the potential disturbance of the former landfill at Milton Common, including ground instability, the mobilisation of contaminants and the release of landfill gas, is it possible in principle to design and engineer a ‘safe’ (acceptable level of risk) cable installation solution though the area?

Answer:

The former landfill at Milton Common operated prior to current waste licencing/permitting regimes. We can confirm that it does not have an existing Environmental Permit from ourselves.

Controls of ground stability and human health concerns, such as landfill gas, in relation to historic non-permitted sites are the responsibility of the relevant Local Authority. Therefore, Portsmouth City Council may be better placed to assist with this question.

We trust the above is helpful. Should any clarification be required, please do not hesitate to contact our project lead for this application (contact details shown below).

Yours faithfully,

Anna Rabone
Sustainable Places Advisor, Solent & South Downs
Environment Agency

Email: anna.rabone@environment-agency.gov.uk