



AQUIND Limited

AQUIND INTERCONNECTOR

Other Consents and Licences

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 – Regulation 5(2)(q)

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WSP

WSP House

70 Chancery Lane

London

WC2A 1AF

+44 20 7314 5000

www.wsp.com

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Prepared By	J. Onuh
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Approved By	M. Wood
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1. INTRODUCTION

1.1. PURPOSE OF THIS DOCUMENT

- 1.1.1.1. This document relates to an application (the ‘Application’) for development consent made by AQUIND Limited (the ‘Applicant’) for the Proposed Development as described in Chapter 3 (Description of the Proposed Development) (document reference 6.1.3) of the Environmental Statement (‘ES’) submitted with the Application. It provides a list of other consents, licences or permits that the Applicant may need to obtain to enable the construction, operation, maintenance and decommissioning of the Proposed Development, which are not obtained as part of a Development Consent Order (‘DCO’).
- 1.1.1.2. The document is not a document required to accompany an application for a DCO in accordance with Regulation 5 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the ‘APFP Regulations’), however details of other consents, licences and permits are required to be detailed in box 24 of the standard Application Form (document reference 1.4).
- 1.1.1.3. The requirement to provide this information is also referred to at paragraph 45 of the Department for Communities and Local Government Application Form Guidance (Department for Communities and Local Government, 2013):
- “Where the proposed development will also require other consents, licences, permits, etc, to enable it to be constructed and/or operational, and for which the Secretary of State is not the authorising body under the Planning Act, then the applicant must list and briefly describe these in Box 24. Reference should be made to any that have already been applied for, and a copy enclosed of any that the applicant may already be in the possession of. Such other consents could be required for controlling pollution, for example.”*
- 1.1.1.4. Accordingly, this document has been prepared to provide this information.
- 1.1.1.5. This document may be updated and resubmitted during the examination to demonstrate any progress made on obtaining any other necessary consents, licences or permits.

2. OTHER CONSENTS, LICENCES AND PERMITS REQUIRED

- 2.1.1.1. Information on the other consents, licences or permits that are, or may be, required in connection with the construction, operation and decommissioning of the Proposed Development is set out in Table 1 below.
- 2.1.1.2. A number of consents, licences or permits are listed in connection with the decommissioning of the Proposed Development. However, it is noted that decommissioning is not expected for approximately 40 years from commissioning. As this is some time in the future, it is considered likely that consenting requirements could change by this time. Therefore, these consents, licences or permits listed in Table 1 below may or may not be required. The Applicant will obtain all necessary consents, licences or permits that will be required for decommissioning at the time.
- 2.1.1.3. In addition to the consents required for the Proposed Development (in the UK), the table below also sets out for completeness a list of the consents that are, or may be, required for the Project in France.

Table 2-1 – Other Consents, Licences and Permits

No	Consent / Licence / Permit	Relevant Body	Comments / Agreements	Anticipated Submission Date / Timescales
CONSENTS, LICENCES AND PERMITS REQUIRED FOR THE PROPOSED DEVELOPMENT IN THE UK				
1	Licences to affect badgers pursuant to Section 10 of the Protection of Badgers Act 1992	Natural England ('NE')	Required to authorise the undertaker to interfere with a badger sett within an area specified in the licence by any means specified. A shadow licence application has been submitted to and approved by NE. The Letter of No Impediment ('LONI') is submitted with the Application (document reference 6.7). This is also reflected in the Statement of Common Ground ('SoCG') with NE.	Post submission of Application
2	Consents to work in Sites of Special Scientific Interest ('SSSIs') under Regulation 28E of the Wildlife and Countryside Act 1981	NE	Consent will be required for Horizontal Directional Drilling ('HDD') under the Langstone Harbour SSSI. Discussions with regard to this are ongoing and will be reflected in the SoCG with NE.	Post submission of Application
3	Permits pursuant to the Environmental Permitting (England and Wales) Regulations 2016 for: <ul style="list-style-type: none"> Flood risk activities Discharges to surface water and groundwater 	Environment Agency ('EA')	May be required for temporary surface water and groundwater management / dewatering during the Construction Stage, for activities within Flood Zones 2 and 3, and for activities within 16 and 8 metres of tidal watercourses and Fluvial watercourse defences respectively. This has been discussed with the EA. The EA raised in their Relevant Representations that they cannot confirm that the Flood Risk Activities Permit for watercourse crossings can be granted without having seen the detailed design and construction methodologies which requires contractor input prior to the commencement of works. The Applicant has provided a response to the EA's Relevant Representation and the in-principle approach agreed to inform the ES is reflected in the SoCG with the EA.	Post grant of DCO, prior to relevant works
4	Licence(s) to abstract water pursuant to Section 24 of the Water Resources Act 1991	EA	May be required for de-watering during the Construction Stage in the Onshore Cable Corridor where groundwater is present. The EA has not raised any concerns in their Relevant Representation specifically about temporary dewatering or water abstraction. The details of any de-watering can only be determined by the Contractor post grant of the DCO, however the general position with regard to procedures that the EA considers must be followed is agreed and set out in the SoCG.	Post grant of DCO, prior to relevant works
5	Consent(s) to discharge treated water to a watercourse pursuant to Section 166 of the Water Industry Act 1991	EA	The details of any discharge can only be determined by the Contractor post grant of the DCO, however the general position with regard to procedures that the EA considers must be followed is agreed and set out the SoCG.	Post grant of DCO, prior to relevant works

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6	Consents under Section 23 of the Land Drainage Act 1991	Lead Local Flood Authorities ('LLFA') – (Hampshire County Council ('HCC') and Portsmouth City Council ('PCC'))	<p>Likely to be required where works pass through an Ordinary Watercourse, details of which are provided in ES Volume 3 – Appendix 20.3 Watercourses Summary (document reference 6.3.20.3).</p> <p>Where extreme event overland flow paths could occur, Ordinary Watercourse consent is also likely to be required. These extreme event overland flow paths are identified within the Flood Risk Assessment: ES Volume 3 – Appendix 20.1 (document reference 6.3.20.1) and illustrated within ES Volume 2 – Figure 20.1 Flood Risk Constraints (document reference 6.2.20.1).</p>	Post grant of DCO, prior to relevant works
7	Consent(s) to discharge surface water to a sewer pursuant to Section 118 of the Water Industry Act 1991	Relevant sewerage undertaker	<p>Consent may be required for the discharge of trade effluent during the Construction Stage.</p> <p>This has been discussed with Portsmouth Water at the pre-application stage who have not raised any concerns. This will be reflected in the SoCG with Portsmouth Water.</p>	Post grant of DCO, prior to relevant works
8	Consent(s) pursuant to Section 61 of the Control of Pollution Act 1974	Local authority	<p>An application may be made under section 61 following further consideration of likely environmental Impacts during the Construction Stage.</p> <p>This will be discussed with the local authorities and reflected in the SoCGs.</p>	Post grant of DCO, prior to relevant works
9	Vehicle Special Order(s) under Section 44 of the Road Traffic Act 1988	Vehicle Certification Agency ('VCA') (the executive agency of the Department for Transport ('DfT')); Secretary of State ('SoS') under the Road Traffic Act 1988; DfT; Highways England ('HE'); local highway authorities and / or the police and bridge owners (if any) as appropriate	For the Abnormal Indivisible Loads ('AILs') required for the Proposed Development, i.e. the transformers for the Converter Station. AILs may also be required in respect of future maintenance of the Converter Station.	As required and in advance of any AILs needing to be transported during the construction of the Proposed Development
10	Permit for transport of abnormal loads (if necessary)	Department for Transport, Highways England, Local Highway Authority, or the police or	<p>The Road Vehicles (Construction and Use) Regulations 1986 are the primary legislation for the construction and maximum dimensions for all vehicles.</p> <p>The Road Vehicles (Authorisation of Special Type) General Order permits the use of vehicles/and or loads, which cannot comply with the maximum permitted weight,</p>	Post grant of DCO.

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		bridge owners (if any) as appropriate.	<p>either gross or axle weight, for the class of vehicle being used for transporting a load. It also contains the regulations for loads which exceed the maximum width permitted by Construction and Use Regulations, agricultural vehicles and many other miscellaneous vehicles.</p> <p>The legislation is in the most part permissive in that (with some exceptions) providing the haulier complies with the requirements of notification procedures, an abnormal load can be moved without the need for any permit or authorisation.</p>	
11	Building Regulations Approval under the Building Regulations 2010 (as amended)	Local authority building control department or approved inspector	Required in respect of buildings and structures forming part of the Proposed Development. Any buildings and structures will be designed in compliance with the Building Regulations 2010 (as amended)	Post grant of DCO. Detailed design to be completed before Building Regulations application(s) can be made
12	Connection and Use of System Code ('CUSC') Accession Agreement, Bilateral Connection Agreement and Construction Agreement	National Grid Electricity System Operator Limited ('NG ESO')	This is the contractual framework for connection to, and use of, the National Electricity Transmission System ('NETS').	The agreements are in place between the Applicant and NG ESO for connection at Lovedean Substation (reference A/AQUIND/15/6306-EN(3))
13	Fire Notice under the Regulatory Reform (Fire Safety) Order 2005	Local fire rescue authority (the Health Safety Executive ('HSE') has enforcement responsibility for construction sites)	A fire safety risk assessment is required in respect of work on construction sites and may be required for the operation of the Converter Station. The contractors will need to apply for the fire notice.	Prior to construction
14	Notification under the Construction Design and Management ('CDM') Regulations (2015)	HSE	Notification under the CDM regulations is likely to be needed. The contractors will need to submit the CDM notification.	Prior to construction
15	Hazardous Substances Consent ('HSC') under the Planning (Hazardous Substances) Act 1990	Winchester City Council ('WCC') and East Hampshire District Council ('EHDC')	<p>May be required for substances storage within the Converter Station, as set out in Table 3.2 in Appendix 3.5 (Additional Supporting Information for Onshore Works) (document reference 6.3.3.5) to Chapter 3 (Description of the Proposed Development) of the ES (document reference 6.3).</p> <p>This will be discussed with the relevant local authorities and reflected in the SoCGs where necessary.</p>	Post submission (or grant) of Application
16	Marine Licence under the Marine and Coastal Access Act 2009	Marine Management Organisation ('MMO')	Required for Unexploded Ordnance ('UXO') detonation as part of pre-installation seabed preparation works.	Prior to pre-installation seabed preparation works

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			This has been discussed and agreed with the MMO who have not raised any concerns, as reflected in the SoCG.	
17	Marine Licence under the Marine and Coastal Access Act 2009	MMO	<p>Marine Licence will be required for decommissioning of the Marine Cable at the end of the life of the Proposed Development. The scope of works for decommissioning will be informed by best practice at the time.</p> <p>This has been discussed and agreed with the MMO who have not raised any concerns, as reflected in the SoCG.</p>	Prior to decommissioning
18	European Protected Species ('EPS') under the Conservation of Offshore Marine Habitats and Species Regulations 2017	MMO and Joint Nature Conservation Committee ('JNCC')	<p>An EPS licence for disturbance may be required. An EPS risk assessment in line with JNCC guidance will be undertaken post consent to determine whether an EPS licence will be required for works.</p> <p>This has been discussed with the JNCC and the MMO who have not raised any concerns, as reflected in the SoCG.</p>	Prior to any potential disturbance (usually submitted to the MMO at least 28 days prior to works)
19	Voluntary notification	MMO	<p>A voluntary notification will be submitted to the MMO ahead of the commencement of Geophysical Surveys. Noise produced from these surveys will be recorded in the Marine Noise Registry.</p> <p>This has been discussed and agreed with the MMO who have not raised any concerns, as reflected in the SoCG.</p> <p>A notification will be submitted to the MMO prior to the HDD works commencing underneath Langstone Harbour (from Portsea Island to mainland) as this is an exempt (bored tunnel) activity under Article 35 of the Marine Licensing (Exempt Activities) Order 2011 (as amended). The notification will also deem compliance with the exemption criteria contained within Article 35.</p> <p>This has been discussed and agreed with the MMO who have not raised any concerns, as reflected in the SoCG.</p>	<p>Ahead of the commencement of Geophysical Surveys</p> <p>Ahead of HDD works under Langstone Harbour</p>
20	Build Over Agreement or similar pursuant to Sections 159 to 171 of the Water Industry Act 1991	Southern Water	Consent may be required to build over or in close proximity to utility apparatus not meeting standard guidance / offsets. This will be discussed with Southern Water and reflected in the SoCG.	Post grant of DCO, prior to relevant works
21	Electricity Interconnector Licence	The Office of Gas and Electricity Markets ('Ofgem')	License to operate an Interconnector in Great Britain.	Licence granted on 9 September 2016
22	Crown Estate Licence	The Crown Estate	Licence to lay, maintain and operate electricity and Fibre Optic Cables ('FOCs') on the seabed around England, Wales and Northern Ireland out to twelve nautical miles ('nmi').	Licence agreement signed on 15 July 2019, licence itself to be obtained post grant of DCO

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23	HE CD622 Statement of Intent	Highways England	Discussed with HE on 08 July 2020 and steering group set up. Awaiting date from HE for next meeting.	Before close of examination.
CONSENTS, LICENCES AND PERMITS FOR THE PROJECT IN FRANCE*				
24	Concession d'utilisation du domaine public maritime (CUDPM) – Application for a concession to use maritime public domain outside ports under Articles L. 2124-1 et R. 2124-1 et seq. of the French general Code on public property	Préfet of Seine- Maritime	Licence to lay, maintain and operate electricity and Fibre Optic Cables ('FOCs') on the seabed in France, to the twelve nautical miles ('nmi') line.	Submitted 30 October 2019; further information was requested on 13 December 2019 and provided by the Applicant on 28 January 2020. The application is under instruction; initial responses expected October 2020.
25	Autorisation environnementale – Environmental permit application under Article L. 181-1 of the Environmental Code	Préfet of Seine- Maritime	Arrêté préfectoral authorising the project. Authorisation will include all relevant environmental commitments.	Submitted 30 October 2019; further information was requested on 16 December 2019. Partial response submitted on 11 March 2020. Final response to complementary information submitted on 25 June 2020. Initial responses from competent authority are expected in October 2020.
26	Déclaration d'utilité publique ('DUP') – Declaration of Public Utility application for the Project route under Article L. 323-3 of the Energy Code	Ministère de la Transition écologique et solidaire – direction générale de l'Énergie et du Climat	Grants access and easements on public and private land.	Submitted 30 October 2019
27	Permis de Construire – Building permit for the converter station	Préfet of Seine-Maritime	To be submitted once state services have pronounced admissibility of the authorisation's requests.	Permit request to be submitted Q4 2020

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28	Autorisation d'occupation temporaire (AOT) – Authorisation for temporary public domain use, for works and operation of the underground cable	Conseil Départemental de Seine Maritime (CD76) Direction Interdépartementale des Routes du Nord-Ouest (DIRNO) Commune d'Hautot-sur-Mer	Licence to lay, maintain and operate electricity cables and Fibre Optic Cables ('FOCs') on onshore public land.	Authorisation request AOT for DIR-NO and CD 76 submitted on 9 March 2020; AOT Hautot-sur-Mer submitted on 23 June 2020.
29	Convention d'occupation et de servitude – Access and easement agreement from landowners where the infrastructure needs to cross private land	Private landowners	Agreement to lay, maintain and operate electricity and Fibre Optic Cables ('FOCs') on onshore private land.	Agreements to be signed in 2020
30	Convention d'occupation temporaire ('COT') – Authorisation from SNCF for underground works under railways	Société Nationale des Chemins de Fer ('SNCF')	Authorisation to perform underground works and lay cables (easement) under railways at the points where crossing is necessary.	Authorisation for crossing at Le Hamelet initiated on 18 February 2020. Content of technical file to be discussed with Rail authority in Q3 / Q4 2020.

*As a result of Covid-19, all instructions were suspended between the 12 March and the 24 June 2020 (formalized in *ordonnance 2020-306*).

REFERENCES

Department for Communities and Local Government. (2013, June). Planning Act 2008: Application Form Guidance.

