



The Planning Inspectorate

Planning Act 2008 – section 92

Application by AQUIND Limited for an Order granting Development Consent for the AQUIND Interconnector Project

Agenda for Compulsory Acquisition Hearing 1

In its letter dated 15 September 2020, the Examining Authority notified Interested Parties of its decision to hold a Compulsory Acquisition Hearing on the following date:

Hearing	Date and time	Location
Compulsory Acquisition 1	10 December 2020 10.00 am Arrangements conference starts at 09.30 am	Online via Microsoft Teams invitation ¹

Participation, conduct and management of Hearing

Two Compulsory Acquisition Hearings are being held in the week commencing Monday 7 December 2020 to ensure adequate examination of the provisions within the draft Development Consent Order (dDCO) seeking to authorise the Compulsory Acquisition of land and/ or rights over land and to assess whether the conditions relating to the land and/ or rights being required for the Proposed Development or required to facilitate or be incidental to that development are met and whether there is a compelling case in the public interest for the land to be acquired compulsorily. This is the first of those two Hearings.

Government restrictions relating to Coronavirus (COVID-19) are in force, requiring people to avoid non-exempt gatherings of more than six people and to work from home if possible. The Examining Authority will therefore conduct this Hearing using digital and telephone technology. Invited participants can join using a computer, laptop, tablet, mobile phone or landline telephone. It is the Applicant's intention to livestream the Hearing, and a recording will be made available on the Planning Inspectorate's National Infrastructure website. All Interested Parties are welcome to watch these, and details will be available on the project page at:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/>

Invitees will receive a joining link or telephone number through which you can join the Arrangements Conference in a separate email, shortly before the Hearing. This is solely for your use. Please join the Arrangements Conference at the appointed time shown above and wait until the Case Manager registers you, and then admits you to

¹ Further information is available in Advice Note 8.6, available at:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>



the Hearing. The Arrangements Conference allows procedures to be explained and enables the Hearing to start promptly.

All Affected Persons (AP) whose land interests are affected under Compulsory Acquisition proposals are entitled to speak at a Compulsory Acquisition Hearing. Those who have indicated a wish to speak are being invited to attend one or both of the Hearings in this week. This first Compulsory Acquisition Hearing is targeted principally at the Applicant, local authorities and statutory undertakers, and individual APs will find it more useful to attend and speak at the second Compulsory Acquisition Hearing which is scheduled for the following day.

Other APs and Interested Parties who wish to observe this second Compulsory Acquisition Hearing can do so via a livestream provisionally to be provided by the Applicant or watch a full recording: the link will be provided on the project page of the Planning Inspectorate's National Infrastructure website (details above).

Therefore, the Applicant and the following APs are invited to attend and participate in this Hearing:

- Hampshire County Council;
- Portsmouth City Council;
- Winchester City Council;
- Southern Gas Networks.

The Examining Authority will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the Hearing will be led by a member of the Panel, supported by other Panel members.

Breaks will be taken during the Hearing as directed by the Examining Authority.

This agenda is for guidance only. It is not designed to be exclusive or exhaustive. The Examining Authority may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration.

Any lack of discussion of a particular issue at a Hearing does not preclude further examination of this issue, including through a further round of Written Questions should the Examining Authority consider this to be valuable and necessary.

Should the consideration of the issues take less time than anticipated, the Examining Authority may conclude the Hearing as soon as all relevant contributions have been made and all questions asked and responded to.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time, there may be a need to continue the session for longer on the day or continue the Hearing at a subsequent sitting.



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The Examining Authority recognises that other Hearings may contribute information and evidence which will be used in support of a recommendation in respect of Compulsory Acquisition.

References in square brackets [] are to the unique document identification number in the Examination Library. This document is found on the National Infrastructure Planning website at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-000996-Exam%20Library%20%E2%80%93%20Published%20Version.pdf>

The Hearing will have regard to submissions already set out in the following documents and any subsequent revisions or updates submitted for Deadlines 2, 3, 4 and 5 (amongst others). You may find it useful to have copies available on your screen or printed beforehand:

- Draft Development Consent Order [REP1-021];
- Statement of Reasons [APP-022];
- Funding Statement [APP-023];
- Book of Reference [APP-024];
- Land Plans [APP-008]; and
- Crown Land Plans [APP-009].

May we draw your attention to Deadline 5 on the Examination Timetable (Monday 30 November 2020) and our request to receive full transcripts of all oral submissions to be given at this Hearing by that date. Note that any additional illustrative or supporting material that you wish to share must be submitted in advance with this transcript, as it will not be possible for you to show it on screen during your contribution to the Hearing.

Please contact the case team if you have any questions:
aquind@planninginspectorate.gov.uk



Agenda

Title of meeting	AQUIND Interconnector Compulsory Acquisition Hearing 1
Date	10 December 2020
Time	10.00 am
Venue	Online via Microsoft Teams invitation
Attendees	Invitees

1. Welcome, introductions and Hearing arrangements

2. Purpose of the Hearing

3. Summary of DCO provisions

- 3.1 The Applicant to set out very briefly which Articles engage Compulsory Acquisition and Temporary Possession powers.
- 3.2 The Applicant to summarise very briefly any other provisions in the draft DCO (dDCO) relating to Compulsory Acquisition and Temporary Possession.
- 3.3 Winchester City Council to explain why the landscaping rights, or 'deeds of covenant', sought may need 'reinforcement' 'if confidence continues to be 'low' [PDB-006].

4. Statutory conditions and general principles

- 4.1 The Applicant to confirm that the application includes a request for Compulsory Acquisition in accordance with s123(2) of the Planning Act 2008 (PA2008).
- 4.2 The Applicant to set out briefly whether and how the purposes for which the Compulsory Acquisition powers are sought comply with section 122(2) of the PA2008.
- 4.3 The Applicant to explain whether and how the rights to be acquired, including those for Temporary Possession, are necessary and proportionate. The explanation should include an end-to-end explanation of the need for Order land widths using visual aids to assist with the appreciation of construction methods and the use of the Order land sought and be an illustration and expansion of the information in the Environmental Statement – Volume 1 - Chapter 3 Description of the Proposed Development [APP-118], paragraphs 3.6.4.57 to 5.15 and other submissions.
- 4.4 The Applicant to explain, with the aid of plans, the envisaged locations and extents for any other non-HDD 'satellite contractor's compounds', 'laydown areas' and non-HDD joint bays along the 'Onshore Cable Corridor' (ES Vol 3 Appendix 22.2 paragraphs 2.4.1.2, 3 and 5, and [REP1-091] CA1.3.71).

5. Funding

- 5.1. The Applicant to provide any further updates to the Funding Statement.
- 5.2. The Applicant to advise on whether the residual cost of completing the pre-construction stage of the project, which is forecasted at £7m, excludes Compulsory Acquisition costs



([REP1-091] CA1.3.1 and 103). If this is the case, explain how the Compulsory Acquisition costs are to be funded.

- 5.3. The Applicant to explain briefly why AQUIND is described as an 'additional exempt project' in terms of the cap and floor regime ([APP-115] pages 2-3, footnote 12, Near-Term Interconnector Cost-Benefit Analysis, section 2.4). Also explain the term 'fully merchant (exempt) interconnector project' used to describe the AQUIND project and how, in this respect, AQUIND is different to other interconnector projects from Nemo in 2014 onwards ([APP-115] pages 2-3, footnote 12, Near-Term Interconnector Cost-Benefit Analysis, section 4.1.2 and [REP1-091] CA1.3.55).
- 5.4. The Applicant to explain briefly the relationship between AQUIND being described as an 'additional exempt project' in terms of the cap and floor regime and the potential for a 'cap and floor' award [REP1-091] (CA1.3.59).
- 5.5. The Applicant to explain whether the project would still be viable if the current exemption request is refused [REP1-091] (CA1.3.97).
- 5.6. Consideration of further document submission arrangements for the Funding Statement [REP1-091] (CA1.3.53).

6. Open Space

- 6.1 The Applicant to explain the application of s132 of the PA2008 to the dDCO, particularly in relation to s132(3), (4A) and (5).

7. Other Special Category Land

- 7.1 The Applicant to explain the application of s132 of the PA2008 to the dDCO, particularly in relation to s132(3), (4A) and (5) and allotments.
- 7.2 The Applicant to explain why four access points are required along the Order limits within the Milton Piece Allotment Gardens [REP1-091] (CA1.3.22).
- 7.3 The Applicant to describe briefly a Vantage Point Survey [REP1-091] (CA1.3.68).
- 7.4 The Applicant to explain why covered joint boxes may be required within the Milton Piece Allotment Gardens [REP1-091] (CA1.3.34) if the 'proposed HDD alignment will lie' 'at 7m bgl' ([REP1-132] section 3.2 and [REP1-091] CA1.3.71).
- 7.5 The Applicant to explain, with the aid of examples to describe an occupation of the compound, the need for the larger reception HDD compounds at Milton Piece Allotment Gardens and the playing field to the north of the A27 compared to other reception compounds and also why these reception compounds are significantly larger than the launch compounds to which they relate ([REP1-132] appendix 2 and [REP1-091] CA1.3.71).

8. Highway land

- 8.1 The Applicant and local highway authorities to explain briefly the differences between the powers sought under the dDCO and those available to Statutory Undertakers in the highway under other statutes.
- 8.2 The Applicant and local highway authorities to briefly explain what consents would be required to install and maintain the cable in the highway if dDCO powers were not available to undertake these operations.



9. Consideration of alternatives and options

- 9.1. The Applicant to explain briefly how the August 2014 preliminary technical-economical study took into account traffic disruption and residential environmental effects before recommending that a highway route should be preferred [APP-117], paragraph 2.4.1.2).
- 9.2. The Applicant to explain briefly the detail of the consideration which is summarised in the 'Alternative Countryside Routes Comparison' in the Environmental Statement (ES) ([APP-117], table 2.6) and any subsequent updates.
- 9.3. The Applicant to explain briefly the scope and nature of the following studies beyond the level of detail provided in the ES ([APP-117], sections 2.4 to 2.6):
 - a. interconnector preliminary technical-economical study (August 2014);
 - b. preliminary converter station site identification exercise (April 2016);
 - c. converter station technical viability and environmental constraint detailed assessment (2017);
 - d. converter station environmental constraints desktop study (July to December 2017);
 - e. preliminary landfall locations desk study (April 2015);
 - f. preliminary route desk study and site visit investigation (February 2017); and,
 - g. Eastney and East Wittering routes detailed desk study (June 2017).
- 9.4. The Applicant to explain how ground conditions on Milton Common could require the appointed contractor to lay one cable circuit across the Common and one along Eastern Road ([REP1-133] page 4-21 and [REP1-091] CA1.3.18).
- 9.5. The Applicant to describe the expert views on comparative depths of made ground, contamination, ground obstructions, variable ground potentially vulnerable to differential settlement, soft ground potentially vulnerable to adverse total settlement and potential ground gas at Milton Common and the source of these views ([REP1-091] CA1.3.18).
- 9.6. The Applicant and PCC to explain their current positions on the Milton Common options [REP1-091] (CA1.3.106).

10. Crown land and interests

- 10.1 The Applicant to provide an update on discussions with the Crown Estate Commissioners.
- 10.2 The Applicant to provide an update on discussions with the Ministry of Defence.

11. Statutory Undertakers and Statutory Bodies

- 11.1 The Applicant to list and briefly set out any applications made under s127 of the PA2008 and not withdrawn.
- 11.2 The Applicant to explain the application of s138 of the PA2008 to the dDCO and list the Statutory Undertakers involved.
- 11.3 The Applicant to set out briefly whether protective provisions are in a satisfactory form that is agreed with the relevant parties listed in ExQ1 CA1.3.41, 43, 45 and 46 or if not, why not.



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- 11.4 The Applicant to explain why the Environment Agency is referred to in Appendix B of the Statement of Reasons (SoR) [APP-022] and in the Book of Reference (BoR) [APP-024] as a Category 1 and 2 person, a Part 2 person for potential claims and a Part 3 person with an affected easement or private right but not included in the SoR paragraph 8.2.1. Also, to provide a brief update, in the context of Appendix B to the Statement of Reasons [REP1-026], on the current positions of the Applicant and the Environment Agency in terms of its rights relating to watercourses ([REP1-091] CA1.3.42).
- 11.5 The Applicant to provide an update on discussions with Natural England in respect of Denmead Meadows ([REP1-091] CA1.3.21).
- 11.6 The Applicant to explain why: GTC Infrastructure Ltd Gas appears in the SoR but not in BoR, whereas GTC Pipelines Limited does; the BoR refers to 'SSE Services plc' as a Category 1 and 2 person, a Part 2 person for potential claims and a Part 3 person with an affected easement or private right but this is not included in the SoR paragraph 8.2.1; Leep Networks (Water) Limited and British Gas Limited are BoR Part 1 Category 2 parties but are not in the SoR; and Arqiva Services Limited is a BoR Part 2 party but not in the SoR.
- 11.7 The Applicant to advise whether the RWE Renewables UK Limited Relevant Representation [RR-018] should be considered under s127 and/ or s138 of the Planning Act 2008 ([REP1-091] and [CA1.3.78]).

12. Action points and post-Hearing notes

13. Any other business and closing remarks

14. Close of Hearing