

**From:** [Holmes, Jon](#)  
**To:** [Aquind Interconnector](#)  
**Subject:** EHDC Response to Deadline 5  
**Date:** 30 November 2020 12:05:51  
**Attachments:** [EHDC Deadline 5.docx](#)

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Dear Heffin,

**Aquind Interconnector Project**  
**Ref: EN020022**  
**Deadline 5 Submission**

Please find attached EHDC's comments for Deadline 5 in respect of the forthcoming Hearings, which are limited to Issue Specific Hearings 1 (draft DCO) and 3 (Environmental Matters).

Charlotte Adcock (Pollution Team Leader) will register to speak on behalf of both EHDC and HBC due to this being a shared service between the Councils. However, in view of the content of the written submissions, it is not anticipated that there is a need to elaborate and speak at the Hearings, but rather be available in attendance in the event the debate necessitates any clarification. It is also the case that our position in respect of Article 9 of the dDCO aligns with Winchester City Council.

Please contact me if you have any queries.

Yours sincerely

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East Hampshire District Council



Aquind Ltd

**Aquind Interconnector Project**  
Application for a Development Consent Order

**Ref: EN020022**

**Response to Deadline Five**

30 November 2020

## **East Hampshire District Council : Response for Deadline Five**

### **1.0 Comments in advance of Issue Specific Hearing 1: dDCO**

- 1.1 As highlighted in EHDC's response at Deadline 3, EHDC has concerns in respect of Article 9 (Section 9 of Part 2) of the DCO (Defence to proceedings in respect of statutory nuisance).
- 1.2 Aquind has responded to this in their Deadline 4 submission (7.9.17) and EHDC has further subsequently received revised drafting of the Article. Following review of this EHDC has revised its position. We are happy to agree we would not expect to pursue a Statutory Nuisance action if the controls in place via a COPA notice, as this is a standard defence contained within the Environmental Protection Act 1990.
- 1.3 However, we would request that the Article removes the reference to maintenance and use of the authorised development, as this may change over the life of the facility and we would not want an in-perpetuity defence against statutory nuisance in that case. The Applicant would have the benefit of the Standard Best Practicable Means defence for this scenario, so it would not mean that they have no defence.

### **2.0 Comments in advance of Issue Specific Heading 3: Environmental Matters**

#### 2.1 Agenda item 4.(d)

EHDC does not consider the proposals would likely result in unacceptable adverse effects on the South Downs International Dark Sky Reserve, subject to the Applicant's confirmation (previously given to us) that there would be no requirement for flashing lights on the masts or that these would not be necessary for aviation safety.

#### 2.2 Agenda item 4.(e)

We will review the Applicant's assessment of the visual effects of cranes during the construction period. They will likely have an effect on the landscape, particularly noting the anticipated construction period, but regard will be given to how frequently they may be operating within that construction period and any assurances over lighting of them and that they are lowered at all practicable times when not in use.

#### 2.3 Agenda item 4.(h)

EHDC are content with the Design Principles following the most recent meeting with Aquind. There remains a little work to do with the colour palette though this may be resolved between the Deadline 5 submission and the Hearing, we are though content that the remaining issues can be dealt with within the parameters.

2.4 Agenda item 6.(k)

Following correspondence from Aquind, we are now satisfied with regards to how the magnitude of noise change has been assessed and that there is confidence that the method and conclusions of the noise assessment are reliable and robust.

2.5 Agenda item 6.(m)

EHDC and Havant are now satisfied in respect of the methodology following discussions and review of the Applicant's explanation (17.3.2.3) and there is now common ground between the parties on this issue.