

From: [Clark, Jacky](#)
To: [Aquind Interconnector](#)
Subject: Aquind Interconnector Project, EN020022, Deadline 5 Submission
Date: 30 November 2020 12:37:42
Attachments: [HBC Deadline 5 for HBC.pdf](#)

Dear Heffin,

Aquind Interconnector Project
Ref: EN020022
Deadline 5 Submission

Please find attached Havant Borough Council's (HBC) 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 HBC and East Hampshire District Council 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

Steve Weaver (sent by Jacky Clark on behalf of)
Development Manager
Planning Services
Havant Borough Council, Public Service Plaza, Civic Centre Road, Havant PO9 2AX

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WORKING PATTERN – Monday, Tuesday, Wednesday, Thursday, Friday.

Advance notice of leave: 30th November; 24th December pm – 3rd January inclusive

Havant Borough Council



Aquind Ltd

Aquind Interconnector Project
Application for a Development Consent Order

Ref: EN020022

Response to Deadline Five

30 November 2020

Havant Borough Council : Response for Deadline Five

1.0 Comments in advance of Issue Specific Hearing 1: dDCO

- 1.1 As highlighted in HBC's response at Deadline 3, HBC 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 HBC has further subsequently received revised drafting of the Article. Following review of this HBC 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

2.4 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)

Havant and East Hampshire District Council 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.