



AQUIND Limited

AQUIND INTERCONNECTOR

Position Statement on Planning Obligations in
connection with the Proposed Development

The Planning Act 2008

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1. INTRODUCTION

- 1.1.1.1. This statement is made on behalf of AQUIND Limited (the ‘Applicant’) in relation to the application for development consent to authorise the elements of AQUIND Interconnector within England and the waters adjacent to England up to seaward limits of the territorial sea (the ‘Proposed Development’).
- 1.1.1.2. The application for development consent in relation to the Proposed Development was made on 14 November 2019 (the ‘Application’). The Application was accepted for examination by the Planning Inspectorate (‘PINS’) on behalf of the Secretary of State on 12 December 2019.
- 1.1.1.3. Further to discussion in relation to the need for planning obligations in connection with the Proposed Development and the Applicant’s and other parties position in relation to such matters at Preliminary Meeting 1 (18 August 2020), a requirement for the Applicant and other parties to submit summaries of their current position in relation to any planning obligations was included for receipt by the Examining Authority (ExA) at Deadline 5 (30 November 2020) in the Rule 8 Letter dated 15 September 2015.
- 1.1.1.4. Following Preliminary Meeting 1 and in response to the ExA Written Question SE1.15.12, the Applicant submitted a Position Statement in relation to Planning Obligations in connection with the Proposed Development (REP1-135) at Deadline 1. It was confirmed in this Position Statement that the Applicant is amenable to entering into planning obligations where appropriate. However, it is the Applicant’s view that the use of planning obligations to provide mitigations in relation to the Proposed Development is not necessary and no obligations have been identified which the Applicant considers to meet the test set out in Paragraph 4.1.8. of NPS EN-1.
- 1.1.1.5. Since the Preliminary Meeting, the Applicant has sought to continue discussions with the host authorities to understand more clearly the reasoned justifications for why planning obligations are considered to be required in connection with the Proposed Development, and what those planning obligations should provide for. This statement sets out a summary of the progress made on discussions with each of the relevant host authorities in relation to planning obligations in connection with the Proposed Development.

2. HAMPSHIRE COUNTY COUNCIL (HCC)

- 2.1.1.1. The Applicant and HCC are currently in discussion over the need for planning obligations.
- 2.1.1.2. HCC considers that a planning obligation is required to mitigate the impact of the Proposed Development on trees within the Highway. The Applicant acknowledges that there will be some adverse impact on trees within highway land and has accepted that a monetary contribution through HCC's Capital Asset Value for Amenity Trees (CAVAT) scheme will be required. Discussions between the Applicant and HCC are ongoing with regard to quantifying contributions and the mechanism to secure this, which may be by way of a planning obligation.
- 2.1.1.3. HCC has also requested monetary contributions towards mitigating the impacts of the Proposed Development on bus services within the County. Discussions between the parties are ongoing and HCC is yet to provide any evidence to the Applicant to justify the request.
- 2.1.1.4. The Supplementary Transport Assessment (REP1-142) Section 6 comprises a detailed bus journey times assessment, which analyses the difference between bus journey times across the study area by using a comparison of Do Minimum and the two Do Something scenarios contained within the SRTM. Overall, this assessment concludes that the works will generally have a minor impact on bus routes across the study area and where this is more pronounced, the impact will be limited to a short-time period.
- 2.1.1.5. The Applicant met with First Group (First Hampshire & Dorset) on the 22nd August 2019 and 8 October 2020 to discuss the Proposed Development and the potential impact to local bus services in the Portsmouth and South Hampshire area. The Applicant also met with Stagecoach on 21 October 2020. During these meetings, no bus operator expressed any significant concerns regarding the proposals and welcomed the engagement.
- 2.1.1.6. The Applicant's position in relation to impacts on bus journey times is based on the assessment work undertaken to identify the impacts discussed above, which identifies that the works will generally have a minor impact on bus routes across the study area and where this is more pronounced, the impact will be limited to a short-time period. On the basis of this assessment, the Applicant's position is that a planning obligations in relation to impacts on bus journey times is not justified.

- 2.1.1.7. Furthermore, taking into account the conclusions of the assessment, it is not understood what any potential planning obligation, which would be a monetary contribution, would be utilised for so as to address the impact it would be paid in relation to. There is not currently a clear justification of the need for any such planning contribution in relation to the impacts on bus journey times, nor is there a clear understanding of how those monies would be spent to address the impacts which the monies are paid in relation to.
- 2.1.1.8. Initial discussions between the Applicant and HCC have taken place with regard to works for road purposes in the highway for which an agreement pursuant to section 278 of the Highways Act 1980 would usually be required. The Applicant has confirmed that such matters are to be dealt with in the Order, not outside of it, and that necessary processes and controls are already provided for in the dDCO (REP3-003).
- 2.1.1.9. It is acknowledged this does not align with HCC's usual process where a section 278 agreement (or other similar highways agreement/licence) would be required, but this is not unusual for a DCO which is to provide a single consent in accordance with the underlying purposes of the statutory scheme. To require separate highways agreements or a full approval process mirroring that process in addition to this as part of the DCO would be inappropriate, disproportionate and without precedent when taking into account the extent of the works for road purposes (which excludes streets works) to be undertaken in the highway (i.e. works to be undertaken through the exercise of the powers conferred by Article 10 of the dDCO (REP3-003).
- 2.1.1.10. The Applicant's position is that alterations to the highway are adequately provided for and controlled through the dDCO (REP3-003), and it is not necessary for further approvals and/or agreements to be entered into in this regard.

3. SOUTH DOWNS NATIONAL PARK AUTHORITY (SDNPA)

- 3.1.1.1. The Applicant and the SDNPA are currently in discussion over the appropriateness of securing planning obligations. The SDNPA considers that an appropriate planning obligation is required to mitigate and offset the harm the Proposed Development would cause to landscape character by delivering agreed and significant landscape enhancements within the local area. The Applicant acknowledges that there is harm to the landscape remaining, but considers that this has been mitigated as far as practicable through careful design, siting and landscaping, and therefore in accordance with the relevant policies provided for by EN-1.
- 3.1.1.2. The Applicant is open to further discussing the necessity of planning obligations, however any obligations must be in accordance with the legal tests in regulation 122 of the Community Infrastructure Levy Regulations 2010. The SDNPA is currently exploring whether there are existing projects within the SDNPA that the Applicant may be able to contribute to which satisfy the relevant legal tests, and the quantum of any fairly and reasonably related contribution may be.

4. HAVANT BOROUGH COUNCIL (HBC)

- 4.1.1.1. No further discussions with HBC have occurred with regard to planning obligations. The Applicant does not consider there are impacts for which planning obligations would be justified.

5. EAST HAMPSHIRE DISTRICT COUNCIL (EHDC)

- 5.1.1.1. No further discussions with EHDC have occurred with regard to planning obligations. The Applicant does not consider there are impacts for which planning obligations would be justified.

6. PORTSMOUTH CITY COUNCIL (PCC)

- 6.1.1.1. PCC is yet to engage with regard to the need for any planning obligations. PCC's Relevant Representation stated that:
- “PCC consider that a fund for community benefits to secure localised improvements for road users should be at least be required from Aquind to assist project mitigation. Biodiversity enhancement measures and a delivery programme for such improvements at Eastney after completion of works for the landfall underground connection bay should also form part of essential mitigation works.”*
- 6.1.1.2. PCCs position is noted. The Applicant does not consider that a fund for community benefits would be a valid planning obligation. The Applicant has been clear throughout its discussions that it does not consider it to be necessary to provide a community fund, and in any event this is not relevant planning matter for the purpose of determining the Application.
- 6.1.1.3. The temporary impacts on highways, with reinstatement to follow, do not necessitate any need for planning obligations in relation to road improvements.
- 6.1.1.4. Biodiversity measures are secured via the Outline Landscape and Biodiversity Strategy (REP1-031) and the relevant requirements in the DCO in this regard. No specific request has been made in relation to any other measures to be provided at Eastney.
- 6.1.1.5. The Applicant remains willing to re-surface the car park in a better condition following the works and would be amenable to entering into a planning obligation to secure this where necessary, however PCC is yet to engage on this issue, despite numerous requests by the Applicant.

7. WINCHESTER CITY COUNCIL (WCC)

- 7.1.1.1. WCC considers that the proposal offers no legacy benefits to the local or wider community and have suggested that monetary contributions from the Applicant would be appropriate. The Applicant notes that the benefits at the national level will also provide benefits at the local level.
- 7.1.1.2. Furthermore, the Applicant does not consider that a fund for community/legacy benefits would be a valid planning obligation. The Applicant has been clear throughout its discussions that it does not consider it to be necessary to provide a community fund, and in any event this is not a relevant planning matter for the purpose of determining the Application.
- 7.1.1.3. WCC are also seeking local employment and training benefits to be provided in connection with the Proposed Development. The Applicant is continuing to consider this request, and is seeking further information and engagement with WCC to confirm what may be able to be provided that is realistically achievable (noting that much of the works to be undertaken will be undertaken by specialist contractors familiar with the construction of high voltage electrical apparatus).
- 7.1.1.4. This is a matter which, if agreed, may be addressed by way of a planning obligation, if that is determined to be the most appropriate mechanism.

