

Aquind Interconnector

Deadline 5 Submission



November 2020

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I. Summary of document

- I.1 Chapter 2 provides, to assist the Examining Authority and the examination process, a summary of the South Downs National Park Authority's (SDNPA) current position in respect of the applicant's Draft Development Consent Order (DCO). This is provided in advance of Issue Specific Hearing 1 into the draft DCO.
- I.2 Chapter 3 provides a summary of the Authority's position in respect of highways, traffic and air quality and is provided in advance of Issue Specific Hearing 2 into these matters.
- I.3 Chapter 4 contains the Authority's response to the questions put to it by the Examining Authority in the hearing agenda for Issue Specific Hearing 3, Environmental Matters. This updates the Authority's position on landscape matters following amendments made to the application by Aquind at deadline 1. This information is provided in advance of Issue Specific Hearing 3 into Environmental Matters.
- I.4 Chapter 5 gives a short summary of the current position in relation to a Section 106 agreement. The applicant does not consider such an agreement is required whereas the SDNPA considers that it is in order to ameliorate the harm caused by the development to landscape character and the setting of the National Park - this harm remains despite the landscaping scheme put forward by the applicant as mitigation. A number of potential projects have been discussed for Section 106 funding but no resolution has been reached as yet and discussions are ongoing.

2. Issue Specific Hearing 1: Draft Development Consent Order

- 2.1 The South Downs National Park Authority (SDNPA) notes the agenda for this Issue Specific Hearing as set out by the Examining Authority. The Authority notes that none of the questions set within this agenda have been directed at the SDNPA. The Authority will be attending the hearing, as it has been invited to do, so that it may answer any questions put by the Examining Authority and represent the interests of the National Park as required.
- 2.2 The SDNPA has set out its comments in writing on the applicant's Draft Development Consent Order (DCO) in the following documents submitted into the examination:
- Local Impact Report (examination library reference REPI-178)
 - Written representation (REPI-180)
 - Response to the Examining Authority's first written questions (REPI-179)
 - SDNPA Deadline 2 submission (REP2-020)
- 2.3 This submission does not repeat these representations but rather seeks to provide a summary of SDNPA's position on the draft DCO and therefore an update of where things have progressed since the above documents were submitted into the examination.
- 2.4 The applicant has issued revised draft Development Consent Orders, including most recently at deadline 3. Whilst we support elements of the draft DCO (and where this is the case it is noted in the documents above) a summary of our key points, as they currently stand, is as follows:
- 2.4.1 SDNPA, as it is not the Local Planning Authority for the convertor station development site, will not be discharging any requirements itself but it will be inputting into a number in consultation with the relevant Local Planning Authority. SDNPA is happy to perform this role. SDNPA input currently applies to Requirements 6 (design), 7 (landscaping) and 16 (external construction lighting) where explicit reference is made to consultation with the SDNPA.
- 2.4.2 Regarding Requirement 17 (Construction Traffic Management Plan) we request that this document be submitted to and approved by the relevant Local Planning Authority (after consultation with the SDNPA in respect of the Convertor Station Area), rather than the relevant Highway Authority. This matter gives rise to local planning considerations (such as tranquillity and impacts on residents) and Local Planning Authorities are best placed and used to handling such documents, not least because they are ordinarily determined by them.
- 2.4.3 Regarding Requirement 20 (noise management) SDNPA request that this requirement is discharged, in respect of Work Area 2, after consultation with the SDNPA because of the potential impacts on tranquillity.
- 2.4.4 The SDNPA note that should the proposal receive consent the convertor station would, as stated in the applicant's Environmental Statement, have a lifetime of approximately 40 years. The SDNPA request that if the proposal ceased to be in use that the convertor station associated with the Aquind Interconnector be removed and the land restored to its previous state within 12 months of the use ceasing. The SDNPA respectfully requests that a DCO requirement be imposed to ensure this.
- 2.5 As set out in paragraph 23.2 of the Planning Inspectorate's Advice Note 2, cross

reference to documents is encouraged in order to assist in keeping submissions as concise as possible and to avoid repetition. Therefore, we note here that additional, detailed comments on the draft DCO are contained at paragraph 5.31 on pages 14 to 16 (inclusive) of our Local Impact Report, submitted at Deadline 1. This covers points such as; i) that we do not consider that a defence in respect of statutory nuisance should be written into the DCO, ii) that Local Planning Authorities and Local Highways Authorities should have 40 working days (and not 20 working days) to notify the applicant of its decision in respect of, for example, applications to discharge DCO requirements and, iii) Articles 41 and 42 give the applicant very broad powers to fell any tree or hedgerow within or overhanging the Order limits.

3. Issue Specific Hearing 2: Traffic, Highways and Air Quality

- 3.1 The South Downs National Park Authority (SDNPA) notes the agenda for this Issue Specific Hearing as set out by the Examining Authority. The Authority notes that none of the questions set within this agenda have been directed at the SDNPA. The Authority will be attending the hearing, as it has been invited to do, so that it may answer any questions put by the Examining Authority and represent the interests of the National Park as required.
- 3.2 To summarise the SDNPA's position on the broad matters to be covered by the Hearing:
 - 3.2.1 Traffic associated with construction will adversely affect the tranquillity of the area around the convertor station in close proximity to the National Park, albeit the impacts will be temporary and localised.
 - 3.2.2 The SDNPA is generally content with the construction traffic routing strategy put forward in the Framework Construction Traffic Management Plan (examination reference REPI-070). This sees construction traffic accessing the convertor station site from the A3 to the east and largely avoiding the National Park. However, the South Downs National Park should be identified in the Framework CTMP (which it is not currently) as a sensitive receptor. This is because tranquillity is one of the special qualities of the South Downs National Park and it should be explicitly referenced and taken into account.
 - 3.2.3 The SDNPA notes that there are no appreciable air quality implications of the proposal when in operation. During construction there may be impacts, particularly associated with plant and with the temporary construction compound. However, these impacts will be temporary and, in SDNPA's view, there is no evidence that there will be significant or harmful air quality impacts.

4. Issue Specific Hearing 3: Environmental Matters

- 4.1 The SDNPA do not consider it necessary to make a set piece oral statement at this hearing as we consider that the written comments we have submitted into the examination are clear. These written comments on environmental matters include, in particular, our Local Impact Report, our Written Representation, our answers to the Examining Authority's first written questions, together with our response in the table (below) to the questions included by the Examining Authority in the agenda for this issue specific hearing.
- 4.2 However, the SDNPA will be attending and participating in this hearing and is happy to answer any questions that the Examining Authority chooses to put to it. In this way the SDNPA hopes to assist and engage proactively with the examination process.

No.	Examining Authority Question	SDNPA Response
4 d) iv)	What are the various parties' conclusions with regards to the Proposed Development's likely effects on the International Dark Skies Reserve, and can common ground be confirmed between the Applicant and the relevant local authorities?	<p>This matter has moved forward since the SDNPA submitted its Deadline 1 responses. The SDNPA is content, for the reasons given below, that the proposed development will not cause harm to the International Dark Skies Reserve.</p> <p>The applicant has given a commitment, in the Onshore Outline Construction Environmental Management Plan (REP4-005) at paragraph 5.2.2.1, that external lighting to the Converter Station area will be in accordance with the requirements of this Authority's Dark Skies Technical Advice Note (2018). This Technical Advice Note sets out the SDNPA's approach to lighting design and the protection and enhancement of dark night skies.</p> <p>Safeguards are provided by proposed DCO requirement 6 which requires, amongst other things, details of external lighting to be submitted to and approved by the relevant planning authority, in consultation with the SDNPA.</p> <p>Proposed DCO requirement 16 satisfactorily controls, from a SDNPA perspective, external lighting during construction as it requires lighting to be i) in accordance with the CEMP and, ii) that details of the lighting, after consultation with the SDNPA, be submitted to and approved by the relevant local planning authority.</p> <p>A further safeguard is provided by proposed DCO requirement 23 which prevents use of external lighting at the Works No. 2 area (the converter station and associated buildings) save for in exceptional circumstances.</p> <p>Given the commitment to use the Authority's Dark Skies Technical Advice Note in the design of external lighting, the fact that lighting during operation will only be in exceptional</p>

		<p>circumstances and the fact that the DCO requirements provide appropriate safeguards the Authority has now reached agreement with the applicant in respect of Dark Night Skies.</p>
<p>4 e) ii)</p>	<p>Can South Downs National Park Authority confirm the relevance and importance of the additional viewpoints requested in answer to ExQ1 LVI.9.1? What additional benefits would there be in understanding the Proposed Development from those representative viewpoints? Is there an update on common ground with the Applicant on this matter?</p>	<p>The viewpoint from the east of Prew's Hanger is further east than Viewpoint 1 from the PRoW near Hinton Manor and is of a very different nature. The additional view requested is approximately 1km closer to the Converter Station site and around 30m lower. This is a far clearer and much closer view of the converter station without any intervening woodland blocks. Views from viewpoint 1, whilst at a higher elevation, are much more interrupted by intervening wooded areas and the foreground with the grapevines which distract the reader from the purpose of the image. With the inclusion of the additional viewpoint and the imposition of the wire frame outline of the Converter Station on the view, a judgement will be able to be made on the effects on visual amenity and landscape character from this location.</p> <p>It is difficult to understand why this viewpoint was not included – whilst there are views from the closer route of the Monarch's Way, the additional view requested is from a close PRoW at an elevated position with a clear view and unimpeded by intervening woodland. It shows the impact of the Converter Station when against the more distant landform of Portsdown Hill, a key element of views from the SDNP when looking to the south from the area.</p> <p>The second viewpoint (at the entrance) is requested as the proposals give rise to considerable landscape and visual changes at this point and there are no viewpoints covering this area provided in the application documents. It will likely be one of the most highly viewed areas on one of the busiest roads local to the converter station. Landscape character will be impacted by the change from an enclosed hedge-lined lane with rural character to a far more open character with a loss of vegetation to the west for the creation of the new access point. There is also a complete reconfiguration of the area on the opposite side of the road from the entrance, close to the junction between Days Lane and Broadway Lane with loss of an existing hedge, provision of additional roadway, a new and realigned hedge together with three new sets of gates and presumably considerable signage.</p> <p>This view is key in the assessment of the proposals, being at one of the most publicly visible areas of the proposals and being adjacent to the National Park. It is difficult to understand why this viewpoint was not included in the assessment when the landscape and visual effects are so extensive.</p>

		No common ground has yet been reached on this matter as the applicant currently does not consider that these viewpoints are necessary.
4 e) iii)	Can the Applicant explain why the cranes (including two 84-metre high telescopic cranes) to be used in the construction of the proposed Converter Station were not included in the LVIA? What effect will these have on landscape and views, and over what extent and period? Is an additional assessment necessary? Why does the Applicant consider that the significance of construction stage effects at would not change as a result of their presence, and do the South Downs National Park Authority and other relevant local planning authorities agree?	We can't pass judgment on the effects of the cranes until we see the applicant's assessment/reasoning. However, given the height, presence, movement and potential night time lighting associated with the cranes we would expect there to be an increased adverse effect during construction. We look forward to reviewing the applicant's response, and potentially updated LVIA, on this matter.
4 f) i)	Could the South Downs National Park Authority provide an update on its suggestion in its Local Impact Report that some land required for landscape mitigation appears to be out of the Applicant's control? Has common ground been reached with the Applicant over this matter?	<p>Common ground has been reached with the applicant on this matter.</p> <p>Some of the landscaping for which the applicant relies on for mitigation of the convertor station buildings is not within the applicant's ownership. SDNPA, in its deadline 1 submissions, queried how the applicant would therefore access, manage and maintain this landscaping. The SDNPA has reviewed a precedent deed of easement in relation to landscaping rights which, if signed and completed, would give the applicant the ability to access, manage and maintain the landscaping that provides mitigation outside of the applicant's ownership. If these deeds of easements cannot be agreed with all owners it is our understanding that the powers that would be conferred by the Development Consent Order (if granted) would provide the applicant with the ability to compulsorily acquire the rights and restrictions necessary to access, manage and maintain the landscaping.</p> <p>We understand that the applicant will be providing further commentary, at deadline 5, to respond to this question posed by the Examining Authority. Overall a suitably worded deed of easement (or, alternatively, compulsory purchase) is considered to give the necessary ability to maintain the landscaping and <u>provided</u> that this is secured through the Development Consent Order for the lifetime</p>

		of the development the SDNPA have no further concerns in respect of this matter.
4 f) ii)	Following the Applicant's submission of further information and detail at Deadline 1, does the South Downs National Park Authority have any remaining concerns or objections in relation to the updated landscape mitigation proposals for the Converter Station? Has common ground been reached with the Applicant over this matter?	<p>The SDNPA set out its concerns with the landscape mitigation proposals in its Written Representation and its Response to the Examining Authority's First Written Questions, both submitted at deadline 1. These concerns generally still stand, subject to the further comments set out below to reflect changes made by the applicant at deadline 1.</p> <p><u>Additional woodland and hedgerow planting</u></p> <p>The Applicant has made revisions to the indicative landscape mitigation plans at deadline 1 to include additional areas of woodland planting, particularly to the south and west of the Converter Station Area and to provide a new hedgerow to the north of the Converter Station.</p> <p>The SDNPA considers it disappointing how little woodland has been added to the mitigation proposals by the applicant at deadline 1. Further, the revised proposals put forward by the applicant do nothing to address the concern we raised in our deadline 1 submissions that the treatment of the western/northern boundary is very rectilinear in contrast to surrounding field patterns.</p> <p>The applicant states in response to the SDNPA's answer to ExQ1 and question LVI.9.25 (page 2-10 of examination library reference REP2-008) that the 'new woodland planting has had to be balanced with the impact on viable agricultural land'. Yet in the statement about the hedgerow alignment (ibid, page 2-11) discusses that, with the 'need for visual screening and ecological connectivity, hedgerows were introduced and smaller fields were created which replicate those to the west of Stoneacre Copse.' The SDNPA suggest that these smaller field areas could be considered to be less viable as agricultural land and therefore, in line with the Applicant's statement, could be considered for additional woodland planting.</p> <p>The planting of additional woodland on smaller areas would also be beneficial to safeguard the local area from further loss of land to horsiculture, a land use already found extensively in the local area that is detrimental to landscape character here. In the applicant's Environmental Statement, Volume 3, Appendix 15.5 (APP-403) it states on page 6 that 'Landscape character has been eroded by: ...Diversification of land use with the subdivision of fields into numerous small paddocks edged by electric fences and set aside for horse grazing as well as areas for off road mountain biking.'</p> <p>The SDNPA suggests that the request for additional woodland would not only provide additional screening, but</p>

also could be used to stem the possible further erosion of already degraded landscape character partly due to existing subdivision of fields in the surrounding area and as now proposed in this application.

Strategy to deal with Ash die back

With regard to existing trees the Outline Landscape and Biodiversity Strategy (REPI-034) states at paragraph 1.4.4.5 that 'Most of the woodlands in the vicinity [of the Converter Station] are estimated to contain between 40% and 80% ash population and are likely to be substantially affected by ash dieback disease'.

The Applicant has commissioned an ash dieback survey and SDNPA understands that it will share its findings in due course.

The Outline Landscape and Biodiversity Strategy states at paragraph 1.7.5.2 that 'Further investigation is required to determine the condition of trees and whether appropriate replacement planting must be introduced where there are suitable gaps in the woodland and where trees have failed and gaps are evident (including those affected by ash dieback).' The SDNPA welcomes this statement.

The SDNPA consider that once the condition survey is undertaken there will need to be additional landscape mitigation proposals set out that address any identified future gaps. This should also specify the period of time over which the replacement planting would be carried out and explain what would happen in the future if other areas of disease develop that are not present in the original condition survey. It is expected that further revisions will be needed to the Outline Landscape and Biodiversity Strategy to address these points.

The use of a bigger range of planting sizes to help provide screening at an earlier stage

The applicant's Outline Landscape and Biodiversity Strategy, at paragraph 1.6.7.1, recognises the need for a mix of plant stock (of local provenance where practicable) including larger trees in specific locations and native 'pioneer' species to create variations in the woodland structure and mix. Further details of the applicant's approach and intent on this matter would be welcomed, not least as the planting schedule in the Environmental Statement (Appendix 15.7, reference APP-405) incorporates the smaller planting sizes that the SDNPA raised concerns about in its deadline 1 submissions.

<p>4 g) ii)</p>	<p>Please provide an update on any common ground between the Applicant and the South Downs National Park Authority on the predicted effects of the construction and operation of the Proposed Development in relation to tranquillity and any mitigation that has been proposed.</p>	<p>Common ground has not been reached with the applicant on this matter.</p> <p>During construction there will be significant, albeit temporary and localised, impacts on tranquillity. The impacts will be multiple including from construction noise, impacts from the movement of plant and vehicles (including cranes), the presence of a construction compound (including over 200 car parking spaces) and temporary fencing together with stockpiled soils and materials.</p> <p>Once the Converter Station has been constructed the presence of large, utilitarian buildings will detract from the tranquillity of this otherwise generally rural area.</p> <p>The SDNPA welcomes proposed DCO requirement 20 that requires submission of a Noise Management Plan in respect of the Converter Station building. This will be important to ensure that the ongoing operation of the proposed development is not audible within the National Park. However, the SDNPA request that this requirement is discharged, in respect of Work Area 2, after consultation with the SDNPA because of the potential tranquillity impacts.</p>
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5. Summary of current position in respect of a S106 agreement

- 5.1 The applicant's position is that a Section 106 legal agreement is not required in order to make the development acceptable. The SDNPA disagrees and considers that a legal agreement is required in this case to ameliorate the harm caused by the development to landscape character and the setting of the National Park, particularly by virtue of the large scale of the convertor station buildings and their proximity to the National Park boundary on three sides. This harm remains despite the landscaping scheme put forward by the applicant as mitigation.
- 5.2 The SDNPA's position on this matter is supported by paragraph 5.9.9 of the Overarching National Policy Statement for Energy which states that National Parks have the highest status of protection in relation to landscape and scenic beauty. Paragraph 5.9.12 states that the duty to have regard to the statutory purposes of National Parks also applies to projects outside the boundaries of National Parks where they may have impacts within the National Park. The aim, it goes on to note, should be to avoid compromising the purposes of a protected landscape's designation and projects should be designed sensitively given the various siting, operational and other relevant constraints. Such an approach is also consistent with Policy SD42 of the South Downs Local Plan that applies to infrastructure and states that development proposals will only be permitted where appropriate, necessary and reasonable infrastructure investment has either been secured either in the form of suitable on-site or off-site works and/or financial contributions to mitigate the impact.
- 5.3 The fact that the development as it stands will cause harm to the National Park is incontrovertible, the applicant's Planning Statement for example accepts that there will be significant adverse landscape and visual amenity effects. To offset this harm the SDNPA have been discussing with the applicant a planning obligation to cover landscape enhancement works off site (but within an appropriate distance) within the National Park. A number of potential projects have been discussed and no resolution has been reached as yet. Discussions are ongoing.