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AQUIND Limited

Your Ref:

(By email only)

Our Ref: EN020022

Date: 18 December 2020

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Dear Sirs

## **The Infrastructure Planning (Compulsory Acquisition) Regulations 2010**

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

#### **Notification of decision to accept the second proposed provision for the compulsory acquisition of additional land into Examination**

I refer to your proposal dated 11 December 2020 for the Compulsory Acquisition of two plots of additional land made under section 123(4) of the Planning Act 2008 (as amended). These are Mill Copse and Stoneacre Copse, which you refer to as plots 1-32a and 1-02a in your Supplement to the Book of Reference [AS-053].

In accordance with Regulation 6 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended), the Examining Authority has decided, on behalf of the Secretary of State, to accept this proposed provision as part of the application. In reaching this decision we are satisfied that it complies with the requirements of Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended). Details of our considerations are set out in a Procedural Decision letter which has also been published on the project page of the Planning Inspectorate's National Infrastructure website<sup>1</sup> today. In reaching this conclusion we have made the assumption that you intend that the plan provided at Appendix 1 to your document 7.7.17, *Request for Changes to the Order Limits*, to fulfil the requirements of Regulation 5(b)(i) of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended). Please could this be confirmed as soon as possible, and no later than Deadline 6 in the Examination Timetable.

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<sup>1</sup> <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/>

Note that this acceptance is made on the basis that all the process can be completed in the required time prior to the close of the Examination and in accordance with the revised Examination Timetable that we will publish in due course. If this is not achieved, then we will not be in a position to take the change request into account in our recommendation report to the Secretary of State as it will not have complied with the relevant statutory procedures.

Please be aware of your duties under Regulations 7, 8 and 9 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended) and the information contained in our Procedural Decision letter.

The Applicant must ensure that all persons who may wish to comment on the additional Order land, including any who are not currently Interested Parties, have a fair and reasonable opportunity to make representations as part of the Examination.

It is critical that the Applicant advises the Case Team of its proposed schedule as soon as possible, such that an appropriate representation form can be made available on the project webpage and so that we are able to revise the Examination Timetable to incorporate the proposed deadline for representations. The availability of sufficient time to complete the necessary process before the close of the Examination is marginal, and accelerated action will be required by both the Applicant and the Examining Authority within the wider statutory timescales required for the process if it is to be satisfactorily concluded.

Please note that our Procedural Decision disagrees that this is a non-material change and, at this time, with the Applicant's proposal to advertise the use of the reserved Hearing day on 22 February 2021 in the Examination Timetable as the date on which any Additional Affected Person might be heard. We have not yet reached a conclusion on when any such Hearing associated with this change request should take place, but we will issue a revised Examination Timetable that will incorporate any necessary amendments to deal with this second change request in due course. We aim to ensure that the timing of the publication of this will provide the Applicant with sufficient notice to undertake the required advertising 21 days in advance of any Hearing.

The Applicant is requested to make suitable provision in its procedures for any relevant parties who may wish to respond to notifications and publicity but do not have access to the internet and are unable or unwilling to leave their property given the current Government restrictions associated with the COVID-19 pandemic.

Yours sincerely

*Andrew Mahon*

**Lead Member of the Panel of Examining Inspectors**