



**AQUIND Limited**

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## **AQUIND INTERCONNECTOR**

Applicant's Response to Deadline 5  
Submissions

Including Winchester City Council comments at  
Deadline 6 (25 January 2021)

This document has been edited down to contain  
only those matters relating to Winchester City  
Council..

The Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8(1)(c)

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## **Applicant's Response to Deadline 5 Submissions**

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## DOCUMENT

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# 1. INTRODUCTION

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- 1.1.1.1. The following tables set out the Applicant's responses to other parties' submissions to the Examining Authority (ExA) made at Deadline 5.
- 1.1.1.2. A response has not been provided for each individual submission or topic raised. The responses have focused on issues thought to be of most assistance to the ExA and the responded. Where points have been raised by various parties, the Applicant has responded once, but the responses are applicable to all parties who have made the same point.
- 1.1.1.3. The Applicant also does not seek to respond to all the points made where the Applicant's response is already contained within other submissions made since the Application was accepted, save where it is thought helpful to repeat or cross refer to the information contained in the previous documentation.

## 2. LOCAL AUTHORITIES

**Table 2.6 - Winchester City Council**

| Para No.   | Summary of Deadline 5 Submission   | Applicant's Response at Deadline 6  | Winchester City Council Comment  |
|--|--|---|--|
| <b>Overview of Oral Submission for hearings (REP5-094)</b> |  |   |  |
| <b>ISH1 Agenda item 4.2</b>                                | <p><u>HDD Compound</u></p> <p>The location of the HDD launch compound at the southern end of the Denmead Meadows drilling operation is still unresolved.</p> <p>consideration and no final absolute decision has been made on a choice between the two. The Council has proposed amendments to requirement 4 to address the need for a decision on the choice of the HDD launch compound.</p>  | <p>Should a position not be agreed with Natural England to confirm that the HDD will take place from the northern compound, the Applicant confirms it would be amenable to including an addition to this Requirement, albeit it is not considered this is necessary as the location of the HDD will be confirmed though detailed design in any event and the position that only one HDD can take place in this location is already secured.</p>   | <p>Whilst noting what the applicant has said the contents of the dDCO should reflect the situation as it exists at the present time, and currently, the two options are part of the submission.</p> <p>Accordingly, R4 should be revised. If circumstances change then it can be revised at that time.</p> |
|  | <p>Parallel to the decision on the HDD launch compound is the related matter of how the cables would leave the Hambledon Road and enter the land on the northern side, if that is the location for the compound. The Council has documented its concerns at each deadline over the applicants reluctance to commit to the retention of the trees on the northern boundary of the road to the open ground beyond. On the basis that the location of the compound is fixed then there does not seem to be any reason why this commitment cannot be given</p> | <p>Following a desk based review of the tree constraints plans (Appendix 10 Tree Survey Schedule and Constraints Plans (REP3-007)) and discussion with the cabling contractor, it has been confirmed that T290, T300, T302, T303, T306, T307 and T312 as shown in those plans, will be avoided during the proposed works adjacent to Hambledon Road. This will be included in the detailed arboriculture method statement to be prepared in consultation with the local planning authority as secured by Requirement 15 of the dDCO (REP5-008 Rev005). T306, T302 and T300 have also been removed from Schedule 11 in the dDCO submitted at Deadline 6.</p> | <p>The Council notes the recent action And is content that the newly TPO Trees are now protected as much as they can be.</p>   |
|  | <p>The Council notes the request to the applicant to clarify the situation regarding the Converter Station height. The Council wishes to take this opportunity to comment on that situation. It is understands that the height</p>   | <p>The Applicant seeks permission for buildings between 22m and 26m as stated in the draft DCO (REP5-008) and justified in the Design and Access Statement (REP1-031). These dimensions are based on advice which the Applicant has received from contractors</p>   | <p>See comments made to applicants D4 response.</p>  |

| Para No.                                  | Summary of Deadline 5 Submission  | Applicant's Response at Deadline 6   |   |
|---|---|--|---|
|   | <p>variation is to allow some flexibility in the design of the roof and its supporting structure. The final decision will rest with the contractor at the time the detailed design is finalised. The Council has sought clarification what weight will be given to minimising landscape impact in that decision.</p> <p>This is particularly pertinent if the lower building results in a higher capital outlay.</p>  | <p>experienced in constructing converter stations. As is explained in the Applicant's Transcript of Oral Submissions for Issue Specific Hearing 1 on Development Consent Order (REP5-058) in response to question 4.2 and in the Applicant's oral response in relation to the same, to ensure that no supplier is disadvantaged from offering their proposed technological solution the Applicant has sought to retain flexibility in respect of the height, and without this the Applicant would not be able to run a competitive tender process for the Converter Station taking into account the limited number of supplies of the bespoke equipment which comprises a converter station.</p> |   |
| <p><b><u>ISH1 Agenda Item 4.3</u></b></p> | <p><u>Fibre Optic Cable</u></p> <p>The Council has consider this question in the light of the information provided by the applicant at the various deadlines. The Council has responded at each deadline looking to build up a clear picture of the FOC to the point where it can reach a definitive view on whether this element is clearly associated development or not. Any review must be set in the context of the section in the Planning Act 2008 and the guidance on associated development April 2013.</p> <p>A reference to a commercial use of the FOC is acknowledged within the S35 Direction. However, this reference alone is not considered to fundamentally tip the argument in the applicants favour. The Council is of the view that the SofS was "blind" to the full extent of the proposed commercial use when the S35 Direction was made. The Council is of the view that had the SofS been aware of the full magnitude of the amount of the commercial FOC capacity then he would not have accepted it.</p> <p>The applicant has been slow to share the precise magnitude of the commercial use.</p> <p>Following a number of request, the latest figure to be disclosed is an 80-20% split between the commercial and interconnector use. The actual number of lines that would be offered is thought to add further light on the question.</p> <p>The criteria for associated development are limited. They are set out in the guidance document referred to above. From the examples given in the guidance, it is clear that the associated development has to have a direct connection to the main element. Whilst this is true at a superficial level in this project, those benefits raised by the applicant in support of the FOC being associated development are not considered to fulfil the qualifying criteria.</p> | <p>The Applicant has confirmed its position on why the commercial use of the spare capacity within the fibre optic cables required for the operation of the Proposed Development and the development associated with that use is associated development in accordance with Section 115 of the Planning Act 2008 and how such associated development complies with the relevant guidance provided in this regard within the Statement in Relation to FOC (REP1- 127).</p>   | <p>See comment to applicants D4 responses</p> |



**ISH1 Agenda  
item 5.6**

**Employment and Skills Plan**

The applicant's statement that the nature of the project will require a specialised workforce to install elements of the project is accepted. However, it is recognised that this still leaves open the ability of local companies and workers to become engaged in other elements of the project. These include the earthworks, landscaping and the road gangs. Whilst they may be considered minor elements in the context of the overall scheme, they are

As is explained in the Applicant's Transcript of Oral Submissions for Issue Specific Hearing 1 on Development Consent Order (REP5-058) in response to question 11.1, 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).

Recent discussions appear to show the applicant has now accepted the need for an ESP. The Council awaits confirmation of this by the applicant. The mechanism for its delivery (requirement or legal agreement) is still under discussion.

| Para No.                                  | Summary of Deadline 5 Submission  | Applicant's Response at Deadline 6  |  |
|---|---|---|--|
|   | <p>significant elements worthy of attention. As part of the Plan, the Council is also seeking the applicants support in firing the enthusiasm of students from local educational establishments on career opportunities by arranging carefully controlled site visits.</p>  |   |  |
| <p><b><u>CAH1 Agenda item 3.3</u></b></p> | <p><u>Deed of Covenant</u></p> <p>The use of the Deed of Covenant as a mechanism to acquire landscape rights over land that the applicant does not intend to own is a proposal that the Council is not familiar. Consequently, it has sought clarification on the practicalities of using this approach and also of the ability for the deed to be maintained throughout the life of the development. This later point includes the ability to take enforcement action if the deed is breached.</p> <p>The Council has sought further information on this matter. The most recent formally submitted detail was in the deadline 4 response. This refer to the provision of a model of the deed and makes reference to enforcement provision under the relevant section of the Planning Act 2008. This is still under consideration and discussion with the applicant.</p> | <p>Please refer to the Applicant's hearing transcript for CAH1 (REP5-035) and in particular the response to question 3.3.</p> <p>The Applicant has liaised further with Winchester City Council on this matter, and has provided a copy of a precedent landscaping easement and an explanation of the position in respect of enforcement.</p> <p>Whilst the Applicant notes the comments of WCC, it is considered the Applicant has made very clear why the approach to voluntarily seeking to secure the necessary rights by way of a Deed of Grant of an Easement is appropriate, providing a legally enforceable property interest. The Applicant therefore considers this matter to be addressed.</p> |  |