



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: aquind@planninginspectorate.gov.uk

All Interested Parties, Statutory Parties
and Other Persons

Your Ref:

Our Ref: EN020022

Date: 3 February 2021

Dear Sirs

**Planning Act 2008 – Section 89 and The Infrastructure Planning
(Examination Procedure) Rules 2010 – Rules 9 and 17**

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

Decision on Change to the Application

The Examining Authority has decided to accept for Examination the third proposed change to the Application that was put forward by the Applicant at Deadline 7 (25 January 2021) in *AQUIND INTERCONNECTOR, Changes to the Order Limits* [REP7-078]. The background to, and the Examining Authority's reasoning for this procedural decision are set out below.

The Examining Authority does not consider the proposed change to be material. No formal acceptance, notice, consultation, or related process is required before the Examining Authority can examine the change alongside the submitted Application as amended by the two earlier changes. This decision by the Examining Authority does not imply any acceptance of the planning merits or evidence for the change, the effects of which will be examined with the same rigour as the original Application.

Background

In *AQUIND INTERCONNECTOR, Changes to the Order Limits* [REP7-078], the Applicant proposes a further change to the Application. The document provides commentary and illustrations, and details the change as:

- Proposed Change 1 (Tudor Sailing Club boatyard and access road): Removal of Plots 8-03b, 8-03c and 8-03d (all removed in their entirety); and
- Proposed Change 2 (Sainsburys): Removal of Plot 7-10 (in part) and change in the class of rights sought over part of the remainder of the Plot 7-10 (from New Connection Works Rights to Temporary Use).

The Applicant provides updates to all necessary Application documents along with a review of the Environmental Statement that concludes that the changes '*would not introduce new or different likely significant effects, nor do they change the outcome of the assessments as presented in ES Chapters 15 to 29 (APP-130 to APP-144), the ES Addendum (REP1-139), or ES Addendum 2 (document reference 7.8.2)*'. The Applicant concludes that the proposed change is not material.

The Examining Authority's reasoning

In reaching its decision, the Examining Authority has taken into account both the DCLG's Guidance for the Examination of Applications for Development Consent¹ and the Planning Inspectorate's Advice Note 16: *How to request a change which may be material*². These accept that applicants may need to change elements of a proposal after an application has been accepted.

The Examining Authority has had regard to the nature and scale of the proposed change and has concluded that it would not materially alter the substance of the proposal for which development consent was originally sought. The change does not involve any 'additional land' (as defined in The Infrastructure Planning (Compulsory Acquisition) Regulations 2010). The Examining Authority notes that the proposed reductions are minor in extent in relation to the proposed Order limits, and that their intention is to provide beneficial changes for the affected parties. As such, the Examining Authority agrees with the Applicant that the proposed change is non-material.

The Examining Authority recognised that in considering whether or not to accept the proposed change for Examination, it needed to act reasonably and in accordance with the principles of natural justice. With regard to Advice Note 16, it had to be satisfied that any parties affected by the change will have a fair opportunity to make their views on it known and to have their views properly taken into account.

The Examining Authority noted that the proposed reductions in Order limits and change to the class of rights represent a response to further engagement with landowners and occupiers. It was content that there will be sufficient opportunity during the remaining Examination process for all relevant interested parties to view the change, for representations to be made in relation to the change, and for any representations to be taken into account by the Examining Authority. Deadline 8 in the Examination Timetable, Monday 1 March 2021, invites comments on Deadline 7 submissions, offering a specific opportunity for any affected party to make a submission.

The Examining Authority has considered the Applicant's Habitats Regulations Assessment report and concludes that the proposed change would make no difference to the outcome of a Habitats Regulations Assessment.

¹ The Department for Communities and Local Government, Planning Act 2008: *Guidance for the Examination of Applications for Development Consent*

² <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/07/Advice-note-16.pdf>

Request for further information from Winchester City Council

We also write to request further information from Winchester City Council under Rule 17 of the Infrastructure Planning (Examination Procedures) Rules 2010.

We note from Winchester City Council's Deadline 7 submission *WCC PAPER No. 4: Winchester City Councils Comments on Examining Authorities Position to Further Site Inspections* [REP7-099], that the Council believes that further site inspections by the Examining Authority would be beneficial to the Examination. The proposed site for the Converter Station at Lovedean, Denmead Meadows, and land on the south side of Hambledon Road are specifically mentioned.

By way of background and context we would invite the Council to read the current Government guidance about site inspections and the further details that we now provide of the Unaccompanied Site Inspections made so far by the Examining Authority. We then set out our request for further information below.

Current guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951644/210107_COVID-19_Guidance_for_NSIP_External_Events_Advice_12_Jan_2021.pdf

Details of Unaccompanied Site Inspections made so far

Overviews of our Unaccompanied Site Inspections are provided in the Examination Library as references [EV-001] to [EV-007] and [EV-013]. We believe that USI1 [EV-001] and walk 4 of USI2 [EV-002] are relevant to this matter.

To assist the Council and for the avoidance of doubt, we provide further detail below of the inspections already made in relation to the proposed site for the Converter Station and King's Pond and Denmead Meadows (including land on the south side of Hambledon Road).

King's Pond and Denmead Meadows

King's Pond and Denmead Meadows were inspected during USI1, and we also have the detail provided in the Applicant's Denmead Meadows Position Paper [REP6-072] and the Council's own Deadline 6 and Deadline 7 submissions in respect of vegetation and biodiversity, including the HBIC survey of King's Pond Meadow [REP7-095].

During USI1 we parked on Anmore Road and got out of the car to view Kings Pond and the meadows beyond, including through gaps in hedgerows a short distance to the east of the pond (giving close views of meadow 8 and across to meadow 13 and beyond to other meadows to the south) (meadow numbering as in [REP6-072]).

In addition, we looked through gateways and gaps in the hedgerow along Soake Road, giving us close views of meadows 10, 11 and 12, and across to meadows 7 and 9. We had some views of the southern meadows through gateways and hedgerows along the southern end of Soake Road and from Hambledon Road (around its junction with

Soake Road), including meadow 14, to the south of Hambledon Road (most notably from the junction of Hambledon Road and Closewood Road).

Site for the proposed Converter Station

The proposed site for the Converter Station and the access road to it were inspected during USI1 and USI2 (walk 4). We also have the benefit of the Applicant's photography and survey documentation, and also the landowners' detailed descriptions of the land and the current and recent land uses.

During USI1 we looked particularly at: views from the junction of Broadway Lane/ Old Mill Lane / Edney's Lane; through gateways and gaps in (and over) hedgerows along Broadway Lane east and west of Little Denmead Farm; views from the lane to the north of the proposed site and its junction with Monarch's Way. We also drove slowly along Old Mill Lane and stopped to observe several available views through gates and gaps in the hedgerows towards the proposed site of the Converter Station, including: a gateway just to the south of The Ranch/ Windy Ridge; a low, broken hedgerow opposite Old Mill Cottage; hedgerow gaps west of Hillcrest; hedgerow gaps at Milfield Farm and Mill View Farm; and elsewhere, further south along Old Mill Lane.

We also stopped to view the area around the junction of Broadway Lane and Day Lane, to inspect the site of the proposed new access from Broadway Lane to the proposed Converter Station access road. The additional viewpoint photography provided by the Applicant for Deadline 6 [REP6-057] also provides us with a record of this area.

During USI2 (walk 4) we walked a part of the way along the public right of way from Little Denmead Farm towards Broadway Farm and saw the proposed route of the access road, Stoneacre Copse and part of the proposed Converter Station site. We also revisited the Monarch's Way where it emerges onto the lane due north of the existing substation and inspected views of Mill Copse and general, screened views down towards the proposed site for the Converter Station.

Request for further information

Whilst noting that the Infrastructure Planning (Examination Procedure) Rules 2010 do not raise a requirement for site inspections, and that it is for the Examining Authority to decide which, if any, are necessary, we would be grateful if the Council could provide the following information in detail, having taken note of the information regarding our earlier site inspections set out above:

- the further site inspections it believes necessary;
- the exact locations or routes that it believes should be visited;
- precisely what features of the Proposed Development site, Order limits or their context it believes should be inspected;
- the specific benefits to the Examination that it believes would accrue;
- how it believes a site inspection in February or March would add to the Examining Authority's sufficiency of understanding of the characteristics of the areas in question in its consideration of biodiversity matters, given the detailed written information on biodiversity submitted into the Examination by the Applicant and the Council.

Could the Council please further explain why it requires 'two individuals from the inspectorate present' in order for it to be content.

For the avoidance of doubt, in addition to having the benefits of photography and environmental and land use information provided into the Examination in relation to the proposed Converter Station site and Denmead Meadows, the Examining Authority is content that it has been able to view these areas and their context adequately during the Unaccompanied Site Inspections made in 2020, but would find the requested information useful in relation to any future site inspection risk assessment.

Deadline for response to this request

Winchester City Council is requested to provide this information to the Examining Authority before or during ISH5 into Environmental Matters and Highways on Thursday 18 February 2021. An item will be included on the agenda for this.

Other matters

Whilst writing, we can advise that we no longer require Monday 15 and Tuesday 16 February 2021 to be reserved in the Examination Timetable for Issue Specific Hearings, Open Floor Hearings or Compulsory Acquisition Hearings. The Hearings on Wednesday 17, Thursday 18 and Friday 19 February 2021 will go ahead as planned. For the avoidance of any confusion, we can confirm that the Compulsory Acquisition Hearing on Friday 19 February 2021 will start at 12 noon, with the arrangements conference from 1130.

If you have any questions about any of the matters raised in this correspondence, please contact the Case Team using the details provided at the top of this letter.

Yours sincerely

Andrew Mahon

Lead Member of the Panel of Examining Inspectors