



National Infrastructure Planning
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All Interested Parties, Statutory Parties
and Other Persons

Your Ref:

Our Ref: EN020022

Date: 24 February 2021

Dear Sir/Madam

**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**

Notification of a Procedural Decision

I am writing to advise you of a Procedural Decision taken by the Examining Authority following a request from the Applicant, AQUIND Limited, in a letter to the Planning Inspectorate dated 19 February 2021. The letter has been published on the project web page as an Additional Submission¹.

The Applicant's request is that the Examining Authority agrees to a revision of the Examination Timetable to insert a new Deadline 8b on 8 March 2021.

We note that the 8 March 2021 is the final date of the Examination and we have made the decision not to accept the Applicant's request.

Request for further information from the Applicant

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

We have noted that the proximity of Deadlines 7c and 8 to the Hearings held on 17, 18 and 19 February 2021 and the presentation of new material at those Hearings could prejudice the Applicant's opportunity to comment on new information and the final positions of other parties. To ensure that opportunity is available, we request that the Applicant, having considered material submitted by other parties since the

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-003724-Letter%20to%20the%20ExA%20-%20Examination%20Timetable.pdf>

Hearings held on 17, 18 and 19 February 2021 and before or at Deadline 8 in respect of the draft Order and other relevant material, provides us with a comprehensive draft Order and any response to those submissions made before or at Deadline 8.

We can also confirm our request made during Issue Specific Hearing 4 into the draft DCO for the Applicant to compile and submit to us a comprehensive schedule of all of the proposed changes to the draft DCO set out in the Examining Authority's Schedule of Changes and other parties' submissions, including *inter alia* Portsmouth City Council, Winchester City Council, Hampshire County Council and the agents for Mr G and Mr P Carpenter. The schedule should identify the suggested changes and indicate whether or not they have been accepted by the Applicant in whole or in part, with reasoning.

The deadline for a response to these requests is Deadline 9 on the Examination Timetable, which is 23.59 on Friday 5 March 2021. It may not be possible to publish responses for Deadline 9 before the Examination has closed.

Please note that these requests relate to the Applicant only, and the strict deadline for final submissions from all other parties remains as Deadline 8, which is 23.59 on Monday 1 March 2021. We will aim to publish these documents to the project web page as soon as possible after the deadline has passed.

We have a further request for information from the Applicant. During Issue Specific Hearing 5, there was a discussion about 'bird refuge areas' at Milton Common, which were understood to relate to mitigation or compensation for works associated with Phase 4b of the North Portsea Island flood and coastal erosion management scheme. The Applicant made submissions on this at the Hearing and followed up with details in its submission *Applicant's Written Summary of the Oral Case at Issue Specific Hearing 5 (ISH5)* (Applicant's document reference 7.9.41, paragraph 5.28 onwards). We request the Applicant to discuss this with Natural England and provide an updated position in relation to these matters and in particular the implications for the HRA. This could be included in the final Statement of Common Ground between the Applicant and Natural England at Deadline 8, Monday 1 March 2021, or in a separate submission at Deadline 8.

Please contact the Case Team if you have any questions about this letter.

Yours sincerely

Andrew Mahon

Lead Member of the Panel of Examining Inspectors