

From: SCornwell@winchester.gov.uk
To: [Aquind Interconnector](#)
Subject: FW: Aquind Interconnector: Winchester City Council Deadline 8 response
Date: 01 March 2021 20:29:28
Attachments: [Paper 1 WCC ISH4 response paper.pdf](#)
[Paper 2 WCC ISH5 response paper.pdf](#)
[Paper 3 Comments on applicants responses to Deadline 7 and 7a Submissions.pdf](#)
[Paper 4 WCC dDCO Deadline 8.pdf](#)
[WCC Main submission paper D8.pdf](#)

Your Ref reference EN020022

WCC identification No 20025191

Dear Sir,

**Aquind Interconnector Nationally Significant
Infrastructure Project Examination: Deadline 8 (1 March
2021)**

Please find enclosed the response by Winchester City Council to
Deadline 8 (1 March 2021)

The attachments consist of the following:

1. WCC Main submission Paper
2. Paper No. 1 WCC ISH4 response paper
3. Paper No. 2 WCC ISH5 response paper
4. Paper No. 3 WCC comments on applicants responses
to Deadline 7 & 7a submissions
5. Paper No, 4 WCC comments on dDCO for Deadline 8

If you have any questions please do not hesitate to contact me.

Regards

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Final Comment at Deadline 8

Main Submission Paper

1 March 2021

Introduction

The Council notes this is the last opportunity to make comments in the Aquind Interconnector Examination.

These comments will focus predominantly on those areas where there has been late discussions on outstanding matter and those areas where agreement has or has not been reached.

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11. Cross Country Route
12. Lovedean Grassland Establishment.

1 Summary of Representations made at ISH 4

A separate paper No. 1 has been included to record the comments made by WCC at ISH4 on the dDCO.

2 Summary of Representations made at ISH5

A separate paper No. 2 has been included to record the comments made by WCC at ISH5 on Environmental Matters and Highways.

3 Comments to applicant responses Deadline 7 and 7c submissions

A separate paper No. 3 has been included to address the outstanding comments on the applicant's responses to Deadline 7 & 7c submissions.

4 Comments on draft DCO

A separate paper No. 4 has been included to address the outstanding

comments on the dDCO.

5 Employment and Skills Strategy

The Council has been seeking a commitment to an Employment and Skills Plan since the application was submitted. The applicant submitted an Employment and Skills Strategy (ESS) at D7 (REP7-077) and included requirement 27 in its revision no. 006 of the dDCO at D7 (REP7-013) to deliver the plan.

The submission is welcome by the Council as a positive response to the request by the Council. The ESS is considered to offer a very positive guide for the future submission of details at the requirement submission stage. However, it is not viewed as the definitive document on this topic. There are aspects that the Council wishes to see explored further at the appropriate time. These include the targets, the suitability of onsite visits, the number of educational establishments that are engaged with and the resources to be applied to implement the plan.

6. Socio Economic Benefits to Denmead

At D7 the applicant responded to ExAQ2 SE2.15.2. (REP7-038) This question sought an explanation for the predicted socio economic benefits to the rural settlements of Denmead and Anmore. The response did acknowledge the difficulty in setting out precise tangible benefits and talked of three areas, employment spending and support for community services. The applicant did generalise in identifying a number of local residents employed in construction and speculated that they could find work associated with the scheme. This attempted link is considered tenuous and lacks any depth of analysis of whether those people are working for the type of contractor who may tender for work on site. The degree of benefit from spending arising from purchases at local shops or from accommodation stays is also speculative. As the applicant intends to encourage contractors to use preferred routes to and from the site and these do not go through the village then the benefits from passing traffic will be limited.

The commitment to an Employment and Skills Plan is welcomed.

The applicant's rejection of contributing to a more general community fund that would see the local area benefit from the scheme is regrettable. Citing the specific regulations is not viewed as adopting the same spirit as following the philosophy that resulted in the publication of the Community Benefits from Onshore Wind Developments: Best Practice Guidance for England Funds. The difference in attitude between Aquind and the developer of IFA2 where community benefits have been proposed is noted. Even at this late stage, and if necessary secured outside the Examination process, the Council would welcome some engagement with the applicant to establish such a fund.

7. Kings Pond Meadow

- 7.1 The concern relates to the impact on a section of the Kings Pond Meadow SINC. The proposal would see a roadway and cable circuits crossing Field 8 East. (See Appendix 4 Figure 1 Denmead Meadows SINC REP7-071) This field is part of the SINC. The roadway links the Anmore Road access (AC/2/a) as shown on sheet 3 of the Access and Rights of Way Plans (REP7-008) through to the proposed HDD5 recovery compound in Field 13.
- 7.2 The outstanding issue concerns the applicants intentions regarding the measures to secure the restoration of the land after the temporary use ceases.
- 7.3 The proposal is to monitor the land in years 1, 3 & 5. Recent indications are that part of the land will be fenced off for the first winter. Whilst the applicant will undoubtedly have some form of contract with the landowner to cover the construction period, there is no proposal to extend that arrangement or indeed any type of arrangement that would influence the management of the land during the restoration period beyond the monitoring and simple management visits. This means outside the maintenance visit which will occur on three occasions over a period of 5 years, the landowner will be at liberty to use the land as they see fit, with the potential that those actions may run directly counter to the restoration measures. The dDCO powers would cover such an agreement if the parties were willing to enter into one. This is not to imply there has to be ownership of the land but some form of understanding over the way the land is farmed. Without an adequate level of influence or control over the use of the land during the restoration period there must be an uncertainty that the land will be brought back to its former condition.

8. Access Route to Kings Pond Meadow Compound

- 8.1 *The construction traffic route for accessing works within Kings Pond Meadow is identified within Section 3.4.4 of the Framework Construction Traffic Management Plan (REP6-032). HGV construction traffic to/from Anmore Road and Kings Pond will be routed either via the Converter Station Area and A3 London Road, B2150 Hambledon Road and Mill Lane or directly from junction 3 A3(M), Hulbert Road, A3 London Road, B2150 Hambledon Road and Mill Road.*

No construction traffic will use routes along Broadway Lane south of the Converter Station Area or Soake Road. This will be managed and enforced by provision of route planning information by the contractor.

- 8.2 In the assessment of the traffic route options the Council asks why the option of coming straight down the haul route has not been considered. This haul road will be formed alongside the cable circuits from Lovedean as far south as Anmore Road. The haul road could be extended, crossing Anmore Road and leading directly into the Kings Pond Meadow (KPM) site. This would avoid the need for any HGV traffic to enter the highway. Whilst the Order Limits do narrow

as they run through the gap between the residential properties on the north side of Anmore Road, there does appear to be sufficient width to form a temporary roadway. If there is a concern over the available width, then attention to the sequence that the work is undertaken at KMP and in the fields to the north may resolve the issue.

The proximity of the haul route to the children's home which was referred to at ISH5 when this matter was discussed is not considered so critical an issue when the number of vehicles concerned is taken into account.

The Council notes the assessment of Mill Road in terms of traffic numbers. When it is considered that this road is residential in nature with no obvious destination point to the north, the figures presented of a weekday average of 69 HGVs in Appendix C Construction Vehicle Management on Anmore Road and Mill Road (REP7-075) is strongly questioned. The Council asks that the applicant check this figure. There does not appear to have been any assessment of the displaced car parking demand and how this would be satisfied within the surrounding area.

9. Converter Station Micro Siting Options

- 9.1 This is the last opportunity for the Council to comment on this matter. Despite the preference by the applicant for option B(ii) and the indications that the negotiations with National Grid would be completed by this time, there is no indication that the negotiations will be completed within this timescale. Accordingly, the Council must respond on the basis of both options going forward into the recommendation and decision making stage of the process.
- 9.2 The Council has maintained a view throughout the Examination that option B(ii) should be the only scheme to go forward. Now that option B(i) is still under consideration, the Council feels that it should strengthen that view from severe concern to formally objecting to option B(i). The reason is that option B(i) is considered contrary to the intentions of the local planning policies as set out in the consideration of this issue in section 4.6.9 of the Council's Local Impact Report (REP1-183). The planning policy context, commentary and conclusion from that section are copied below:

Planning Policy Context

Local plan part 1

Policy DS1 (Development Strategy and Principles) Notes the presumption in favour of sustainable development and that development should demonstrate conformity with a series of principles including maintaining and enhancing the importance of environmental heritage and landscape assets.

MTRA4 (Development in the Countryside) After listing certain types of development that could be permitted in the open countryside notes that development should not cause harm to character and landscape.

CP13 (High Quality Design) The core principle of this policy seeks the highest standard of design and seeks all development to demonstrate they

have considered 5 criteria, one of which is that the development enhances the natural environment and improves local biodiversity

CP16 (Biodiversity) seeks to maintain, protect and enhance biodiversity, delivering net gain across the district. It states that where unavoidable impacts occur, they should be appropriately mitigated. Proposals should clearly outweigh the harm to habitat and/or species.

Local Plan Part 2

DM15 (Local Distinctiveness) promotes the conservation or enhancement of trees and hedgerows that contribute to local distinctiveness.

DM17 (Site Development Principles) supports development that does not have unacceptable effects on amongst other criteria, ecosystems or landscape character.

DM23 (Rural Character) requires that development within the countryside should not have any unacceptable impact on the rural character of the area.

Commentary

During the PEIR consultation exercise the applicant put toward what is now referred to as option B(i) for the siting of the Converter Station. Responding to concerns raised by the Council relating to the loss of the significant section of hedgerow this option required, the applicant has brought forward what is now referred to as option B(ii). This would see the general position of the Converter Station moved some 35m eastward closer to the existing substation. This adjustment to the siting of the Converter Station would enable the retention of the hedgerow. It is understood that this move does require a successful negotiation with the National Grid.

If option B(i) is approved and construction, it would have a number of negative consequences from both a landscape and biodiversity aspect. The following hedgerows would be affected:

- The lower half of hedgerow HR05
- All of HR08
- The eastern part of HR06

This adds up to approximately 410m of species rich hedgerow and 25m of hedgerow will be lost (16.6.1.13). This includes some mature trees. This will also result in the loss of its biodiversity value including the loss of habitat for bats (section 16.6.1.27). It has also been recognised that two badger setts will also be destroyed (section 16.6.1.21). This action would weaken the landscape screen on the western side of the development removing the existing mature screen. This will be replaced by new planting as shown on Figure 6.10.1 Outline Landscape and Biodiversity Strategy Management Plan (APP-506). The new planting will obviously take time to mature into a condition that would provide the equivalent screening value and ecological value that the existing feature does.

If micro siting option B(ii) is adopted all the above negative aspects would be removed with only the east west hedgerow HR07 being removed.

Conclusion

The Council favours option (B(ii) as having the least impacts on natural features and habitat. Given the magnitude of the impacts associated with the implementation of option B(i) the Council would have severe concerns based on the landscape and biodiversity impacts as set out above. It is hoped the

negotiations with the Grid can be successfully concluded.

- 9.3 The retention of option B(i) means that if this option were chosen it would be in conflict with the above policies. The logical expression of this view is to object to dDCO requirement 4 as proposed at deadline 7. As worded the requirement would allow the applicant the choice of identify which of the two micro siting options would be built.

The ExA is requested that in the event they present a positive recommendation to the Secretary of State that it excludes micro siting option B(i). This view is reflected in the Council's final comments on the dDCO which form part of this submission under paper No. 4.

10. Choice of Lovedean:

- 10.1 The background to this issue is well recorded. Having failed to receive a sufficient clear response in an initial approach to NGENSO by the ExA, a second approach was made on 7 January 2021 as part of EXQ2. The central question was the role that the proximity of the Lovedean site to the national park played in the decision by the National Grid to offer Lovedean to Aquind as the location for the grid connection. This requirement finds expression in Section 62 of the Environment Act 1995. This section imposes a duty on the National Grid to have regard to the purposes of the National Park in their decision-making.
- 10.2 A response from NGENSO was sent dated 25 January 2021 and is REP7-109. The letter implies that the Feasibility Study and subsequent Connection and Infrastructure Options Note was a shared process between the Developer, the Transmission Owner and NGENSO. The environmental factors/considerations were left up to Aquind to weigh as it clearly stated in the third paragraph of the 25 January 2021 letter when it says:
- Planning and environmental considerations are considered in the process **by the Developer**, (WCC emphasis) as they must be willing to accept the connection offer following the CION process.*
- 10.3 This statement by NGENSO seems an abrogation by them of the duty specifically imposed on them by the 1995 Act. The letter then acknowledges the duties under Schedule 9 of the Electricity Act 1989 but this is a lower test than the one relating to the national park as applied by the 1995 Environment Act.
- 10.4 Over the course of the two letters submitted by NGENSO the Council has not seen the clarity of detail that it was expecting. Accordingly, at the present time the level of information that has come forward does not satisfy WCC that the correct procedure was followed or clearly audited.

11 The Cross Country Route: Final Comments

- 11.1 Throughout the entire application process, the Council has been seeking clarification on the consideration that the applicant gave to taking the cable route across the open countryside from Portsdown Hill up to the Hambledon Road as opposed to following the A3 and B2150. This search for an answer has been undertaken whilst discussions on the various impacts of laying the cable circuits in the highway have been considered. Whilst those impacts may well have reached a point where they are “agreed” that does not diminish the merits of considering an alternative which if adopted would remove the majority of impacts entirely.
- 11.2 The question of a cross country route featured in the Councils Relevant Response in February 2020 (RR-198). Before the Examination formally commenced at the first Preliminary Meeting, the Council was invited to present a paper on this matter by Procedural Deadline B and this is included in the Library as document (PDB-006). The Council also made reference to the issue in its Local Impact Report (PRE1-183) and it has featured in all the response and comment exchanges with the applicant since that date. The most recent response from the applicant is included in the document entitled Applicants Response to Deadline 7 and 7a Submissions (REP7c-012).
- 11.3 The reason why the Council has persisted in responding on this matter is simple. In none of the evidence submitted by the applicant have they addressed the core question. This is summarised below as follows:
- “Where in the submission as part of the optioneering process, when the decision was taken to link the landfall at Eastney with the grid connection at Lovedean, does it clearly identify with a clear timeline that due consideration was given to assessing the merits of the cross country route as an alternative to coming up the highway”.*
- 11.4 None of the applicant’s responses has dealt with this question directly. The most comprehensive response at deadline 1 the Supplementary Alternatives Chapter (REP1-152) devotes a whole section (section 8) to what is referred to as the Countryside Route. This section contains an assessment of the issues that such a route would need to address but it does not respond to the core question and provide the timeline sought which would show that this option was part of the assessment when the applicant was looking for the best route to link Eastney to Lovedean.
- 11.5 The applicant has made reference to the consideration of the cross country route before 2019 offering two dates (2017 & 2018) but not linked them to specific sections in any text to support those claims. The applicant has also referenced to other documents but they also lack the level of evidence sought. There is a reference to a point in the statement of common ground with

Natural England (REP5-027) NE4.8.1 where it states that they both agree on the concerns relating to the countryside route. That is noted. However, it is the view of the Council that the merits of the cross country route should have been evaluated and weighed against the road route prior to the choice of the cable route being made. It is inappropriate to evaluate one option on its own. This is not to imply that the Council supports one option over the other. Winchester City Council has no preference, it simply wishes to see the alternatives assessed against each other.

- 11.6 In the light of the responses, the inevitable conclusion after 6 months is that the applicant did not consider the Cross Country Route when they were looking for a cable route to connect the landfall to the grid connection point. The Council's letter at PDB 2 noted the applicant's stated strategic intention from August 2014 as outlined in chapter 2 of the ES for the onshore cable route to be laid in the highway. The conclusion is that this principle drove the choice of the A3/B2150 and not some measured assessment of the pros and cons of the road route against the cross-country route. The exercise to assess the relative merits of the cross-country route only took place after April 2019 in response to the questions raised at the PIR stage. By that time the decision to follow the road route was already fixed. Consequently, the most recent information submitted during the Examination has focused on identifying and assessing the constraints associated with such a route to present a case to justify the unsuitability of that route. In effect, it was retrospectively fitting the case to justify why the road route was adopted.
- 11.7 The Council remains of the view that the applicant has not provided any further information which has addressed the specific question of timing since the Preliminary Meeting submission. The ExA is requested to review that submission at PDB-006. The final section of that letter is repeated below as all the points remain to be answered by the applicant and addressed by the ExA in their assessment of the application:

Conclusion.

- i. Alternative route options may be legally relevant and important matters for the examination, particularly where adverse impacts of the selected route have been identified as is the case here. That is irrespective of whether and to what extent other options have been considered in the applicant's assessment in the ES or otherwise.*
- ii. In August 2014 the applicant adopted 5 strategic principles that would be applied to the project. One of these was to follow the highway with any cable route from the landfall to grid connection point. There is a concern that the adoption of this principle has influenced the consideration of other alternatives.*
- iii. As the optioneering process progressed, and it focused in on the cable route 3D (Eastney to Lovedean), no option other than burying the cables under the A3 and B2150 appears to have been considered. The Cable route desk study*

of February 2017 gives no indication of considering the cross country option west of the A3.

- iv. The consideration of alternatives is an iterative process and there is an expectation on a developer to consider new options or reconsider previously discounted options as a project is being developed. v. The only evidence to show that the applicant has considered the cross country route at any stage is in the response to the questions raised during the PEIR consultation process in April 2019.*
- v. This assessment should have formed part of the earlier cable route studies. Its absence from any earlier study raises the concern that the detail presented, was only put together in response to the matter arising at the PEIR stage.*
- vi. WCC has consistently asked for the disclosure of any assessment of the cross country route. To date no additional information has been forthcoming that may have answered this question.*
- vii. It is not considered just a question of making an assessment of the two options. Any assessment of the cross country route against the highway route needs to have a sufficient level of information regarding both options for any meaningful and reasonable assessment to be made. The timing of the assessment is therefore an important consideration.*
- viii. It is accepted that no assessment can be made with full information on different option. However, there is a concern that the applicant has still not fully appreciated or acknowledged the technical and engineering difficulties of laying the cable circuits in the highway.*
- ix. The issues associated with the highway option are still emerging. This raises the question whether a reasonable assessment of the two options against each other has been made if some form of “blind” assessment has indeed taken place and which has not been disclosed to date.*
- x. The impacts of following the road route have the potential to be significant which adds to the need to undertake a balanced review of the two routes.*
- xi. This view is expressed without any favouritism being expressed for or against one option in comparison to the other. They are both recognised as holding positive and negative consequences.*
- xii. WCC highlighted the need for the applicant to seek clarification on this matter at one of the briefing meetings held with the Planning Inspectorate. This is recorded in the notes of a meeting held on 13 June 2019. The applicant does not appear to have acted upon this suggestion. The importance of this issue to the examination has therefore been identified for some time and by several local authorities.*

1.18 If the consideration of the cross country route against the road route has merit, the Examining Authority is requested to consider the implications on public consultation. At neither the PEIR consultation stage or at the formal submission stage has the public been asked to express their views and preference for one route over the other? It is understood that public

engagement is a fundamental part of the formulation of a scheme and in this instance that stage is missing.

- 1.19 *The implication of not considering the cross country route during the optioneering process is that the applicant has failed the test of reasonableness which is referred to in the EIA regulations and the adequacy of the optioneering process must be questioned.*

12 Lovedean Grassland Establishment.

- 12.1 The intent behind this item is to reinforce the view expressed in the Statement of Common Ground that the Councils signing off on this matter is subject to clarification that Natural England are content in the way that the Biodiversity Metric (BM) has been applied. It is the Councils interpretation of the sequence of events that the original BM that was part of Biodiversity Position Paper REP3-012 considered the establishment of a calcareous grassland. That is to be expected as its publication precedes the discussion on the ability to form a chalk grassland and the emergence of the second option of a species rich grassland. The Council notes the view expressed by the applicant that the original calculation includes sufficient flexibility to allow for a species rich grassland and for the overall calculation to still show a net positive gain. The Council notes the high level of confidence on this matter expressed by the applicant. Winchester City Council does not have the internal expertise to assess the BM and confirm whether it does include the “built in correction factor” that would accommodate the establishment of a species rich neutral grassland instead of a chalk grassland. Accordingly, the Councils position is that its “sign off” on this matter is given on the understanding that the confirmation of Natural England is obtained on this specific point.

End.

1 March 2021

