

From: [REDACTED]@winchester.gov.uk
To: [Aquind Interconnector](#)
Subject: Aquind Interconnector: Secretary of State Consultation on further information.
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Attachments: [Secretary of State response letter August21.pdf](#)

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

Planning Act 2008 (as amended)

Secretary of State Consultation

Unique Reference: 20025191

Dear Sir,

Please find enclosed the Winchester City Council response to the further information submitted by Aquind in connection with the above scheme.

Regards

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To:

Secretary of State for Business, Energy & Industrial Strategy

1 Victoria Street

London

SW1H 0ET

United Kingdom

12 August 2021

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 Application by AQUIND Limited for an Order granting Development Consent for the proposed AQUIND Interconnector (“the AQUIND Interconnector project”)

Secretary of State Consultation

Unique Reference: 20025191

Thank you for the invitation to view and respond to the additional information that Aquind submitted on 27 July 2021. This was in response to your letter of 13 July 2021, which sought updates to questions on the following areas:

1. Mitigation and financial contribution proposals for sports grounds, playing pitches and recreational facilities in Portsmouth
2. Fibre-optic surplus capacity
3. The micro-siting of the converter station at Lovedean
4. Protective Provisions

Of the four areas above, only two are of specific relevance to Winchester City Council (WCC) and this letter will focus on those two matters.

Fibre-optic surplus capacity

The applicant has, without prejudice to the final decision, been requested to provide an alternative version of the draft Development Consent Order (DCO) with the commercial fibre optic cable element stripped out. In terms of physical changes above ground, the implication for WCC would be that the freestanding telecommunications buildings would be removed. Paragraph 3.7 of the Applicants Response to Secretary of State's Request for Further Information dated 23 July 2021 indicates that the ground intended to be occupied by these buildings would be subsumed into the wider landscaped area. Whilst the applicants have not expressly indicated in their submission, it is anticipated that a FoC that serves the interconnector alone will be installed to allow monitoring of the cables and for communications between the two Converter Stations.

Throughout the Examination Process WCC questioned the inclusion of the commercial element of the FoC provision. The request for more transparency on the nature of the FoC link started off in the WCC Local Impact Report (REP1-183) as a series of questions (paragraph 4.6.3) which the applicant was reluctant to answer. Eventually, the Council's concerns turn to an objection on the basis the commercial FoC element did not meet the criteria to be considered as "associated development". (REP7-094). This objection was also expressed in the Statement of Common Ground (SoCG) between WCC and Aquind where this matter was identified as "not agreed" between the two parties at point 4.2.9. (REP8-045).

Against the above background, WCC is pleased to see that the Secretary of State is considering the removal of this element if the overall project is approved. The Council notes the removal of the references to the commercial FoC from the scheme and in the Development Consent Order (DCO). It is however noted that references to the commercial FoC and the telecommunications buildings are embedded into other documents that form the application. One example is the Design and Access Statement Rev-005 dated 1 March 2021. Library document reference REP8-012. There are 48 references to the telecommunications Buildings in this document. Some of these references may be superseded if Requirement submissions are made, but others will remain. Whilst acknowledging that the DCO is the core document, the Council considers that for clarity in terms of the status of any residual references and to clarify the status of any FoC that is installed, an additional Requirement should be included within the dDCO along the following lines:

Proposed Limitations and Use of Fibre Optic Cable

For the avoidance of doubt, any residual reference within the Development Consent Order documents and plans to the commercial use of the fibre optic cables or associated signal enhancing, management equipment or buildings to enable a commercial use are null and void. Any fibre optic cable and associated facilities laid as part of the authorised development shall only be used to facilitate the operational use of the interconnector through cable protection, control or monitoring and for simple communication between the two Converter Stations.

The micro-siting of the converter station at Lovedean

The SoS has requested the applicant provide an update on the progress towards the completion of the negotiations with National Grid Electricity Transmissions (NGET) on the acquisition of the land to enable an adjustment to the location of the Converter Station. If these negotiations are not yet concluded, then an indication of when they will be resolved is requested.

In the update response, Aquind have stated that they have an agreement in principle with Heads of Terms dated 4 March 2021. However, they acknowledge that nothing is agreed and then say it is not possible to give any definitive answer on how long it will be before the legal documents are signed (response document para 4.6). They conclude by saying they cannot withdraw option B(i) (response document para 4.7).

Winchester City Council set out its position on the two options in section 4.6.9 of its Local Impact Report dated 6 October 2020. The relevant section is included at the end of this letter as appendix A. The Secretary of State is requested to read the appendix which outlines in great detail the implications of both options on landscape/ecology and why the Council preferred option B(ii).

At the end of the Examination, the Council noted that the negotiations had not been concluded and clarified its position as formally objecting to option B(i). This is recorded in the Councils final submission at Deadline 8 dated 1 March 2021 (Library document REP8-077) and in the SoCG between WCC and Aquind at paragraphs 4.12.10 and 4.13.2 (Library document REP8-045). The relevant sections from both documents are copied and pasted in appendix B to this letter.

The Council has already identified what it considers a weakness in the applicants east-west biodiversity links that is not sufficiently mitigated and this is recorded in the SoCG at paragraph 4.4.9 (Library document reference REP8-045). The severance of the north-south links that would be associated with option B(i) would further undermine the network of biodiversity links. Attached as appendix C & D are the landscape plans associated with options B(i) and B(ii). The total loss of any existing vegetation to the western side of the proposed building should be noted. Whilst new planting is proposed, it will take over a decade and possibly longer to be in a condition to replace the lost vegetation and for the recovery of the habitat. It is also worth noting that due west is the only section of the hedgerow on the eastern side of Old Mill Lane that is not included within the Order Limits and over which the applicant is not seeking "New Landscape Rights" to secure its retention and management control. These factors open up the western side of the proposed Converter Station to view from the countryside and from the National Park.

WCC is disappointed at the lack of any substantive progress on this matter with no clear justification as to why the negotiations have not been completed. The Council notes that within the SoCG between Aquind and NGET (Library document REP8-

037) it states that once the Heads of Terms were signed off then the agreement would be completed within 4-6 weeks. According to the recent update, the Heads of Terms were signed 4 March 2021. Yet, there seems to have been no progress in the 6 months since that date.

The Council notes that the land subject of the negotiations with NGET is recorded as plot number 1-27 (Land Plan Library document REP7-003). This carries the annotation for "Permanent Acquisition or New Connection Works Rights". The Council does not consider it a practical approach for the two options to go forward in any approved scheme. In view of the significant impacts if option B(i) remains part of the application, WCC requests that the Secretary of State exercise his powers to delete option B(i) from the scheme and from Requirement 4. This leaves Aquind to either reach a voluntary negotiated agreement with NGET or if that is not concluded, for Aquind to utilise the Compulsory Purchase Power that the DCO would give them.

The potential for an agreement does seem high as we are advised there are two willing parties to complete the agreement with no outstanding issues. It is therefore hoped that the very fact the SoS has asked the question may galvanise the parties into action and a satisfactory conclusion achieved.

WCC

End

12 August 2021

APPENDIX A

Extract from Winchester City Council Local Impact Report dated 6 October 2020

(Library Document Reference number REP1-183)

4.6.9 The positioning of the Converter Station relative to the Existing Sub Station (the micro siting question)

Issue

The application is putting two options forward for the position of the converter station relative to the existing substation. These are known as options B(i) and B(ii). The difference between them means that an existing hedgerow may or may not be retained. WCC would be severely concerned if the option B(i) was chosen that resulted in the loss of the hedgerow.

Application Details

The application is currently asking for two options for the siting of the

converter station compound to be considered. These are referred to as micro siting options B(i) and B(ii). Option B(i) would result in the loss of the north-south hedgerow. Option B(ii) would see the compound moved some 35m to the east that would allow the hedgerow to be retained. They are shown on the Indicative Converter Station Area Layout Plans sheets 2 & 3 respectively (APP-013). The applicant has presented the worst case option in the submission of (Bi). The final decision rests on the successful negotiations with the National Grid and whether they are willing to allow the release of the space needed to move the compound over.

Planning Policy Context

LPP1

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 it 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.

LPP2

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.

Confirmation is required to ensure that any new landscaping proposals are not watered down if the hedge is retained.

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.

APPENDIX B

Extract from WCC Deadline 8 Main Submission Paper dated 1 March 2021 (Library document REP8-077).

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

Councils 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 Councils final comments on the dDCO which form part of this submission under paper No. 4.

Extract from Final Statement of Common Ground between WCC and Aquind dated 1 March 2021 (Library document reference REP8-045)

WCC 4.12.10	Requirement 4 – Converter Station option confirmation	<p>WCC's position in favour of Option B(ii) is noted, however at this stage the Applicant cannot commit to taking only Option B(ii) forward. If agreement is reached with National Grid before the end of the Examination, Option B(i) may be removed from the draft Order.</p> <p>At the time of writing this final SoCG, the exact option for the Proposed Converter Station has yet to be confirmed and therefore this Requirement remains unchanged.</p> <p>WCC does not agree to this Requirement given their position on the micro siting options. WCC supports B(ii) but objects to B(i) in the wording of Requirement 4</p> <p>Please also see section WCC 4.13.2 below.</p>	Not Agreed
WCC	Requirement 5 –	The parameters within draft DCO requirement 5 are agreed.	Agreed

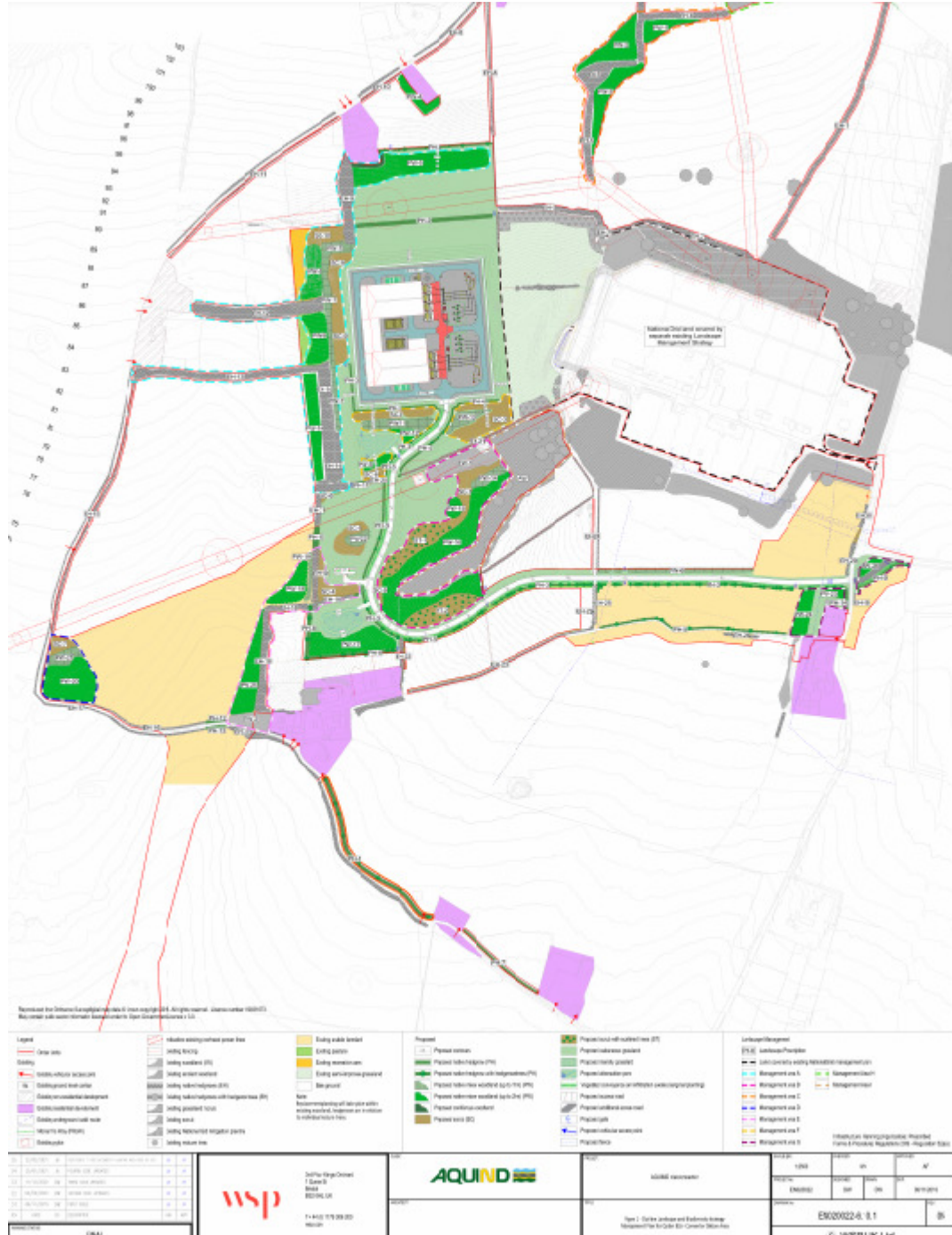
WCC 4.13.2	Microsited Converter Station Options	<p>WCC notes that the Converter Station is a significant building in a countryside location. WCC will object to the location of the building if Option (i) is to be adopted but supports Option(ii) which saves the substantial hedgerow. WCC considers that negotiations with National Grid must be accelerated with a clear path identified before the Examination is completed. If the land is not available a clear compelling reason must be identified. WCC would like to remove Option B(i) from the draft Order.</p> <p>The Applicant's preferred solution is Option B(ii), however at this stage the Applicant cannot commit to taking only Option B(ii) forward. However, if a position is agreed with National Grid in advance of the end of the Examination, Option B(i) may be removed from the proposed Order.</p>	Not Agreed
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Ref.	Description of matter	Current Position	RAG
		<p>The Applicant continues to engage with NGET to secure an Option Agreement over Plot 1-27 to enable the siting of the Converter Station for Option B(ii). Heads of Terms are at an advanced stage and the Applicant is awaiting feedback from NGET on a revised set of Heads of Terms recently submitted to address further feedback received from National Grid. It is however noted that National Grid have recently changed who is instructed to act on their behalf in relation to the lease option, which has inevitably caused delay to the option agreement being agreed.</p> <p>In the event the Applicant is able to secure an Option Agreement from NGET, the Applicant would be able to commit to siting the Converter Station in the Option B(ii) location. However, taking into account that the option agreement is not yet agreed, at this time the Applicant cannot commit to option B(ii) being the option which is implemented.</p> <p>The Applicant would be content to provide further updates to WCC.</p> <p>Unless circumstances change at Deadline 8, the two micro siting options are still under consideration. WCC does not agree to option B(i)</p>	Not Agreed

Appendix 2 from the Outline Landscape and Biodiversity Strategy Management Plan rev-005 (Library document reference REP8-015)

Option B(i)



Appendix 2 from the Outline Landscape and Biodiversity Strategy Management Plan rev-005 Library document reference REP8-015

Option B(ii)

