

From: [Maguire, Ian](#)
To: [Aquind Interconnector](#)
Cc: [Laven, Kieran](#)
Subject: Portsmouth City Council further comment in connection with the request for information from the Secretary of State of 23rd May 2023
Date: 04 July 2023 13:54:30
Attachments: [PCC Further comments re SoS Request for Further Info - JULY 2023.pdf](#)

Dear Sirs,

Further to our submission of 20th June 2023 please find attached an additional response from Portsmouth City Council linked to the request for information from the Secretary of State of 23rd May 2023.

This further submission is made after the published deadline as it has been brought to our attention that an important submission was unfortunately uploaded with an erroneous and misleading title by the Planning Inspectorate team, which meant that PCC did not consider it as relevant or as containing the important information and therefore was deprived of the opportunity to comment on the document in its submission of 20 June 2023. That information was the response from NGET and NGESO. Consequently I trust that the attached will be brought to the attention of the Secretary of State as part of his considerations.

Should I be able to provide any assistance please do let me know.

Yours faithfully

Ian Maguire
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Our Ref: 20230523
Date: 04/07/2023

Via email to
AQUIND@planninginspectorate.gov.uk

FAO the Planning Inspectorate

Dear Sirs,

RE: Application by AQUIND Limited for an Order granting Development Consent for the AQUIND Interconnector Project - Response of Portsmouth City Council and Coastal Partners as Interested Parties to the Secretary of State's Request dated 23 May 2023 for Comments upon the Applicant's Response of 28 April 2023.
Further Comments from Portsmouth City Council

We write further to the Secretary of State's request on 23 May 2023 for any comments from Interested Parties to matters contained in his request of 3rd March 2023 and the information contained in AQUIND Ltd's ("Aquind" or "the Applicant") response dated 28th April 2023 ('the April 2023 Response'). And in addition to our submission dated 20 June 2023

1. Portsmouth City Council ("PCC") writes further to its representation to the Secretary of State of 20 June 2023 because it has been brought to its attention that an important submission was unfortunately uploaded with an erroneous and misleading title by the Planning Inspectorate ("PINS") team, which meant that PCC did not consider it as relevant or as containing the important information and therefore was deprived of the opportunity to comment on the document in its submission of 20 June 2023. That information was the response from NGET and NGESO.
2. PCC only learned about the response from NGET and NGESO ("the NG Response") from the applicant's solicitor on 27 June 2023. This is a matter of disappointment as well as wider concern. The applicant's solicitor explained that PINS initially uploaded the NGET and NGESO response under what they understand to be the name of the individual solicitor acting for both National Grid companies. Consequently it was indistinguishable from the circa 50 representations of members of the public. This is especially disappointing because it is a response that was expressly elicited by the Secretary of State and therefore one that the PINS would have known was important and would have been expecting specifically to receive, and thereafter alert to identifying it as pertaining to the party from whom it came (at the very least) before placing it in the public domain. PCC is told by the applicant's solicitor that the title of

the NG Response was corrected on 7 June 2023. It should be noted that the Secretary of State sought a response from NGET and NGESO in his Request for Information dated 3 March 2023 which should have been submitted by 31 March 2023. PCC is told it uploaded to the PINS website on 23 May 2023. No effort was made by PINS to draw this matter, which is a significant correction, to the public's attention or to that of the Interested Parties.

3. PCC's disappointment and concern is only emphasised by the fact that it had to write to the PINS team on 24 May 2023 to draw attention to the fact that only the covering email of the PCC representation of 28 April 2023 had been uploaded (and it was patently obvious that a representation had been made). The team were apologetic and uploaded the representation and its attachments the same day and we did not expect to raise the issue of PINS's accurately publishing representations and submission made to it and the Secretary of State again. However, PCC considers the recurrence of a similar error in the upload of representations has the effect of eroding public confidence in the process and has more specifically actively prejudiced PCC (and no doubt others) in its efforts both to identify important information as well as making full submissions to the Secretary of State. Lest it be suggested so, it would not be a satisfactory answer to say that PCC should have searched the project website for "NG" etc. again and again after 7 June 2023 when the submission date in response to the Secretary of State's requests had passed by that time (and PCC only has the applicant's contention that it was corrected on 7 June 2023). PCC considers that PINS should have publicly drawn attention to the error so that the interested parties as well as the wider public were aware, having clearly decided to change the reference in agreement with the applicant's solicitor that the NG Response had been mislabelled on the website. We ask therefore that PINS does now draw attention to this matter and we trust also that there will be a further opportunity to comment on this important matter at the invitation of the Secretary of State for the benefit of those parties that have not been contacted by the applicant's solicitor, and so that PCC and those who also may not have been aware of the NG Response can give a fuller and more considered response.
4. Reserving the right to make further and fuller representations on the topic, however, PCC wishes to make the following comments now that it has seen the NG Response.
5. The overall content of the NG Response being some 2 pages long is extraordinarily brief and vague given the central importance of Mannington as an issue. It remains the case that, despite the acknowledged express solicitation of the Secretary of State for "correspondence or studies" in his request of 3 March 2023 paras 4 to 5, the original feasibility study has still not been provided. The NG Response does not in fact purport to decline to provide the feasibility study or any other relevant studies or correspondence for any reason but seemingly ignores the request. Any work that is referred to is cited in the most cursory of terms. The NG Response is not even dated, placed on letter-headed paper or ascribed to a particular employee or person.
6. There is no way of verifying the position given at para 2.1.2 of the NG Response, unless the assessment it refers to is released. Indeed, the phraseology used, "substations to the west of Lovedean (including Mannington 400kV) required all or nearly all of the same network reinforcements as a connection at Lovedean" amounts to a concession that on this point, if only in isolation, the ExA was not apprised of the feasibility study and its detail to accept the applicant's position at paras 5.4.8 and 5.4.9 of the ExA's report. At para 5.4.31 of the ExA's report, the ExA accepted the applicant's position and concluded:

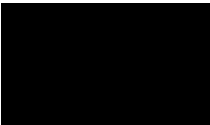
"Whilst offering criticism of the Applicant's approach, no party has submitted substantive reasoned evidence to demonstrate that an alternative would be technically feasible or would lead to lesser environmental effects compared to the Proposed Development."

The NG Response now states that Mannington is technically feasible. This shows that the underlying relevant information was simply not before the ExA to scrutinise and make a fair judgement. It appears therefore that the applicant has been selective with the information it has submitted and even now despite the Secretary of State's consideration of the matter to date and the issues arising from the judicial review, NGET NGESO are reluctant to provide the full information to enable the decision-maker as well as the public; interested parties and affected parties to understand adequately and test the reasons for rejecting Mannington and the approach to alternatives. This is clearly wholly unacceptable and prejudicial.

7. Likewise, the comparator "more recent assessments" alluded to at para 2.1.4 have not been identified in the NG Response and it is not known whether these are in the public domain for scrutiny and if so where they may be found.
8. The assertion at para 2.1.5 of the NG response that Mannington would take longer than the applicant's proposed Lovedean scheme is an unhelpful statement of the obvious given the stage that the Aquind interconnector has now completed having been through an examination for development consent. It is inherently further ahead than any competitor project starting from scratch. This is a truism for any project when the issue of alternatives to it are being considered at a later stage when the project has been developed to a high degree and is not a fair or reasonable exploration of the policy requirement in EN-1 para 4.4.3 which refers to the need to consider comparative timescales for delivery of 'infrastructure capacity'. The policy requires proper examination of the options at the outset, not the retrospective justifications that the applicant is now offering based on incomplete evidence. Indeed, despite the Aquind scheme undertaking its feasibility study in 2014 it still has no firm connection date (and with French opposition to the scheme there can never be one), so the comparison at paras 2.1.8 and 2.2.1 must be viewed in the round. It is therefore more informative to have a better understanding of the detail, not a date.
9. Noting that the applicant has acceded to requests from interested parties to translate a number of particular documents from French, the Secretary of State has a prime opportunity to ask *once more* for the production of the feasibility studies and related correspondence.

We trust that the above will assist you in your considerations. Should you require any additional information or clarification, please do not hesitate to contact me.

Yours sincerely,



Ian Maguire
Assistant Director Planning & Economic Growth

