



AQUIND Limited

AQUIND INTERCONNECTOR

Applicant's Update to the Response to the Responses of Interested Parties to the Secretary of State's Request for Further Information of 3 March 2023

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AQUIND INTERCONNECTOR

**APPLICANT'S UPDATE TO THE RESPONSE TO THE RESPONSES OF INTERESTED
PARTIES TO THE SECRETARY OF STATE'S REQUEST FOR FURTHER INFORMATION OF 3
MARCH 2023**

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1. INTRODUCTION

- 1.1 AQUIND Limited (the "**Applicant**") submitted an application for the AQUIND Interconnector Order (the '**Order**') pursuant to section 37 of the Planning Act 2008 (as amended) (the '**Act**') to the Secretary of State ('**SoS**') (the '**Application**') to authorise the construction and use of UK elements of AQUIND Interconnector (the "**Proposed Development**").
- 1.2 The Application was accepted by the Planning Inspectorate ('**PINS**') on 12 December 2019, with the Examination of the Application commencing on 8 September 2020 and completing on 8 March 2021. The Examining Authority ("**ExA**") submitted its Report and Recommendation to the SoS on 8 June 2021.
- 1.3 On 20 January 2022 the SoS refused the Order. That decision to refuse the Order was the subject of a claim for Judicial Review, which resulted in the making of an order of the High Court dated 24 January 2023 quashing the decision on grounds of unlawfulness.
- 1.4 The Application is now required to be redetermined by the SoS, and to assist with this redetermination the SoS issued a Statement of Matters requesting information dated 3 March 2023 (the "**Rfl**") which requested information from the Applicant and certain Interested Parties. The Applicant submitted its response to the Rfl on 28 April 2023.
- 1.5 The SoS published copies of the responses of all Interested Parties to the Rfl on 23 May 2023 and at the same time requested comments on those responses by not later than 20 June 2023, and the Applicant provided its response to the responses of Interested Parties to the Rfl on 14 June 2023.
- 1.6 Within that Applicant response information was provided at section 10 relating to the cumulative assessment of environmental effects in connection with the developing proposals for the Hampshire Water Transfer and Water Recycling Project ("**HWTWRP**"), which are being promoted by Southern Water. Since the issue of that Applicant response a scoping report has been submitted to the Planning Inspectorate for the HWTWRP proposals.
- 1.7 The Applicant has reviewed that scoping report to confirm if its content may provide a basis for an assessment of the potential for cumulative environmental effects to be undertaken. This Statement confirms why following a review of the scoping report it has been identified that it is not possible to undertake such an assessment based on the information which is available, and why the information contained in the Applicant's previous response remains valid.
- 1.8 This Statement also provides a brief update on the current status of negotiations with Portsmouth City Council ("**PCC**") in respect of the co-operation agreement relating to the North Portsea Island Coastal Defence Scheme ("**NPICDS**").
- 1.9 Should the SoS consider that he requires further information in relation to any matters which are of relevance to his decision which are not addressed by the previous submissions on behalf of the Applicant or within this response, he is requested to seek this information at the earliest possible opportunity.

2. **THE CUMULATIVE ASSESSMENT OF SOUTHERN WATER'S HAMPSHIRE WATER TRANSFER AND WATER RECYCLING PROJECT**
- 2.1 As noted at Section 10 of the Applicant's previous response, Southern Water are currently developing proposals for the HWTWRP. The HWTWRP would comprise a new water recycling plant on land close to Budds Farm Wastewater Treatment Works in Havant, with an underground pipeline network between the proposed water recycling plant and Havant Thicket Reservoir; and a 40km pipeline from the Reservoir to Otterbourne Water Supply Works.
- 2.2 A scoping report was published on the Planning Inspectorate's webpage for the HWTWRP on 25th July 2023¹. As a consequence of the publication of the scoping report the HWTWRP has moved from being a Tier 3 project to a Tier 2 project in accordance with the Planning Inspectorate's Advice note 17: Cumulative effects assessment relevant to nationally significant infrastructure projects. Paragraph 3.4.3 of that advice note provides that "*An assessment should be provided for all Tier 1 and Tier 2 'other existing development and/or approved development', where possible.*".
- 2.3 The Applicant has reviewed that scoping report to understand the extent of the information within it regarding the HWTWRP proposals and whether this information provides a basis for an assessment of cumulative environmental effects to be undertaken.
- 2.4 The part of the HWTWRP that would be in the same location as the Proposed Development is a proposed underground pipeline between the proposed high lift pumping station and Otterbourne Water Supply Works. In accordance with paragraph 3.3.10 of the scoping report this pipeline:
- 2.4.1 could be located within a tunnel connecting Havant Thicket Reservoir and the proposed high lift pumping station; or
- 2.4.2 Alternatively, could be located within two separate tunnels connecting Havant Thicket Reservoir and the proposed high lift pumping station, but with a connection between the two tunnels at Bedhampton Springs.
- 2.5 Whilst the pipeline would be approximately 40km long in its entirety, the extent of it that would overlap with the Order Limits for the Proposed Development is very minor, being in the vicinity of Portsdown Hill Road and the A3 London Road only. The preferred pipeline corridor is shown on Figure 1.2 in Volume III of the scoping report². The location where there is the potential for the Order limits to overlap can be seen on Sheet 1 and Sheet 2 of Figure 1.2 of the scoping report and on sheet 6 of the Land Plans for the Proposed Development (REP7-003).
- 2.6 As is noted at paragraph 3.3.12 of the scoping report, "*The Proposed Underground Pipeline would be constructed using the most appropriate construction technique dependent on the location of the Proposed Underground Pipeline. The expected techniques for constructing The Proposed Underground Pipeline are outlined in Section 3.5*".
- 2.7 Within section 3.5 of the scoping report various construction techniques are identified for construction of the proposed underground pipeline, which include: trenched open-cut method; trenchless methods; tunnelling; horizontal direction drilling; and microtunnelling. Based on the information contained in the scoping report it is not possible to confirm which of the construction methods would be used for the pipeline in the area of overlap, as this remains to be confirmed.
- 2.8 In light of this, whilst the HWTWRP is now a Tier 2 project in accordance with the Planning Inspectorate's Advice note 17: Cumulative effects assessment relevant to nationally

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/WA010002/WA010002-000035-WA010002-Scoping-Report-Volume-I-Main-Report.pdf>

² <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/WA010002/WA010002-000037-WA010002-Scoping-Report-Volume-III-Figures-Part-1-of-5.pdf>

significant infrastructure projects, it is not possible for the Applicant to undertake an assessment of the cumulative effects of the HWTWRP with the Proposed Development.

- 2.9 As noted in the Applicant's previous response, Southern Water will be required to consider the cumulative effects of the Proposed Development at the time of their submission as a Tier 1 project with a high degree of certainty – at which point the HWTWRP will be more defined enabling a more informed assessment of the potential cumulative effects of the two schemes. That such an assessment will be undertaken is detailed at paragraph 19.3.16 of the scoping report. Accordingly, the cumulative effects of the two schemes will be fully assessed.
- 2.10 Moreover, and also as noted in the Applicant's previous response, given the potential overlap Southern Water would be considered a key stakeholder with respect to the construction works of the Proposed Development. In line with the commitments set out in the Onshore Outline Construction Environmental Management Plan (OOCEMP) (Revision 009), a Communications Strategy will be developed for the Construction Stage of the Proposed Development. The Communications Strategy will provide the framework for engaging and communicating with stakeholders in relation to the associated construction works of the Proposed Development. The Strategy will identify the key stakeholders and confirm agreed methods for engagement and communication, including developers. In addition, the Framework Traffic Management Strategy (FTMS) (AS-072) is supported by an Access to Properties and Car Parking Communication Strategy which sets out the Applicant's commitments to stakeholder engagement – including with businesses and other developers.

3. **NORTH PORTSEA ISLAND COASTAL DEFENCE SCHEME CO-OPERATION AGREEMENT**

- 3.1 As was noted in the Applicant's previous response, the Applicant has confirmed to PCC that it remains willing to enter into a co-operation agreement in relation to the potential for the two sets of works to overlap, in the unlikely event of delay giving rise to such overlaps and to deal with the provision of planting and / or replacement planting.
- 3.2 The Applicant received a response from PCC to the Applicant's comments of the 17th April 2023 on the co-operation agreement on 26th July 2023. Within this response PCC proposed amendments to the memorandum of understanding to reflect the comments of PCC at paragraph 3.3 of its response to the SoS dated 28th April 2023.
- 3.3 PCC also requested a revised position in respect of planting, advising that it may take a positive decision to delay providing a more extensive amount of landscape planting required in connection with the NPICDS on the basis that this may be disturbed and subsequently replaced in connection with the works to deliver the Proposed Development.
- 3.4 The Applicant has since responded to PCC on those matters on 27th July 2023. In this response the Applicant:
- 3.4.1 confirmed the controls in the Design and Access Statement (REP7-021) at paragraph 6.4.4 which are already to be secured and which will require that *"The design of the Onshore Cable Corridor will avoid works to existing or proposed coastal flood defence and where appropriate HDD or Trenchless techniques are to be used to pass under the coastal flood defences"* and updated the memorandum of understanding to reflect this;
- 3.4.2 confirmed the controls contained in the Onshore Outline Construction Environmental Management Plan (Revision 009) at section 5.7 in respect of Surface Water resources and Flood Risk, which in particular provide that *"The appointed contractor (and any sub-contractors) must ensure any works over, under or directly adjacent to watercourses/watercourse structures (culvert/ sewer) and flood defences are subject to approval or exemption of environmental permits (flood risk activities permit/ordinary watercourse consent), where the contractor will need to develop appropriate design and construction methodologies to ensure that flood risk is not increased, the integrity of these features (e.g. flood defence or structure) are not negatively impacted, flow conveyance is not impacted and there is suitable pollution prevention measures in place during construction and operation"*, and updated the memorandum of understanding to reflect this; and
- 3.4.3 explained to PCC that the Applicant is willing to provide replacement planting where landscaping is removed in connection with the construction of the Proposed Development, as is already secured in the Onshore Outline Construction Environmental Management Plan (Revision 009) at paragraph 6.2.3.1, which provides *"Any landscaping associated with Portsmouth City Council's Coastal Defence Scheme (considered in cumulative effects) and referred to in paragraph 15.5.4.8 of Chapter 15 of the ES (APP-130) which is impacted by the works shall be reinstated to the same quality and finish as the future baseline"*, or that the Applicant is equally content to provide the planting where PCC has chosen not to deliver this, and updated the draft co-operation agreement and the memorandum of understanding to reflect this. The Applicant also accepted the proposed quantum of costs for tree planting to be paid by the Applicant to PCC in connection with such planting, if such planting is agreed to be undertaken by PCC.
- 3.5 As noted in the section 6 of the Applicant's previous response submitted on 14 June 2023, the protection of the constructed NPICDS works is assured through the Order and the related control document, and the need for an environmental permit or the exemption from the need for an environmental permit to be obtained from the Environment Agency for any works within 16m of any coastal flood defence. The Order also secures the necessary

mitigation to ensure that any landscaping which is required to be impacted by the works to deliver the Proposed Development is replaced. The necessary mitigations are therefore secured to avoid any adverse impacts.

- 3.6 Contrary to the comments of PCC in its response of 20 June 2023 at paragraph 2.1, the Applicant does not agree that PCC's positive decision to delay the delivery of its landscaping works in connection with the NPICDS, in circumstances where any replacement required is secured at no cost to PCC, is a matter which weighs negatively in the planning balance for the decision on whether to grant the Order.