

REPORT TITLE: AQUIND INTERCONNECTOR RESPONSE TO EXAMINATION
STAGE

11 MARCH 2020

REPORT OF CABINET MEMBER: CLLR JACKIE PORTER, CABINET MEMBER
FO BUILT ENVIRONMENT & WELLBEING

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WARD(S): ALL, AS THE SCHEME AFFECTS NATIONAL INFRASTRUCTURE

SPECIFICALLY, HOST WARD FOR CONVERTER STATION AND CABLE:
DENMEAD

ADJOINING WARDS THAT MAY BE AFFECTED:

CENTRAL MEON VALLEY

UPPER MEON VALLEY

SOUTHWICK & WICKHAM

PURPOSE

Having gone through the pre application stage over the past 18 months Aquind have now formally submitted their application for a Development Consent Order (DCO) that would enable them to build a cross channel interconnector, linking the UK and French electricity grid systems. The Scheme is being considered as a Nationally Significant Infrastructure Project (NSIP). Winchester City Council is one of the host authorities and as such a formal consultee in the determination process.

The purpose of this report is to set out the background and the current status of the Aquind Interconnector scheme and the application. It considers the position that the Council should adopt and how it should respond during the Examination Stage which is likely to extend from April through to September 2020 This needs to be set in the context of the forthcoming local government elections of 7 May 2020 and the Purdah period that precedes them which starts on 24 March 2020.

RECOMMENDATIONS:

That Cabinet:

1. Notes the contents of this report.
2. Agrees with the points set out in this report that will form the basis of the Councils response to the application.
3. Delegate authority to the Service Lead Built Environment after consultation with the Cabinet Member for Built Environment and Wellbeing, to make representations, submissions and decisions and respond to questions and issues raised by the Examining Authority to the Planning Inspectorate and Aquind during the Pre-Examination and Examination Stage.
4. Agree to maintain the contact group established with Denmead Parish Council, Hambledon Parish Council, Newlands Parish Council and Ward Councillors in respect of the Aquind application for a Development Consent Order until the end of the Examination process.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 The Aquind Interconnector has been accepted by the Secretary of State for Business, Energy and Industrial Strategy as qualifying for consideration as a nationally significant infrastructure project. It is necessary to secure the best possible environmental, employment opportunities and the lowest carbon footprint and other outcomes by active engagement in the Development Consent Order application process. These align with the objectives set in the Plan.

2 FINANCIAL IMPLICATIONS

- 2.1 Funds are required to enable active meaningful participation throughout the DCO process. A planning performance agreement was signed with Aquind and has funded officer's involvement in the pre application stage. The signed agreement also stipulates that this funding would continue until the end of the Examination. At the present time, in the context of the issues that WCC are likely to present during the Examination Stage, it has not been considered necessary to engage external representation. The possibility of sharing representation with other authorities has been discussed and considered. On balance, whilst there are some shared issues there are also matters specific to Winchester and it has not been considered beneficial to share representation. If the Council were to seek additional presentations during the Examination it is not considered that these would be covered and would need to be sourced from existing internal budgets.
- 2.2 There have been recent discussions with Aquind on the nature of the work to be funded and Members will be updated on this at the meeting.

3. LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The request by Aquind for a Development Consent Order is currently at the Pre- Examination Stage. The application was submitted on 14 November 2019 and accepted for examination on 12 December 2019. The formal consultation exercise associated with the formal submission ran from 2 January 2020 to 19 February 2020. The deadline to register as an interested party and to submit a representation was midnight on 19 February 2020 and the Council has formally registered. This submission is not intended to be the Council's full response but a 500 word outline of its position.
- 3.2 The Examination Panel will shortly set out a provisional timetable for the Examination. This will identify what they view as the main issues and those which can be dealt with by written reports and those which need to be discussed at hearings. A Preliminary meeting will be held when the timetable is discussed inviting contributions from the floor. After the meeting, the Examining Panel will publish the final timetable and the examination will follow the procedure it sets out.

- 3.3 The delegations sought in this report are important to ensure that the Council's views are conveyed in a timely and effective manner so that the Council can have optimal influence into the examination process.
- 3.4 Generally, the DCO application/ assessment process enables local authorities to influence the preparation of a DCO application and local authorities are advised to engage proactively with a developer to play a role in shaping a Scheme. The advancement of the response, a draft Local Impact Report and PPA will enable such active participation within the process. The City Council's role is to work with Aquind to:
- a) Ensure that as the applicant Aquind identifies, provides and responds to evidence on likely impacts;
 - b) Develops solutions for how any likely impacts may be avoided or mitigated;
 - c) Maximise legacy benefits for the community;
 - d) At the appropriate stage, consider the detailed terms of the draft Development Consent Order, including Requirements (planning conditions), planning obligations and legal obligations which may fall to the applicant or the City Council.

4 WORKFORCE IMPLICATIONS

- 4.1 A Planning Officer is acting as the main contact and drawing in other colleagues as required when formulating responses.
- 4.2 As the examination proceeds the solicitor will be drawn in particularly when the precise terms of the proposed Development Consent Order are being reviewed and discussed.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 The development works are on private land or within the highway limits, therefore there is no direct impact on the Council's assets. Therefore the position to be adopted will draw on existing strategies, programmes and plans to ensure that the response is compatible with the declaration of a Climate Emergency.

6. CONSULTATION AND COMMUNICATION

- 6.1 During the Pre Application stage it was the responsibility of Aquind to set the timetable for consultation and engage with the relevant local authorities and the wider public. Winchester City Council has expressed some concern over

the extent of those consultations with the local communities and will raise these concerns during the examination.

6.2 At the appropriate times in the Pre Application stage, views from a range of officers with the Council have been sought and Officers have met with Aquind. Contacts have also been made with officers in the other host authorities (East Hampshire, Hampshire County Council, Havant, Portsmouth & the South Downs National Park Authority). A set of briefing notes have been circulated to local parish councils and local members and as the Examination stage has drawn near, meetings have been held with interested parish councils.

6.3 Now that the application is just about to enter the Examination stage the Planning Inspectorate will set the timetable for the submission of any written reports and any hearings. There will be a series of deadlines which are non negotiable that all parties will be expected to adhere to.

7 ENVIRONMENTAL CONSIDERATIONS

7.1 The application and the environmental impact statement covers the full range of environmental issues. The City Council will seek to ensure that any impacts are fully mitigated in its responses to the Examining Panel and in its ongoing discussions with Aquind on the DCO.

7.2 Discussions with WinACC are ongoing and they have yet to decide if they wish to take a formal position on this scheme.

8 EQUALITY IMPACT ASSESSEMENT

8.1 The City Council will seek to ensure that equality and diversity issues are correctly identified and are considered through the reporting and assessment process, that include a review of the Construction Methodology Statement.

8.2 Any adverse impacts identified will be placed before the Examination Panel and be the subject of mitigation measures which the Council will work to secure throughout the DCO process by way of an agreement pursuant to s106 of the Town and Country Planning Act 1990.

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None required.

10 RISK MANAGEMENT

10.1 The Council has declared a Climate Emergency; therefore there is the risk that a supportive response to the scheme is seen at odds with this decision. The Council continues to seek further information with respect to environmental impacts of the works and mitigation to be included in the scheme and will undertake this action as part of the Examination process.

Risk	Mitigation	Opportunities
<i>Property None</i>		
<i>Community Support Consultation with interested parties</i>	Regular communication is maintained throughout the process	Pro-active consultation with ensure interested parties are represented
<i>Timescales Met the deadlines set by the Planning Inspectorate</i>	Adherence to the timeframe is critical and will be carefully monitored.	
<i>Project capacity Existing staff resources</i>	Pursue the PPA agreement to fund work	
<i>Financial</i>		
<i>Legal N/A</i>		
<i>Innovation</i>		
<i>Reputation</i>		
<i>Other None</i>		

11 SUPPORTING INFORMATION:

Background to Nationally Significant Infrastructure Projects

- 11.1 The Aquind Interconnector project is being considered as a Nationally significant Infrastructure Project (NSIP) for which Winchester City Council is one of the 4 host authorities along with East Hampshire, Hampshire County Council, Havant and Portsmouth. Due to the proximity to the South Downs National Park, the Park Authority is also classified as a neighbouring authority. The Planning Act 2008 introduced the procedure under which projects considered to be nationally significant infrastructure may be assessed for approval. In this instance, the Secretary of State for Business, Energy and Industrial Strategy will take the final decision regarding this proposal, after receiving a recommendation from the Planning Inspectorate.
- 11.2 If an applicant is successful, a Development Consent Order (DCO) is issued. This is not a planning permission but a separate legal statutory instrument, being a secondary SI. The decision may include consents over a range of aspects, that include, planning conditions (known as Requirements), and compulsory purchase powers. Requirements” which form articles within a DCO, are similar to planning conditions. Any monitoring and enforcement that is required will be the responsibility of the local planning authority (LPA) within whose jurisdiction that part of the scheme is located. A link to the NSIP web page where further information can be found is below.

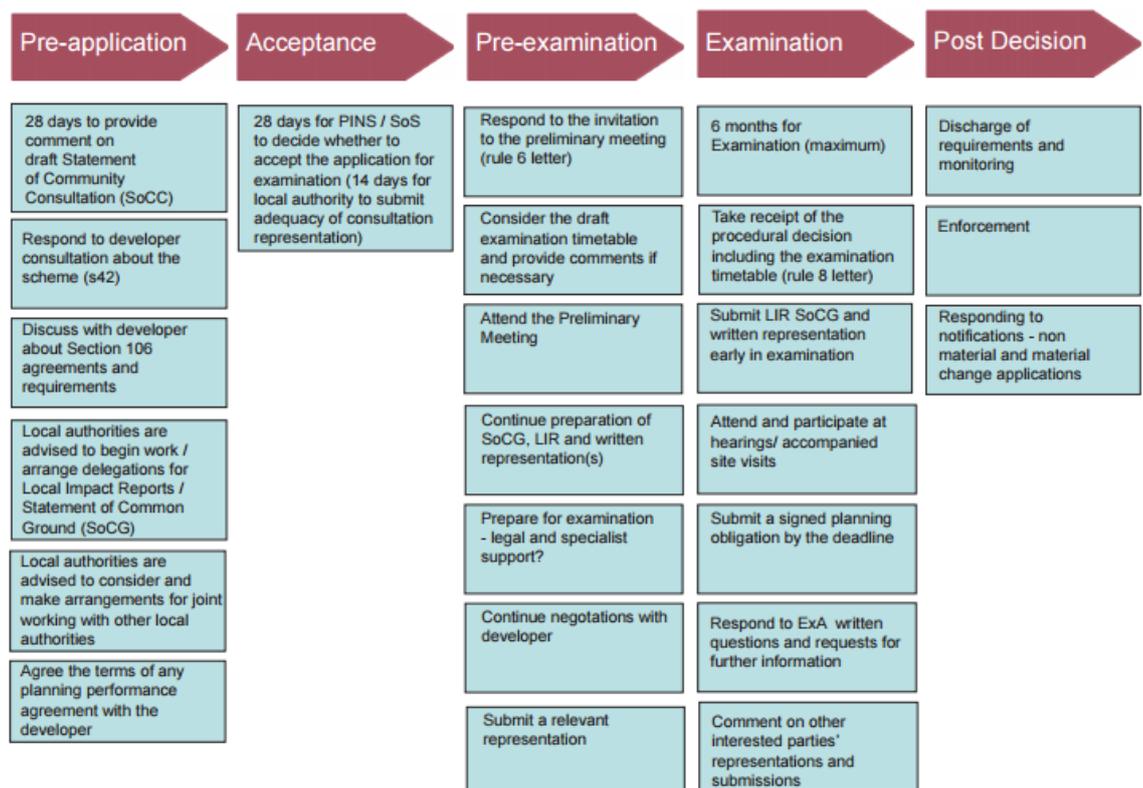
<https://infrastructure.planninginspectorate.gov.uk/>

11.3 The process of considering and making a decision on an NSIP goes through 5 distinct stages. The following is an extract from the advice note (The role of local authorities in the development consent process) which can be viewed via the following link:

https://infrastructure.planninginspectorate.gov.uk/wpcontent/uploads/2015/03/Advice_note_2.pdf

11.4 This sets out these stages and the main actions within each stage.

The role of local authorities



11.5 In the pre examination stage, the applicant is expected to drive the proposal by developing the proposal and undertaking the required consultations with statutory bodies and the wider public. Local planning authorities are encouraged to engage with applicants at this stage to help shape and influence the nature of the proposal. Once the project is formally submitted to the Planning Inspectorate (PINS), the trigger for actions moves to PINS as they become the main figure.

The Aquind Interconnector Scheme

11.6 This scheme seeks to create a 2 Megawatt capacity electricity connection between England and France through which energy can be imported or exported. Whilst the landfall for the undersea cables will be Eastney on Portsea Island, the cables will continue underground for a distance of some

18km as they run northward towards the Lovedean sub station which lies west of Horndean and north of Denmead. This sub station complex which is located on the western side of Broadway Lane has been identified as the point where a connection can be to the national grid. A new facility will be built in close proximity to the existing sub station on its northwest side. The new facility will convert the electricity current from Alternating Current (AC) to Direct Current (DC) depending on whether the power is being imported or exported. (The grid operates using AC). Attached as appendix A is a plan showing the full extent of the cable route.

- 11.7 The facility will require a compound that is indicated at between 200m by 200m in size. Within this area will be a number of buildings but the largest will be the two converter halls each approximately 90m by 50m by 22-26m high. Further equipment will be located in the remaining open area. Attached as appendix B is a copy of a plan showing the Converter Station facility. Whilst the application contains the above details on the position and size of structures and buildings it is stated that the precise details will only be determined once a contractor is on board. This is apparently a common approach with this type of scheme.
- 11.8 The cable will be buried between the landfall point and Lovedean. It is the applicant's intention for the cable route to follow the highway. After leaving Portsea Island the cable would be buried in the A3 and then the Hambledon Road before striking off across the countryside on the eastern side of Denmead towards Lovedean. There are two cable circuits laid approximately 5m apart.
- 11.9 In terms of those elements that lie within the Winchester City Council administrative area, WCC would have a small section of the cable route at the Maurepas Way roundabout on the A3, a section of the cable route on the Hambledon Road and that section of cable across country up to Lovedean. WCC would also be the host authority for the Converter Station and part of the access road. The remainder of the access road and the access off Broadway Lane lies within the East Hampshire area.
- 11.10 The following is a link to the Examination Library page on the planning inspectorate web site. This document contains a full list of the submitted details.

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-000996-Exam%20Library%20%E2%80%93%20Published%20Version.pdf>

Stage in the Process

- 11.11 The formal application was submitted in November and accepted as a valid submission in December 2019. At the time of writing this report we are still in the pre examination stage of the process. This stage is identified in the diagram above. There are a number of actions that we are expected to

undertake which includes registering as an interested party by 19 February 2020 and the Council has formally registered. At the same time, we are also expected to outline in general terms the councils views on the proposal. The more detailed response is submitted as the Local Impact Report (LIR). This report will form the basis of the position taken by the Council in the Examination Stage. That part of the process is likely to take place from April through to September 2020.

- 11.12 The Examination is held by a small panel of inspectors supported if necessary by technical officers. This Panel sets the pace for the examination of the scheme and decides on those matters which they feel can be dealt with in written submissions and those which need to be discussed at hearings. They may also issue requests for detail and responses, setting a series of deadlines during the process for the submission of documents. This includes draft Statements of Common Ground and draft versions of the Requirements that would form the basis of any DCO that might be allowed. Part of the process is to continue a dialogue with the applicant, seeking to resolve matters so that those issues which are agreed and those where a difference of view continues to exist can be identified. The Examination is run to a tight 6 month timetable and makes no allowances for external factors. This includes local elections.

Response by Winchester City Council in the Examination Stage

Position recommended

- 11.13 Over the past 18 months Officers have meet Aquind and their consultants on multiple occasions to discuss general matters and the design principles regarding the proposed building. Some progress has been made but it is also evident that on other matters there continues to be a divergence of views. With the encouragement for ongoing discussions with the applicant, the potential for some movement in the Councils position does exist. In addition to the discussions on the general layout of the scheme the draft DCO will go through several versions.
- 11.14 The starting point for the Councils position relating to this proposal has to be the adopted local planning policy framework which consists of the policies within LPP1 and LPP2. In addition, both the Council Plan 2020-2025 and the Carbon Neutrality Action Plan must be taken into consideration. Regard must also be given to the National Policy Statement on Energy EN-1. These considerations have driven the Councils approach to the scheme to date and where reflected in the Preliminary Environmental Impact Report (PEIR) that was submitted in April 2019.
- 11.15 Fundamentally, whilst noting the policy context as outlined above, notwithstanding all the measures in terms of landscaping and design principles that will be adopted, the proposal will result in a building of significant size and scale that will be visible in the surrounding area. It will be located in the open countryside in close proximity to the South Downs

National Park boundary. Accordingly, WCC must have a major concern regarding the presence of the building. This concern is exacerbated when it is clear that the scheme brings no positive benefits to the local community.

- 11.16 The Council has previously raised a number of concerns in respect of the development which are yet to be resolved. Many of these continue from the PEIR response and are summarised below:
- i. Insufficient engagement by Aquind with the local communities of Denmead and Hambledon.
 - ii. The option of considering a route for the cable across the open countryside to the west of the A3 has not been properly assessed as an alternative to the road route.
 - iii. A lack of detail in the evidence base for the choice of Lovedean over other alternatives and the degree to which the proximity to the National Park played in that decision. Correspondence with NGET should be included.
 - iv. The proposal includes the development of a significant building in a countryside location.
 - v. An incomplete evidence base for the choice of 85.1m AOD as the finished floor level as details of should include exchanges of correspondence with consultees on why this limit was set.
 - vi. The building design principles should be further refined, such as the cladding being a darker recessive colour
 - vii. Insufficient mitigation or enhancements are being offered for what will be a significant building in respect of both the resultant landscape and biodiversity impacts.
 - viii. Insufficient detail as to the method of securing suitable control over the long term retention of landscape features on land not intended to be purchased yet required for the development.
 - ix. The landscape and biodiversity mitigation work needs greater security in terms of delivery, maintenance and future management.
 - x. An absence of detail relating to the methodology and impacts associated with the laying the two cable circuits in Hambledon Road when the constraints which are evident in and alongside this single carriageway road are taken into account.
 - xi. Incomplete assessment of delays and the potential impacts of the construction on the local community of the roadworks. In the event more extensive impacts are identified, clear mitigation must be put forward.
 - xii. Limited actions are proposed to reduce and compensate for Carbon emissions in the construction phase. A large amount of carbon emissions remains within the project from the anticipated emissions which are not proposed to be mitigated.
 - xiii. The proposal puts forward benefits to the local economy from expenditure and over night stays which are considered to be unrealistic.

- xiv. A lack of a firm commitment regarding an Employment and Skills Plan.
- xv. The submission indicates that spare telecommunications capacity will be used on a commercial basis. It is not clear what percentage is being considered and if this is truly associated development.
- xvi. No proposed mitigation to the wider community which will endure the presence of a significant building over the next 40 years to provide a lasting legacy

As officers work through the detailed submission the above list may be revised and an update will be given at the Cabinet meeting.

Delegation Requirement

- 11.17 In April 2019 a report was considered by the Planning Committee which delegated to officers and the then Portfolio holder the role of responding to Aquind in the Pre application stage. The PEIR response was put together as part of this arrangement. A copy of this response is attached as appendix C. The co-ordinating role is now with the Cabinet Member for the Built Environment and Wellbeing with the delegation to respond intended to run up to the Examination Stage, which has now been reached.
- 11.18 The following delegation scheme builds on that which has already proved successful. It also allows for some flexibility for the Councils to respond to changing circumstances that may arise during the examination stage.
- 11.19 Working within the remit set by the comments outlined above it is proposed that Cabinet delegate to officers in conjunction with the Cabinet Member for the Built Environment and Wellbeing to take these comments forward through the examination stage. The intention is to actively seek the best outcome for the Council, its Community and to seek a development that accords with all the policy objectives. The agreement to maintain the contact group that has been developed with the local ward members and the parish councils of Denmead, Hambledon and Newlands is also sought.

12 **OTHER OPTIONS CONSIDERED AND REJECTED**

- 12.1 Do Nothing: To not respond would not be fulfilling the City Councils obligations to participate in the process as statutory consultee. The City Council would miss the opportunity to influence the development of the scheme and secure the best outcome for the community.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

A report entitled Member Briefing Update – Lovedean Interconnector was considered at the 11 April 2019 Planning Committee Agenda Item 12.

The following is a link to that agenda item.

<https://democracy.winchester.gov.uk/documents/g200/Public%20reports%20pack%2011th-Apr-2019%2009.30%20Planning%20Committee.pdf?T=10>

After considering the report Members adopted the following recommendations

RESOLVED:

- 1 That the report be noted; and
- 2 That Members agree to delegate to officers, in consultation with the Portfolio Holder for Built Environment, the role of responding to the planning inspectorate with regard to the Councils responsibilities as the host authority for the Aquind National Strategic Infrastructure Project, excluding the response at the formal examination stage which shall be presented to the planning committee for consideration before its submission.

This is recorded in the minutes of the meeting and can be found via the following link on pages 14 and 15.

<https://democracy.winchester.gov.uk/documents/g201/Public%20reports%20pack%2023rd-May-2019%2009.30%20Planning%20Committee.pdf?T=10>

Other Background Documents:-

The following is a link to the NSIP page on the Planning Inspectorate Web site where the DCO application can be viewed.

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/>

APPENDICES

- A Plan showing the Full Extent of the Development Consent Order Boundary
- B Plan of the Lovedean Converter Station Layout
- C The Preliminary Environmental Impact Report response including appendix A