

Title of meeting: Cabinet

Date of meeting: 3rd November 2020

Subject: An update on the Aquind Interconnector Project

Report From: The Chief Executive

Report by: Paddy May, Strategy Unit

Wards affected: All

Key decision: NO

Full Council decision: NO

1. Purpose of report

1.1. The purpose of this report is to update Cabinet on the Aquind Interconnector Project, to explain some of the activity that has been undertaken and to highlight the future timeframes.

2. Recommendations

2.1. Cabinet is recommended to:

2.1.1 Note that the Examination of the Aquind Interconnector Project has started

2.1.2 Note the future timelines for the examination

2.1.3 Agree that the Council should continue to represent the interests of the people of Portsmouth and maintain its opposition to the proposal

3. Background

3.1 As previously reported to Cabinet, Aquind are proposing to construct and operate an underground and marine electricity interconnector between the south coast of England and Normandy in France (the AQUIND Interconnector). This interconnector will have capacity to transmit up to 16 million MWh (or 16 TWh) of electricity annually or approximately 5% of Great Britain's total electricity consumption and 3% of the French total electricity consumption. The technology used will allow the flow of electricity both ways. Aquind are proposing that the interconnector cable will come ashore at Eastney and that the cable will run up through Portsmouth to a converter station in Lovedean.

3.2 Cabinet received reports on the Aquind Ltd proposal at their meetings on 9th July 2019 and 5th November 2019 and there has been a separate MIS Item on Aquind (MIS dated 28/8/20).

- 3.3 At the meeting in July 2019, Cabinet decided the following:
- Noted that Aquind are seeking to develop an electricity Interconnector between the UK and France with a converter station in Lovedean. They are proposing to "land" the high voltage DC (HVDC) electricity cable at Eastney and run it up through Portsmouth to the converter station at Lovedean.
 - Noted that despite representations from Portsmouth City Council that the Aquind proposal should be determined by the relevant local planning authorities (including Portsmouth City Council), the Government has decided that the proposal was a 'Nationally Significant Infrastructure Project' that should be determined by the Secretary of State through the Development Consent Order process.
 - Agreed to seek the support of Full Council to reinforce the Cabinet's objection to the route of the HVDC cable whilst also working constructively with Aquind and other stakeholders.
 - Agreed that the Council responds to this proposal in a coordinated way and where possible works with neighbouring councils on any common approaches.
 - Noted that any additional external costs incurred in the current year associated with the need to make an informed and considered response to the proposal will be met from the Council's Corporate Contingency.
- 3.4 When the project was discussed at Full Council on 16th July 2019 the following motion was unanimously agreed:
- RESOLVED that Full Council reinforce the Cabinet's objection to the route of the HVDC cable whilst also working constructively with Aquind and other stakeholders.*
- 3.5 At the meeting in November 2019 Cabinet resolved that the Council should maintain its opposition to the proposed project and to delegate authority to officers to enable timely responses to be made to the Planning Inspectorate whilst it is undertaking the Examination of the proposal as part of the DCO process.
- 3.6 The MIS on 28th August 2020 (<https://democracy.portsmouth.gov.uk/documents/s27880/MIS28August2020.pdf>) proposed "*In order to formalise the council's responses within the Examining Authority process for the Aquind interconnector project, additional external planning; highways; property and legal services resources are proposed to be procured and funded from Corporate Contingency, estimated at £300,000.*" The City Council has now commissioned external support to help prepare and respond to the Aquind DCO process. This includes Counsel support for the Examination process.

4. The Examination Process

- 4.1. As previously stated the Aquind proposal has been deemed a Nationally Significant Infrastructure Project (NISIP) that is being determined by the Secretary of State through the Development Consent Order process. As part of this the Planning Inspectorate (PINS) has arranged for an Examining Authority (ExA) to hold an examination of the project to enable them to make a recommendation to the Secretary of State. Because of the Covid situation the Examination process has had to be modified with a later start date than originally envisaged. Whilst most of the business of the examination is conducted through written submissions there are also hearings that are held. The hearing meetings are virtual meetings and they have had to make some modifications to the process to allow for this new way of working.
- 4.2. A number of other local authorities are impacted by the Aquind proposal and are involved in the Examination. This includes Hampshire County Council as the Highways Authority for the rest of the UK route outside of Portsmouth and also other Local Planning Authorities including Havant, East Hampshire, Winchester and the South Downs National Park Authority. Highways England are also involved because of the need to cross the A27 and the potential impact of the construction on the strategic road network. The City Council has been working with these other authorities as part of preparing for the Examination and will continue to do so as the Examination progresses.
- 4.3. The Examination has to be completed within 6 months from the start date (8/9/20). Attached as Appendix 1 is a flow diagram showing how the examination will work and the following are some of the key milestones:
- 18th Aug 2020 - Preliminary Meeting 1 - at this meeting representations were made about the procedure and process the ExA should follow when conducting their examination.
 - 8th Sept 2020 - Preliminary Meeting 2 - this allowed people not able to attend the 1st preliminary meeting the chance to engage and also became the start date of the Examination once the meeting concluded
 - 6th Oct 2020 - Deadline 1 - deadline for sending a range of material to the ExA including our Local Impact Report, responses to questions raised by the ExA, any written representations from interested parties and notifications that people wish to participate in the hearings
 - 20th Oct 2020 - Deadline 2 - deadline for responding to issues raised by other parties in the material submitted for Deadline 1
 - 3rd Nov 2020 - Deadline 3 - comments on material submitted for Deadline 2 and progressed statements e.g. on common ground and updated version of the Development Consent Order (DCO)
 - 17th Nov 2020 - Deadline 4 - Comments on Deadline 3 and further updates of various documents
 - 30th Nov 2020 - Deadline 5 - A summary of current position from the applicant and other interested parties and deadline for submission of material requested by the ExA to support the hearings

- 7th Dec 2020 - Open Floor Hearing 1
- 7th Dec 2020 - Open Floor Hearing 2
- 8th Dec 2020 - Date reserved for continuation of OFH2
- 9th Dec 2020 - Issue Specific Hearing 1
- 10th Dec 2020 - Compulsory Acquisition Hearing 1 - aimed at applicant, local authorities and statutory bodies
- 11th Dec 2020 - Compulsory Acquisition Hearing 2 - as above but also interested parties in terms of temporary possession
- 14th Dec 2020 - Date reserved for any issue specific hearings or open floor hearings
- 23rd Dec 2020 - Deadline 6 - Comments on submissions for Deadlines 4 & 5 and updates to key documents
- 7th Jan 2021 - ExA to publish any further questions if required
- 25th Jan 2021 - Deadline 7 - responses to any further questions, comments on submission for Deadline 6 and updates to key documents
- 3rd Feb 2021 - ExA to publish Report on Implications for European Sites (RIES), proposed schedule of changes to the DCO and any further request for information
- Weeks commencing 8 & 15 Feb 2021 - Dates reserved for further hearings or accompanied site inspections
- 22 Feb 2021 - Date reserved for any exceptional issue specific hearing
- 1st Mar 2021 - Deadline 8 - Comments on submissions for Deadline 7 and finalised documentation and possible further questions from ExA
- 5th Mar 2021 - Deadline 9 - Deadline for responses to any further questions from ExA
- 8th Mar 2021 - Deadline for closing examination

5. Recent activity from Portsmouth City Council

- 5.1. Whilst the City Council has been clear in its opposition to the Aquind proposal it has been important that officers have continued to engage with Aquind and their representatives. A number of meetings have been held to help understand more about the proposal and to see whether changes can be made to make the proposal more acceptable. The ExA also expects local authorities and the applicant to agree where there is common ground so that these issues do not have to be dealt with through the examination process. It is pleasing that following these meetings Aquind have reduced the amount of allotment land that they say they require access to (as part of their Order Limit).
- 5.2. The ExA provided a large number of questions for both the applicant and the local authorities. The City Council provided answers to these questions as part of our Deadline 1 response. As can be seen from the timetable in paragraph 4.3 there is an ongoing requirement to respond to questions and

issues raised by Aquind and the ExA. The City Council has also submitted its Local Impact Report (LIR) ¹. This highlights the impacts that the proposal will have across the City and looks at general issues, such as ecology, and specific sites including the impact on open spaces, such as at Farlington Playing Fields and at Bransbury Park, and on a range of other areas including the allotments. The LIR also considers the impact on highways and the environment and planning impacts of the proposal.

- 5.3. The Council has written to all allotment holders (a copy of the letter is attached at Appendix 2). This has informed them of the process and the latest change to the proposed order limits (see paragraph 5.1) which impacts on whether they are an 'affected person' or not. It also tells them how they can get involved as an affected person or how they could get involved at the discretion of the ExA.
- 5.4. Finally it is worth noting that as well as local community opposition to the Aquind proposal within Portsmouth there is also community opposition on other parts of the route including other parts of Hampshire and also northern France. Information on the Aquind project is being put into the next edition of Flagship to keep residents informed about what is happening. There is also a website (<https://interconnectorportsmouth.co.uk/>) that the Council is maintaining that gives further information on the Aquind proposal and provides links to the PINS website.

6. Reasons for recommendations

- 6.1. The recommendations in this report are to update Cabinet on the Aquind project and also reflect that Council have previously made clear that they are unanimously opposed to the Aquind project and so the Council should continue to maintain its opposition through the Examination process.

7. Integrated Impact assessment

- 7.1. As an update on an external process that is underway there is no need to complete an Integrated Impact Assessment.

8. Legal Implications/City Solicitor comments

- 8.1 The Council is continually reviewing the vast amounts of information that the Examination is producing. Officers are working constructively with Aquind in the manner required of a local authority but there remain significant concerns over the preparation and content of this application. The Council's legal concerns will be put to the Examining Authority by a leading barrister.

9. Director of Finance & Resources comments

- 9.1 There are no direct additional financial implications arising from the recommendations in this report.

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN020022/EN020022-001707-Portsmouth%20City%20Council%20-%20APPENDIX%20B%20-%20Task%20B%20-%20Local%20Impact%20Report%20Master%20Final.pdf>

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

Appendices:

Appendix 1 - The Aquind Proposal Examination Process

Appendix 2 - Copy of letter sent to allotment holders

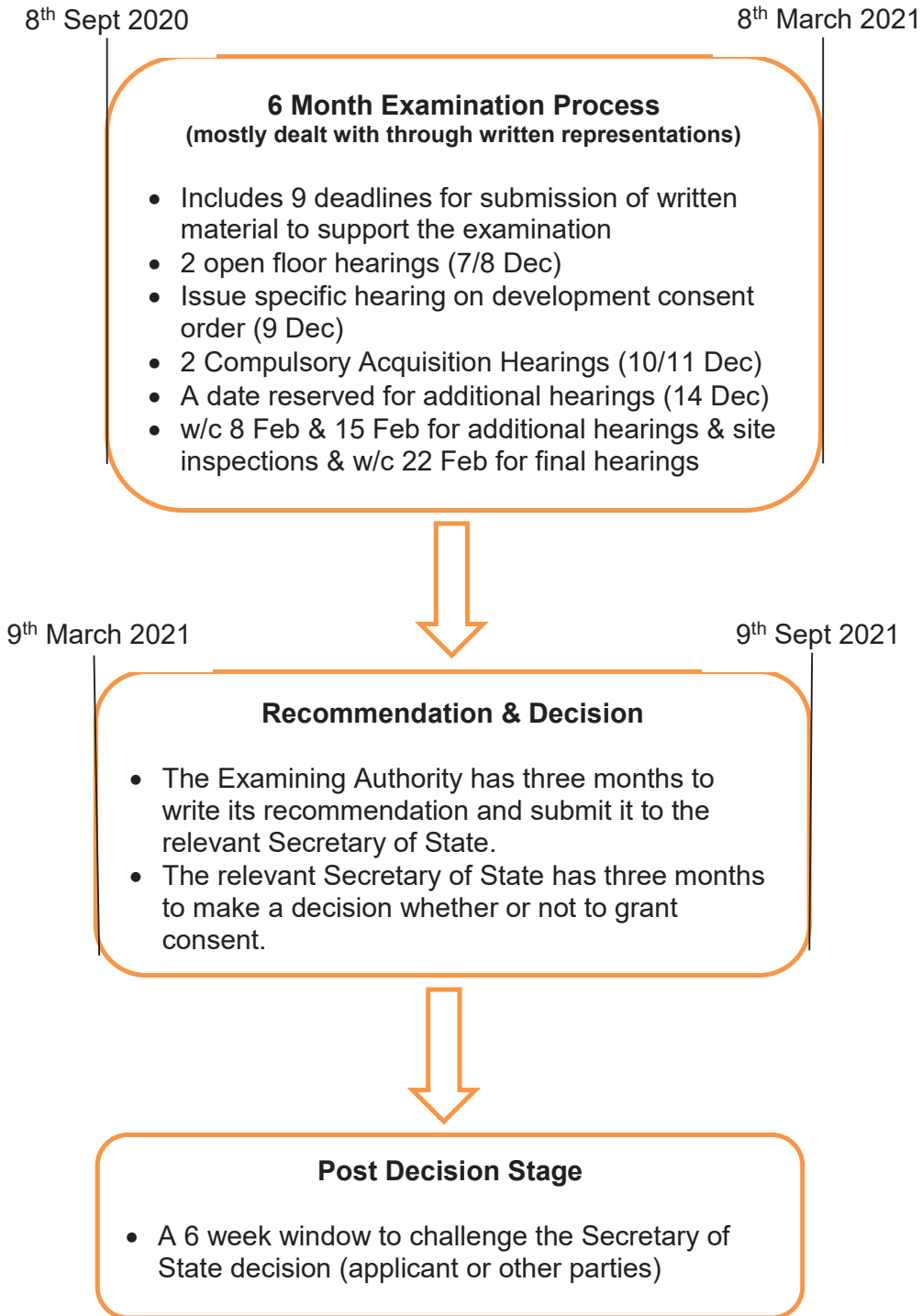
Signed by:

.....
DAVID WILLIAMS
Chief Executive

The recommendation(s) set out above were approved/ approved as amended/
deferred/ rejected by on

..... Signed by:

The Aquind Proposal Examination Process



Copy of letter sent to allotment holders

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Guildhall Square
Portsmouth
PO1 2NE

Phone: 023 9283 4260
Email; Tristan.Samuels@
portsmouthcc.gov.uk

Date: 16th October, 2020

Dear Milton Piece and Eastney Lake allotment holders,

Re: Aquind Interconnector Development Consent Order Examination being conducted by the Planning Inspectorate on behalf of the Secretary of State

I'm writing to let you know about the latest news Portsmouth City Council has about the Aquind application and how it may affect you. I also want to let you know what you can do to have your views taken into account.

What is Aquind?

The above application by Aquind Limited concerns a pair of underground electricity cables to connect the UK and French electricity networks that would land at Eastney and progress north through the city, including the Allotments. The council has produced the enclosed map to show the proposed impacts on different allotment plots. These are only proposals at this stage. The map is based on information that Aquind only made public on 6 October 2020 and has not yet been accepted as an official part of the application by the Planning Inspectorate, so it is important to remember it is only an indication of Aquind's plans at this time and may change. The proposals, and the lack of detail surrounding them, are an ongoing matter of concern for the council that we are raising with the Planning Inspectorate.

Who is affected?

In the area coloured blue on the enclosed map Aquind have said they want to drill under the allotments on the eastern side of the allotments, going up to the showground. The council's worries are that if Aquind say they cannot (or cannot afford) to drill under the allotments they have asked for permission to dig a trench through those allotments. Regardless of how the cables are laid, Aquind want rights to come onto the allotments and dig them up if this is necessary for maintenance.

Aquind have also said they want access to be able to perform any maintenance on the cable. They had asked for permission to have access to some land in the allotments (shown coloured yellow on the enclosed map). This is the area around the

shop. After pressure on Aquind, they have now said they only want access via the roads and paths (which are coloured pink on the map). But there is concern about the size of vehicles they might want to use, and whether the paths are wide enough to cope with this.

The council has been scrutinising the route with the other affected councils and the South Downs National Park for around 18 months. The council would have preferred the application to be decided by the local councils along the route but Aquind and central government have agreed that a minister should decide the application. The council is concerned that the voices of allotment holders have not been heard so far in the examination, which the Planning Inspectorate hosts before writing its report to the minister on whether permission for the development should be granted. It is Aquind's role in the examination to ensure that all Affected Persons are notified where their land is affected and the council is concerned that this has not happened.

What can you do?

If you are an allotment holder in the yellow or blue areas (especially the blue area) on the map, you are entitled as an 'Affected Person' to write to the Planning Inspectorate at aquind@planninginspectorate.gov.uk to, firstly, give your views on the application in writing and ask for those views to be taken into account, and, secondly, to be able to speak at any Open Floor Hearings (to be held virtually on 7-8 December 2020) and the Compulsory Acquisition Hearings (to be held virtually on 11 December 2020).

If you are an allotment holder outside the yellow or blue areas on the enclosed map you can still write to the Planning Inspectorate at aquind@planninginspectorate.gov.uk. However, as you are not an 'Affected Person' due to the rules governing public participation it is up to their discretion whether they accept those representations.

If you are concerned that you cannot access the internet or would have other difficulties in writing to the Planning Inspectorate, please contact Millie Ansell at the council on 023 9283 4832, or by writing to her at Leisure and Culture Services, Floor 5, Core 4, Civic Offices, Guildhall Square, Portsmouth PO1 2AL for help with sending your representations as an email.

The council will be in touch with any new developments concerning the allotments. In the meantime, the council has made a website <https://interconnectorportsmouth.co.uk/> with more information, including links to the Planning Inspectorate's webpage for the examination and Aquind's website.

Yours faithfully,

Tristan Samuels
Director of Regeneration,

and

Cllr Steve Pitt
Deputy Leader, Portsmouth City Council

