

6<sup>th</sup> October 2020

Planning Inspector  
Via email

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Dear Inspector,

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

**Ref: EN020022**

I write in response to your letter to our client Sainsbury's Supermarkets Limited ('**SSL**') on 15<sup>th</sup> September 2020 in respect of the above Development Consent Order ('**DCO**'). The purpose of this letter is to submit our written representation on the relevant matters of the DCO which directly impact upon SSL and their property, Sainsbury's Supermarket, Fitzherbert Road, Portsmouth, PO6 1RR ('**Sainsbury's Farlington**') which SSL hold the freehold interest.

In the first instance, I wish to confirm my request to participate in the Compulsory Acquisition Hearing 2 on Friday 11<sup>th</sup> December 2020, on behalf of SSL.

Our client's principal concerns with the application is focused on: (i) the lack of consideration to alternative cabling routes, and (ii) the extent of the acquisition of rights over land. The proposed cabling route, and the extent of rights proposed to be acquired over land, covers a significant portion of the car park and access routes at Sainsbury's Farlington which has the potential to impact on SSL's current management of the store, cause considerable disruption and result in significant losses. As such, it is our client's request that alternative cabling routes, such as, but not necessarily limited to, a route along A2030 Eastern Road, and a revision to the extent of the acquisition of SSL's land should be considered during the examination.

### **Consideration of Alternatives**

The proposed path of the cabling route across the western boundary of Sainsbury's Farlington car park is shown in detail on Sheet 7 of the Land Plans. It is intended for the cabling route to deviate from the highway and instead run parallel to the A2030 Eastern Road through the full length of the Sainsbury's Farlington car park before exiting at the southern boundary with the West Coastway Railway Line. As such, this section of the cabling route requires the largest acquisition of rights over private land within the DCO and we consider the exploration of alternatives to avoid disruption a necessary requirement.

Within the Initial Technical Feasibility Report (August 2014), section 2.4 of the Environmental Statement sets out that the cable route from landfall point to the connection with the national

grid would follow the highway. This is emphasised by Table 2.1 which outlines 5 strategic principles that the scheme would follow, namely:

- Any European connection would be to France
- The landfall and grid connection would have a South Coast location
- The cables will be buried rather than be overhead
- The onshore cable route would be laid in the highway
- The power would be transmitted via a HVDC cable connection

Furthermore, in para 2.4.6.5 the criteria that was used to inform the GIS software that determined the shortest route between Lovedean Substation and each potential landfall location included the following:

- Shortest terrestrial routes;
- Minimal impacts on landowner/occupiers;
- Routes which follow roads, but avoid motorways

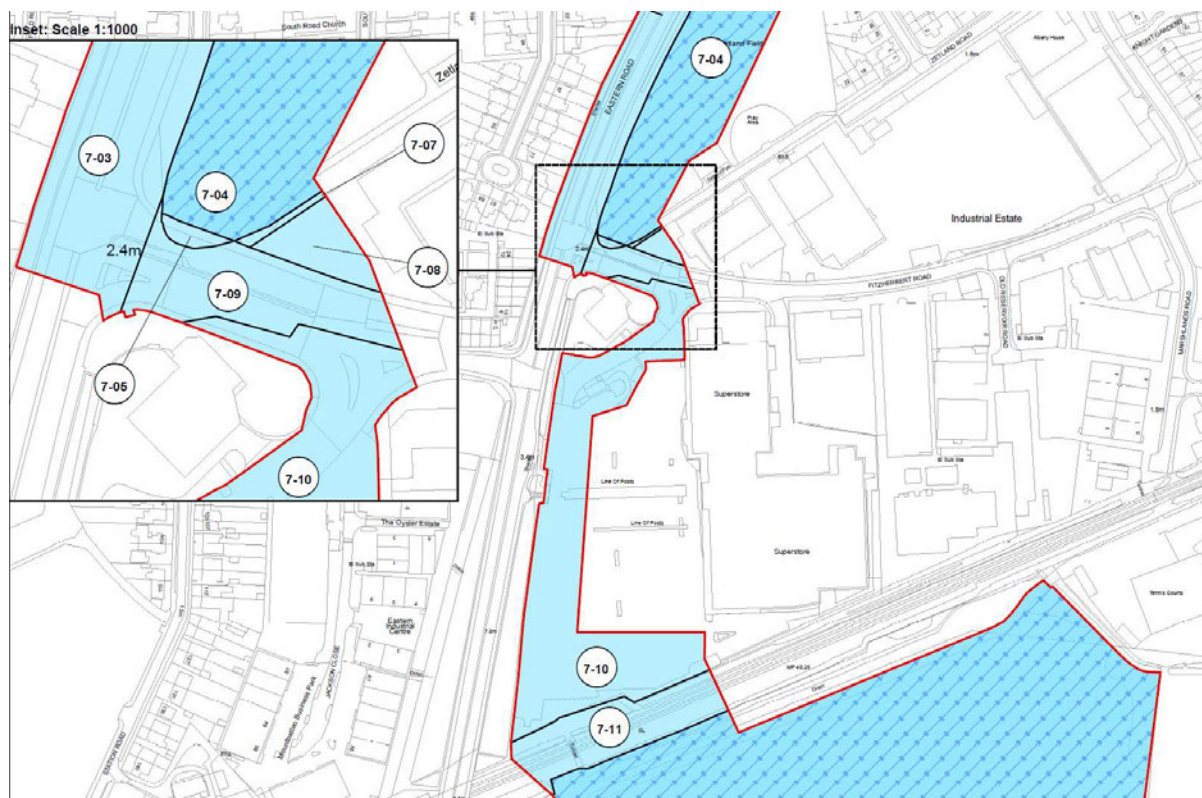
Maintaining the cabling route underneath the highway and minimising disruption to private landowners is a principle aim of the scheme. The decision to divert the cabling route from the A2030 Eastern Road at the junction with Fitzherbert Road through Sainsbury's Farlington car park does not meet these parameters. No explanation is provided for this deviation and infrastructure of this nature should occupy public land where feasible given the numerous impacts on private land owners as a result.

The clear and obvious alternative to the current proposal is for the entirety of the cabling route in this location to fall within the A2030 Eastern Road. If this is not possible, then the route should pass through as little of SSL's land as possible. Crucially, this should avoid the access road to the store at Fitzherbert Road and mitigate to a greater extent the disruption caused to the operation of the store. The proposed cabling route will severely limit the traffic flow into and out of the store car park, will prevent access to the petrol filling station and car wash. The loss of the car parking spaces as a result of the works would negatively impact on trading performance resulting in significant losses.

SSL do not find it acceptable that the Eastern Road is preferred for the majority of the cabling route with the exception of the highway near to SSL's Farlington store. The majority of other public utilities run underneath the highway at this section of the Eastern Road and traffic management is less of an issue as the dual carriageway prevents a full closure of through traffic. The avoidance of the highway at this section of the cabling route is against the adopted principles of the scheme and we consider there to be insufficient justification for its disregard.

### **Reduction of the Order Limit**

The Order Limit allows for the acquisition of rights over land on a significant part of the car park and circulation routes relating to the Sainsbury's Farlington store. In total, 12,279 sq. m. of land is subject to new rights being acquired which is illustrated in an extract from the Land Plans below:



The rights proposed to be secured over the land are extensive and, in our opinion excessive. A significant proportion of the car park could form part of the construction site and potentially occupied for an indeterminate period of time. Further detail on the land over which rights are proposed to be secured are detailed below:

- **Junction and Access Road from Fitzherbert Road**

The Order Limit encompasses the entire access route into the store presenting a significant level of risk for disruption to the operation of the store during the works period. Furthermore, the car wash to the south of the access road and an area of scrub land to the north-east have been included without having a clear practical use for the works.

- **Western Area of the Car Park**

This section of the Order Limit is of primary concern not least because of the potential impact to traffic flow caused by the blocking of the circulation road during the works period, but also the width of the Order Limit which encompasses several rows of car parking spaces. It is not acceptable to our client for the Order Limit to be so wide at this point whilst the cabling route itself we be less than 10m in width.

- **Southern Area of the Car Park and Recycling Centre**

The area covered by the Order Limit at the southern portion of the car park extends beyond the necessary land requirements for the cabling works and HDD compound. The proposals include a significant amount of car parking to the east of the proposed location of the HDD compound with no obvious use as part of the scheme.

Our client holds the view that the current Order Limit is not acceptable due to the extent of land over which new rights are to be acquired, the majority of which is not necessary for the delivery of the scheme and has the potential to increase disruption to business, whilst also depreciating the future value of a considerable portion of the property. Specifically, running the cable route across the entrance of the store presents a major limiting factor to redevelopment and future uses of the store which we believe has not been considered in the proposals. An assessment of the land required for the cabling route is imperative, with the Order Limit's reduced and the cabling route placed in the highway.

Additionally, the Order Limit has been set without reasonable consultation with SSL as to the traffic management and mitigation strategy during the works. The Framework Traffic Management Strategy ('FTMS') specifies that there will be single lane closures at the junction with Fitzherbert Road with an estimated construction time of 8-10 days. However, no information on the duration of the works over the car park or at the HDD compound have been provided. We have raised this concern with Aquind since our formal introduction in May 2020 but very little progress or assurances have been made.

### Summary

In summary, SSL are agreeable to the scheme being delivered under the DCO but have significant concerns regarding the rationale for the selection of the Order Limits and the routing of the cables through the Sainsbury's Farlington car park. The selection of this cabling route presents a severe deviation from the strategic principles of the scheme which has not been justified. These principles should be maintained and the cabling route should be retained in the highway.

Even if based on the current proposed route, there is no justification for the extensive new rights proposed over the Sainsbury's land. A cogent justification is necessary for such an encroachment onto private land, together with an acceptable mitigation strategy and careful consideration of the alternative route along Eastern Road.

Based on the present proposals, SSL will suffer significant losses. Our case is that alternative options exist and should be utilised.

Yours sincerely



**David Conboy**

Director

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