

From: [Noviss, Adrian](#)
To: [Aquinid Interconnector](#)
Cc: [Kasseean, Anita](#)
Subject: AQUIND (EN020022) - DEADLINE 1 - Mr Michael Jefferies & Mrs Sandra Jefferies (ID: 20025044) - Hearings Participation [BMG-LEGAL.FID44973510]
Date: 06 October 2020 23:22:16
Attachments: [Mr and Mrs Jefferies - Deadline 1 - Letter Hearings Notifications - 6 October 2020 \(Blake Morgan LLP\) \(3\).PDF](#)

Dear Sirs

Application by AQUIND Limited for an Order granting Development Consent for the AQUIND Interconnector Project (PINS reference: EN020022)

Notification of Request to participate in Open Floor Hearing, Compulsory Acquisition Hearing, and Draft DCO Hearing

Submitted on behalf of Mr. Michael Jefferies and Mrs Sandra Jeffries (Registration Identification Number: 20025044) in relation to Deadline 1 of the Examination Timetable

We act for Mr Michael Jefferies and Mrs Sandra Jefferies.

Please see our letter, attached, in relation to the above.

Kind regards,

Adrian Noviss
Associate
For and on behalf of Blake Morgan LLP

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Read the team's latest Planning Blog here: <https://www.blakemorgan.co.uk/planning-applications-during-covid-19-avoid-constitutional-pitfalls/>



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6 October 2020

Dear Sirs

**Application by AQUIND Limited for an Order granting Development Consent for the AQUIND Interconnector Project (PINS reference: EN020022)
Notification of Request to participate in Open Floor Hearing, Compulsory Acquisition Hearing, and Draft DCO Hearing on behalf of Mr. Michael Jefferies and Mrs. Sandra Jefferies (Registration Identification Number: 20025044)
Submitted in relation to Deadline 1 of the Examination Timetable**

Mr Michael Jefferies and Mrs Sandra Jefferies (our "**Clients**") jointly own the freehold interest in Hillcrest, Old Mill Lane, Denmead, PO8 0SN (the "**Land**"). The Land is situated within the Converter Station Area (Works No.2). Their freehold interest is covered by plots 1-11, 1-13, 1-15, 1-16, 1-17, 1-19, 1-23 and 1-24

We refer to your letter dated 15 September 2020 issued in connection with Section 89 of The Planning Act 2008 and Rules 8, 9 & 13 of The Infrastructure Planning (Examination Procedure) ("**Rule 8 Letter**").

Open Floor Hearings (OFH1 / OFH2)

The Rule 8 Letter requires notification as to whether our Clients wish to speak at one of the Open Floor Hearings.

We confirm that our Clients wish to speak at Open Floor Hearing 1 (scheduled for Monday 7 December at 10:00 hrs), but they can also make themselves available to speak at Open Floor Hearing 2 (scheduled for Monday 7 December at 18:30 hrs) if there is a high demand to speak at Open Floor Hearing 1.

Whilst formal written representations are being submitted on their behalf setting out legal and other technical arguments, our Clients feel it is vital to personally present their position using their own "layman's" terms. The proposals are going to have a direct and significant impact on our Clients' lives and livelihoods, which makes it a very personal matter to them. Our Clients will be losing part of their farm and business. Our Clients would like a platform from which they can express directly to the Examining Authority the personal, sociological and emotional impacts the proposals will have on them. As the nature of open floor hearings is to give an opportunity to affected parties to speak directly and personally to the Examining Authority, this would be an appropriate forum for our Clients.

Compulsory Acquisition Hearings (CAH1 / CAH2)

The Rule 8 Letter also requires notification as to whether our Clients wish to speak at one of the Compulsory Acquisition Hearings. Our Clients are Affected Persons, and as such we would like to reserve our Client's position and right to speak (through Blake Morgan LLP).

The Promoter proposes to permanently compulsorily acquire 10,074 square metres of our Clients' Land (plot 1-23) and compulsorily acquire new permanent landscaping rights over 2,778 square metres (plot numbers 1-11, 1-13, 1-15, 1-16, 1-17, 1-19, and 1-24).

We confirm that Blake Morgan LLP and where necessary, Ian Judd & Partners (as Land and Compulsory Purchase agents for our Clients), would like to reserve a right to speak at Compulsory Acquisition Hearing 2 ("**CAH 2**") (scheduled for Friday 11 December at 10:00 hrs). We are also available to speak at Compulsory Acquisition Hearing 1 ("**CAH1**") (scheduled for Thursday 10 December at 10:00 hrs) if there is a high demand to speak at CAH2, although we note that CAH1 is principally aimed at the Promoter, local authorities and statutory bodies.

We have through our Clients' Written Representations (submitted at Deadline 1) identified serious concerns about the need for and scope of permanent compulsory acquisition powers of the freehold interest, and powers establishing new landscaping rights in relation to the Land within the Order Limits. We would wish to discuss the following issues:

1. Whether the power to compulsorily acquire the entire freehold interest in plot 1-23 can be amended (and for related amendments to be made where necessary to the Book of Reference and Land Plans) in relation to our Client so that:

- a) It is subject to alternative options depending on whether Option B(i) or Option B(ii) is chosen for the converter station; and
- b) It is reduced so that it only covers the footprint of the converter station under Option B(i) that falls within plot 1-23; and
- c) It does not apply to our Client's freehold interest within plot 1-23 should Option B(ii) for the converter station be selected. Under Option B(ii), neither the footprint of the converter station or related embankment works will fall within plot 1-23.

2. The justification for the need for permanent landscaping rights over certain hedgerows. The parts of the Land over which permanent landscaping rights are proposed already consist of established hedgerows including species-rich, "Important Hedgerows." The Promoter has failed to explain why it requires permanent landscaping rights over those parts of hedgerows HR05 and HR06 that run perpendicular to the converter station and offer no screening value (plots 1-15, 1-17, 1-19 and 1-24). Any such rights should be limited to short sections of hedgerow. Our Clients are also of the view that the proposed list of permanent landscaping rights far exceed those that are needed for the anticipated management of these hedgerows.

At this stage of the Examination, the above issues are relevant to CAH2 because they relate to the applicability to and extent of proposed compulsory acquisition powers as they affect our Clients' freehold interests. We do not know at present whether these issues will be addressed sufficiently and to our Clients' satisfaction by the Promoter through written representations, or whether our Clients would have entered into a voluntary arrangement with the Promoter (as very slow progress is being made by the Promoter in that regard too) by the time of CAH2. As we are being asked to confirm participation at hearings at this stage, we would therefore like to reserve our Clients' position and right as an Affected Person to speak (through Blake Morgan LLP) at CAH2 in relation to the above issues.

Draft DCO Hearing – 9 December 2020 at 10:00 hrs

The Rule 8 Letter also requires notification as to whether our Clients wish to speak at the draft DCO Hearing scheduled for 10:00 hrs on Wednesday 9 December 2020.

We would like to only observe this hearing and not speak at it on our Clients' behalf.

Yours faithfully



Blake Morgan LLP