

From: [Noviss, Adrian](#)
To: [Aquinid Interconnector](#)
Cc: [Kasseean, Anita](#)
Subject: AQUIND (EN020022) - DEADLINE 1 - Mr Geoffrey Carpenter & Mr Peter Carpenter (ID: 20025030) - Hearings Participation [BMG-LEGAL.FID44973420]
Date: 06 October 2020 23:22:54
Attachments: [Carpenters - Deadline 1 - Letter Hearings Notification - 6 October 2020 \(Blake Morgan LLP\).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. Geoffrey Carpenter and Mr. Peter Carpenter (Registration Identification Number: 20025030) in relation to Deadline 1 of the Examination Timetable

We act for Mr Geoffrey Carpenter and Mr Peter Carpenter.

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

Kind regards,

Adrian Noviss
Associate
For and on behalf of Blake Morgan LLP

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Find information on our Planning team here: <https://www.blakemorgan.co.uk/service/planning-lawyers/>
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. Geoffrey Carpenter and Mr Peter Carpenter (Registration Identification Number: 20025030)
Submitted in relation to Deadline 1 of the Examination Timetable**

Mr Geoffrey Carpenter and Mr Peter Carpenter (our "**Clients**") jointly own the freehold interest in land known as Little Denmead Farm, Broadway Lane, Denmead, Waterlooville, PO8 0SL. The area covered by plot numbers 1-32, 1-38, 1-51, 1-57, 1-69, 1-70, 1-71, and 1-72 fall within our Clients' freehold interest. Our Clients also benefit from a right of way over plot numbers 1-60, 1-63 and 1-65 (also covered by Footpath 4 and Footpath 16).

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).

Plot 1-32 is subject to the compulsory permanent acquisition of the freehold interest. Plots 1-38, 1-69, 1-70, and 1-72 are subject to the compulsory acquisition of permanent new landscaping rights. Plot 1-51 is subject to the compulsory acquisition of new access rights. Plots 1-57 and 1-71 are subject to the power to temporarily use land. Our Clients own the freehold interest to all these plot numbers.

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 these permanent compulsory acquisition powers. We would wish to discuss the following issues:

1. The scope of the power to compulsorily acquire the freehold interest in plot 1-32 should be reduced so that it only covers the footprint of the proposed converter station under each of options B(i) and B(ii). Most of plot 1-32 is to be landscaped and the Promoter should instead be seeking compulsory acquisition powers to create new permanent landscaping rights over the relevant area instead. We have set out many reasons why this would be a better alternative in our Clients' Written Representations submitted in relation to Deadline 1 of the Examination timetable. The part of plot 1-32 where the new access road is to be located should instead be subject to compulsory acquisition powers to create a new access. There are adequate protections in the draft DCO (such as in Articles 23, 30 and 32) to prevent operations which may obstruct, interrupt or interfere with the new access. We request that these changes be made in relation to plot 1-32 together with any related amendments to the Book of Reference and the Land Plans. The works to construct and commission the converter station is estimated to be between 2021 and 2024.

2. The only way large heavy agricultural vehicles and horses can access our Client's land is via a track, part of which falls within plot 1-71. This plot is subject to the power that will allow the Promoter to temporarily use (and stop-up) that plot. The construction and commissioning works relating to the converter station is estimated to take between 2021 and 2024. This, coupled with the effect of Article 30(3)(a) of the draft DCO means that the Promoter could take possession of plot 1-71 (and the track) for a maximum of 4 years. This, to our Clients, would mean that access to their homes and the remainder of their freehold interest would be severely restricted and their business (in whatever form that would remain) would suffer. The draft DCO does not allow for access to be granted for large vehicles or animals during that time. This will lead to a disproportionate negative effect on our Clients and their business when balanced against the reason why this route has to be closed for so long, and we would like to discuss why exceptions cannot be made for our Clients to alleviate the severe impacts this will have on them.

At this stage of the Examination, the above issues are relevant to CAH2 because they relate to the applicability 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