

Date: 6 October 2020

**Application by Aquind Limited for a Development Consent Order for the 'Aquind Interconnector' electricity line between Great Britain and France (PINS reference: EN020022)**

**Written Representations**

On behalf of

**Mr. Geoffrey Carpenter & Mr. Peter Carpenter**

**Registration Identification Number: 20025030**

**Submitted in relation to Deadline 1 of the Examination Timetable**



**Blake Morgan LLP**  
6 New Street Square  
London EC4A 3DJ  
[www.blakemorgan.co.uk](http://www.blakemorgan.co.uk)  
Ref: 584927-6

**CONTENTS**

---

1 INTRODUCTION..... 1

2 TITLE..... 1

3 DESCRIPTION OF OUR CLIENTS' LAND AND ITS USES..... 2

4 WORKS PROPOSED ON OUR CLIENTS' LAND ..... 4

5 WORKS TO BE CARRIED ON LAND OVER WHICH OUR CLIENTS BENEFIT FROM A  
RIGHT OF WAY ..... 6

6 COMPULSORY ACQUISITION POWERS AFFECTING OUR CLIENTS' LAND..... 7

7 ACCESS AND RIGHTS OF WAY ..... 15

8 NOISE AND VIBRATION ..... 16

9 DUST..... 18

10 AIR POLLUTION ..... 19

11 CONTAMINATION OF LAND ..... 19

12 ARTIFICIAL LIGHT ..... 19

13 IMPACTS ON HUMAN HEALTH ..... 20

14 WILDLIFE AND CONSERVATION ..... 21

15 HEDGEROWS ..... 22

16 DECOMMISSIONING ..... 22

17 CONCLUSIONS ..... 23

## **1 INTRODUCTION**

- 1.1 We act for Mr Geoffrey Carpenter and Mr Peter Carpenter, who are the joint owners of Little Denmead Farm, Broadway Lane, Denmead, Waterlooville, PO8 0SL (our "**Clients**").
- 1.2 Little Denmead Farm falls within the 'Converter Station Area' of the proposals.
- 1.3 We submitted Relevant Representations (document number RR-055) on behalf of our Clients on 14 February 2020.
- 1.4 Our Clients have serious concerns over the impacts of the proposed scheme on their health and livelihoods, and we are instructed to make these Written Representations on their behalf. The wider Carpenter family have owned Little Denmead Farm since 1939 and face the prospect of having to end over 80 years of farming history due to the impacts of the proposals.

## **2 TITLE**

### **2.1 Freehold interest**

- 2.1.1 Our Clients jointly own the freehold interest in land known as Little Denmead Farm.
- 2.1.2 Our Clients' freehold interest is registered at HM Land Registry under title number HP763097, a copy of the Official copy of Register of Title is at **Schedule 1** to these Written Representations (our "**Clients' Land**"). This freehold interest was registered on 13 August 2013.
- 2.1.3 The extent of the freehold interest is shown outlined in red on the title plan filed under title number HP763097, a copy of which is attached at **Schedule 2** to these Written Representations. The land edged in green on the title plan was transferred out of our Clients' freehold interest and is now registered separately under title number HP766105, under the ownership of National Grid.
- 2.1.4 Our Clients' freehold interest covers 53.21 acres of land.
- 2.1.5 The land within the Order Limits covers a significant part (but not all) of our Clients' freehold interest. The area covered by plot numbers 1-32, 1-38, 1-51, 1-57, 1-69, 1-70, 1-71, and 1-72 (as shown on Sheet 1 of 10 of the Land Plans (document number 2.2) falls within our Clients' freehold interest.
- 2.1.6 Comparing the Order Limits (as shown edged red on Sheet 1 of 10 of the Land Plans (document number 2.2 ) with our Clients' title plan, it can be seen that the Order Limits cut through our Clients' freehold interest, with small parts of land within their ownership falling outside the Order Limits. The parts of our Clients' Land that falls within the Order Limits covers 33.6335 acres.

### **2.2 Right of way**

- 2.2.1 Our Clients benefit from a right of way over adjacent land which falls within the Order Limits (shown tinted brown on the title plan attached at **Schedule 2** to these Written Representations).

2.2.2 This right of way covers plot numbers 1-60, 1-63, and 1-65 which are shown on Sheet 1 of 10 of the Land Plans (document number 2.2).

### **3 DESCRIPTION OF OUR CLIENTS' LAND AND ITS USES**

- 3.1 Our Clients' Land (as defined in paragraph 2.1.2 above) consists of a number of residential and agricultural buildings, open yards and spaces, stables, paddocks and fields.
- 3.2 Our Clients purchased the freehold interest in order to operate a farming business from it, to live on that land, and to ultimately retire there.
- 3.3 Our Clients' farming business is configured for and involves the rearing of livestock for sale (cattle), the growth of grass for use as fodder for their livestock, and the production of hay.
- 3.4 Copies of two aerial images of our Clients' Land are attached **at Schedule 3** to these Written Representations.
- 3.5 The parts of our Clients' Land that do not fall within the Order Limits (the "**Retained Land**") consist of a number of residential houses, a caravan, agricultural buildings, open yards and storage spaces, stables, woodland, paddocks, a small part of their fields, and an access track. A plan of the extent of the Retained Land shown edged in red is attached at **Schedule 4** to these Written Representations. Whilst the Retained Land does not fall within the Order Limits, it is directly adjacent to the Order Limits, and the buildings on and uses of the Retained Land will be directly impacted by the proposals due to their proximity and because our Clients live on and operate their business from it. It is therefore important to understand what buildings and uses fall within the Retained Land.

#### *The Retained Land*

- 3.6 "*Aerial Image One*" attached at **Schedule 3** to these Written Representations shows the southern-most part of our Clients' Land, which forms part of the Retained Land.
- 3.7 The main access to the residential property and the agricultural buildings within the Retained Land (with all but large vehicles) is from Crossway's Road, which is an unclassified road that leads from Broadway Lane to the south, and from Edney Lane to the North. Our Clients' horses and large heavy goods and agricultural vehicles cannot however use Crossway's Road to access the Retained Land (or their land within the Order Limits) because it is too narrow and has overhanging trees. Instead, horses and large vehicles access the Retained Land and the land within the Order Limits from Broadway Lane to the east and down a track known as Footpaths 4 and 16. This is a stone track, with a gate at Broadway Cottage. This track is also often used by Peter Carpenter to access the farmyard as an alternative access to Crossway's Road. A plan of the location of Crossway's Road is attached at **Schedule 5** to these Written Representations.
- 3.8 The buildings and uses of the Retained Land consist of:
- 3.8.1 A farmhouse which was previously occupied by our Clients but is currently vacant;
- 3.8.2 Little Denmead Farm Cottage, where Geoffrey Carpenter and his wife live on a permanent basis. This is their sole residence;

- 3.8.3 To the east of Little Denmead Cottage are several agricultural buildings with two wings. They are labelled as 'Traditional Farm Buildings' on Aerial Image One. The first wing runs north-south, and the second wing is situated above the first wing, and runs west to east protruding out to form an 'r' shape. Our Clients use these agricultural buildings to house their livestock. They also contain stabling, pens for calves and horses, as well as machinery and tools;
- 3.8.4 North of the 'Traditional Farm Buildings' are further agricultural buildings. These are labelled as 'Modern Steel Framed Buildings' on Aerial Image One. These buildings are used to store agricultural materials, hay for livestock, and the occupation of livestock when needed;
- 3.8.5 To the east of the 'Modern Steel Framed Buildings' is a static caravan where Peter Carpenter and his wife live on a permanent basis (they have lived there for over 14 years). This is their sole residence. Peter Carpenter has also lived on Little Denmead Farm all his life;
- 3.8.6 To the east of the caravan there are stables for horses. There are professional show jumping horses housed in these stables. In connection with these stables there are paddocks (the location of which is shown on "Aerial Image Two"), which are used for the run of the horses and show-jumping practice by our Clients' [REDACTED]
- 3.8.7 A number of open yards and spaces on which is stored various containers, fuel tanks, and machinery; and
- 3.8.8 Parts of the fields that are used by grazing livestock and horses, and for growing grass and hay.

*Description of our Clients' Land falling within the Order Limits*

3.9 The part of our Clients' Land which falls within the Order Limits covers 33.6335 acres and covers plot numbers 1-32, 1-38, 1-51, 1-57, 1-69, 1-70, 1-71, and 1-72. This part of their land is shown on Aerial Image Two attached as part of **Schedule 3** to these Written Representations. The features and uses of our Clients' Land which falls within the Order Limits are as follows:

- 3.9.1 Open land that is mainly used for commercial farming and agricultural purposes, including hay production and livestock grazing where cows and horses are put out to pasture;
- 3.9.2 Paddocks that are used by our Clients' professional show-jumping horses;
- 3.9.3 The land supports a wide range of wildlife, which to our Clients' personal knowledge includes multiple [REDACTED] foxes, rabbits, barn owls, tawny owls, buzzards, fallow deer, muntjac deer, red kites, and varieties of woodpecker;
- 3.9.4 Our Clients' use the open land for leisure purposes, including for daily walks and for walking their dogs. Mr Geoffrey Carpenter recently suffered a [REDACTED] [REDACTED] (the specifics of which we are unable to disclose to the public). He uses this part of

the land on a daily basis for his exercise, which he must undertake for health purposes;

3.9.5 Our Clients' [REDACTED] and

3.9.6 The open land is also used for rough shooting.

3.10 Access to the part of our Clients' Land falling within the Order Limits can be gained via Footpath 16 and Footpath 4 which join the section of Broadway Lane that runs parallel to the east of our Clients' Land. The locations of Footpaths 14 and 6 are shown on Sheet 1 of 10 of the Access and Rights of Way Plans (document number 2.5) and they are also covered by plot numbers 1-71 and 1-51.

3.11 Paragraph 22.1.2.6 of chapter 22 of the Environmental Statement which relates to traffic and transport (document number 6.1.22) states that the use of Broadway Lane as part of the proposals will affect Footpaths 16 and 4.

3.12 Part (or possibly all) of Footpath 16 is located on our Clients' Land. Sheet 1 of 10 of the Access and Rights of Way Plans (document number 2.5) does not indicate where Footpath 4 ends and where Footpath 16 begins, so it is difficult to determine.

3.13 The footpaths that cover plot numbers 1-51 and 1-71 (which are marked as "track" on Sheet 1 of 10 of the Land Plans, document number 2.2) are used by our Clients for access to the Retained Land and to the middle of the fields on their land. This track is also the only access available to our Clients that can support large and heavy farm and agricultural vehicles leading on to their land. Other accesses into their land are either too narrow or have low-hanging trees that block large agricultural vehicles.

#### **4 WORKS PROPOSED ON OUR CLIENTS' LAND**

4.1 The part of our Clients' Land falling within the Order Limits (covering plot numbers 1-32, 1-38, 1-51, 1-57, 1-69, 1-70, 1-71, and 1-72 ) is situated within the following Works Numbers:

4.1.1 Works Number 2 (Works to Construct Converter Station) – plot numbers 1-32, 1-38, 1-51, 1-57, 1-69, 1-70, and 1-71; and

4.1.2 Works Number 3 (Temporary Work Area of up to 5 hectares associated with Works No. 1, 2 & 4) – plot numbers 1-51 and 1-57.

4.2 Works Numbers 2 and 3 are shown on Sheet 1 of 12 of the Works Plans (document number 2.4).

4.3 Works Numbers 1, 2, and 3 fall within the 'Stage 1 Works' area of the proposals (as described in the Statement of Reasons (document number 4.1)). The description of these proposed works is summarised in paragraph 5 of the Statement of Reasons as follows:

*"Section 1 - Lovedean (Converter Station Area)*

*5.3.2 The converter station compound is proposed to be located within a predominantly rural area on the edge, but outside of, the South Downs National Park, and to the north west of Waterlooville. The land is predominantly agricultural, although the site of the proposed*

*compound is in close proximity to the existing National Grid Lovedean substation (east of the proposed converter station). The precise siting of the converter station is subject to ongoing engagement with National Grid.*

*5.3.3 The Proposed Development includes an HVAC cable connection between the converter station and the Lovedean substation.*

*5.3.4 Two telecommunications buildings are also proposed within the converter station area. Landscaping (including re-profiling if/where appropriate and associated planting) is proposed around the perimeter of the converter station and at other locations further from the converter station where deemed necessary."*

- 4.4 Converter station: The proposed converter station is to be located within plot 1-32, on a hillside sloping downwards from north to south. The entirety of plot 1-32 falls within our Clients' Land and is currently open agricultural land used for the grazing of horses and livestock, the growing of grass for livestock fodder, and for the production of hay. Plot 1-32 measures 30.6461 acres, which is the equivalent to 12.402 hectares. There are two possible locations for the converter station within plot 1-32, options B(i) and B(ii), and these are shown on Sheet 1 of 3 of the Converter Station and Telecommunications Buildings Parameter Plans Combined Options plan (document number 2.6). The proposed converter station area footprint is 200 m x 200 m (4 hectares) (as per paragraph 3.6.3.2. of Chapter 3 of the Environmental Statement, document number 6.1.3).
- 4.5 Chapter 3 of the Environmental Statement describes the proposed development and paragraph 3.6.3.40 of that chapter states that the construction and commissioning works for the converter station are currently anticipated to be undertaken between the years 2021 and 2024. A construction compound will be located within the converter station area for the duration of the construction which shall have facilities for mess, welfare and approximately 150 car parking spaces. Temporary fencing will be used to secure the areas under construction during the construction works. Given the topography of the converter station area, bulk earthworks would be required to create a level platform to accommodate the converter station. Cable trench works will be required, as well as building service works (such as below ground utilities, floodlighting, cable works, pipes, hydrants, tanks and pumps) will be carried out following the main construction works.
- 4.6 Telecommunications building: A telecommunications building is also proposed to be located on our Clients' Land within plot 1-32, in relation to both options B(i) and B(ii) for the converter station – please see Sheet 2 of 3 and Sheet 3 of 3 of the Converter Station and Telecommunications Buildings Parameter Plans Combined Options plan (document number 2.6). This telecommunications building will (according to Chapter 3 of the Environmental Statement (document number 6.1.3)) house telecommunications equipment so that it is more easily accessible for maintenance purposes and in connection with the proposed use of fibres for commercial telecommunications purposes. According to paragraph 3.6.3.24 of chapter 3 of the Environmental Statement, the telecommunications building will have a maximum footprint of 8 m long x 4 m wide x 3m high and will also have secure fencing, access and parking for up to two vehicles for maintenance purposes. It is currently anticipated that the compound for the telecommunications building would have a maximum size of 10 m x 30 m.

- 4.7 Landscaping: Landscaping (including re-profiling if/where appropriate and associated planting) is proposed around the converter station compound on our Clients' Land within plot 1-32. We can only see indicative landscaping plans relating to option B(i) for the converter station, which are at document 6.2.15.48 ('Environmental Statement – Volume 2 - Figure 15.48 Indicative Landscape Mitigation Plan Option B(i) (north)') and document 6.2.15.49 ('Environmental Statement – Volume 2 - Figure 15.49 Indicative Landscape Mitigation Plan Option B(i) (south)'). There are no indicative landscaping plans relating to option B(ii) for the converter station and we request the Promoter explains why that is. We note that paragraph 7.4 of the Design and Access Statement (document number 5.5) deals with landscaping design principles. The illustrative landscape mitigation plates shown at paragraph 7.4 are far too small to read, even when the reader zooms in electronically. It is too difficult, because of this, to properly assess the impact of the proposed landscaping works and we request that the Promoter either provides larger scale images of the mitigation plates shown in paragraph 7.4 of the Design and Access Statement or confirms whether these plates are available on a much larger scale in another application document.
- 4.8 New access road: The indicative landscaping plans referred to in paragraph 4.7 above also show that a new access road from Broadway Lane is proposed to be constructed on our Clients' land within plots 1-32 and 1-51. This land is used by our Clients for the grazing of horses and livestock, the growing of grass for livestock fodder, and for the production of hay.
- 4.9 Temporary use of land: Our Clients own the freehold interest to plot numbers 1-57 and 1-71, which are subject to powers that will allow the Promoter to temporarily use that land, as indicated by Sheet 1 of 10 of the Land Plans (document number 2.2). This is connected to Works Number 2 (works to construct the converter station). Plot 1-57 forms part of our Clients' Land that is used for the grazing of horses and livestock, the growing of grass for livestock fodder, and for the production of hay. Plot 1-71 is part of a track (Footpath 16) that is used by our Clients to access their homes and agricultural buildings, as well as their fields.
- 4.10 New Access rights: Our Clients own the freehold interest to plot 1-51, over which new access rights are being sought, as indicated by Sheet 1 of 10 of the Land Plans (document number 2.2). This is connected to Works Number 2 (works to construct the converter station). As stated above, plot 1-51 is used by our Clients for the grazing of horses and livestock, the growing of grass for livestock fodder, and for the production of hay.

## **5 WORKS TO BE CARRIED ON LAND OVER WHICH OUR CLIENTS BENEFIT FROM A RIGHT OF WAY**

- 5.1 Our Clients have a right of way over land within the Order Limits.
- 5.2 The extent of their right of way is shown on the area coloured brown on their title plan, a copy of which is attached at **Schedule 2** to these Written Representations.
- 5.3 Our Clients' right of way covers plot numbers 1-50, 1-55, 1-59, 1-60, 1-61, 1-63, 1-65 and 1-75 on Sheet 1 of 10 of the Land Plans (document number 2.2).
- 5.4 These plot numbers fall within Works No. 2 (works to construct the converter station) as shown on Sheet 1 of 12 of the Works Plans (document number 2.4).



5.5 Our Clients' right of way is also labelled as a 'track' and Footpath 4 on Sheet 1 of 10 of the Access and Rights of Way Plans (document number 2.5). This track is to the east of our Clients' Land and joins Broadway Lane.

5.6 This right of way is integral to our Clients' access to their land. They also use this track for dog walking, horse riding, and most importantly as access for large vehicles that need to enter and leave their land, in particular the Retained Land. This is because the access point to the south of the farm from Crossway's Road is too low and narrow owing to mature tree growth.

## 6 COMPULSORY ACQUISITION POWERS AFFECTING OUR CLIENTS' LAND

### 6.1 The relevant law and guidance

6.1.1 Sections 122(1), (2), and (3) of the Planning Act 2008 provides that a development consent order may authorise the compulsory acquisition of land only if the Secretary of State is satisfied that the following conditions are met:

- (a) the land is:
  - (i) required for the development to which the development consent relates;
  - (ii) is required to facilitate or is incidental to that development; or
  - (iii) is replacement land which is to be given in exchange for commons, open spaces etc.; and
- (b) there is a compelling case in the public interest for the land to be acquired compulsorily.

6.1.2 Government guidance<sup>1</sup> ("**Guidance**") also requires that to establish that there is a compelling case in the public interest, there must be compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired.

6.1.3 The Guidance requires an applicant to demonstrate:

- (a) that all reasonable alternatives have been explored;
- (b) that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate;
- (c) that the applicant has a clear idea of how they intend to use the land which it is proposed to acquire;

---

<sup>1</sup> Department of Communities and Local Government: Planning Act 2008 – Guidance related to procedures for the compulsory acquisition of land – September 2013

- (d) that there is a reasonable prospect of the requisite funds for acquisition becoming available; and
- (e) that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the affected land, with particular regard given to Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of the acquisition of a dwelling, Article 8 of the Convention.

6.1.4 The Guidance also states that the land in relation to which compulsory acquisition powers are sought must be no more than is needed for the development for which consent is sought. An example is given in relation to landscaping, where the Secretary of State in those circumstances would need to be satisfied that the development could only be landscaped to a satisfactory standard if the land in question were to be compulsorily acquired.

6.2 The Promoter has not satisfied all the requirements in law and Guidance to justify the compulsory acquisition powers over our Clients' Land.

6.3 Our Clients' registered freehold interest covers approximately 53.21 acres. Of this, 33.6335 will be affected by compulsory acquisition powers, which represents nearly 60% of their freehold interest.

6.4 A number of compulsory acquisition powers will affect our Clients' freehold interest, as follows (please see Sheet 1 of 10 of the Land Plans (document number 2.2)) for the location of the plot numbers referred to below:

6.4.1 Compulsory permanent acquisition of freehold interest - plot 1-32: This land is owned and used by our Clients for the grazing of horses and livestock, the growing of grass for livestock fodder, the production of hay, horse paddocks, and leisure activities (walking, rough shooting, and quad-biking by grandchildren).

6.4.2 Compulsory acquisition of new landscaping rights - plots 1-38, 1-69, 1-70, and 1-72: This land is owned and used by our Clients for the grazing of horses and livestock, the growing of grass for livestock fodder, the production of hay, paddocks, and leisure activities.

6.4.3 Compulsory acquisition of new access rights - plot 1-51: This land is owned and used by our Clients as part of the wider land for the grazing of horses and livestock, the growing of grass for livestock fodder, the production of hay, paddocks, and leisure activities.

6.4.4 Powers for the temporary use of land - plots 1-57 and 1-71: Plot 1-57 is owned by our Clients and is being used as part of the wider land for the grazing of horses and livestock, the growing of grass for livestock fodder, the production of hay, paddocks, and leisure activities. Plot 1-71 covers part of the track (Footpath 16) that falls within our Clients' freehold interest and which is used by our Clients as their main access to the homes and agricultural buildings on the Retained Land, and as access from the Retained Land by our Clients to Broadway Lane. This part of the track is also

used by heavy vehicles to access their fields and the Retained Land, and by their horses when going from the Retained Land to the fields for grazing and show-jumping practice.

6.5 Permanent compulsory acquisition of freehold interest - plot 1-32: Plot 1-32 is within our Clients' Land and is subject to compulsory permanent acquisition of their freehold interest. These powers are disproportionate as they are far more than what is needed for the purposes of the proposed development on this part of the site. These powers are also unnecessary because there are other reasonable alternative compulsory acquisition powers that could be used to achieve the same outcomes. The Promoter has not therefore provided sufficient evidence to satisfy the tests set down by the Government's Guidance to justify the extent of these powers over our Clients' Land. Our reasons are as follows:

6.5.1 The footprint of each option for the converter station within plot 1-32 covers only 4 hectares (as per paragraph 3.6.3.2 of chapter 3 of the Environmental Statement (document 6.1.3)). The power to compulsorily permanently acquire the freehold interest on plot 1-32 however covers 12.4023 hectares. We therefore question why the Promoter requires the freehold ownership of 8.4023 additional hectares. The Statement of Reasons (document number 4.1) contains no explanation on this point. Paragraph 6.1.4 of the Statement of Reasons states that the freehold interest in the entirety of plot 1-32 needs to be compulsorily permanently acquired because that is where the converter station will be located. That is the only reason provided. However, the converter station will only cover a very small fraction of plot 1-32.

6.5.2 The remaining land around the converter station within plot 1-32 is proposed to be landscaped and will also contain part of the new access road. Details of indicative landscaping are provided by the Promoter only in relation to option B(i) for the converter station. They are shown on document number 6.2.15.48 Environmental Statement - Volume 2 at Figure 15.48 ('Indicative Landscape Mitigation Plan Option B(i) (north)') and on document number 6.2.15.49 Environmental Statement - Volume 2 at Figure 15.49 ('Indicative Landscape Mitigation Plan Option B(i) (south)'). Paragraph 7.4 of the Design and Access Statement (document number 5.5) refers to landscaping design principles and states that "*The design will seek to **minimise the loss of existing vegetation of ecological, landscape character and / or screening value as far as practicable** and will include management repair measures where appropriate with reference to the indicative landscape mitigation plan*". If the Promoter's intention is to retain as much of the existing vegetation as possible, there is no reasonable justification as to why it therefore needs to own the freehold interest of the land on plot 1-32 that will be landscaped.

6.5.3 The Promoter should instead seek to compulsorily acquire new landscaping rights over the part of plot 1-32 to be landscaped. No explanation has been provided as to why such rights (which include rights to maintain, inspect and re-plant, amongst a whole other host of additional powers – please see page 41 of the Statement of Reasons (document number 4.1.) for a full description) will not be sufficient. Several details in the Outline Landscape and Biodiversity Strategy (document number 6.10) also reinforce our argument that new landscaping rights would be more appropriate over much of plot 1-32. Paragraph 1.6 of the Strategy sets out the proposed management activities for the areas to be landscaped within plot 1-32. Tables 1.2 to

1.6 within paragraph 1.6 state that the proposed landscaping management activities need only be carried once or twice a year. Also, paragraph 1.7 of the Strategy states that the management of existing and proposed landscaping and biodiversity proposals will be subject to a detailed landscape and biodiversity management strategy. In terms of who would be responsible for that management, paragraph 1.7.2.1 states that access would be agreed with existing landowners. Paragraph 1.7.2.2 states that management responsibilities of existing planting and hedgerows/hedgerow trees will be "*a local farmer*". The local farmer and external contractors would also be responsible for a number of landscaping management matters including:

- (a) The correct instruction of all parties delivering the strategy (including the Promoter's staff and contractors);
- (b) Compliance with the detailed strategy, legal requirements and planning requirements;
- (c) Enacting and enforcing requirements by the Promoter's ecologist, landscape architect, and arboriculturalist; and
- (d) Keeping a record of measures taken as part of CDM requirements.

6.5.4 This makes it clear that not only will there be very little requirement for constant landscaping access and maintenance on plot 1-32, but that the Promoter is actually going to be requiring local farmers (such as our Clients) to carry out landscaping management responsibilities, including compliance with and enforcing the requirements of the detailed landscaping and biodiversity strategy. This therefore again begs the question, why does the Promoter still need to own the freehold interest in the entirety of plot 1-32 in relation to the areas to be landscaped? Should there be no amendment to the proposals and compulsory acquisition powers in this regard, then the management responsibilities to be placed on local farmers such as our Clients would be disproportionate and unnecessary - it should be the Promoter alone who should be responsible for delivering its own landscaping and biodiversity strategy. There are no provisions within the proposals, strategies or the draft DCO to compensation farmers such as our Clients for the costs and time they would need to expend to comply with the Outline and Detailed Landscape and Biodiversity Strategy. Also, it would be completely unreasonable for the Promoter and the Secretary of State to expect local farmers such as our Clients (who are also currently not in good health) to fully interpret, execute, enforce, and pay for detailed technical landscaping and ecological requirements they have had no involvement in formulating. Our Clients would also not know what records are required under CDM requirements. If the Promoter is allowed to pass management responsibility for landscaping and biodiversity to local landowners and farmers, there is no reason why it should also have the power to permanently compulsorily acquire the freehold interest to land that is proposed to be landscaped within plot 1-32.

6.5.5 If the Promoter instead sought new landscaping rights over the relevant parts of plot 1-32, it would also be protected by Article 23 of the draft DCO (document number 3.1). Article 23 includes a power to impose restrictive covenants in relation to land

over which new rights are to be acquired, to prevent operations which may obstruct, interrupt or interfere with the infrastructure and the exercise of the new rights granted over the land and to ensure that access for future maintenance can be facilitated and that land requirements are minimised so far as possible. Therefore our Clients would not be able to build or take any action that would interfere with the Promoter's new landscaping rights. The combined effect of compulsorily acquiring new landscaping rights only over the relevant part of plot 1-32 and Article 23 of the draft DCO is that the Promoter would still be able to execute and maintain its landscaping proposals, and ensure the converter station remains adequately visually screened by existing or newly planted vegetation. There is therefore no need for the permanent compulsory acquisition of the freehold interest in the entirety of plot 1-32.

- 6.5.6 Part of the new access road will be located on plot 1-32 - please see document number 6.2.15.48 Environmental Statement - Volume 2 at Figure 15.48 ('Indicative Landscape Mitigation Plan Option B(i) (north)'), and on document number 6.2.15.49 Environmental Statement - Volume 2 at Figure 15.49 ('Indicative Landscape Mitigation Plan Option B(i) (south)'). If a reason for needing to compulsorily acquire the freehold interest to the whole of plot 1-32 is because of this, the Promoter could instead simply compulsorily acquire new rights of access in relation to this section of the road (which include powers of maintenance – please see pages 39, 40 and 41 of the Statement of Reasons for a full description of what new access rights cover). There is no need to own the freehold interest in this regard. Furthermore, as with new landscaping rights, the Promoter would be protected by Article 23 of the draft DCO to prevent operations which may obstruct, interrupt or interfere with the infrastructure and the exercise of the new rights granted over the land and to ensure that access for future maintenance can be facilitated and that land requirements are minimised so far as possible.
- 6.5.7 The Promoter has failed to demonstrate that the extent of the compulsory acquisition is proportionate, taking only what is required, in relation to the telecommunications building (in Plot 1-32). Its proposed location is shown on Sheet 2 of 3 and Sheet 3 of 3 of the Converter Station and Telecommunications Buildings Parameter Plans Combined Options plan (document number 2.6). There is no explanation as to why this building cannot be situated further east towards the woods on plot 1-32, leaving the existing 4 acre paddock intact and outside the area to be permanently compulsorily acquired. There is also no explanation as to why this telecommunications building cannot be located within the converter station compound.
- 6.5.8 Powers of temporary possession are granted over land in relation to which new rights are compulsorily acquired. Paragraph 6.2.4 of the Statement of Reasons (document number 4.1) states: "*Where the Applicant is seeking to acquire land or rights over land, the temporary use of such land is also provided for (see Article 30 and 32 of the Order). The reason for seeking temporary use powers over this land also, is that it allows the Applicant to enter onto land for particular construction and maintenance purposes in advance of the vesting of the relevant land/rights. This enables the Applicant to compulsorily acquire the minimum amount of land and rights over land required to construct, operate and maintain the Proposed Development.*" In light of this we would again question the need to compulsorily acquire our Clients' freehold

interest in the entirety of plot 1-32 if the Promoter would have powers of temporary possession should it only compulsorily acquires new landscaping rights and new access rights over the majority of plot 1-32.

6.5.9 The loss of their freehold interest in plot 1-32 will mean that our Clients' farming activities will need to cease and the income they rely on will disappear. The land that will be left within their freehold ownership is land on which their cottage, farmhouse, farm buildings, caravan and stables are located. However, these buildings are used in connection with the farming use on the land whose freehold interest will be compulsorily acquired, thus, other than the cottage and the caravan in which they live, the remaining buildings and land on the Retained Land will no longer be of use to our Clients for the purposes of their business. There will be a significant detrimental impact on those remaining parts of the Farm that will not be subject to compulsory acquisition rights. The proposed acquisition will split up fields (for example the proposed permanent access route (plot 1-51) will bisect the existing field into two), leaving small, irregular shaped paddocks without straight boundaries, making it difficult to carry out farming activities as there will be insufficient space for livestock grazing and access will be rendered difficult. What remains of the farm will be unviable for business purposes and our Clients would have to fundamentally change their farming policy to safeguard any future income from their land. This in turn would require significant capital investment. This will drastically alter our Clients' quality and way of life. Reducing Little Denmead Farm to just 22 acres means that the Farm will not be able to continue to operate as a viable business. There is also no other suitable farming land of this size available in the vicinity to replace the land that will be lost. Chapter 17 of the Environmental Statement on soils and agricultural land use (document number 6.1.17) also states at paragraph 17.3.6.1 that a likely significant effect of the construction of the converter station is that the loss of farmable area would in turn affect the viability of affected farming businesses. Paragraph 17.9 of Chapter 17 of the Environmental Statement also states that the overall residual effect of the proposals on agricultural land is assessed as moderate temporary adverse and minor to moderate permanent adverse. The temporary effect on agricultural land is considered significant. Paragraph 17.9.1.3 of chapter 17 of the Environmental Statement also state that there will be "*ten farm holdings affected temporarily by the proposed development, of which five will also be affected permanently. There will be temporary moderate adverse effects on five farm holdings, which is considered significant for each farm, and permanent moderate adverse effects on three farms, also significant for each farm.*" The problem with these statements is that it is impossible to know which farms are being referenced, though we would assume that our Clients' farm is one of the three farms that will suffer permanent significant effects. We would want to know from the Promoter what its assessment of Little Denmead Farm is in this context and reserve our position to make further representations in this regard. At present, the Promoter has failed to adequately assess the significant harm the proposals would have on the ability of our Clients' business to continue, considering only the type of agricultural land that would be lost and failing to consider the effect on the agricultural business that operates on that land.

6.5.10 The effect of Articles 30 and 32 of the draft DCO (document number 3.1) means that a large degree of uncertainty is introduced over land within the Order Limits that our

Clients will retain its freehold ownership of (plots 1-38, 1-51, 1-57, 1-69, 1-70, 1-71, and 1-72). Not knowing whether in practice the Promoter could take temporary possession of these plots too will make it impossible for our Clients to plan ahead or to assess how soon they could be to losing their business. The effect of Articles 30 and 32 is not accurately reflected in the Land Plans (document number 2.2) or the Book of Reference (document number 4.3) and is an important point that could be missed by lay people objecting to this scheme who do not have the benefit of technical advisors to support them. We would request that the relevant Land Plans and that the Book of Reference be amended to make it clearer that many more plots of land are under the threat of temporary possession due to the effect of Articles 30 and 32, so that others can accurately assess the impacts on their interests.

6.6 For the above reasons, we request that the scope of the power to compulsorily acquire the freehold interest in plot 1-32 be reduced so that it only covers the footprint of the proposed converter station under each of options B(i) and B(ii). We also request that the remainder of the land within plot 1-32 that is proposed for landscaping/ecology measures instead be subject to compulsory acquisition powers to create new permanent landscaping rights. 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. We request that these changes be made in relation to plot 1-32 together with any related amendments to the Book of Reference (document number 4.3) and the Land Plans (document number 2.2).

6.7 Temporary use of land- plots 1-57 and 1-71: Our Clients' freehold interest in plots 1-57 and 1-71 will be subject to the power of temporary use for the purposes of activities connected to the construction of the converter station – please see Schedule 10 to the draft DCO (document 3.1) and Sheet 1 of 10 of the Land Plans (document number 2.2). Plot 1-57 currently forms part of the land which our Clients use to graze livestock and horses, and to grow grass and hay on. Plot 1-71 is the part of the track our Clients use to access their homes and agricultural buildings and to access their fields. This section of the track is also used by our Clients' horses to lead them into the fields and is the only route for heavy vehicles to access the Retained Land. The Promoter has failed to satisfy the relevant legal tests and requirements in the Guidance for the following reasons:

6.7.1 The effect of Article 30(3)(a) of the draft DCO (document number 3.1) is that the Promoter could take possession of plot 1-71 (the track) for a maximum of 4 years given that the construction and commissioning works for the converter station is estimated to take place between 2021 and 2024. This, to our Clients, would mean that their access to their homes and remainder of their freehold interest would be severely restricted and their business (in whatever form that would remain) would suffer because heavy vehicles would not be able to access the Retained Land. This too could mean that they will not be able to run a viable business as a result of the proposal. This is a disproportionate interference with our Clients' interests and rights as no exceptions are available for our Clients to make use of, in order to mitigate the severe impacts. We request that amendments are made to the proposals to allow for heavy vehicles and animals to continue to use this track in our Clients' case, and for practical arrangements to be left to be agreed between the Promoter and our Clients; and

6.7.2 Requirement 22 (Restoration of land used temporarily for construction) of Schedule 2 to the draft DCO (document number 3.1) states that any land within the Order Limits which is used temporarily for construction must be reinstated to its former condition, or such condition as the relevant local planning authority may approve, within 12 months of the completion of the authorised development. Requirement 22, however, does not state how the "former condition" is to be assessed and by whom, nor is there any requirement on the Promoter to agree with the relevant owner of land what the "former condition" is. This may lead to the Promoter having sole discretion in determining what the "former condition" of such land is, to the detriment of our Clients. Even though Article 30(4) of the draft DCO states that restoration needs to be to the "reasonable satisfaction of the owners of land", this in itself does not preclude a situation where there is a dispute over what the land's former condition was and lead to an unsatisfactory outcome for our Clients with delay and disputes. Again, this is a disproportionate interference with our Clients' interests. We request that Requirement 22 be amended to oblige the Promoter to obtain an independent and suitable assessment to establish the baseline condition of the relevant land before temporary possession and use commences.

6.8 Exploration of all reasonable alternatives to compulsory acquisition: The table at paragraph 13 of Appendix D to the Statement of Reasons (document number 4.1) describes the Promoter's account of its negotiations with our Clients (please see pages 52 and 53 of the Statement of Reasons (document number 4.1)). Contrary to the Promoter's statements, there has been very little negotiation with our Clients or effort by the Promoter to reach a voluntary arrangement and avoid seeking compulsory acquisition powers. Despite numerous attempts by our Clients' agents over many months (since 2019) to progress private agreement discussions, there has been a distinct lack of engagement. Since November 2019, our Clients' land and compulsory purchase agents (Ian Judd & Partners) have had a total of one meeting, one telephone call and one emailed excel breakdown with the Promoter's agent, despite a large number of chasing emails and messages by Ian Judd & Partners requesting more engagement. We have also requested a first draft of a private agreement on a number of occasions but to date, nothing has been forthcoming. The Promoter has therefore not satisfied that requirement to only seek compulsory acquisition powers as a measure of last resort. We therefore disagree with the statement in paragraph 1.38 of the Statement of Reasons, which states that "*The Applicant has explored reasonable alternatives to compulsory acquisition and has made, and continues to make, attempts to acquire the required land and rights over land by voluntary agreement*". We request that the Promoter be required by the Secretary of State to put more effort and time into seeking a voluntary arrangement with our Clients.

6.9 Human rights: We consider articles 1 and 8 of the European Convention on Human Rights (ECHR) to have been infringed because:

6.9.1 Despite stating so in paragraph 7.10.7 of the Statement of Reasons (document number 4.1), the Promoter has not sought to minimise the amount of land it needs to compulsorily acquire in relation to our Clients' interests;

6.9.2 Less intrusive measures are available to achieve the proposals on our Clients' Land. The Promoter does not have to compulsorily acquire all of our Clients' freehold interest in plot 1-32 as other less intrusive compulsory acquisition powers can be sought. We would also question whether the temporary stopping up of Footpaths 16



and 4 (discussed in more detail in paragraph 7 below) for the entire duration of the works relating to the converter station (between 2021 and 2024) is really necessary given that it is the primary route of access for our Clients and their business; and

6.9.3 In light of the above, there is no compelling case in the public interest for the extent of the compulsory acquisition powers currently being sought over our Clients' Land. A fair balance in this regard has not been struck. The harm that would be caused to our Clients outweighs the potential societal gain.

6.10 For these reasons, the Promoter has not met the requirements of law and Guidance with respect to the compulsory acquisition powers it is seeking over our Clients' Land. Accordingly, we request that:

6.10.1 The permanent compulsory acquisition of our Clients' freehold interest in plot 1-32 be reduced so that it only covers the footprint of the converter station as covered by options B(i) and B(ii); and

6.10.2 Only the compulsory acquisition of new landscaping rights be granted over the part of plot 1-32 that will be the subject of landscaping and ecology measures and mitigation; and

6.10.3 Only the compulsory acquisition of new access rights be granted over the part of the new access road that is located within plot 1-32; and

6.10.4 The relevant land plans and Book of Reference (document number 4.3) be amended to reflect the above.

## **7 ACCESS AND RIGHTS OF WAY**

7.1 Access to our Clients' Land can be gained either from Crossway's Road, or via a track which is labelled as Footpath 16 and Footpath 4 on document number 2.5 (Access and Rights of Way Plan), sheet 1 of 10. Please see **Schedule 5** to these Written Representations for a plan showing the location of Crossway's Road.

7.2 Footpaths 4 and 16 lead into our Clients' Land from the east, from Broadway Lane.

7.3 Footpath 4 is a public right of way and falls outside our Clients' Land. It is covered by plots 1-60, 1-63 and 1-65, as shown on sheet 1 of 10 of the Land Plans (document number 2.2).

7.4 Footpath 16 falls within our Clients' freehold interest and is covered by plot number 1-71 on sheet 1 of 10 of the Land Plans.

7.5 Our Clients benefit from a right of way over adjacent land which falls within the Order Limits (shown tinted brown on the title plan attached at **Schedule 2** to these Written Representations). This right of way covers plot numbers 1-60, 1-63, and 1-65, and covers Footpath 4.

7.6 As mentioned above, our Clients use Footpaths 4 and 16 as an access to their homes, agricultural buildings, and their fields. These Footpaths are also used to lead our Clients' horses to and from the paddock and fields and are the only route for heavy agricultural vehicles

to access the Retained Land and fields. Other accesses into our Clients' Land via Crossway's Road are either too narrow or have low-hanging trees that block large agricultural vehicles.

7.7 Chapter 22 of the Environmental Statement (document number 6.1.22) (traffic and transport) states at paragraph 22.1.2.6 that "*The use of Broadway Lane will affect Footpaths 16 and 4 which cross the Converter Station Area between Little Denmead Farm in the west and Broadway Farm in the east*".

7.8 The Promoter is proposing to temporarily stop up Footpath 4 and Footpath 16. This is shown on sheet 1 of 10 of the Access and Rights of Way Plan (document number 2.5). This means that whilst this track is temporarily stopped up, it would be extremely difficult for our Clients to access their homes and to operate their farming business from the Retained Land. Paragraph 22.6.5.12 of chapter 22 (traffic and transport) of the Environmental Statement (document number 6.1.22) states that PRoW Footpath 4 and 16 will be temporarily stopped up for the duration of works in this area. Paragraph 3 of the Environmental Statement states that the works relating to the converter station would take place between 2021 and 2024. This, combined with the effect of Article 30(3) (a) of the draft DCO (document number 3.1) (which allows the Promoter to remain in temporary possession of that route for a year longer after completion of those works), means a temporary stopping up over what could be up to 4 years would make it near impossible for our Clients to operate a reduced-scale farming and agricultural business from Retained Land, and our Clients could in effect lose their income and livelihood. Paragraph 22.6.5.12 of chapter 22 (traffic and transport) of the Environmental Statement (document number 6.1.22) also states that the temporary stopping up is likely to represent "*a High magnitude of impact on this Medium sensitivity link, resulting in a Moderate adverse effect for users of a temporary and medium-term nature. This effect is considered Significant*". The paragraph goes on to state however that, to the south, there is an alternate route for walkers via PRoW 19 and 28. In our Clients' case, given their age and health conditions, PRoW 19 and 28 will not be alternate routes for their because of their distance from our Clients' home, and thus the impact of the temporary stopping up would be highly significant.

7.9 Whilst Article 13(3) of the draft DCO (document number 3.1) states that reasonable access for pedestrians going to or from premises abutting a street or public right of way affected by a temporary stopping up order if there would otherwise be no access, our Clients would not be able to rely on this article in relation to access for its horses or larger vehicles who must use Footpaths 16 and 4.

## **8 NOISE AND VIBRATION**

8.1 Little Denmead Farm is identified as being a key environmental receptor with respect to noise and vibration (please for example see page 2-9 of the Onshore Outline Construction Environmental Management Plan (document number 6.9). Paragraph 24.4.1.2 of chapter 24 of the Environmental Statement (document number 6.1.24) states that Little Denmead Farm was part of 'Measurement Position 1' of the Promotor's baseline noise survey. Little Denmead Farm is also referred to as 'R5' in the context of it being a sensitive receptor to noise due to its location being within 300m of the proposed converter station (see paragraph 24.4.2.7 of Chapter 24 of the Environmental Statement). What is lacking from Chapter 24 is an analysis in layman's terms of what all the different sets of data presented for R5 mean and an explanation as to how the Promoter concluded that overall noise effects from the proposed

works and the operation of the converter station would be "negligible". Until such information is provided, it is difficult to accept the Promoter's conclusions.

- 8.2 Paragraph 3.7.1.3 of Chapter 3 of the Environmental Statement (document number 6.1.3) states that the construction works and activities relating to the converter station area is anticipated to take place in 10-hour shifts over six days a week, between 8am and 6pm, with one hour either side of these hours for start-up/shut down activities, oversized deliveries and for the movement of personnel. This will cause significant noise impacts for our Clients as it will affect our Clients' peaceful enjoyment of their property. One of our Clients is not in good health, has recently suffered from a [REDACTED]. Given the proximity with which our Clients will live to the works, they will be highly impacted by the noise and vibration caused by the works. We are also instructed by our Clients that representatives of Promoter, in their limited dealings with our Clients, made verbal representations that the works would only operate for five days a week and between 8am and 5pm. This is not what is stated in the Environmental Statement and so served to give our Clients, at best unclear and, at worst misrepresentative information.
- 8.3 Paragraph 5.3.12.8 of the Planning Statement (document number 5.4) states: "*The Converter Station Area is located in a sparsely populated area, and therefore it is feasible to predict the noise level from each stage of the construction works at specific surrounding sensitive Receptors, of which six were noted within 300 m of construction activities. The ES concludes that no significant Impacts will occur at the Converter Station Area during the Construction Stage noting the distances to the six sensitive Receptors and the temporary nature of the construction works. The implementation of the Onshore Outline CEMP will ensure that Impacts are reduced as far as practicable through the imposition of standard construction working hours and best practice construction methods including screening of works.*" Our Clients' residential properties on the Retained Land (e.g. Little Denmead Cottage and the static caravan) lie within 300m of the construction activities. Please see the plan at **Schedule 6** to these Written Representations. We would question whether a 300m distance was an appropriate maximum distance to measure from and would request the Promoter to explain the basis of selecting this distance. Moreover, we would not categorise an estimated 3-year construction and commissioning period for the converter station as a "temporary" period of time. Being exposed to noise impacts for such a long period of time, especially where one of our Clients suffers from severe health issues, would cause significant harm to his health and wellbeing. This has not been adequately assessed by the Promoter, and we would request the Promoter to explain what specific noise reduction methods it would apply in relation to our Clients given their circumstances and location.
- 8.4 Whilst the 'Community Liaison' section of the Onshore Outline Construction Environmental Management Plan (document number 6.9) states on page 5-52 that "*Any noise complaints will be reported to the appointed contractor and immediately investigated, including a review of mitigation measures for the activity that caused the complaint*", there is no mention in that document of whether the Promoter would then take positive steps to deal with source of the complaint. At the moment it only requires a 'review'. Our Clients' concern is that there is no guarantee from the Promoter that action will be taken and this could therefore expose our Clients to a continuing source of what is to them, unacceptable noise levels, both from a human health perspective but also in terms of the health of their livestock if they are affected by noise too.

8.5 Chapter 22 of the Environmental Statement (document number 6.1.22) dealing with traffic and transport, states at paragraph 22.4.6.3 that during the peak construction in the converter station area, it is anticipated there would be an estimated 43 two-way HGV movements (86 in total) per day, and an estimated 150 two-way employee car movements (300 in total) per day. It is unclear however whether the analysis in the noise chapter of the Environmental Statement (chapter 24) takes this into account. We request the Promoter confirms whether it does and explain what specific noise mitigation measures will be put into place for residents who live directly next to plot 1-32. This is a significant amount of traffic movement and is likely to cause considerable noise disturbance to our Clients.

## 9 DUST

9.1 One of our Clients suffers from [REDACTED].

9.2 Table 5.2 (Summary table of Dust risk results per Onshore Cable Corridor Section) on page 5-50 of the Onshore Outline Construction Environmental Management Plan (document number 6.9) states that the converter station area is at a medium risk of dust impacts. However, table 23.78 (Summary of the Overall Dust Risk Construction Site Activity) of chapter 23 of the Environmental Statement (document number 6.1.23) states that in relation to the Lovedean area and the construction of the converter station, there is a high risk of dust. This difference in conclusion leads us to question the accuracy of the Promoter's environmental assessment of dust impacts. We request the Promoter explains this conflict in risk level and confirms which risk level is correct, and why.

9.3 Paragraph 23.6.8.2 of chapter 23 of the Environmental Statement (document number 6.1.23) states that any effects from dust will be temporary and transient and with the implementation of appropriate mitigation, the impacts during the Construction Stage are assessed as not significant. A construction and commissioning works period between 2021 and 2024 cannot be classed as being "*temporary*" in nature. Moreover, it is illogical to conclude that there is a low impact of dust if there is also assessed be a high risk of dust. In this regard, the Promoter's environmental assessment appears to be highly questionable. This raises additional concerns for our Clients as there will also livestock and horses on the Retained Land that would be exposed to a high risk of dust for three years. Such impacts (especially relating to agricultural and farming uses) do not appear to have been expressly assessed.

9.4 Chapter 23 of the Environmental Statement (document number 6.1.23) states that the risk of dust will be effectively mitigated by the measures set out in the Onshore Outline Construction Environmental Management Plan ("**Onshore OCEMP**") (document number 6.9). However, we question this. Page 5-31 of the Onshore OCEMP states that the following measures will be used: Water/surfactant will be sprayed to damp down any potentially contaminated dust; temporary surface water drainage and vehicle wheel washes will be used; precautions will be taken while transporting excavated materials off-site; and construction stage air monitoring may be used to check the effectiveness of damping down of the dust on site. These measures do not go far enough. How realistic would it be to catch all sources of dust with water sprays on what will be such a large construction site? There are also no details provided of what "*precautions*" will be taken when transporting materials off-site. Also, air monitoring "**may**" (not "*will be*") carried out to check on the effectiveness of the measures taken – i.e. it is not guaranteed that the Promoter will even check and monitor the risk of dust. We request that stronger measures are put in place that firmly bind the Promoter, to ensure that the high risk

of dust anticipated will actually be mitigated. Until that is done, we disagree with the Promoter's assessment that the measures in the Onshore OCEMP really will reduce the high risk of dust to a low impact in practice.

## **10 AIR POLLUTION**

- 10.1 Stoneacre Copse is ancient woodland which lies within our Clients' freehold interest and directly adjacent to the Order Limits (it borders and cuts into plot 1-32) – i.e. it will remain within our Clients' ownership.
- 10.2 Chapter 16 (paragraphs 16.6.1.9 and 16.6.1.10) of the Environmental Statement (document number 6.1.16) states that air pollution in the area around the converter station area will increase during construction through work traffic and vehicle movements. This would lead to deposition of nitrogen compounds leading to nutrient enrichment of the ancient woodland, and changes in the botanical community to species that favour high nutrient soils. Stoneacre Copse is closer than the two other ancient woodlands in the area at 50m from the converter station footprint. However, nitrogen emissions by construction vehicles will be temporary and low level, and would not lead to perceptible changes above background levels (construction stage nitrogen emissions at the converter station area are considered an impact of negligible significance).
- 10.3 We would make the same point in this context as to how a three year period of construction and commissioning works would equate to involving "*temporary*" emissions from construction vehicles. That in the most ordinary sense does not sound temporary and we would ask the Promoter to justify this statement further.

## **11 CONTAMINATION OF LAND**

- 11.1 As mentioned above, Stoneacre Copse is ancient woodland which lies within and will remain in our Clients' freehold interest and directly adjacent to the Order Limits (it borders and cuts into plot 1-32). Chapter 16 of the Environmental Statement (document number 6.1.16) states in paragraph 16.6.1.8 (page 16-63) that in relation to Stoneacre Copse, increases in pollutants such as dust and chemicals in waterborne run-off, could lead to "*effects*" during the construction stage. The term "*effects*" is not elaborated on. It goes on to state that this would be "*controlled effectively*" by standard measures as part of the Onshore OCEMP. This is not the same as avoiding causing contamination, which implies that a degree of contamination will still be caused. Other than the provisions of Article 17(8) in the draft DCO (document number 3.1) which prohibit discharges into controlled waters without the relevant environmental permit, there is no positive and express requirement to remediate the anticipated contamination that could be caused to land outside the Order Limits (such as Stoneacre Copse) where the Environmental Statement expressly identifies (as it does here) known risks of pollution that could be caused to sensitive sites.

## **12 ARTIFICIAL LIGHT**

- 12.1 Document number 5.3 (Statutory Nuisance Statement) states at paragraph 4.2 that artificial lighting is proposed to illuminate the outdoor converter station area during both construction and operational stages. It states that a requirement is included in the draft DCO (document number 3.1) relating to external construction lighting to prevent light spillage.

- 12.2 Requirement 23 of Schedule 2 of the draft DCO (document number 3.1) relates to the control of lighting during operational period. It states that during the operational period there will be no external lighting of Works No. 2 during hours of darkness save for in exceptional circumstance, including emergencies and urgent maintenance.
- 12.3 Requirement 23 however will not provide sufficient protection to our Clients. It allows external lighting during "*exceptional circumstances*"; there is no definition of what those "*exceptional circumstances*" could be; all that is provided in the wording are examples, leaving it completely reliant on the Promoter's subjective and unchecked view as to what is an "*exceptional circumstance*".
- 12.4 Whilst the Statutory Nuisances Statement itself broadly defines what measures could be in place, these measures are not set out in any formal lighting strategy (that we can see) which the Promoter is bound to abide by during the converter station's operation – i.e., the measures are in a statutory nuisances statement which is an odd place to contain operational external lighting measures.
- 12.5 There is also no requirement in the draft DCO for the Promoter to submit any form of external lighting strategy for operational purposes in relation to exceptional circumstances (as there is in Requirement 16 in relation to external construction lighting) to the relevant local planning authority so that it can check what the exceptional circumstances could be and to place protections against light pollution for those like our Clients who will live next to the converter station.
- 12.6 We therefore request that the wording of Requirement 23 in the draft DCO be amended to require the submission of a lighting strategy to the local planning authority for scrutiny and approval and for a better definition of "*exceptional circumstances*" to be inserted into the draft DCO or for Requirement 23 to require the lighting strategy to set this out. Without this, we disagree that there would be an insignificant effect of artificial lighting on our Clients.

### **13 IMPACTS ON HUMAN HEALTH**

- 13.1 Due to the concerns set out above in relation to air, dust, light, noise and vibration, the Promoter's assessment in table 26.19 of chapter 26 of the Environmental Statement (document number 6.1.26) that there will be a negligible to minor impact on human health within the converter station area during its construction and operation, is questionable.
- 13.2 This is of particular concern to one of our Clients who suffers from severe [REDACTED].
- 13.3 With regard to air quality impacts on human health during the construction of the converter station, paragraph 26.6.2.3 of Chapter 26 of the Environmental Statement dealing with human health (document number 6.1.26) states that there may be temporary residual minor adverse health impacts from associated anxiety due to perceived health effects, annoyance and nuisance from construction dust. However, what could be classed as a minor effect on a person who is healthy could on the contrary have a much more detrimental effect on someone who is elderly and with serious [REDACTED]. A material weakness of the human health assessment is that it does not take account of or provide any analysis of those who (like our Clients) will be living directly adjacent to the proposed converter station. The assessment is

very general and due to this, is inadequate because the impacts on our Clients will not be negligible (which is what the assessment concludes).

- 13.4 In terms of the impact on human health of the temporary stopping up of Footpaths 4 and 16 between 2021 and 2024, paragraph 26.6.2.10 of Chapter 26 of the Environmental Statement (document number 6.1.26) states that this is not considered to add substantial distance to the journey length and that this is only anticipated to result in a minor reduction in connectivity during construction. The impact on our Clients' use of this right of way however has not been properly assessed. Our Clients use this right of way for their daily walking exercise and the stopping up will mean that they will not have any other track that is close to their house to use for such purposes. Given their ages and health conditions, this will have a detrimental impact on their overall health and wellbeing. The Promoter itself acknowledges (in paragraph 26.6.2.12 of Chapter 26 of the Environment Statement (document number 6.1.26) that "*A reduction in ... physical activity may have a greater impact on vulnerable groups including older people*". We would question whether the proposed temporary stopping up therefore needs to last for the entirety of the construction period, and whether instead, the period of stopping up could be reduced or phased so as to allow more access to our Clients in particular.
- 13.5 In terms of the impact of the operation of the converter station on the overall wellbeing of residents like our Clients who will be living close to the converter station, paragraphs 26.6.2.27 and 26.6.2.28 of chapter 26 of the Environmental Statement (document number 6.1.26) states that "*it is anticipated that the noise from the Converter Station Area may be audible under certain operating and climatic conditions at the nearest residential receptors. Therefore, the Converter Station Area during operation may result in perceived annoyance and associated adverse effects on psychological health for nearby residents. This may cause anxiety for some residents and could lower levels of quality of life or wellbeing. Overall, it is considered that the residual operational noise from the Converter Station Area will have a permanent, long-term, negligible to minor adverse effect (not significant) on human health receptors (residential receptors in close proximity)*." We fail to see how in light of such negative effects, a conclusion can be reached that the impacts will be negligible to minor adverse. No explanation has been provided to explain this leap in analysis. This is particularly concerning for our Clients who will be living in very close proximity to the converter station and its access road, given their age and health conditions. For these reasons the Promoter's assessment on impacts on human health are not accurate in this regard.

## **14 WILDLIFE AND CONSERVATION**

- 14.1 As stated above, our Clients have observed a number of species of wildlife on their land within the Order Limits. These include [REDACTED] foxes, rabbits, barn owls, tawny owls, buzzards, fallow deer, muntjac deer, red kites, and varieties of woodpecker. It is unclear to what extent the assessment in chapter 16 of the Environmental Statement (Onshore Ecology) (document number 6.1.16) considers their presence and what account will be taken of them in order to avoid their harm. We note that paragraphs 16.5.1.27 to 16.5.1.31 of chapter 16 discuss the presence of badgers and that the territory of one clan of badgers could not be established. If that is the case, will there be a requirement on the Promoter to conduct another assessment before works begin, to ensure the proper protection of badgers within the Order Limits?

14.2 Paragraph 16.6.1.1 of chapter 16 of the Environmental Statement also acknowledges that there will be a loss of important species caused by the construction works related to the converter station, but that the Promoter will rely on re-landscaping and re-planting to enhance biodiversity. The issue with this is the time it would take to restore the loss of important species through this approach; that assessment does not appear to have been carried out. We request the Promoter explains how it has factored in the amount it would take to restore the loss of important species

## 15 HEDGEROWS

15.1 The TPO and Hedgerows Plan (document number 2.12), and figure 16.4 of the Environmental Statement (document number 6.2.16.4) indicate that the following important hedgerows are located within our Clients' freehold interest on plot 1-32: HR07, HR08, HR09, HR10, HR13, HR14, HR16, HR18, HR19, HR20, HR26 and HR27.

15.2 Hedgerows HR27, HR26, HR20, HR19, HR16, and HR09 are species-rich hedgerows. HR13, HR14, HR10, HR08 and HR07 are species-rich hedgerows with trees.

15.3 There is also located within this land an "*other hedgerow*" labelled HR18, which is a species-poor hedgerow.

15.4 Chapter 16 of the Environmental Statement (paragraphs 16.6.1.13 to 16.6.1.15 ) (document number 6.1.16) state that the direct impacts of construction of the Converter Station will lead to the permanent loss of 410m of species-rich hedgerow within Section 1 (the converter station area, which covers most of our Clients' land within plot 1-32). They also state that this would lead to the temporary loss and fragmentation of habitats. Whilst embedded mitigation and proposed landscaping will offset ecological effects "*there will be a period following the completion of construction and landscaping where planting will be immature and will need time to grow-in. During this time habitat would be of a lower quality to that lost, an adverse impact of low magnitude, minor effects that are not significant.*" The issue with this conclusion is that there is no reference to how long a period it would take for the new planting to grow in order to provide an increase in the overall long term area of habitat. No explanation or assessment is provided. To that end, it is difficult to accept that there will be a low magnitude of impact on species affected by hedgerow removal. We therefore do not consider that a proper assessment and conclusion have been carried out and reached in this regard.

## 16 DECOMMISSIONING

16.1 Requirement 4 of Schedule 2 of the draft DCO (document number 3.1) relates to the options proposed for the location of the converter station. It requires the Promoter to confirm which option it will select prior to the commencement of any works within Work No. 2. The drafting of Requirement 4 however needs to be amended as it is unclear **to who** the Promoter needs to provide its confirmation to, and whether the confirmation needs to be in writing. We request that the wording of Requirement 4 be amended in this regard.

16.2 Whilst the subject of decommissioning is mentioned in multiple chapters in the Environmental Statement, the draft DCO does not contain any provisions, requirements or controls over how decommissioning will be carried out and how its impacts will be controlled or avoided. This is a material omission. Chapter 3 of the Environmental Statement (document number 6.1.3) states that the Promoter is applying for consent for the proposed scheme for an indefinite



period. *"If the Proposed Development and associated equipment is deemed to have reached the end of its design life, then the equipment may be decommissioned in an appropriate manner, and all materials reused and recycled where possible."* Firstly, would the Secretary of State accept that the design life of the proposed scheme could last forever? That appears to be the Promoter's starting point, and that the expiry of the design life and a need to decommission are only a *"maybe"*. No explanation or evidence is provided as to why that is the case, as consent is apparently being sought on the basis that the physical structure of this scheme will last forever, requiring no further analysis of the need to decommission as part of the application documents. This approach would set a dangerous precedent if accepted. As to what the *"appropriate manner"* of decommissioning may be, there is again no further detail. There is not enough information in the Environmental Statement to demonstrate that the Promoter has properly assessed the possible impacts of decommissioning. We therefore request that at the very least, a suitable Requirement is inserted into the draft DCO requiring the Promoter to submit to the local planning authority for approval a full decommissioning strategy before it commences any decommissioning, setting out a decommissioning programme, a full assessment of its impacts, and a plan for the mitigation of those impacts.

## **17 CONCLUSIONS**

- 17.1 We have set out above a large number of shortcomings of the Promoter's application for a development consent order.
- 17.2 We have also set out above a large number of significant adverse impacts the proposed scheme will have on our Clients.
- 17.3 We respectfully request the Examining Authority to take into account the various requests for additional information, explanations, and amendments to be provided or made by the Promoter.

**Blake Morgan LLP**

**6 October 2020**

**SCHEDULE 1 – OFFICIAL COPY OF REGISTER OF TITLE FOR TITLE NUMBER  
HP763097**

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



# Official copy of register of title

Title number HP763097

Edition date 20.11.2013

- This official copy shows the entries on the register of title on 16 JUL 2020 at 09:25:00.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 16 Jul 2020.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Weymouth Office.

## A: Property Register

This register describes the land and estate comprised in the title.

HAMPSHIRE : WINCHESTER

- 1 (13.08.2013) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Little Denmead Farm, Broadway Lane, Denmead, Waterlooville (PO8 0SL).
- 2 (13.08.2013) The land has the benefit of a right of way over the land tinted brown on the title plan.
- 3 (20.11.2013) The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal. Title absolute

- 1 ( [REDACTED] )
- 2 (13.08.2013) The value stated as at 13 August 2013 was £1,080,000.
- 3 (13.08.2013) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.
- 4 (13.08.2013) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.

Title number HP763097

## C: Charges Register

This register contains any charges and other matters that affect the land.

1 (13.08.2013) The land is subject to a right of way over the land tinted blue on the title plan.

2 (13.08.2013) The land is subject to the rights granted by a Deed of Grant dated 21 September 1964 made between (1) Reginald John Crosswell Carpenter and Harold Albert Carpenter and (2) Central Electricity Generating Board .

The said Deed also contains restrictive covenants by the grantor.

*NOTE: Copy filed.*

3 (13.08.2013) Restrictive Covenant created by a Deed dated 30 December 1994 made between (1) Energis Communications Limited and (2) Gilbert Raymond Carpenter and Donald Edwin Carpenter but neither the original nor a certified copy or examined abstract of it was produced on first registration.

NOTE: This information was taken from a Land Charge Class D (ii) dated 12 January 1995 reference number 2051.

4 (13.08.2013) Restrictive Covenant created by a Deed dated 30 December 1994 made between (1) Energis Communications Limited and (2) Gilbert Raymond Carpenter and Donald Edwin Carpenter but neither the original deed nor a certified copy or examined abstract of it was produced on first registration.

NOTE: This information was taken from a Land Charge Class D (ii) dated 12 January 1995 reference number 2052.

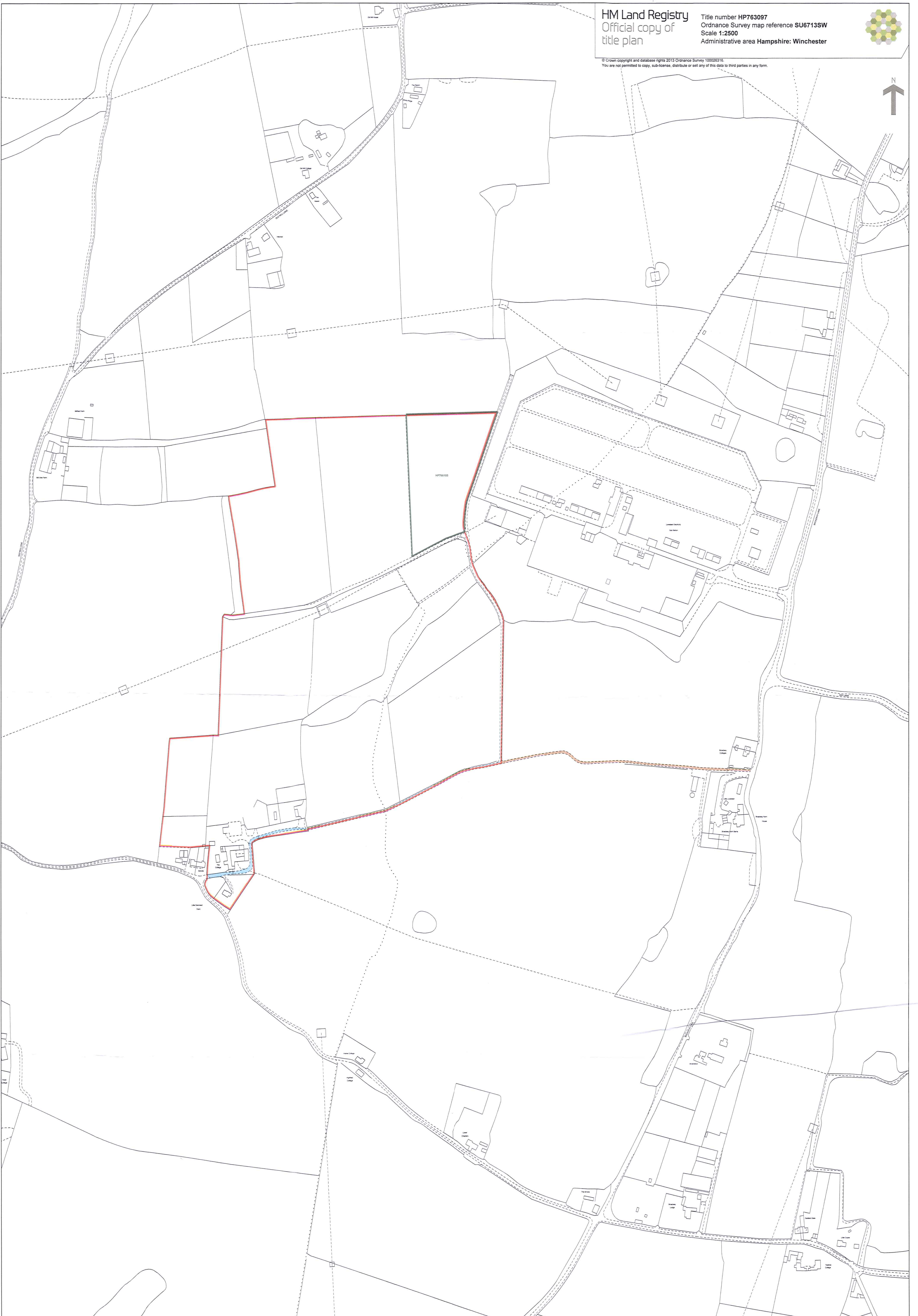
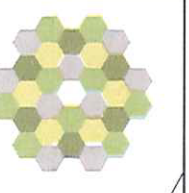
5 (20.11.2013) The land is subject to the rights granted by a Transfer dated 11 November 2013 made between (1) Geoffrey Carpenter and Peter Carpenter and (2) National Grid Electricity Transmission Plc.

*NOTE: Copy filed under HP766105.*

End of register



**SCHEDULE 2 – TITLE PLAN FOR TITLE NUMBER HP763097**





**SCHEDULE 3 – AERIAL IMAGE ONE AND AERIAL IMAGE TWO OF OUR CLIENTS' LAND**



Modern Steel Framed Buildings

Caravan

Denmead Farm Cottage

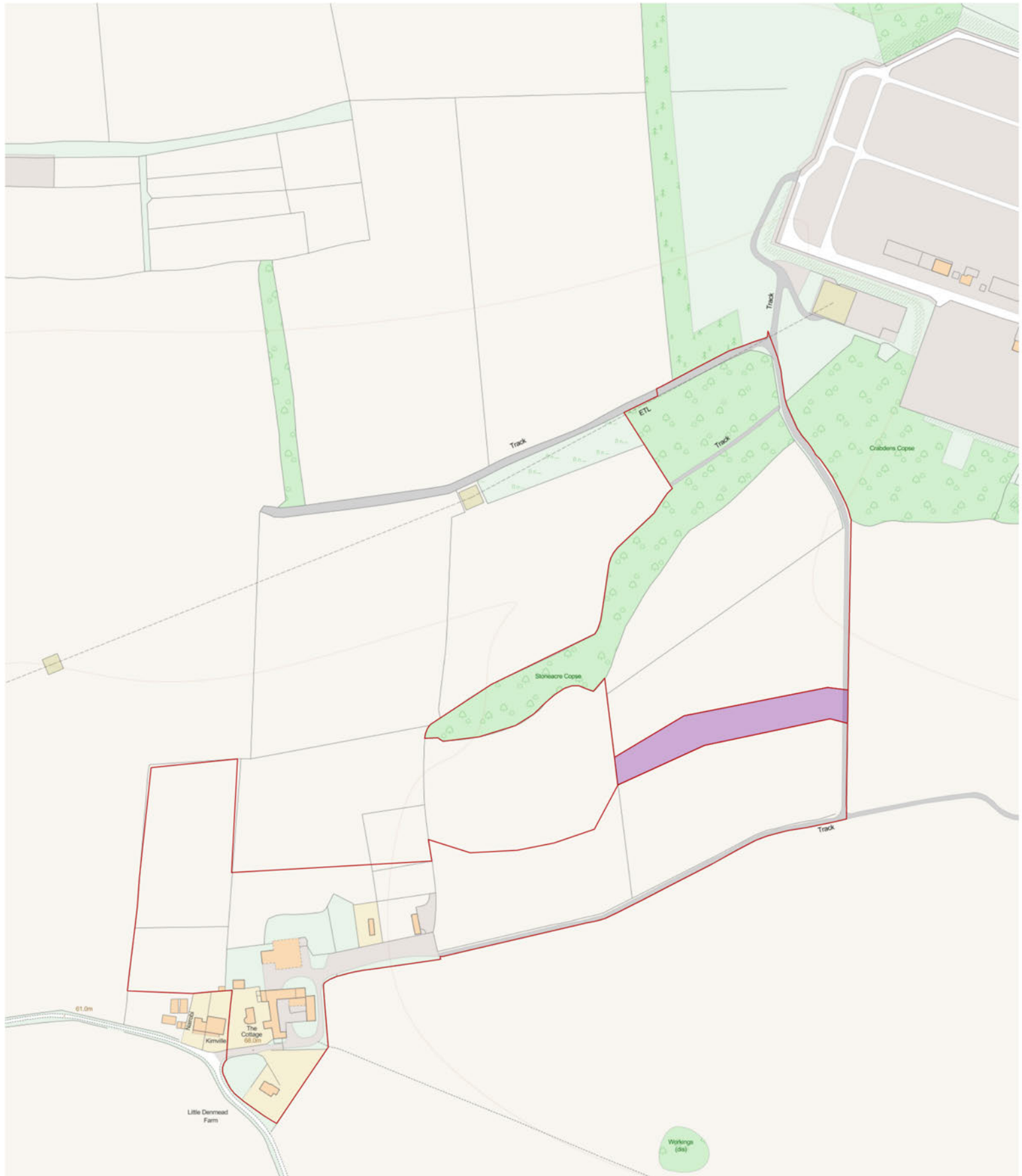
Traditional Farm Buildings

Farmhouse

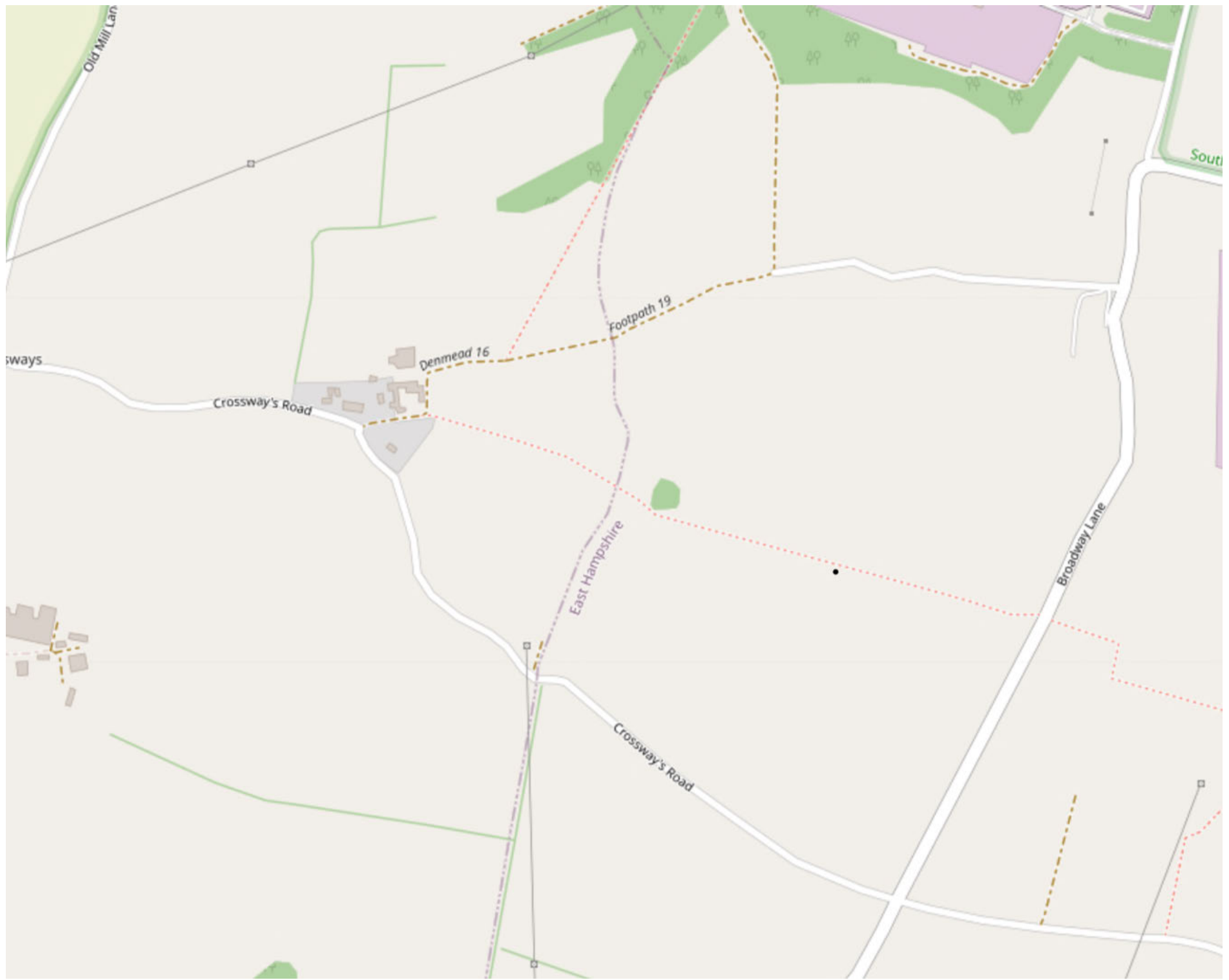


Pony Paddocks

**SCHEDULE 4 – PLAN SHOWING THE EXTENT OF THE RETAINED LAND**

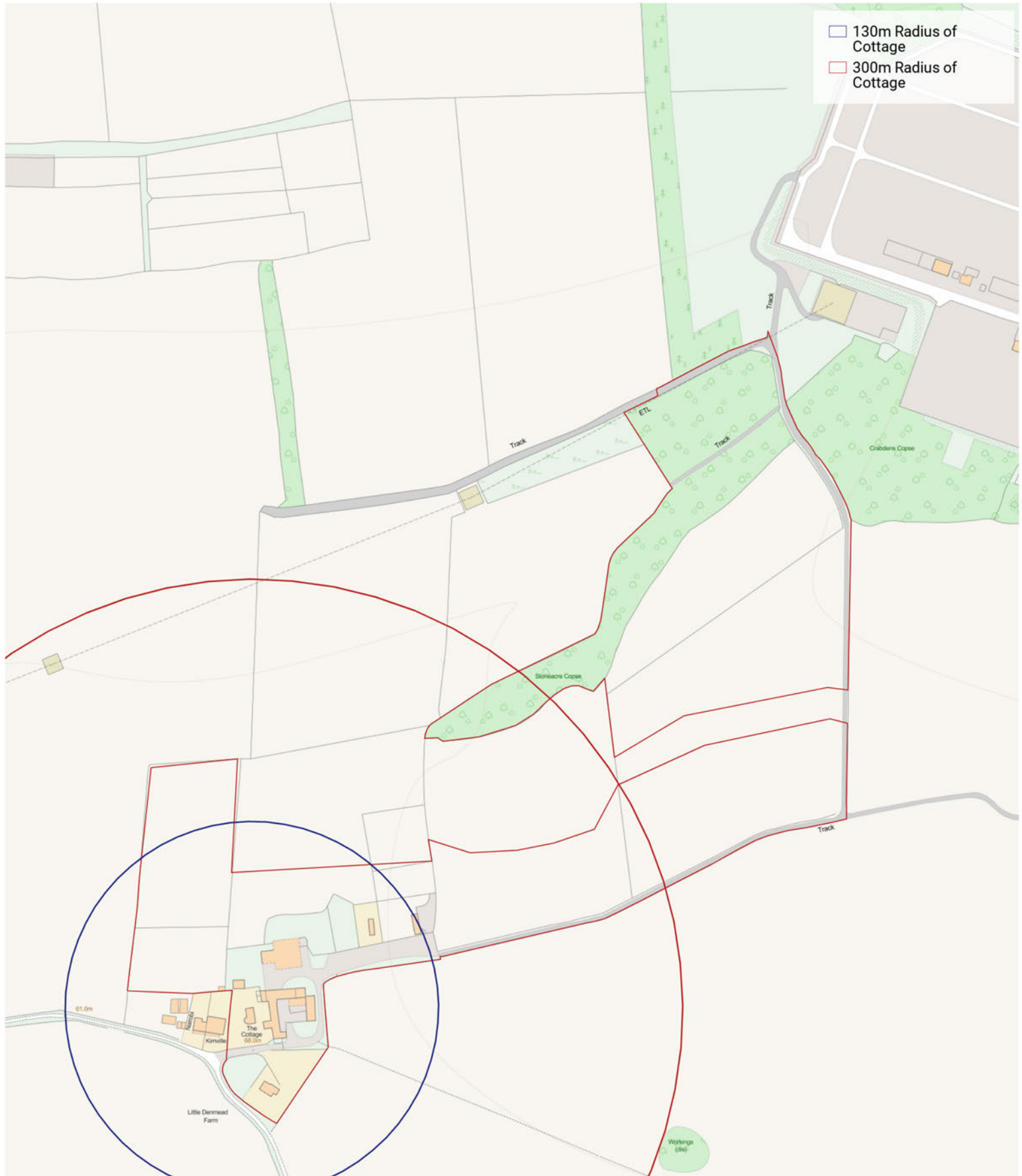


**SCHEDULE 5 – ROAD NAMES NEAR LITTLE DENMEAD FARM**



**SCHEDULE 6 – 300M RADIUS OF CONSTRUCTION WORKS FOR CONVERTER STATION**





Produced on Oct 5, 2020.

© Crown copyright and database right 2020 (licence number 100059532).

Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey.

