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AQUIND Limited
Portsmouth City Council

Your Ref:

Our Ref: EN020022

Date: 27 October 2020

Dear Sir/ Madam

Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 - Rule 17

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

Request for further information

We write to request further information from the Applicant and Portsmouth City Council under Rule 17 of the Infrastructure Planning (Examination Procedures) Rules 2010.

Affected Persons at the Eastney and Milton Allotments

We have accepted into the Examination a letter from AQUIND Limited to Mr Samuels and Councillor Pitt at Regeneration Services, Portsmouth City Council [AS-047] (the 'letter'). We are aware this refers to earlier correspondence between the parties and with the Eastney and Milton Allotment Holders Association.

In relation to the content of this letter and its references to earlier exchanges between the Applicant and Portsmouth City Council, could **Portsmouth City Council** please explain;

- If the Council has a concern that Affected Persons with an interest in land at the Eastney and Milton Allotments and its access (plots 10-12, 10-13 and 10-14 on the Land Plans [REP1-011a]) have not been notified by AQUIND Limited as part of the statutory Compulsory Acquisition process.
- The Council's response to the assertion in the letter that: *'...a Land Interest Questionnaire was sent to the Council on 10th December 2018 as part of AQUIND's diligent enquiry to identify persons with an interest in the land to be affected, requesting information in relation to the Council's land interests but that no response was received from the Council.'*

Similarly, a Confirmation Schedule, the purpose of which was to seek the Council's confirmation of the information that AQUIND held in relation to land ownership and interests was correct and to identify any other persons who may have interests in the land to be affected so that AQUIND may contact them regarding the proposals, was sent to the Council on 2nd October 2019. Again, no response was received from the Council.' In relation to this response, please advise whether the Council's view on the matters referred to in the previous question has changed, and, if so, why.

- The rights that current allotment holders have away from their specific allotment land over the access road from Locksway Road and the common areas of the allotments, such as paths and tracks.
- If there is a vertical, depth restriction to each parcel of allotment land and the associated rights: if so what is that depth, and does Portsmouth City Council retain all rights and the freehold of the subsoil beneath that depth?
- Please explain the detailed nature of the legal agreements between the allotment holders and Portsmouth City Council as freeholder of the land, and whether each allotment holder benefits from a formal lease, a licence, or some other form of interest. Do these arrangements constitute an interest which would bring the affected allotment holders (as shown on the Land Plans [REP1-011a]) within Category 1 (as lessees or tenants) or Category 2 (as having an interest in the land) of the Book of Reference [REP1-027]? Are there any interests involved that could be conveyed to another party by an allotment holder? Please explain your response to these questions in the context of s102B of the Planning Act 2008.

We note that the land specified in the draft DCO (and covered by the Book of Reference [REP1-027]) covers the whole of the allotment area within the Order limits, not just the proposed route of the cable under it, and not just the routes along the existing paths and tracks that the Applicant indicates will be needed for maintenance walkthroughs. The land referred to is, 'the land to which the application relates or any part of that land'. Similarly, the rights being sought in the draft DCO are not limited to the paths only.

With reference as relevant to s102B of the Planning Act 2008, or any other applicable section, and referencing any made Orders or other precedents that you rely on, could the **Applicant** please advise:

- Should any assessment of persons for allocation into Categories 1, 2 and 3 in the Book of Reference [REP1-027] be based on the whole of the allotment area that lies within the Order limits? If not, why not?
- In relation to Plot 10-12, should each of the allotment holders be listed in Category 2 of Part 1, Part 2, Part 3 or any other part of the of the Book of Reference [REP1-027] by virtue of having a right of access across the land? If not, why not?
- In relation to plots 10-13 and 10-14, should each of the affected allotment holders be included in Category 1 of Part 1, Part 2, Part 3 or any other part of the Book of Reference [REP1-027]? If not, why not?

- On the basis of your responses to the above, what action does the Applicant consider the Examining Authority should take in response to s102A requests from affected allotment holders?
- Whether the Applicant intends to make any changes to the Book of Reference [REP1-027] as a result of the above, and if so, what consequential actions will be taken, and on what timescale.

Deadline 1 Submission [REP1-153]

Could the Applicant please explain if any information or data is missing from the map submitted at Deadline 1 entitled '*Environmental Statement Addendum – Appendix 4 - Figure 2 Additional Information on Herring Spawning*' [REP1-153]. If so, please could a replacement be provided.

Deadline for response to this request

The Applicant and Portsmouth City Council are requested to provide this information to the Examining Authority by no later than **Deadline 3** in the Examination Timetable, Tuesday 3 November 2020. If you have any questions about any of the matters raised in this correspondence, please contact the Case Team using the details provided at the top of this letter.

Yours faithfully

Andrew Mahon

Lead Member of the Panel of Examining Inspectors