

From: [Henry Brice](#)
To: [Aquind Interconnector](#)
Subject: The Owners of Hillcrest - Mr. Michael Jefferies and Mrs. Sandra Jefferies, Registration Identification Number: 20025044 Deadline 3 Submission
Date: 03 November 2020 17:00:13
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Dear Sirs

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

Submission in relation to Deadline 3 of the Examination Timetable

We act for the Owners of Hillcrest - Mr. Michael Jefferies and Mrs. Sandra Jefferies, Registration Identification Number: 20025044

We refer to the above and attached in relation to Deadline 3 of the examination tables

1. Comments on responses submitted for Deadline 3

Regards

Henry

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**The Owners of Hillcrest - Mr. Michael Jefferies and Mrs. Sandra Jefferies, Registration Identification Number: 20025044
Submitted in relation to Deadline 3 of the Examination Timetable**

Prepared by Ian Judd and Partners LLP on behalf of the Landowner

The Applicant’s response to Written Representations is generally lacking in detail and avoids addressing the points made. This lack of detailed response does not provide the affected landowners with any certainty. The lack of communication between the Applicant and the affected parties makes it more difficult for the landowners to have a full understanding of what is being proposed on their properties.

We request that the Applicant revise their response to Written Representations and provide a full and detailed response to the concerns and issues raised by the Landowners who are facing compulsory acquisition.

We have below raised a number of points, for which we would be grateful of further clarity.

Arguments Contained in Written Representations submitted on behalf of Michael Jefferies and Mrs Sandra Jefferies (Rep1-136)	Aquind response to Arguments raised in Written Representation Document 7.9.5	Further Comments on behalf of Applicant
<p>Para 3.4.4. The Moto-Cross Circuit, which has been there for more than 30 years, is let out to Ms Becky Warren on a rolling monthly tenancy</p>	<p>The Applicant has not been able to find any information in relation to planning permission for the moto-cross track prior to or subsequent to its significant extension in recent years and will liaise with the Landowner’s representatives to seek such information, along with details about the tenancy to enable it to be assessed (i.e. type of tenancy, the parties, rent passing, term etc.) and, if necessary, reflected in the Book of Reference.</p>	<p>The track has been present for 30 years, therefore there hasn’t been any planning applications in recent years. The moto-cross track is visible from aerial mapping. If the Applicant had physically viewed the property before submission it would be fully aware of the existence of the moto-cross use.</p> <p>The Applicant has not liaised with the landowner or their representatives in any way since the application has been submitted.</p>

		The rent passing has no bearing on the uses of the land.
<p>Para 5.3.5</p> <p>The Application makes no distinction between the two micro-site options in relation to the proposed powers of compulsory acquisition of freehold interests and the Promoter intends to permanently acquire the same sized area of land within plot 1-23 irrespective of which micro-site Option B(i) or Option B(ii) is finally chosen without providing an explanation as to why the same extent of land is sought to be would be required. Logically it would involve a revised plot area with the western edge moved approximately 40 metres eastwards</p>	The Applicant has not addressed this point	<p>The Applicant has not addressed this point. There is no distinction between the powers sort for compulsory acquisition between B(i) & B(ii). It would be logical to assume that less land is required if the site to relocated to the east.</p>
<p>Para 5.3.6</p> <p>The Promoter has failed to explain why the freehold interest to these areas of Plot 1-23 need to be permanently compulsorily acquired for the development or why they are required to facilitate or are incidental to the development.</p>	<p>In relation the point raised with regards to the Landowner's proposed acquisition of the freehold interest over the entirety of Plot 1-23, the Applicant's Proposed Development has been deemed to be Nationally Significant Infrastructure and will be capable of delivering 5% of the UK's electricity requirements along with numerous other benefits as set out in the Needs and Benefits Report (APP-115) and the Needs and Benefits Addendum (REP1- 135).</p>	<p>We are fully aware of outline of the project. The Applicant has failed to identify specifically the proposed use of Plot 1-23 and why permanent compulsory acquisition is needed over and above Landscaping rights.</p>

<p>5.3.7 The Promoter has also failed to produce an Indicative Landscape Mitigation Plan in relation to Option B(ii).</p>	<p>These are shown on the Indicative Landscape Mitigation Plans for Option B(i) (APP-281) and B(ii) (REP1-137).</p>	<p>Much of Plot 1-23 will remain Existing Recreational Area and proposed scrub and will offer little landscaping value. Why are compulsory acquisition rights sought on this land?</p>
<p>5.3.8 The Promoter will not need to own the freehold to the land within plot 1-23 that is only to be landscaped because it will also be protected by Article 23 of the draft DCO if the Promoter only has landscaping rights over that land.</p>	<p>Any third party rights over these areas would be significantly constrained by the potential presence of the Converter Station Site (for Option B(i)) and the landscaping which is to be located on this land in the event of either option, meaning access and enjoyment of the land will not be possible (for both options) once the landscaping to be provided in connection with the proposals is in situ. It is therefore not considered that the acquisition of landscaping rights only over these areas (noting that landscaping rights are proposed over existing landscaping rather than landscaping which is to be provided in connection with the Proposed Development) would be appropriate, as the land in its current form would no longer be of practical use save for serving its landscaping function in connection with the Proposed Development. Furthermore, it is necessary to acquire the freehold of the entirety of these areas in much closer proximity to the Converter Station to prevent third party access for safety and security</p>	<p>Other than safety and security, the Applicant has not address the issue raised. With no form of safety or security fence around the freehold site, it remains unclear how the ownership of the entirety of Plot 1-23 aids safety or security of the Converter site.</p>

	related reasons during the construction and operation of the Proposed Development.	
5.3.7 The Promoter has not demonstrated that it has a clear idea of how it intends to use the land which it proposes to acquire.	Plot 1-23, together with Plots 1-20, 1-29 and 1-32 will accommodate the Converter Station, the Telecommunications Buildings, two attenuation ponds, the Access Road and significant areas of landscaping.	This is very misleading, as neither the converter station, Telecommunications Buildings or Attenuation ponds or Access Road will be located on Plot 1-23. It appears the land is solely required for Landscaping. Why can Landscaping rights not be sought?
5.4.7 The Promoter has failed to provide any justification for the need for permanent landscaping rights over the full length of Hedgerow HR06 in plot 1-24. This hedgerow runs perpendicular to the Converter Station and no explanation has been given by the Promoter as to the screening value that the full length of this hedgerow would provide compared to the relatively narrow screening that is proposed to be planted along the western boundary of the Converter Station.	The Applicant has not provided any detailed response to this point.	The Applicant has not provided any detailed response to this point.
5.4.8 Similarly, that part of Hedgerow HR05 situated in plots 1-15, 1-17 and 1-19 also runs perpendicular to the Converter Station in this location and the Promoter has offered no explanation as to the screening value that this section of Hedgerow HR05 would provide	The Applicant has not provided any detailed response to this point.	The Applicant has not provided any detailed response to this point.

<p>5.4.11 The Promoter has failed to demonstrate that all of the land in plots 1-15, 1-17, 1-19 and 1-24 is required for the development</p>	<p>The Applicant has not provided any detailed response to this point.</p>	<p>The Applicant has not provided any detailed response to this point.</p>
<p>7.3 To date, however, no reasonable effort has been made by the Promoter to negotiate a voluntary agreement with our Clients.</p>		<p>To date, despite the landowners' representative chasing the Applicant's Solicitors and Agent to progress matters, we have not received any communication from the Applicant since the original Heads of Terms issued in November 2019.</p>
<p>8.2.2 What is lacking from Chapter 24 is an analysis in layman's terms of what all the different sets of data presented for R2 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 "<i>negligible</i>".</p>	<p>It is acknowledged that significant adverse effects are anticipated in some areas where weekend daytime and limited weekend night-time activities will be necessary during construction of the Proposed Development. However, the out-of-hours working is necessary to minimise traffic impacts resulting from road closures which are required to complete the works. It is not possible for the road closures to be implemented during the day due to predicted significant traffic impacts on the surrounding road network. In addition, the significant adverse effects would only take place during the construction stage and would be short-term and temporary in nature. No other significant effects are anticipated relating to noise and vibration of the Proposed Development.</p>	<p>The significant adverse effect will be at all-time throughout constructions. The Applicant has not put in place sufficient mitigation to reduce the impact on the immediate residential neighbours.</p>

<p>8.4.3 As native mixed woodland species will be used, such partial screening is only likely to apply during the summer months and offer little or no screening value during the winter months when such trees have no leaves</p>		<p>The Applicant has not provided any detailed response to this point.</p>