

**From:** [Henry Brice](#)  
**To:** [Aquind Interconnector](#)  
**Subject:** AQUIND (EN020022) - DEADLINE 3 - Mr Robin Jefferies (ID: 20025045)  
**Date:** 03 November 2020 16:29:15  
**Attachments:** [R Jefferies PINS DEADLINE 3 Comment on responses submitted for Deadline 2.docx](#)

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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 Mr Robin Jefferies

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

1. Comments on responses submitted for Deadline 3
- 2.

Regards

Henry

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**Mr. Robin Jefferies Registration Identification Number: 20025045**

**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.

<b>Arguments Contained in Written Representations submitted on behalf of Robin Jefferies (Rep1-239)</b>	<b>Aquind response to Arguments raised in Written Representation Document 7.9.5</b>	<b>Further Comments on behalf of Applicant</b>
<p>Para 5.3.6 The Promoter has failed to explain why the freehold interest to this area of Plot 1-29 needs to be permanently compulsorily acquired for the development or why it is required to facilitate or is incidental to the development.</p> <p>Para 5.3.15 The Promoter has not demonstrated that it has a clear idea of how it intends to use the land which it proposes to acquire contrary to paragraph 9 of the Guidance, nor demonstrated that the compulsory acquisition powers sought are no more than is reasonably required for the development contrary to paragraph 11 of the Guidance .</p>	<p>Plot 1-29, together with Plots 1-20, 1-23 and 1-32 will accommodate the Converter Station, the Telecommunications Buildings, two attenuation ponds, the Access Road and significant areas of landscaping. These are shown on the Indicative Landscape Mitigation Plans for Option B(i) (APP-281) and B(ii) (REP1-137). The landscaping measures proposed in these areas reflect extensive engagement with and feedback received from Statutory Consultees such as Winchester City Council and South Downs National Park Authority regarding concerns over loss of vegetation in this area and the Applicant's proposals will significantly strengthen the landscape features in this area, providing an important visual screening function, as well as</p>	<p>This is very misleading, as neither the Converter Station, Telecommunications Buildings or Attenuation ponds or Access Road will be located on Plot 1-29. It appears the land is solely required for Landscaping.</p> <p>Why can Landscaping rights not be sought?</p>

	biodiversity enhancements, to address the feedback received.	
<p>Para 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>The land area to be compulsory acquired has not altered between Option B (i) &amp; Option B (ii), however the Converter Station has moved some 40m.</p> <p>Much of the land shown as existing pasture, it has not been demonstrated why this land is permanently required for the scheme.</p>
<p>Para 5.3.7 It has therefore not been demonstrated what additional mitigation measures are intended to take place on the remaining part of plot 1-29 to justify its compulsory acquisition of the freehold interest, nor why alternative measures (such as landscaping rights, notwithstanding the submissions below in relation to plots 1-26 and 1-30) are not considered sufficient.</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(ii)) 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.</p>	<p>The Applicant has not demonstrated what additional mitigation measures are intended to take place on the remaining part of plot 1-29 to justify its compulsory acquisition of the freehold interest, nor why alternative measures (such as landscaping rights, notwithstanding the submissions below in relation to plots 1-26 and 1-30) are not considered sufficient.</p>

<p>Para 5.3.8 The Promoter will not need to own the freehold to the land within plot 1-29 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>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 related reasons during the construction and operation of the Proposed Development.</p>	<p>If Option B (ii) is chosen, the Convert Station is 40m further away.</p> <p>It is proposed to have security fence around the Converter Station. We fail to understand why the land is required for safety or security related reasons. Is the Applicant intending to erect any permanent structures on the landscaping land to prevent third party access?</p>
<p>Para 5.3.9 No attempt has been made to date by the Promoter to also enter into any private arrangement with our Client to enable it to carry out these private landscaping planting and management activities.</p>	<p>No comments have been made by the Applicant.</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. Aquind's agents did visit the site in September 2020, but no further communication has been made, dispute verbal assurance that the Applicant would respond "next week".</p>
<p>5.3.1 Our Client therefore request that the Book of Reference (document number 4.3) and the relevant Land Plans (document number 2.2) be amended.</p>		<p>We await the Applicant's communication and will provide further details when requested.</p>
<p>5.4.6 Such hedgerows run perpendicular to the Converter Station and no explanation has been given by the Application as to the screening value that the full lengths of these hedgerows.</p>	<p>Plots 1-26 &amp; 1-30 are shown on the Land Plans (APP-008) which correspond to the areas identified for landscaping in the Indicative Landscape Mitigation Plans for Option B(i) (APP-281) and B(ii) (REP1-137) and hedgerows HR05 and HR06 as shown on Figure 16.4, Hedgerows, of the ES (APP-293). The site-specific landscape management prescriptions for the Converter Station Area, are set out in section 1.7 of the</p>	<p>The Applicant has failed to answer the specific point. Why have hedgerows which run perpendicular to the Converter Station been included in Landscaping Rights?</p>

	<p>Outline Landscape and Biodiversity Strategy (OLBS) (REP1-034 and 035) and include native hedgerows and native hedgerows with trees. Section 1.6.5.2 of the same document sets out the opportunities to maximise biodiversity including the management and retention of existing hedgerows and hedgerow trees. The landscaping measures proposed in these areas are for the protection and enhancement of existing features from both a landscape and visual perspective as well as for improving biodiversity and reflect extensive engagement with and feedback received from Statutory Consultees such as Winchester City Council and South Downs National Park Authority regarding concerns over potential loss of vegetation in this area and the Applicant's proposals will significantly strengthen the landscape features in this area, providing an important screening function, to address the feedback received. As such, the acquisition of the rights and restrictions in question is necessary.</p>	
<p>8.2.4 This raises additional concerns for our Client given his tenant's horse livery business on the remaining land which would be exposed to a high risk of dust for three years.</p> <p>Such impacts (especially relating to agricultural and farming uses) do not appear to have been expressly assessed.</p>	<p>The Applicant has not responded to this specific point.</p>	<p>The issues relating to uses on the retained land have not been addressed.</p>