

**Aquind Interconnector application for a Development Consent Order for the 'Aquind Interconnector' between Great Britain and France (PINS reference: EN020022)**

**[REDACTED], Mr Michael Jefferies and Mrs Sandra Jefferies Registration Identification 20025044**

**Interested Party's response of the Applicant's Responses to the Written Representation (REP1-236) Submitted in relation to Deadline 4 of the Examination Timetable**

Argument contained in Carpenter's comments on Applicant's response to Relevant Representations under Deadline 1 (REP2-028) (Paragraph Number)	AQUIND response (provided at Deadline 3 in section 3 of Table 2.6 of REP3-014)	Ian Judd and Partners Comments at Deadline 4
<p><b>Converter Station Location - Alternative Location:</b> that either proposed location of the Converter Station (options B(i) and B(ii)) will make little difference to them given that both options are located in extremely close proximity to the Property. Either a more eastward, or indeed a new alternative location would reduce the impact of the Converter Station on our Clients.</p>	<p>Further information with respect to the siting of the Converter Station and taking into consideration its local context is provided in sections 5.2 and 5.3 of the Supplementary Alternatives Chapter (REP1-152).</p>	<p><b>Not Resolved</b> The applicant has not addressed the issues raised. Sections 5.2 and 5.3 of the Supplementary Alternatives Chapter (REP1-152) do not address a more eastward or indeed some new alternatives locations.</p>
<p><b>Roads</b> Old Mill Lane, off which the Property is located, is far from a road that would appear to meet that criterion being a tight one car-width lane.</p>	<p>Roads It is acknowledged that there are narrow country roads in the vicinity of Lovedean substation</p> <p>This strategy involves the use of banksman located along Day Lane who will be responsible for ensuring that there will not be instances where HGVs approaching from opposite directions will meet each other on Day Lane and managing vehicle movements in and out of the Broadway Lane access junction.</p> <p>The roads to be used are therefore entirely appropriate to be used for this purpose with appropriate mitigation in place.</p>	<p><b>Not Resolved</b> The applicant has not addressed the issues raised, in particular the use of Old Mill Lane.</p> <p>The applicant has referred to banksmen, however has not taken into account the existing HGV traffic on Day Lane. We fail to see how the use of banksmen will help.</p> <p>The Applicant stated that they will make the road use “entirely appropriate to be used for this purpose”</p>

	<p>Of course, there is an existing electricity substation in this location which includes equipment of a similar nature, and which has been developed, operated and maintained utilising these same roads.</p>	<p>The applicant refers to the construction of the existing sub-station, which was built in phases, when locally transport numbers were considerably lower than they are today. This is not a true comparable of current traffic management.</p>
<p><b>Dwellings</b> Another criterion is to "minimise close proximity to dwellings", which is clearly not achieved in relation to the Property.</p>	<p>The proximity to residential property in the vicinity of the Converter Station Area is acknowledged and the associated impacts have been taken into account in the Environmental Impact Assessment. The location chosen for the Converter Station is generally not in close proximity to residential dwellings, for instance it is not located near to any conurbation or indeed visible from any.</p> <p>As such, that the site for the Converter Station should seek to avoid being located in close proximity to residential dwellings is achieved by this location.</p>	<p><b>Not Resolved</b> The Applicant has stated that the "The location chosen for the Converter Station is generally not in close proximity to residential dwellings" Our clients residential property is within 300m of the proposed site along with its neighbouring residential properties. This statement is inaccurate.</p>
<p><b>Topography</b> The Applicant refers to "being able to utilise the topography" to arrive at the most suitable location. However, in relation to the Property, the impact is exacerbated by the fact that the topography slopes downwards away from the Property towards the Converter Station location.</p> <p>The Applicant's response fails to demonstrate how it has met the criteria in relation to our Clients and the Property.</p>	<p>With regard to topography, the 500 m area surrounding the Lovedean substation falls from approximately 97 m to 67 m above ordnance datum (AOD), therefore offering more opportunity to take advantage of the natural landscape to mitigate visual and noise impacts. To keep the excavation within structureless chalk strata to mitigate contamination of the aquifer, 84.80 m AOD has been proposed as the Converter Station finished site level.</p> <p>Chapter 15 (Landscape and Visual Amenity) of the ES (APP -130) acknowledges that for property No.1 (Hillcrest) there would be major adverse effects during construction and on completion , and that despite the mitigation measures, these would continue to be significant (falling to moderate to major by year 10 and minor to moderate by year 20).</p>	<p><b>Not Resolved</b> The applicant has stated the changing AOD, this would result in huge volumes of earth being moved within the site, resulting in an artificial and un-natural bunding, exacerbating the visual impact of the scheme. The noise, dust and sound pollution from this earth movement will have a significant impact on our client's enjoyment of their property.</p> <p>It is clear the applicant has greater concerns of long distance views, particularly from South Downs National Park, but less concern with the immediate neighbours and they have chosen the cheapest option to avoid clay foundations, when they are clearly going to remove all top and subsoils anyway.</p>

	<p>The location of the Converter Station was chosen to maximise the benefits of the topography and existing surrounding vegetation in serving a partial visual screening function from certain viewpoints within a 3 km radius and further afield (for example from South Downs National Park) .</p> <p>For example, with regard to ground investigations, both short - listed options were similar, however clay depth (impacting foundation design) and a lower risk for karstic features (potential causes of ground instability) were more favourable for Option B</p>	
<p><b>Amenity:</b> Their amenity is particularly acutely affected due to the degradation of the rural setting because of the very close proximity of their Property to the proposed Converter Station.</p> <p>Factors affected include views and visual amenity and the oppressive impact due to the height of the proposed Converter Station.</p> <p>This is exacerbated by the fact that the topography slopes downwards away from the Property which reduces the limited effectiveness of any proposed landscaping mitigation which in any event (in the absence of additional topographic issues) would be inadequate even after years taken to reach maturity.</p>	<p>(Hillcrest) there would be major adverse effects during construction and on completion and that, despite the mitigation measures, these would continue to be significant (falling to moderate to major by year 10 and minor-moderate (significant) by year 20).</p> <p>the receptor (Hillcrest) would have a direct close view particularly of the northern elevation of the Converter Station and that the view from lower storeys would be partially screened by their own outbuildings and vegetation edging their property.</p> <p>Mitigation measures: In terms of mitigation, whilst the Applicant has introduced new native mixed woodland around the periphery of the property as indicated on the revised indicative landscape mitigation plans Figure 15.48 and 15.49 (REP1-036 and 037 respectively) and landscape mitigation plans for Option B(ii) (REP1- 137) submitted for Deadline 1, the Applicant acknowledges that this will provide only a partial screen.</p> <p>The Applicant has therefore sought to ensure that in closer views (primarily those immediately around the edge of the Converter Station including views from private residential properties) views are as aesthetically pleasing as possible, through a number of design measures associated with the Converter Station.</p> <p>The Applicant is working with the LPAs to seek agreement on the Converter Station Design Principles and will be discussing them at the next design meeting.</p>	<p><b>Not Resolved</b> The applicant acknowledges a major adverse effect on Hillcrest.</p> <p>The applicant is incorrect that the view from Lower Storeys would be partially screened. The Applicant nor its agents or landscapers have not been within Hillcrest on any storey and therefore cannot make this statement, which is incorrect. The property enjoys verandas and balconies on three storeys which all overlook directly onto the proposed site. We welcome the inspector to view the site from within Hillcrest.</p> <p>Any building being the height of the proposed Converter Station is never going to be aesthetically pleasing. At no time has the applicant consulted with our client to gain their feedback to minimise the visual impact.</p> <p>The Converter Station is not at the lowest feasible point. This is incorrect. It is halfway up the hill. If the Converter Station was located 200m to the south, it would be some distance lower.</p> <p>The Applicants response has not addressed the individual issues addressed my our client and have not given due consideration to the impact on their dwelling.</p>

	<p>The Applicant has also sought to site the Converter Station in the most appropriate location to allow for the landscape impacts to be minimised.</p> <p>This has included setting the Converter Station as low as is feasible without giving rise to adverse impacts on the underlying principal chalk aquifer (which is a large chalk aquifer located under much of the surrounding area) (refer to the Applicant's Comments on Local Impact Reports in response to WCC comments (4.3.3) Table 7.3 (REP2-013)).</p>	
<p>Our clients will also suffer substantive negative impacts due to construction phase noise, dust and light and, in perpetuity, operational noise daily. Such impacts would be unaffected by locational options B(i) and B(ii). In section 5.12 page 5-105 of its Responses to Relevant Representations, the Applicant refers to various proposed mitigation measures and "new woodland planting to provide some screening".</p> <p>the Applicant refers showing a very thin belt of new "proposed native mixed woodland" and nothing more between our Clients' Property and the proposed Converter Station. Such a woodland mix will inevitably include deciduous species which will visually screen even less effectively in winter months. We consider such mitigation measures to be inadequate.</p> <p>The mitigation referred to by the Applicant for construction phase light pollution</p>	<p>The Lighting Scheme is outlined in Paragraph 5.2.2.1 of the updated Onshore Outline CEMP submitted at Deadline 1 (REP1-087). After consultation with the SDNPA, this will be submitted for approval to the relevant LPA.</p> <p>The impact from noise and dust during construction will be managed through mitigation as outlined in the measures in the updated Onshore Outline CEMP (REP1-087).</p> <p>Air Quality measures including for dust can be found in section 5.11 and measures for noise can be found in section 5.12.</p>	<p><b>Not Resolved</b></p> <p>The Applicant has not address the points raised with particular reference to our clients property.</p>

<p>focusses on the "design and layout of site construction areas" to reduce impact Again this is inadequate because our Clients would have no opportunity to comment and influence such layouts, rather it would be imposed on our Clients. Our Clients would also have no input into any operational phase lighting scheme as may be developed by the appointed contractor</p> <p>In relation to noise and dust the Applicant's response is inadequate, We therefore maintain our Clients' objections in relation to amenity and reserve their position. We will consider the Applicant's responses to our Clients' Written Representations (which are to be submitted at Deadline 2) in relation to this issue, and comment further.</p>		
<p><b>Noise and Vibration –Construction:</b>  In section 5.15 page 5-108 of its Responses to Relevant Representations, the Applicant refers to predicted vibration impacts in Section 24.6 to 24.9 of Chapter 24 (Noise and Vibration) of the ES (APP-139) and concludes they "are not of sufficient magnitude to cause building damage". Whilst this may be the case, this does not mean that the impact of vibration caused by construction works cannot be felt and would not have a detrimental impact on the day to day lives and wellbeing of our Clients. We therefore maintain our objection to the impacts of construction noise and vibration on our Clients' amenity and personal health given the extreme proximity of our Clients' Property to the Converter Station.</p>	<p>Further detail on the best practicable mitigation measures will be provided once a contractor is appointed and detailed works plans are produced, in consultation with the environmental health department at the local planning authorities.</p> <p>As Hillcrest is located over 200m from the proposed Converter Station, the vibration levels would be below the threshold considered to be just perceptible in residential environments</p>	<p><b>Not Resolved</b>  Our Client operates their business from the site, in workshops immediately adjoining the site. No consideration has been made for the employees within these workshops, which are of steel framed construction.</p> <p>The Applicant has not undertaken an assessment of buildings within close proximity to the development site and therefore can not comment on the impact on these buildings.</p>

<p><b>House Price and Land Value:</b> Our Clients' Relevant Representations did not state this as a concern and therefore the Applicant's Responses to Relevant Representations at section 5.19 page 5-111 are inapplicable.</p>	<p>This is noted</p>	
<p><b>Compulsory Acquisition:</b> Our Clients' Relevant Representations state their concern that the Applicant failed to demonstrate compulsory acquisition is necessary and proportionate, permanent landscaping rights are needed and that all reasonable alternatives have been explored.</p> <p>the Applicant states that permanent landscaping rights are required over areas to assist with screening and are considered reasonable in relation to the scale of the project. However, these fail to address our Clients' concerns, particularly the extent of the proposed land take and the implications of the permanent landscaping rights. We therefore maintain our Clients' objections in relation to the necessity and proportionality of the proposed compulsory acquisition and the landscaping rights and reserve their position. We will consider the Applicant's responses to our Clients' Written Representations (which are to be submitted at Deadline 2) in relation to this issue and comment further</p>	<p>The landscaping proposed by the Applicant serves not just a visual screening function in specific locations but also seeks to connect with Stoneacre Copse (ancient woodland to the south east), addressing concerns over the need to improve connections to nationally important habitats</p> <p>The Applicant also refers to the Applicant's Response to Written Representations (CA3) (REP2-014) which explains that the proposals also reflect the extensive engagement with and feedback received from the LPAs and that the proposals strengthen the visual screening function as well as biodiversity enhancement. Permanent landscaping rights re hedgerows: In terms of permanent rights the Applicant also refers to the Applicant's Response to Written Representations (CA4) (REP2-014) which explains LPAs concerns over potential loss of vegetation in this area and that 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 in connection with the Proposed Development.</p>	<p><b>Not Resolved</b> The Applicant has not addressed our client's concerns as to whether these rights are necessary and proportionate.</p> <p>Our Client has not been party to the consultation with the LPA and question whether their response is necessary and proportionate for the scheme or whether the proposed Landscaping is excessive in order to appease the LPA.</p>
<p><b>Landscaping and Landscape</b> Our Clients' Relevant Representations state their objections to the adequacy of the landscaping given the locational relationship of the Property to the</p>	<p>The Applicant reiterates the points made above under 3.5, which refer to the mitigation measures considering not just planting and topography but also building design.</p>	<p><b>Not Resolved</b> The Applicant has not addressed the point. The proposed Landscaping will have little to no mitigation of the effects on Hillcrest.</p>

<p>Converter Station and the topography. In sections 5.25 page 5-117 and 5.26 page 5-119 of its Responses to Relevant Representations, the Applicant refers to proposed mitigation planting and that it will "over time provide screening for some visual receptors" and explains that further planting enhancements will "contribute to a partial screening function". The Applicant's response therefore accepts that landscaping mitigation will be inadequate even once mature, some receptors may never be screened and others only partially so. We therefore maintain our Clients' objections in relation to landscaping and landscape and will consider the Applicant's responses to our Clients' Written Representations (which are to be submitted at Deadline 2) in relation to this issue and comment further.</p>		
<p><b>Concerns not responded to:</b> Our Clients' Relevant Representations also raised issues relating to breach of their humans rights.</p> <p>Our Clients' also refer to the diversity of wildlife and biodiversity on their doorstep. The Applicant's Responses to Relevant Representations do not provide any direct responses to these concerns. We respectfully request that the Examining Authority requires the Applicant to respond formally to these specific issues raised.</p>	<p>The Proposed Development has been deemed to be Nationally Significant Infrastructure and will be capable of meeting GB energy objectives along with numerous other benefits as set out in the Needs and Benefits Report (APP-115) and the Needs and Benefits Addendum – Rev 001 (REP1-135). These clearly demonstrate the national and international benefits of the Proposed Development which outweigh the harm caused by the Proposed Development and justify the interference with human rights for this legitimate purpose in a necessary and proportionate manner. Section 7 of the Statement of Reasons explains the consideration that has been given to the powers of compulsory acquisition sought and the European Convention on Human Rights and why the potential interferences are considered to be proportionate and necessary, striking a fair balance between the public benefit and interest in the Proposed Development being delivered and the interference with the rights that will be affected. With regard to impact on wildlife and biodiversity, this issue is addressed in Section 5.3 of the</p>	<p><b>Not Resolved</b> The applicant has failed to address the specific concerns in relation to the loss of wildlife on our clients property</p>

	Applicant's Responses to Relevant Reqs (REP1-160). The Applicant therefore considers that the issues raised have been addressed.	
<p>These documents contain statements by the Applicant regarding its engagement with our Clients in relation to Heads of Terms stating "Heads of terms in Negotiation" and "the Applicant has engaged with the landowner since late 2017 and is committed to working with the landowner to address the concerns raised where possible". Our Clients' did not instruct agents until September 2019 which suggests the Applicant's response is conflating meetings in relation to their statutory duty to consult and the separate duty to negotiate an agreement prior to consideration of compulsory acquisition. Following a meeting in December 2019 and a meeting in February 2020 with our Clients' agents, a revised offer was promised in March 2020. However, this has yet to materialise. As stated above, we will consider further in the context of the Applicant's responses to our Client's Written Representations that are due to be submitted at Deadline 2, and we will comment if necessary at Deadline 3. In light of this and the clarifications we have requested at paragraph 2.9 of this letter, we maintain our Client's objections and reserve their position in the meantime.</p>	<p>The Applicant's agent has engaged with the landowners since he first met them in October 2017 in relation to the Proposed Development and met the landowner on numerous occasions thereafter to provide updates on the Proposed Development as well as to seek permission for ecology surveys on the landowner's property. The Applicant is aware the landowner did not instruct agents until September 2019. Indeed, it was the Applicant's agent that recommended to the Landowner that they should instruct an agent. The Applicant has issued revised and improved Heads of Terms to the Landowner at Deadline 3 and the Applicant has requested further information from the Landowner to allow further assessment of the impact on their property. A series of weekly calls has also been proposed to progress outstanding matters privately with the landowner and their representatives.</p>	<p><b>Not Resolved</b>  This is not correct. The Applicant's agent undertook their statutory duty to consult, but at no time have they entered into negotiation on terms prior to issuing Heads of Terms in Nov 2019. Despite repeated attempts the Applicant has been unwilling to provide any analysis of the Heads of Terms.</p> <p>Revised Heads of Terms were received at Deadline 3, however the Applicant has repeatedly failed to provide an assessment or further detail on the terms when asked.</p>