

Date: 30 November 2020

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

Mr. Geoffrey Carpenter & Mr. Peter Carpenter (ID: 20025030)

**Interested Party Proposals for Protective Provisions in relation to
Little Denmead Farm**

Submitted in relation to Deadline 5 of the Examination Timetable

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AQUIND INTERCONNECTOR

DCO APPLICATION REFERENCE EN020022

MR. GEOFFREY CARPENTER & MR. PETER CARPENTER (ID: 20025030)

EXAMINATION - DEADLINE 5 (30 NOVEMBER 2020)

INTERESTED PARTY PROPOSALS FOR DRAFT PROTECTIVE PROVISIONS IN RELATION TO

LITTLE DENMEAD FARM

1. Introduction

- 1.1 Mr Geoffrey Carpenter and Mr Peter Carpenter (the "**Carpenters**"), are the joint freehold owners of Little Denmead Farm, Broadway Lane, Denmead, Waterlooville, PO8 0SL (the "**Property**"). The Carpenters' interests are registered under title number [REDACTED].
- 1.2 The land within the Order Limits covers a significant part (but not all) of the Property. The part of the Property covered by the Order Limits falls within the entirety of plot numbers 1-32, 1-38, 1-51, 1-57, 1-69, 1-70, 1-71, and 1-72 ("**Affected Property**").
- 1.3 The Carpenters also benefit from a right of way over land adjacent to the Property within the Order Limits. This right of way covers plot numbers 1-60, 1-63, and 1-65.
- 1.4 The Affected Property is situated within the following Works Numbers:
- a) Works Number 2 (Works to Construct Converter Station) – which will cover (amongst other plots) plot numbers 1-32, 1-38, 1-51, 1-57, 1-69, 1-70, and 1-71; and
 - b) Works Number 3 (Temporary Work Area of up to 5 hectares associated with Works No. 1, 2 & 4) – which will cover (amongst other plots) plot numbers 1-51 and 1-57.
- 1.5 These draft protective provisions reflect the protections the Carpenters submit should be inserted into the draft development consent order (the version submitted at Deadline 3, which we understand is the latest version submitted by the Applicant) ("**draft DCO**") in relation to the Application Development.
- 1.6 Article 3 of the draft DCO would authorise a development consent for the Application Development to be carried out within the Order Limits but subject to the provisions of that Order and to the requirements.
- 1.7 The Application Development is specified in Part 1 of Schedule 1 of the draft DCO. Works no.
- 1.8 As currently drafted, the current draft DCO fails to make provision for the successful co-existence of the Project with the Carpenters' interests.
- 1.9 With the draft proposed provisions included in the draft DCO, successful co-existence can occur and, thereby, enable the Examining Authority to recommend that consent be granted.
- 1.10 We therefore submit the following draft protective provisions for the Examining Authority to consider.

DRAFT PROTECTIVE PROVISIONS

SCHEDULE 13

Part 8

**FOR THE PROTECTION OF
LITTLE DENMEAD FARM**

Application

1. For the protection of the Little Denmead Farm the following provisions shall, unless otherwise agreed in writing between the undertaker and the Landowner as herein defined, have effect and take precedence over any other conflicting provision(s) in this Order.

Interpretation

2. In this Part of this Schedule –

"Affected Property" means that part of Little Denmead Farm and within any of plot numbers 1-32, 1-38, 1-51, 1-57, 1-69, 1-70, 1-71, and 1-72 as shown on the land plans, and Footpath 16 as shown on plan EN020022-2.5-AROW-SHEET1-REV02 (Document reference REP1-016).

"Construction Period" the period of time from the commencement of construction of Works No. 2 (prior notice of which must be given in writing by the undertaker to the Landowner) to the issue of the certification for the practical completion of Works No. 2

"Convertor Station" means the convertor station built for the purpose of transmission of electricity within the Parameter Zone 2-4 of Buildings Parameter Plans, Plan Reference EN020022-2.6-PARA-Sheet2, Document Ref: 2.6 on the Affected Property.

"Decommissioning Period" means the conclusion of the period during which the area of the Affected Property occupied by the Convertor Station is removed and the land reinstated for agricultural purposes.

"Landowner" means Mr Geoffrey Carpenter and Mr Peter Carpenter (and their successors in title respectively), who are the joint freehold owners of Little Denmead Farm.

"Landscaping Area of the Affected Property" means the area shown on the plan immediately adjacent to the Convertor Station and not extending farther therefrom than the outermost limit of the adjacent bund as shown on [] [please see Appendix K to our transcript for CAH 2]

"Little Denmead Farm" means the land known as Little Denmead Farm, Broadway Lane, Denmead, Waterlooville, PO8 0SL, as shown on the title plan registered at HM Land Registry under title number HP763097

"Little Denmead Farm Unilateral Development Consent Planning Obligation" means the unilateral development consent planning obligation [SEE DRAFT HEADS OF TERMS BELOW]

"Operational Access Way" means the way identified by black arrows showing the access way on plan [], [please see Appendix K to our transcript for CAH 2] and as may be extended, within which access to and egress from the built Converter Station within Works No. 2 may be taken by the

undertaker, for the purposes of the inspection and maintenance of, and during the operation of that Converter Station.

“Operational Period” means the period from certified practical completion of the Converter Station on the Affected Property until the conclusion of the Decommissioning Period.

"Parameter Zone 1 Access Road" means the zone of access within which the undertaker may construct a temporary haul road for the purpose of constructing the Converter Station within for Works No. 2, as shown on plan identified as “Buildings Parameter Plans”, Document Reference 2.6, plan reference EN020022-2.6-PARA-Sheet 2 or 3 (“the Temporary Access Road Zone”).

Temporary construction period

3. (1) Notwithstanding the temporary prohibition or restriction under the powers of article 13 (temporary stopping up of streets and public rights of way), during the Construction Period the Landowner may for the purpose of execution of the Converter Station and related cables at all times take all necessary access across any such street, public right of way, footpath (including Footpath 16 and Footpath 4 which covers plot numbers 1-60, 1-63, and 1-65) or permissive path, as may be reasonably necessary or desirable to enable it to access the Affected Property during the Construction Period, which at the time of the prohibition or restriction was in that street, public right of way or permissive path,
- (2) Notwithstanding the extinguishment of private rights of way over land subject to compulsory acquisition under the powers of article 24 (private rights of way), during the Construction Period the Landowner may for the purpose of execution of the Converter Station and related cables at all times to take all necessary access across any such land within the Affected Property as may be reasonably necessary or desirable to enable it to access the Affected Property during the Construction Period , including Footpath 16 and Footpath 4 which covers plot numbers 1-60, 1-63, and 1-65.
- (3) Save that a temporary access road shall not than otherwise be within the Parameter Zone 1 Access Road, notwithstanding any other provision to the contrary in this Order or anything shown on the land plans or contained in the book of reference to the Order, and subject to the provisions of the Little Denmead Farm Unilateral Development Consent Planning Obligation, during the Construction Period the undertaker may, but not otherwise than for the purpose of execution of the Converter Station and related cables, temporarily possess any of the Affected Property for the Construction Period.
- (4) No electricity bearing cable or otherwise shall be finally located above a notional depth of 1m below ground surface level within the Affected Property and any electricity bearing cables shall only be finally placed within the parameter route shown on drawing Figure 24.2, Illustrative cable route, Sheet 1 of 15, Drawing Ref: EN020022-ES-24.2-Sheet 2 together with related individual fibre optic cables for exclusively supporting purposes thereto.

Compulsory acquisition and temporary use

4. (1) Notwithstanding any other provision to the contrary in this Order or anything shown on any plan certified by this Order and subject to the Little Denmead Farm Unilateral Development Consent Planning Obligation, within 6 months of the end of the Construction Period, the Affected Property otherwise than the built Converter Station and below ground electricity beating cables must be reinstated by the undertaker to agricultural land of at least grade 3b category, and otherwise during the Operational Period the undertaker has no rights of any kind in relation to the Affected Property save as referred to herein below.
- (2) Notwithstanding any other provision(s) to the contrary in this Order or anything shown on any plan certified by this Order and subject to the Little Denmead Farm Unilateral Development Consent Planning Obligation, during the Operational Period the undertaker may have rights to maintain the landscape within the Landscaping Area of the Affected Property.

(3) The undertaker may during the Operational Period of the Converter Station:

(i) use the Operational Access Way in accordance with the Unilateral Development Consent Planning Obligation;

(ii) within the Parameter Zone 1 Access Road the undertaker may on [48 hours prior written notice] lay an emergency temporary access road for the purposes of restoration of the operation of the Converter Station, such emergency temporary access road to be removed upon verified continuance of the operation of the Converter Station and the land restored to its former condition. In accordance with such emergency recovery plan as the undertaker may have in place relating to the operation of the Converter Station;

(iii) in line with any emergency recovery plan the undertaker may have in place relating to the operation of the Converter Station, the undertaker may in an emergency have temporary access to the Affected Property and for the purposes of necessary works to the electricity bearing cables located within the Affected Property; and

(iv) maintain two electricity bearing cable circuits not above a notional depth of 1m below ground surface level within the Affected Property and within the parameter route shown on drawing Figure 24.2, Illustrative cable route, Sheet 1 of 15, Drawing Ref: EN020022-ES-24.2-Sheet 2 together with related individual fibre optic cables for exclusively supporting purposes thereto.

Telecommunications buildings and telecommunications cables for commercial telecommunications

[We have assumed telecommunications cables and buildings will not be included as Associated Development]

5. (1) The undertaker may not construct, place or operate any structure, building, cable, or related equipment or apparatus for commercial telecommunications on, in or under the Affected Property.

Decommissioning

6. (1) The undertaker shall, in preparing a decommissioning plan to submit to the relevant planning authority pursuant to requirement 26 of Schedule 2 to this Order, consult the Landowner and take into account such representations as may be made by the Landowners before submitting the decommissioning plan, together with such said representations, to the relevant public authority for its approval.

The following provisions are included as a matter of drafting protocol for completeness, but these may be unnecessary:

[Power to alter layout etc. of streets]

- [7. (1) Regardless of the powers under article 10 (power to alter layout etc. of streets), the undertaker may not exercise the powers available under article 10 in relation to the Affected Property, subject to the extent that similar rights are granted to the undertaker by the Landowner in an agreement entered into pursuant to paragraph 4(2) of this Part 8.]

[Street works]

- [8. (1) Regardless of the powers under article 11 (street works), the undertaker may not exercise the powers available under article 11 in relation to the Affected Property, subject to the extent that similar rights are granted to the undertaker by the Landowner in an agreement entered into pursuant to paragraph 4(2) of this Part 8.]

[Access to works]

- [9. (1) Regardless of the powers in article 14 (access to works), the undertaker may not create during the Operational Period any accesses to works over the Affected Property otherwise than by agreement with the Landowner.]

[Rights under and over streets]

- [10. (1) Regardless of the powers in article 29 (rights under and over streets), the undertaker may not, in relation to the Affected Property, exercise the powers in article 29 otherwise than by agreement with the Landowner.]

[Discharge of water]

- [11. (1) Regardless of the powers in article 17 (discharge of water), the undertaker may not, in relation to the Affected Property, use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out, operation or maintenance of the authorised development or inspect, lay down, take up and alter pipes, make openings into, and connections with, the watercourse, public sewer or drain on the Affected Property otherwise than by agreement with the Landowner.]

[Authority to survey and investigate the land]

- [12. (1) Regardless of the powers in article 19 (authority to survey and investigate land), the undertaker must not, in relation to the Affected Property, exercise the powers in article 19 otherwise than by agreement with the Landowner.]

[Felling or lopping of trees and removal of hedgerows]

- [13. (1) Regardless of the powers in article 41 (felling or lopping of trees and removal of hedgerows), the undertaker may not, in relation to the Affected Property, exercise the powers in article 41 otherwise than by agreement with the Landowner.]

[Trees subject to tree preservation orders]

- [14. 1) Regardless of the powers in article 42 (trees subject to tree preservation orders), the undertaker may not, in relation to the Affected Property, exercise the powers in article 41 otherwise than by agreement with the Landowner.]

PRELIMINARY DRAFT HEAD OF TERMS

RELATING TO THE

LITTLE DENMEAD FARM UNILATERAL DEVELOPMENT CONSENT PLANNING OBLIGATION

The owners of Little Denmead Farm anticipate proposing landscaping and access rights over the Affected Property during the construction and operation of the authorised development to be the subject of a unilateral development consent planning obligation, which is to include the following provisions:

1. **Landscaping during construction** – an ability to landscape only within the Landscaping Area of the Affected Property.
2. **Access during operation (inspection and maintenance)** – Upon having laid suitable granular material to the surface of the Operational Access Way, an ability to use the Operational Access Way for the purposes of inspection and maintenance of the Converter Station for the Operational Period by light vehicles [See attached draft plan].
3. **Access during operation (emergencies)** – an ability to use the Parameter Zone 1 Access Road during the operation of the Converter Station to enable the undertaker to meet such requirements as they may have under an emergency recovery plan that may be in place in relation to the Converter Station. In preparing an emergency recovery plan, the undertaker must consult the Landowner and take into account such representations as may be made by the Landowners, together with such said representations.
4. **Landscaping during operation** – an ability to inspect and maintain perimeter landscaping outside of the footprint of the Converter Station compound but limited to within the Landscaping Area of the Affected Property;