
FREETHS

APPLICATION BY AQUIND LIMITED

DEADLINE 6 SUBMISSION ON BEHALF OF THE UNIVERSITY OF PORTSMOUTH

21st DECEMBER 2020

Introduction

1. This Statement has been prepared on behalf of the University of Portsmouth (“UoP” or “the University”). This has been prepared after the following:
 - Review of responses submitted to Deadlines 4 and 5;
 - My appearance at the Open Floor Hearing (“OFH”) on Monday 7th December 2020; and
 - Kee Evans’ (Eversheds Sutherland) appearance on behalf of the University at the Compulsory Acquisition Hearing (“CAH”) on Friday 11th December 2020.
2. This also summarises the position of the University at this stage of the Examination.

Discussions with the Applicant

3. We reported the current status of our discussions with the Applicant at the OFH. Since then, we emailed the Applicant today setting out our comments on their meeting note as issued to us on 27th November 2020. The email is provided at **Appendix 1**.
4. We will keep the Examining Authority notified of our discussions given the significant nature of the outstanding matters raised with the Applicant.

CAH Post Hearing Note

5. Following the CAH, the University wishes to record that it still feels that it has not been given sufficient detail regarding the land to be acquired from its playing fields. In our previous representations dated 6th October 2020 and 30th November 2020, we have set out the particular difficulties that this will cause. The University does not believe these representations have been properly taken into account in assessing the amount of land required from the University for either the period of construction or the period of operation.
6. The University feels that even though the construction period (where the largest land take is required) is temporary, the significance of the impact for the University and the wider sport pitch provision in the area means that further consideration is needed and further detail should be provided.
7. From previous Hearings, we understand that clarification is to be provided by the Applicant as part of Deadline 6 in relation to protective easement strips and we would ask that the University’s land be considered explicitly as part of this. We would also like the Applicant to consider further whether the land take in this area can be minimised and to provide a full explanation if not.

8. It was noted during the Hearing that the Applicant listed the amount of engagement they have sought with the University, listing 4 attempts to meet and provide Heads of Terms back in December 2019. The University's Director of Campus Services & Estates has no record of any requests being received from the Applicant's team during the period between their very early meetings in 2018 and 11th November 2020 when an email was sent received via a Spam box. There were no letters or received phone calls.

Next Steps

9. The University will:
 - (i) review and respond to any submission made by the Applicant by Deadline 6 on the protective easement strips; and
 - (ii) seek to continue engagement with the Applicant to progress the discussions that are now underway.
10. We will keep the Examining Authority apprised of any progress.

Mark Harris
Partner, Planning & Environment Group
Freeths LLP

APPENDIX 1

Mark Harris

From: Mark Harris
Sent: 21 December 2020 15:54
To: O'Sullivan, Alan (Avison Young - UK)
Cc: Martyn.Jarvis@hsf.com; Fiona Bell (fiona.bell@port.ac.uk); Kee Evans (KeeEvans@eversheds-sutherland.com); Stevenson, Ursula; Daniel Hyde
Subject: Aquind Interconnector Project - University of Portsmouth
Filed: -1

Alan

I refer to our recent discussions and your note of our meeting on 20th November 2020.

We have the following comments on the meeting note:

- **Section 1:** at the meeting Fiona Bell ("FB") advised that in early discussions with the Applicant's representatives we were informed that HDD would be the construction method for Langstone and would provide the required mitigation. The evidence to support change in approach is yet to be provided.
- **Section 2:** the meeting note does not make clear UoP's concerns raised that the proposed programme is unrealistic with associated impact on UoP activities. In relation to Euro 2022, FB stated that it must be assumed that all of the playing pitches will be required at this time as that is what UoP have offered.
- **Section 3:** surveys were not possible when requested at short notice in 2018 due to clashes with UoP's business needs. UoP has confirmed that surveys can be accommodated at a mutually agreeable time.
- **Section 4:** notes regarding moving and shortening playing pitches are not an accurate reflection of the discussion. Due to haul road requirements it was agreed that moving pitches was not feasible.
- **Section 5:** this should state that mitigation is not feasible as per Section 4. AY is unable to propose mitigation not UoP.
- **Section 6:** FB advised that although the cable route may avoid playing pitches the haul road would not and would potentially result in greater reinstatement requirement as advised by our sports pitch consultant.
- **Section 7:** FB requested a formal commitment regarding joint bay locations being restricted to either north or south end of cable route. This is not recorded.
- **Section 8:** FB requested a formal commitment regarding no vehicular access required over the playing pitches for maintenance. Although walking is noted this is not.

As a post meeting note, we would also like to record that in terms of future development potential of the site the concern is not only about sterilising its development potential, but also the ability to deliver that development as due to proposed land take UoP would also lose land for potential site establishment and logistics. This would impact on phasing particularly a scheme that involved a land use swap arrangement.

Arising from the note and as identified in our submission to Open Floor Hearing 1, we would welcome your further comments on the following matters:

- **HDD – Open Trenching:** as identified during the meeting and in our OFH1 submission, it has not been demonstrated to the satisfaction of the University that HDD will be less disruptive than open trenching. Whilst we noted the installation technique, the need for compound sites at either end and the fact that the works might take longer, it still appears to us that the overall impact on the sports pitches could be considerably less if HDD was undertaken. Please can you provide us with a full explanation as to why HDD has not been considered in this area? Our position on open trenching is clear and given the advantages that HDD potentially has in terms of disruption across the site and the associated impacts, we would welcome confirmation from you on the exact size and position of the compounds and the programme impact. We can then compare that to the impacts identified in our submissions to date and report back to you and the Examining Authority.

- Cable Environment & IMS Eastney Link: we note the submission made as part of the application. This does not specifically explain the relationship with the IMS Eastney Link. Please can this be clarified explicitly. Are you able to provide the University with an indemnity in respect of this risk?
- You will understand from our submission that we cannot see that any mitigation has been provided for the University. We have supplied you with details of the pitch use (which as we highlighted runs throughout the year) and in particular the Women's Euros, and you were going to see if this enabled any mitigation to be proposed. Have you made any progress with this? We suspect that re-alignment is not a realistic prospect but we will consider any proposals. Can the programme be modified to allow the Euros to proceed? How else do you intend to address the University's concerns?
- Please can you confirm the extent of land required during construction and also post-construction so that we can properly consider the impact. What can be done to minimise this e.g. is the haul road a necessity in this location, on the basis that you said there will be no jointing bays on this area can the easement strip be minimised?

The responses given in the meeting note and as discussed during that meeting do not unfortunately take us any further in addressing the University's objections. We look forward to discussing again with you once we have received a response to the above matters.

Regards,

Mark