



CHARTERED SURVEYORS & LAND AGENTS


Our Ref: HB/alc

17th December 2020

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Dear Sirs

Submitted in Relation to Deadline 6

 Michael & Sandra Jefferies, Registration Identification: 200250044

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

There has been a large number of additional documents submitted by the Applicant at Deadline 4 & 5, too many to allow sufficient time or resources to review all documents. We have below made comment on the key issues we have found:-

Document 7.6.1 - Compulsory Acquisition Schedule Tracked- Published at Deadline 4, identifies 73 parties who the Applicant claims they are "in negotiation" with, however only 2 have progressed to Legal Drafting and one further Agreed Heads of Terms.

Our clients are listed as "Heads of term in negotiation", however the Applicant is not negotiating with Mr & Mrs Jefferies. The Applicants stance to date can be power phased as "These are the terms accept them or we will rely on CPO Powers". They are unwilling to enter any form of discussion on how figures have been reached.

If 70 out of 73 affected parties have not been willing (to date) to agree terms and no parties have completed a Legal Option, it is a good indicator that the terms being offered by the Applicant are unreasonable and not acceptable to the "average" affected landowner. This is evidence that the Applicant has not sufficiently explored all reasonable alternatives to compulsory acquisition and they are solely relying on Compulsory Purchase Powers. The Applicant is being unreasonable with the terms offered and do not want to reach agreement, as they could get land "cheaper" by Compulsory Powers.

We strongly question if the Applicant has allowed sufficient funds within their £4.9million to compulsory purchases all the land they require. They have only allowed 1.277m for all land acquisition and only £645,000 for Injurious Affection across the whole scheme. The Injurious Affection on Hillcrest is likely to exceed this figure alone. We request the Applicant provide a breakdown of how the figure of £4.9m has been calculated.

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Document Ref: 7.9.17 Applicant's Response to Deadline 3

In Response to Submissions Table 2.5 of the above document:-

Para 5.3.5

We can confirm a telephone meeting was held on 12th November 2020; however, no attempt was made by the Applicant to progress matters. It remains our opinion that the terms currently offered are significantly worse than what would be awarded at a CPO Tribunal and therefore Mr & Mrs Jefferies have been put in a position by the Applicant where we are not capable of reaching an agreement, without going to Tribunal in the future and incurring further costs.

Para 5.3.6

The Applicant has confirmed the requirement of the land is for visual screening, enhance biodiversity and aid security and to provide ecological benefit and the land must be left undisturbed to maximise this benefit.

We argue that this landscaping and planting does not aid security and that land required for enhanced biodiversity and ecological benefit is not required for the functionality of the interconnector. If the Applicant wishes to enhance the biodiversity and ecology to offset the negative impacts it is having on the surrounding area, they should not be awarded Compulsory Powers to do so but should reach agreement with the affected land owners.

Para 5.3.8

This is the first time we have been made aware of deer and rabbit fencing on the boundary of our property. Can the Applicant confirm sufficient budget to manage this fencing for the life time of the Scheme? It would be helpful for a specification of the fencing, as this has not been shared with Mr & Mrs Jefferies to date.

It is difficult to see the wildlife benefit of the landscaping area if all wildlife is fenced out with rabbit and deer fencing. It seems to have a larger negative impact on biodiversity of the surrounding, if wildlife cannot get on the land. Currently the land is grazed by wildlife, including deer and rabbits as well as other wild mammals, if this is stopped, where is this wildlife going to feed?

It could be argued that the token gesture of visual screening has only been proposed to appease to South Downs National Park Authority and will have little beneficial impact to the ecology and biodiversity and will offer limited screening to 20+m high industrial building.

Para 7.3.

This is incorrect, whilst the Mr & Mrs Jefferies Agent did meet/call the Applicant's Agent on 16 December 2019 and 11th February 2020 and 19th May 2020, there was no discussion in relation to Mr & Mrs Jefferies property, only discussion on neighbouring landowners. The Applicant had failed to supply a breakdown of the Heads of Terms despite multiple requests, to date this still has not been supplied.

The Applicant's Agent is rude, belittling and dictates terms to Mr & Mrs Jefferies' Agent. He is unwilling to negotiate and repeatedly stresses the reliance on CPO Powers. No progress was made at meeting on 12th November 2020 and we have had no contact since.

Mr & Mrs Jefferies cannot afford legal representatives to represent them at the Hearings held last week, but want the Planning Inspectorate to be aware they are wholly dissatisfied with how they have been dealt with by the Applicant and their Agent.

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Document 2.2 Land Plans

There have been changes made to Plots 1-23 splitting the plot to 1-23 and 1-23a and 1-23b. We had not been informed of this change before Deadline 5 and there has been no communication with Mr & Mrs Jefferies. No justification has been given for this change.

No revised Heads of Terms have been issued and yet again the Applicant and their Agent have failed to communicate with Mr & Mrs Jefferies. Why was the split not proposed from the start of the DCO process? Further evidence the Applicant had not given full consideration to the Application when it was submitted. At what point will the Applicant be able to provide a conclusive decision between option Bi and Bii? This late change provides further uncertainty for Mr & Mrs Jefferies.

Unaccompanied site visits by Planning Inspectors:-

Further to the Open Floor Hearings on the 7th December 2020 in which a requested access for unaccompanied site visits was made, we welcome the inspectorate to [REDACTED] at your convenience. There is ample parking for up to 4 vehicles at [REDACTED]. The inspectors are welcome to view the property on foot unaccompanied, however for security and health and safety reasons if they wish to inspect within any dwellings or buildings Mr & Mrs Jefferies will be available to accompany the inspectors. We recommend that you view within the buildings and home to gain a better understanding of the impending impact of the Interconnector.

We would be grateful if you could confirm with our Agent Ian Judd & Partners and allow 48 hours' notice to ensure that we will be available to guide you round the property. There are horses grazing within the fields, please ensure all field gates are shut. If you require any further information please do not hesitate to be in contact with our Agent.

Yours sincerely

[REDACTED]

Henry E R Brice BSc Hons MRICS FAAV
Partner
For Ian Judd and Partners LLP