
FREETHS

APPLICATION BY AQUIND LIMITED

DEADLINE 7: RESPONSE TO THE EXAMINING AUTHORITY'S FURTHER WRITTEN QUESTIONS (REF: SE2.15.4) ON BEHALF OF THE UNIVERSITY OF PORTSMOUTH

25th JANUARY 2021

Introduction

1. This Statement has been prepared on behalf of the University of Portsmouth ("UoP" or "the University") in response to the following Further Written Question from the Examining Authority issued on 7th January 2021. The question read:

"Would playing fields and sports pitches outside but adjacent to the Order limits (for example, at Bransbury Park and the University of Portsmouth) be able to operate at full capacity when construction works are underway nearby?"

Would noise, vibration and general disturbance disrupt users and the ability to use these areas fully?

If so, are such effects evidenced in the ES?"

2. This Statement provides a detailed response to the questions posed above.
3. We have excluded the University pitches on the western side of Furze Lane from this response as they are not within the terms of the Examining Authority's question being further than "outside but adjacent to the Order limits". If the Examining Authority requires an additional comment on this area we can provide it separately upon request.

Would playing fields and sports pitches outside but adjacent to the Order limits (for example at Bransbury Park and the University of Portsmouth) be able to operate at full capacity when construction works are underway nearby?

4. AQUIND ("the Applicant") submitted revised layout drawings (dated 16th October 2020) which we understand to be the most up-to-date works plans. As can be seen on sheets 9 and 10 of those revised drawings, there is land owned and operated by the University on the Langstone Campus which falls outside the purple shaded area identified as "Limits of Deviation for Work No. 4". This land accommodates 3 sports pitches which due to their current alignment extend part into and part outside the area of the Order Limits.
5. As has been demonstrated in the Application (see the Environmental Statement ("ES") Addendum – Appendix 13 – Framework Management Plan for Recreational Impacts) "trenching, working areas could be positioned anywhere within the Order Limits" (see paragraph 4.2.3.5). Plate 4 in the same document shows that all 3 sports pitches would be significantly within the Order Limits with a realignment proposal identified in Plate 5.

6. It is noted that paragraph 4.2.3.7 of the ES Addendum – Appendix 13 states that “if the cable route were to be along the eastern edge of the Order Limits, direct impacts on the football pitch and southern rugby pitch could be avoided completely”. However, as is noted above, the Applicant also considers that trenching could happen anywhere within the Order Limits, therefore the statement of direct impacts being completely avoided is unlikely to occur and the worst case scenario must be adopted.
7. The Applicant in paragraph 4.2.3.7 of the ES Addendum – Appendix 13 also suggests that the southern rugby pitch could be moved to the west, avoiding the “Indicative HVDC Cable route” – although still remaining within the Order Limits. Whilst on the face of it this may appear a solution to allow at least one of the pitches to be used during the construction period, it is not clear whether there will still be trenching impacts on the pitch even after being moved. In addition, from a practical use perspective, the BUCS (British Universities & Colleges Sport) Rugby Union Regulation RUU 13.1 requires an area extending to a “minimum...distance of three metres to prevent spectator encroachment” to be roped off. Plate 5 shows the realigned pitch to be hard up against the access road that runs to the east of the main Campus buildings. As such, the 3 metre roped off area will be highly unlikely to be achieved, and this would leave the pitch very unlikely to be able to be used for official BUCS competitive matches.
8. Our submissions on behalf of the University to date have demonstrated that the worst case scenario would be that for the full stated 16 weeks of construction (as a minimum) all 3 of these pitches will not be able to be used. As such, there is no ability for the University to operate these pitches at even partial capacity during construction works.

Would noise, vibration and general disturbance disrupt users and the ability to use these areas fully?

9. As the pitches are unable to be used in any form during the entire construction period, the impact of noise, vibration and general disturbance on the users of this area cannot then be considered and assessed.

If so, are such effects evidenced in the ES?

10. The Applicant considers that mitigation is available on this land through pitch realignment to allow some of the pitches to be used (see the ES Framework Management Plan for Recreational Impacts and Plate 5). Through reviewing the ES it is noted in Chapter 24 (Noise and Vibration) that the Applicant considers sports pitches to be of “low sensitivity” but this depends on the time of the impacts occurring, in addition, the Applicant considers them not to be “sensitive to vibration” (Paragraph 24.4.7.4 of Chapter 24).
11. There is no subsequent assessment of the impact of construction noise, vibration and general disturbance that we can see in the wider ES on the sports pitches. The only assessment of the Langstone Campus appears to be on the student halls of residence, rather than the sports pitches.
12. We would welcome clarification and confirmation of this from the Applicant.

Next Steps

13. We look forward to reviewing the Applicant's response to this question and others of relevance to the University (e.g. Question DCO2.5.10).

Mark Harris / Daniel Hyde
Partner / Associate, Planning & Environment Group
Freeths LLP