

25<sup>th</sup> January 2021

Planning Inspector  
Via email

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**Newsteer**  
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Dear Inspector,

**Re: Application by AQUIND Limited for an Order Granting Development Consent for the AQUIND Interconnector Project**  
**Ref: EN020022**

We write further to our letter dated 18<sup>th</sup> December 2020 in respect of the above Development Consent Order ('DCO') and the proposed acquisition by AQUIND of new rights over the Sainsbury's Farlington store's car park, the freehold of which is held by Sainsbury's Supermarkets Limited.

Our letters of the 6<sup>th</sup> October 2020 and 18<sup>th</sup> December 2020 set out our client's concerns regarding the proposed acquisition of new rights and their objection to these proposals. The purpose of this letter is not to repeat the contents of this correspondence but to highlight Sainsbury's continued concern in respect of the proposed cabling route through the Farlington store's car park.

Following the representations we made in Compulsory Acquisition Hearing 2 (11<sup>th</sup> December 2020) in respect of the availability of an alternative, and less impactful cabling route through utilising Eastern Road at the earliest opportunity, AQUIND's agents responded on the 22<sup>nd</sup> January 2021 advising that they considered AQUIND's proposed route to be the least impactful and were therefore not open to considering alternatives. By way of justification for this position, they highlighted: (i) the number of existing utility services present within Eastern Road's footpath and the highway, and (ii) the fact that works in the highway would result in an impact to road users. It is claimed that both of these impacts could be avoided were the proposed route adopted and therefore the proposed route was rightfully considered the least impactful. This statement is made without any consideration as to the impact on Sainsbury's despite AQUIND advising that they are not able to commit to undertaking works during non-trading periods. Consequently, it is clear that the works will have a significant impact on Sainsbury's store as well as customer's accessibility to the store after 6:30pm.

We respectfully disagree that this is the least impactful route. In support of AQUIND's claim a drawing showing existing utilities has been provided (a copy of which can be found in Appendix 1 of this letter). As is evident from the drawing, the need to cross of a number of utilities is little justification for not utilising Eastern Road given a significant number of existing utility services, if not more, will need to be crossed at Fitzherbert Road under AQUIND's current route proposals. Simply

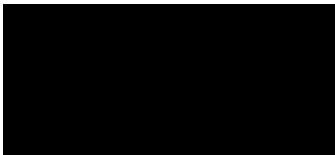
put, if these crossings can be managed at Fitzherbert Road, there is no reason why this challenge cannot be addressed at Eastern Road.

Secondly, undertaking works on the public highway would be less impactful than undertaking works within Sainsbury's car park as there would be greater flexibility in the timing of the works given there would be no need to avoid Sainsbury's trading periods. The works on the highway could be undertaken during periods of the day where traffic volumes are lower, and given the greater availability of construction hours, would be completed quicker than if the works were undertaken on the Sainsbury's Farlington store's car park.

We highlight these points as it is evident that the justification promoted by AQUIND for their proposed route through the entirety of Farlington store's car park is not because it is the least impactful, but because it is the one which is more convenient. An alternative exists which, if adopted, would reduce the interference with a private interest with land. The proposed acquisition is not necessary or proportionate and as such the proposals do not accord with the Ministry of Housing, Communities and Local Government's guidance on procedures for the compulsory acquisition of land under the Planning Act 2008.

We request that the Examining Authority limits the extent of the new rights which can be acquired over the Sainsbury's Farlington store's car park to the southern part of the land and require that AQUIND divert the cables into the public highway at the earliest reasonable opportunity, as presented in our letter of the 18<sup>th</sup> December 2020.

Yours sincerely



**David Conboy**  
Director

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Appendix: Overview of Utilities

