

From: [Barnard, Megan](#)
To: [Aquind Interconnector](#)
Cc: [Maguire, Ian](#)
Subject: Letters sent to Portsmouth City Council, Civic Offices
Date: 06 February 2021 16:38:17
Attachments: [20210206 - PCC Letter to Examining Authority re letters.pdf](#)
[20210206 - Letters.pdf](#)

Good afternoon,

On behalf of Portsmouth City Council (PCC), please see attached correspondence regarding 9 letters from the Planning Inspectorate that have been sent to the Civic Offices address in error.

Kind regards, Meg

Megan Barnard

Head of PMO

Programme Management Office (PMO)

Regeneration Directorate

Portsmouth City Council

Tel: [REDACTED]

Email: megan.barnard@portsmouthcc.gov.uk

Web: www.portsmouth.gov.uk

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Ian Maguire
Assistant Director Planning
& Economic Growth

Floor 4, Core 2-4
Guildhall Square
Portsmouth
PO1 2AL

Phone: 023 9283 4299

E-mail: Ian.Maguire@portsmouthcc.gov.uk

Our Ref: 20210206

Date: 06/02/21

Via email to
aquind@planninginspectorate.gov.uk

FAO the Planning Inspectorate

Dear Sirs,

RE: Letters received from the Planning Inspectorate in relation to Aquind examination

Portsmouth City Council has received 9 letters from the Planning Inspectorate in relation to the Aquind examination dated 21 January 2021 addressed to a number of members of the public who are residents of Portsmouth and not staff or officers of the Council. These are:

- Wendy Delap Brown
- Wan Hing Shum
- Christopher Phillip Saunders
- Janice Langdon
- Julian Lloyd
- Kirsten Mcfarlane
- Marlene Dooley
- Rebecca Winstanley
- Bernard George

It is not clear when the letters arrived at the Civic Offices in Portsmouth, but they only came to the attention of officers concerned with the Aquind DCO on 2 February 2021. The Council acted straight away and identified the correct addresses, despatching 8 of the letters in the post of 3 February 2021. The Council clearly took these steps in the spirit of maximising the enfranchisement of its residents before the Compulsory Acquisition Hearing this month instead of simply reverting to the ExA or Aquind.

The Council understands that all of these persons are allotment holders, save for Julian Lloyd who is on the waiting list for a plot. The Council was able to make contact with Mr Lloyd on 4th February and forwarded the letter on the same day. The Council also notes that all of these persons are included in the Deadline 7 Book of Reference but do not have associated addresses.

In the absence of any explanation from the ExA or Aquind, the Council has inferred that PINS, faced perhaps with a dilemma of how to communicate with affected persons who may have declined to supply conventional contact details, decided to direct correspondence to the Council without more. It is highly regrettable that this issue was not broached with the Council beforehand to seek its views as the Council may have been able to help prevent the delay in duly notifying these affected persons which has now arisen but which has at least been mitigated by the action of the Council in identifying the right addresses and forwarding these important letters in effect on behalf of PINS and Aquind.

It appears from the content of the letters that PINS is reaching out to encourage these allotment holders to provide an email address. Given the apparent lack of email and postal addresses, the Council would have queried whether the applicant had considered using process servers to serve notice on the plots that the interests relate to; these people plainly do not reside at the Civic Offices or attend that address with any regularity. The Council as the ExA will be aware provided assistance to the examination by agreeing to forward pre-arranged land interest questionnaires to its allotment holders having raised the significant oversight that had occurred. The Council however is very troubled that there appears to have been an assumption made that this was somehow an open-ended practice. The Council would point out that it is of course ultimately the applicant's duty to ensure that all affected persons are properly informed and able to exercise their statutory right to be heard at a Compulsory Acquisition Hearing.

In the circumstances it is not clear that adequate and requisite notice will have been afforded to these 8 or 9 affected persons at this time.

The Council has consistently sought to assist the ExA but as noted what has occurred is clearly very troubling and we ask that some form of explanation for what has occurred be provided and for the issues arising to be addressed.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

Ian Maguire
Assistant Director Planning & Economic Growth



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

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WENDY DELAP BROWN
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Customer Services: 0303 444 5000
e-mail:
NIEnquiries@planninginspectorate.gov.uk

Our Ref: EN020022

21 January 2021

Unique Reference: **AQUI-AFP1422**

Project Email Address:
aquind@planninginspectorate.gov.uk

Planning Act 2008 (as amended), Section 89; The Infrastructure Planning (Examination Procedure) Rules 2010, Rules 8(3), 9 and 13; and The Infrastructure Planning (Compulsory Acquisition) Regulations 2010, Regulation 11

Application by AQUIND Limited for an Order Granting Development Consent for the AQUIND Interconnector Project

As you may be aware, the Examining Authority recently issued a letter which gives details of changes to the Examination Timetable, makes Procedural Decisions and provides notification of forthcoming Hearings:

infrastructure.planninginspectorate.gov.uk/document/EN020022-003467

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Alternatively, they have been published to the 'documents' tab on the project page of our website:

infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/?ipcsection=docs.

However, if you are not able to access this information electronically or have any other queries, please contact us on 0303 444 5000 and a member of the Planning Inspectorate's case team will be able to provide you with the relevant details.

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The Planning Inspectorate is seeking to ensure that all Parties are notified of key developments on projects in a timely manner. In order to help achieve this, and to minimise any delays, it would be extremely helpful if Parties could supply us with a contact e-mail address as soon as possible to the project e-mail address: aquind@planninginspectorate.gov.uk

Kind regards

AQUIND Interconnector Project Case Team

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Customer Services: 0303 444 5000
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Our Ref: EN020022

21 January 2021

Unique Reference: **AQUI-AFP1421**

Project Email Address:
aquind@planninginspectorate.gov.uk

Planning Act 2008 (as amended), Section 89; The Infrastructure Planning (Examination Procedure) Rules 2010, Rules 8(3), 9 and 13; and The Infrastructure Planning (Compulsory Acquisition) Regulations 2010, Regulation 11

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Kind regards

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NIEnquiries@planninginspectorate.gov.uk

Our Ref: EN020022

21 January 2021

Unique Reference: **AQUI-AFP1286**

Project Email Address:
aquind@planninginspectorate.gov.uk

Planning Act 2008 (as amended), Section 89; The Infrastructure Planning (Examination Procedure) Rules 2010, Rules 8(3), 9 and 13; and The Infrastructure Planning (Compulsory Acquisition) Regulations 2010, Regulation 11

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aquind@planninginspectorate.gov.uk

Kind regards

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The Planning Inspectorate
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Our Ref: EN020022

21 January 2021

Unique Reference: **AQUI-AFP1328**

Project Email Address:
aquind@planninginspectorate.gov.uk

Planning Act 2008 (as amended), Section 89; The Infrastructure Planning (Examination Procedure) Rules 2010, Rules 8(3), 9 and 13; and The Infrastructure Planning (Compulsory Acquisition) Regulations 2010, Regulation 11

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Kind regards

AQUIND Interconnector Project Case Team

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Our Ref: EN020022

21 January 2021

Unique Reference: **AQUI-AFP1340**

Project Email Address:
aquind@planninginspectorate.gov.uk

Planning Act 2008 (as amended), Section 89; The Infrastructure Planning (Examination Procedure) Rules 2010, Rules 8(3), 9 and 13; and The Infrastructure Planning (Compulsory Acquisition) Regulations 2010, Regulation 11

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aquind@planninginspectorate.gov.uk

Kind regards

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Our Ref: EN020022

21 January 2021

Unique Reference: **AQUI-AFP1348**

Project Email Address:
aquind@planninginspectorate.gov.uk

Planning Act 2008 (as amended), Section 89; The Infrastructure Planning (Examination Procedure) Rules 2010, Rules 8(3), 9 and 13; and The Infrastructure Planning (Compulsory Acquisition) Regulations 2010, Regulation 11

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Kind regards

AQUIND Interconnector Project Case Team

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Our Ref: EN020022

21 January 2021

Unique Reference: **AQUI-AFP1362**

Project Email Address:
aquind@planninginspectorate.gov.uk

Planning Act 2008 (as amended), Section 89; The Infrastructure Planning (Examination Procedure) Rules 2010, Rules 8(3), 9 and 13; and The Infrastructure Planning (Compulsory Acquisition) Regulations 2010, Regulation 11

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aquind@planninginspectorate.gov.uk

Kind regards

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Customer Services: 0303 444 5000
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NIEnquiries@planninginspectorate.gov.uk

Our Ref: EN020022

21 January 2021

Unique Reference: **AQUI-AFP1386**

Project Email Address:
aquind@planninginspectorate.gov.uk

Planning Act 2008 (as amended), Section 89; The Infrastructure Planning (Examination Procedure) Rules 2010, Rules 8(3), 9 and 13; and The Infrastructure Planning (Compulsory Acquisition) Regulations 2010, Regulation 11

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Kind regards

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The Planning Inspectorate
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Our Ref: EN020022

21 January 2021

Unique Reference: **AQUI-AFP1273**

Project Email Address:
aquind@planninginspectorate.gov.uk

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National Infrastructure Planning
Temple Quay House
2 The Square
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Customer Services: 0303 444 5000
e-mail: aquind@planninginspectorate.gov.uk

Mr Ian Maguire
Assistant Director Planning & Economic
Growth
Portsmouth City Council

Your Ref:

Our Ref: EN020022

Date: 10 February 2021

Dear Mr Maguire,

Application by AQUIND Limited for an Order granting Development Consent for the AQUIND Interconnector Project

Thank you for your letter dated 6 February 2021 regarding our letters to Affected Persons that were sent care of Portsmouth City Council.

Firstly, thank you for forwarding the letters to those individuals. It is assumed that they would have received the letter by 5 February 2021, so have now been notified of the forthcoming Hearing arrangements.

Shortly before we issued the notification of Hearings letter in January 2021, the Applicant provided a list of additional Affected Persons whom they had added to the Book of Reference, including their contact details. This enabled us to write to all Affected Persons to inform them of the Hearing arrangements. In that list, the Applicant identified the following persons with an address as 'c/o Portsmouth City Council':

- Wendy Delap Brown;
- Wan Hing Shum;
- Christopher Phillip Saunders;
- Janice Langdon;
- Julian Lloyd;
- Kirsten Mcfarlane;
- Marlene Dooley;
- Rebecca Winstanley;
- Bernard George.

As I am sure you appreciate, it is not the Inspectorate's responsibility to check each name and address listed in the Book of Reference (BoR); it is the Applicant's responsibility to ensure that the BoR is updated as ongoing diligent inquiry continues. In writing to Affected Persons, the Inspectorate has used the information that was provided to us. As such, we consider that we have fully complied with our obligations under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010.

We understand that discussions had taken place between the Applicant and Portsmouth City Council in relation to identifying allotment holders at Eastney and Milton Piece for inclusion in the BoR as tenants of Portsmouth City Council. We further understand that Portsmouth City Council agreed to forward land interest questionnaires to these tenants and that the completed questionnaires helped inform the updated BoR at Deadlines 6 and 7. However, the Inspectorate was rightly not party to those discussions, so we were unaware what arrangements were agreed for forwarding any future correspondence to any additional Affected Parties that had not provided postal or e-mail addresses. As such, any concerns you have relating to this matter should be pursued directly with the Applicant.

We would note that, in terms of the 9 individuals listed above, Ms McFarlane is already listed to speak at Compulsory Acquisition Hearing 3 (CAH3). Additionally, we have been notified that Mrs Dooley is likely to be speaking on behalf of her husband, Mr Sydney Dooley (also an Affected Person) at CAH3. As such, we are content that both of these parties were aware of CAH3.

We are concerned about the situation regarding Mr Julian Lloyd's presence in the BoR. As we understand it from your letter, he does not currently rent an allotment but is on the waiting list for one. Under those circumstances, he does not appear to qualify as an Affected Person under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. It is for the Applicant to decide whether Mr Lloyd, and any other persons in a similar situation that do not currently have a legal interest in the land that is subject to the Proposed Development, should be removed from the BoR at Deadline 8 (1 March 2021).

In terms of the remaining six persons listed above, we are not in possession of their postal or e-mail addresses, or telephone numbers. We can only assume that they chose not to provide them during the Applicant's inquiry process. As such, we are unable to contact them directly. In terms of their right to participate in CAH3, the deadline for confirming attendance (Deadline 7b) has passed (1 February 2021). However, in view of the circumstances, the Examining Authority has indicated that it would be happy to accommodate them at CAH3 if they wish to speak on matters relating to their interest in the land at the allotments. To do so, they would need to let us know as soon as possible, using the details in the letterhead above. We are likely to be issuing joining instructions for CAH3 the day before the event, on Thursday 18 February 2021. It is also open to any Affected Person to prepare a written submission by Deadline 8 (1 March 2021), and this would carry equivalent weight to any oral evidence provided at a Hearing.

If you are in contact with these six persons, we would be grateful if you could relay this to them. As matters stand, any future correspondence with them will automatically be sent care of Portsmouth City Council. To reduce any administrative duties for your team, please could I encourage you to liaise with the Applicant to agree alternative entries for those in the BoR with no contact details.

We will publish a copy of your letter, together with this response, to the project page of the Planning Inspectorate's website.

We hope this response is of assistance.

Yours sincerely

Hefin Jones

Hefin Jones
Case Manager



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Mr Ian Maguire
Assistant Director Planning & Economic
Growth
Portsmouth City Council

Your Ref:

Our Ref: EN020022

Date: 11 February 2021

Dear Mr Maguire,

Application by AQUIND Limited for an Order granting Development Consent for the AQUIND Interconnector Project

Following the publication of our letter dated 10 February 2021, several misunderstandings have come to light. As such, the purpose of this letter is to correct two inaccuracies.

Firstly, the letter was incorrect in suggesting that the Applicant provided addresses for the nine listed parties as 'care of Portsmouth City Council'; the Applicant was not in possession of those addresses and, as such, the information for those individuals was left blank on the spreadsheet that the Applicant helpfully provided. We have now ascertained that, with no contact details for those individuals in the Book of Reference and with no means for the Inspectorate to contact those parties directly, the best means of trying to engage those parties was considered to be through their landlord, Portsmouth City Council. In the event, you kindly forwarded those letters, so contact has at least been ensured. Please accept our apologies for not agreeing this administrative role in advance of sending the letters to you.

Secondly, we can confirm that although Mr Sydney Dooley has asked to be represented at CAH3, it is not by Ms Marlene Dooley.

We do hope that these misunderstandings have not caused any serious confusion or inconvenience.

We can confirm that the remaining matters remain relevant as set out in our letter of 10 February 2021.

As requested, if you are in contact with the six parties previously listed, and now, in addition, Ms M Dooley, we would be grateful if you could relay the information about the Compulsory Acquisition Hearing to them. As matters stand, we will be unable to send any future correspondence to them, unless the Applicant is able to ascertain their contact details and add these to the Book of Reference, or if you could agree to

continue to receive and forward correspondence on their behalf. I would be grateful if you could inform me as soon as possible if the latter course of action is possible.

Once again, please accept our apologies for any confusion, and trust this updated information is of assistance.

Yours sincerely

Hefin Jones

Hefin Jones
Case Manager