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# FREETHS

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## APPLICATION BY AQUIND LIMITED

### DEADLINE 8: WRITTEN STATEMENT ON BEHALF OF THE UNIVERSITY OF PORTSMOUTH

1<sup>ST</sup> MARCH 2021

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#### Introduction

1. This Statement has been prepared on behalf of the University of Portsmouth (“UoP” or “the University”) as a written summary of the statement given at the Issue Specific Hearing on Thursday 18<sup>th</sup> February 2021. It also provides an update to the Examining Authority on discussions between the University and the Applicant and the final position at this deadline stage.

#### Position

2. We have reviewed the mitigation and method statements offered by the Applicant in the context of our written submissions and appearances to date on behalf of the University.
3. This is also in the context of the Deadline 7 submission of the Onshore Outline Construction Environment Management Plan (“OOCEMP”) (Document 6.9 dated 25<sup>th</sup> January 2021) and the updated Framework Management Plan for Recreational Impacts (“FMP”) (Document 7.8.1.13 dated 12<sup>th</sup> February 2021) that we received direct from the Applicant by email on 15<sup>th</sup> February 2021.
4. We also held a meeting with the Applicant’s team on Monday 15<sup>th</sup> February 2021. This followed an email response from them on 22<sup>nd</sup> January 2021 to our 21<sup>st</sup> December email 2020. The email exchange is provided as **Appendix 1** to this Statement. This records the Applicant’s commitment to ensure that if a joint bay is required on University land that it would be located in the south east corner and that there is to be no vehicular access over the pitches for maintenance (save for a cable fault). It also adds that the Applicant envisages that works can be undertaken where necessary without the haul road. Following this exchange there have been ongoing discussions between the University and Applicant, but no further agreement has been reached.
5. From our review of the relevant documents and as fed back to the Applicant’s team on Monday 15<sup>th</sup> February 2021, our position is that the mitigation measures and method statements do not ameliorate or alleviate the University’s earlier concerns regarding the impact on sports pitch provision and operation on this eastern parcel of the playing field land.
6. The reasons for this are:
  - All three pitches remain in the Order Limits which needs to be this wide to accommodate construction and associated works.

- All three pitches are to be used outside of the University term time period during the summer for the reasons explained to the Examination to date. This includes as a Women's Euro 2022 tournament training base where all playing fields and pitches are to be made available for use. A more recent offer by the Applicant to avoid work during this period and commence in September 2022 will then only impact on the University's normal usage.
  - We appreciate acceptance of our proposal to keep the works as far to the eastern extent to minimise impact which is reflected in the indicative temporary works area shown on Plate 4 of the FMP. We also appreciate the proposal in the OOCEMP to prepare and agree a Construction Method Statement before works commence. It is also helpful that the haul road now appears to be unnecessary based on the confirmation provided in the applicant's email of 22nd January 2021.
  - However, we understand from the Applicant that the works in the indicative temporary works area are subject to future geo-technical investigations and analysis by the appointed contractor should this Order be confirmed. As the geo-technical investigations have not been undertaken and a contractor has not been appointed this cannot be offered as a firm commitment which is why the temporary works area remains indicative and the Order limit is unchanged.
  - The indicative status of the temporary works area within the Order Limits boundary and additional investigations and advice needed therefore leaves a significant question mark over the Applicant's ability to reduce the impact on sports facilities as promised in the OOCEMP and FMP.
7. We therefore have to assume a worst case scenario position in terms of the temporary recreational and operational disturbance which will occur due to their continued presence in the Order Limits and recommend the Examining Authority forms the same conclusion.
8. If you view the pitches on Plate 4 and 5 of the FMP, dealing with each pitch in turn it is reasonable to form the following conclusions:
- **Northern Football Pitch:** this will be unavailable for a minimum of 4 weeks during the University term time. It will also be unavailable for 8 weeks during the summer when it is needed for other activities and commitments. No impact will occur if work is focused on the temporary works area but this is uncertain for the reasons explained. As half of the pitch is in the works area and there is no space to potentially realign we have to conclude the pitch will be unavailable for the construction period of between 12-16 weeks as a minimum.
  - **Middle or Northern Rugby Pitch:** the alignment and position of this pitch means that it extends into the temporary works area and cable route. As there is insufficient space to the west of the pitch for realignment, this pitch will be completely unavailable for the construction period of between 12-16 weeks as a minimum.
  - **Southern Rugby Pitch:** we note the additional layout analysis presented in the PSD report (Appendix 3 of the FMP) which includes a potential temporary pitch layout (see Plate 3 and Appendix 2 of the PSD report) that avoids the indicative cable route and works area but keeps the pitch in the Order Limits area. The ability to deliver this realignment and keep

the pitch open relies on works being kept to the east, but this does offer some potential to maintain a pitch in this location. Based on the dimensions presented it does however appear that the realigned pitch is too small compared with the minimum distances recommended for rugby pitches (see as a guide: <https://www.harrodssport.com/advice-and-guides/rugby-pitch-dimensions-markings>).

9. The University has no objection in principle to the proposal to use Big Roll Turf as a form of pitch reinstatement but does not believe this offers any assurance about pitch reinstatement. Based on the advice received by the University's specialist pitch advisor, the success of this method relies on a number of variables. Irrigation or rather the ability to provide adequate irrigation is key whichever turf is laid. The advice then continues that how well the turf is rooted and if it is stable would need to be assessed by inspection and in normal events would suggest lighter than normal use for the first winter. The advisor has also stated that if no post construction drainage is envisaged, then it may be that restricting use over the disturbed area will be required to allow soils to settle and some form of natural drainage return. Deep spiking for the first couple of seasons, to alleviate any compaction of soils will be vital according to the University's specialist.
10. This advice indicates that whilst technically possible, there are a series of influences affecting whether this form of pitch restoration can be successful or not and there may also need to be some restriction on activity in during the settlement period. This indicates the potential limitations of this restoration method.
11. We have also noted the comments added to the latest version of the FMP on the condition and perceived usage of the pitch following the PSD survey (see FMP paragraph 4.2.3.4). This suggests the pitches have not been used for the past 2 years and have been damaged by Brent geese activity. This infers although it is not stated in the submissions that the pitches are not as well used as we present and/or are not in a good condition. We can reassure the Examining Authority that the pitches were used to their capacity by the University pre pandemic. The current usage and lack of pitch markings is as a result of the pandemic. The pitches remain managed and available for use by elite sports for training which is permissible under current lockdown rules. We therefore strongly disagree with the implied statement of under-use and poor condition in the FMP.

## **Conclusion**

12. We recognise the progress made by the Applicant in addressing some of the University's original concerns including the effect on the western pitches through the modification of the Order, seeking to focus works on the eastern boundary and now envisaging no need for a haul road. However, the University has to maintain its objection to the current proposed Order based on the unmitigated impact demonstrated in the submissions particularly on the northern and middle pitches and the potential realigned southern pitch being smaller than is recommended. This is underpinned by the uncertainty regarding the ability to achieve the mitigation proposed where the affected land is still retained within the Order and subject to the Applicant needing to undertaken further investigations and seek additional advice.
13. We trust this clearly explains the University's position and look forward to being notified of the decision in due course.

**Mark Harris**  
**Partner, Planning & Environment Group**  
**Freeths LLP**



## Mark Harris

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**From:** O'Sullivan, Alan (Avison Young - UK) <Alan.O'Sullivan@avisonyoung.com>  
**Sent:** 22 January 2021 15:33  
**To:** [REDACTED]  
**Subject:** FW: Aquind Interconnector Project - University of Portsmouth  
**Filed:** -1

Mark,

With apologies for the delay in getting back to you, please see the response to the points raised in your email of 21 December below in **red**.

Happy to have a call next week, or tomorrow evening if suits, to discuss this further.

Best regards,

Alan  
[REDACTED]

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**From:** Mark Harris <[Mark.Harris@freeths.co.uk](mailto:Mark.Harris@freeths.co.uk)>  
**Sent:** 21 December 2020 15:54  
**To:** O'Sullivan, Alan (Avison Young - UK) <Alan.O'Sullivan@avisonyoung.com>  
[REDACTED]  
**Subject:** [SUSPICIOUS MESSAGE] Aquind Interconnector Project - University of Portsmouth

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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.

**In previous meetings with Fiona, we discussed HDD as being the alternative approach to open trenching but there was never an intention to install the cables at UoP by HDD. HDD is only used where there are significant technical or environmental constraints which mean open trenching cannot be undertaken. The HDD Position Statement Note which provides more information on this point, including the areas where HDD is being utilised along the route and the various drivers underpinning the selection of HDD in those locations is available at this link ( <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-001631-7.7.3%20HDD%20Position%20Statement%20WQ%20CA1.3.71.pdf> ). It should also be noted that HDD takes longer than open trenching and requires a significant compound at either end of the HDD. The**

easement width for a HDD is also significantly wider than that for open trenching, likely to be up to ~40m for some of the HDDs being proposed given each of the 4 no. cables required their own bore to ensure thermal independence.

- **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.

The installation of the cables by open trenching will require approximately 650m of trenching on University land (325m per circuit). The project is working to conservative installation rates of 150m/week in non-highway land which would mean that installation could take place in approximately 4-5 weeks with reinstatement taking place thereafter. In the event a joint bay was required at the south eastern corner of the University's land it is anticipated this would take a further 4 weeks, but those activities would be limited to the vicinity of the joint bay only. Further work is taking place to determine the most appropriate method of reinstatement, including likely timescales. This includes pitch surveys by an agronomist which are taking place today.

In relation to Euro 2022, can the University clarify whether it would be more likely that the 4 no. football pitches at the western side of the campus would be used rather than the 2 no rugby pitches at the eastern side of the campus?

- **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.

**Noted.**

- **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.

On further assessment it is envisaged the works can, where necessary, be undertaken without a haul road and would require a construction corridor approximately 10m wide, subject to detailed design. This could be accommodated to the east side of the southern rugby pitch if it was moved a few metres further west. It will be necessary to trench through the middle pitch but it would be possible for the remainder of the middle pitch west of the construction corridor to still be used whilst the installation and reinstatement works are taking place. The cable route would not affect the 5 a side pitch north of the middle rugby pitch.

- **Section 5:** this should state that mitigation is not feasible as per Section 4. AY is unable to propose mitigation not UoP.

The temporary relocation of the southern rugby pitch a few meters further west would ensure it could continue to be used while the works are taking place where the cable and temporary works can be kept along the eastern verge of the playing fields. It will be necessary to trench through the eastern end of the middle pitch, but similarly if the area of works can be refined following geotechnical investigation, it would be possible for the remainder of the middle pitch west of the construction corridor to still be used whilst the installation and reinstatement works are taking place.

- **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.

The haul road would result in a construction corridor approximately 23m wide. Without using the haul road it will be possible to reduce the construction corridor to approximately 10m wide. This would require reinstatement and the surveys taking place today will inform the best method and likely timescales.

- **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.

**I am happy to confirm that if a joint bay is required on UoP land it would be located in the south east corner of their land. It is not envisaged there would be a need for a joint bay in the northern part of the UoP land as the intention is to have one in the southern part of Milton Common instead.**

- **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.

**I can confirm there would not be any vehicular access over the pitches for maintenance. The only exception would be if a cable fault occurred which required the specific location of the fault to be excavated for a repair to take place. This would be extremely unlikely (generally only if a cable is struck by an external influence such as an excavator) given the cables are tried and tested technology.**

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. **The open trenching solution at the very eastern edge of the University's land minimizes the risk for the University in this regard as it has the smallest footprint and is generally kept to the extremities of the University's land ownership.**

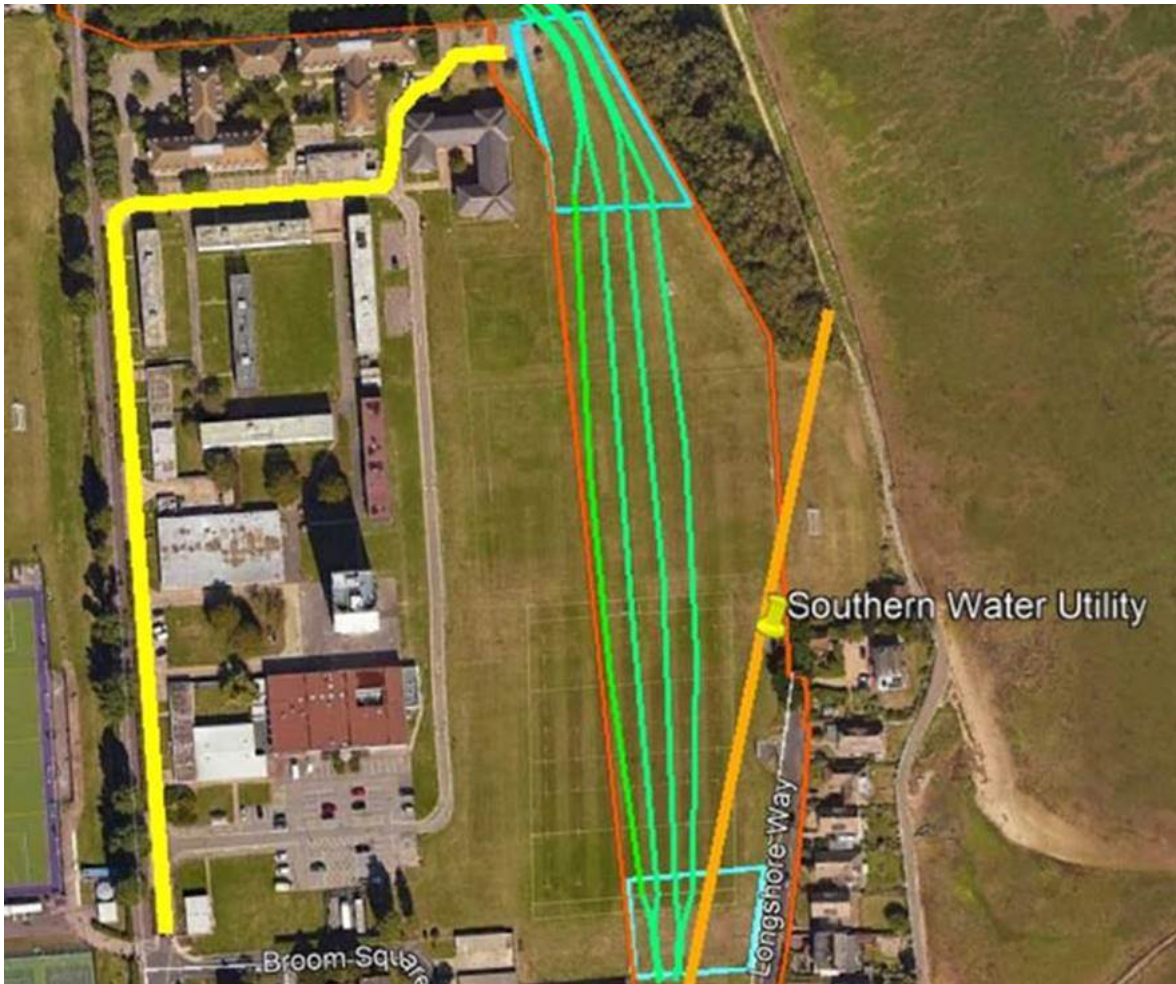
Arising from the note and as identified in our submission to Open Floor Hearing 1, we would welcome your further comments on the following matters:

- **HDD –v– 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.

**HDD has not been considered in detail in this area because it is not necessary. HDD is not without implementation risks and the standard approach to cable installation on the Aquind project and projects like Aquind is to avoid HDD unless its implementation is absolutely necessitated by technical or environmental factors. Notwithstanding this, to aid visualisation, I have provided an indicative layout for a HDD as shown below. The presence and location of the Southern Water Pipeline results in the HDD taking place from west of the pipeline to remove any risk of the HDD encountering it or impacts on the cables if Southern Water were to carry out work in this area again in the future. The southern and northern compounds are shown by the blue outlines and the access route for construction traffic to the northern compound is shown in yellow. Each of the 4 no. bores (one for each HVDC cable) is shown in green.**

**It should be noted that the Easement for the HDD, as shown below, would cover an area of approximately 8600m<sup>2</sup> compared to approximately 3400m<sup>2</sup> for the open trenching installation (assuming 325m length x 10.4m easement width). There is also a potential that the easement for open trenching could be narrower depending on the specification of the cable manufacturer chosen and the installation depth of the cables, which in turn determines separation distances.**





- 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? **The Onshore Electric and Magnetic Field Report demonstrates the Electric Field is contained by the sheath surrounding the cable and the Magnetic Field is significantly below guidance levels. Indeed the natural Electromagnetic Field from the earth is higher than that from the cables. As such the is not envisaged to be any impacts on the link. If the University is able to provide any further technical information in relation to the IMS link above what has been provided to date Aquind’s engineers will consider it. However unless there is a technically underpinned need, Aquind will provide an indemnity in relation to the link because there is no evidenced need for this.**
- 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?

**We believe that realignment is a realistic prospect for the southern rugby pitch and will be achievable, though we will await the results of the surveys undertaken yesterday and the inputs from the agronomist in this regards. As mentioned above, it will be necessary to trench through the eastern end of the middle pitch but it would be possible for the remainder of the middle pitch west of the construction corridor to still be used whilst the installation and reinstatement works are taking place. The cable route along the eastern verge would not affect the 5 a side pitch north of the middle rugby pitch.**

- 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?

**I have provided an indicative overview of the land required for the open trenching solution below. This would be subject to detailed design but is confirmed to be achievable from an engineering perspective. Given the construction corridor and easement widths are both approximately 10m wide I have shown this using a single area (shaded in blue below).**



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. **If you can advise of a time for a call next week we will be happy to discuss further.**

Regards,

Mark

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**Mark Harris**

Partner

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