

Date: 1 March 2021

Application by Aquind Limited for a Development Consent Order for the 'Aquind Interconnector' electricity line between Great Britain and France (PINS reference: EN020022)

Mr. Geoffrey Carpenter & Mr. Peter Carpenter, in relation to Little Denmead Farm

Registration Identification Number: 20025030

Open Floor Hearing 3 Speech By Mr Henry Brice of Ian Judd & Partners

Submitted in relation to Deadline 8 of the Examination Timetable

Open Floor Hearing 3 Speech By Henry Brice

Friday 19th February 2021 10.00

Good Morning,

I am partner of Ian Judd and Partners, Rural Surveyors, Valuers and Land Agents, practising in South Hampshire. We act on behalf of Peter and Geoffrey Carpenters, as well as other affected landowners.

I choose this open floor hearing as most appropriate forum to express my views of the Applicant's approach, after having also provided my expert evidence on the fundamentally flawed evaluation by the Applicant of CPO compensation and the status of private negotiations, and will not repeat those here.

I have been the professional contact for the Carpenters for the last 4 – 5 years in relation to what is happening 'on the ground' and so am well-placed to evidence the absence of Aquind's taking of any reasonable steps or exploring all reasonable alternatives to compulsory acquisition, and also its u-turn to – out of the blue – now want to acquire Stoneacre Copse.

I have been the one that the Carpenters call multiple times a week for the last 4 years to voice their stresses and concerns about this project. This is having a major impact on their wellbeing.

I am also the one who has witnessed first hand the Applicant's behaviour towards my clients.

Therefore, for the purposes of efficiency, I would like to take this opportunity to talk about three key matters:

1. The Applicant's addition of Stone Acre Copse within the DCO without any Prior notification or engagement with the Landowners,

2. 96% of affected landowners 49 out of 51 have not agreed voluntary terms.
3. Aquind's lack of communication, respect or apparent awareness of the impact the scheme and the constant threat of CPO is having on Landowners .

1. Stoneacre copse

The Applicant stated a few years ago that it did not want to acquire Stoneacre Copse. I am surprised that it 5 month into the statutory Examination Period that it now '*needs*' to acquire rights on that extra land outside of the red line of the Order limits.

We were most disappointed that Stone Acre Copse is now proposed to be included with the DCO. At an early meeting with the Applicant's agent – Mr O'Sullivan - before the submission of the DCO , he himself made it clear to us that the Applicant did not want acquire the Copse at all, and had no need for it, in particular *because* its inclusion would attract additional management costs for the developer.

It was the Applicant's view that the copse is an ancient woodland and the Landowners cannot remove it, therefore why would the Applicant want to pay for it.

This approach was supported by the Landowners as the copse has special sentiment for them, as a special place, [REDACTED]
[REDACTED]

Subsequently, and somewhat surprisingly, most recently in December 2020 the Applicant, without informing the Landowners in advance, revised its plans and now want to compulsorily acquire rights over this special place to manage the woodland, which they previously expressed they did not want or need.

This special area is of significant importance to the landowners and do not wish for it to be altered by the Applicant. The Applicant's agent did not make any contact with me about this.

There has been absolutely no discussion with me or the Landowners to try to avoid using compulsory acquisition powers in relation to Stoneacre Copse.

Since the publication of its requested change Aquind have not even explained to anyone why they did not try to engage with us in the first place to avoid this action. There has also been zero effort by Aquind r to make any attempt to acquire the rights by agreement. Aquind, yet again, have shown no attempt to reach agreement they are content to rely solely on their compulsory purchase rights as if they entitled to do so as a measure of first resort, rather than as a measure of last resort.

As a result, the landowners have been forced into continuing to object to the DCO and incurring the expenses of their formal objections.

2. Aquind have failed to reach Voluntary agreements with 96% of affected Landowners and Occupiers

The Statement for Reasons, Appendix C Table 2, which was amended at Deadline 7 confirms that despite the applicants alleged negotiations with landowners only 2 of the 51 affected landowners or occupiers have agreed to Heads of Terms and not a single option have yet been completed. That is 96% of affected landowners have, by the applicants own evidence, not signed up to the terms offered. Given the nature of the Heads of Terms, the only negotiable term is consideration/value and as such if 96% of the willing sellers believe the value to not sufficient. I conclude the Applicant has mis-valued Land Acquisition Costs.

3. Aquind's failure to have explored "all reasonable alternatives" to compulsory acquisition

Beyond the monetary costs is the emotional cost to the Carpenter's of this scheme.

Aquind' s communication has been terrible.

At every opportunity Aquind's agents threaten compulsory purchase.

The Aquind are using 'scare tactics', trying to pressure me and the Carpenters into rolling over out of 'fear' to accept Aquind's terms which substantially undervalue the land, using a flawed evaluation and excluding the market value for commercial telecommunications also (see Mr Stott's evidence).

Their Agent is rude, contemptuous, and shows no understanding or care about the impact that the scheme is going to have on the Landowners affected. He is also either deliberately mis-characterises my Clients' case or does not understand it in presenting matters to the ExA.

At no time ever, has Aquind approached my Clients or me to even begin to discuss alternatives to acquisition permanently or temporarily rights including reinstatement of my Clients' farm after construction to enable continuation of the farming activity undertaken at Little Denmead Farm.

In reality, the Carpenters are losing their family home of 80+ years. The access road is going within 60m of Mr Carpenters Caravan, the stress and toll of having compulsory purchase enforced upon them. Yet Aquind do not respond to communication from me for many many months, they send draft Heads of Terms without any explanation or engagement on as to why they are proposing those terms.

They rely on the threat of using statutory powers to undertake surveys, without any real attempt to first reach an agreement with

the Carpenters on mutual terms . For example, on 14th September 2020 they once sent me a draft access licence and only gave me less than 24 hours to negotiate it otherwise they threatened to use statutory powers to force their way on to the land.

Aquind are using strong arm tactics and act as if they already have a DCO granted – but they do not.

Aquind is trying to scare the Carpenters by behaving as if they already have this DCO in the bag and as if Aquind is somehow entitled to behave in this way. They know that farmers and lay people would not know the first thing about how DCOs work and that is why the Carpenters have been forced to spend a lot of money to engage lawyers to help them make sense of why they are being treated like this by Aquind.

Aquind is trying to strong-arm the landowners to sell part of their land for less than its worth, for their own profits.

They are unwilling to communicate with the landowners legal and professional representatives to try to move the matter to a conclusion. Aquind has not paid outstanding fees, they have refused undertakings and appear being set on relying on Compulsory Purchase Powers, yet play lip service to the examining authority to try and hoodwink the Sectary of State into believing they have tried to buy the land and rights by agreement, which they have clearly failed to do.

So I would like to conclude with this thought – will THIS examining authority turn a blind eye to Aquind's behaviour?

Or will it please properly scrutinise what Geoffrey, Peter and myself are saying to you – that these bullying tactics need to please stop?

Proper engagement needs to begin as soon as possible with the Carpenters without the constant threat of compulsion at every stage.

