

SPR EA1N and EA2 PROJECTS



SASES DEADLINE 2 – COMMENTS ON EXQ 1 RESPONSES - 1.9 LAND USE

Interested Party: SASES

IP Reference Nos. 20024106 and 20024110

Issue: 1

Reference	Question	Response	Comment
1.9.7	<p>Agriculture: land take effects</p> <p>Table 21.8 [APP-069] defines high, medium and low magnitudes of impact, with reference to permanent loss of more than 10ha or temporary loss of more than 20ha of Grade 4 land as having a low impact, and with a small area (less than 1000m²) permanently lost having a negligible impact.</p> <p>Table 21.9 [APP-069] shows significance of impact and paragraph 48 states that “The assessment of impact significance is qualitative and reliant on professional experience, interpretation and judgement.”</p> <p>Please provide further detailed justification for how the magnitude of impacts of loss of best and most versatile agricultural land is determined: in particular –</p>	<p>a) Medium to long term loss of 20ha of land is regarded as medium magnitude instead of high due to the emphasis on the impact being of a temporary nature as opposed to permanent. Permanent loss of 20ha or more is regarded as a high magnitude. The Applicants also refer to the Land Use Clarification Note (ExA.AS-11.D1.V1) submitted at Deadline 1.</p> <p>b) The Applicants are in discussion with all landowners of agricultural holdings affected by severance as a result of the Projects. Access for farm vehicles to land severed by the Projects would be maintained where practicable in consultation with and subject to agreements with individual landowners and occupiers and adherence to safety procedures. Where necessary, crossing points would be agreed pre-construction. Access to individual fields would be determined as part of the Applicants’</p>	<p>The loss of BMV land at the substation site is permanent given the operational life of the applicants substations and the National Grid connection hub as noted in the applicants answer to ExQ 1.9.8.</p>

	<p>a) why do you consider that a medium to long term loss of 20ha of land is to be regarded as a medium magnitude impact rather than a high magnitude impact?</p> <p>b) How is severance, whether temporary or permanent, taken into account, particularly severance associated with smaller agricultural holdings?</p> <p>c) how does the methodology assess smaller agricultural or other holdings for which a 10ha permanent loss or a 20ha temporary loss would be seen by the owners and/or occupiers as having more than a negligible impact?</p>	<p>detailed design and pre-construction planning. It is however likely that relatively small areas or strips of land would be affected.</p> <p>c) In undertaking an EIA, judgement on impact is always related to scale, the impact on an individual receptor will clearly be greater if judged at the scale of that receptor rather than the wider class of receptor. For example, loss of 20m of a 30m hedgerow would be a major magnitude for that hedgerow, but not for the wider resource. Similarly, the land use assessment cannot be undertaken on the basis of impacts upon individual landholdings. It is also worth highlighting that the Applicants are in discussion with affected parties</p> <p>through land agreements to agree compensation, future land use and reinstatement and the end of the life cycles of the Projects.</p> <p>d) The Applicants have not assessed individual landholding affected by the Projects. For the purpose of EIA, the Applicants have identified the total worst-case footprint of the onshore development area and ascertained the total loss (ha) of agricultural land for each ALC (Table 21.12 of Chapter 21 Land Use (APP-069)).</p>	
1.9.8	Agriculture: land take effects	a) This refers to farms within Suffolk as a whole. The Applicants also note that	Given the Applicant's understating the impact on land during operation we

	<p>Paragraph 63 [APP-069] says that farms range in size from 5ha to more than 100ha:</p> <ol style="list-style-type: none"> 1. a) is this within Suffolk as a whole, or is this referring to farms with land within the onshore development area? 2. b) what size is each landholding affected by the project? and 3. c) bearing in mind the quality of land affected by the project, what is the significance of the impacts of the project on such landholdings during construction, operation and decommissioning, and in combination with the other East Anglia project? 	<p>paragraph 63 states that “<i>farms range in size from less than 5ha to more than 100ha</i>”.</p> <p>b) The Applicants have not assessed individual landholdings affected by the Projects. For the purpose of EIA, the Applicants have identified the total worst-case footprint of the onshore development area and ascertained the total loss (ha) of agricultural land for each ALC (Table 21.12 of Chapter 21 Land Use (APP-069)). Also see response to ExA Question 1.9.7 c) above.</p> <p>c) The impact during construction is no greater than minor adverse (section 21.6.1 of Chapter 21 Land Use (APP-069)).</p> <p>The operation phase, and therefore permanent, land take for one Project is 33.59ha (onshore substation and National Grid Infrastructure including landscaping). The cumulative land take for both Projects (both onshore substations and National Grid infrastructure including landscaping) is 37.2ha. Whilst the sensitivity of the Grade 2-3 agricultural land has been assessed as high, the magnitude of impact is low due to the total area lost representing 0.01% of Suffolk’s total farmed resource. In the context of the county, the residual impact is assessed to be of minor adverse significance. As described in the Land Use Clarification Note submitted at Deadline 1 (ExA.AS-11.D1.V1),</p> <p>the local level impact significance is major adverse. This does not materially affect the primary mitigation which will involve the</p>	<p>question the assessment of impact on land use during construction</p>
--	---	--	--

		<p>Applicants entering into private agreements with relevant landowners/occupiers within the study area shown in Figure 21.1 (APP-268) regarding compensation, future land use and reinstatement and the end of the life cycles of the Projects.</p> <p>No decision has been made regarding the approach to final decommissioning for the onshore infrastructure as it is recognised that industry best practice, guidance and legislation change over time.</p> <p>For all three substations (East Anglia TWO, East Anglia ONE North and the National Grid substation) the permanent cumulative land take would be 37.2ha (which includes 22.78ha of landscaping). The cumulative impact of the Projects is no greater than minor adverse (section 21.7.1).</p>	
1.9.9	<p>h) Please explain how the test in paragraph 5.10.8 of the NPS is satisfied in respect of the choice of connection point, the cable route and the related infrastructure (re- working agricultural land calculations if necessary to do so).</p>	<p>Paragraph 5.10.8 of NPS EN-1 states <i>“Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations.”</i></p> <p>During the site selection process the Applicants assigned weighting to Agricultural Land Classifications as described in Appendix B of Appendix 4.2 Red Amber Green (RAG)</p>	<p>As stated in SASES’s Written Representation – Site Selection, the site selection process is flawed both in respect of the applicants NSIPs and the National Grid NSIP.</p> <p>This response proves the point.</p> <p>The permanent loss of approaching 40 ha of BMV land is a major impact and the applicants have not sought to minimise impacts on BMV land contrary to paragraph 5.10.8 of EN-1</p>

		<p>Assessment for Onshore Substations Site Selection in the Sizewell Area (APP-443). Grade 1 was assigned red, Grade 2 and 3 amber and Grade 4 green which reflect the BMV ALC classifications. This formed part of the Applicants' quantitative site selection assessment alongside other site constraints.</p> <p>The amount of BMV land within the entire onshore development area as a percentage of total BMV land in Suffolk is 0.14%. This is negligible in the context of Suffolk's regional farming resource. There is no agricultural land of the highest quality (Grade 1) within the proposed onshore development area. It is the view of the Applicants therefore that the NPS has been complied with.</p>	
1.9.13	<p>Agricultural impacts: magnitude and duration</p> <p>Section 21.4.3 and tables 21.8, 21.9 and 21.10 [APP-069] refer to the magnitude and significance of impact on a receptor.</p> <p>Referring to the landfall and the onshore cable route, paragraph 112 states that "[t]he magnitude of effect is considered to be negligible given that there is no permanent change to land use for the onshore cable route and landfall, with only temporary restriction to agricultural activities ...". Please:</p>	<p>a) Yes, this refers to the magnitude of the impact.</p> <p>b) As described in Table 21.8 of Chapter 21 Land Use (APP-069), a temporary time period is defined as less than five years.</p> <p>c) The restriction on agricultural activities is temporary because there would be no above ground infrastructure at the landfall and onshore cable route, therefore impacts occur only during construction. There will be no permanent change to land use for the onshore cable route and landfall during operation.</p>	<p>(b) and (c) Given the lack of clarity over whether construction will take place concurrently or consecutively and that there may be a gap between projects it would seem difficult for the applicant to say with certainty that the overall duration of construction from the commencement of one project to the completion of another project will only be five years</p>

	<p>a) confirm that you are referring to the magnitude of impact;</p> <p>b) explain what time period constitutes temporary; and</p> <p>c) explain why the restriction on agricultural activities is only temporary.</p>		
1.9.15	<p>Agricultural impacts: land drainage</p> <p>Paragraph 133 [APP-069] refers to impacts on land drainage and says: “[d]rains are likely to be at a depth of between 0.5m – 1.5m, made of ceramic, plaster or other appropriate materials ...”.</p> <p>a) Do you mean similar materials?</p> <p>b) How would the drains be located?</p> <p>c) What measures will you take to ensure when you truncate the drainage systems temporarily that you do not cause flooding?</p> <p>d) How would the field drainage be reinstated following the installation of the cable if only one project is constructed?</p> <p>e) How would the field drainage be reinstated following the installation of the cable if both projects are constructed, whether concurrently or with a delay?</p>	<p>a) Yes this should be “other similar materials”.</p> <p>b) There has been good engagement on this matter amongst the Applicants, landowners, occupiers and their representatives with drainage plans being provided.</p> <p>c) Appropriate measures to control flooding if the Applicants require to truncate the drainage systems will form part of the Surface Water and Drainage Management Plan and the Flood Management Plan produced as part of the final Code of Construction Practice as provided for in Requirement 22 of the draft DCO (APP-023).</p> <p>d) Following construction, field drainage systems would be reinstated in consultation with landowners / occupiers. A post construction drainage assessment would be undertaken by a specialist drainage contractor which will ultimately</p>	<p>The Applicant again refers to appropriate measures to prevent or control flooding caused by truncation of land drains which will form part of the Surface Water and Drainage Management Plan (SWDMP) and Flood Management Plan (FMP) within the final CoCP as required by Requirement 22.</p> <p>This is unacceptable, the Applicant is saying it will mitigate the flood risk without</p> <p>i) knowing the flood risk or</p> <p>ii) knowing whether it can be mitigated.</p> <p>This cannot be left to post-consent. What if the flood risk caused by land drain truncation cannot be mitigated by the Applicant within the land defined by the Order Limits ?</p>

	<p>f) What would the approval process be for this?</p>	<p>determine the design of the drainage reinstatement.</p> <p>e) The process would be same whether it is only one project is constructed, if both projects are constructed, concurrently or with a delay. The post construction drainage assessment will ultimately determine the design of the drainage reinstatement.</p> <p>f) This would be approved between the Applicants and landowners, occupiers and their representatives, with this process being governed by the land agreements.</p>	
<p>1.9.16</p>	<p>Agricultural impacts: land drainage</p> <p>Paragraph 138 [APP-069] says that: “[f]urther mitigation measures, as secured within the CoCP and detailed within the OCoCP submitted with this DCO application, may include the use of a specialist drainage contractor to undertake surveys and create drawings prior to and post construction to locate drains and ensure appropriate reinstatement.”</p> <p>a) Do you mean that the mitigation measures will be detailed within the CoCP and outlined within the OCoCP?</p>	<p>a) This is correct</p> <p>b) This is correct. Further mitigation will include the use of a specialist drainage contractor. The text in the CoCP will be updated to reflect this at Deadline 3.</p> <p>c) Appropriate reinstatement equates to restoring field drainage systems so that they function in the same way as prior to construction i.e. draining water as effectively as before.</p> <p>d) Restoration of land will be controlled under the requirements of the DCO and land agreements. Under Requirement 29 of the draft DCO (APP-023), any land used temporarily for construction of the onshore works and not ultimately incorporated in</p>	<p>It is noted the COCP will be updated at Deadline 3 and SASES will comment further at that time.</p>

	<p>b) Surely the outline CoCP should say that further mitigation 'will' include the use of a specialist drainage contractor?</p> <p>c) What do you mean by "appropriate reinstatement"?</p> <p>d) How will details of the proper and necessary reinstatement be agreed with those affected?</p>	<p>permanent works or approved landscaping must be reinstated in accordance with such details as the relevant planning authority in consultation with the relevant highway authority may approve. Requirement 29 provides that reinstatement must be undertaken within twelve months of completion of the relevant stage of the onshore works or such other period as agreed with the relevant planning authority. In addition, in relation to temporary use of land for carrying out the Projects, Article 26(4) of the draft DCO (APP-023) provides that before giving up possession of land of which temporary possession is taken, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the landowners.</p>	
<p>1.9.21 PRoW Strategy</p>	<p>Explain what measures you will take to avoid nuisance and ensure the safety, amenity and quiet enjoyment by those using them in the vicinity of the construction works, with particular reference to the Suffolk Coastal Path</p>	<p>The Applicant has answered this question mainly in relation to the landfall location at Thorpeness.</p>	<p>SASES asks for an explanation of what measures will be taken with regard to the PRoW network on the substation site at Friston during the construction period. Specifically what footpaths will be open and available for use and how safety, amenity and quiet enjoyment can be maintained.</p>