

**To the Planning Inspectorate.  
Deadline 10 submission.**

Response to Applicants' Comments at Deadline 9 ( REP9-025). to Deadline 8 Written Representation. (REP8- 046).

My Reference: EA1N. IP: 20024031/ AFP: 132. EA2. IP: 20024032/. AFP: 0134.

**ID 1-6** relate to outstanding matters of concern in respect of details within the Outline CoCP (REP7-026) concerning potential contamination of groundwater and control measures which may have a bearing on the private water supply at Ness House and Wardens Trust.

While I consider that this is broadly an issue still unresolved within the Examination, it appears the Applicants do not.

I make no further comments on these issues at this stage in the Examination.

**ID 8.** concerns inconsistent information concerning the location of a Noise Monitoring Survey Location.

An email sent by the land agent acting for the landowner sent on 20 June 2018 has an attachment with an aerial screenshot provided by SPR clearly identifying the intended location of Noise Monitors west of our garden gate. As well as the identification of SPR, the screenshot identifies Gimson Land by name. (Figure 1).

2.1.8.



The Applicants say that as per Appendix 23.3 of the ES ( APP 524), the property taken as the closest noise sensitive receptor to the Order Limits is [REDACTED], which is located at the [REDACTED] [REDACTED] is significantly further away than [REDACTED], which is within metres of the Cable Corridor route. It is identified as CCR1

Table A25.3.4 identifies the closest address to the Receptor Identifier CCR1 as being Courtyard Cottage.  
(fFigure 2)

## 25.3.4 Onshore Cable Route Study Area

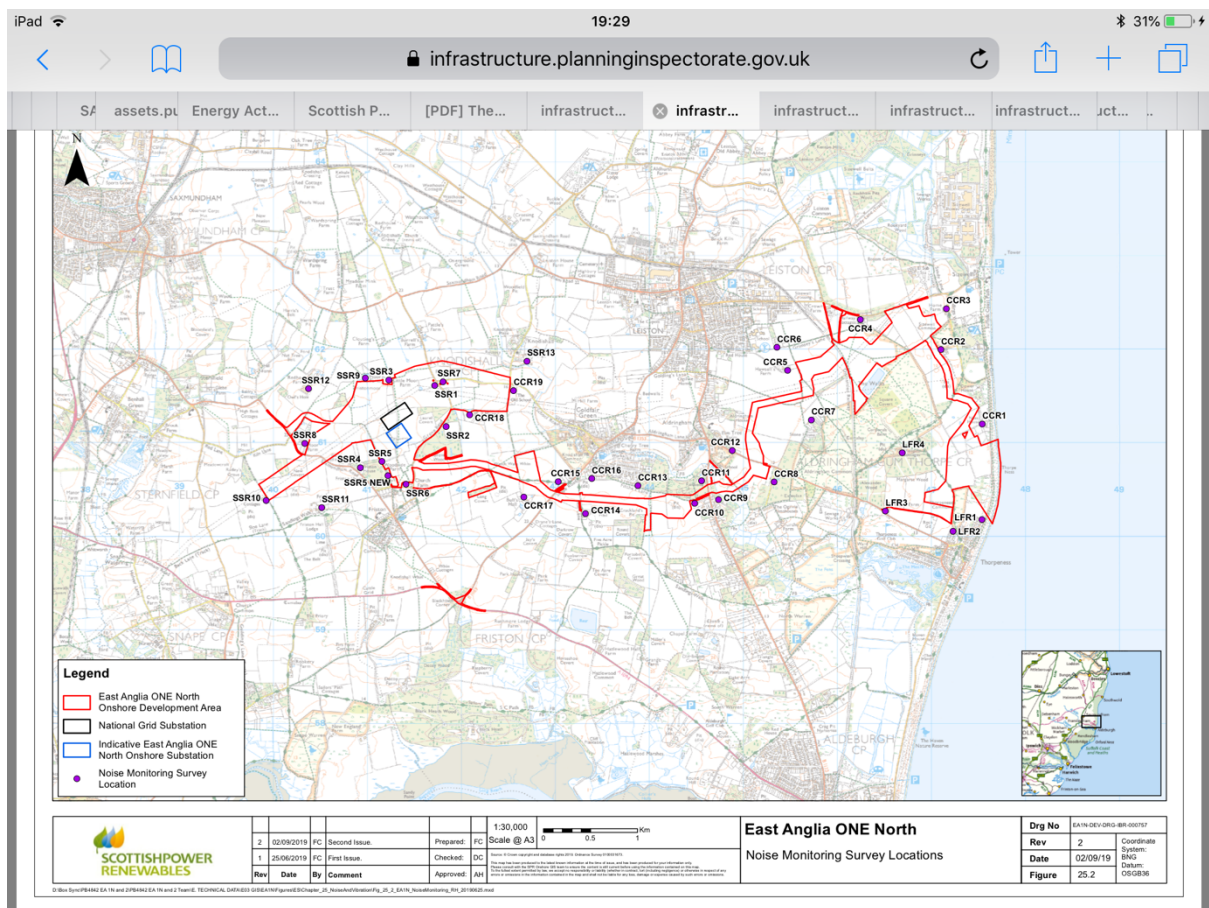
11. Measurements were conducted at 19 receptor locations in the on route study area are detailed within **Table A25.3.4** and on **Figure 25**

**Table A25.3.4 Baseline Noise Monitoring Locations – Onshore Cable Route Study Area**

Receptor identifier	Address (NEAREST)	X	Y
CRR1	[REDACTED]	647543	261202
CRR2	[REDACTED]	647105	261997
CRR3	[REDACTED]	647163	262434
CRR4	[REDACTED]	646246	262320
CRR5	[REDACTED]	645472	261777
CRR6	[REDACTED]	645359	262023
CRR7	[REDACTED]	645725	261244
CRR8	[REDACTED]	645330	260584

However, on Figure 25.2 ( APP-305) dated 4.3.21 The Applicants clearly show CCR1 at the west of [REDACTED].

( Figure 3 below. ).



Applicants say that “there appears to have been a miscommunication to Miss Wojtczak.”

The information communicated to me has clearly been provided by SPR to Mr. Jennings. If there has been miscommunication, therefore, it originates with SPR and is confirmed in the inaccurate information provided on the Figure.

2.1.9 Courtyard Cottage may have been “identified” by the Applicants as the “address closest to CCR1 on ( the) Table. However, it’s easy to see that it isn’t. [REDACTED] is. This may mean that the Applicants believe the Noise surveys were carried out at Courtyard Cottage, as their Table attests, and that their own maps showing them to have been at [REDACTED] identified on Gimson land are incorrect, or that the maps are correct, but for some reason the address at which they are actually located is disregarded in favour of a more distant address which shares the same postcode.

I do understand that mistakes can occur when there is no actual familiarity with the location described. It might clarify things to take the opportunity to acknowledge and amend such an inconsistency at an early opportunity, consistent with the robustness and efficiency claimed by The Applicants. It’s a minor matter within the Examination, but the Applicants’ approach of consistently repeating its earlier position in response to questions, on this as on so many other counts, doesn’t advance communication, takes up time for all parties without ever moving forward, and raises concern about the Applicants’ ability to tolerate contradictions and inconsistencies within its own documentation.

The ExA, having visited the location, will be aware of the proximity of [REDACTED] to the Order Limits in comparison with [REDACTED], and will have seen that there is no sense in which the separate properties in this area ([REDACTED] being situated by the [REDACTED]) could be described as “clustered”.

2.1.12.

It is unlikely that that what may be experienced at Courtyard Cottage in terms of noise will be “representative of what is likely to be experienced “ at Ness House. Courtyard Cottage is at a greater distance from the cable corridor and is surrounded by trees.

2.1.12.

The Applicants “consider that both the assessment of potential construction phase noise impacts and the measures set out within the OCoCP are robust, proportionate and sufficient.”

Given the still unamended and inconsistent information provided by SPR and the discrepancies within the methodology and recording of these Baseline Noise survey, I don't agree with that assessment.

#### 2.1.19

Landfall.

In my WR (REP8-046), I referred to the question posed by the ExA at ISH 12 (Session 3) as to the noise effects of the worst case scenario of HDD 24 hours a day at Landfall, and whether that has been appropriately assessed with reference to the Wardens Trust playing field (and activities undertaken by the Wardens Trust) and dwellings within 75 metres.

The specific reference within the question to Wardens Trust and its activities (it is now well-established within the Examination that Wardens offers services to vulnerable children and adults with specific sensitivities and psychological/physical/neurological conditions) indicates that it is those particular circumstances which are to be addressed.

However, the Applicant responds with a claim that as

*“the distance between CCR1 (see Figure 25.2 of the ES, APP-305) and the as-modelled HDD entry pit...it is anticipated that any potential night-time noise impacts associated with HDD works at CCR1 will be no greater than those predicted for LFR2 as presented within chapter 25 of the ES (APP-073). The assessment of potential nighttime noise impacts at LFR2 in the Environmental Statement concluded there would be no impact magnitude resulting in an impact of negligible significance”.* (my emphases).

LFR 2 refers to noise assessments apparently undertaken near a property in Thorpeness, which does not as far as I'm aware offer similar services to similarly disadvantaged groups. Like is not being compared with like. Furthermore, we know that this is an exceptionally quiet location and that HDD is a noisy process. It is difficult to comprehend how the night time effects can be so confidently assessed as negligible.

I do note that the Applicant refers to information on the additional noise controls within the vicinity of Wardens Trust provided within the updated Outline CoCP (REP8-017). I will comment on that below at 2.1.20.

I note also that that document “includes a commitment to apply for Section 61 Consent under the Control of Pollution Act 1974 (COPA) prior to the relevant construction works”

Unfamiliar with Section 61 of this Act, I find that:

#### Construction Noise

*Under Section 61 of the Control of Pollution Act 1974 a developer may apply to the local authority for prior consent to carry out construction or demolition works. A Section 61 application will contain details of the work to be carried out, the time of the works and also details of any measures to reduce the noise from the works.*

*By applying for prior consent under Section 61 the obligation the responsibility moves from the local authority to the applicant to provide details of the proposed working times, location, methods, plant and any steps to mitigate noise for each element of the project in advance.*

*This offers the applicant protection from any subsequent action by the local authority under Section 60 or Section 66 of the Control of Pollution Act 1974 or under the Environmental Protection Act 1990 to impose further controls on noise from the site.*

As far as I understand it, then, the Applicants' response to the question of particular measures in respect of noise mitigation in the vicinity of Wardens is to seek to apply for consent to remove the local authority's responsibilities (and presumably protective powers) in this regard, thereby protecting itself from any external controls over noise and setting its own parameters.

If I've understood this correctly, this intention doesn't provide reassurance.

I note that in this instance the Applicants reference to CCR1 noise monitoring location is correctly identified as being at Ness House, rather than at [REDACTED] as referenced in their table.

#### 2.1.20.

In their response here, the Applicants make reference to information on special provision made for this receptor ( Wardens Trust) within the Deadline 8 updated Outline CoCP ( REP8-017) at **Section 9.1.4. Specific Measures at Wardens Trust**, including:

**116.** Point 2.

“Installation of temporary noise barriers the onshore cable route ( sic) which falls within 100 m of the Wardens Hall and the recreational field used by the Wardens Trust charity.”

**117.”** In addition, for the location of onshore cable route in proximity to Wardens Hall, the applicants will reduce the working width of the onshore cable route to 16.1 m per project in line with the reduced working width adopted for the crossing of important hedgerows and other features, and construct on the western extent of the order limits.

**118.** The above measures will reduce impacts arising from construction noise as far as practicable during the works undertaken within the vicinity of the Wardens Trust’s Wardens Hall and associated amenity field.

However, in respect of **117**, I note that in the Applicants’ **Change Request: Order Limits at Work no.9 ( Plot 13) ( AS-104)**, at **2.2.3.17**, it is stated that:

*“The Outline CoCP ...will also be updated at Deadline 10 to remove text relating to the reduction of the working width of the Onshore Cable route to 16.1 (per project) when within 100 m of the Wardens Trust property. “*