

IN THE MATTER OF AN APPLICATION FOR A DEVELOPMENT
CONSENT ORDER

AND IN THE MATTER OF THE NORFOLK VANGUARD OFFSHORE
WIND FARM PROJECT

AND IN THE MATTER OF THE NATIONAL FARMERS UNION AND
THE VATTENFALL AGENTS KNOWN AS THE LAND INTEREST
GROUP

OUTLINE REPRESENTATIONS

1 Introduction

1.1 These are the Outline Representations of the National Farmers Union (“NFU”) and the Vattenfall Agents (agents acting for NFU members and their clients on this project.) The agents represented are Savills, Strutt & Parker, Bidwells, Irelands, Brown & Co and Cruso & Wilkin (henceforth known as the Land Interest Group (LIG) to the application for a Development Consent Order by the Secretary of State for Housing, Communities and Local Government identified as the Norfolk Vanguard Offshore Wind Farm Project order.

1.2 The objectives of the NFU are to champion farming in England and Wales and to provide professional representation and service to its members.

1.3 The matters raised in these Outline Representations are matters not only of concern to the farming owners of agricultural land affected by this DCO, but also of concern to, and raise points of principle that will affect, members of the NFU having farm holdings that may be affected by similar Offshore Wind Farm schemes.

2. Consultation and Engagement

2.1 There have been constructive and proactive face to face meetings with Vattenfall and their agents. Heads of terms were sent out May 2018 and some of these have been signed by landowners who are in agreement to the principles of the scheme set out. But in the last month further specific details have been requested in regard to the build and these have not been forthcoming yet. For example details on timings of construction to be able to understand the impact on the cropping rotation of the farm or the commercial shoot over the winter months. Therefore it has not been possible to discuss all aspects of the scheme in detail.

2.2 Due to the lack of specific information there has been no progression in negotiations in the last month during September 2018.

2.3 Further specific detail has been requested from Vattenfall on soil management during construction, access routes shown on the plans submitted with the heads of terms, and in particular on how the location for the substation was chosen.

2.4 Vattenfall has still not sent out a draft option and easement to the agents or landowners following requests for these documents. It is imperative that

the NFU and agents acting (LIG) see these documents to make sure that the terms are reasonable and follow what has been agreed in the heads of terms.

3.0 Compulsory Acquisition and Compelling Case Requirement

3.1 The DCO will contain powers to acquire compulsorily so much of the Order Land as is required for the authorised development, or to facilitate or is incidental to it.

3.2 Further, the guidance as to negotiations either before or parallel with formal processes may well give rise to a "legitimate expectation" that such will occur, and a failure to conduct such negotiations deprives landowners of the benefit that negotiations may have brought, especially in relation to the where different locations and lesser rights might have been achieved.

3.3 The NFU and the land agents LIG believe that no meaningful negotiations have taken place in regard to the site for the converter substation and the access routes. Therefore a compelling case as yet cannot be made.

4.0 HVDC Cables and Converter Substation

4.1 It has been clarified by Vattenfall that they have and are applying for a DCO on HVDC cables and this will involve building a converter substation. The laying of HVDC cables should hopefully reduce the impact on land operations and farm businesses as the easement width required will be less and it is likely that only a small number of link boxes will be required which are situated on the surface of the ground.

4.2 Landowners are requesting further information on the converter substation which is to be sited near to the National Grid substation at Necton. We understand that the converter station is needed to convert the current from DC back to AC to enter the National Grid substation. Further information has been requested on the size of the proposed building, the height, what the building will look like and the external cladding. It is understood that the building may be 19m high.

4.3. At the present time the plans are showing for the new converter substation to be located at the top of a hill on a very prominent site near to Necton Wood. Further to a site visit on 10th September 2018 to look at the proposed elevated site, information has been requested on why such a prominent site position has been chosen as it will be visible particularly from the south and west.

4.4 Questions have been raised as to why the substation is not being sited nearer to the National Grid substation on land lying to the north of the existing substation. This land lies lower down and is not as visible as the proposed location.

4.5 Vattenfall has stated that they have followed the Horlock Rules when considering site selection. Screening provided by land form and existing features should be taken advantage of and this is not the case with the proposed site.

5. Construction and Funding

5.1 Landowners from the start were notified by Vattenfall that they would be looking to carry out the project as two schemes Vanguard and Boreas. Vanguard is to be constructed first, with underground cables being laid in ducts. At the same time ducts will be laid to take underground cables for the Boreas scheme. Vattenfall has stated that they will need at least 2 years to lay the ducts and cables for Vanguard.

There then may be a gap of a year before the start of the Boreas scheme. Further clarification is needed from Vattenfall on timings of construction and how construction will take place for the Boreas scheme. For example will working areas just be needed for jointing bays on the Boreas scheme? Landowners do not yet understand what the interference will be from constructing Boreas following Vanguard.

5.2 We understand from Vattenfall that they do have the funding required for both schemes but confirmation on this is sort.

6. Cumulative Impact

6.1 Confirmation is sort from Vattenfall on whether a Cumulative Affect Assessment has been addressed of both of their schemes Vanguard and Boreas along with the Orsted Scheme Hornsea 3 which are programmed to be constructed at approximately the same time. Hornsea 3 is running north to south and Vanguard and Boreas running east to west. This greatly impacts the number of landowners affected and as this takes more land out of agricultural production.

7. Jointing bays and Link Boxes

7.1 It is understood from other projects that 'Jointing Bays' should be all underground and will not interfere with agricultural operations.

7.2 It is understood that some link boxes will be needed with the cables being HVDC cables and further clarification is sort on how many there are likely to be and the location of the link boxes. Link boxes do stand proud above ground level and so greatly interfere with agricultural operations and are a hazard to farm machinery. It is extremely important to have further design information on link boxes and the siting of them. The preference is that all link boxes are located within field boundaries.

8. Field Drainage

8.1 Land drainage is one of the main issues which landowners and occupiers are concerned about on this scheme and some detail has been agreed in the heads of terms but it is not satisfactory.

8.2 To date insufficient detail has been received by LIG on behalf of their clients and members in regard to how reinstatement of field drainage will take place.

8.3 No information has been provided as to where the detail on how field drainage will be reinstated is covered in the documents which form part of the DCO application. As no draft option and easement has been made available it has not been possible to see whether drainage reinstatement is covered satisfactorily in the proposed option and deed.

9. Soils

9.1 As above the treatment and reinstatement of soil during and after construction is one of the main issues of concern. Limited detail has been provided to landowners and occupiers. Again LIG does not know how soil reinstatement and aftercare will be dealt with in the Option or Deed. Further no information has been provided as to how soil will be reinstated or the measures that will be put in place to bring the soil back to its condition and quality before the works took place. An after care plan should be included in a code of construction or soil management plan.

10. Flood Issues

10.1 No details have been provided to landowners and occupiers on how any increase in surface run off of water from the haul road or the construction compounds will be dealt with during construction. Therefore there is concern that retained land may flood during the construction works.

11. Dust/Irrigation

11.1 Clarification is needed on how practical issues like dust will be controlled during construction and how can the effect on irrigation be minimised?

12. Access routes to the Order Limits

12.1 At the present time Vattenfall has provided details of access routes it would like to use to gain access to the working strip. Issues have been raised by some of the agents that some of the access routes are not actually physically possible on the ground due to differing ground levels. Further a lot of access routes have been highlighted and agents are not actually sure that all of these access routes are needed. In some instances there are better access routes available to reach the working strip but Vattenfall as yet has not engaged in agreeing viable access routes.

13. Access to land and the Haul Road

13.1 Insufficient detail has been provided as to how landowners and occupiers are to access land severed by the construction works and as to whether landowners will be able to access the haul road during construction.

Further no detail has been provided on how the haul road may be constructed and if it is possible to use tracking for the haul road which can be laid on the surface of the land and taken up. No specific detail has been given on the time the haul road will be down severing land. Is it to be down for the construction period of 2 years and then will it be taken up and then re-laid for a further 2 years when the Boreas scheme construction starts?

14. Request to Attend Hearings and make Representations

14.1 The NFU and the Vattenfall Agents known as LIG intends to lodge full Written Representations in due course and request to make oral representations at the compulsory acquisition hearing or any other hearings which may be held.

14.2 LIG represents approximately 60 clients who own or lease land affected by the DCO. A full list of names and addresses are available if requested. The members and clients have not been listed on this representation due to data protection. Each landowner or occupier has submitted an outline representation highlighting specific issues to the business and has made reference to this outline representation which highlights the main issues of all landowners concerned.

Louise Staples
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DATED 14th September 2018.

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**OUTLINE
REPRESENTATIONS**

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