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**Subject:** National Trust  
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**Attachments:** [NT Written representations 16 01 19.docx](#)  
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## **The Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8**

### **Application by Norfolk Vanguard Limited for an Order Granting Development Consent for the Norfolk Vanguard Offshore Wind Farm**

In accordance with the requirements of the Rule 8 letter, please find attached the National Trust response to the Examining Authority's questions together with our Written Representations including a summary document.

#### **1. With regard to the question 22.14: "Do you maintain an objection to the compulsory acquisition of land owned by the Trust?"**

Until the Trust has secured an agreement that (a) none of its interests will be compulsorily acquired under the DCO (including the acquisition of rights over those interests) and (b) the changes that it has suggested to the DCO and book of reference will be put forward to the Examining Authority (or a satisfactory explanation given as to why they should not be made), the Trust maintains its objection to the compulsory acquisition of its land. The suggested changes are set out in the Trust's written representations.

#### **2. Hearings**

The current position of the National Trust is that it wishes to be represented at ISH1 (and if necessary, any further ISHs on onshore environmental matters) and the compulsory acquisition hearing. The Trust may also be represented at the draft DCO hearing if the examining authority considers it would be helpful at that stage (rather than at the compulsory acquisition hearing) for the Trust to explain the suggestions it has made as to changes to the draft DCO and book of reference.

The topics that the Trust would wish to raise at ISH1 are archaeology and temporary road closures.

The plots of land that would be discussed at the CAH are Plots 15/06 to 15/11, 15/12 to 15/15, 16/02 to 16/05, 16/07 to 16/11, 16/13, 16/14, 17/01, 17/02, 17/04, 17/06, 17/07 and 18/01, which are all in the ownership of the Trust.

#### **3. Inspections**

The Trust suggests that the Examining Authority are driven along Blickling Road from Aylsham to the entrance to Blickling Hall so that the locations of the proposed temporary road closures in the area can be noted. If the Examining Authority considers that it would be helpful to enter the grounds of Blickling Hall, then the Trust would be happy to accommodate that.

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## **Proposed Norfolk Vanguard Development Consent Order (“the DCO”)**

### **Written Representations of the National Trust**

#### **1. Introduction**

- 1.1. These Written Representations are made on behalf of The National Trust for Places of Historic Interest or Natural Beauty (“the Trust”).
- 1.2. The Trust does not object to the principle of the Vanguard Offshore Windfarm and the accompanying infrastructure. But the Trust has three principal concerns:
  - 1.2.1. the impact of the proposals on the little understood archaeology of the Blickling Estate;
  - 1.2.2. the impact of disturbance to the highway network and the consequent effect on the Trust’s visitor based business during the construction period;
  - 1.2.3. the possibility of compulsory acquisition of the Trust’s interests in its inalienable land.

#### **2. The Blickling Estate**

- 2.1. The Trust owns the freehold of 2000 hectares of land, including a Jacobean Mansion, associated buildings, farmsteads and cottages, together forming the Blickling Estate (the “Estate”) to the west of Aylsham, Norfolk. The Trust operates a major visitor based business adjacent to the proposed cable route, supporting and promoting its conservation work.
- 2.2. A short description of the Estate can be found on the Trust’s website:  
<https://www.nationaltrust.org.uk/blickling-estate>
- 2.3. The Blickling estate was bequeathed to the Trust after the death of its last private owner, Philip Kerr, 11<sup>th</sup> Marquis of Lothian, in 1940. This acquisition was important for the Trust, as it was the first estate acquired under the Historic Houses Scheme, which allowed the transfer of mansion houses to the Trust in lieu of death duties. That Philip Kerr himself was instrumental in creating the scheme makes it all the more important. During World War 2, the house was requisitioned and served as the officers mess of nearby RAF Oulton, and in the more distant past, Blickling Hall is noted as the birth place of Anne Boleyn in 1501.
- 2.4. The Estate hosts many events, including exhibitions, concerts, themed events and on August Bank Holiday one of the largest one day agricultural shows in the country.

#### **3. Archaeology**

##### *Factual Background*

- 3.1. In and around the corridor through the Blickling Estate along which the proposed cable will run there is great potential for prehistoric ceremonial and funerary activity:

- 3.1.1. Around Silvergate and Abel Heath are cropmarks of a number of ring-ditches (likely representing Bronze Age funerary barrow monuments) and a much larger ring-ditch thought to represent another type of prehistoric monument. Further probable prehistoric trapezoidal enclosures are also recorded in the area.
- 3.1.2. Adjacent to the Oulton Belt of woodland, the corridor crosses an area of linear enclosures likely to represent Roman or medieval field systems and activity.
- 3.1.3. Around Silvergate, there is considered to be medieval settlement evidence and where the corridor enters the Estate boundary, there is a post-medieval brick kiln.
- 3.2. A plan showing the location of these various assets is attached as **Appendix 1**. It should be borne in mind that the plan only shows known assets, not assets that are yet to be discovered.

#### *Draft DCO*

- 3.3. Requirement no. 23 in the draft DCO [document 3.01] requires the submission and approval (by the local planning authorities, after consultation with Historic England and the County Council) of a written scheme of investigation. The scheme must accord with the outline written scheme of investigation (onshore) ("the OWRSI") [document 8.05], which has been submitted with the DCO application.
- 3.4. Paragraphs 83 to 86 of the OWRSI acknowledge that the Blickling Conservation Area is the only designated heritage asset that will be directly affected by the project (by the installation of cables). Paragraph 85 says "A comprehensive programme of post-consent archaeological survey work (in-line with proportionate and appropriate approaches to be adopted elsewhere across the June 2018 Norfolk Vanguard Offshore Wind Farm onshore project area) is also anticipated to take place across the relevant parts of the wider National Trust Blickling Estate, associated with the onshore project area and onshore works, in consultation with the Trust and NCC HES, due to the subsurface archaeological interests potentially associated with this landscape."
- 3.5. Paragraph 95 of the OWRSI requires prompt reporting/recording to the County Council of archaeological remains encountered or suspected during works.
- 3.6. Section 6 of the OWRSI (Methodologies, subsequent additional mitigation measures) includes, at paragraph 81, provision about temporary suspension of intrusive groundworks in any area where previously unknown remains are encountered until remains have undergone appropriate archaeological investigation. In the event of a discovery, archaeological requirements and necessary 'next steps' will be agreed in consultation with NCC HES and HE".

#### *Status of Discussions with Vattenfall*

- 3.7. At the time of writing these representations there has been little by way of discussion with Vattenfall about the Trust's concerns about archaeology.
- 3.8. A meeting was held with Vattenfall on 24 January 2018 and the Trust believes that Vattenfall have acknowledged, in a short paragraph in the minutes of that meeting of the Onshore Archaeology and Cultural Heritage Expert Topic Group that the section of land on the Blickling

estate will be dealt with in an appropriate and proportionate manner. As yet, though, there has been no formal proposal agreed as to how that will be manifested in practice, or how the developers will be required to understand that the Trust have a duty of care to protect any remains, designated or undesignated, and to ensure that they are not knowingly destroyed without the care and attention they deserve.

*What the Trust requests in the absence of agreement*

- 3.9. Paragraph 95 of the OWRSI should be altered so that it requires the National Trust to be notified as well as the County Council, if archaeological remains are encountered or suspected during works within the Blickling Estate.
- 3.10. The National Trust would also like to secure a method (and funding for it) to ensure that recorded information is made available to visitors and the community in a way that enriches their experience and understanding of the Estate. This could be achieved by disseminating information through public engagement such as open days, site tours or local talks held at Blickling or elsewhere, opportunities for volunteering with digging or processing. It could include funding for exhibiting archaeological artefacts discovered and for information panels to be displayed, and material to be distributed on social media outlets and other media forums where appropriate.
- 3.11. Paragraph 81 of the OWRSI should be amended so that the National Trust is added to the consultees on any 'necessary next steps' in the event of a discovery of archaeological remains and on any proposed mitigation (in so far as it is relevant to the Trust's land at Blickling).
- 3.12. The Trust seek an acknowledgement from Vattenfall that the Trust is in a special position as a conservation organisation and that it would not be the Trust's normal protocol to destroy any buried remains. The Trust wants to work alongside necessary development as appropriate and especially where the development has significant public and environmental benefits.
- 3.13. In order to protect its heritage assets, the Trust would ask that the section through the Estate be treated with particular care, given its history. In order to do right by the archaeology, Vattenfall must ensure that objects of historic value are properly excavated and understood prior to their destruction and that information is made available in an engaging way (as well as the standard technical reports which accompany archaeological works).

#### **4. Highway closures and Business Disruption**

*Factual background*

- 4.1. The following background explains the context of the Trust's concerns about the powers in the DCO relating to interference with the highway:
  - 4.1.1. A large proportion of visitors to the Estate arrive from the south via the A140, coming through Aylsham, and then north along Blickling Road across the route of the proposed cables
  - 4.1.2. Blickling Road is a two way highway of reasonable width, and carries a considerable amount of general east/west traffic, as well as visitors to the Estate

- 4.1.3. The House and Gardens are open 363 days of the year, with wider estate walks open all year
- 4.1.4. Peak visiting times occur during school holidays and any time there is a special event on such as the Christmas lights. During a busy day up to 2000 people may visit the house and garden, with many more visiting the park and wider estate. Total pay barrier visitor numbers are around 200,000 per annum with an estimated 500,000 further uncounted visits to the park.
- 4.1.5. Events take place all through the year, with the biggest visited events typically taking place during the school holidays. The concerts in the summer can attract up to 8,000 people, and the agricultural show up to 17,000 people. In December, the daily Christmas programme can attract 2,000 visitors each day, with similar daily numbers over the Easter weekend each year. Events in the outdoors include Parkrun every Saturday morning and Night Runs, cycling events and other similar events regularly throughout the year. Despite careful car park management, traffic can back up through Aylsham and down the A140 to the south of Aylsham for a number of miles.
- 4.1.6. To provide an idea of when the major events take place during the year, the calendar of events for 2019 includes:
- (a) 24<sup>th</sup> March – 15<sup>th</sup> April – Easter events (up to 2000 people per day)
  - (b) 30<sup>th</sup> March – Night run – (2-300 people)
  - (c) July/Aug – Concert in the park (tbc) – (up to 8000 people)
  - (d) 09 August – Classic Ibiza concert and camping (up to 8000 people)
  - (e) August Bank Holiday – Aylsham Show – (up to 17,000 people)
- 4.1.7. The majority of these events are planned up to a year in advance, so indications of likely visitor numbers will be available on request in good time.
- 4.1.8. The income from events is part of the Trust's diverse income stream, and is critical to enable the funding of our ongoing conservation work.
- 4.2. Any restriction of access along Blickling Road between the Estate and Aylsham and along Ingworth Road would likely lead to the loss of business for the Trust.

#### *The Draft DCO*

- 4.3. Article 9 of the draft DCO [document 3.01] would enable the undertaker to carry out street works in certain streets listed in Schedule 2. These include Blickling Road, in two locations (one to the north and one to the south of its junction with Ingworth Road). They also include Ingworth Road at a location near to that junction. These locations are shown on sheet 16 of 42 of the Works Plans [document 2.04], a copy of which is attached as **Appendix 2** with annotations.

- 4.4. Article 11 of the draft DCO would enable the undertaker to stop up any street temporarily for the purposes of carrying out the authorised project. If the street is listed in Schedule 4 to the draft DCO, then the highway authority must be consulted (otherwise its consent is required). Schedule 4 includes references to Blickling Road at two locations. Sheet 16 of 42 of the temporary road closure plans [document 2.07] show the locations of the proposed closures, and they correspond with the locations where street works can be carried out.

*Status of discussions with Vattenfall*

- 4.5. At the time of writing these representations there has been little by way of discussion with Vattenfall about the Trust's concerns about road closures.

*What the Trust requests in the absence of agreement*

- 4.6. Ideally, there should be no temporary closures of Blickling Road or Ingworth Road, but if that is not achievable, the Trust requests that:

- 4.6.1. Vattenfall should undertake that any temporary closures of Blickling Road or Ingworth Road will be as short as possible in order to meet its requirements for the carrying out of the works;
- 4.6.2. the undertaker should be required to avoid the temporary closure of Blickling Road or Ingworth Road on weekends and on the days when special events, including concerts, shows and Christmas events take place at the Estate and of which the Trust has given reasonable notice to the undertaker. The Trust suggests a minimum notice period of 6 months (but would in most cases be able to provide 12 months' notice for major events).
- 4.6.3. the National Trust should be consulted at the same time as the highway authority about any temporary closure of Blickling Road or Ingworth Road.

**5. Compulsory Acquisition and Inalienable Land**

*Factual background*

- 5.1. In 1942, the majority of the Estate (including the proposed easement route) was declared "inalienable". This status enables the Trust to live up to its core charitable objective of preserving places of historic interest and natural beauty for the nation, forever.
- 5.2. The Trust declares land inalienable because it is land of great beauty, because it is of significant historical importance or because it is of outstanding importance for nature conservation, archaeology or landscape value. Alternatively it can be land which protects other land which is itself of such value.
- 5.3. The power relied upon to declare this land inalienable is in section 21 of the National Trust Act 1907. Once land has been declared inalienable it cannot be sold and only Parliament can authorise compulsory acquisition of the land or rights over the land in the face of any objection by the Trust to a compulsory acquisition proposal.

### *The draft DCO*

- 5.4. The draft DCO and supporting documents as drafted are capable of being interpreted as enabling Vattenfall to acquire new permanent and temporary rights over inalienable land within the Estate, including a 100m wide easement through 4.5km of the Estate. The temporary possession powers are required for the construction of the works. The land affected is shown in the land plans [document 2.02] and described in the book of reference [document 4.03]. Because the land is inalienable, it is also shown in the special category land plans [document 2.03]. The Trust is described in the book of reference as being:
- 5.4.1. the freehold owner (sometimes jointly) of Plots 15/06 to 15/10, 15/11 (subsoil), 15/12 to 15/15, 16/02 to 16/05, 16/07 to 16/11, 16/13, 16/14, 17/01, 17/02, 17/04, 17/06, 17/07 and 18/01
  - 5.4.2. the occupier of Plot 17/03.
- 5.5. These plots are on sheets 15 to 18 of the land plans, which are attached as **Appendix 3**.
- 5.6. In paragraph 8 of its Statement of Reasons [document 4.01], Vattenfall says that the Trust's interests are excluded from compulsory acquisition in the Book of Reference, and that the Applicant is not seeking to acquire any National Trust land compulsorily. The Trust notes this but as mentioned below, considers that changes should be made to the DCO and the book of reference and undertakings given to make the position clear.

### *Status of discussions with Vattenfall*

- 5.7. There have been limited discussions with Vattenfall about granting the necessary rights, thus avoiding the need for the exercise of powers under the DCO. However these discussions remain at an early stage.
- 5.8. Shortly before Christmas, the Trust made some suggestions to Vattenfall's lawyers with suggested changes to the DCO and the book of reference, which are described below.

### *What the Trust requests in the absence of agreement*

- 5.9. In the absence of an agreement with Vattenfall over the granting of the necessary rights and an undertaking that no compulsory acquisition of inalienable land (including rights over that land) will take place, the Trust objects to the acquisition of its inalienable land.
- 5.10. The draft DCO and book of reference require amendment in a number of respects, details of which have been provided to Vattenfall, and which are described below:
- 5.10.1. Article 18 of the DCO says "The undertaker may acquire compulsorily so much of the Order land as is required for the authorised project or to facilitate, or is incidental, to it." "Order land" is defined in the draft DCO as "the land shown on the land plan which is within **the limits of land to be acquired** and described in the book of reference." There appears to be no definition of "the limits of land to be acquired". This could be remedied by including a definition such as "the land shown coloured green, pink or yellow on the land plans".



5.10.2. In the "Description of Land" column of the Book of Reference, there are two errors in every case where the Trust is mentioned. First, "Excluding those held" should, presumably, say "Excluding those interests held". Secondly, "of Natural Beauty" should be "or Natural Beauty".

5.10.3. Also in the "Description of Land" column, it does not appear to be necessary to include words like "New rights over" or "Temporary rights over" at the beginning of each description. Whilst those words might accurately describe the interest which is intended to be acquired, the purpose of the column is to describe the land generally. Restrictions on what interests can be acquired can be found in the Order itself.

5.10.4. So, as an example, with the changes suggested above, the entry for parcel number 15/06 would read:

~~"Temporary rights over~~ 7939.18 square metres of land being pasture land, trees and shrubbery to the west of Drabblegate, north of Aylsham, Norfolk.

(Excluding those ~~interests~~ held by The National Trust for Places of Historic Interest ~~or~~ Natural Beauty)

Title No. NK350025"

16<sup>th</sup> January 2019

**Proposed Norfolk Vanguard Development Consent Order (“the DCO”)**

**Summary of Written Representations of the National Trust for Places of Historic Interest or Natural Beauty (“the Trust”)**

**1. The Blickling Estate**

- 1.1. The Trust owns the historic Blickling Estate near Aylsham and adjacent to the proposed cable route. See <https://www.nationaltrust.org.uk/blickling-estate>

**2. Archaeology**

- 2.1. There is evidence of potential for prehistoric ceremonial and funerary activity in the Estate.
- 2.2. The draft written scheme of investigation (“OWRSI”):
- 2.2.1. acknowledges the Trust’s conservation role
  - 2.2.2. requires prompt recording/reporting of suspected archaeological remains
  - 2.2.3. requires suspension of groundworks where remains are encountered and agreement of archaeological requirements and necessary ‘next steps’ in consultation with NCC HES and HE.
- 2.3. The Trust wants:
- 2.3.1. the OWRSI to require the Trust to be notified if archaeological remains are encountered or suspected in the Estate.
  - 2.3.2. information to be made available to visitors and the community.
  - 2.3.3. that it should be a consultee on necessary next steps in relation to finds at the Estate.
  - 2.3.4. acknowledgement of its special position as a conservation organisation
  - 2.3.5. that the Estate will be treated with particular care.

**3. Highway closures**

- 3.1. Visitors to the Estate arrive from the south from Aylsham via Blickling Road.
- 3.2. Exhibitions, concerts, themed events and one of the largest one day agricultural shows in the country are hosted there and the majority are planned up to a year in advance.
- 3.3. Any restriction of access along Blickling and Ingworth Roads would likely cause loss of income.
- 3.4. The DCO would allow temporary stopping up of Blickling Road near its junction with Ingworth Road.

3.5. The Trust wants:

3.5.1. any closure of Blickling or Ingworth Road to be as short as possible, and to be avoided on weekends and on special event days if the Trust has given reasonable notice.

3.5.2. consultation about any temporary closure of Blickling or Ingworth Roads.

**4. Compulsory Acquisition and Inalienable Land**

4.1. The majority of the Estate (including the cable route) is “inalienable” land.

4.2. The DCO documents could be read as enabling Vattenfall to acquire new permanent and temporary rights over inalienable land, including a 100m wide easement through 4.5km of the Estate.

4.3. The Trust wants:

4.3.1. an agreement that there will be no compulsory acquisition of inalienable land (including rights over it)

4.3.2. the DCO and book of reference to be amended in a number of respects.

**16 January 2019**