

**Representation in respect of an Application by Orsted Hornsea  
Project Three (UK) Ltd for an Order Granting Development Consent  
for the Hornsea Project Three Offshore Wind Farm.**

**Response by Kelling Estate LLP**

**Planning Inspectorate Reference: EN010080**

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For and on behalf of Brown & Co.

Agents acting for and on behalf of Kelling Estate LLP

Date: November 2018.

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## **1.0 Introduction**

- 1.1 This statement is our response, submitted on behalf of our clients Kelling Estate LLP, to the underground cable route proposed as part of the Hornsea Project Three Offshore Wind Farm. Kelling Estate LLP (the Estate) is a rural based business that has successfully combined conservation and sporting interests on their land holdings at Kelling and have diversified into tourism related businesses.
- 1.2 It is our belief that the construction phase of the proposed underground cable on the route submitted will cause significant disruption to our client's property, cause long term damage to the ecology of the Estate, disrupt the principle sporting enterprise and consequently reduce income to the associated business in the area.

## **2.0 Background**

### ***Disruption to Ecology***

- 2.1 The proposed cable route will run for 3614.36m across the Estate and the area potentially used for laying cables extends to 53.55 acres with a working area of approximately 71.44 acres during construction.
- 2.2 The potential impact on the Natural Capital of the Estate is significant as, even with the adoption of Horizontal Direct Drilling (HDD) in part, a significant amount of the land surface will be disturbed.
- 2.3 The cable route passes through areas of mature native woodland, heathland grasses, regenerated grassland (former arable) and will see significant changes in terrain over its course.
- 2.4 The potential for medium term habitat loss, soil displacement and degradation of biodiversity is significant.

### ***Choice of Route and Resultant Burden***

- 2.5 The impact on a single landowner is significant and it seems an unreasonable burden for one landowner to shoulder when alternative routes were available.
  - 2.6 The chosen route is an alternative that was proposed at a late stage of the initial consultations. We understand that the current route was chosen to avoid difficulties crossing the North Norfolk Railway.
  - 2.7 We are not aware that the potential difficulties in crossing the North Norfolk Railway were ever investigated beyond the point of first survey. Requests were made to see the technical and engineering reasoning for why the first proposed route had to be abandoned and the current route adopted.
  - 2.8 Our clients wish to understand the sound technical and engineering reasons for why the route was altered to cross their property and increase in length by approximately 1.1km. No information of substance has been provided to date.
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### ***Disruption to Business***

- 2.9 Kelling Estate LLP operates a significant sporting enterprise on their land holdings at and around Kelling. The principle enterprise is game shooting and the quality of the product provided by the Estate is very high.
- 3.0 The construction works will, at the very least, have the following impact on the operation of the shoot in any season that the works take place:
- Render 8 pheasant drives inoperable
  - Significantly degrade 80% of the partridge drives making the partridge shoot inoperable.
  - Degrade 4 out of 6 of the main signature drives.
  - The works corridor will pass within yards of the largest two release pens resulting in disruption to other drives not directly crossed by the cable route.
- 3.1 Disruption to the shoot enterprise will result in significant loss of income, which can be compensated for and it is expected that provision for financial recompense will be made in any agreement or DCO.
- 3.2 Financial compensation cannot compensate for damage to the reputation of the shoot. Offering a sub optimal sporting experience is not an option for a business that exists to provide its customers with an almost unique quality of shoot. It is better for the business to not operate at all during the construction period than risk providing a poor product and losing customers.
- 3.3 Disruption to the operation of the business could be managed and partially mitigated by commitment to set working periods and a commitment to use reasonable endeavours to have the ducting works carried out in a short timeframe.
- 3.4 Commitment to avoid working during sensitive times of the year, such as 1<sup>st</sup> August to 1<sup>st</sup> February would allow the Estate to manage the shoot around the works.
- 3.5 Commitment to use reasonable endeavours to have the cable ducts installed and the trench backfilled within 1 month of breaking ground to create the cable trenches would give the Estate, and any other landowner affected by the cable works, comfort to know that on any one area will only see significant disruption for a manageable period.
- 3.6 Whilst constructive negotiations have taken place with Orsted there is a lack of willingness to refine the build period down to any less than 2 years per phase within the overall 8-year build window. If this matter could be tightened to give landowners greater certainty of how the works will affect them the works would be more manageable for the landowner.

## **3.0 Conclusion**

- 3.1 It is our client's belief that the Orsted proposals fail to consider the impact on the Natural Capital and business interests of Kelling Estate LLP. It will significantly impact on the Estate's ability to deliver a product that it has spent years developing. We believe that the cable route could follow a shorter and more direct route from landfall to Warren Farm and
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to date have not been provided with evidence as to why this shorter route was not possible, as opposed to not desirable, to take.

- 3.2 Our client respectfully requests that the points contained in this statement are fully considered within the examination process. Our intention is to submit a full written representation in due course and, if required, request that we can make oral representations if necessary.

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