

From: Louise Staples [mailto:Louise.Staples@nfu.org.uk]

Sent: 08 February 2019 20:22

To: Hornsea Project Three

Cc: Jane Kenny

Subject: NFU and LIG submissions to the hearings on 30th and 31st January 2019

Importance: High

Dear Kay

Please find attached the written submissions on behalf of the NFU and LIG in regard to the following hearings:

Issue Specific Hearing – Draft Development Consent Order – Wednesday 30th January 2019

Issue Specific Hearing – Compulsory Acquisition – Thursday 31st January 2019

If you do need anything else please do contact me.

Kind regards

Louise

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**WRITTEN SUBMISSIONS OF NFU AND LIG REGARDING THE HORNSEA PROJECT THREE
OFFSHORE WIND FARM DEVELOPMENT CONSENT ORDER 201 [...]**

PLANNING INSPECTORATE REFERENCE NO EN010080

**SUBMISSIONS OF NATIONAL FARMERS UNION AND THE LAND INTEREST GROUP ON THE
ISSUE SPECIFIC HEARING – THE DRAFT DEVELOPMENT CONSENT ORDER ON
30th JANUARY 19**

DATE 8th FERUARY 2019

1.0 Introduction

1.1 Submissions on behalf of the National Farmers Union (“NFU”) and the Land Interest Group (LIG) in respect of the application for a Development Consent Order (DCO) by Orsted Hornsea Project three (UK) Limited for the Hornsea project Three Offshore Wind Farm. The NFU is making a case on behalf of its members and LIG its clients, who are affected by the DCO.

2.0 Articles

2.1 **Article 2: Joint Bay:** The NFU and LIG are in agreement with the definition now drafted for Joint Bay.

2.3 **Article 2: Link Box:** The NFU and LIG would like to emphasise that landowners would only want to have manhole covers or an inspection chamber which is level with the ground. A request was made some time ago to the Applicant that no cabinets would be installed as link boxes. We would like confirmation on this.

3.0 Schedule 1, Part 3 - Requirements

3.1 **Requirement 6 - Phasing:** In the Applicant Responses to EXAs Second Written Questions (January 2019) at Q2.1.9 the Applicant stated that the draft DCO had been amended and would refer to two phases at Requirement 6. The wording included in the amended draft DCO states that the development will be carried out in two phases but also refers to ‘that each phase may be undertaken in any number of stages as prescribed in the Written Scheme’. Further clarification is requested on what is meant by ‘any number of stages’.

3.2 **Requirement 23 - Onshore Decommissioning:** NFU and LIG request details of what the decommissioning plan is likely to include.

4.0 Outline Code of Construction Practice:

4.1 **Communications Plan:** The NFU and LIG stated that they are in agreement to the new wording that has been included to the Communication Plan Framework at Appendix A of the Outline COCP but did raise two issues:

- A timeline for the second phase has not been included.
- It is important that any landowner or occupier must be informed in writing of any land take, construction programme, and details of the body responsible for carrying out the works before any newsletter is sent out to any affected community.

4.2 **Field Drainage:** The NFU and LIG raised at the hearing the general details they would like to see being agreed on how field drainage will be dealt with was still not included in the Outline CoCP. The details of this wording has now been discussed with Orsted and agreed. Please see the drafting of details agreed for Field Drainage at Appendix 1.

4.3 **Helpline:** Orsted stated that a complaints helpline will be set up. The NFU and LIG believe strongly that a specific 24hr helpline or contact details need to be available for landowners and occupiers especially for emergencies. We would like to see that this is the ALO or team supporting the ALO.

4.4 **Soil Management Strategy – Annex G:** NFU and LIG accept that there is now wording which is included and agreed to in the Outline CoCP at Annex G covering how soils will be treated during and post construction. The information at G3.3.1 to G3.3.3 states how soils surveys will be undertaken, what will be undertaken to form the survey and how the information will be used to

monitor soil handling and restoration operations. The NFU and LIG would like to see this information being made available in a soil statement/report. This will then inform what aftercare requirements are needed to bring the soil back into agricultural use and to bring the soil back to its original condition.

Aftercare of soils is highlighted at G8.1.1 to G 8.1.3. It states how there will be annual monitoring of physical soil characteristics and soil nutrient levels to set the aftercare required. This needs to be carried out and information obtained from the initial soil statement/report to determine what aftercare is needed over a five year term to restore the soil. This needs to be stated clearly in G8 and the information from the surveys forming a soils statement highlighted in G3.

Appendix 1: Agricultural Field Drainage

- 6.8.1.8 Particular care will be taken to ensure that the existing land drainage system is not compromised as a result of construction. Land drainage systems will be maintained during construction and reinstated on completion.
- 6.8.1.9 The ALO will coordinate drainage surveys to establish the existing drainage position including any related farm drainage that may be affected by the scheme. The services of a suitably qualified drainage consultant will be employed by the Applicant to act as a drainage expert during the detailed design process and liaise with landowners or occupiers (through the ALO) to consult on the pre and post drainage schemes required. This will include the design of any land drainage works required during construction, and on the design and timing of any land drainage works required for the subsequent restoration of the land. This process will take due regard of any local and site-specific knowledge.
- 6.8.1.10 Subject to the consultation existing agricultural land drains, where encountered during the construction of each phase, will be appropriately marked. The location of drains cut or disturbed by the construction works will be photographed, given a unique number and logged using GPRS coordinates. The actual condition and characteristics (e.g. depth of installation, pipe type and diameter) of the existing drainage will also be recorded upon excavation.
- 6.8.1.11 During the construction works, temporary drainage will be installed either side of the cable trenches, within the onshore cable corridor working width, to intercept existing field drains and ditches in order to maintain the integrity of the existing field-drainage system during construction and ensure existing flow is not channelled by the onshore cable corridor. Such measures will also assist in reducing the potential for wet areas to form during the works, thereby reducing the impact on soil structure and fertility. Drainage systems however will not be installed into areas where they are not currently present, e.g. environmental wetlands.
- 6.8.1.12 Any field drainage intercepted during the cable installation will either be reinstated following the installation of the cable or diverted to a secondary channel. Landowners and occupiers will be informed of the design of drainage works required during construction and following installation of the cables and associated works, including: pipe layout, falls, dimensions and outfalls (if required). The drainage would be reinstated in a condition that is at least as effective as the previous condition and will follow best practice for field drainage installations taking into account site specific conditions.
- 6.8.1.13 Where it is reasonable for the reinstatement of drainage to involve works outside of the order limits it will be done subject to the agreement of the landowner.
- 6.8.1.14 Landowners and occupiers will be provided with the opportunity to inspect land drainage works as they progress, subject to health and safety considerations. Furthermore, records of existing and remedial drainage will be maintained by the Applicant with copies provided to the Landowner (and the Occupier, if applicable) following the completion of construction works in each phase.
- 6.8.1.15 A dispute resolution process will be established including the appointment of a jointly agreed Independent Expert for drainage design and implementation, where required. Where agreement cannot be reached on the appointment of the expert the matter will be referred to the President of the Institution of Civil Engineers.