

PLANNING ACT 2008

INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

WRITTEN SUBMISSIONS OF NFU REGARDING THE NORFOLK BOREAS OFFSHORE WIND FARM

DEVELOPMENT CONSENT ORDER APPLICATION BY NORFOLK BOREAS LIMITED

PLANNING INSPECTORATE REFERENCE NO EN010087

SUBMISSIONS OF NATIONAL FARMERS UNION ON THE – EXAMINERS SECOND WRITTEN QUESTIONS

DATE 26TH FEBRUARY 2020

1.0 Introduction

1.1 Submissions on behalf of the National Farmers Union (“NFU”) in respect of the application for a Development Consent Order (DCO) by Norfolk Boreas Ltd for Norfolk Boreas Offshore Windfarm. The NFU is making a case on behalf of its members and LIG on behalf of its clients who are affected by the DCO.

2.0 Second Written Questions – Q3: Compulsory Acquisition

2.1 Objections Schedule Q2.3.0.24 and 25: We can confirm that the cross referencing relating to Objector 40, 41, 45, 51 and 52 are accurate. The Compulsory Acquisition Objections Schedule (COAS) is not an accurate representation of their clients position as not all individual clients represented by LIG are listed and further formal Heads of Terms (HoTs) for an option agreement have been agreed and signed by both parties. Option and Deed documentation has been agreed although VF is seeking to amend and negotiations are currently on going.

2.2 Objections Schedule Q2.3.0.31 Please see the list of individual objectors and members that NFU and LIG are representing in the separate document submitted with this document for deadline 5. The objections still outstanding that NFU and LIG raised in their Outline Representation are highlighted in their Statement of Common Ground with Vattenfall which will be submitted again at deadline 6.

2.3 Access Routes: Q2.3.0.34: The Applicant at a meeting with NFU and LIG on 20th February 2020 indicated that they are still engaged with some landowners on individual accesses. The landowners that are still in discussions as highlighted in the CAOS are as follows:

Q34.1: Landowners in discussion over access matters

- Paduli – row 27
- Siely – row 14
- Mutimer – row 38
- Carrick – row 34
- Dillington – row 32

Q34.2: Landowners not identified in the schedule

- James Keith
- Bawdeswell

Q34.3: The outstanding matters on access routes are due to location and physical difficulties.

Q34.4 and 5: If agreement is not reached on a voluntary basis with landowners it is likely that Vattenfall will look to receive compulsory purchase powers for these rights under the DCO.

- 2.4 Cumulative Impact Assessment and NFU: Q2.3.0.35:** The cumulative impact was discussed further with Vattenfall at the meeting on the 20th February 2020 to seek confirmation from Vattenfall that the cables will be constructed in such a way that they are thermally efficient and least disruptive to agricultural land during construction and after construction once all cables are installed and up and running. Vattenfall have confirmed in the SoCG with NFU that the most thermally efficient crossing design and the least disruptive are key to Norfolk Vanguard and Norfolk Boreas. We have yet to have this confirmed from Orsted Hornsea 3.
- 2.5 Notification of Landowners: Q2.3.0.36:** The NFU would like landowners who are to be affected by powers of acquisition to be informed of timings of different parts of the construction of the proposed development by Vattenfall and their contractors liaising through the ALO to Landowners. This has been addresses in Appendix B in the Outline CoCP version 2, November 2019. If Vattenfall do set out a Plan of Works then we would like this to be implemented and communicated to persons affected by the ALO.
- 2.6 Article 16:Q2.5.1.6: Authority to survey and investigate land:** The NFU as requested under response to first written questions would like to see the following wording included in this Article as was requested:
- A new paragraph (3) The notice required under paragraph (2) must indicate the nature of the survey or investigation that the undertaker intends to carry out.
 - Further to highlight any equipment to be used for the survey, an estimate of how long the surveys are expected to take.

As stated above the NFU has only asked for an estimate of how long the surveys would take so this wording is acceptable. It is not acceptable that Vattenfall only provide an indication of what equipment is likely to be used. The NFU has now agreed this wording within two other DCO applications under the Article covering Authority to Survey. Due to the amount of surveys that take place it is paramount that landowners know what surveys are being carried out, who is on their land and for how long.

The NFU would still like boreholes to be added in if they are to be carried out. A borehole is not a trial pit.

- 2.7 Article 26: Q2.5.1.7: Temporary Use of Land:** The request by the NFU that all DCOs going forward should give 28 days notice for temporary possession is not for surveying purposes but to cover working areas and compounds as an example. As stated before taking land for temporary possession and only giving 14 days notice has become an issue on other infrastructure schemes and as stated 28 days notice has now been agreed on two DCO application by Highways England for the A30 Chiverton to Carland Cross and A303 Stonehenge Scheme. Therefore the NFU would like to see the notice period at paragraph (2) of Article 26 changed to 28 days.

The NFU understands that the relevant provision under the Neighbourhood Planning Act 2017 is not in force but these are powers to be agreed under a standalone DCO consent. As stated above this is now becoming the standard practice.

- 2.7 Requirement 20: CoCP: Q2.5.3.8:** The NFU covered the outstanding areas at the meeting on 20th February 2020 which are Soil Aftercare and Private Water Supplies and ALOs. The wording in regard to Soil Aftercare has now been agreed in regard to the wording supplied in the SoCG as received at the meeting on 20.2.2020. Further the wording requested to cover Private Water supplies has agreed and accepted as at 20.2.2020. This wording has not yet been included in a Outline CoCP and this will need to be confirmed.
- **Agricultural Liaison Officer** – wording agreed except would like to see the following wording added as a bullet point under paragraph 180 at Appendix B of the Outline CoCP.
 - Liaise with landowners prior to any proposed discharges to existing drains if any such discharge is necessary.
 - **Requirement 20: Code of Construction practice:** The NFU would like to see the contact details of the ALO added to the list of details to be submitted prior to commencement.
- 2.8 Substations: integration into local landscape: Q2.9.6.4:** The NFU is still to receive further information as requested in our SoCG and as listed by the Examiners at this question from the Applicant.
- 2.9 Substations: post consent design process and design guide: Q2.9.6.6:** NFU and LIG would like to see the Design and Access Statement that will be submitted at deadline 5 to see what wording has been included to cover greater clarity on the process that will have been discussed with Breckland Council before it can comment further. The landowner affected directly by the siting of the substation will also want to comment on the process which is hopefully to be identified.

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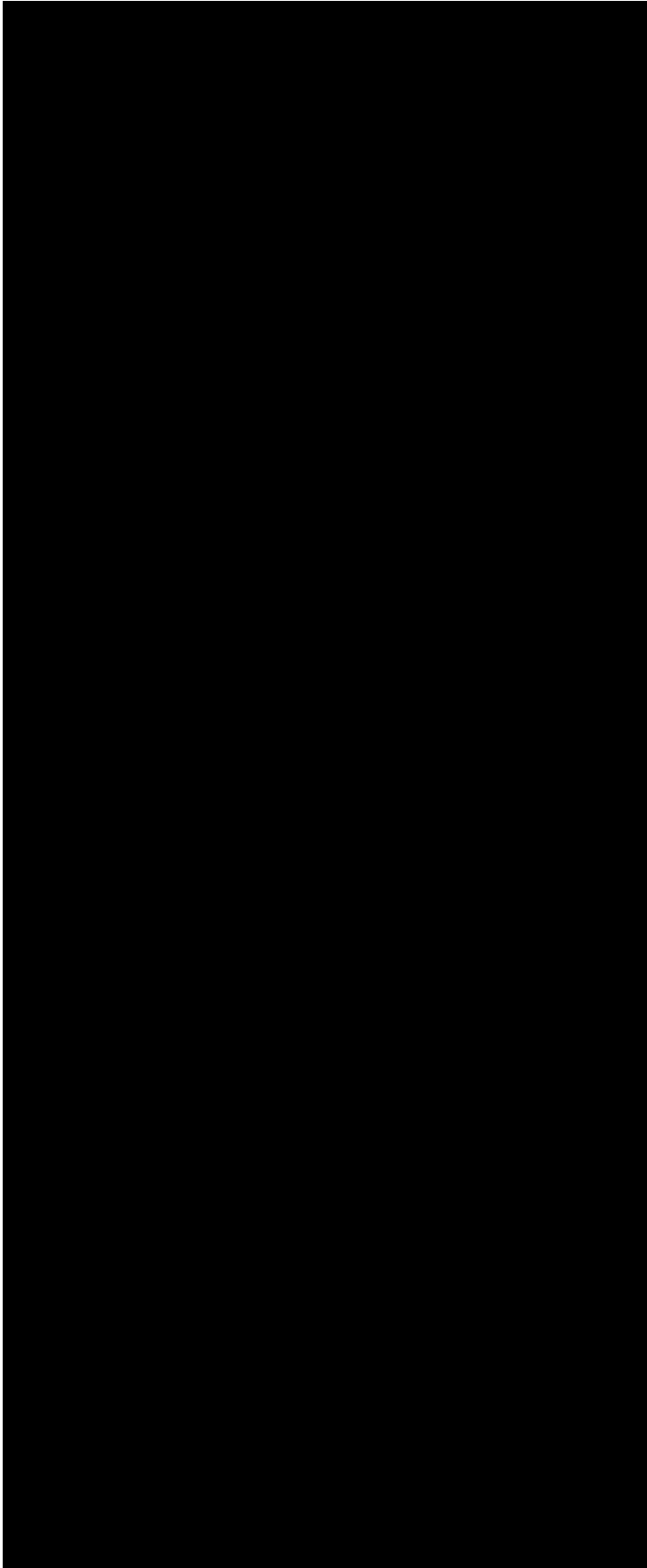
**MEMBER AND CLIENT LIST OF NFU AND LIG REGARDING THE NORFOLK BOREAS
OFFSHORE WIND FARM DEVELOPMENT CONSENT ORDER 201 [...]**

PLANNING INSPECTORATE REFERENCE NO EN010079

DATE 26th February 2020

Norfolk Boreas Scheme

NFU MEMBERS AND LIG CLIENTS



NFU

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