

PLANNING ACT 2008

INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

**WRITTEN SUBMISSIONS OF NFU REGARDING THE Sheringham Shoal and Dudgeon
Offshore Wind Farm Extension Projects DEVELOPMENT CONSENT ORDER APPLICATION
BY EQUINOR**

PLANNING INSPECTORATE REFERENCE No. EN10109

**SUBMISSIONS OF NATIONAL FARMERS UNION ON THE – EXAMINERS FIRST
WRITTEN QUESTIONS**

DATE 20 February 2023

Louise Staples
Agriculture House
Stoneleigh Park
Stoneleigh
Warwickshire
CV8 2TZ

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 Equinor for the Sheringham Shoal and Dudgeon Offshore Wind Farm Projects. The NFU and LIG is making a case on behalf of its members and clients who are affected by the DCO.

2.0 First Written Questions - Agriculture

2.1 Q1.6.6 Adequacy of the Outline Code of Construction Practice

Q1.6.6.1 Local Authorities and NFU are there any management plans that you consider are crucial to review during the Examination? Explain with reasons: The NFU would expect to see an outline management plan linked to the Outline CoCP and for this to include wording which is currently being agreed with the applicant to cover handling and management of soils during construction, reinstatement and aftercare, field drainage, water supplies, irrigation supplies, bio security and the role of the Agricultural liaison officer (ALO). As detailed in our written submission to the hearing on the 20th January, there is some good wording included within the outline CoCP on how soils will be dealt with at chapter 5 but nothing has been included on soil aftercare.

Field drainage, water supplies and the ALO have been mentioned in chapter 2, paragraph 21 but there is not enough detail included for landowners and farmers to know what Equinor would actually do to remedy field drainage or if there is an incident with a water supply being cut off. The NFU has agreed wording in previous outline environmental management plans in many DCO applications which cover these areas. The wording we would like to agree has been provided to the applicant and we have attached as a separate document with this submission headed ‘Construction Practice Addendum’ (CPA). The NFU would like to see this wording agreed in an outline CoCP which is then taken forward and included in the individual management plans.

3.0 Q1.8.2 Affected Persons’ Site-specific Issue

Q 1.8.2.5: Term Several: Affected Persons [too numerous to list] represented by Savills and Bidwells and the NFU seek clarification why the term would be in perpetuity as opposed to 99 years, which parties state has typically been the term in other made DCOs. The NFU and LIG believe strongly that no landowner should have to give rights in perpetuity if they are not required. In recent years the NFU and LIG have agreed a term of 99 years with five offshore wind developers. The NFU and LIG can see no difference in the schemes and therefore no reason for rights to be given in perpetuity. We understand that the rights granted by the Crown will be for a term that is considerably less than 99 years.

4.0 Q1.11. Draft Development Consent Order

4.1 Q1.11.1.4 Applicant Offshore Transmission Owner: - The NFU and LIG understand there is a requirement for the applicant to transfer the onshore assets of the project to an OFTO within a specified period following energisation of the project. Landowners need to know who will be liable for any future claims and/ or remedial works. Will the applicant be liable or will this liability be transferred to the OFTO.? Also, Landowners need to know who to contact should the need arise in the future and have the confidence that issues will be addressed in a timely fashion.

4.2 Q1.11.5 Requirements

4.2.1: Q1.11.5.1 Requirement 1 – Time Limits: NFU, specify which landowners are affected by the seven years time limit for commencing the authorised development and in what way. All landowners and farmers who are directly affected by the scheme (onshore cables) will be affected by the seven years time limit planning condition. The impact is the uncertainty of not knowing when commencement will start and instead of this being only over five years it could be for seven years, this timeline will impact on decision taken within the farm business. It affects future sales of land, it impacts long term decisions within a business and generally it is the inconvenience and disturbance over seven years rather than five years. This can include multiple surveys, pre – enabling works for construction.

5.0 Q1.16.1 Effect on Agricultural Land and Businesses and Recreational Asset

Q1.16.1.4 Impact to Agri-environment Schemes – where surveys or the construction works will impact on Agri – environment schemes the NFU would like to see as a minimum landowners and farmers being given not less than 28 days notice so that if possible for a derogation to be submitted to the RPA.. It is thought that this could be highlighted as a role for the ALO to undertake providing a 28 day notice to landowners and farmers and if a full description of the ALO role is highlighted within the outline CoCP then this will be binding under the DCO.

Q1.16.1.7: Agricultural Land Affected and Q 1.1.1.8: Individual Farms and Farm Economics. The NFU is very pleased to see that information has been requested and this will be very useful for each landholding.

6.0 Q1.16.2 Soils and Soil handling,

6.1. Q1.16.2.1: Soil Heating: Is there evidence to demonstrate whether or not the heating of soil, due to its proximity to the cables, damages the soil quality or harms the yields of crops that may be grown on it (above the cables). The underground cables crossing farmland from the first Dudgeon scheme show clear evidence that there is heat dissipation when it snows as the snow

melts along the strip where the cables are buried. This scheme was approximately 400MW and the proposed projects combined are approximately 800MW therefore heat dissipation could be greater. There must be a microclimate along the cable corridor and in a drought/heat wave like in 2022 this must have an impact on the crop yield.

6.2 Q1.16.2.2: Soil Management Plan : As highlighted above where questions have been asked regarding the Code of Construction, the NFU is pleased with the wording that has been included at Chapter 5 but it does not go far enough and does not cover soil aftercare. The wording that NFU would like to see has been provided in the ‘Construction Practice Addendum’ document and the NFU would like this wording to be included within the outline CoCP so that it is binding under the DCO.

7.0 Q1.24.2 Effects on Water Resources and Water Quality

7.1 Q1.24.2.17: Private Water Supplies: The NFU as highlighted in the written submission for the issue specific hearing 20th January has highlighted that the applicant has mentioned Private Water Supplies in the CoCP: chapter 2, paragraph 21 but no detail has been included. The NFU has particular wording that it would like to see included within the outline CoCP as the minimum and this is highlighted in the ‘Construction Practice Addendum’.