

WRITTEN REPRESENTATIONS  
MADE ON BEHALF OF  
STRUTT & PARKER (FARMS) LTD &  
LIANA ENTERPRISES LTD

Submitted by: Louis Fell MRICS (Agent)

The following submissions are made subsequent to the hearings between 17<sup>th</sup> – 19<sup>th</sup> September 2024 and relate to land owned and farmed by Strutt & Parker (Farms) Ltd and Liana Enterprises Ltd, which is all onshore land.

1. Compulsory Acquisition Hearing 1

- 1.1 The ExA stated that they are only considering as part of this DCO, the Five Estuaries project in isolation. However the applicant is seeking rights that would be sufficient for both the Five Estuaries and North Falls DCO applications. We do not see how the ExA are able to make a decision on the application by Five Estuaries in isolation when it also includes necessary land rights over my clients land that also facilitate the North Falls development. The scheme on its own would have much less land take and impact on my clients land if this were to be an application by Five Estuaries only. We therefore wish to challenge this DCO process on the basis that the land rights requested are much wider and greater than required by the Five Estuaries project.

I would like to know what would happen if North Falls does not proceed? Would the land rights area reduce? Given that the current land plans are wide enough to include North Falls, then the land area is too great, and this application should fail or be limited to just the Five Estuaries project. I noted at the hearing that the Applicants agent confirmed that they would not change the planning boundary, which we find at odds with this process of trying to accommodate valid concerns of those parties affected.

- 1.2 Having said the above, should both projects proceed, then we would welcome and encourage that both projects be built at the same time to limit the damage to the land. We think it completely impractical that the land be destroyed twice on the same parcel of land due to the timings being slightly different. This is not a new process and has been done in Yorkshire to date to good effect. This could easily be achieved by the second developer laying ducts at the same time as the construction of the first developer. This would have massive reduction in impact to the soil structure and drainage and disturbance to the local community. If the ExA are minded to proceed to include land sufficient for North Falls, we request that they ensure that the land is only opened up once during construction and ducts laid for the second developer.
- 1.3 We do not think that the applicant has considered alternative routes across my client's land holding. We have grave concerns that this proposal will conflict with a proposed development by my client. We have put forward alternative proposals and suggested alternative routes but each time they have been discounted. We are disappointed that the developer has not sought to enter into meaningful discussions to avoid the conflict.

1.4 This development is directly impacting on a residential and social development scheme that my clients and a land promoter are developing. The proposals are being split into 2 phases of development. During negotiations with the applicant's agent, it appears that we are able to potentially build out our Phase 1 development alongside the applicants development proposals, subject to agreeing the routes of temporary land take and access for maintenance routes in the future. At present, there is verbal commitment to ensure that both schemes do not impact, but this is still in development. This phase 1 of the development includes building of a new school and link road for the local community.

However, the second phase of development, which will include potential build of a new bypass, play areas, green space for amenity and social well being, will be significantly impacted by the applicants proposals. As mentioned above, we have suggested alternative routes that are within my clients land and have been included within the survey area by Five Estuaries and North Falls, which would mean that the cable route would not impact on our development scheme. My client has been happy to promote this alternative land within their boundaries and within the survey boundary area.

It is worth noting that the draft Issues and Options Consultation Document (2024) identifies six Growth Options for the District, three of which propose significant residential allocations in Thorpe-le-Soken up to 800 new homes. Thorpe-le-Soken is a sustainable settlement and the land to the north of the village is likely to be an area of focus for housing allocations through the Local Plan review.

However, those routes have been rejected on the grounds of cost. It appears that the applicant is seeking the most cost-effective route which will mean significant impact to my clients proposals and to the local community with a potential loss of a new school, new road schemes, amenity areas etc. we believe that that ExA should understand the impacts of our proposals on the cable route and alongside the developer and the landowner, seek to investigate the alternative routes to avoid such conflict. Cost should not be the underlying decision on the cable route, especially when there are other such cost alternatives. It is our opinion that the route of the cable has been fixed for some time now and the applicant is just not willing to consider any alternatives.

1.5 The applicant is seeking a very large cable corridor to give them flexibility to locate the cable route as they state that they are not at a stage that they can decide where to place it. We do not feel that is fair and reasonable when they are requesting such large land rights. Our client would much prefer the cables and thereafter the easement to be located on the northern boundary of the cable corridor. As a bare minimum this would mean much less disruption to my clients land and would seek to mitigate the impact on my clients development proposals. At present the Applicant is not willing to commit, despite our requests on many occasions to locate the cable easement to the north of the cable corridor.

1.6 Ideally, our preference is for the developer to go further north (outside the current cable corridor land), indeed, North Falls initially were consulting and using this route, but we have been told that this is a longer cable route and will

therefore mean more cost. We do not think that this should be a reason to just dismiss this route and we request that the ExA request that the Applicant seeks to cross over my clients land in a location that would minimise the impact on our future development proposals. There is an option for the developer to go under our clients water bodies – we have been told that is not possible to put the cable under a pond by directional drilling; although I know from other offshore wind farm cables, that they have directional drilled under water courses and water bodies and therefore this seems perfectly possible.

1.7 It is our position that this housing, education, health and well being development is of equal weight and significance to the applicants proposals and that every effort should be made to avoid the conflict of land use. The cable route can be located on an alternative route (within the survey area) on my clients land that will not create the same impact that the chosen route is.; however, it is much more difficult to change my clients proposed development; in doing so it would not be joined up with the local community in Thorpe-le-Soken.

1.8 I also question the requested easement width. I am involved with the Eastern Green link 1 cable bringing power via a 525kV, 2GW HVDC cable. National Grid state that they only need 2 cable ducts each adjacent to each other, in a 900mm trench. So 1.8m in width. They are needing a 30m easement for maintenance in the future with the cable being laid in the middle of that easement. If NG can give me that detail, then I'm not sure why the Applicant can't here. The Applicant and North Falls could easily have their 16 cables within ducts adjacent at 900mm, which is 14.4m. an easement width therefore of 30m is more than sufficient. We believe that the Applicant is requesting too wide ranging land rights and that there is plenty of scope to reduce the cable corridor and easement; the Applicant is seeking as wide as possible rights to cover all eventualities, but if they are so uncertain, then they should have done more pre-DCO surveys to be able to firm up the actual route. It is interesting to note that they have been very specific ecology surveys which determine that there are certain areas that no development can occur which from our land, is causing significantly diversion of the temporary possession land away from the cable corridor, yet the developer cannot say where in the cable corridor the cable will go.

In my experience of other schemes, this is because the developer will seek a design and build contractor with a 3<sup>rd</sup> party; and will therefore wish to keep the options open which I think is not right given they are seeking compulsory powers which should only be given where necessary and should minimise disruption to the landowner affected.

1.9 In terms of design, under land parcel 07-011, you will note that on the south eastern boundary, the cable corridor takes a right hand turn after entering onto my clients land after it crosses Damants Farm lane. We believe that the cable corridor could at this point head north west and go either underneath my clients ponds and then taken a left hand turn to join back up to the crossing point on B1414 or head slightly further north around the ponds and join back up with the application boundary.

- 1.10 We wish to request that to mitigate the impact on the land, that a stone haul road is constructed and traffic (except the soil stripping and restoration teams) use only the haul road for construction. Secondly, I think that construction traffic should be limited to working hours in the spring through to autumn as has been the case on other projects in the country and means less impact to the local community and farming business. I have firsthand experience of the lack of haul road and construction all year round; the effect was that works had to cease due to pollution of local water courses, land getting completely saturated and badly damaged by large construction traffic getting stuck in subsoil. The soil structure (and that is not just the topsoil) is my client's vital asset in growing crops and root crops; this must be protected as far as possible and this can only be done with the construction of a haul road.

## 2. Specific Hearing 1

- 2.1 **Cable Depth** – we note during discussions with the Applicant that they cannot guarantee that the cable will be buried at below 1.2m in depth. I cannot understand why they cannot guarantee that. Surely if they have done the appropriate soil surveys on my client's land before this DCO application, then they would know the underlying geology. My clients are seriously concerned that their future farming operations will be affected if the cable is not buried at 1.2m deep. We request that the ExA ensure that the cable is buried on agricultural farmland to a minimum depth of 1.2m.
- 2.2 **Drainage** – we request that the DCO imposes an obligation on the developer to install both pre and post construction drainage on the agricultural land. This should be developed in conjunction with the landowners existing drainage schemes and in consultation with the landowners existing drainage contractors. Land drains are vital to the effective management and growing of crops on this land in particular and without a working system both during construction and after construction, then the land use will be impacted in the future. There is bound to be subsidence as the top soil re-settles after construction; again there needs to be sufficient time period for repairs and claims to be bought after the scheme ends, I would suggest a 10 year aftercare period on drainage.
- 2.3 **Contamination** – we are concerned that there is no mechanism to ensure that vehicles passing between land holdings are wheel washing or washing down to prevent the spread of soil borne disease and pests between land holdings. For example PCN is a problem and soil borne and we would not want contaminated vehicles moving between holdings both during construction and during maintenance. We request that the ExA ensure that appropriate vehicle washing procedures are following where the developer is crossing between land holdings.
- 2.4 **Soil analysis before construction** – the soil is so key for the landowner and farmer. We request that the ExA ensure that before construction occurs a detailed topsoil analysis is carried out along the cable corridor; this should include a detailed soil depth analysis at regular intervals, say every 25m to ensure that the soil returned is to the same depth. In addition, soil ph, N, P K, Mg, soil organic matter etc, is all done at the same regular intervals. I have first hand

experience of bad top soil management during construction and in some places, there is up to 30cm of top soil missing upon soil placement after construction.

- 2.4 **Restoration aftercare** – there should be at least a 10 year after care programme on replacement of hedgerows and trees. This is standard practice in mineral aftercare and I do not see why that should be any different here.
- 2.5 I wish to bring to the attention of the ExA land parcel 08-024 and 07-008, 07-010 and 07-009. We were told at the public hearing that the relevant ecology assessment would be forwarded on to me by the applicant – this has not been done which is very disappointing. However, we are lead to believe that the applicant does not wish to take out a small section of hedgerow in order to take the haul road through during construction instead they wish to divert around to the nearest point. This means a significant extra land take and significant disturbance to my client and his farming operations. We are told by the developer that we cannot use the same access areas, this is going to make farming in the area of land around both these land takes, extremely difficult leading to a much wider claim and disturbance to this farming business – the developers are suggesting that as their application is to deprive us of the use of the existing farm road, that a new farm road will have to be temporarily built adjacent to the existing farm road – this does not seem practical.

We know (although again, this has not been confirmed by the Applicant just yet) that they intending to directional drill these hedgerow areas. The area needing to be cleared of hedgerow for the construction period would be a matter of m's (4m at most) to allow the construction traffic to move around along the cable corridor. I understand that one of the problem areas (07-008 – 07-010) is relating to dormice. There are various mitigation techniques that could be adopted (see English Nature (now Natural England) advice note on Dormice dated 2006). It is possible to mitigate the impact which we believe would be much less than taking significant additional temporary land and future maintenance access routes (it is not just temporary but rights of the future as well).

I have read the report and the relevant map is shown in Appendix 1 in relation to land areas 07-008; 07-009 and 07-010. You'll note that there were lots of nesting boxes set along the hedgerow running north south. Only one nest box had a dormouse in. it would therefore be possible to create a short removal of the hedgerow to the north of the cable corridor, which is a significant distance from the nest location without impacting on the dormouse. If the construction of this bit was reduced or controlled, then a new hedgerow with cuttings etc could be installed asap to re-create the corridor.

At present, the proposal is for the temporary haul road to be located just to the south the nest box, so surely having the haul road much further to the north will create this disturbance for the dormouse. There seems to be a lack of practical solutions being considered and when question, we are just told "its what the ecologist have said".

Please also note, that in the survey, there were no adults or juveniles present (that is coloured green on the plan).

In relation to temporary land area in 08-024, please refer to Appendix 2 below. As you will see they have found nests and dormice present on certain lengths of the hedgerow. However if they were to take the haul road just to the north of the most northerly nest (roughly marked by orange line in Map 2) (a similar distance to the proposed haul road from the nest found in Appendix 1), then this would significantly reduce the excessive temporary land take noted as 08-024 and would have a significantly reduced impact on our clients farming business. It is disappointing that no consultation with the landowner has been had to seek alternative routes that have less of an impact. Clearly there are other options here that the developer should have considered in discussion with the Landlord.

### **3. Specific Hearing 2**

- 3.1 Our first point relates to the double land take – we do not wish to see the land taken, restored and then re-taken by the North Falls project. We believe that this DCO should ensure that if North Falls project is also consented within a 2 year timetable of this DCO, that both projects should be at least ducted at the same time to minimise disruption. In addition, we do not believe that the applicant should take land, restore and then re-open the same land again. Once it is opened, all works should happen and the land only restored once, unless required for future maintenance.
- 3.2 We believe that the developer should only have the land opened for a maximum time of 18months to minimise the disruption. Interestingly, I am told by National Grid that their contractors can dig and lay at least 100m of cable ducting a day. An 18-month period should be more than sufficient for the construction of cable ducts and thereafter restoration.
- 3.3 We request that the ExA also put a timetable on the development to progress after the DCO has been confirmed of 3 years. This is because otherwise the landowners are left not knowing what is happening, not enabling them to plan for the future. Whilst we appreciate that the developer will need to raise finance etc, unless they can commit to the scheme during this DCO process, then they should not be given such powers, especially if they are stating that they are not able to confirm progress due to financial reasons.

# Appendix 1



Appendix 2  
Map 1



Map 2

