

**DEADLINE 2 WRITTEN REPRESENTATIONS MADE BY**

**T FAIRLEY & SONS LTD, ROBERT FAIRLEY LIMITED AND T & R FAIRLEY FARMING PARTNERSHIPS**

**(20049328)**

This representation is made following the initial hearings in response to deadline 2. Our land agent [REDACTED] Brooks Leney has submitted a written representation on ours and others behalf which refers to general areas of concern which are yet to be addressed and which apply to the substation site and cable corridor. We provide in addition to this, further information on those matters which were raised at the hearings to which we advised we would submit comment.

Our comments relate to the substation site at Normans Farm, Ardleigh Road, Little Bromley CO11 2QB and Land affected by the Cable Corridor between Normans Farm and the B1035 Clacton Road/Horsley Cross.

We note that since the initial hearings, the Applicant did request a meeting to discuss our concerns however this did not take place until Friday 18<sup>th</sup> October 2024 and therefore we have not yet received responses / revised terms prior to making this submission.

We firstly set out our written comments and then provide responses to the ExAs relevant questions.

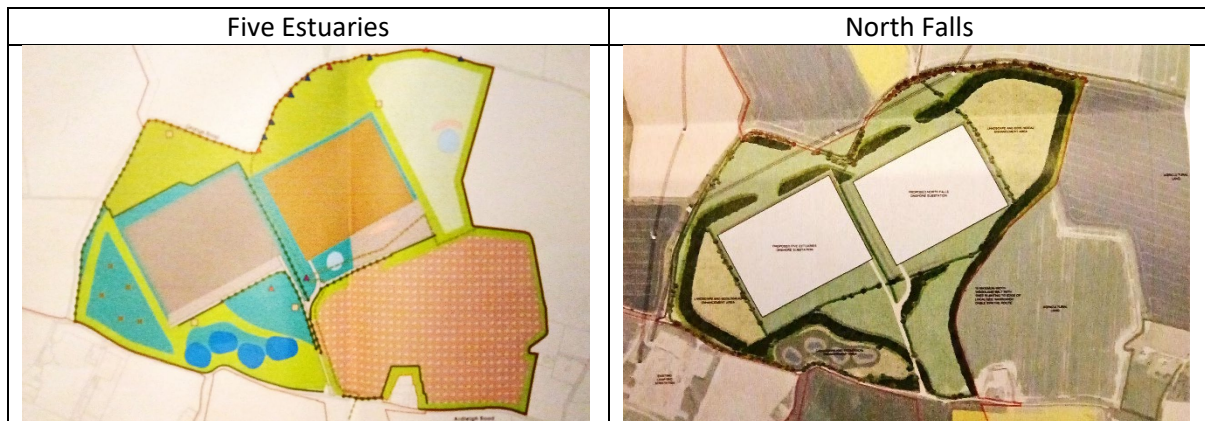
**Project Co-Ordination / Cumulative Impact**

Whilst the ExA has stated that they are only considering the Five Estuaries application, the Projects are requesting the Affected Parties to sign a single set of Heads of Terms with both Five Estuaries and North Falls. In order to therefore come to a Voluntary Agreement, we need to have sufficient understanding of both Projects and how they will interact with each other. The cumulative effect of the two Projects and the National Grid Project, upon which they both rely is significant and therefore we still believe that the Projects should be being assessed as a whole.

**Extent of Acquisition at the Substation Site / Environmental Mitigation & Landscaping**

We understand the land acquisition as part of the DCO at the substation site is sufficient for the environmental mitigation required for both Projects. We have been advised that the land take for environmental mitigation would be less if only the FE Project goes ahead. We have therefore requested the Applicant to provide further information as to what the land take is likely to look like if only their Project goes ahead or vice versa which we have not yet received. At present, without being able to understand what the potential outcomes are, should only Five Estuaries project go ahead in terms of what land may subsequently be taken/given back, it is not possible to determine if the Applicants current offer is acceptable.

Each Project is also currently providing very different indicative landscaping mitigation works at the substation site with varying land takes – again the lack of clarity and certainty at this stage makes it very difficult to come to a Voluntary Agreement as we cannot properly assess the impact on our Property against the terms of the agreement. We understand that this is as a result of different consultants being employed for each Project, however this lack of coordination is confusing as a land owner. Given the timelines of the two Projects Applications, one would assume if Five Estuaries are given consent and proceed with the landscaping as per their indicative layout, North Falls would not then be able to follow their indicative layout. We have provided overleaf copies of the two differing indicative layouts which we were shown at our most recent meeting (18/10/2024) by each Project.



Given North Falls have indicated it is possible to provide the landscaping/environmental mitigation in a way that does not require the introduction of a tree belt enclosing the Normans Farm Yard and along the frontage of Ardleigh Road – we are requesting that this area of land be removed from the Applicants application.

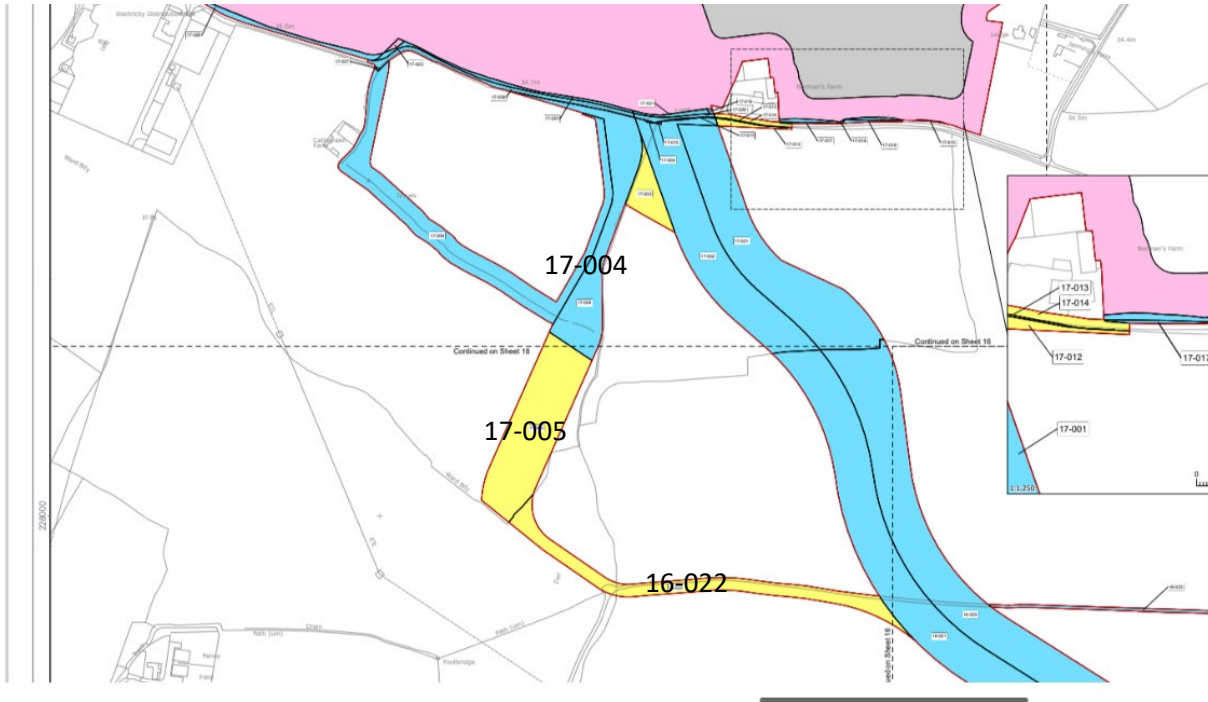
#### Environmental Mitigation / BNG

We understand the Project at the current time is not subject to BNG requirements under existing legislation. The Applicant stated both during the previous hearings and again in a meeting on 18/10/2024 that the landscaping does not include any land for the purposes of BNG. Five Estuaries landscaping consultant who attended the meeting also said that if BNG was to become required, additional land may be needed to provide this. However, in Appendix J to the Relevant Representation of Natural England Onshore Ecology it states that the Applicant has committed to the delivery of a minimum of 10% BNG (section 1.2.2 pg2) and Natural England have advised that this should be secured by requirement in the DCO.

Whilst we understand that the environmental mitigation works would contribute to an overall BNG calculation, the information here is not clear and we request clarification from the Applicant in order to understand whether or not it is essential for all the land being used for either landscaping / environmental mitigation or BNG at the substation site to be located here or if it could be located elsewhere on less productive arable land. This land is Grade I. We highlight the existence of the Tendring Farm Cluster who work with Essex County Council amongst other organisations and provide advice locally on Natural Capital opportunities such as BNG, for land owners in Tendring and who therefore may be able to facilitate the introduction of alternative locations.

#### Haul Road immediately south of Ardleigh Road opposite Norman’s Farm

Five estuaries have identified an area of land, which in recent years has been laid to grass, opposite Norman’s Farm which they have decided to avoid for ecological reasons. As such, they have varied their haul road to avoid this resulting in additional land take. North Falls ecologists have drawn a different conclusion and do not avoid this piece of grass, therefore their haul road continues alongside the cable corridor. The grass is not under any stewardship/subject to any restrictions. The inclusion of this additional haul road seems entirely unnecessary and as the two Proposals stand, would result in Five Estuaries taking additional land to avoid the area if they go first, with North Falls only to then remove it afterwards anyway. We are therefore requesting this land to be removed. We have provided a snippet of the relevant area below being plot numbers 17-004/17-005. This would also remove the need for plot 16-022, although this is not in our ownership.



### Cable Corridor Reinstatement

We have concerns about the ability of the Applicant to ensure that contractors reinstate the soil in the manner in which they claim they will. Shown below are aerial photographs taken 26 September 2024 of the Land north of Ardleigh Road, Little Bromley where archaeological trenches were dug and reinstated. These are much smaller volumes of soil than the cable corridor trenches will be and yet they have not been reinstated correctly. These fields have been ploughed since the reinstatement and the visible orange stripes are subsoils that are now on the surface, mixed with the topsoil's. Subsoil is infertile, and not capable of growing crops. Whilst we appreciate the Applicants Agent has requested us to provide evidence of the loss so that they can compensate for this, compensation does not resolve what will be an ongoing issue and this could become a problem along the whole length of the cable corridor.



## Transport - Barlon Road Traffic Controls

Timing of works that involve the closure or installation of traffic lights along public highways will affect farming operations, particularly at peak times such as during Harvest when any increases in journey times to/from fields to yards/grain stores affects the number of tractors/trailers/drivers required or results in delays. Only a few minutes per journey can make significant increases to the total operation time if the combine / harvester has to stop. If roads are not accessible and farmers have to therefore increase traffic on the fields, i.e. because they cannot use a road around the edge of the field as they usually would, this will result in additional compaction, increasing subsequent cultivation costs and reducing future yields. Timing of works should be co-ordinated to mitigate against this at the busiest/most important farming times.

## **RESPONSES TO ExAs WRITTEN QUESTIONS**

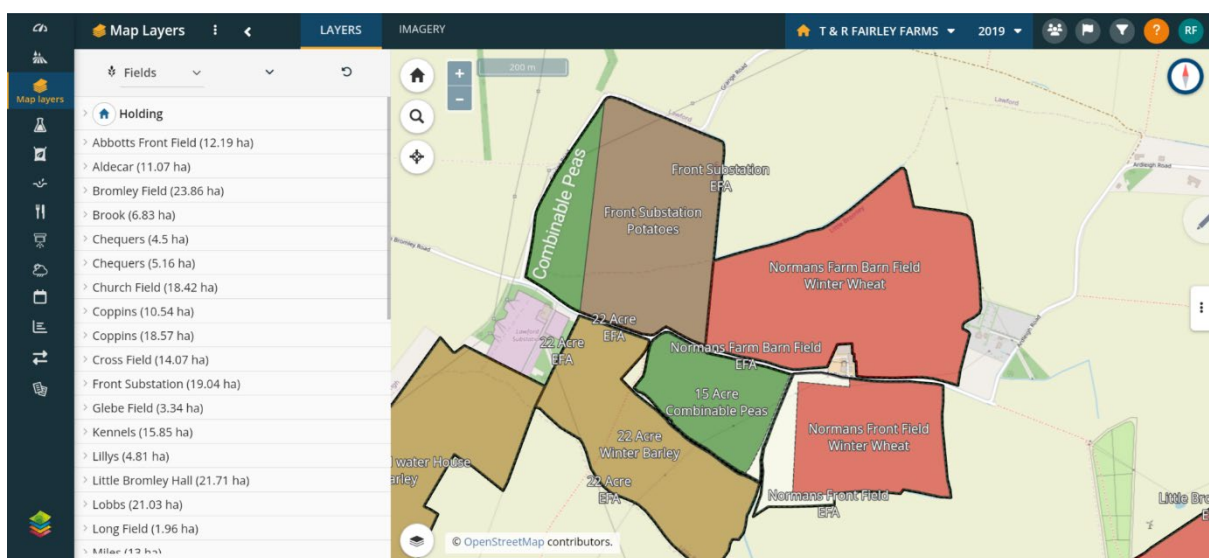
WE.1.02. The ExA has requested maps indicating the location of drainage and irrigation infrastructure. These maps, where we have them, are not digitised in order to submit as part of this response. Much of this information has been provided to the best of our knowledge to the Applicants Agent, both via our land agent and during meetings with Dalcour Maclaren. This information and any cross referencing required should therefore be provided by the Applicants Agent. We feel it is unreasonable to request Farmers to prepare, produce and provide this information, which will take considerable time, all at their own expense, at such a busy time of year.

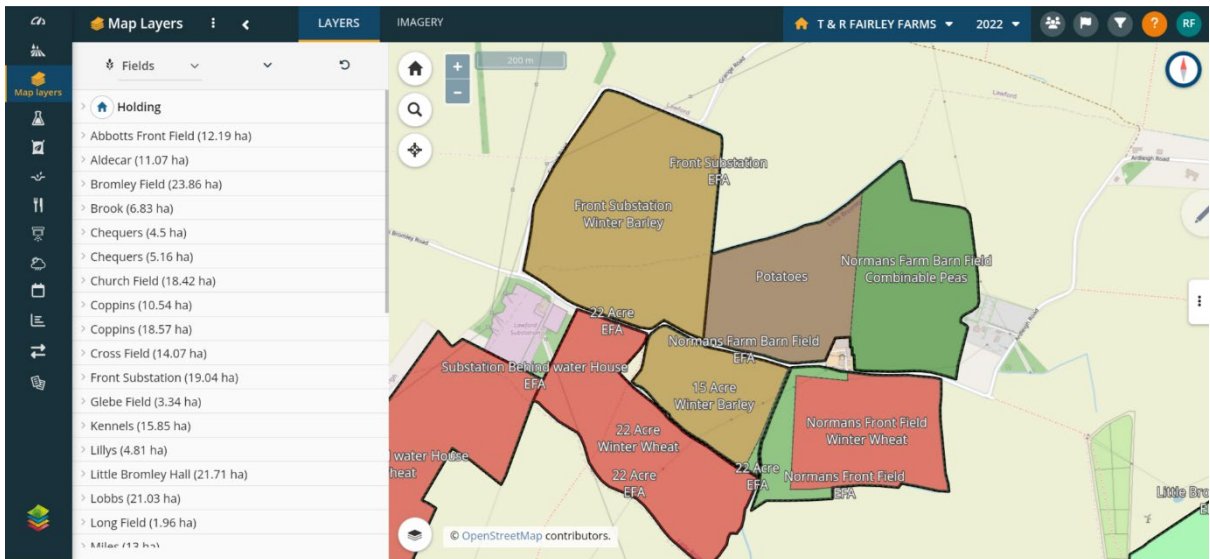
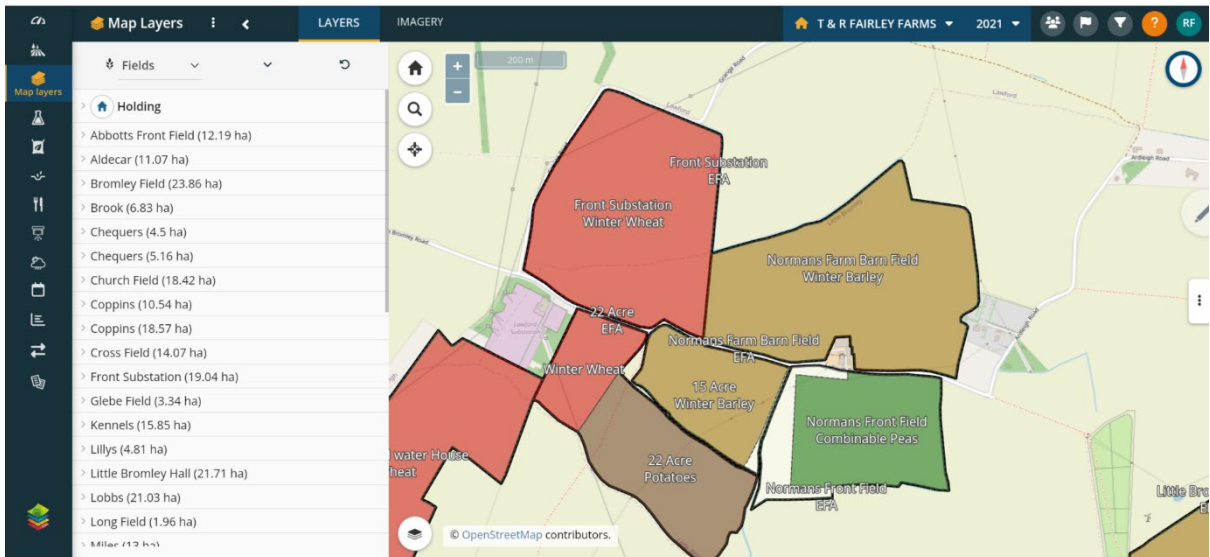
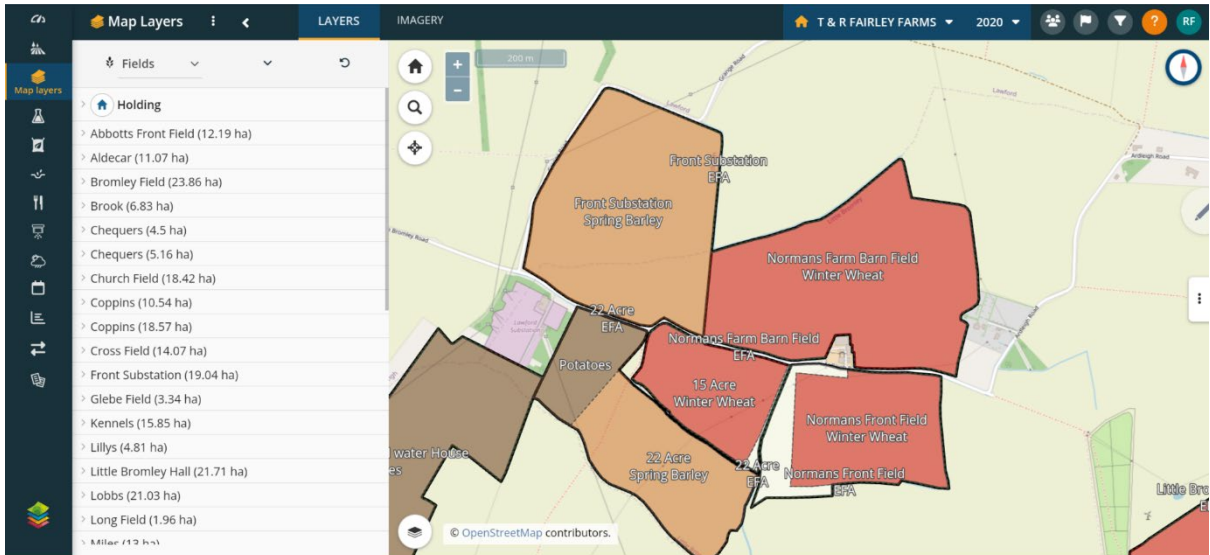
## LU.1.06 CROP ROTATION AND CROPS

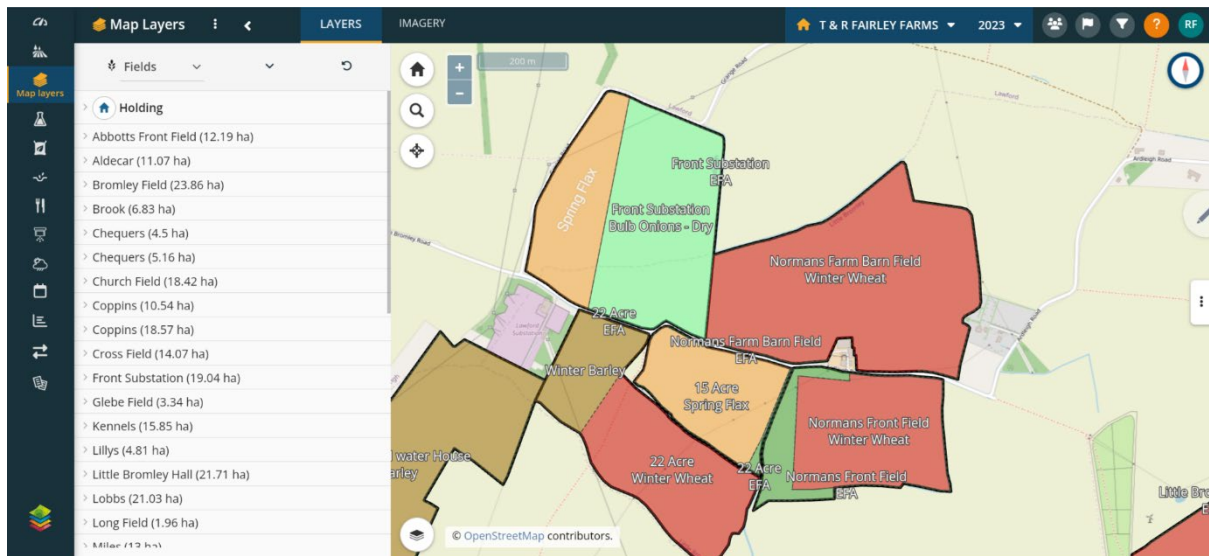
It is difficult to provide a definitive crop rotation for the next 5 years, given the variation and flexibility that is often required as result of environmental conditions, fluctuations in markets and regulation / agri-environmental schemes. That being said, our typical crop rotation consists broadly of:

1<sup>st</sup> Wheat, 2<sup>nd</sup> Wheat, Winter Barley/Spring barley, Break Crop (Onions, Potatoes, Peas, Flax or Linseed)

In relation to the OnSS at Normans Farm, Arleigh Road, the past 5 years farm crop rotation was as follows:







Whilst every crop has variations, and flexibility is required as a result of weather conditions, we provide below the typical operations throughout a 12 month period for cereal crops (winter wheats and winter barley) and break/root crops.

### Cereals

Autumn: Drilling followed by Spraying

Winter: Spraying

Spring: Spray and fertilise

Summer: Fertilise, Spray & Harvest

Autumn: Cultivations

### Break/Root Crop

Autumn: Spray. Plough (if peas, flax, onions)

Winter: Plough (onions)

Spring: Plough (potatoes). Drill/plant. Spray. Fertilise. Irrigate.

Summer: Irrigate (6-10x depending on weather). Spray. Harvest.

Autumn: Continue harvesting (onions, potatoes, linseed). Cultivations (subsoiling preferred over ploughing if conditions allow)

### LU.1.08 AGRICULTURAL EQUIPMENT MANOUEVERING

Every farm, depending on their acreage and existing field sizes/shapes has machinery suited to their own needs. Every field is also different and therefore it is difficult to specify an exact width in metres required for turning. We have tried to give generalities for our farm to provide some indication of widths required.

If the reference to “margins” is in relation to the distance between a cropped area and a physical boundary i.e. hedge/ditch/fence, the minimum requirement is 2m.

However, if the question relates to headlands, which is the working perimeter around a field this is determined by the width of the sprayer. In our case this is usually 24m (other than onions circa. 40m). For combining, our headland is 30 metres - this is three times round the headland of the field so that we have room to turn and drop back in efficiently. Most fields are not perfectly rectangular and therefore this does vary where there are turns/irregularities in field shapes. In smaller fields, where headlands therefore make up a greater percentage of the overall field, yields will be reduced and operations are less efficient. As such, although fields that are severed by the Project may be physically capable of being cropped, there will still be a reduction in yields on cropped areas which will affect profitability.