

Summary of Relevant Representation (“RR”)

T.H. Clements (“THC”) Interested Party Reference Number 20049059

THC is a leading producer of high-end Brassica and supplies approximately 20% of Brassica sold in the UK.

Quality of land farmed by THC

The land that THC farm (through which the proposed onshore cable is routed) largely comprises Agricultural Land Classification (ALC) Grade 1 land. Only 7% of the land in the UK is Grade 1.

THC interests in the land included in the proposed Order (“Order Land”)

THC farm a significant amount (approximately 753 acres/304ha) of Order Land. THC’s interests in the Order Land are detailed in the full RR. In summary, THC own the freehold of a proportion of the Order Land. A further proportion is owned by third parties and farmed by THC.

Grounds of objection

1 Alternatives (Export Cable Corridor (“ECC”) route)

Paragraph 8 of the DCLG’s *Guidance related to procedures for the compulsory acquisition of land* under the Planning Act 2008 (“the Guidance”) states that the applicant should be able to demonstrate, to the Secretary of State’s (“SoS”) satisfaction, that all reasonable alternatives to compulsory acquisition have been explored.

Three main ECC route options are analysed in Chapter 4 of the Environmental Statement (“ES”). However, for the reasons explained in the full RR, it does not appear that the alternative routes have been properly considered so as to enable the applicant to robustly justify their decision to proceed with Option 1.

2 Extent of land needed for installation and operation of onshore cables

S122 of the Planning Act 2008 provides that compulsory purchase powers can only be granted if the Secretary of State is satisfied, *inter alia*, that the land is required for the development to which the development consent relates and is required to facilitate or is incidental to that development.

Paragraph 11 of the Guidance states that the applicant should demonstrate ***that the land to be acquired is no more than is reasonably required*** (our emphasis).

Justification for ‘Working width’ during construction

No explanation is given in the Cable Statement as to why a typical ‘working width’ of 80m is required. Paragraph 43 of Chapter 3 of the ES summarises the physical infrastructure that will be within the ‘working width’/ECC.

Plate 8.1 below comprises a schematic example ‘working width’ for four cable circuits.

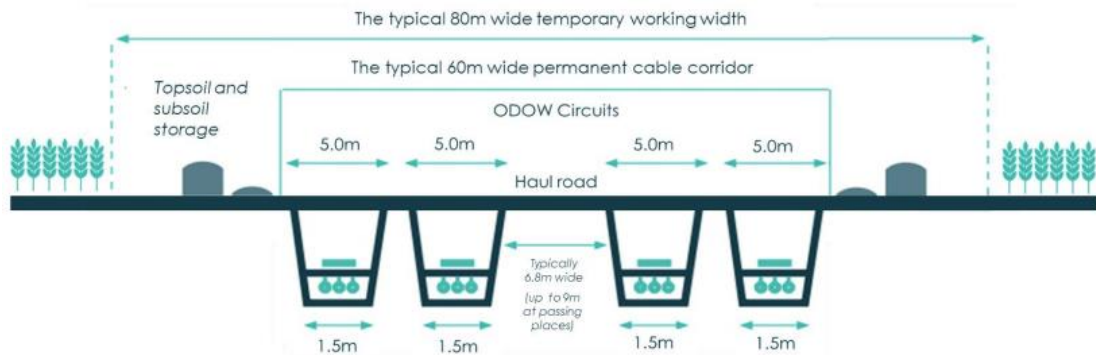


Plate 8.1 Example onshore cable construction corridor cross section for 4 cable circuits (12 cables)

Assuming the 'working width' will be laid out as indicated, there would be a significant distance (c.23.5m either side of the cable) available for soil storage (i.e. 47m). In reality, we anticipate that the overall 80m width allows for flexibility/micro-siting of cables to avoid unexpected obstacles/ground conditions and will not all be used for soil storage. However, even allowing flexibility for a reasonable worst case, an 80m wide working width is excessive when compared to other projects of this type.

Justification for permanent cable rights corridor

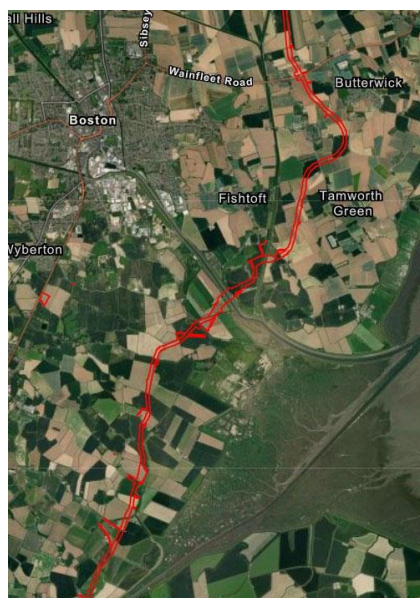
It is not clear why a 60m permanent rights corridor is required, nor how the compulsory acquisition of, and burdening land with, rights and restrictive covenants over that width is justified.

Furthermore, there does not appear to be a restriction in the draft Order to ensure that permanent cable rights can only be compulsorily acquired over a width of 60m.

3 Adverse impacts on farming during construction

During the proposed construction, it would not be possible to grow any crops on the significant area of land that is purportedly needed for installation of the onshore cables.

Nature of soils



The soils that THC farm are deep, predominantly fragile silty, and coarse silt loam soils. These soils are prone to structural change, and to surface waterlogging at certain times of year, which is managed by ditches, pumps, and field drainage pipe schemes.

The soils are at risk of machinery “falling through” (becoming ‘bogged down’) as a result of normal farming practices.

Potential contamination and degradation of soil quality

During construction, there is a high risk of highly fertile top-soil and sub-soil being mixed. This would have a negative impact on soil quality, crop growth and yield in the future. Soil quality may also be compromised due to field conditions during construction. Soils on land used to construct haul roads and compounds, for example, may be compromised by compaction.

THC does not have confidence that the special nature of the silts (soils) has been properly understood and assessed such that the mitigation measures are sufficient to prevent soil quality from being compromised.

Contamination of soil with stones

Stoneless soils are of significant benefit to farmers growing vegetable crops; they allow uniform growing and minimise the amount of crop rejection (retailers are often unwilling to purchase (or will only purchase at a significant discount) vegetable crops that have been distorted by stone-on-root contact).

Constant use of a haul road constructed from “suitable aggregate” by large vehicles and equipment could lead to crushed limestone, stones and rock being washed onto the adjacent land (outside of the ‘working width’) contaminating the top-soil. This is a significant concern to THC as it would have a direct adverse impact on their ability to grow top quality vegetables.

Contamination of growing crops by dust from construction activities

THC are in the process of carrying out more detailed analysis in relation to dust dispersion. However, it is clear that there is potential for air borne dust (soil particles) to be dispersed in multiple directions and over significant distances (which could extend up to or beyond 100m) and to contaminate growing crops far beyond the ‘working width’ assessed as part of the EIA.

THC’s customers have very exacting quality standards and will not accept vegetables contaminated by dust.

Dust contamination cannot be removed by washing vegetables as it impacts their shelf life, as well as their appearance, contravening customer service level requirements.

There is therefore a significant risk that as a result of construction activities, THC will not be able to fulfil its retail contracts, could incur significant penalties, and could potentially lose these strategically important contracts, which it would struggle to regain once lost.

Severance

THC are concerned that parts of fields that they farm may become inaccessible due to construction works and/or be too small to farm by themselves (this is estimated to be circa. 85 acres).

4 Adverse impacts on farming during operation

Insufficient cable burial depth

The 'standard' depth at which the applicant intends to install the majority of the onshore cable (1.2m to the protective tile above the cables) is insufficient to enable normal farming practices to safely resume post construction, for the following reasons:

- Location (depth) of field drainage systems

Underground field drainage systems are often installed in excess of 1.2m deep. The proposed cables would very likely cut through, or potentially even pass above, existing underground drainage systems. Where existing drainage systems are cut through (severed) by cables running at similar depth, such restoration to maintain drain grades and drain spacings (which determine water table depth) cannot be achieved. This would seriously compromise the existing field drainage systems, and likely result in serious technical and health and safety challenges for the applicant.

- 'Sinking' of farm machinery

Digging deep channels/trenches (1-1.5m from the original surface) to allow standing water to run off into watercourses/ditches is the accepted method of mitigating the effects of waterlogging on growing crops. This would not be possible if the cables were installed at a depth of 1.2m.

It is not uncommon for farming machinery to 'sink' into, and have to be retrieved from, silty soils, particularly during periods of heavy rainfall. In those circumstances, deep, intensive soil movement is required to extract the machinery and repair the damage incurred. The depth of the soil affected is often well in excess of 1m below the surface of the ground.

Consequently, the proposed cable burial depth of 1.2m will be far shallower than the depths of routine farming practices which would put the installed cables at high risk of damage and farmers at high risk of physical harm.

The potential for movement of these silty soils, and consequent risk of reduced depth of cover over the cables, would exacerbate an already significant health and safety risk.

5 Adverse impact of electromagnetic radiation and heat from cables on the soil and its microorganisms

THC has invested heavily in soil management to ensure that the soil it farms is of the highest quality, which includes creating a healthy environment for soil microorganisms.

THC are concerned about the adverse impact that electromagnetic radiation and heat emanating from buried cables could have on the quality and productivity of the soils on the land it farms.

6 Funding

Paragraph 17 of the Guidance states that any application for a DCO authorising compulsory acquisition must be accompanied by a statement explaining how the construction works and compensation for land acquisition will be funded.

Compensation for the extinguishment of THC's business would be of a magnitude that could alone comfortably exceed the Project's Property Cost Estimate.

7 **Conclusion**

Pending satisfactory resolution of its concerns, THC **objects** to the Order and reserves its right to make further representations if necessary.