

Deadline 3: T.H. Clements & Son Limited (Interested Party Reference 20049059) comments on Applicant's responses to ExA Q1

ExQ1	Question to:	Question:	
GC General and Cross-topic Questions			
Design, parameters and other details of the Proposed Development			T.H. Clements on Applicant's response
Q1 GC 1.1	The Applicant	<p>Duration of onshore construction operations</p> <p>In paragraph 189 of the Environmental Statement (ES) Chapter 3 [APP-058] the Applicant states that installing the onshore cable ducts and export cables is anticipated to take up to 42 months. How has this proposed construction period been arrived at and how does it compare with that of other recently-consented offshore wind farm projects such as Hornsea Four and the Sheringham Shoal and Dudgeon Extension Projects? What certainty can Interested Parties (IPs) have that any completed sections of the onshore Export Cable Corridor will be reinstated at the earliest available opportunity?</p>	<p>As explained in T.H. Clements & Son Limited's ("T.H. Clements") response to ExA Q1 GC.1.1 (REP2-079), the project's construction programme and its duration is of critical importance to T.H. Clements and other landowners and farmers. The impact of construction activities on the land and on their business is significant, and it is essential for them to gain a clear understanding of how long the land will be required for construction.</p> <p>While the Applicant has indicated a change to a rolling/sequential construction programme for the onshore Export Cable, insufficient information and clarity has been provided to T.H. Clements and indeed the Examination, to enable a proper understanding of the proposed construction programme and resulting impacts. For example, it remains unclear how long the installation of the onshore cable will take in relation to individual sections or in relation to Order land plots. Nor is it clear whether possession will be retained between the installation of the duct and the cable itself and so how long individual plots will be possessed by the Applicant whether or not there is active work on going. It is essential that this information is provided by the Applicant as soon as possible.</p>

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ExQ1	Question to:	Question:	
CA Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations			
			T.H. Clements on Applicant's response
Q1 CA 1.2	The Applicant	<p>The scope and purpose of the Compulsory Acquisition Powers sought</p> <p>The SoR [AS1-032], section 6.2, relates to the requirement for the Order land and paragraph 171, states that in identifying the land included in the dDCO [AS1-024], the Applicant has taken every measure to avoid taking unnecessary rights or interests and all reasonable alternatives to compulsory acquisition have been explored. To assist with the consideration of whether the extent of the land to be acquired is no more than is reasonably required for the purposes of the development to which the development consent will relate: <ul style="list-style-type: none"> ▪ For the avoidance of doubt, please set out and justify the extent of the flexibility that the submitted scheme would allow in terms of limits of deviation and parameters providing dimensions where relevant. ▪ How would it be ensured that powers of Compulsory Acquisition (CA) would not be exercised in respect of land not ultimately required as a result of the detailed design process? </p>	<p>In its response to ExA Q1 CA 1.2 (REP2-051), the Applicant states that it <i>“has justified the extent of rights required to facilitate the construction of the ECC, being a typical 80m cable corridor as part of the Applicant's Responses to Relevant Representations (PD1-071), RR-067.011 ‘Justification for ‘working width’ during construction’, which details the corridor's typical width”</i>. Part of that justification is the need to store soil along the onshore Export Cable Corridor (ECC) in bunds. As explained in ISH 3, in order to assist T.H. Clements in its assessment of the impact of the project from dust contamination (as well as going to the fundamental issue of justification of land take), it would helpful if the Applicant could confirm to T.H. Clements how the extent of the ECC required for the storage of soil in bunds has been calculated, and whether there will be a need for soil storage bunds (and the anticipated size (footprint) and volume of those bunds) along the sections of the ECC that will be installed using trenchless techniques, such as horizontal directional drilling.</p>

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ExQ1	Question to:	Question:	
Q1 CA 1.5	The Applicant	<p>The scope and purpose of the Compulsory Acquisition Powers sought</p> <p>Appendix 2 of the SoR [AS1-032] provides a description of the land which is subject to the acquisition of rights or the imposition of restrictive covenants:</p> <ul style="list-style-type: none"> • Please provide an indication of the anticipated content and/or an initial draft of any restrictive covenants intended to be imposed. • Should a requirement for consultation with relevant owners/occupiers regarding the drafting of any such restrictive covenants be imposed? 	<p>T.H. Clements on Applicant's response</p> <p>As explained in T.H. Clements response to ExA Q1 CA 1.5 (REP2-079) and orally during the ISH on Compulsory Acquisition, restrictive covenants have the potential to seriously impact/restrain normal farming activities/practices and thus T.H. Clements (and other farmers) ability to effectively farmland. It essential that the restrictive covenants are such as will not prevent the normal farming practices of T.H. Clements and the other owners and occupiers of the land on which the restrictive covenants will be imposed.</p> <p>To that end, T.H. Clements have been liaising with the Applicant with a view to reaching agreement on the drafting of the restrictive covenants contained in Schedule 7 of the draft Order. Agreement is yet to be reached. T.H. Clements proposed drafting changes are shown in track as follows:</p>

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ExQ1	Question to:	Question:	
			<p><u>Restrictive covenant</u></p> <p>B. A restrictive covenant over the land for the benefit of the remainder of the order land to—</p> <p><u>(a) prevent anything being done in or upon the land or any part thereof <u>for the purposes of</u></u> <u>=</u></p> <p><u>(i) the construction of any buildings; or</u></p> <p><u>(ii) the [hard] surfacing of the land;</u></p> <p><u>(b) prevent the planting of any trees or shrubs on the land [without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed provided that the proposed trees, or shrubs would not cause damage to the relevant part of the authorised development nor make it materially more difficult to maintain or to access the relevant part of the authorised development)]; which interferes with or might interfere with the exercise of the rights or the use of the cables or in any way render the cables in breach of any statute or regulation for the time being in force</u></p> <p><u>(c) and applicable thereto and without prejudice to the generality of the foregoing to prevent the construction of any buildings on, the surfacing of, the carrying out of any excavations or works to a depth greater than 0.75 metre on or in, or the planting of any trees or shrubs on, the land prevent the carrying out of any excavations or works or agricultural practices to a depth greater than 0.75 metre from the surface of the land, without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed, with consent for trench digging requests relating to waterlogging to be determined within 24 hours, if the proposed activity would not cause damage to the relevant part of the authorised development nor make it materially more difficult to access or maintain the authorised development, with such consent being subject to such reasonable conditions as the undertaker may require) provided that (for the avoidance of doubt)—</u></p> <p><u>(i) ordinary agricultural practices including but not limited to acts of cultivation including soil preparation, ploughing and sub-soiling, not exceeding 0.75 metres in depth from the surface of the land, do not require the consent of the undertaker; and</u></p> <p><u>—(ii) flushing of land drainage systems, maintenance of outfalls and culverts of land drainage systems, clearance of vegetation (by use of machinery or by hand) and the operation of existing land drainage systems do not require the consent of the undertaker.</u></p>

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ExQ1	Question to:	Question:	
			<p>Furthermore, as explained during ISH1, outside of Schedule 7 Order land, there is no prescribed restrictive covenant. As such, there is no limitation on the Applicant and the Applicant could impose greater restrictions on land outside of Schedule 7 Order land. That could have a material detrimental effect on T.H. Clements' (and others) on-going ability to farm after the Applicant has completed construction.</p> <p>In light of which, T.H. Clements proposes the following amendment (changes in italics) to Article 22(1):</p> <p style="padding-left: 40px;">“22 (1) Subject to paragraph (2), the undertaker may acquire compulsorily such rights or impose restrictive covenants over the Order land as may be required for any purpose for which that land may be acquired under article 20 (compulsory acquisition of land), by creating them as well as by acquiring rights already in existence, <u><i>provided that any new restrictive covenant(s) to be created shall not be more restrictive or onerous than the restrictive covenants set out in column (2) of Schedule 7.</i></u>”</p>

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ExQ1	Question to:	Question:	
Q1 CA 1.9	The Applicant	<p>The scope and purpose of other rights and powers</p> <p>The SoR [AS1-032] paragraph 5.5.5, explains that in addition to powers of CA, if made, the DCO would also confer other rights and powers on the Applicant that may interfere with property rights and private interests. Article 18 of the dDCO [AS1-024] would authorise the Applicant to enter onto any land within the Order Limits or which may be affected by the authorised development to undertake various survey and investigative works, including trial holes. Article 18(2) provides for a 14 day notice period to be given to the owner/occupier of the land.</p> <ul style="list-style-type: none"> • What assessment, if any, has been made of the effect upon individual Affected Persons and their private loss that would result from the exercise of CA powers in each case. • If no such assessment has been undertaken, please explain why it is considered unnecessary to do so in this case? • What is the clear evidence that the public benefit would outweigh the private loss and how has that balancing exercise between public benefit and private loss been carried out? 	<p>T.H. Clements on Applicant's response</p> <p>As noted in the Applicant's response to ExA Q1 CA 1 (REP2-079), Article 18(6) of the dDCO requires the Applicant to compensate the owners and occupiers of the land surveyed for any loss or damage. It would be helpful if the Applicant could clarify that 'occupiers' includes those persons who occupy land on an informal basis. Please also see our comments at ExA Q1 CA 1.10 below.</p>

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ExQ1	Question to:	Question:	
Q1 CA 1.10	The Applicant	<p>Compulsory Acquisition of the land, rights and powers that are sought by the dDCO</p> <p>The SoR [AS1-032], section 3, sets out the Applicant's case in the public interest for the proposed CA. Section 3.4 concludes that there is a need for and benefit as a result of the Proposed Development. While this conclusion sets out the benefits delivered by the Proposed Development and its objectives, there is little mention of any consideration given to private loss. Please provide further explanation in relation to the following:</p> <ul style="list-style-type: none"> • What assessment, if any, has been made of the effect upon individual Affected Persons and their private loss that would result from the exercise of CA powers in each case. • If no such assessment has been undertaken, please explain why it is considered unnecessary to do so in this case? • What is the clear evidence that the public benefit would outweigh the private loss and how has that balancing exercise between public benefit and private loss been carried out? 	<p>T.H. Clements on Applicant's response</p> <p>As highlighted in T.H. Clements response to ExA Q1 CA 1.9 (REP2-079), the way land is farmed in Lincolnshire is not fully reflected in the Compensation Code. Much of the land T.H. Clements (and others) farm, is farmed on an informal basis, which is insufficient to found a claim for compensation, including for disturbance.</p> <p>There is a right to compensation under section 37 of the Land Compensation Act 1937 for persons who are disturbed from lawful possession of, but who do not have a proprietary interest in, land. However, that section does not apply to agricultural land.</p> <p>Section 22 of the Agricultural (Miscellaneous Provisions) Act 1963 is capable of assisting, but is a discretionary power to pay compensation to those without a formal interest in agricultural land; not an obligation. As such, it does not protect T.H. Clements (or others who farmland on a similar basis) without the express agreement of the Applicant.</p> <p>Without the Applicant's agreement to pay compensation, interference with an occupier conducting its business on land, is unlikely to be justified and the Order ought not be made.</p>

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ExQ1	Question to:	Question:	
Q1 CA 1.18	The Applicant	<p>Whether adequate funding is likely to be available</p> <p>The Funding Statement [REP1-012], indicates that the scheme has a most-likely estimate of between £5.5 and £7.5 billion to cover all costs of construction, operation, development, project management, financing and land acquisition. This estimate includes an allowance for compensation payments relating to the CA of land interests in, and rights over, land and the TP and use of land. It also takes into account potential claims under Part 1 of the Land Compensation Act 1973, Section 10 of the Compulsory Purchase Act 1965 and Section 152(3) of the Planning Act 2008.</p> <ul style="list-style-type: none"> • How can the ExA be satisfied as to the reliability of that estimated figure, and what is its degree of accuracy? • How does the Applicant account for the £2 billion range between the lower and upper cost estimates? • Whilst the Funding Statement indicates that the costs of meeting any valid blight claim will be met by the Applicant, please confirm that the resource implications of a possible acquisition resulting from a blight notice have been adequately taken account of in the overall cost estimate. • The ownership structure declared for TotalEnergies Holdings Europe in the Funding Statement is indicated as comprising of three separate 'parent' entities. However, the share of ownership indicated as being held by each of these entities does not account for 	<p>T.H. Clements on Applicant's response</p> <p>It is an action point of CAH1 (AP6) for the Applicant to confirm the extent to which private loss (particularly that private loss that is to be compensated on a voluntary basis) has been accounted for in ODOW's Property Costs Estimate ("PCE") (APP-030) which appears to be based on ordinary principles under the Compensation Code and does not, in so far as can be ascertained, account for agreements in relation to informal farming arrangements (see Methodology (APP-030, p.9 (PDF))).</p> <p>ODOW said at CAH1 that the PCE was appropriate because ODOW would not allow double recovery (the informal occupier cannot recover compensation the underlying landowner is entitled to/ has been paid). However, this does not address the point. It is, of course, accepted that double recovery is inappropriate, but the losses incurred by an occupier in possession are not the same as those of a landowner not in occupation. The great majority of loss in the latter is land value. The loss for the former is in being disturbed from the land – for example, crop loss, the increased costs for T.H. Clements of farming the mitigation land. These losses are not co-extensive with the landowners and, as such, the issue of double recovery does not arise.</p>

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ExQ1	Question to:	Question:	
		<p>100% of the ownership of TotalEnergies Holdings Europe. Why is the full ownership of this company not shown in the Funding Statement and how does this apparent shortfall affect the funding available for the Proposed Development?</p>	
			T.H. Clements on Applicant's response
<p>Q1 CA 1.20</p>	<p>The Applicant</p>	<p>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected</p> <p>What degree of importance has been attributed to the existing uses of the land proposed to be acquired in assessing whether any interference would be justified, and why?</p>	<p>T.H. Clements note that in its response to ExA Q1 CA 1.20 (REP2-051) the Applicant states <i>that "Although agricultural land is being acquired no farms or businesses are being displaced or extinguished"</i>.</p> <p>That statement is not correct. T.H. Clements have already spent a significant amount of time and money in securing alternative farming land to ensure that it can continue to meet its contracts, and mitigate the impacts of the project on its business, If T.H. Clements had not acted to mitigate the impacts of the scheme on its business then extinguishment is precisely what may have occurred.</p> <p>This mitigation has to date been carried out at T.H. Clements own cost and yet the benefits of T.H. Clements decision to mitigate are being relied upon by the Applicant precisely to make statements such as this.</p> <p>Moreover, T.H. Clements is being displaced. It has had to move an element of its farming to Gosberton Farm to mitigate the impacts. That is clearly displacement.</p>
			T.H. Clements on Applicant's response
<p>Q1 CA 1.28</p>	<p>The Applicant</p>	<p>Professional fees</p> <p>Outline your approach to the reimbursement of Affected Person's professional fees.</p>	<p>At present T.H. Clements are content to leave this to commercial negotiations.</p>

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ExQ1	Question to:	Question:	
LU Land Use, Geology and Ground Conditions			
			T.H. Clements on Applicant's response
Q1 LU 1.5	The Applicant	<p>Severance of agricultural land during construction</p> <p>Severance has been identified as a concern by TH Clements & Sons Ltd and Woodlands Farm (Kirton) Ltd [RR-067, RR-075 and REP1-050]. The Applicant's response [PD1-071] to TH Clements & Son Ltd states that its land agents have reviewed areas of land which may be severed as a result of construction activities. The response to Woodland Farm (Kirton) Ltd appears to suggest that Horizontal Directional Drilling (HDD) is proposed, in part, to address severance. The ExA notes that paragraph 277 of Chapter 25 of the Environmental Statement (ES) [AS1-050] states that severance impacts on operations can still be assessed and mitigated without full details of occupying tenants. The outline Code of Construction Practice (OCoCP) [PD1-038] refers to the preparation of a management plan for severed land to be agreed with land-owners and tenants but it is not identified in the Schedule of Mitigation [PD1-058] or Requirement (R)18 of the draft Development Consent Order (dCO) [AS1-024].</p> <ul style="list-style-type: none"> • Can the Applicant confirm if it has sought to engage with all relevant landowners and tenants to determine the amount of land that would be severed? If so, please provide details of the amount of land and implications for the conclusions in the ES. • Please elaborate on the proposal for a management plan for severed land. Will this be a single plan or separate plans for individual 	<p>The Applicant states that it has undertaken an initial review of land that may be considered by landowners impracticable to farm during the Applicant's construction works, albeit that the Applicant considers this review to be unrefined and not an accurate enough basis on which to consult meaningfully with Affected Persons. The Applicant does also confirm that once designs are sufficiently detailed to facilitate a meaningful discussion, they will be consulting with Affected Persons. The Applicant will need additionally to discuss the issue with occupiers of relevant plots, even if not Affected Persons.</p> <p>In accordance with this position, the Applicant has not, to date, engaged with T H Clements on this issue or shared any indicative outline plans of expected severed areas. However, the Applicant did indicate in ISH3 that its initial assessment of the land that T.H. Clements farms and which would be left impractical to farm appears to be similar to that carried out by T.H. Clements as set out in (REP2-079, p.13-27).</p> <p>In their response, the Applicant sets out its intention that the management of mutually defined severed areas will be on the basis of individual agreements between the Applicant and Affected Parties.</p> <p>This is fine if such agreements are reached. It would allow severance to be addressed and managed on a case-by-case basis to allow the specifics of every parcel and the agricultural operations of the owner and/or occupier to be taken into consideration.</p> <p>However, without these agreements in place, owners and occupiers cannot be comfortable that they will be safeguarded against the negative effects of the scheme (with regards severance), or that severed land will be managed appropriately.</p> <p>T.H. Clements does not yet have an agreement in place with the Applicant. Whether or not such an agreement can be reached depends on many factors beyond just severance. Accordingly, there needs to be a mechanism in the Order to allow for severance to be addressed in circumstances where there is no private agreement. At the moment, this is not offered by the Applicant.</p> <p>In the result and without such a default provision in the Order or confirmation that agreement has been reached with all landowners, the ExA should in coming to their recommendation have in mind the negative consequences of severance, including:</p> <ul style="list-style-type: none"> • Inability to gain access to severed land with the equipment necessary to farm it (as explained in T.H. Clement's response to ExA Q1 LU 1.5 (REP2-079); • Inability to operate necessary machinery in severed land areas due to challenges of severed area's size and shape;

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ExQ1	Question to:	Question:
		<p>owners or tenants? How is the commitment for these plans secured? Should it be specifically identified in the Schedule of Mitigation and dDCO?</p> <ul style="list-style-type: none"> • Limited options of alternative crop production in severed areas; • Increased uncropped (internal headlands) areas within productive area of the field. <p>The negative consequences on Order Plots 29-013 and 30-002, which will be severed by the onshore ECC, are explained below by way of example.</p> <p><u>Impacts of severance on Order Plots 29-013 and 30-002 (which are owned and occupied/ farmed by T. H. Clements) being typical of issues suffered on other Order Plots.</u></p> <p>The dissection of these fields by the onshore ECC creates irregular field shapes with additional awkward corners that are not sufficient in width to allow access by farm machinery and cannot therefore be effectively farmed by T.H. Clements.</p> <p>As explained in T.H. Clements response to ExA Q1 LU 1.5 (REP2-079), T.H. Clements operate a '36 metre' system, i.e. all sprayers and fertiliser spreaders (which are necessary for the husbandry of the crops that T.H. Clements grow) have a 36-metre width. This acts as a clear measure when determining areas which are not accessible for farming as a result of the construction of the onshore export cable.</p> <p>If the severed area is not wide enough or cannot be planted with crops in such a way that allows for access with the necessary equipment, it is effectively unfarmable under the existing system.</p> <p>Growing alternative (non-vegetable) cash crops (being crops grown for financial return as opposed to land management purposes) in these areas would still suffer from the challenges of machinery access in small awkward field shapes making cropping unviable. Inevitably alternative crops would be combinable (being those harvested with a combine harvester) which require efficiencies of scale to be profitable. The relatively small, severed areas are not sufficient to produce profitable combinable crops. Stewardship options such as the Sustainable Farming Incentive (SFI) offer alternatives, however, these agreements typically last for a minimum period of 3 years and would not offer the flexibility required. As a result, T. H. Clements would in all likelihood need to leave the areas fallow.</p> <p>The implications of leaving the severed areas fallow are:</p> <ol style="list-style-type: none"> 1. A loss of output of high value vegetable crops from the severed areas where they cannot be successfully cultivated. Consequential losses as a result of this reduced supply include, a loss of income and potential threats to supermarket contracts if requirements are not met. Costs (much higher than the price received) may be incurred in sourcing crops from elsewhere to service any shortfall to demands of the supermarket contract.

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ExQ1	Question to:	Question:	
			<p>2. An increase in uncropped areas (known as internal headlands) in the cropped area of the field. These are effectively field margins which are left unplanted in order to facilitate the farming of the rest of the field. Vegetable production requires leaving areas of the field uncropped to allow for movement of machinery within the field without damaging high value crops. These areas are used for irrigation, harvesting and turning of machinery within the cropped area. Uncropped areas typically account for approximately 7-8% of the total field area, however from initial calculations T.H. Clements anticipate this figure may double should a field be crossed by the scheme.</p> <p>The plans comprising Appendix 7 and 8 show Plot 27-005 and illustrate estimated uncropped areas in both scheme and no-scheme worlds. Non-cropped areas are show in orange and sterilized areas in blue.</p>

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ExQ1	Question to:	Question:	
Q1 LU 1.10	The Applicant Interested Parties	<p>Dust contamination Concerns regarding the risk of dust contamination of crops during construction are raised by a number of landowners and agricultural businesses in their RRs. The Local Impact Report submitted by East Lindsey District Council, Boston Borough Council and South Holland District Council [REP1-052] also identifies the need for the effective management of dust and communication with landowners. The ExA notes that the local authorities deem the mitigation measures listed in Table 2.1 of the outline Air Quality Management Plan (AQMP) [APP-270] to be robust. The Applicant's response to RRs [PD1-071] identifies mitigation specified in the outline Construction Traffic Management Plan [APP-289], outline SMP [PD1-040] and the outline CoCP [PD1-038]. The latter refers to the implementation of a "Dust Management Plan", but this document is not identified in the Schedule of Mitigation [PD1-058] or in R18 of the dDCO [AS1-024].</p> <ul style="list-style-type: none"> Does the Applicant intend to produce a "Dust Management Plan"? If so, how would this plan be secured? Should it be identified in the Schedule of Mitigation and R18 of the dDCO? Will an outline Dust Management Plan be submitted into the Examination? If not, why not? The ExA notes that the Applicant met with the Land Interest Group (LIG) on 4 September to discuss concerns and the outline CoCP. Can Interested Parties please comment on the mitigation proposed by the Applicant and specify any additional measures that they consider to be 	<p>T.H. Clements on Applicant's response</p> <p>In principle, T.H. Clements has no fundamental issue with the approach adopted by the Applicant in completing the construction dust risk assessment reported in Chapter 19 of the Environmental Statement (AS1-086) and the resulting Outline Air Quality Management Plan (AQMP) for mitigating dust (APP-270). The assessment was completed with reference to the Institute of Air Quality Management (IAQM) construction dust guidance¹, recognised as industry best practice.</p> <p>Although the Applicant's assessment does not explicitly identify or refer to the commercially sensitive agricultural land in proximity to the Order Limits, the assessment does arrive at a conclusion of 'high risk' of dust soiling to 'people and property', which dictates the level of mitigation set out in the Outline AQMP.</p> <p>The IAQM guidance states that, with mitigation in place, it is assumed that "...a potential significant adverse effect will not occur, so that the residual effect will <i>normally</i> be 'not significant'" (Section 9.1, page 30 of the guidance), which is the conclusion reached by the Applicant.</p> <p>However, the IAQM guidance does acknowledge that "...even with a rigorous dust management plan (DMP) in place, it is not possible to guarantee that the dust mitigation measures will be effective all the time" (Section 9.1, page 30), going on to state that there may be cases where "...there may be a significant effect." (Section 9.2, page 30).</p> <p>Therefore, the IAQM guidance states that "...it is important to consider the specific characteristics of the site and the surrounding area to ensure that the conclusion of no significant effect is robust" (Section 9.2, page 30).</p> <p>Given that the specific characteristics of the commercially sensitive agricultural land owned/managed by T.H. Clements was not explicitly considered within the Applicant's assessment, the detailed dust deposition modelling assessment completed for T.H. Clements (Appendix 14 of REP1-050) effectively actions the above IAQM statement. The study was particularly driven by the commercial sensitivity of the brassica crops to visible dust contamination, with T.H. Clements being required to produce crops that are practically free of visible dust. This makes farmland through which the onshore cables run particularly sensitive.</p> <p>T.H. Clements' Air Quality Expert is in dialogue with the Applicant's Air Quality Expert to reach a mutually agreeable position on impacts and mitigation, with a potential option (to be agreed with Applicant) of establishing a Statement of Common Ground (SoCG) that identifies what is / is not agreed.</p> <p>T.H. Clements understand that the Applicant will submit a detailed review of T.H. Clements' dust deposition modelling report (REP1-050) at Deadline 3. Whilst T.H. Clements reserve their position to respond to that, T.H.</p>

¹ IAQM (Jan 2024) Guidance on the assessment of dust from demolition and construction v2.2 (accessed online: <https://iaqm.co.uk/wp-content/uploads/2013/02/Construction-Dust-Guidance-Jan-2024.pdf>)

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		<p>necessary. ▪ Is the Applicant committed to implementing all of the measures identified in Table 2.1 of the outline AQMP which are identified as “highly recommended”? If so, should this be made clearer in the outline AQMP? ▪ Can the Applicant provide feedback on the approach and conclusions of the Technical Report: Dust Deposition Modelling submitted by TH Clements & Son Ltd with its Written Representation [REP1-050]? Does this report have any implications beyond the study area of the ES or for other plots not included in the TH Clements & Son Ltd assessment?</p> <p>Clements note that the Applicant raised three principal issues in response to Q1 LU 1.10 (Page 114, REP2-051) that relate to the dust modelling study. T.H. Clements’ responses to these are outlined below, in turn:</p> <p>a) <i>The report makes unrealistic assumptions relating to the timing of the construction phase. It assumes that the whole of the Order Limits will be stripped of topsoil upon commencement of the construction phase, and excavation activities will be ongoing, continually, for the full construction programme.</i></p> <p>It is incorrect to say that the assessment assumes excavation activities will be ongoing, continually, for the full construction programme.</p> <p>The focus of dust modelling assessment was on three discrete phases of the onshore cable route construction – Enabling Works, Cable Infrastructure Installation, and Reinstatement & Demobilisation.</p> <p>Each phase was assumed to have a 12 month duration, totalling 36 months. This was based on information provided in the Project Description (APP-058), Outline Soil Management Plan (SMP) (PD1-040), and Transport Assessment Appendix 27.1 (AS1-086). Specifically, reference is made to:</p> <ul style="list-style-type: none"> • An indicative programme for the construction phases spanning a total of 42 months (Plate 11.1, APP-058); • Main and secondary construction compounds are to be in place for between 6 to 36 months (para. 203, page 87, APP-058); • 100% of the haul road to be retained for a 36 month period (para. 257, page 101, APP-058); • Stockpile maintenance measures to be in place where soil will be stored for over six months (para. 78, page 22, PD1-040); • Average daily construction traffic movements split by segment of the ECC, applicable to a 42-month construction period, with all movements assumed to use the haul roads (para. 146-147, Table 27.28, pages 65-66, AS1-086). <p>The justification for the approach to phasing is provided within Appendix 14 (pages 16 and 44) of the T.H. Clements Written Representation (REP1-050).</p> <p>It is acknowledged within Appendix 14 of REP1-050 that construction activities will not occur continuously in each phase and that these are likely to be undertaken in sections. However, indicative timing of this could not be accounted for in the assessment as such details were not available.</p> <p>Notwithstanding, it is important to note that the dust modelling assessment results consider dust deposition on T.H. Clements’ land from each construction phase <i>independently</i>. This means that there was no double-counting of dust impacts and no overlapping of construction activities (i.e. activities were not assumed to be ongoing,</p>

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ExQ1	Question to:	Question:
		<p>continually, for the full construction programme). This was to acknowledge the lack of detail on construction activity location and sequencing along the corridor.</p> <p>Dust deposition impacts in each phase were assessed over short term periods – daily and monthly. This ensured the modelling captured the different weather conditions throughout the year, such that dust deposition could be assessed at any given location where these activities might occur.</p> <p>Total annual dust deposition results were not considered as it was recognised this would not be realistic, given that activities would not occur continuously over 12 months.</p> <p>If, for example, construction was to be progressed on a section-by-section basis over a set period and lasted in the order of a few months, then the potential for these activities to overlap is more likely. This may lead to a higher intensity of dust emissions in some cases, albeit over shorter periods of time. For this reason, a lower dust impact may not necessarily occur relative to the assessment completed for T.H. Clements.</p> <p>b) <i>The report fails to take account of the approximately one third of the total ECC which the Applicant has committed to construct using trenchless techniques.</i></p> <p>We will take this away and address how it may impact the assessment results. However, there is unlikely to be a complete absence of dust emissions from these areas, given that soil storage and other material storage is still likely to occur.</p> <p>In most cases where there are Cable Installation Compounds (CIC) and trenchless methods to be used, Figure 3.4 of APP-089 shows the haul road to still be present and also indicates the potential for open-cut trenching techniques to be used on the CIC footprints. This is in addition to the likely soil storage – the 80m corridor width is only justified by the need for soil storage and has not been reduced by the Applicant alongside those areas where trenchless techniques are proposed.</p> <p>The modelling completed for the T.H. Clements study excludes potentially dust generating activities associated with all construction compounds along the ECC route (e.g. material import/export, storage) and any dust emissions from construction vehicle movements on the enabling access roads and construction access roads.</p> <p>c) <i>The report has used an inappropriate methodology for modelling dust deposition. The method in question has been developed for arid regions of the globe such as South Africa and Australia, and as such is inappropriate for the temperate climate of south Lincolnshire.</i></p> <p>The dust emissions inventory for each phase was developed using emissions factors relevant to each construction activity published by the US Environmental Protection Agency (US EPA) and Australian Government Department for Climate Change, Energy, the Environment and Water (DCCEEW), with the Australian factors largely based on the US EPA factors. These are detailed in Table 4-3, page 19 of Appendix 14 (REP1-050).</p>

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ExQ1	Question to:	Question:
		<p>The T.H. Clements report acknowledges that the use of these emission factors represents a precautionary approach principally due to the climatic differences between the US/Australia and the UK. However, these factors are not exclusively reserved for use in arid climates and are cited for use by both the European Environment Agency and the UK's National Environment Atmospheric Inventory, as stated in paragraphs 4.2.71 – 4.2.72, pages 30-31 of REP1-050. This indicates that they are considered appropriate in European / UK climates.</p> <p>Whilst it is not appropriate to compare the climates of Eastern England to parts of the US/Australia, it is of note that the Eastern England climate is relatively dry and warm compared to other regions of the UK. Furthermore, with its coastal setting and flat terrain, the study area experiences high winds relative to inland areas. This is covered in Section 3.1, page 11 of Appendix 14 (REP1-050).</p> <p>Notwithstanding the above, the assessment sought to acknowledge the precautionary use of these factors and minimise uncertainty, with all efforts made to ensure the factors and construction activity data relied on project-specific and location-specific information to ensure they were representative of local conditions, as detailed in Sections 5.1.3 and 5.1.4, pages 45-46 of Appendix 14 (REP1-050).</p> <p>A dust emissions inventory was generated for both <i>without</i> and <i>with</i> dust mitigation, as per the Outline AQMP, with the measures principally focussed on wet dust suppression of construction activities and seeding of stockpiles to reduce wind erosion. The assessment results were appropriately focussed on the '<i>with dust mitigation</i>' modelling. Any assumptions applied to the inventory and model were in a manner to ensure the dust deposition modelling was not overly conservative (i.e. it assumed mitigation was effective and as such lowers dust emissions), including those specifically applied to the '<i>with dust mitigation</i>' inventory:</p> <ul style="list-style-type: none"> • Dust control measures assumed to be implemented and effective from day 1; • Constant and effective damping down of the haul road will occur across the entire length of the haul road (not just at site access/exit locations); • Assumption that mitigation of wind erosion through seeding of stockpiles will be effective from day 1, despite seeding only occurring on stockpiles where present for over 6 months (para. 78, page 22, PD1-040). • A relatively high moisture content was assumed as constant for topsoil and subsoil, despite soils only being moved when in a "<i>...dry and friable condition</i>" (para. 39, page 17, PD1-040) • Limiting emissions for all construction activities except for wind erosion to the number of working days per year, based on the proposed core working hours for project (para. 146, page 65, AS1-086). <p>The above assumptions are stated within Section 5, pages 44-48 of REP1-050.</p> <p>Following the above comments, the Applicant concluded by saying:</p>

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ExQ1	Question to:	Question:	
			<p><i>d) When these assumptions are compounded, they result in significant over estimates in potential impacts from dust, and as such, the Applicant is confident that the mitigation measures outlined in the Outline CoCP will be appropriate.</i></p> <p>The Applicant's comments solely focus on the precautionary elements of the methodology applied to the assessment, but do not acknowledge the relatively optimistic assumptions in relation to mitigation, as stated above, which facilitated a balanced assessment within the context of the sensitivity of T.H. Clements' land and crops to visible dust deposition.</p> <p>Therefore, at this stage and notwithstanding any update to the assessment in relation to trenchless areas, the conclusions of the detailed assessment are considered appropriate. With dust mitigation in place, the assessment has reported the potential for a significant area of T.H. Clements' to be at high risk of visible dust impact.</p>

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ExQ1	Question to:	Question:	
Q1 LU 1.11	The Applicant Interested Parties	<p>Stone contamination</p> <p>The ExA notes the concerns raised by multiple Interested Parties regarding the potential for stone contamination of Grade 1 soils and associated implications for agriculture. The Applicant responds [PD1-071] by referring to a commitment in the outline SMP to conduct post-construction soil surveys. If stones are present on land previously stone free, <i>“an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.”</i> However, the outline SMP [PD1-040] does not appear to include a commitment to ensure that stone free land remains so after construction.</p> <ul style="list-style-type: none"> • Should the outline SMP include a specific commitment to ensure that land identified as stone free in pre-construction surveys is returned this condition post-construction? • Can the Applicant elaborate on the reasons why it cannot commit to aluminium trackway being the primary method for haul roads? • The Written Representation from TH Clements & Son Ltd [REP1-050] identifies issues apparent following the completion of other projects in the area, including Triton Knoll and Viking Link. Can the Applicant comment on the effectiveness of mitigation to avoid residual stone contamination on these projects and whether any lessons can be learned from them? 	<p>T.H. Clements on Applicant's response</p> <p>The Applicant's response to ExA Q1 LU 1.11 (REP2-079) explains how stone content will be assessed as part of pre and post construction soil surveys, following the guidance as detailed within Hodgson, J 1997 Soil Survey field handbook (“Hodgeson Guidance”). The Hodgeson Guidance is best practice, and the Applicant's commitment to follow it is welcomed. The Applicant also advised that at Deadline 4, it will submit an updated oSMP which will include a section on “stone contamination”. T.H. Clements look forward to reviewing the stone contamination section in the updated oSMP.</p> <p>Key points of concern to T.H. Clements, which it is hoped will be addressed in the updated oSMP to be submitted as Deadline 4 are as follow (T.H. Clements detailed comments on the current draft oSMP are being submitted at Deadline 3 in accordance with ISH 3 Action 20):</p> <ul style="list-style-type: none"> • Reference in the oSMP to post construction surveys being undertaken to ascertain the level of stone contamination are a concern to T.H. Clements, as this implies that stone contamination will be present following construction. This serves to show the procedures employed are not effective. • Given the almost completely stone-free nature of the soils that T.H. Clements farm at present, and the importance of that to T.H. Clements in terms of producing high quality vegetables and vegetable products free from stone contamination (please see Appendix 9 which explains further why stoneless soils are so important to T.H. Clements in terms of meeting clients exacting quality standards), it appears that the Applicant is accepting contamination will occur when ballast is used. Preferable (prevention as opposed to cure) techniques include the use of trackways as opposed to ballast, alongside best practice techniques (Hodgson Guidance and the British Standards referred to in the oSMP) employed throughout the construction period. It is therefore of concern that the Applicant has not committed to using trackway on the soils farmed by T.H. Clements. • Due to their stone free nature, it is not commonplace for stone removal techniques to be employed when growing vegetables (or potatoes) on silt loam soils. Generally, where top quality vegetable crops are grown, soil types are selected accordingly – as in the case of T.H. Clements. • Stone removal equipment used in the industry basically “harvests” stones from the soil by breaking down the soil structures to a size where they fall through a conveyor web and back to the soil itself, leaving (larger) stones to be taken along the web and deposited either into an adjacent trench, or into a bunker where they then can be taken off the field itself. The need to break down the soil particles to a relatively small size implies that all natural structural blocks and large aggregates are broken down, rendering the soil structurally unstable, prone to erosion and unsupportive to farming equipment in the short to medium term (at least for the growing period of the following crop, or longer). • Furthermore, the “riddling” action to remove stones aerates the soil significantly, whereupon the biota in the soil become over stimulated. Generally, this leads to a loss of stabilising Organic Matter, and a resulting level of biological activity which is much different to that present before. Such differences then imply that crop establishment, and growth to harvest condition will differ compared to adjacent field areas not affected by stone removal. Such differences are highly likely to lead to differential ripening (see comments on Q1 1.16). This is likely to affect marketable yield as a direct result.

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ExQ1	Question to:	Question:	
			<ul style="list-style-type: none">• An alternative to this would be to harvest such areas at different times, however this implies additional resource is needed, in effect, to revisit fields to harvest accordingly. Such would also require significant management time monitoring and organising harvesting, compared to currently where the field is relatively consistent (see Q1 1.16).• Should differential ripening occur, THC would expect compensation for these relative differences on a field-by-field basis until such time that differences are minimised.• Clearly, the oSMP must include a commitment to ensure land remains stoneless post construction, or to reflect the aforementioned compensation policy if not.

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ExQ1	Question to:	Question:	
Q1 LU 1.12	The Applicant	<p>Soil restoration</p> <p>NE [RR-045] welcomes the commitment to produce a Decommissioning Plan in R24 of the dDCO [AS1-024] but request a commitment to restore land to its original condition and ALC grade. The Applicant’s response [PD1-071] appears to be contradictory in stating that the Decommissioning Plan will “confirm the detail of restoration required which will include the restoration of land to its original ALC Grade” whilst going on to state that this would not be possible as it would “...require the methodology for ALC assessment to remain the same (currently MAFF 1988 guidance), with no updates to climate data sets.”. The ExA notes that there does not appear to be any confirmation in R24 of the dDCO, the outline SMP [PD1-040] or the Schedule of Mitigation [PD1-058] that the Decommissioning Plan will provide any detail regarding soil restoration.</p> <ul style="list-style-type: none"> • Should the outline SMP provide a specific commitment to restore agricultural land, to the same ALC grade (or equivalent future grade) to that identified in pre-construction surveys? If not, why not? • Confirm if any such commitment would apply to the 26.38ha “permanent” land take, including the OnSS, as identified in Chapter 25 of the ES following decommissioning as well as the onshore ECC and 400kV cable corridor during operation? • Should R24, outline SMP and the Schedule of Mitigation confirm the commitment for the 	<p>T.H. Clements on Applicant’s response</p> <p>The oSMP provides a methodology for pre and post construction survey of soils with the aim of ensuring the soils are restored to pre-construction condition. T.H. Clements are providing comments on the oSMP but the following matters are not adequately covered for T.H. Clements to be satisfied that the soils will in fact be restored to their pre-construction state:</p> <p>Soil Horizons</p> <ul style="list-style-type: none"> • The oSMP needs to address the presence, identification and recording of multiple soil horizons. Where these differ markedly, specific note is required of how they will be segregated during stripping and stored in separate bunds to avoid mixing/cross-contamination, and correctly reinstated thereafter. • There is a need for a methodology to correctly identify, and then determine the extent of, multiple soil horizons in the oSMP. This should include (as appropriate) the need to conduct laboratory sample analysis on such horizons. <p>T.H. Clements have submitted a marked-up copy of the current oSMP at Deadline 3, as per ISH 3 action No. 20. T. H. Clements await with much interest a robust, updated oSMP which clearly controls the identification of, and subsequent treatment and reinstatement of soil horizons in all fields along the ECC.</p> <p>Soil Physical Condition</p> <p>Paragraph 97 of the oSMP states that the soil’s ‘physical characteristics’ will be assessed following re-instatement. Physical characteristics (soil structure) will be fundamental to the soil’s performance (productivity) in subsequent cropping and the methodology of assessment needs to be robust. T.H. Clements seek clarification from the Applicant of what soil ‘physical characteristics’ will be assessed and the methodology for this. T.H. Clements note that pre-construction surveys will assess land based on ALC and British Standard (BS) Testing, however, neither ALC or BS testing provides adequate assessment of soil physical structure for crop growth, the oSMP needs to detail how this will be measured.</p>

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ExQ1	Question to:	Question:	
		Decommissioning Plan to restore soil?	
			T.H. Clements on Applicant's response
Q1 LU 1.13	The Applicant	<p>Soil aftercare and monitoring Section 5.11 of the outline SMP [PD1-040] states that <i>"It will be responsibility of the Soil Clerk of Works (SCoW) (or similar appointed person) to determine when the reinstatement standard has been met."</i> Table 2 provides outline details of proposed monitoring, but the frequency is not given.</p> <ul style="list-style-type: none"> • Will stakeholders, including landowners, be consulted to confirm that the reinstatement standard has been met? If so, how is this secured? If not, why not? • Please provide further details of the frequency of proposed monitoring. 	<p>As explained above, more detail is required in the oSMP on pre and post installation soil surveying, restoration and aftercare.</p> <p>It is essential that stakeholders, including landowners and occupiers (i.e. those who farm and best understand the particular nature and quality of the soils), are consulted to confirm the required reinstatement standard has been met. T.H. Clements propose the following amendment to Requirement 31 to secure this:</p> <p><u>31. Soil management plan</u></p> <p><u>—(1) No stage of the onshore transmission works may commence until a soil management plan (which must accord with the outline soil management plan) for that stage has been submitted to and approved by the relevant planning authority in consultation with—</u></p> <p><u>(a) Lincolnshire County Council; and</u> <u>(b) the owners of the land which will be affected by the works to which the soil management plan relates.</u></p> <p>(2) The soil management plan must be implemented as approved.</p> <ul style="list-style-type: none"> • In order to determine if the reinstatement standard has been met, it is vital that the benchmarks to be judged against are clear. As stated in comments on question responses above, T.H. Clements are not confident that such standards of soil assessment are robust. Typically, additional detail is needed to provide benchmarks in the following instances: <ul style="list-style-type: none"> o The presence of multiple soil horizons of differing quality (from a structural, biological and chemical aspect) within the topsoil layer as currently defined. o Stone content – essentially, these soils have zero % stone (as opposed to having zero to 5% stone for example if comparing against the ALC Grade 1 standard protocol of assessment for stone content).

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ExQ1	Question to:	Question:	
Q1 LU 1.14	<p>The Applicant</p> <p>NE</p>	<p>Soil handling</p> <ul style="list-style-type: none"> • Should the outline SMP [PD1-040] include explicit reference to the need to follow the Institute of Quarrying's Good Practice for Handling Soils in Mineral Working in relation to soil handling? If not, why not? • What are Natural England's comments on the Applicant's suggestion in its response to its Relevant Representation [PD1-071] that the winter working agreement (as per table 22.7 of Chapter 22 Onshore Ornithology [APP-077]) would be beneficial to soil handling? Should this be identified in the outline SMP? 	<p>T.H. Clements on Applicant's response</p> <p>T.H. Clements welcomes the inclusion of references to this code of practice in the oSMP.</p>

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ExQ1	Question to:	Question:	
Q1 LU 1.15	The Applicant LCC East Lindsey District Council Boston Borough Council South Holland District Council	<p>Level of detail in the outline SMP</p> <p>Interested Parties including NE and agricultural businesses have expressed concern regarding the level of detail provided in the outline SMP. The ExA notes that LCC's LIR [REP1-053] considers the outline SMP to be acceptable but goes on to state that in populating the document, it will be necessary to identify the individual areas of land and the route for soil stripping, trenching, restoration as well as addressing soil challenges such as running sands and drainage in detail.</p> <ul style="list-style-type: none"> Does the outline SMP provide sufficient detail at this stage? If not, please elaborate on specific additions that are necessary. 	<p>T.H. Clements on Applicant's response</p> <p>There is an improved level of detail in the revised oSMP. However, T.H. Clements seek further revisions and clarity in some areas:</p> <ul style="list-style-type: none"> Is the British Standard soil testing referred to in paragraph 16 of the oSMP, the BS3882 Topsoil and 8601 Subsoil standards? If so, please make reference to these specifically as it is important to know the exact testing suite applied. During ISH2 the Applicant indicated that multiple soil horizons could be accounted for in its soil handling methodology (beyond just topsoil and subsoil) including separate storage/stockpiling. It is critical that re-instated soils match the same soil profiles as pre-excavation. Will the soil survey (oSMP Section 2.4) specifically accommodate and note the presence of multiple soil horizons if identified? The landowner/relevant stakeholders should be consulted with logs of any horizons identified (paragraph 18 of the oSMP) In Drainage (Section 5.6 of the oSMP) there needs to be a commitment to ensure that any refitted drains are able to be cleaned (jetted) to the same capacity and effectiveness as prior to excavation. If not, drain function can be significantly compromised by siltation and blocked on these silt dominated soils. With regard to Section 5.6 of the oSMP, where new drainage schemes are installed, there needs to be a commitment to remove the previous scheme. If not, there is a risk of a functioning old scheme directing water into the cable run, creating detrimental soil conditions in its vicinity due to waterlogging and saturation. With regard to Section 5.8, paragraph 70 of the oSMP– more detail is required on stockpiling if multiple soil horizons are encountered. The oSMP details the stockpiling process of Topsoil and Subsoil, T.H. Clements need to see a plan for stockpiling any subsequent soil horizons identified – has this been accommodated into plans? In paragraph 90, the oSMP mentions that subsoil will be decompacted and prepared prior to topsoil re-instatement. What methods will be adopted for this decompaction? Paragraph 97 of the oSMP states that physical characterises of the soil will be assessed post re-instatement. T.H. Clements seek clarification on what physical characterises these will be and what methodology will be used for this assessment? The British Standard Testing does not include suitable assessment of soil physical characteristics for crop growth. Such soil structural properties are better assessed in situ, and thus T.H. Clements requests detail on the methodology that will be used to assess this

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ExQ1	Question to:	Question:	
Q1 1.16	The Applicant	<p>Soil heating</p> <p>TH Clements & Son Ltd [RR-067 and REP1-050] has identified concerns regarding the potential for soil heating from underground cables to result in crops growing at different rates with consequential impacts on harvesting. ▪ Please comment on the scientific studies quoted by TH Clements & Son Ltd as well as the photographic evidence of soil heating at Triton Knoll. ▪ What measures are in place along the Triton Knoll cable route to prevent soil heating? Do they differ from those identified for the Proposed Development?</p>	<p>T.H. Clements on Applicant's response</p> <p>As explained during ISH3, the three studies referenced in the Applicant's response to ExA Q1 1.16 (Bruggemann 2015, Feldwish 2024 and Ahl 2013) appear to have been incorrectly cited. T.H. Clements asked the Applicant to either provide the correct citations, or copies of the studies themselves so that T.H. Clements can review and consider them. These were provided to T.H. Clements on the date of Deadline 3. It has not therefore been possible for T.H. Clements to review these in advance of this Deadline 3 submission, but they will be reviewed subsequently.</p> <p>The summaries and abstracts of these studies which are available, do not specifically mention growth rates (and maturity date influences) of crops, which is of much more concern to T.H. Clements than total yield.</p> <ul style="list-style-type: none"> Differential growth rates are of much more concern to T.H. Clements than differential yields. If, for example, Cauliflower or Broccoli within a field come to marketable size at varying times, harvest costs and complexity (including returning back to differentially affected areas of fields along the route to harvest) would amplify significantly, to the point that harvesting a field over two time periods (in effect, twice), as a result of soil heating, is highly likely not to be financially viable. T.H. Clements would suffer consequent yield losses (a result of not being able to revisit fields), and would need to have adequate field area in reserve so that delivery deadlines and schedules can still be met. See also Q1 LU 1.11 on differential ripening caused by other means (stone removal). In addition to the specific problem of revisiting fields to allow crops to be harvested at differing times, this also requires significant management input to monitor any differential ripening which takes place, and act accordingly. See also Q1 LU 1.11 on differential ripening caused by other means (stone removal). <p>Furthermore, one of the studies mentioned by the Applicant focussed on a case study, the Aachen-Liege Electricity Grid Overlay. Subsequent work on this study has confirmed a low to moderate soil heating effect was noted, and that a monitoring period on such a recent installation is too short to be conclusive (<i>Emmerling, C., Hoffmann, C., Herzog, M., Schieber, B., Stöckert, F., Koschel, S., Kurtenacker, M., & Trüby, P. (2024). Soil warming by electrical underground transmission lines impacts temporal dynamics of soil temperature and moisture. Journal of Plant Nutrition and Soil Science, 187, 700–710.</i>). As such, T.H. Clements see no evidence to suggest that the effect on vegetable crop growth rates (and maturity dates) is negligible, which is the concern T.H. Clements raise here.</p>

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ExQ1	Question to:	Question:	T.H. Clements response
Q1 LU 1.17	<p>The Applicant</p> <p>LCC</p> <p>East Lindsey District Council</p> <p>Boston Borough Council</p> <p>South Holland District Council</p>	<p>Cable burial depth and potential implications</p> <p>Table 8.5 of the Project Description [APP-058] states that the minimum trench depth to cable protection tile is 1.2m. However, the ExA notes that the Applicant refers to a minimum burial depth of 1.25m in its response to Relevant Representations [PD1-071]. "Recently completed extensive ground investigations" of the onshore ECC and 400kV cable corridor, including Fenland silts are also referenced by the Applicant. Nevertheless, the ExA notes that the results are intended to inform the detailed design stage.</p> <ul style="list-style-type: none"> • What is the proposed minimum burial depth of the onshore ECC and 400kV Cable? • Can the details of the ground investigations be provided now? Do the results have any implications for cable depth? <p>The Written Representation from TH Clement & Sons Ltd [REP1-050] provides further details and photographic evidence of potential issues that may arise from the proposed cable depth, including for drainage and the risk of farm machinery coming into contact with cabling after getting bogged down. Similar concerns are echoed in multiple other Relevant Representations, including, Brown & Co [RR-012], Hub Rural Ltd on behalf of The Holmes 1987 Pension Fund [RR-029], The Lincolnshire Association of Agricultural Valuers Land Interest Group [RR-035] and William Barker [RR-077]</p> <ul style="list-style-type: none"> • Can the Applicant comment on the additional evidence provided and identify any implications for its current approach? Should long 	<p>T.H. Clements note the Applicant's comments on the pictures provided by T.H. Clements. These pictures were submitted to demonstrate the effects on Wisbech Association soils in the UK where vegetable crops are grown. The proximity to the coast of T.H. Clement's farmed soils will most likely have a compounding effect on (raised) water tables, compared to the original photograph examples inland where such effects are reduced. These images were examples intended to show how sinking farm machinery is a relatively common occurrence and not a special "one off" case.</p> <p>At Appendices 1 to 6 please find further photographs from T.H. Clements showing further machinery sinkage in the specific soils farmed by T.H. Clements.</p> <p>Furthermore, the impacts of climate change are likely to cause further frequency of intense rainfall, flooding and thus soil saturation, leading to even more machinery sinkage in future – for example one of the images (Appendix 5) is from Strom Babet in October 2023, a relatively recent extreme weather event. These risks could be compounded even further after drainage reinstatement if drains are not able to be jetted or where old drainage schemes are not removed and are channelling water to increasing wet patches within a field.</p> <p>In the event of machinery sinking to the depths outlined in its evidence, T.H. Clements must be absolved of blame or recourse for any issues arising from the sinkage of sprayers, tractors, or harvesting machinery to the depths T.H. Clements say are possible, given the evidence.</p>

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ExQ1	Question to:	Question:	
		<p>term monitoring be undertaken as a precaution?</p> <ul style="list-style-type: none">• Are LCC and the LPAs aware of any examples in the area where cable depth has presented similar issues raised by Interested Parties?• Do Interested Parties have any evidence of cabling rising and moving from its intended position due to the nature of local soils?	

Deadline 3: T.H. Clements & Son Limited (Interested Party Reference 20049059) comments on Applicant’s responses to ExA Q1

ExQ1	Question to:	Question:	T.H. Clements response
Q1 CA 1.18	The Applicant	<p>Agricultural drainage and irrigation</p> <p>Section 5.14 of the outline CoCP [PD1-038] states that the project has contracted a local drainage consultant to collate land drainage plans and design pre and post construction drainage schemes which will allow drainage to be maintained during construction. R18 of the dDCO specifies that the CoCP must be approved by the relevant LPAs in consultation with bodies including the Environment Agency. However, the ExA notes that in responding to Relevant Representations [PD1- 071], the Applicant also states that “Once post construction drainage plans are drafted they will be shared with the landowners and their comment sought. The Applicant will have regard to the comments provided and, where necessary, revised plans”. ▪ How is the commitment to consult with landowners secured? The Applicant’s responses to RRs also acknowledge that there may be instances where existing drainage schemes cannot be reinstated post construction, and it may be necessary for part or whole fields to be re-drained. The outline CoCP does not appear to address this scenario. ▪ Please provide further details of how this scenario would be managed and how the necessary measures are secured</p>	<p>The CoCP should have specific commitment to:</p> <ul style="list-style-type: none"> • ensure, if drains are disrupted and refitted, that those drains are able to be jetted (cleared) to the same capacity and effectiveness as prior to excavation. If joints and junctions are installed to main drains, and the linear structure is altered, this can impact on capacities to clean (jet). This is particularly significant in these silt dominated soils which require routine jetting to their full length. • Removal of any previous schemes if a full new scheme is installed. At ISH3 The Applicant said the need to remove any parts of an old drainage scheme was not required when fitting a new scheme because this is in line with what current drainage contractors do in a standard agricultural scenario. However, drainage contractors only install drains where the old system is no longer functioning, which will not be the case in this instance. In the instance of the cable installation, the previous systems may still be functioning perfectly well, but now draining to the wrong place, causing potential for water accumulation, saturated soils and further machinery challenges/slippage. This applies to existing severed drains which are upstream of the cable run. These drains can then channel water to the severed area, which by definition is close to the cable run. Such actions then allow water levels to build up in exactly the area where the cable is situated, which exacerbates the risk of high water content, increased risk of running as a result, and a weakened soil structure (being wet) which then is less supportive of machinery. • Ideally, and most preferably, cable depth will be determined by assessing the drain depth in each field, and setting the cables below the drains in order that the pipes can be reinstated back exactly to their original position.

Deadline 3: T.H. Clements & Son Limited (Interested Party Reference 20049059) comments on Applicant's responses to ExA Q1

ExQ1	Question to:	Question:	
OC Onshore Construction Effects			
			T.H. Clements response
Q1 OC1.5	The Applicant	<p>Construction Phasing</p> <p>The LIR of LCC [REP1-053, Paragraph 11.9] mentions the need for a strong commitment to a phased construction programme, secured within the Development Consent Order (DCO) application. Can the Applicant confirm this commitment with justification and explain how it will be secured?</p>	Please see comments at ExA Q1 GC 1.1.

Deadline 3: T.H. Clements & Son Limited (Interested Party Reference 20049059) comments on Applicant's responses to ExA Q1

Abbreviations Used	
AQMP	Air Quality Management Plan
AMS	Arboricultural Management Strategy
AMSL	Above Mean Sea Level
ANS	Artificial Nesting Structure
Art	Article
ALC	Agricultural Land Classification
BNG	Biodiversity Net Gain
BoR	Book of Reference
BMV	Best and Most Versatile
CA	Compulsory Acquisition
CAA	Civil Aviation Authority
CEMP	Construction Environmental Management Plan
CIC	Cable Installation Compound
CNP	Critical National Priority
CoCP	Code of Construction Practice
CoS	UK Chamber of Shipping
DCO	Development Consent Order
dDCO	Draft Development Consent Order
DML	Deemed Marine Licence
DIO	Defence Infrastructure Organisation
EA	Environment Agency
ECC	Export Cable Corridor
EMP	Ecological Management Plan
EIA	Environmental Impact Assessment
EL	Examination Library
ES	Environmental Statement
ExA	Examining Authority

Deadline 3: T.H. Clements & Son Limited (Interested Party Reference 20049059) comments on Applicant's responses to ExA Q1

EM	Explanatory Memorandum
GLIVIA	Guidelines for Landscape and Visual Impact Assessment
GW	Gigawatt
HGV	Heavy Goods Vehicle
HDD	Horizontal Directional Drilling
HRA	Habitats Regulations Assessment
ICNIRP	International Commission for Non-Ionizing Radiation Protection
IDB	Internal Drainage Board
IDRBNR	Inner Dowsing Race Bank North Ridge
IP	Interested Parties
JNCC	Joint Nature Conservation Committee
LAT	Lowest Astronomical Tide
LCA	Landscape Character Areas
LCC	Lincolnshire County Council
LMP	Landscape Management Plan
LWT	Lincolnshire Wildlife Trust
LIR	Local Impact Report
LNRS	Local Nature Recovery Strategy
LPA	Local Planning Authority
MCA	Maritime and Coastguard Agency
MMO	Marine Management Organisation
MOD	Ministry of Defence
MRF	Marine Recovery Fund
NAS	Noise Abatement Systems
NE	Natural England
NGET	National Grid Electricity Transmission Plc
NGSS	National Grid Substation
NPS	National Policy Statement

Deadline 3: T.H. Clements & Son Limited (Interested Party Reference 20049059) comments on Applicant's responses to ExA Q1

NRA	Navigational Risk Assessment
NSIP	Nationally Significant Infrastructure Project
OCC	Onshore Cable Corridor
OLEMS	Outline Landscape and Ecological Management Strategy
OnSS	Onshore Substation
OP	Offshore Platforms
ORCP	Offshore Reactive Compensation Platform
OTNR	Offshore Transmission Network Review
OWF	Offshore Wind Farm
PADSS	Principal Areas of Disagreement Summary Statement
PPEIRP	Pollution Prevention and Emergency Incident Response Plan
PRoW	Public Rights of Way
PSR	Primary Surveillance Radar
R	Requirement
RR	Relevant Representation
RVAA	Residential Visual Amenity Assessment
SAC	Special Areas of Conservation
SLVIA	Seascape, Landscape and Visual Impact Assessment
SoCG	Statement of Common Ground
SoR	Statement of Reasons
SoS	Secretary of State
SoS DESNZ	Secretary of State for Energy Security and Net Zero
SMP	Soil Management Plan
SSSI	Site of Special Scientific Interest
TCC	Temporary Construction Compound
TP	Temporary Possession
UXO	Unexploded Ordnance
WAM	Wide Area Multilateral

Deadline 3: T.H. Clements & Son Limited (Interested Party Reference 20049059) comments on Applicant's responses to ExA Q1

WCS	Worst Case Scenario
WQMMP	Water Quality Management and Mitigation Plan
WMS	Written Ministerial Statement
WTG	Wind Turbine Generator

Appendix 1: T.H. Clements farm machinery sinking in unstable soils. As per Appendix 11 of T.H. Clements Witten Rep (**REP1-050**) the sinkage depth of the wheels on the left side of this packet trailer is approximately 1.1m below the ground surface as pictured.



Appendix 2: T.H. Clements farm machinery sinking in unstable soils



Appendix 3: T.H. Clements harvesting equipment toppled in unstable soils



Appendix 4: T. H. Clements harvesting machinery stuck in unstable soils



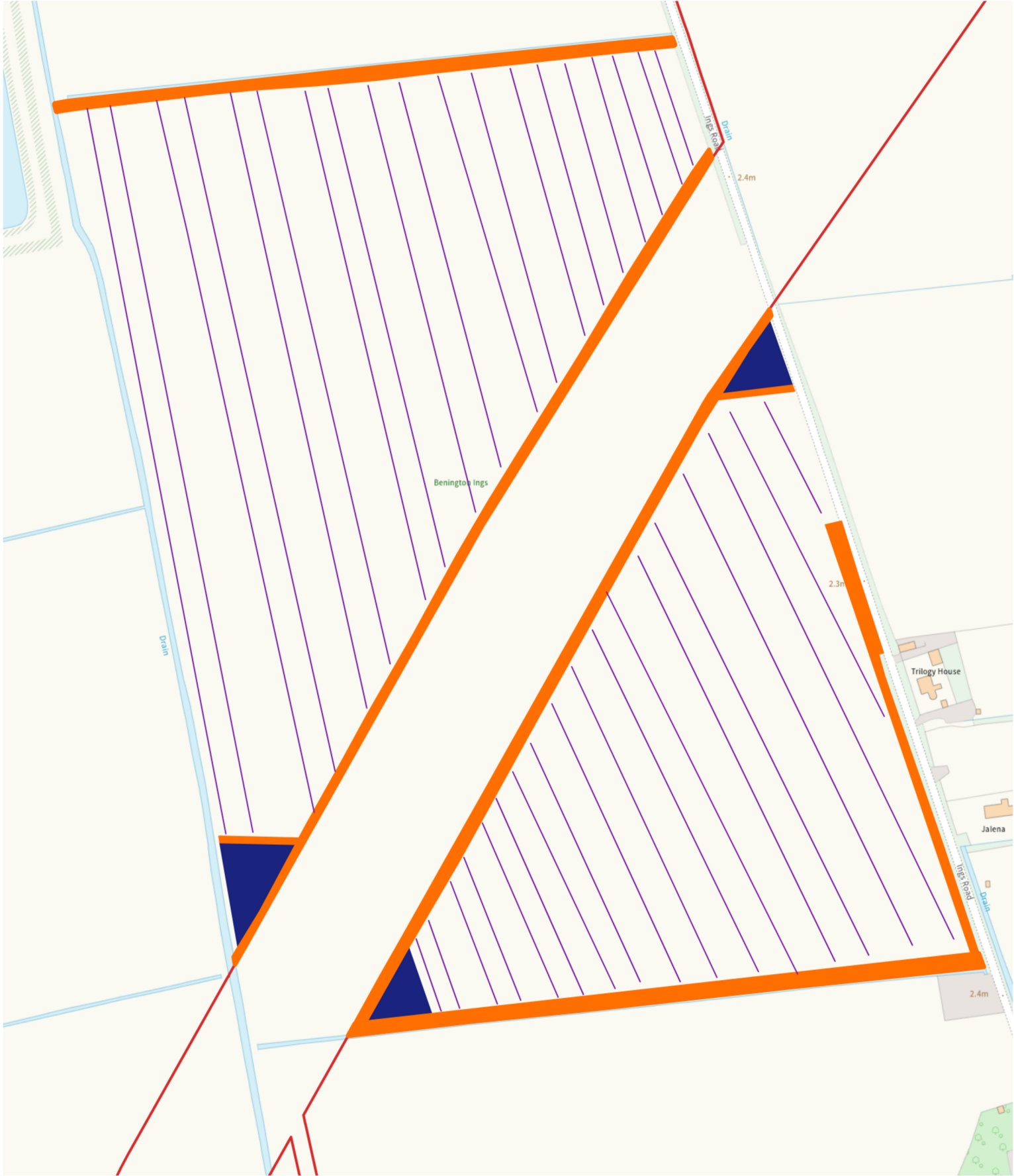
Appendix 5: Sinking T.H. Clements machinery following Storm Babet



Appendix 6: Sinking T.H. Clements Machinery







TH Clements Prepared Veg Introduction and Overview

- Within Vegetables purchased in the UK, they can be defined as wholehead or prepared
- TH Clements is predominantly a grower of wholehead Brassicas supplied into our retail customers
- A large part of our business is taking the Brassicas we grow and processing them to sell as 'prepared veg'
- We grow and pack a range of fresh and prepared vegetables
- Our prepared Veg offering is unwashed and ready to cook
- Our position in this market and our USP behind our success and growth centres around processing our prepared veg immediately from harvest in our dedicated prepared factory
- It is extremely important for food safety that we have no contamination within the vegetables we harvest as we don't have a washing process before preparing and packing
- Unwashed is a key strategic part of what we do. This is to fulfil the need for Natural and environmentally sustainable produce. No chemicals. No water use in the factory. No unnecessary processing.

Capabilities and Capacity

High Speed Packing Lines for trays



Crop Grading



VFF Machines for bagging



Capacity – We have available space in the plan to increase our offering. Growing our prepared offering is central to our business strategy



Range Review

THC - Current								
Product	Broccoli Florets 240g	Cauliflower Florets 240g	Cauliflower & Broccoli Florets 400g	Cabbage & Leek 300g	Sliced Leek 200g	Sliced Spring Greens 200g	Peeled Brussels Sprouts 200g	Fire Pit PSB with Sweet Soy Glaze 210g
RRP	£2.00	£1.00	£1.29	£1.75	£0.95	£1.25	£1.50	£2.50
Non THC								
Product	Carrot, Cauliflower & Broccoli 370g	Mixed Vegetables 225g	Winter Vegetables 480g	Peeled Baby Brussels Sprouts 180g	Sliced Cavolo Nero 200g			
RRP	£1.65	£1.50	£2.15	£1.60	£1.50			

- Pack Weight Differences
- Floret sizing so different between mixed and solo lines
- Great offering to the consumer

Benefits of increased supply of prepared veg and crop utilisation



Whole head quality and growing control
Crop utilisation
Increasing overall yield
Basket costing review
Efficiencies improvement in the area
Prep team and skills knowledge improves
Natural Shelf life and less waste



Recent Investments



Allergen Line and high-Speed lidding line



Sprout and Broccoli Graders



Installed October 2024 –
New Shredding Line



Journey so far / Next Steps



Launches 2025 /
Tender 2025

Future:

RetailAnalysis from IGD



Current Listed Products



2025 New Confirmed Launches



'Leeks with Pecorino Dressing'

'Shawarma whole cauli with chickpeas & green goddess dressing'



'Cauliflower Florets With Firecracker Dressing'

All current and new products are ready to cook pre-prepped, unwashed veg. For us to be customer compliant and deliver food safe products, we must ensure being dust and stone free

