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**To:** [Richborough](#)  
**Cc:** [Mark Chandler \(M.Chandler@finns.co.uk\)](mailto:Mark.Chandler@finns.co.uk)  
**Subject:** Submissions of the NFU and Finn's in connection to the Richborough Scheme  
**Date:** 04 August 2016 16:54:29

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Dear Sirs

Please find attached the submissions of the NFU to the open floor hearing held on Wednesday 27<sup>th</sup> July 2016 and submissions of the NFU and Finn's in regard to the DCO hearing on the 28<sup>th</sup> July 2016.

The NFU would like to apologise that it has not yet been able to gather information to provide details of protocols for notification to landowners of felling or lopping of trees on their land under Article 41. The NFU will submit this information paper on Monday 8<sup>th</sup> August and hopes that this is acceptable to the examiners.

Please if any further information is needed or there are any questions do not hesitate to contact me direct.

With regards

Louise Staples

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**PLANNING ACT 2008**

**INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010**

**WRITTEN SUBMISSIONS OF NFU REGARDING THE RICHBOROUGH  
CONNECTION PROJECT DEVELOPMENT CONSENT ORDER 201 [...]**

**PLANNING INSPECTORATE REFERENCE NO EN020017**

**SUBMISSIONS OF NATIONAL FARMERS UNION ON OPEN FLOOR HEARING –  
ON WEDNESDAY 27 July 2016 CANTERBURY CATHEDRAL LODGE: 6.30PM.**

**DATE 4<sup>TH</sup> AUGUST 2016**

## 1.0 Introduction

1.1 Submissions on behalf of the National Farmers Union (“NFU”). The NFU is making a case on behalf of its members who are affected by the DCO.

1.2 The NFU represents 47,000 farm businesses in England and Wales, and additionally has 40,000 countryside members with an interest in the farming and the country.

1.3 The objectives of the NFU are to champion farming in England and Wales and to provide professional representation and service to its members. The matters raised in this submission are matters not only of concern to the farming owners of agricultural land affected by the DCO, but also of concern to, and raise points of principle that will affect, members of the NFU having farm holdings that may be affected by similar electrical and other infrastructure schemes.

1.4 Louise Staples the NFU senior rural surveyor spoke at the hearing on behalf of its members affected by this scheme.

## 2.0 Issues Raised

### 2.1 Consultation and meetings

It was highlighted that the NFU following on from Mr Fuller’s presentation earlier in the evening had also raised the issue in regard to no consultation being carried out on eastern end of the route ‘Section D’ and that landowners had not been able to respond to the notification of this route which happened on 15<sup>th</sup> November 2015 to landowners.

Louise Staples also highlighted that there had been limited consultation on the other sections of the route. It was explained that the NFU had got involved further to a request from its members in regard to this scheme due to the lack of consultation and negotiations taking place with National Grid (NG). This was in December 2015. It was highlighted that the NFU along with agents acting for clients and NFU members had requested NG for a meeting to go over all the main issues as a group.

This meeting did happen on 26<sup>th</sup> January 2016 and at the meeting a request was made for a further meeting to discuss the heads of terms and for detail on restrictive covenants, the development clause and field drainage. A request was made to meet NG again as a group (NFU and Richborough Agents).

It has been very difficult to get a further meeting with NG as a group to raise general issues and to discuss the issues raised at the January meeting. A meeting did take place in London on 7<sup>th</sup> April 2016. One of the main requests was to discuss the heads of terms in detail.

NG where not prepared to discuss the heads of terms in detail and would only discuss issues within the option and deed. A copy of the Option and Deed were received on 4<sup>th</sup> March after numerous requests from the NFU and agents.

No further meeting has been forthcoming from NG to meet the NFU and agents as a group to discuss and negotiate further all the outstanding issues which affect all landowners and farmers along the proposed line of the route. The NFU does know that Fisher German (acting agents for NG) and NG have been contacting agents individually for farm meetings.

The voluntary negotiations cannot be progressed until NG are prepared to meet the NFU and agents acting as a group to discuss the details of the standard terms which will affect all landowners and farmers along the proposed route. No meeting as yet has been set to discuss the heads of terms, the option or the deed with NG.

It was confirmed that the NFU has advised its members not to sign the heads of terms as drafted due to the lack of detail in the document.

No flexibility is forthcoming from NG in regard to the proposed route and location of pylons.

## **2.2. Field Drainage**

It was highlighted how the NFU has repeatedly been asking for detail on how field drainage will be treated during construction and remedied. The only information forthcoming was in a letter from NG (dated 25<sup>th</sup> April) after the London meeting highlighting that drainage is addresses at 3.4.81 and 3.4.89 in the Environmental statement and paragraph 6.9 in the Construction Environmental Management Plan (CEMP).

The NFU has confirmed to NG that this detail was not at all satisfactory and due to the lack of detail the wording put forward in the NFU written submission is what the NFU and Richborough agents would like to see NG include in the CEMP. This is standard wording to highlight to contractors how field drainage should be dealt with pre, during and post construction. Individual plans for each farm affected would still need to be drawn up with the drainage contractor.

## **2.3 Soils**

It was highlighted how the NFU would like to see further details on how top soil if it is stripped is to be reinstated and the proposed aftercare for this soil. Again wording has been put forward that the NFU would like to see for soil aftercare in the detailed written representation.

## **2.3 Design of Pylons**

It was stated how NG have not provided clear details on why T pylons could not be used for this scheme especially as landowners had requested that they would like to see T pylons being used.

## **2.4 Cable Heights**

It was stated that cable heights was a concern due to the size of modern farm machinery and that the NFU would like to see the heights of the cables on the proposed new pylons to be future proofed. Combines and telehandlers are increasing in size and have dramatically increased since

the 1970s. The health and safety guidance is becoming more stringent and recommends that no work should take place within a 10m horizontal distance of the power line.

## 2.5 Location of Pylons

The impact of pylons in a field to agricultural operations was highlighted following on from Mr Hedley's comments of some fields having 16 operations around a pylon. The NFU stated that field operations could well exceed 16 operations for one crop and that it has been carrying out investigations into the time it takes to avoid and go round poles and pylons in a field. ADAS has been carrying out the in field calculations and the time loss element is far greater than was calculated back in 1994 when the last survey was carried out. This is due to larger machinery, modern technology and forward speed. The impact of pylons located in fields on agricultural operations needs to be properly compensated for.

## 2.6 Lands Rights Strategy

Following on from the impact of pylons to field operations and compensation NG are being very rigid in regard to applying their lands rights strategy with no flexibility at the present time to discuss different payments.

## 2.7 Access Routes

The issue over NG wanting to use private farm tracks/roads as access to the route on a temporary and permanent basis was raised that the length of these route was a considerable distance in some locations. Further at the present time NG are not offering to pay any compensation for these access rights.

At the present time NG are not allowing the access routes to be used by the farmer once NG start construction. In a lot of cases these are the farmers private access tracks to land and so there is an issue over how are some farmers supposed to be gaining access to fields. No details on temporary access to severed land have been given to farmers.

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201 [...]**

**PLANNING INSPECTORATE REFERENCE NO EN020017**

**SUBMISSIONS OF NATIONAL FARMERS UNION AND FINN'S ON THE ISSUE  
SPECIFIC DCO HEARING – ON THURSDAY 28 July 2016 DISCOVERY PARK  
LIMITED, SANDWICH.**

**DATE 4<sup>TH</sup> AUGUST 2016**

## 1.0 Introduction

1.1 Submissions on behalf of the National Farmers Union (“NFU”) and Finn’s land agents acting for numerous clients affected by the proposed scheme. The NFU is making a case on behalf of its members and Finn’s its clients, who are affected by the DCO.

1.2 The NFU represents 47,000 farm businesses in England and Wales, and additionally has 40,000 countryside members with an interest in the farming and the country.

1.3 The objectives of the NFU are to champion farming in England and Wales and to provide professional representation and service to its members. The matters raised in this submission are matters not only of concern to the farming owners of agricultural land affected by the DCO, but also of concern to, and raise points of principle that will affect, members of the NFU having farm holdings that may be affected by similar electrical and other infrastructure schemes.

1.4 Louise Staples the NFU senior rural surveyor and Mark Chandler of Finn’s spoke at the hearing on behalf of its members and clients affected by this scheme.

## 2.0 Draft Development Consent Order 2.1 (A)

### 2.1 Article 2 - Interpretation

The NFU when looking at the definition “maintain” asked for further clarification as to why National Grid (NG) needed to include the word ‘alter’. Even though the definition states so as not to vary from the description of the authorised development there is still concern that with ‘alter’ included NG will be able to alter the equipment included with a pylon. The definition refers to the description of the development in Schedule 1 and so the NFU would like to see a more specific description of the development as the detail under Work No.1 at the end of the paragraph just states ‘The overhead line consists of 60 pylons and the installation of conductors, insulators and fittings’. Surely the description needs to include the type of pylon, and how many conductors, insulators and fittings per pylon.

It may be that the definition should refer to Schedule 1 and Schedule 2, Part 3 the design drawings.

The NFU would like to see the definition changed to include the following wording:

“maintain” includes to inspect, repair, adjust, alter, **dismantle**, remove, reconstruct, replace or relay the authorised development, but not **in any circumstances** so as to vary from the description of the authorised development in Schedule 1 and **from the design drawings in Part 3 of Schedule 2.(authorised development)** and **in any event not so as to vary the footprint or height or appearance** only to the extent assessed in the environmental statement and any derivative of “maintain” is to be construed accordingly;

## 2.2 Article 5 – Limits of Deviation

The NFU understand that NG when constructing the line can deviate laterally within the limits of deviation, so it is possible to move a pylon tower horizontally and vertically. The NFU and the agent acting on behalf of farmers affected by the scheme Mr Chandler highlighted that there needs to be a substantive reason for the site of a pylon tower to be moved as the location of a tower if moved only two meters nearer to a boundary hedge may make it impossible for farming operations to take place around the pylon. It is felt that there not only needs to be a substantive reason but evidence should be provided as well before the location of a pylon can be changed.

It was highlighted that often it is landowners who request for a pylon to be moved within the limits of deviation. Mr Chandler explained that as to date no flexibility has been shown on the movement of location of towers when requests have been made by landowners and that this would be greatly appreciated by landowners.

Any new location of a pylon should be highlighted to the relevant landowner so that the landowner can respond and highlight any difficulties that this may cause. Clarification as to how this is carried out is requested by the NFU as this was not confirmed at the hearing and we look forward to seeing the post hearing note requested to clarify this process.

## 2.3 Article 7 – Consent to transfer benefit of Order

The NFU and Finn's would like to see that the transfer of right should be limited to undertakers as defined by the Electricity Act 1989. Transfer to another person is too wide.

## 2.3 Article 18 – Authority to survey and investigate the land.

The NFU would like to see further details included within the notice which is served 14 days on an owner or occupier of land. The notice should include details of the type of survey to be carried out, who is carrying out the survey and what if any equipment is to be left on the land.

The NFU confirmed that this would then follow what has been set out in Chapter 22 of the Housing and Planning Act 2016 which makes provision about rights of entry in relation to compulsory purchase generally and states what the notice must include:

- The notice must include details of what is proposed-
  - Searching, boring and excavating
  - Leaving apparatus on the land
  - Taking samples
  - An aerial survey
  - Carrying out any other activities that may be required.

## 2.4 Article 29 - Temporary Use of Land by National Grid

NG have stated that they are only going to remove foundations to a depth of 1.5m. The NFU would like to follow up the concern raised by St John's College which is that the land reinstated is properly drained and any field drains damaged are reinstated otherwise wet spots will happen.

Reinstatement might require new drains and not just repair as indicated by Mr Bullen. Mr Chandler highlighted that there may be an issue on the Ash Levels where drains may be needed at a lower level than the 1.5m to achieve a fall.

Further a question was raised by Mr Chandler in regard to contamination to land from any of the foundations remaining in the land. The NFU would want to see NG remaining liable for any contamination this would need to be included within the DCO.

## 2.5 Article 31 – Temporary use of land or maintaining the authorised development

Mr Chandler asked for clarification as to what buildings could be erected on the land as stated at paragraph 1(b) which says 'construct such temporary works and buildings on the land as may be reasonably necessary for that purpose'.

Mr Humphreys responded saying that this did not mean that NG could build an office block and that it was more likely to be for a structure to replace conductors as an example. He also confirmed that this article is only for temporary maintenance for a 5 year period and is a snagging provision.

Mr Chandler stated that he thought the way the word 'buildings' has been used in paragraph 1(b) is far too broad and also in farming terms 5 years is a long time. Louise Staples highlighted that the definition of building in Article 2 does say 'or any part of a building, structure or erection'.

The NFU and Mr Chandler would therefore like to see either the wording changed in 1(b) so that the word 'building' is replaced with structure and the definition of 'building' at Article 2 is redefined. The NFU cannot see in any circumstance will it be necessary for NG to be constructing any type of building which has 4 walls and a roof for temporary maintenance.

## 2.6 Article 41 – Felling or Lopping of Trees

The NFU like the County Councils does have concern over the wording 'near any part of the authorised development'. It believes that NG need to tighten this wording so that a landowner in particular would know if a tree was within the development. The reasonable test does not answer this concern.

The NFU also raised that they would like to see wording included in this article that landowners should be notified of any felling or lopping to take place and what will happen to the timber. A notice period should be given.

The NFU will provide evidence and protocols as to what happens with other utility companies.

## 2.7 Article 44 – Certification of Plans

The NFU would like to see further clarification from NG as to why the Environmental Statement is not to be certified. This was not clear from Mr Humphreys at the hearing and to the timings of the certification.

## 3.0 Schedules

### 3.1 Schedule 1 - Authorised Development

Further to the hearing and reading again the information included to describe the development under 'Work No 1' the description provided does not give enough detail particularly the line 'The overhead line consists of 60 pylons and the installation of conductors, insulators and fittings'. This does not even say that they are lattice pylons, the height, the type of conductors etc.

### 3.2 Schedule 3 – Requirements

**3.2.1 Requirement 1- Interpretation** - At the hearing a request was made by the examiners to explain the meaning of commence further and in particular why certain things were not included. The NFU after checking details in other DCOs would like to see far greater detail here as to what will be commenced when. At the present time it is not at all clear.

**3.2.2 Requirement 3 - Design drawings** - The NFU would like to see the word general deleted and for requirement 3 to state that the authorised development must be carried out in accordance with the design drawings.

**3.2.3 Requirement 5 – Construction Environmental Management Plan** – The NFU would like to see the standard requirement on how soil is treated during construction and the aftercare and for standard field drainage requirements to be included as part of the **CEMP**. At the present time as identified by the NFU in their written representation there is not enough detail as to how soils and field drainage is to be dealt with, the standard requirements. Wording has been provided that could be included in the CEMP and the NFU can confirm that this wording has been agreed in other DCOs. Within the last 12 months. Further clarification is needed from NG on how the documents listed under Requirement 6 are linked to the CEMP.

**3.2.4 Requirement 8 – Mitigation Planting** – Mr Chandler requested that surely NG could agree and negotiate enhanced mitigation with landowners and this could be included within the DCO. It might be that some landowners would accept some enhanced planting for mitigation.

**3.2.5 Requirement 11 – Bird Flight Diverters** – The NFU following on from the discussion at the hearing would like to see monitoring of how the bird flight diverters are working and if not that NG are required to carry out further mitigation to stop birds hitting the lines if the diverters do not

work. Landowners do not like to see birds hitting the line or having dead birds on their land especially if there are public footpaths in the area.

**3.2.6 Requirement 18 - Removal of UK Power Networks** - The NFU would like clarification as to why NG will require 36 months after the 400kv overhead line is brought into operational use to be able to take down the existing UK Power Networks line. This could lead to longer disruption to farming activities than is really necessary.

#### **4.0 Potential to add other items into the DCO.**

The NFU is grateful that NG did confirm at the hearing that an Agricultural Liaison officer will be employed to communicate with landowners. This is to be specified and we look forward to seeing that confirmed by NG in writing. Also to see the paper/brief that NG is to submit on the roles of the agricultural liaison officer and the difference to the role carried out by the land officer. The NFU would also like to see the role of the agricultural liaison officer included in the CEMP.