

**PLANNING ACT 2008**

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

**SUBMISSIONS OF THE NATIONAL FARMERS UNION (NFU) AND THE AGENTS  
REGARDING THE RICHBOROUGH CONNECTION DEVELOPMENT CONSENT ORDER  
201 [...]**

**PLANNING INSPECTORATE REFERENCE NO EN020017**

**SUBMISSIONS OF THE NFU & AGENTS IN ANSWER TO QUESTIONS Q2.5.1, Q2.5.2 and  
Q2.12.17 OF THE EXAMINING AUTHORITY'S SECOND WRITTEN QUESTIONS**

**DATE 8<sup>th</sup> September 2016**

## Introduction

The Examining Authority ("ExA") raised three Questions on which they sought answers:

### (1) Q2.5.1 Limits of Deviation

#### *Article 5 - Limits of Deviation*

*At the DCO hearing, the ExA requested a Post Hearing Note setting out the mechanism for discussions with land owners and National Grid Land Team in relation to micro siting and limits of deviation. Doc 8.23; 10 [REP3-023] describes in broad terms a process by which the Applicant would consult with Persons with an Interested in Land (PILs)/Agents in relation to use of LoD but does not provide details.*

*Should a more prescriptive mechanism be considered in relation to consultation with PILs/ Agents in relation to the micro-siting of the pylons to ensure that impacts on arable practices are considered alongside construction related issues?*

*If so, what should that mechanism entail and how would this be secured in the draft DCO?*

The NFU and Agents acting do feel that a more prescriptive mechanism is required in regard to how landowners and occupiers are notified at the construction phase that it may be necessary to use the limits of deviation to re-site a pylon. It is acceptable that it will be the NG Land officer who carries out the initial consultation.

Landowners and occupiers will want to know why it may be necessary to move the siting of a pylon and details of the new proposed site. If the new proposed site was detrimental to farming activities then a further site must be considered.

It is not acceptable for NG to just say that consideration will be given as to whether it would be appropriate to further utilise the limits of deviation and that they will report back. It may be that the new proposed location may cause significant disruption and cost to farming activities and NG could still just turned round and say that is the new proposed location. This may be due to the fact that to erect the pylon in the original location is going to cost more due to the ground conditions. This should not outweigh the inconvenience and costs to a farming business.

To make sure that this does not happen a dispute resolution procedure will be needed where by a third party can make the final decision if necessary. This could be carried out by an arbitrator.

The NFU and Agents believe this process does need to be detailed in the DCO in a step by step format.

## (2) Q2.5.2

### *Article 41 - Felling or Lopping of Trees*

- *Should the wording of this Article be amended to meet the concerns expressed by KCC in their D3 response to Action Point 41? If so, what would the alternative wording be? If not, why not?*
- *Can the Applicant respond to the proposal raised by NFU that landowners / and or occupiers should be notified of any proposal to fell or lop trees. Furthermore, that the notification should explain to the landowner/occupier how that tree will obstruct or interfere with the construction maintenance of operation of the authorised development as set out in their response to D3 [REP3-047].*
- *Does the NF / land agents / landowners or PILs wish to comment on applicants response to Action Point 24 and Appendix B [REP3-023]*

The NFU and Agents are happy and in agreement to the wording that has been included in the response document 8.23 - point 24 and confirming that NG will follow the guidelines as set out in the Energy Networks Association Engineering Technical Report : 136.

The NFU and Agents would like for this to be confirmed under Article 41 within the DCO as it is not presently mentioned. It also believes that the steps which have been highlighted that would be undertaken in the response should be included in the DCO in a schedule.

## (3) Q2.12.17

*You are requested to provide any comments on the plans and strategies referred to in Appendix C Plan [REP3-23] including:*

- *Soil and Aftercare Plan*
- *Drainage Management Plan*
- *Pollution Incident Control Plan*
- *Lighting Scheme*
- *Site Waste Management Plan*

### **1. Soil and Aftercare Plan**

Further to reading the details highlighted in the Appendix C and within the CEMP itself the measure outlined are acceptable as far they go in regard to care and aftercare of agricultural soils.

The NFU and Agents are pleased to see the wording included and highlighted at 4.4.14 and the wording included from 4.4.16 through to 4.4.22. in particular it is highlighted at 4.4.20 that following completion of construction the restored profile would be surveyed to validate top and sub soil depth and suitability for commercial agriculture. But what seems to be missing is that surveys of the agricultural soil will be carried out before construction to record the

condition and structure of the soil. It is essential that this is undertaken so that when the surveys are carried out as outlined in 4.4.20 the necessary aftercare can be carried out to restore the agricultural soil to its condition prior to construction. It must be outlined within the CEMP who and how this will be carried out and that a full record will be given to the landowner and occupier. The NFU believes that it is essential that the wording provided for agricultural soil aftercare submitted in their detailed written submission must be included in the CEMP. NG have to guarantee that they will restore the soil and fund any necessary aftercare requirements.

## 2. Drainage Management Plan

The NFU and Agents are very disappointed to see that NG in their response document at paragraph 2.3.4 have stated that they believe many of the measures included in the appendix submitted by the NFU 'Agricultural Land Drainage' are already included in the CEMP and that they are satisfied with measures they have put forward. The NFU and Agents are very dissatisfied with the wording that has been highlighted in the response and wording that is included in the CEMP. Agricultural field drainage has not been addressed in a satisfactory way. There is no detail of any general standards that will be followed by contractors.

The NFU and Agents accept that it has been stated at 4.4.38 that all land drainage works will be carried out by a specialist agricultural land drainage contractor, and at 4.4.39 that liaison will continue with landowners to ensure that they are kept informed and have the opportunity to inspect connections. This is expected.

It is essential that the wording put forward in the NFU written submission is included in the CEMP so that landowners know what the basic standards and principles of how field drainage will be dealt. It is then essential that landowners can agree the detailed drainage plan with a drainage contractor in detail for their specific farm and that this should be included in the Drainage Management Plan.

Presently as highlighted in the response document at paragraph 2.3.3 it is only highlighted that the DMP will be approved by the relevant planning authority after consultation with the relevant sewerage authority, drainage authority and the Environment Agency. This is acceptable for the areas that have been highlighted like distances from water courses, flood risk and river crossings etc but the DMP must cover specifically field drainage and that landowners will be consulted.

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