

## Canterbury

Strutt & Parker LLP  
2 St Margaret's Street  
Canterbury, Kent CT1 2SL  
Telephone 01227 451123  
Facsimile 01227 762509

canterbury@struttandparker.com  
struttandparker.com



FAO: Mr C White  
3C Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Direct dial: 01227 473718  
Direct fax: 01227 456863  
Email: edward.lattimer@struttandparker.com  
Our ref: EL/MV

7<sup>th</sup> September 2016

Dear Sirs

### **Application by National Grid for an Order Granting Development Consent for the Richborough Connection Project – The Examining Authority's Second Written Questions and Request for Information**

On behalf of our client the Church Commissioners for England we submit this letter relating to the Examining Authority's Second Written Questions and Request for Information. More specifically this letter focuses on two questions posed within the above document regarding Limits of Deviation and, Felling and Lopping of Trees. Our client's key holdings are as follows:

- Chislet Court Farm
- Wallend and Chitty Farms
- Abbey and Durlock Farm

#### **Q2.5.1 – Article 5 – Limits of Deviation**

The Limits of Deviation (Article 5) outlines the provision for micro siting of pylons based upon the railway model provisions and which has been deemed appropriate by National Grid in the context of linear projects such as this. Article 5 outlines that maximum deviation within the vertical limits have been set at 4m and any amount necessary or convenient downwards. The following will examine the response from National Grid as well as considering the question posed by the examining authority relating to the consultation with PILs/ Agents in relation to the micro siting of the pylons, and their impacts on arable practices.

As noted within the applicants response it will be their responsibility to co-ordinate all consultation with PILs/Agents regarding the utilisation of the LoD. It is our view that a more prescriptive program of consultation should be implemented with the possibility of redress by an independent expert for both parties. Numerous discussions have been held between the applicant's agent and the applicant regarding a multitude of issues the majority of which were outlined within the written reps document submitted on 14<sup>th</sup> July 2016. However there has been a lack of willingness to implement suggestions and the supply of information has been slow.

With particular regard to LoD the movement of pylons during the construction phase within the 4m liner sphere of movement may have a great impact on the ability of the tenant farmers to farm the holdings effectively, creating un-farmable areas on productive land and additional management requirements as a consequence. These impacts have been briefly noted within the applicant's response 'Where concerns are raised to National Grid, consideration will be given to the impact of these changes might have on arable practices.' No consideration has been given to the affect that such movements will have on the capital value of the land as a consequence of potentially increasing the level of un-farmable areas. In order to reduce the instances where the above scenarios have occurred we suggest the consultation takes a more formal approach with the applicant being required to submit detailed information to the Agent/PIL. The following structure and information is suggested:



- Initial discussions to explain why the pylon movement is required.
- Submission of documentation including: Information on why the deviation is required, timings, detailed plans (locations plans, drainage plans etc), options modelled, justification for proposed option and consideration for the impact on the farming practices for the specific holding (including practicalities of farming – severance and injurious affection, environmental and/or payment schemes, and day to day management of the holding).
- A reasonable time frame for the information submitted to be considered by the Agent/PIL and respond.
- Before a pylon is moved written agreement must be obtained from both the landowner and the tenant.
- A mechanism to allow the decision to be made by independent expert or an examining authority, should this be required (cost covered by the applicant).

From assessing the questions posed within the Examining Authorities Second Written Questions and Requests for Information it is clear that the matter of placing the power cables underground has not been completely removed as a viable option in some instances. I would therefore like to reiterate our client's position under the current proposal that there is a serious concern that large amounts of very productive land will be lost from production, impacting heavily on the capital value of the land. Our concerns on this matter can be mitigated by the introduction of underground cabling which will ensure the impact on the holdings is minimal.

It is important to recognise that the landowners and tenant farmers should not be treated as an inconvenience within this process, and their input should be given serious consideration instead of being seen as a rubber stamp.

#### **Q2.5.2 – Article 41 – Felling or Lopping of Trees**

The method statement for the management of vegetation in close proximity to electrical equipment is outlined in Action Point No.24 and in more detail in Appendix B. The information outlined in these documents provides a best practice for all aspects of the management of vegetation and as such appears sensible. There are however a number of areas which we would like to reiterate the importance of with particular regard to our client and our tenants which are as follows:

**Site Safety and Occupiers Liability** – It is noted within point 5.12. that those accessing our clients land to carry out works will do so to a good safety standard. Our client or tenant will not be held responsible for the actions of the contactors should they not comply with their duty of care to leave the site in a safe condition whether works are completed or not.

**Training and Qualifications** – All contractors are to comply with the requirements outlined within point 15. Before entering the land the contractor's detailed information should be passed to both the landowner and tenant including: insurances, qualifications and method statement for safe working etc. Should it be required we would like to reserve the right to exclude a contractor from carrying out works if they do not meet our rigorous health and safety requirements.

**Communication and Landowners Approval** – The example of landowner's good practice documented both in Action Point No. 24 and point 15 in Appendix B should be followed. Unless vital it should be ensured that tree works are carried out during periods where damage to crops and inconvenience to the tenants is kept to a minimum.

**Basic Payment Scheme/ Environmental Schemes** – Appendix B refers to the Single Payment Scheme, please note there have been a great number of changes to this scheme which is now branded the Basic Payment Scheme. Trees and vegetation are of particular importance to this scheme in reference to arable farmers and the Ecological Focus Area requirement. Should trees or hedgerows be required for removal or reduced, the impact of this should be assessed by the landowners/tenants agent with costs being covered by the applicant. Any alterations in scheme points or loss of entitlement should be compensated by the applicant.

In addition to the above the document within Appendix B was produced in June 2007, although it appears to cover the important practical points it is nearly 10 years old and as a consequence out of date e.g. Single Payment Scheme. Therefore we feel it prudent that a review of this document is carried out to ensure it is up to date.

I hope the information provided is clear however, should you require any further information please do not hesitate to contact me.

I would be grateful if you could please confirm receipt of this letter.

Yours faithfully



**Ed Lattimer**