

Planning Act 2008

Nationally Significant Infrastructure Project

Application by Triton Knoll Offshore Wind Farm Limited for an Order granting Development Consent to construct and operate the proposed Triton Knoll Electrical System

Location: Land on the bed of the North Sea approximately 33km of the coast of Lincolnshire and 46km off the coast of North Norfolk within the Renewable Energy Zone and within the County of Lincolnshire, the District of East Lindsey and the Borough of Boston

**Examining Authority's First Written Questions to:  
Boston Borough Council**

Planning Inspectorate Ref: EN020019

Boston Borough Council ref: PLE/

This document reproduces the First Written Questions directed at Boston Borough Council in the order raised by the ExA and supplies the Council's answers.

**DCO 1.13 Article 5** Article 5(6) (a) requires the undertaker to notify the MMO and/or relevant planning authority if a transfer or grant relates to the exercise of powers in the area of their jurisdiction. Article 5 (6) (b) sets a minimum period of five days before the transfer for such a notification.

Are you content that five days is sufficient time to deal with such a notification?

**Answer:** The Council does not envisage that this would be a problem. The notification of a grant or transfer seems to be matter of notification to the planning authority and there is little that the Council would need to do to 'deal' with the notification; the Council does not have a say in such a grant or transfer....since the notification appears to be just for the information of the Council. The Council is content with the timescale.

**DCO 1.15 Article 6** Article 10 (sic) would have the effect of modifying Regulation 6 of the Hedgerows Regulations 1997(a).

a) Are you content that this provision should be thus modified?

b) Are you content that this provision should apply to all land within the Order Limits?

**Answer:** Yes, Boston Borough Council has no objection to this implication of the DCO.

**DCO 1.26 Article 35** Article 35(5) would have the effect of giving the applicant deemed consent to fell or lop trees covered by a Tree Preservation Order. Are you content that this provision should be included in the draft DCO?

**Answer:** Yes, Boston Borough Council has no objection to this implication of the DCO since there are no Tree Preservation Orders affected by the line of the proposal.

**DCO 1.32 Schedule 1** "Stage" is defined as being one of the 28 stages of the onshore works (which are then listed). A 'tailpiece' to the definition also defines "stage" as such other stage of the onshore works agreed in writing with the relevant local planning authority. Paragraph 2.5 of the Explanatory Memorandum [APP-011] states that this approach has been agreed by the relevant planning authorities in pre-application consultation on the draft Order. Confirm, or otherwise, your agreement to this approach.

**Answer:** It is correct that the definition of 'stage' then lists the 28 stages of on shore works. The works are listed in greater detail in Part 1 of Schedule 1. Without this ability to seek a phased discharge of requirements would mean that works on any particular stage could not commence until all of the requirements for all stages had been discharged. This is grossly inflexible and thus both local planning authorities had agreed this approach in the pre-application discussions which focused specifically on the draft DCO. It is confirmed therefore that Boston Borough Council has already agreed to this approach. The issue of defining 'enabling works', 'unlicensed' and 'licensed' works and 'ancillary works' still, the Council believes needs resolving.

**DCO 1.55 Schedule 11** Section 1 of Schedule 11 gives local planning authorities 8 weeks within which to give notice of their decision on the discharge of requirements. State your acceptance, or otherwise, of this time limit. Evidence your response if you do not accept this.

**Answer:** This formula for the discharge of requirements was taken, the Council recalls, from other DCOs and was seen as good/standard practice. It seemed unnecessary to seek to design a new discharge mechanism where a model already exists. This is acceptable to the Council as a realistic process. In any event, and given the cooperation with the applicants to date, Paragraph 1.(b) to Schedule 11 allows agreed extensions of time and the Council has no doubt that the applicant may agree to reasoned requests.

**DCO 1.70 Article 4 Direction** At the preliminary meeting, you asked whether an Article 4 Direction, removing permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995 may be applied to the proposal. Why do you consider an Article 4 Direction necessary?

**Answer:** The Council's Local Impact Report outlines the issues that give rise to this request. The applicant's Table 2-28 (Vol 3 Chapter 2) refers to the new double busbar configuration at the 400 kV NGET substation at Bicker Fen.

At this stage the reasons for it being expedient to issue such a Direction may be summarised as:

- There is a lack of clarity over the scale of the enabling works required at the existing Bicker Fen substation by National Grid to their own equipment to accommodate projects which are under development/determination.
- Although the unlicensed works for these and other projects are likely to be defined and thus controlled by the determining body, this appears not to include the enabling works by National Grid to their own equipment to accommodate additional flows.
- These conversion works appear to be permitted development by virtue of Class B to Part 15 to the GPDO 2015 and there is a realistic threat that they will be carried out if any one of the projects are consented.

For example, the TKES and Viking Link projects already have connection agreements in place with National Grid to connect to the existing Bicker Fen 400kV substation.

- Although there is a willingness from NGET to seek to use temporary or other haul routes that might be in place from time to time as a result of these projects, neither the decision maker nor the local planning authority has an ability to control the way in which the existing National Grid Substation is accessed if permitted development rights are relied upon.
- The evidence is that the existing rural network of roads that could access the existing substation site are unsuitable for large numbers of HGV, HDV and AIL vehicles by reason of their width, construction and relationship to existing settlements and residential properties.
- This TKES application is a Nationally Significant Infrastructure Project, in that when the Secretary of State directed that it should be dealt with through the NSIP process, amongst his reasons for directing as such included the statement that 'it would benefit from the entire grid connection infrastructure being examined under the streamlined planning process' (s.35 Direction 14 November 2013). It turns out that the entire grid connection process may not include the NGET enabling works which would leave a fundamental part of the effects upon the community unregulated and beyond the control of any authority.
- There is thus a clear need for the final part of the connecting route to come under the control of an authority and although more detailed conversations and intentions for discussions have commenced to seek solutions. The Council is aware that if the Minister is not minded to intervene, the option of this authority issuing such a direction is a suggested alternative as a last resort.

The Council accepts that the applicants are unable to control the way in which NGET access the substation for their own works (believed to be the 'licensed works'). It is also accepted that any one of a number of renewable energy projects will trigger the need for NGET to upgrade the 400kV substation.

However, the Council asserts that a mechanism should be in place, or in the alternative, if TKES triggers the need for those works then there should be a expectation that the 'Bicker end ' of this connection will not be left unregulated through existing permitted development rights. It is the subject of ongoing discussion between the Council and NGET but, at this stage, the option of the DCO process or an Article 4 Direction should remain in order to seek the control of construction vehicle movements within agreed parameters.

**Alt 1.38 Site Selection** Paragraph 4.225 of the ES and 7.3.13 of APP-117 (8.17 Site Selection and Design Report – Part 1 Report and Appendices A and B) says that it was agreed with Boston BC that, on balance, the TKES substation should be located in the ‘blue zone’ at Double Twelve Drive.

a) Explain the balancing exercise on which the ‘blue zone’ was selected as opposed to the ‘green zone’ (Cow Bridge), which is adjacent to the National Grid substation, and

b) why the Council’s view was so decisive in the applicant’s decision to prefer the ‘blue zone’?

**Answer:**

The negotiated insertion of the permanent access road to the Blue Zone as a proposal in ~April 2013 whilst the four shortlisted Zones were being evaluated and the applicants were considering responses to consultation meant that all issues in respect of access using inferior rural roads could be answered at a stroke with the selection of the Blue Zone as the preferred site.

The Council’s engagement with the applicants on matters of noise assessment, landscape and visual assessments and access consideration had the Blue Zone scoring higher than the other options.

The use of the Green Zone albeit closer to the existing Substation would still mean access on inferior routes and past a number of residential properties. The noise climate created by a new Substation in the Green was also less favourable than the Blue. It became a very clear site preference for the Blue Zone once the permanent access route became a part of the proposals and there is no doubt that this is the best of the shortlisted sites.

The fundamental outstanding issue was accessibility of these sites and the significant advantages introduced by the permanent access road meant that the Council’s support for the Blue Zone was, in fact, decisive.

The Council’s reply to the applicants in June 2013 on this matter reads:

“In view of the slightly differing noise climate results and the indication from your colleagues that access to the Blue site could be via a specifically constructed haul route (temporary or permanent), I would encourage you to continue working up the proposals for the Blue zone with such a new dedicated haul route. Although I cannot fetter the discretion of the Planning Committee in the consideration of any future application(s), I can indicate that if a Zone was to be selected, I believe that the Blue Zone is the most worthy of being the subject of a formal application if that haul route from the A17 in the vicinity of Swineshead Bridge is included.”

**Alt 1.39 Site Selection** Paragraph 7.3.13 of APP-117 (8.17 Site Selection and Design Report – Part 1 Report and Appendices A and B) says that a key factor in selecting the ‘blue zone’ was its proximity to residential properties. What are the distances from the ‘blue zone’ and the ‘green zone’ from residential properties?

**Answer:** The nearest receptor to the Blue Zone is White House Farm, some 600m due east of the Blue Zone. Drove Farm is some 600m due west across the South Forty Foot Drain.

White House Farm is some 900m due north of the nearest part of the Green Zone. However the Green Zone would see Kingstree Cottage on Cowbridge Road within 400m and a larger number of properties on North Drove, east of White House Farm would then be within ~ 800m of the Green Zone.

**AH 1.7 Outline Onshore Historic Environment** Para 8.6 of Volume 3: Chapter 8 of the Environmental Statement [APP-049] states that the Outline Onshore Historic Environment WSI [APP-111] has been agreed with consultees as a suitable programme of works. To All Confirm, or otherwise your agreement with the Outline Written Scheme of Investigation for Onshore Archaeology [APP-111] as a suitable programme of works.

**Answer:** The Council can confirm that it is agreeable to the Outline Written Scheme of Investigation as a suitable programme of works.

**AH 1.9 Boston Local Plan.** Table 8-1 of Volume 3: Chapter 8 of the Environmental Statement [APP-049] states that the provisions of the Boston Local Plan relating to the historic environment have been superseded by the National Planning Policy Framework (NPPF). Confirm, or otherwise, that this is your understanding of the status of your local plan policies in this respect. NOTE: This question may be addressed in the preparation of a Local Impact Report or Statement of Common Ground.

**Answer:** The Boston Borough Local Plan 1999 was the subject of a saving Direction from the Secretary of State in September 2007. The Conservation / Archaeology / Listed Building Policies in Chapter 9 of the Plan are all unsaved. Thus these local plan policies have no status and heritage guidance is provided by the NPPF, the online Planning Practice Guidance and the GPAs.

**CA 1.21 The guarantee** Article 38 of the draft DCO [APP-010] requires that an alternative form of security is approved by the Secretary of State. The explanation for requiring the Secretary of State to undertake this, as opposed, to the relevant local authorities is provided in paragraph 3.8 of the Funding Statement [APP-013]. State and justify whether you would prefer to be the body approving a guarantee or an alternative form of security relating to that part of the project lying within your area.

**Answer:** The Council has no wish to be involved in the forms of security or guarantee and is content that this is a role for the Secretary of State.

**LV 1.3 Assessment Area** In reference to paragraph 2.29 of APP-043 (6.2.3.2 Landscape and Visual) and paragraph 1.2.3 of APP-065 (6.2.5.2.1 LVIA Technical Baseline Report Part 1 Report and Figures), explain the rationale behind the decision to set a 3km radius for assessment around the intermediate electrical compound and substation, the 1km radius for the onshore route, and the study areas.

**Answer:** The topography of the land and environs around the substation is flat and has the character of Fen. A visual inspection of the area and the analyses of suggested view points for assessment put forward by the applicant and assessed by the Council showed quite clearly that the initially suggested 5km radius was unnecessary. Although the lands are flat there are many natural and manmade features, including roads raised on causeways, which interrupt long and middle distance views and, at a 5km radius, the suggested substation sites were indiscernible in the landscape.

This opinion was informed by the findings of an Inspector at the East Heckington (Six Hundred Farm) Wind Farm Inquiry where, in comparing the effect of that proposal in the context of the existing Bicker Wind Farm, he said:

“The assessment of the effect of the proposal should be based on the particular circumstances of the development. In any event my own site visits suggest that the influence of Bicker Fen is by no means consistent, varying with the viewpoint and other features nearby. Taken in the round, I do not agree that the influence of Bicker Fen in producing a ‘wind farm in fenland’ landscape reaches as far as the Council suggest. Nor do I not consider that the influence of this proposal would reach the 3.75km suggested. My observations from many viewpoints suggest that the influence would be more restricted. This is because the huge scale of existing landscape quickly reduces the apparent scale and impact (on character) of development. Although they would be the largest feature in view, the turbines would not dominate in the way they would in a small scale, intimate landscape. In my judgement their influence would decline quite rapidly, and the overarching character of the landscape would revert to a fenland character well before a distance of 3.75km was reached. In this I agree with the Applicant. Nonetheless the development would clearly have an impact on the character of the landscape in relatively close proximity to it, though the precise distance would vary. But in terms of the character of the host landscape as a whole the impact on character would be limited. I see no reason to differ from the assessment of the Applicant that the impact can be categorised as minor to moderate, and adverse”.

(paras 260 & 261 Ref: DPI/R2520/12/8)

....the Council took what it considered to be a consistent view that 3km would be more than sufficient.

The onshore cable route would not have any significant visual or landscape effects outside of the 1km study area. The actual selection of the line of the cable route has mitigated any significant landscape or visual effects so the purpose of the study area for the selected route was to address more temporary landscape and visual effects during the construction period.

**LV 1.24 Landscape and visual impacts** Comment here, or within the Local Impact Report, on the applicant's assessment of the construction and operational landscape and visual effects in APP-043 (6.2.3.2 Landscape and Visual). If this is covered in a Local Impact Report and/or a Statement of Common Ground, reference the section in which the response is found.

**Answer:** The Council confirms that the applicant's Summary of Consultation relating to Landscape and Visual Impacts in Table 2-2 is accurate but it does not include more substantial discussions in the earlier, informal pre-application stages. The Council does not dissent from the applicant's assessment of landscape and visual effects during construction and operation.

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