



Triton Knoll Offshore Wind Farm Limited Triton Knoll Electrical System



**Appendix 5: Written
Representation Response to
Lincolnshire County Council**

Date: October 2015

**Appendix 5 of the Applicant's
Response to Deadline 2**

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1. Response to Lincolnshire County Council Written Representation

Section 1 – Introduction

Paragraphs 1.1 – 1.8

- 1.1 The Applicant notes the introductory remarks introducing the background and experience of Jonathan Charles Wood. The Applicant notes the total area of land parcels within the County Farms Estate affected by the proposed development. The Applicant notes that the main concerns of LCC County Farms is in relation to impacts on Land Use, Agriculture and Soils, and the quantity of land affected by the proposed development.⁶
- 1.2 The Applicant has reviewed LCC County Farms' presentation of the parts of the County Farms Estate affected by the proposed development. The Applicant can identify all parts except the one that reads 42/51. The Applicant has no record for part 42/51, however it is assumed the LCC County Farms meant to refer to part 45/21 which matches with the presented area of 16,457.77 sq. m.

Section 2 – Adverse Impact and Land use, Agriculture and Soils

Paragraph 2.1

- 1.3 LCC County Farms express concerns about limited access for pre-application investigations and the information gathered to inform characterisation of the baseline environment. It is the Applicant's position that the methodology undertaken to characterise the existing land use, agriculture and soils environment around the proposed development, provides an appropriate approach to describing the land use, agriculture and soils baseline environment. It is also the Applicant's position that the descriptions given in paragraphs 5.23 – 5.48 of Volume 3, Chapter 5, *Land Use, Agriculture and Soils* of the ES provide an accurate and appropriate characterisation of Land Use, Agriculture and Soils based on the existing data available from literature and site specific surveys, including phase 1 habitat surveys. The Applicant considers that given the limited access granted by landowners for the purpose of pre-application site investigations, an appropriate suite of data sources, listed in paragraph 5.16 of Volume 3, Chapter 5, have been used to inform the baseline.
- 1.4 These points have been agreed with Natural England and are set out in the SoCG with Natural England (Appendix 23 of the Applicant's Response to Deadline 1) at paragraphs 4.97, 4.99 and 4.100.
- 1.5 LCC County Farms express concerns about the quantum of liaison with landowners and occupiers. It is the Applicant's position that the Consultation Report (document

reference 5.1) details the extensive non-statutory and statutory consultations undertaken with all persons with an interest in land (collectively referred to as 'landowners'). The Applicant has not sought to exclude occupiers from the consenting and land acquisition process, but rather, has provided every opportunity for occupiers to be involved and consulted. Attention is drawn to:

- a) Section 2, Non Statutory Consultation commencing prior to s42/s47 consultation, which includes
 - i. A subsection entitled '*The Alternatives Consultation*' - a consultation on shortlisted sites for the above ground infrastructure and associated cable corridors, which included 7 public exhibitions attended by 888 visitors;
 - ii. A subsection entitled '*2014 public, landowner and Parish Council consultations*'. This subsection includes an explanation of the '*Onshore cable route consultation*', which was an iterative process of onshore cable route alignment; and the '*Landowner Consultations*' which was a process of information sharing with landowners, including 2 landowner-specific exhibitions.
- b) Section 5, Community Consultation under section 47, which includes 6 public exhibitions attended by 293 people;
- c) Section 7, Land Interest Consultation (including consultation under s42), which explains the consultation carried out under the provisions of the Planning Act 2008, including 6 rounds of land interest consultation.

Paragraph 2.2

- 1.6 LCC County Farms state that the inadequacy of the consultation should result in PINS rejecting the application. The Applicant considers that consultation on the proposed development, as set out in the Consultation Report (document reference 2.1) is comprehensive and notes that the Application was formally accepted for Examination by the Planning Inspectorate on 21 May 2015.

Paragraph 2.3

- 1.7 LCC County Farms note that the Applicant had the opportunity to use Section 52 of the Planning Act 2008, to identify the details of landowners. Section 7 of the Statement of Reasons (document reference 4.1) summarises the land referencing approach and methods adopted by the Applicant in order to complete diligent inquiry and determine the details of all parties with an interest in the affected land. The Applicant contends that use of Section 52 of the Planning Act 2008 was not necessary to complete its diligent inquiry.
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Paragraph 2.4

- 1.8 LCC County Farms refer to paragraph '4.121 of the SoCG'. The Applicant understands that this reference is to an early draft version 3 of the SoCG, in circulation between LCC and the Applicant leading up to the agreed SoCG (version 4) submitted at Deadline 1 (Appendix 30 of the Applicant's Response to Deadline 1). LCC County Farms refer to alternative baseline information in relation to soils. It is the Applicant's position that the descriptions given in paragraphs 1.5.28 – 1.5.33 of Volume 5, Annex 5 of the ES provide an accurate and appropriate characterisation of soils types and distribution based on the existing data available from literature and site specific surveys, including phase 1 habitat surveys. This position is agreed with Natural England in paragraph 4.100 of the SoCG (Appendix 23 of the Applicant's Response to Deadline 1).

Paragraph 2.5

- 1.9 The Applicant notes that LCC County Farms refers to the Soil Survey of England and Wales.
- 1.10 It is the Applicant's position that the Application documents refer to data from the Soil Survey of England and Wales. Paragraph 1.3.1 of Volume 5, Annex 5-1 of the ES: *Land Use, Soils and Agriculture Baseline Study*, notes that data sources consulted as part of the baseline assessment included soilscape information published by the National Soil Resources Institute (NSRI) of Cranfield University. Soilsapes is a 1:250,000 scale soils dataset covering England and Wales. It was created from the more detailed National Soil Map of England and Wales (NATMAP) with the purpose of effectively communicating a general understanding of the variations which occur between soil types and how soils affect the environment. The online resource was accessed as part of the baseline study (referenced as Cranfield University: National Soil Resources Institute (2012), available from: <http://www.landis.org.uk/soilsapes/>). Soil types within the vicinity of the proposed developed are listed in Table 1-3 of Volume 5 Annex 5-1 of the ES and in Table 2-1 of the Outline Soils Management Plan, Document Reference: 8.7.5, as follows:
- Soil Type 18 - Slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soils
 - Soil Type 21 - Loamy and clayey soils of coastal flats with naturally high groundwater
 - Soil Type 23 - Loamy and sandy soils with naturally high groundwater and a peaty surface

Paragraph 2.6

- 1.11 LCC County Farms refer to 'Soils and Their Use in Eastern England' and the Applicant notes that this publication refers to drainage design requirements. The Applicant has set out its approach to managing interactions with existing drainage in its Agricultural Land Drainage Clarification Note (Appendix 26 of the Applicant's Response to Deadline 2) and considers that, while this is an area of great concern to landowners, the approach outlined is reasonable and appropriate to the management of potential impacts on agricultural land drainage systems.
- 1.12 The Applicant also notes that LCC County Farms refers to the need for careful soil management. The Applicant has set out its management of soil in the Outline Soil Management Plan (SMP) (document reference 7.6.5) and consider that this plan secures a careful and considered approach.
- 1.13 The Applicant's approach has been discussed and agreed with Natural England. The Applicant directs the ExA to the SoCG with Natural England (Appendix 18 of the Applicant's Response to Deadline 2), which states at paragraph 4.104 *"it is agreed that the implementation of a Soil Management Plan (SMP), and the employment of a qualified Agricultural Liaison Officer (ALO), will ensure appropriate protection, conservation and reinstatement of the land during and following the construction phase."*

Paragraph 2.7

- 1.14 The Applicant maintains that the data sources used in the ES with regards to soils are appropriate, such as those given in paragraphs 5.23 – 5.48 of Volume 3, Chapter 5 of the ES and referred to in Annex 5-1 *Land Use, Soils and Agriculture Baseline Study* (document reference 6.2.5.5.1), which include Agricultural Land Classification Maps published by the Department of Environment, Food and Rural Affairs (DEFRA); and Soilscape information (National Soil Resources Institute, Cranfield University).
- 1.15 The Applicant's characterisation of the baseline environment has been agreed with Natural England. The Applicant directs the ExA to the SoCG with Natural England (Appendix 18 of the Applicant's Response to Deadline 2), which states at paragraph 4.100 *"it is agreed that the descriptions given in paragraphs 5.23 – 5.48 of Volume 3, Chapter 5 of the ES provide an accurate and appropriate characterisation of Land Use, Agriculture and Soils based on the existing data available from literature and site specific surveys."*

Paragraph 2.8

- 1.16 The Applicant recognises that the issue of land drainage is of great importance to landowners and is a topic which has been brought to the Applicant's attention through the various rounds of non-statutory and statutory consultation with landowners and other stakeholders as well as through discussions with landowners and their
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representatives, and landowner organisations such as the National Farmers' Union. Recognising the importance of this issue, the Applicant consulted with Land Drainage Services, a local specialist drainage consultant as part of the 2014 Cable Route Consultation.

1.17 The Applicant's responses to Questions **SE 1.11** and **SE 1.12** of the ExA's First Written Questions address concerns with regards to land drainage. In summary:

- The Applicant considers that the application documents (including Appendix Five to the Outline Code of Construction Practice, *Outline Soil Management Plan* (document reference 8.7.5); Appendix One to the Outline Code of Construction Practice, *Outline Construction Method Statement* (document reference 8.7.1); and Volume 3, Chapter 1, *Onshore Project Description* of the ES (document reference 6.2.3.1)) illustrate how potential impacts on land drainage have been addressed in the design of the onshore cable route;
- The Applicant's proposal to landowners for private treaty agreements includes offers to:
 - reinstate drainage systems to the landowner's reasonable satisfaction ensuring that the drainage system is put back in a condition that is at least as effective as the previous condition;
 - adhere to best practice for field drainage installations when restoring drainage;
 - take into account site specific conditions;
 - consult with the landowner, prior to the installation of the cables, on the design of any land drainage works required, both pre- and post-installation; and
 - employ a suitably qualified drainage consultant to act as an independent drainage expert prior to the installation of the cables.

1.18 In addition, the Applicant has submitted an overarching clarification note in relation to agricultural land drainage at Appendix 26 of the Applicant's Response to Deadline 2.

1.19 The Applicant has sought to ensure that the most suitable approach to land drainage for each specific location can be put in place once the detailed design of the onshore electrical infrastructure has been settled during the pre-construction phase, rather than attempting to design drainage schemes for each land parcel before detailed design is settled. The latter approach would have resulted in schemes being designed that would

need to be revisited, and in all likelihood substantially reworked, once the detailed cable design had been undertaken.

- 1.20 The Applicant has included in the proposal for private treaty agreements a request that landowners provide drainage plans, where available, to the Applicant prior to installation of the cables, to benefit the design of site specific drainage reinstatement tailored to the individual requirements of each field.

Paragraphs 2.9 and 2.10

- 1.21 The Applicant notes the concerns of LCC County Farms in relation to works during the winter months. The Applicant direct the ExA to paragraph 1.146 of Volume 3, Chapter 1 *Onshore Project Description* of the ES, which states that *“the duration of the excavation, cable installation and backfilling works will depend on localised ground conditions e.g. rock content, de-watering requirements. For a cable route of this length (circa 60 km including the 400 kV section) and assuming work could only be undertaken in summer months and drier winter/autumn/spring months, construction is expected to take up to 42 months.”*

- 1.22 The Applicant notes the concerns of LCC County Farms in relation to the installation of mole drainage and the consideration of ground conditions. The Agricultural Land Drainage Clarification Note (Appendix 26 of the Applicant's Response to Deadline 2) sets out the Applicant position in relation to the appropriate time to undertake drainage design as follows:

- 1.23 *“Undertaking drainage design as part of the pre-construction detailed design process enables detailed knowledge of the installation requirements to be considered alongside an updated suite of information including the findings of pre-construction surveys of the site-specific ground conditions relevant to individual fields, detailed existing drainage information and information gathered from meetings with each landowner, drainage specialists and liaison with the principal contractor.”*

Paragraph 2.11

- 1.24 The Applicant notes LCC County Farms concerns in relation to installing the cable in land that is below sea level (AOD). The Applicant agrees with LCC County Farms on the importance of establishing a full understanding of topography in and around the proposed development.

- 1.25 The Applicant notes LCC County Farms concerns in relation to flood risk. The Applicant has considered flood risk through Volume 5, Annex 7.3 *Flood Risk Assessment* (document reference 6.2.5.7.3) and through Volume 3, Chapter 7 *Hydrology and Flood Risk* of the ES, appropriate controls have been secured in the draft DCO (document reference 3.1) and further detailed design work at the pre-

construction phase will ensure the appropriate engineering solutions are in place for the range of ground conditions along the cable route.

Paragraphs 2.12 and 2.13

- 1.26 The Applicant notes the concerns in relation to reinstatement of land in reference to the land at Digby Farm and the and the Hatton to Silk Willoughby line. The Applicant is not in a position to comment on the construction and reinstatement methods of other linear projects in the area. However, the Applicant directs the ExA to the fact that it has committed to adhere to the 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' published by Defra in 2009, some 15 after the project noted by LCC County Farms.
- 1.27 The Applicant recognises that the quality of drainage reinstatement work has a direct correlation with the ongoing obligation to compensate for losses caused as a direct result of the proposed development (see below under 'paragraph 2.18'). The Applicant therefore has an interest in the quality of drainage reinstatement.

Paragraphs 2.14 and 2.15

- 1.28 The Applicant notes the concerns in relation whether it adequately deals with the necessary associated mitigation measures that may be required. The Applicant directs the ExA to the Outline SMP (document reference 8.7.5), which sets out the Applicant's approach to managing soils through the construction of the propose development.

Paragraphs 2.16 and 2.17

- 1.29 The Applicant notes that LCC County Farms refer to 'paragraph 4.126 of the SoCG'. The Applicant initiated contact with LCC in relation to a SoCG on the 8th June 2015, engagement on 20th July and the first draft was issued in person on the 9th September. Since then LCC and the Applicant have worked together through four versions of the SoCG leading up to the submission of an agreed SoCG at Deadline 1 on the 5th October. As such, it is not possible for the Applicant to determine which statement of agreement LCC County Farm is referring to without the full reference.
- 1.30 In light of the above difficulties, the Applicant acknowledges LCC County Farms concerns about local flooding. The potential of the proposed development to impact flood risk is considered in detail in Volume 5, Annex 7.3 *Flood Risk Assessment* (document reference 6.2.5.7.3) and through Volume 3, Chapter 7 *Hydrology and Flood Risk* of the ES.

Paragraph 2.18

- 1.31 LCC County Farms refer to the proposal for an Agricultural Liaison Officer (ALO). Table 5-7 *Embedded mitigation relating to land use, soils and agriculture* in Volume 3, Chapter 5 *Land Use, Soils and Agriculture* of the ES sets out the elements included in the ALO's remit.
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- 1.32 *“An Agricultural Liaison Officer (ALO) will record existing crop regimes, position and condition of field boundaries, existing drainage and access arrangements and private water supplies (as far as reasonable investigations allow) and liaise with affected landowners to record potential constraints and mitigations to be entered into a pre-entry record of condition for the affected landowner.”*
- 1.33 The Written Representation also refers to compensation and the resources required to implement reinstatement. Where a private treaty agreement has been secured between the parties, the agreement would contain enforceable obligations on the part of the Applicant to compensate for damages or losses caused as a direct result of the proposed development. Where no such private treaty agreement exists, compensation due to persons with an interest in land would be governed by the principles of the compulsory purchase compensation code.
- 1.34 The Applicant can confirm that it has considered, as part of its overall consideration of project economics, the cost of installing cables in agricultural land, including the costs of embedded mitigation offered as part of the application, the cost of adhering to the management plans, compliance with which would be secured through the Development Consent Order and the potential cost of compensating landowners for any loss throughout the lifetime of the project.

Paragraph 2.19

- 1.35 The Applicant notes LCC County Farms’ concerns in relation to soil erosion. The Applicant directs the ExA to paragraph 5.1 of the Outline Soil Management Plan (document reference 8.7.5), which states that *“all soil handling, compaction and management will be undertaken in accordance with best practice guidance (DEFRA 2009). Stockpiled soils will managed to minimise erosion (see paragraph 5.9 of 8.7.5). The implementation of temporary drainage during the construction period will form part of the management of in situ soils.”*

Paragraph 2.20

- 1.36 The Applicant notes the concerns expressed by LCC County Farms in relation to potential detrimental impacts on farmers and landowners. The Applicant can confirm that it has considered impacts on farmers and landowners in relation to the reinstatement of construction activities. A full summary of this consideration is set out in paragraphs 1.5 – 1.18 and 2.53 – 2.60 of the Agricultural Land Drainage Clarification Note (Appendix 26 of the Applicant's Response to Deadline 2).

Paragraph 2.21

- 1.37 The Applicant notes the concerns expressed by LCC County Farms in about relation to potential degradation of peat resource. The Applicant notes that the presence of peat in some area of the proposed development boundary is outlined in paragraphs 5.38- 5.40 of Chapter 5, Volume 3 *Land Use, Agriculture and Soils* of the ES. Where peat is
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encountered during construction it is considered that the standard construction techniques outlined in the application, in addition to the commitments set out in the Outline SMP (document reference 8.7.5) will provide the level of protection required to safeguard this important resource.

Section 3 – Quantity of Land Taken for the Proposed Easement Route

1.38 The Applicant notes the concerns expressed by LCC County Farms in relation to the ‘quantity of land taken for the proposed easement route’. In general the Applicant can set out the background to the required width of the Order Limits in the Onshore Export Cable Corridor Requirements – Explanatory Note (Appendix 28 of the Applicant's Response to Deadline 2). The purpose of the Onshore Export Cable Corridor Requirements – Explanatory Note is to provide an explanation of the temporary construction working width and permanent cable corridor requirements for the Triton Knoll onshore export cable route. It should be read in conjunction with the descriptions in paragraphs 4.22 to 4.50 of the Statement of Reasons (document reference 4.1) and Volume 3, Chapter 1 *Onshore Project Description* of the ES (document reference 6.2.3.1).

Paragraphs 3.1

1.39 The Applicant notes that LCC County Farms’ state that land will be ‘permanently sterilised’ by the propose development. The Applicant would like to confirm that this is not that case. Following completion of the works, the working width will be fully reinstated as near as practically possible to its former condition. Full reinstatement will allow normal farming practices to continue (i.e. crop growth, ploughing, machine loads).

Paragraph 3.2

1.40 The Written Representation makes reference to the Hornsea Offshore Wind Farm Project One (hereafter referred to as ‘Hornsea Project One’) and makes comparisons with the proposed development.

1.41 The Applicant notes that Hornsea Project One will be comprised of the following:

- a maximum generating capacity of 1200 MW;
- up to 240 offshore wind turbines;
- Either up to four offshore HVAC export circuits, each of up to 140km in length; or up to 2 HVDC export circuits, each of up to 140km in length;
- Approximately 40km of onshore cabling from the landfall near Horseshoe Point, south of Grimsby to the onshore substation located at Killingholme.

Paragraphs 3.4 – 3.5

- 1.42 The Applicant notes LCC County Farms reference the number of cable circuits planned to be installed at Hornsea Project One (four cables) and the proposed development (six cables). The Applicant directs the ExA to the operational Gwynt-Y-Mor offshore wind farm, which was constructed by RWE Innogy Ltd and completed in 2015. Gwynt-y-Mor is a 576 MW project with a high voltage alternating current (HVAC) connection, which has six cable circuits installed, a smaller electrical capacity and uses the same transmission technology as the proposed development. On the basis of this direct relevant comparison with an existing operational project it is the Applicant's position that a six cable circuit design is appropriate for the proposed development.

Paragraph 3.6 – 3.8

- 1.43 The Applicant notes that LCC County Farm consider that the Applicant should justify the 'size of the scheme' and refers the width of the proposed development. The Applicant directs the ExA to the Onshore Export Cable Corridor Requirements – Explanatory Note (Appendix 28 of the Applicant's Response to Deadline 2), for a full justification of the of the temporary construction working width and permanent cable corridor requirements of the proposed development.
- 1.44 The rights and restrictions on activities, which are being sought for the cable corridor are proportionate and will not prevent the existing use of the land from continuing once the installation is complete. Further explanation of the rights sought in relation to the cable corridor width is given in the Onshore Export Cable Corridor Requirements Explanatory Note (Appendix 28 of the Applicant's response to Deadline 2).

Paragraph 3.9

- 1.45 The Applicant notes the comments in relation to the scale of the proposed development and the its comments about 'permanently sterilised' land. The Applicant directs the ExA to paragraph 1.7 of the Onshore Export Cable Corridor Requirements – Explanatory Note (Appendix 28 of the Applicant's Response to Deadline 2), which states that *"after construction has completed, the land can be returned to the land owners, subject to permanent rights (by way of an easement) for the installed onshore cable route infrastructure with associated access and maintenance rights ("the Permanent Cable Corridor"). The Applicant will only seek to acquire such permanent rights as are reasonably required for the continued operation and maintenance of the proposed development."*

Paragraph 3.10

- 1.46 The Applicant notes the concerns expressed by LCC County Farms' in relation to the site selection of the proposed development.
- 1.47 The Interface Selection Assessment Report (document reference 8.18) sets out in detail the reasons for the selection of the existing National Grid substation at Bicker
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Fen as the interface point for the Triton Knoll Electrical System to connect into the national grid. The Applicant's responses to Questions **Alt 1.1, 1.4, 1.5, 1.7 Alt 1.8 and 1.9** of the Examining Authority's (ExA) first written questions provide further explanation for this. The Applicant and National Grid Electricity Transmission's (NGET) concluded that connection into either the existing Killingholme, Grimsby West or South Humber Bank substations in North Lincolnshire would require an infrastructure upgrade solution involving new overhead lines and that substation reinforcements would be required to comply with the NGET Security and Quality of Supply Standards threshold. Therefore, a connection into the national grid in North Lincolnshire, near to the Humber would not be consistent with its duty to develop and maintain an efficient and economical system of electricity distribution.

- 1.48 Further, the Site Selection and Design Report (document reference 8.17) explains the detailed reasoning for the selection of the landfall at Anderby Creek North, intermediate electrical compound (IEC) site at Orby and resulting onshore cable route down to the substation at Bicker Fen, which explains the reasons for such a long onshore cable route.

Paragraph 3.11

- 1.49 The Applicant notes the concerns expressed by LCC County Farms' in relation to potential impacts on Grade 1 – 3 Agricultural Land Classification. The Applicant has set out its consideration of best and most versatile land in paragraphs 5.67 – 5.71 of Volume 3, Chapter 5 *Land Use, Agriculture and Soils* of the ES, noting that it is a receptor of very high / high sensitivity and that adverse temporary impacts would be of low resulting in effects of minor significance are anticipated. The Applicant has agreed this assessment with Natural England, as set out in the SoCG with Natural England (Appendix 18 of the Applicant's Response to Deadline 2). Paragraph 4.109 states that *"it is agreed that impacts on ALC Grade 1, 2, 3 and 4 land through soil disturbance during the construction phase have been adequately assessed and presented in paragraphs 5.67 – 5.73 of Volume 3, Chapter 5 of the ES and following the implementation of measures set out in the SMP, effects of minor significance have been appropriately predicted."*
- 1.50 It is therefore the Applicant's position that potential impacts on best and most versatile land have been appropriately considered in the assessment.