



# Triton Knoll Offshore Wind Farm Limited Triton Knoll Electrical System

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**The Applicant's Response to  
Deadline 2**

**Date: 27<sup>th</sup> October 2015**

**Document Ref: 2505-TKC-CON-  
K-KX-0049**

Triton Knoll Offshore Wind Farm Limited

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Date: 27<sup>th</sup> October 2015

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Offshore Wind Farm Limited  
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3	Written Representation Response to East Lindsey District Council
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5	Written Representation Response to Lincolnshire County Council
6	Written Representation Response to Lincolnshire Wildlife Trust's Written Representation
7	Written Representation Response to Mrs Helen Bowler
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17	Statement of Common Ground between Triton Knoll Offshore Wind Farm Limited and Lincolnshire Wildlife Trust
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## 1. SUMMARY

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- 1.1 In response to the Examining Authority's (ExA) letter of 11<sup>th</sup> September 2015 (the Rule 8 Letter), which set out the procedural timetable for the examination of the Triton Knoll Electrical System Application (Application Reference EN020019) ('the proposed development'), Triton Knoll Offshore Wind Farm Limited (The Applicant) has prepared the following:
- The Applicant's comments on Written Representations (at Part 1 of the Response);
  - The Applicant's comments on the Local Impact Reports (at Part 2 of the Response); and
  - The Applicant's comments on responses to the ExA's first written questions (at Part 3 of the Response).
- 1.2 These documents (collectively 'the Response') are submitted for the deadline of 27 October 2015 specified in the Rule 8 Letter (Deadline 2) and are discussed in more detail below.

## 2. The Applicant's comments on Written Representations

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- 2.1 The Applicant has responded to each of the Written Representations received by the ExA in respect of the proposed development. The responses are set out in Part 1 of the Response and, where indicated, within the Appendices to the Response.

## 3. The Applicant's comments on responses to Relevant Representations

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- 3.1 The Applicant responded to each of the Relevant Representations received by the ExA in respect of the proposed development in its Response to Deadline 1. The Applicant has reviewed the responses received from Interested Parties submitted to the ExA for Deadline 1 and identified no comments on the responses to the Applicant's or any other Interested Party's Relevant Representations. The Applicant therefore has no additional comment to make on responses to Relevant Representations at this stage.

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## 4. The Applicant's responses to the Local Impact Reports

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4.1 The Applicant has responded to the Local Impact Reports (LIR) submitted by Lincolnshire County Council, Boston Borough Council, East Lindsey District Council and North Kesteven District Council. These responses are set out in Part 2 of the Response.

## 5. The Applicant's response to Interested Parties' responses to the ExA's first written questions

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5.1 The Applicant has responded to each of the Interested Parties' responses to the first written questions submitted by the ExA within the Rule 8 Letter. The Applicant's responses are set out in Part 3 of the Response and adopt the chronology of the questions within the Rule 8 Letter. In each case the question is included, followed by the Applicant's comments.

## 6. Updated Schedule of Compulsory Acquisition

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6.1 The Applicant provided an update as to the status of the schedule of compulsory acquisition in its response to Deadline 1. The Applicant has provided a further update within Appendix 12 of the Response.

6.2 The Applicant committed to updating the Land Plans when responding to **CA 1.7** of the ExA's first written questions at Deadline 1 to show on the Land Plans the limits of all land to be acquired and/or which is required for the works. The Applicant notes that it is also a requirement to show any land in which there is a Crown interest. The Applicant acknowledges that as plot 01a/01 is shown coloured yellow on Crown Land Plan 1a, it could be interpreted as indicating that new rights over the plot are to be compulsorily acquired. The Applicant has therefore amended Crown Land Plan 1a so that plot 01a/01 is not coloured yellow in the Response at Appendix 13 of the Response.

6.3 The Applicant has also taken this opportunity to update other Crown plots, which are also included within Appendix 13. A summary of these changes is presented below:

- Amended cover sheets.
- Note added on the second cover sheet "Plans shown are Revision B plans. All other plans forming the full set of Land Plans and Crown Land plans are Revision A which were submitted in May 2015."

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- Updated contents page to list the relevant Rev B sheets.
  - Crown Plan 1a - yellow shading removed and scale of green zigzag on inset amended with asterisks; note added.
  - Crown Plan 1b - scale of green zigzag on inset amended with asterisks; note added.
  - Crown Plan 1d - yellow shading removed from parcels 43/10 and 43/11.
  - Crown Plan 1g - yellow shading removed from parcels 37/18 and 37/19.
  - Land Plan sheet 27 - yellow shading removed from parcels 37/18 and 37/19 and a new key item added.
  - Land Plan sheet 43 - yellow shading removed from parcels 43/10 and 43/11 and a new key item added.

## 7. Statements of Common Ground

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- 7.1 The Applicant's response to Deadline 1, submitted on the 5 October 2015 contained a number of signed Statements of Common Ground (SoCG), together with unsigned drafts (where these were considered helpful to the ExA) between the Applicant and a number of Interested Parties (see Appendices 20-32, 34 and 37 of the Applicant's Response to Deadline 1).
- 7.2 Subsequent to the submission of the Applicant's response to Deadline 1, the Applicant has now secured further signed SoCGs with Anglian Water Services Ltd. and the Eastern Inshore Fisheries and Conservation Agency. The Applicant has also provided updated SoCGs with Lincolnshire Wildlife Trust, Natural England, Boston Borough Council and East Lindsey District Council. These are included at Appendices 15 to 20 of the Response.
- 7.3 In its Rule 17 request of 13 October 2015, the ExA requested a SoCG between the Applicant and the Lincolnshire Association of Agricultural Valuers (LAAV), the Country Landowners' Association (CLA) and the National Farmers' Union (NFU). The Applicant can report that discussions are ongoing between the parties and that a draft SoCG has been submitted to LAAV, CLA and NFU for consideration. The Applicant will provide an update on progress to the ExA at Deadline 3.
- 7.4 In addition, the Applicant continues to seek progress on a SoCG with the following:

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### **The Canal and River Trust**

- 7.5 The Applicant is engaging with the Canal and River Trust, with ongoing discussions on the matters raised in their relevant representation in order to progress a SoCG. The Applicant intends to submit a SoCG commenting on these matters once agreed as soon as possible and will provide an update to the ExA by Deadline 3.

### **ConocoPhillips (UK) Ltd**

- 7.6 The Applicant is engaged in ongoing technical discussions with ConocoPhillips (UK) Ltd in order to progress a SoCG. The Applicant expects to update the ExA by Deadline 3.

### **EDF Energy Renewables Ltd**

- 7.7 The Applicant can confirm that discussions with EDF Energy Renewables are progressing and the parties expect to have agreed a full SOCG by Deadline 3. The Applicant will update the ExA on this matter at that time

### **The Environment Agency**

- 7.8 The Applicant and the EA have agreed a SoCG, which has been submitted to Deadline 1. There were matters still under discussion in relation to comments raised by the EA in their Relevant and Written Representations. The Applicant has submitted the latest position on the matters under discussion to Deadline 2 in the form of Comments on Written Representation and Comments on Responses to the ExA written questions. The Applicant and the EA will continue to discuss these points in order to provide an update at Deadline 3.

### **The Marine Management Organisation**

- 7.9 The Applicant can confirm that agreement has been reached between the Parties in the majority of cases, as shown in the draft SoCG submitted for Deadline 1. The draft SoCG, reflects the Applicant's understanding of matters agreed based on discussions with the MMO both pre and post submission of the application. As at Deadline 1, the MMO has not yet approved the SoCG in its current form and wish to reserve comment until a revised Development Consent Order and Deemed Marine Licence is submitted into the examination at Deadline 2. The Applicant will provide an update to the ExA for Deadline 3.

### **The Internal Drainage Boards**

- 7.10 The Applicant and IDBs have agreed to prepare a joint SoCG. Initial progress has been made between the Applicant and the IDBs, with a draft SoCG submitted at Deadline 1. The Applicant and IDBs discussed the issues further in a teleconference on Friday 23 October and subsequently the Applicant issued an updated SoCG to the IDBs for comment. The Applicant and the IDBs will continue discussions and work toward an agreed SoCG for Deadline 3.

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### **National Grid**

7.11 The Applicant has engaged in consultation with National Grid with discussions on the matters raised in their relevant representation and a possible SoCG. The Applicant and National Grid will continue to discuss issues in their relevant representation. The Applicant will update the ExA regarding these matters once agreed.

### **Lincolnshire County Council.**

7.12 The Applicant notes that a Statement of Common Ground (SoCG) agreed by the Applicant and Lincolnshire County Council (LCC) was submitted at Appendix 30 of the Applicant's Response to Deadline 1. The document set out both matters that were agreed (sections 1-4), matters under discussion (section 5) and matters that were not agreed (section 6). Since submitting its response to Deadline 1, the Applicant has continued to discuss the matters included within sections 5 and 6 of the agreed SoCG with LCC.

7.13 On 26 October the Applicant was informed by LCC that it had notified the Planning Inspectorate that the agreed SoCG should be marked as draft on the basis that this would accord with the SoCGs with both local planning authorities (Boston Borough Council and East Lindsay District Council) that had been submitted at Deadline 1. LCC did not contact the Applicant or seek to discuss this prior to requesting the change to the document.

7.14 In order to clarify the position, at Deadline 1 it had not been possible to complete SoCGs with either Boston Borough Council or East Lindsay District Council and as a result these were submitted as drafts with the agreement of the local planning authorities. Conversely, agreement had been reached with LCC on the SoCG (including on the matters not agreed) and the completed SoCG with that authority was submitted at Deadline 1.

7.15 The Applicant understands that Savills has recently been appointed by LCC to review and provide comment on the SoCG submitted at Deadline 1 and will continue to work proactively with the Council to seek to agree a further SoCG. As the SoCG with LCC had been agreed prior to Deadline 1, the Applicant has both referred to and relied upon its content in the detail of its Deadline 1 and Deadline 2 responses.

## **8. Updated Development Consent Order**

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8.1 As requested in the Rule 8 Letter, the Applicant has provided an updated draft DCO (marked Revision 'C') at Appendix 21 of the Response. A comparison version of the revised draft DCO and a Schedule of Changes to the draft DCO are also provided at Appendix 22 and 23 respectively, which highlight changes from the last version

(Revision B) of the draft DCO, submitted in advance of the commencement of the Examination.

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## Part 1 The Applicant's response to Written Representations

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A total of 26 Written Representations have been received in respect of the proposed development from:

1. Addlethorpe Parish Council
2. Alco Estates Ltd
3. Bicker Parish Council
4. East Linsey District Council
5. EDF Energy Renewables (EDF)
6. The Environment Agency (EA)
7. Mr G. Hand
8. Mr and Mrs Mackinder
9. Lincolnshire County Council (County Farms)
10. The Lincolnshire Wildlife Trust (LWT)
11. Mr and Mrs Yeadon
12. Mrs H Bowler
13. The National Farmers' Union (NFU)
14. National Grid Electricity Transmission Plc (NGET)
15. Natural England (NE)
16. Mr N Booth
17. Network Rail
18. Mr N Greaves
19. North Kesteven District Council
20. Orby Parish Council
21. Mr P Theobald
22. Mr R Hurst
23. Skegness Town Council
24. The Triton Knoll Cable Group (TKCG)
25. Western Power Distribution (WPD)
26. 67 Landowners / Occupiers

### 1. Addlethorpe Parish Council

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- 1.1 The Applicant's response to Addlethorpe Parish Council's Written Representation is included at Appendix 1 of the Response.

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## 2. Alco Estates Ltd

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2.1 The Written Representation submitted by Willsons Chartered Surveyors on behalf of Alco Estates Limited for Deadline 1 (05 October 2015) raised a number of specific issues regarding their client's landholding and potential impacts arising from the proposed development. The Applicant's response to the Written Representation is below.

### Proposed route

2.2 The Applicant seeks to compulsorily acquire 5.60 acres (2.27 hectares) of land at the corner of a field owned by Alco Estates Limited, pursuant to Article 14 of the draft DCO (Document Reference 3.1). This land (shown coloured pink and identified as plot 01/03 on Sheet 1 of the Land Plan (Document Reference 2.3)) is required for the installation of Transition Joint Bays (TJBs) (Work No. 3A).

2.3 The Applicant also intends to take temporary possession of land shown coloured blue and identified as plot 01/04 on Sheet 1 of the Land Plan pursuant to Article 25 and Schedule 7 of the draft DCO (Document Reference 3.1). This land is required for a temporary construction and storage compound (Work No. 3B.)

2.4 The Applicant is in negotiation with Willsons Chartered Surveyors for commercial terms to acquire the necessary land and rights required for the TJBs and associated temporary construction compound at the landfall. A number of productive meetings have taken place between the Applicant and Willsons Chartered Surveyors and it is hoped that mutually acceptable terms will be agreed to secure the necessary land and rights. A financial offer for the land has been made by the Applicant which would be in excess of that which would be due under the principles of the compulsory purchase compensation code. (Compulsory acquisition practitioners often refer to a statutory compensation code. No 'code' exists as such, but it is generally taken to mean the law as set out in the Land Compensation Acts 1961 and 1973 and the Compulsory Purchase Act 1965, as amended by subsequent legislation and supplemented by case law. The fundamental principle underlying the 'Compensation Code' is that of 'equivalence'. In *Horn v Sunderland* (1941) 2 KB 26 CA, it was stated that *'the principle of equivalence is at the heart of statutory compensation ... the owner shall be paid neither less nor more than his loss'*.) A lease is also being sought for the temporary construction compound which would include provision for crop loss and disturbance. Once construction is complete the temporary land will be reinstated by the Applicant and the land can revert to its existing use.

2.5 The Applicant has sought a proportionate approach to the acquisition of land required for the proposed development. For example, at the landfall, there was a deliberate

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decision to locate the TJBs at the corner of a field to minimise the impacts of land take and disruption. The Applicant has sought to acquire only such land and/ or interests which are absolutely necessary for the TKES to proceed. Every measure has been taken to avoid taking unnecessary rights or interests and all reasonable alternatives to compulsory acquisition have been explored, including modifications to the scheme following consultation events, responses, and negotiations with landowners and occupiers.

- 2.6 As alluded to in the Written Representation, the Applicant also intends to acquire permanent rights over land owned by Alco Estates Limited pursuant to Article 17 and Schedule 5 of the draft DCO (Document Reference 3.1), as opposed to acquiring the freehold of this land pursuant to Article 14. This land is shown coloured yellow on Sheets 1 and 2 of the Land Plan and identified as plot numbers 01/05, 01/06, 01/07, 01/08, 02/01, 02/02, 02/03, 02/04 and 02/05. Plots 01/05, 01/06 and 01/07 are required for permanent access to the landfall (Work No. 4); plots 01/08, 02/01, 02/03 and 02/05 are required for the installation of electric cables and access for construction and maintenance (Work No. 5) (the Applicant seeks to acquire an easement over these plots to enable installation and maintenance of the cables and restrictive covenants to protect them from interference/damage); plots 02/02 and 02/04 are required for permanent access for maintenance (associated development).
- 2.7 The installation of the cables within the easement will not result in permanent disturbance to the current land use. The farming tenant will be compensated for crop loss and disturbance to agricultural operations during the period of construction and these principles are included in the proposal for a private treaty agreement with Alco Estates Limited. Once installation of the cables within the easement is complete, the land will be reinstated by the Applicant and the land can revert to its existing use.

### **Alternative route**

- 2.8 The Written Representation refers to an alternative cable route from the south of Anderby Creek. In the Applicant's response to Question **Alt 1.20** of the ExA's First Written Questions, the Applicant explains that:

*"The detailed discussion that sets out why Anderby Creek North was selected, over Anderby Creek South is set out in paragraphs 4.3.12 to 4.3.18 of the Site Selection and Design Report (doc ref 8.17).*

- 2.9 As explained in paragraphs 4.3.12 to 4.3.18 of the *Site Selection and Design Report* (document reference 8.17), key reasons for the selection of Anderby North include greater separation from geological and ecological Sites of Special Scientific Interest; ecological constraints in the form of protected species at Anderby Creek South; proposals for the creation of wetlands at Anderby Creek South; and the potential for engineering complications at Anderby Creek South in respect of seawall foundations.
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- 2.10 The selection of Anderby Creek North over Anderby Creek South is further discussed in the Applicant's response to Question **Alt 1.21** and **Alt 1.22**.
- 2.11 Once the Applicant had identified the preferred Landfall location, work to establish the onward connection route to the Intermediate Electrical Compound could be undertaken (as explained in Section 6 of the *Site Selection and Design Report* (document reference 8.17)).
- 2.12 The Applicant therefore asserts that a Landfall to the south of Anderby Creek, and therefore the associated onward cable routing, has been considered. The Applicant is confident in the selection of the cable route within the Application.

### **Effect of the Proposed System**

- 2.13 The Written Representation states that "...*there are concerns over the effects that the system will have upon health and the environment i.e. crop development, loss of soil structure and the wellbeing of wildlife.*"
- 2.14 The Applicant's response to Question **EOn 1.4** and Question **EOn 1.8** of the ExA's First Written Questions explains the negligible effect of transmission line electromagnetic fields (EMFs) on crops, farm animals or natural ecosystems. The Applicant's response to Question **SE 1.2** also explains that:

*"Heat generated by cables has been considered as a potential operational effect in paragraphs 5.91 - 5.93 of Volume 3, Chapter 5, Land use, agriculture and soils, in which the effects on crops as a result of heat dispersion from buried cables are anticipated to have an impact of negligible significance.*

*Impacts on crops as a result of heat dispersion from buried cables is also assessed as part of Table 12-9, Volume 3, Chapter 13, Inter-related effects, which concludes that no additional inter-related effects are considered likely to occur."*

- 2.15 The Applicant's response to Question **SE 1.11** of the ExA's First Written Questions notes that:

*"The ES generally, including Volume 3, Chapter 5, Land Use, Soils and Agriculture (Document reference 6.2.3.5) includes impacts on soil resources as part of the assessment, particularly at paragraphs 5.72, 5.73 and Table 5-7."*

- 2.16 Potential impacts of the proposed development on terrestrial ecology receptors are set out in Volume 3, Chapter 4 *Terrestrial Ecology* of the ES.
- 2.17 The Applicant therefore considers that a full assessment of the potential effects of the proposed development has been undertaken and the results set out in the ES.
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### 3. Bicker Parish Council

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- 3.1 The Applicant's response to Bicker Parish Council's Written Representation is included at Appendix 2 of the Response.

### 4. East Lindsey District Council

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- 4.1 The Applicant's response to East Lindsey District Council's Written Representation is included at Appendix 3 of the Response.

### 5. EDF

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- 5.1 The Written Representation submitted by EDF Renewable Energy (EDF), as owner and operator of the Bicker Fen Wind Farm (BFWF), raised a number of issues in connection with the proposed development. The Applicant's response to the Written Representation is set out below.

#### **Noise and Vibration**

- 5.2 In its Written Representation, EDF raises concern regarding noise and vibration from the operation of the proposed development, and in particular how this would be addressed in the event of a third party complaint. Specifically:

*2.2.2 The proposed DCO requirement (Requirement 17 – Control of Noise during operation) specifies maximum noise levels for the operation of the Proposed Development and a requirement for an independent noise assessment to be carried out in the event of a complaint to the relevant planning authority regarding the operational noise of the Proposed Development.*

*2.2.3 Requirement 17 should be expanded to include a requirement for the co-operation of the Triton Knoll substation operator and Bicker Fen Windfarm Limited in the event of a noise complaint that might reasonably be expected to have arisen from either operation. Such a requirement will specify the steps to be taken by each party to ensure resolution of any complaint, including liability for any costs incurred.*

- 5.3 The Applicant considers that the suggested amendment to Requirement 17 is not appropriate as it is not necessary and, in any event, would not be enforceable against Bicker Fen Wind Farm Limited which has no interest in the proposed development
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consent order. In the event that a complaint is made under Requirement 17(3) the process set out in this paragraph would allow the undertaker to establish whether the noise immissions from the substation were exceeding the prescribed limits.

- 5.4 As an existing operational project, the noise levels from the operational Bicker Fen Wind Farm formed part of the noise baseline for the purposes of the assessment (see paragraphs 11.56-11.57 of Volume 3, Chapter 11, *Noise and Vibration* of the ES (document reference 6.2.3.11), although the Applicant notes that for the purposes of setting the most conservative baseline against which to assess the potential impacts from the proposed development, baseline measurements were taken during a period of low wind speeds when the BFWF may not have been operating. However the Applicant would highlight that, as agreed with Boston Borough Council (BBC) through the EIA Evidence Plan process (reported as N007 in the EIA Evidence Plan log, document reference 8.16), cumulative noise impacts between the substation and the Bicker Fen turbines are unlikely as noise impacts arising from the substation would be at the maximum under very still conditions when the background noise levels are at their lowest, and under such conditions the Bicker Fen turbines would not be expected to be operating. When the wind speed increases and the Bicker Fen turbines start to operate, background noise levels would also increase but the substation would still be required to achieve the limit set out in Requirement 17 of the draft DCO. In addition the specific noise characteristics from the turbines and the substation are different such that, in the event of a noise complaint, there is unlikely to be any confusion over the source of the noise. On this basis the Applicant therefore suggests that it should not be necessary for the wind farm operator to be involved in any complaint procedure that is set out in the draft DCO.

#### **Impact of construction on operation of BFWF**

- 5.5 EDF raises concerns (paragraph 2.3.2 of EDF's Written Representation) regarding the potential use of piling at the substation and the potential effects arising from vibration impacts on the structural integrity of the BKWF turbines. The Applicant draws attention to the nature of the piling proposed at the NGET substation (being the closest to the BFWF), being vibratory installation of sheet piles, rather than driven piles, as detailed and assessed in Volume 3, Chapter 11, *Noise and Vibration* of the ES (document reference 6.2.3.11). Even if driven piling were to be employed with reference to data provided in British Standard BS 5228, Part 2: 2009, the level of vibration arising would be 0.1 mm/s at a distance of 130 m from source. The Applicant notes that the nearest turbine at the BFWF is approximately 140-150 m from the Order Limit boundary at the NGET substation site.
- 5.6 A vibration level of 0.1 mm/s is below the level of vibration that would be perceptible by humans (the lowest perceptible level is around 0.14 mm/s, according to the standard), and significantly below the level of vibration that could cause damage in buildings. The

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minimum level at which cosmetic damage to unreinforced or light framed structures is stated in the standard as 15 mm/s, with minor damage at 30 mm/s and major damage at 60 mm/s. For reinforced structures, a category within which the wind turbine foundations would be considered to fall, the level that at which cosmetic damage could occur increases to 50 mm/s, with minor damage at 100 mm/s and major damage at 200 mm/s.

- 5.7 The Applicant also notes that piling is proposed as part of the Triton Knoll Electrical System (TKES) substation construction. In the assessment (Volume 3, Chapter 11 of the ES) the potential for driven/impact piling was included in relation to the potential for constructing building foundations. The nearest turbine to the substation is approximately 330 m from the edge of the substation compound. Again with reference to data presented BS 5228, Part 2; for driven cast in place piles, the standard identifies an expected vibration level of 1.4 mm/s at a distance of 100 m from source. Even if an assumption of 100 m separation between the nearest turbine and the piling was made for the purposes of assessment, then the standard would suggest that this level of vibration would still be a factor of 10 below the lowest level that could cause cosmetic damage in lightweight, unreinforced structures.
- 5.8 The Applicant therefore confirms that level of vibration at any of the turbine locations at the BFWF arising from the installation piles as part of the proposed development would be more than a factor of 100 below (in the case of sheet piling) and a factor of 10 below (for impact driven steel piles) the level that could cause even cosmetic damage in unreinforced structures. On this basis the Applicant asserts that there is no predicted risk to the structural integrity of the turbines at BFWF.
- 5.9 The Applicant also notes the concern raised (in paragraph 2.3.3 of EDF's Written Representation) relating to potential impacts to EDF's access requirements along Bicker Drove and its rights under the lease of the access track to BFWF. Potential impacts on traffic and access have been assessed in Volume 3, Chapter 9 *Traffic and Access* of the EA (document reference 6.2.3.9), which concludes at paragraph 9.189 that "*there are no significant adverse effects associated with the construction, operation or decommissioning phases of the proposed development.*"
- 5.10 The Applicant highlights Requirement 18 of the draft DCO (document reference 3.1), which secures a construction Traffic Management Plan (TMP) and a contractor travel plan. An Outline TMP was submitted with the application (document reference 8.9) which the final TMP will be drafted in accordance with. It is also noted that further detail regarding the effects on traffic and transport are provided in the Applicant's responses to Questions **TT 1.1** to **TT 1.14** of the ExA's First Written Questions.
- 5.11 Notwithstanding these provisions, the Applicant can confirm that Bicker Drove is also included in the crossing schedule (document reference 8.3) as a location for trenchless
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crossing and thus the Applicant is confident that EDF's access to BFWF will not be impeded by construction traffic from the proposed development.

### **Energy yield of BFWF**

5.12 EDF has raised concerns that the design of the proposed substation and associated landscaping will impact upon the energy yield of BFWF due to the height and location of the proposed development impacting upon the wind flow regime at BFWF.

5.13 The Applicant notes that EDF highlight:

*2.4.3 In previous discussions the Applicant has accepted that the Proposed Development may have a negative impact on energy yield. The Applicant has also stated that it will compensate EDF for any operational losses resulting from the Proposed Development.*

*2.4.4 If the Proposed Development has a negative impact on energy yields, EDF seeks a commitment from the Applicant that:*

- i. The Applicant will re-design the Proposed Development to minimise any impact on energy yields; or*
- ii. The Applicant will compensate BFWF for operational losses across the remaining life of the BFWF."*

5.14 The Applicant can confirm that an assessment of the effect on yield will be undertaken for the purposes of informing any commercial agreement with EDF. The Applicant also refers the ExA to Requirement 5(3) and 6(1) of the draft DCO, which secure the need for approval of the design of the substation and any landscaping from the relevant planning authority and to highlight that that due regard will be had to the operational BFWF in discharging those requirements.

### **Access to BFWF**

5.15 EDF has raised concerns that the rights being acquired for the purposes of the proposed development will impact upon its ability to access and operate BFWF, specifically the acquisition of rights over plots 47/16, 47/20 and 48/02 identified in the Book of Reference (document reference 4.3). The Applicant confirms that in utilising access rights acquired over plots 47/16, 47/20 and 48/02 it will not obstruct, damage or disturb EDF's use of the land.

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## 6. The Environment Agency

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6.1 The Applicant's response to the Environment Agency's Written Representation is included at Appendix 4 of the Response.

## 7. Mr G. Hand

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7.1 The Written Representation submitted by Mr Graham Hand on behalf of Hand Bros centred on concerns regarding the proposed cable route alignment, but also refers to and encloses a copy letter dated 8th October 2014, addressed to the Applicant's land agent Ardent Management Ltd, which raised concerns regarding potential impacts on drainage and hedgerows. The Applicant's response is below.

7.2 The Applicant proposes to compulsorily acquire new rights in plots 09/02 and 09/04 (shown coloured yellow and identified on Sheet 9 of the Land Plan (document reference 2.3)), pursuant to Article 17 and Schedule 5 of the draft DCO (Document Reference 3.1) for the installation of up to 6 electrical circuits underground including access for construction and temporary haul roads (Work No. 8).

7.3 The Applicant proposes to acquire new rights of access in plots 09/06 and 10/03 (shown coloured yellow and identified on Sheet 9 and Sheet 10 of the Land Plan (document reference 2.3)), pursuant to Article 17 and Schedule 5 of the draft DCO (Document Reference 3.1), for permanent access for maintenance.

### **Cable route alignment**

7.4 The Written Representation includes a copy of a letter addressed to the Applicant's land agent (Ardent Management Ltd) dated 08 October 2014. The Applicant's land agent responded to Mr Graham Hand on the matters raised in that letter by a letter dated 09 January 2015, in which the Applicant explained:

*"Your request to amend the cable route has been considered against all the relevant constraints. The proposed cable route has previously been aligned to follow field boundaries as far as reasonably practicable. Implementing your suggestions would have impacts on a number of other smaller fields. In assessing our cable route options, we have to assume that proposals which are significantly far advanced through the planning process will go ahead and plan accordingly."*

7.5 As alluded to in this letter, the cable route had previously been amended by the Applicant as far as reasonably practicable in response to an earlier route change

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request from Mr Hand. In amending the route, the Applicant reduced the length of cable route affecting Mr Hand's land.

- 7.6 The last sentence of the above explanation is a reference to the Orby Wind Farm, which was a proposed onshore wind farm under development and the subject of a planning appeal at the time of the route change request.
- 7.7 *The Site Selection and Design Report* (document reference 8.17), Section 6, 'Onshore Cable Route Selection and Design', describes how selection of the cable route and the siting of its elements took into account comments from landowners. Route alterations, including those proposed by landowners, are visualised in Figure 6-4 'Triton Knoll Site Selection Onshore Cable Route Development' and collated in Table 6.1 'Schedule of change requests to the Onshore Cable corridor'.
- 7.8 Sheets 7 to 9 of Figure 6-4 of the *Site Selection and Design Report* (document reference 8.17) cover the area of land highlighted in the Written Representation. Change request references 9.1 and 9.2 relate to the Written Representation and demonstrate that Mr Hand's requests were specifically considered. Reference to the Orby Wind Farm is contained in the Response column of Table 6.1.
- 7.9 The *Site Selection and Design Report* (document reference 8.17), Section 6, 'Onshore Cable Route Selection and Design', also explains the logic involved in identifying the onshore cable route; cost being not the only consideration.
- 7.10 The Written Representation states that the suggested alternative route "*would not encroach on a medieval archaeological site*". In the letter dated 09 January 2015 to Mr Graham Hand, the Applicant explained:

*"With a scheme of this size it is impossible to traverse the landscape without having an impact on some archaeological remains. We have sought to understand the archaeology within the scheme and a wider study area to develop a balanced appreciation of the significance of the impacts. We have engaged with local and national experts from Lincolnshire County Council and English Heritage to ensure that the judgements are reasonable. The scheme design has involved the avoidance of impact on any archaeological remains of the highest order of importance (such as Scheduled Monuments or Listed Buildings), and where possible concentrations of archaeological remains have been avoided by re-routing.*

*The route does intercept known archaeological remains to the north of the Intermediate Electrical Compound (IEC) site and Marsh Lane, and the Preliminary Environmental Information (PEI) documentation incorporates those that are known from the local authority historic environment record as well as from original research commissioned specifically for this assessment (i.e. analysis of historic maps, aerial*

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photographs, LiDAR data and walk-over survey). The PEI considers the importance of the known remains, the magnitude of the impact and reconciles these with an attribution of the significance of the impact. In the PEI we identify measures to confirm the desk-based research and help suggest appropriate mitigation of the impact.

The known archaeological remains to the north of Marsh Lane within the proposed route consist of field systems and findspots of pottery. These are thought to be related to the Medieval settlement of Ashingdon to the west, with the pottery fragments from the deposition of farmyard manure on the fields. The field system is considered to be of Medium importance. The cable route will pass through these features, but will impact on a small proportion of them, resulting in an impact of Medium magnitude. This equates to an impact of Minor significance.

Evaluation trial trenching is suggested to test the dating and identification of the field system, and if proven to be archaeologically significant then strip, map and sample archaeological investigations of this part of the cable route will be undertaken ahead of cable construction. This mitigation of the scheme impact is considered to be appropriate for archaeological remains of this level of importance, and will result in a residual Negligible impact.

Adjustment to the cable route in this area is not considered to be an option, since there is a high density of known features, some of which, such as the Medieval settlement of Ashingdon are of higher levels of importance.

We hope this is helpful in explaining how we have considered the archaeology at this location. More information on the methodology and individual remains can be found in the Historic Environment Chapter of the PEI, available at our website:

<http://www.rwe.com/web/cms/en/2613920/rwe-innogy/sites/wind-offshore/developing-sites/triton-knoll/electrical-system-consultation/>

- 7.11 The Applicant contends that it has given due consideration to Mr Hand's comments. The position stated in the Applicant's letter of the 09 January 2015 that it would not be appropriate to adjust the cable route in this area remains the case.

### **Drainage**

- 7.12 The Written Representation also makes reference to land drainage. The Applicant's letter of the 09 January 2015 to Mr Hand explained:

*"We will ensure that the contractor undertaking the cable installation work will install the cables in such a way as to minimise any long term effects on the land or to drainage systems. The cables will be installed under identified field drains to allow maintenance on the drains to be carried out in the future without disturbing the*

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*cables. Landowners are invited to provide site specific information to assist us in correctly identifying existing land drains. We will also draw upon experience gained through installing underground cables in other locations where there is extensive land drainage.*

*Key stakeholder groups, including the Environment Agency, Lincolnshire Wildlife Trust, Natural England, Internal Drainage Boards and the Highway Authority are being invited to contribute local, specialist knowledge to the process.*

*We will fully consult affected landowners and occupiers on the design of land drainage. We will also give landowners the opportunity to inspect the drainage works as they progress. Accurate records of existing and remedial drainage will be made. Copies of these records will be provided once construction is completed.*

*We have sought specialist, local advice on drainage design and methodology for the installation of the cables and for restoration. This advice will be used to inform our detailed drainage design, along with information from landowners and other key stakeholders.”*

- 7.13 The Applicant’s response to Question **SE 1.11** of the ExA’s First Written Questions also addresses land drainage reinstatement and directs the ExA to those parts of the Application Documents which address drainage matters.
- 7.14 Recognising the importance of this issue, the Applicant consulted with Land Drainage Services, a local specialist drainage contractor as part of the 2014 Cable Route Consultation.
- 7.15 In addition, the Applicant has submitted a clarification paper in relation to land drainage at Appendix 26 of the Response.

### **Hedgerows**

- 7.16 The Written Representation also raises a concern regarding damage to hedgerows. The Applicant’s letter of the 09 January 2015 to Mr Graham Hand explained:

*“Where hedgerow removal is necessary, Triton Knoll Offshore Wind Farm Limited (TKOWFL) will replant hedgerows with at least the same number of species than that removed. Any hedgerow removal will take place in phases to enable species to relocate to other sites nearby. Linear structures will be placed on the sites of removed hedgerows so bats can continue to navigate when foraging.”*

- 7.17 As stated in the Applicant’s response to Question **AH 1.13** of the ExA’s First Written Questions;

*“Where the cable route passes through a hedgerow, there will be a partial removal of a section of the hedgerow, which will subsequently be reinstated. Paragraph 6.16 of the Outline Landscape Strategy and Ecological Management Plan (OLSEMP) (document reference 8.8) sets out the embedded mitigation to be carried out where the cable route passes through hedgerows.”*

- 7.18 As explained in the Applicant’s response to Question **LV 1.18** of the ExA’s First Written Questions, the obligation to replace hedgerow removed for the purposes of the proposed development is secured in the Outline Landscape Strategy and Ecological Management Plan (Document Reference 8.8) and Requirement 13 of the draft DCO (Document Reference 3.1).
- 7.19 The Applicant asserts that the information presented within this response demonstrates clearly how the Applicant has responded to feedback from Mr Hand to the Applicant’s proposals.

## **8. Mr and Mrs Mackinder**

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- 8.1 The Written Representation submitted by Mr J R M Mackinder on behalf of Joseph and Judith Mackinder raised a number of specific issues regarding their landholding and potential impacts arising from the proposed development. The Applicant’s response to the Written Representation is below.
- 8.2 Joseph and Judith Mackinder are the freehold owners of plots 11/02, 11/03, 11/05, 11/06, 11/08, 11/09, 11/10, 12/10, 12/12, 12/14, 12/15, 12/16, 12/19, 12/20, 12/23, 12/24, 12/25 and 13/02.
- 8.3 Joseph and Judith Mackinder are also the tenants and occupiers of plot 12/18 and plot 12/21.
- 8.4 In addition, Joseph and Judith Mackinder have a presumed subsoil interest in plot 11/07 (which comprises part of the adopted highway Chalk Lane), plot 11/12 (which comprises the adopted highway Ingoldmells Road), and in plots 12/08, 12/09, 12/11, 12/13, 12/17 and 12/22 (which all comprise drains).
- 8.5 The Applicant proposes to acquire new rights pursuant to Article 17 and Schedule 5 to the draft DCO (Document Reference 3.1) in plots 11/02, 11/03, 11/06, 11/07, 11/10, 11/12, 12/08, 12/09, 12/10, 12/11, 12/16, 12/17, 12/22, and 12/24 (shown coloured yellow and identified on Sheets 11 and 12 of the Land Plan (Document Reference 2.3)) for the installation of up to 6 electrical circuits underground including access for construction and temporary haul roads (Work No. 11).

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- 8.6 The Applicant proposes to acquire new rights of access pursuant to Article 17 and Schedule 5 to the draft DCO (Document Reference 3.1) in plots 11/05, 11/08, 11/09, 12/12, 12/13, 12/14, 12/15, 12/20, 12/25 and 13/02 (shown coloured yellow and identified on Sheet 9 and Sheet 10 of the Land Plan (Document Reference 2.3)) for permanent access for maintenance.
- 8.7 The Applicant does not seek to compulsorily acquire any land or interests in land in respect of plots 12/19 or 12/23, which are shown coloured green and identified on Sheet 12 of the Land Plan (Document Reference 2.3). The Applicant solely seeks the authority to conduct surveys over this land in reliance on Article 13 of the draft DCO (Document Reference 3.1).

#### **Anglian Water sewer**

- 8.8 The Written Representation refers to the alignment of an Anglian Water sewer pipe. The relevant land plots are 11/03 and 11/06. The Applicant's land agent has been in correspondence with Mr Mackinder regarding route selection and route change requests since June 2014 and last wrote to Mr Mackinder on the subject on 19 May 2015 regarding the alignment of the cable easement and the relationship with the Anglian Water sewer pipe:

*"I am writing further to our correspondence over phone and email regarding the alignment of the cable easement in your land along Ingoldmells Road. We have had confirmation from Anglian Water that one of the sewer pipes in that area has been abandoned and that one of the pipes is still live. However, their records are not accurate on the exact location of this infrastructure and Anglian Water have advised us to exercise extreme caution in this area when locating our apparatus, due to the uncertainty over location.*

*There are further factors which Triton Knoll Offshore Wind Farm Limited (TKOWFL) have taken into account when considering the alignment of the cable route in this area, as well as wider engineering, landscape, ecological and archaeological constraints as considered over the whole of the cable route. A number of these factors are summarised below:*

- A siting principle used for the Triton Knoll electrical system to maximise the distance between the cable route and residential properties, with an aspiration to maintain a minimum of 50m separation from the edge of the cable corridor to all residences. This is relevant for the cable route in this area, in particular with regards to the residential properties at Marsh View Farm to the east of Ingoldmells Road.*
- A proposal by TKOWFL to the Lincolnshire Coastal Grazing Marshes Project (LCGMP) to use a trenchless installation technique (such as horizontal*

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*directional drilling) at a location between Chalk Lane and Ingoldmells Road, as identified by the LCGMP as a coastal grazing marsh target area, in order to minimise any impediments caused by the Triton Knoll electrical system to the future creation of important grassland habitats. Whilst the use of trenchless installation techniques can be useful for installing cables under obstacles or features, the techniques do present technical challenges to cable route location and alignment.*

- *Technical limitations on drill angles (both at entry and exit, as well as over the length of a drill run) and drill distances, during the use of trenchless installation techniques such as horizontal directional drilling.*

*Unfortunately therefore TKOWFL have not been able to make any further amendments to the cable route alignment in this location.”*

8.9 The Site Selection and Design Report (document reference 8.17), Section 6, ‘Onshore Cable Route Selection and Design’, describes how selection of the cable route and the siting of its elements took into account comments from landowners. Route alterations, including those proposed by landowners, are shown in Figure 6-4 ‘Triton Knoll Site Selection Onshore Cable Route Development’ and collated in Table 6.1 ‘Schedule of change requests to the Onshore Cable corridor’.

8.10 Sheet 11 of Figure 6-4 of the Site Selection and Design Report (document reference 8.17) cover the area of land highlighted in the Written Representation. Change request reference 11.1 relates to the Written Representation. References to utilities infrastructure and archaeological constraints are made in the Response column of Table 6.1.

8.11 As alluded to in the Applicant’s letter of 19 May 2015 to Mr Mackinder, the cable route had previously been amended by the Applicant as far as reasonably practicable in response to an earlier route change request from Mr Mackinder. The Applicant is confident that the cable route avoids the live Anglian Water sewer pipe.

### **Impact on farming business**

8.12 The Written Representation also outlines concerns that Joseph and Judith Mackinder have about potential impacts of the proposed development on their farming business.

8.13 The rights 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. As paragraph 5.85 in Volume 3, Chapter 5, *Land Use, Soils and Agriculture* (Document Reference 6.2.3.5) explains

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*“There will be no permanent land take associated with the operational cable with the exception of the man-hole covers associated with the jointing bay link boxes and a raised area of land associated with the transition joint bays and permanent access track at the landfall.....”*

- 8.14 The Applicant is seeking to mitigate construction impacts on farm operations where reasonably practicable. Paragraph 1.108 in Volume 3, Chapter 1, *Onshore Project Description* of the ES (Document Reference 6.2.3.1) explains:

*“When fencing the route, allowances will be made for private land access, stock crossing and relevant ecological constraints.”*

- 8.15 Furthermore, Table 5-7 in Volume 3, Chapter 5, *Land Use, Soils and Agriculture* (Document Reference 6.2.3.5) clarifies

*“Where required, crossing points will be used in suitable places in order that livestock and vehicles can cross the working width. Following the completion of all cable construction works, the land within the working width will be fully reinstated as near as practically possible to its former condition. TKOWFL will discuss with affected parties and secure commercial terms with them including the loss of any ongoing payments or fines relating to agri-environmental stewardship schemes that may be affected by the permanent land restrictions or any cable maintenance or repair work.”*

- 8.16 The Applicant’s proposed Heads of Terms for a private treaty agreement with Joseph and Judith Mackinder contains a commitment to compensate for any damages or losses caused as a direct result of the use of the cable corridor, and this matter has been raised with the Mackinder’s land agent, Giles Johnston of DDM Agriculture.

- 8.17 Since the Heads of Terms (HoTs) for a private treaty agreement were issued to affected landowners and/ or land agents (where appointed) in December 2014, the Applicant has offered meetings to all those which it is seeking an agreement with. A large number of affected landowners and representatives have taken up that offer. The Applicant’s response to Question **CA 1.3** of the ExA’s First Written Questions provides further explanation of the engagement with landowners.

- 8.18 With respect to Joseph and Judith Mackinder, the Applicant’s appointed land agent (Ardent Management Ltd) offered the Mackinder’s land agent, Giles Johnston, a meeting several times in January 2015. In February, March and May 2015 Ardent prompted Mr Johnston for a response on the HoTs. Further offers of a meeting with Mr Johnston were made by Ardent in June 2015, with the meeting taking place in July 2015. Further emails and calls were made by Ardent in September and October 2015 in order to progress matters. The Applicant will continue to engage with Mr Johnston on the proposal.

### Impact on onshore ecology

8.19 The Written Representation also makes expresses concerns regarding ecology, including habitats and environmental surveys. The ES, particularly Volume 3, Chapter 4, *Terrestrial Ecology* (Document Reference 6.2.3.4) assesses the impacts on terrestrial ecology arising from the construction, operation and decommissioning phases of the proposed development.

8.20 The Statement of Common Ground (SoCG) between the Applicant and Natural England (Appendix 18 of the Response) states that with regards to terrestrial ecology:

*“4.63 It is agreed that the study area defined in paragraphs 4.24 – 4.26 and Table 4-3 of Volume 3, Chapter 4, Terrestrial Ecology of the ES (document reference 6.2.3.4) is acceptable for the purposes of describing the baseline environment and understanding the potential impacts on terrestrial ecology from the proposed development.*

*4.64 It is agreed that the impact assessment methodology presented in paragraphs 4.27 – 4.47 of Volume 3, Chapter 4 of the ES is based on appropriate methodologies for the assessment of impacts on terrestrial ecology, and that it is fit for purpose for use in the assessment process.*

*4.65 It is agreed that the use of aerial Phase 1 surveys for areas where survey access was not provided by landowners, as set out in paragraphs 4.46 – 4.48 of Volume 3, Chapter 4 of the ES, is an appropriate technique to identify the existing environment.*

*4.66 It is agreed that the project specific data sources and field surveys for all habitats and species within the study area presented in Tables 4-7 – 4-8 and paragraphs 4.48 – 4.50 of Volume 3, Chapter 4 of the ES are appropriate for the purposes of establishing the existing terrestrial ecology environment.*

*4.67 It is agreed that the approach to assessing potential impacts on designated sites as set out in paragraphs 4.51 – 4.54 of Volume 3, Chapter 4 of the ES, is appropriate.”*

8.21 The Applicant’s response to Question **EOn 1.9** of the ExA’s First Written Questions addresses concerns regarding the Lincolnshire Coastal Grazing Marshes project.

### Viking project

8.22 The Written Representation makes reference to the likely future application for the Viking Link project, its proposed route and potential impacts. The Applicant’s response to Question **EOn 1.1** of the ExA’s First Written Questions discusses matters relating to the Viking Link project, and the Applicant notes that National Grid Viking Link Limited’s

response to Question **EOn 1.2** on the subject explains that the project is still at the very early stages of inception and that alternative routes for the project are yet to be considered.

## 9. Lincolnshire County Council (County Farms)

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9.1 The Applicant's response to Lincolnshire County Council (County Farms) Written Representation is included at Appendix 5 of the Response.

## 10. The Lincolnshire Wildlife Trust

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10.1 The Applicant's response to the Lincolnshire Wildlife Trust's Written Representation is included at Appendix 6 of the Response.

## 11. Mr and Mrs Yeadon

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11.1 The Written Representation submitted by Mr & Mrs R J Yeadon raised a number of questions regarding the potential cumulative environmental impacts of the proposed development with the proposed Viking Link project, and the consideration given to alternative routes. The Applicant's response to the Written Representation is below.

11.2 Mr and Mrs R J Yeadon are the freehold owners of the land within plot 11/14, which is shown coloured green and identified on Sheet 11 of the Land Plan (Document Reference 2.3). The Applicant is not proposing to compulsorily acquire any land or interests in land in respect of this plot. The Applicant solely seeks the authority to conduct surveys over this land in reliance on Article 13 of the draft DCO (Document Reference 3.1).

### **Viking project**

11.3 The Written Representation refers to the potential cumulative environmental impacts of the proposed development with the proposed Viking Link project.

11.4 The Applicant's response to Question **EOn 1.1** of the ExA's First Written Questions refers the reader to Volume 1 Annex 3.1 *Approach to Cumulative and Inter-relationships Impact Assessment for the Triton Knoll Electrical System* (document reference 6.2.1.3.1) of the ES, which provides details of the approach the Applicant has taken to cumulative impacts assessment, and the assessment of cumulative impacts relevant to any given environmental topic is presented in that topic specific chapter of the ES.

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- 11.5 With regard to the Viking Link project specifically, paragraph 1.61 of Annex 3.1 of the ES explains that the Viking Link project has been classified as a ‘Tier 3’ project (i.e. a proposal which is likely to become the subject of a planning application in future, in respect of which a notice has been submitted to the local planning authority advising the authority of the same).
- 11.6 As noted at paragraph 1.59 of Annex 3.1 of the ES, the lack of information for projects categorised as Tier 3, with attendant low data confidence, prevents a meaningful assessment of such projects from being undertaken. Where environmental impact assessment scoping reports were provided to the Applicant, which included sufficient detail, the projects were elevated to Tier 2 status to ensure that comprehensive cumulative impact assessment, commensurate with the level of information available, was undertaken.
- 11.7 No scoping report was submitted for the Viking Link project so it was not possible for the Applicant to undertake a detailed cumulative assessment pre-application, and no further information has been made available to date which could be used to inform an updated assessment. This is a point of agreement between the Applicant and National Grid Viking Link Limited (the promoters of the proposed Viking Link project) as set out in paragraphs 3.7 and 3.8 of Appendix 22 of the Applicant’s response to Deadline 1.
- 11.8 Applicant notes that National Grid Viking Link Limited were directed to respond to Question **EOn 1.2** on the subject and that National Grid Viking Link Limited have provided a response.

### Consultation

- 11.9 The Interested Party’s Written Representation states:

*“We are aware that requests for further information [about Viking Link] have not achieved any results thus far and mirrors the unacceptable consultation by RWE...”*

- 11.10 The Consultation Report (Document Reference 5.1) details the extensive non-statutory and statutory consultations undertaken with landowners and other stakeholders, and the changes made to the proposed development as a result of those consultations. With regards to landowners particularly, 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;

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- 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.

### Site Selection

- 11.11 The Written Representation also refers to grid connection transmission routes. The Applicant has described the site selection process in Volume 1, Chapter 4 *Site Selection and Alternatives* of the ES (document reference 6.2.1.4). Further detail is provided in the *Site Selection and Design Report* (document reference 8.17). The detail in the documents referred to demonstrates that the Applicant has comprehensively considered alternatives to the proposed development.
- 11.12 Furthermore, the Applicant’s response to the ExA’s First Written Questions has provided clarification on interface selection (**Alt 1.1, Alt 1.3, Alt 1.4, Alt 1.5, Alt 1.6, Alt 1.7, Alt 1.8, Alt 1.9, Alt 1.10 and Alt 1.11**); landfall selection (**Alt 1.13, Alt 1.15, Alt 1.17, Alt 1.18, Alt 1.19, Alt 1.20, Alt 1.21, Alt 1.22, Alt 1.23 and Alt 1.24**); and route selection (**Alt 1.28 and Alt 1.37**).
- 11.13 The Applicant notes that National Grid Viking Link Limited were directed to respond to Question **EOn 1.2** on the subject and that National Grid Viking Link Limited have provided a response.

## 12. Mrs Bowler

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- 12.1 The Applicant’s response to Mrs H Bowler’s Written Representation is included at Appendix 7 of the Response.

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## 13. The National Farmers' Union

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13.1 The Applicant's response to the National Farmers' Union's Written Representation is included at Appendix 8 of the Response.

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## 14. National Grid Electricity Transmission Plc and National Grid Gas plc

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14.1 National Grid Electricity Transmission Plc (NGET) and National Grid Gas plc (NGG) submitted a joint Written Representation for Deadline 1 (5th October 2015). The representation raised a number of specific issues regarding NGET/NGG operational land, including land within the operational boundary of Bicker Fen Substation, and potential impacts on other NGET/NGG apparatus within the Order land arising from the proposed development. The Applicant's responses to NGET/NGG'S Written Representation are set out below.

### **Land within the operational boundary of Bicker Fen Substation**

14.2 The Applicant understands that it is standard practice for NGET to require an Interface Agreement to be entered into in respect of proposed grid connections and acknowledges that such an agreement would cover regulatory, construction and property-related matters. Were the CUSC standard form of interface agreement (as opposed to a project-specific agreement) to be used, the Applicant would require further assurance from NGET, by way of a letter of comfort, to address its specific concerns regarding the permanence of rights required to install, keep installed and maintain the connection.

14.3 Subject to the completion of an Interface Agreement between the Applicant and NGET prior to the commencement of construction, and provision of a letter of comfort which secures the necessary permanent rights, the Applicant will agree with NGET not to exercise powers to compulsorily acquire the unlicensed connection rights over land within the operational boundary of Bicker Fen Substation (Plot 48/19 detailed in the Book of Reference [APP- 014] and shown coloured yellow on Sheet 48 of the Land Plan (document reference 2.3).

14.4 The Applicant is also in negotiations with NGET regarding Protective Provisions which will, in combination with the Interface Agreement, ensure that NGET's interests are protected. (Please see 'NGET apparatus' section below).

### **Other NGET operational land at Bicker Fen**

14.5 The Applicant agrees that it would be appropriate for the Applicant to enter into an Option Agreement with NGET for the grant of an easement to enable the installation,

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maintenance and protection of the electrical cables, and access to the cable corridor and Bicker Fen substation from the public highway. The Applicant also considers it appropriate for NGET to grant a lease to enable the creation of a temporary construction compound. The Applicant has therefore provided NGET with draft Heads of Terms for an Option Agreement between the Applicant and NGET for the grant of an easement, and a lease from NGET to the Applicant of the land required for a temporary construction compound. Heads of Terms were provided to NGET's estates team (Liz King) in April 2015. In August 2015 Bruton Knowles (Stuart Hastings) was instructed by NGET to act on its behalf and to commence negotiations. In order to progress matters with NGET, the Applicant has instructed a dedicated resource in the form of land agents Dalcour Maclaren to focus on these negotiations.

14.6 The Applicant is committed to progressing negotiation of the Heads of Terms with NGET and to concluding an Option Agreement and a lease, as soon as possible.

14.7 Subject to:

- i. conclusion of a satisfactory Option Agreement between the Applicant and NGET, for the grant of an easement to enable the installation, maintenance and protection of electrical cables, and access to the cable corridor and Bicker Fen substation from the public highway; and
- ii. entry into a lease to enable a temporary construction compound to be created

the Applicant will agree with NGET not to exercise powers to compulsorily acquire cable and access rights, and not to create restrictive covenants, over land at Bicker Fen (Plots 48/17 and 48/18 detailed in the Book of Reference [APP- 014] and shown coloured yellow on Sheet 48 of the Land Plan (document reference 2.3).

14.8 The Applicant is also in negotiations regarding Protective Provisions which will, in combination with the Option Agreement and lease, ensure that NGET's interests are protected. (Please see 'NGET apparatus' section below).

#### **NGET apparatus**

14.9 The NGET apparatus referred to is located in the vicinity of the Bicker Fen Substation. The Applicant will require rights to carry out works within close proximity of this apparatus, including installing cables underground, beneath NGET's overhead lines, and over NGET's underground cables; connecting into the existing Bicker Fen Substation; and storing materials and equipment in a temporary construction compound (please see the comments above in this regard). The Applicant proposes to enter into an agreement, and if also required an over-sailing licence, for this purpose and is currently in negotiations with NGET.

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14.10 The Applicant has adopted the standard form Protective Provisions for NGET and NGG (together National Grid), and the Applicant understands that the Protective Provisions are substantially in agreed form. Negotiations are on-going between the Applicant and National Grid to agree the Protective Provisions including a related side agreement and the required land agreements.

#### **NGG apparatus**

14.11 NGG have previously advised the Applicant that a Crossing Agreement will require to be entered into, to formalise arrangements for the installation of underground cables by the Applicant, in close proximity to (i.e. crossing above/below) NGG's apparatus.

14.12 The Applicant is currently in negotiations with NGG and is keen to progress and conclude such an agreement as soon as possible.

14.13 As explained above, negotiations are on-going between the Applicant and NGG to agree the Protective Provisions, including a related side agreement, and the aforementioned land agreements.

## **15. Natural England**

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15.1 The Applicant's response to Natural England's Written Representation is included at Appendix 9 of the Response.

## **16. Mr N Booth**

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16.1 The Written Representation submitted by Mr Neil Booth raised a number of specific issues regarding Mr Booth's landholding and potential impacts arising from the proposed development. The Applicant's response to the Written Representation is below.

16.2 Mr Booth is the freehold owner of land within plots 39/02, 39/03, and 39/04. In addition, Mr Booth has a presumed subsoil interest in respect of the land within plots 39/05 and 39/06, which comprise part of the adopted highway North Forty Foot Bank.

16.3 The Applicant proposes to acquire new rights pursuant to Article 17 and Schedule 5 of the draft DCO (Document Reference 3.1) in plots 39/02 and 39/06 (shown coloured yellow and identified on Sheet 39 of the Land Plan (Document Reference 2.3)) for the installation of up to 6 electrical circuits underground including access for construction and a temporary haul road (Work Nos. 37 and 38).

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16.4 The Applicant proposes to acquire new rights of access pursuant to Article 17 and Schedule 5 of the draft DCO (Document Reference 3.1) in plot 39/03 (shown coloured yellow and identified on Sheet 39 of the Land Plan (document reference 2.3)) for permanent access for maintenance.

16.5 The Applicant proposes to acquire temporary rights pursuant to Article 25 and Schedule 7 of the draft DCO (Document Reference 3.1) in plots 39/04 and 39/05 (shown coloured blue and identified on Sheet 39 of the Land Plan (Document Reference 2.3)) in connection with a temporary construction compound (Work No. 38).

### **Negotiation/ consultation**

16.6 The Applicant's response to Question **CA 1.3** of the ExA's First Written Questions, including appendices, provides a summary of the key stages of contact between the Applicant and affected parties, and also goes into detail for a number of landowners used in the Question as an example.

16.7 The Consultation Report (Document Reference 5.1) details the extensive non-statutory and statutory consultations undertaken with landowners and other stakeholders, and the changes made to the proposed development as a result of those consultations. With regards to landowners particularly, 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.

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- 16.8 Since the Heads of Terms (HoTs) for a private treaty agreement were issued to affected landowners and/ or land agents (where appointed) in December 2014, the Applicant has offered meetings to all those which it is seeking an agreement with. A large number of affected landowners and representatives have taken up that offer. The Applicant's response to Question **CA 1.3** provides further explanation of the engagement with landowners.
- 16.9 With respect to Mr Booth, the Applicant's appointed land agent (Ardent Management Ltd) has been in contact regarding the HoTs since December 2014. Mr Booth advised in January 2015 that a land agent (Ambrose Fowler) had been appointed to deal with negotiations on his behalf. Mr Fowler wrote to Ardent at the end of February 2015 confirming his instruction by Mr Booth and advising on a proposed hourly rate for professional fees. Ardent contacted Mr Fowler in March, April, June and July 2015 requesting a response on the HoTs and received holding responses in June and July 2015. Further emails and calls were made by Ardent in September and October 2015 in order to progress matters, with a holding response received from Mr Fowler in October 2015. The Applicant will continue to prompt for meaningful comments on the proposal from Mr Booth's agent.

### **Compensation**

- 16.10 The HoTs outlined the financial offer of payment for an easement in respect of the cable route (to be calculated as a percentage of land value, with land value to be agreed between the parties); together with financial offers in respect of an option fee, temporary construction compound rental and inspection chamber payments. Under this proposal, Mr Booth, in common with other affected landowners, would receive a payment in advance of the commencement of works in the form of an Option fee. The Easement payment would also be made prior to commencement of works. Compensation for crop loss and disturbance during the construction period would be paid post-construction as it can only be accurately calculated at this time.
- 16.11 As explained above, the Applicant has contacted Mr Booth's appointed land agent on a number of occasions since his appointment in January 2015, with the aim of discussing the proposal and concluding an agreement. However, no constructive response has been provided to date.
- 16.12 In contrast, over 100 parties have entered into discussions with the Applicant over the HoTs to date, either directly or through their representative. In a number of cases negotiations have progressed to matters of detail, either through multiple meetings; through correspondence by email, phone or letter; or a combination thereof.

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### Temporary construction compounds

- 16.13 The purpose for temporary construction compounds are explained at paragraph 1.160 in Volume 3, Chapter 1 *Onshore Project Description* of the ES (Document Reference 6.2.3.1.).
- 16.14 A list of the requisite temporary construction compounds for the cable route is included in Table 1-6 and displayed on Figure 1-1, maps 1-4 of Volume 3, Chapter 1 of the ES (Document Reference 6.2.3.1.).
- 16.15 As explained in the Applicant's response to Question **TT 1.3** of the ExA's First Written Questions, the *Outline Access Management Plan* (document reference 8.13) provides details of the typical access arrangements to temporary construction compounds based on the category of road. This document confirms that detailed layouts and any necessary control measures will be agreed between the principal contractors and the relevant highway authorities prior to commencement of the proposed development. The need for traffic management will be discussed with the relevant highway authority for each specific location, and will take into account considerations such as the need for visibility splays, the character and speed limit of the road, and the likely presence of vulnerable road users.
- 16.16 Control measures are anticipated to include the use of temporary traffic signals and banksmen, temporary signage, and temporary speed limit reductions, although other measures may be appropriate and will be considered at the relevant time. Agreed measures will be included in the details to be submitted to and approved by the relevant local planning authority in terms of Requirement 8(1) of the draft DCO (Document Reference 3.1).

### Drainage

- 16.17 The Applicant's response to Questions **SE 1.11** and **SE 1.12** of the ExA's First Written Questions addresses concerns with regards to land drainage, but 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:

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- 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.

16.18 In addition, the Applicant has submitted a clarification paper in relation to land drainage as Appendix 26.

### **Viking Link**

16.19 The Interested Party's Written Representation also refers to the Viking Link project. The Applicant's response to Question **EOn 1.1** of the ExA's First Written Questions discusses matters relating to the Viking Link project, and the Applicant notes that National Grid Viking Link Limited's response to Question **EOn 1.2** on this matter explains that assessment of proposed routes for the project has yet to be undertaken.

## **17. Network Rail**

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17.1 Network Rail Infrastructure Limited (NRIL) submitted a Written Representation for Deadline 1 (5th October 2015). The representation raised a number of specific issues relating to the following;

(a) Easements and Land Rights

(b) Protective Provisions

(c) Compulsory Acquisition (including specific points relating to s138 of the Planning Act 2008)

17.2 The Applicant's responses to the matters raised are below, in the order in which the representations were made and indicating the status of the current position on the matters.

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### **Easements and Land Rights**

17.3 The Applicant notes NRIL's position regarding land rights and confirms that negotiations are progressing between the parties. The Applicant is currently reviewing the template land agreements proposed by NRIL and will provide further comment on these negotiations at Deadline 3.

17.4 The Applicant is also in negotiations regarding Protective Provisions (see below) which will, in combination with the land agreements, provide the protection sought by NRIL.

### **Protective provisions**

17.5 The Applicant has adopted the NRIL standard form Protective Provisions and, with the exception of paragraph 4(1) of Part 2 of Schedule 8 of the draft DCO (document 3.1), the Applicant understands that the Protective Provisions are substantially in agreed form. Negotiations are on-going between the Applicant and NRIL.

### **Compulsory Acquisition of New Rights over Statutory Undertakers Land NRIL's land interests within the Order Limits**

17.6 In order to deliver the proposed development, it is necessary for the Applicant to acquire new rights over land owned by NRIL. The Applicant is seeking to acquire the new rights by agreement with NRIL (please see below), but, in the event that such an agreement cannot be concluded, the Applicant has applied for powers of compulsory acquisition.

17.7 The table below, which is an extract from the *Schedule of Compulsory Acquisition* (Appendix 6 of the Applicant's Response to Deadline 1), identifies:

- The plots described in the Book of Reference (document reference 4.3) owned by NRIL;
- that permanent rights are required over them; and
- the purposes for which such rights are sought with reference to the relevant Works numbers, and explains the nature of those rights. (For ease of reference, the terms used to describe "packages" of rights in the introduction to the Book of Reference e.g. "Cable Rights", "Access Rights", have been used to identify the rights to be acquired. in the table. NB: the "packages" set out in the Book of Reference consist of the rights included in Schedule 5 of the draft DCO set out in full.)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Name	Plots in which they have an interest		Works number(s)	Freehold acquisition (Yes/No)	Rights and/or powers intended to acquire over plot
	Plot number	Category 1/2			
Network Rail	18/07	Category 1	14,17	No	Restrictive Covenants, Cable Rights, Associated Development Rights
	18/08	Category 1	17	No	Restrictive Covenants, Cable Rights, Associated Development Rights
	22/12	Category 1	N/A	No	Access Rights
	22/14	Category 1	21,22	No	Restrictive Covenants, Cable Rights, Associated Development Rights
	43/12	Category 1	44	No	Restrictive Covenants, Cable Rights, Associated Development Rights

17.8 The above plots accord with those identified by NRIL in the second paragraph of its Written Representation.

17.9 Section 127 of the Planning Act 2008 applies in relation to NRIL's land interests if (in accordance with section 127(1)):

(a) the land has been acquired by a statutory undertaker for the purposes of their undertaking;

(b) a representation has been made about an application for an order granting development consent before the completion of the examination, and the representation has not been withdrawn, and

(c) as a result of the representation the Secretary of State is satisfied that-

(i) the land is used for the purposes of carrying on the statutory undertakers' undertaking; or

(ii) an interest in the land is held for those purposes.

17.10 In its Written Representation NRIL explains that the aforementioned plots form part of the London North Eastern railway route and as such are used for the purposes of carrying on NRIL's undertaking. The Applicant acknowledges that section 127 is therefore engaged.

#### The need for the acquisition of the EA's land interests

17.11 All of the plots listed in the table above are required either: for the development to which the development consent relates (section 122(2)(a) of the Planning Act 2008); or to facilitate or is incidental to that development (section 122(2)(b)).

(a) Permanent rights and restrictive covenants

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17.12 Permanent rights are required to facilitate the installation and maintenance of the onshore infrastructure and to ensure its protection and continuous operation. These permanent rights, which are described in the Book of Reference (Application Document 4.3) as ‘packages’ according to their purpose, are proposed to be secured by Article 17 (Compulsory acquisition of rights) and Schedule 5 (Land in which only new rights etc. may be required) of the Order. The land in respect of which permanent rights are sought is shown coloured yellow on the Land Plan (Document Reference 2.3).

17.13 The following “packages” of rights are sought in respect of NRIL’s land:

- “Cable Rights” are rights required in connection with/ to facilitate the installation, use and maintenance of the cables.
- “Restrictive covenants” (positive rights) are included to prevent certain activities which may interfere with, cause damage to and/or interrupt the continuous operation of underground infrastructure.
- “Associated development rights” are required to facilitate development associated with, and subordinate to, the principal development, such as the use of temporary support structures, the creation of material stores and stockpiles, the relocation of statutory undertaker’s equipment, and other minor works associated with the installation of the cables.
- “Access Rights” are rights of access, with or without vehicles, equipment and materials, including rights to carry out minor works, such as the erection of fencing, to facilitate such access.

17.14 The Applicant proposes to acquire Cable Rights, Associated Development Rights and Restrictive covenants in plots 18/07, 18/08, 22/14 and 43/12 for the installation and maintenance of up to 6 electrical circuits underground including access for construction and temporary haul roads (Work Nos. 14, 17, 21, 22 and 24).

17.15 The Applicant also proposes to acquire Access Rights over plot 22/12.

#### **Progress with negotiations for a private treaty agreement**

17.16 As noted in the fifth paragraph of the Written Representation, the rights required over NRIL’s land will require the grant of easements. Other legal agreements, such as asset protection agreements may also be required to be entered into.

17.17 Negotiations are on-going between the Applicant and NRIL in respect of the land and other agreements.

17.18 As explained above, the Applicant has adopted the NRIL standard form Protective Provisions and, with the exception of paragraph 4(1), the Applicant understands that the Protective Provisions are substantially in agreed form. Negotiations are ongoing with respect to paragraph 4(1).

#### Protection of NRIL's Interests

17.19 It is noted that in the fourth paragraph of its Written Representation, NRIL states that it does not object in principle to the making of the DCO. However, NRIL has raised concerns about the effect that Articles 18 (*Private rights*) and 28 (*Statutory Undertakers*) of the DCO may have on its ability to carry out its duties as a statutory undertaker.

17.20 Subsection (6) of Article 18 confirms that the Article does not apply in relation to any right to which section 138 of the 2008 Act or Article 28 (*Statutory undertakers*) applies.

17.21 The proposed powers of compulsory acquisition in Article 28 (*Statutory undertakers*) of the draft DCO (document reference 3.1) will permit the Applicant to:

- (a) acquire the new rights and impose the restrictive covenants referred to above in respect of NRIL's land; and
- (b) construct the proposed development in such a way so as to cross underneath or over NRIL's apparatus.

17.22 Article 28(c), which permits the Applicant to extinguish rights that a statutory undertaker may have in the Order Limits and relocate/remove or reposition apparatus, does not apply to NRIL because NRIL will retain its freehold interest in the land and the Applicant is not seeking to relocate/remove or reposition any of NRIL's apparatus.

17.23 The Article 28 powers are also subject to the Protective Provisions in Schedule 8 to the draft DCO which are currently being negotiated.

17.24 For the avoidance of doubt, NRIL's statutory powers will be unaffected by the powers of compulsory acquisition in Article 28, and there is no proposal in the draft DCO to seek to dis-apply these statutory provisions. NRIL's statutory rights will therefore be preserved.

17.25 For the reasons explained above, the Applicant is of the view that subsections 127(5) and (6) of the Planning Act 2008 are satisfied, and the new rights/restrictions proposed to be acquired from NRIL can be purchased without serious detriment to the carrying out of NRIL's undertaking.

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## 18. Mr N Greaves

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18.1 The Written Representation submitted by Nigel Greaves raised a number of specific issues and concerns arising from the proposed development, including disruption from construction activities; the selection of the interface connection point; and noise impacts. The Written Representation also made comments with regards to Boston Borough Council. The Applicant's response is below.

### **Disruption from construction**

18.2 The Written Representation states that "*The Bicker Fen area suffered major disruption during the wind farm construction*" and the Applicant assumes that Mr Greaves' concern is with regards to disruption to traffic in the Bicker Fen area.

18.3 The Applicant would reiterate that following consultation with the local community, a new access road will be constructed for all construction traffic to the proposed Substation from the A17, which will avoid the village of Bicker.

18.4 Potential disruption to the local road network is assessed in Volume 3, Chapter 9 *Traffic and Access* of the EA (document reference 6.2.3.9), which concludes at paragraph 9.189 that "*there are no significant adverse effects associated with the construction, operation or decommissioning phases of the proposed development.*"

### **Interface connection point selection**

18.5 The Written Representation queries the interface connection point of Bicker Fen:

*"The Inspectorate should consider another location for this electrical connection as there are problems with environmental planning here"*

18.6 The Applicant has described the site selection process in Volume 1, Chapter 4 *Site Selection and Alternatives* of the ES (Document Reference 6.2.1.4). Further detail is provided in the Site Selection and Design Report (Document Reference 8.17).

18.7 The Applicant has also provided clarification with regards to alternative connection points in its responses to Questions **Alt 1.1, 1.4, 1.5, 1.7** and **1.8** of the ExA's First Written Questions.

18.8 The Applicant is confident that the concerns raised in the Written Representation with regards to site selection are addressed by the Application documents referred to.

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## Noise

- 18.9 The Applicant has assessed potential noise impacts arising from the proposed development in Volume 3, Chapter 11 *Noise and Vibration* of the ES (Document Reference 6.2.3.11).
- 18.10 Requirement 14 of the draft DCO (Document Reference 3.1) secures a Code of Construction Practice (CoCP) and a suite of topic specific management plans. These must accord with the suite of Outline plans submitted with the application, including an Outline Noise and Vibration Management Plan (NVMP) (Document Reference 8.7.3), and set out the principles of how environmental impacts will be managed during the construction phase.
- 18.11 The Applicant's response to Question **EOn 1.20** of the ExA's First Written Questions explains that the assessment of potential effects of noise during operation of the substation is set out in paragraphs 11.126 to 11.132 of Volume 1, Chapter 11 of the ES. Specifically with regard to the potential effects of low frequency noise from the operation of the substation, predictions of the operational noise levels that are likely to be experienced external to the nearest residential properties have been produced and these are set out in Volume 5, Annex 11.3 *Onshore Substation Noise Modelling Report* of the ES.
- 18.12 The predicted internal noise levels are assessed against the DEFRA / University of Salford internal low frequency noise criteria, as set out in Table 11-18 Volume 3, Chapter 11 of the ES. The use of this methodology to assess the potential effects of low frequency noise was agreed with both East Lindsey District Council and Boston Borough Council as part of the evidence plan process (Appendix I, Annex E2 of the Triton Knoll EIA Evidence Plan (Document Reference 8.16)).
- 18.13 This assessment shows that, at the worst case frequency of 100 Hz, the predicted internal noise levels are 2 dB below the DEFRA / University of Salford low frequency noise criteria and therefore the potential effect of low frequency operational noise from the substation is determined in Volume 3, Chapter 11 of the ES to be minor.
- 18.14 It should also be noted that, for the purposes of the operational noise assessment set out in Volume 3, Chapter 11 of the ES, it was assumed that noise from the substation would be tonal at a frequency of 100 Hz. Consequently a 5 dB penalty was applied to the overall predicted operational noise levels (see paragraph 11.129 of Volume 3, Chapter 11 of the ES). With the application of this penalty, the overall operational noise level from the substation that is predicted to be experienced at the nearest residential property to the substation (Drove Farm) remains 2 dB below the assessment criterion of 35 dB that was agreed with both East Lindsey District Council and Boston Borough Council, as recorded in line N 015 of Appendix III of the EIA Evidence Plan (Document
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Reference 8.16), as an appropriate criterion against which to assess operational noise levels.

18.15 The Applicant would also highlight that the control of noise during in relation to the substation is secured in Requirement 17(2) (Control of noise during operational phase) of the Draft DCO (Document Reference 3.1). The process for management of any complaint and assessment of the compliance to Requirement 17(2) is set out in Requirement 17(3) of the DCO. These requirements are considered to provide an appropriate mechanism for ensuring that any noise from the substation remains within the agreed limits.

## 19. North Kesteven District Council

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19.1 The Applicant's response to North Kesteven District Council's Written Representation is included at Appendix 10 of the Response.

## 20. Orby Parish Council

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20.1 Orby Parish Council submitted a Written Representation for Deadline 1 (5th October 2015). The representation raised a number of specific issues and concerns regarding potential impacts arising from the proposed development. These comprised the following main points:

1. Cumulative impacts with Viking Link;
2. Quality of assessment;
3. Inadequacy of consultation; and
4. Impacts on human health

20.2 The Applicant's response to the matters raised in each of the categories is below, and broadly follows the structure of the questions posed within the Representation.

### **Cumulative Impacts with Viking**

20.3 The Parish Council have raised concerns regarding the need for a cumulative impact assessment of the proposed development together with the Viking Link Interconnector project.

20.4 The Planning Statement (Document Reference 8.4) sets out how the proposed development is in accordance with relevant policies.

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20.5 The Applicant's response to Question **EOn 1.1** of the ExA's First Written Questions highlights that, as stated in paragraph 1.61 of Volume 1, Annex 3.1 *Approach to Cumulative and Inter-relationships Impact Assessment for the Triton Knoll Electrical System* (document reference 6.2.1.3.1) of the ES, the Viking Link project has been classed as a Tier 3 project. To clarify, and as set out in paragraph 1.58 of Volume 1, Annex 3.1 of the ES, Tier 3 projects comprise those for which a developer has notified the relevant planning authority in writing that they intend to submit an application in the future. This includes projects where a scoping report may be available, but where data presented is limited and / or data confidence is low. In the case of the Viking Link, no information has been available to the Applicant to undertake a cumulative assessment or to update the assessment presented in the ES. This is a point of agreement between the Applicant and National Grid Viking Link Limited, as set out in paragraphs 3.7 and 3.8 of Appendix 22 of the Applicant's response to Deadline 1 and confirmed in the responses to the ExA's First Questions from National Grid Viking Link dated 08 October 2015.

20.6 In response to question **DCO 1.34** of the ExA's First Written Questions, the Applicant has provided clarification of the consideration that has been given to the cumulative impacts of the TKES and the Viking Link Interconnector Project.

#### **Quality of Assessment**

20.7 The Parish Council note that the assessment that has been carried out to date within the ES is a mainly desk based appraisal based on assumptions, and that certain surveys are yet to be carried out.

20.8 The Applicant would reject any suggestion that the environmental impact assessment that it has carried out is in any way deficient or other than in accordance with industry and technical best practice standards. That position is confirmed through the EIA Evidence Plan (document reference 8.16) which is developed as part of the application and EIA process in consultation with the relevant statutory consultees responsible for inputting to the EIA process.

#### **Adequacy of Consultation**

20.9 The Parish Council is concerned that public consultations carried out by the Applicant are inadequate.

20.10 The Applicant is disappointed to see that the Representation has chosen to ignore the extensive consultation which the Applicant has undertaken for the proposed development and has instead made an assertion that engagement has not been adequate, which the Applicant refutes. No further details are provided within the Representation, which makes it difficult for the Applicant to address any specific concerns that the Parish Council might have.

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20.11 The Applicant would direct the ExA to the *Consultation Report* (document reference 5.1) which details the extensive non-statutory and statutory consultations undertaken with landowners and other stakeholders and the changes made to the proposed development as a result of those consultations. Attention is drawn to;

- Section 2, Non Statutory Consultation commencing prior to s42/s47 consultation, which includes:
  - *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; and
  - *2014 public, landowner and Parish Council consultations*, which included an Onshore cable route consultation that was an iterative process of onshore cable route alignment; and *Landowner Consultations* which describes the process of information sharing with landowners, including 2 landowner-specific exhibitions.
- Section 5, Community Consultation under section 47, including 6 public exhibitions attended by 293 people;
- Section 7, Land Interest Consultation (including consultation under s42), which explains the consultation carried out under the provisions of the Planning Act 2008, including six rounds of land interest consultation.

### **Impacts on human health**

20.12 The Parish Council raises a concern regarding the impacts on human health of the proposed cable circuits through electromagnetic radiation.

20.13 The Applicant directs the ExA to its response in Table 3 of Appendix 1 of the Applicant's response to Deadline 1 which states that the Applicant has given consideration to the electromagnetic frequencies (EMFs) that may arise from the onshore power cables in paragraphs 1.109 – 1.113 of Volume 3, Chapter 1, *Onshore Project Description* of the ES (document reference 6.2.3.1).

20.14 The Applicant has submitted a clarification note (Appendix 10 of the Applicant's response to Deadline 1) which explains how the Application has considered overall impacts to human health and impacts from EMFs.

20.15 Public Health England (PHE), in its letter dated 2 October 2015 (submitted as Appendix 24 of the Applicant's response to Deadline 1) confirm that in light of the proposed development's compliance with recommended exposure guidelines it has no concerns about EMF emissions associated with the proposed development.

20.16 The Parish Council should therefore be reassured that any possible impacts on human health have been appropriately assessed within the Applicant's application documents.

## 21. Mr P Theobald

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21.1 The Written Representation submitted by Mr Peter Theobald raised a number of specific issues regarding Mr Theobald's landholding (a private wild garden) and potential impacts arising from the proposed development. The Applicant's response to the Written Representation is set out below.

21.2 Mr Theobald is the freehold owner of land within plot 12/06. In addition, Mr Theobald has a presumed subsoil interest in part of plot 12/04 (which comprises part of the adopted highway Youngers Lane) and a presumed subsoil interest in part of plot 12/08 (which comprises a drain).

21.3 The Applicant proposes to acquire new rights pursuant to Article 17 and Schedule 5 of the draft DCO (Document Reference 3.1) in plots 12/04, 12/06 and 12/08 (shown coloured yellow and identified on Sheet 12 of the Land Plan (document reference 2.3)) for the installation of up to 6 electrical circuits underground including access for construction and a temporary haul road (Work No. 11).

### Land drainage

21.4 The Written Representation raises concerns about drainage problems resulting from excavation for cable installation and the crossing of dykes. The Applicant's responses to Questions SE 1.11 and SE 1.12 of the ExA's First Written Questions explain how concerns with regards to land drainage are addressed. 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;

21.5 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.

21.6 In addition, the Applicant has submitted a clarification paper in relation to land drainage as Appendix 26.

21.7 Paragraphs 1.114 to 1.141 of Volume 3, Chapter 1 of the ES describe the process of onshore cable installation, including where dykes and open drains are encountered, and the measures proposed to protect and/ or reinstate existing land drainage and watercourses during installation.

21.8 The Site Selection and Design Report (document reference 8.17), Section 6, 'Onshore Cable Route Selection and Design', describes how selection of the cable route and the siting of its elements took into account comments from landowners. Route alterations, including those proposed by landowners, are visualised in Figure 6-4 'Triton Knoll Site Selection Onshore Cable Route Development' and collated in Table 6.1 'Schedule of change requests to the Onshore Cable corridor'.

21.9 Sheet 12 of Figure 6-4 of the Site Selection and Design Report (document reference 8.17) covers the area of land highlighted in the Written Representation. Change request reference 12.1 in Table 6.1 relates to the Written Representation. The cable route was altered as far as reasonably practicable to accommodate the landowner's request to avoid a private wild garden. The Applicant's land agent clarified in a letter dated 24 March 2015 to Mr Theobald that:

*"In selecting the cable route, Triton Knoll Offshore Wind Farm Limited (TKOWFL) has had to consider environmental and engineering constraints. In this particular area TKOWFL has been constrained by archaeological and drainage factors.*

*TKOWFL has agreed that trenchless construction techniques such as horizontal directional drilling (known as 'HDD') could be used to drill the cables under your garden. This would mean that there would be no need to enter on to your property to dig trenches. Bores would be drilled from the land adjoining your property underneath your garden and the cables would be pulled through the bores leaving the ground above undisturbed. In addition, any movement of plant and materials along the*

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*easement that is required during construction could take place over the land to the east.”*

21.10 The Crossing Schedule (Document Reference 8.3) confirms that trenchless techniques will be employed as the crossing methodology for this location (Reference number PG\_445 in the schedule). Sheet 12 of the Crossing Schedule Plan (Appendix 5 of the Applicant’s response to Deadline 1) shows the area of land referred to in the Written Representation and is labelled with the reference number ‘PG\_445’.

21.11 The Applicant therefore asserts that physical interference with Mr Theobald’s private wild garden from the proposed development will be minimal.

### **Magnetic fields**

21.12 Mr Theobald’s Written Representation raises concerns regarding close proximity and exposure to electromagnetic fields during outdoor activities and asks if exposure levels will comply with current guidance limits.

21.13 The Applicant has given consideration to the electromagnetic fields (EMFs) that may arise from the onshore power cables in paragraphs 1.109 – 1.113 of Volume 3, Chapter 1, *Onshore Project Description* of the ES (document reference 6.2.3.1).

21.14 Paragraph 1.113 in Volume 3, Chapter 1 of the ES states that *“Potential electromagnetic fields from the onshore electrical circuits will comply with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) recommended exposure limits for the public, or those outlined by the appropriate EU directive as in effect at the time”*.

21.15 In addition, the Applicant has submitted a clarification note (Appendix 10 of the Applicant’s response to Deadline 1) providing further detail on how EMFs and health impacts in general have been assessed within the Application. Furthermore, Appendix 24 of the Applicant’s Response to Deadline 1 includes a letter from Public Health England confirming that *“the documentation confirms that the EMF levels will comply with the recommended exposure guidelines. Public Health England (PHE) is now able to confirm that we have no further concerns regarding this aspect of the application.”*

### **Noise, EMF & other nuisance effects**

21.16 The Written Representation raises concerns over *“the potential for other non health but nuisance effects such as noise or electromagnetic interference.”*

21.17 The Applicant has assessed potential noise impacts arising from the proposed development in Volume 3, Chapter 11 *Noise and Vibration* of the ES (document reference 6.2.3.11). Requirement 14 of the draft Development Consent Order (DCO) (document reference 3.1) secures a Code of Construction Practice (CoCP) and a suite

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of topic-specific management plans. These must accord with the suite of Outline plans submitted with the application, including an Outline Noise and Vibration Management Plan (NVMP) (document reference 8.7.3) and set out the principles of how environmental impacts will be managed during the construction phase to ensure no significant effects arise. The Applicant is therefore comfortable that noise concerns have been addressed.

21.18 The Applicant also draws attention to paragraph 1.111 in Volume 3, Chapter 1 of the ES, which states that:

*“The onshore power cables will be shielded, with shielding incorporated as part of the design around the insulation material. The shielding means no external electric fields will be produced by underground cables.”*

21.19 The Statement of Engagement (Document Reference 5.2) concludes that save for works associated with trenchless cable installation techniques, none of the matters set out in section 79(1) (statutory nuisances and inspections thereafter) of the Environmental Protection Act 1990 are engaged.

21.20 In respect of works associated with trenchless cable installation techniques, the Development Consent Order that accompanies the Application (Application Document 3.1) contains a provision at Article 7 that would provide a defence to proceedings for statutory nuisance under section 82 of the Environmental Protection Act 1990 where it can be shown that the conditions specified in Article 7 are satisfied.

21.21 Measure to mitigate impacts from trenchless cable installation techniques are set out in the Outline Noise and Vibration Management Plan (Document Reference 8.7.3) that will be secured as part of the Code of Construction Practice (Document Reference 8.7).

### **Electrical safety**

21.22 With regard to general safety, in the context of health and safety, the Outline Code of Construction Practice (Document Reference 8.7) provides a commitment that the Applicant will adopt and implement:

*“Appropriate industry standards [...] for the health, safety and welfare of the construction staff on the TKES and arrangements will be in place for the discharge of duties under the Construction (Design and Management) Regulations 2015 (or updated as appropriate)”.*

21.23 The Construction (Design and Management) Regulations 2015 set out the duties; the persons to which those duties apply; and what each duty-holder must or should do, to ensure construction projects are carried out in a way that secures health and safety.

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21.24 An Outline Health and Safety Plan (HSP) (Document Reference 8.7.2) is included at Appendix Two to the Outline Code of Construction Practice. The final versions of the HSP will set out, for approval, how health and safety risks have been identified and managed in accordance with legal requirements and current best practice for each stage of the proposed development. The implementation of these measures will ensure that the proper health and safety procedures are in place to protect both contractors and members of the public.

## 22. Mr R Hurst

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22.1 The Written Representation submitted by Mr Robert Hurst on behalf of a number of landowners and the Lincolnshire Association of Agricultural Valuers (LAAV) raised a number of general issues in connection with the proposed development related to drainage. The Applicant acknowledges that a separate Written Representation has been submitted by the LAAV and the Applicant would also direct the ExA and Mr Hurst to the Applicant's response to that Written Representation. The Applicant's response to Mr Robert Hurst's Written Representation is set out below.

### Drainage

22.2 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 representatives and landowner organisations such as the National Farmers' Union.

22.3 The Consultation Report (Document Reference 5.1) details the extensive non-statutory and statutory consultations undertaken with landowners and other stakeholders, and the changes made to the proposed development as a result of those consultations. With regards to landowners particularly, 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

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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.

22.4 Recognising the importance of this issue, the Applicant consulted with Land Drainage Services, a local specialist drainage contractor as part of the 2014 Cable Route Consultation.

22.5 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.

- 22.6 In addition, the Applicant has submitted a clarification paper in relation to land drainage at Appendix 26.
- 22.7 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.
- 22.8 Mr Hurst does not accept the principle that drainage design should take place once the detailed design of the onshore electrical infrastructure has been settled during the pre-construction phase. Instead, Mr Hurst proposes that detailed drainage designs are submitted to landowners prior to the agreement of Heads of Terms for private treaty agreements (“HoTs”). For the reasons given in the land drainage clarification paper referred to above, such as requirement is neither reasonable nor practical.
- 22.9 The Applicant has included in the HoTs 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.
- 22.10 The Applicant notes that the Written Representation proposes that the Applicant is required “*to agree protective measures to mitigate the effects of land drainage as part of the DCO process*”. The Applicant is seeking to agree a set of principles for land drainage reinstatement as part of the Statement of Common Ground (SoCG) which the ExA has requested be prepared between the Applicant and the National Farmers’ Union (NFU), the Country Land and Business Association (CLA) and the Lincolnshire Association of Agricultural Valuers (LAAV) in its Request for Further Information (Rule 17) letter of the 13 October 2015.

## 23. Skegness Town Council

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- 23.1 The Applicant notes that this interested party’s Written Representation confirmed they have no comment to make in relation to the proposed development at this time. Accordingly, the Applicant has nothing further to add at this stage.

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## 24. The Triton Knoll Cable Group

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24.1 The Written Representation submitted by The Triton Knoll Cable Group (TKCG) raised a number of general issues in connection with the proposed development. The Applicant's response to the Written Representation is set out below.

### Consultation

24.2 The Consultation Report (document reference 5.1) details the extensive non-statutory and statutory consultations undertaken with landowners and other stakeholders. The Applicant draws attention to:

- a) Section 2, Non Statutory Consultation commencing prior to s42/s47 consultation includes:
  - i. *The Alternatives Consultation*, a consultation on shortlisted sites for the above ground infrastructure and associated cable corridors, which included seven public exhibitions attended by 888 visitors;
  - ii. *2014 public, landowner and Parish Council consultations*, which included an Onshore cable route consultation that was an iterative process of onshore cable route alignment; and *Landowner Consultations* which describes the process of information sharing with landowners, including two landowner-specific exhibitions.
- b) Section 5, Community Consultation under section 47, including six 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 six rounds of land interest consultation.

24.3 The Applicant assumes that the questionnaire referred to by TKCG is the consultation questionnaire issued by the Applicant during the statutory consultation undertaken in October and November 2014. This document can be found at Appendix 5B of the Consultation Report (document reference 5.1). TKOWFL does not accept that the consultation questionnaire was "*flawed or unacceptable*". The questionnaire, which was one part of the formal Section 42/47 consultation under the Planning Act 2008, was designed to obtain community feedback on specific aspects of the proposals and in particular the mitigation proposals for the chosen substation, intermediate electrical compound (IEC) and landfall locations. The locations of the substation, IEC and cable corridor have been subject to previous consultation and the decisions on the locations of the onshore infrastructure were made by TKOWFL in a systematic and transparent

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way, having regard to the responses received in those previous consultations. The decision-making process is clearly set out in Appendix B of the Site Selection and Design Report (document reference 8.17). Further, Section 7 of the questionnaire, question E asked “*Do you have any other comments on the consultation or our proposals?*” This allowed for any other comments to be made regarding the entire proposal.

- 24.4 The Applicant refutes the assertion made in the TKCG’s WR that the content of the questionnaire “*negates the validity of this consultation*” and “*that the process has failed to be open and even handed*”. The long history of detailed consultation of the proposal demonstrates the Applicant’s commitment to thorough and meaningful consultation.

#### **TKCG’s comments on aspects of the DCO Application**

- 24.5 The Applicant does not agree with the TKCG’s assertion that the EIA Outcomes and Key Conclusions of the Assessments (Volume 2, Chapter 17) “*totally lacks credibility*” and that a “*dismissive approach*” has been taken throughout the assessment. A comprehensive, robust and thorough environmental impact assessment has been undertaken. The embedded mitigation measures that are referred to in the TKCG WR have been designed to mitigate against adverse environmental effects and have been committed to in management plans and take into account all relevant site-specific issues.

#### **Viking Link Interconnector Project**

- 24.6 Volume 1 Annex 3.1 *Approach to Cumulative and Inter-relationships Impact Assessment for the Triton Knoll Electrical System* (document reference 3.2.1.3.1) of the ES provides details of the approach the Applicant has taken to cumulative impacts assessment and the assessment of cumulative impacts relevant to any given environmental topic is presented in that topic specific chapter of the ES.
- 24.7 In response to question **DCO 1.34** of the ExA’s first written questions, the Applicant has provided clarification of the consideration that has been given to the cumulative impacts of the TKES and the Viking Link Interconnector Project.
- 24.8 The Applicant’s response to Question **EOn 1.1** of the ExA’s First Written Questions discusses matters relating to the Viking Link project, and the Applicant notes that National Grid Viking Link Limited were directed to respond to Question **EOn 1.2** on the subject.
- 24.9 The Applicant notes the statement made by Kelvin MacDonald, Lead Member of the Panel of Examining Inspectors during the Preliminary Meeting held on 3rd September 2015 on the matter. He stated that the ExA had taken account of the fact that no application for the suggested Viking Link project has been made under the 2008 Planning Act or, as far as that the ExA is aware, under any other legislation. He
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therefore concluded that, as a result, it would be impossible to hold a joint or parallel examination even if the legislation allowed for that to happen.

### **The Examining Authority's First Written questions**

- 24.10 **Interface selection:** The Applicant directs the ExA to its response to the question **Alt 1.1** which explains in detail the process undertaken by NGET and the Applicant to determine the location of the interface connection point.
- 24.11 The TKCG is correct in its assertion that the results of the environmental impact assessment (EIA) of the proposal, set out in the Environmental Statement (ES) that was submitted with the DCO application, were based upon an interface point having already been selected at the existing National Grid Bicker Fen substation. The detailed process and reasoning applied in the selection of the Bicker Fen substation is set out in the Interface Selection Assessment Report (document reference 8.18). This explains that the decision to select the Bicker Fen substation was taken in 2011. A review of that decision was undertaken in 2014 as a number of changes had occurred to the assumptions that were used to undertake the comparative assessment between the various NGET substations that were considered. Paragraphs 4.65 to 4.79 of Volume 1, Chapter 4 *Site Selection and Alternatives* of the ES, set out the considerations.
- 24.12 After the Bicker Fen substation had been selected as the interface connection point, the design of the TK Electrical System proposal commenced (selection of the substation, IEC and landfall location and onshore cable routing) and the EIA was undertaken upon that specific design. It is important to note, however, that an iterative approach was taken to refining the detailed design of the cable corridor and detailed design at the substation, IEC and landfall following the results of the assessment and further public consultation and consultation with key consultees.
- 24.13 **Silver Pit:** As described in paragraphs 3.280 to 3.283 of the Applicant's response the ExA's question **Alt 1.25**, Hornsea Offshore Wind Farm Project One and Two application documents indicate that the applicant for Hornsea, SMart Wind Limited has sought to avoid the Silver Pit for cable installation. The Hornsea Offshore Wind Farm cables are crossing the very northern edge of Silver Pit and passing in close proximity to a licenced marine aggregate extraction area in order to avoid unsuitable bathymetry and slope gradients in the Silver Pit area as stated in paragraphs 4.14.10 and 4.13.11 of Volume 1, Chapter 4 *Site Selection and Consideration of Alternatives* (document reference 7.1.4 of the Hornsea Offshore Wind Farm (Zone 4) – Project One and Project Two application).
- 24.14 The Applicant does not agree that there is any “*conflicting information*” between SMart Wind Limited and TKOWFL's approach to offshore cable route selection or rationale for the conclusions arrived at for each project.

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24.15 **Reassessment of the Grid Connection in light of recent announcements:** The ExA is referred to the Applicant's response to question **Alt 1.8** which sets out its detailed response to this question.

**Submission by TKCG detailing current land owner experience of cabling for the Dudgeon Offshore Wind Farm**

24.16 The Applicant notes that the TKCG intends to invite William & Mary Runciman to attend the Examination, to provide comments on the subject of onshore cable installation works in connection with Dudgeon Offshore Wind Farm.

24.17 Dudgeon Offshore Wind Farm is 30% owned by Statkraft, 35% owned by Statoil and 35% owned by Masdar. The Applicant understands that Statoil is the Operator for both the construction and operational phases of Dudgeon. Statkraft is a 50% partner in Triton Knoll Offshore Wind Farm Limited (TKOWFL), alongside RWE Innogy UK. Further detail about the companies behind TKOWFL and their track record in offshore wind development is given in section 10 of the Statement of Reasons (Document Reference 4.1).

24.18 The Applicant recognises that William and Mary Runciman may be able to provide first-hand experience of onshore works connected with another offshore wind farm project. However, the Applicant suggests that any issues regarding the Dudgeon Offshore Wind Farm should be raised directly with the Operator of that project.

24.19 The Written Representation refers to the adequacy of assessment. The Applicant has carried out a full and thorough environmental impact assessment, presented in 29 chapters in the Environmental Statement and covering all areas requested following scoping.

24.20 The Written Representation also refers to compensation. 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.

24.21 For clarity; compulsory acquisition practitioners often refer to a statutory compensation code. No 'code' exists as such, but it is generally taken to mean the law as set out in the Land Compensation Acts 1961 and 1973 and the Compulsory Purchase Act 1965, as amended by subsequent legislation and supplemented by case law. The fundamental principle underlying the 'Compensation Code' is that of 'equivalence'. In *Horn v Sunderland* (1941) 2 KB 26 CA, it was stated that 'the principle of equivalence is at the heart of statutory compensation ... the owner shall be paid neither less nor more than his loss'

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## 25. Western Power Distribution

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25.1 Western Power Distribution (WPD) submitted a Written Representation for Deadline 1 (05 October 2015). The representation noted that “*Further technical and legal meetings are in the process of being arranged with TKOWFL which will inform the drafting of WPD’s Protective Provisions.*”

25.2 The Applicant confirms that negotiations are on-going between the Applicant and WPD in respect of the Protective Provisions. The Applicant and WPD are making arrangements for a site visit and further meeting between parties and will provide an update to the ExA for Deadline 3.

## 26. 67 Landowners / Occupiers

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26.1 The Applicant’s response to the 67 Landowners/ Occupiers’ Written Representation is included at Appendix 11 of the Response.

## Part 2 The Applicant's response Local Impact Reports

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Lincolnshire County Council, Boston Borough Council, East Lindsey District Council and North Kesteven District Council each submitted Local Impact Reports (LIRs) in relation to the proposed development. The Applicant's response to the LIRs is given in below

### 1. Response to Lincolnshire County Council's Local Impact Report

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- 1.1 Lincolnshire County Council (LCC) submitted a Local Impact Report (LIR) for Deadline 1 (5th October 2015).

#### **Introduction - Paragraphs 1.0 to 1.3**

- 1.2 The Applicant notes the content set out by LCC and has no further comment.

#### **Background – 2012 Hearing – Off- and OnShore Development - Paragraphs 2.0 – 2.4**

- 1.3 The Applicant notes the background as set out by LCC and has no further comment.

#### **Site Description - Paragraph 3.0 – 3.1**

- 1.4 The Applicant notes that LCC raises concerns about the impacts of the development on the natural environment and local population in the coastal strip and direct environs.
- 1.5 The Applicant notes the descriptions of Anderby Creek and Marsh Lane, Orby set out by LCC and refers to the ExA the baseline environment described in Volume 5, Annex 8.1 *LVIA Technical Baseline Report* of the ES (document reference 6.2.5.2.1, which informs the assessment through an appropriate consideration of the character of the area.

#### **Relevant planning history – Paragraphs 3.7 – 3.8**

- 1.6 The Applicant notes that LCC raises concerns about development in a rural landscape.
- 1.7 The Applicant refers the ExA to its response to question **LV 1.11** of the ExA's first written questions (Part 3 of the Applicant's Response to Deadline 1) where the Applicant's detailed consideration of the impact of the Intermediate Electrical Compound on the character area is set out, including that:
- The selected site of the Intermediate Electrical Compound is in an area where the rural landscape distinctiveness is weaker due to the detracting man-made influences of the Grain Store site, Skegness stadium and Marsh Lane;

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- that there are relatively few sensitive viewers in proximity to the selected site of the Intermediate Electrical Compound;
  - that the selected site of the Intermediate Electrical Compound respects the local distinctiveness being positioned in close proximity to other man-made built form of similar scale and appearance;
  - that the selected site of the Intermediate Electrical Compound takes advantage of the existing screening afforded by such features, and concentrates new development around existing development; and
  - the selected site of the Intermediate Electrical Compound is situated in a part of the landscape character area considered to be of lower susceptibility due to the influence of the existing man-made built form.

1.8 In respect of the new substation proposed at Bicker Fen, the Applicant's assessment of the possible impacts of that structure on the landscape character area within which is contained at ES Volume 3 Chapter 2 *Landscape and Visual* (document reference 6.2.3.2):

- paragraphs 2.248 to 2.255 assess the landscape impacts of the substation during the construction phase and conclude that they are likely to be minor adverse and not significant;
- paragraphs 2.581 to 5.592 assess the landscape impacts of the substation during the operational phase and conclude that they are likely to be minor adverse and not significant in the first year of operation, reducing to neutral and not significant by the fifteenth year of operation once landscape mitigation planting has matured to provide effective screening; and
- paragraphs 2.740 to 2.741 assess the landscape impacts of the substation during the decommissioning phase and conclude that they are unlikely to be any significant effects on landscape character due to works taking place behind effective screening.

### **Policy Framework – Paragraph 3.9 – 3.11**

1.9 The Applicant notes the reference to the relevant development plan documents in paragraph 3.9 of the LIR. In its Planning Statement (document reference 8.4) the Applicant sets out its views on the consistency of those policy documents with the NPPF and the consideration it considers they should be given in the in the determination of the Triton Knoll Electrical System (TKES) application. In particular:

- Boston Adopted Local Plan 199 – the Applicant accepts that the saved policies of this plan form the present statutory development plan which should be considered relevant where they are consistent with the NPPF (Planning Statement paragraph 3.41 and 3.44)
- Boston’s Interim Plan (Non-Statutory Development Control Policy) February 2006 – the Applicant contends that the policies of this plan should be afforded little or no weight. The document does not comprise the statutory development plan (Planning Statement paragraph 3.42)
- South East Lincolnshire Emerging Local Plan 2015 – is acknowledged to be of possible relevance during the examination of the Application. However, at present it remains at the preferred options and sustainability report stage and is not therefore considered to be a draft local plan of relevance to the Secretary of State’s decision (Planning Statement paragraph 3.43)
- East Lindsey Local Plan Alternation 1999 policies A4 and A5 - the Applicant accepts that the that the saved policies of this plan form the present statutory development plan which should be considered relevant where they are consistent with the NPPF (Planning Statement paragraph 3.37 and 3.40)
- East Lindsey Emerging Core Strategy - is acknowledged to be relevant to due to their having been subject to public consultation and assessment against the NPPF (Planning Statement paragraph 3.38 – 3.40)

1.10 Paragraph 3.11 of the LIR states that National Policies EN1 and EN3 also have relevance. The primary policy guidance for decisions by the Secretary of State on applications such as the TKES is the Overarching National Policy Statement (NPS) for Energy (EN-1) in combination with the relevant technology specific NPS for Renewable Energy Infrastructure (EN-3) and the NPS for Electricity Networks Infrastructure (EN-5). Under section 104(2) of the Planning Act 2008 the Secretary of State must also have regard to any local impact report, any relevant matters prescribed by the Regulations, the Marine Policy Statement and any applicable Marine Plan and any other matters which the decision maker thinks are both important and relevant to its decision. It should also be noted that EN5: Electricity Networks is the most relevant policy statement for the proposed development. The relevant policies from the National Policy Statements are addressed in paragraph 3.14 – 3.24 of the Planning Statement (document 8.4).

#### **Other relevant local issues - Coastal Country Park – Paragraphs 3.12 – 3.13**

1.11 The Applicant recognises the visual, aims and objectives of the Lincolnshire Coastal Country Park (LCCP) as set out in LCC’s LIR.

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1.12 The Applicant refers the ExA to the Lincolnshire Coastal Country Park Clarification Note (Appendix 27 of the Applicant's Response to Deadline 2) for a summary of the Applicant's consideration of the LCCP. The Applicant concludes that:

- There are three potential ways in which the proposed development may have an impact on LCCP. These are landscape and visual impacts; tourism and recreation impacts; and terrestrial ecology impacts.
- Consultees raised issues in relation to LCCP during Scoping and PEI consultation and the application demonstrates where these issues have been acknowledged and addressed pre-application.
- The agreed description of the LCCP is that it is a council promoted project with no status as a national or local statutory designation
- The site selection and design of the proposed development appropriately considered LCCP.
- Volume 3, Chapter 2 of the ES assesses the landscape and visual impacts predicted on the landscape character in LCCP and, although some moderate adverse effects are predicted during the construction phase only, additional mitigation measures above those embedded into the project design are not necessary as once construction is complete, those effects will reduce to neutral which is not significant.
- Volume 3, Chapter 3 of the ES assesses the tourism and recreation impacts predicted in the area of LCCP and concludes that no significant impacts are predicted to arise from the construction, operation or decommissioning of the proposed development.
- Volume 3, Chapter 4 of the ES assess the terrestrial ecology impacts including within the LCCP. However, given LCCP is not designated for nature conservation purposes is has not be assessed as a designated site, however the habitats within it have been assessed. This approach is supported by Natural England.

1.13 The Applicant considers that, on the basis of the above conclusions, the LCCP has been adequately and proportionately considered in the assessment.

**Other relevant local issues – Grazing Marsh Project – Paragraphs 3.14 – 3.17**

1.14 The Applicant recognises the background information in relation to the Lincolnshire Coastal Grazing Marsh Project (LCGM) as set out in ELDC's Written Representation.

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- 1.15 Impacts on LCGM are assessed as minor adverse in paragraph 4.125 of Volume C, Chapter 4 *Terrestrial Ecology* of the ES. The Applicant recognises that there are likely to be impacts on both habitat function and on wading bird populations due to the construction activity. However, the impacts are reversible and will be short term with the baseline situation being restored within a growing season following site restoration. At the time of application mitigation was being developed for potential impacts on specific LCGM sites with LWT and Natural England.
- 1.16 Following consultation with LWT and Natural England the Applicant has reached agreement on detailed mitigation. The Applicant directs the ExA to the Applicant's Response the LWT Written Representation (Appendix 6 of the Applicant's Response to Deadline 2), which sets out the Applicant's position in relation to its assessment impacts on the LCGM and the position in relation to mitigation.
- 1.17 The Applicant refers the ExA to the SoCG with the Lincolnshire Wildlife Trust (LWT) (Appendix 17 of the Applicant's Response to Deadline 2), which confirms at paragraph 4.33 that *"it is agreed that the measures shown in Appendix 1 are appropriate to mitigate for impacts on specifically identified fields within the LCGM project target areas following the completion of construction with the exception of the field located at TF 485 628 (see Section 5.2)." Please also refer to paragraph 4.34 which states that "it is agreed that fields within the LCGM target areas that have not been identified for specific mitigation can be adequately restored (so as not to prevent future grazing marsh creation) through the general restoration protocols as described in paragraphs 2.50 – 2.53 of the Outline Construction Method Statement (CMS) (Document Reference 8.17)."*
- 1.18 The Applicant refers the ExA to the SoCG with Natural England (Appendix 18 of the Applicant's Response to Deadline 2), which confirms at paragraph 4.85 that *"in relation to LCGM Sites 1 to 7, it is agreed that applied mitigation has been developed through consultation and agreed with the Lincolnshire Wildlife Trust as set out in Appendix 1 of the SoCG with LWT (Appendix 17 of the Applicant's Response to Deadline 2)."*
- 1.19 The Applicant refers the ExA to the SoCG with Natural England (Appendix 18 of the Applicant's Response to Deadline 2), which confirms at paragraph 4.85 that *"it is agreed that the specific fields identified in Appendix 1 of the SoCG with LWT (Appendix 17 of the Applicant's Response to Deadline 2) are those within the LCGM project target areas that require specific mitigation."*
- 1.20 On the basis of the agreed positions above, the Applicant considered that potential impacts on LCGM have been appropriately assessed and that applied mitigation has been developed to minimise any residual short term impacts.
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### **Cumulative Impacts – Paragraph 3.18 – 3.23**

- 1.21 The Applicant notes the concerns expressed in LCC’s LIR in relation to the Viking interconnector project. The Applicant highlights its response to question **Eon 1.1** of the ExA’s first written questions (Part 3 of the Applicant’s Response to Deadline 1), in relation to the Applicant’s consideration of the Viking project in its cumulative impact assessment.
- 1.22 LCC states in its LIR that *“all parties are well aware that the landfall proposed is likely to be at or near to Anderby Creek”*. The Applicant refers the ExA to the National Grid Viking Link Limited’s response to question Eon 1.1 (m) (At what stage is the assessment of alternative routes for this proposed project), which states that *“this work has yet to commence”*.
- 1.23 LCC also states that the *“cable route for the Viking Link is highly likely to follow the same cable route as that for Triton Knoll. The constraints acting upon each company will be the same and as such the analysis and conclusions are likely to be the same.”* It is the Applicant’s position that the proponents of the Viking interconnector project will not have the same constraints as the proposed development. This is partly as a result of different technological requirements, but also because the Viking Link project will need to undertake its own site selection, design and assessment work to confirm its chosen cable route.

### **Sibsey Northlands Lancaster Memorial – Paragraph 3.24**

- 1.24 In relation to concerns about potential impacts on the Sibsey Northlands Lancaster Memorial, the Applicant directs the ExA to the Sibsey Lancaster Memorial Clarification Note (Appendix 11 of the Applicant’s Response to Deadline 1), which sets out the Applicant’s consideration of the memorial.
- 1.25 The Applicant would also draw the ExA’s attention to the final SoCG with ELDC (Appendix 20 of the Applicant’s Response to Deadline 2), which states at paragraph 9.23 that *“it is agreed that the commitment to maintain access is sufficient for ensuring visitation to the Memorial is not impeded by the proposed development and that potential archaeological remains associated with the crash site can be appropriately managed through the production of a site specific written scheme of investigation, following post-consent geophysical survey.”*

### **Tourism and Economic Impact – Paragraphs 3.25 – 3.26**

- 1.26 In relation to concerns about potential indirect effects on tourism, resulting from impacts on the LCGM, LCCP, attractiveness and economy of Anderby Creek and traffic getting to and from the coast, the Applicant refers the ExA to Volume 3, Chapter 3 *Socio-economic, Tourism and Recreation* of the ES. The Applicant also directs the ExA to the responses above relating to direct effects on LCGM, LCCP and Anderby Creek.
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- 1.27 The Applicant directs the ExA to paragraph 5.65 of the SoCG with LCC (Appendix 30) of the Applicant's Response to Deadline 1), which states that *"it is agreed that all potential impacts on socio-economics, tourism and recreation are predicted to be Minor adverse or below and are therefore Not Significant as summarised in Table 3-12 of Volume 3, Chapter 3 of the ES."*
- 1.28 The Applicant notes LCCC's concerns about traffic and the embedded mitigation, however the Applicant can confirm that this is provided for within Requirement 18 of the draft DCO. In accordance with this requirement, no stage of the onshore works can start until (for that stage and after consultation with the highways authority), a construction traffic management plan has been submitted to and approved by the local planning authority.
- 1.29 Early consultation to develop an appropriate community investment package was undertaken from 27th January 2015 to 26th February 2015. 182 responses were received during that period and a report was issued summarising the content of the responses in May 2015. The proposed value of the community benefits package has been determined through consideration of the impacts and benefits of the project. Further, consultation will be undertaken in order to shape the final package prior to the to the construction phase commencing.
- 1.30 Alongside the development of an appropriate community investment package, a supply chain engagement programme will commence in 2016 and the Applicant will work with local networks and agencies to ensure Lincolnshire based companies have access to all of the information they need to be well placed to compete for contracts. It is envisaged that benefits for the local area from Triton Knoll project to be in line with an offshore wind project of this scale. In particular we have reported that significant benefits are likely to be realised by people living in the surrounding regions of the East Midlands, Lincolnshire, Yorkshire, the Humber and the East of England. The equivalent of 500 full time jobs could result from the electrical system construction works alone, and at least 50 of these could be Lincolnshire based jobs installing the onshore infrastructure.

#### **Soil Conditions – Paragraphs 3.27**

- 1.31 In response to concerns expressed at paragraphs 3.27 – 3.29 about consideration of the potential damage to the soil structure and agricultural land drainage, the ExA is referred to the Applicant's response to the LCC Written Representation (Appendix 5 of the Response).
- 1.32 In relation to concerns expressed at paragraph 3.31 and 3.32 about the width of the onshore cable corridor, please refer to the Onshore Export Cable Corridor Requirements Explanatory Note (Appendix 28 of the Applicant's Response to Deadline
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2), which provides an explanation of the temporary construction working width and permanent cable corridor requirements for the Triton Knoll onshore export cable route.

- 1.33 In relation to concerns expressed at paragraphs 3.33 about an alternative onshore route for the underground electrical cables, please refer to paragraphs 4.14 – 4.22 of the SoCG with LCC (Appendix 30 of the Applicant's Response to Deadline 1), which state that it is agreed that the site selection and alternatives process has resulted in an appropriate location for the cable route, landfall, IEC, substation and interface point at Bicker Fen.

### Highways – Paragraph 3.33

- 1.34 The Applicant welcomes LCC's acknowledgement and future engagement with the implementation of the relevant Access Management Plans and Traffic Management Plans and shares LCC's view of the importance of guaranteeing public safety.

### Conclusions - Paragraphs 4.0 – 4.1

- 1.35 The Applicant notes the concluding remarks in the LCC LIR and has no further comment.

## 2. Response to Boston Borough Council's Local Impact Report

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- 2.1 Boston Borough Council (BBC) submitted a Local Impact Report (LIR) for Deadline 1 (5th October 2015).
- 2.2 The Applicant notes the background and planning history set out by BBC in their LIR and has no further comment.

### Development Plan

- 2.3 The Applicant notes BBC's comments in relation to the Development Plan. Paragraph 3.4 confirms the Applicant's response to Question **AH 1.8** of the ExA first written questions regarding the absence of Local Plan policy relating to the historic environment. The policies identified in paragraph 3.5 of BBC's LIR are addressed in the relevant sections of the ES and the Planning Statement (document reference 8.4) submitted with the Application.

In response to paragraphs 3.6 and 3.7 of BCC's LIR, the Applicant agrees that in certain circumstances it will be appropriate for a cumulative impact assessment to consider "*projects which are not yet the subject of application*" as well as those "*for which consent has been sought or granted, as well as those already in existence*". However, projects which are not yet the subject of application can only be considered where sufficient information is available in the public domain. As set out in Volume 1,

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Annex 3.1, *Cumulative Impact Assessment Annex* of the ES (document reference 6.2.1.3.1) this is the approach that has been taken by the Applicant.

### **Development Proposals not Commenced or Completed**

- 2.4 Paragraph 4.2 of BBC's LIR states that "*the impact of the Enabling Works, believed to be the reconfiguration of the existing Substation to a double busbar layout is not known nor has been quantified*" and at paragraph 4.3 that "*that the works by NGET are not in front of the ExA.*"
- 2.5 The Applicant highlights to the ExA that that this is not the case; the potential cumulative effects of the Enabling Works are considered within Volume 3 of the ES in the following chapters:
- Chapter 2 *Landscape and Visual* – Table 2-28, 2-30, 2-31 and paragraphs 2.772-2.775;
  - Chapter 3 *Socio-economics, Tourism and Recreation* – Tables 3-10 and 3-11;
  - Chapter 4 *Terrestrial Ecology* - Tables 4-31, 4-32 and paragraphs 4.180- 4.183;
  - Chapter 5 *Land Use, Agriculture and Soils* - Table 5-8, 5-9 and paragraphs 5.116-5.119;
  - Chapter 7 *Hydrology and Flood Risk* – Tables 7-13, 7-14 and paragraphs 7-341-7.372;
  - Chapter 8 *Historic Environment* - Tables 8-9, 8-10 and paragraphs 8.142-8.151;
  - Chapter 9 *Traffic and Access* - Tables 9.18 and 9.19; and
  - Chapter 10 *Air Quality* - Tables 10-8, 10-9 and paragraphs 10.92-10.96.
- 2.6 These cumulative impact assessments consider the National Grid Enabling Works at the Bicker Fen substation as known at the time of the Application.

In respect of the impacts of the enabling, licensed and unlicensed works referred to in paragraph 4.3, the Applicant considers that these have been fully and properly considered within the Application documents. Those works that are connected to the TKES project (the "unlicensed works" are considered as part of the "Project" that has been subject to environmental impact assessment, and where sufficient information is available about third party works, such as NGET's enabling and licenced works at the Bicker Fen substation, these have been included within the cumulative assessment undertaken.

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### Site and Area Impacts and Constraints

- 2.7 The Applicant notes the content of paragraphs 5.0 to 5.12 of BBC's LIR. Paragraph 5.3 reflects comments which have been noted in several Relevant Representations in relation to development at Bicker, the Applicant's response to these (submitted as Appendix 1 of Deadline 1) stated:

*"The potential impacts of the proposed development on receptors in and around Bicker have been assessed in the ES that was submitted with the Application. The assessments considered the amount of existing development at Bicker through the establishment of an environmental baseline. Assessments of cumulative impacts relevant to any given environmental topic are presented in that topic specific chapter of the ES."*

- 2.8 Paragraph 5.5 confirms no objections from BBC to the highway impacts and this agreement is captured in paragraphs 10.1 to 10.9 of the SoCG between the Applicant and BBC submitted at Appendix 19 of the Applicant's response to Deadline 2.
- 2.9 Paragraph 5.10 raises concern in relation to uncertainty of traffic estimates; the Applicant notes however that paragraph 5.11 confirms the proposal of the haul road from the A17 removes these concerns. Paragraph 10.3 of the SoCG confirms that BBC agree that the inclusion of a temporary haul road within the cable corridor and used during the construction of the onshore works, as described in paragraph 9.59 of Volume 3, Chapter 9 of the ES, is robust embedded mitigation and will reduce the impacts of construction traffic on the local road networks.
- 2.10 Paragraph 5.12 of BBC's LIR states that *"no data appears to be available for the Licensed or other works to be carried out by NGET to upgrade the layout of the present Substation."*
- 2.11 The Applicant confirms again this not be the case; Tables 9.18 and 9.19 of Volume 3, Chapter 9 Traffic and Access of the ES (document reference 6.2.3.9) set out the assessment of the cumulative projects including the NGET Enabling Works. Paragraph 9.187 of Volume 3, Chapter 9 of the ES concludes that *"the cumulative impacts will be no worse than those already assessed during construction and will therefore be negligible."*

### Comments upon the Draft Development Consent Order (DCO)

- 2.12 The Applicant notes the comments made in relation to the draft DCO (document reference 3.1); detailed agreements in relation to draft DCO requirements are set out in Section 13 of the SoCG between the Applicant and BCC (submitted as Appendix 27 of the Applicant's response to deadline 2).

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### **Other matters relevant to the impact of the development or cumulative impacts which are referred to in the application**

- 2.13 The Applicant notes the comments at paragraphs 7.1 – 7.2 in relation to impacts on agricultural land and land drainage.
- 2.14 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 representatives, and landowner organisations such as the National Farmers' Union.
- 2.15 The Applicant considers that the application documents (including the Outline Soil Management Plan (document reference 8.7.5); the 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.
- 2.16 The Applicant's proposal to landowners for private treaty agreements includes offers to:
- Reinstatement 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.
- 2.17 In addition, the Applicant has submitted a clarification paper in relation to land drainage at Appendix 26 of the Applicant's response to Deadline 2.
- 2.18 The Applicant welcomes the comments in paragraph 7.3 and the observations made by BBC in relation to the Anglian Water Project (B/11/0457) for a 61km drinking water pipeline and its impacts.

### 3. Response to East Lindsey District Council's Local Impact Report

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3.1 East Lindsey District Council (ELDC) submitted a Local Impact Report (LIR) for Deadline 1 (5th October 2015). The report highlighted a number of aspects, which the Applicant has provided a response on below.

#### **Introduction - Paragraphs 1.0 to 1.3**

3.2 The Applicant notes the content set out by ELDC and has no further comment.

#### **Background – 2012 Hearing – Off and On Shore Development - Paragraphs 2.0 – 2.4**

3.3 The Applicant notes the background as set out by ELDC and has no further comment.

#### **Site Description - Paragraphs 3.0 – 3.5**

3.4 The Applicant notes the descriptions of Anderby Creek and Marsh Lane Orby set out by ELDC and refers to the ExA the baseline environment described in Volume 5, Annex 8.1 *LVIA Technical Baseline Report* of the ES (document reference 6.2.5.2.1, which informs the assessment through an appropriate consideration of the character of the area.

#### **Relevant Planning History – Paragraphs 3.6 – 3.7**

3.5 The Applicant notes that ELDC raise concerns about development in a rural landscape.

3.6 The Applicant refers the ExA to its response to question **LV 1.11** of the ExA's first written questions (Part 3 of the Applicant's Response to Deadline 1) where it has set out the Applicant's detailed consideration of the impact of the development on the character area, including that:

- The selected site of the Intermediate Electrical Compound is in an area where the rural landscape distinctiveness is weaker due to the detracting man-made influences of the Grain Store site, Skegness stadium and Marsh Lane;
- that there are relatively few sensitive viewers in proximity to the selected site of the Intermediate Electrical Compound;
- that the selected site of the Intermediate Electrical Compound respects the local distinctiveness being positioned in close proximity to other man-made built form of similar scale and appearance;
- that the selected site of the Intermediate Electrical Compound takes advantage of the existing screening afforded by such features, and concentrates new development around existing development; and

- the selected site of the Intermediate Electrical Compound is situated in a part of the landscape character area considered to be of lower susceptibility due to the influence of the existing man-made built form.

### **Policy Framework – Paragraph 3.10 – 3.16**

- 3.7 The Applicant notes the reference in the Council’s LIR to policies A4 and A5 from the East Lindsay Local Plan Alteration 1999. As set out in the Planning Statement (document reference 8.4) the Applicant agrees that these are consistent with the NPPF and can be given due consideration in the determination of the TKES application. The saved local plan policies and the relevant emerging local plan policies are listed in paragraph 6.176 of the Planning Statement (document reference 8.4).
- 3.8 Whilst the Council does not attempt to assess the conformity of the proposed development against the local plan policies, the applicant has provided an assessment of the conformity of these policies in Chapter 6 of the Planning Statement. The conclusion at paragraph 6.222 states: *“TKOWFL’s design, assessment and mitigation proposals are in accordance with the relevant sections of EN-1, EN-3, EN-5, the NPPF and local plan policies. TKOWFL’s alternatives process has achieved fundamental and substantial minimisation of potential effects through avoidance of the most highly designated landscape areas and most densely populated locations. All residual effects are not significant and therefore landscape and visual matters should not weigh against the proposal”*.
- 3.9 Paragraph 3.16 of the LIR states that National Policies EN1 and EN3 also have relevance. The primary policy guidance for decisions by the Secretary of State on applications such as the TKES is the Overarching National Policy Statement (NPS) for Energy (EN-1) in combination with the relevant technology specific NPS for Renewable Energy Infrastructure (EN-3) and the NPS for Electricity Networks Infrastructure (EN-5). Under section 104(2) of the Planning Act 2008 the Secretary of State must also have regard to any local impact report, any relevant matters prescribed by the Regulations, the Marine Policy Statement and any applicable Marine Plan and any other matters which the decision maker thinks are both important and relevant to its decision. It should also be noted that EN5: Electricity Networks is the most relevant policy statement for the proposed development. The relevant policies from the National Policy Statements are addressed in paragraph 3.14 – 3.24 of the Planning Statement (document reference 8.4).

### **Country Park – Paragraphs 3.18**

- 3.10 The Applicant recognises the visual, aims and objectives of the Lincolnshire Coastal Country Park (LCCP) as set out in ELDC LIR.

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3.11 The Applicant refers the ExA to the Lincolnshire Coastal Country Park Clarification Note (Appendix 27 of the Applicant's Response to Deadline 2) for a summary of the Applicant's consideration of the LCCP. The Applicant concludes that:

- There are three potential ways in which the proposed development may have an impact on LCCP. These are landscape and visual impacts; tourism and recreation impacts; and terrestrial ecology impacts.
- Consultees raised issues in relation to LCCP during Scoping and PEI consultation and the application demonstrates where these issues have been acknowledged and addressed pre-application.
- The agreed description of the LCCP is that it is a council promoted project with no status as a national or local statutory designation.
- The site selection and design of the proposed development appropriately considered LCCP.
- Volume 3, Chapter 2 of the ES assesses the landscape and visual impacts predicted on the landscape character in LCCP and, although some moderate adverse effects are predicted during the construction phase only, additional mitigation measures above those embedded into the project design are not necessary as once construction is complete, those effects will reduce to neutral which is not significant.
- Volume 3, Chapter 3 of the ES assesses the tourism and recreation impacts predicted in the area of LCCP and concludes that no significant impacts are predicted to arise from the construction, operation or decommissioning of the proposed development.
- Volume 3, Chapter 4 of the ES assess the terrestrial ecology impacts including within the LCCP. However, given LCCP is not designated for nature conservation purposes is has not be assessed as a designated site, although the habitats within it have been assessed. This approach is supported by Natural England.

3.12 The Applicant considers that, on the basis of the above conclusions, the LCCP has been adequately and proportionately considered in the assessment.

#### **Grazing Marshes Project – Paragraphs 3.22 – 3.24**

3.13 The Applicant recognises the background information in relation to the Lincolnshire Coastal Grazing Marsh Project (LCGM) as set out in ELDC's LIR.

- 3.14 Impacts on LCGM are assessed as minor adverse in paragraph 4.125 of Volume C, Chapter 4 *Terrestrial Ecology* of the ES. The Applicant recognises that there are likely to be impacts on both habitat function and on wading bird populations due to the construction activity. However, the impacts are reversible and will be short term with the baseline situation being restored within a growing season following site restoration. At the time of application mitigation was being developed for potential impacts on specific LCGM sites with LWT and Natural England.
- 3.15 Following consultation with LWT and Natural England the Applicant has reached agreement on detailed mitigation. The Applicant directs the ExA to the Applicant's Response the LWT Written Representation (Appendix 6 of the Applicant's Response to Deadline 2), which sets out the Applicant's position in relation to its assessment impacts on the LCGM and the position in relation to mitigation.
- 3.16 The Applicant refers the ExA to the SoCG with the Lincolnshire Wildlife Trust (LWT) (Appendix 17 of the Applicant's Response to Deadline 2), which confirms at paragraph 4.33 that *"it is agreed that the measures shown in Appendix 1 are appropriate to mitigate for impacts on specifically identified fields within the LCGM project target areas following the completion of construction with the exception of the field located at TF 485 628 (see Section 5.2)."* The Applicant also highlights paragraph 4.34 which states that *"it is agreed that fields within the LCGM target areas that have not been identified for specific mitigation can be adequately restored (so as not to prevent future grazing marsh creation) through the general restoration protocols as described in paragraphs 2.50 – 2.53 of the Outline Construction Method Statement (CMS) (Document Reference 8.17)."*
- 3.17 The Applicant refers the ExA to the SoCG with Natural England (Appendix 18 of the Applicant's Response to Deadline 2), which confirm at paragraph 4.85 that *"in relation to LCGM Sites 1 to 7, it is agreed that applied mitigation has been developed through consultation and agreed with the Lincolnshire Wildlife Trust as set out in Appendix 1 of the SoCG with LWT (Appendix 17 of the Applicant's Response to Deadline 2)."*
- 3.18 The Applicant refers the ExA to the SoCG with Natural England (Appendix 18 of the Applicant's Response to Deadline 2), which confirm at paragraph 4.85 that *"it is agreed that the specific fields identified in Appendix 1 of the SoCG with LWT (Appendix 17 of the Applicant's Response to Deadline 2) are those within the LCGM project target areas that require specific mitigation."*
- 3.19 On the basis of the agreed positions above, the Applicant considered that potential impacts on LCGM have been appropriately assessed and that applied mitigation has been developed to minimise any residual short term impacts.

### **Viking Link – Paragraphs 3.25 – 3.26**

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- 3.20 The Applicant notes the concerns expressed in ELDC's LIR in relation to the Viking interconnector project. The Applicant highlights its response to question **Eon 1.1** of the ExA's first written questions (Part 3 of the Applicant's Response to Deadline 1) in relation to the Applicant's consideration of the Viking project in its cumulative impact assessment.
- 3.21 ELDC state in its Written Representation that "*all parties are well aware that the landfall proposed is likely to be at or near to Anderby Creek*". The Applicant refers the ExA to the National Grid Viking Link Limited's response to question **Eon 1.1** (m) (At what stage is the assessment of alternative routes for this proposed project), which states that "*this work has yet to commence*".
- 3.22 ELDC also states that the "*cable route for the Viking Link is highly likely to follow the same cable route as that for Triton Knoll. The constraints acting upon each company will be the same and as such the analysis and conclusions are likely to be the same.*" It is the Applicant's position that the proponents of the Viking interconnector project will not have the same constraints as the proposed development. This is partly as a result of different technological requirements, but also because the Viking Link project will need to undertake its own site selection, design and assessment work to confirm its chosen cable route.

#### **Sibsey Northlands Lancaster Memorial – Paragraphs 3.27**

- 3.23 In relation to concerns about potential impacts on the Sibsey Northlands Lancaster Memorial, the Applicant directs the ExA to the Sibsey Lancaster Memorial Clarification Note (Appendix 11 of the Applicant's Response to Deadline 1), which sets out the Applicant's consideration of the memorial.
- 3.24 The Applicant would also draw the ExA's attention to the final SoCG with ELDC (Appendix 20 of the Applicant's Response to Deadline 2), which states at paragraph 9.23 that "*it is agreed that the commitment to maintain access is sufficient for ensuring visitation to the Memorial is not impeded by the proposed development and that potential archaeological remains associated with the crash site can be appropriately managed through the production of a site specific written scheme of investigation, following post-consent geophysical survey.*"

#### **Tourism - Paragraphs 3.28**

- 3.25 In relation to concerns about potential indirect effects on tourism, resulting from impacts on the LCGM, LCCP, attractiveness and economy of Anderby Creek and traffic getting to and from the coast, the Applicant refers the ExA to Volume 3, Chapter 3 *Socio-economic, Tourism and Recreation* of the ES. The Applicant also directs the ExA to responses above relating to direct effects on LCGM, LCCP and Anderby Creek.

- 3.26 The Applicant directs the ExA to paragraph 7.16 of the final SoCG with ELDC (Appendix 20 of the Applicant's Response to Deadline 2), which states that *“it is agreed that all potential impacts on socio-economics, tourism and recreation are predicted to be Minor adverse or below and are therefore Not Significant as summarised in Table 3-12 of Volume 3, Chapter 3 of the ES.”*
- 3.27 The Applicant notes ELDC's concerns about traffic and the embedded mitigation. However, the Applicant can confirm that this is provided for within Requirement 18 of the draft DCO. In accordance with this requirement, no stage of the onshore works can start until (for that stage and after consultation with the highways authority), a construction traffic management plan has been submitted to and approved by the local planning authority.

#### **Conclusions - Paragraphs 4.0 – 4.2**

- 3.28 The Applicant note the concluding remarks in the ELDC LIR and has no further comment.

## **4. Response to North Kesteven District Council's Local Impact Report**

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- 4.1 North Kesteven District Council (NKDC) submitted a Local Impact Report (LIR) for Deadline 1 (5th October 2015). The report highlighted that a number of saved NKDC policies were relevant to the proposed development and considered how these should be applied.
- 4.2 The Applicant would reiterate that as set out in paragraphs 3.5 – 3.8 of the Planning Statement (document reference 8.4) the proposed development has been designated a Nationally Significant Infrastructure Project (NSIP).
- 4.3 Section 104(2)(a) of the Planning Act 2008 requires that in deciding an NSIP application the Secretary of State must have regard to “any national policy statement which has effect in relation to development of the description to which the application relates” . The NPS are there the primary decision-making policy guidance for NSIP applications.
- 4.4 Within this context, EN-1, the overarching NPS for Energy (4.1.2), also states that:

*“...the IPC should start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused.”*

[Note that the NPS refer to the Infrastructure Planning Commission (IPC) which was abolished by the Localism Act 2011. After this Act the IPC's decision making duties were transferred to the relevant

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Secretary of State, all references to the IPC should therefore be read as being to the relevant Secretary of State].

- 4.5 Subsections 104(2)(b) and (d) also require the Secretary of State to have regard to any local impact report submitted by a local authority and any other matters which the Secretary of State thinks are both important and relevant to her decision. The Applicant acknowledges that the policies of a local development plan of any host or adjoining local authority for an NSIP may be considered both important and relevant by the Secretary of State. NKDC's administrative area is directly adjacent to parts of the proposed development boundary and its comments on the application of its saved policies are therefore addressed below. The ExA is directed to paragraphs 3.45 to 3.48 of the Applicant's Planning Statement (document reference 8.4), where the potential relevance of NKDC's saved policies were addressed at the time of the Application.

#### **Policy C2 - Development in the countryside**

- 4.6 NKDCs report states that the impact in respect of this policy will be;

*“Negative – whilst the Environmental Statement has identified some positive impacts associated with employment generation during the construction phase, by virtue of the size of the substation site (regardless of the selected AIS or GIS option) and the stated height of the range of buildings and structures proposed, the Council considers that the proposal would fail to preserve or enhance the character or appearance of the countryside when viewed from within North Kesteven District. In the Council's view, this would outweigh any positive social or economic impacts upon the residents of the District.”*

- 4.7 The Applicant notes NKDC's position and refers the ExA to the Planning Statement which provides a detailed assessment of the proposed development's design, assessment and mitigation proposals against the relevant sections of EN-1, EN-5, the NPPF and relevant local plan policies.
- 4.8 EN-1 provides general coverage of landscape and visual effects, whilst EN-5 specifically addresses landscape and visual effects and is of relevance to the proposed IEC and substation. Therefore EN-1, supported by the provisions of EN-5, is the primary policy document in respect of landscape, seascape and visual impacts.
- 4.9 EN-1 (1.7.11) notes that the principal area in which new energy infrastructure is located is likely to experience direct landscape and visual effects that cannot be mitigated. The TKES approach to alternatives and siting is fully in accordance with the aims of EN-1 policy and the Applicant has sought to minimise landscape and visual impacts through the content and arrangement of the above ground infrastructure and the mitigation proposed (EN-1, 4.4.2).

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- 4.10 In reaching any judgement on landscape impacts in non-designated areas, the SoS should consider whether any adverse impact is temporary and/or reversible in a reasonable timescale (EN-1, 5.9.16). All landscape effects from the proposal, at worst moderate, reduce to neutral over time.
- 4.11 EN-1 (5.9.19) also notes that ‘It may be helpful for applicants to draw attention, in the supporting evidence to their applications, to any examples of existing permitted infrastructure they are aware of with a similar magnitude of impact on sensitive receptors’. The presence of existing electrical infrastructure at Bicker Fen was a factor in the siting of the Substation to avoid a proliferation of such assets.
- 4.12 Paragraphs 6.206 – 6.222 of the Planning Statement highlight how the proposed development has had regard to the relevant planning policies by undertaking an
- “extensive alternatives process which fundamentally minimises landscape and visual impacts by avoiding the most highly designated national (AONB) and local (AGLV) landscapes...”*
- 4.13 The Applicant has undertaken a comprehensive LVIA (ES Volume 5, Annex 2-1) in accordance with EN-1 (5.9.5-5.9.7) and concluded that all residual effects are not significant. Where initial significant effects are predicted, they are moderate and subsequently become not significant as they reduce to neutral, either as a result of the completion of works (construction phase effects) or due to mitigation planting (operational effects after 15 years).
- 4.14 As set out in paragraph 6.199 of the Planning Statement;
- “Operational landscape effects at the IEC and Substation were found to be minor on a similar basis to construction effects, reducing to neutral by year 15 as mitigation planting establishes.”*
- 4.15 The Applicant has undertaken significant pre-application consultation with relevant statutory bodies such as Boston Borough Council (BBC), Lincolnshire County Council (LCC), Natural England and the Environment Agency (EA) to ensure that an appropriate location has been chosen for the substation. The Applicant would refer the ExA to paragraphs 6.22 to 6.24 of Appendix 19 to the Applicant's Response to Deadline 2 and paragraph 4.150 to 4.52 of Appendix 30 of the Applicant's response to Deadline 1 in which BBC and LCC respectively agree with the assessment outcomes from the LIVA with regard to the likely significant effects of the Substation. Whilst NKDC is in no way bound by the views of other authorities, the ExA is asked to take account of the agreement by BBC and LCC (as host authorities) to the Applicant's assessment of the landscape and visual effects of the substation. That assessment is
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that such effects are not significant during construction, operation, or decommissioning of the proposed development.

- 4.16 When balancing the proposed development's landscape and visual impacts against the policy requirements of saved policy C2, NKDC have made reference and acknowledge the positive socio-economic impacts of the proposed development towards employment and the economy as a whole. These are summarised in paragraphs 6.292 to 6.324 of the Planning Statement (document reference 8.4). Both BBC and LCC have agreed that the assessment of socio-economic impacts contained within ES Volume 3 Chapter 3 Socio Economics, Tourism and Recreation (document reference 6.2.3.3) represent an assessment of the potential impacts of the scheme (please refer to paragraph 7.13 of Appendix 19 to the Applicant's Response to Deadline 2 and paragraph 4.80 of Appendix 30 of the Applicant's response to Deadline 1 in which BBC and LCC respectively agree with the assessment outcomes). The conclusions of the ES chapter recognise the positive impacts of the proposed development on employment and economic activity (paragraph 3.107) and education and skills (paragraph 3.110).
- 4.17 In addition to those positive impacts, the ExA is also referred to the national need for the development of the Triton Knoll Offshore Wind Farm offshore array which is a nationally significant infrastructure project and which is to be connected to national grid by the proposed development. This is explained in more detail in paragraphs 4.1 to 4.3 of the Planning Statement (document reference 8.4).
- 4.18 Whilst the Applicant therefore notes NKDC's concerns regarding its policy C2, it reiterates its position that the proposed development and in particular the Substation, does not conflict with that policy. The Applicant has minimised the impacts of the proposed development as far as possible and therefore remains in compliance with the primary policy guidance within the NPSs when the urgent need for renewable development and the various beneficial impacts of the proposed development are taken into account.

#### **Policy C5 - Effects upon amenities**

- 4.19 NKDCs report states that the impact will be;

*“Negative – pending further clarification of the low frequency noise external to internal transmission losses at Drove Farm, the Council considers that the proposal may create an adverse noise impact upon occupiers of Drove Farm. In addition, whilst no highway routes associated with the erection of the substation are expected to experience 10% or greater increases in traffic flows during construction, noise impacts associated with construction vehicle movements (in particular along the A17 and A153 within North Kesteven) are still predicted to be ‘minor adverse’.”*

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- 4.20 The Applicant notes NKDC's position and refers the ExA to the Planning Statement which provides a detailed assessment of the proposed development's design, assessment and mitigation proposals against the relevant sections of EN-1, EN-5, the NPPF and relevant local plan policies. However, the Applicant does not accept that the impacts identified by NKDC lead to non-compliance with this policy.
- 4.21 The ExA is directed to paragraphs 6.261 to 6.268 of the Planning Statement which sets out the relevant national policy background for the assessment of noise and vibration impacts. EN-1 and EN-5 are the key policy documents.
- 4.22 Paragraph 6.268 of the Planning Statement notes that:
- “North Kesteven, which lies outside the Proposed Development Boundary, seeks to avoid unacceptable adverse effects on amenity through its policy C5.”*
- 4.23 Assessment for construction noise was undertaken to BS5528-1 and operational noise to BS4142, in accordance with the requirements of EN-1 (5.11.6).
- 4.24 Paragraphs 6.287 – 6.291 of the Planning Statement summarise the proposed development's noise and vibration impacts, and conclude that that the Applicant has:
- “avoided significant impacts on health and quality of life as a result of noise and vibration impacts. This has been achieved by an extensive alternatives process that inherently avoided closest proximity to residential receptors, particularly with respect to operational noise generating assets at the IEC and Substation.”*
- 4.25 The proposed development is therefore considered to be compliant with local plan policies aimed at protecting the amenity of local residents, such as NKDC's policy C5. Please refer in particular to paragraph 6.290 of the Planning Statement.
- 4.26 With particular regard to the noise impact asserted by NKDC at the property known as Drove Farm, it should be noted that this property was one of the two nearest residential properties to the proposed substation, and was therefore the site of agreed noise monitoring for the purposes of the noise and vibration assessment within the ES (see paragraph 11.37 of ES Volume 3, Chapter 11 *Noise and Vibration* (document reference 6.2.3.11)). Operational noise effects from the substation are considered in detail in paragraphs 11.126 to 11.132 of chapter, which concludes that there is likely to be a minor adverse effect on nearby residential developments as a result of the proposed development. The Applicant confirms that it has carried out its noise and vibration impact assessment in accordance with relevant policy and best practice, the impacts at this property will not conflict with policy C5.
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4.27 In this regard it is relevant to note that the Applicant's latest SoCG with BBC (Appendix 19 to the Applicant's Response to Deadline 2) confirms at paragraph 12.18 that:

*"12.18 It is agreed the operation phase noise effects from the substation are predicted to result in a minor adverse effect, which is Not Significant."*

4.28 Whilst NKDC cannot be bound by the views of another local authority, the ExA is asked to take account of BBC's agreement (as host authority) to this assessment of operational noise from the substation.

4.29 With regard to NKDC's concerns in respect of construction traffic, the Applicant notes that potential construction traffic noise impacts on local roads were found to be minor at worst in all locations, as a result of no traffic flows increasing more than 10% above existing levels. Furthermore, use of the mitigating haul and access routes to the IEC, substation and along the cable route were also found to be minor adverse at worst.

4.30 The Applicant's assessment and mitigation proposals show that the aims set out in EN-1, EN-5 and other potentially material planning policies are met. Whilst particular construction noise impacts will occur, these are short term, temporary and the majority are not significant. Where effects are moderate, residents would be offered further mitigation which would eliminate the impact entirely to become not significant. Therefore noise and vibration impacts should not weigh against the proposal.

4.31 The Applicant has undertaken significant pre-application consultation with relevant statutory bodies such as BBC and LCC to ensure that an appropriate location has been chosen for the substation. The Applicant would refer the ExA to paragraph 10.9 of Appendix 19 to deadline 2 in which BBC agrees with the assessment outcomes.

4.32 Whilst the Applicant therefore notes NKDC's concerns regarding its policy C5, it does not accept that it breaches policy C5, either with respect to impacts on Drove Farm or impacts associated with construction traffic. The Applicant has minimised the impacts of the proposed development as far as possible and therefore remains in compliance with the primary policy guidance within the NPSs when the urgent need for renewable development is taken into account.

#### **Policy C10 – Flood risk**

4.33 NKDC's view that the TKES development complies with this policy is welcomed.

#### **Policy C17 – Renewable energy**

4.34 NKDC's report states that the impact will be;

*"Negative – pending further assessment of potential low frequency noise impacts to Drove Farm, the Council considers that the social and environmental impacts of the*

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*proposal have not been fully satisfied. The Council also agrees with the applicant's assessment that landscape and visual impacts when viewed from within North Kesteven District will be 'adverse'."*

- 4.35 The Applicant refers the ExA to the Applicant's responses to policy C2 (Development in the countryside) and policy C5 (Noise) set out above.

#### **Policy C18 - Design**

- 4.36 NKDCs report states that the impact will be;

*"Negative - by virtue of the size of the substation site (regardless of the selected AIS or GIS option) and the stated height of the range of buildings and structures proposed, the Council considers that the proposal would fail to preserve or enhance the character or appearance of the countryside when viewed from within North Kesteven District"*

- 4.37 The Applicant refers the ExA to the Applicant's response to policy C2 (Development in the countryside) set out above.

#### **Policy C19 – landscaping**

- 4.38 NKDC's view that the TKES development complies with this policy is welcomed.

#### **Policy C22 – external lighting schemes**

- 4.39 NKDC's view that the TKES development complies with this policy is welcomed.

#### **Policy T4 - safety**

- 4.40 NKDC's view that the TKES development complies with this policy is welcomed.

#### **Policy LW1 - landscape conservation**

- 4.41 NKDCs report states that the impact will be;

*"Negative - by virtue of the size of the substation site (regardless of the selected AIS or GIS option) and the stated height of the range of buildings and structures proposed, the Council considers that the proposal would fail to protect or be well integrated with the Fenland Landscape Character Area when viewed from North Kesteven District. Whilst from some of the Viewpoints the substation would be viewed against the backdrop of the Bicker Fen windfarm and associated substation, nevertheless as a result of the scale of the site and extent of built development proposed, the Council considers that the proposals would visually conflict with some of the key characteristics of the Fenland character area, including its low lying and generally flat relief and generally extensive vistas to level horizons and huge skies. Existing electricity infrastructure is already noted in the LCA as a local landscape*

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*detractor. In the Council's view, this would outweigh any positive social or economic impacts upon the residents of the District."*

- 4.42 The Applicant refers the ExA to the Applicant's response to policy C2 (Development in the countryside) set out above which addresses the matters raised by NKDC in respect of policy LW1.

#### **Evidence plan**

- 4.43 In order to engage with relevant statutory consultees the Applicant initiated the EIA Evidence Plan process in May 2014 in order to facilitate discussions on key concerns for statutory bodies. This has led to the submission of the EIA Evidence Plan as one of the Applicant's application documents (document reference 8.16). NKDC was invited to participate within the process which led to the production of the Evidence Plan, but did not respond to the invitation. The Applicant is disappointed that NKDC have not engaged sooner as many of the statutory bodies involved in the EIA Evidence Plan process have fed back positive reviews of that process.

## Part 3 The Applicant's response to Interested Parties' responses to the ExA's first written questions

Question Number	Topic Heading/ Respondent	Question
DCO1.13	<p><i>Article 5 - Transfer of benefit of Order</i></p> <p><b>The Marine Management Organisation</b></p> <p><b>Boston Borough Council</b></p> <p><b>East Lindsey District Council</b></p>	<p>Article 5(6)(a) requires the undertaker to notify the Marine Management Organisation 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.</p> <p>Are you content that five days is sufficient time to deal with such a notification?</p>

### DCO 1.13

1. The Applicant notes the Marine Management Organisation (MMO), Boston Borough Council (BBC) and East Lindsey District Council (ELDC) have responded to this question.

### MMO

2. In its response to **DCO 1.13** the MMO reiterates its comments regarding the transfer provisions set out in Article 5 of the draft DCO) (document reference 3.1). In

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particular, in requesting that prior approval is sought for all transfers the MMO states that this is needed “*to ensure clear understanding of who is responsible for what aspects of the project and that appropriate mitigation and controls are in place on the dML*”.

3. In response to this, the Applicant would refer the ExA to the record of agreement in the SoCG with the MMO at Appendix 31 of the Applicant’s Response to Deadline 1, and in particular section 5. Picking up on the specific point raised above, it should be noted that the approval process under Article 5 (1) makes no provision for the matters raised by the MMO or for the Secretary of State to be satisfied in relation to those matters before consenting to a transfer or grant. As a result, to require prior approval of all transfers or grants under Article 5 would not address the MMO’s concerns.
4. In response to the comment raised in relation to 5(6)(a)(iv), the MMO has failed to note that the details set out in this paragraph (“the restrictions, liabilities and obligations that will apply to the person exercising the powers transferred or granted”) are to be provided to the Secretary of State, the MMO and the relevant planning authority in advance of the transfer or grant taking place. Although the relevant planning authorities have confirmed in their responses to **DCO 1.13** that 5 days is sufficient notice, the Applicant has agreed with the MMO that this would be extended to 10 days to allow the necessary internal notifications within the Organisation.

### **Boston Borough Council**

5. The Applicant notes that in its response, BBC has confirmed that they are content with the timescales. The Applicant has no further comment.

### **East Lindsey District Council**

6. The Applicant notes that in its response ELDC has confirmed that the timescale set in Article 5(6)(b) for notification is sufficient. The Applicant therefore has no further comment to make at this stage.

Question Number	Topic Heading/ Respondent	Question
DCO 1.15	<p><i>Article 6 – Application and modification of legislative provisions</i></p> <p><b>Boston Borough Council</b></p> <p><b>East Lindsey District Council</b></p>	<p>Article 10 would have the effect of modifying Regulation 6 of the Hedgerows Regulations 1997(a).</p> <p>a) Are you content that this provision should be thus modified?</p> <p>b) Are you content that this provision should apply to all land within the Order Limits?</p>

### DCO 1.15

1. The Applicant notes both Boston Borough Council and East Lindsey District council have responded to this question and confirmed that both are content on both points raised by the ExA in its question **DCO 1.15**. The Applicant has no further comment.

Question Number	Topic Heading/ Respondent	Question
DCO 1.26	<p><i>Article 35 - Felling or lopping of trees and removal of hedgerows.</i></p> <p><b>Boston Borough Council</b></p> <p><b>East Lindsey District Council</b></p>	<p>Article 35(5) would have the effect of giving the applicant deemed consent to fell or lop trees covered by a Tree Preservation Order.</p> <p>Are you content that this provision should be included in the draft DCO?</p>

### DCO 1.26

1. The Applicant notes that both BBC and ELDC have responded to this question and conformed that neither has any objection to the inclusion of this provision within the draft DCO. The Applicant therefore has no further comment at this stage.

Question Number	Topic Heading/ Respondent	Question
DCO 1.32	<p><i>Schedule 1, Part 3 – Requirements – Interpretation</i></p> <p><b>Boston Borough Council East Lindsey District Council</b></p>	<p>“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.</p> <p>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.</p> <p>Confirm, or otherwise, your agreement to this approach.</p>

### DCO 1.32

1. The Applicant notes that both Boston Borough Council (BBC) and East Lindsey District Council (ELDC) have responded to this question.
2. The Applicant notes that in their responses Boston confirm that they have agreed this with the Applicant and ELDC note that the creation of separate stages is a helpful approach. The Applicant has no further comment.

Question Number	Topic Heading/ Respondent	Question
DCO 1.41	Schedule 1, Part 3 – Requirement 9 - Fencing and other means of enclosure  <b>The Applicant</b>	In its Relevant Representation [RR- 106], the Environment Agency suggests the following wording be added to Requirement 9 as 9(5): No walls or solid means of enclosure around Work Nos 9A and 50A shall be constructed until a flood risk assessment, which demonstrates that there will be no increased risk of flooding to third parties resulting from the enclosure, has been submitted to and approved by the relevant planning authority, in consultation with the Environment Agency. State your acceptance, or otherwise, of this suggested addition; evidencing your reasons if this is not acceptable.

#### DCO 1.41

1. The Applicant notes the Environment Agency has responded to this question and as stated by the EA in their response it has been agreed that the requested amendment to Requirement 9 is not required. The Applicant has no further comment.

Question Number	Topic Heading/ Respondent	Question
DCO 1.48	<i>Schedule 1, Part 3 – Requirement 19 – European protected species</i>  <b>Natural England</b>	Requirement 19 deals with the possible presence of European protected species on any of the land affected.  State you acceptance, or otherwise of this Requirement, providing your reasoning

#### DCO 1.48

1. The Applicant notes Natural England has responded to this question.
2. The Applicant notes that Natural England have confirmed that on the basis of the information provided to date, and the amount of ecological survey that has reasonably been possible, Natural England is satisfied with the current conclusions of no significant impact upon legally protected species for the purposes of assessment by the Examining Authority. It is further noted that this is dependent on the pre-construction surveys (and any resultant mitigation), which are secured by Requirement 19 of the draft DCO.
3. The Applicant has no further comment at this stage.

Question Number	Topic Heading/ Respondent	Question
DCO 1.52	<i>Schedule 1, Part 3 – Proposed additional Requirement</i>  <b>The Environment Agency</b>	<p>In your Relevant Representation [RR-106] you request that a scheme to protect the current Bathing Water Directive status be submitted to and approved by the relevant planning authority, following consultation with the Environment Agency.</p> <p>State whether you suggest that this document should be a ‘certified’ plan or document to be listed as such in Article 36.</p>

### DCO 1.52

1. The Applicant notes both the Environment Agency and the Marine Management Organisation (MMO) have responded to this question.
2. The Applicant notes that the Environment Agency considers that any scheme which may be included in relation to Bathing Water Directive Status, should not be a ‘certified’ plan or listed as such in Article 36. The Applicant agrees with the Environment Agency’s assertion in this matter.
3. Recognising that this matter is still under discussion with the Environment Agency, the Applicant also notes the MMO’s comments on this question identifying their role as the approving organisational body for any bathing water plan to be set for approval below the Mean High Water Spring mark.

Question Number	Topic Heading/ Respondent	Question
DCO 1.55	<i>Schedule 11, Discharge of Requirements</i> <b>Boston Borough Council</b> <b>East Lindsey District Council</b>	<p>Section 1 of Schedule 11 gives local planning authorities 8 weeks within which to give notice of their decision on the discharge of requirements.</p> <p>State your acceptance, or otherwise, of this time limit. Evidence your response if you do not accept this.</p>

### DCO 1.55

1. The Applicant notes that both Boston Borough Council (BBC) and East Lindsey District Council (ELDC) have responded to this question.

#### **Boston Borough Council**

2. The Applicant notes that BBC identifies that the timescale was considered to represent good/standard practice and is acceptable to the Council. The Applicant has no further comment.

#### **East Lindsey District Council**

3. The Applicant notes that in their response ELDC has confirmed that they accept the time limit of 8 weeks. The Applicant therefore has no further comment to make at this stage.

Question Number	Topic Heading/ Respondent	Question
DCO 1.59	<p><i>Draft Deemed Marine Licence</i></p> <p><b>The Marine Management Organisation</b></p> <p><b>Natural England</b></p>	<p>Appendix 1 of Natural England’s Relevant Representation [RR-175] advises that cable protection should be a last resort and should be kept to a minimum, fully justified where needed and should closely mimic the natural environment. It also states that where cable protection is required in a designated site, full consideration should be given to removal at the time of decommissioning and that NE’s preference is to bury cables to a specified minimum cable depth.</p> <p>Are Natural England and the Marine Management Organisation satisfied that Condition 1 in the draft DML in respect of cable protection measures is sufficient to address the concerns of Natural England?</p>

### DCO 1.59

1. The Applicant notes the MMO and Natural England have responded to this question.
2. The MMO’s position is noted, as is Natural England’s response to this question, which confirms that “*condition 1 and condition 7(c)(i) together are sufficient to address our concerns*”.
3. Accordingly, the Applicant has no further comment at this stage.

Question Number	Topic Heading/ Respondent	Question
DCO 1.64	<p><i>Draft Deemed Marine Licence</i></p> <p><b>The Marine Management Organisation</b></p> <p><b>The Marine and Coast Guard Agency</b></p>	<p>Part 2, Condition 1 of the draft DML requires that the finished height of any cable protection must not exceed 10% of the navigable water depth existing prior to works commencing unless otherwise agreed in writing in advance with the MMO and MCA.</p> <p>Signify, or otherwise, your agreement to the inclusion of this Condition in the draft DML</p>

### DCO 1.64

1. The Applicant notes the MMO and Marine and Coastguard Agency (MCA) have responded to this question.

#### MMO

2. The Applicant notes the MMO is content that this condition is included within the DML, however the MMO will defer to the MCA regarding navigational requirements.

#### MCA

3. With regards to the MCA, the Applicant refers the ExA to paragraph 4.41 of the SoCG with the MCA (Appendix 34 of the Applicant's response to deadline 1), which confirms the MCA's agreement to this limit on the reduction in water depth as follows:

*"It is agreed, following consultation with the MCA on the project specific details and the controlling factors on water depth in the area, that the wording of Part 2 Condition 1 Design Parameters adequately secures the requirement that the finished height of cable protection must not exceed 10% of the navigable water depth unless written approval is obtained in advance from the MMO and MCA."*

Question Number	Topic Heading/ Respondent	Question
DCO 1.66	<p><i>Draft and Deemed Marine Licence</i>      <i>DCO draft</i></p> <p><b>The Applicant</b></p> <p><b>The Marine Management Organisation (MMO)</b></p>	<p>Paragraph 2.7 of the Explanatory Memorandum [APP- 011] states that: the TKES Order limits overlap with those for the Triton Knoll Offshore Wind Farm Order4 (“the Array Order”) and that has been agreed with both the Planning Inspectorate and the MMO that no specific drafting is considered necessary to address this overlap as the TKES Order and deemed marine licence and the Array Order and deemed marine licence authorise separate and distinct works and there is no inconsistency between them.</p> <p><b>Applicant:</b> Show where this agreement with the Planning Inspectorate is recorded.</p> <p>To the <b>MMO:</b> Confirm or otherwise that you so no difficulties in the possible existence of overlapping Development Consent Orders and Deemed Marine Licences.</p>

### DCO 1.66

1. The Applicant notes that the MMO has responded to this question.
2. The Applicant notes that the MMO are content that the DCO/DML for both respective projects are distinct and clearly defined within each respective Order. The Applicant has no further comment.

Question Number	Topic Heading/ Respondent	Question
DCO 1.70	<i>Article Direction</i> <b>Boston BC</b>	<p>4 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.</p> <p>Why do you consider an Article 4 Direction necessary?</p>

#### DCO 1.70

1. The Applicant notes BBC has responded to this question.
2. The Applicant notes the Council's response to **DCO 1.70** and, whilst it understands the Council's concerns, this is a matter for NGET and BBC and outside of the scope of both the TKES application and the examination. It is also a matter over which the Applicant has no control.

Question Number	Topic Heading/ Respondent	Question
Alt 1.2	<i>Interface selection</i> <b>National Grid</b>	Does National Grid have a policy or programme to co-ordinate multiple applications for wind farms?

**Alt 1.2**

1. The Applicant notes National Grid Electricity Transmissions Plc (NGET) has responded to this question. The Applicant has no further comment to make.

Question Number	Topic Heading/ Respondent	Question
Alt 1.3	<i>Interface selection</i>  <b>The Applicant</b>	<p>Paragraph 4.30 of APP-023 (6.2.1.4 Site Selection and Alternatives) states that potential on-shore interface connections at the existing Hedon, Saltend North, Saltend South and Keadby substations were discounted from the refined long list because of extensive transmission system reinforcements would be required including new overhead lines and substations to comply with the National Electricity Transmission System Security and Quality of Supply Standards (NETS SQSS).</p> <p>a) Do the co-ordinated set of criteria and methodologies of the NETS SQSS referred to in Paragraph 2.1.7 of APP-120 (8.18 Triton Knoll Interface Selection Assessment Report), prevent or restrict upgrading of existing substations when capacity exists elsewhere?</p> <p>b) <b>If not</b>, show where upgrading of those substations (i.e. providing new overhead lines and substations) was considered as part of the selection process?</p>

### Alt 1.3

1. The Applicant notes National Grid Electricity Transmissions Plc (NGET) has responded to this question. The Applicant has no further comment to make beyond its own response to this question at Deadline 1.

Question Number	Topic Heading/ Respondent	Question
Alt 1.4	<i>Interface selection</i> <b>The Applicant</b> <b>National Grid</b>	<p>Paragraph 4.51 of document APP-023 (6.2.1.4 Site Selection and Alternatives) says that Killingholme, Grimsby West and South Humber Bank substations require upgrading through a project known as the Humberbank Reinforcement (HR), which will provide the construction of a new on-shore 400 kv circuit.</p> <p>State whether the HR has been completed or whether works are underway, or works are planned?</p>

**Alt 1.4**

1. The Applicant notes National Grid Electricity Transmissions Plc (NGET) has responded to this question. The Applicant has no further comment to make beyond its own response to this question at Deadline 1.

Question Number	Topic Heading/ Respondent	Question
Alt 1.5	<i>Interface selection</i> <b>The Applicant</b> <b>National Grid</b>	<p>Paragraph 4.71 of APP-023 (6.2.1.4 Site Selection and Alternatives) says that the Hornsea off-shore windfarm projects one and two will connect to the Killingholme substation.</p> <p>If the HR works are not complete or underway, how is the Hornsea off-shore windfarm able to connect to Killingholme without the HR project being completed?</p>

**Alt 1.5**

1. The Applicant notes National Grid Electricity Transmissions Plc (NGET) has responded to this question. The Applicant has no further comment to make beyond its own response to this question at Deadline 1.

Question Number	Topic Heading/ Respondent	Question
Alt 1.7	<i>Interface selection</i> <b>The Applicant</b> <b>National Grid</b>	Clarify why Grimsby West substation was discounted as an option at the long list stage of the interface selection assessment, because of the need for HR, whereas Killingholme, Humber Refinery and South Humber Bank were not.

#### Alt 1.7

1. The Applicant notes National Grid Electricity Transmissions Plc (NGET) has responded to this question. The Applicant has no further comment to make beyond its own response to this question at Deadline 1.

Question Number	Topic Heading/ Respondent	Question
Alt 1.12	<i>Interface selection</i> <b>Environment Agency</b>	<p>Paragraphs 4.2.59-67 and 5.8.7 to 5.8.16 of APP-120 (8.18 Triton Knoll Interface Selection Assessment Report) refer to the fact that the East Riding of Yorkshire (ERY) coastline coast is being eroded. Paragraphs 5.10.6 for Nevilles Farm, and 5.10.19 for Kilnsea of APP-120 state that there is no existing coastal protection or sea defences and the area of the coast is being allowed to erode naturally.</p> <p>Explain if this is correct and, if so, what is the rationale for this approach?</p>

### Alt 1.12

1. The Applicant notes the Environment Agency has responded to this question, confirming the shoreline management strategy for this section of coastline. The Applicant has no further comment at this stage.

Question Number	Topic Heading/ Respondent	Question
Alt 1.20	<i>Landfall selection</i> <b>The Applicant</b> <b>Lincolnshire Wildlife Trust</b>	a) To what extent did of the decision to use Anderby Creek North rely on the fact that no agreement could be reached with the Lincolnshire Wildlife Trust to use Anderby Creek South, as set out in Paragraph 4.3.16 of Document 8.17? b) State whether compulsory acquisition was considered.

**Alt 1.20**

1. The Applicant notes the Lincolnshire Wildlife Trust (LWT) has responded to this question. The Applicant would highlight to the ExA its response to this question, specifically paragraph 3.244, in the Applicant's Response to Deadline 1.

Question Number	Topic Heading/ Respondent	Question
Alt 1.31	Site selection <b>East Lindsey District Council</b>	Paragraph 5.3.30 APP-117 (8.17 Site Selection and Design Report – Part 1 Report and Appendices A and B) says that East Lindsey DC requested the Intermediate Electrical Compound be located in the ‘brown zone’ at Wainfleet Industrial Estate.  Explain why the Council preferred this site?

**Alt 1.31**

1. The Applicant notes that ELDC has responded to this question.
2. The Applicant refers the ExA to the Site Selection and Design Report (document reference 8.17), which sets out at paragraph 5.3.27 – 5.3.38 the background to the site selection of the IEC.
3. The Applicant would also direct the ExA to its responses to questions **Alt 1.32** and **Alt 1.34** of the examiner’s first written questions, which provide further information relevant to the selection of the location for the IEC.

Question Number	Topic Heading/ Respondent	Question
Alt 1.33	<i>Vision for Skegness</i> <b>East Lindsey District Council</b>	<p>a) Explain the 'Vision for Skegness' which the applicants refer to in paragraph 5.3.30 of APP-117 (8.17 Site Selection and Design Report – Part 1 Report and Appendices A and B) and how this affects development within the 'brown zone'.</p> <p>b) What stage of the local plan drafting process does this form?</p> <p>c) Why would the location of the Intermediate Electrical Compound in the 'brown zone' compromise future development?</p>

### Alt 1.33

1. The Applicant notes that ELDC has responded to this question.
2. The Applicant refers the ExA to the Site Selection and Design Report (document reference 8.17), which sets out at paragraph 5.3.27 – 5.3.38 the background to the site selection of the IEC, including the Applicant's consideration of the Vision for Skegness and the reasons it felt it could not continue to promote the IEC on the identified brown zone. Further detail is available in section 7.2.6 in Appendix B – Triton Knoll - Alternatives Consultation Report (of the site Selection and Design Report (document reference 8.17) and also in Appendix 10 of Appendix B.
3. Finally, please also refer to the Applicant's responses to questions **Alt 1.34** of the examiner's first written questions, which provides further information relevant to the selection of the location for the IEC.

Question Number	Topic Heading/ Respondent	Question
Alt 1.35	<i>Site selection</i> <b>East Lindsey District Council</b>	<p>Paragraph 5.3.31 of APP-117 (8.17 Site Selection and Design Report) says that the Council could no longer advise on its preference for the IEC.</p> <p>a) Is this statement correct?</p> <p>b) Do you have a current preference for the location of the Intermediate Electrical Compound? You may choose to address this question in your Local Impact Report</p>

### Alt 1.35

1. The Applicant notes that ELDC has responded to part 'a' of the question, confirming that ELDC could no longer advise of its preference for the IEC.
2. The Applicant also notes that ELDC refer to their LIR and Written Representation in their response to part 'b' of the question.
3. The Applicant can find no reference to the location of the IEC in ELDC LIR.
4. In relation to the summary of the site selection and design process which resulted in the IEC site, provided in paragraphs 2.7 to 2.11 of ELDC's Written Representation, the Applicant directs the ExA to its response to questions **Alt 1.32**, **Alt 1.33**, **Alt 1.34** and **Alt 1.37** of the ExA's first written questions, which respond to the concerns expressed in considerable detail and confirm the Applicant's position that the site selection and design process was robust and resulted in an appropriate site for the IEC.
5. The ExA is directed towards the SoCG with Lincolnshire County Council (Appendix 30 of the Applicant's Response to Deadline 1), which states at paragraph 4.20 that *"it is agreed that the site selection and alternatives process has resulted in an appropriate location for the IEC."*
6. The ExA is directed towards the SoCG with Natural England (Appendix 18 of the Applicant's Response to Deadline 2), which states at paragraph 4.23 that *"it is*

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*agreed that the site selection and alternatives process has resulted in an appropriate location for the IEC.”*

7. The Applicant refers the ExA to the Site Selection and Design Report (document reference 8.17), which sets out at paragraph 5.3.27 – 5.3.38 the background to the site selection of the IEC, including the Applicant’s consideration of the Vision for Skegness and the reasons it felt it could not continue to promote the IEC on the identified brown zone. Further detail is available in section 7.2.6 in Appendix B – Triton Knoll - Alternatives Consultation Report (document reference 8.17).
8. Finally, please also refer to the Applicant’s responses to questions **Alt 1.34** of the examiner’s first written questions, which provides further information relevant to the selection of the location for the IEC.

Question Number	Topic Heading/ Respondent	Question
Alt 1.36	<i>Site selection</i> <b>East Lindsey District Council</b>	<p>Table 5.4 of APP-117 (8.17 Site Selection and Design Report – Part 1 Report and Appendices A and B) states that the Council in responding to comments on Site 3 (the preferred site within the ‘red zone’) is not supported.</p> <p>No comments are offered on Site 4 adjacent to the Skegness Stadium.</p> <p>Provide such comments.</p>

### Alt 1.36

1. The Applicant notes that ELDC have responded to this question, highlighting concerns regarding the consolidation of development in the area.
2. The Applicant directs the ExA to its response to questions **Alt 1.32**, **Alt 1.33**, **Alt 1.34** and **Alt 1.37** of the ExA’s first written questions, which respond to the concerns expressed in considerable detail and confirm the Applicant’s position that the site selection and design process was robust and resulted in an appropriate site for the IEC.
3. The ExA is directed towards the SOCG with Lincolnshire County Council (Appendix 30 of the Applicant's Response to Deadline 1), which states at paragraph 4.20 that “it is agreed that the site selection and alternatives process has resulted in an appropriate location for the IEC.”
4. The ExA is directed towards the SOCG with Natural England (Appendix 18 of the Applicant's Response to Deadline 2), which states at paragraph 4.23 that “*it is agreed that the site selection and alternatives process has resulted in an appropriate location for the IEC.*”
5. The Applicant notes that in their response ELDC have concerns regarding the point made that remedial screening will take 15 years to mature.
6. The Applicant also draws the ExA’s attention to its response to question **LV1.11 (b)** of the ExA’s first written questions, which states that “*it is reasonable and fair to*

*assume that any proposed and agreed appropriate landscape mitigation scheme, as secured through the DCO, will become effective over time and to assume that the visual effects of the development will gradually reduce over the time period between year 1 and year 14 as the mitigation planting establishes, grows and matures, and evolves into an effective screen.”*

Question Number	Topic Heading/ Respondent	Question
Alt 1.37	<i>Site selection</i> <b>The Applicant</b> <b>East Lindsey DC</b>	<p>It is not clear from the APP-117 (8.17 Site Selection and Design Report – Part 1 Report and Appendices A and B) why the ‘yellow zone’ (land adjacent to Middlemarsh Landfill) was disregarded.</p> <p>Explain why the ‘yellow zone’ was not preferred or considered against the merits of the red and brown zones?</p>

**Alt 1.37**

1. The Applicant notes that ELDC have responded to this question.
2. The Applicant notes that in their response, ELDC noted that the yellow zone was felt to be quite open to view and as such would be a more prominent, alien, feature in the landscape and could not be supported.
3. The Applicant agrees, noting it is response to **Alt 1.37** that environmental issues that reduced the score of the Yellow Zone compared to the other two zones included ELDC’s view that visual screening would not be effective at that location, the presence of a nature reserve stewardship scheme and the proximity to the Grazing marsh.

Question Number	Topic Heading/ Respondent	Question
Alt 1.38	<i>Site selection</i> <b>The Applicant</b> <b>Boston Borough Council</b>	<p>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 Drove.</p> <p>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</p> <p>b) why the Council’s view was so decisive in the applicant’s decision to prefer the ‘blue zone’?</p>

**Alt 1.38**

1. The Applicant notes that Boston Borough Council (BBC) has responded to this question. The Applicant has no further comment.

Question Number	Topic Heading/ Respondent	Question
Alt 1.39	<i>Site selection</i> <b>The Applicant</b> <b>Boston Borough Council</b>	<p>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.</p> <p>What are the distances from the ‘blue zone’ and the ‘green zone’ from residential properties?</p>

**Alt 1.39**

1. The Applicant notes that BBC has responded to this question.
2. The Applicant has nothing further to add beyond its response to the ExA’s first Written Questions, submitted for Deadline 1.

Question Number	Topic Heading/ Respondent	Question
AH 1.7	<p><i>Outline Onshore Historic Environment WSI</i></p> <p><b>The Applicant</b></p> <p><b>English Heritage</b></p> <p><b>Lincolnshire County Council</b></p> <p><b>East Lindsey DC</b></p> <p><b>Heritage Trust for Lincolnshire</b></p> <p><b>Boston BC</b></p>	<p>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.</p> <p><b>To the Applicant</b></p> <p>Is the “Outline Onshore Historic Environment WSI” the “Outline Written Scheme of Investigation for Onshore Archaeology” [APP-111]?</p> <p><b>To All</b></p> <p>Confirm, or otherwise your agreement with the Outline Written Scheme of Investigation for Onshore Archaeology [APP-111] as a suitable programme of works.</p> <p>Note: This question may be answered in a Statement of Common Ground or Local Impact Report. If so, reference to section in which the response is found.”</p>

## AH 1.7

1. The Applicant notes that Historic England, East Lindsey District Council and Boston Borough Council have responded to this question. The Applicant is not aware of a response submitted by either Lincolnshire County Council or the Heritage Trust for Lincolnshire.

### Historic England

2. The Applicant notes that Historic England has responded to this question through reference to statements of agreement on the suitability of the Outline Written Scheme of Investigation (WSI) as a programme of works for the proposed development and

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that this will ensure that any potential impacts on the historic environment are appropriately mitigated.

### **East Lindsey District Council**

3. The Applicant notes ELDC's response that it has engaged the services of the Lincolnshire County Council Archaeological service in respect of this matter on its behalf.
4. The Applicant refers to the stated agreement on this matter with Historic England (formerly English Heritage), ELDC, and BBC as set out in its response to this question submitted at Deadline 1.
5. Please also refer to the agreement set out in the final SoCG with ELDC (Appendix 20 of the Applicant's Response to Deadline 2), which states at paragraph 9.22 that "*with respect to mitigation measures, it is agreed that the embedded mitigation measures have minimised potential impacts to the historic environment as a result of the construction, operation and decommissioning of the project. In addition, it is agreed that the Onshore WSI is a robust approach to ensuring potential historic environment impacts are mitigated.*"

### **Boston Borough Council**

6. The Applicant notes that BBC has confirmed that the Outline Written Scheme of Investigation is agreed as a suitable programme of works.

Question Number	Topic Heading/ Respondent	Question
AH 1.8	<i>East Lindsey Local Plan</i> <b>East Lindsey District Council</b>	<p>Table 8-1 of Volume 3: Chapter 8 of the Environmental Statement [APP-049] states that the provision of the baseline data in Annex 8.1 Volume 5 demonstrates compliance with the surviving policies of the East Lindsey Local Plan 1995 (with Alterations 1999).</p> <p>Confirm, or otherwise, this compliance.</p> <p><b>NOTE:</b> This question may be addressed in the preparation of a Local Impact Report or Statement of Common Ground</p>

### AH 1.8

1. The Applicant notes that in its response to **AH 1.8**, ELDC state that they “*will address this in our written submissions. In general however the Policy A5 of the development plan is something that the proposed IEC will have difficulty complying with as it will have a harmful impact upon the character of the area. ELDC will draw particular attention to 2.92-2.96 of the explanatory notes for Policy A5.*”
2. The Applicant notes that pages of ELDC planning policy have been appended to their Written Representation, however the Applicant can find very limited content in ELDC’s Written Representation relating to Policy A5 of the development plan. Policy A5 (Quality and Design of Development) of the East Lindsey Local Plan Saved Policies September 2007, refers to The Fens and Marshes at paragraphs 2.92 – 2.96.
3. The Applicant’s consideration of this policy, and other relevant policies is set out in Table 2-1 in Volume 3, Chapter 2 *Landscape and Visual* of the ES.
4. Policy A5 is summarised in Table 2-1 as stating that “*development will only be permitted where: a) Its design - including its layout, density, scale, appearance or choice of materials - does not detract from the distinctive character of the locality; b) It retains or incorporates features or characteristics which are important to the quality of the local environment including medium and long distance views; c) It is integrated within a landscaping scheme appropriate to its setting. The policy goes on to state that development proposals should take into account the locally distinctive character. It also states that landscaping should be an integral part of the proposed*

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*development and considered from the outset of a design proposal. For sites larger than 0.25 hectares the Council expects to see an “integrated landscaping and built development scheme.”*

5. The Applicant considers that the considerable consultation has informed the development of an integrated landscaping and built development scheme for the IEC and Substation, which complies with Policy A5, as set out within Table 2- 14 of Volume 3, Chapter 2 of the ES and in more detail in Section 7 and Figure 7.1 and 7.2 of the Outline LSEMP (document reference 8.8).
6. In relation to the specific reference to The Fens and Marshes at paragraphs 2.92 – 2.96 of the East Lindsey Local Plan Saved Policies September 2007, the Applicant considers that the baseline environment described in Volume 5, Annex 8.1 of the ES informs the assessment through an appropriate consideration of the character of the area.

Question Number	Topic Heading/ Respondent	Question
AH 1.9	<p><i>Boston Local Plan</i></p> <p><b>Boston Borough Council</b></p>	<p>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).</p> <p>Confirm, or otherwise, that this is your understanding of the status of your local plan policies in this respect.</p> <p>NOTE: This question may be addressed in the preparation of a Local Impact Report or Statement of Common Ground</p>

**AH 1.9**

1. The Applicant notes BBC has responded to this question, confirming the position identified by the Applicant in the Application and detailing that as ‘unsaved’ policies, the local plan policies have no status, with heritage guidance being provided by the NPPF, online Planning Practice Guidance and the GPAs. The Applicant has no further comment.

Question Number	Topic Heading/ Respondent	Question
CA 1.21	<i>The guarantee</i> <b>Boston Borough Council</b> <b>East Lindsey District Council</b>	<p>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]</p> <p>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</p>

### CA 1.21

1. The Applicant notes that both Boston Borough Council and East Lindsey District Council have responded to this question. Both authorities have confirmed that the provision within Article 38 of the draft DCO is acceptable. The Applicant has no further comment.

Question Number	Topic Heading/ Respondent	Question
EOf 1.1	<i>Position</i> <b>Natural England</b>	Expand on your view of the scheme, as expressed at the Preliminary Meeting, that notwithstanding the comments in your Relevant Representation, that you have no concerns with the scheme?

#### EOf 1.1

1. The Applicant notes and welcomes the comments from NE in its response to this question and in its Written Representation where the reasoning and conclusions as to why each of the issues has been resolved is set out. The Applicant also refers the ExA to the SoCG between the Applicant and Natural England, Appendix 18 of the Applicant's response to Deadline 2, where all relevant matters in this regard are recorded as agreed between the parties.

Question Number	Topic Heading/ Respondent	Question
EOf 1.4	<i>Cable depth</i> <b>The Applicant</b> <b>Natural England</b>	<p>Appendix 1 of Natural England’s Relevant Representation [RR-175] states that in respect to cable depths, its preference is to bury cables to the specified minimum cable depth which is stated in paragraph 1.30 of document APP-028 (6.2.2.1 Off-shore Project Description) as 1.5m in general; with a 1m burial in chalk area (3.5km of route) and 3m burial in intertidal area.</p> <p>a) Confirm these depths could be achieved and</p> <p>b) To Natural England confirm whether this needs to be secured in the draft DCO [APP-010].</p>

#### EOf 1.4

1. The Applicant notes Natural England has responded to this question.
2. The Applicant notes Natural England’s confirmation that it is satisfied that the achievable cable burial depths will be informed by final preconstruction engineering studies and ground investigation works and that this is appropriately included within the cable specification and installation plan as secured under condition 7(f) of the DML. The Applicant highlights the inclusion of the relevant controls in condition 7(f)(ii), which stipulates provision of:

*‘a detailed cable laying plan, incorporating a burial risk assessment to ascertain suitable burial depths and cable laying techniques, including cable protection.’*

3. Accordingly, the Applicant has no further comment.

Question Number	Topic Heading/ Respondent	Question
EOf 1.7	<i>Bathing water quality</i> <b>The Applicant</b> <b>The Environment Agency</b>	<p>The Environment Agency’s Relevant Representation [RR-106] states that the landfall works “have the potential to significantly increase bacti levels ... Anderby ... is currently designated as having ‘excellent’ water quality status ... we request that a risk assessment on the potential impacts on bathing water quality at Anderby and Moggs Eye bathing beaches is undertaken ...</p> <p>Explain what measures the scheme should include.</p>

### EOf 1.7

1. The Applicant notes the Environment Agency has responded to this question.
2. The Applicant notes the Environment Agency has provided a suggested scope for a risk assessment scheme to ensure bathing water quality status at Anderby and Moggs Eye bathing beaches is protected during the bathing season. The Applicant also notes that the Environment Agency has suggested an additional Requirement in the DCO in their Written Representation.
3. The Applicant and the Environment Agency have continued discussions on the need for and form of any additional controls to provide for the safeguarding of bathing water quality status at the two beaches. The Applicant has provided further detail on the current status of these discussions in paragraphs 1.13 *et seq.* of the Applicant’s comments on the EA’s Written Representation, submitted at Appendix 4 to the Response.

Question Number	Topic Heading/ Respondent	Question
EOf 1.8	<i>Sandwave crests</i> <b>The Applicant</b> <b>Natural England</b>	<p>Natural England state in Appendix 1 of their Relevant Representation that a table (unspecified) and the section on sandwave crest level preparation works (paragraphs 2.107 onwards of document APP-029 (6.2.2.2 Marine Physical Environment)) contradicts paragraphs 1.35 and 1.37 of document APP-028 (6.2.2.1 Off-shore Project Description) regarding how the sandwave crests will be removed.</p> <p>a) Clarify the table which is referred to by NE?</p> <p>b) Respond to the point made by NE?</p>

### EOf 1.8

1. The Applicant notes Natural England has responded to this question.
2. The Applicant can confirm that discussions with Natural England have resolved the points raised on sandwave preparation works and refers the ExA to section 3 of Appendix 25 of the Applicant's response to deadline 2, *Clarification Note in response to Natural England Relevant Representation, principally covering offshore cable installation techniques* and also to Annex A of the SoCG between the Applicant and Natural England, Appendix 18 of the Response, that confirms that this matter is now agreed.

Question Number	Topic Heading/ Respondent	Question
EOn 1.1	<i>Viking Link interconnector</i>  <b>The Applicant</b>  <b>National Grid Viking Link Limited</b>	<p>National Grid Viking Link Limited proposes to construct the Viking Link interconnector which will also connect to the National Grid at Bicker Fen, and which may, therefore, follow a route similar to that proposed for this project.</p> <p>a) Has a cumulative assessment been undertaken?</p> <p>b) if so, how has this been undertaken?</p> <p>c) if so, what is the outcome of that assessment?</p> <p>d) Has any further information been made available on the Viking Link Interconnector since the submission of the Environmental Statement that could be used to inform an updated EIA?</p>

### EOn 1.1

1. The Applicant is not aware of a response to this question from National Grid Viking Link Ltd.

Question Number	Topic Heading/ Respondent	Question
EOn 1.2	<p><i>Viking Link interconnector</i></p> <p><b>National Grid Viking Link Limited</b></p>	<p>a) State whether it is currently intended that any application for the on-shore section of the proposed Viking Link Interconnector will be made under Town and Country Planning legislation rather than by any other method of gaining approval;</p> <p>b) Are there any current intentions for National Grid Viking Link Limited to seek a Direction under Section 35 of the Planning Act 2008 (as amended) in respect of the Viking Link Interconnector?</p> <p>c) What is the current intended timing for the submission of a planning application for this project?</p> <p>d) Your Relevant Representation [RR-005] states that this electrical interconnector will connect to the Bicker Fen substation. Is that a final decision?</p> <p>e) Has an electricity interconnector licence under section 6(1)(b) of the Electricity Act 1989 been granted by OFGEM?</p> <p>If so, provide a copy of that licence</p> <p>If so, does that agreement specify connection to the grid at the substation at Bicker Fen?</p> <p>f) Has a grid connection agreement been signed with National Grid?</p> <p>If so, provide a copy of that agreement</p> <p>If so, does that agreement specify connection to the grid at the substation at Bicker Fen?</p> <p>g) Has a cap and floor regime been granted in principle by OFGEM?</p> <p>If so, provide a copy of that decision</p> <p>If so, by what date is a full FPA cost submission required by OFGEM?</p>

		<p>If so, what reporting regime on progress is required by OFGEM?</p> <p>h) Is National Grid Viking Link Limited in discussion with the MMO in respect of an application for a Marine Licence or Marine Licences?</p> <p>i) At what stage of progression is any assessment of the on- and off-shore environmental impacts of the Viking Link Interconnector?</p> <p>j) What is the current intended timing for completion of the assessment of the environmental impacts for this proposed project?</p> <p>k) To what extent are current assessments evaluating in-combination and/or cumulative impacts arising from the proposed Triton Knoll Electrical System?</p> <p>l) Has any material arising out of any assessments of possible impacts of the project been published/made public?</p> <p>If so, direct the ExA to where assessment material may be found</p> <p>m) At what stage is the assessment of alternative routes for this proposed project?</p> <p>n) What is the current intended timing for a decision on the choice of route or alternative routes for this proposed project?</p> <p>o) A number of the Relevant Representations, including those from Lincolnshire County Council [RR-062], the National Farmers' Union [RR-048], and the Triton Knoll Cable Group [RR-016] assert i) that the Viking Link Interconnector cable will come ashore in the vicinity of Anderby Creek and ii) that it will follow the same proposed route as the proposed Triton Knoll Electrical System. Set out your understanding of the veracity of these two assertions</p> <p>p) Is one option being considered the sharing of the proposed Triton Knoll Electrical System cabling if that were consented?</p>
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		<p>q) Has any consultation with the public and/or local authorities and/or other bodies taken place in respect of the proposed Viking Link Interconnector project?</p> <p>If so, direct the ExA to where consultation material may be found.</p> <p>r) What discussions, if any, have taken place between National Grid Viking Link Limited and Triton Knoll Offshore Wind Farm Limited, RWE Innogy UK Ltd and/or Statkraft UK in respect of the coordination of the two projects?</p>
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### EOn 1.2

1. The Applicant notes that National Grid Viking Link Ltd has responded to the question, however the Applicant has no further comment to make at this stage.

Question Number	Topic Heading/ Respondent	Question
EOn 1.6	<i>Surveys</i> <b>Lincolnshire Wildlife Trust</b>	<p>In your Relevant Representation [RR-165] you say that you have “serious concerns regarding the onshore cable route” and that “our main concerns relate to ... incomplete survey coverage of the cable corridor”, “inadequate assessment of semi-natural habitats” and “the lack of biodiversity enhancements proposed.”</p> <p>i) Are you satisfied that all habitats have been correctly identified and evaluated?</p> <p>ii) If not, how does this affect your interpretation of the assessment?</p>

### EOn 1.6

1. The Applicant notes the Lincolnshire Wildlife Trust (LWT) have responded to this question.
2. The Applicant would highlight its acknowledgement of limitations within the terrestrial ecology survey programme given in paragraphs 4.46 and 4.47 of Volume C, Chapter 4 *Terrestrial Ecology* of the ES. These limitations were discussed by the Applicant, Natural England and the Lincolnshire Wildlife Trust during the EIA Evidence Plan process (Appendix I, Annex B of the *Triton Knoll EIA Evidence Plan* – document reference 8.16) and a suitable basis for assessment was agreed.
3. In addition agreements have been reached with regard to the efficacy of the survey programme in paragraphs 4.65 – 4.66 of the Statement of Common Ground (SoCG) with Natural England (Appendix 23 of the Applicants submission to Deadline I) and paragraphs 4.20 – 4.22 of the Statement of Common Ground with the Lincolnshire Wildlife Trust (Appendix 17 of the Applicants submission to Deadline I).

Question Number	Topic Heading/ Respondent	Question
EOn 1.9	<p><i>Lincolnshire Coastal Grazing Marshes</i></p> <p><b>The Applicant</b> <b>Lincolnshire Wildlife Trust</b></p>	<p>Lincolnshire Wildlife Trust has expressed concerns in its Relevant Representation [RR-165] about impacts to the Lincolnshire Coastal Grazing Marshes (LCGM) areas, including disruption to grassland hydrology during the construction phase. It is understood that LWT also have concerns that cable installation could restrict the potential to create wetland habitats, through restrictions on excavating above the buried cables.</p> <p>a) How much actual grazing marsh is there at present? b) Have any Priority Field Sites been identified? c) If so, are they in any way compromised by these proposals?</p> <p>This question may be answered through a Statement of Common Ground (SoCG). If so, reference the section of the SoCG in which the response appears."</p>

### EOn 1.9

1. The Applicant notes that LWT have responded to this question.
2. With regard to **EOn 1.9(b)**, the Applicant highlights to the ExA that the two parties have agreed the fields in which specific mitigation is required to mitigate impacts on LCGM (paragraph 4.24 of the Statement of Common Ground with the Lincolnshire Wildlife Trust (Appendix 17 of the Applicants submission to Deadline 2). These sites, and the mitigation measures developed, are described in Appendix 6 of the Applicant's Response to Deadline 2.
3. The Applicant has agreed that the mitigation proposed for six of the seven fields identified as requiring specific measures with the Lincolnshire Wildlife Trust (LWT) is appropriate; with discussions ongoing with regard to the remaining single field (paragraph 4.32 and 5.4 of Appendix 17 of the Applicants submission to Deadline 2).

4. The single point of discussion focuses on the reinstatement of existing foot drains within a field supporting grazing marsh. The Applicant has committed to ensuring the area of foot drains disrupted by construction will be restored following the installation of the cables, although the pattern could be altered dependent on considerations during the detailed design phase. These considerations include cable burial depth and issues surrounding the future management of foot drains (i.e. excavation above operational cables). The Applicant notes that LWT would like the foot drains to be reinstated to mirror their current alignment.

Question Number	Topic Heading/ Respondent	Question
HRA 1.1	<p><i>Selection of European Sites</i></p> <p><b>The Applicant Natural England (NE)</b></p>	<p>ES Vol 2 Chapter 7: Offshore Nature Conservation refers to the Humber Flats, Marshes and Coast SPA at paragraphs 7.24, 7.38 and Table 7-6 but does not identify this site in Table 7-7: Summary of the Designated Sites and Habitats and Species of Nature Conservation Interest or Table 7-15: Summary of predicted impacts of the Triton Knoll Electrical System. Instead it refers to Humber Estuary SPA.</p> <p>NE's Classification Citation Document for the Humber Estuary SPA (July 2007) (<a href="http://publications.naturalengland.org.uk/file/3302589">publications.naturalengland.org.uk/file/3302589</a>) states:</p> <p><i>"1) Humber Flats, Marshes and Coast (Phase 1) SPA was classified on 28 July 1994.</i></p> <p><i>2) The extended and renamed Humber Estuary SPA was classified on 31 August 2007."</i></p> <p>a) <b>NE:</b> confirm the status of the Humber Flats, Marshes and Coast SPA</p> <p>b) <b>Applicant:</b> confirm which European site should be referred to in paragraphs 7.24, 7.38 and Table 7-6 of ES Vol 2 Chapter 7: Offshore Nature Conservation</p>

## HRA 1.1

1. The Applicant notes Natural England have responded to this question.
2. The Applicant notes Natural England's confirmation that the Humber Flats and Marshes SPA is an obsolete site name as the site was re classified in 2007/8 and became known as the Humber Estuary SPA. The Applicant has no further comments at this stage.

Question Number	Topic Heading/ Respondent	Question
HRA 1.3	<i>Identification of European Sites</i> <b>The Applicant</b>	With reference to question HRA 1.2 above, does NE have any comments to make on which stage of the assessment has been reached for impacts of the project alone?

### HRA 1.3

1. The Applicant notes that Natural England have responded to this question.
2. The Applicant notes that Natural England have advised that their advice regarding the screening of likely significant effect (LSE) arising from the proposed development on the IDRBNR SCI has been revised to include operations and maintenance activities for the proposed development alone and in-combination with other projects. Previous advice from Natural England, as referenced in the Applicant's response to **HRA 1.7** of the ExA's first written questions, was that a LSE was only considered for in-combination effects. However, the Applicant also welcomes the confirmation from Natural England that the scale of such impacts is unlikely to result in an adverse effect on site integrity. The Applicant refers the ExA to paragraph 4.237 the SoCG between the Applicant and Natural England, Appendix 18 to the Response, where this matter is agreed (paragraph 4.237).

Question Number	Topic Heading/ Respondent	Question
HRA 1.7	<p><i>Inner Dowsing, Race Bank and North Ridge</i></p> <p><b>Natural England</b></p>	<p>Paragraph 3.2 of your Relevant Representation [RR-175] states that ‘Natural England is satisfied that it can be concluded beyond reasonable scientific doubt that the project would not have an adverse effect on the integrity of any of the sites listed above ...</p> <p>However, we agree with the Applicant’s conclusion that it cannot be ruled out that there will be a Likely Significant Effect on the interest features of:</p> <ul style="list-style-type: none"> <li>• Inner Dowsing, Race Bank and North Ridge SCI’</li> </ul> <p>In order to undertake an assessment of the effects on integrity of a site, a likely significant effect must be identified. However, section 2 of NE’s Relevant Representation confirms that all European sites except Inner Dowsing, Race Bank and North Ridge SCI have been scoped out.</p> <p>Provide evidence that a LSE can be excluded for all European sites except for incombination operational effects on the Inner Dowsing, Race Bank and North Ridge SCI?</p>

**HRA 1.7**

1. The Applicant notes Natural England have responded to this question.
2. The Applicant notes Natural England’s confirmation that a likely significant effect (LSE) can be excluded for all European sites except for the Inner Dowsing, Race Bank and North Ridge (IDRBNR) SCI. The Applicant also notes, however, that Natural England have revised their advice regarding the screening of likely significant effect (LSE) arising from the proposed development on the IDRBNR SCI to include operations and maintenance (O&M) activities for the proposed development alone and in-combination with other projects; formerly this had been solely related to in-combination effects of O&M activities. However, the Applicant also welcomes the confirmation from Natural England that the scale of such impacts is unlikely to result in an adverse effect on site integrity. The Applicant refers the

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ExA to the SoCG between the Applicant and Natural England, where this matter is agreed (Appendix 18 to the Response, paragraph 4.237), as follows:

*'It is agreed that the project will not have an adverse effect on the features of the IDRBNR SCI either alone or in-combination with other projects, therefore meeting the current conservation objectives for this site, as described and concluded in the Report to Inform Appropriate Assessment.'*

3. The Applicant notes the comments from NE and would refer the ExA to the Applicants response to Question **HRA 1.7** of the ExA's first written questions.

Question Number	Topic Heading/ Respondent	Question
HRA 1.11	<i>Seabed preparation</i> <b>Natural England (NE)</b> <b>The Applicant</b>	<p>Paragraphs 1.44-1.46 of the RIAA [APP-017] assume preparation of the seabed by ploughing 3 to 4 metres from the top of a sandwave prior to cable installation to minimise the potential for exposure and the requirement for external cable protection and disturbance, stated to have been agreed with NE.</p> <p>To <b>NE</b>: Confirm, or otherwise, your agreement to this procedure.</p> <p>To <b>the Applicant</b>: Explain how this mitigation measure will be secured.</p>

### HRA 1.11

1. The Applicant notes Natural England have responded to this question, confirming its agreement to this procedure.
2. The Applicant can confirm that discussions with Natural England have resolved the points raised on sandwave preparation works and refers the ExA to section 3 of Appendix 18 of the Applicant's response to deadline 2, *Clarification Note in response to Natural England Relevant Representation, principally covering offshore cable installation techniques*. The Applicant has no further comment at this stage.

Question Number	Topic Heading/ Respondent	Question
HRA 1.15	<i>Adverse effects on integrity</i>  <b>Natural England</b>	<p>The conservation objectives for Reef (Biogenic; <i>S. spinulosa</i>) in the IDRBNR SCI are provided in Table 4 of the RIAA. Row 7 of Table 3 of the RIAA [APP-017] confirms that the conservation objectives for <i>S. spinulosa</i> are currently under review.</p> <p>a) Provide an update on the review of the conservation objectives for <i>Sabellaria spinulosa</i> and;</p> <p>b) explain how any changes may affect the assessment presented within the applicant's RIAA</p>

### HRA 1.15

1. The Applicant notes Natural England have responded to this question.
2. The Applicant notes that Natural England have confirmed that there is currently no further update on the Conservation Objective's for the IDRBNR SCI. The Applicant also notes that an interim update map indicating the extent of features within the IDRBNR SCI has been provided by Natural England. The Applicant will continue to engage with Natural England as advice comes forward. In the absence of updated conservation objectives it is not possible to state whether these would affect the assessment presented within the Applicant's RIAA (document reference 5.3), however the updated extent maps do not affect the outcomes of the assessment as the data accord with those adopted by the Applicant. Furthermore, Condition 12(2)(a) of the draft dML secures pre-construction surveys to ensure that any areas of Annex I biogenic reef within the IDRBNR SCI are appropriately determined prior to construction; the findings of the RIAA would therefore remain unchanged.

Question Number	Topic Heading/ Respondent	Question
HRA 1.16	<i>Cable protection</i> <b>Natural England</b>	<p>Your Relevant Representation [RR-175] advises that “the Applicant would need to ensure that activities and cable protection are implemented in such a way that the seabed continues to function ecologically and geomorphologically as before and/or that once decommissioned the Inner Dowsing, Race Bank and North Ridge SCI can recover”.</p> <p>What measures would Natural England like to see employed in order to ensure this?</p>

#### HRA 1.16

1. The Applicant notes Natural England have responded to this question.
2. The Applicant notes Natural England’s confirmation that the provision of preconstruction cable laying and protection plan as required under DML condition 7 is sufficient to ensure maintain seabed functionality.

Question Number	Topic Heading/ Respondent	Question
HRA 1.17	<p><i>Cable Protection</i></p> <p><b>Natural England</b></p> <p><b>Marine Management Organisation</b></p>	<p>Appendix 1 of Natural England’s Relevant Representation [RR-175] advises that cable protection should be a last resort and should be kept to a minimum, fully justified where needed and should closely mimic the natural environment. It also states that where cable protection is required in a designated site, full consideration should be given to removal at the time of decommissioning and that NE’s preference is to bury cables to a specified minimum cable depth (note paragraph 2.8 which states erosion and beach lowering should be taken into account when considering cable burial depth).</p> <p>Are NE and the MMO content that the DML condition in respect of cable protection measures is sufficient to address the concerns of NE not least with regard to the mitigation hierarchy?</p>

### HRA 1.17

1. The Applicant notes that Natural England and the MMO have responded to this question.
2. The Applicant refers the ExA to the response given to **DCO 1.59** above. With respect to the comments from Natural England regarding the decommissioning plan and provisions therein, the Applicant refers the ExA to rows 26 and 39 of Annex A of Appendix 18 of the Applicants response to Deadline 2 which confirm agreement between NE and the Applicant in relation to cable protection and decommissioning.
3. The Applicant also highlights that the provision of a decommissioning plan is secured in Schedule 1, Part 3, Requirement 4 of the draft DCO.

Question Number	Topic Heading/ Respondent	Question
HRA 1.18	<i>Installation technology</i>  <b>The Applicant</b>  <b>Natural England</b>	<p>Table 5 of the RIAA [APP-017] includes reference to installation technology (e.g. plough or jetter) and deployment of pre-lay clearance.</p> <p>a) Are the installation methods restricted within the DCO/DML; and</p> <p>b) Do these methods represent a worst case scenario for potential impacts on the IDRBNR SCI?</p> <p>c) Does <b>NE</b> have any comment to make in this regard?</p>

### HRA 1.18

1. The Applicant notes Natural England have responded to this question.
2. The Applicant notes Natural England confirm that, following discussion with the MMO, the inclusion of installation methods in the construction method statement, which will be submitted to the MMO at least 4 months prior to the start of offshore construction, as secured in condition 7(c) of the draft DML, is appropriate and agreed.
3. The Applicant also notes that Natural England confirm that these methods included within the ES represent the worst case scenario of the purposes of the assessment of impacts on the IDRBNR SCI. The Applicant has no further comment at this stage.

Question Number	Topic Heading/ Respondent	Question
LV 1.3	<i>Assessment area</i> <b>The Applicant</b> <b>East Lindsey DC</b> <b>Boston BC</b>	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

### LV 1.3

1. The Applicant notes both East Lindsey District Council and Boston Borough Council responded to the question.
2. The Applicant notes that both councils provide confirmation of their respective agreement and support for the extent of the study areas and radii of potential impact areas from the proposed development adopted for the purposes of the landscape and visual assessment, being based on the scale of the proposed development.

Question Number	Topic Heading/ Respondent	Question
LV 1.14	<i>Area of Outstanding Natural Beauty</i>  <b>Natural England</b>	Comment as to whether the applicant’s assessment of impact on views from the Area of Outstanding Natural Beauty as represented in viewpoint 10 of APP-067 (6.2.5.2.2 Photomontages Part 1 Plates-1-1-1a to 1-1-5) is sufficiently well represented and assessed in the Environmental Statement?

#### LV 1.14

1. The Applicant notes Natural England have responded to this question.
2. The Applicant notes that Natural England’s response to this question confirms that the assessment of impacts on the Lincolnshire Wold AONB is sufficient, well represented and that the assessment of impacts is accurate.
3. The Applicant would also refer the ExA to the embedded mitigation set out in Table 2-14 of Volume3, Chapter 2 *Landscape and Visual* of the ES, which states that “*Careful routing of the onshore cable route and siting of the Intermediate Electrical Compound and Substation to avoid key areas of landscape sensitivity, such as the Lincolnshire Wolds AONB.*”
4. In terms of construction impacts, the Applicant directs the ExA to the assessment of Viewpoint 10, Welton le Marsh, AONB (6.2 km WNW of the site) set out in paragraphs 2.225 – 2.230 of Volume 3, Chapter 2 of the ES, which conclude that “*construction operations will be barely perceptible at this distance. The location of the construction operations will be between the grain store and stadium and there are existing dominant man-made features within the view towards the site, including large-scale offshore wind turbines, further limiting the change to the view that will occur. The degree of visual change is therefore considered to be Negligible.*”
5. For operational impacts, the Applicant refers the ExA to the assessment of Viewpoint 10, Welton le Marsh, AONB (6.2 km WNW of the site), set out in paragraphs 2.556 – 2.561 of Volume 3, Chapter 2 of the ES, which similarly conclude that “*the proposed*

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*development will be barely perceptible at this distance. The location of the proposed development will be between the grain store and stadium, limiting the change to the view that will occur. There are also existing dominant man-made features within the view towards the site, including large-scale offshore wind turbines, further limiting the change to the view that will occur. The degree of visual change is therefore considered to be Negligible.”*

6. The Applicant also directs the ExA to consideration of landscape effects set out in paragraph 2.476 of Volume 3, Chapter 2 of the ES, which states that *“there is theoretical potential for visibility of the proposed development from the south-eastern extent of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). Given the distance from the AONB, which is approximately 5.0 km west, north-west of the site, the proposed development is not expected to give rise to effects on the character of the AONB given the limited visibility from this character area, the distance from the site and presence of existing prominent man-made features within the view of the site (i.e. the grain store, stadium and slightly further away a high number of off-shore turbines).”*
7. It is the Applicant’s position therefore that through the robust site selection process and due consideration in the assessment and of landscape and visual effects the ExA can be confident that there are not higher than negligible landscape and visual effects on the Lincolnshire Wold AONB.

Question Number	Topic Heading/ Respondent	Question
LV 1.21	<p><i>Existing sub-station</i></p> <p><b>The Applicant</b></p> <p><b>National Grid</b></p>	<p>Paragraph 2.150 says that the additional unlicensed works to the existing National Grid substation would be within the existing compound and that existing planting would suffice. However there are no proposed photomontage plates in APP-065 – APP-073</p> <p>(6.5.2.1 and 6.5.2.2 LVIA Technical Baseline Report Part 1 Report and Figures, LVIA Technical Baseline Report Part 2 Figures, and photomontages) that support this statement.</p> <p>a) Justify the assertion that existing planting would suffice</p> <p>b) Is the draft Development Consent Order capable of permitting works to mitigate the effects of the unlicensed works in the Bicker Fen substation and is this affected by any protective provisions?</p> <p>c) Is National Grid aware of any other future/current plans for the substation that may affect the proposed mitigation e.g. other projects anticipating to connect?</p>

### LV 1.21

1. The Applicant notes National Grid Electricity Transmissions Plc (NGET) has responded to this question. The Applicant has no further comment to make beyond its own response to this question at Deadline 1.

Question Number	Topic Heading/ Respondent	Question
LV 1.24	<i>Landscape and visual impacts</i> <b>East Lindsey DC</b> <b>Boston BC</b> <b>North Kesteven DC</b>	<p>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).</p> <p>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.</p>

#### LV 1.24

1. The Applicant notes that ELDC, BBC and NKDC have responded to this question.

#### **Boston Borough Council**

2. Paragraphs 6.21 – 6.28 of the SoCG between the Applicant and BBC (submitted as Appendix 19 of the Applicant's Response to Deadline 2), sets out BBC's agreement to the landscape and visual impact assessments.

#### **East Lindsey District Council**

3. The Applicant directs the ExA to its response to the ELDC Local Impact Report at Part 2 of the Response.

#### **North Kesteven District Council**

4. The Applicant directs the ExA to its response to the NKDC's Written Representation at Appendix 10 of the Applicant's Response to Deadline 2.

Question Number	Topic Heading/ Respondent	Question
SE 1.16	<i>Farming practices</i> <b>National Farmers Union</b>	<p>The Restrictive Covenant at Schedule 5 of the draft Development Consent Order includes restrictions on erecting buildings or hard standings and prevents anything to be done by way of excavation of any kind or agricultural practices (including but not limited to ploughing) exceeding 0.6 metres in depth.</p> <p>Comment on the effects that this may have on farming practices on land within the order limits.</p>

### SE 1.16

1. The Applicant notes the National Farmers' Union (NFU) has responded to this question
2. The Applicant submits that the proposed restrictive covenant referred to in the Response and contained in Schedule 5 of the draft DCO (document reference 3.1) would not prevent landowners from carrying out the farming activities referred to in the NFU's Written Response, namely installing field gateposts or undertaking land drainage.
3. The restrictive covenant is intended to prevent interference with the underground infrastructure forming part of the proposed development and thus any associated damage to the infrastructure or injury to members of the public. The restrictive covenant would oblige the relevant landowner to seek consent from the Applicant for agricultural activities exceeding 0.6 m in depth. However, the Applicant would be obliged not to delay or unreasonably withhold consent for such agricultural activities.
4. The approach taken by the Applicant in respect of the restrictive covenant is explained further in the section 12 of the Statement of Reasons (Document Reference 4.1).