



Triton Knoll Offshore Wind Farm Limited Triton Knoll Electrical System



**Appendix 3: Written
Representation Response to
East Lindsey District Council**

Date: October 2015

**Appendix 3 of the Applicant's
Response to Deadline 2**

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1. East Lindsey District Council

Response to Summary of East Lindsey District Council's (ELDC) Written Representation

- 1.1 The Applicant has responded to in full to ELDC's Written Representation. Each matter brought through into ELDC's Summary of its Written Representation is considered fully in the relevant section below.

Response to ELDC Written Representation

- 1.2 The Written Representation submitted by East Lindsey District Council (ELDC) raised a number of general issues in connection with the proposed development. The Applicant's response to the Written Representation is set out below.

Introduction - Paragraphs 1.0 to 1.9

- 1.3 The Applicant notes ELDC's reference to para 5.9.18 of the Overarching National Policy Statement for Energy (EN-1) and the stress on the vulnerability of coastal areas to visual intrusion. This sentence goes on to discuss the potential high visibility of development on the foreshore, the skyline and stretches of undeveloped coast. In the context of the TKES works, there is no permanent above ground development proposed on the foreshore, the skyline or any stretches of undeveloped coast. The elements of above ground infrastructure (the IEC, substation and works at the existing Bicker Fen substation) are sufficiently distant from the coast that they will not be visible from there. There will be some limited visual effects at the landfall point, however these are temporary effects which are not considered to be the main focus of this section of EN-1 which addresses permanent impacts (see paras 5.9.2 - 4 of EN-1 for the types of development referred to).

Landscape Impact - Paragraphs 2.0 – 2.1

- 1.4 ELDC state at paragraph 2.2 that *"Whilst there will be harmful impacts during construction, from both the physical line itself and the trappings of construction (compounds, haul roads, hedge removal etc.) it is felt that the long term impacts of the scheme in Landscape terms would rest with those permanent features created as part of the development"*.
- 1.5 The Applicant acknowledges this statement and agrees that the cable route would not give rise to residual landscape effects. It is the Applicant's position that by operational year 15 of the proposed development the permanent features would be successfully integrated into the surrounding landscape following the establishment of proposed mitigation planting and that there would be no residual adverse landscape effects. The

Applicant's position is set out clearly in Volume 3, Chapter 2 *Landscape and Visual* of the ES (document reference 6.2.3.2).

Landfall site at Anderby Creek – Paragraphs 2.3 – 2.5

- 1.6 The Applicant notes ELDC's comment in paragraph 2.3 of its Written Representation, which states *"...in landscape terms works at the landfall site will have no significant harmful impact once completed"*. The Applicant agrees that no operational landscape effects are identified following the completion of cable route construction works and the landscape and visual assessment of the cable route operation was confirmed as being scoped out from the assessment in Paragraph 3.98 of the Scoping Opinion (document reference 8.1), which stated: *"The SoS agrees that there is unlikely to be any significant effects associated with the operation of the underground cable infrastructure and that this can be scoped out from further assessment"*.
- 1.7 Regarding paragraph 2.3 of the Written Representation, the Applicant acknowledges ELDC's reference to character area 'K1: Donna Nook to Gibraltar Point Naturalistic Coast' and potential temporary adverse landscape effects on this area during construction. In its consideration of landscape effects during the construction of the cable route, the Applicant identified a likely significant effect during construction of the cable route on a character area section which included the beach area at the landfall point (paragraphs 2.397 to 2.403 of Volume 3, Chapter 2 of the ES). This character area was based on the published ELDC character area 'J1: Tetney Lock to Skegness Coastal Outmarsh' and incorporated reference to the beach and dunes.
- 1.8 The Applicant can confirm that if effects are considered on the K1 character area as an individual character area, i.e. the narrow character area which includes the beach and dunes only (and not assessed as part of character area J1), a significant landscape effect is also identified during construction.
- 1.9 The Applicant also acknowledges ELDC's selection of highlighted sentences following paragraph 2.3, which they consider to be particularly relevant to the site, which are:
- "...and a high number of sensitive viewers near the busy coastal resorts"; "Landscape and visual impacts could not be easily mitigated for"; "Any development should be extremely sensitive..." and; "The potential effects on tranquillity and dark night skies should also be taken into account when deciding upon the appropriateness of development within this landscape character area. The overall landscape character sensitivity of Donna Nook to Gibraltar Point Naturalistic Coast is considered to be High."*
- 1.10 The applicant acknowledges that the Donna Nook to Gibraltar Point Naturalistic Coast character area is described as being of High sensitivity and, as stated previously within this response, a likely significant effect was identified in the ES during construction of
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the cable route on a character area section which included the beach area at the landfall point (paragraphs 2.397 to 2.403 of Volume 3, Chapter 2 *Landscape and Visual* of the ES). However, these effects are temporary in duration, i.e. during the construction phase only, and there will be no permanent effects on this character area following the completion of construction. The Applicant has proposed to mitigate potential permanent effects of the cable route construction through the restoration of the cable route corridor to its original condition following completion of construction. It therefore follows that there will be no permanent effects on the key elements which are highlighted in ELDC's response, i.e. sensitive receptors; tranquillity; and dark skies.

- 1.11 Paragraphs 2.4 and 2.5 of ELDC's Written Representation refer to 13.5 months construction period. The Applicant would like to confirm that the construction period at the landfall is *"up to 14.75 months of activity over a 36 month period"*, as set out in the Outline Code of Construction Practice CoCP (document reference 8.7) at Table 3.1 and in Table 1-2 of Volume 3, Chapter 1 *Onshore Project Description* of the ES.
- 1.12 Paragraph 2.4 of ELDC's Written Representation also makes reference to impacts during the construction phase from noise, artificial lighting, traffic and general activity.
- 1.13 Noise effects from landfall work during construction have been assessed in Volume 3, Chapter 11 *Noise and Vibration* of the ES. The assessment considers noise and vibration effects at the landfall at paragraphs 11.68 - 11.73, and concludes that *"that the noise impact due to sheet piling will be a short term, temporary minor adverse effect"* at the nearest property on Sandy Lane, which is 320 m away.
- 1.14 Details of management measures in relation to noise are set out in the Outline Noise and Vibration Management Plan (document reference 8.7.3). The Applicant refers the ExA to paragraph 3.5, which states *that "where sheet piles are required, these will be installed using vibratory piling rather than impact piling in order to reduce potential noise and vibration impacts."*
- 1.15 Noise effects from construction traffic are also considered in paragraphs 11.111 – 11.113 of Volume 3, Chapter 11 *Noise and Vibration* of the ES (document reference 6.2.3.11). The assessment concludes that on the basis of the traffic assessment (outlined below), *"the impact of construction traffic on the local road network can be considered a short term, temporary, minor adverse effect"*.
- 1.16 The Applicant refers the ExA to the SoCG with ELDC (Appendix 20 of the Applicant's Response to Deadline 2), which states at paragraph 12.12 that *"it is agreed that the impacts of noise and vibration during the construction phase have been appropriately assessed as detailed in paragraphs 11.64 – 11.115 of Volume 3, Chapter 11 of the ES."*
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- 1.17 The Applicant refers the ExA to the SoCG with ELDC (Appendix 20 of the Applicant's Response to Deadline 2), which states at paragraph 12.10 that *"it is agreed that the implementation of a Noise and Vibration Management Plan (NVMP) is adequate for securing appropriate management measures for the control of noise and vibration during the construction phase, and that the approach set out in the Outline NVMP (document reference 8.7.3) is adequate to manage impacts of noise and vibration."*
- 1.18 It is therefore the Applicant's position that noise effects have been appropriately assessed and that agreed management measures are in place to ensure potential effects are minimised.
- 1.19 Traffic effects associated with landfall construction have been assessed in Volume 3, Chapter 9 *Traffic and Access* of the ES (document reference 6.2.3.9). This assessment concludes that there are no road links that are expected to experience a change in total traffic flow of 10% or greater during construction (see Table 9-17 of Chapter 9).
- 1.20 The Applicant refers the ExA to the SoCG with ELDC (submitted as Appendix 20 of the Applicant's Response to Deadline 2) which states at paragraph 10.8 that *"it is agreed that in accordance with paragraph 9.189 of Volume 3 Chapter 9 of the ES, given there are no significant adverse effects predicted on traffic and access as a result of the construction, operation and decommissioning of the project, no further specific mitigation is required beyond that which is already embedded into the project design and secured through the management plans that will be secured under the DCO."*
- 1.21 It is therefore the Applicant's position that traffic effects have been appropriately assessed and that agreed management measures are in place to ensure potential effects are minimised.
- 1.22 Artificial lighting has been considered in paragraphs 2.134 – 2.137 in Volume 3, Chapter 2 *Landscape and Visual* of the ES. The definition of key parameters for the assessment concludes that *"given the limited duration that lighting will be required it is considered that the lighting component of the scheme parameters will not give rise to significant night-time visual effects during the construction phase of the cable route."* Therefore *"Lighting will therefore not form part of the scheme parameters that are assessed within the subsequent Environmental Assessment section of this chapter."*
- 1.23 The Applicant refers the ExA to the Outline Artificial Light Emissions Management Plan (document reference 8.7.6), which sets out the detailed management measures in respect of artificial light at Section 2.
- 1.24 The Applicant refer the ExA to the SoCG with ELDC (submitted as Appendix 20 of the Applicant's Response to Deadline 2), which states at paragraph 6.10 that *"it is agreed that the maximum adverse scenarios as defined in Tables 2-10 and 2-13, Volume 3,*
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Chapter 2 of the ES, are clearly described, sufficiently justified and appropriate for assessing the potential Landscape and Visual impacts during all phases of development.”

- 1.25 The Applicant refer the ExA to the SoCG with ELDC (Appendix 20 of the Applicant's Response to Deadline 2), which states at paragraph 6.30 *that “it is agreed that given the generally low level of effect likely to be experienced by Landscape and Visual receptors when including embedded mitigation during the construction, operation and decommissioning of the project, no further specific applied mitigation or monitoring is required.”*
- 1.26 It is therefore the Applicant's position that artificial light effects have been appropriately assessed and that agreed management measures are in place to ensure potential effects are minimised.

Intermediate Electrical Compound at Marsh Lane Orby - paragraphs 2.6 – 2.16

- 1.27 The Applicant notes ELDC's Written Representation which, in paragraph 2.6, states that *“The electrical compound will have a permanently harmful impact upon the landscape character and appearance of this area.”*
- 1.28 The Applicant also acknowledges ELDC's selection of highlighted sentences following paragraph 2.7, which are:
- “...However this distinctiveness is weaker where some man-made influences detract from the landscape”, “The landscape around the coastal resorts is viewed by a large number of sensitive viewers but there are fewer viewers in the rural areas”, “Development should be sensitively designed to respect the small scale localised distinctiveness within the rural areas and be sensitive to any small scale, patterns and characteristics of the area”, “The overall landscape character sensitivities of the adjacent character areas should also be taken into account”; “potential effects on tranquillity and dark night skies”; and “The overall landscape character sensitivity of Tetney Lock to Skegness Coastal Outmarsh is considered to be moderate to high but lower in areas influenced by localised industrial and urban areas.”*
- 1.29 In response to these comments and highlighted statements, the Applicant directs the ExA to paragraphs 2.472 to 2.485 in Volume 3, Chapter 2 of the ES, which support the Applicant's response. This section of the ES assesses the Year 1 operational landscape effect due to the IEC as Minor Adverse, which is Not Significant, and the residual Year 15 landscape effect as being Neutral and Not Significant. The Year 15 assessment of a reduction in the level of effect from Minor Adverse to Neutral is based on the inclusion of mitigation planting proposals which, once established after approximately 15 years, will screen the majority of the IEC and will integrate the proposed development into the surrounding landscape character.

1.30 The Applicant also draws the ExA's attention to its response to question LV 1.11 of the ExA's first written questions, which further supports this response to ELDC's concerns. In particular, the response to LV 1.11 provides further clarification and justification on the Applicant's assessment of landscape effects and the level of effect experienced as mitigation planting matures following its implementation at Year 1 of operation.

1.31 In summary of a response to ELDC's point in relation to permanent landscape effects of the scheme, the Applicant can state the following:

- 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 public highway;
- The IEC site is located in a rural area away from the coast where there are relatively few sensitive viewers in proximity to the selected site of the Intermediate Electrical Compound;
- 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;
- 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;
- Potential effects on adjacent landscape character areas were considered and no effects were identified (refer to paragraph 2.475 of Volume 3, Chapter 2 of the ES);
- The selected site of the Intermediate Electrical Compound is situated in a part of the landscape character area considered to be of lower sensitivity due to the influence of the existing man-made built form; and
- As the permanent development will not require permanent lighting, it will not give rise to effects on tranquillity and dark night skies.

1.32 It is therefore the Applicant's position that its assessment of Year 1 operational landscape effect due to the IEC as Minor Adverse, which is Not Significant, and that the residual Year 15 landscape effect as being Neutral and Not Significant is accurate based on the evidence provided.

Paragraphs 2.8 to 2.11 – ELDC's Summary of Site Selection

1.33 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.

- 1.34 The ExA is directed towards the SoCG with Lincolnshire County Council (submitted as 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."*
- 1.35 The ExA is directed towards the SoCG with Natural England (submitted as 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."*

Summary of Above Ground Electrical Infrastructure and Traffic at Orby

- 1.36 The Applicant notes the comments in relation the Above Ground Electrical Infrastructure and Traffic at Orby at paragraphs 2.12 – 2.17 of ELDC Written Representation and has no comment to make.

Landscape and visual impact of IEC – paragraphs 2.18 to 2.22

- 1.37 The Applicant notes that concerns expressed in paragraph 2.18 of ELDC's Written Representations, which states that *"there is no doubt that the IEC will make a major change to the current rural scene"*.
- 1.38 Volume 3, Chapter 2 of the ES assessed the landscape and visual effects of the IEC and Table 2-22 confirms that at Year 1 of the operational phase, the assessment identified a Minor Adverse level of landscape effect, which is Not Significant. Paragraphs 2.482 to 2.484 of Volume 3, Chapter 2 of the ES state that following the establishment of mitigation planting, the mitigation will further limit the influence of the proposed development on the surrounding landscape and will enhance the site through the inclusion of planting. With regards to visual effects paragraphs 2.519 and 2.527 of Volume 3, Chapter 2 of the ES confirm that once mitigation has reached maturity, the visual effect will not be significant as the planting will integrate the development into the view.
- 1.39 In addition, the Applicant refers to the response made to paragraph 2.6 to 2.16 above and in particular would like to reiterate the following points:
- 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 public highway;

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- The IEC site is located in a rural area away from the coast where there are relatively few sensitive viewers in proximity to the selected site of the Intermediate Electrical Compound;
 - 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;
 - 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;
 - Potential effects on adjacent landscape character areas were considered and no effects were identified (refer to paragraph 2.475 of Volume 3, Chapter 2 of the ES);
 - The selected site of the Intermediate Electrical Compound is situated in a part of the landscape character area considered to be of lower sensitivity due to the influence of the existing man-made built form; and
 - As the permanent development will not require permanent lighting, it will not give rise to effects on tranquillity and dark night skies.

1.40 It is therefore the Applicant's position that its consideration of the landscape effects of the IEC is based on the reasoned consideration of the character of the local area and effectiveness of embedded mitigation following establishment, and is therefore accurate and appropriate

Landscaping proposals

- 1.41 In paragraph 2.21 of its Written Representation, ELDC identifies two main concerns regarding the landscape proposals for the site. Firstly, a suggestion that the landscape proposals are not appropriate in this location; and secondly that the mitigation will take 15 years to become fully effective.
- 1.42 Regarding the first point, i.e. that the landscaping proposals are not appropriate in this location. ELDC make the specific point in paragraph 2.21 that existing planting in the locality of the site tends to act as a "*wind break*" or is intended to screen development and subsequently is "*an alien feature in the landscape rather than being a natural feature.*" The Applicant identified in the baseline landscape character assessment (paragraphs 2.92 to 2.97 of Volume 3, Chapter 2 of the ES) that the character of the site and surrounding study area largely consists of open arable farmland in a geometric pattern. The Applicant is therefore aware of a need to protect the openness of the character area, whilst aiming to mitigate landscape and visual effects of the proposed development. This aim is supported by the 'Landscape Opportunities' section of the
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National NCA Profile 42: Lincolnshire Coast and Marshes (Natural England, 2014) which is referenced in paragraph 1.3.11 of Volume 5 Annex 2-1 as follows:

“Plan for new woodland planting at appropriate locations, especially where this would be beneficial to creating new green infrastructure routes or integrating new development into the landscape.”

- 1.43 The Applicant accepts that there is a relative openness within the locality of the site. However, the surrounding area is not without any woodland or hedgerow planting and examples of tree and hedgerow planting are illustrated in the following baseline viewpoint sheets in Volume 5, Annex 2.2 of the ES: Viewpoint 1 (Plate 1-1-1a); Viewpoint 3 (Plate 1-1-3); Viewpoint 5 (Plate 1-1-5) and Viewpoint 6 (Plate 1-1-6); and their locations are illustrated on Figure 1-3-1 of Volume 3, Chapter 2 of the ES. The Applicant considers that the mitigation planting proposed is appropriate to mitigate adverse landscape and visual effects of the proposed development and, although the wider character area is relatively open, there are examples of woodland and hedgerow planting which the proposed mitigation would complement.
- 1.44 It is also the case that ELDC considered that the IEC location was preferable to other locations in close proximity considered site selection process. ELDC in their response to ExA question Alt 1.37 of the Examiners first written questions 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 [than the IEC location] and could not be supported.”*
- 1.45 The Applicant’s response to ExA question Alt 1.37 of the Examiners first written questions noted that the evaluation matrix found in Site Selection and Design Report (document reference 8.17), Appendix B: Alternatives Consultation Report, Appendix 9, demonstrates that of the three shortlisted intermediate electrical compound (IEC) zones, the Yellow Zone came a close third with a score of 3.00 (compared with 3.06 for the Brown Zone and 3.35 for the Red Zone). 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.
- 1.46 It is therefore clear that ELDC considered the IEC location as less prominent feature in the landscape and that more suitable for effective visual screening, than the alternative considerations.
- 1.47 The Applicant considers that the proposed mitigation planting around the IEC site is appropriate in the local context as there are existing examples of woodland belts within the character area and the planting will integrate the development into the landscape once established.

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- 1.48 Consultation on the landscaping proposals for the site was undertaken with ELDC pre-application. A summary of this consultation is set out in Table 2-2 in Volume 3, Chapter 2 of the ES, which states that on 30/07/2014 ELDC confirmed that the principle of woodland planting at the Intermediate Electrical Compound site (as shown in Figure 1-1 in Application Document 8.8) is an appropriate approach to mitigate landscape and visual effects.
- 1.49 This point is also supported by the Triton Knoll EIA Evidence Plan (document reference 8.16) and specifically HUM027 of the Human Environment LVIA section of Appendix III, which confirms that both LCC and ELDC attended the 1st Human Environment (Landscape) Review Panel meeting where mitigation planting was discussed. The following notes summarising the outcome of the 1st review panel meeting were agreed as part of the EIA Evidence Plan:
- “Regarding the IEC, DL [David Loveday] stated that there are local examples and he suggested that RWE should consider extending the hedgerow on the existing field boundary further south to assist in screening views from properties on Ingoldmells Road.”*
- “DL suggested a range of heights of planting at the sites and referred to the principle of having quicker growing species at first to enable the screen to occur, whilst waiting for the remainder of the planting to establish.”*
- 1.50 Following the review panel, the mitigation planting proposals were extended to the south of the IEC to ensure that the IEC is screened from properties to the south on Ingoldmells Road.
- 1.51 The Applicant considers that it has undertaken detailed engagement in relation to landscaping proposals pre-application and responded to concerns raised by ELDC. In addition, there are wide ranging agreements to this area of the application as set out below.
- 1.52 The ExA is directed to paragraph 6.16 of the SoCG with ELDC (Appendix 20 of the Applicant's Response to Deadline 2), which states that *“it is agreed that the planting proposals set out in paragraphs 2.141 – 2.145 of Volume 3, Chapter 2 of the ES and detailed in Section 7 of the Outline Landscape Strategy and Ecological Management Plan (LSEMP) (document reference 8.8) are appropriate for the purposes of mitigating potential significant adverse landscape and visual effects during operation.”*
- 1.53 The ExA is directed to paragraph 4.39 of the SoCG with LCC (submitted as Appendix 30 of the Applicant's Response to Deadline 1), which states that *“it is agreed that the planting proposals set out in paragraphs 2.141 – 2.150, Volume 3, Chapter 2 of the ES and detailed in Section 7 of the Outline Landscape Strategy and Ecological*
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Management Plan (LSEMP) (document reference 8.8) are appropriate for the purposes of mitigating potential significant adverse landscape and visual effects during operation.”

- 1.54 The ExA also is directed to paragraph 4.44 of the SoCG with Natural England (submitted as Appendix 18 of the Applicant's Response to Deadline 2), which states that *“it is agreed that the planting proposals set out in paragraphs 2.141 – 2.150, Volume 3, Chapter 2 of the ES and detailed in Section 7 of the Outline Landscape Strategy and Ecological Management Plan (LSEMP) (document reference 8.8) are appropriate for the purposes of mitigating potential significant adverse landscape and visual effects in relation to the Lincolnshire Wolds AONB.”* Please also refer to paragraph 4.48 of the same SoCG which states that *“it is agreed that the planting proposals set out in section 7 of the Outline LSEMP are appropriate mitigation in the landscape as there are local examples of similar planting schemes.”*
- 1.55 It is therefore the Applicant's position that the landscaping proposals are well considered, appropriate to the location, and have been discussed and agreed through consultation with ELDC and Natural England.

Mitigation Planting Reaching Maturity

- 1.56 In response to the second point regarding the mitigation planting taking 15 years to become fully effective, the Applicant refers back to its response to Question LV 1.11 which states:

“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.

For the purposes of assessment, Year 15 is taken as a reasonable estimate of the time taken for proposed mitigation planting to reach a level of maturity that it will provide a level of landscape and visual mitigation such that an accurate assessment of residual effects, i.e. effects following the establishment of mitigation, may be carried out. In the case of some viewpoints, Significant visual effects identified at Year 1 have been assessed as Not Significant at Year 15. However, given the inherently variable nature of planting growth, which is influenced by various environmental factors, it is not reasonable to provide an accurate indication of the point in time at which a significant effect will reduce to a not significant effect.”

- 1.57 The ExA is directed to paragraph 4.44 of the SoCG with Natural England (Appendix 18 of the Applicant's Response to Deadline 2) , which states that *“it is agreed that the planting proposals set out in paragraphs 2.141 – 2.150, Volume 3, Chapter 2 of the ES*
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and detailed in Section 7 of the Outline Landscape Strategy and Ecological Management Plan (LSEMP) (document reference 8.8) are appropriate for the purposes of mitigating potential significant adverse landscape and visual effects in relation to the Lincolnshire Wolds AONB.”

- 1.58 It is therefore the Applicant’s position that it’s consideration of the effectiveness of landscaping proposals are reasoned, appropriate and have been discussed and agreed through consultation with Natural England.

Tourism Impact - Paragraph 3.0 – 3.4

- 1.59 The Applicant notes that ELDC raise concerns about potential interference with the areas’ tourism industry. The Applicant recognises these concerns about potential effects on tourism, and has assessed them in Volume 3, Chapter 3 *Socio-economic, tourism and recreation* of the ES. In its assessment, the Applicant considers that impacts are predicted to be Minor adverse or below and are therefore Not Significant and ELDC have confirmed their agreement with this.
- 1.60 Please also refer to paragraph 7.16 of the 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.”*
- 1.61 The Applicant notes that ELDC raise concerns about interruption to the free flow of traffic and the Applicant’s commitment to avoid the closing of the public highway. The Applicant recognises these concerns and has developed embedded mitigation for this specific potential effect. The Applicant directs the ExA to paragraph 9.62 of Volume 3, Chapter 9 *Traffic and Access* of the ES, which states that *“an evaluation at each road to be crossed by the Onshore Cable Route has been made to assess the most appropriate form of construction to be used and its associated duration. The evaluation performed has resulted in a commitment to use a trenchless methodology for each road crossing of the public highway. Therefore, the construction of the Onshore Cable Route will not require any temporary road closures. Table 9-8 lists each road crossing, together with its unique crossing reference, as compiled from the full crossing schedule contained in Application Document 8.3.”*
- 1.62 The Applicant notes that ELDC raise concerns in relation to securing embedded mitigation for potential traffic impacts. Management measures for traffic impacts are set out in the Outline Traffic Management Plan (document reference 8.9) and are secured through Requirement 18 of the draft DCO (document reference 3.1). The Applicant notes that the relevant planning authority (i.e. ELDC), is responsible for approving the traffic management plan and draws the ExA’s attention to Requirement 18 *Construction Traffic* of the draft DCO (document reference 3.1), which states that *“no stage of the*
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onshore works shall commence until for that stage, after consultation with the highway authority, a construction traffic management plan which accords with the outline traffic management plan and includes a contractor travel plan has been submitted to and approved by the relevant planning authority.”

- 1.63 It is therefore the Applicant’s position that it’s potential impacts on the tourism industry have been appropriately considered in the assessment and the embedded mitigation has been appropriately secured.

Lincolnshire Coastal Grazing Marsh Project and Lincolnshire Coastal Country Park – Paragraphs 4.1 to 4.3

- 1.64 The Applicant notes that ELDC raise concerns with regards to the Lincolnshire Coastal Grazing Marsh Project (LCGM) and Lincolnshire Coastal Country Park (LCCP).
- 1.65 The Applicant acknowledges that the northern extent of the cable route, including the landfall point, is located within the LCCP, shown on Figure 2-1. The Applicant refers the ExA to the Lincolnshire Coastal County Park Clarification Note (Appendix 27 of the Applicant’s Response to Deadline 2), which sets out the Applicant’s consideration of the LCCP.
- 1.66 In relation to comments about the LCGM, the Applicant considers that potential impacts on Lincolnshire Coastal Grazing Marsh project have been considered in paragraphs 4.122 - 4.125 of Volume 3, Chapter 4 Terrestrial Ecology of the ES. The Applicant acknowledges that applied mitigation is required for LCGM habitat and that *“any impacts on the LCGM can be appropriately mitigated and will not be compromised.”*
- 1.67 The Applicant has continued to work with the Lincolnshire Wildlife Trust (LWT) and Natural England in relation to mitigation of potential impact on LCGM sites. Please refer to the SoCG with LWT (Appendix 17 of the Applicant’s Response to Deadline 2), which states 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).”* 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).”*
- 1.68 It is therefore the applicant position that potential impacts on the LCGM have been appropriately assessed and mitigated.

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- 1.69 ELDC refers to Policy C15: Coastal Conservation Areas which requires that development will be permitted only where it does not harm the amenities or character of the area because of its siting, scale, form, appearance, materials, noise or fume emissions or traffic generation. ELDC also make the statement that: *“there will be significant visual effects along the whole of the cable route for the whole of the construction period.”*
- 1.70 In response to ELDC’s points on a potential conflict between the proposal and policy C15, the Applicant highlights that the cable route involves a temporary construction project which will restore the landscape to its original condition as far as is reasonably possible following the completion of works. Any adverse effects on the character of the area due to the construction will be temporary and localised within relative proximity of the cable route.
- 1.71 In response to ELDC’s point that there will be significant visual effects along the whole of the cable route for whole of the construction period, please refer to Chapter 2 of Volume 3 of the ES, and in particular paragraphs 2.432 to 2.433 and Table 2-21, which confirms that this statement is not supported by the assessment text. It is acknowledged that a significant landscape effect is identified on the character area which is located at the northern extent of the cable route, including the landfall point, and that significant effects are predicted for users of public access areas near to the landfall and a small number of residential properties close to the temporary construction compound and site of cable route works within the vicinity of the northern extent of the route, once again beside the landfall point. However, the Applicant stresses that these significant effects have been identified within a limited extent of the cable route in close proximity to the landfall point. No other significant landscape and visual effects have been identified and the residual effects, i.e. the effects following the restoration of the cable route following completion of construction, will be Neutral and Not Significant.
- 1.72 The Applicant will ensure that the parts of the LCGM and LCCP through which the cable corridor passes will be restored to their original condition following the completion of operations on site and that the purposes and aims of both will not be ‘prejudiced or diminished’. Paragraph 2.50 of the Outline Construction Method Statement (document reference 8.7.1) states *“following completion of construction operations all agricultural land will be restored to its previous condition “.*
- 1.73 At paragraph 4.3 of its Written Representation, ELDC requests assurance regarding the timescales for the work and that appropriate levels of remediation and where necessary, compensation, be made in respect of disturbance.
- 1.74 In relation to working timescales, the Applicant has set out the construction periods in Volume 3, Chapter 1 *Onshore Project Description* of the ES (document reference
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6.2.3.1). Further detail in relation to the timescale and phasing of the proposed development is set out in the Applicant's response to question Eon 1.27 of the ExA's first written questions.

- 1.75 In relation to reinstating the land following works, the Applicant notes that paragraph 5.28 of the Code of Construction Practice (CoCP) states *that "following completion of works the working area will be reinstated to its previous condition"*. Requirement 14 of the draft DCO (document reference 3.1), secures a CoCP, which again the relevant planning authority is responsible for approving.
- 1.76 In relation to compensation in respect of disturbance where a private treaty agreement has been secured between the relevant landowner and the Applicant, 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 (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.)

Sibsey Northside Memorial – Paragraphs 5.0 – 5.6

- 1.77 The Applicant notes the concerns about potential impacts on the Sibsey Northlands Lancaster Memorial, please refer 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.
- 1.78 The Applicant also direct the ExA to the agreement reached in 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."*

Viking Link – Paragraphs 6.0 - 6.5

- 1.79 The Applicant refers the ExA to its response to question Eon 1.1 of the ExA's First Written Questions, which sets out the Applicant's position with respect of the National Grid Viking Link Project.