Triton Knoll Offshore Wind Farm Limited
Triton Knoll Electrical System

Appendix 26: Agricultural Land Drainage Clarification Note

Date: October 2015

Appendix 26 of the Applicant's Response to Deadline 2

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Triton Knoll Offshore Wind Farm Limited

Triton Knoll Electrical System

Appendix 26: Agricultural Land Drainage Clarification Note

Appendix 26 of the Applicant's Response to Deadline 2.

Date: 27th October 2015

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1. INTRODUCTION

Purpose of the Document

1.1 The purpose of this document is to set out the Applicant's approach to managing potential impacts on agricultural land drainage.

Consultation

1.2 The Applicant recognises that the issue of land drainage is of great importance to landowners; 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.

1.3 The Consultation Report (document reference 5.1) details the extensive non-statutory and statutory consultations undertaken with persons with an interest in land 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;

- 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 6 rounds of land interest consultation.

1.4 The Applicant has consulted with Land Drainage Services, a local specialist drainage consultant as part of the 2014 Cable Route Consultation.

Summary of Landowner Consultation

1.5 The Applicant has undertaken extensive consultation with landowners for the proposed development and that engagement has been constructive and proactive.

1.6 The Applicant's response to Question CA 1.3 of the ExA's First Written Questions, including appendices, demonstrates that there has been extensive liaison regarding the project proposals and 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.

1.7 The Applicant has included occupiers of land within the Order Limits in consultation about the proposed development as detailed in the Consultation Report (document reference 5.1).

1.8 The Applicant is seeking land, and rights in land, from those persons able to grant such rights, being the freeholders, and HoTs have therefore been provided to freeholders, rather than occupiers.

1.9 The Applicant has provided every opportunity for occupiers to be involved and consulted. The Applicant last wrote to those occupiers who do not otherwise have a freehold interest in land affected by the proposed development in September 2015 to keep them up to date with the proposals and to inform them about discussions with their landlord.

1.10 At all stages of the evolution of the proposed development, the Applicant has offered face to face meetings with landowners and their representatives, which is evidenced in the Applicant's response to Question CA 1.3.

1.11 The Applicant has employed a firm of Chartered Surveyors (Ardent Management Ltd) to assist the Applicant with liaising with landowners for private treaty agreements. Ardent have considerable experience of negotiating land rights for linear infrastructure schemes (for example; North Somerset Council (South Bristol Link) Compulsory Purchase Order 2013, London Underground (Northern Line Extension) Order, Cambridge Guided Busway Order, London Emirates Airline).

1.12 The Applicant has given undertakings to landowners to meet their professional costs incurred in negotiating HoTs. The Applicant has sought to limit those costs to a reasonable level in order to prudently manage project expenditure.

1.13 The Applicant has also clarified that where HoTs discussions are proceeding in a mutually-positive direction, the Applicant would review the limit on fees in individual cases to ensure that landowners costs are covered in obtaining professional advice in connection with the proposal for private treaty agreements.

1.14 The draft HoTs for the proposed development were issued to affected landowners and/ or land agents (where appointed) in December 2014. The draft HoTs included a financial offer of payment for an easement in respect of the cable route (calculated as a

percentage of land value) together with financial offers in respect of an option fee, temporary construction compound rental (where relevant) and inspection chamber payments.

1.15 To date, over 100 parties have entered into discussions with the Applicant over the Heads of Terms. 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.

1.16 The Applicant has sought where reasonably practicable to accommodate points raised by landowners, and has therefore made revisions to a number of the original terms in the draft HoTs, including those relating to financial offers, drainage, indexing of payments, crop loss compensation and disturbance, professional costs, reinstatement, link box locations and liability.

1.17 A revised set of draft HoTs with terms common to all parties was issued in September 2015, which reflect the updated position of the Applicant following negotiations with landowners.

1.18 An update on the status of landowner negotiations is attached at Appendix 12 of the Applicant's Response to Deadline 2.

Commercial Consideration of Drainage

1.19 Landowners and occupiers have raised concerns about the whether the Applicant has considered the financial cost of installing drainage mitigation. The Applicant can confirm that it has considered the cost of installing cables in agricultural land, including the costs of embedded mitigation offered as part of the application, the cost of adhering to the management plans, compliance with which would be secured through the Development Consent Order and the potential cost of compensating landowners for any loss throughout the lifetime of the project, as part of its overall consideration of project economics.

2. DRAINAGE

Introduction

2.1 The Applicant acknowledges that the agricultural area through which the cable corridor passes is high quality agricultural land, managed through extensive agricultural land drainage systems and therefore requires careful consideration and mitigation. The Applicant considers that the best way to protect this valuable resource is to ensure that the installation of the proposed development is undertaken in the most appropriate manner and using the appropriate construction techniques, taking into account a full and detailed understanding of the environment into which the cables would be installed.

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

2.3 It is considered that this approach affords the Applicant the ability to tailor drainage solutions that are specific to each field and minimises the potential for adverse impacts on the landowners' or occupiers' agricultural activities and existing drainage infrastructure as far as possible. Attempting to design drainage mitigation schemes for individual landowners before detailed design of the onshore electrical infrastructure is settled would result in scheme designs that would need to be revisited and in all likelihood substantially reworked, once the overall detailed cable design had been undertaken.

2.4 It is therefore important, for both the Applicant and the landowners/occupiers, that the design of land drainage mitigation is carried out during the pre-construction detailed design process.

2.5 Interaction of the cable route with agricultural land drainage systems has been minimised through the design of the proposed development where possible. As explained in more detail below, where interactions are anticipated, they have been assessed and embedded mitigation has been developed to ensure that potential impacts are minimised. The Applicant has committed to adhering to industry good practice and to maintaining involvement of landowners and drainage specialists in the management of interactions with existing drainage. Further, the Applicant has committed 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. In the unlikely event that operational impacts remain after reinstatement, the Applicant has committed to compensating landowners for losses arising from its use of the cable route.

2.6 On this basis, while the Applicant acknowledges that this is an area of great concern to landowners, it is considered that the approach outlined is reasonable and appropriate to the management of potential impacts on agricultural land drainage systems.

2.7 This section sets out how the Applicant has considered drainage in the assessment and made commitments to landowners that would be secured in private treaty agreements.

2.8 Consideration of drainage is included in the application in a range of documents that address cable route design, environmental impact assessment and management plans covering embedded mitigation. These are collated in the 'consideration of drainage in the assessment' section below for ease of understanding.

2.9 Consideration of the management of drainage is included in the private treaty agreements, which have been issued to each affected landowner on the cable route. The provision for drainage and commitments to landowners are set out in the 'private treaty agreement' section below

Consideration of Drainage in the Assessment

2.10 The following application documents illustrate how potential impacts on land drainage have been considered in the design, assessment and management of the onshore cable route:

- Volume 1, Chapter 4 *Site Selection and Alternatives* of the ES (document reference 6.2.3.5) and Site Selection and Design Report (document reference 8.17);
- Volume 3, Chapter 1, Onshore Project Description of the ES (document reference 6.2.3.1);
- Volume 5, Annex 5.1 *Land Use, Agriculture and Soils Baseline (document reference 6.2.5.5.1);*
- Volume 3, Chapter 5, *Land use, agriculture and soils* of the ES (document reference 6.2.3.5);
- Outline Code of Construction Practice (document reference 8.7);
- Outline Construction Method Statement (document reference 8.7.1); and
- Outline Soil Management Plan (document reference 8.7.5);

2.11 Key details from the application are set out in the sub headings below.

Site Selection and Design

2.12 The site selection and design of the proposed development is set out in Site Selection and Design Report (document reference 8.17). This report sets out the full range of matters that were considered in detail during the development period leading up to finalising the proposed development for the purposes of the application. Interaction of the cable route with agricultural land drainage systems has been considered through the design of the proposed development during the consideration of alternatives in

2013 (2013 Alternative Consultation) and the refinement of the design in 2014 (2014 Cable Route Consultation).

2.13 Drainage was considered as part of the 2013 Alternative consultation. Paragraph 4.199 in Volume 1, Chapter 4 *Site Selection and Alternatives* of the ES, sets out that *"an initial 60 m-wide cable corridor was developed to a stage where it could be presented to all identified landowners. A landowner information pack was sent out containing preliminary information about construction techniques and the cable installation process and also a questionnaire about the use of the land."* Following feedback from the landowners a number of criteria were used for the further route development, including micrositing the cable corridor along field boundaries to minimise land-take impact.

2.14 Inherent in these criteria for further route development are two key points. First is the fact that siting the corridor along field boundaries reduces impacts on drainage systems by increasing the potential to avoid collector drains. Second is the fact that minimising land take also minimises the number of land drainage system interactions overall,

2.15 Paragraph 4.200 of the same chapter notes that *"applying these criteria led to the identification of a 60 m-wide cable route … which was then the subject of further consultation in 2014."*

2.16 The 2014 Cable Route Consultation also considered drainage. Paragraph 4.201 of the same chapter states that *"the consultation undertaken in Spring 2014 had the primary aim of using local knowledge to refine the alignment of the cable route to minimise impacts."* The consultation consisted of *"questionnaires accompanied by plans representing the cable route and with information about the cable laying activities were sent to landowners located within 250 m of the proposed route."*

2.17 In instances where specific impacts on drainage systems were highlighted by individual landowners during the cable route consultation, interactions have been minimised by making amendments to the cable route, where other constraints allowed.

2.18 Further description of the responses received during this consultation can be found in the *Site Selection and Design Report (Application Document 8.17),* which also describes how responses were taken on board to influence the routing proposals. Paragraph 6.3.34 of this document states that *"route alteration requests and suggestions were received from:*

- *landowner consultation through-out the cable route development process;*
- *statutory and non-statutory bodies;*
- *specialist local advisors (for example on drainage design and methodology); and*
- *the 2013 and 2014 consultation responses"*

2.19 The outcome of the consultation advice is documented in Table 6.3 of the Site Selection and Design Report (document reference 8.17). This table sets out the nature

of the change request, the Applicant's decision with regard to the change and the rationale. It should be read with Figure 6.4 of the Site Selection and Design Report.

2.20 The Table below is an extract from Table 6.3 of the Site Selection and Design Report (document reference 8.17), showing only those alteration requests in relation to land use and drainage and demonstrating how drainage has been considered in the site selection and design of the proposed development.

Table 1 Schedule of change requests to the Onshore Cable corridor (relevant land use and drainage requests only)

Change Request Ref.	Topic	Suggested Amendment	Route Amend-ment	Response
1.3	Ecology	Adjust to minimise land-take impact	N	Cannot re-route due to ecological and engineering constraints
3.3	Land-use	Adjust to avoid land	Y	Route has been altered.
4.2	Drainage, Ecology and Land-use	Adjust to: Minimise watercourse crossings; Minimise impact on sensitive ecology; and Minimise land-take impact	Y	Route has been altered.
6.1	Land-use	Adjust to minimise land-take impact	Y	Route has been altered
9.1	Drainage and Land-use	Adjust to: Avoid drainage; and Avoid hedgerows	N	The route is constrained by a wind farm and IDB drains, land cannot be avoided

9.2	Archaeology and Land-use	Adjust to: Avoid medieval site; and Avoid landowners land	N	The route is constrained by a wind farm and IDB drains, land cannot be avoided. No records found. Pre-construction surveys will identify any necessary archaeological mitigation measures to be implemented so no amendment required
9.4	Land-use	Adjust to minimise land-take impact	Y	Route has been altered
11.1	Land-use	Adjust to minimise land-take impact	N	The route is constrained by utilities infrastructure and archaeology, land cannot be avoided.
12.2	Land-use	Adjust to minimise land-take impact	Y	Route has been altered
15.1	Ecology	Adjust to avoid hedgerow	Y	Route has been altered
16.1	Ecology and Land-use	Adjust to: Avoid Hedgerow; and Minimise land-take impact	Y	Route has been altered
17.1	Land-use	Adjust to minimise land-take impact	Y	Route has been altered
19.2	Drainage	Adjust to minimise number of watercourse crossings.	Y	Route has been altered
21.1	Land-use	Adjust to minimise land-take impact	Y	Route has been altered

25.3	Land-use	Adjust to: Avoid mature tree; and Follow old railway	Y	Route has been altered
26.1	Ecology and Land-use	Adjust to: Avoid mature trees; Minimise land-take impacts; and Ensure maximum distance possible from residential property	Y	HDD will not achieve requested length but HDD will be used under trees and the bellmouth will be sited between trees if possible Cannot re-route north due to other residential constraints so no amendment required
26.2	Land-use	Adjust to avoid land	Y	TCC 10 moved to straddle cable route
35.1	Drainage	Adjust to minimise length of watercourse crossings	Y	Route has been altered
38.4	Archaeology and land-use	Adjust to: Avoid old monastery; and Minimise land-take impact	Y	Route has been altered
40.3	Drainage	Adjust to minimise number of watercourse crossings	Y	Route has been altered
41.3	Land-use	Adjust to avoid most productive land	N	Cannot re-route to edge of field due to sensitive ecological constraints however has been moved due to constraints identified other change requests

45.1	Land-use	Adjust to minimise land-take impact	Y	Route has been altered
45.3	Land-use	Adjust to minimise land-take impact	Y	Route has been altered
47.1	Drainage	Adjust to avoid drainage	Y	Drainage removed from development boundary
48.4	Land-use and Utilities	Adjust to: Avoid Landscaping Avoid Utilities infrastructure Avoid access track	N	Cable route amended as far as possible due to engineering, ecological and utilities constraints, any landscaping affected will be re-planted

Onshore Project Description

2.21 Table 1-2 (Indicative Electrical System construction periods) Volume 3, Chapter 1, *Onshore Project Description* of the ES, sets out where drainage works are included as part of the proposed development.

2.22 Paragraph 1.117 in Volume 3, Chapter 1 of the ES states that "*open-cut trenching will be used to install the majority of the cable in relatively unconstrained areas*."

2.23 Paragraphs 1.119 - 1.120 in Volume 3, Chapter 1 of the ES notes that during open-cut trenching "*header or interceptor drains will be connected to existing field drains to maintain effective field drainage for the adjacent farmland during the construction phase. The details of temporary field drainage will be agreed with each landowner prior to installation*."

2.24 Paragraph 1.132 in Volume 3, Chapter 1 of the ES states that "header or interceptor drains will be removed and new sections of field drainage pipe installed. The details of the reinstated drainage will be agreed with landowners prior to installation, and may be witnessed by landowners or their agents." Please note that the opportunity for the landowner or their agents to inspect the repair is set out in the proposed private treaty agreement below.

2.25 The installation of cable joint pits has considered existing field drainage, paragraph 1.142 in Volume 3, Chapter 1 of the ES states that "*The joint pits will consist of a concrete plinth and may include concrete walls. While crossing agricultural land the highest point in the pit – including the cable circuit and associated protection* [excluding

link boxes] – *will be at a minimum depth of 900 mm below the top of the subsoil layer. In some areas the joint pits could be deeper, for example where there is extensive field drainage*."

2.26 The Applicant can confirm that all work on agricultural drainage systems will be undertaken within the Order Limits. Please refer to the *Onshore Export Cable Corridor Requirements – Explanatory Note* attached at Appendix 28 of the Applicant's Response to Deadline 2, which sets out at paragraphs 3.11 – 3.14 how drainage works are incorporated into the working width.

Land Use, Agriculture and Soils Baseline

2.27 Landowners have raised concerns that the assessment has not considered the particular characteristics of the baseline environment in relation to land drainage and that without detailed survey data the assessment is not appropriate.

2.28 The Applicant considers that the information contained within the *Land Use, Soils and Agriculture Baseline Study* (Volume 5, Annex 5-1 of the ES) provides sufficient detail of existing land uses in the vicinity of the proposed development. As set out in paragraph 1.4.1 of this document, *"the land use, soils and agriculture baseline assessment has been undertaken as a desk based exercise using information held within the public domain, aerial photography and consultation with relevant organisations in order to identify relevant receptors."*

2.29 The appropriateness of the baseline characterisation is supported in the SoCG with Natural England (Appendix 23 of the Applicant's Response to Deadline 1), who agree at paragraph 4.99 *"that the methodology, set out in Volume 5, Annex 5.1 Land Use, Agriculture and Soils Baseline Study (document reference 6.2.3.5) of the ES and undertaken to characterise the existing environment around the proposed development, provides an appropriate approach to describing the land use, agriculture and soils baseline environment."*

2.30 The Applicant's knowledge of the baseline has also been informed by the Phase 1 Habitat survey carried out as part of the Terrestrial Ecology Assessment, which identify the location of agricultural fields, amongst other ecological information.

2.31 Overall, Natural England agree in the SoCG (Appendix 18 of the Applicant's Response to Deadline 1) at paragraph 4.100 *"that the descriptions given in paragraphs 5.23 – 5.48 of Volume 3, Chapter 5 of the ES provide an accurate and appropriate characterisation of Land Use, Agriculture and Soils based on the existing data available from literature and site specific surveys."*

2.32 As outlined in the introduction above, the Applicant acknowledges the particularly sensitive nature and critically important role of the existing agricultural land drainage systems that fall within and adjacent to the Order Limits of the proposed development. Further, the Applicant maintains that the appropriate time to consider these characteristics is at the detailed design stage, once the detailed design of the cable circuits is fully understood within each field.

Land Use, Agriculture and Soils Assessment

2.33 Embedded mitigation included as part of the assessment of land use agriculture and soils states in Table 5-7 in Volume 3, Chapter 5 *Land Use, Agriculture and Soils* of the ES that "*an Agricultural Liaison Officer (ALO) will record existing crop regimes, position and condition of field boundaries, existing drainage and access arrangements and private water supplies (as far as reasonable investigations allow) and liaise with affected landowners to record potential constraints and mitigations to be entered into a pre-entry record of condition for the affected landowner. The ALO will also help with the agreement of re-instatement measures after completion of works*."

2.34 Paragraph 5.55 in Volume 3, Chapter 5 of the ES states that "*localised disturbance and / or severance will potentially occur at the interface points between the cable corridor working width and … agricultural field drains and ditches*."

2.35 The assessment of temporary disruption to agricultural land use states at paragraph 5.64 in Volume 3, Chapter 5 of the ES that "*the sensitivity of the farm holdings as receptors is considered to vary. Where larger agricultural holdings are impacted, these are considered to represent receptors of high sensitivity, with a resultant temporary effect significance of minor predicted for the duration of the construction phase. Marginal (smaller) agricultural holdings are considered to be receptors of very high sensitivity, with temporary effects of moderate significance anticipated, which is significant*."

2.36 Paragraph 5.65 in Volume 3, Chapter 5 of the ES concludes that "*following the full reinstatement of areas impacted by construction activities, the effect on agricultural operations is assessed to be negligible*."

Code of Construction Practice

2.37 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. Further details will be set out in the CMS for each stage of the TKES works, which shall accord with the Outline CMS (Application Document 8.7.1); which can be seen at Appendix One of this Outline CoCP*)."

Outline Construction Method Statement

2.38 Paragraphs 2.27 – 2.30 set out general construction management for works on existing drains, sewers and chambers.

2.39 Paragraph 2.27 states that "*where any works are carried out in connection with existing drains, etc. adequate precautions shall be taken to ensure that no earth, rubble or foreign matter is introduced into the drains. It will be taken that the Contractor has inspected the drains, etc. prior to commencing work. Any existing contamination, blockage or damage shall be recorded and reported to the Site Manager or appropriate alternative personnel*."

2.40 Paragraph 2.28 states that "*the Principal Contractor shall ensure that surface water is prevented from entering foul water sewers and that foul sewage is not allowed to leak or overflow into surface water drains, adjacent to sewers or elsewhere*."

2.41 Paragraph 2.29 states that "*on completion of any works, the Principal Contractor shall inspect the affected drains, sewers or chambers to ensure that no contamination, blockage or damage has occurred to the drain, sewer or chamber as a consequence of the said works. Any such contamination, blockage or damage shall be made good by the Principal Contractor."*

2.42 Paragraph 2.50 states that "*following completion of construction operations all agricultural land will be restored to its previous condition*."

2.43 Paragraph 2.51 states that "*land drains within the cable route, which may be temporarily affected by construction operations, will also be restored following completion of construction. This is important to ensure that the growth of trees and hedgerows is not affected by changes to the surface water drainage system*."

Outline Soil Management Plan

2.44 Section 5 of the *Outline Soil Management Plan (SMP)* (document reference 8.7.5) sets out the outlines that Applicants approach to soil management in relation to drainage. The Applicant is confident that through the measures outlined in the soil management plan, appropriate drainage mitigation can be put in place, and concerns about the long terms impacts of whole fields being sterilised are not well founded.

2.45 As an important part of the Applicant management of soil impacts is through its commitment to adhere to industry good practice in its management of soils through 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' (Defra, 2009). Please refer to paragraph 5.1 of the Outline SMP, which notes that all soil handling, placing, compaction and management will be undertaken in accordance with best practice guidance (DEFRA, 2009).

2.46 Paragraph 5.3 of the Outline SMP (document reference 8.7.5) sets out that "*existing land drains, where encountered during construction, will be appropriately marked. Temporary drainage will be installed within the working width to intercept existing field drains and ditches in order to maintain the integrity of the existing field-drainage system. Such measures will also assist in reducing the potential for wet areas to form during the works, with a consequential impact on soil structure and fertility.*"

2.47 Paragraph 5.4 of the Outline SMP (document reference 8.7.5) sets out that "*Particular care will be taken to ensure that the existing land drainage regime is not compromised as a result of construction. Land drainage systems will be maintained during construction and reinstated on completion. Temporary cut-off drains will be installed parallel to the trench-line, before the start of construction, to intercept soil and groundwater before it reaches the trench*."

2.48 Paragraph 3.2 of the Outline SMP (document reference 8.7.5) sets out that "*Liaison with affected landowners and tenants will be undertaken to identify potential constraints and barriers to construction and identify the provision of any temporary drainage requirements and/or diversions.*"

2.49 Paragraph 3.3 continues noting that "*such aspects will be recorded and entered into a pre - entry record of condition for the affected landowner. The commencement of construction will reflect ALO agreements made with affected parties to minimise disruption, where possible, to existing farming regimes and timings of activities (e.g. cropping*)."

2.50 Paragraph 3.4 states that "*the ALO will undertake site inspections during construction to monitor working practices and ensure landowners' and farmers' reasonable requirements are fulfilled. The ALO will also retain a function with regards to agreeing reinstatement measures following completion of the works*."

2.51 Requirement 14 of the draft DCO (document reference 3.1) secures as part of the Code of Construction Practice a SMP which accords with the Outline SMP (document reference 8.7.5).

2.52 Requirement 14 states that *"(1) no stage of the onshore works shall commence until for that stage a code of construction practice in accordance with the outline code of construction practice (onshore) has, after consultation with the Environment Agency, been submitted to and approved by the relevant planning authority. The code of construction practice must, where relevant, cover all the matters set out in the outline code of construction practice. (2) The code of construction practice must include: … (e) a soil management plan*."

Private Treaty Agreements

2.53 The Applicant has taken a reasonable approach in seeking to secure private treaty agreements with landowners as the private treaty agreements will contain enforceable obligations on the part of the Applicant to reinstate drainage systems to the landowner's reasonable satisfaction. This approach is standard practice across a broad range of infrastructure projects.

2.54 The Applicant's latest proposed heads of terms that were issued to landowners in September 2015 in order to seek to conclude private treaty agreements, include the offer to reinstate drainage systems to the landowner's reasonable satisfaction (and to the reasonable satisfaction of the occupier, if applicable, and where this does not conflict with 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. Please see extract from the heads of terms issued in September 2015 below:

"TKOWFL will reinstate drainage systems to the Landowner's reasonable satisfaction (and to the reasonable satisfaction of the Occupier, if applicable, and where this does

not conflict with 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, and that the restoration follows best practice for field drainage installations, and takes into account site specific conditions."

2.55 The Applicant has committed to consult with the landowner, prior to the installation of the cables, on the design of any land drainage works required, both for the installation of the cables and on the design of any land drainage works required for the subsequent restoration of the land. Please see extract from the heads of terms issued in September 2015 below:

"TKOWFL will consult with the Landowner, prior to the installation of the Electrical Apparatus, on the design of any land drainage works required for the installation of the Electrical Apparatus, and on the design of any land drainage works required for the subsequent restoration of the Land."

2.56 The Applicant has also offered to employ a suitably qualified drainage consultant and/ or ensure that the appointed cable installation contractor employs the services of a suitably qualified drainage expert to act as an independent drainage expert prior to the installation of the cables. Please see extract from the heads of terms issued in September 2015 below:

"TKOWFL will either employ a suitably qualified drainage consultant and/ or ensure that the appointed cable installation contractor employs the services of a suitably qualified drainage expert (either internal or consultant) to act as an independent drainage expert prior to the installation of the Electrical Apparatus."

2.57 The Applicant has committed to ensure that the landowner has opportunities to inspect the land drainage works as they progress. Further, the Applicant has committed to provide records of existing and remedial drainage after installation. Please see extract from the heads of terms issued in September 2015 below:

"TKOWFL will provide the Landowner the opportunity to inspect such land drainage works as they progress. Records of existing and remedial drainage will be made by TKOWFL and copies provided to the Landowner (and the Occupier, if applicable) after installation of the Electrical Apparatus."

2.58 In the unlikely event that operational impacts remain after reinstatement, the Applicant has offered to compensate occupiers for any loss caused by its use of the easement strip. Please see extract from the heads of terms issued in September 2015 below:

"TKOWFL will compensate the Occupier on a proven business loss basis for any damages or losses caused as a direct result of TKOWFL's use of, or access to or from, the Easement Strip, subject to receipt and approval of a claim submitted in a format to be requested by TKOWFL."

2.59 The Applicant has included in the HoTs a request that landowners provide drainage plans, where available, to aid the design of drainage reinstatement. Please see extract from the heads of terms issued in September 2015 below:

"The Landowner will provide to TKOWFL prior to the installation of the Electrical Apparatus copies of plans or any other details which identify the location and/or depth of drainage systems on the Land, where such plans are available to the Landowner."

2.60 The Applicant considers that the positions offered give the landowners comfort that their concerns will be addressed during construction involving drainage alteration and reinstatement works. As such the Applicant considers that the commitments made are fair and reasonable, and demonstrate the Applicant's acknowledgement of the importance of the issue of drainage within this area of Lincolnshire.

3. CONCLUSION

3.1 Interaction of the cable route with agricultural land drainage systems has been minimised through the design of the proposed development where possible and where interactions are anticipated, they have been assessed and embedded mitigation has been developed to ensure that potential impacts are minimised. The Applicant has committed to adhering to industry good practice and to maintaining involvement of landowners and drainage specialists in the management of interactions with existing drainage. Further, the Applicant has committed 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. In the unlikely event that operational impacts remain after reinstatement, the Applicant has committed to compensating landowners for losses arising from its use of the cable route.

3.2 On this basis, while the Applicant acknowledges that this is an area of great concern to landowners, it is considered that the approach outlined is reasonable and appropriate to the management of potential impacts on agricultural land drainage systems.