

From: [GCSXEdwardsP](#)
To: [Triton Knoll Electrical System](#)
Subject: 151130 EN020019 Boston Borough Council - Summary of oral cases put at November Hearings
Date: 30 November 2015 16:52:06
Attachments: [BBC Deadline 3.pdf](#)

For the attention of Sarah Jones, Case Manager

I refer to the Examining Authority's Deadline 3 submission deadline and the Panel's Action Note published on 26 November 2015.

Please find attached a pdf document being the Council's submission to Deadline 3 which I trust you will find satisfactory.

Please could you acknowledge receipt.

Thank you

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Planning Act 2008

Nationally Significant Infrastructure Project

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

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

**Submissions to Deadline 3 (30 November 2015) from
Boston Borough Council**

Planning Inspectorate Ref: EN020019

Boston Borough Council ref: PLE/

1.0 Background

- 1.1 This Submission to Deadline 3 Document is a summary of the oral cases put to those Hearings attended by Paul Edwards on behalf of Boston Borough Council and seeks to address all the points requested for Deadline 3 in the revised timetable at Appendix A to the Lead Member's letter of 13 October 2015. It also takes account and addresses those points in the Panel's Action Note from the November Hearings published on 26 November 2015.

2.0 DCO Hearing 12 November 2015

Comments on the Change Request

- 2.1 The Council has no objection to the acceptance of the applicant's Change Request. The Unlicensed Works (as now defined at para 2.2 to Appendix A of the *Bicker Fen Extension and Reconfiguration Note* published 13 November 2015) are to be placed outside of the present NGET substation secure boundary but within the existing Order limits. The Environmental Statement Addendum which accompanies the Change Request demonstrates that a Review of the impacts has been undertaken and the Council can confirm that it considers that this assessment and review is robust and has been properly undertaken. The scope, scale or magnitude of the Unlicensed Works would not change; it is just the proposed location of this point of connection that is different. The updated traffic information and cumulative assessment shows that there are further traffic impacts in the vicinity of the Bicker Fen Substation but these are concerned with the Substation Extension Works (as defined), and are beyond the control of the applicants and not formally within this DCO application.

2.2 The distinction between where the Unlicensed Works end and the Enabling Works (as also defined in para 2.2 to Appendix A above) commence is not entirely clear since, for example both definitions in para 2.2 refer to the Unlicensed Works and the NGET Enabling Works each creating or consisting of 'two connection bays'. The applicants will likely agree an updated definition with the Council.

2.3 The NGET Substation Extension Works as now mooted and defined for the first time, also in Appendix A, are not within the proposals of the applicants and it is understood that the need for the Extension Works is not only triggered by this DCO since other Hearings heard that other renewable energy projects (including the Viking Link) will bring about the need for the Extension Works to commence.

NGET evidence to Hearing

2.4 The Hearing heard that it is not a question of capacity at the existing Bicker Fen Substation to take new flows but more to do with a reconfiguration to assist with design and efficiency. A Clarification Note was requested by the Panel from NGET for Deadline 3 and the Council will make further representations upon its receipt to Deadline 4.

'Commence' definition

2.5 The issue with these discussions, raised by others, was to do with the definitions of commencement and completion. In essence, it seems that there is no Requirement for temporary construction compounds, fencing or other temporary works to be removed. Requirement 20 (Restoration of land used

temporarily for construction) is incomplete in that there is no timing of when the reinstatement details are to be submitted.

2.6 The Requirement for a Construction Management Plan for each stage could benefit from that Plan specifically needing to include timings for hedgerow removal and replacement; timing for the removal of temporary construction compounds and the timing for the removal of the fenced cable route once backfilling is complete. The Council would suggest that the Restoration Plan (Requirement 20) for a Stage should be submitted within one month of the commencement of activity on that Stage.

2.7 In Part 3 to the Draft DCO, the Council has no objection to the notification period for temporary stopping up of 28 days but would query subs 9(4)(b) as to the nature of or the power to impose 'reasonable conditions'.

Noise Requirement 17

2.8 The Council confirms that the Requirement as drafted - rating level not to exceed 35dB L_{Aeq} - continues to have its support and apologises for some expression of doubt at the Hearing(s).

2.9 It was understood that the applicants will put forward proposals for construction noise monitoring.

Schedule 11 Discharge of requirements and fees

- 2.10 The Council would suggest that any doubt can be easily addressed by the insertion of ...'or any defined stage within a requirement'...after ...'requirement'...in subs 5(1) to Schedule 11.

New Requirement -use of permanent haul road Work No 48

- 2.11 The Council, in response to the ExA's request for some suggested wording, has proposed additional wording to the Applicant for Requirement 18 of the draft DCO (construction traffic). This is still under discussion and we will update the ExA with any agreed drafting at Deadline 4.

Comments in respect of the request for an Article 4 Direction

- 2.12 This point is quite straightforward to the Council.
- 2.13 The works which have now been defined during the course of the Examination and which the Council had made previous reference to before the commencement of the Examination are now referred to as the 'Substation Extension Works' (para 2.2 to Appendix A of the *Bicker Fen Extension and Reconfiguration Note* published 13 November 2015). They are further referred to in the joint *Position Paper* between the applicant and NGET submitted with the Change Request.
- 2.14 Although the assistance from NGET to the Hearings was not precise, the Council understands that the double busbar reconfiguration helps with the design, efficiency and future operation of the existing Substation. The *Summary of Design Changes at Bicker Fen Substation* (Appendix B) sets out

that “all construction traffic associated with the National Grid works will access the site via public roads and the main substation access road”. The Chapter 6 *Review of Assessment: Table 2 Environmental Statement* addendum shows a doubling of total traffic movements when the cumulative impact of the extension works are taken into account.

2.15 The Secretary of State’s Article 35 Direction said that the process of examination would ‘benefit from the entire grid connection infrastructure being examined’. The Council would assert that this must include the Substation Extension Works and with the greatest of respect to the applicant’s analogy, this is not just a ‘plug’ which just takes us to the perimeter fence of the NGET substation but there are implications for grid connection infrastructure which although are not a part of the applicants’ proposals they are nevertheless in front of the ExA and within the Order limits and quite clearly this is what the Secretary of State envisaged when reference was made to the ‘entire infrastructure’.

2.16 The applicant is unable to and cannot be expected to seek to control or influence the NGET works and routes of construction traffic to implement the Substation Extension Works or the NGET Enabling Works. The Council would contend that to ignore this aspect of identified necessary works that have a bearing on the TKES consent application would not be addressing the Minister’s Direction relating to the ‘entire connection’. Detailed evidence on the implications of unregulated or uncontrolled traffic movements in the Bicker area was included in the Council’s LIR at paras 5.5 to 5.12.

2.17 NGET and the applicant have expressed a willingness to seek to reach an understanding with the Council in relation to the TKES works; the works that are presently possible within the NGET site and the process for dealing with any future revisions to the current site if future connections exceed the current design parameters. The Council would seek to reserve its position on the drafting of a Requirement as an alternative to an Article 4 Direction subject to such 'seeking of an understanding' commencing or reaching any conclusions.

3.0 On-Shore Hearing 17 November 2015

Completion/Construction Periods

3.1 The Council does not have anything further to add following paras 2.5 to 2.7 (above) to the further Hearing discussions on completion periods and the lengths of construction periods compared to various and differing stage start times. It does however take the view that a DCO cannot lawfully require enforceable completion to a defined timescale. This must be a matter for agreement within future Construction Management Plans.

GIS / AIS choice

3.2 The Council is content that the ES and Assessment has addressed the worst case in terms of landscape and visual impacts of the new Substation given that it has not been confirmed whether GIS or AIS electrical equipment will be utilised. The Requirement for Detailed Design Onshore submissions can operate within the envelope of the most adverse landscape or visual impacts that have been assessed.

Consequential changes to DCO as a result of change request

- 3.3 The Council will await the applicants' updating and assessment and respond to Deadline 4.

Viking Link

- 3.4 The Hearing on the 17 November heard from Viking Link Interconnectors that the *Viking Link: Introduction to Project* document dated July 2015 that had been incorporated into a County Council representation published on 28 October 2015 should be 'treated with caution' and that it had been 'all but shelved'.
- 3.5 On this basis and following the private workshop hosted by Viking Link with local authorities on 6 November 2015, this Council's view is that although it is perfectly reasonable for and perhaps incomprehensible why the public would not assume that routes, corridors or lines could not be shared and/or the survey data shared, the reality seems to be that there are many technical and practical reasons why the two projects will remain two separate and distinct activities with their own timescales and consenting regimes. The Viking Link project is also a European Project of Common Interest (PCI) to which the TEN-E Regulations will apply. It seems that even now, and before any approval or commencement, that TKES will become a constraint on Viking Link, its route and assessment.

4.0 Landscape and Visual Hearing 18 November 2015

Construction times and definition of 'completion'

4.1 The Council will await the applicant's responses to the discussions in terms of construction durations for the various stages and that the Substation has the longest construction period and thus will start 'first'. The Council will comment on the way in which this influences its desire for timescales for removal of temporary works and timescales for matters such as hedge replacements to Deadline 4.

Strategic planting

4.2 The Hearing heard the various comments or assumptions that had been made about 'strategic' planting in advance of other or more substantial works. The applicant pointed to para 7.11 of the *Outline Landscape Strategy and Ecological Management Plan (OLSEMP)* (Document 8.8) which refers to some limited planting to the substation perimeters post enabling works. The Council is content that the submission to discharge Requirement 6 is the place for the detail of this 'strategic' planting but would note that the Enabling Works (Works 9 and 50 in respect for both the IEC and the Substation), according to the Requirement can commence before any landscaping proposals have been submitted and approved.

4.3 The Council would request that Requirement 6 should be amended to ensure that neither the Enabling nor the 'Main' works (Works 9, 9A, 50 or 50A) may commence until those details have been submitted and approved. It would be wrong to allow enabling works to start before any landscaping proposals have been approved in view of the large scale; footprint and land take for the enabling works.

- 4.4 At this point it is also important to note that Requirements 6 and 7 relate only to Works 9a and 50A. The matters that have been discussed in terms of hedgerow replacement elsewhere presently do not appear to be covered by any landscape submission requirements in the DCO, despite what the OLSEMP says.
- 4.5 Further to the Hearing discussions, the Council would confirm that it would not normally consult a community or individual neighbour(s) on applications for discharge of conditions unless that issue had previously been identified by a determining Committee that a particular reserved detail should be the subject of consultation and publicity when it is submitted for approval. The same would be true for submission(s) to discharge Requirements and thus the Council, can give no undertaking that planting proposals for the Substation would necessarily be the subject of publicity.

Design Principles Document

- 4.6 The Council is content that the *Design Principles Document* (Document 8.6) provides necessary information to inform the final design and parameters for the appearance and layout of the Substation. The Council does not believe that decisions over the identification or nature of materials are required now and is comfortable that Requirement 5 is satisfactory.
- 4.7 The Council would however wish to insist that this submission to satisfy 5(3) is made before any enabling works commence (Work 50), rather than as presently drafted, before the actual compound works commence (50A). By the time enabling works commence the full detail of the design and layout etc will

be known so there is no reason why details of landscaping cannot come before any works commence. For the avoidance of doubt the Council is content that strategic planting when it is defined can be implemented after the Enabling Works.

This concludes the Council's Submissions to Deadline 3.

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