



# Triton Knoll Offshore Wind Farm Limited Triton Knoll Electrical System

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**Appendix 5: Written Summary of  
The Applicant's Oral Case put at  
Socio-Economic Issue Specific  
Hearing on 19 November 2015**

**Date: 30<sup>th</sup> November 2015**

**Appendix 5 of the Applicant's  
response to Deadline 3**

Triton Knoll Offshore Wind Farm Limited

## Triton Knoll Electrical System

Appendix 5: Written Summary of The Applicant's Oral Case put at Issue Specific Hearing on 19 November 2015

Appendix 5 of the Applicant's response to Deadline 3

Date: 30<sup>th</sup> November 2015

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## 1. Summary of The Applicant's Oral Case

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### Agenda Item 1 – Introduction

- 1.1 Following an introduction from the ExA, the Applicant, along with other parties in attendance, introduced its representatives.

### Agenda Item 2 – Opening Remarks by the Examining Authority

- 1.2 It was noted that the order in which the Agenda items were taken was amended from that published by the Planning Inspectorate on Friday 2 October 2015 and that matters relating to working hours and employment will be picked up through the ExA's second written questions. This summary follows the order of the proceedings as re-ordered and, in parts groups discussion on topics which were revisited throughout the hearing together to present a succinct case.
- 1.3 The ExA noted that on Monday 9 November 2015 PINS received documentation which requested a change to the Application relating to the National Grid substation at Bicker Fen. The ExA explained that the changes will still be within the existing Order Limits of the Application, comprising a potential alteration in the location at which the proposed development might join up with the national grid within the Bicker Fen substation. The ExA recorded that it is yet to decide whether this change is to be accepted into the Examination.

### Agenda Item 3 – Requests to question a person making an oral representation

- 1.4 Mr. Anthony Cox (representative from Anderby Parish Council) requested permission to directly question the Applicant during the hearing.

### Agenda Item 4 – Cable route

#### Cable route selection

- 1.5 In response to the ExA question requesting an explanation on how the Applicant selected the onshore cable route, in particular the selection of the construction method the Applicant advised that the cable corridor design was an iterative process with a lot of interdependencies. In early 2013 a landfall was selected in the vicinity of Anderby Creek. Following this the Applicant undertook its Alternatives Consultation in Spring 2013 an extensive consultation exercise to consider the four short listed substation sites near to the existing Bicker Fen substation and the three shortlisted sites for the IEC.

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- 1.6 That consultation also identified three different cable route options passing from Anderby Creek via the shortlisted IEC sites (the red zone, brown and yellow zones) and a general corridor route down to the National Grid substation at Bicker Fen. Based on the responses to the public consultation, information the Applicant received from landowners, consultation with the EA, NE, the IDBs and the NFU as well as information from technical consultants, an initial 60 m wide corridor was identified in October 2013.
- 1.7 Anderby Creek North was selected as the landfall location in December 2013. A second round of consultation was carried out from 2 February to 16 March 2014 with questionnaires sent to landowners and residents along the 60 m corridor and within a buffer of 250 m either side. Detailed plans of the cable route were also sent to landowners.
- 1.8 The Applicant then undertook landowner exhibitions during June 2014. Comments from landowners were considered and the Applicant continued to review and consider requests and comments after the consultation had closed, with further refinement of the corridor undertaken.
- 1.9 Statutory consultation under section 42 of the Planning Act was conducted in October 2014 and the Applicant sent specific landowner plans out to the landowners from early 2014 onwards identifying the proposed detailed cable route. The Applicant continually reviewed and considered all responses received from landowners during that period requesting changes to the corridor, in addition to feedback received from other agencies.
- 1.10 Table 6.1 of the Site Selection and Design Report (document reference 8.17) sets out all the different requests received by the Applicant. The Applicant accommodated requests as far as possible but there were several competing requests or areas where the change requested could not be accommodated completely. Specialist advice was sought and the Applicant considered each individual request. Where the request could not be accommodated, the Applicant replied to the landowner and explained the reason. Figure 6.4 of the Site Selection and Design Report shows, over 48 sheets, the different iterations of the route in response to these changes.
- 1.11 In response to the ExA question on whether major obstructions were also considered the Applicant confirmed that the Area of Outstanding Natural Beauty (AONB) was avoided due to the importance of tourism for this area, as highlighted by ELDC, and that the Applicant tried to minimise crossings of large obstructions such as railway lines. Further, the applicant explained that although consideration was given to the cable corridor routing to the south of the A52, this was identified as not being possible due to the value of this area for sensitive ecology as well as engineering difficulties. Advice was sought from construction engineers to confirm whether or not the obstacles could be crossed using a trenchless technique.
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- 1.12 In response the ExA questioned how obstructions were assessed and at what point the Applicant would be able to provide information on where the trenchless technique would start/finish. The ExA also questioned how, at any given location, crossings that required several obstacles to be passed with trenchless techniques would be managed. The Applicant responded that this information is set out in the Crossing Schedule (document reference 8.3) and that this document notes where the assets are crossed in a single set i.e. Group A, Group B. The Applicant confirmed that a figure will be submitted to the ExA identifying locations where trenchless techniques are committed to; locations for which the option for the use of trenchless techniques exists; and locations where open-cut is expected to be used. The information will be suitably caveated at this stage and will present indicative layback lengths for locations at which trenchless techniques are or may be employed. The figure will be submitted as part of the Applicant's response to Deadline 4.
- 1.13 In response to oral representations by Mr Banham questioning route deviation around obstacles, using the example of a wind turbine on his brother's land, the Applicant confirmed that it was aware of this turbine, along with other obstacles along the route, and that the 60 m corridor provides for micro-siting around such obstacles.
- 1.14 In response to the ExA question on whether the Applicant had done a walk over of the land the Applicant stated that detailed information was requested and although a lot of people did not provide any information, all relevant information received was fed back into the design. The environmental surveys had commenced by March 2013 and all fields have been visited and surveyed where access was granted, but access was not granted to all fields. The Applicant explained that all attempts to secure access to landowners' land as explained in paragraphs 6.10 to 6.29 and 12.41 to 12.49 of the Statement of Reasons (document reference 4.1). Further, Annexes 1, 2 and 3 to the Statement of Reasons provide detailed explanation of the attempts made for survey access and the level of response and consent granted, along with the areas of land where permission was denied.
- 1.15 In response to the oral representation by the NFU regarding a request to consider Anderby Creek South as it would impact fewer landowners, the Applicant stated that the detailed reasons for the selection of Anderby Creek North are set out in the Site Selection and Design Report (document reference 8.17).
- 1.16 The Applicant highlighted that there were a number of reasons for site selection of Anderby North that included consultation with LWT, the project engineers and ecologists. The Applicant explored a number of options for landfall at Anderby Creek South but as LWT had purchased land and undertaken work to create a very successful wildlife site at this location, LWT was not able to support a landfall there. In addition the Applicant's ecologist found that there were breeding harries in the marshes to the south and there were further engineering challenges that made this location less suitable.
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## Number and arrangement of cables

- 1.17 The ExA requested that the Applicant explain the choice of high voltage alternating current (HVAC) cables for the project. The Applicant explained that the nature of the TKES project is suitable for an HVAC solution. Comparatively, a high voltage direct current (HVDC) solution requires a significantly larger converter station, and has challenges associated with it both onshore and offshore. To date, there are no offshore wind farms that have used an HVDC solution and it is therefore not considered a proven technology for the UK offshore wind industry. The Applicant confirmed that both HVAC and HVDC were given consideration during the screening and the various factors for each were weighed up.
- 1.18 The ExA referred to previous oral submissions made by the Applicant which detailed a reduced cable corridor width at hedgerow crossings and asked why the width could not be reduced at other locations along the cable route.
- 1.19 The Applicant clarified that for short distances where a hedgerow is crossed a narrowing of the cable corridor construction width can be achieved by storing the subsoil and topsoil slightly further along the route but still close to the hedge location. This could not be accommodated at a significant number of locations nor for significant lengths along the route, as one of the primary reasons the width is needed is for the efficient storage of soils.
- 1.20 A representative from Orby Parish Council requested to clarification as to whether one of the constraints that has been considered for the cable is the limit of cable length for a HVAC solution and wanted to ensure that the project was future proof.
- 1.21 The Applicant confirmed that the export cable might be considered to be at the upper end of what is achievable for an HVAC cable, but that the technology was proven to the distances and capacities proposed for the TKES and that there are other similar projects using it. The Applicant also advised that it is confident the HVAC solution will be effective and efficient for the lifetime of the wind farm based on predictions of the design life.
- 1.22 The NFU sought clarification as to the design life of the cables. The Applicant confirmed that it is expected that the operational lifetime of the cables is in the order of 40 years but that there are instances where cables have been in the ground much longer.
- 1.23 ELDC made oral submissions in relation to the design life of the turbines and whether new applications are likely to come forward in the future in order to extend that. The Applicant clarified that the current design life for offshore wind farms being installed is 25 years and there are provisions in the draft DCO (Revision C). However, if they were decommissioned and new turbines were installed then a new application would be needed – the current design life could be extended through doing so.

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## Loss of agricultural land and food production

- 1.24 The ExA queried whether the six cable circuits would be constructed together or if it would be necessary to return to the landholding each time a cable is installed. The Applicant confirmed that each section would be done on a circuit by circuit basis which may be done across the width in parallel i.e. two excavation teams, and the work would be done across the circuits between jointing bays or obstructions which need to be crossed using trenchless techniques.
- 1.25 The Applicant reiterated that the length of time spent on any one land holding will depend on the construction programme and when works are commenced on that land and that a number of factors may influence this. The average duration for the construction 'site' to be across any given landholding is 3.5 years. This will however be less in some cases and potentially more in others with a maximum worst case of 54 months.
- 1.26 The Applicant has submitted further clarification on the construction sequence as Appendix 22 of the Applicant's response to Deadline 3.

## Agenda Item 5 – Jointing bays

### Siting of the jointing bays

- 1.27 The ExA requested that the Applicant explain the siting of jointing bays along the onshore cable route. The Applicant explained that onshore cables have multiple circuits per phase, whereas offshore cables are in bundles. Jointing bays are buried underneath the land to join the cables at points along the cable route and each joint will need a link box. The link box will be mounted in the topsoil, and can sit within 15 m radius of the jointing bay and does not have to be immediately above the jointing bay. However, the Applicant confirmed that it will seek to put them close to field boundaries where reasonably possible, within the confines of the 15 m radius siting restriction from the associated jointing bay.
- 1.28 The Applicant further clarified that the link box will have a 900 mm x 1200 mm manhole cover with a concrete casing which will sit flush with the field. Further, it clarified that the jointing bays will be an underground concrete plinth situated below the field drainage system and the cable ducts and it is therefore neither a visible during the operational phase nor a hindrance to agricultural activities.
- 1.29 The ExA asked whether landowners would be able to see the link box man-hole covers when carrying out agricultural practices. The Applicant clarified that landowners would be consulted as to whether they would like the link boxes to be demarcated. The Applicant also confirmed that the covers installed on top of the link boxes would be capable of taking agricultural vehicle loads.

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- 1.30 The ExA sought further detail on the siting of the jointing bays and where these would occur along the cable route. The Applicant explained that the siting of jointing bays can only be determined once the detailed design of other parts of the electrical system have been completed and will be dictated by the length of the cable section used. The location of each joint will be very constrained, for example they cannot be located where the cable is installed as part of a trenchless crossing of an obstacle. The location of joint bays and link boxes is key to the efficient operation of the electrical system as a whole. Pre-construction surveys and detailed design will be undertaken in order to determine the location of jointing bays. This will be dependent on other engineering constraints such as the length of cable which is determined to be the optimum, the location and layback of the trenchless crossings and the profile of those crossings. Once the locations of jointing bays are determined, the siting of link boxes can be established within a 15 m radius of the jointing bay. The Applicant clarified that there is therefore some flexibility but that is within a relatively small area, and heavily constrained by the location of the jointing bays. It is the preference and intention to site link boxes at the edge of field boundaries wherever possible. However, this is to be considered as a secondary constraint following the siting of the jointing bays, which has to deal with the wider constraints of the whole route rather than be determined on a field by field basis.
- 1.31 The Applicant has submitted further clarification on the selection of jointing bay and link box locations as Appendix 22 of the Applicant's response to Deadline 3.

### **Impact on agricultural practices**

- 1.32 Concerns were raised in relation to the impact of the link boxes on farming operations; the Applicant confirmed that the assessment undertaken gave consideration to the impacts on agriculture, and reiterated that the siting of the link boxes will be decided in discussion with the landowner and is likely to involve the Agricultural Liaison Officer (ALO).
- 1.33 In response to concerns with regard to the length of cable that would be able to be used, given the number and frequency of engineering constraints along the cable route, the Applicant advised that the project will be able to be delivered using cable distances between 600 – 1000 m and therefore the indicative number of link boxes suggested in the assessment and used as a maximum adverse scenario is robust. The Applicant further advised that it is in the Applicant's interest as well as the landowners' to have as long a cable length possible and therefore as few of the jointing bays and subsequent link boxes as possible, as this will reduce the construction programme and efforts.
- 1.34 The ExA queried at what stage during the design process the Applicant would liaise with farmers. The Applicant confirmed that engagement would involve the ALO and would take place early in the pre-construction stage. This would assist with pre-construction surveys and importantly, the gathering of information which needs to take place to inform the detailed electrical system design.

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- 1.35 The Applicant has noted requests to include detail on the link boxes in the Outline CoCP (document reference 8.7) or other relevant management plan.

### **Decommissioning of the jointing bays**

- 1.36 The ExA sought to understand what the intention is for decommissioning the jointing bays. The Applicant advised that a decommissioning plan would be submitted and approved by the relevant planning authorities toward the end of the project lifetime (within 6 months of commercial cessation), which is secured in Requirement 21 *Onshore decommissioning* of the draft DCO (Revision C).
- 1.37 The Applicant further confirmed that this plan would be subject to discussions with landowners and would take into account the preferences of the authorities and landowners.

## **Agenda Item 6 – Cable depth**

### **Effects of depth of cables on agricultural land drainage**

- 1.38 In relation to the depth of cable in agricultural land, the ExA referred to the prevention of any excavation in the restrictive covenants and asked whether landowners had been consulted on the drafting of the covenant. The Applicant clarified that the restrictive covenants are not an absolute restriction, they just require consent from the undertaker for certain works. The Applicant explained that principal terms of the Restrictive Covenants were appended to the Heads of Terms that were sent to the landowners in December 2014 and that no comments on them had been received prior to the start of the examination. As presented at previous hearings the Applicant is aware that further discussion is needed to understand the requirements and operations of those parties affected by the restrictive covenant and has committed to meeting with various parties to discuss this further.
- 1.39 Discussion was held in relation to the Head of Terms and how the drafting relates to the restrictive covenants in the draft DCO. The Applicant confirmed that this would be discussed during a meeting with the Land Interest Group.

### **Effect of cable depth on land drainage**

- 1.40 The ExA sought to confirm how the design of the cable route will minimise interference with the field drainage systems. The Applicant noted that there is mitigation embedded into the design of the project envelope which ensures no interference with IDB drains and major watercourses. The Applicant explained how the cable route had been aligned to field boundaries whenever possible to minimise interactions with field drains and that the design sought to reduce the cable corridor, thus reducing the number of fields through which cables would be installed. The Applicant referred back to previous submissions made in relation to the need for pre-construction survey and data collection before the detailed design for drainage systems can be established.
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- 1.41 The Applicant advised that the cables would be buried below the level of the active agricultural land drainage pipes. The Applicant also explained that land drainage will be managed in two stages: pre installation drainage, protecting integrity and operation of existing land drains and diverting drainage water away from the working area and cabling trenches; and post installation drainage which will either be a cross connection between existing drains or to re drain the corridor parallel with the cables.
- 1.42 The Applicant reiterated that it has insufficient information at this stage to complete a detailed drainage mitigation design, but will do this at the pre-construction stage once the detailed design of the electrical system is known, the necessary pre-construction surveys have been undertaken and information from landowners on existing drainage systems gathered. The Applicant highlighted that, as part of the process of carrying out pre-construction investigations and the liaison to take place with the ALO and the landowners, the Applicant will welcome consideration of alternative approaches to reinstating drainage systems. The Applicant noted that managing interactions with drainage systems will be a collaborative process.

## **Agenda Item 7 – Crops**

### **Crop development**

- 1.43 In response to the ExA seeking clarification on what measures are in place to control the spread of weeds, the Applicant referred the ExA to the Weed Control and Soil Protection Clarification Note which was submitted as Appendix 13 of the Applicant's submission to Deadline 1. This note outlines the consideration given to weed control and soil protection and where we have committed to best practice guidance.
- 1.44 The Applicant further clarified some examples of control measures which include:
- Covering of stored soil to prevent weed growth;
  - Sowing of ground cover e.g. dense grass swards
  - Regular strimming of weed growth to prevent seeding;
  - Herbicide applications (pre- or post-emergence); and
  - Mechanical control of weed seedling.
- 1.45 The Applicant reiterated that these measures will be discussed and agreed with landowners by the ALO to refine the control measures so that they are appropriate on a field-by-field basis. The role of the ALO was discussed and the Applicant will provide further detail on this following discussion with the Land Interest Group.

### **Construction timing**

- 1.46 The ExA asked what measures the Applicant proposes to take to minimise the impact of work on crops and what time of year works would take place.

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- 1.47 The Applicant confirmed that the detailed planning will be discussed at detailed design stage but that this will include discussions on cropping cycles and appropriate timings for certain activities in order to minimise the damage to crops and to the soil. The Applicant further explained that soil stripping would not be done during periods of high soil moisture content, which may mean avoiding stripping in the winter months. Works will be planned around the condition of the soils and ground and will be undertaken with methodologies set out to accommodate changes in conditions. For example, if weather conditions became severely adverse during trenched installation works, work would be suspended if necessary and soil run-off would be mitigated. It is the Applicant's intention that these details will be captured in the final management plans approved by the relevant planning authority, namely in the Code of Construction Practice (CoCP) and Construction Method Statement (CMS).
- 1.48 Robert Hurst (land agent) referred to paragraph 2.45 of the Outline CMS (document reference 8.7.1) which details surface water drainage procedures and expressed concern in relation overloading the land drainage systems.
- 1.49 The Applicant clarified that in general surface water would not be pumped in to the drainage system but may be pumped in to open ditches or allowed to be naturally drawn away. Only in extreme circumstances would alternative methods be employed of for example a very heavy rainfall event occurred.

### **Agricultural Liaison Officer (ALO)**

- 1.50 In response to oral submissions made by the NFU in relation to the role of the ALO, which is detailed in section 3 of the Outline Soil Management Plan (SMP) (document reference 8.7.5) submitted as Appendix 5 to the Outline CoCP, the Applicant confirmed that this role (the ALO) would be carried out by more than one individual. The Applicant confirmed that it understands the responsibilities of this role across a linear project of this scale means more than one individual will be required to fulfil the role of the ALO. The Applicant agreed to provide further detail on the role and responsibilities of the ALO. This will be a matter for discussion with the Land Interest Group (which includes the NFU) and an update will be provided at Deadline 4 of the examination.
- 1.51 The Applicant stated that it would consider which of the outline management plans the further detail provided on the role of the ALO would be most suitably included in. The Applicant will await outcomes from discussion with the Land Interest Group on the further detail to be provided in relation to the ALO and will secure this detail through the management plans as appropriate at a later stage.

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## Reinstatement of agricultural land

- 1.52 The ExA made reference to the concerns raised in relation to reinstatement of agricultural land, and the observations made during the accompanied site visit that the land is well drained and examples of new drainage systems that were seen. The ExA asked whether the Applicant had any information on the particular examples of new drainage they had seen such as what was installed, the size, how the land was reinstated etc. The Applicant confirmed that it does not have specific information on the example given but that its drainage experts have worked on similar linear projects in the area and can therefore provide helpful information to the Applicant from that experience. The Applicant further confirmed that the drainage system could be reinstated in the same manner as previous projects worked on in the area.
- 1.53 The ExA sought clarification as to whether the Applicant would be able to reconnect the drainage systems adequately so they can work properly, and how it would intend to do that. The Applicant explained that at this stage there is insufficient information to do a detailed design of how the drainage systems will be reinstated. However, during the pre-construction stage, the ALO will assist with gathering the relevant information and data needed in order to develop a mitigation design.
- 1.54 The ExA queried whether it is possible or not to bridge existing drains and whether cross connections were possible. The Applicant explained that it is possible to bridge existing drains. In response to the query on the reliability of cross connections, the Applicant confirmed that, if cross connections are installed by experienced land drainage contractor, with an approved method statement, to an approved specification, there is no evidence to support that these are any more likely to fail than a conventional land drain.
- 1.55 Several interested parties made representations in relation to drainage, the reinstatement of systems, and challenges which have been met in previous experiences. The Applicant acknowledged that further discussion on this is useful and will be the type of information needed to inform the drainage reinstatement design at the next stage. The Applicant reiterated that the ALO will be seeking to understand any issues and will assist with gathering such information.
- 1.56 Concerns were raised as to whether the drainage system will be able to be reinstated without going outside of the Order Limits. The Applicant acknowledged that landowners may prefer drainage systems to be reinstated in such a way that might include works outside the order limits but was clear that it is technically possible to reinstate drainage within the Order Limits. The Applicant reiterated that detailed drainage design will be undertaken with the input of landowners and drainage specialists.

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## Soil structure

- 1.57 The ExA asked about the instability of soils and the possibility of infrastructure moving within the soil. In response the Applicant explained that maintenance of the cable will be the responsibility of the operator (the OFTO) and it will be in their interest to ensure that the cables remain suitably buried and safe. In the long term, the Applicant explained that the cables will be subject to the agreement reached with the relevant planning authorities on the decommissioning plan.
- 1.58 The ExA sought further clarification on how the Applicant proposes to minimise the effect of the cable route on soils. The Applicant advised that it is recognised that the soils in this area are sensitive and will need to be handled carefully; the principal constraint being the timing of when soils are stripped and stored as this needs to be done when the soil is not too wet. A series of field tests will be undertaken to determine when the correct time to put them in to store will be, which will inform the management measures set out in the Soil Management Plan (SMP).
- 1.59 The ExA asked if there will be any degradation of biological activity simply through the duration for which the soil will be stored. The Applicant advised that the topsoil will be stored for a maximum duration of 54 months with grass cover and will not be disturbed. The Applicant clarified that all soil management will be undertaken to the Department for Food and Rural Affairs (Defra) best practice guidelines.
- 1.60 In response to the ExA asking what the process is for ensuring the topsoil returns from store to the location it was taken from, the Applicant explained that surveys would be undertaken to determine the topsoil type and a pre-condition record would be kept. Further, that once the soils have been restored, the same surveys would be carried out to determine whether the nutrient content, organic matter content etc. had fallen and remediation to assist the soils in regaining their previous status would be carried out.
- 1.61 The NFU requested that due aftercare is provided for the soils and suggested further sample surveys are carried out for a 10 year duration post-construction. The Applicant noted this request and will pick up discussions in relation to it when a meeting with the Land Interest Group is held.
- 1.62 Table 5-7 of Volume 3, Chapter 5, *Land Use, Agriculture and Soils* of the ES (document reference 6.2.3.5) details that an SMP will be prepared in advance of construction to ensure the protection, conservation and reinstatement of soil material, its physical and chemical properties and its functional capacity for agricultural use.
- 1.63 The Outline SMP (document Reference 8.7.5), secured in Requirement 14(2)(e) of the draft DCO (Revision C) states that all soil handling and management will be undertaken in accordance with best practice contained in the Defra guidance.

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## Loss of crops and food production

- 1.64 The ExA queried what the total loss of food production will be from the development. The Applicant explained that as part of the assessment, presented in Volume 3, Chapter 3 of the ES, the land is characterised by the Agricultural Land Classification (ALC). The percentage of land within the study area (100m buffer and proposed development boundary) falling within each ALC grade is approximately:
- ALC Grade 1-12.2%
  - ALC Grade 2- 54.6%
  - ALC Grade 3 - 31.8%
  - ALC Grade 4- 0.5%
- 1.65 The assessment assigned a magnitude of impact of minor for large land holdings and moderate for smaller land holdings.
- 1.66 The Applicant advised that the maximum adverse scenario which the assessment was carried out against is a construction period for the cable circuits 42 months over a 54 month period. As part of the assessment, the Applicant did not assess the value of crop loss but did assess percentage land take. This approach is similar to what has been done on other linear projects and is standard practice.
- 1.67 The area within the Proposed Development Boundary (approx. 441.9 ha) taken as a percentage of the total area of agricultural land within the East Midland Region is 0.0003%. As a percentage of Grade 1, 2 and 3 land within the East Midland Region, those areas within the Proposed Development Boundary represent 0.00035%. Overall, the impact was assessed to be minor.
- 1.68 The loss of agricultural land has been acknowledged by Natural England and paragraphs 4.96 – 4.125 of the SoCG between the Applicant and Natural England (submitted as Appendix 18 of the Applicant’s response to Deadline 2) confirms agreement to the baseline, methodologies and assessment of land use, agriculture and soils.
- 1.69 The NFU requested that commitments are secured with regard to carrying out works in wet weather conditions. The Applicant referred to paragraph 2.48 of the Outline CMS (document reference 8.7.1) which states that “*Construction will not be undertaken during very extreme wet weather where erosion of sediments and risk from flooding may increase*” and reiterated that comments on the Outline management plans are welcome.

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## Agenda Item 8 – Tourism

### Closure of Public Right of Way and Beach Access

- 1.70 In response to the ExA querying why it is necessary to close the Public Right of Way (PRoW) at the landfall (shown in the Public Rights of Way Plans submitted with the Application, document reference 2.7), the Applicant advised that the PRoW (Hutt/10/4) runs down the length of the access track from Roman Bank that construction traffic will use to get to the landfall site. The track will need to be upgraded to accommodate construction vehicles and a closure will be required to ensure safety and security for the public during this work. There is a commitment to reinstate this access track to its former condition once construction has finished and a second closure will be required to carry out these works. The total closure is not expected to exceed six months and in the intervening periods the Applicant would be able to manage traffic using that road and maintain access to the PRoW by using persons on site as marshals as detailed in paragraphs 3.4 – 3.7 of the Outline Construction Method Statement (document reference 8.7.1) and in paragraphs 2.6 – 2.8 of the Outline Communications Plan (document reference 8.7.10), both of which are secured in Requirement 14(2) of the draft DCO (Revision C).
- 1.71 The ExA sought clarification as to why a diversion route is not being provided for the closed PRoW (Hutt/10/4). The Applicant explained that it has been considered that there are several other nearby public access routes on to the beach and highlighted that this is the only PRoW closure proposed across the entirety of the scheme, and that although this particular right of way is to be closed during discrete periods of the construction phase, access to the beach will not be prevented.
- 1.72 Detailed signage will direct public to an alternative means of access to the beach during these discreet periods of closure which are available either via Moggs Eye car park to the north or Anderby Creek to the south. Overall, the impacts were assessed in Volume 3, Chapter 3 *Socioeconomics, Tourism and Recreation* of the ES (document reference 6.2.3.3) to be minor adverse, and ELDC and BBC agreed with this approach as detailed in the EIA Evidence Plan Process (document reference 8.16).
- 1.73 In response to an oral representation made by ELDC emphasising the need for good engagement with the local community to advise them if the PRoW is open or closed, the Applicant explained that the methods for managing the PRoWs are set out in the Outline CMS (document reference 8.7.1). It further confirmed that communication of closures and diversions are set out in paragraphs 2.6 and 2.7 of the Outline Communications Plan (document reference 8.7.10) which will be communicated to Lincolnshire County Council (LCC) and other relevant organisations, including parish councils. These commitments are also secured through Requirement 14(2) of the draft DCO (Revision C).
- 1.74 The Applicant confirmed that PRoW Hutt/10/4 will require closures and upgrading but Hutt/10/5 will not.

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- 1.75 In response to an oral representation from ELDC on whether the works could be carried out over winter the Applicant clarified that weather is a key factor of marine operations and the Applicant would need to ensure that there was a long enough window to carry out the cable installation of the offshore cables.
- 1.76 LCC requested that the Applicant liaise with the PRow department as there are set procedures to follow in relation to diversion of PRow. The Applicant clarified that whilst there hasn't been any direct discussions with a PRow officer to date, there has been engagement throughout the EIA Evidence Plan Process with Planning Officers at LCC who was content with the proposals. The Applicant reiterated that LCC will be engaged during detailed design and through the pre-construction phase in order to liaise on PRow diversions and all other matters relevant to the County Council.

### **Enhancement around the Landfall**

- 1.77 The ExA queried whether the Applicant had considered if there is any opportunity for enhancement at the landfall or along the access track. The Applicant confirmed that a commitment had been made, through a discussion with LWT, to sow a wild flower seed mix on the Transition Joint Bays (TJBs) which will improve biodiversity of TJB and beach area. The Applicant also confirmed that topographical surveys would be undertaken pre-construction to allow adequate restoration of the dune height once construction is complete.

### **Coastal Path**

- 1.78 LCC made oral representations in relation to a new Coastal Path (England Coast Path: Skegness to Mablethorpe) which is a Natural England (NE) led initiative. The Applicant advised that there had been very positive pre-application engagement with Natural England through the EIA Evidence Plan process advised that it understood that the proposed Coastal Path was an aspirational project rather than something already established. The Applicant noted that nothing was shown relating to the Coast Path in any of the documentation made available to the Applicant for the purposes of the assessment. The Applicant since notes that the publication on the Coastal Path was made on the 18 September 2015; the Application submission was made prior to this (April 2015) and therefore the Coastal Path is not sited in Volume 3, Chapter 3 of the ES. The Applicant will engage with Natural England and LCC during the pre-construction phase and appropriate consultation on the suite of management plans will take place therefore the Applicant is confident the Coastal Path will be given due consideration during that process.

### **Duration and extent of restricted access to beach**

- 1.79 The ExA sought clarification on whether it will be necessary to close the beach for the landfall works. The Applicant confirmed that the beach will remain open for the duration of the works for the proposed development although access to certain areas of the beach will be restricted during certain activities.

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1.80 ELDC made oral representations requesting clarification on the length of time and the extent to which the beach will be restricted, the Applicant clarified that the 3 years referred to in the assessment relates to the agricultural field behind the dunes, where the landfall works, including construction of the TJBs and jointing of the offshore and onshore cables will take place, which will be a construction area for the duration. On the beach itself discrete areas will be needed for short periods of time to accommodate works associated with the trenchless techniques (e.g. punch out/drill pits) and an area at the top of the beach will need to be fenced off for 3 months to stitch the ducts together. The exit points from the trenchless crossing operation (which will start on the landward side of the dunes) would each require an area 20 x 20 m to be fenced on the beach. Once the offshore cables are ready the area of the punch out /pits will need to be re-excavated and an area fenced down the beach to pull the cables through and then will be re-instated within one tidal cycle i.e. within 12 hours. Descriptions of the areas and periods of closure at the beach are set out in Table 1-3 and Figures 1-2 and 1-7 of Volume 3, Chapter 1 *Onshore Project Description* of the ES (document reference 6.2.3.1). Public access will be maintained behind the back of the landfall works (the TJBs and temporary construction compound (TCC)) and the dunes.

### Impacts on Tourism

- 1.81 In response to an oral representations made by LCC on the impacts of the proposed development on tourism, with particular reference to visual intrusion and the financial impact on business and employment generated by tourism, the Applicant advised that the impact assessment presented in Volume 3, Chapter 3 of the ES was carried out in line with the methodology and baseline agreed with ELDC and BBC in the EIA Evidence Plan process (document reference 8.16). This methodology included an assessment of the impacts on the beach and PRowWs and disturbance and noise impacts on caravan parks, chalets and key tourist attractions including the Coastal Country Park.
- 1.82 The Applicant advised that the focus had been to understand how to mitigate the impacts rather than to look at the monetary value. Serious consideration was given to the location of the landfall and cable route. The landfall was selected to avoid the most sensitive tourism receptors where possible and existing caravans and chalets are a minimum of 70 m away from the proposed development boundary. The impacts on the beach were carefully considered to ensure access could be maintained and the nature reserves could be avoided. The Applicant highlighted that it has sought wherever possible to limit fencing on the beach and closure of/disruption to footpaths.
- 1.83 LCC made oral representations expressing concerns at the impact a ‘degraded’ landscape would have on the funding opportunities for the area and businesses within the area, as it is promoted as a pristine environment. The Applicant reiterated that the location of the infrastructure at landfall and the cable route has been carefully sited and designed in order to minimise impacts on the environment and the tourism industry.

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## Agenda Item 9 – Safety and Security

### Public Safety and Security

- 1.84 The ExA asked the Applicant to explain how we intend to ensure public safety throughout the project.
- 1.85 The Applicant explained that it has a duty as a generator and operator of an electrical system to ensure the safety of the public, and contractors under health and safety and other legislation including the Health and Safety at Work etc. Act 1974, and the Construction (Design and Management) Regulations 2015 (CDM 2015). The Applicant highlighted that it has to comply with those regulations in order to deliver the project in a way that is safe for the public. The Applicant will ensure appropriate measures and controls will be implemented properly and will ensure the safety of the public is appropriately managed.
- 1.86 In response to the ExA seeking further detail of specific measures the Applicant explained that contractors will employ measures to prevent public access to the construction areas including temporary construction compounds (TCCs) using measures such as fencing.
- 1.87 The Applicant made reference to the Health and Safety Plan (H&SP) which is secured in the draft DCO and will include objectives and measures for the safety. The Applicant can further clarify that paragraphs 4.10 and 4.11 of the Outline CoCP set out the Health and Safety Principles committed to, this includes the need for a Health and Safety Plan (H&SP). An Outline H&SP (document reference 8.7.2) was also submitted with the Application as Appendix 2 to the Outline CoCP. The final H&SP shall detail the objectives for TKOWFL and its contractors in order to comply with relevant UK health and safety legislation during the construction of the proposed development.
- 1.88 The Applicant also referred to 24 hour security at the TCCs which is secured in paragraph 2.7 of the Outline CMS (document reference 8.7.1) which states *“each TCC will be fenced using bolted and anchored Herras fencing or its equivalent and there will be on-site security at all times.”*
- 1.89 A representative from Anderby Parish Council queried whether the Applicant has consulted the Centre for Protection of National Infrastructure (CPNI).
- 1.90 In response the Applicant confirmed that it has not. The Department of Energy and Climate Change (DECC) is the responsible body for determining what is critical infrastructure in the Energy sector. Whilst the Triton Knoll Electrical System is critical to the TKOWF it is not critical national infrastructure. The Applicant further confirmed that safety and security are taken very seriously by both the joint venture companies involved in the TKOWF project.

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## Biosecurity

- 1.91 In response to points raised relating to the measures which are in place for ensuring biosecurity issues are controlled, the Applicant explained that there is best practice guidance set out by the Defra and the Environment Agency (EA) in relation to biosecurity which set out a series of measures and protocols for controlling biosecurity. These measures include cleaning and disinfecting clothing, equipment and vehicles etc. and working protocols designed to minimise movements, contact and potential contamination.
- 1.92 In response to specific queries relating to the spread of disease between animals the Applicant further explained that the guidance effectively sets out a series of procedures for closing down movements should a disease incident occur. The Applicant has committed to following the best practice as set out in paragraph 2.44 of the Outline Construction Method Statement (CMS) (document reference 8.7.1).
- 1.93 The ExA referred back to previous oral submissions made by landowners relating to access to potentially severed section of land for the purpose of carrying out spraying and other operations for weed and pest control.
- 1.94 The Applicant referred to the Weed Control and Soil Protection Clarification Note, submitted as Appendix 13 of the Applicant's submission to Deadline 1, which provides further detail of measures in place to ensure biosecurity issues relating to weed control and soil protection are adequately dealt with.
- 1.95 The ExA enquired as to whether landowners will be able to access all areas of their land holding or whether, once the fencing is up, there may be strips or areas of severed land. The Applicant clarified that it will consult with landowners to determine where appropriate crossings of the cable route works should be for agricultural vehicles, and in a small number of instances livestock, to cross to other areas of the landholding and thereby avoiding areas of severed land.

## Existing Assets

- 1.96 The ExA sought clarification on the precautions that have been proposed to ensure that impacts on the major existing assets, such as rivers and the NGET substation, will be minimised.
- 1.97 The Applicant reiterated that the protection of existing assets is taken very seriously and that discussions on Protective Provisions are ongoing with the relevant parties. The Applicant confirmed that it has not identified any major assets which are not already included in the Protective Provisions of the draft DCO (Revision C) but should be.

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## Gated Access

- 1.98 The ExA stated that as part of the project we will be constructing a temporary haul road for access and asked how the Applicant will ensure that access is secure.
- 1.99 The Applicant clarified that crossings of the haul road will have gated access which will be provided over the temporary haul road i.e. the contractors will have to open and close the gates when crossing an access point along the temporary haul road. These will be positioned to accommodate the landowners' requirements.
- 1.100 The ExA asked whether there would be a similar arrangement for the permanent access road proposed for the NGET substation and the TKOWFL Substation and the Applicant confirmed that a similar procedure would be used.
- 1.101 In response to the ExA querying what will happen with the substation access road once operation is completed, the Applicant clarified that once completed that road would be used as operational access for the project and used to bring any equipment necessary for maintenance operations in. In the long term the road will either be left *in situ* or removed as determined by a decommissioning plan for the Substation. The Applicant refers to Requirement 21 *Onshore decommissioning* of the draft DCO (Revision C) which secures an onshore decommissioning plan to be submitted for approval by the relevant planning authority.
- 1.102 The ExA sought to confirm that access and gating would be set up in discussion with individual landowners. The Applicant confirmed that this would be discussed with individual farmers, where some locations are a distance from temporary lighting along the cable route this could prove difficult. However, the Applicant will work with the landowners to understand what they require and to work towards a mutual solution.