



Triton Knoll Offshore Wind Farm Limited Triton Knoll Electrical System



**Appendix 1: Response to
submission from Boston
Borough Council at Deadline 3**

Date: January 2016

**Appendix 1 of the Applicant's
Response to Deadline 4**

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Triton Knoll Electrical System

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1. Boston Borough Council

- 1.1 Boston Borough Council submitted a post-hearing representation at Deadline 3 (30th November 2015), commenting on certain aspects of the Application and raising a number of points for which it seeks clarification. The issues raised relate to the following hearings:
1. DCO hearing
 2. Onshore hearing
 3. Landscape and visual hearing
- 1.2 The Applicant's response to the matters raised is below, and broadly follows the structure of the points raised within the representation.

DCO hearing

- 1.3 The Borough Council's confirmation that it has no objection to the Applicant's change request is welcomed, together with its comments on the adequacy of the Environmental Statement Addendum supplied with that request.
- 1.4 At paragraph 2.2 of its representation the Council raises a concern about the definitions of the Unlicensed Works and the Enabling Works. The ExA is referred to the Applicant's response to the Question DCO **2.10** of the ExA's Second Written Questions, which includes a revised definition for the term "Unlicensed Works", which should address the Council's comments.
- 1.5 The Council's understanding that the NGET Substation Extension Works are triggered by requirements beyond those of the proposed TKOWFL is also the Applicant's understanding. The Council's request for a clarification note from NGET on the question of capacity at Bicker Fen, referred to in paragraph 2.4 of its representation, is noted.
- 1.6 Paragraph 2.5 makes reference to matters discussed at the hearing around the definitions of commencement and completion. In that regard, the ExA is referred to the Applicant's response to Question **SE 2.21** of the ExA's Second Written Questions, which provides clarification on such matters.

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- 1.7 The remainder of paragraph 2.5, and 2.6, set out the Council's concerns with the timings for the submission of restoration plans for hedgerow removal and replacement, timing for the removal of temporary construction compounds, and timings for the removal of the fenced cable route.
- 1.8 In respect of the concern with the removal and replacement of hedgerows, the ExA is referred to the amendments that have been made in version E of the draft DCO being submitted at Deadline 15 of the Applicant's Response to Deadline 4, and in particular Requirement 13 (Ecological management plan and removal of hedgerows) which has been amended to clarify the manner in which the management of hedgerow removal and replacement will be controlled.
- 1.9 In respect of the timings for the removal of the temporary construction compounds, the Applicant directs the ExA to paragraphs 5.57 and 5.58 of the Code of Construction Practice (document reference 8.7), which states that "TCCs and accesses will be cleared as work progresses and when they are no longer required for the construction. On completion of construction work all plant, temporary buildings or vehicles will be removed. Following completion of works the working area will be reinstated to its previous condition. Further details will be set out in and 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)."
- 1.10 In respect of the timings for the removal of the fencing of the cable route, the Applicant directs the ExA to paragraphs 5.8 of the Code of Construction Practice (document reference 8.7), which states that *"All construction areas will remain securely fenced at all times during construction. All temporary screening and fencing will be removed as soon as reasonably practicable after completion of the works."*
- 1.11 The Outline CoCP is secured under Requirement 14 of the draft DCO (document reference 3,1), which states that no stage of the onshore works shall commence until for that stage a code of construction practice been submitted to and approved by the relevant planning authority. As such it is the Applicant position that the CoCP secures that the relevant planning authority will have adequate control of the removal of the temporary construction compounds. The Council's concerns are therefore already addressed within the drafting of the DCO.

- 1.12 The Applicant welcomes the Council's confirmation (paragraph 2.7) that it does not object to the time period of 28 days for the notification of a temporary stopping up under Article 9. It is understood that the Council's response at Deadline 4 will again refer to that agreement. However, the Applicant would note that it has also agreed with the Council, in a telecom on the 21 December 2015, that this time period could appropriately be reduced to 14, rather than 28 days. Whilst that agreement is not recorded within the Council's response at Deadline 4, the Applicant hopes that such agreement will be recorded and submitted to the ExA shortly. The DCO being submitted as part of the Applicant's Response to Deadline 4 includes reference to that shorter 14 day period.
- 1.13 The Council has also queried the nature of the power to impose "reasonable conditions" under Article 9(4)(b). This drafting is commonly used for highway provisions within DCOs, and originally stems from the model DCO provisions previously published by DCLG. The provision would allow the Council to impose conditions it considered reasonable on the stopping up of any highway not expressly listed within the relevant schedule to the DCO, but subsequently found to be necessary for the purposes of constructing the proposed TKES and accordingly notified to the Council as a highway to be temporarily stopped up for that purpose.
- 1.14 The Applicant welcomes the Council's continuing support for the current drafting of the noise requirement (paragraph 2.8). It can also confirm that the proposals for construction noise monitoring have been agreed with the Council as set out in response to Question **DCO 2.10** of the ExA's Second Written Questions, such agreement it is understood being evidenced through the Council's Deadline 4 response on this matter.
- 1.15 At paragraph 2.10 the Council suggests additional wording to Schedule 11. The ExA is referred to the revised draft DCO (Revision E) being submitted at Appendix 15 of the Applicant's Response to Deadline 4, which shows that this additional wording is being adopted by the Applicant.
- 1.16 The Applicant and BBC have exchanged wording relating to the wording of Requirement 19 relating to the new permanent haul road Work No 48 but have been unable to confirm agreement by Deadline 4. The Applicant position is set out in in response to Question **TT 2.8** of the ExA's Second Written Questions and in the revised draft DCO (Revision E) being submitted at Appendix 15 of the Applicant's Response to Deadline 4
- 1.17 Paragraphs 2.12 to 2.17 of the Council's representation refer to the Council's consideration of an Article 4 Direction. These paragraphs are noted by the Applicant.

Onshore hearing

- 1.18 The manner in which the Applicant intends to address the restoration period for construction activities have been explained above, and the Council's comments at paragraph 3.1 are welcomed, in particular its confirmation that the appropriate place for such controls to appear is within the Construction Method Statement for each stage of the works, rather than the Construction Management Plan.
- 1.19 The Borough Council's confirmation that the worst case has been assessed for the new Substation is welcomed, together with its acceptance that the proposed requirement can operate within that worst case envelope.
- 1.20 The Council's comments concerning the need for consequential changes to the DCO are noted.
- 1.21 At paragraphs 3.4 and 3.5 the Council comments on discussion at the hearing concerning the relationship of the TKES and the proposed Viking Link Interconnector. The Applicant agrees with those comments.

Landscape and visual hearing

- 1.22 The first part of paragraph 4.1 refers to construction timings, and in that regard the ExA is referred to the amendments made to Requirement 5 (Detailed design onshore) of the revised DCO (Revision E) at Appendix 15 of the Applicants Response to Deadline 4. The Applicant considers that these amendments will provide the clarity sought by the Council.
- 1.23 The second part of paragraph 4.1 refers to the controls over the restoration of construction works, which have previously been addressed within this Response above (in response to the Council's comments at paragraphs 2.5 and 2.6 of its representation).
- 1.24 The Council's comments at paragraph 4.2 concerning the relationship between strategic planting and enabling works are correct and noted; it is the intention that enabling works can be carried out prior to the approval of the details of that strategic planting. The Council's confirmation that the scheme to be submitted under Requirement 6 is the appropriate place for that control to appear is welcomed.
- 1.25 At 4.3 the Council suggests that landscaping proposals should also be approved prior to the commencement of any enabling works for either the Substation or IEC. The Applicant does not consider that such a control is necessary. Requirement 5(1) secures that the enabling works must be approved by the relevant planning authority before works commence and Requirements 6 and 7 provide the restriction and control
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(as noted by the Council at 4.4) on the carrying out of the main works to the Substation and IEC until such a time as appropriate schemes for landscaping have been approved. The outline of what those detailed landscaping schemes will contain is already provided within the Outline Landscape Strategy and Ecological Management Plan (document reference 8.8), and there is no specific requirement for further details to be approved prior to the commencement of enabling works.

- 1.26 In response to the Council's comments regarding hedgerow replacement, the ExA is referred to the Applicant's previous response to those matters above.
- 1.27 The Council's comments on its practices regarding publicity and public consultation when discharging conditions of a planning permission, which the Applicant assumes would be applied in the same way to the discharge of the Requirements of the DCO, are noted.
- 1.28 The Council's confirmation that it is content with the Design Principles Document (document reference 8.6) is welcomed, as is its comment that the materials can be finalised under the discharge of Requirement 5.
- 1.29 As with paragraph 4.3 concerning landscaping approvals, the Council also requests that the final design for the Substation is submitted prior to the commencement of enabling works. For the same reasons set out above, namely that the parameters that will shape the final design have already been submitted as part of the Application (in this case the Design Principles Document), there is no need for further details to be submitted prior to the commencement of the enabling works. As drafted, and as noted by the Council, the current DCO drafting prevents works being commenced other than those enabling works, until that detailed design is approved. In addition, the enabling works themselves must be approved by the relevant planning authority under Requirement 5(1). Due to the Applicant's detailed design and construction phasing programmes it is important that this minor flexibility is retained within its programmes for design and construction.