



Triton Knoll Offshore Wind Farm Limited Triton Knoll Electrical System

**Appendix 36: Response to
submission from Alco Estates
Limited at Deadline 4**

Date: 1st February 2016

**Appendix 36 of the Applicant's
Response to Deadline 5**

Triton Knoll Offshore Wind Farm Limited

Triton Knoll Electrical System

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Date: 01 February 2016

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1. ALCO ESTATES LIMITED

1.1 Mr Henshaw of Alco Estates Limited submitted a Written Representation for Deadline 4 (05 January 2016). The transition joint bays (TJBs) are located within land owned by Alco Estates Limited. The representation raised concerns regarding:

- Level of engagement, including compulsory acquisition powers;
- Cable route selection, including identification of Landfall; and
- Sufficiency of compensation.

1.2 The Applicant's response to the points raised in the Written Representation is below. The Written Representation also referred to potential "*tenancy problems*", but without further detail the Applicant is not in a position to comment on this specific concern.

Level of engagement

1.3 The Written Representation criticises the engagement by the Applicant with Mr Henshaw.

1.4 This criticism is strongly refuted. The Schedule of Landowner Negotiation Contact (submitted by the Applicant as Appendix 43 at Deadline 4 [REP4-073]) sets out the contact attempts and the date of every individual engagement with each landowner along the cable route. This includes discussions and meetings that have taken place directly with landowners, as well as contact with the agents who are representing them, and includes records of telephone calls, letters and emails and face to face meetings.

1.5 In respect of Mr Henshaw, page 91 of the Schedule of Landowner Negotiation Contact clearly demonstrates the attempts made by the Applicant to engage with Mr Mowbray's appointed land agent, Mr James Boulton of Willsons Chartered Surveyors, to discuss the Heads of Terms (HoTs) for a private treaty agreement. This contact began with a meeting on 20 January 2015 between Mr Boulton and the Applicant. Despite repeated subsequent attempts to engage with Mr Boulton, the Applicant has been frustrated by an apparent unwillingness on the part of Mr Boulton to engage fully with the negotiation process.

1.6 Prior to the issuing of Heads of Terms for private treaty agreements in December 2014, the Applicant met with Mr Henshaw on several occasions; latterly in August 2013, when the Applicant reiterated its strong preference to reach voluntary agreement with landowners.

Cable route selection, including identification of Landfall

- 1.7 In response to the concerns raised in Mr Henshaw's Written Representation which states:

"I put forward that as it is over 41 miles to Bicker over land and probably close on to a hundred farmers would be affected, none of whom have agreed to this development except one, surely there must be a better route, either down the Wash, where it is only 8 miles to Bicker, or from Skegness where the supply from the other turbines comes ashore. That was dismissed without a second thought."

The Applicant refers the ExA to paragraphs 4.2.11 – 4.2.13 of the Interface Selection Assessment Report [APP-120] which details some of the specific factors (as confirmed by the Wash Offshore Cable Route Feasibility Report (Feb 2013) (Appendix D to the Interface Selection Assessment Report)) which resulted in the Wash route being discounted. These factors included, but are not limited to:

"(a) The lesser extent of highly dynamic inter-tidal areas north of Skegness, compared to areas south and within the Inner Wash;

(b) The presence of areas of environmental sensitivity (including biogenic reefs of Sabellaria spinulosa within the Inner Wash) south of Skegness which are known to have severely restricted the final routing of export cables for other Greater Wash Offshore Wind Farm projects;

(c) The environmental and geomorphological sensitivity of the area around Gibraltar Point;

(d) The increased intensity of commercial fishing activity in the inshore areas south of Skegness and within the Wash, compared to inshore areas immediately north of Skegness;

(e) The absence of established navigation channels and local port jurisdictions north of Skegness, minimising adverse effects on these features and organisations which would be increased south of Skegness;

(f) The significant engineering challenges that were being encountered during construction of the Lincs Offshore Wind Farm."

- 1.8 The Applicant also refers the ExA to the Site Selection and Design Report [APP-117 to APP-119] which sets out the reasons for the selection of Anderby Creek North as the Landfall (in Section 4) and the cable route chosen (in Section 6). Paragraph 4.3.8 explains:
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“The Ingoldmells landfall study area (zone references: Lan_H to Lan_M) and shown in detail in Figure 4.3) is characterised by the built up areas of Skegness and Ingoldmells. The major constraints in this area are both tourist and leisure facilities as well as existing development. There are limited opportunities for cable routes from each of the identified landfall options. As such only the zone referenced Lan_H, known as Beeches Farm, was considered to present a potential landfall option within this study area.”

1.9 Beeches Farm was eventually discounted due to:

- An unacceptable level of impact and inconvenience on nearby tourism receptors including a caravan site;
- Increased engineering risk due to the substantial seas defence structures; and
- Lack of suitable access for construction vehicles.

1.10 Further detail on the constraints at Beeches Farm can be found in paragraphs 4.3.19 – 4.3.26 of the Site Selection and Design Report.

1.11 The 2013 Alternatives Consultation presented a 1 km wide corridor as part of the consultation for communities, landowners and stakeholders to comment on. Subsequent iterations of this route were developed through the various rounds of consultation as set out in section 6 of the Site Selection and Design Report and shown in Figure 6-4. Table 6.3 shows the regard had by the Applicant to the comments made on the cable route and sets out where changes were made and the reasons any requests for changes to the route could not be accommodated.

Landfall option at Anderby Creek South

1.12 In response to the concerns raised in Mr Henshaw’s submission which states:

“I was informed that the route South of Anderby could not be used as the Lincolnshire Wild Life objected to it, but I am sure that is not true. Mr J Mowbray of R H Mowbray Ltd, my tenant, has very ably covered the technical reasons why the Southern route is more favourable and I would certainly concur with his views and if we are forced to have this development I would not oppose the Southern route.”

1.13 The Applicant refers the ExA to the Applicant’s response to Mr Mowbray (Appendix 35 of the Applicant’s response to Deadline 5) which addresses the alternative landfall suggested by Mr Mowbray.

1.14 The selection of landfall at Anderby Creek North was a result of the consideration of numerous factors and incorporated discussions with various stakeholders during the

pre-application phase. The selection of the landfall has been agreed as an appropriate location in the following documents:

- Paragraph 4.24 of the SoCG with Natural England (Appendix 18 of the Applicants response to Deadline 2) [REP2-034]
 - Paragraph 5.6 of the SoCG with East Lindsey District Council (as the relevant planning authority for the landfall area) (Appendix 20 of the Applicants response to Deadline 2) [REP2-036]
 - Paragraph 4.21 of the draft SoCG with Lincolnshire County Council (Appendix 30 of the Applicants response to Deadline 1) [REP1-079]
- 1.15 As stated in paragraph 4.7 of the SoCG with the Lincolnshire Wildlife Trust (Appendix 34 of the Applicant’s response to Deadline 4) [REP4-064]:

“It is agreed that suitable mitigation measures can be implemented at the landfall during the construction and restoration phases of the project to reduce the significance of effect on biodiversity to negligible (see Appendix 1).”

Sufficiency of compensation

- 1.16 The Applicant welcomes Mr Henshaw’s comment that *“the compensation price per acre looks favourable”*, but disputes the assertion that the works at the landfall would cause disturbance to Mr Henshaw’s adjoining land.
- 1.17 The Applicant is seeking the acquisition of freehold title for the TJBs at the landfall (Work Number 3A as shown on the Works Plans [APP-123]; and Plot Number 01/03 as shown on the Land Plans [APP-006 and REP2-020]). The entirety of Work Number 3A and Plot 01/03 is within the ownership of Alco Estates Limited.
- 1.18 An explanation of the proposed works at the landfall is provided within the Environmental Statement, Onshore Project Description [APP-042], particularly at paragraphs 1.20 to 1.96.
- 1.19 As explained in the Environmental Statement, Onshore Project Description [APP-042], *“The landfall site will be accessed via an existing short access track from Roman Bank.”* (paragraph 1.22). Furthermore, *“The above ground landfall infrastructure will be located within the defined Transition Joint Bay Search Area”* (paragraph 1.21) and *“Trenchless techniques will be used to install the cable ducts at the landfall, allowing the cable ducts and cables to be installed below the dunes and sea defences without the need for open cut techniques to be used.”* (paragraph 1.25).

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- 1.20 Paragraphs 1.83 to 1.86 of the Onshore Project Description [APP-042] go on to explain the periods of construction activity at the landfall.
- 1.21 Details of specific mitigation measures to be undertaken during the construction of the TJBs at the landfall are described in Appendix 1 of the Outline Construction Method Statement (Revision C) submitted as Appendix 21 of the Applicant's response to Deadline 4 [REP4-048]. The measures outlined therein have been agreed as suitable with Lincolnshire Wildlife Trust.
- 1.22 The Applicant refers the ExA to the existing commitments in the Outline SMP (Revision B) (Appendix 25 of the Applicant's Response to Deadline 4) [REP4-052], principally found at paragraph 4.3 relating to the reinstatement of drainage throughout the development area, including the landfall:
- “4.3 Drainage systems will be reinstated 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.”*
- 1.23 The private treaty agreement between the Applicant and Alco Estates Limited will contain an obligation on the Applicant to reinstate or restructure land drainage so that the remaining field area is not adversely affected by the installation of the TJBs. Notwithstanding any private treaty negotiations, in the event that there are any impacts on Mr Henshaw's retained land, these may be compensatable in accordance with the principles of the compulsory purchase compensation code. (The compulsory purchase compensation code is generally taken by compulsory acquisition practitioners to mean the law as set out in the Land Compensation Acts 1961 and 1973 and the Compulsory Purchase Act 1965, as amended by subsequent legislation and supplemented by case law).