



Triton Knoll Offshore Wind Farm Limited Triton Knoll Electrical System

**Appendix 4: The Applicant's
response to Lincolnshire County
Council's response to Deadline 6**

Date: 29 February 2016

**Appendix 4 of the Applicant's
Response to Deadline 8**

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1. Introduction

- 1.1 The Applicant notes LCC's comments in its submission to Deadline 6 [REP6-007] in relation to the Lincolnshire Coastal Country Park (LCCP) and the Outline Soil Management Plan (SMP), which the Applicant understands were intended for submission at Deadline 5. The Applicant highlights that a responses to the wider submission made by LCC at Deadline 5 was submitted as Appendix 19 of the Applicant's response to Deadline 6 [REP6-035].
- 1.2 The Applicant has, since Deadline 5, had further engagement with LCC and a meeting with its representatives was held on Friday 12th February 2016, in order to discuss outstanding matters and to work towards finalising the Statement of Common Ground (SoCG) between the two parties. The comments made in relation to the LCCP and to the Outline SMP were discussed during the meeting, ahead of LCC submitting them to Deadline 6. The Applicant explained its position with regard to the LCCP and explained the recent updates which had been made to the Outline SMP, many of which addressed the concerns of LCC, during the meeting. Detailed responses to the points raised by LCC are set out below as not all technical advisors were available to attend the meeting.
- 1.3 It should be noted that the Applicant has also submitted an additional response in order to address the points set out in the 'matters not agreed' section of the SoCG between the Applicant and LCC, submitted as Appendix 12 of the Applicant's response to Deadline 8.
- 1.4 The Applicant also notes that LCC has also responded to the ExA's third written questions at Deadline 6 [REP6-007]. The Applicant has commented on LCC's response to these questions in Part 2 of its Deadline 8 response document.

2. Lincolnshire Coastal Country Park

Consideration of impacts on LCCP

- 2.1 LCC has stated in paragraph 1.1 of its response to D6 [REP6-007] that it considers that “*the applicant has not fully appreciated and considered the effects of the scheme on the Lincolnshire Coastal County Park*”. The Applicant has previously dealt with this concern in several previous submissions and in particular, at paragraphs 2.1 to 2.15 of the *Tourism Clarification Note* at Appendix 10 of the Applicant’s Response to Deadline 5 [REP5-023]. The LCCP was identified in Volume 3, Chapter 3 of the ES [APP-044] as a “key amenity” within the onshore study area and Volume 5, Annex 3.1 Socio-Economic Baseline Study of the ES [APP-074] makes it clear that the baseline study included the results of LCC’s visitor survey to monitor car park usage and behaviour as the LCCP developed during 2012 and 2013. Further details of the impact assessment that was carried out in relation to the LCCP are included in Appendix 27 to Deadline 2 Lincolnshire Coastal County Park Clarification Note [REP2-027] and at paragraphs 2.6 to 2.12 of the *Tourism Clarification Note* at Appendix 10 of the Applicant’s Response to Deadline 5 [REP5-023].

Designation of LCCP

- 2.2 LCC also states that the LCCP is not a “*Council promoted project with no national or local statutory designations*”. However, the Council does not identify any specific national or local statutory designation which has been applied to the LCCP, other than to say that it is a “long term landscape scale initiative”. The Applicant reminds the ExA that the LCCP does not benefit from any statutory designation and this is relevant in considering the weight that should be given to any impacts that may arise from the proposed development.
- 2.3 The Applicant has continuously recognised the local importance of the LCCP for recreation and the promotion of local tourism. The Applicant has given consideration to the potential impacts on the LCCP through the following sections of the ES:
- Volume 3, Chapter 2, Landscape and Visual (document reference 6.2.3.2) [APP-043];
 - Volume 3, Chapter 3, Socio-Economics, Tourism and Recreation (document reference 6.2.3.3) [APP-044]; and
 - Volume 3, Chapter 4, Terrestrial Ecology (document reference 6.2.3.4) [APP-045].

Impact on landscape and visual effects relating to the LCCP

- 2.4 It is asserted by LCC that the Applicant has not considered how the proposed development will affect the LCCP's aim to support and encourage a healthy local economy based upon a year round sustainable tourism destination. LCC is of the view that the LCCP is a pristine area of undeveloped coast that is valued for its peaceful tranquil environment and the area is being promoted as a green tourism destination.
- 2.5 As set out in paragraph 4.24 of Appendix 19 of the Applicant's Response to Deadline 6 [REP6-035], the Applicant would draw the ExA's attention to a number of manmade elements in the landscape including the flood defences, the raised PRow and 'raised track' of Hutt/10/4, the intensively farmed arable land and the foreshore, which is subject to an annual programme of replenishment.
- 2.6 The Applicant has fully assessed the likely landscape and visual impacts on the LCCP in Volume 3, Chapter 2 of the ES [APP-043]. The LCCP was identified as a landscape character feature of *J1: Tetney Lock to Skegness Coastal Outmarsh* (Table 1-5 of Volume 5, Annex 2.1 of the ES [APP-065]). At paragraph 2.400 of Volume 3, Chapter 2 of the ES, the following is included in relation to the landscape effects on the LCCP during construction:
- "...Whilst the vast majority of this land is currently privately-owned arable farmland, the creation of publically accessible open space within the Lincolnshire Coastal Country Park and the involvement of the public in the Lincolnshire Coastal Grazing Marshes project, are considered to be strategically important schemes to promote local tourism. Therefore, this character area is considered to have local value as a landscape open to the public for recreation. The value of the landscape is therefore considered to be Medium."*
- 2.7 Paragraph 2.403 states that: *"it is considered that there will be a Moderate level of landscape effect during construction within this landscape area. Based on the judgement on the level of effect, it is considered that the effect will be Significant."*
- 2.8 In relation to the visual effects during construction, paragraphs 2.437 to 2.442 of Volume 3, Chapter 2 of the ES consider the visual effects on the character area J1: Tetney Lock to Skegness Coastal Outmarsh. It is acknowledged (at paragraph 2.438) that users of the LCCP are expected to experience notable change to the character and quality of their view during construction. As the duration of the visual change will be medium to long term, it is concluded that *"users of the Coastal Park are therefore identified as experiencing a Moderate adverse level of effect which is considered to be Significant."*
- 2.9 During operation and decommissioning, landscape and visual effects on the LCCP were assessed to be either Not Significant or there were no predicted effects (this is

summarised at paragraphs 1.23 to 1.27 of Appendix 27 of the Applicant's Response to Deadline 2 [REP2-027]).

- 2.10 LCC states that the length of the construction works should give rise to a residual significant effect on the area. Paragraph 2.402 of Volume 3, Chapter 2 of the ES sets out that the duration of construction will be a maximum four years and nine months, although it should be noted that the landfall works will be 14.75 months of construction within a 36 month period. The length of these works was taken into account when the assessment was formulated that there would be a moderate level of landscape effect during construction, which is considered to be Significant.
- 2.11 As moderate adverse landscape and visual effects on the landscape character area in which the LCCP is situated are predicted during construction only and embedded mitigation measures within the proposed cable route development will restore the landscape to its former condition following completion of construction, no additional mitigation measures (above those already embedded into the project design, set out in Table 2-14: "Embedded mitigation relating to potential landscape and visual effects" of Volume 3, Chapter 2 of the ES) are proposed. Following the completion of construction, the residual effects are predicted to be neutral, which is Not Significant.
- 2.12 LCC has provided no evidence or assessment to refute the conclusions of the Applicant's assessment.

Impacts on green tourism

- 2.13 Impacts on green tourism have been previously considered by the Applicant, including at paragraphs 2.16 to 2.19 of the *Tourism Clarification Note* at Appendix 10 of the Applicant's Response to Deadline 5 [REP5-023]. For example, after consideration of the impact of the proposed closure of footpath PRoW Hutt/10/4 at Anderby Creek, the Applicant's position is set out at paragraph 10 of its Response to the Examining Authority's Questions at Deadline 4 [REP4-027]:

"It is the Applicant's position that given the minor significance of effects on tourism during the construction phase and the continued access to the beach in close proximity to the landfall, there would be no significant impacts which would affect the aspirations of the council to expand the tourist season, move to green tourism, encourage a year round tourism or further develop the coastal country park."

- 2.14 The Applicant recognises the importance of green tourism and the role that the LCCP plays in the green tourism offering. However, the assessments carried out by the Applicant indicate that its proposals will not adversely affect the area as a destination for green tourism.

Impacts on visitor numbers

- 2.15 At paragraph 1.4 of its Response to Deadline 6 [REP6-007], LCC refers to the “LCCP Socio-Economic Baseline Report 2020”. The Applicant has not seen this document, nor does it appear to be publicly available. It is therefore, once again, unable to comment on any information included within this document. LCC raises concerns that the development will damage the image of the area and deter visitors, leading to a reduction in visitor spend and detrimental effect on local economy.
- 2.16 As set out in Chapter 3 of Volume 3 of the ES [APP-044] and paragraph 1.49 of the Applicant’s Response to LCC’s Response to Deadline 3 [REP4-033], the Applicant does not anticipate any significant adverse effects on tourism. The socio-economic assessment concluded that the overall recreation and tourism effect for the landfall, onshore cable route, intermediate electric compound and substation during construction is minor adverse, which is not significant. During operation, the recreation and tourism effect for the landfall, onshore cable route, intermediate electrical compound and substation is negligible, which is not significant.
- 2.17 The Applicant has considered a full range of sources of potential effects on socio-economic, tourism and recreation as set out in Volume 3, Chapter 3 of the ES. The assessment considers the direct and indirect effects on tourism receptors such as those using overnight accommodation sites. It has not been identified that the project will have any direct or indirect adverse effects on these tourism receptors, including visitor numbers.
- 2.18 Therefore, the Applicant does not anticipate that there will be adverse effects on the visitor numbers, visitor spend or local economy in relation to the LCCP or in Greater Lincolnshire as a result of its project. It is notable that LCC has not produced any evidence or data to suggest that such an adverse effect is likely.

Impact on funding

- 2.19 LCC states that the Applicant has not fully addressed the following:
- a) *“The possibility of existing grant funding being reclaimed as a result of not achieving predicted outcomes in relation to an increase on visitor numbers and the creation of new/indirect employment opportunities as a result of the construction works.”*
 - b) *“The ability to continue to attract future partners, LCC, National and EU grant sources to deliver the LCCP vision, if the area is perceived to have a degraded landscape rather than the existing pristine unspoilt image. Without external funding the partnership cannot justify funding LCCP development schemes.”*

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- 2.20 The Applicant has addressed LCC's concerns in relation to potential funding issues in paragraphs 3.1 to 3.9 of the Tourism Clarification Note at Appendix 10 of the Applicant's Response to Deadline 5 [REP5-023].
- 2.21 LCC has not to date provided any evidence or data which suggests that a withdrawal of funding is likely to occur as a result of the Applicant's proposed development and its submissions have been based entirely on untested assumptions. As stated above, it has not been identified that the project will have any direct or indirect adverse effects on these tourism receptors, including visitor numbers. Therefore, LCC's belief that funding will be reclaimed as a result of not achieving predicted outcomes in relation to visitor numbers and employment opportunities is unfounded.
- 2.22 The impact on landscape and visual effects during construction has also been dealt with above and the residual effects have been assessed to be neutral, which is Not Significant. Therefore, the Applicant does not believe that its proposals will have the negative impact which LCC describes on the ability for the partnership to seek future funding. Again, LCC has not presented any evidence or data to suggest that such an effect is likely.
- 2.23 The Applicant would point out that (as set out in paragraphs 3.102 to 3.108 of Volume 3, Chapter 3 of the ES [APP-044]) in fact, it is anticipated that around 50 full time equivalent jobs per year will be supported in Lincolnshire over the circa-five year construction phase. This includes around 40 full-time equivalent jobs generated from the direct spending of the wind farm on goods and services, and the lower supply chain spending benefits captured locally, and around 10 full time equivalent jobs supported by the induced spend, arising from additional spend of direct and indirect employees in the local area. The impact of the project on employment and economic activity in the area was assessed as minor positive and no loss of jobs in the visitor economy sector has been predicted as a result of the project.

3. Outline Soil Management Plan

- 3.1 The Applicant notes LCC's comments in its submission to Deadline 6 [REP6-007] in relation to the Outline SMP, which the Applicant understands were intended for submission at Deadline 5. The Applicant highlights that further revisions of the Outline SMP have been submitted to the examination, following consultation with the Land Interest Group (LIG) and other interested parties, the most recent version of the Outline SMP is Revision E which has been submitted as Appendix 31 to the Applicant's response to Deadline 7 [REP7-039].

The Agricultural Liaison Officer (ALO) and pre-construction surveys

Resourcing of the ALO

- 3.2 LCC has raised that they are of the view that the Applicant will require more than one Agricultural Liaison Officer (ALO). This concern was also raised by the LIG and was discussed at the Local Impacts Issue Specific Hearing held on 19th January 2016.
- 3.3 In response to SE 3.2 of the ExA's third written questions the Applicant has confirmed that the Outline SMP does make provision for the ALO role to be fulfilled by more than one individual, as necessary.
- 3.4 Paragraph 2.1 of the Outline SMP (Revision E) states:
- “Engagement with landowners and occupiers of agricultural land is an important part of the management of the construction and operation of the proposed development. Engagement requirements will vary over the life of the project but will be provided by **at least one** suitably qualified Agricultural Liaison Officer (ALO), **more will be appointed if required, working together in a team** managed by the Applicant.” (emphasis added)*
- 3.5 In response to SE 3.2, the Applicant explained that it is neither possible nor appropriate at this stage to identify the precise number of personnel that will be needed to fulfil the ALO responsibilities for the duration of the project; it would also not be appropriate or necessary for the Applicant to commit to more than a single person for the entire duration of the role. In reality, the resource requirements for the role will be determined by the programme for pre-construction, construction and operational engagement and works. For example, some pre-construction engagement activities for one aspect such as soils, may run in parallel with survey work for other aspects such as drainage; therefore the resource capacity available within the “ALO team” would be greater than if those activities were undertaken sequentially.
- 3.6 Until a detailed programme of works (including engagement activities) is developed, the resource necessary for the ALO role cannot be confirmed. Further there will be
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points in time when the ALO role equates to less than a full time role for a single individual, for example during the operational phase when all reinstatement activities are complete; hence the Applicant's position with respect to not committing to an "ALO team" for the duration.

- 3.7 The Applicant is confident that the drafting set out in the Outline SMP (Revision E) secures an appropriate commitment to adequately resourcing the ALO responsibilities at the relevant times.

Availability of the ALO

- 3.8 LCC also echoes comments made by the Land Interest Group (LIG) at the January hearings with the respect to the availability of the ALO, and provision for contact outside of working hours.

- 3.9 In response to these concerns the Applicant has updated paragraph 2.7 of the Outline SMP (Revision E) as follows:

"2.7 A member of the ALO team will be contactable 24 hours during the construction phase to landowners, occupiers, the Applicant's project team manager and surveyors should they require it. This resource will not be limited, and may be contracted to a group or company to achieve continuity throughout." (emphasis added)

- 3.10 The Applicant has therefore addressed concerns in relation to the availability of the ALO.

Pre-entry record of condition

- 3.11 LCC comment that it considers that a copy of the pre-entry record of condition should be provided to the relevant landowner, prior to the Applicant entering the land for the purpose of commencing the construction works.

- 3.12 The Applicant has since updated paragraph 2.18 (previously 2.17) of the Outline SMP, which now states:

"...The pre-entry record of condition will be provided to the landowner and occupier prior to entry to the land holding and any identified reasonable omissions will be corrected." (emphasis added)

- 3.13 The Applicant is therefore of the position that LCC's comment has been addressed through this update.

General construction methodology

Corridor width

3.14 The Applicant notes LCC’s comment in relation to the 60 m corridor width. The Applicant would like to clarify that the term “*the working width will generally be no wider than 60 m*” has been used to account for the fact that a short section of the cable corridor (Section 3 shown on Maps 1 and 2 of Figure 1-1 *Onshore location* of Volume 3, Chapter 1 *Onshore Project Description* of the ES [APP-042]) will be a maximum of 66 m wide as it needs to accommodate the temporary construction haul road for the IEC, in addition to the other work areas required for the installation of that section of the cable corridor. The Applicant confirms that the DCO and any associated compulsory acquisition powers which are granted will not be in excess of the corridor set by the Order Limits.

Duration of construction

3.15 LCC comment on the duration of the cable installation, stating that the reference made in paragraph 3.4 of the Outline SMP in relation to cable installation taking 42 months over a 54 month period is only “*partially correct*”. The other figures which LCC refers to in its submission are taken from Table 1-2 of Volume 3, Chapter 1 of the ES. The construction period for the IEC is up to 46 months over a 54 month period. This is stated in the IEC section of the Outline SMP (Revision E) at paragraph 3.21. The construction period for the Substation is up to 65 months over a 71 month period. This is stated in the Substation section of the Outline SMP (Revision E) at paragraph 3.26. The reference to 42 months over a 54 month period is applicable to the construction of the onshore cable route only and hence why it is referenced under the ‘Cable route’ section of the Outline SMP.

3.16 Paragraph 3.4 of the Outline SMP states that: “*cable installation is expected to take up to 42 months over a 54 month period*”; this is the case for the vast majority of the cable route save for section 3 (discussed above). Section 3 is shown on Maps 1 and 2 of Figure 1-1 *Onshore location* of Volume 3, Chapter 1 of the ES. This section of the cable route is different as it includes the temporary construction haul road to the IEC. The duration of construction activity over this section of cable route will therefore be longer as it will be used for access during the construction of the IEC site, as well as being used for the cable installation itself.

3.17 The final SMP will be an appendix to the Code of Construction Practice (CoCP) secured by Requirement 14 of the draft DCO (Revision G) [REP7-018]; the CoCP must be in accordance with the Outline CoCP (Revision B), submitted as Appendix 23 of the Applicant’s response to Deadline 7 [REP7-031]. Table 3-1 of the Outline CoCP sets out all of the maximum construction periods, in accordance with the description in Volume 3, Chapter 1 of the ES, and therefore these timescales will be an inherent part of the details that will be approved.

Bank holiday working

- 3.18 LCC and the Applicant discussed this and other comments at the meeting on 12th February 2016. The Applicant noted that, whilst bank holidays are excluded from normal working hours within the draft DCO and within the Statement of Reasons [APP-012], no reference was made to bank holidays in the Outline SMP.
- 3.19 To ensure consistency the Applicant has updated paragraph 3.5 of the Outline SMP to state that “*normal working operations will not take place on a Sunday or Bank Holidays*”. This amendment has been included in Revision E of the Outline SMP submitted by the Applicant at Deadline 6.

Width of the temporary haul road

- 3.20 The Applicant and LCC discussed the width of the temporary haul road at the meeting on 12th February 2016; the Applicant has noted the discrepancy between the width of the haul road in the Outline SMP and the Statement of Reasons (SoR) [APP-012]. The Applicant can confirm that the width of the temporary haul road is 6m and that paragraph 4.36 of the Statement of Reasons, submitted as Appendix 21 of the Applicant’s response to Deadline 7 [REP7-029], has been amended to refer to a 6m, rather than a 6.8m, haul road.

Agricultural land drainage

Drainage expert

- 3.21 The Applicant notes LCC’s comments in reference to clarification that the individual(s) independent drainage expert appointed for the detailed design process will be different from the individual(s) appointed for the dispute resolution process. The Applicant and LCC discussed this at the meeting on 12th February 2016 and the Applicant clarified and confirmed that these would be different individuals. For clarity the drafting of paragraphs 4.5 and 4.6 of the Outline SMP (Revision E) have been amended to make clearer distinction between the drainage expert for the detailed design stage, and the Independent Expert to be appointed for the dispute resolution process, the drafting now reads as follows:

*“4.5 The services of a **suitably qualified drainage consultant** will be employed by the Applicant to act as an drainage expert during the detailed design process, to agree with landowners the pre and post drainage schemes required.*

*4.6 A dispute resolution process will be established including an **Independent Expert** for drainage design and implementation appointed jointly. Where agreement cannot be reached on the appointment of the expert the matter will be referred to the president of the institute of Civil Engineers.” (emphasis added)*

3.22 It should be noted that the draft DCO also includes at Article 37, provision for arbitration by an arbitrator either agreed between the parties or appointed by the Secretary of State.

Compensation for loss or damage

3.23 The Applicant notes LCC's comments in relation to the basis on which compensation for loss or damage will be paid and its suggestion that "it would assist all parties if a standard agreed form could be submitted as the claim".

3.24 Paragraph 4.10 of the Outline SMP (Revision E) has been updated to refer to compensation being paid on a "proven loss basis" rather than a "proven business loss basis"; this amendment has been agreed with the Land Interest Group and it is the Applicant's position that this is appropriate for the compensation of losses. The Applicant and LCC discussed the comments relating to a standard format for claims at the meeting on 12th February 2016. The Applicant highlighted that paragraph 4.10 of the Outline SMP (Revision E) provides for a standard format as follows:

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

Soil management and aftercare

3.25 The Applicant notes LCC's comments with respect to the restoration of soils. The restoration and 'aftercare' of soils was discussed at the Local Impacts Issue Specific Hearing held on 19th January 2016. The Applicant summarised its position on soils aftercare in paragraphs 2.78 to 2.86 of the Written Summary of Oral Case, submitted as Appendix 1 of the Applicant's response to Deadline 5 [REP5-014].

3.26 The Applicant has, through consultation with the Land Interest Group and other interested parties, made significant updates to the Outline SMP in relation to the soil surveys which will be undertaken to inform the pre-entry record of condition. The schedule of aftercare maintenance committed to in paragraph 5.12 of the Outline SMP (Revision E) will define a target specification for the soil condition, soil nutrient levels and organic content, this target specification will be informed by the agreed pre-entry record of condition and soil surveys, relevant to the target specification, will be undertaken for a period of up to 5 years after the restoration of land in order to ensure soils are restored to the target specification.

3.27 The Applicant has highlighted through its written submissions that the handling and management of soils will be undertaken in accordance with best practice guidance, thereby minimising the degradation to the soils condition as far as practicable.

3.28 The Applicant notes LCC's comment in relation to the affected person not necessarily being the landowner with respect to soil management and aftercare, in circumstances where the land is tenanted.

3.29 The Applicant has updated paragraph 5.12 of the Outline SMP (Revision E) as follows:

*"A schedule of aftercare maintenance will be agreed between the undertaker and landowner **and (if relevant) the occupier** for each landholding."* (emphasis added)

3.30 It is the Applicant's position that soil management and aftercare are adequately dealt with through the Outline SMP.