

**TOWN AND COUNTRY PLANNING ACT 1990**

**APPLICATION FOR PLANNING PERMISSION BY**

**NATIONAL GRID VIKING LINK LIMITED**

**SUBMISSIONS/COMMENTS OF NATIONAL FARMERS UNION AND THE  
LINCOLNSHIRE ASSOCIATION OF AGRICULTURAL VALUERS ON THE  
PLANNING APPLICATION AND ASSOCIATED DOCUMENTS**

**DATE 30 October 2017**

## Viking Link – National Grid Planning Application for the Viking Link Project

*The NFU represents 47,000 farm businesses in England and Wales, and additionally has 40,000 countryside members with an interest in the farming and the country.*

### 1.0 Introduction

1.2 Submissions/comments on behalf of the National Farmers Union (“NFU”) and the Lincolnshire Association of Agricultural Valuers (LAAV) on the documents submitted by National Grid with their planning application for the proposed Viking Link Project. A lot of NFU members will be affected by this proposed scheme. The NFU and LAAV are working together on this project to look after their members and clients’ interests and have formed a Land Interest Group (LIG).

1.3 LIG is concerned about the impact the construction of laying the DC and AC cables, including the converter station will have on farm businesses and agricultural production during construction but also on a permanent basis once reinstatement has taken place. The single biggest environmental impact of the scheme is the impact on agricultural land.

1.4 For completeness and to inform decision making process on the merits of the project as a whole, LIG is providing advice on the proposals to all of the competent authorities. These comments are supplemental to the comments sent from the Paul Tame of the NFU East Midlands office. LIG would like to see that a decision is made jointly by the authorities for the project as a whole.

1.5 It is understood that the Viking Link project will consist of two DC cables and up to three fibre optic cables which will be installed in one trench from the proposed landfall at East Lindsey to North Ing Drove in South Holland. There will be a converter station erected together with temporary and permanent ancillary infrastructure. An AC cable route from the converter station to National Grid sub-station at Bicker

1.6 It has been stated that the route length is 67.16 km with a working width during construction which will mainly be 30m wide, up to 50m wide at crossing points and can be 60 m wide in certain locations.

### 2.0 Land Take

2.1 The proposed scheme has been broken down into four sections and it is stated that the following areas of land will be needed during construction:

Route 1 – Landfall to Well High Lane -	68.5 Ha (169.26 acres)
Route 2 – Well High Lane A16 (Keal Road) -	73 .0Ha (180.38 acres)
Route 3 – A16 to River Witham -	101.6 Ha (251.05 acres)
Route 4 – River Witham to Converter Station -	69.2 Ha (170.99 acres)

2.2 The total land take for construction will be 265 ha for the DC cables and a further 46.8 ha for the temporary construction compounds. In total this is 311 ha (768.48 acres). This is a considerable area of land that will be needed during construction and that will be taken out of agricultural production in some areas for up to three years. This does not include the area of land required for the converter station and the AC cable route.

2.3 It has been stated that the potential impacts to farm businesses has not been assessed in the Agriculture and Soils chapter but due to the area of land needed during construction LIG feels that farm business impact must be addressed. It is normal for an Environmental Statement to clearly indicate the farms that will be affected even when only on a temporary basis and how much land will be taken for construction from each affected agricultural holding. The significance of the impact on each holding

should be stated as to how significant. This needs to be addressed and shown in the Chapter 9 and 20 on Agricultural Soils for the Underground DC cables and the proposed Converter Station.

2.4 It is also stated that potential impacts to farm businesses have been addressed by ongoing discussion between NGVL and affected businesses. The LIG is aware that there has been little discussion taking place with landowners.

### 3.0 Landowner Engagement

3.1 In section 2 of Chapter 9 Agriculture and Soils it is stated in a table (9.3) at 2.3.1 Additional Consultation that a meeting was held with LAAV and NFU on the 3<sup>rd</sup> May 2017 and that this was principally to discuss land drainage design, cable burial depths, Option and Easement agreements and legal issues. The meeting covered drainage issues and cable burial depths at a high level with requests being made from the NFU and LAAV to discuss in detail how field drainage would be dealt with and soil aftercare and could the NFU/LAAV have input into any documents before they were submitted with the planning application. This was not forthcoming from NGVL and the first time that LIG has seen any of the wording covering field drainage and soils was once the planning application had been submitted.

3.2 At the meeting a further request was made by NFU/LAAV to have a meeting to discuss the heads of terms which will end up forming the basis of the Option and Easement agreement. A particular request was made to see any wording NGVL had drafted on restrictive covenants and a development clause. A further meeting was held between LIG with NGVL on 26<sup>th</sup> September 2017 no information was available on the restrictive covenants or any wording on development. It was stated by NGVL that they are still very much hoping to be able to sign up to voluntary agreements with the Landowners for the land interest required by NGVL implement this scheme. At this meeting no detail was provided on the heads of terms. Again requests were made that before any heads of terms were sent to landowners and occupiers could LIG have a meeting to discuss the terms in the heads of terms. We have heard nothing since our meeting.

3.3 Information has been requested on the type of easement that NGVL are requiring landowners to sign up to and again no information has been forthcoming. LIG needs to know if the easement is to be in perpetuity or can the easement be time limited to the life of the cables. NGVL have provided no information.

3.4 It must be stated that NGVL have only carried out very high level consultation meetings with LIG and have not been prepared to discuss any details or wording on specific issues. **NGVL have not entered into any negotiations to date with LIG on behalf of their members and clients. Therefore it is not correct for NGVL to state in table 9.3 that issues have been discussed and that feedback has been considered.** We are still waiting for NGVL to contact us to enter into meaningful negotiations on detailed wording to cover all the outstanding issues.

3.5 Further under 'Compensation Measures' at 7.1.16 it is stated that the permanent loss of agricultural land is considered to be fully mitigated through the process of discussion and negotiation between NGVL, landowners and tenants and that it is considered that such negotiations have already reached a satisfactory stage whereby landowners and /or tenants will be reasonably compensated for all potential losses. **This is not correct and negotiations have not even started on compensation between NGVL and landowners.**

**3.6 It is essential that NGVL start to provide LIG with detailed information so that negotiations can start. If the basic principles/terms are not agreed no landowner/tenant will want to or be prepared to enter into any individual negotiation.**

#### 4.0 Construction of Laying the Cables

4.1 The LIG is pleased to see that works may take place in sections and then each section to be reinstated which may mean that the land in that section will only be out of agricultural production for a year. It is imperative that National Grid must try to achieve this during construction for the impact to be minimised on the farm businesses. This needs to be stated and included in the Construction Environmental Management Plan (CEMP) if this is the document that the appointed contractor will use as the framework to which they must plan, implement and deliver the requirements highlighted.

4.2 It has been stated that the trenches will be at a depth of 1.5m and minimum depth cover will be typically for agricultural land 0.9m (900mm). Farmers are concerned about the depth as they need to be able to carry out normal agricultural cultivations including sub soiling, mole ploughing, flailing and mudding out of dykes. This may be a problem at the minimum depth being stated and if so interference to agri-cultivations becomes an issue. Further discussion is needed with National Grid to see if the minimum depth can be increased.

#### 5.0 Field Drainage

5.1 In connection with the depth of the cables consideration needs to be given by National Grid as to whether the cables will be at a depth above or below field drainage. It is very important that farmers can carry out repairs to field drainage once the cables are in place and even lay new field drainage which connects to the internal drainage board main drains.

5.2 The LIG is very disappointed that no information has been provided as to how field drainage will be dealt with during construction and reinstated once the cables have been laid and the soil reinstated. The LIG is pleased that it has been stated that a specialist LDC has been engaged to undertake pre and post construction agricultural land drainage design but all landowners and farmers will want to know what the minimum requirements will be of National Grid. Further it will not be possible for all field drainage to be reinstated within the construction area which planning permission is being sought for once drains have been cut. National Grid must be prepared to carry out new field drainage to areas of fields outside the order limits if field drainage is to work as it did before construction. The LIG is not aware of any assessment as yet that has been carried out to look at the impact on field drainage.

5.3 LIG would like to see the wording provided at appendix 1 included in the CEMP for field drainage. LIG would like confirmation that the CEMP will be a certified document and part of the planning approval.

5.4 Further in the Soil Handling and Storage Protocol it is stated at 2.9 that pre construction drainage will be installed per specification provided by a specialist drainage contractor and the drainage design to prevent water entering the working area. It is just as important that this drainage is carried out to stop water running and ponding on the remaining areas of the fields which have been severed by the route construction.

5.5 It must be stated in the CEMP that national grid will undertake to gather all field drainage information/plans from the farmers affected and carry out surveys to gather information on the field drainage present. This is the only way that National Grid can guarantee to minimise the interaction of the cable route with field drainage.

5.6 National Grid must be prepared on behalf of all landowners and occupiers affected by the scheme to reinstate drainage systems to landowners' reasonable satisfaction and to ensure that the drainage system is put back in a condition that is as least as effective as the previous condition. This wording should be included in the CEMP under a section covering field drainage.

## 6.0 Soils and Aftercare

6.1 LIG are pleased that soil handling and storage protocol has been set out in a document. VKL-08-39-G500 -026 which clearly highlights how soils will be stripped and stored. Further how restoration will be carried out and once fully restored the aftercare will be implemented. LIG is in agreement that the minimum aftercare must be one year but it is likely that a far longer aftercare period will be required to bring agricultural land back to the quality and condition that it was before the construction of laying the cables took place. We understand that it has been stated at 2.10.2 within the Soil Handling and Storage Protocol (SHSP) that the main objective is to restore agricultural land to its original pre development agricultural Land Classification (ALC) grade. LIG believes that it is important to carry out soil testing pre- construction to record the structure and nutrients within a soil. This can then be used to set a soil target specification for each field on a holding. The soil target must also include yield records which can be provided by the landowner/occupier. The soil target specification will need to be met by carrying out the correct restoration and aftercare. The ALO could only sign off the aftercare once the target specification had been met. This needs to be stated more clearly in the SHSP document and at 2.13.2.

6.2 It is further stated at 10.1.4 in Chapter 9 Agriculture and soils in the summary overview that the short term impacts on agricultural land quality and soil resource will be short lived and can be fully mitigated by the adoption of best practice measures. The impact of the construction of a project of this size on soil will not be short lived and will be difficult to fully mitigate. It is known that it takes a long time to restore soil to its condition of that before construction took place.

## 7.0 Agricultural Liaison Officer

7.1 It is stated in the SHSP what the role of the ALO will be at 1.2.6 and how the ALO will sign off the restoration of the working strip followed by the aftercare period for the soil. As stated above it must only be signed off once the target specification is met. Further as part of the role the ALO must be available/contactable to landowners/occupiers 24 hours a day and 7 days a week during construction. This must be stated in the SHSP.

7.2 LIG would like to receive further information on the inter relationship of the ALO with the Technical Specialist Adviser (TSA) who we understand are appointed by the Contractors and the Land Officer who will be a National Grid employee. Further contact details must be given for the ALO and Land Officer in the CEMP and the SHSP.

## 8.0 The Haul Road

8.1 It has been stated that there will be a haul road used along the length of the proposed route. LIG would like NGVL to enter into discussions with the landowners of the type of haul road that it may be possible to construct. Further it is unclear as to whether the haul road will have to remain in place until all the cables have been tested.

## 9.0 Recommendations

9.1 The NFU and LAAV have concerns regarding the documents included in the planning application the concerns relate principally to the impact on agricultural land and soils with the proposed development. As highlighted above there are concerns over the information included in the Soil Handling and Storage Protocol and the CEMP.

9.2 There are concerns that NGVL has not carried out any meaningful negotiations to date and has not considered the full impact of the construction of the scheme on the agricultural holdings affected.

9.3 The NFU and LAAV believe that the planning application should not be approved until NGVL carry out negotiations with LIG, their members and clients, and you are provide with the necessary information to amend the documents that will authorise how NGVL and their contractors undertake the construction of this project.



**Appendix 1 - Field drainage**

1.1 Existing land drains, where encountered during construction, will be appropriately marked. Temporary drainage will be installed within the cable corridor working width to intercept existing field drains and ditches in order to maintain the integrity of the existing field-drainage system during construction. Such measures will also assist in reducing the potential for wet areas to form during the works, thereby reducing the impact on soil structure and fertility. Where necessary, existing land drains will be replaced during construction to ensure continued agricultural use.

1.2 Particular care will be taken to ensure that the existing land drainage system is not compromised as a result of construction. Land drainage systems will be maintained during construction and reinstated on completion.

1.3 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.

1.4 The landowner will be consulted prior to the installation of the cable ducts, on the design, including layout, falls, pipe sizes, pipe types and outfall, of any land drainage works required during construction, and on the design and timing of any land drainage works required for the subsequent restoration of the land. This process will take due regard of any local knowledge appropriate to individual circumstances.

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

1.6 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.

1.7 Landowners will be provided with the opportunity to inspect land drainage works as they progress. Records of existing and remedial drainage will be made by the Applicant and copies provided to the Landowner (and the Occupier, if applicable) after installation of the cables.

1.8 During construction all reasonable care will be taken to minimise physical damage to the landowners land and adjacent land resulting from the pumping of water from the construction trenches (if required), in wet conditions. Any water will be pumped into existing and appropriate open drainage/watercourse.