

**WRITTEN SUBMISSIONS OF NFU AND LIG REGARDING THE SCOTLAND AND ENGLAND
GREEN LINK 2
(SEGL 2) SCHEME APPLICATION**

DATE 10th OCTOBER 2023

1.0 Introduction

1.1 Submissions on behalf of the National Farmers Union (“NFU”) and the Land Interest Group (LIG) in respect of the application for a Compulsory Purchase Order submitted by National Grid for the Scotland and England Green Link 2 (SEGL2) scheme. The NFU and LIG is making a case on behalf of its members and clients who are affected by the proposed Compulsory Purchase Order. LIG is made up of the following, Dee- Atkinson Harrison, Alnwick FPC, Hornseys, East Riding Council, Leonards, Townend Clegg, Clubleys, Sreetons Agriculture, Stephenson, Brown-Co, Ulllyotts, Cranswicks, Michael Glover LLP and Morgan Bilton.

2.0 Current Position

2.1 Communication.

There has been a lack of substantive information forthcoming in a timely manner from National Grid (NG) when issues are raised.

2.2 Voluntary/Option Agreement

The negotiations for voluntary agreements have not progressed with as much speed, clarity or detail as is required and so are by no means exhausted. There are still some significant points which need to be addressed before the NFU/LIG could recommend members/clients to sign the voluntary Heads of Terms (HoTs).

Blue Land: One of the main ‘practical’ issues which is still outstanding is the extent and definition of the Blue Land where NGET are requiring additional rights. LIG has requested clarity on this on numerous occasions, but information and confirmation of the rights sought is still not forthcoming. Until landowners have clarity on this it is not possible for them to assess the offer ‘in the round’ from NGET for a voluntary agreement.

Clarification is sought that NGET will need access to be granted across the blue land and that this will be needed with and without vehicles, plant, and equipment to inspect, survey operate,

maintain, repair, renew, replace, remove or decommission the Electric Cables on the land which has the main easement. Are the additional rights sought all to be permanent or are some rights only to be temporary?

Plans: The plans which have been sent out with HoTS are showing vast areas of Blue Land. It is understood that the Blue Areas should only highlight land where additional rights are needed. Therefore, incorrect plans have been sent out highlighting land in blue which is not necessary for the scheme.

Tenants/Occupiers: NGET have not addressed how tenants will sign up to a voluntary agreement. NGET have stated that the landowners should be obtaining tenants consent for the voluntary scheme but it has been stated by the NFU and LIG that NGET should be negotiating direct with Tenants for their scheme. A request has been made on numerous occasions for an “Occupier’s Consent to the laying of Cables” which incorporated an agreement to assign. NGET have still not addressed this adequately and so in some circumstances it will be difficult for a landowner/landlord to sign voluntary HoTs without knowing what is or will be agreed with a tenant.

2.3 Survey Works

The NFU and LIG are concerned that the extent of ground investigation (GI) works on the cable route seems to have been quite limited. There have been walkover surveys as well as trial pits and boreholes, some with piezos, but not that many or any other GI works. There is concern that with the limited information available from the surveys that they have carried out, do NG have confidence that this route is workable? It is understood that Landfall is always ‘challenging’ but inland, there is a concern that the route at Wansford and Kiplingcotes has not been properly investigated by technical surveys to see if it will ‘work’ to be able to lay cables and associated infrastructure.

2.4 Cable Depth

It is noted in the planning permission that cables will be at a depth no less than 0.90m. Cables must be at a depth of at least 1.20m to ensure there is sufficient distance between the cables and farming operations. ie. field drainage is generally laid at 0.90m and mole drainage at 0.65m. The depth of 1.2m has been agreed on many other schemes where underground cables are being laid to connect electric from offshore windfarms to a National Grid Substation so it is not understood why NGET is being so resistant to laying the cables at 1.2m.

In the voluntary agreement wording has stated that the cables will be not less than 0.9 metres from the original surface level and it states, “provided that this figure can be departed from where necessary due to agricultural practices on the land or land drainage requirements justifying a greater burial depth”. What is not known is how in practice does a landowner justify that the cables should be deeper than 0.9 metres?

2.5 Balance/Attenuation Ponds

It is noted in the planning permission that plans have been submitted which highlight balance ponds along the proposed cable route. No plans or information has been given to landowners or tenants highlighting the location of the balance ponds or as to why they are required. It is not known whether they are a temporary or permanent feature. In the Project Description it is highlighted that the attenuation ponds are required for construction compound drainage and that they will discharge to the nearest watercourse. Landowners and tenants have received no information as to how the water will be discharged to the nearest watercourses It is stated that in

the Yorkshire Wolds that direct infiltration basins will likely be used to dispose of surface water as per the existing regime, again no information has been forthcoming on this.

2.6 Practical Issues

The NFU Interface Document covers practical/supplementary provisions like field drainage, treatment of soils, the role of the Agricultural Liaison officer (ALO) etc and how they should be dealt with during and after construction. At the present time this document has not been agreed with NGET in the voluntary agreements as they have stated that information within the Planning documents covers all of these practical matters.

2.6.1 Agricultural Liaison Officer (ALO): An ALO is mentioned in the outline CEMP at 18.3.5 but this does not clearly set out in enough detail the roles that are to be carried out by an ALO to make sure that landowners and tenants understand what is happening with construction and how they will be able to carry on with farming operations. Further, no detail of the ALOs experience or roles during construction has been highlighted in the voluntary Heads of Terms; all that is stated is that the ALO will be the prime contact for ongoing engagement about practical matters before and during the construction process. It is essential that details of what the ALO will do and what is expected of the ALO are set out clearly.

2.6.2 Field Drainage: Land drainage is one of the main issues which landowners and occupiers are concerned about on this scheme. The Environmental Statement in the Agriculture and Soils section only states the following “Any land drainage installed for the scheme and any drainage impacted by the scheme, will be installed and reinstated as per agreement between NGET and each individual landowner preconstruction”. The ‘Project Description’ states that land drains will be sealed upslope and downslope where they are crossed by the English Onshore Scheme and care will be taken to ensure that the land will not become waterlogged or flooded as a result. Where new field drains or sections of field drains are installed these will be done so in line with good construction practice.

The NFU and LIG are seeking detail of exactly how field drainage will be dealt with pre and post scheme. Clarity is required of the strategy to be undertaken and how this is fixed within the Order.

Further wording has been agreed within the HoTs under the voluntary agreement but there is still a lack of detail on the strategy that will be followed for the pre- and post-construction of drainage. It is stated that landowners can make representations to a drainage consultant but how does a landowner make sure that the representations are taken forward and implemented.

The NFU and LIG are seeking further details on how field drainage will be reinstated to its pre-construction assessment and how any disputes will be dealt with.

2.6.3 Soils: The treatment and reinstatement of soil during and after construction is another major concern for landowners and tenants. It is noted that an Outline Soil Management Plan has been submitted as part of the planning application for SEGL2. Limited detail has been provided to landowners and occupiers. Detail is required as to how NGET will reinstate the soil and carry out aftercare to make sure that the soil can be reinstated to its preconstruction condition so that land can be returned to agriculture as soon as possible.

The planning documents do state that no development shall take place on site until a Construction Environmental Management Plan (CEMP) incorporating the provisions of the submitted outline CEMP has been submitted to the Local Planning Authority and approved. It does state that the CEMP will include a Soil Management Plan to be informed by pre-construction soil surveys. It is

also stated that there is to be Land Restoration Scheme. No information has been forthcoming to explain how soil will be reinstated and the measures that will be put in place to bring the soil back to its condition and quality before the works took place, and especially the detail within the after-care plan. The NFU and LIG on other schemes have agreed wording that has been included within the outline CEMP on soils this provides clarity to landowners and tenants as to what will be carried out and what they can expect as to how soils will be treated during construction and reinstated once the construction is completed. The NFU and LIG would like to know how this is to be secured within the Order.

2.7 Compulsory Purchase Order

Due to the above lack of communication, negotiation and detail regarding the scheme the NFU and LIG believe strongly that the proposed Compulsory Purchase Order should not be granted for the scheme until the issues highlighted above are addressed, more detail is forthcoming and voluntary agreements are agreed.

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