

Ms Susan Hunt
Lead Member
Examining Authority
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M: [REDACTED]

Dear Ms Hunt,

RE: Deadline 4 Response submitted on behalf of T Fairley & Sons Ltd and T & R Fairley Farms

Fraser House
23 Museum Street
Ipswich
IP1 1HE
[REDACTED]

This representation is submitted on behalf of T Fairley & Sons Ltd owners and occupiers of land at Normans Farm, Little Bromley and off Shop Road, Little Bromley affected by the permanent haul road (primary access route 30 & 31), the citing of the EACN and the adjacent NF/FE substations to which National Grid granted connection points.

Included below is a summary of the verbal representation made at ISH 2 on Wednesday 29th April followed by a number of other concerns that we do not yet consider have been appropriately addressed by National Grid.

Whilst my Client would prefer to come to a voluntary agreement with National Grid for the rights required, we have not yet been provided with sufficient information nor have our concerns been satisfactorily addressed to do so.

Summary of verbal representation made at ISH 2

The EACN site is characterised by open farmland, interspersed with farmsteads and clusters of residential properties. The citing of the EACN and the connections the Applicant has prematurely granted to North Falls and Five Estuaries, results in a disproportionate burden on a small number of landowners, the Lt Bromley and Ardleigh community, and the character of this landscape.

Throughout the examination of Five Estuaries and North Falls, both Projects cited that they only chose their sites due to the need to be within 3km of the connection point National Grid offered to them – the EACN.

The Applicant clearly accepts that the substations will cause significant harm to the area given the scale of landscaping and environmental mitigation proposed. Yet they fail to recognise that in this circumstance, policy requires avoidance first.

EN1 and EN5 require applicants to avoid BMV land, which is defined as Grades 1, 2 and 3a, wherever possible.

The applicants EACN site selection results in more than 260 acres of Grade 1 land being removed from agricultural production on a permanent basis at the substation site alone. Not grades 2 or 3a which are still deemed to be best and most versatile but grade 1. Land that is classified as some of the best land in the country.

Policy requires, where best and most versatile land is to be used, that the Applicant demonstrate that no alternative poorer quality land was available. They have not done this.

Looking at the Agricultural Land Classification Maps Grade 1 land is estimated to make up less than 3% of land in England.

Looking at the county of Essex, approximately 2% of the geographical land area is classified as Grade 1 and not all of this is farmed, much has been built on already particularly in areas further south, closer to London. The Applicant therefore needs to demonstrate that none of the remaining 98% of land in the county of Essex is available or suitable for the EACN. They have not done this.

Turning to Little Bromley and Ardleigh. Approximately 43% of Essex's Grade 1 land is in Little Bromley, Ardleigh and on the edge of Colchester.

If the Applicant had appropriately assessed the citing and routing of their Project against EN1, EN5 or the Holford Rules they would not have identified a site for the EACN that is directly in the middle of the largest contiguous block of grade 1 land in the county.

Cumulative Impact

During ISH2, the Applicant stated it had not produced cumulative visualisations but instead chose to refer to Five Estuaries documents. Given that, we know North Falls environmental mitigation differed from that of Five Estuaries, and even at the end of the North Falls examination, a consensus had not been agreed we do not consider it appropriate for National Grid to rely on these visualisations. New cumulative visualisations are therefore required based on the most recent design guide alterations.

Throughout the Five Estuaries and North Falls consultations, whilst the ExA attempted to pick up some aspects of the cumulative issues, both NF/FE indicated that sufficient detail wasn't available from National Grid as their application had not yet been submitted for examination. We find this difficult to believe given that FE and NF are in fact customers of National Grid.

As such, we politely request this ExA to assess the cumulative impact on Normans Farm and the Little Bromley / Ardleigh area of all three currently known Projects, whilst appreciating that we are none the wiser of the number of future connections NG may grant and which may also result in new substations being required on more of our land. As a business with the known Projects, my Client is already facing a permanent loss of land that brings into question its continued viability to operate in its current form.

National Grid has failed to appreciate in any engagement with T Fairley & Sons Ltd that this Project is ultimately responsible for the positioning of the FE and NF projects.

Irrigation & Drainage

We have advised National Grid that the water table at Normans Farm and the surrounding adjacent land on which they propose to build the EACN is extremely high. From discussion with local contractors we understand that in order to construct the site, National Grid will need to dewater the area, as will North Falls and Five Estuaries.

Normans Farm house water supply is predominantly sourced by private borehole and the productivity and viability of the surrounding land is highly dependent on the business' ability to irrigate the land using its boreholes.

We are concerned that the works could result in the pollution of the existing boreholes, and/or changes to the water table that could reduce the supply of water preventing the business from irrigating this land resulting in it no longer being viable to crop and affecting the residential supply.

We have also requested further information on the drainage proposals for the sites which identify a ditch in our ownership as a point to which water will be drained. Based on my Clients knowledge of the current drainage we are concerned as to why and how this point was identified and how National Grid intends this to work.

It is unreasonable for our Client to be solely responsible for maintaining a ditch that will be serving such a "significant" infrastructure asset in an area that is already known to experience flooding in periods of high rainfall and severe weather.

Bentley Road / Primary Access Route 30 & 31

We echo the concerns raised by Tendring District Council in regard to the widening of Bentley Road and Ardleigh Road (to the front of Normans Farm house) and the use of Primary Access Route 30 and 31.

National Grid could mitigate some of the impact on a number of residents in Little Bromley including a number of those which sit particularly close to the highway and are Listed, with no foundations and supplied by well water, by utilising the temporary haul road proposed by North Falls and Five Estuaries for all construction traffic.

The temporary haul road in part crosses land also farmed by T & R Fairley Farms which although will be significantly disruptive to the business, we appreciate would be preferable to many of the residents of Little Bromley and our Client as it would limit the number of vehicles passing directly in front of Normans Farm house which sits close to the road and would enable only the permanent haul road route to be constructed across our Clients field adjacent to Shop Road.

The Projects should be required to coordinate rather than the current approach which leaves significant uncertainty for our Client and the residents of Little Bromley.

Construction Periods

The peak construction period for Norwich to Tilbury needs to be staggered with North Falls / Five Estuaries. If all three known Projects peak construction period coincides we estimate, from the figures quoted in the project documents, this could amount to 900 vehicle movements per day. That's more than 1 per minute assuming working hours of 7am – 6pm.

Noise

Normans farm house sits immediately adjacent to the construction sites, public road and the haul roads they will be using.

The noise will be constant during construction for the family and the continued vibration potentially causing damage to the Property. From the discussion during ISH 2 it is clear that National Grid takes no account of residents reasonable enjoyment of their gardens and outside space in their noise assessments.

Road Closures / Traffic Management

We have not been given any information on access arrangements to the Property, particularly Normans Farm house, for the family which is causing significant concern and apprehension.

We have referred in previous representations to the disruption to farm operations as a result of potential road closures, which still are yet to be addressed.

Statutory Undertaker Works

Based on experience elsewhere we expect that various works will be required by other statutory undertakers to facilitate this Project. These typically cause additional road closures, delays and vehicle movements that will not have been fully assessed at this stage but will only increase disruption to businesses and residents. We are requesting the Project to provide further information on other works anticipated in this area.

Complaints Procedure

Given the number of issues that have not been addressed, and which are likely to cause significant issues it is going to be imperative that the complaints procedure is appropriate for the circumstances to ensure issues can be dealt with in a timely manner and to ensure that the Projects and their contractors can be held to account for any commitments they do make.

We are concerned that as three Projects will be operating together all with multiple contractors, it will not be clear who is responsible for particular issues and or any mitigation / commitments made. National Grid continue to claim, as they have done for a number of years, that they are collaborating with NF and FE but the evidence of this so far has been inadequate.

Soils and Land Use / Farming

Given the number of farming businesses that will be affected by this Project we are disappointed that soils and land use were removed from the topics covered in the most recent hearings. We request that the ExA include provision for an Issue Specific Hearing on this topic to ensure that farmers have an opportunity to raise their concerns and that the appropriate questions can be asked of National Grid that they have failed to address in discussion to date.

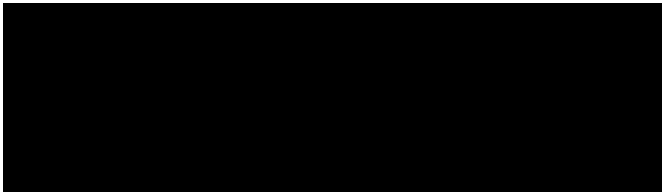
Engagement and Consultation

The Examining Authority experienced first hand in Issue Specific Hearing 2 on Tuesday 28th April, the issue we have been met with time and time again. National Grid nor their advisors and consultants wish

to listen to the issues raised. They highlighted that their aviation study was based on government published, peer reviewed data which whilst might have been the appropriate information to use in the absence of an alternative, the seemingly credible interested party clearly provided them with a more appropriate figure upon which to base their assessment, yet they continue to maintain that they have used the alternative figure.

We appreciate that when conducting initial citing and routeing, National Grid don't have all the information, yet when we are providing them with information relating to our land, such as in relation to drainage, boreholes, water and soils, areas which our Clients have vastly better information on specific to this land than they do, they continue to dictate that they know best and not take on board the issues raised which if appropriately assessed now could be more appropriately mitigated for prior to them experiencing the issues on site at which point it is often too late.

Yours sincerely,



Tamsin Fairley MRICS FAAV