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Our Ref: KNR/ENV022.12
Your Ref:

Date: 22nd January 2015

Dear Sirs

Consultation on proposals to modify Standard Licence Conditions 14 and 15 of the electricity generator licence

This letter sets out Lincolnshire County Councils response to your consultation to modify provision for the exercise of compulsory powers in Standard Condition (SLC) 14 (Compulsory Acquisition of Land etc) and SLC (Other powers etc) of the electricity generator licence.

Lincolnshire County Council are a landowner of land that would be affected by changes to the licence conditions in relation to the Tritton Knoll site, The Council has serious concerns about the impact of amending the licence condition and believes that it potentially infringes on the Human Rights of landowners. On this occasion LCC believes that the proposed changes strikes a disproportionate balance in favour of the public interest.

Taking the Tritton Knoll case as an example, there was a distinct lack of information with regards to the impact the proposal would have on the area.

The Area of Search for the Tritton Knoll electrical connection included important environmental assets such as Coastal Grazing Marshes and Coastal Country Park.



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These areas are fragile in nature and they have an important role in promoting a more sustainable "green tourism". It is of great concern to the Council that these areas are included in the cable corridor. Amendments to the licence conditions could also impact on this site more widely than that required for the cabling corridor alone.

The Council has serious concerns about the impact of the connection on the Lincolnshire Coastal Country Park or the landfall location at Anderby Creek development. Again, it is the lack of information and the lack of assurances with regards to the potential impact the connection may have on a particularly environmentally sensitive location that causes the Council concern. The proposed changes to the standard licence conditions further frustrates this problem as it appears to negate the need for discussion and negotiation with the landowner.

The Council is of the opinion that each case should be considered carefully on its own merits so that the impacts of the proposed underground cabling can be carefully assessed. Not only are some sites environmentally sensitive but also sensitive with regards to flooding and careful consideration is required to assess the impact the cabling may have on the functionality of the land in the event of flooding which also can have a direct impact on neighbouring land.

The current conditions do not allow preliminary works to be carried out on sites. Whilst we note that generation licence holder may under section 53 Planning Act 2008 apply for a right of entry to gain access onto land for the purpose of surveys it would be reasonable to suggest they would be required to speak with landowners giving landowners the options of obtaining further information before making any decision. If the amendments to SLC 14 and 15 in particular 14(2)(c) and 15(2)(c) are made there is no requirement for the licence holder to liaise or negotiate with landowners prior to undertaking these works. As mentioned above it is the lack of information that often causes the concern and the proposed amendment does nothing to promote communication or negotiation with the landowner.

It is the Council's view that the proposed amendments do not require the licence holder to satisfy the landholder that they have reasonably considered other alternatives or fully considered impact on the landholding. The Council consider this to be a potential infringement on the Human Rights of the landowner, as it potentially restricts and infringes upon the landowners use and enjoyment of the land.

It is our view that these particular amendments do not replicate the current legislation and the impact of them is less restrictive on the licence holder. In addition the Council would suggest that a requirement for licence holder to reasonably consider other alternatives before undertaking such works be included if the amendments are to proceed as drawn.

Having considered in particular the impact works for the Tritton Knoll site would have on the Council's land holding it is the Council's view that there is a need to consider each case individually to assess the possible impact the cables could have on potentially sensitive land before assessing whether the landowners rights are outweighed by the greater public interest.

Yours faithfully

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