



National Grid's EI Scoping Report is incomplete.

In the following scoping matters it fails:

- To take account of up-to-date locally provided information
- To account for significant recent changes that add to cumulative impact
- To account for its own announcements of future development that increase cumulative impact
- To account for socio-economic impacts
- To compare environmental impacts of alternative, plausible connection options

History

National Grid conducted a lengthy public consultation relating to the proposed Bramford to Twinstead transmission line between 2009 and 2013. In 2012 it published a Connection Options Report followed by an EI Scoping Report. The Planning Inspectorate published a Scoping Opinion in March 2013.

Later that year National Grid conceded its application was premature and suspended the process.

National Grid restarted the consultation early in 2021, offering parish councils an on-line meeting due to Covid-19 restrictions. A newsletter was sent to a selection of households close to the proposed transmission corridor along with a questionnaire.

The consultation coincided with council elections and there were limited opportunities for engagement. Eleven parish councils signed a Pre-Application Protocol Letter Before claim for Judicial Review providing ground for an extension to the consultation period. This was refused.

The consultation period closed on 6th May and on 11th May the Planning Inspectorate issued notification of the Scoping Report.

The report therefore takes no account of initial consultation responses from statutory consultees or other representative bodies and individuals. In some locations entire communities were omitted from the consultation. A survey of residents in Flowton indicates they did not receive the newsletter or questionnaire, despite being close to the substation and with many sites where sensitive visual receptors are likely to be found. Various properties in Hintlesham received these documents too late to take part in briefing meetings.

Although the consultation was informal, National Grid has failed in its duty to consult the local community and contravened the spirit if not the letter of s47. Nor does it follow advice¹ set out by

¹ Advice Note 14 paras 3.14 et al

the Planning Inspectorate and thus shows scant regard for the views of local residents and statutory consultees.

Absence of up-to-date local information means the report is also incomplete.

Connection Options

National Grid published its initial Connection Options Report in May 2012.

Details are provided in Para 3 on subsequent evaluation.

Connection decisions have a significant bearing on environmental impact and additional information is required.

It is not the purpose of this submission to evaluate the potential use of new technology. In the context of EI scoping the applicant should demonstrate why new technologies that could significantly reduce environmental impact have been excluded. In this Report potentially disruptive technologies such as superconductors which have been in use in Germany for several years and also in the USA are not mentioned. Independent evidence needs to be provided if they are to be scoped out.

The construction and post construction environmental impacts of some sections are unclear.

The working area of underground cable sections would be 100m (4.5.19) and topsoil clearance would be carried out for this width, except for shorter sections where directional drilling (trenchless cables) would be used. In these sections the surface soil is unaffected.

Further information on the residual 'exclusion' zone is required.

With regard to the necessity for sealing end compounds if the entire line is not placed underground, the following should be scoped in:

Additional transport for materials and plant to the compounds during construction

Environmental impacts that could be avoided if locations proposed by local communities are used instead

Assessment of visual impact

In para 6 National Grid applies a Zone of Theoretical Visibility (ZTV) of 10 km and a study area of 5 km for the LVIA.

It is notable that it did not seek consultation from communities 10 km from the proposed line and thus does not have the benefit of local experience on which to base its assumptions.

It also states that screening diminishes the impact (6.3.3)

In practice, visual impact depends on a number of factors. For example, from popular vantage points between Burstall and Hadleigh the existing line defines the horizon for a great distance with minimal screening in either the near or far distance.



Between Hintlesham and Hadleigh the proposed line does not replace a smaller distribution line as in other sectors, but would create a 6km length of double 440 kV pylons where the cumulative impact is far greater than at present. At Hintlesham Woods, a SSSI, the proposed completely new line could be seen from various properties adjacent to the A1071 including Park Farm and College Farm which are Grade II listed.

National Grid also pre-judges the difference in impact of the existing 132kV line and the proposed 400 kV line (6.3.6). The difference in theoretical visibility should not be based merely on comparisons between the height of the towers. The cumulative impact of two lines of equal height is quite different to that of one tall and one shorter line. The interaction of larger lines is significantly greater as perspective dictates than towers and cables are rarely in alignment. A high 'steel fence' is thus created. Ample evidence is provided by the transmission lines from Sizewell to Bramford. Only by accepting these impacts can the LVIA be assessed adequately.

Socio-economic impacts

In para 15 the Report states that socio-economic impacts can be scoped out as tourism primarily benefits the Dedham Vale where the line will be placed underground.

By implication National Grid thus accepts that overhead lines may have an impact on visual amenity to the detriment of the tourist industry.

Significantly it also shows a lack of awareness or research into the local tourist industries. In recent years numerous tourist attractions have been created, supplementing those that already existed. Some – such as glamping sites – rely on the landscape and tranquility of their setting. Others provide 'out of town' leisure amenities which again benefit to some extent from their rural setting.

Examples in the Hintlesham area include:

Suffolk Escape <http://www.suffolkescape.co.uk/>

The Lost Garden Glamping <http://thelostgardenretreat.com/>

College Farm – Grade II listed BnB <https://www.collegefarm.net/>

Hintlesham Hall – Grad 1 listed hotel

Hintlesham Golf Course and golf driving range

Socio-economic impacts should therefore be scoped in along the entire length of the project. (15.6.9)

Cumulative impacts

National Grid considers cumulative impacts in chapter 18 and provides initial lists of sites that may be relevant in the Appendix.

Cumulative impacts relate to '*other existing and or approved development*'. Despite attempts at clarification, this terminology from the EIA Regulations 2017 is ambiguous.²

PINS Advice Note Nine: Rochdale Envelope identifies 'other developments' and more specifically 'major developments' as those that are:

- under construction
- permitted application(s), but not yet determined;
- submitted application(s) not yet determined;
- projects on the Planning Inspectorate's Programme of Projects; and,
- identified in the relevant Development Plan
- Identified in other plans and programmes (as appropriate) which set the framework for future development consents/approvals, where such development is reasonably likely to come forward.

PINS Advice Note 17: Cumulative Effects Assessment provides a methodology for CEA comprising a staged process.

1. Establishing the Zone of Influence (ZOI) and identify a list of 'other developments' which could potentially interact with the proposed development;
2. Analysing the list obtained in stage 1 and identify the sites that may have a significant effect on the environment, economy or community when assessed cumulatively with the proposed site. Providing a justification as to why the sites that will result in no cumulative effects can be scoped out of the assessment and develop a new list of sites that can progress to stage 3;
3. Gathering all required information for the sites on the new list; and,
4. Assessing the likely residual effects as a result of the interrelationship between the proposed and cumulative sites.

National Grid accepts the list will continue to be updated. However, at the time of publication the list was already incomplete. As a result, National Grid underestimates the significance of cumulative impacts, especially in the area of the Bramford substation and encompassing the surrounding villages.

The list is also inadequate because in table 18.1 the Zone of Influence for Environmental Topics is set at 1 km for biodiversity, socio economics, recreation and tourism.

It is self-evident that tourists travel and thus appreciate the environmental benefits of the countryside at scale. An hour's walk in the countryside could easily cover 5 km. It is quite likely visitors have come into the countryside to escape the confines or industrialisation of towns and built landscapes. The Suffolk countryside is not a walled garden and an artificial division of 1 km is wholly inadequate. The ZOI should therefore depend on topography, geography and significance of amenities. The locally designated Special Landscape Areas are thus a good starting point for

² *Demystifying Cumulative Effects*, IEMA Impact Assessment Outlook Journal Volume 7: July 2020



considering cumulative impacts. They include the Brett Valley and the SLA to the north and south of the Bramford substation.

The importance of dealing with cumulative impacts appropriately has been demonstrated in the recent 'Vanguard Judgement'.

The High Court has confirmed in the recent case of R (Pearce) v Secretary of State for Business, Energy and Industrial Strategy [2021] EWHC 326 (Admin) that the cumulative impact of the proposal must be fully considered. Justice Holgate articulated the essential principle as follows (at para.120 of the judgment):

“The effect of Directive 2011/92/EU, the 2009 Regulations and the case law is that, as a matter of general principle, a decision-maker may not grant a development consent without, firstly, being satisfied that he has sufficient information to enable him to evaluate and weigh the likely significant environmental effects of the proposal (having regard to any constraints on what an applicant could reasonably be required to provide) and secondly, making that evaluation.”

It is the first decision of the High Court after the end of the UK's post-Brexit transition period to consider EIA legislation as retained EU law, and the issue of discretion in judicial review proceedings relating to breaches of retained EU law. It confirms the duty to properly consider and weigh the cumulative impact. The Court took the opportunity to highlight the principles previously set out by the Court of Appeal in R (Larkfleet Limited) v South Kesteven District Council [2016] Env. L.R. 76, which includes:

“But the mere fact that two sets of proposed works may have a cumulative effect on the environment does not make them a single project for the purposes of EIA. They may instead constitute two projects the cumulative effects of which must be assessed ([36]).”

As such it is clear the Court's approach is the cumulative impact must be fully considered. We are concerned the approach of National Grid to date is to not fully set out the full list of projects because the cumulative impact is obviously substantial.

A provisional list of inter-project cumulative effects is provided in Appendix 18.1 (page 153)

In addition to the existing and proposed transmission lines and existing (baselines) distribution lines significant projects very close to the Bramford sub station now in the planning system include:

Anesco battery storage

Anglian Water strategic pipeline

EA3 – additional underground electricity cables from offshore generation

EDF – 202-acre solar park

ENSO – 242-acre solar park

Greybarn – 144-acre solar park

Energypeople Ltd – gas fired energy reserve generation unit

National Grid also omits any reference to work on its substation for which £14 million has been allowed and to the certain expansion of the large ‘sub-stations’ for offshore wind, adjacent to the original sub-station.

It has also presented provisional plans for further transmission lines in the Bramford area. Although the need case and connection options for these remain opaque and confused, having presented them during the information consultation they cannot be scoped out unless they are withdrawn.

National Grid applies the caveat “It is expected that a future developer.... would carry out their own assessment of cumulative impacts” to numerous projects.

This ‘opt-out’ appears subjectively applied and should be reconsidered.