

*This representation relates to the applications by Iberdrola S.A. of Bilbao, Spain, acting through its UK subsidiary Scottish Power Renewable Energy Ltd ('the applicant') for consent to develop windfarms East Anglia One North ('EA1N') and East Anglia Two ('EA2'). It refers to the onshore elements of the applications.*

## **LANDSCAPE, VISUAL AND COMMUNITY IMPACT:**

### **NO PRECEDENT FOR CONSENT**

- ◆ **There is no precedent for consent to onshore infrastructure that would have the landscape, visual and community impacts of EA1N and EA2.**
- ◆ **The applicant's claim to have identified precedents is groundless.**
- ◆ **Consent would set a new low threshold for permitted development of offshore and onshore windfarms within rural communities and in protected coast and countryside.**
- ◆ **There is a statutory duty to consider alternative onshore arrangements**

#### **1 National Policy Statement EN-1**

The applications for EA1N and EA2 make frequent use of selected extracts from the relevant National Policy Statements. Referring to the impacts on landscape and visual amenity, the applicant quotes NPS EN-1 paragraph 5. 9.19 as follows:

*“It may be helpful for applicants to draw attention, in the supporting evidence to their applications, to any examples of existing permitted infrastructure they are aware of with a similar magnitude of impact on sensitive receptors. This may assist [the Examining Authority] in judging the weight it should give to the assessed visual impacts of the proposed development.”*

The applicant has been careful to omit the preceding paragraph 5.9.18, to which 5.9.19 is an addendum. The omission is significant, since the omitted paragraph says:

*“All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. [The Examining Authority] will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project.*

*Coastal areas are particularly vulnerable to visual intrusion because of the potential high visibility of development on the foreshore, on the skyline and affecting views along stretches of undeveloped coast.”*

## **2 The applicant's response**

For both EA1N and EA2 the applicant has responded to paragraph 5.9.19 as follows:

*“East Anglia ONE and East Anglia THREE\*\* are examples of existing permitted onshore infrastructure which may have comparable landscape and visual impacts.”*

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This perfunctory statement by the applicant, offered with no evidence, is completely without merit. In reality the magnitude of landscape and visual impacts of the two cited developments are not comparable at all with the present EA1N and EA2 onshore proposals. They are distinctly different, and cannot reasonably be regarded as comparators for the purpose of the Authority's assessment.

*\*\*The EA1N application refers to East Anglia TWO instead of THREE, but this is clearly an error.*

## **3 Differences between locations**

The principal difference, which alone rules out any claim to comparability, is that the proposed onshore location for EA1N and EA2 at Friston is a greenfield site, totally untouched by any previous development. In contrast, the construction area for East Anglia One and Three substations was already occupied by the substantial and highly visible energy infrastructure of a National Grid power complex.

The Secretary of State's decision letter made particular reference to this point, emphasising the Examining Panel's view that the new substations would make 'little additional impact' because the existing National Grid building 'already features in views from public highways nearby'.

A further distinct difference is that the site of East Anglia One and Three substations is not in a rural setting like Friston's. Instead, it is in a fundamentally urban environment, less than 3 miles from Suffolk's largest conurbation, Ipswich. Its nominal setting is at Bramford and its nearby hamlet Burstall. Bramford is an enclave of Ipswich separated from the town's 135,000 population only by the A14 dual carriageway, whose constant heavy traffic can be seen and heard from the substations site. The A14 transport corridor here carries more than 400,000 vehicles a week, a quarter of them HGVs, and is lined with large industrial developments ranging from manufacturing to warehousing.

## **4 The Secretary of State's decision**

Therefore in terms of landscape, visual and community impact it was reasonable for the Examining Panel to recommend, and the Secretary of State to grant, consent for onshore substations in an area with an existing National Grid complex, high urban population, major commercial and industrial infrastructure and constant heavy traffic.

## **5 The contrast with Friston**

No such conditions exist at the proposed Friston onshore site for EA1N and EA2. Friston is a tranquil, attractive rural village whose narrow lanes do not include even an A road, let alone a major dual-carriageway trunk route. New access ways planned by the applicant for construction and operation would dwarf Friston's few existing roads.

There is no previous industrial development of any kind in or around the village. It includes and is bounded by farmland, woodland, ancient hedgerows, protected sites, open fields and country footpaths. The applicant proposes two massive new substations and associated buildings, certain if built to be joined later by further immense National Grid structures, whose individual and cumulative impact would overwhelm the village and destroy its landscape permanently. At the already permitted Bramford site described at **3** above, the substation structures are more than 4 kilometres from Bramford itself. At Friston they would be only 300 *metres* or fewer from houses on the village boundary.

The visual impact on residents and visitors would be colossal. The buildings and associated structures could not be concealed by proposed new boundary planting, since they would be up to 18 metres tall – higher than the adjacent tower of St Mary's Church. Even Friston's landmark historic windmill, the tallest surviving postmill in Britain at 15.4 metres, would be overtopped by them. With such structures spread over 35 acres their visual intrusion would be inescapable, incapable of mitigation, and permanent. The applicant's statement that boundary planting “would be starting to achieve good height” 15 years after planting does not inspire confidence in its view that visual impact would not be significant.

## **6 No comparable permitted infrastructure**

The applicant has been unable to present valid examples of comparable permitted infrastructure because there are none. These applications are unique in the scale of their impact on people and landscape. They are unique in their proposal to erect giant buildings on unspoiled greenfield land at the very edge of a small rural village that has seen no previous industrial development.

They are unique in the magnitude of their impact on the 'sensitive receptors' described in NPS EN-1 5.9.18 at **2** above, namely those local residents and visitors to the coast and countryside for whom the vast scale of visual intrusion proposed would not be possible to camouflage or to ignore.

## **7 Proximate lines of excavation**

The applications are not unique in their plan to excavate two motorway-wide cable trenches through more than half a million square metres of countryside and seashore landscape, most of it in an Area of Outstanding Natural Beauty. But this is only because the applicant has already dug nearby a similar, even longer and equally destructive cable route from the seashore through the AONB to its permitted site at Bramford. The scarred and irreplaceable landscape is clearly visible from literally hundreds of viewpoints along its whole length.

This route, itself originally intended to include EA1N and EA2 cables but then

withdrawn by the applicant without adequate explanation, is only 12 miles south of the new trenches now proposed. So rather than being a helpful example of permitted infrastructure, it illustrates perfectly how offshore wind developments must not be allowed to excavate successive swathes of countryside radiating from the shore a few miles apart, clawing their way through unspoiled landscape including Areas of Outstanding Natural Beauty, simply to suit the corporate convenience of private developers.

## **8 Government policy context**

The UK Government has announced its view that this practice of digging new cable routes close to existing recent excavations is undesirable, not only for affected populations and environments but also for offshore wind developers themselves, because of increasing resistance from local authorities and communities.

As a result, these applications are taking place in the context of impending policy changes that are likely to prevent applicants from adopting such damaging network connection strategies in future. The Government statement accompanying its current Offshore Transmission Network Review emphasises that *“constructing individual point to point connections for each offshore wind farm may not provide the most efficient approach and could become a major barrier to delivery, given the considerable environmental and local impacts, particularly from the associated onshore infrastructure”*.

The Review is in response to a request from the Committee on Climate Change that the Government should develop *“a strategy to coordinate interconnectors and offshore networks for windfarms and their connections to the onshore networks”*. Similarly, the Office of Gas and Electricity Markets has recognised that *“a step-change in the way offshore generation and transmission is planned, developed and connected”* is required urgently..

This new strategy and necessary step-change is expected to be reflected in the Government's imminent Energy White Paper.

## **9 The applicant's assumptions**

The applicant's insensitivity to these important policy challenges re onshore connection appears to be based on two assumptions: first, that any legislative or technical changes will come too late to affect its applications; and secondly that the national demand for wind energy overrides all objections to its flawed connection strategy.

In relation to the first, the terms of reference and timetable of the Government's Offshore Transmission Network Review indicate that it will *“focus on identifying tactical near-term actions that can be taken, and early opportunities for coordination for projects in the short to medium-term”*. The Government intends to report by the end of 2020 on the Review's direction of travel, and to *“provide clarity for an enduring approach”* in 2021.

The earliest possible construction date for EA2, according to the applicant, is 2024,

and for EA1N 2025. Previous experience suggests that these start dates will be delayed. Even if adhered to, electricity generation could not begin until the very end of this decade, and probably later.

So it cannot be prudent to assume that the onshore elements planned for EA1N and EA2 will be compliant with relevant UK policy and regulation by the time their construction is due to begin or their operations start. A safe course of action would be to amend the offshore connection proposals accordingly, adopting one of the available alternatives that have been identified in other representations

*Extracts quoted in 8 and 9 are from official statements by UK Government, Committee on Climate Change and OFGEM.*

### **10 No obligation to consent**

In relation to the second assumption, the applicant argues that the national need for renewable energy (which is recognised by all objectors to its applications) must outweigh all other considerations, and that therefore consent is inevitable. Clearly the Examining Authority cannot accept this contention, because to do so would mean that the examination outcome is predetermined and its deliberations futile. There is no precondition that every renewable energy project must be permitted regardless of its human and environmental impact.

Nevertheless the Authority is bound by NPS EN-1 to start with a presumption in favour of granting consent. But the Government has made clear, in Parliament, in NPS EN-1 and elsewhere, that presumption does not mean obligation. NPS EN-1 was drafted specifically to exclude such an interpretation, and to ensure that the Authority must balance the benefits of applications against their adverse impacts.

### **11 No urgency for consent**

The only obvious benefit from these applications (since they have no net local economic advantage nor net employment gain) is in the energy they would produce – which would be equally beneficial if their onshore elements were sited elsewhere.

The maximum potential contribution from EA1N and EA2 to national energy needs is 1.7 megawatts. The Government has a target of 40 *gigawatts* from offshore wind generation by 2030. Bearing in mind their construction timescales, the contribution of EA1N and EA2 to this target by 2030 will be negligible, probably nil. Their lifespan contribution thereafter, based on the Government's target of doubling renewables capacity in the 2021 Contracts for Difference auction, would represent less than 1% of the UK target output.

All incremental amounts of generation are valuable, but there is no urgent imperative to EA1N and EA2 that would prevent alteration to their onshore connection proposals. The short-term and longer term energy benefits of EA1N and EA2 cannot represent the “exceptional circumstance” that consent to these applications must require.

## **12 Identifying an exceptional circumstance**

The need to identify an exceptional circumstance arises not only from the lack of precedents but also from statutory guidance on visual impact and environmental damage. In relation to negative visual impacts and harm to the natural beauty of the landscape, development consent may be granted only when exceptional circumstances exist. As well as being a key principle of the National Planning Policy Framework, this is expressed specifically for energy infrastructure in NPS EN-1 as follows:

*“The principal area in which consenting new energy infrastructure in accordance with the energy NPSs is likely to lead to adverse effects which cannot always be satisfactorily mitigated is in respect of landscape and visual effects. EN-1 already contains policies which severely limit the prospects for development of large-scale energy infrastructure in the most attractive landscapes and townscapes.”*

*“National Parks, the Broads and AONBs have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection. The conservation of the natural beauty of the landscape and countryside should be given substantial weight in deciding on applications for development consent in these areas.*

*“Nevertheless, [the Secretary of State] may grant development consent in these areas in exceptional circumstances.”*

## **13 Statutory duty to consider alternatives**

For EA1N and EA2 the Examining Authority must not only take account of the statutory purposes of the Suffolk Coasts and Heaths AONB, which are to conserve and enhance the natural beauty of the area, but must also be able to demonstrate that their assessment has complied with this duty. This includes inter alia the 'substantial weight' that must be given to conservation, and 'the scope for developing outside the designated area' that must be considered.

In the present case, the great weight that must be given to conserving landscape and scenic beauty, and the assessment of the detrimental effect on environment and landscape, must include recognition that enormous damage to the same AONB by the same applicant has already been allowed to take place just a few miles away. This should lead inevitably to an assessment of the scope for developing outside the designated area, and a detailed examination of the alternatives available to the applicant.

It should be noted that the applicant has no plans to conserve landscape in the AONB. Substantial case law on conservation has established that the term means preservation, and not removal and replacement by alternatives. So the applicant's proposals to uproot trees and fell hedgerows, and to replace them eventually with saplings and other alternative vegetation cannot be described as conservation.

## **14 Establishing a new benchmark for consent**

In view of all the above, the Examining Authority would be establishing a precedent by recommending consent to these applications. It would be setting an entirely new benchmark for permitted infrastructure development within rural communities and in Areas of Outstanding Natural Beauty. This new threshold would be so low that no community and no AONB could in future consider itself protected by the provisions of national policy.

All future applicants, responding to EN-1 5.9.19, could point to EA1N and EA2 as examples of permitted onshore infrastructure, and would always be confident of consent - however great the visual intrusion of their proposals, however substantial their impact on nearby communities, and however extensive and recurrent their damage to landscape and protected environments. Furthermore, this new low benchmark would be cited as a precedent in onshore windfarm applications (which will begin again in 2021) as well as offshore.

### **15 Conclusion**

This is not what Government policy and statutory duty require, and it would not be reasonable nor equitable for the Planning Inspectorate to set such a precedent with EA1N and EA2.

We therefore urge the Examining Authority to recommend that the Secretary of State rejects both applications in their present form, until the applicant offers alternatives to its present onshore connection proposals.

Derek Walduck  
on behalf of GreenSnape

*GreenSnape is a local environment association with more than 100 members representing a variety of disciplines and experiences. It works to protect and enhance the environment in and around Snape, Friston's neighbouring parish. Snape itself would be affected adversely by the visual and transport aspects of the applications.*

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