

# WRITTEN REPRESENTATION FOR SPR EA1N and EA2 PROJECTS (DEADLINE 1)



## INTRODUCTION & SUMMARY

**Interested Party:** SASES    **PINS Refs:** 20024106 & 20024110

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### INTRODUCTION

1. The proposed developments comprise three NSIPs, EA1N, EA2 and a National Grid connection hub. The onshore elements of the schemes will have a significant adverse effect on Friston and the surrounding area and will involve the construction of a substantial and visually intrusive substation complex together with a 5 mile cable route passing through an AONB.
2. Our case is that the impacts on Friston and the surrounding area are so severe that development consent should be refused. The adverse effects of the proposals are many and varied. The upshot of the use of land at Friston as a grid connection point is that the DCOs would, if granted, authorise the significant industrialisation of the area, in a valued landscape, close to a range of sensitive receptors including the inhabitants of the rural village, and in the setting of several heritage assets including notably a Grade II\* village church.
3. The proposals are not in accordance with the relevant national policy statements (s 104(3) Planning Act 2008). In any event, the adverse impact of the proposals at Friston would outweigh the benefits of proposals (s 104(7) Planning Act 2008). Alternatively, development consent should not be granted for the onshore cable route and substation. A separate DCO application for a more appropriate connection point could then be pursued. The proposals should be regarded as contrary to the relevant national policy statements and in any event there are compelling reasons to refuse development consent.
4. The underlying reason why such an unsuitable site has been selected lies in a flawed site selection process in respect of each of the National Grid NSIP and the onshore elements of the EA1N and EA2 NSIPs. The question of alternative locations for the onshore elements of the proposals is important and relevant to the examination because:
  - a. Such consideration is required under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, since the Applicants have purported to exclude alternative locations;
  - b. The significant adverse effects of the proposals as explained in these Written Representations justify as a matter of law the consideration of alternative means and locations for connecting the proposed windfarms to the grid.
5. Furthermore:
  - a. The National Grid NSIP (referred to in this document as the National Grid connection hub) will serve as a connection point for other proposed offshore energy projects yet the Applicant has failed to carry out a cumulative impact assessment in respect of any of these projects despite the fact that four of these projects are been promoted by members of the National Grid group for which the Applicant is promoting the National Grid NSIP and two

of the other developers operate in the same sector as the Applicant, namely offshore wind, where coordination is a practical necessity.

- b. The Environmental Statement in support of these applications is seriously defective in a number of respects judged against the relevant national policy statements and cannot be regarded as a reliable basis upon which to grant consent.
6. If the ExA is minded to recommend that consents be granted notwithstanding such matters then:
- a. the mitigation proposed by the Applicant needs to be substantially improved across a range of matters.
  - b. the Applicant needs to be subject to much stricter controls in terms of how it and National Grid to carry out the schemes, including without limitation the sequencing of construction to minimise the impact on people and the environment and regard to the other energy projects taking place in the locality.

## **SUMMARY**

7. Our Written Representations cover a range of topics which are listed at the end of this document. So far as necessary each representation provides a short summary. The Written Representations in respect of landscape and visual, cultural heritage, flood risk and noise take the form of expert reports as follows.
- a. Landscape and Visual - Michelle Bolger
  - b. Cultural Heritage - Dr Richard Hoggett
  - c. Flood Risk - Clive Carpenter, GWP consultants
  - d. Noise - Rupert Taylor
8. Further Written Representations are prepared by SASES.

## **Site Selection**

9. SASES's case is that the site selection process which has resulted in the identification of Friston as the site for the connection to the National Grid is wholly flawed. As a consequence, less harmful alternatives have been improperly excluded. The errors in the site selection process are not limited to the Applicant's own process, but also the means by which the grid connection offer from National Grid, which offered a connection in the Leiston area, was not itself the subject of proper assessment. A further broader alternative arises from the Government's intention to seek better coordination of grid connections for renewable energy projects which is the subject of an ongoing review which is relevant to these proposals.

## **Cumulative Impact**

10. The Applicant has failed to assess the cumulative impact of other projects together with the proposed development. Importantly, this is a case where the authorised development would directly enable those other projects by the creation of the National Grid connection hub. It is a striking feature of these applications that they seek consent for nationally significant grid connection infrastructure with planned capacity well beyond the needs of the offshore windfarms proposed.

11. There is no doubt that at least two interconnector projects, and likely two others together with at least two other offshore windfarms, will make a grid connection through the infrastructure which is proposed to be authorised by these DCOs. This is not a case where the effects of a project may be experienced together with some other (unrelated) project, but a case where the proposed development will directly facilitate and accommodate those further developments. Those other projects will bring with them even greater uncertainty as to the duration of construction and significant environmental impacts including through the need for significant additional infrastructure at Friston and multiple cable routes through the AONB. They must be the subject of proper assessment so that the ExA can report on the cumulative adverse effects of the proposals together with other development as required by the EIA Regulations and by EN-1.

### **Landscape & Visual**

12. Friston has a strong sense of place and local distinctiveness. As noted above the choice of Friston as a location is the result of a flawed site selection process. The Applicant has:

- a. Materially understated the adverse impact on the landscape and visual receptors;
- b. Relied upon visualisations which under represent the impact of the development;
- c. Failed properly to acknowledge that the landscape impact might be prolonged given the site will be a construction site for a substantial period of years depending on how the three NSIPs are sequenced, and failed to have regard to cumulative impacts of creating a new connection hub which will draw other projects to Friston;
- d. Failed to minimise harm to the landscape through careful design;
- e. Proposed mitigation proposals which are inadequate not least in relying upon a tree planting regime much of which will not be implemented until after construction is finished and relying on tree growth rates which are unrealistic.

13. Accordingly the proposed schemes are contrary to EN1, EN3 and EN5 in respect of landscape and visual impact.

### **Flood Risk**

14. Friston is already vulnerable to and suffers from regular pluvial stormwater run-off flood water and sediment inundation. The proposals result in significant new hard surfacing, infrastructure and ground works which will have an adverse impact on flood risk. Contrary to national planning and energy policies and the local flood management strategy, the Applicant has not considered all forms of flood risk including pluvial and groundwater. That error undermined the site selection process, and it now undermines the adequacy of the assessment of the projects. The ExA should conclude that the proposals are contrary to paragraphs 5.7.9 and 5.7.17 of EN-1.

15. The Applicant proposes detention basins/SuD ponds to reduce the peak storm flows arriving at the village. These will be above ground level on the downslope and each could contain greater than 10,000m<sup>3</sup> of water is creating a significant impoundment risk which has not been assessed. The Applicant does not consider reduction of total flows which is contrary to the wider policy framework not to support development which increases flood risk.

16. Planning policy non-compliance, lack of evidence of viable surface water management schemes, and therefore a demonstrable increase in flood risk mean the schemes cannot be

considered permissible under EN-1 and having regard to the adverse effects of the proposals.

## **Cultural Heritage**

17. The substation site is ringed by seven listed buildings including the church of Saint Mary, Friston a Grade II\* listed building. These heritage assets do not exist in isolation and are all part of a significant area of historic landscape which lies immediately to the north of the village of Friston and which is directly and significantly affected by the proposals.
18. The Applicant's assessments underestimate the heritage impact of the proposed schemes and undervalue the contribution made by setting to each of these heritage assets resulting in a much lower assessment of the adverse heritage impact. Furthermore the visualisations are highly selective and do not include key views. On a proper assessment, the harm to designated heritage assets is far greater than that suggested by the Applicant. The ExA and the Secretary of State must have regard to the desirability of preserving the setting of these listed buildings, and in doing so give great weight to their preservation with a presumption in favour of conservation (EN-1, 5.8.14). The setting impacts of the development, by reason of its scale and industrial nature, are towards the upper end of "less than substantial harm".
19. Only the impacts of the operational phase of the schemes are assessed in detail. The failure to include the construction and decommissioning phases is a significant omission and a failure on the part of the Applicant to meet its obligations under paragraph 5.8.10 of EN-1. The outline landscape mitigation plan does nothing to reduce the heritage impacts of the schemes in any meaningful way.
20. In relation to archaeological matters there are significant shortcomings with the baseline archaeological assessment of the onshore development area and accordingly the Applicant is failing in their duty under paragraph 5.8.10 of EN-1.

## **Noise**

21. Friston benefits from a quiet rural environment particularly at night. The Applicant's assessment of noise impacts both during construction and operation are incorrect.
22. In terms of operational noise an important feature of these applications is that two similar substations will be operated near to each other and the principal source of noise in each will be transformers. Noise from transformers is concentrated at the frequency of 100Hz and when two sounds of properly single frequency are combined it is the sound pressures not the sound intensities that have to be added.
23. The Environmental Statement conclusions, from which the noise limit in the draft DCOs have been derived are based on the background sound level of 29 dBA. It is shown in the baseline noise survey report that the nighttime background is in the low 20s on many occasions and was measured at less than 17 dBA. On those occasions the tonal noise emitted by the transformers will be clearly perceptible.
24. Based on expert opinion we believe the noise from the Applicant's substations (see comments on the National Grid connection hub below) will be a significant adverse impact of the type which Noise Policy Statement for England seeks to avoid.
25. No cumulative assessment is provided that includes the National Grid connection hub on the grounds that any noise during the operational phase from National Grid infrastructure would be due to switchgear which the Applicant asserts "*are designed to be inherently quiet in operation*". However it is acknowledged that "*noise from switchgear is impulsive in character*".

This assertion should be independently verified. This is particularly important given that the National Grid connection hub will be expanded to enable other offshore energy projects to connect at Friston – see comments on cumulative impact above.

26. EN-1 at paragraph 5.11.9 states that significant adverse impacts on health or quality of life should be avoided and accordingly the proposals are in contravention of the requirements of EN-1.
27. The Applicant's construction noise assessment is also flawed through the use of incorrect criteria arising from a misinterpretation of current standards and guidance. The OCoCP is materially deficient in its treatment of construction noise matters and needs to be revised.

### **Land Use**

28. Contrary to Scottish Power's statement that the operational impact of the authorised projects on land use is minor adverse (see table 21.21 on page 64) in fact it is major and contrary to the requirements of EN-1 which at paragraph 5.10.8 states that *"Applicants should seek to minimise impact on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5).*
29. This is due to the very high amount of the best and most versatile agricultural land (grade 2 and 3) being lost at the substation complex site. This loss has been exacerbated by:
  - a. Choosing a sensitive landscape and heritage location where, in an attempt to mitigate the landscape and heritage impacts, a very large and disproportionate amount of the best and most versatile (BMV) land is made over to tree planting/landscaping;
  - b. Choosing a site with a high surface water flood risk which requires BMV land to be made over to SuDs ponds;
  - c. Choosing a site which necessitates the construction of a very long and wide operational access road (1700m x 8m) over BMV land.
30. In contrast National Grid and a Scottish Power own land at the existing Bramford substation site which they have chosen not to develop. Scottish Power has also failed to address the cumulative impact of the further developments that will take place at the substation complex site and in the neighbouring area.

### **Substation Design & Rochdale Envelope**

31. The Rochdale Envelope approach adopted by the Applicant has resulted in a development area which may be materially oversized. The consequences of this are particularly significant because of the history of downsizing offshore wind projects with a result that even less land is required. The specific issue here is that the creation of an overly large substation area allows land to become operational electricity undertakers land with future flexibility on the delivery of new infrastructure, potentially in relation to other projects. The applicant's flexibility should be constrained in the DCOs to ensure that (a) the adverse effects of these projects are minimised and (b) that the DCOs do not enable future significant development to come forward without proper scrutiny.

32. The design of the substations needs to be subject to further controls. The parameters of the substations need to be restricted. The National Grid substation should be subject to the outline onshore substation design principles. There should be provision for independent design review by suitably qualified consulting engineers to ensure that the least harmful feasible design has been proposed when detailed approval is sought under requirement 12 of the DCO.

### **Footpaths**

33. The proposed substation site will necessitate the permanent closure of a well used footpath forming an essential part of a peaceful circular walk from the village. This path is the historic parish boundary between Friston and Knodishall PC and also an ancient "hundred" boundary. The creation of an alternative route is only possible post construction.

34. During construction a number of diversions are shown within the construction site itself which will mean pedestrians having to walk through a busy and noisy construction site and effectively the northern side of the of Friston will cease to exist as an amenity to residents.

35. During operation the proposed alternative group for FP six runs alongside Grove Road and close to the substation complex. It will not be possible to mitigate effectively the presence of the substation complex with regard to visual impact or noise when using the new footpath. The visual impact will be particularly severe since mitigation planting will be ineffective. There are further 26 public rights of way throughout the onshore development area which will be temporarily closed or diverted for unspecified periods of time.

36. Residents of Friston and the residents of other villages rely on the countryside for recreation and in particular its network of public rights of way. The mitigation proposed is inadequate. Accordingly the Applicant has not properly recognised the importance of the footpath network as a recreational facility. This is contrary to paragraph 5.10.2 and 5.10.24 of EN-1.

### **Human Health**

37. These schemes have already caused high levels of anxiety and stress to the local community as is evidenced by over 800 relevant representations objecting to the proposals having been submitted and the open floor hearings scheduled by the Planning Inspectorate having been heavily oversubscribed.

38. The impacts on human health and well-being are not insignificant not least in respect of those of mature age and facing their final years with major disruption and uncertainty. This is contrary to government policy in respect of promoting healthy and safe communities. The health and well-being impacts have not been given due attention by Scottish Power and they must be acknowledged and addressed as required by Section 4.13 of EN-1.

### **Ecology**

39. The following protected species are recorded by the Applicant as being present on the substation site: badgers (4 setts); 15 skylarks; barn owls (1 pair); 5 species of bat (common pipistrelle, soprano pipistrelle, serotine, nyctalus noctual, and the rare barbastelle). Grove Wood is being offered as a mitigation habitat but this is now subject to felling licences which is leading to significant tree removal and coppicing, substantially diminishing its suitability as an adequate mitigation habitat.

40. During the lengthy and uncertain construction period all types of wildlife on the cable route will be disrupted and/or displaced. The Applicant's assessment acknowledges that approaching

1/6th of the onshore development area was inaccessible during survey periods, and there is a risk that important features may have been missed.

41. The Applicant does not commit to any enhancement of habitats and only state that “following the construction phase, habitats will be fully reinstated as far as possible” (emphasis added). Contrary to paragraph 5.3.18 of EN-1 there is no mitigation through enhancement of existing habitats, let alone creation of any significant new habitats.
42. The Applicant’s assessment is deficient in a number of respect including failing to comply with paragraphs 5.3.3, 5.3.7, 5.3.10, 5.3.14 of EN-1.
43. There is a broader concern that the proposed offshore development will be contrary to the Habitats Directive by reason of adverse effects on the integrity of SPAs designated for their seabird interest. SASES reserves its position to participate further on this issue once the position of the relevant conservation bodies is known and considered.

### **Transport & Traffic**

44. Construction traffic will use the public road network in and around Friston. There is only one A class road in the immediate area. All other roads are class B roads, minor roads and byways many being single track with passing places. However the construction works will require extensive earth movement by tracked plant and tipper type trucks plus deliveries brought in by heavy goods vehicles. The construction works may last for a significant period of time with considerable uncertainty over the sequencing of the schemes.
45. The increased risk of accidents and congestion at the A12/A1094 junction and further along the A1094 towards Aldeburgh has not been adequately assessed. The construction traffic movements within the immediate vicinity of Friston, the use of access points and the proposed operational access road is unclear and confusing. There are significant errors and omissions in the Applicant’s assessment and it fails to comply with Section 5.13 of EN-1.

### **Light Pollution**

46. Friston is an unsuitable location for the construction and operation of a large scale energy complex given the dark skies of the present rural environment and the proximity of residential dwellings. Light pollution will have impacts on the natural environment, human health and the aesthetic enjoyment of the night sky.
47. Given the significant impacts from light pollution there should be greater detail in the outline code of construction practice in relation to the artificial light emissions management plan in particular there must be mandatory requirements in respect of minimising impacts to acceptable levels. In respect of construction impacts hours of working must be reduced to 08:00 to 16:00 with no working on weekends or bank holidays.
48. In respect of operational impacts the artificial light emissions management plan should be approved as part of the design of the substation complex not prior to operation as currently proposed. Minimising artificial light emissions must be part of the design brief not an afterthought.

### **Safety**

49. Sizewell A (currently in the course of decommissioning), Sizewell B and the proposed Sizewell C nuclear power stations are 6.5 km from Friston. The Applicant has taken no account of the

impact of the schemes on the ability to carry out the current and future evacuation plans, not least given the demands this would place upon the road networks.

50. The electrical infrastructure forming part of the schemes poses a significant fire and explosion risk. The Applicant envisages the use of gas insulated switchgear which relies on sulphur hexafluoride, a potent greenhouse gas. The use of this gas is being actively discouraged at international levels. There is no information in the environmental statement concerning the management of accidental leaks. There is no evidence that the Applicant has yet consulted the Health and Safety Executive as required by Section 4.11 of EN1 in respect of these matters.

### **Tourism & Socio-Economic**

51. The Applicant has failed to carry out a robust assessment of the socio-economic impacts of these projects on the local economy of which the visitor economy is an important part. Further the Applicant has ignored the potential impact of the loss of "inward investment" which will result from East Suffolk ceasing to be an attractive place to own homes whether to escape urban life or retirement.
52. The Applicant has also failed to address the independent report commissioned by the Suffolk destination management organisation which shows that there could be significant damage to the tourist economy as result of these projects and the development of Sizewell C. The onshore aspect of the schemes creates no permanent jobs to offset the damage to the local economy and the evidence to date shows there is are limited benefits in terms of offshore employment and skills enhancement.

### **Construction - Substation Site**

53. By having the ability to construct EA1N and EA2 consecutively rather concurrently with the possibility of further construction works in the future (see Written Representations concerning Cumulative Impact) the Applicant seems to be intent on maximising construction impacts rather than mitigating them. Given the terms of the DCOs serious disruption from construction could last for at least 10 years not taking account of pre-construction blight with which the community has already had to live for two years.
54. The noise, vibration, light pollution, dust, air pollution, traffic, risk of flooding, loss of footpath and open space, will result in a substantial loss of amenity, disruption to people's lives and the community life of the village. Given the proximity to the village there needs to be much greater detail in the outline code of construction practice to ensure these matters will be properly addressed.
55. The construction hours proposed are excessive and should be limited to 08:00 to 16:00, Monday to Friday with no weekend or bank holiday working.

### **Construction - Onshore Cable Corridor**

56. This summary principally but not entirely focuses on the impacts at the substation site at Friston but there are similar issues and impacts in respect of the onshore cable corridor. A summary of these are set out in pages 1 to 4 in the Written Representation concerning Construction - Onshore Cable Corridor.



## **Development Consent Order**

57. The draft DCOs have a significant number of major flaws as follows:
- a. there are serious omissions particularly in the Requirements
  - b. the parameters of the schemes are either excessive or absent
  - c. there is a lack of effective control over the Applicant and National Grid in key areas
  - d. the consequences of two schemes in a single DCO where one of those schemes is also the subject of another DCO are not properly addressed
  - e. there is no requirement to consult the local community in respect of matters which directly affect
  - f. the use of arbitration as a dispute resolution mechanism is unsuitable given its confidential nature and its expense.
58. Further detailed comments on the draft DCOs are provided in the Written Representation concerning the draft DCOs.

## **LIST OF WRITTEN REPRESENTATIONS**

1. Site Selection
2. Cumulative Impact
3. Landscape & Visual
4. Flood Risk
5. Cultural Heritage
6. Noise
7. Land Use
8. Substation Design & Rochdale Envelope
9. Footpaths
10. Human Health
11. Ecology
12. Transport & Traffic
13. Light Pollution
14. Safety
15. Tourism & Socio-Economic
16. Construction - Substation Site
17. Construction - Onshore Cable Corridor
18. Development Consent Order