

From: [REDACTED]
To: [East Anglia ONE North](#)
Subject: FOA Secretary of State for Business
Date: 30 January 2022 23:42:21

Dear Mr Kwarteng,

Re East Anglia One North Proposals

I grew up in Lowestoft and visit Suffolk often to visit my parents who are still there, taking my children along now too, and a key part of our enjoyment of this area is the Heritage Coast, including the AONB. I am an interested party so far as the consultation process goes.

As you may know, Lowestoft is economically deprived, the sort of place which is not normally prioritised by politicians. Although it is said that Lowestoft may feel the economic benefits of the significant expansion planned offshore at two new windfarms and onshore at Friston (the “Project”), I am very dubious. The developments at Sizewell have not brought significant employment from Lowestoft over the past decades - the plant itself is highly specialised and it is not labour intensive. I cannot see how the construction of a wind farm is going to need much local resource - it will also be highly specialised as will the facilities at Friston. One can well imagine that any economic benefit will be lost in any event once offset by the losses in tourism. Who will want to visit this beautiful Heritage Coast during the construction phase and when established once it is a huge eyesore on a relatively untouched environment? Local businesses along the coast, dependent on tourism, will be devastated.

Moreover, the environmental price that will be paid is too high for what small economic benefit there may be. You will know that Suffolk Coast & Heaths (SC&H), which would be significantly impacted by the Project, was designated as an Area of Outstanding Natural Beauty over 50 years ago in 1970 with the statutory purpose of conserving and enhancing the habitats and biodiversity of the special heathlands, woodlands, estuaries and coast (.Generally, Areas of Outstanding Natural Beauty (AONBs) are designated nationally and given the highest status of protection for their landscape and scenic beauty.

[REDACTED] This brings the NPPF in line with Section 85 of the Countryside and Rights of Way Act 2000, Subsection (1): “In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the area of outstanding natural beauty.” Subsection 2 specifies relevant authorities as Ministers, public bodies, statutory undertakers and persons holding public office (which are then further defined).)

The relevant stretch of coastline which would be affected by the Project in Suffolk is also defined as a “Heritage Coast”. While not a statutory designation such as AONB, Heritage Coasts have been established to “conserve the best stretches of undeveloped coast in England. The national policy framework and objectives for heritage coasts were developed by the Countryside Commission, a predecessor of Natural England, and ratified by Government” (<https://www.gov.uk/government/publications/heritage-coasts-protecting-undeveloped-coast/heritage-coasts-definition-purpose-and-natural-englands-role>)

Heritage coasts were established to, among other things:

- <!--[if !supportLists]-->• <!--[endif]-->conserve, protect and enhance:
- <!--[if !supportLists]-->○ <!--[endif]-->the natural beauty of the coastline
- <!--[if !supportLists]-->○ <!--[endif]-->their terrestrial, coastal and marine

flora and fauna

<!--[if !supportLists]-->○ <!--[endif]-->their heritage features

<!--[if !supportLists]-->• <!--[endif]-->encourage and help the public to enjoy, understand and appreciate these areas

<!--[if !supportLists]-->• <!--[endif]-->maintain and improve the health of inshore waters affecting heritage coasts and their beaches through appropriate environmental management measures

<!--[if !supportLists]-->• <!--[endif]-->take account of the needs of agriculture, forestry and fishing and the economic and social needs of the small communities on these coasts

The proposed Project would also mean development on various Sites of Special Scientific Interest (SSSIs) which are designated as such by Natural England, such designation being aimed at ensuring that the associated habitats and features are in a healthy state and are appropriately managed. (<https://www.gov.uk/guidance/protected-areas-sites-of-special-scientific-interest#check-if-your-land-is-within-a-sssi>)

The National Association for Areas of Outstanding Natural Beauty (NAAONB) made a collective declaration on nature in AONBs in 2019

“Local Nature Recovery Strategies (LNRs) will provide the underpinning framework for the Nature Recovery Network and will provide the focus for a broad range of funding and delivery activities. We will explore ways for protected landscapes to support responsible authorities in preparing and delivering LNRs, utilising their expertise to highlight landscape-scale opportunities within protected landscapes and embedding links with their statutory management plans so they align. This role will help to ensure neighbouring LNRs set out coherent, ambitious strategies for nature recovery across whole landscapes that cross administrative boundaries.”

(<https://www.gov.uk/government/publications/landscapes-review-national-parks-and-aonbs-government-response/landscapes-review-national-parks-and-aonbs-government-response>)

The Government’s recently updated National Planning Policy Framework 2021 (NPPF - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

is clear that there is a presumption that there shall be *no* development permitted on AONB and this is the backdrop to any planning applications, including the Project. It is therefore incumbent on any applicant to show that it has fulfilled any and all criteria needed for any exception to the prohibition to be made. (Hunting Butts Farm, Cheltenham (appeal APP/B1605/A/11/2164597), the Inspector explained (paragraph 56) that this was a case where “the final part of Paragraph 14 [previous NPPF referencing] makes it clear that (again, unless material considerations indicate otherwise) where specific policies, including Green Belt policies, indicate that development should be restricted then the presumption in favour of granting permission does not apply. That is the case here”. (This was in a Green Belt location, to which Footnote 9 also applies).

As stated before, the NPPF is clear that conservation and enhancement of AONBs should be given “great weight” ie to deviate from this protection is a last resort, when all other possible alternatives have been considered.

It is the SEAS's submission that, based on the Applicant's submissions Applicant in this Project and the responses of interested parties, the Applicant has failed to discharge this burden as regards certain key aspects of its onshore proposals, such that the onshore proposals as currently formulated should be rejected by the Secretary of State.

Broadly speaking, these criteria are set out in the NNPF which contains the Government's policies specific to protected landscapes (including AONBs). These make a distinction between the approach to planning proposals applicable in all cases (NNPF, paragraph 176) and the additional approach applicable in the case of 'major' developments (NNPF, paragraph 177).

The identification of development that is 'major' (as distinct from 'not major') is a matter of judgement for the decision-taker "taking into account the proposal in question and the local context" as the Department's Planning Practice Guidance expresses it. The Project is clearly a major development given its scale and the significant adverse impact it will have on the AONB and Heritage Coast (footnote 7 of NNPF).

These are the relevant paragraphs of the NNPF (emphases added):

Para. 176: "**Great weight** should be given to **conserving and enhancing** landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The **conservation and enhancement** of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas."

Para. 177: When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission **should be refused** for **major development** other than in **exceptional circumstances**, and where it can be demonstrated that the development is **in the public interest**. Consideration of such applications **should include** an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."

For the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

Para. 178: "Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. **Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.**"

Para. 180: "When determining planning applications, local planning authorities should apply the following principles:

a) **if significant harm to biodiversity resulting from a development cannot be avoided** (through locating on an alternative site with less harmful impacts), **adequately mitigated**, or, as a last resort, compensated for, then **planning permission should be refused;**

b) **development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it** (either individually or in combination with other developments), **should not normally be permitted.** The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, **unless there are wholly exceptional reasons** [*eg* For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat] **and a suitable compensation strategy exists;** and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

While decision takers need to take into account other material considerations, they should provide reasoned justification when other considerations are given greater weight than that given to the conservation and enhancement of the landscape and scenic beauty of AONBs.

In respect of assessing proposals that constitute major development, Paragraph 177 is clear that both the requirements of exceptional circumstances and public interest must be met.

It bears emphasizing that the Secretary of State's decision at its core pits unique and highly protected areas of Suffolk land and coast against a major renewable energy project. The Secretary of State has a discretion in respect of the decision to be taken, which discretion is not, as explained below, a simple balancing of the pros and cons of protecting countryside versus the Government meeting its net zero long term targets.

<!--[if !supportFootnotes]-->Taking the above in the round, I would make the following observations:

1) to the extent that the science shows that the multifarious mitigations proposed by the applicant to try to counter the devastation to wildlife and countryside are insufficient, then this is a failure not only to conserve but also to enhance as per prevailing legislation and guidance. It should therefore mean that the applicant fails;

2) to the extent that the applicant has failed to address the cumulative impacts of its proposals on wildlife, communities and habitat - eg the massive impact of the construction phase on the local communities, the wildlife and the environment, and then the ongoing long term devastation to the area in terms of degraded habitat and impact of various species, the applicant has failed to meet the tests required for the SoS to exercise his discretion;

3) it seems perverse that an area encompassing an AONB, Heritage Coast, SSSIs would be chosen when there is so much degraded land in this country. Why choose here?

Felixstowe, a large industrial port, is just down the coast. Could it be that it is just cheaper to plough through this relatively unpopulated (by humans) area? What other sites have been considered and rejected? There must be many if the only proposal now is this tract of coast. If none, then this is a failure by the Applicant too and should lead to rejection.

4) As important as employment for locals is their wellbeing. As the Government 15 January 2022 Policy Paper on "Landscapes Review (National Parks and AONBs): government response" states that improved access for everyone is a key part of the levelling up agenda:

"The last two years have demonstrated the benefit that people get from having access to nature-rich landscapes. Our National Parks and Areas of Outstanding Natural Beauty (AONBs) have been a vital resource for so many of us, , but it remains the case that they can be hard to reach. As we embark on our mission to level-up every part of the country, I want us to ask what more we can do to bring nature and people closer together...

All of England's landscapes are important, but National Parks and Areas of Outstanding Natural Beauty (AONBs) are our most iconic and beautiful places. Based on their geology and history, these characteristic landscapes contain swathes of ancient woodland, deep peat and grassland, and many of our most threatened species such as the red squirrel, curlew and water vole. Protected landscapes represent our shared heritage and national identity, and are home to many of our rural communities and businesses. They also support our nation's health and wellbeing as unique places to experience natural beauty and tranquillity."

<https://www.gov.uk/government/publications/landscapes-review-national-parks-and-aonbs-government-response/landscapes-review-national-parks-and-aonbs-government-response>)

5) AONBs and other protected sites are considered to be a key part of the Government's 30 by 30 strategy. Again in January 2022, the Government has said that:

"Working with National Parks and AONBs in the coming years, we will ensure our protected landscapes boost biodiversity; recognise their role in delivering Net Zero, protect us from flooding; store carbon; help communities adapt to the effects of climate change; improve the quality of people's lives and support rural economies...

The Prime Minister has committed to [protect 30% of UK land for nature by 2030 \(30 by 30\)](https://www.gov.uk/government/publications/landscapes-review-national-parks-and-aonbs-government-response/landscapes-review-national-parks-and-aonbs-government-response), setting out our intention and ambition to deliver domestically on the 30 by 30 global goal we are advocating for under the Convention on Biological Diversity's (CBD) post-2020 Global Biodiversity Framework. Despite being only one quarter of land cover, protected landscapes are home to nearly half of all priority habitats in England, including many of our most important sites for nature. Achieving 30 by 30 will rely on improvements in how these areas are protected and managed for nature recovery, as set out in this response to the review and the Nature Recovery Green Paper."

<https://www.gov.uk/government/publications/landscapes-review-national-parks-and-aonbs-government-response/landscapes-review-national-parks-and-aonbs-government-response>

It therefore seems wholly irrational to destroy the SC&H AONB, the SSSIs and heritage coast in the name of achieving net zero, when they have been deemed such an important part of achieving the 30 by 30 policy.

In conclusion, in light of the prevailing guidance and legislation, a holistic and long term view of our country's net zero goals, and looking at the Secretary of State's discretion where AONB and other precious land is at stake, the conditions have not been met which would allow the exercise of the discretion in favour of the proposals, which should therefore be rejected.

Yours sincerely,

Nola Donachie

