

# The Parish Councils of Assington, Bures St Mary, Leavenheath, Little Cornard, Polstead & Stoke by Nayland

## Interim combined response to Examining Authority's First Written Questions (ExQ1)

### 1. Context

- 1.1 The parish councils are grateful for the Examining Authority's attention to their concerns about the impact of the proposed scheme on the setting of the Dedham Vale AON.
- 1.2 This submission is intended to serve as our response to ExQ1 LV 1.9.1, and represents the view of all six organisations, whose parishes form a continuous line across the western half of the proposed development.
- 1.3 The parish councils have sought to engage with the applicant throughout the consultation process, but we have not found NGET to be willing to enter meaningful dialogue relating to our concerns. We believe that the response to our consultation feedback (APP-043, question AB24) does not address our concerns at a sufficiently local level.
- 1.4 We welcome Babergh District Council's comments in its 'Addition to joint LIR for Bramford to Twinstead (EN020002) - Procedural Deadline 1' and echo many of them as being reflective of our own position.
- 1.5 We are happy in principle to accommodate the Examining Authority's request to work to shorter timelines to support the progress of the examination (LV 1.9.2). However, this may impact our ability to raise funds and identify and engage an independent landscape expert in time to feed into the process. We would welcome further dialogue with the Examining Authority (ExA) on this point.
- 1.6 In this context, at this stage we respond as non-experts on planning policy and the assessment of environmental impacts, but with knowledge as representatives of local communities of the Dedham Vale AONB and Stour Valley Project Area, expressing longstanding and deeply held concerns, which we appeal to the Examining Authority to view in the context of appropriate national policies.
- 1.7 More time is needed to fully investigate, refine and develop our position on the location of the Dedham Vale East CSEC. We appeal for latitude on this point and propose to submit further detail written soon after making our contribution to ISH4 on 9 November 2023.

### 2. Application of national policy to the proposed scheme

- 2.1 The parish councils welcome the applicant's decision to underground the line throughout the Dedham Vale AONB and the Stour Valley Project Area: we believe this to be a correct application of the Department for Energy Security & Net Zero's National Policy Statement for Electricity Networks Infrastructure (EN-5) dated March 2023.
- 2.2 However, we are concerned that NGET's Planning Statement (APP-160) interprets the application of EN-5 as ending rigidly at the boundary of a nationally designated landscape. We believe that developments that impact views into and out from a designated landscape, or that affect major access routes close to it, can have significant effect on the **setting** of the landscape. EN-5 never differentiates between development physically within or without the designated landscape, referring only to the Holford Rule 1's stipulation to '*avoid **altogether**, if possible, the major areas of highest amenity value.*' (EN-5 §2.9.17).
- 2.3 The Dedham Vale AONB Position Statement (November 2016) takes the view that (i) the setting of an AONB does not have a geographical border, and (ii) in national policy terms, adverse impacts such as the blocking or interference of **views into and out of the AONB** carry the same weight as adverse visual impacts from developments **within the AONB**.
- 2.4 EN-5 2.9.21 refers to the '*relevant section*' of the line, and it is an overinterpretation of this stipulation to define the obligation as ending at the boundary of the designated landscape. Indeed, in §4.2.17 of the Dedham Vale AONB Approach and Identification of Setting Study (APP-099), the applicant acknowledges that, '*there is not a strong contrast between the landscape outside of the AONB and the landscape within its northern boundary*'.

- 2.5 We also note a significant disparity between the applicant's proposed limits to undergrounding in this proposal when compared with the Great Grid Upgrade Norwich to Tilbury project: in §3.2.12 of the Design Development Report for Norwich to Tilbury (June 2023), NGET accounts for its *'proposal to adopt underground cable technology in the vicinity of Great Horkesley for a distance of approximately 5.3km [...] to reduce potential impacts on the Dedham Vale AONB.'* We believe that NGET's guiding principle of adopting undergrounding outside the AONB to protect its setting applies equally at the AONB's northern boundary.
- 2.6 EN-5 2.9.24 gives discretion to the Secretary of State to evaluate further undergrounding, balancing the incremental cost against 'the adverse implications of the overhead line proposal.' The value of the AONB landscape is already established by the decision to underground within its boundary, and the definition of 'Development Defined Setting' in §4.3.1 of the Dedham Vale AONB Approach and Identification of Setting Study (APP-099) (*'Blocking or interfering in views...'*) establishes the adverse implications of the development.
- 2.7 Objective and sufficiently detailed cost data relating to the incremental cost of our two proposals are not available in the public domain, and we have been unable to obtain them from the applicant. We appeal to the ExA to challenge the applicant in detail on this point, and to examine thoroughly the additional cost of our proposals in the context of the material qualitative benefit they provide.
- 2.8 §4.3.1 of the Dedham Vale AONB Approach and Identification of Setting Study (APP-099) further defines the introduction of *'an abrupt change of landscape character due to the presence of development'* as having impact on the Development Defined Setting of the AONB. §2.3.2 quotes the AONB management plan that, *'... the essential character of [the AONB] was established in the middle of the previous millennium and has remained intact despite social, technological events.'* A succession of proposed infrastructure developments in the area (including two separate applications by applicant, a number of solar farms and Anglia Water's new pipeline) will each contribute to a cumulative impact on the particular character of the AONB, and we believe that every application should be viewed in this broader context.

### **3. Local impact of Cable Sealing End Compounds**

- 3.1 The area covered by the parish councils includes three Cable Sealing End compounds: Dedham Vale East, Dedham Vale West and Stour Valley East.
- 3.2 The proposed designs for the CSECs (APP-023-025) show compounds 70m x 45m surrounded by fences 2.4m high and containing gantries 14.7m high.
- 3.3 In form, material and design, the CSECs are significant industrial installations, and their presence immediately adjacent to the edge of the AONB will inevitably affect the AONB's setting, principally but not exclusively through the significant visual effects of the CSECs and their permanent access roads. To mitigate this harm, and given that planting can only have a very limited impact, CSECs should be sited sufficiently far outside the boundary of the AONB to allow them to be screened out by landscape.
- 3.4 In this context, the CSECs and associated infrastructure should be considered as *'introducing an abrupt change of landscape character due to the presence of development'* – one of the definitions of influence to the defined natural beauty of the AONB in the applicant's Dedham Vale AONB Approach and Identification of Setting Study (APP-099, §4.3.1).
- 3.5 While for legislative and administrative reasons, the AONB must have a specific boundary, the landscape it seeks to protect does not: the AONB merges and transitions into the surrounding local landscape, and particularly for Dedham Vale East and Stour Valley East, there is little differentiation between the character of the adjacent AONB and Project Area and the character of the proposed CSEC sites, meaning they should absolutely be considered to be part of the setting of the nearby AONB and Project Area.

### **4. Location of the Dedham Vale East CSEC in Section D/E**

- 4.1 It is our unanimous view that the landscape and visual impact of the proposed Dedham Vale East CSEC site is sufficiently detrimental to the proximity and setting of the AONB that it should be relocated. We note the identical submissions made by Sally Ann Westwood (REP2-065), *et alia* to relocate the CSEC

into and alongside the western boundary of the worked-out section of Layham Quarry, which would, by our measurement, require under 900 metres of additional undergrounding (and less if the new compound were to be located immediately abutting the western boundary of the quarry boundary).

- 4.2 We note that this alternative location was briefly considered by the applicant, as set out in Chapter 3 of the Environmental Statement, labelled DVE Option 2c (APP-071). A comparative assessment against the preferred site on Millwood Road appears at §55. Our initial review of this assessment has identified several important shortcomings in the applicant's assessment of significance which taken together, demonstrate the overwhelming superiority of the quarry for siting the DV East CSEC.
- 4.3 The topography of the derelict quarry workings and the natural screening which has grown up on the perimeter bunds make it an ideal alternative location. The attached photo (Appendix), showing the surface conditions taken from the gated entrance on Rands Road but typical of the worked-out are of the aggregate quarry, clearly illustrates the point.
- 4.4 Although no specific photos have been provided by the applicant of the CSEC when viewed from Millwood Road, the general views illustrated by the DV East CSEC photomontages provided by the applicant (APP-103 Views D.06 §28 & D.07 §30), the applicant's proposed site is exposed and highly visible, close to the AONB boundary and would have a profound impact on the landscape. The location of the CSEC is 53m to the west of Millwood Road at its closest point and linked to it by a permanent service road. It is about 150m from Oakdene, the nearest dwelling, to the North, approximately 170m from the footpath linking Heath Road and Millwood Road and 300m from Heath Road at its closest point.
- 4.5 The boundaries of the AONB within Polstead parish are based mainly on field boundaries, footpaths, byways and historic land ownership. The experience and enjoyment of the landscape within the AONB must not be dependent on which direction a user is looking when inside the AONB area, and the negative impact of the pylons and CSECs is just as great both from within and without the AONB boundary.
- 4.6 The applicant has based assessments of visual impact only when viewed from a public highway and relies on hedgerows to obscure views of proposed structures. We are extremely sceptical of the validity of attaching impact values to these by evaluating and measuring gaps in hedgerow: the applicant cannot control the hedgerows on which this relies, and they could be reduced or removed at any time by the landowner. We are unaware of any legislation which, in general terms, preserves or protects a normal agricultural hedgerow.
- 4.7 Within Polstead parish there are over 27 miles of public footpaths and bridleways and the existing pylons are visible to a greater or lesser extent from nearly all of them, including from neighbouring parishes. 'Right to Roam' legislation grants the public access to most parts of the land within the AONB.
- 4.8 Polstead Heath is 2km from Polstead Green, and both settlements are accessed via six unclassified roads. These roads are single-track with passing places or are, at best, narrow and rural in character. It is essential, therefore, that construction traffic be removed as far as possible from the use of any of these roads. The applicant proposes to use Rands Road which links Layham Quarry to the A1071. This road was developed with the opening of the quarry and was purpose-designed in terms of width and construction to handle the HGVs involved in mineral extraction from the quarry. By using this road and linking it to the temporary haul roads, the applicant will reduce as far as possible use of the country lanes serving Polstead. The use of the quarry for this purpose is therefore welcome, and we believe that the quarry should be used further by siting the CSEC here.
- 4.9 The applicant proposes to access the former quarry for the purposes of (i) removing three existing 132kV pylons (ref PLB 39, 40, 41), (ii) constructing three new 400kV pylons (ref RB 30, 31, 32) and (iii) as a temporary access road for construction purposes, including the construction of longitudinal haul roads described above. For example, document APP-029 indicates 40m x 40m plot sizes for each new suspension pylon site, including working space and platforms for cranes, and there is nothing to suggest that the area required for removing the three 132kV pylons would be any less. The foregoing makes it inevitable that the applicant's proposals will result in significant disturbance to the site ecology during the construction period.
- 4.10 In the comparative assessment, the applicant notes a number of 'adverse' attributes attached to the Layham Quarry site, firstly noting potential risks associated with historic landfill. This assertion appears

to be at odds with our understanding of the facts, notably that we are not aware of any licences granted at the quarry for waste disposal, nor is there any obvious evidence of such landfill being placed.

- 4.11 Secondly, the applicant suggests that additional undergrounding would introduce a greater risk of encountering archaeology. At a simplistic level, this may be correct, however the applicant's own records suggest that the greatest risk in this regard is associated with the very field selected by the applicant for the CSEC and the similarly sized temporary compound (APP-018, Sheet 12) which is identified as a non-designated heritage asset area in the Suffolk Environmental Record (APP-151, Figure 8.1, Sheet 6). No similar designations are recorded on any of the lands between the site limits between Millwood Road and Layham Quarry.
- 4.12 The comparative assessment notes '*potential [adverse] effects on Layham Pit Woodland CWS and Valley Farm CWS*'. These County Wildlife Sites are already affected by close proximity to the applicant's works described in §4.9 above, and at some distance from the DVE Option 2c alternative. The assessment fails to mention Millfield Wood CWS, two sections of which are located along the northern and southern field boundaries immediately adjacent to the preferred CSEC site (APP-147, Figure 7.1.2, Sheet 2). More significantly, it fails to record that the applicant has identified these two areas of woodland as 'Ancient Woodland' (APP-146, Figure 6.3, Sheet 2), while no area within Layham Quarry is so identified.
- 4.13 Finally, the comparative assessment references '*disturbance to protected species*' at the quarry site as an adverse effect. We assume this to refer in particular to the presence of bats, greater crested newts and hazel dormouse.
- 4.14 The applicant's baseline surveys and assessments recorded in APP-149, 150 and 151 allow for some qualitative differences to be made between the two competing sites, notably in relation to bats (Figures 7.7.4 to 7.7.13 and dormouse (Figure 7.8.2). We also note that extensive surveys have been recorded, for example, APP-117 and 119 for bats and dormouse respectively).
- 4.15 We also note that the submissions by Suffolk CC and others to the ExA allude to concerns with positioning the CSEC in the quarry. However, we also note that similar impacts on protected species are also present at the preferred CSEC site, and that the applicant's permanent works within the quarry outlined in §4.9 above will also impact on protected species and may be subject to special licencing.
- 4.16 We plead with the ExA for more time to evaluate these complex issues, and to consult both with experts in landscape assessment and ecology and with the local authorities that have raised concerns, and then to follow up with a further detailed submission for consideration. It is our contention to the ExA that the case against DVE option 2c has been overstated by the applicant, in part by understating issues with the current site. Furthermore, we believe that any residual concerns regarding additional disturbance to protected species within the quarry can be mitigated through judicious siting of the CSEC.

## **5. Proposal to underground throughout Section F**

- 5.1 Throughout Section F, the proposed line is never more than 1.6km from the boundary of the Dedham Vale AONB. It is never more than 1.1km from the AONB or the Stour Valley Project area. Throughout the majority of the section, the new pylons will be visible from the AONB, the SVPA, or both.
- 5.2 The Dedham Vale AONB Approach and Identification of Setting Study (APP-099, §3.3.6) seeks to define or restrict the geographic boundary of the AONB's setting, stating that '*[In] some cases, the setting area will be compact and close to the AONB boundary, perhaps because of natural or man-made barriers or because of the nature of the proposed change. Conversely, the setting area maybe [sic] substantial for example if the development is very tall, or where there is a strong contrast in topography between higher and lower ground.*'
- 5.3 In Section F, there are very few natural, and no man-made, barriers to contain the impact of the proposed development, and there is limited topographical contrast to protect the AONB and SVPA from the impact of the proposed development. We believe that it must therefore be considered as directly impacting the setting of the AONB.
- 5.4 In addition, the Stour Valley East CSEC, while sited well to manage the impact of its visibility from the AONB, would have a permanent access road that would be highly visible from the SVPA, thus impacting its beauty and rural setting.

- 5.5 The applicant cites the proposed removal of UK Power Networks' 132kV overhead line throughout the section to reduce the expected impact of the new line on views in the area. We are uncomfortable with this position for several reasons:
- 5.5.1 The proposed line will be 50m to the south of the 132kV line, using pylons over 50% taller. These two factors combine to defeat the screening provided by trees for the 132kV line, and mean that the proposed development will be significantly more visible from the sensitive landscape of the AONB.
- 5.5.2 The applicant's Dedham Vale AONB Approach and Identification of Setting Study (APP-099, §3.1.5) states that, *'where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset.'* In this context it is not legitimate to offset the impact of the proposed development by the removal of the 132kV line: a larger industrial installation, covering a broader swathe of the landscape, and requiring two large CSECs, develops a material cumulative impact on the rural character of the section, and on the setting of the AONB and SVPA in the area.
- 5.5.3 The applicant also acknowledges the fact of the opportunity to create material environmental benefit by removing the 132kV line and undergrounding the proposed development in the Environmental Statement: Main Report Chapter 3 – Alternatives Considered (APP-071, p28).
- 5.6 §2.5 above refers to the applicant's decision to propose undergrounding in Great Horkesley to protect the setting of the southern edge of the AONB. The East Anglia GREEN Corridor and preliminary routeing and siting study ('CPRSS', April 2022, §6.2.7) proposes 2km as the distance over which there is measurable visual impact from the replacement of a 132kV line with a 400kV one, and explicitly acknowledges that pylons outside designated landscapes affect their setting (CPRSS §5.5.5, 5.5.24 & 7.5.16). Given the significantly closer proximity of the proposed line to valuable natural assets throughout Section F, we believe that the incremental value of undergrounding is established both in principle and by precedent.
- 5.7 The incremental cost of undergrounding Section F also differs significantly from the Great Horkesley example because Sections E & G are already underground. The decision to implement Section F as overhead line requires the acquisition of land for, and construction and maintenance of, two CSECs, which significantly increase the setting impact *and* cost of the overgrounding decision.
- 5.8 We appeal to the Examining Authority to investigate the true incremental cost of switching to underground line in Section F, in order to consider this in the context of the section's very close proximity to the AONB and SVPA, and the clear benefit to their setting, given NGET's clear reluctance to date to engage with us and provide detailed costs.
- 5.9 Furthermore, we are aware of historical disputes between the applicant's methodology for calculating project costings and other organisations' proposals (eg the Parsons Brinckerhoff Electricity Transmission Costing Study, endorsed by the Institute of Engineering & Technology, dated 2012). We believe that truly objective analysis of costings is required in assessing the DCO application.

## 6. Conclusions

- 6.1 The parish councils believe that there are valuable merits to the limited amount of undergrounding that they propose and are concerned that the applicant has not taken their views into account adequately or objectively.
- 6.2 In the context of the National Planning Policy Framework and of the applicant's own approach to similar projects, there is clear justification for protecting a valuable natural landscape for limited incremental cost.

**Appendix: current conditions at Layham Quarry**

