



## Meeting Note

<b>File reference</b>	EN020002 Bramford to Twinstead Tee 400kV Connection Project
<b>Status</b>	Final
<b>Author</b>	Jolyon Wootton

<b>Meeting with</b>	Stakeholders, Statutory Consultees, National Grid
<b>Meeting date</b>	15 May 2012
<b>Attendees (Planning Inspectorate)</b>	Tom Carpen (Principal Case Manager) Jolyon Wootton (Case Officer) Jan Bessell (Pre-application Examining Inspector)
<b>Attendees (non Planning Inspectorate)</b>	<u>Statutory consultees and stakeholders</u> Charles Aldous (The Colne - Stour Countryside Association) Simon Amstutz (Dedham Vale AONB & Stour Valley Project Manager) Richard Barnes (Stour Valley Underground) Simone Bullion (Suffolk Wildlife Trust) Simon Cairns (Suffolk Preservation Society) Alison Collins (Natural England) Bronwen Curtis (Mid Suffolk & Babergh District Councils) Peter Eaton (Bury not Blight) John Foster (Bury not Blight) Kevin Fraser (Essex County Council) Anna Heslop (RSPB) Peter Holborn (Suffolk County Council) Tom Holme (CPRE) Andrew Hunter (Environment Agency) Chris Leney (Bury not Blight) Michael Munt (English Heritage) Phil Pearson (RSPB) John Pitchford (Suffolk County Council) Michael Wilks (Suffolk County Council) <u>National Grid</u> Simon Pepper (National Grid) Steve Knight-Gregson (National Grid) Shaun Hughes (National Grid) Neil Carter (National Grid) Donna Burnell (3G Communications)
<b>Location</b>	St Edmund House, Ipswich

<b>Meeting purpose</b>	Tripartite meeting, for an update from National Grid on the proposed scheme and to discuss any stakeholder
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	<p>matters arising with The Planning Inspectorate and National Grid.</p>
<p><b>Summary of key points discussed and advice given</b></p>	<p>Non-Planning Inspectorate attendees were informed by The Planning Inspectorate that any advice given will be recorded and placed on The Planning Inspectorate's website under s.51 of the Planning Act 2008 (PA2008) (as amended by the Localism Act 2011) and that any advice given does not constitute legal advice upon which applicants (or others) can rely.</p> <p><i>Introductions</i></p> <p>Attendees introduced themselves and John Pitchford (JP) opened proceedings with an overview of the agenda and welcomed attendees to interject at any point with comments. Suffolk County Council gave a summary of their concerns to be raised, on adequacy of consultation, the operation of community forums, and how the statutory duties of National Grid fit within the consenting process; and the role of The Planning Inspectorate. Speaking on behalf of all the amenity groups, Charles Aldous (CA) added that there were reservations about National Grid's approach to consultation.</p> <p><i>The Planning Inspectorate – transition from the Infrastructure Planning Commission</i></p> <p>Under the Localism Act 2011, The Planning Inspectorate advised attendees that the Infrastructure Planning Commission was abolished on 1 April 2012, with its work transferred to the newly created National Infrastructure Directorate within The Planning Inspectorate. From April, the relevant Secretary of State would now be the decision-maker for all national infrastructure applications for a development consent order (DCO), after receiving a recommendation from The Planning Inspectorate (the Planning Inspectorate having 3 months after the close of examination to make a recommendation, with the Secretary of State allocated 3 months to reach a decision). This transference of decision-making powers to the Secretary of State seeks to correct the 'democratic deficit' of the original Planning Act 2008 process.</p> <p>The Planning Inspectorate also advised that the Planning Act 2008 (PA2008) remained the primary legislation, with consequential amendments made to it,</p>

and secondary legislation, by the Localism Act. The most significant of these amendments are to Schedule 13 (repeals), Section 102 (the insertion of 1ZA that allows individuals and organisations to cease to be Interested Parties and 102A persons in certain categories may ask to become interested parties etc – meaning that Statutory parties need to register with a relevant representation or make a request to the Examining authority to become an interested party) and Section 43 (changes to the definitions of local authorities - now A, B, C and D). Please see page 5 of [Advice Note 3](#) for an explanation on how local authorities are identified for EIA notification and consultation under the Localism Act. These changes mean certain authorities originally identified for consultation under section 42 may now not automatically be registered as Interested Parties. Under these circumstances, the authority in question (if not covered by section 102A) would need to register with The Planning Inspectorate using the prescribed form within the 'registration' period to be allowed to take part in the examination process. Amendments to the Examination Rules 2010 had not yet been implemented.

As with procedures before the commencement of the provisions of the Localism Act, the pre-application Examining Inspector (previously known as Commissioner) would not be appointed as the Examining authority (ExA) should an application be submitted for 'acceptance'.

In answer to separate questions from JP, CA, Richard Barnes (RB), Simone Bullion (SB) and Alison Collins (AC), The Planning Inspectorate gave the following advice:

- Suffolk County Council would be automatically registered as an Interested Party under the new rules as the scheme is within the council's boundary.
- Any individual or group with an interest in the scheme can register as an Interested Party.
- Any project already notified under the Planning Act 2008 would not have to start the process again.
- Under the Localism Act, the Statement of Community Consultation (SoCC) does not have to be published in its entirety, but the content of SoCCs remains unchanged.

- The acceptance tests under section 55 of PA2008 are now less prescriptive. An application would need to be of a standard that the Secretary of State considers satisfactory (s55(3)(f)). The Planning Inspectorate's s.55 checklists would continue to be used, however, with comments from the Case Team and Acceptance Examining Inspector added. The 28 day period for accepting an application is to check the application is made in the prescribed form, and not an assessment of merits as undertaken during the 'examination' (the 6 month period from the day following the Preliminary Meeting the Planning Inspectorate has to carry-out the examination).
- There are only exceptional circumstances whereby the statutory timetable for examination is extended, such as happened at the Brig Y Cwm case when a change was proposed at the preliminary meeting that required additional time for consideration of the changes proposed and whether they were substantial or not.
- The Statement of Common Ground (SoCG) is a useful document to establish areas of agreement and disagreement between parties on the proposal, as well as producing agreed baseline data and surveys. A SoCG is encouraged to be submitted early to aid the examination process.
- A decision on a DCO is either granted or refused.
- The applicant decides what development is to be applied for – The Planning Inspectorate does not advise applicants on how their DCO should be framed. The applicant would need to include any associated development.
- Local authorities may discharge conditions on associated development, but would not consent associated development if it is included in the DCO.
- Hearings are inquisitorial, not adversarial. The ExA also decides how hearings are to be conducted. Cross-examination could take place if the ExA deems it necessary.
- Hearings are normally held in the area of the application, not in the Bristol offices of the Planning Inspectorate.

*Project Update*

National Grid (NG) said the Bramford to Twinstead proposal was part of their measures to respond to

additional capacity of 13 gigawatts to the East Anglia region. The statutory obligations of NG to manage the electricity transmission network and connect to new electricity generators is set-out in National Policy Statements (NPSs) EN1 and EN5, NG added. Over the past 2½ years, informal dialogue with statutory consultees, landowners and stakeholders had been carried out, with the chosen route corridor confirmed by NG in July 2011.

NG's Connection Options Report, to be published in mid to late May, is to include details on parts of the proposal to be undergrounded: NG commented that their decision would not please everyone. The alignment of the proposal would be the subject of formal ss.42, 47 and 48 consultations. The Planning Inspectorate enquired whether the alignment would form the basis of their Environmental Assessment (EA). NG confirmed this would, but said that the EA could factor-in adjustments to the proposed alignment. Peter Holborn (PH) asked about the reasoning behind the postponement of the application to 2013. Additionally, Phil Pearson (PP) asked whether consultation would be on the Corridor 2 options only, or the entirety of the scheme, whilst Chris Leney (CL) asked if the Connection Options Report would include specific timelines for consultation, as previously requested by stakeholders. The Connection Options Report would include the optimum environmental option for the positioning of overhead lines or undergrounded cabling to be constructed, but specific timelines for consultation would be covered in separate pre-application documents.

The Planning Inspectorate commented that it is for the applicant to choose to carry-out informal consultation, but formal consultation under PA2008 would need to be legally compliant and demonstrate how responses from stakeholders and statutory consultees had been recorded and taken into account.

NG advised that a 6 week period of consultation would follow the publication of their Connection Options Report, with a further round of consultation to be undertaken sequentially on Corridor 2 Options A and B, NG said, to review responses. Their preference for either Options 2A or 2B would be based on the least environmentally constrained overhead line alignment. NG also answered RB, that the substation, its size and

location is not influenced by the alignment of the new line.

*Consultation*

- (a) *Headline issues ('an HL route'/approach to Hintlesheam/substation)*
- (b) *Thematic groups*
- (c) *Community forums*
- (d) *Socio-economic issues*
- (e) *Local Authority statement on consultation (Planning Act s.55(4)(b))*

PH on behalf of Suffolk County Council made a statement on NG's consultation (a copy of this statement is reproduced in Annex 1 at the end of this note).

In summary, the concerns raised were:

- As a proposal for an overhead line, the introduction of undergrounding could cause different alignments to be sought, possibly outside the route corridors.
- NG has separated consultation on inter-dependent parts of the proposal (the Twinstead Tee substation, undergrounding, and pursuit of either north or south of Hintlesham - Corridor 2A or 2B). A holistic approach should have been adopted.
- NG have imposed constraints on baseline data as well as the remit of discussions for the Landscape and Biodiversity Thematic group meetings, impeding debate and restricting evidence from various environmental factors along the route of the corridor.
- Stakeholders have not been afforded an opportunity to comment on undergrounding or options for Hintlesham. NG has chosen to release their Connection Options Report retrospectively. The 28-42 day period for stakeholder responses does not account for committee cycles of Parish Councils and Local Authorities.
- Questions NG's address of landscape and visual impact issues on corridor options in the Landscape Thematic Group meetings; weakening findings in their Connection Options Report.

Kevin Fraser (KF) representing Essex County Council also presented a statement on consultation (a copy of this statement is reproduced in Annex 2 at the end of this note). KF points were:

- Minimal discussion or transparency between NG and UK Power Networks (UKPN), on network security for UKPN following the proposed dismantling of the 132kV line and the need for a substation.
- Assumption made of a need for a substation west of Twinstead Tee following NG's Strategic Optioneering Report (2009).
- No test for any cumulative impacts on the statutory obligations of UKPN and NG.
- Business needs of UKPN and NG were raised late in the consultation process.
- Consultation report should reflect the business case report of UKPN. Consultation process should be extended so that the Connection Options Report (late May) and UKPN Business Needs Case (late June) are considered together.
- T and S Valley Forum (26 April 2012) identified an alternative option to UKPN (Bramford to Belchamp). Has NG explored all reasonable options?

Similarly, John Foster (JF) (Bury not Blight) made a statement on Community Forums and the 'need case' for the project (a copy of this statement is reproduced in Annex 3 at the end of this note). A summary of the points were:

- NG appear not to have consulted the Community Forums on socio-economic impacts, contrary to available guidance on the consultation process.
- NG have failed to consider broader socio-economic issues and any implications, in discussions with the Community Forums (such as 'Willingness to Pay', following review by Ofgem within the context of RIIO-T1 and NG's latest business plan).
- Community Forums have not been consulted by NG on the 'process' of the Multi Criteria Analysis path as proposed in the Treasury Green Book.
- Apparent dismissal of NG to consider complete undergrounding in light of Ofgem's 'Visual amenity and network regulation' fact sheet.
- Reports from stakeholders that agendas for Community Forums have been dictated to and issues circumvented by NG.
- The need for NG to consider the SQSS Review Group cost-benefit analysis in regard to wind energy, and NG's failure to make clear in their

consultation that the reinforcement project 'is not due for completion before 2018 at the earliest'.

NG said that there were neither electrical nor physical inter-dependence between the location of the substation and the route or form of the proposed connection between Bramford and Twinstead. NG understood that the publication of the Connection Options Report was 'out-of-sync' with the rest of the informal consultation, but that subsequent informal and formal consultation would account for this.

RB asked if a contract for the 132kV line had been agreed between NG and UKPN, as no exchange would derail the consultation process; adding that the ownership of UKPN had changed, questioning the need for a substation. CL added that any consultation was unnecessary in the absence of an NG and UKPN deal; and that legally NG do not have the power to remove the 132kV line. JF argued that NG should not proceed with consultation further until UKPN had published their Business Needs Case.

NG said that, should a substation not be required to support the project, as supported by UKPN Business Needs Case, the substation could be withdrawn from the proposal; but the removal of the 132kV line would continue unaffected. There was no benefit to the electrical transition to extend west past Twinstead Tee, NG added. There already exists an agreement between NG and UKPN on the 132kV line, with a resolution to meet shared business requirements. NG had to proceed with informal consultation to choose the appropriate corridor option, in order to work towards land rights matters. NG talk to distribution network operators every 6 months to discuss business needs and UKPN has indicated their support for the scheme.

Answering Peter Eaton (PE), NG said Corridor 2A and B was a direct response to consultation responses with statutory consultees before Stage 1 public consultation commenced. The removal of the 132 kV line, an inherent part of the decision for the preferred route corridor, was strongly steered by consultation feedback expressing a preference to keep the impact in one place.

PE stated NG's Corridor 2 was predetermined during a workshop 3 years prior. PH interjected, stating that the



workshop in August 2009 showed the Corridor Options 1, 2, 3 and 4, whilst the workshop of 13 October 2009 showed Corridor 2 options 2A and 2b. This point was disputed by RB, CL and PE: their request for the minutes of the original workshop had been made four times but with no result. 3G Communications said that all stakeholders would now be allowed the opportunity to respond to the preferred option as a means of moving forward.

The Planning Inspectorate said that the applicant could pursue compulsory acquisition powers within the DCO as a last resort and therefore did not need to have an agreement on land purchase or access to progress although it was good practice to seek agreement.

The Planning Inspectorate also advised NG to properly document their consultation and any responses, but confirmed to attendees that NG had not begun formal consultation. Finding any technical default in informal consultation would not assist stakeholder challenges to the legitimacy of NG's proposals in the prescribed process. RB said that stakeholders should be consulted on a no-substation option.

Answering points posed by The Planning Inspectorate, NG had ruled out total undergrounding of the scheme, but parts to be undergrounded could not be ruled out and would explore EIA and Land Rights issues to ensure affected persons are consulted. The Connection Options Report would further clarify parts proposed to be undergrounded and the overhead lines. The Connection Options Report will confirm whether corridor Option 2A and 2b would be overhead lines, NG noted. CL asked whether overhead lines would fall outside the Corridors. NG confirmed that the corridors were drawn-up to show the intended limits of any proposed scheme and would only consider OHL options outside the corridor if there was clear merit in doing so.

To avoid consultation discussions extending indefinitely, a reasonable cut-off for the collection of data was needed to move the scheme forward, NG said, and that visual receptors were well established and surveys on dormice, hedgerows, and housing had been undertaken. Consultation responses could challenge NG's findings. In terms of time constraints, NG said it was still early in the consultation process, and that it had already extended timescales to 6 weeks to allow for committee

cycles. On visual impacts, NG stated that they had gathered sufficient evidence to be able to define the scheme in more detail at this stage.

CA asked if the TEP report would be published, with NG responding that it was not TEP's report but that TEP was one of several contributors to the Connection Options Report, limited to the consideration of environmental factors.

The Planning Inspectorate invited responses on committee cycles, and invited NG to consider the timescales relating to the committee cycles identified by those present at the meeting (other deadlines from non attending public authorities to notify of any other relevant dates): the applicant would also need to show accurate reporting of the work undertaken by the Thematic Groups also and ensure that the position was not over stated or claimed.

JF said unspecified undergrounding was changing the terms of consultation, and requested guidance under PA2008 to allow full engagement on issues such as socio-economic factors, and provide NG with local knowledge. NG's refusal to discuss socio-economic points was harming the process, JF added. The deadlines of 28 days for community forums to respond showed unwillingness by NG to fully engage. NG said Community Forums have taken broad discussions on EMF, business planning and planning frameworks. Community forums are independently chaired and inform the agendas to be discussed. JF reported that committee members were unhappy with the scope of issues and constraints imposed on them by NG with regard to socio-economic effects. Issues such as health would be covered in the EIA scoping, NG confirmed, and that any investment decisions would form part of the funding statement.

The Planning Inspectorate said section 50 of PA2008 covered guidance to be issued by Secretary of State. It would be in the interests of the applicant to answer socio-economic questions raised by stakeholders, but was unable to comment on any specific merits or whether the issues fall outside the scope of the application.

On mitigation, The Planning Inspectorate clarified that section 104 of PA2008 covered the required tests for

the determination of applications, and would be confined to the scheme as submitted, not on alternatives. The relevant national policy statements are the starting point which for this type of application would be EN1 and EN5. Local Impact Reports are also a matter that must be taken into account. The ES would also address mitigation. In addition, the usual timescale for implementation of a DCO if granted is 5 years. NG confirmed that they would not pursue any application unsupported by a need case.

Michael Wilks (MW) commented that NG needed to pursue a holistic approach to consultation and include socio-economic issues (a copy of this statement is reproduced in Annex 4 at the end of this note).

A summary of points include:

- NG have scoped-out socio-economic factors to the detriment of the application, and the sustainable development requirement of EN1 (environmental, social and economic implications).
- Socio-economic factors should have been introduced early to inform the development.
- SOR was not subject to public consultation, as raised by Local Authority concerns in July 2010.
- SOR should have reflected that the least environmentally affected route is not necessarily the best for the community.
- Unclear which consultees had been consulted on socio-economic factors.
- Concern whether The Planning Inspectorate will be afforded sufficient data to answer EN5 2.8.9 and EIA Regulations.
- NG unwilling to reference tools such as HM Treasury Green Book to value non-market impacts and effects on tourism.

CA added that such broad technical issues required professional advice, and allowance should be given to stakeholders to properly review the material.

NG said that the way in which it has considered socio-economic factors would be set out in the Connection Options Report which would take into account a variety of receptors, such as traffic and transportation, tourism and costs.

NG agreed with Suffolk County Council that more formal guidance from Government on the process and scope of

socio-economic appraisal would be very helpful.

The Planning Inspectorate commented that section 104 would be the test for the ExA in any examination, starting with EN1 and EN5.

Citing the Sizewell C connection application, JP asked if regular updates from Local Authorities during pre-application were of benefit. The Planning Inspectorate answered early warnings and updates from stakeholders were beneficial to the application process; and milestone meetings could be arranged.

KF warned that UKPN interests are linked to the Bramford to Twinstead project, and warned that Parish Councils in the Braintree area had been left out of the consultation process. The Planning Inspectorate said adequacy of consultation against the statutory tests would be looked at during acceptance and consultation zones may in principle be tested during examination but that will be a matter wholly for the appointed Examining authority.

#### *Project Flexibility*

- (a) *The Planning Inspectorate to explain potential latitude offered by revised guidance*
- (b) *Discussion on application to this project*

The Planning Inspectorate said that [Advice Note 9](#) on the Rochdale Envelope covered issues on how applicants could submit an application without all the details covered. The letter from National Grid to the IPC in regard to flexibility in scheme details and alternatives, and the response, are published on The Planning Inspectorate's website ([link](#)). Attendees were asked to read these documents before sending any questions to The Planning Inspectorate. In principal, the applicant is required to assess each case scenario for their application: an application cannot be so wide as to offer the Secretary of State alternative schemes in which to choose. By way of example: foundation types, limits of deviation, tower positions, segments to be partially undergrounded are elements that may allow flexibility. A wholly undergrounded scheme would not need consent under PA2008 as it falls outside the definitions of nationally significant infrastructure projects determined under the PA2008. Any dividing line on this issue could not be pre-determined, as each NSIP application would test the Rochdale Envelope. The

parts to be overhead against those parts to be undergrounded would test the limits of the Order and the applicants approach in covering elements in the ES and formal consultation. It is the applicant's duty to justify the application made and the flexibility promoted within that application.

In principle there may be some flexibility by the use of requirements which relate to matters of mitigation, but this again will be a matter wholly for the appointed Examining authority in the circumstances of the case.

The Planning Inspectorate clarified that proposals for mitigation could be put forward by other parties, provided it fell within the terms of the application. It is potentially within the discretion of any ExA to recommend consent for an application with a Grampian-style condition/requirement that could result in the need for further environmental assessment to be undertaken to enable discharge of such a requirement. This could for example deal with a matter such as further undergrounding as long as it was still within the terms of the order limits submitted.

*National Grid's statutory duties & the role of Ofgem  
(a) Consequential Impact on strategic  
optioneering/EIA*

The Planning Inspectorate informed attendees that any designated NPS could not be challenged or discussed by the ExA. The statutory duties of NG and Ofgem were separate, and that each could submit representations on the application.

NG commented that they hold an obligation to the national wellbeing, and that the company is not allowed a return on finance raised by the scheme if it is no longer pursued. Ofgem would publish their final proposals in December, after NG's business plan has already published indicative costing and cost recovery.

JF argued that the wider implications of NG's finance would need to be accounted for this project.

As with the publication of the NPPF, any publication of a government document would need to be part of the examination. The ExA would decide whether NG's business case would form any relevance.

	<p>NG said that capital costs and environmental factors were of consideration in addition to strategic optioneering, based on 2011 revenues. MW said that NG had to look at the lifetime costs of the scheme.</p> <p>Answering RB, NG stated that, in principal, totally undergrounding the scheme had been dismissed on cost, but also on environmental factors.</p> <p><i>Needs Case</i></p> <p>NG commented that section 2.3 of EN5 set-out NG's contractual background. The paragraph was not applicable, The Planning Inspectorate responded, adding that the principal could be challenged at examination, and that the ExA would decide whether any agreements were satisfactory.</p> <p>JF said the generation picture may change, and that the current scheme does not comply with 009/008 Security Standards. SQSS also does not require NG to build NSIPs to fix a fault in security of supply.</p> <p>NG challenged this point, arguing that the proposal does comply with security standards and is necessary to ensure that the network meets the correct standards.</p>
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<b>Specific decisions/ follow up required?</b>	
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<b>Circulation List</b>	Attendees

**Annex 1: Statement from Peter Holborn (Suffolk County Council) presented at the meeting of 15 May 2012**

**5a Headline Issues**

1. National Grid have brought forward this project as an overhead scheme; it is difficult to assess underground options as the selection of sections to be undergrounded could lead to different alignments being sought, possibly outside the route corridors previously considered which presents a consultation issue.
2. National Grid are developing their proposals and consulting separately on
  - Twinstead sub-station,
  - which section(s) they may underground
  - whether to go north or south of Hintlesham (corridors 2a/2b).

These decisions are mutually inter-dependant – for example an undergrounding option around Hintlesham to Bramford might lead to a conclusion that corridor 2a has least environmental impact, conversely an overhead line within corridor 2b would have less ecological impact on Hintlesham Woods SSSI than underground cables.

### **5b Thematic Groups**

1. Concerns have been raised at the landscape and biodiversity thematic group meetings that participants have not been given the opportunity to go beyond checking the baseline data provided by National Grid. Participants asked for more discussion in the group rather than just presentation of information by National Grid and their consultants (Landscape Thematic Group 26<sup>th</sup> Jan 2012). A lot of information has been provided by consultants but no analysis or recommendations arising from the consultants work has been tabled for discussion and feedback. Essentially a baseline information gathering exercise has been carried out with little or no debate about the weighting to be given to the various environmental aspects along the whole route corridor work.

2. National Grid's preferred approach is to release their Connections Options Report during the second half of May containing the reasoning behind their decisions on undergrounding and which of the two routes around Hintlesham they consider to be less environmentally constrained. This retrospective approach to inviting analysis and comment removes the opportunity for stakeholders to inform and add value to the decisions made by National Grid. National Grid have also indicated that consultees will only be given 28-42 days to review the material and make a response. Given the importance of the information surrounding these decisions and the need for local authorities, parish councils and others to take prepare and take responses through their cycles of meetings, this is clearly an inadequate and unreasonable time constraint.

3. A recurring comment in the Landscape Thematic Group meetings has been the degree to which National Grid's consultant has addressed the landscape and visual impact of the various corridor options. To date they have only looked at this in terms of zones of theoretical visibility, the relative scale change and number of visual receptors, rather than a full Landscape and Visual Impact Assessment of the corridors under consideration. This is a weakness in the process and the basis on which National Grid will make its conclusions in their Connections Options Report.

### **Annex 2: Statement from Kevin Fraser (Essex County Council) presented at the meeting of 15 May 2012**

#### **Work being undertaken between UKPN and National Grid**

ECC and Braintree are concerned regarding the apparent minimal discussion/transparency between NG and UKPN, especially regarding the need for network security for UKPN, following the dismantling of the 132 kV line (B to T Tee) and the potential need for a substation.

Whilst the SOR (October 2009) indicated some scoping and options of consequential works by EDF Energy Networks we are concerned by para 5.24 where NG assume a grid supply point west of T Tee, rather than it being the most appropriate.

From this point on there seems to have been general acceptance of this location, without any apparent transparent validation, and this option was carried forward into the Draft Substation Siting Study (Oct 2009), which was restricted to locations, west of T Tee, and in proximity to the existing 400 kV line.

Since the announcement of the Preferred Corridor 2, LAs and their members, Amenity Groups, Community Forums and residents have raised concerns at the lack of involvement and information provided by UKPN and has led to the following concerns:

- Have all appropriate options been considered for maintaining network security for UKPN
- What are UKPN requirements at any potential substation
- Will UKPN dismantle the existing 132 kV line west of T Tee, as previously indicated as a local benefit
- Has the cumulative impacts of UKPN/NG requirements been considered for all appropriate options

The only engagement to date by UKPN was at T and S Valley Forum (26/04/2012), where they outlined their Business Needs Case (expected mid June). The Forum identified an alternative option to UKPN (Route Corridor 2), which questions whether all reasonable options have been identified and assessed.

We think that the UKPN Business Needs Case and B - T Project are so interrelated that they should be considered together. The dismantling of the 132 kV line between Bramford and T Tee has a wider impact regarding potential options for ensuring network security.

Consequently, we consider it essential that the Connections Options (mid-late May) and UKPN Business Needs Case (mid-late June) are considered together, with a more reasonable consultation period for all parties, at which is a critical stage of the overall project.

### **Annex 3: Statement from John Foster (Bury not Blight) presented at the meeting of 15 May 2012**

#### **Community forums**

In speaking for the community forums I realise it is difficult to represent all members of all forums, not least because there is no mechanism for tabling a motion or voting on an issue. I have therefore sought to gain a consensus view and the following comments are not purely personal. I will not be talking about 'technical default' but about the impressions and experiences of local people; the people who will be affected by this proposal.

Since autumn 2011 four Community Forums have been meeting at approximately monthly intervals to "consider alignment and mitigation proposals, potential associated infrastructure and environmental assessment and encourage engagement in a number of location-specific consultations." National Grid had, in July 2011, abruptly changed its original plan for a purely overhead line and had offered a degree of mitigation in the form of unspecified undergrounding. To quote from the relevant release: National Grid "will be giving detailed consideration to areas where placing cables underground would be appropriate."

Other options that remained open were the choice between two routes at the eastern end and the location of a sub-station - if required - at the western end of the line.

Guidance on consultation under the 2008 Planning Act (and consultation on that guidance is currently underway) is clear.

The principles include:

- To allow members of the public to influence the way projects are developed
- To obtain important information about the **economic, social** and environmental impacts of a scheme from consultees and local people are encouraged to "have



an **active** role in developing proposals and options to ensure local knowledge and perspectives are taken into account". Those "local perspectives" cannot be separated from the economic impacts just mentioned. Yet, contrary to all available guidance, National Grid has not consulted the Community Forums on socio-economic impact and has effectively refused to discuss it, prior to making its interim announcement later this month.

Neither has it been prepared to look at the broader socio-economic issues and discuss the implications with the Community Forums. A key element to any such analysis is the current work on Willingness to Pay, commissioned by National Grid following a review instigated by Ofgem within the context of RIIO-T1 and NG's new business plan. Yet National Grid has chosen to make its announcement shortly before that work is concluded and assessed.

It claims to be following a Multi Criteria Analysis path, as proposed in the Treasury Green Book, but the path remains obscure, the details remain unclear, and the **process** has not been open to consultation via the Community Forums. We look forward to any guidance or clarification that the Planning Inspectorate can give on the status of socio-economic consultation under the 2008 Planning Act.

The role of socio-economics is central to our concern. Also, despite repeated requests by Forum members, National Grid will not consider, let alone research, a route optimized for complete undergrounding on the basis it is not "efficient, coordinated and economical" (a phrase we all recognize from the 1989 Electricity Act) - despite the fact that a business case for doing so has never been tested. The IET report, finally published earlier this year, provides a useful insight into relative costs but NOT into the relative economics.

With this oversight - from our lay perspective - we do not see how the Planning Inspectorate can consider all the options for mitigation and we invite comment. This oversight also seems to be at conflict with Ofgem guidance, as in the "Visual amenity and network regulation" fact sheet.

With regard to the operation of the forums there has been considerable disquiet over the National Grid-led - at times dictated - agendas and there has been a widespread perception that these events were being manipulated to National Grid's ends. **Repeatedly** forum members have complained that the impact on 'people' is not being fully recognised. Over recent years the tangible impact of changes to our surroundings on our wellbeing (quite apart from the EMF issue) has been researched and evaluated, yet seems ignored in this process.

In short, the Community Forums have come to the conclusion National Grid is paying lip service to the requirement to consult; it is no more than a tick box exercise. Outside the forums and the formal process the spread of misinformation by National Grid's agents has continued. The initial proposal of a consultation period for the interim report of just 28 days (revised during this meeting) further undermines confidence.

Local communities have become increasingly frustrated by National Grid's bunker mentality, concealed beneath a polished facade of conflict management speak and which fails to meet a minimum standard for effective consultation.

### **Need case**

"Bramford to Twinstead has the strongest need case in the country" was the comment to me from National Grid's national project manager earlier this year. Given the number of changes and reviews of proposed projects over the last six months I can just about accept that statement and not be put off making a few comments, both on absolute need and in particular on project timing.

It is neither possible nor appropriate in this meeting to attempt to second guess the political situation, or the many reports due to be published over the next six months which could change the generation picture. On the basis of the connection details supplied by National Grid, central to the need case are a new pair of NETS SQSS security standards. These would seem to provide a broad brush approach to some specific local issues.

The SQSS Review Group (including NG) highlighted the benefit of a particular form of individual project cost benefit analysis - taking into account constraint costs - which is particularly applicable where wind power is such an important factor. Such an analysis is not included in the relevant standard (GSR 009) but we believe National Grid should consider the exercise. It may be argued it is not relevant because of the terms of the connection agreement. If so this argument should be made transparent.

As part of the consultation it should also have been made clear the total B-T reinforcement project is not due for completion before 2018 at the earliest.

#### **Annex 4: Statement from Michael Wilks (Suffolk County Council) presented at the meeting of 15 May 2012**

##### **SOCIO-ECONOMICS (ITEM 4E)**

I would like to address 3 related issues;

1. Why socio-economic issues need to be considered
2. At what stage socio-economic impacts should be considered
3. How socio-economic impacts should be considered

##### **1. Why socio-economic issues need to be considered**

Ultimately this is an application for planning consent. That consent will be determined within a framework that is geared towards delivering sustainable development. The NPSs, against which the application will be tested, have been drafted with that objective in purpose. EN1 actually states "the IPC needs to be satisfied that energy infrastructure developments are sustainable" (para. 4.5.3).

The question over what is sustainable development is a topical one. There is no definitive answer, but recent debates have reaffirmed that an appraisal of sustainability would need to reflect environmental, social and economic implications of any development. EN 1 affirms that specifically in the context of energy infrastructure, sustainable development should be interpreted to reflect its impact on "the wellbeing of society and the economy" (para 2.2.27).

##### **2. At what stage socio-economic impacts should be considered**

These impacts need to be considered at an early stage to avoid the impression they are simply an add-on to an already determined scheme, rather than informing the development of it. These objectives need to be pursued in tandem.

Despite the Guidance recommending engagement begins while options are still in development (para 16), the SOR for this project was not subject to public consultation. If it had been we would have advised NG that a "*more equitable and balanced comparison of options across technical, environmental, social and economic considerations*" was needed. Incidentally that is a quote from today's chairman relating LA concerns to NG in July 2010 (JB reflected feedback from local communities and LAs, that optioneering tended to be skewed to emphasise technical and economics in Stage 1. JB reflected on the balance being requested by different interested parties on the approach to an equitable and balanced comparison of the options across technical, environmental, social and economic considerations. See

The original BT SOR dated 2009 confirms that 'amenity impacts' were confined to a desk study of key environmental constraints and the definition of major urban areas (para 5.4). The SOR was revisited in June 2010 and consideration of socio-economic issues was to a greater extent "scoped out"; the argument being that they are more relevant to route alignment than strategic optioneering (para 7.22). Consequently cursory attention only is paid to socio-economic impacts in the SOR. The SOR concluded (para 10.28)

"the potential impact of PS2 (Bramford to Twinstead) on the achievement of socio-economic objectives is considered to be generally neutral. Most of the potential effects on implementing planning policy should be capable of mitigation through detailed routing and siting of infrastructure"

The revised SOR for the first time provided an estimate of the cost of full undergrounding the scheme. However, perhaps because this has always been conceived as an OHL, does not go on to differentiate in any meaningful manner the respective impacts of OHL versus underground in a socio-economic perspective. Table 13 in that report summarises the comparative impacts of the alternatives, simply concluding there are no significant socio-economic constraints that cannot be overcome in either circumstance.

Socio economic considerations should have had a greater influence on the optioneering phase. It should also be recognised that a least environmentally constrained route is not necessarily the optimum route, having regard to other sustainability issues. A strategic analysis of the socio-economic impacts of an offshore and an underground solution should have been undertaken and presented for consultation.

Even now, while the pre-application guidance produced by CLG is quite clear that applicants should be collating information on socio-economic impacts from consultees (para 8), it is not clear from which consultees this has been sought, nor on what subject matter, nor how it is proposed to be analysed. There is not, for example, a thematic group to discuss these matters.

### **How socio-economic impacts should be considered**

This is potentially the difficult bit, not least how they are weighted against other considerations, in particular the emphasis on cost.

EN5 2.8.9 states that

"the IPC should... only refuse an overhead line in favour of an underground or sub-sea line if it is satisfied that the benefits from the non-overhead line alternatives clearly outweigh any extra economic, social and environmental impacts.

Our concern is that it is currently not clear whether PINS will be presented with sufficient information to make that judgement.

EN1 advises that it would be

*"helpful if the applicant sets out information on the likely social and economic effects of the development, and shows how likely significant negative effects would be avoided or mitigated. This could include matters such as employment, equality, community cohesion and well-being"* (para 4.2.2).

We do note that EN1 (para 4.4.2) strengthens the EIA regulations (the Infrastructure Planning (EIA) Regulations require an assessment of impacts on "human beings", but there is no further detail as to which effects should be considered) requiring applicants to outline the main alternatives studied and explain the main reasons for their preferred option, taking account of the social

and economic, as well as the environmental, impacts. It also expects the Environmental Statement to consider **all** relevant socio-economic impacts (5.12.3).

However without any more structured guidance and lack of clarity in particular on these qualitative impacts would be weighed against cost, we feel these impacts may be undervalued.

To return then to the 'how', we feel that the only way to ensure other impacts are fully accounted for is to attribute some value to them.

The view of the project team is that effects on the environment from its proposals cannot be properly given a monetary value (Feedback on Stage 1 Consultation, para 8.3.41). This does not appear to align with either the view of NG head office, nor Ofgem, who are currently overseeing Willingness to Pay analysis by NG to inform its Business Plan. This view also appears to depart from that of Government. HM Treasury Green Book, for example, contains a new chapter on valuing non-market impacts, identifying a number of relevant tools.

WTP, for example, does not only capture people WTP to avoid a deterioration in environmental quality, but also the ramifications associated with that, for example on wellbeing, quality of life (which are covered in EN1). So called revealed preference methods (eg travel costs) can be used to complement WTP as means to, for example, make a judgement on the impact on tourism.

These socio-economic impacts are not currently being captured, yet there are tools perfectly capable of doing this.

In this context we would particularly welcome the view of PINS as to their expectations on the level of analysis of socio-economic impacts, and any views on how this should be taken forward, for example with reference to the Green Book.

#### **PROJECT FLEXIBILITY (ITEM 5)**

The draft guidance appears to provide for two variants of a DCO to be submitted for examination, one version of which would be struck out. This is apparently the brainchild of National Grid, so presumably with schemes such as Bramford to Twinstead were in mind. It would be useful to hear from PINS their understanding of the proposed approach and the circumstances under which they see it as being useful.

Can it be used as a tool to help reconcile NG duties, with the more measured approach of the planning system?

Also it would be useful to understand the boundary between mitigation and an 'alternative scheme' given that EN 5 (2.8.10) considers undergrounding as a form of mitigation.

Given the respective parties' views on an appropriate degree of undergrounding, and the very different impacts of an OHL versus undergrounding (and consequential implications for routing) how do we ensure that the full extent of the impacts of any 'mitigation' are encapsulated? I.e. how do we agree on a Rochdale envelope for the purposes of EIA?

En 5, para 2.8.4 does seem to suggest that a reasonably comprehensive analysis is required, what should we expect from NG? EN1 5.12.9 notes that mitigation may be appropriate to remedy socio-economic impacts too.

#### **NG STATUTORY DUTIES (ITEM 6)**

We would like to explore how PINS will reflect NG statutory duties in the consenting process so a brief introduction is probably needed.

National Grid's statutory duties have not changed in nearly a quarter of a century. As we know they must be 'economic, efficient and coordinated' in their operation of the electricity transmission system. They are of course regulated by Ofgem, whose principle objective, as EN1 helpfully sets out (para 2.2.24), is to protect

the interests of customers, present and future. Those interests should be considered "as a whole". Ofgem also has a duty to contribute to the achievement of sustainable development.

The decision making criteria which emerge from the legislation underpinning the planning system are of course somewhat different. As has been outlined earlier PINS will need to be satisfied that a given proposal is sustainable, which is a far broader ambition than being economic and efficient.

EN1 is confusing in that it attempts to merge the two, leaving the IPC needing to find a position somewhere between 'economic and efficient' and 'sustainable development', though specifically in the case of determining need, EN1 states the *need* is deemed if the proposal is economic and efficient.

Our view is that this appears to confuse the need with the solution, and furthermore veer off in to non-planning issues. One can agree that the scheme is needed, separately from how it may be satisfied. Ofgem should be the arbiter on need, the planning system, as it was designed to do, should be the arbiter on the overall benefits and costs of any scheme.

Turning to a definition of 'economic and efficient', we take a much more enlightened view than perhaps National Grid do. Ofgem we also feel are more expansive in their outlook – evidenced by their emphasis on sustainability, long term planning and support of willingness to pay in the new approach to business planning. Efficiency of course does not only economic implications, but also natural resources too. Is it economic to disregard impacts on the locally economy, does the natural environment have no economic value? If this terminology is used, we feel it must reflect an interpretation of the modern day, not of the 1980s.

However this is not where we are with NG, and consequently a number of what would be reasonable planning alternatives have been disregarded on cost. We note that for the purposes of EIA, the main alternatives need to be outlined having regard not only to their environmental but also socio-economic impacts. On that basis we would suggest that the cost factor is not the appropriate trump card for such an analysis. Does PINS have a view?

### **NEEDS CASE (ITEM 7)**

Paragraph 3.7.10 of EN1 states "The IPC should consider that the need for any given proposed new connection or reinforcement has been demonstrated if it represents an *efficient and economical* means of connecting a new generating station to the transmission or distribution network, or reinforcing the network to ensure that it is sufficiently resilient and has sufficient capacity ... to supply current or anticipated future levels of demand." This is confirmed in Paragraph 2.1.2 of EN5 which states "the IPC should act on the basis that the need for the infrastructure covered in this NPS has been demonstrated."

However, slightly different rules seem to apply when electricity transmission proposal is divorced from a generating station. Paragraph 2.3.3 in particular seems to reopen the debate, with the IPC needing to come to a view based on, for example, connection agreements and/or "reasonably anticipated future requirements" as to whether it is needed or not. Paragraph 2.3.4 goes on to suggest that in some circumstances the IPC may wish to probe further, for example in to security of supply standards.

Connection agreements are subject to change, indeed the process of agreeing a connection is so time constrained that it is often expected to do, the current renegotiation of the EAOW agreement is a good example and of direct relevance to this area. To what extent would PINS have access to connection/contractual agreements?

In terms of security of supply, I know my colleague has some done some research on this and has some concerns as to whether the current security

standards, which again are also subject to change, are sound. In particular there is far from unanimity over the level of electricity transmission that is needed to cater for the intermittency of wind. Is this of interest to PINS?

Furthermore, EN5 refers to reasonably anticipated future needs, making reference to Round 3 zones. Offshore wind is heavily reliant on subsidy, which is far from guaranteed. There is also a question mark over the viability of nuclear power, not least in the mind of the new French Government. On the other hand we appear to be on the verge of new dash for gas. Any changes of course in any one of these areas could have implications for the need case.

Ofgem are of course responsible for signing off NG's business plan, which will set out its investments over the period 2013 -2021 based on foreseen needs. Bramford to Twinstead is in that plan and is costed, for the purposes of business planning, as an overhead line. Ofgem appears satisfied that the scheme is needed, the only area of uncertainty is its possible cost (having regard to potential undergrounding).

Some clarity on the extent and approach PINS will take to evaluating the need case would be particularly helpful. Specifically how it may determine what an "economic and efficient" reinforcement may be (and how this process interacts with Ofgem's determination of need and NG's Business Plan).