



Dedham Vale
National
Landscape
& Stour Valley

Submitted by email only to
contact@n-t.nationalgrid.com

18 July 2024

Dedham Vale National Landscape and Stour Valley Partnership response to National Grid's statutory consultation (10 April to 26 July 2024) re its proposed Norwich to Tilbury project.

A note on nomenclature

The use of National Landscape relates to the brand of the legally designated AONB.

The Partnership

The Dedham Vale National Landscape and Stour Valley Partnership (the Partnership) acts as a champion for the nationally designated Area of Outstanding Natural Beauty, AONB and Stour Valley.

This representation is made on behalf of the Dedham Vale National Landscape and Stour Valley Partnership. The Partnership is made up of around 20 organisations who are committed to the purposes of the AONB designation, to conserve and enhance natural beauty. Information relating to the Partnership can be seen at:

<https://dedhamvale-nl.org.uk/managing/about/partnership-members/>

The Partnership works together and with others seek to deliver statutory AONB purpose and the statutory Management Plan for the Dedham Vale AONB.

For the avoidance of any doubt, some individual members of the Partnership are public bodies or statutory authorities who have legal responsibilities to the AONB. These obligations were strengthened in section 245 of the Levelling Up and Regeneration Act (2023) so that statutory authorities have a responsibility to:

Seek to further the purpose of the AONB designation (to conserve and enhance natural beauty) when undertaking activity that impacts the nationally designated landscape.

See <https://www.legislation.gov.uk/ukpga/2023/55/section/245#section-245-6-c>

The Partnership considers other statutory authorities also have obligations under this strengthened duty, including utility providers.

While at the time of writing there is no guidance, or interim guidance relating to the new duty, Natural England provided opinion on the new duty to the hearing for the Lower Thames Crossing. See annex 2 of:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010032/TR010032-006179-Natural%20England%20-%20Deadline%209a%20Submission.pdf>

It is anticipated that Partnership members, who are statutory authorities, will provide separate representations reflecting their full interests and responsibilities.

Other Partnership members, including environmental Non-Government Organisations and membership organisations are likely to make their own representations reflecting their purposes.

Scope of response

This Partnership response seeks to address issues in a level of detail that all partners can support in its aspiration to conserve and enhance the natural beauty of the AONB.

This includes the AONB, the setting of the AONB and some comment on wider areas of community interest. The Partnership recognises the significant community and political concern about the proposals, including those relating to areas outside of the nationally designated landscape.

The Partnership will comment on proposals where they impact on:

- The nationally designated landscape.
- The setting of the AONB
- Other topics that directly relate to the AONB designation

Many partners are custodians of the defined Natural Beauty and Special Qualities indicators of the AONBs. This Partnership response should be seen as complementary to those responses, rather than the only response addressing AONB issues.

The Partnership considers that proposals should:

- Conform to national and local policy.
- Where there is an impact to the Dedham Vale AONB they should conform to the statutory Dedham Vale AONB and Stour Valley Management Plan 2021-26. See

<https://dedhamvale-nl.org.uk/wp-content/uploads/2021/12/2021-Management-Plan-Final-Online-version.pdf>

- The principles of a mitigation hierarchy should be a guiding principle of the project development. Proposals should seek to avoid, minimise, mitigate and finally compensate any negative impacts.

Where there is significant adverse impact (residual or temporary during construction) on the National Landscape the Partnership considers there should be compensation.

Summary of Partnership Position:

- The Partnership considers that development proposals should comply with local and national policy requirements.
- The Partnership recognises the importance of developing more sustainable ways of generating electricity to help deliver aspirations for net zero which will require new ways to transmit the generated electricity from where it is generated to where it is required.
- It recognises the aspiration to deliver 50GW of offshore wind power by 2030 and that 60% of wind energy is planned to come ashore on the east coast. Along with new nuclear electricity generation and proposed interconnectors there is considerable pressures to transmit this new electricity through the Dedham Vale National Landscape.
- The Partnership considers that proposed undergrounding will have negative impacts on the defined qualities of the National Landscape during construction with some residual negative impacts during operation.
- The Partnership considers that parts of National Landscape will be unable to deliver statutory AONB purpose during construction of underground cabling.
- The Partnership considers that the locations of the Cable Sealing Ends have been proposed in a way to minimise impacts on the National Landscape.
- The Partnership considers that development outside the National Landscape, such as Overhead Transmission Lines, can have a negative impact on views from the National Landscape.
- The Partnership considers the need for an AONB setting study so that the impacts of the proposals on the National Landscapes setting can be fully understood.
- The Partnership considers that appropriate avoidance, minimisation, mitigation and compensation measures need to be made in relation to impacts on the National Landscape. This should be in addition to the embedded mitigation for undergrounding proposals that is a policy requirement.
- The Partnership has concerns about the cumulative impacts on the National Landscape from this National Grid proposal in combination with other major projects impacting the National Landscape, including the Bramford to Twinstead proposals.
- The Partnership consider that National Grid, as sponsor of the proposals, have a duty to address concerns from the community, local authorities and interested organisations across the Norwich to Tilbury area on the projects impacts whether they are impacting the National Landscape or not.
- The Partnership considers there are still questions to be answered about alternatives.

Understanding of the current position

The Partnership's understanding of the proposals are taken from:

- Online Topic Working Groups attended by members of the National Landscape staff team.
- The National Grid websites (East Anglia Green and Norwich to Tilbury) and associated document libraries accessed since May 2022.
- National Landscape staff attendance at a drop in sessions at Holton St Mary on 17 May 2022, Langham Community Centre on 13 July 2023 and Langham Community Centre on 16 May 2024.
- Knowledge gained from individual Partnership members, local authority staff and interested stakeholders.

It recognises the current statutory consultation as being on:

- *The preferred draft alignment for a new 400 kilovolts (kV) electricity transmission connection of around 184 kilometres (km) running from Norwich Main Substation to Tilbury Substation via Bramford Substation including approximately 159 km of new overhead line and approximately 25 km of underground cabling.*
- *Six new Cable Sealing End (CSE) compounds (where high-voltage underground cables join onto an overhead line) and associated permanent accesses.*
- *A new East Anglia Connection Node (EACN) 400 kV substation, which would connect clean energy from offshore wind generation to the energy network so the energy can reach homes and businesses where it's needed.*
- *An alternative design at Waveney Valley, substituting approximately 2 km of pylons with underground cabling.*
- *Substation extension works at the existing Norwich Main, and Bramford substations and works within the existing Tilbury Substation*
- *Temporary works including access roads, tracks, compounds and associated with the project's construction.*
- *Preliminary findings from our environmental studies and assessments as well as proposed mitigation for any potential impacts to the local environment, including animal habitats and the local landscape.*

Given the remit and interest the Partnership, it will limit its response to:

- The geographical areas of interest, ie the National Landscape and its setting.
- The reason for designation of the National Landscape (the AONB) ie the conservation and enhancement of natural beauty, which is defined by the factors listed below:
 - Landscape quality
 - Scenic quality
 - Relative wildness
 - Relative tranquillity
 - Natural heritage features
 - Cultural heritage, including archaeology

Details of the Dedham Vale AONB defined features are available from the Alison Farmer Associates report, that can be downloaded from:

<https://dedhamvale-nl.org.uk/wp-content/uploads/2021/04/Natural-Beauty-and-Special-Qualities-and-Perceived-and-Anticipated-Risks-Final-Report-July-2016-1.pdf>

Policy Framework

The National Landscape Partnership considers the following policies to be key in shaping these proposals:

National Policy Statement for Energy (EN-1)

That states in relation to development proposals in nationally designated landscapes, para 5.10.7:

National Parks, the Broads and AONBs have been confirmed by the government as having the highest status of protection in relation to landscape and natural beauty. Each of these designated areas has specific statutory purposes. Projects should be designed sensitively given the various siting, operational, and other relevant constraints. For development proposals located within designated landscapes the Secretary of State should be satisfied that measures which seek to further purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development.

Para 5.10.8 states:

The duty to seek to further the purposes of nationally designated landscapes also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. In these locations, projects should be designed sensitively given the various siting, operational, and other relevant constraints. The Secretary of State should be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development.

The Partnership recognises that as proposed the transmission lines will go underground in the National Landscape which is likely to minimise visual impacts during operation (but not construction) but impacts on other natural beauty characteristics are likely, see elsewhere in this response for further thoughts on this topic.

National Policy Statement for Electricity Networks Infrastructure (EN-5)

Para 2.9.20

Although it is the government's position that overhead lines should be the strong starting presumption for electricity networks developments in general, this presumption is reversed when proposed developments will cross part of a nationally designated landscape (i.e. National Park, The Broads, or Area of Outstanding Natural Beauty).

Para 2.9.21

In these areas, and where harm to the landscape, visual amenity and natural beauty of

these areas cannot feasibly be avoided by rerouting overhead lines, the strong starting presumption will be that the applicant should underground the relevant section of the line.

Para 2.1.6

...Applicants must show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy. Early application of the mitigation hierarchy is strongly encouraged...

Para 2.9.22

However, undergrounding will not be required where it is infeasible in engineering terms, or where the harm that it causes (see section 2.11.4) is not outweighed by its corresponding landscape, visual amenity and natural beauty benefits. Regardless of the option, the scheme through its design, delivery, and operation, should seek to further the statutory purposes of the designated landscape. These enhancements may go beyond the mitigation measures needed to minimise the adverse effects of the scheme.

The Partnership recognises that the scheme proposer is seeking to underground cables through the National Landscape as policy dictates. It further notes that the mitigation hierarchy should be followed including compensation for any significant residual impacts. It considers temporary impacts on the ability of parts of the National Landscape to deliver statutory AONB purpose during construction is likely to be significantly impacted.

The Holford Rules

The Partnership recognises these rules apply to decisions relating to new overhead lines, that include:

Rule 1:

Avoid altogether, if possible, the major areas of highest amenity value, by so planning the general route of the first line in the first place, even if the total mileage is somewhat increased in consequence.

Rule 2:

Avoid smaller areas of high amenity value, or scientific interests by deviation; provided this can be done without using too many angle towers, ie the more massive structures which are used when lines change direction.

The Partnership notes that the proposals cross the National Landscape. Noting that the National Landscape (the AONB) is of the highest amenity value, the Partnership considers that rule 1 has not been met.

The Electricity Act (1989)

Requires National Grid, when formulating proposals for new lines and other works, to:

have regard to the desirability of preserving natural beauty, of conserving flora, fauna, and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and shall do what [it] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

The Partnership notes that the desirability of conserving 'natural beauty' is not confined to nationally designated landscapes.

The Partnership notes that the desirability of conserving 'natural beauty' is not confined to nationally designated landscapes. This should include paying due regard to sites, ecological, geological, architectural, historic and archaeological features during planning and constructional phases of the project. It notes that the assessment of the proposals note a potential for significant adverse impact on archaeology. Any significant impact on archaeology will not contribute to the National Landscapes ability to deliver statutory AONB purpose.

The Countryside and Rights of Way Act (2000) (as amended)

Section 85 of the Countryside and Rights of Way Act (2000) notes:

General duty of public bodies etc.

(1) Seek to further the purpose of the AONB designation (to conserve and enhance natural beauty) when undertaking activity that impacts the nationally designated landscape.

(2) The following are relevant authorities for the purposes of this section—

- (a) any Minister of the Crown,*
- (b) any public body,*
- (c) any statutory undertaker,*
- (d) any person holding public office.*

National Grid Electricity Transmission (National Grid) are recognised as a statutory authority and are therefore subject to strengthened Section 85 responsibilities as outlined in the Countryside and Rights of Way Act 2000.

The Partnership consider that the applicant is required to seek to further the purpose of the AONB when developing its proposals. Furthermore, the applicant should provide evidence demonstrating how the enhanced duty has been met.

National Planning Policy Framework

The application for the East Anglia Green project will be determined by the Planning Inspectorate but it is worth noting what the National Planning Policy Framework (para 182), which should be a material consideration in Development Consent Order process, has to say on development impacting on nationally designated landscapes and their setting:

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...

Para 183 says:

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.*

The Partnership recognises that the applicant has considered different route corridors through the Dedham Vale National Landscape. However, there will be inevitable negative impacts on the National Landscape, including the reasons for designation from the undergrounding process.

By proposing a route through the National Landscape there will damage to the defined natural beauty, the project will cause harm to features such as wildlife habitats that help deliver the statutory AONB purpose.

It considers that if the applicant secures approval for its preferred option it should compensate for damage caused to the nationally significant landscape given other options are available that would have less impact on the AONB and deliver the scheme purpose.

The Dedham Vale AONB and Stour Valley Management Plan 2021-26

The AONB Management Plan is a statutory document and a material planning consideration which should be given significant weight in decision making.

The Statement of Significance relating to the AONB in this management plan includes:

The area remains mostly free on incongruous development and large scale industrial developments

The Countryside section includes the following objectives:

- *Land use management decisions pay regard to the purpose of the AONB, to conserve and enhance its natural beauty.*
- *Decision makers consider the purposes of the AONB when working on development proposals.*
- *The natural features, of the AONB and Stour Valley project area, including its wildlife, are conserved and enhanced.*

The Partnership considers that the proposals do not support the delivery of the AONB management plan. For example, Management Plan Policy CS1 that states:

Support work that contributes and protects the statutory purpose of the AONB, including impacts on its defined characteristics of landscape and scenic quality, relative wildness and tranquillity.

The proposals, if built, will have an adverse impact on the AONB, particularly during the construction phase.

National Grid Electricity Transmission 2021-2026 Environmental Action Plan

The scheme's proposers plan states:

We will value nature, and will protect and enhance it where possible using 'natural capital' and 'net gain' principles.

The Partnership recognises this plan has the aspiration for National Grid to meet its obligations for Biodiversity Net Gain but considers it should also include its obligations to 'seek to further the purpose of AONBs'. An example of this could be the extensive use of less intrusive undergrounding methods in the National Landscape.

The Partnership makes the following comments:

A) Impacts on the Dedham Vale National Landscape:

Proposals for development in the Dedham Vale National Landscape should conform to policy and be judged against the impacts on the defined qualities, namely:

- Landscape quality.
- Scenic quality.
- Relative wildness.
- Relative tranquillity.
- Natural heritage features.
- Cultural heritage.

i) Operation

Some have estimated that 1km of hedgerows will need to be removed in the National Landscape that will not be able to be reinstated due to the restriction on planting above the transmission lines.

Where hedgerows are removed there will be an impact on wildlife habitat and connectivity and landscape quality.

Where land management operations are impacted by the operational phase, those impacted should be appropriately compensated.

The Partnership considers the removal of hedgerows should be kept to a minimum and that mitigation and compensation should be delivered for impacts on wildlife, landscape and land use.

ii) Construction

The construction of several kilometres of undergrounding in the National Landscape means that the areas impacted, anticipated as up to 120m for wide cable corridor works, will not be able to deliver statutory AONB purpose during this phase.

The Partnership considers that Horizontal Directional Drilling, or similar, is likely to have less significant negative impact on the National Landscape than trenching methods. The Partnership notes that Horizontal Direction Drilling has only been proposed for road and river crossings bar the woodland near Langham Church.

The Partnership considers this approach unacceptable. It considers that this approach does not meet the requirement to seek to further the purpose of the AONB and that the scheme proposer should deliver more undergrounding using methods that are less damaging to the National Landscape.

The Partnership recognises that the scheme proposers have appeared to avoid siting construction lay down areas in the National Landscape although some are in the immediate setting of the AONB.

The Partnership considers that the haul road will cause significant harm to the purpose of the AONB during construction and that parts of the AONB will not be able to deliver statutory purpose due to these elements. These impacts will relate to all the defined qualities or reasons for designation as listed above.

The Partnership considers that that these impacts should be avoided where possible and that residual impacts on the National Landscape they should be mitigated and compensated for.

iii) Setting

The Partnership recognises the proposals to locate Cable Sealing End Compounds in areas designed to minimise impacts on the National Landscape.

The Partnership recognises the additional undergrounding to the south of the National Landscape is proposed to avoid significant negative impact on the AONB.

The Partnership welcomes these elements that it considers have been designed to minimise impacts on the National Landscape. However, it considers to ensure no unintended consequences arising from the proposals an AONB setting study should be undertaken so that impacts of the proposals on the setting of the National Landscape can be fully understood.

B) Alternatives

The Partnership recognises the importance of Norwich to Tilbury in the aspiration to de-carbonise electricity generation and improve energy resilience. It recognises the National Grid Electricity Systems Operator published study, the East Anglian Study, that concluded that alternatives such as an offshore alternative or High Voltage Direct Current alternative would be more expensive or cause delays due to procurement issues.

The Partnership considers that these alternatives should not be dismissed at this stage and that an assessment of cost over the lifespan of the scheme and costs related to the impacts on the National Landscape should be considered.

The Partnership recognises the Hiorns report (commissioned by Essex County Council) that concluded the proposals were premature (which is disputed by National Grid) and that alternatives would be much more expensive.

The Partnership considers that an assessment of cost over the lifespan of the scheme and costs related to the impacts on the National Landscape should be considered.

C) Access to and within the National Landscape

There will be impacts on the users of the (Dedham Vale National Landscape team promoted) Stour Valley Path, the Essex Way and the Stour Navigation appear to have been downplayed in the Preliminary Environmental Information Report (April 2024) where the impacts are assessed as not significant during construction.

The Partnership considers that the scheme proposer needs to revisit the assessment on users of the access networks in the National Landscape as it considers impacts from construction is likely to be significant during the construction phase.

D) Community Concerns

The Partnership is aware of significant community concerns and questions about the proposed project.

The Partnership calls on National Grid to continue to respond to concerns raised by communities relating to the proposals and process.

E) Impacts on tourism, farming and business

The Partnership considers that the scheme could have a negative impact on the tourism industry, farming and business during the construction phase.

Tourism in the Dedham Vale National Landscape is often based on the natural beauty of the area. Tourism is worth over £68,000,000pa and supports nearly 1,500 jobs in 2022.

Farming operations will be impacted by the construction of underground cabling.

Businesses are likely to be impacted due to operations required to underground transmission cables.

The Partnership considers that the scheme's proposer, National Grid, seek to avoid, minimise, mitigate and compensate impacts on the tourism industry, farming and business in the National Landscape.

F) Mitigation and Compensation

The Partnership recognises the embedded mitigation in the project to underground through the Dedham Vale National Landscape but note that this is a policy requirement. It further recognises the additional undergrounding outside the National Landscape, to

Cable Sealing Ends and substations and the additional stretch to the south of the National Landscape.

The Partnership considers compensation should be paid for impacts on the National Landscape.

G) Cumulative impacts on the Dedham Vale National Landscape

The Partnership considers the impacts of this proposal in combination with the National Grid Bramford to Twinstead project¹ and the Anglian Water Bury St Edmunds to Colchester pipeline project. These three projects, if consented, would see trenching across the east of the National Landscape, the west of the National Landscape and through the centre of the National Landscape.

The Partnership considers that the scheme's proposer, National Grid, work with others to seek to avoid, minimise, mitigate in combination impacts.

H) Impacts on wildlife

Hazel Dormice are a Flagship Species of the national Landscape. Therefore, suitable mitigation and compensation for the species is essential, as is ensuring that the scheme delivers additional enhancement for Hazel Dormice (as part of the mitigation hierarchy). Of particular concern for mitigation and compensation are:

Hazel Dormice and temporary loss of habitat

Of noted concern is the loss of sections of hedgerow where underground cable routes dissect hedgerow habitat. This can cause:

- i. Direct impacts on individual Hazel Dormice
- ii. Habitat Fragmentation in the short and medium term
- iii. Loss of foraging habitat
- iv. Temporary loss of connectivity during construction and prior to the establishment of compensation
- v. Compensation hedgerow planting is limited to species suitable to plant over underground cables as opposed to species of known benefits to Hazel Dormice

Bats:

Hedgerow removal could reduce habitat connectivity for bats/

- i. This is notable for species which especially utilise hedgerows for dispersal, including Barbastelle – with Barbastelle records occurring within 100m of the underground route near the River Stour and within the wider landscape
- ii. Medium term solution prior to the replacement hedgerow maturing to provide suitable connectivity.
- iii. Mitigation and compensation (and enhancement) for hazel dormice will also be beneficial for bats – significant overlap with dormice likely a priority over bats

¹ <https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/bramford-twinstead>

The scheme as proposed will cause significant impacts on the Dedham Vale National Landscape during the construction phase as outlined in the paragraphs above.

The Partnership considers the impact of undergrounding the transmission route through the National Landscape would lead to less harm to the defined AONB characteristics than if an overhead line were to form part of the project. However, the undergrounding approach has the potential to harm defined characteristics of the AONB including scenic quality, natural heritage features and cultural heritage.

It considers undergrounding should include measures to minimise damage to any defined AONB qualities that would suffer negative impacts. This should include the treatment of hedgerows and other wildlife habitats and seek to route the corridor through arable and pastureland.

The Partnership considers this approach should be adopted should the project be consented. The ecological mitigation hierarchy principles (avoid, mitigate and compensate as a last resort) should be applied Where loss is unavoidable, losses should be kept to an absolute minimum and mitigated in advance.

The scheme should seek to achieve a Biodiversity Net Gain of at least 10% for all habitats using DEFRA's Biodiversity Metric and following CIEEM's good practice principles.

The Partnership notes that the applicant has proposed undergrounding in the AONB and part of the corridor to the south of the nationally designated landscape. This is supported in as far as it goes but it re-emphasises that undergrounding can have a negative impact of some defined characteristics of the AONB and will have a significant impact during construction.

The Partnership asks that National Grid respond to the points raised in this response, and particularly the points made in shaded boxes.

For and on behalf of the Partnership.

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**Appendix 1:
Dedham Vale National Landscape and Stour Valley Partnership member
organisations**

Babergh District Council*
Braintree District Council
Campaign for Protection of Rural England (Essex)
Colchester City Council*
Colne Stour Countryside Association
Country Land and Business Association
Dedham Vale Society
Environment Agency
Essex and Suffolk Rivers Trust
Essex County Council*
Essex Wildlife Trust
National Farmers' Union
National Trust
Natural England
RSPB
Stour Valley Farmer Cluster
Suffolk County Council*
Suffolk Preservation Society
Tendring District Council*
West Suffolk District Council

* AONB Authorities