Response to North Falls Offshore Wind Farm: Deadline 4 Submission

Sir Bernard Jenkin MP (Harwich and North Essex)

April 10th 2025.

This submission is made in response to the applicant's response to Written Questions (ExQ1) issued on 4th March 2025, specifically addressing **Q7.1.1** regarding the **cumulative impacts of the proposed onshore substations for the proposed development, Five Estuaries and EACN.**

There are three substantive points that I wish to make in response to Q7.1.1.

1. The current proposals for North Falls (NF) and Five Estuaries (5E) are unacceptable, because of the damage to the countryside and to local farming and other business interests are so large in proportion to the benefit of these two projects landing near Frinton and connecting via the proposed East Anglian Connection Node (EACN).

2. These two DCOs are dependent upon the outcome of the DCO for National Grid's (NG) proposals for Norwich to Tilbury (N2T). The government is giving this strong support, but it is vulnerable to a successful judicial review, because modelled alternatives that do far less environmental damage to Special Landscape Areas have been ignored by the government and NG. **Until alternatives to N2T, such like ESO's Option 8 from their East Anglian Network Study (EANS)**[1] **(and the other possible alternatives being promoted by the Essex Suffolk and Norfolk Pylons campaign (ESNP)) are fully considered, DCOs for NF and 5E cannot be granted.**

3. In this respect of Special Landscape Areas, there has been a significant recent legal development. The outcome of recent judicial review proceedings between Dedham Vale Society (DVS) and the Secretary of State regarding Manningtree Station Car Park has serious implications for N2T. **N2T can no longer be considered a legal proposal, and this has implications for NF and 5E DCOs, which must at least be held over until after any possible JR proceedings are concluded, or there is a change of to N2T to an HVDC undergrounded alternative.**

[1] ESO East Anglia Network Study [redacted]

The need for National Grid to revise their N2T proposals, and the impact on NF and 5E DCOs

The ExA in Q7.1.1. asks the applicant for an assessment of the cumulative impacts for the proposed EACN substation, including the impacts from construction and operational infrastructure. However, the applicant's response to this question does not fully reflect the complexity of the situation, as NF is not an isolated development. The applicant's narrow focus on just the EACN substation overlooks the broader environmental and community impacts arising from the interconnected nature of these projects.

EACN is part of the National Grid proposal for the Norwich to Tilbury (N2T) HVAC pylons proposal. Alternatives to N2T were considered and modelled by ESO (as it was then) last year and published in their **East Anglia Network Study (EANS)**.[2] This produced one concept (Option 8) which modelled replacing HVAC via pylons with undergrounded HVDC lines. It provided for NF and FE to connect to the national grid via the proposed Sealink bootstrap connector between Sizewell and Richborough (Kent). This proposal also removed the proposal that the Tarchon interconnector to land in Tendring and to connect to EACN. This removed the entire requirement for EACN.

After the 2024 general election of the new government, all consideration of alternatives (including Option 8) was aborted for political reasons. This overrode indications which had been given to MPs that Option 8 might well have become the alternative preferred by ESO.

This was confirmed at a meeting attended by ESO in Parliament on 22 January 2024 (Committee Room 7), where MPs were informed that the EANS would contain "6 options" that were "viable" and which would be "assessed against the four benchmarks". ESO described what would emerge as Option 8 in EANS, removing the need for EACN, and this would be "their preferred option."

EANS, subsequently published in March 2024, confirmed that that Option 8 was at that time forecast to cost only £1bn more than the present N2T proposal, with an additional £1bn cost due to the cost of delay (p43).[3]

Since then, the new NESO published **Clean Power 2030** in December 2024.[4] This made clear that, despite the increased capital cost of an HVDC underground solution, this approach would still be significantly cheaper than the cost of a single year's delay for the current pylon-based N2T plan, which NESO estimates at £4.2bn per year (p34). The Annex 2 to Clean Power 2030 explains that NESO are now expecting N2T to be delayed by at least one year, due to the intensity of public opposition, and threats of judicial review.[5]

[2] Ibid.
[3] Ibid.
[4] Neso Clean Power 2030: [redacted]
[5] Annex 2, NESO Clean Power 2030: [redacted], para 2.4, p8. "There are three key schemes [including N2T] originally signalled as being delivered in 2030 in the pathway to 2030, but where delivery will now be in 2031."

It is true that concerns are also raised regarding environmental impacts from undergrounding, but local campaign groups and landowners in the affected areas strongly favour this option. Landowners have had positive recent experience with similar projects, such as the installation of underground water mains in much the same area within my constituency. Where underground HVDC has been proposed as part of the Western Link project, there has been little opposition.

Using underground HVDC cables would significantly reduce the environmental footprint and archaeological destruction along the proposed route, especially in sensitive areas such as the Dedham Vale National Landscape. The risk of a judicial review (JR) challenge to an u-HVDC proposal cannot be ruled out, but it would be less likely to happen, would be less well funded, and less likely to succeed.

Even if these figures for delay costs are revised or superseded, this does not devalue this fundamental argument. An underground HVDC solution could deliver the N2T capacity both more quickly and more cost-effectively than the proposed pylon-based N2T due to less community resistance. As it stands, the N2T project will continue to face intense opposition from well-funded and professionally advised campaign groups, including JRs based on NG's failure to consider alternatives as part of their consultation process.

MPs have pressed the Government to reassess its position on HVDC undergrounding more generally for future national grid upgrades as it represents a viable, community-supported, and cost-effective solution that aligns with the shared commitment to achieving net zero targets efficiently. U-HVDC for N2T could be a useful opportunity to import the necessary skills and experience (e.g. from Germany, where it is common practice).

The government continues to reject such representations. With objectors to pylons being branded "blockers" and "nimbies", this seems to have become a political matter of credibility for the government. This is not a sound basis for NG to pursue N2T, or a sound basis for DCOs for NF and 5E to be approved, unless and until the issues confronting N2T are resolved.

Further alternatives to N2T/NF and 5E/ Tarchon are also being canvassed by the Essex Suffolk Norfolk Pylons (ESNP) campaign. A number of Essex and East Anglian MPs have written to NESO and to the government to ask them to model these alternatives, as they did for EANS. They have refused to do so.

Until alternatives to N2T, such like ESO's Option 8 and the other possible alternatives being promoted by ESNP are fully considered, DCOs for NF and 5E must not be granted.

The importance of the outcome of judicial review proceedings between Dedham Vale Society (DVS) and the Secretary of State regarding Manningtree Station Car Park.

The recent JR proceedings in the Dedham Vale area have established a significant legal precedent with direct implications for National Grid's proposals. The ruling confirmed that legislation permitting development within an AONB must be interpreted alongside statutory requirements that the Secretary of State may only approve such projects if they enhance the AONB. This now applies to protection of NLs under s.85 Countryside and Rights of Way Act 2000: proponents can no longer simply "have regard" to conserving and enhancing the landscape, but "must" do so.[6] The Secretary of State conceded that this is the position in a case brought on behalf of DVS. (We note that in its representations in response to NG's 2024 consultation the DVS set out the old level of duty; obviously, NG would need to comply with the current legal requirement.) Crucially, this requirement cannot be overridden by other legislative provisions.

This has a direct impact on the DCOs for NF and 5E due to their interconnected nature with the EACN and their impact on protected landscapes and communities.

NF and FE cannot be assessed in isolation, as the viability of their present proposals is entirely dependent on the EACN. The business case for the EACN does not stand without these offshore wind projects. The present proposals for NF's landfall location directly dictates the necessity for EACN infrastructure at that site, which in turn drives the requirement for extensive cabling through the Dedham Vale National Landscape and along the southern boundary of North Colchester. These developments would have severe and lasting impacts on both the Dedham Vale itself and its wider setting.

Given this interdependence, it is essential that NF, FE, the EACN and N2T are assessed together to account for their cumulative effects. National Grid's approach fails to meet the requirements of Section 2.9.12 of NPS EN-5[7], which explicitly states that even residual damage to protected landscapes is unlikely to be acceptable. This makes clear that simply reducing harm is insufficient. Any infrastructure affecting these landscapes must be designed to prevent damage entirely.

At present, the proposed underground AC cable section requires a corridor averaging 120 meters in width, with some sections as wide as 500 meters. By contrast, HVDC cables could reduce this corridor to approximately 60 meters, making it far less intrusive and better suited to navigate physically constrained areas, and destroying much less landscape and trees.

On this basis, the current application for N2T must be rejected, and therefore the DCOs for NF and 5E must also be rejected. Even if the Planning Inspectorate were to recommend approval, the Secretary of State lacks the legal competence to grant consent unless it can be demonstrated that the N2T proposals actively conserve and enhance the National Landscape itself. To comply with legal and policy requirements, National Grid and the

[6] Countryside and Rights of Way Act 2000

[7] NPS EN-5: Electricity Networks National Policy Statement - EN-5

applicant must eliminate all harm to the AONB and Colne Valley and ensure that its proposals do not result in any degradation of these protected areas.