

Suffolk & Essex Coast & Heaths National Landscape Partnership response to ExA Q1 issued 17 December 2025

ExAQ1

1LVIA7

Question: National Landscape (NL) duty

Provide your comments on Document 9.47 NL Duty Section 85 Duty Technical Note [REP1-120], including the approach to the s85 duty, the natural beauty indicators in table 3.2 and the special qualities indicators in table 3.3 and the cumulative effects on the NL in section 4 and tables 4.1 and 4.2.

In your response include consideration of whether the extent and nature of the preferred area of acid grassland on plate 3.2 of [REP1-120] is sufficient and the appropriateness of the maintenance period of 10 years.

Response from National Landscape Partnership

The National Landscape Partnership refer to the position it took in its Statement of Common Ground Doc 9.42 Version A Nov 2025 PINS Ref EN20026, which states:

The National Landscape Partnership welcome the provision of circa 6 ha of acid grassland that it considers contributes to the statutory purpose of the National Landscape. This provision demonstrates the applicant acknowledging the Suffolk & Essex Coast & Heaths Management Plan 2023-28 and in part its demonstration to seek to further the purpose of the AONB in its decision making. Where the National Landscape Partnership's opinion diverges from the applicant's view relates to its view that the proposal may not be considered to fully mitigate the impacts of the construction phase.

In addition, the National Landscape Partnership reproduce a document below previously submitted at deadline 2.

Comment from FF3199C42

Suffolk & Essex Coast & Heaths National Landscape Partnership for Deadline 2

These comments are made by the Suffolk & Essex Coast & Heaths National Landscape Manager on behalf of the Suffolk & Essex Coast & Heaths National Landscape Partnership.

The comments relate to two documents:

- *REP1-130 Suffolk County Council Local Impact Report*
- *REP1-120 Volume 9.47 National Landscape Section 85 Duty Technical Note*

Considering REP1-130 Suffolk County Council Local Impact Report, the National Landscape consider that para 5.46 to 5.58 (relating to effects on designated and

defined landscapes) accurately represent the potential impacts of the proposals on the nationally designated landscape and the legally defined Suffolk Heritage Coast.

To summarise the National Landscape considers that the effects during construction do not fully reflect the impacts on all defined features of the national landscape, including impacts on the defined scenic quality, relative tranquillity and relative wildness. The National Landscape consider that these impacts will be experienced by the designated landscape for a considerable period during the construction period and likely over a number of years.

Considering REP1-120 Volume 9.47 National Landscape Section 85 Duty Technical Note, the National Landscape consider there may be a divergence of views relating to the ability of the proposed acid grassland restoration and creation to fully meet the requirements of the enhanced section 85 Countryside and Rights of Way Act (2000) that requires relevant authorities to 'seek to further the purpose of a National Landscape' when taking decisions that affect the designated landscape, see also REP1-130 Suffolk County Council Local Impact Report paras 5.46 to 5.58.

This position is recognised in the draft Statement of Common Ground, REP 1A-034 9.42 Draft Statement of Common Ground between National grid Electricity Transmission and the Suffolk & Essex Coast & Heaths National Landscape Partnership that includes the National Landscape's position on this topic following in ref 3.1.1 of that document:

Where the National Landscape Partnership's opinion diverges from the applicant's view relates to its view that the proposal may not be considered to fully mitigate the impacts of the construction phase

The National landscape Partnership note the continuing discussions and negotiations between other Nationally Significant Infrastructure Project proposers and National Landscapes, such as the Norwich to Tilbury Project (Dedham Vale), Lower Thames Crossing (Kent Downs) and North Falls (Suffolk & Essex Coast & Heaths).

For the avoidance of any doubt, the National Landscape Partnership do not consider the potential impacts of the Sea Link proposals to be of the same magnitude as those of the projects listed above, but is not convinced that the acid grassland restoration and acid grassland creation fully meets the requirements of the enhanced section 85 Countryside and Rights of Way Act (2000).

The National Landscape Partnership would welcome further dialogue and discussion with the scheme proposer on how the area of the National Landscape particularly impacted by the proposals could be further conserved and enhanced, perhaps through a contribution to its Sustainable Development Fund (a grant scheme to enhance the environmental, social and economic elements of the National Landscape), or a ringfenced or focused approach to the impacted area,

noting that impacts to part of the National Landscape are considered to be an impact on the National Landscape as a whole.

Furthermore, it agrees with comments made by Suffolk County Council in its response on this matter and reproduced below for ease:

SCC has commented on this document in its responses to submissions received by Deadline 1 or Deadline 1A – Table B5 of [REP2-062]. There, SCC provided comment on the insufficiency of the proposed measures to meet the requirements of the section 85 (A1) duty (“the duty”). SCC has also questioned the Applicant’s assessment of the likely effects on the SECHNL’s natural beauty indicators in paragraphs 5.46 to 5.58 of SCC’s LIR [REP1-130].

Here, SCC would like to take the opportunity to provide further comment on the Applicant’s approach to the duty and the consideration of the project’s effects and cumulative effects on the natural beauty indicators.

It is worth reiterating that the measure of enhancing acid grassland, which is in essence an offsetting measure for individual adverse impact, cannot, in itself, be sufficient to discharge the duty.

The measure is intended to remedy the temporary loss of existing acid grassland during the construction phase. In terms of effects on natural beauty, this means that the adverse effects caused by the loss of acid grassland are those being offset by the acid grassland enhancement. However, there are other sources of adverse effect which go beyond just effects on acid grassland such as from the works being done, associated equipment, associated traffic and the construction compound. No measures are proposed to offset these effects through conservation or enhancement of the National Landscape’s natural beauty. Consequently, SCC does not see how there is any real prospect of the purposes of conservation and enhancement of the National Landscape’s natural beauty being furthered when considering the totality of harm it will experience, beyond acid grassland loss, as a result of the proposed development.

SCC has relayed its concerns over the sufficiency of the measures to adequately further the natural beauty of the SECHNL in terms of the status of acid grassland within and surround the Order Limits in Table B5 of [REP2-062]. However, it is worth emphasising and expanding on certain points here.

A key concern relates to the fact that only enhancement, rather than creation, of acid grassland is now proposed as indicated in paragraph 3.2.3. This means that there won’t be any increase in the area of acid grassland to offset its reduction during construction. The proposal is therefore less robust as an offsetting measure as it does not rectify the temporary decrease in acid grassland provision hence, there will be no remedy for acid grassland loss for a substantial period, with restoration of acid grassland removed during construction projected to be completed by Q3 of Year 6. By consequence, net-enhancement of acid grassland is projected to only last 4.25 years due to the 10-year maintenance period.

Whilst there is potential for the enhancement of acid grassland to persist beyond the 10-year maintenance period, it is problematic to rely upon this notion in relation to discharging the duty. The Applicant will not have land rights to the area after 10 years meaning the previous landowner would be within their rights to remove or otherwise undermine the enhanced acid grassland. In any case, the quality of the enhancement would begin to deteriorate once the maintenance period is over and the rate of deterioration is not known at this stage.

Minor adverse effects are identified beyond the construction period, only being identified as negligible or lower at year 15 of the operational phase. The Applicant's assessment does not indicate what the effects would be at the point upon which the maintenance of the enhanced acid grassland ends which roughly translates to year 5 or 6 of the operational period. As a result, SCC considers that there is a substantial risk of a further period of unmitigated adverse effects on natural beauty during the operational phase with no commitment to offsetting measures.

If the sufficiency of this measure in relation to effects on acid grassland (and its associated contributions to natural beauty) is questionable at best, then it is not clear how the measure could be said to be sufficient for the totality of harm on natural beauty caused by the project.

Consideration should be given to how the proposed measure will be experienced by people interacting with the natural beauty of the National Landscape. The proposed parcel of land is located within a farmer's field surrounded by shrubbery. Whilst a PRoW is adjacent to the parcel of land, it is relatively tucked away from users of the National Landscape and certainly more so than the bulk of works adversely affecting the National Landscape. The extent to which users of the National Landscape will actually experience enhanced natural beauty in comparison to the extent to which this experience will be adversely affected by the proposed development does not appear to have been considered. It is possible that a different parcel of land, or a different type of measure, would be more noticeable to users of the National Landscape even if the extent to which natural beauty itself is enhanced remains unchanged.

The Council is also concerned with the Applicant's approach to cumulative effects in relation to the duty. Significant cumulative effects are identified for several natural beauty indicators and yet no measures are proposed on account of these effects. The Applicant's reasoning for this appears to be based on the "short and temporary" (e.g. para 5.1.7) nature of these effects. However, this consideration is already accounted for when coming to the conclusion of significant effect as duration of effect is a relevant factor when making such a judgement. The Applicant has used consideration of duration of magnitude to justify effects not being significant for cumulative effects on other receptors in [APP-060]. Therefore, it is not clear how the Applicant can both assess effects to be significant in spite of their temporary nature and claim that such effects nevertheless do not require enhancement measures on account of their temporary nature.

Acid grassland is not mentioned in the assessments of cumulative effects on Scenic Quality, Relative Wildness and Relative Tranquillity. As a result, it is difficult to see how

acid grassland enhancement could conserve and enhance natural beauty in respect of the adverse cumulative effects on these natural beauty indicators.

The duty applies in relation to a relevant authority performing a function in relation to, or so as to affect, a designated landscape. The function of consenting the current form of the scheme would either exacerbate existing significant cumulative effects or push existing adverse effects beyond the threshold of significance. SCC does not see how the application could be considered compliant with the duty without additional measures proposed in relation to the identified adverse cumulative effects.


National Landscape Manager

On behalf of the Suffolk & Essex Coast & Heaths National Landscape Partnership