

NORWICH TO TILBURY

EN020027

Response to the Rule 17 Letter dated 27 July 2026

Suffolk County Council [REDACTED]

Babergh District Council [REDACTED]

Mid Suffolk District Council [REDACTED]

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Glossary of Acronyms

<i>DCO</i>	<i>Development Consent Order</i>
<i>LIR</i>	<i>Local Impact Report</i>
<i>LPA</i>	<i>Local Planning Authority</i>
<i>NSIP</i>	<i>Nationally Significant Infrastructure Project</i>
<i>PPA</i>	<i>Planning Performance Agreement</i>

“BDC” refers to Babergh District Council; “MSDC” refers to Mid Suffolk District Council; “BMSDC” refers to BDC and MSDC jointly; “SCC” refers to Suffolk County Council; and “the Councils” refers to BDC, MSDC, and SCC jointly.

Purpose of this Submission

The document has been prepared by Babergh District Council, Mid Suffolk District Council, and Suffolk County Council to provide a response to the Rule 17 Letter dated 27 July 2026. The Rule 17 Letter stated a request for further information in respect of the matter of compensation for landscape and visual effects. Examination Library references are used throughout to assist readers.

Response to the Rule 17 Letter dated 27 July 2026

A Will the funds be available for any suitable projects within the designated landscape compensation, offsetting and enhancement areas, or just within the 2 or 3km buffer areas?

A.1 SCC has coordinated with Norfolk County Council and Babergh and Mid Suffolk District Councils regarding the geographical extent of the areas proposed for landscape compensation, offsetting and enhancement. In Suffolk these are:

- (i) Waveney Valley;
- (ii) Gipping Valley; and
- (iii) Bramford and Burstall.

A.2 It is the understanding of SCC that the 2km buffer from selected pylon towers was a starting point, for which to calculate the appropriate geography. The administrative areas of Parish Councils that intersect with this 2km buffer (as shown in the Applicant's plans [REP7-535]) are then eligible for the suitable projects, as identified in 4(2) of Schedule 20 [REP7-064]. Limiting eligibility only to the areas precisely within the 2km buffer was considered to be arbitrary and unduly restrictive, given that the landscape characteristics of the area are broader in scale.

B How would such areas or projects relate to landscape character areas or visual receptors which may be affected by the proposed development?

B.1 In landscape terms, the central criterion is that these areas or projects are able to deliver designs to enhance and restore the local landscape character, with appropriate planting for the landscape character area and in accordance with the relevant wider landscape type. It is expected that this would include the reinstatement of landscape features, such as treed hedgerows along field boundaries and small pockets of woodland, where appropriate.

B.2 As some of this strategic planting may be outside the Order Limits, it may offer new possibilities to improve screening for visual receptors, for example along PRoW, and SCC considers that the potential for this should be fully explored and used to identify suitable areas and projects. However, it is acknowledged that the residual visual effects are likely to remain largely unaffected by these compensatory measures, as they would otherwise have been able to be mitigated.

C Provide your succinct views on how the masterplans would meet (or otherwise) the relevant tests for requirements and obligations set out in paragraphs 4.1.16 to 4.1.18 of NPS EN-1 (November 2023).

C.1 In SCC's Answers to ExQ2 **[REP5-271]** (LV 2.16) and Post-Hearing Submission for ISH3/4 **[REP6-166]** (agenda item 5.1.a), the Council has presented the case that sections 4.1 and 4.2 of EN-1 explicitly refer to the mitigation hierarchy for environment impacts (explained further below) and that the Masterplans **[REP5-199]** offer a justifiable and proportionate response to enhancement in the specified locations.

C.2 The Council has argued in support of landscape compensation, offsetting and enhancement measures in relation to specified locations within Suffolk **[RR-3520]** (92-112), **[REP1-178]** (13.220-13.225), **[REP3-085]** (5.2-5.5), **[REP4-335]** (9.24), **[REP4-336]** (8.2-8.3), **[REP5-271]** (GEN2.2 and LV2.16), and **[REP6-166]** (5.1.a).

C.3 For completeness, the relevant paragraphs of EN-1 are repeated below:

“4.1.16 The Secretary of State should only impose requirements in relation to a development consent that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects.

4.1.17 The Secretary of State should consider the guidance in the NPPF, the Planning Practice Guidance: Use of Planning Conditions, and TANs, or any successor documents, where appropriate.

4.1.18 The Secretary of State may consider any development consent obligations that an applicant agrees with local authorities. These must be relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects.”

C.4 Concerning paragraph 4.1.16, which focuses on the decision by the Secretary of State, SCC notes that the matters not repeated in paragraph 4.1.18 are that the requirements or planning obligations should be enforceable and precise. SCC considers that Schedule 20 is precise in defining the geographical extent of the measures in column (1), as shown in **[REP7-535]**, and in defining the permitted measures, as identified in 4(2) of the schedule **[REP7-064]**. Further, SCC considers that Schedule 20 is enforceable because it outlines the relevant authorities in column (2) which will hold and distribute the contribution which are allocated to each specified location in column (3). There are further specifications contained within the schedule that provide detailed information

on matters such as the administration and unspent contributions, which should provide assurances that the schedule is enforceable and precise.

- C.5 SCC does not consider it relevant to address paragraph 4.1.17 as this paragraph provides certainty of which guidance that the SoS should consider in their decision.
- C.6 In its Answers to ExQ2 **[REP5-271]** (GEN 2.2), SCC outlined the relevant policy tests which it considered applicable. Those being the policy tests outlined in paragraph 4.1.18 of EN-1, building upon section 122(2) of the Community Infrastructure Levy Regulations 2010, and also stated in paragraph 58 of the National Planning Policy Framework, as below:
- (i) relevant to planning;
 - (ii) necessary to make the development acceptable in planning terms;
 - (iii) directly related to the development;
 - (iv) fairly and reasonably related in scale and kind to the development; and
 - (v) reasonable in all other respects.
- C.7 The Council understands that the Applicant does not raise concerns with relevant tests (i) or (iii), (iv), or (v) of EN-1 paragraph 4.1.18 as outlined above. However, they do have a contention with policy test (ii) of the above, namely *“necessary to make the development acceptable in planning terms”*. The Applicant’s position appears to be that because of an absence of mention of ‘compensation’ in relation to landscape impacts in section 5.10 of EN-1 or in sections 2.10 or 2.11 of EN-5, landscape compensation cannot be deemed necessary. However, those sections of the National Policy Statements must be read in conjunction with sections 4.1 and 4.2 of EN-1, which refer explicitly to the mitigation hierarchy, which is defined (in the EN-1 glossary) to include ‘compensation’, not solely for biodiversity impacts but for impacts on the environment more generally. The Council has set out further details of its submissions on the question of EN-1’s policy approach to ‘compensation’ within the mitigation hierarchy in its Closing Statement, also submitted at Deadline 8.
- C.8 SCC has presented the case that the landscape compensation, offsetting and enhancement measures are:
- (i) relevant to planning, because Schedule 20 secures landscape compensation for residual landscape and visual impacts arising from the Proposed Development;
 - (ii) necessary to make the development acceptable in planning terms, because, even after the application of the ‘avoid, reduce, mitigate’ elements of the mitigation hierarchy, the project results in significant residual impacts on the landscape of the receiving environment and

receptors within it, compensatory or offsetting measures for those residual adverse impacts are feasible and practical, the Waveney Valley being a valued landscape (as set out in Annex B of the Joint LIR **[REP7-178]**); the Gipping Valley being formerly designated as a Special Landscape Area and experiencing cumulative impacts from successive overhead lines (as set out in SCC's Post Hearing Submission for ISH1 **[REP1-177]** agenda item 5.1); and in Bramford and Burstall due to cumulative impacts from associated strategic development resulting from Bramford Substation (as set out in SCC's Post Hearing Submission for ISH1 **[REP1-177]** agenda item 5.1).

- (iii) directly related to the development, because the geographical extent and permitted measures have been expressly identified and there is a clear nexus by proximity between that extent and the residual impacts of the project. The geographical extent for each location emanates from a 2km buffer around specific pylons for which the scheme will construct and the permitted measures result from compensation for residual landscape and visual impacts.
- (iv) fairly and reasonably related in scale and kind to the development, because the project is one of the largest linear projects in the UK, traversing 180km of the landscape of affected areas, with project costs of c.£1.2 billion and costs for land acquisition and compensation of c.£184 million (see paras 3.2.16 and 4.1.5 of the Funding Statement **[REP3-016]**), and the total of the compensatory measures in Schedule 20 is £3.3m (less than 2% of the project costs for land acquisition and compensation and less than 0.3% of the overall project costs).
- (v) reasonable in all other respects, because the compensatory measures are directed at offsetting the residual landscape and visual impacts of the project that cannot be otherwise addressed, if the project proceeds, and over time they will assist in enhancing the landscape resource that is impacted by the project.

C.9 Therefore, SCC considers that Schedule 20 meets the requirements of the relevant tests for requirements and obligations set out in paragraphs 4.1.16 – 4.1.18 of NPS EN-1.