



NORWICH TO TILBURY

EN020027

Closing Statement

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>

“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 and Mid Suffolk District Councils to provide a closing statement for the examination of the application by National Grid Electricity Transmission (“**the Applicant**”) for a Development Consent Order (“**DCO**”) under the Nationally Significant Infrastructure Project (“**NSIP**”) regime of the Planning Act 2008 (“**PA 2008**”) for the Norwich to Tilbury project; this contains a summary of matters raised during the examination which have not been resolved to the Council’s satisfaction provided in the form of a Principal Areas of Disagreement Summary Statement. Examination Library references are used throughout to assist readers.

Principal Areas of Disagreement Summary Statement

The below contains a summary statement of matters in the signed Statement of Common Ground listed as either Under Discussion or Not Agreed, detailing the representations submitted during the examination where these matters were raised.

Babergh and Mid Suffolk District Councils maintain their overarching objection in principle to the proposed scheme and reiterate their concerns regarding the significant and devastating impacts the development will have on the districts' communities, businesses, environment, heritage and landscape.

1 Project Development, Description, and Design

Project Timing

- 1.1 Babergh and Mid Suffolk District Councils maintain their in principle objection to the scheme on the basis that it is premature, whilst there is a known and recognized likelihood of alternative technologies and / or infrastructure design arrangements, that a strategic approach to energy infrastructure planning through the responsibilities of the National Energy System Operator (NESO) and emerging Regional Energy Strategic Plan (RESP), and recognizing the findings of the Hiorns report that the timing of need for additional transmission capacity is more likely be closer to 2035 than National Grid's programme delivery date of 2030 on which the need case is built.

Alternatives (including Waveney Valley Alternative)

- 1.2 The councils believe that a pause to the scheme is necessary to enable alternatives, as highlighted above, to be fully considered and consulted upon.
- 1.3 Critically, BMSDC highlight the significant harmful impact the alignment of the overhead lines and pylons will have on the landscape. BMSDC is disappointed that localised design responses involving undergrounding and /or alternate pylon design as part of the application of the mitigation hierarchy were not appropriately considered by the Applicant. Overhead powerlines and pylons offer no potential to enhance the quality of the landscape or the amenity of BMSDC communities.
- 1.4 The abandonment of the Waveney Valley Alternative means that the development is likely to result in long term major adverse impacts and effects on landscape and visual amenity. It is therefore essential that the landscape compensation, offsetting and enhancement area set out in the draft DCO [REP7-064] are carried forward into the final DCO, if consented, in order to provide some compensation for these impacts.

Supply and connectivity around the Freeport at Gateway 14

- 1.5 Despite repeated requests by BMSDC, the project has failed to include measures to enable enhanced connectivity, generation and storage capacity for Freeport East at Gateway 14 and the wider Stowmarket area. BMSDC considers this failure to consider strategic outcomes, opportunities to decarbonise industrial users, and enablement of effective and optimised delivery of the Freeport and other commercial operations would arguably be negligent on the part of National Grid, as a responsible corporate entity.
- 1.6 In order to secure appropriate commitment to this objective, BMSDC suggests that a satisfactory resolution would be for an addition to the drafting of Schedule 20 of the DCO to provide for the permitted measures to allow for a feasibility study to be undertaken in the Gipping Valley / Gateway 14 area and to commit the Applicant to dialogue with the regulator, UKPN and other appropriate stakeholders (such as LPAs and IDNOs) on this matter, including engagement with emerging RESP.

Temporary haul roads

- 1.7 BMSDC reiterates concerns regarding the impact of the number and location of temporary haul roads in particular on landscape and visual amenity and the severing or sterilisation of operational agricultural land. The location and alignment of several of the construction access roads appear to have been selected without sufficient site-specific landscape assessment, potentially resulting in avoidable tree and hedgerow loss. Concerns also remain regarding replacement planting and establishment for these areas, with insufficient detail provided to give confidence in its successful delivery. Refer to REP1-178

2 Ecology and Biodiversity

- 2.1 The Applicant has generally provided an appropriate assessment of likely impacts on the identified ecological receptors. This includes for both statutory and non-statutory designated sites, habitats, and protected and Priority species.
- 2.2 The Project has made an effort at embedded mitigation which has very largely avoided a potential for significant impacts on designated sites, as well as providing a lessened impact potential for certain protected species.
- 2.3 However, there were concerns that the Applicant's approach to bat roost tree surveys and, the subsequent impact assessments and mitigation proposals, left an unacceptable risk of unrecognised impacts and missing mitigation. These concerns have been reasonably addressed over the course of negotiations between ECC and the Applicant, which resulted in changes to the Outline Code of Construction Practice (COCP) and the Outline Landscape & Ecological Management Plan (LEMP).

- 2.4 BMSDC has believed from the outset that Ecological Clerk of Works (ECoW) oversight and influence throughout the construction stage of the Project will be critical to the faithful execution of the CoCP and LEMP directives, and thereby for the resulting degree of mitigation success. The Applicant has shown an appreciation of those concerns. The Applicant has agreed to the establishment of a Landscape & Ecology Working Group (LEWG) that will include ECC representation. Furthermore, the Applicant made additions to the Outline CoCP and Outline LEMP which describe leave for the LEWG to review appointed ECoW credentials. The LEWG will have opportunity to flag if there are discrepancies between CoCP/LEMP stated ECoW criteria and those of actual appointees.
- 2.5 Not all BMSDC's concerns have been resolved. BMSDC holds that the Applicant's proposed 5-year aftercare period for all replacement tree and hedgerow planting (excluding the Environmental Areas), is insufficient to assure successful replanting throughout the Order Limits. That extremes of weather which have become regular occurrences, and the multiple examples of replanting failures for other developments, are the bases for this concern. This aftercare approach, if it ultimately proves defective, could have implications for the accuracy of certain species' impact assessments and the calculations for BNG.

3 Noise and Vibration

- 3.1 BMSDC have consistently raised concerns regarding the proposed construction hours without a section 60 approval requirement and the impacts that such extensive working as is proposed, without appropriate respite would have on the amenity and wellbeing of affected building occupants. Please refer to REP1-178 and REP7-104.

4 Health and Wellbeing

- 4.1 BMSDC maintain concerns that the calculation for ICNIRP certification on a site specific basis is inadequate as consideration for EMF exposure has only been calculated for overhead and underground lines, omitting assessment of effects from other infrastructure such as substations. BMSDC flag the risk to health and wellbeing arising from EMFs without appropriate mitigation. Please refer to REP1-178 and REP7-104.

5 Historic Environment

- 5.1 BMSDC have raised significant concerns regarding the impact of the development on the districts' historic environment, both during construction, for example as a result of vibration impacts, and during operation given the proximity

of proposed infrastructure to a number of heritage assets and within historic landscapes, affecting settings, significance and appreciation.

- 5.2 During the Examination the assessment methodology and the adverse impacts on the setting and significance of a number of designated heritage assets (and the levels of less than substantial harm to their significance which is a mid level at the Construction and Operation phase in some cases), identified by the applicants in their ES have been agreed. BMSDC raised concerns regarding the potential for these impacts to worsen if the movement of pylons and overhead lines within the limits of deviation brought them closer to designated heritage assets and were concerned that only two listed buildings across the entire route of the development were included in the provisions in GG34 of **7.2 Outline Code of Construction Practice** relating to this. A limited number of revised 'worst case' viewpoint visualisations were produced by the applicant which did not appear to show materially worse visual effects.
- 5.3 Whilst our concerns remain regarding the harm to significance identified by the applicants in the ES, we are satisfied that the applicants' approach to assessment and standard and embedded mitigation and their responses to questions and concerns raised have been robustly examined during the Examination and at the Issue Specific Hearings.

6 Landscape and Visual

- 6.1 The Project would result in significant change to the landscape during both its construction and operation. The scale of the works and the circa 50 metre height of the proposed pylons would change the landscape in a way that cannot be fully mitigated. BMSDC therefore expected a comprehensive package of mitigation and compensatory landscape measures from the Applicant alongside a strong focus on all aspects of infrastructure design to minimise landscape and visual harm.
- 6.2 BMSDC consider that the proposed development as it stands, does not meet (EN-1) Para 4.3.4 of which states "... the applicant must ... show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy...". BMSDC's view is that this policy has not been followed as there is no guaranteed compensation offered for the significant adverse landscape and visual effects of the overhead line and pylons BMSDC's position therefore, is that the Norwich to Tilbury project does not go far enough to minimise harm to the landscape nor provide reasonable levels of mitigation and compensation.
- 6.3 BMSDC considers that additional viewpoints and assessments beyond the defined study area could have assisted in demonstrating where effects would not

be significant and therefore provided a fuller understanding of the Project's landscape impacts. This transparency would have allowed for a greater understanding of the areas most impacted by the development, and the location and type of mitigation which would have been most effective.

- 6.4 Since its response to the statutory pre application consultation in July 2024, BMSDC has consistently maintained that a standalone Valued Landscape Assessment should have formed part of the LVIA. Without a separate assessment, BMSDC considers it has been difficult to fully assess the proposal against NPS EN-1 policy, particularly paragraph 5.10.12, which recognises that locally valued landscapes may exist outside national designations.
- 6.5 BMSDC also considers it remains unclear how the requirements of the Holford Rules to minimise effects on locally valued landscapes have been fully addressed, particularly as route selection pre-dated the inclusion of landscape value criteria. This issue is especially relevant to several river valleys crossed by the proposed development.
- 6.6 While it is accepted that local landscape designations are no longer promoted through government policy, and valued landscape criteria have now been incorporated into the assessment, BMSDC consider local value should have been assessed in accordance with TGN 02-21: Assessing Landscape Value Outside National Designations. Baseline judgements appear to have been made at district level rather than site or setting level, potentially overlooking the value of directly affected landscape characteristics, especially river valleys.
- 6.7 BMSDC has consistently highlighted concerns regarding aspects of the methodology and the approach taken to landscape value and the value of views. These concerns reinforce BMSDC's view that further mitigation and compensation is required without which, more undergrounding or route refinement should have been proposed, to reduce significant landscape and visual effects, particularly within river valleys, valued local landscapes, long-distance rights of way and rural amenity areas.
- 6.8 There remains uncertainty regarding the potential loss of trees and hedgerows along the route in landscape and visual terms at this time despite requests for information to establish quantified baseline losses of trees and hedgerows at a Parish level. Some major concerns remain unanswered regarding the potential location of any compensation planting including the land where planting will be beneficial to help mitigate the impact of the OHL.
- 6.9 The 5-year management and maintenance plan (including monitoring) proposed by the Applicant is also a concern. BMSDC maintains its preference for a longer maintenance period of ten years to support successful establishment and long-term habitat/Green Infrastructure outcomes. With long dry summers, future

management and watering will be essential to provide the appropriate environment for establishment. Planting between November and January and utilisation of tree guards that are tailored for hot climates are recommended to ensure establishment of whips and feathers. The expectation to check this planting (and replacements) also needs to be robust and adequately resourced; the detail for which is unclear.

- 6.10 The Forestry Commission's England Woodland Creation Offer (EWCO) grant prescribes 15 years of maintenance to establish woodlands from whips and with increasingly challenging growing seasons five years maintenance would not be sufficient. Pests (such as deer) and diseases should also be taken into account for the long-term survivability of the off-site planting.
- 6.11 BMSDC consider that either a significant strategic landscape compensation package should be put in place as part of the submission or a significant strategic financial compensation package put in place as a side agreement to offset the landscape and visual harm across the route of the overhead line. Furthermore, BMSDC believes that compensation measures need to be clearly distinguished from mitigation and BNG obligations. BMSDC is concerned that proposals for this funding are not guaranteed due to the Applicants stated opinion at ISH4, that no agreement will be entered into unless absolutely required by the Secretary of State.
- 6.12 BMSDC does not agree with the Applicants approach to compensation. While BMSDC accepts the presence of overhead powerlines cannot be fully mitigated, and that there will be a residual impact the acceptance of significant residual effects based on public benefit does not negate the effect in itself. BMSDC feels very strongly that this landscape compensation package could deliver significant landscape benefits and leave a positive legacy from the project minimising the residual visual effects of the development as far as reasonably possible.

7 Socio-economics, Recreation, and Tourism

- 7.1 None of the outstanding issues previously raised by BMSDC have been incorporated or adequately addressed. The matters not agreed in the signed Statement of Common Ground remain so. Refer REP1-178, REP5-271, REP6-135, REP7-104.
- 7.2 BMSDC maintain concerns that the applicant has failed to demonstrate appropriate measures to ensure workforce sourcing, accommodation and social integration without unacceptable impacts on communities, businesses, the local housing markets, services and facilities.

8 Cumulative Effects

- 8.1 As well as the issues highlighted at 8.2 above, the overall coordination of delivery of the project with other developments in the region is critically important to minimise the cumulative effects of delivery on communities and the environment.
- 8.2 Whilst acknowledging the haul route design model employed, there remain concerns that, given the highway network within the region is relatively limited and any construction traffic on minor roads through villages, road closures and diversions would all cause significant unacceptable impacts on residents, businesses and the tourist economy of the districts.
- 8.3 The Project would lead to a harmful change in the identified character and appearance of the landscape of both districts, exacerbated visually by the cumulative effects of this development in combination with other existing, consented and reasonably foreseeable development, including energy transmission, generation and storage infrastructure. These impacts will be experienced within both static and kinetic views due to the location, scale and proliferation of developments. As a result, BMSDC remains of the view that the proposed mitigation measures which must be distinct from any agreed compensation planting, do not adequately address or reduce the significant landscape and visual effects during both construction and operation.

9 Development Consent Order

- 9.1 In order to ensure timely and compliant delivery of the project, should the Secretary of State grant consent, BMSDC maintain that the Order include, within Schedule 4, provision for a discharge of requirement submission validation checklist. BMSDC consider this would be in a similar style as to the provisions within the Town and Country Planning (General Permitted Development) Order 2015 as amended with respect to submissions for prior approval in prescribing the information required for a valid submission, minimising the need for a Sch4(2) request for further information and speeding up the determination process. The LPAs have offered comments on the content of a validation checklist in previous submissions, see REP6-136 and REP7-541.
- 9.2 Noting the Applicant's ambitious delivery schedule and the aforementioned likelihood of significant and wide ranging impacts, should consent be granted, BMSDC consider it critical that an appropriate compliance monitoring, reporting and enforcement strategy, as set out in REP6-135, be agreed between the developer and the respective enforcing authorities. This relatively minor commitment by National Grid to enter into a cooperative and collaborative relationship with the enforcing authorities by sharing appropriate information and engaging in regular and constructive, solution focused dialogue, would demonstrate a commitment to project compliance through such transparency



that would enable the delivery partners to work together to better protect the communities, businesses and environment of the districts in a responsive manner that does not unduly compromise project delivery. BMSDC consider this could reasonably be an addition to the final Code of Construction Practice to be agreed with the LPAs.