

5 December 2022

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10: Application for a scoping opinion and 11: Procedure to facilitate the preparation of an environmental statement.

Application by National Grid Electricity Transmission (NGET) (the Applicant) for an Order granting Development Consent for the East Anglia Green Energy Enablement (GREEN) (the Proposed Development) high voltage electricity network reinforcement between Norwich, Bramford and Tilbury.

ECC have reviewed the submitted Scoping Report (SR) and have made further comments below in relation to the information we have in our possession considered relevant to the preparation of an ES by the Applicant of the Proposed Development.

Prior to detailing this information but recognised as outside of the scope of this consultation, ECC would take this opportunity to reiterate its objection to the Proposed Development on the grounds that the Applicant has yet to demonstrate that the preferred onshore option is the most efficient, coordinated and economical reinforcement of the network in this location, or that it fully considers the need for nationally significant infrastructure projects (NSIPs) to contribute towards sustainable development in accordance with national policy.

ECC can only maintain its objection (first formally made on 16 June 2022 as part of the Applicant's non-statutory consultation) to a technology and route option that does not provide an integrated and long-term approach to energy transmission, or sufficiently balances the national need for safe, secure, affordable and low carbon energy with adverse likely significant effects (LSEs) to the local environment and health and wellbeing of communities across Essex. This objection relates not just to the Proposed Development in isolation but cumulatively with the increasing cluster and uncoordinated deployment of terrestrial and marine energy NSIPs in Essex and the south-east. To note, the Applicant's preferred route corridor prejudices areas of allocated planned growth for housing, including one of the Government's lead Garden Communities at Dunton Hills and would further restrict areas of future planned growth.

ECC supports the Department for Business, Energy and Industrial Strategy's Offshore Transmission Network Review currently looking at how the offshore electricity transmission network can be delivered in a more coordinated way. ECC welcomes acknowledgement by the Government in the Energy White Paper (2020) that the current regime is uncoordinated and inefficient and does not sufficiently balance the national need for renewable energy with local adverse environmental, social and economic impacts. ECC accepts that notwithstanding how offshore coordination is developed in the future, major onshore development and electricity network reinforcement will still be necessary to deliver the Government's ambition for 40 gigawatts of offshore wind by 2030. Further, accepting that the existing high voltage electricity network in the south-east does not have the capability needed to reliably and securely transport all the energy that will need to be connected to meet net zero. ECC understands that to fulfil its statutory duties, the Applicant needs to reinforce the network to provide additional capability to allow power flows into and out of the south-east to connect with areas of demand and interconnectors in Europe. Nevertheless, due to the absence of any meaningful consultation on alternatives and this primarily relates to a fully offshore and integrated High Voltage Direct Current (HDVC) route option (offshore option), ECC remains concerned that the Proposed Development represents another example of the uncoordinated and inefficient approach to energy transmission that the Government accepts requires urgent improvement and is currently reviewing.

ECC acknowledges that the Applicant has updated their Strategic Options Technical Appendix (June 2022) with the intention to explain the rationale for discarding an offshore option as an alternative to the Proposed Development. ECC recognises the significant challenges related to cost, anticipatory investment and timeliness of delivering offshore reinforcement by 2030 but considers this alternative would be significantly less harmful locally and more closely aligned with the principles of sustainable development. However, until such time that the updated document is independently reviewed by a competent expert, cannot comment further on the reasonableness of the conclusions reached by the Applicant.

1. Essex County Council comments on the Scoping Report

Reasonable Alternatives

- 1.1 ECC acknowledges the intention of the Applicant to consider alternatives within the ES, and notes the assessment of strategic, route corridor and alignment options that has already been undertaken to date (as described in Chapter 3: Main Alternatives Considered). ECC would expect to see a discrete section in the ES that provides details of the reasonable alternatives studied and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects. This should include consideration of how much of the cable is overhead line (OHL) and how much is undergrounded across the proposed development.
- 1.2 The ES should describe the selection process used and decisions made in the alignment of the final route should it be taken into or close to the district of Tendring and/or continue to propose OHL in proximity to the Dedham Vale and Stour Valley Area of Outstanding Natural Beauty (AONB) and sensitive community receptors at Lawford and Arleigh. ECC consider that there is not sufficient justification for a potential connection point to proposed offshore wind development (North Falls and Five Estuaries) at Lawford. Further, the proposed route corridor in this location contains sharp changes in direction and a potential concentration of OHL that would be contrary to national planning policy and the Applicant's own visual amenity guidelines.

Description of the Proposed Development

- 1.3 ECC notes that the final alignment of the Proposed Development, location of construction compounds and haul road(s) are still to be confirmed and so a Scoping Route Corridor has been used as the basis for the SR (as described in Chapter 4: Description of the Project). This has limited the ability of ECC to comment in detail on the scope and relevant information that should be included in the ES to assess LSEs for sections 3-8 of the Scoping Route Corridor that are in Essex (Table 4.1). The Applicant should make effort to fix the alignment and design of the Proposed Development, including all permanent and temporary infrastructure required for construction and operation, to reduce uncertainties and enable ECC to understand more about how it can contribute to the information relevant to the preparation of the ES. Where this is not possible, the ES should be clear about which elements of the Proposed Development have yet to be finalised and assess a worst-case scenario. ECC would extend these comments to the construction methodology which the Applicant also acknowledges has not yet been defined (paragraph 5.5.2) and is an additional limitation of the SR.
- 1.4 The ES should clearly describe any changes that have been made to the final boundary from the Scoping Route Corridor, including reduction or increase in extent, or variation of extent, and the reasons for any changes.

EIA Approach and Method

Baseline

- 1.5 The Applicant recognises that the baseline information in the SR will need to be updated for the ES (paragraph 5.5.4) and this should include monitoring of other ongoing and proposed development (paragraph 5.5.3). ECC would support this assertion for both current and future baseline scenarios; future baseline should be assessed with and without the Proposed Development. ECC encourages the Applicant to engage with us to help provide the information necessary to support updating and monitoring baseline scenarios. However, would take this opportunity to reiterate its concern that the current preferred route corridor would prejudice significant areas of allocated planned growth for housing.

Non-technical summary (NTS)

- 1.6 ECC acknowledges the Applicant's intention to submit a NTS and notes that a summary of the Proposed Development and LSEs will be written in plain English for a non-technical audience (paragraph 18.3.1). Given the scale and complexity of the Proposed Development and LSEs, ECC would welcome working with the Applicant to ensure that the NTS is accessible to everyone who wants to engage with the development consent process, particularly local communities.

Mitigation and Monitoring

- 1.7 ECC acknowledges the intention of the Applicant to include a description of any proposed monitoring arrangements where LSEs have been identified and notes that these details would be included within the ES topic chapters (paragraph 5.4.1). ECC welcomes the monitoring of LSEs and their inclusion in the ES. However, would request that all mitigation and monitoring for the purposes of the EIS is collated into a single table to enable clear and efficient cross-referencing. Further, the likely effectiveness of any proposed mitigation be explained with reference to residual LSEs and how all mitigation and monitoring would be secured. This explanation should also include how the results of monitoring LSEs would be used to inform any necessary remedial interventions.

Climate

- 1.8 ECC does not consider that sufficient justification has been provided by the Applicant in the SR to scope out LSEs to climate from the Proposed Development (section 5.7). This is despite the proposed inclusion of vulnerability to future flooding being considered in Flood Risk Assessment (paragraph 5.7.12) and general reference to details of "likely" construction materials being included in the description of the Proposed Development, together with a "simple" estimate of Green House Gas (GHG) emissions during the construction phase and "potential" opportunities to save carbon (paragraph 18.2.2).

- 1.9 The ES should include a description and assessment (where relevant) of the LSE of the Proposed Development on climate considering in detail the nature and magnitude of GHG emissions and the vulnerability of the Proposed Development to climate change. The ES should describe and assess GHG emissions for the construction and operational phases and, where relevant, provide the adaptive capacity that has been incorporated into the design and construction of the Proposed Development.

Ecology, Biodiversity and Arboriculture

- 1.10 ECC is broadly satisfied with the proposed scope for LSE on ecology, biodiversity and arboriculture (as described in in Chapter 3: Ecology and Biodiversity and Appendix E: Biodiversity – Sites Designated for Biodiversity, Appendix F: Biodiversity – Proposed Survey Methodology and Appendix J: Arboriculture Strategy) but would expect to see a comprehensive assessment of important hedgerows included in the ES.
- 1.11 Further detailed comments related to ecology, biodiversity and arboriculture can be found in Appendix 1 of this letter.

Minerals and Waste

- 1.12 ECC is the minerals and waste local planning authority for any part of the Proposed Development that is within the administrative boundary of Essex.
- 1.13 ECC is satisfied with the proposed scope for LSE on minerals (as outlined in Chapter 9: Geology and Hydrogeology of the SR) and welcomes the scoping in of mineral safeguarding areas (MSAs) and mineral consultation areas (MCAs) for both the construction and operation phases of the Proposed Development. However, would query the impact assessment methodology for ascribing value/sensitivity to mineral resources (Table 9.4 – Criteria for determining value/sensitivity).
- 1.14 ECC agrees that existing mineral sites should be considered as ‘very high’ value/sensitivity but due to the definition of MCAs in Essex, does not agree that land in an MCA, which are designated up to 250 metres from existing, allocated and permitted mineral extraction sites, can then be considered of ‘medium’ value/sensitivity. It is not appropriate to apply a single value/sensitivity to these receptors.
- 1.15 It is not clear why land in an MSA is designated as ‘medium’ value/sensitivity. Paragraph 209 of the Nationally Planning Policy Framework (NPPF) requires that ‘best use’ needs to be made of minerals as finite resources that can only be worked where they are found. Further, paragraph 210 of the NPPF states that mineral resources of local and national importance should not be sterilised by non-mineral development where this can be avoided and should be prior extracted where it is environmentally feasible and practical to do so.
- 1.16 Table 9.4 contains no category for undelivered mineral site allocation in adopted local plans or preferred sites for future allocation that many become

relevant during the local plan review process. Further, no distinction is made between 'preferred sites' and 'preferred areas' for minerals development. Table 9.5 – Criteria for determining magnitude contains no category related to the impact of the Proposed Development on mineral resources and therefore not possible for ECC to understand how the significance matrix described in Table 9.6 would then be applied.

- 1.17 ECC consider that the most appropriate method to assess the LSEs from the Proposed Development to strategic mineral sites is through a Minerals Infrastructure Impact Assessment (MIIA). If the MIIA concluded that the Proposed Development would result in the sterilisation of mineral resources, the ES should provide robust justification for this that includes the consideration of alternatives and mitigation.
- 1.18 In the absence of a Waste Infrastructure Impact Assessment, ECC consider that sufficient justification has not been provided by the Applicant in the SR to scope out LSEs from the Proposed Development to waste.
- 1.19 Further detailed comments relating to minerals and waste can be found in Appendix 2 of this letter.

Population and Health

- 1.20 ECC acknowledges the intention of the Application to scope in LSEs to population and health during the construction stage only and notes that the ES will not separately report on this topic (paragraph 10.1.5). ECC is not able to conclude that the proposed scope and methodology of the ES (as detailed in Chapter 10: Health and Wellbeing) would contain all the information necessary for the ES. This is due the absence of any reference in the SR to the assessment of workforce, and construction and operation related incidents on healthcare capacity and emergency services. For the reasons detailed in the SR (section 5.7).
- 1.21 As a general approach, ECC does not agree with the Applicant that a separate chapter that brings together the LSEs from the Proposed Development on population and health is not required. This generalised approach would be contrary to previous advice from ECC and Public Health England on similar projects. The consideration of LSEs from the Proposed Development to population and health should be underpinned by a Health Impact Assessment.
- 1.22 Further detailed comments relating to health and wellbeing can be found in Appendix 3 of this letter.

Historic Environment

- 1.23 ECC is broadly satisfied with the proposed scope of information for LSE on the historic environment (as described in Chapter 11: Historic Environment, Appendix B- Initial Outline Code of Construction Practice, Appendix G – Key Characteristics of Landscape Character and Assessment and Appendix I -

Landscape and Visual Impact Assessment Methodology) but does not consider that sufficient information has been provided in the SR to scope out LSEs to historic buildings from the impact of construction traffic. ECC also makes the following additional comments in relation to the proposed impact assessment methodology.

Inter-relationship of impacts

- 1.24 The inter-relationship between impacts and LSEs to the historic environment should be considered and reported consistently in all relevant ES topic chapters.

Protected lanes

- 1.25 The ES should include an assessment of LSEs to all protected lanes in Essex impacted by construction traffic. ECC consider that protected lanes are not suitable for heavy goods vehicles associated with the construction of the Proposed Development (section(s) 11.9 – 11.10).

Trial trenching

- 1.26 The ES should be supported by an intrusive archaeological evaluation and trial trenching methodology. Archaeological trial trenching should be expected in areas of undergrounding and the construction of main compounds and sub stations (Section 11.10).

Site walkover survey

- 1.27 The ES should be supported by light detection and ranging survey data that has been used to assess areas of scrub and woodland for potential archaeological assets that has then informed the locations for the walkover survey (paragraph 11.10.8).

Historic landscape setting

- 1.28 The ES should ensure assessment of LSEs to historic landscape setting and proposed mitigation, in particular relating to pylon height does not include modern infrastructure i.e., roads and railways as pre-existing barriers (paragraph 11.10.17).

Aerial photographic survey

- 1.29 The high-quality aerial survey undertaken by the Applicant was not undertaken at the best time of year for aerial cropmarks to be identified and the ES should include an additional aerial photographic survey to rectify this issue (paragraph 11.10.23).

Non-designated heritage assets

- 1.30 The ES should include a methodology for assessing LSEs to non-designated heritage assets. This would be particularly helpful in areas which do not have a up-to-date local heritage list.
- 1.31 Further detailed comments related to the historic environment can be found in Appendix 1 of this letter.

Surface Water Drainage

- 1.32 ECC is the lead local flood authority for any part of the development that is within the administrative boundary of Essex.
- 1.33 ECC is satisfied with the proposed scope for LSE on surface water drainage and flooding as described in Chapter 12: Hydrology and Land Drainage and Appendix 2 - Initial Outline Code of Construction Practice.

Landscape and Visual

- 1.34 ECC is broadly satisfied with the proposed scope of information for LSEs on landscape and visual (as described in in Chapter 13: Landscape and Visual and Appendix B: Initial Outline Code of Construction Practice, Appendix G – Key Characteristics of Landscape Character and Assessment, Appendix H – Preliminary Viewpoints, Appendix I -Landscape and Visual Impact Assessment Methodology and Appendix J – Arboriculture Study). However, until such time that the Applicant has provided details relating to the final route alignment and the construction methodology for the Proposed Development, ECC considers that it would be premature to scope out LSE to visual amenity at night (paragraph 13.9.19) and residential amenity (section 13.9). ECC welcomes the Applicant's acknowledgement that landscape value is not always signified by designation and would make the following additional comments in relation to the impact assessment methodology:

Data collection

- 1.35 Viewpoint photography visits should be taken in the winter months to ensure leaf cover is reduced and represents a 'worst case scenario' (section 13.4).

Baseline

- 1.36 The baseline scenario should include the network of promoted routes, including public rights of way, cycleways, bridleways and protected lanes (section 13.6)

Landscape value

- 1.37 The determination of landscape value should include critical analysis of landscape value criteria (including cultural and natural heritage) for all chosen

landscape receptors. Along with susceptibility, these findings should then inform any sensitivity judgements.

Sequential visual impacts

- 1.38 The scale and repetitive design of the Proposed Development will need to be assessed to understand the LSEs from sequential visual impacts to users of the highway and public rights of way networks, especially where there is a general expectation of high value levels of visual amenity and tranquillity.

Viewpoints

- 1.39 The proposed 41 preliminary representative viewpoints are inadequate to fully understand the LSEs from the Proposed Development. Once further site visits and survey work have been undertaken, ECC are likely to request further or amended viewpoints to be included in the ES. This is likely to include additional viewpoints from promoted routes within the study area and both specific and illustrative viewpoints. ECC encourages the Applicant to engage with us in the review and addition of viewpoints to support the preparation of the ES (section 13.9 and figure 13.2).

Cumulative landscape and visual LSEs

- 1.40 The alignment of the proposed Scoping Route Corridor and clustering of other energy infrastructure in and around the district of Tendring is particularly sensitive to cumulative landscape and visual LSEs which should be assessed.
- 1.41 Further detailed comments related to landscape and visual can be found in Appendix 1 of this letter.

Local economy and employment

- 1.42 ECC is broadly satisfied with the proposed scope of information LSEs on socio-economic (as described in Chapter 15: Socio-Economic, Recreation and Tourism) but does not agree that LSEs from the operation of the Proposed Development on the local economy and employment should be scoped out of the ES. The Proposed Development would be one of a number of energy NSIPs located in or neighbouring Essex that are required to meet national net zero targets and support economic recovery post-pandemic. Given the national and local skills shortage to deliver these ambitions, the direct and indirect beneficial LSEs from the Proposed Development during construction and operation, alone and cumulatively with other NSIPs are significant and should be scoped into the ES. ECC would welcome the opportunity to work with the Applicant on how to maximise the benefits of the Proposed Development to local economic growth and in levelling up education, skills and employment across Essex, both during construction and operation.

Traffic and Transport

- 1.43 ECC is the local highway authority for any part of the Proposed Development that is within the administrative boundary of Essex.
- 1.44 ECC is broadly satisfied with the proposed scope and methodology for assessing LSEs on traffic and transport (as described in Chapter 16: Traffic and Transport and Appendix B: Initial Outline Code of Construction Practice) and acknowledges the intention of the Applicant to produce a Transport Assessment and Construction Transport Management Plan (CTMP) separate to the ES. Nevertheless, until the Applicant can provide details relating to the final route alignment, location of construction compounds, haul road(s), site access points, phasing, construction methodology and traffic flow data, ECC is limited in its ability to comment further on LSEs to the local highway network for the purposes of the ES.
- 1.45 Further detailed comments related to traffic and transport can be found in Appendix 4 of this letter.

Green infrastructure

- 1.46 ECC is satisfied with the proposed scope and methodology for assessment LSEs from the Proposed Development to green infrastructure in Essex (as described throughout the SR).

Cumulative impacts

- 1.45 ECC is satisfied with the proposed scope for the assessment of LSEs from the Proposed Development (as detailed in Table 17.2: Proposed Scope of ES of Chapter 17: Cumulative Effects) but due to the clustering of committed or reasonably foreseeable NSIPs and strategic development in or neighbouring Essex, would welcome working with the Applicant to establish a reasonable long and short list to ensure a robust and accurate baseline to assess inter-project cumulative LSEs.

Despite continued objection to the Proposed Development, ECC will continue to engage with the Applicant on the preferred route corridor as presented to ensure that LSEs (positive and negative) are fully understood and that the ES includes best practice embedded and secondary mitigations to reduce adverse LSEs, including effective interventions to manage adverse residual LSEs.

Appendices 1 – 4

Appendix 1 – Response from ECC Place Service

Appendix 2 – Response from ECC Minerals and Waste Planning

Appendix 3 – Response from Mid and South Essex Integrated Care Board

Appendix 4 – Response from ECC Highways

