



Suffolk County Council (20050784)

Final Position Statement

North Falls (EN010119)

23 July 2025

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Glossary of Acronyms

<i>CROWA</i>	<i>Countryside & Rights of Way Act 2000</i>
<i>DCO</i>	<i>Development Consent Orders</i>
<i>DVNL</i>	<i>Dedham Vale National Landscape</i>
<i>EIA</i>	<i>Environmental Impact Assessment</i>
<i>EN-1</i>	<i>Overarching National Policy Statement for Energy</i>
<i>ExA</i>	<i>Examining Authority</i>
<i>ExQ</i>	<i>Examining Authority’s Written Questions</i>
<i>ISH</i>	<i>Issue Specific Hearing</i>
<i>LIR</i>	<i>Local Impact Report</i>
<i>OWF</i>	<i>Offshore Wind Farm</i>
<i>SCHAONB</i>	<i>Suffolk & Essex Coast & Heaths Area of Outstanding Natural Beauty</i>
<i>SECHNL</i>	<i>Suffolk & Essex Coast & Heaths National Landscape</i>
<i>SLVIA</i>	<i>Seascape, Landscape and Visual Impact Assessment</i>

“The Council” / “SCC” refers to Suffolk County Council.

Purpose of this Submission

This document has been prepared by Suffolk County Council to provide closing statements of final position including outstanding matters not resolved by end of examination. Examination Library references are used throughout to assist readers.

1 Summary of the Council's Position at Deadline 8

- 1.1 In its representations, SCC sought to resolve outstanding matters. However, there are cases where SCC has been unable to reach agreement with the Applicant. Non-exhaustive summaries of SCC's positions on these issues are set out with references to detailed submissions where relevant.

2 Phasing Restriction

- 2.1 In its Local Impact Report (LIR) [REP1-074], SCC suggested a phasing restriction to prevent the commencement of Work No.1 until notification had been received by the relevant planning authority stating that the project's Grid connection had received development consent. The proposed wording of the requirement can be found in paragraph 7.28 of SCC's LIR [REP1-074] and reads as follows:

"Work No. 1 must not be commenced until notification in writing has been submitted by the undertaker to the relevant planning authority which:

(a) states the date that development consent was granted for the National Grid substation; and

(b) sets out a timetable for the carrying out of all works comprised in Work No. 14, being the works necessary to connect the authorised development to the National Grid substation"

- 2.2 In response to ExQ3 [REP7-096], SCC suggested the addition of the following wording to the requirement, were it considered necessary or appropriate:

"This requirement is discharged [at 23:59] on the day that the notification is submitted to the relevant planning authority"

- 2.3 SCC's position as stated in its LIR [REP1-074] remains unchanged regarding the justification of the requirement based on the need to avoid harm according to the mitigation hierarchy. SCC has subsequently expanded on this point, such as from page 13 of [REP6-092]. SCC states in its LIR that the purpose of the proposed phasing restriction is 'to ensure any negative effects on the setting and visual amenity of the SCHAONB are avoided until they are required to deliver the energy benefits of the proposal'. SCC argues in paragraph 7.30 of its LIR [REP1-074] that the proposed requirement meets the tests required of DCO requirements in terms of being precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects. SCC has provided further clarification on how the phasing restriction meets these tests in [REP4-095] and in response to Q9.1.13 of ExQ2 [REP5-117].
- 2.4 SCC also responded to the Applicant's comments on SCC's answer to Q9.1.13 of ExQ2 in [REP6-092], arguing that a phasing restriction would not be itself a source of delay the delivery of the project, and so is not unreasonable for this reason. SCC noted that the Applicant is willing to make significant financial investments for the project prior to the consent of the EACN. The phasing restriction does not alter the risk of the EACN being

refused consent and so does not alter the level of risk considered tolerable by the Applicant.

- 2.5 In [\[REP4-095\]](#) and [\[REP7-096\]](#), SCC expanded on its reasoning regarding the necessity of the requirement by including reference to the duty found in s.85(A1) of Countryside and Rights of Way Act (CROWA) 2000. SCC's response to Q9.1.5 of ExQ3 [\[REP7-096\]](#) should be considered SCC's final position on this aspect of the phasing restriction.

3 The Duty on relevant authorities to seek to further the purposes of designated landscapes

- 3.1 SCC maintains its position that the application does not meet the requirements of the duty on relevant authorities found in s.85(A1) of Countryside and Rights of Way Act 2000. SCC's position remains unchanged from that expressed in paragraphs 7.31 to 7.38 of its Local Impact Report [\[REP1-074\]](#). SCC's position can be summarised as follows.
- 3.2 The Applicant's assessments have found the project to have adverse effects on several of the SECHNL's special qualities. Whilst these effects have not been assessed as significant, the duty, as written, is not restricted in its application to be engaged only where significant effects have been identified. Projects which cause non-significant adverse effects to the natural beauty of a National Landscape must seek to further the purposes of the designation of that National Landscape.
- 3.3 The natural beauty of the SECHNL would, therefore, be adversely affected by the construction and operation of the proposed development, meaning that the duty is engaged. The duty applies to relevant authorities when performing or exercising a function in relation to, or so as to affect, land within an area of outstanding natural beauty. In virtue of being a statutory undertaker, the Applicant is a relevant authority for the purposes of the duty. The Secretary of State is also a relevant authority and so the application must enable the Secretary of State to discharge the duty.
- 3.4 SCC does not consider that the proposed development seeks to further the purposes of conserving and enhancing the natural beauty of the SECHNL. In short, this is because it is clear from the Applicant's assessments that the natural beauty of the SECHNL will be adversely affected. This amounts to a failure to conserve the SECHNL's natural beauty. No measures which seek to offset or compensate for this failure to conserve the natural beauty of the SECHNL have been proposed. No measures which seek to enhance the natural beauty of the SECHNL have been included in the application. SCC has cited relevant national policy found in EN-1 and the Defra guidance to support its position that it is necessary for the application to include measures which are appropriate, proportionate and sufficient for the duty to be discharged. Therefore, SCC considers that the application does not enable the duty found in s.85(A1) of CROWA 2000 to be discharged. SCC's detailed submissions on the duty are cited below.
- 3.5 SCC has provided further clarification and justification of its position in response to the Examining Authority's written questions (Annex 1 of SCC's response to ExQ1 [\[REP2-](#)

[059](#)], Q14.0.1 of SCC's response to ExQ2 [\[REP5-117\]](#) and Q14 of SCC's response to ExQ3 [\[REP7-096\]](#). SCC made detailed oral submissions during Issue Specific Hearings 1 & 2 and the corresponding written summaries [\[REP4-094\]](#) and [\[REP4-096\]](#) respectively. SCC has also responded to the Applicant's representations where relevant. In particular, SCC responded to the Applicant's position statement on various issues relating to National Landscapes [\[REP6-092\]](#) which sets out further detail justifying SCC's position and why the Applicant's claim that the application complies with the duty should be rejected.

- 3.6 SCC has also provided a copy of SCC's deadline 6 submission from the Five Estuaries OWF examination as Appendix A of [\[REP4-094\]](#). This document details SCC's position regarding interpreting the duty and compliance of the Five Estuaries application in relation to the duty. SCC considers that there is sufficient similarity between the Five Estuaries and North Falls applications in terms of their effects on the SECHNL for SCC's positions to be applicable to the North Falls application. SCC's deadline 6A submission for the Five Estuaries examination has also been submitted into this examination as Appendix B of [\[REP4-094\]](#) which responds to that applicant's position on the duty.
- 3.7 In SCC's response to ExQ3 [\[REP7-096\]](#), SCC criticised the Applicant's without prejudice National Landscape Enhancement proposal [\[REP6-062\]](#) for reasons which include a lack of connection to the impacted special qualities and inadequate fund size. An alternative proposal has been developed by the SECHNL team which links proposed measures to the project's assessed impacts on the special qualities of the SECHNL (as detailed in [\[REP5-038\]](#)) and the SECHNL Partnership's management plan objectives. This proposal has been shared with the Applicant and SCC understands that it has been submitted into the examination for deadline 8.

4 Assessment of adverse effects on the special qualities of the SECHNL

- 4.1 SCC's position stated in paragraphs 7.18 to 7.23 of its LIR has evolved to account for the Applicant's technical note assessing the special qualities of the SECHNL [\[REP5-038\]](#). In response to the initial version of the technical note [\[REP3-048\]](#) submitted at deadline 3 [\[REP4-097\]](#), SCC noted a lack of transparency in the Applicant's reasoning regarding how conclusions of magnitude of impact on several special qualities were considered low despite experiencing a medium scale of change. SCC also disagreed with the exclusion of the special quality 'relative tranquillity' from the technical note. SCC made detailed oral representations on this issue during ISH 2 and the corresponding written summary [\[REP4-096\]](#). A revised technical note was submitted at deadline 5 [\[REP5-038\]](#) which included assessment of 'relative tranquillity'. SCC considers it unlikely that this special quality will not be affected as detailed in its response to ExQ3 [\[REP7-096\]](#).
- 4.2 Whilst SCC appreciates the detail added to this technical note at deadline 5, SCC remains unclear on the reasoning process that has allowed a series of medium scale of change effects on the special qualities to then be said to come to a low magnitude of impact. In particular, the Applicant has not specified how it has combined judgements

about, scale of change, geographical extent, duration and reversibility of impact in order to come to its conclusions for each impacted special quality. In the SLVIA Methodology [APP-170], it is stated that scale of change is often the “dominant factor” in making judgements on magnitude of effect. It is not clear to SCC that this has been carried forward into this technical note and the Applicant has not specified why this is the case.

- 4.3 SCC disagrees with the Applicant’s view that it is appropriate to reduce the materiality of impacts on special qualities of the SECHNL (particularly those arising in the coastal parts of the SECHNL with views out to the proposed development) by reference to the fact that they are only a part of the overall National Landscape. SCC considers that the materiality of an adverse impact on a special quality stands in its own terms, because each special quality is an intrinsic part of the National Landscape. SCC does not consider it appropriate to say that the effects on special qualities are diminished because the special qualities are only affected in certain areas.

5 Dedham Vale National Landscape

- 5.1 In paragraphs 7.24 to 7.27 of its LIR [REP1-074], SCC expressed concern about the robustness of the Applicant’s assessment of the Dedham Vale National Landscape in relation to the Applicant’s onshore substation. SCC also noted the lack of assessment of the cumulative effects in relation to other projects; most notably, the proposed pylons as part of Norwich to Tilbury.
- 5.2 At deadline 4, the Applicant produced wirelines to display the effects of the project in combination with the pylons of Norwich to Tilbury [REP4-030]. SCC responded to this document in its response to deadline 4 submissions [REP5-116], welcoming the additional wirelines but reiterating the point that there remain unassessed zones of theoretical visibility which undermines the robustness of the cumulative effects assessment of the DVNL.
- 5.3 Paragraph 7.26 details SCC’s concerns surrounding the unassessed zones of theoretical visibility with the DVNL as indicated by figure 30.2.8 [APP-088]. SCC considers it necessary to fully assess the impacts of the proposed development on the DVNL to ascertain whether the proposed development affects the DVNL in the context of the s.85(A1) CROWA 2000 duty. SCC reiterated this point during ISH 1 and SCC’s corresponding written summary [REP4-094] and in its comments on deadline 4 submissions [REP5-116], where SCC also suggested the inclusion of an additional viewpoint along the Essex Way south-west of viewpoint 8 to ensure that the impacts on the DVNL are fully assessed. In response to deadline 5 submissions [REP6-092], SCC clarified that it does not equate visibility with adverse effects. SCC recognises that it is the extent and nature of visual impacts which can lead to conclusions on adverse effects, and this is a matter for professional judgement and assessment. SCC understands that the duty would be engaged were the visual effects of the proposed development found to have a detrimental effect on the special qualities or natural beauty indicators of the DVNL. SCC’s concern is that the information thus far provided

by the Applicant provides an insufficient assessment of the visual impacts of the substation proposal on the DVNL.

6 Request to be a Named Consultee for Requirement 18

- 6.1 SCC has requested to be made a named consultee to the discharging authority for Requirement 18 (Skills and Employment Plan), as outlined in paragraphs 9.34 – 9.39 of SCC’s LIR [[REP1-074](#)] and paragraphs 25 - 29 of SCC’s response to action points arising from ISH1 and ISH2 [[REP4-095](#)].
- 6.2 SCC recognises that the focus of activities in the Outline Skills and Employment Plan (OSEP) is in Essex. However, as stated in section 1.3 of [[APP-253](#)] the Applicant states that the OSEP includes commitments relevant to Suffolk. The Applicant has further stated in Table 2.2 of [[REP7-057](#)] that the Skills and Employment Plan will include a Suffolk-specific section.
- 6.3 As such, to ensure that the commitments relevant to Suffolk are properly considered, it is considered vital for SCC to ensure that it is satisfied with the details of the Skills and Employment Plan prior to determination by the discharging authority. The only appropriate avenue to resolve this matter would therefore be to include Suffolk County Council (or any successor organisation) as a named consultee to Requirement 18.
- 6.4 Given SCC’s responsibility as the Regional Skills Coordinator for Suffolk, including SCC as a named consultee will provide benefit to the Skills and Employment Plan. Due to the volume of co-located infrastructure in Suffolk, particularly on the coast, SCC can provide value to the Skills and Employment Plan by encouraging and promoting synergies between the counterpart plans on other infrastructure projects.
- 6.5 Without SCC being a named consultee in the requirement, there is risk of an uncoordinated approach which leads to duplicate and discordant measures being undertaken by the Applicant in relation to activities of other major infrastructure projects in Suffolk. This outcome would jeopardise the purposes and intended outcomes of the Outline Skills and Employment Plan.
- 6.6 The Council considers that this matter can be resolved by adding “after consultation with Suffolk County Council” to the end of paragraph (1) of Requirement 18.