

Mr Robert Powell
Project Manager
NWCC
National Grid

6th January 2017

BY EMAIL – HARD COPY TO FOLLOW

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Dear Mr Powell

Friends of the Lake District Response to National Grid's North West Coast Connections (NWCC) Preliminary Environmental Impact Report.

1. Friends of the Lake District (FLD) welcomes National Grid's proposals to underground the section of the 400kV line in the west of the Lake District National Park (LDNP) and the avoidance of south of the Lake District via a tunnel under Morecambe Bay. These proposals are in line with the National Park's statutory purposes to conserve and enhance the natural beauty, wildlife and cultural heritage as laid out in the Environment Act 1995. It also in line with National Grid's position as a Statutory Undertaker listed in S62 of the Act to have due regard to the purposes of the Lake District National Park.
2. We also welcome the proposal to remove the 132kV line within the boundary of the Lake District National Park. The removal of this detractor is a worthwhile enhancement of the landscape of the National Park (although a 132kV line has less impact than a 400kV line).
3. Both these measures are what was envisaged by the Visual Impact Provision (VIP) project. However what National Grid currently proposes in the setting of the LDNP is not consistent with the VIP project.

Introduction

4. FLD is seriously concerned about both the substance and methodology of much of the Preliminary Environmental Information Report (PEIR). The document misinterprets both

legislation and policy on the setting and significance of landscape and visual impacts. There are five fundamental problems with the PEIR.

First problem: Setting

5. A crucial inadequacy of the PEIR is the failure of National Grid to define the extent of the setting of the Lake District National Park in relation to the NWCC development. Understanding the extent of the setting is crucial for the development of the right design and mitigation plans.
6. National Grid has failed to assess the significance of landscape and visual impacts correctly because of a misinterpretation of the value of the National Park's setting. National Grid's approach is both surprising and inconsistent with what is generally accepted, only considering visual impact from receptors in the LDNP. This is especially disappointing as the pylons would be very close to (sometimes only 6m from) the boundary of the National Park.
7. It is imperative that National Grid takes note of consultees comments about the role of the setting as part of the landscape of the Lake District National Park.

Second problem: Restriction of mitigation to "Particularly Significant" effects

8. The PEIR adopts the novel¹ approach of excluding some landscape and visual impacts which are assessed to be significant. Instead it has restricted consideration of mitigation to those effects which fall within a newly defined category of "particularly significant" (including those which are assessed as major/moderate adverse).
9. Thus the level at which mitigation is considered has been set at a higher threshold for the NWCC project than is usual for Nationally Significant Infrastructure Projects (NSIP), even other National Grid projects such as grid infrastructure at Menai and Hinkley.

Third problem: Combination of the above

10. The effect of these two misinterpretations whether individually or in combination undermines the whole exercise.

Fourth problem: Knock-on effects of harm to Cumbria's environment

11. It should be noted that the harm to the environment of Cumbria would not only be unacceptable in itself, but would have damaging consequences for the economy of the Lake District and also for other economically depressed areas of Cumbria

¹ National Grid's general approach to defining significance is inconsistent with the EIA Directive and the transposed Environmental Impact (Infrastructure) Regulations (2009).

12. Therefore further work is necessary properly to identify and then reduce the significant landscape and visual impacts between Silecroft and Drigg, along the Whicham Valley and around the Duddon Estuary. Proposals for different technologies and routes need to be brought forward to remove the need for 47m tall pylons² and overhead lines which are prominent within the setting of the LDNP. The likely harm of National Grid's preferred route is not justified in FLD's view.

Alternative routes and technologies

13. Different alternatives both in the form of technology and routes are needed and are in fact available. The PEIR mentions three alternatives which would avoid the Whicham Valley and the head of the Duddon Estuary. These are:

- a. A tunnel under the Duddon
- b. Offshore HVAC cables from Kirksanton to Rossall
- c. HVDC cables from Moorside to the Fylde.

14. National Grid has dismissed these alternatives on cost grounds in the case of a and b, and on technology grounds in the case of c.

15. FLD is not persuaded by National Grid's cost analysis, and our concerns are reinforced by a current Ofgem consultation "*North West Coast Connections – Consultation on the project's Initial Needs Case and suitability for tendering*"³ Ofgem states on page 5;

- a. *"Overall, we consider that a sensible and logical process has been followed to narrow down NGET's [National Grid Electricity Transmission Plc] proposed design. **However, we consider that the decision between NGET's favoured use of a tunnel under Morecambe Bay and an alternative approach of using subsea cables around the bay is relatively finely balanced. We have concerns that significant changes in the cost of the tunnel, or additional work identified through the planning process could indicate in the future that the subsea cable option could be better value for consumers**" [our emphasis]*

² We now understand that pylons may be up to 61.50m tall

³ <https://www.ofgem.gov.uk/publications-and-updates/north-west-coast-connections-consultation-project-s-initial-needs-case-and-suitability-tendering>

- b. *“For this reason, if costs of the preferred option escalate significantly due to factors that NGET should have reasonably foreseen at this stage, we reserve the right as part of our Final Needs Case assessment to revisit the justification for its selected option. As part of our Project Assessment we may then disallow any inefficient costs that could have been avoided through selection of an alternative option.”*

The setting of the Lake District National Park

16. FLD considers unacceptable the effect of the overhead lines which are proposed within the setting of the Lake District, including views into and out of the National Park in the following sections:
 - a. The northern end of the National Park between Seascale and Drigg (Section D1) where views into Wasdale and the High fells will be affected as well as views out of the LDNP.
 - b. The Whicham Valley (Section E1) where views into and out of the National Park will be affected along with the landscape character of the Whicham Valley.
 - c. The Duddon Estuary (Section E2) where views into and out of the high fells of the Lake District National Park will be affected, receptors using access points and Public Rights of Way (PROW) will be impacted by sequential cumulative views of 400kV pylons and the landscape of the Duddon Mosses and the Foxfield Ridge will be directly affected.
17. As FLD has previously made clear, the setting of the National Park is an integral part of the Park’s acknowledged importance. Policy guidance is clear that major development within the setting of a National Park can have damaging effects on people’s enjoyment and appreciation of the special qualities of the designated landscape. Failing to recognise the setting properly is to deny its importance in policy and is inconsistent with National Grid’s Duty under Section 62 of the Environment Act 1995.
18. Government policies specific to development in the setting of a protected landscape can be found in the following policy documents:

- a. National Policy Statement EN-1⁴ paragraphs 5.9.1, 5.9.12;
- b. National Planning Policy Framework⁵ paragraphs 115, 116;
- c. Planning Practice Guidance⁶ Paragraph: 003 Reference ID: 8-003-20140306,

Fundamental defects in the assessment of impacts on landscapes and visual receptors in the setting

19. We consider the assessment of impacts on receptors experiencing the National Park from within its setting to be seriously flawed. The following statement in the NWCC PEIR, Vol 2.8 Chapter 8 page 513, demonstrates a failure by National Grid to recognise that people's understanding and enjoyment of the National Park includes their appreciation of its special qualities when viewing the Lake District from within the setting;

- a. *"This section provides a description of the landscape receptors that are consistent with the purposes of designation of the LDNP. Receptors outside the LDNP are not considered by the appraisal, as effects upon these receptors would not affect the natural beauty, wildlife and cultural heritage of these areas or affect the understanding and enjoyment of the special qualities of those areas by the public".*

20. National Grid's methodological approach to the setting of the National Park set out in Vol 2.8.8 has led to the PEIR systematically failing to consider the value of landscapes and receptors which lie in the setting of the Lake District. This means that the evaluations of significance of impact of NWCC on landscape, visual receptors and the special qualities of the LDNP are lower than they would have been if the impact of development been evaluated as nationally important because they are part of the setting of the LDNP.

21. It is worth noting that some of the landscapes of the Lake District National Park can only be appreciated from outside the National Park looking in. For example many of the best views of the High Fells can really only be fully appreciated when one is standing outside of the Lake District looking in. Looking up the Duddon Estuary towards the Scafell Massif from Kirkby-in-Furness or the on the newly designated National Trail, the England Coast Path.

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf

⁵ <https://www.gov.uk/guidance/national-planning-policy-framework/11-conserving-and-enhancing-the-natural-environment>

⁶ <https://www.gov.uk/guidance/natural-environment>

22. The intertwined nature of the PROWs and the boundary of the Lake District in the Duddon and Whicham area means that the vast majority of people using them don't know whether they are inside or outside of the Lake District in this area. People take in the beauty of the landscape as a whole whether they are on one side or the other of the boundary.
23. National Grid seeks to make a false dichotomy between views into the National Park from outside and views of the same area from within the National Park. However it is simply not the case that a protected landscape can only be enjoyed from the inside but not the outside. People's appreciation of the landscape as they move through it is a continuum of involvement rather than an on-off experience triggered by a designation boundary.
24. In our view the defective methodology invalidates the evaluations of significance of impact that National Grid has made in the PEIR. The assessments need to be corrected; impacts of NWCC on the landscapes outside of the National Park which are part of the setting must be re-evaluated.

National Grid's approach to setting in other developments

25. National Grid's approach appears to be based on a misreading of a single paragraph in policy EN1 the *Overarching National Policy Statement for Energy*, 2011. In paragraph 5.9.12. National Grid notes that this paragraph states
 - a. *"The duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts **within** them."* [our emphasis].
26. However, the text continues: *"The aim should be to **avoid compromising the purposes of designation**"* National Grid has used one word here, "**within**", to ignore many years of accepted usage of "setting" in both planning policy and development. It has been accepted as meaning views both **into** and **out of** protected landscapes.
27. This approach is not only inconsistent with the generally accepted interpretation and use of national park setting within planning policy and development. It is also inconsistent with Section 5 of the National Parks and Access to the Countryside Act 1949 as amended by Section 61 of the Environment Act 1995 which states:
 - a. (1)The provisions of this Part of this Act shall have effect for the purpose—

- b. (a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified in the next following subsection; and
- c. (b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.”

28. It is noteworthy that elsewhere National Grid themselves have used setting to mean impacts on receptors both inside and out of protected landscapes in their assessments of major electricity infrastructure projects. For example in the Hinkley Point C Connection NSIP submission (2015) on page 175 of the Landscape Environmental Statement ⁷ National Grid states:

- a. 6.5.175 *This landscape assessment and the visual assessment provided at Volume 5.7.1, acknowledges that the countryside or the setting, which surrounds the designated landscape of the Mendip Hills AONB is important to supporting the quality and character of the protected landscape itself. The setting of the Mendip Hills AONB comprises the landscape from which the AONB can be seen and the landscape which can be seen from the AONB.* [our emphasis]

29. The North Wales Connection Project Glaslyn Estuary Network Reinforcement Initial Route Selection⁸, proposal is to upgrade the 400kV grid in North Wales. Here National Grid gives great weight to views up the Afon Glaslyn **towards** Snowdonia National Park as a factor in their decision to take cables under the estuary.

- a. 3.2 *“As such, any new overhead line across the Estuary would entail the construction of around 15 additional pylons. **Given the constrained nature of the Estuary, and in particular the proximity of Snowdonia National Park and the iconic views to the Park from the Estuary**, the pattern of the existing settlements of Porthmadog and Tremadog and the number of visitors using the area, **any overhead line is likely to give rise to significant adverse landscape and visual effects.***
- b. 3.3 *The results of early consultation feedback has also highlighted these sensitive receptors that could be affected by all or much of any overhead transmission route crossing the Estuary. **On this basis, National Grid believes that the higher cost and other impacts arising from the installation of 2 cable circuits under the Estuary are***

⁷ Document 5.6.1 Environmental Statement Landscape National Grid's Hinkley Point C Connection Project Regulation 5(2)(a) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

⁸ <http://www.cysylltiadgogleddcymru.com/assets/downloads/glaslynEstuaryRouteCorridorReport.pdf>

likely to be justified by avoiding the higher landscape and visual impacts associated with an overhead line. This accords with a previous decision made by the Secretary of State in 1964, which determined that the proposed transmission line between Wern and Y Garth should be underground. The grounds for this decision remain valid today.

30. This is particularly telling as the Afon Glaslyn Estuary has many similarities with the Duddon Estuary. Both estuaries flow out of mountainous terrain, have steep sides and then widen out towards the coast, and the views up both of them are to the highest mountains in the respective countries, Snowdon in Snowdonia and the Scafell Massif in the Lake District.
31. In the current NSIP consultation⁹ on a 400kV line crossing the Menai Strait in Wales page 15 at 4.2.6 states:
32. *'From the southern side of the Menai, close to the Menai Strait, **there are long distance views towards the AONB. This area on the mainland falls within the proposed JLDP Menai [Special Landscape Area].***
33. In this instance views **into** the Anglesey AONB **were judged to be significant** by the options appraisal process. At no point in this document have we been able to find reference to the phrase 'within the designation' which is so frequently used in the NWCC PEIR to discount views from the setting into the Lake District.
34. National Grid's approach is inconsistent with the statutory scheme of Section 5 and Section 11A(2) of the National Parks and Access to the Countryside Act 1949 as amended by Sections 61 and 62 of the Environment Act 1995.
35. In the PEIR National Grid treats this project affecting the setting of the Lake District National Park differently to other Nationally Significant Infrastructure Projects affecting the settings of other protected landscaped subject to the same statutory and policy context. There is an inconsistency between Grid's respectful treatment of the three other protected landscapes and the importance of their settings and the way that Grid has set out to underplay the value of the setting of the Lake District National Park. This must be addressed before the submission of the Development Consent Order (DCO) to the Planning Inspectorate (PINS).

⁹http://nationalgrid.opendebate.co.uk/files/nationalgrid/nationalgrid/North_Wales/2.3_Menai_Strait_Crossing_Report.pdf

Cumbria High Fells National Character Area

36. National Character Areas as defined by Natural England are areas that share similar landscape characteristics, and which follow natural lines in the landscape rather than administrative boundaries, making them a good decision-making framework for the natural environment.

37. There is no acknowledgement in the PEIR that the Cumbria High Fells National Character Area (NCA) includes the Whicham Valley and Lowscapes Bank to the south east. The Cumbrian High Fells NCA has a very high landscape value including such iconic areas as the Scafell Massif, Borrowdale and the Coniston Fells. The Whicham Valley and Lowscapes Bank are included in this NCA despite being outside of the National Park, calling for similar care as the iconic mountains of the Lake District. We consider that the following Statements of Environmental Opportunity are relevant to the NWCC project and its impact on the NCA.

a. SEO1: Manage and enhance the expansive areas of fell and fell edge, for their world renowned sense of place, the internationally important habitats and species they support, their historical and cultural heritage, and to protect soils, carbon stores and water resources.

b. SEO5: Improve opportunities for enjoyment and understanding of the landscape and promote local involvement in the planning and management of the Cumbria High Fells.

38. On page 42 of the NCA document it states that

c. "90 per cent of the area "undisturbed" in 2007, particularly in the western fells."

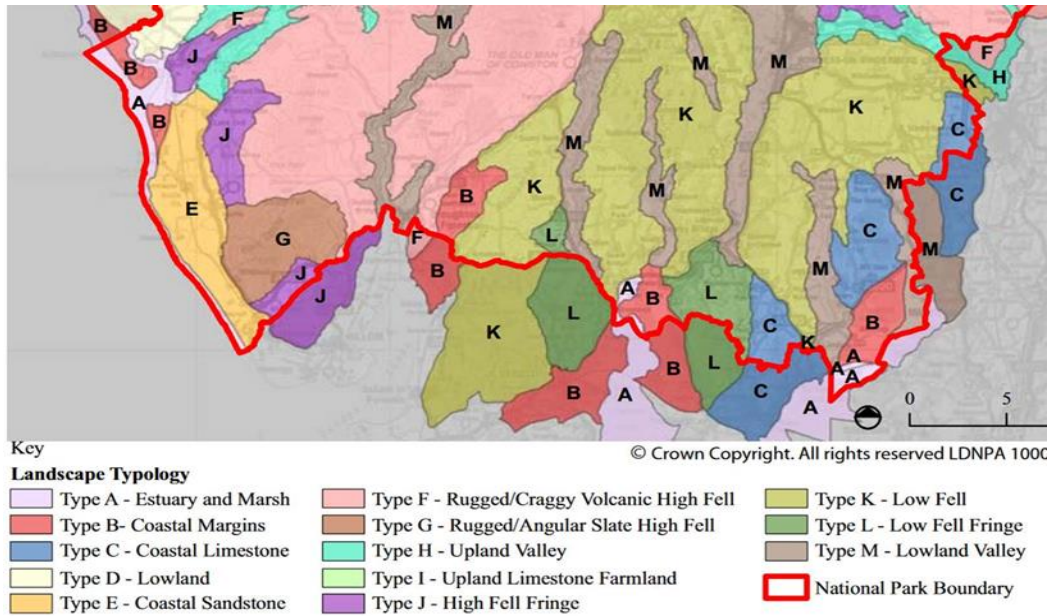
39. And on page 43 one of the Landscape Opportunities for this NCA is

d. "Protect and conserve the mountain scenery, views inwards and outwards."

40. **The inclusion of areas outside of the National Park in the Cumbria High Fells reflects the fact that they are part of the setting of the Lake District. National Grid has not acknowledged this in the PEIR.**

Lake District Landscape Character Types cross boundary continuity

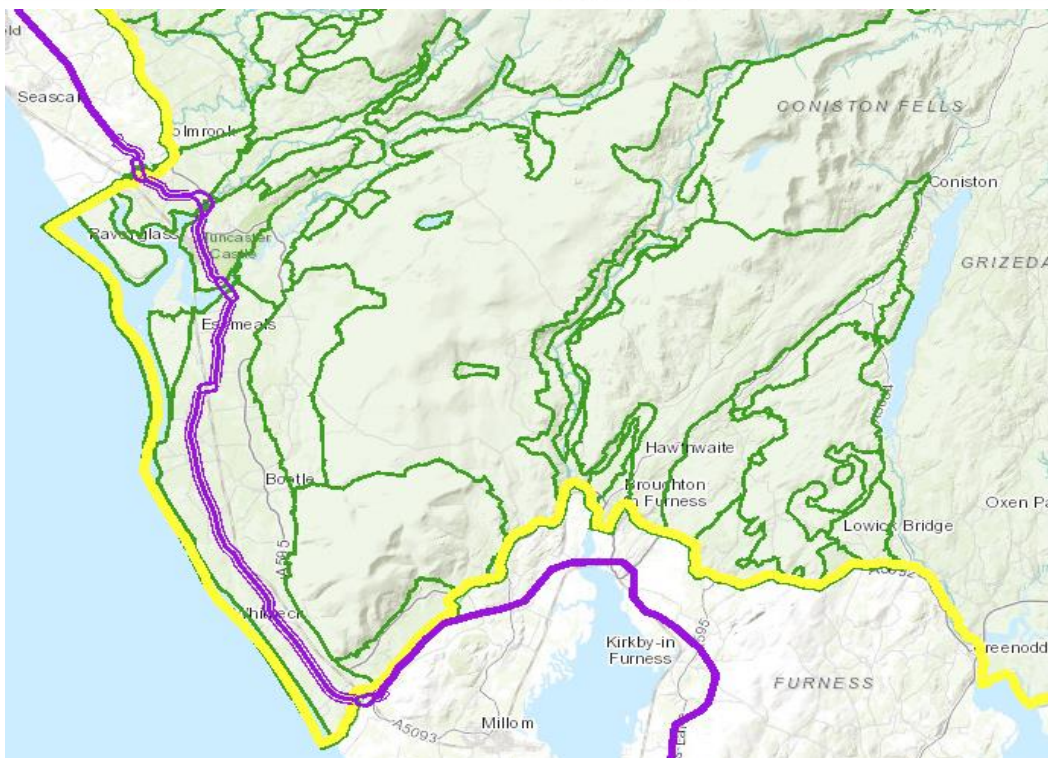
41. There are a number of places where Lake District National Park Landscape Character Types (LCT) cross the boundary of the National Park e.g. Type B, Type F and Type J. As shown on the maps below, these boundary-crossing LCTs have been systematically cropped at the boundary



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 CHRIS BLANDFORD ASSOCIATES
 www.cba.co.uk
 May 2008

LAKE DISTRICT NATIONAL PARK
 LANDSCAPE CHARACTER ASSESSMENT
 & GUIDELINES

Figure 3.3
 The Lake District Lands...



The LDNPA LCT mapping (top) and National Grid's cropping of the LCTs at the National Park boundary

on all the maps in National Grid's consultation which show LCTs. No explanation has been given for this omission of information. By National Grid.

42. In the text of the PEIR there is no mention that some of the LDNPA LCT's cross the National Park boundary. The PEIR uses alone and without explanation the Cumbria County Council LCT descriptions. This is despite the fact that these areas lie within a Lake District Landscape Character Type and have the same characteristics as the landscape within the National Park. Landscape character does not stop at man-made boundaries.
43. The PEIR fails to recognise and describe the continuity and flow of landscape types, sub types and topography across the National Park boundary. This means that their relationship and appreciation as part of the setting of the Park is not accounted for in the PEIR. By not identifying and valuing these landscapes as making up part of the setting of the Lake District the PEIR fails to properly assess the significance of the landscape and visual impacts arising from the proposal. This leads to a flawed assessment of the impacts on receptors both within the LDNP and its setting.
44. There is simply no acknowledgement by National Grid that both the LDNPA and the Cumbria County Council Landscape Character Assessments recognise that landscape character is shared across the boundary of the National Park. The 2011 revision of the Cumbria County Council Landscape Character Guidance and Toolkit made boundary changes to better align its Landscape Character Types with the Lake District National Park Landscape Character Assessment (Section 1.9 page 2)¹⁰.

Setting - conclusions

45. National Grid has made a number of fundamental errors in approach which undermines its conclusions. We reluctantly conclude that its departure from generally accepted practice and its own previous approach is motivated by an attempt to justify inadequate mitigation.

Misinterpretation of the EIA Regulations in the PEIR

46. Friends of the Lake District considers that the EIA Directive and Regulations need to be respected and that National Grid has not done so in the methodology for the evaluation of landscape and visual impact in the PEIR. The Environmental Impact (Infrastructure) Regulations (2009) states that "significant" is the level at which mitigation needs to be considered for impacts of an infrastructure project.

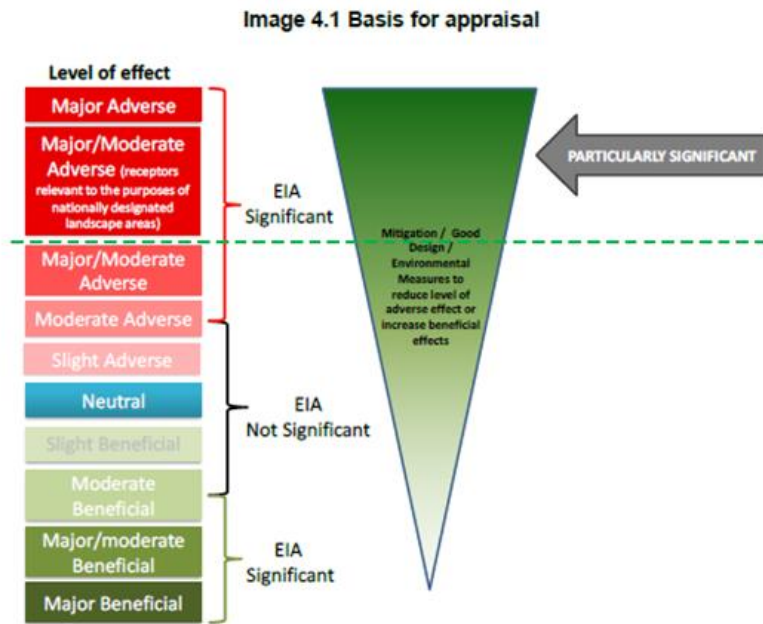
¹⁰ <http://www.cumbria.gov.uk/eLibrary/Content/Internet/538/755/2789/406869467.pdf>

47. Page 27 of the EIA (Infrastructure) Regulations states:¹¹

- a. *Information for inclusion in environmental statements*
- b. *PART 1*
- c. *18. An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.*
- d. *19. A description of the aspects of the environment **likely to be significantly affected by the development**, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, **landscape** and the interrelationship between the above factors.*
- e. *20. A description of the **likely significant effects of the development on the environment**, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects of the development, resulting from:*
 1. *the existence of the development;*
 2. *the use of natural resources;*
 3. *the emission of pollutants, the creation of nuisances and the elimination of waste, and the description by the applicant of the forecasting methods used to assess the effects on the environment.*
- f. *21. A description of the measures envisaged to prevent, reduce and where possible offset any **significant adverse effects on the environment**. [our emphasis]*

¹¹ https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2009/08/uksi_20092263_en.pdf

48. National Grid has introduced the novel category of "particularly significant" as the threshold at which mitigation for harm to landscape and visual receptors is required. What constitutes "particularly significant" is not defined in the text of EN-5. Nor is it defined in National Grid's consultation document other than Image 4.1 in Vol 2.8 Chapter 8 where it is presented as a *fait accompli* with a statement saying that Major/Moderate adverse is considered to only apply to "receptors relevant to the purposes of nationally designated landscapes". In addition, EN-5 only uses the term "particularly significant" in relation to visual impact, not landscape impact, so National Grid has extrapolated this concept further than even EN-5 takes it.



49. There is no rationale in the consultation document behind the use of the "particularly significant" threshold. If National Grid's interpretation of EN-5's use of "particularly significant" was valid, it would give electricity infrastructure a higher threshold up to which landscape and visual receptor impact is allowed compared to all other infrastructure development. This is inconsistent with the EIA (Infrastructure) Regulations (2009). This also means that all the assessments that National Grid has carried out where mitigation is only identified for "particularly significant" impact are invalid and will need to be revisited.

Departure from Scoping Submission

50. National Grid's "particularly significant" threshold was not part of the information provided in the Scoping Opinion request that Grid sought from PINS last year (see Vol 2.8 Chapter 8 4.2.12). Therefore this approach has not been examined, still less endorsed by PINS as a valid method to use to undertake assessments of landscape and visual impact.

51. If the way that this threshold has been interpreted was used for assessment of all National Grid's infrastructure projects, National Grid would be unlikely to mitigate for any development impact outside of protected landscapes as no other landscape impact would ever be considered "particularly significant". This is obviously not the case, and it appears that National Grid is using the "particularly significant" threshold in the NWCC methodology as a way to evade undertaking mitigation for landscape damage in the setting of the Lake District National Park.

Cumulative impact of NWCC

52. NWCC is a major linear development which will cause adverse cumulative and sequential impacts on receptors viewing the infrastructure repeatedly as they travel through the landscape whether walking, cycling or horseriding, or by other means. FLD does not consider that the National Grid adequately addresses this cumulative sequential impact on receptors in the National Park and its setting in the PEIR.

Opportunity corridor of the existing 132kV line

53. FLD considers that National Grid is making a false assumption by using the existence of the 132kV route as an "opportunity corridor" to justify the 400kV line. The existing 132kV pylons are a historic detractor in the landscape of the Lake District and its setting. They should not be used as a reason to rationalize erection of new 400kV pylons nearly twice the height and more than 7 times the volume of the 132kV pylons.
54. The 132kV line has been in place for more than 60 years. The powerline was consented in a time when National Parks were only just coming into existence and the idea of statutory landscape protection was in its infancy. It is the mistakes of the past like the installation of this 132kV line that the Visual Impact Provision (VIP) project was set up to correct. The VIP project is providing £500m to remove transmission infrastructure from national parks and AONBs. There can be no justification for erection of even larger pylons which would have a substantially greater impact in an area where they already damage and degrade the landscape.

Special Qualities of the Lake District National Park

55. Friends of the Lake District is concerned that the PEIR fails even to consider all of the relevant special qualities of the National Park (as identified in the Lake District National Park Management Plan) within the landscape and visual impact assessment for both the National Park and its setting. This has resulted in the impacts of the proposal on the special qualities of

the Park and its setting being understated. National Grid has not even considered assessing against the following nine Special Qualities as defined by the National Park Authority.

- a. A world class cultural landscape;
- b. The High Fells;
- c. Complex geology and geomorphology;
- d. Rich archaeology and historic landscape;
- e. Wealth of habitat and Wildlife;
- f. Mosaic of lakes, tarns, rivers and coast;
- g. A long tradition of tourism and outdoor activities;
- h. Opportunities for quiet enjoyment; and
- i. Source of Artistic Inspiration.
- j. (We make no comment and leave concerns about other Special Qualities such as unique farming heritage to others)

Disturbing choice of viewpoints used in the PEIR

56. The selection of viewpoints in the PEIR is disturbing. The number is inadequate for the size of the project and the landscape and visual sensitivity. In those that have been provided, the photograph at the view point chosen has often been taken in places where vegetation obscures the view, and where further up the road or PROW there would have been a more open view. No wireframes have been provided in the PEIR despite this being common practice. We also do not consider that the selected points give a fair representation of what the pylons would look like.
57. There are no viewpoints looking up the Whicham Valley from within the Lake District to help understanding of how the pylons running along Lowscapes Bank would look and no montages of views from places such as Broughton Cross or Wrecks End on the A595, two places where the impact of the new 400kV route would be at its highest.

World Heritage Site issues

58. The Lake District is a candidate World Heritage Site (cWHS) and National Grid must take this special status into account. The UNESCO World Heritage Operational Guidelines¹² seek protection for the “immediate setting” of each WHS so the proposals for pylons in the Duddon Estuary and Whicham Valley may threaten the Lake District’s candidacy with UNESCO.

¹² <http://whc.unesco.org/en/guidelines/>

59. Paragraph 132 of the National Planning Policy Framework¹³ also makes it very clear that the significance of a World Heritage asset derives not only from its physical presence, but also from its setting so National Grid should have taken this into account in its decision-making on the project.
60. Paragraphs 5.8.8, 5.8.9, 5.8.11, 5.8.13, 5.8.14, 5.8.18 of National Policy Statement EN1 describe how the setting of World Heritage sites should be dealt with.
61. Further information about the importance of the setting of a World Heritage Site with regard to development can be found in the Planning Practice Guidance paragraphs: Paragraph 009 Reference ID: 18a-009-20140306, Paragraph: 013 Reference ID: 18a-013-20140306, Paragraph: 017 Reference ID: 18a-017-20140306, Paragraph: 019 Reference ID: 18a-019-20140306, Paragraph: 026 Reference ID: 18a-026-20140306, Paragraph: 031 Reference ID: 18a-031-20140306, Paragraph: 032 Reference ID: 2a-032-20140306, Paragraph: 033 Reference ID: 2a-033-20140306, Paragraph: 035 Reference ID: 18a-035-20140306, Paragraph: 036 Reference ID: 18a-036-20140306
62. The relevant section of the Technical Appendices (Volume 2.7, Appendix 6A) makes no mention of any special consideration that National Grid has given to the setting to take account of the candidate WHS status
63. National Grid has addressed impacts on only one of the Outstanding Universal Values of the candidate World Heritage Site (A landscape of exceptional beauty, shaped by persistent and distinctive agro-pastoral traditions which give it special character) and has not mentioned two other OUVs that need consideration 'A landscape which has inspired artistic and literary movements and generated ideas about landscapes that have had global influence and left their physical mark' and 'A landscape which has been the catalyst for key developments in the national and international protection of landscapes'.
64. National Grid has not used the ICOMOS guidance¹⁴ from UNESCO to assess the impact of the NWCC infrastructure on the candidate World Heritage Site.
65. This lack of WHS impact assessment is of particular concern within the setting of the cWHS where the likelihood of impact is far greater than within the site where undergrounding is proposed because there is no mitigation proposed within the setting.

¹³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

¹⁴ https://www.icomos.org/world_heritage/HIA_20110201.pdf

66. A Heritage Impact Assessment should be prepared as soon as possible and should be presented as one document rather than split between Heritage, Landscape and Visual Impact chapters in the ES.
67. We are surprised at Grid's assertion that NWCC would have a "slight beneficial significance" for the OUV of the cWHS. We do not agree.

Ecology

Habitats Regulations Assessment issues

68. National Grid has failed to adequately progress the Habitat Regulations Assessment (HRA) of the Likely Significant Effects of the proposed route corridor on internationally protected wildlife sites. National Grid must undertake the HRA to comply with legislation, and experience indicates that gathering and assessment of ecological information this process often takes 12 months or more due to seasonality of survey work and need for consultation with statutory bodies and stakeholders. This means that the lack of progress is a major concern if the Environmental Statement is to be submitted within National Grid's timeline of DCO submission in the first half of 2017.
69. The options appraisal does not recognise that potential damage to Natura 2000 sites can only be justified where not only is the IROPI (Imperative Reasons of Overriding Public Interest) test met, but also there are no alternatives. In the document "*Habitats Directive: guidance on the application of article 6(4) Alternative solutions, imperative reasons of overriding public interest (IROPI) and compensatory measures*"¹⁵ it states:
- a. 1. *The purpose of the Habitats Directive is to enhance Europe's biodiversity by protecting its most important habitats and species. This is achieved, in part, through the designation of protected sites. The directive requires competent authorities (those with decision making powers) to assess the impact of plans or projects that may have a significant effect on these "European sites", either alone or in combination with other plans or projects. **Competent authorities cannot consent to plans or projects they determine may have an "adverse effect on the integrity of a European site" following such an assessment.***

¹⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/82647/habitats-directive-iropi-draft-guidance-20120807.pdf

b. *However the directive provides a derogation under article 6(4) which allows such plans or projects to be approved provided three tests are met:*

1. There are no feasible alternative solutions to the plan or project which are less damaging.

2. There are "imperative reasons of overriding public interest" (IROPI) for the plan or project to proceed.

3. Compensatory measures are secured to ensure that the overall coherence of the network of European sites is maintained.

70. As there ARE technically feasible alternatives to taking the proposed 400kV line through the Duddon Mosses (e.g. Duddon Tunnel , offshore HVAC line, offshore HVDC cable) the project does not meet the first of the three tests.

Assessment of ecological impacts

71. The assessments of the impacts on ecology of the project are in general incomplete. To draw conclusions on the basis of incomplete data for protected species and habitats as has been done in the PEIR is at best careless and at worst irresponsible and misleading. For example,

- The population and extent of red squirrels has been under-represented,
- Not enough data has been gathered to enable the conclusions which have been drawn about protected species such as bats, great crested newts and natterjack toads
- The assessment of the cumulative impact of the whole development on biodiversity has not been assessed, despite this being an essential requirement of the EIA process

72. Again, timing is a major issue as surveys for protected species and habitats can only be carried out at particular times of year and need to be completed before submission of the DCO

73. We are very concerned that the proposed route corridor does not avoid key areas of ecological interest, has inadequate construction methodology and lacks comprehensive proposals for compensation for biodiversity loss and habitat disturbance.

74. In particular we are concerned that the chosen route will cause the loss of many hectares of ancient woodland and species rich grassland. These areas could have been avoided by ensuring that the route chosen avoided NERC Act (2006) S41 Priority Habitats – these habitats are mapped and therefore easily identified. Despite this, National Grid has shown disregard for these habitats. There should be no loss of ancient semi-natural woodland or semi-natural grassland habitats, these should have been avoided when the route was planned.
75. If species-rich habitat is to be lost, it is essential that adequate compensation is put in place along with funding for management of the habitat into the future. The 1:1 replacement on offer is inadequate, a much higher ratio is necessary. For example the compensatory habitat proposed for losses on HS2 is at a rate of 30:1
76. The proposals that National Grid has put forward in the PEIR are inadequate and do not comply with legislation, policy and accepted good practice for habitat compensation. Planning policy EN1 for national infrastructure in paragraph 5.3.7 states that significant harm to biodiversity should be avoided and if it cannot be avoided then appropriate conservation measures should be sought. Paragraph 109 of the NPPF states
- a. The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*
77. The current proposals do not deliver this. Therefore National Grid's treatment of species and habitats along the preferred route corridor is both inadequate and contrary to policy. This approach to mitigation and compensation must be improved before the submission of the DCO to PINS.

Alternative Options: Duddon Tunnel, Kirksanton to Fylde HVAC subsea cable and HVDC offshore route

78. In Volume 2.8 Options Appraisal of Alternative Technology Chapters 5 and 9, National Grid puts forward two alternative options, a tunnel under the Duddon Estuary from Millom to Askam in Furness and an offshore HVAC cable from Kirksanton to Rossall. Both of these options would avoid landscape and visual impact on the setting of the Lake District and risk ecological damage to the Duddon Mosses SAC and other wildlife sites in the Duddon and Whicham Valleys.

79. The HVAC cable route also avoids erection of new overhead line along the Furness peninsula and disruption to the communities of Dalton, Barrow and Roosecote from construction traffic whilst the Morecambe Bay tunnel is being built.
80. National Grid state that this HVAC route would need 270 crossings between Kirksanton and Rossall which is one of the factors which increases the cost. However, in the TNEI document contained in Ofgem's consultation on the project's Initial Needs Case and suitability for tendering¹⁶ there is an assessment that the connection could be made using 8-10 three-core cables rather than the proposed 18. This would reduce the technical difficulty by almost halving crossing numbers (to between 120 and 150) and therefore substantially lower the cost of the option.
81. However, because of National Grid's flawed methodology, mitigation for damage within the setting of the Lake District is not being put proposed and both of these options have been discounted by Grid on the basis of cost comparisons.
82. FLD reiterates that all of the mitigation issues of undergrounding within the LDNP and the unmitigated damage to the Whicham and Duddon Valley landscapes as well as the pylons in Section D1 which lie within the setting of the LDNP could be avoided if the HVDC south route was chosen.
83. FLD considers that due to the unacceptability of routing pylons around the head of the Duddon Estuary, one of these three alternatives needs to be adopted as they provide suitable and attainable mitigation alternatives to the landscape damage which will otherwise be caused by the proposed Preferred Route Corridor. We question the assessment of relative costs put forward by National Grid. But even if the additional costs were as assessed by National Grid, it would be justified to avoid the damage to the National Park.

Costs

84. Design should follow legislation and policy from which cost flows.
85. A proper assessment of the reasonable costs of an infrastructure project must flow from a design which is consistent with the outcome of applying legislation and policy. Here, by contrast, it appears that the assessment of impact has been driven by a desire to reduce the cost of the project.

¹⁶ <https://www.ofgem.gov.uk/publications-and-updates/north-west-coast-connections-consultation-project-s-initial-needs-case-and-suitability-tendering>

86. We are concerned that fundamental errors in the PEIR methodology such as exclusion of views into the National Park and the use of “particularly significant” impact threshold are a result of a desire to minimise the cost of the project.
87. There is a disturbing lack of clarity in the costings that have been presented in the PEIR. This limits the comments on costings that can be made at this stage. However, an inevitable result of the location of the Moorside Power Station beyond a National Park and its setting is that substantial additional costs will have to be incurred to connect to the power user community.
88. The additional cost of mitigating the development to avoid damage to the setting of the Lake District National Park/cWHS should be amortised across the proposed 60 year life-span of the Moorside power station (the reason for this proposed development) and against its current £25 billion cost. To look at costs over a shorter term basis than the life of the power station and without taking the combined costs of the power station development and NWCC into account is not justifiable.
89. Amortisation of costs is particularly relevant in light of the cWHS status of the Lake District National Park. The transfer of World Heritage Site Outstanding Universal Values is understood on an intergenerational basis by UNESCO. The Navitus Bay Windfarm NSIP decision letter¹⁷ which refused permission for the NSIP on the basis of harm to the setting of a World Heritage Site states “*24. The ExA considered there was a risk that the site would be presented and transmitted to future generations in a form significantly different from what was there at the time of inscription until today*”. This is an argument which the Secretary of State accepted as carrying significant weight. Friends of the Lake District considers that costs therefore must be seen within the context of the whole 60+ year lifespan of the combined projects to ensure that the OUVs of the Lake District can be transmitted across generations unaltered.
90. The Lake District’s World Heritage Site candidacy which is being considered by UNESCO is currently under threat from NWCC. UNESCO stated that NWCC is the only project which may pose a major risk to success of the WHS nomination. This shows that there is significant independent concern raised at an international level over the damage that overhead lines would do in the National Park.
91. National Grid’s £500 million Visual Impact Provision project has been implemented to correct planning mistakes that were made in the past where power lines and pylons were erected in

¹⁷ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010024/EN010024-000055-Secretary%20of%20State%20Decision%20Letter%20and%20Statement%20of%20Reasons.pdf>

some of the most sensitive landscapes in England and Wales. If new overhead lines and pylons are built in the setting of the Lake District, these past mistakes will be repeated. This project needs to get it right first time. In the context of the VIP project, it is illogical that overhead power lines and pylons are even being considered within the setting of a National Park. The nation exposes itself to criticism of absurdity when undertaking the VIP project to remedy the mistakes of the past whilst making even greater mistakes in the present.

92. Our concern about the information provided on costings is reinforced by Ofgem's comments in their consultation¹⁸ on the project's Initial Needs Case. Here, Ofgem states:

- a. 2.32. *In late 2014, following the cancellation of a local offshore windfarm, a landing point for an offshore cable on the Heysham peninsula became available. As a result, routing a subsea cable around Morecambe Bay became a realistic option within the NWCC project.*
- b. 2.33. *Having reviewed the costs of this potential subsea cable option, in 2015 NGET discounted it on the basis that high level cost estimates showed this option to be roughly £300m more expensive than NGET's preferred connection option.*
- c. 2.34. ***Based on our own analysis and our consultants' review of NGET's cost assumptions, we have concerns that NGET's subsea cable cost estimate is too high. We consider that the cost difference between NGET's favoured option involving the tunnel and the subsea cable alternative appears relatively finely balanced and sensitive to individual cost assumptions. There is also a risk that the cost of the tunnel could escalate significantly. In response to our concerns, NGET carried out a further desk-top study of the subsea cable option. This work confirmed that the cost difference could be notably smaller than its original £300m estimate, but still suggested that its favoured option is cheaper. We consider that NGET could have carried out a more detailed assessment of the likely cost of this option at an earlier stage in its decision-making process in order to further improve the robustness of its selection.*** [our emphasis]
- d. 2.35. *Notwithstanding the above, as NGET has already ruled this option out, switching options at this stage would cause delays to the project. Based on NuGen's contracted connection date, any delays are likely to be more costly to consumers*

¹⁸ <https://www.ofgem.gov.uk/publications-and-updates/north-west-coast-connections-consultation-project-s-initial-needs-case-and-suitability-tendering>

than the cost difference between the two options. Whilst the cost estimates of both the subsea cable option and the tunnel are still at an early stage of development, it is difficult to conclude which of them is the more efficient option. It is possible that additional work by NGET could have revealed that the subsea cable option will be more difficult than anticipated, or that the cost of the tunnel could reduce significantly due to a tunnel diameter of less than 5m being possible.

Adequacy of Consultation

93. It is unrealistic to expect individuals to be able to read, digest, discuss internally and externally with specialists and respond in ten weeks the amount of documentation in a consultation the size and complexity of the NWCC PEIR.
94. The consultation material is over 7000 pages. It is not structured in either an accessible or a sensible way. It is difficult to find a rational explanation for some of the PEIR's organisation other than a desire to prevent people from understanding the process being undertaken. For example information on National Grid's approach to defining how it would deal with the setting of the LDNP, which is vital to the development of the landscape assessment methodology is buried unexpectedly within the 563 pages of a document with the title the "Options Appraisal of Alternative Technology".
95. The evolution of National Grid's thinking has taken place over 7 years. It is not surprising therefore that ten weeks of consultation is not adequate for consultees in the context of the project.
96. There are some evaluations that we expected to see which do not appear at all as far as we can ascertain. There is no explanation of the reasoning process that leads from A) the assessment of sensitivity and magnitude of change to B) the significance of effects conclusion for each LCT. This makes it impossible for the public to understand an essential step in National Grid's approach.
97. There is confusion about the 132kV lines and where and what they are connecting. There are concerns being raised that there will need to be new 132kV cables erected within the Lake District to replace those that National Grid say that they are removing in Sections D1 and D2, to enable connection to Barrow to be maintained. This is especially important to address now that

the Haverigg windfarm project has been scrapped. National Grid and ENW need to give more clarity on what is to happen and how supply is to be maintained.

98. Friends of the Lake District considers that the inclusion of the 132kV trident line from Haverigg around the Duddon to Roosecote in the consultation has been immensely confusing. The inclusion of this line has come out of nowhere with no pre-consultation. The information provided in the PEIR does not include the necessary substations and now the whole line looks unnecessary due to the withdrawal of the wind farm company from the Haverigg site. This aspect of the consultation leaves this whole section uncertain.

Conclusions

99. National Grid's NWCC consultation is inadequate.
100. The landscape and visual impact assessment is fundamentally flawed. It is based upon restricting mitigation consideration to the novel category of "particularly significant" and a failure to take account of views into the LDNP from its setting outside the boundary.
101. Inadequate ecological information is provided to justify the assertions that National Grid makes regarding impacts on species and habitats. National Grid has not adequately addressed the issue of impact on the Duddon Estuary and Duddon Mosses SAC, nor has it addressed the fact that as there are alternatives to going through these sites.
102. Alternatives have been unjustifiably rejected. The erroneous methodology has led National Grid to putting too small a value on sensitive landscapes where mitigation should have been considered for impacts and therefore factored into the costings. The impact and cost comparisons between the preferred solution and the alternatives are unsound. This has undermined the whole approach of National Grid.

Please record these representations as on behalf of Friends of the Lake District as representatives of the Campaign to Protect Rural England (CPRE-Cumbria Association).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Willshaw', with a long, sweeping horizontal flourish extending to the right.

Dr Kate Willshaw
Policy Officer