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**Sizewell C proposed New Nuclear Development. Stage 4 pre Application Consultation: Response from the Suffolk Coast & Heaths Area of Outstanding Natural Beauty (AONB) Partnership.**

The AONB Partnership note that EDF welcome feedback at this stage on the information contained within the stage 3 and stage 4 proposals and that all comments submitted at stages 3 and 4 will be considered during this round of consultation. The AONB Partnership maintain their position as outlined in its stage 3 consultation response. This response was submitted 26 March 2019 and is available on the AONB's website at:

<http://www.suffolkcoastandheaths.org/planning-and-undergrounding/sizewell-c-developments/>

The AONB Partnership note that its Stage 3 consultation response was acknowledged but it has received no response from EDF relating to the issues and concerns outlined within that submission.

**In summary the response from the AONB Partnership to the stage 4 consultation is:**

- The consultation and associated documents **do not pay proper regard for the purposes of the AONB**, despite comments made in previous rounds of consultation.
- The development **would cause significant harm** to the nationally designated AONB.
- Proposals in the consultation document impacting on the AONB's Natural Beauty, such as the **introduction of pylons, that are would have a significant negative impact on the AONB** are not fully considered or explained in terms of their impacts on the designated landscape.
- Proposals relating **to access, transport and the local economy**, defined parts of the AONB's Special Qualities, **do not give due regard to the purposes of the AONB**

## **The AONB Partnership**

The Partnership was formed in 1993, it comprises public, private and voluntary organisations who are committed to conserving and enhancing the Natural Beauty of the nationally designated AONB.

The AONB Partnership consists of:

Suffolk County Council, Essex County Council, Babergh District Council, East Suffolk Council, Tendring District Council, Ipswich Borough Council, Country Land and Business Association, The Crown Estate, Defra, Historic England, Environment Agency, Forestry Commission, National Farmers' Union, National Trust, Natural England, Royal Society for the Protection of Birds, Suffolk Association of Local Councils, Community Action Suffolk, Suffolk Coastal Business Forum, Suffolk Coast Ltd, Suffolk Farming & Wildlife Advisory Group, Suffolk Preservation Society, Suffolk Coast Against Retreat, Suffolk Wildlife Trust.

It should be noted that many of these partners are public bodies or statutory undertakers which have the duties to conserve and enhance the Natural Beauty of the AONB as set out in section 85 of the Countryside and Rights of Way Act (2000). Therefore, AONB interests will be raised by a number of partners. Furthermore, whilst the AONB Partnership is not a statutory consultee, those partners with the statutory responsibility for the AONB and who are such consultees, will continue to identify relevant issues between stage 4 and the submission of a Development Consent Order.

## **The AONB Partnership Response to the Stage 4 Consultation**

This is a Partnership response and in that regard has sought to address issues in a level of detail that all Partners can support. However, given the membership of the Partnership includes members of local authorities and statutory agencies many partners will be making their own responses, as bodies that have statutory duties to the AONB.

Many partners are custodians of Natural Beauty indicators and Special Qualities of the AONB, this AONB Partnership response should be seen as complementary to those responses, rather than the only response addressing AONB issues. Many partner responses will also address AONB concerns.

The Suffolk Coast & Heaths Area of Outstanding Natural Beauty AONB Partnership have seen and reviewed the Stage 4 *Consultation Summary Document* and *the Stage 4 Consultation Document (dated Summer 2019)* relating to the Sizewell C Proposed Nuclear Development. Several members of the AONB Partnership have attended the public consultation events held in July 2019.

The consultation documents relate to a proposal in which both the operational site and the construction area are wholly within, the Suffolk Coast & Heaths AONB, which is nationally designated under the *National Parks and Access to the Countryside Act (1949)*. The legal

framework for AONBs in England and Wales is provided by the *Countryside and Rights of Way Act (2000)* which reaffirms the primary purpose of AONBs: to conserve and enhance Natural Beauty.

The AONB Partnership therefore consider that EDF Energy, as a statutory undertaker as defined by section 85 of the Countryside and Rights of Way Act 2000, have a duty to have regard for the purposes of the AONB in decision making. The AONB Partnership therefore seek to understand how EDF Energy have met this obligation when developing their proposals. That duty is reproduced below (taken from England's statutory landscape designations: a practical guide to your duty of regard ISBN 978-1-84754-200-7 Catalogue Code: NE243)

*Use of the word 'duty' in the legislation means that having regard to AONB/National Park purposes is something all 'relevant authorities' must do: it is not discretionary. This point is reinforced by use of the word 'shall' rather than, for example, 'may'. The legislation is also clear in identifying the circumstances in which this duty must be fulfilled, ie 'in exercising or performing any functions in relation to, or so as to affect land' in an AONB or National Park.*

The consultation further relates to development proposals adjacent and outside the AONB but will have an impact on the AONB. Therefore, the AONB Partnership consider that EDF Energy have a duty to consider the purposes of the nationally designated AONB for these developments as outlined in DEFRA's guidance note (the relevant section is reproduced below from the DEFRA publication Product code PB 10747 REV 1/07):

*Additionally, it may sometimes be the case that the activities of certain authorities operating outside the boundaries of these areas may have an impact within them. In such cases, relevant authorities will also be expected to have regard to the purposes of these areas.*

It is worth noting that in the Government's Annexes to the National Policy Statement for Nuclear Power Generation (EN-6), C.8.73, the damage from the proposed development to the AONB is acknowledged

*...Therefore the Appraisal of Sustainability has found that there is the potential for some long lasting adverse direct and indirect effects on landscape character and visual impacts on the Suffolk Coast and Heaths AONB, with limited potential for mitigation.*

**The AONB Partnership response to the Sizewell Stage 4 consultation is formed of four parts:**

1. The treatment of the AONB
2. Impacts on Natural Beauty
3. Impacts on Special Qualities
4. Consideration of Additional Information

## 1. Treatment of the AONB

The consultation and associated documents **do not pay proper regard for the purposes of the AONB.**

It is noted that Section C.8.102 i of the annexes to the National Policy Statement for Nuclear Power Generation (EN-6) states that:

*The site lies on the Suffolk Heritage Coast and is wholly within the Suffolk Coast and Heaths AONB.*

It is further noted that:

The Overarching National Policy Statement for Energy (EN-1) para 5.9.9 states that:

*Development proposed within nationally designated landscapes 'National Parks, the Broads and AONBs have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the IPC should have regard to in its decisions. The conservation of the natural beauty of the landscape and countryside should be given substantial weight by the IPC in deciding on applications for development consent in these areas.'*

Despite this and despite the fact that the AONB Partnership raised this issue in its responses to the stage 2 and 3 consultation **EDF Energy make no reference to the fact that the site is within a nationally designated landscape in its summary consultation document** even though the NPS on nuclear energy states, para c.8.82:

*This could have an effect on the purpose of the [AONB] designation. To further understand these effects and the effectiveness of the mitigating actions proposed by the nominator of the site, further detailed assessment at project level is required – the Appraisal of Sustainability suggests through the provision an integrated landscape, heritage and architectural plan.*

Within the consultation document there are just 8 references to the AONB, 5 of which are included in the abbreviations and defined terms sections, that includes a link to a website purportedly to provide further information on AONBs but in fact is not a working website.

There was no reference to the fact that the development proposals lie within a nationally designated landscape at the consultation events held in July 2019

**It is clearly demonstrated that EDF Energy do not appear to recognise the significance of the AONB designation as set out in the national policy. EDF Energy have not measured the impacts of the proposals against the AONB Natural Beauty and Special Qualities criteria and have not paid due regard to the AONB or its purposes in designing the development proposals.**

## 2. Impacts on Natural Beauty

In the absence of any assessment by EDF Energy of the proposals against the agreed [between EDF Energy and the AONB Partnership] Natural Beauty and Special Qualities document (V1.8 21 Nov 2016) as requested in the AONB Partnership's Stage 2 and 3 consultation responses the AONB Partnership will outline what it considers to be the most significant impacts of the proposals outlined in the stage 4 consultation on the AONB's natural beauty.

For the avoidance of any doubt, these are in addition to the concerns raised in the AONB Partnership's stage 3 consultation response.

### Electricity Pylons

The introduction of either four or five pylons into the nationally designated landscape is unacceptable.

The AONB Partnership notes that in section 5.4.4 of the consultation document that

*Feedback from that consultation showed a preference from consultees for undergrounding the electrical connection, thereby removing the need for overhead lines in this area. We are continuing to assess the practicability of this and the implications for the Project, which are likely to be significant.*

The AONB Partnership welcomes this approach, despite the fact that only two options for the transmission of electricity are offered in the consultation, both of which related to overhead pylons.

It is suggested that the option to underground cables continues to be assessed and the AONB Partnership would welcome this and notes:

- It is suggested in the consultation documents that practicality of undergrounding is likely to have significant implications. Given the assumed complexity of the proposals to build a new nuclear power station, **the AONB Partnership ask EDF Energy to demonstrate why this element has been singled out as problematic, given many similar projects to underground 400kV have been successfully achieved elsewhere.**
- The AONB Partnership consider that the understandable desire to avoid the introduction of new pylons in the nationally designated landscape would not add a significant cost to the publicly reported £15Bn cost of the project. If this is not the case then the AONB Partnership **request EDF Energy to explain why they consider the costs significant, given the development proposals are within a nationally designated landscape and the statutory requirements of developers to avoid harm to the AONB.**
- The AONB Partnership note that the Visual Impact Provision project, delivered by National Grid, making use of £500M from an Ofgem provision, seeks to underground and mitigate

the impacts of high voltage power cables in nationally designated landscapes (see <https://www.nationalgridet.com/planning-together-riio/visual-impact-provision>). **The AONB Partnership consider that the proposal to introduce new pylons within the AONB undermines and frustrates the progress made by the introduction of this Ofgem allowance** (the Visual Impact Provision) to make provision to reduce the impact of existing overhead transmission lines within nationally designated landscapes.

- The AONB Partnership consider that if EDF Energy cannot avoid the introduction of four or five new pylons within the AONB due to 'practical' reasons then **it should consider mitigation of equal value to the impact on the nationally designated AONB. The AONB Partnership would wish for EDF Energy to work with National Grid to underground the existing pylons in the AONB to mitigate the impact of new, potentially larger pylons, in the AONB.** The precedent of off-site compensation having already been established with proposals for Marsh Harrier and Fen Meadow Site of Special Scientific Interest. If this approach is not possible, then to explain the reasons that it would not develop this approach to mitigation. **Furthermore, if this approach is not deemed possible, the AONB Partnership would wish to see EDF Energy propose mitigation of equal value to the potential damage to the AONB** caused by the introduction of four or five new pylons in the AONB.

### **Accommodation and transport**

The AONB Partnership acknowledges the efforts made by EDF Energy to minimise the impacts of construction from the proposed accommodation and transport requirements.

THE AONB Partnership maintains its position as outlined in its stage 3 consultation response and further notes that the scale of the construction phase operation will have a significant negative impact on the reasons for the national designation and the purposes of the AONB (as well as residents).

The AONB Partnership maintains its position from its stage 3 consultation response that the introduction of new road, training centre and car park in the AONB is contrary to the purposes of the designation.

### 3. Impacts on Special Qualities

#### Public Rights of Way

The AONB Partnership consider the loss of Bridleway 19, Sizewell, and parts of the permissive footpath (that forms part of the long distant route, the Sandlings Walk) for the 9-12 years of construction unacceptable and a huge loss of amenity for residents and visitors to the AONB.

The AONB Partnership consider that the proposed alternative route to Bridleway 19, Sizewell, is a poor substitute for the currently available public route. Furthermore, the AONB Partnership consider that that the choice of materials for surfacing, and design of the 'waiting boxes' should seek to conserve and enhance the natural beauty of the AONB.

Furthermore, the AONB Partnership consider that **the loss of amenity to residents and visitors during the construction phase, coupled with the loss of visual amenity during the operation phase should be appropriately compensated.** One way to appropriately compensate for this would be the **expansion of permanent access rights, within the necessary constraints, to ensure protected species and designated sites are not compromised.**

This would require full consultation and subsequent endorsement with Suffolk Wildlife Trust who manage the site and Natural England in relation to potential impacts on Sites of Special Scientific Interest. to an increased part of the Sizewell estate, though dedicating open access land or dedicated the permissive route of the Sandlings Walk as Public Right of Way post construction phase.

The route of the **Suffolk Coast Path** will not be available for periods during the construction phase. Given that EDF Energy are state the construction phase will be 9-12 years this is a significant loss of amenity for residents and visitors.

It is further noted by the AONB Partnership that the **England Coast Path** will come into operation during the proposed development stage and the likely route of this national trail will be similarly compromised.

The AONB Partnership considers that the proposed alternative route for the Suffolk Coast Path (and likely route of England Coast Path) to not adequately address this loss of amenity. **The AONB Partnership considers that EDF Energy should consider again proposals relating to the nationally promoted Suffolk Coast Path (and proposed England Coast Path) to provide a more suitable alternative,** such as providing escorted transport through the development site or circumnavigating the restriction by boat.

## 4. Consideration of Additional Information

The Stage 4 Summary Document notes that Sizewell C would take around 20 years to decommission, subject to office of Nuclear Regulation consent. With the previously stated 9-12 years of construction and 60 years of operation, this additional 20 years subjects the nationally designated landscape to further significant negative impact.

Therefore, the AONB Partnership requests that **EDF Energy acknowledge this time element in any proposals they offer in terms of mitigation and compensation** relating to the harm the project will do to the AONB.

**Project Benefits** (Page 20 of stage 4 summary consultation document)

The stage 4 consultation documents claim 'at least £100m a year entering the **regional** economy during the peak construction period' (peak construction period is not defined in terms of duration).

The AONB Partnership request that EDF Energy undertake a **formal assessment of what impacts the 9-12 year construction period will have on the AONB's tourism industry that is calculated to be worth £262M pa<sup>1</sup>.**

**It would further wish to understand what is meant by 'regional' and what measures EDF Energy are putting in to protect the economic interests at a local level, particularly around tourism.**

**Delivering our commitments and obligations** (Page 21 of stage 4 summary consultation document)

The Stage 4 summary document notes that:

*we have put mitigation and compensation at the heart of Sizewell C, embedding environmental principles into our proposals. This has enabled us to identify how negative impacts can be avoided or reduced, and how positive impacts can be further enhanced.*

The AONB Partnership, as noted in the 'treatment of the AONB' section above, that EDF Energy has yet to publish much assessment of environmental impact of its proposals. Indeed, the AONB Partnership can find no reference to an assessment of the proposals on the defined and agreed [between the AONB Partnership and EDF Energy] Natural Beauty and Special Qualities of the AONB.

The Stage 4 consultation, as with previous consultations, offers insufficient evidence to fully assess, understand or attempt to address the impacts of the development proposals on the nationally designated Suffolk Coast & Heaths AONB and its setting. The AONB Partnership firmly believe the proposals to be highly inappropriate in the context of a nationally designated

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<sup>1</sup> 2018 Volume and Value study using 2017 figures



landscape and without question, consider that they will result in an unacceptable adverse impact that cannot be successfully mitigated.

It is therefore considered that the consultation is flawed in terms of information available to the AONB Partnership to assess the impacts of the development proposals on the nationally designated landscape.

**The proposals as they are consulted on would have a significant adverse impact on the AONB and are not appropriate for a nationally designated landscape.**

Yours sincerely,



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