



Gareth Burden – Director of Construction

National Grid Ventures

Your ref: Lion Link
Our ref: Lion Link Consultation
Date: 21st May 2024

Please ask for: Naomi Goold/Phil Watson
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BY EMAIL

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Dear Mr Burden,

The Lion Link Project - Adequacy of consultation and the rationale for a landfall uncoordinated with SEA Link

Suffolk County Council and East Suffolk Council, (the Councils) are writing to you jointly, to set out their concerns regarding the adequacy, effectiveness, and especially the fairness, of the consultation to date, because of the lack of detailed explanation and rationale presented to the public, in respect of your preferred landfall location.

The Councils are extremely concerned that the consultation on EIA scoping, being of significant and widespread public interest and notwithstanding the procedural and technical nature of this consultation, was defective, in that it did not adequately explain to the communities affected by the proposals, or their representatives, why landfall at Aldeburgh with the SEA Link project could not, in the promoter's view, be achieved. Nor did it explain how much effort had gone into offshore/brownfield landfall options and why these are automatically discounted.

These concerns were set out in detail to the Planning Inspectorate, in Suffolk County Council's response, appended, which highlighted a likely breach of the Gunning Principles. For the avoidance of any doubt, both Suffolk County Council and East Suffolk Council would like to make clear this is in fact, their shared view.

Furthermore, the lack of a comprehensive rationale for a northern landfall in the consultation material, hampered the ability of the Councils to respond effectively to the consultation, or to support communities, and parish councils who are also required consultees under the regulations, to respond as effectively as would otherwise have been the case. In addition, the absence of detailed publicly available information on this matter, means that the question of an alternative landfall remains open and unresolved, and it is not possible to give effective focus to the applicant's preferred landfall, so that the widespread and damaging consequences likely to arise from it, for the communities and environment of East Suffolk, can be properly addressed.

The Councils recognise that the project promoter is likely to have fulfilled the minimum legal requirements in relation to Environmental Impact Assessment Scoping consultation, however, we do not believe that the applicant has acted in a fair or reasonable way, and has, perhaps inadvertently, undermined public trust and confidence and the ability of the Councils, parish councils and the public, to engage effectively with the applicant's preferred option.

Therefore, it remains our view, as set out in Suffolk County Council's Scoping response, that in the absence of the publication of a comprehensive rationale and need case for a northern landfall, it will be necessary to take both the northern landfall and the Aldeburgh landfall through the process of Preliminary Environmental Information Reporting; in order that the issues can be set out in full, and the balance of harm to the marine environment (including where relevant, the legal issues in respect of Habitats Regulation Assessment and "feasible alternatives"), can be openly and publicly understood, in relation to the harms of a lengthy onshore cable route.

This onshore cable route is expected to have widespread and significant impacts on Suffolk's, biophysical resources, designated and undesignated landscapes, heritage assets, socioeconomics, and especially, on the well-being of its communities. Indeed, the lack of transparency on this issue to date will have additional impact on community well-being, which has already been significantly and substantially harmed, by a succession of Nationally Significant Infrastructure Projects.

In the absence of effective resolution of this matter by way of the s42 consultation, as the Councils propose, or by a satisfactory alternative means proposed by National Grid Ventures, the consultation process for this project will, unfortunately, be rendered inadequate, unfair, and unreasonable.

The Councils consider that this matter can be resolved, therefore they seek to work constructively with National Grid Ventures to do so. The Councils recognise it is essential to ensure that the consultation process is robust and fair, to secure a greater degree of public confidence in the proposed development of this energy project.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tom Daly'.

Councillor Tom Daly | Cabinet Member
for Energy and Climate Change

East Suffolk Council

A handwritten signature in blue ink, appearing to read 'Richard Rout'.

Councillor Richard Rout | Deputy Leader, and
Cabinet Member for Finance and Environment

Suffolk County Council

Appendix – Extract from Suffolk County Council's Scoping Response

- 3.1. The evidence presented by National Grid Ventures for excluding the option of bringing cables ashore at Aldeburgh is extremely limited and is therefore not presented in a way which alternatives can be readily tested.*
- 3.2. Furthermore, the consequences of the exclusion of Aldeburgh appear likely to have significant adverse harm to the communities, property, amenity, environmental assets, and other interests, which are all aspects of the receiving environment likely to be impacted by the project and which are therefore of direct concern to those being consulted.*
- 3.3. An illustration of the significance of the exclusion of a landfall at Aldeburgh from the assessment of the environmental effects of the project as proposed in the Scoping Report, and the consideration only of a landfall at either Southwold or Walberswick, can be seen from the scale and extent of the Onshore corridors required for the project, as shown on Figure 3-2 of the Onshore Figures, in combination with Figure 3-1 of the Onshore Figures, which shows the proposed Friston Substation (and options considered for converter stations). It is plain from comparing these two Figures that the Onshore corridor from Aldeburgh to Friston is shorter, more direct, and requires much less land than either of the Onshore corridors from Southwold or Walberswick to Friston. Whilst the extent of land take is not the only measure of environmental effects, it is a significant component and if the shorter and more direct corridor is not to be further assessed, there needs to be a clear and compelling reason, supported by cogent evidence, for its rejection. That information is not provided in the Scoping Report in a manner that would allow SCC to make a fully informed consultation response on the adequacy of the reasoning for NGV's limited choice of landfall sites for further assessment. The exclusion of Aldeburgh as a landfall location also materially limits the opportunity for co-ordination and co-location of this project with elements of the Sea Link project which is being promoted by National Grid Electricity Transmission (NGET) and which envisages a landfall for its offshore cables in the Aldeburgh location. The Sea Link project is currently anticipated to be submitted as a NSIP application later in 2024.*
- 3.4. Suffolk County Council considers therefore, that there is insufficient information for those consulted to give intelligent consideration to the scoping consultation.*
- 3.5. Suffolk County Council considers that there is a significant element of predetermination, in this instance, because although the proposals are still at a formative stage, there is an absence of substantiated evidence to support the contention that Southwold or Walberswick should be the landfall for this project, to the exclusion of Aldeburgh.*
- 3.6. Therefore, the County Council considers that this scoping consultation does not meet the requirements of the first two Gunning Principles, which consist of four rules, which if followed, are designed to make consultation fair and a*

worthwhile exercise (see the case of R v London Borough of Brent Council ex parte Gunning (1985) 84 LGR 168). The Gunning Principles were endorsed by the Supreme Court in R (Moseley) v Haringey LBC [2014] UKSC 56. Principle 1 is “that consultation must be at a time when proposals are still at a formative stage” and Principle 2 is that “the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response.”

- 3.7. SCC should make it clear that this concern does not relate to the actions of the Planning Inspectorate, which can only seek consultation responses on the material that NGV has chosen to put forward, but to the actions of NGV in the manner in which it has formulated its Scoping Report and in the limited information that NGV has provided to support the position adopted in the Scoping Report that a landfall location for the project should be at either Southwold or Walberswick, to the exclusion of a location at Aldeburgh.
- 3.8. The preference of the County Council would be for the applicant's evidence, in relation to landfall selection, to be tested in full by the Examining Authority and SCC's current impression is that a landfall at Aldeburgh is likely to be preferable in terms of opportunities for minimising environmental effects. However, it is recognised that this is, like the current position of the project promoter, a preference not based on evidence.
- 3.9. Therefore, in order to satisfy the Gunning principles, it is suggested that the landfall at Aldeburgh remains in the scope of the EIA for the time being, so that robust, detailed, and testable evidence, that supports, or undermines, the project promoter's preference for the exclusion of Aldeburgh as a potential as a landfall, can be provided at the statutory consultation (s42) stage.
- 3.10. Suffolk County Council considers that this would be an appropriate and reasonable way forward to ensure that, at that stage, the consultees, especially those directly impacted by the scheme, will have all the information necessary to draw an informed conclusion, and the applicant will have sufficient time to gather, and present, that information.
- 3.11. Effective presentation of evidence at this stage would allow the case or otherwise for the proposed approach to be demonstrably tested in line with National Policy Statement for Electricity Networks Infrastructure (EN-5)¹ which in para 2.13.18 states that applicants should seek to demonstrate the reduced overall impacts from co-ordination and how the onshore connection locations have been identified.