NO PYLONS LINCOLNSHIRE RESPONSE TO THE NATIONAL GRID 'GREAT GRID UPGRADE' GRIMSBY TO WALPOLE NON-STATUTORY CONSULTATION

Introduction

1. No Pylons Lincolnshire is a company limited by guarantee acting as an umbrella organisation for community opposition to the 140km pylon route proposed by National Grid to run through Lincolnshire. We were founded in February 2023 and, at the time of submission of this response, our Facebook group has 3312 members, and our petition has so far attracted 5900 signatures.

2. We absolutely oppose National Grid's current proposals on the following grounds:

- the consultation process itself is fundamentally flawed and contrary both to good practice and to public law. We cover this in detail in **Section A** below.

- the proposals show no understanding of, sensitivity to or adequate mitigation for the significant adverse impacts they would have on the landscape, environment, heritage, businesses or quality of life of the people and communities affected. We cover this in detail in **Section B** below.

- the presentation of costings and the consideration of alternative approaches, as presented by National Grid, is based on an excessively narrow definition of value for money, does not follow Treasury Green Book guidelines, and ignores all costs other than the capital cost of the proposed works. This is a fundamentally flawed approach which masks the true full economic costs of the alternative approaches and, as a result, favours the most intrusive and least appropriate option. We cover this in detail in **Section C** below.

3. The proposals subject to this consultation are flawed. They pay little heed to the impact on the communities they will affect; do not respect the sensitive landscape into which they would intrude; ignore the importance of Lincolnshire's agricultural economy to the food security of the United Kingdom; and intentionally accord no value to these factors or to the quality of life of the people whose quiet enjoyment of their predominantly rural communities would be affected.

4. These proposals would saddle the county with the cheapest possible infrastructure, at significant non-financial cost, for the next 50 years. We accept the need for additional electricity transmission infrastructure, and we support the de-carbonisation of electricity generation. But we are not prepared to accept that this has to be bought at the cost of the despoliation of our county's landscape; a negative impact on agriculture and tourism; and a reduction in the quality of life of a significant number of its population. There are alternative approaches which, on the basis of a full economic cost assessment, would offer better value for money.

Section A – the consultation process

5. National Grid is under an obligation, in public law, to consult following established legal principles. The principles (the **Gunning Principles**)[1] place clear obligations on organisations undertaking public consultations. These obligations apply to public authorities. In the case of these current proposals, National Grid is clearly acting as a public authority, giving effect to Government policy to de-carbonise electricity generation in the United Kingdom. In this respect, National Grid is not pursuing private commercial gain alone.

6. In essence, the Gunning Principles require that:

- *proposals are still at a formative stage*
  That is, a final decision has not yet been made, or predetermined, by the decision makers.

- *there is sufficient information to give 'intelligent consideration'*
  The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response

- *there is adequate time for consideration and response*
  There must be sufficient opportunity for consultees to participate in the consultation.

- *'conscientious consideration' must be given to the consultation responses before a decision is made*
  Decision-makers should be able to provide evidence that they took consultation responses into account.

7. For present purposes, we consider that the first two Principles are engaged and that National Grid's consultation is flawed in regard of each.

8. On the first principle, it is clear that National Grid has not entered this consultation with an open mind and that the proposals have moved substantively beyond a 'formative stage'. It is clear from National Grid's own consultation material that the decision to proceed with the project, and to discount alternative options, has already been made. Decisions as to the route (represented by the 'swathe' in National Grid's consultation material) and the method of transmission have been predetermined. Alternative approaches, including in particular alternatives which involve no, or considerably fewer, pylons (including underground and/or undersea routes, and/or upgrading existing infrastructure), are discounted before any consultation. This lack of consultation on potential alternative options means that National Grid cannot possibly have taken into account all of the factors that may be relevant to a final judgement on which option is to be preferred. National Grid's myopic focus on only the capital cost of the possible options (on which we comment further below), makes consultees' opinions on anything, other than the very narrow issues on which National Grid purports to be consulting, essentially otiose. The current consultation exercise

[1] R v London Borough of Brent ex parte Gunning, confirmed and reinforced in R v North and East Devon Health Authority ex parte Coughlan and again by the Supreme Court in R ex parte Moseley v LB Haringey.

appears to be little more than an administrative fig leaf designed to make a pre-determined outcome appear slightly less offensive.

9. On the second principle, we consider that National Grid has failed to provide information to enable lay members of the public to reach properly informed conclusions about the consequences of National Grid's proposals or to form effective judgements about the relative advantages (and disadvantages) of alternative options. National Grid's preferred option appears to have been determined on solely financial grounds, with an inadequate assessment of any environmental or other consequences (we comment further on the nature of these consequences below).

10. Public consultees have not been provided with anything approaching a sufficient level of information to enable them to make an intelligent comparison of the environmental impacts of the preferred option compared to alternatives involving other transmission methods. Lay members of the public are not in a position to be able to do that assessment themselves or to be able to commission an expert to do so on their behalf in the shorter-than-usual eight-week consultation period. These alternatives have been discounted without members of the public having been given a fair opportunity to scrutinise the rationale for that decision or having been given sufficient information about the alternatives to have a fair opportunity to advocate for those instead. The consultation presents a simple capital cost comparison and admits to no scope for varying the preferred proposal on any other grounds. The consultation material does not allow consultees to engage with entirely valid environmental and other potential consequences, both because National Grid offers no such assessments and because they appear to have been pre-judged as irrelevant to consideration of the preferred option.

11. We understand that this is a non-statutory consultation and that these deficiencies are not of immediate legal consequence, but it is our view that they render the current exercise an insufficient basis on which to enable National Grid properly to conduct the next, statutory, stage of consultation.

Section B – impact

12. National Grid's current proposal shows no regard for the impact of more than 400 50m tall steel lattice pylons on the sensitive Lincolnshire landscape and does no more than pay lip service to the impact on communities. The suggestion that community grants may be available is insulting for rural communities which will be marred by unsightly and intrusive industrial infrastructure. The fact that National Grid is, by design, opting for the cheapest possible solution simply compounds the insult. We object in the strongest possible terms to being the victims of a 'race to the bottom' in the provision of essential national infrastructure. We have to live permanently with National Grid's decisions and the delivery of new infrastructure should be fit for the future, not reliant on outdated technology.

13. As National Grid is fully aware, Schedule 9 of the Electricity Act places an obligation on those proposing new electricity infrastructure to 'have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural,

historic or archaeological interest.' It further obliges those coming forward with such proposals to do what they 'reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside.' In our view, National Grid's proposals clearly fail against both of these obligations.

14. In addition, the National Policy Statement for Electricity Networks Infrastructure (EN-5) acknowledges (in paragraph 2.9.7) that overhead lines 'can give rise to adverse landscape and visual impacts'. EN-5 further notes (paragraph 2.9.8) that '[t]hese impacts depend on the type (for example, whether lines are supported by towers or monopole structures), scale, siting, and degree of screening of the lines, as well as the characteristics of the landscape and local environment through which they are routed.' The Policy Statement goes on to acknowledge that mitigation of impacts may not always be possible (paragraph 2.9.11) and requires that, '[w]here the nature or proposed route of an overhead line will likely result in particularly significant landscape and visual impacts, the applicant should demonstrate that they have given due consideration to the costs and benefits of feasible alternatives to the line.'

15. In addition, the Holford Rules (EN-5, paragraph 2.9.17) require applicants to 'avoid altogether, if possible, the major areas of highest amenity value' and to 'prefer moderately open valleys with medium or moderate levels of tree cover where the apparent height of towers will be reduced, and views of the line will be broken by trees.'

16. And the Horlock Rules (EN-5, paragraph 2.9.19) require applicants to 'consider environmental issues from the earliest stage to balance the technical benefits and capital cost requirements for new developments against the consequential environmental effects in order to keep adverse effects to a reasonably practicable minimum.'

17. It is our submission that National Grid has failed properly to comply with both its statutory obligations and the requirements of EN-5, the Holford and Horlock rules.

18. In addition, it is difficult to see how National Grid intends to ensure compliance with the Holford Rules 2 and 3, that is to avoid areas of high amenity value or of scientific interest (Rule 2) and as far as possible to choose the most direct line (Rule 3). Indeed, and by its own admission, National Grid cannot comply with Rules 2 and 3 with the proposed pylon route. This only serves to increase the visual impact of the pylons required (because of relatively frequent and sharp changes of direction) and would mean significantly greater incursion into productive agricultural land. This lack of compliance with Holford Rules 2 and 3 is a fundamental flaw in the proposed scheme.

19. Our overarching submission is that the very nature of the landscape over which the majority of the proposed pylon route will run is fenland which, by its nature, offers no topographical opportunities to mitigate the significant visual impact of the proposed pylons. The nature of the landscape (predominantly rural, agricultural and extremely flat) means that the impact of large industrial structures is disproportionate. The proposed route would impose visually intrusive structures on rural communities with no means of mitigating such impact. The open vistas of the Lincolnshire fenland offer no relief from a line of pylons which would fundamentally change the nature of the landscape in which they are sited. In short, it

is a landscape which cannot stand the intrusion of disproportionately large, industrial structures without significantly upsetting its coherence and without intruding intolerably on the rural communities within it. Much of the route, too, would place the line of pylons in front of the Wolds, thereby entirely changing both the view *of* the hills from the fens and *from* the hills of the fenland below. This profound visual impact is both impossible to mitigate and would profoundly change both views of the landscape.

20. The lack of topographical and geographical features in the fens makes mitigation, in National Grid's own words, very difficult. But a landscape without opportunities for mitigation is one that needs mitigation the most, because the unmitigated impact of pylons would be visually intolerable.

21. These are judgements which clearly informed the 2012 decision to underground the link from the Triton Knoll windfarm to the Bicker Fen sub-station.[2] If such considerations applied in 2012, it is difficult to understand why NG should now think it acceptable to route 440kV cables over a broadly similar route. In other words, if preservation of the landscape was an important consideration in 2012, why is it no longer so? This inconsistency is indefensible and cannot be hidden behind claims of cost effectiveness, not least because of National Grid's wholly inadequate approach to assessing the value for money of their proposals.

22. The lack of obvious means to mitigate the impact of National Grid's proposals does not give it the excuse to shrug its shoulders and carry on regardless. Both the statutory provision and the planning guidance in EN-5 are clear about the importance of landscape and visual impact. And, as quoted above, EN-5 requires consideration to be given to the costs and benefits of alternatives to pylons. National Grid has failed adequately either to meet its statutory obligations or (more pointedly) to provide any meaningful assessment of the costs **and benefits** of alternative approaches. The consultation material focuses solely on the capital costs of alternative options, with no rigorous or substantive attempt to articulate (never mind cost) the non-financial benefits. The communities on the proposed route deserve better than an insulting dismissal of the impact of the proposals on them on grounds of cost alone.

23. Nowhere in any of National Grid's extensive consultation material is there a detailed breakdown of any assessment of environmental, socio-economic, amenity, landscape or any other similar factors. Consequently, consultees are unable to assess the adequacy of any such cost-benefit analysis or to judge what value (if any) has been afforded to their quality of life.

24. In addition, there are significant omissions in National Grid's assessment of the options in terms of potential environmental impacts.

25. *Wildlife impact outside designated sites*. Although National Grid says that it seeks to avoid designated sites, that does not prevent risk of harm to birds outside those sites and this must be acknowledged and addressed. EN-5 requires particular consideration to be

[2] https://www.bbc.co.uk/news/uk-england-lincolnshire-16652371.

given to the effects on large birds, including feeding and hunting grounds, migration corridors and breeding grounds. The route chosen in Lincolnshire fully meets those criteria, not just the designated sites. Indeed, the Lincolnshire coast lies on an avian migration superhighway, and is recognised as such by UNESCO.

26. *Farmland and associated habitats and species*. Lincolnshire produces an eighth of all England's food, 30 per cent of its fresh produce and 18 per cent of its poultry. Food security is one of the Government's key priorities, as acknowledged by the Prime Minister.[3] There has been no account taken on the impact of these proposals on farming or food security in the current proposals, nor to the impact on farmland habitats and species, both during the construction phase and operational phase. The siting of more than 400 pylons, plus the construction of large sub-stations (all on prime agricultural land), would remove *at least* 300 acres of grade 1 agricultural land from food production, with a consequent reduction in food production and increases in prices to consumers. Construction and ongoing access requirements will make that removal temporarily much higher. It is difficult to square this avoidable impact with a commitment to improving the food security of the nation.

27. *Climate resilience*. National Policy Statements require climate resilience to be taken into account. *4.9.1 of EN-1 says:* "If new energy infrastructure is not sufficiently resilient against the possible impacts of climate change, it will not be able to satisfy the energy needs." And 4.9.6 says: "New energy infrastructure will typically be a long-term investment and will need to remain operational over many decades, in the face of a changing climate. Consequently, applicants must consider the impacts of climate change when planning the location, design, build, operation and, where appropriate, decommissioning of new energy infrastructure." Much of the proposed route crosses land at enhanced flood risk. There is no apparent mitigation proposed for this.

Section C – cost/benefit analysis

28. National Grid has not followed Treasury Green Book guidance and at consultation events, National Grid representatives have consistently stated that they are not required to do so.

29. This is wrong in principle and, in practice, gives rise to an approach that ignores any costs other than simple capital costs. This has the inevitable effect of distorting decision making by attaching no value to environmental, socio-economic or any other factors. It embodies an unjustifiably narrow definition of value for money, reflecting only financial cost and not the wider impact, effectiveness, or ongoing efficiency of the chosen solution.

30. The Government defines value for money as 'using public resources in a way that creates and maximises public value.' Public value, in this context is, 'as the total well-being of the UK public as a whole.' This includes the 'environmental (e.g. noise, air quality, landscape) impacts of a proposal.'[4]

[3] https://www.reuters.com/world/uk/britains-sunak-vows-focus-food-security-speech-farmers-2024-02-20/
[4] See, for example, Department of Transport, *Value for Money Framework*, 2015.

31. National Grid has signally failed to apply any kind of rational value for money analysis to its proposals or to demonstrate to consultees how it has done so and the results of such an analysis. National Grid cannot demonstrate, therefore, that its proposals represent good value for money.

32. Despite its protestations to the contrary, we further submit that National Grid **is** bound by the Treasury Green Book.

33. This is a national infrastructure project, to be examined by the Planning Inspectorate's national infrastructure projects team. It will have to be signed-off by Ofgem, a government body. Ultimately, decisions on whether the project should proceed will be made by the Secretary of State, in pursuit of government policy. The project is being proposed in pursuit of a government policy to de-carbonise electricity generation. This is a project being undertaken in pursuit of public policy objectives and for a government customer (Ofgem) and using public money (albeit through electricity bills, rather than taxation). By any reasonable construction, therefore, it is a public project, and the Green Book therefore applies.

34. The Green Book sets out a summary outline of key appraisal steps:

1. Preparing the Strategic case which includes the Strategic Assessment and Making the Case for Change, quantifies the present situation and Business as Usual (the BAU) and identifies the SMART objectives. This Rationale is the vital first step in defining what is to be appraised. Delivery of the SMART objectives must drive the rest of the process across all dimensions of the Five Case Model as explained throughout this guidance¨ Longlist analysis using the options framework filter considers how best to achieve the SMART objectives. Alternative options are viewed through the lens of public service provision to avoid bias towards preconceived solutions that have not been rigorously tested.

2. 'A wide range of possibilities are considered, and a viable shortlist is selected including a preferred way forward. These are carried forward for further detailed appraisal. This process is where all complex issues are taken into account and is the key to development of optimum Value for Money proposals likely to deliver reasonably close to expectations.

3. Shortlist appraisal follows and is at the heart of detailed appraisal, where expected costs and benefits are estimated, and trade-offs are considered. This analysis is intimately interconnected to the Strategic, Commercial, Financial, and Management dimensions of the five-case model, none of which can be developed or appraised in isolation.

4. The use of Social Cost Benefit Analysis (CBA) or Social Cost Effectiveness Analysis (CEA) are the means by which cost, and benefit trade-offs, are considered.

5. Identification of the preferred option is based on the detailed analysis at the shortlist appraisal stage. It involves determining which option provides the best balance of costs, benefits, risks and unmonetisable factors thus optimising value for money.

35. These steps have not been followed in respect of the current proposals and the basis for consultation is, therefore, fundamentally flawed.

36. In particular, and as noted above, no attention has been given to the unmonetisable value for money factors which imposes artificial and unjustifiable constraints on the options appraisal process.

37. Consequently, there are options which are either dismissed by National Grid or which receive inadequate value for money analysis, or which are not considered at all. These include:

1. the replacement of existing power lines and pylons with high voltage transmission cables

2. the lifting of the maximum transmission capacity from 400kV to 800kV that is delivered on land overseas

3. alternative routes for new cables

4. a fully underground option

5. alternative pylon types

6. an integrated offshore grid. This approach has been demonstrated by National Grid to be technically feasible, better for consumers to the tune of £6bn, to offer environmental and socio-economic benefits and to be more effective the sooner it is started. Given the magnitude of the impact of these proposals, it seems entirely proportionate that the integrated offshore approach should be considered: it is realistic, important, and relevant.

38. Furthermore, the presentation of total capital costs alone distorts meaningful comparisons and frustrates meaningful comparisons of the possible options. National Grid has said publicly that the current proposal would cost '£133 per customer' as opposed to '£548 for subsea.'[5] Although the derivation of these figures is unclear, they are (we assume intentionally) misleading. Both figures are the potential cost per customer *over the lifetime of the project* not, as implied, a single figure to be recovered in one lump sum from electricity consumers. And stripped of any assessment of the cost of externalities (environmental, agricultural and so on) they are meaningless in terms of reaching considered conclusions. In any event, consultees are not being offered even the simple option of choosing £133 spread over (say) 25 years or the higher figure over the same period, set against the wider non-financial costs and benefits. The communities affected by these proposals deserve the opportunity to express an informed opinion on what they would prefer.

[5] https://www.lincolnshirelive.co.uk/news/local-news/major-pylon-network-take-away-9094710

Conclusions

39. We understand the need to build electricity transmission capacity in order to meet the goal of de-carbonising electricity generation in the UK. But this cannot be achieved with no regard for the implications for the communities which would suffer significant negative impacts from the approach currently proposed by National Grid.

40. The current network of high voltage transmission lines was largely developed in the 1950s and 1960s, when the priority was to expand capacity as quickly and cheaply as possible. The short-sightedness of such an approach is now evidenced by the removal of pylons in Areas of Outstanding Natural Beauty. The clear implication is that it is accepted that traditional 50m hight steel lattice pylons have a significant impact on the landscape in which they are located. There is no need to repeat last century's the mistakes in planning and delivering a 21st century expansion in transmission capacity. Indeed, there are alternatives available now which, if the full economic costs of the options were robustly assessed, could provide sustainable, less-intrusive options which offer good value for money, in the broadest sense of the term. To opt for the cheapest possible solution is an affront to the communities on the proposed route and would be to saddle future generations with infrastructure that has entirely avoidable impacts.

41. We therefore call on National Grid to:

1. engage in a genuine consultation process with the communities of Lincolnshire to identify the best approach to building transmission capacity with the least impact on landscapes, agriculture and socio-economic well-being

2. engage in such consultation with an open mind, rather than a pre-determined preferred option

3. support an approach to value for money assessment which follows the Treasury Green Book principles and does not simply ignore unmonetised costs and benefits

4. adopt an integrated approach to transmission capacity development, reflecting the potential benefits of an integrated offshore grid.

7 March 2024