



COMMUNITY BENEFITS FOR ELECTRICITY TRANSMISSION NETWORK INFRASTRUCTURE

RESPONSE TO CONSULTATION BY FRISTON PARISH COUNCIL (“FPC”) AND SUBSTATION ACTION SAVE EAST SUFFOLK (“SASES”)

A. INTRODUCTION

1. This document is FPC’S and SASES’ response to the consultation paper issued by the Department for Energy Security and Net Zero in March 2023. In addition at the end of this response are comments on the letter dated 5th June 2023 from Andrew Bowie MP. One comment in this letter particularly stands out. The admission that *“there is currently no framework or guidance for community benefits for network infrastructure”*, whilst self-evidently correct, is truly shocking. Given the very serious impacts on communities from such infrastructure development and the reams of planning policies etc under which these developments are purportedly “robustly” considered, this absence reflects the reality, which is the total disregard of the true impact of these developments on communities.
2. Before addressing the consultation questions on pages 35 and 36 of the consultation paper, it is necessary to set out the context in which this consultation is taking place. Whilst FPC and SASES understand that this consultation is not aimed at specific projects, this response will inevitably draw on FPC’s and SASES experience of engaging with the onshore aspects of:
 - the Scottish Power project EA1N
 - the Scottish Power project EA2
 - the National Grid connection hub project
 - the National Grid Sealink project
 - the National Grid Nautilus project
 - the National Grid Eurolink project (now renamed Lionlink for the Brexit world).

The expectation in responding to this consultation is that all these closely connected projects will be subject to the new community benefits guidance.

3. Please note all these projects are focused on and dwarf the rural village of Friston, and connect at the proposed National Grid connection hub, even though the impacts of this hub as an NSIP were not properly assessed.
4. The community has responded to numerous consultations, informal and formal/statutory, over the past five years in respect to these projects and over an even longer period for SZC. It has learnt the consultation process, so far, is pointless. It results in no meaningful change and simply allows the developers to “tick a box” to the effect they have consulted the community. In reality developers consult the community and then completely ignore what it says. The response to this consultation is a triumph of hope over experience.

5. FPC's and SASES' position is that these projects should be stopped. It is inconceivable that anybody thought it was appropriate to build 30 acres of noisy industrial infrastructure, with the loss of 100 acres of prime agricultural land, on a site which is ringed by listed buildings, next to an historic rural village, where there is a serious flood risk and further that this is an appropriate place to connect at least five major energy projects. Friston is not a remote area as referred to on page 12 of the consultation paper, but it is currently a rural and tranquil one.
6. This is why two local groups SEAS and SASES are seeking judicial review of the decisions to grant consent for the Scottish Power projects and the National Grid connection hub project. The SASES case has been heard in the High Court and, although SASES was not successful at the high court level, it has been granted leave to appeal to the Court of Appeal on the basis that its case has a real prospect of success. The SEAS case, which was brought on different grounds, was heard on in the High Court on 23 and 24 May 2023. Judgment is awaited.
7. Also note that this response like all consultation responses from the community has been prepared by members of the community giving their time and professional experience free of charge, a point which is universally ignored by those who are paid to respond to these consultations.

B. CONTEXT

8. We think it is important to lay out the context in which this consultation is taking place. We request that this Section B and the attached Appendix are read carefully because they set out the reasons why National Grid, the developers and these projects are viewed so negatively, why they have generated such opposition and why current so-called "community benefits" are so inadequate. Those reasons include the following:
 - the planning system is neither robust nor fair
 - the incompetence of developers
 - National Grid's management failure
 - regulatory failure
 - local authority failure
 - poor stakeholder engagement
 - the impossibility of community benefits repairing the damage
9. The result is a total absence of trust in National Grid, the developers, OFGEM, the NSIP planning process, the regulatory regime and local and central government. It has worsened the blight on people's lives and their well-being, blight which it has already endured for five years. In fact it is almost as if these organisations had conducted themselves in a manner deliberately intended to damage the well-being and mental health of people in the community. The projects could not be considered in a more negative light. The former Conservative administration of East Suffolk Council has of course paid the price at the ballot box. A General Election will take place next year.
10. The consultation paper wants "*communities to feel that they are positively benefiting from hosting electricity transmission network infrastructure*". The current feeling could scarcely be more negative.

C. WHAT ARE COMMUNITY BENEFITS?

11. Various terms are used to describe community benefits and they are also generally wrapped up with the concepts of mitigation and compensation. It would be helpful if greater clarity could be brought to what is meant by community benefits. For the avoidance of doubt compensation paid to landowners under compulsory purchase arrangements is a completely separate issue.
12. Currently community benefits seems to mean of payment of a number of funds to local authorities which is a thoroughly inadequate approach for the reasons set out below.
13. Also the meaning of benefits is extended by developers to the purported employment and economic benefits of these projects. It needs to be recognised that no long-term employment is created by transmission infrastructure and most if not all the plant and material required is sourced from outside of the community which suffers the harm. This fact is made worse by the disinformation spread by developers' PR teams which over promote benefits which do not exist in the community, although they may exist elsewhere in the UK or some ill-defined region of the UK.

D. WHAT IS THE OBJECTIVE?

14. The stated objective is to *“ensure communities feel that they are positively benefiting from hosting electricity transmission network infrastructure”* – see second paragraph on page 14. Accordingly the community benefits must be more than simply an attempt to repair damage through financial means in an endeavour to put people in the position they would have been had the development never occurred. There must be benefits which go substantially beyond that.
15. To achieve that objective there needs to be an understanding of the total inadequacy of the current approach which is caused by a number of factors including the following.
 - Sums of money are paid to local authorities for them to distribute as they think fit, where sums can be deployed to areas which suffer no or little damage.
 - The sums are agreed behind closed doors without meaningful consultation with the communities who suffer the damage.
 - There is no independent objective analysis of all types of damage that will be suffered or the level of that damage – this is often looked at through the narrow and arid application of inadequate planning policies.
 - Overall the amounts offered are paltry compared to the huge capital investment involved and the benefit and profit which National Grid, the developers and the country receives.

16. Accordingly, if people are to feel positive, benefits need to be directly paid, after meaningful consultation and after an independent objective analysis of damage. This should lead to the payment of amounts of money which are sufficiently substantial so that people do feel positive, bearing in mind that ultimately the damage that is being suffered cannot be offset by money.

E. HOW IS THE DAMAGE/HARM TO BE ASSESSED

17. There needs to be an independent and objective analysis of the harm which will or may be suffered covering both the type of harm which will be suffered and expressing the level of harm in financial terms.

18. The type of damage which may be suffered is set out below but this is not an exhaustive list.

- Damage to the environment, landscape and visual, increased flood risks, damage to heritage assets etc.
- Increase in noise - a key issue given much of this infrastructure is built in very quiet rural areas.
- Loss of amenity - for example the elimination of public rights of way and generally the loss of the peace and tranquillity of the countryside
- Damage to wellbeing – this is not given any consideration in the planning process and yet in many ways it is one of the most serious types of damage. People's well-being is damaged from the point they first become aware of the proposed project and then for the rest of their lives. There is no understanding that people largely live in a rural environment for its peace and tranquillity and rural landscape. They feel that is being brutally removed.
- Financial damage/blight – inevitably transmission infrastructure will impact not only the value of people's principal asset, their home, but also the ability to sell their home and move elsewhere. People feel they are trapped in a place they no longer wish to live and yet cannot move or cannot move without suffering a significant financial loss.

19. It needs to be recognised that the level of damage suffered by individuals will vary due to a number of factors. This is reflected in the consultation paper by referring to the distance which individuals may be from the infrastructure. However there are other variables. Some of these are set out below but this is not to be regarded as an exhaustive list.

- Size of infrastructure area and height
- How ugly it is
- Distance from the infrastructure
- Type of and level of harm
- Duration of harm whether harm is suffered during a construction period or effectively permanently for the rest of people's lives.

F. ENSURING DELIVERABILITY

20. The consultation paper refers to the guidance to pay community benefits being voluntary. This is not satisfactory. For the reasons explained in this response there is a complete absence of trust in National Grid and the developers. They are viewed entirely negatively. If people are to feel positive then they need to be certain that community benefits will be properly and independently assessed so the level of harm is recognised, that the benefits are generous and that the benefits are promptly delivered. Guidance must be mandatory.

RESPONSES TO CONSULTATION QUESTIONS

1. What are your views on how community support for electricity transmission network can be improved?

Address so as far as possible the issues set out in Section B Context above.

If planning consent is granted following a truly robust and fair planning process by competent developers then benefits should be financially meaningful relative to the following.

- Damage to the environment, landscape and visual, increased flood risks, damage to heritage assets etc.
- Increase in noise - a key issue given much of this infrastructure is built in very quiet rural areas.
- Loss of amenity - for example the elimination of public rights of way and generally the loss of the peace and tranquillity of the countryside
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- Size of infrastructure area and height
- How ugly it is
- Distance from the infrastructure
- Type of and level of harm
- Duration of harm whether harm is suffered during a construction period or effectively permanently for the rest of people’s lives.

Whilst the method by which benefits is determined is important, ultimately if people are to feel they are positively benefiting, then the financial sums on offer need to go beyond mere compensation as even full compensation only puts people back into the position they were in before the relevant projects were proposed. There needs to be a genuine and substantial benefit.

The guiding principle should be that the overall objective of community benefits is for people to feel positive. Developers should not be grudging or niggardly in their approach. They should honestly recognise the true impact on people and communities and be empathetic rather than viewing everything through the prism of narrow and arid planning policy where impacts are either minimised or ignored.

2. Do you agree with the proposed types of infrastructure and projects we would include in these proposals?

Whilst we cannot confirm that the proposed types of infrastructure and projects are all encompassing we would agree that onshore electricity transmission network infrastructure and onshore electricity transmission network infrastructure associated with offshore wind and interconnectors is infrastructure which should be within scope. Please note a piece of infrastructure known as a cable sealing end is not referred to. These are substantial pieces of network infrastructure which are industrial in nature.

3. What are your views on government's preferred approach of a voluntary benefit scheme underpinned by government guidance (covering both wider and direct community benefits)?

This question needs to be considered in the context in which it is asked - see Section B Context above. There is no trust as a result of National Grid's and the developers' conduct. National Grid and the developers seek to downplay impacts in every way possible. Communities currently do not consider that National Grid and developers will "do the right thing" and will seek to minimise benefits whilst publicly seeking to maximise them for PR gain. Further an absence of a mandatory obligation will undermine any positive effect which the proposals are intended to have. Fundamentally communities must be certain that National Grid and developers will deliver community benefits which are of a type and at a level so that people feel they are positively benefiting.

See also section F above.

4. What are your views on the information we have proposed to include in government guidance?

The headings of identifying the eligible community, consultation and engagement, governance and delivery of community benefits, benefit scheme funding seem to be the key elements. However it may be that during the development of the guidance further elements need to be included.

5. Do you agree with the government's proposals to focus on direct and wider community benefits, choosing not to pursue options such as community ownership and electricity bill discounts?

This is a question about means rather than objectives which is to make people feel they are positively benefiting. It is key that a substantial component of the benefits are direct. If discount schemes or shared ownership create complexity which inhibits the deliverability of benefits or dilutes the direct financial benefit then it could be argued they should be avoided. Ultimately the key question is the size of the benefit rather than the manner in which it is delivered.

6. How do you think guidance could be developed most effectively? How should different stakeholders be involved?

It is noticed that this question is about how "guidance" could be developed rather than individual community benefits packages.

Part of the problem is the "top down" approach from central government which largely engages with National Grid and the developers and seems to have a little understanding of the reality on the ground.

Objectivity needs to be brought into the process by an organisation with relevant expertise which is demonstrably independent and which can support communities.

There needs to be engagement with people at a community level who have direct experience of being subjected to these projects and the planning process. To have credibility however the guidance would actually have to reflect the views of such people. Affected communities need to be genuinely key stakeholders in the process and not be fobbed off with webinars, meaningless consultations and largely content free presentations when community benefits guidance has already been agreed behind closed doors. Everyone has had enough of “tick box” consultation exercises.

7. How do you think the effectiveness of this approach should be evaluated?

It is not entirely clear what is being referred to by “approach”. Effectiveness can only be judged once there is a definitive proposal for guidance. Given the objective of making communities feel that they are positively benefiting, perhaps the community should be engaged in terms of the positivity of their response to the guidance. Ultimately the real test of the guidance is when community benefits for a particular project/community are determined and a community’s view of those benefits is known.

Assessing the views of the community needs to be treated with caution. Those members of a wider community who suffer little substantive long term impact may regard wider community benefits more favourably compared to those members close to infrastructure who suffer significant long-term/permanent harm and who should receive direct benefits. It is the views of the latter which are the more important.

8. Do you have a preferred approach to how the level of funding should be calculated?

In short no. Capital expenditure is relevant, the likely profitability of the project is also relevant as is the degree of damage/harm which the infrastructure will cause.

Currently the amounts offered are paltry compared to (i) the huge capital investment involved and the benefit and profit which National Grid, the developers and the country receives and (ii) the real harm which is being inflicted.

If people are to feel positive, benefits need to be directly paid after meaningful consultation and after an independent objective analysis of harm/damage. This should lead to the payment of amounts of money which are sufficiently substantial so that people do feel positive, amounts which go beyond mere compensation for the harm/damage being suffered.

Degrees of harm/damage will vary across the community as indicated in the answer to question 1.

It needs to be remembered that ultimately the damage that is being suffered cannot be offset by money, so the sums offered have to be sufficiently generous to reflect that.

9. What level of funding do you believe is appropriate?

See answer to question 8 above.

10. Is there anything further we should consider as part of next steps?

The actions outlined seem to be a good step in the right direction. It may be that as the consultation continues other steps need to be taken. At all times it needs to be remembered

that the objective is for communities to feel positive. To achieve that there needs to be significant cultural change within National Grid and the developers.

Analytical Annex Questions

Answers are not given to specific questions but the contents of this annex highlight the need to come up with a much better solution to address the failures of the past and meet the need for transmission network infrastructure.

Comments on letter dated 5 June 2023 from Andrew Bowie MP

This letter raises a number of issues which are either additional to the consultation document or statements which cannot pass unchallenged.

Governance and Delivery of Community Benefits

As referred to in the response above, there needs to be meaningful engagement with the community both in terms of developing benefits packages but then also in terms of the administration of those packages. Whilst not suggesting a specific proposal it may be that a stakeholder group involving local authorities, the developers and representatives of the community is established to discuss and agree how benefits packages are to be distributed, such a group to be a true decision-making body and not one which merely “rubber stamps” decisions made elsewhere. The group should also include an organisation with relevant expertise which is demonstrably independent and which can support communities.

Reference to support of tourism and development of local skills

This reference creates confusion as to what should be considered to be community benefits. Support of tourism and development of local skills whilst vital are not community benefits but economic benefits/impacts. As noted in the response to the consultation (paragraph 13) purported economic benefits do not meaningfully benefit the local communities who suffer the damaging impacts of these infrastructure developments. In order to provide focus and clarity economic benefits should be considered separately from community benefits. However there needs to be much more rigorous assessment of both the economic impacts of a development (for example a risk to a key sector such as tourism) and the local (as opposed to ill-defined regional and national) economic benefits which the development will deliver.

Support to communities in developing benefit packages

This is an aspect of the serious problem in the planning system of the “inequality of arms” between developers and the local authorities on the one hand, and communities on the other. It is unlikely that communities will have the expertise to properly assess and develop what would be an appropriate community package except in very high level of terms. Therefore the assistance of an independent consultant with relevant expertise would be very helpful.

Mandatory guidance

As set out in the response to the consultation (paragraph 20) a voluntary approach is not satisfactory so the fact that a mandatory approach is under review is welcomed.

Robust and Independent Planning Process/Developer Consultations

The assertion that there is “*a robust and independent planning process*” is clearly a Whitehall mantra but it is not the reality – see paragraphs 2 - 4 of the Appendix below. As for the reference to the statutory consultation process see paragraph 1 of the Appendix below.

APPENDIX - THE CONTEXT IN WHICH CONSULTATION IS TAKING PLACE

Not Another Consultation

1. The community has responded to numerous consultations, informal and formal/statutory, over the past five years in respect to these projects and over an even longer period for SZC. It has learnt the consultation process is pointless. It results in no meaningful change and simply allows the developers to “tick a box” to the effect they have consulted the community. In reality developers consult the community and then completely ignore what it says. The response to this consultation is a triumph of hope over experience.

Planning System neither Robust nor Fair

2. The consultation paper refers to the planning process as being robust (pages 13 and 14) and fair. This is incorrect. By way of example National Grid manipulated the planning process so that the cumulative impacts of at least five other NSIPs connecting to its proposed connection hub at Friston were not considered.
3. As for being fair, this is manifestly untrue. There is a complete “inequality of arms” between the developers, National Grid and the local authorities on the one hand and the community on the other. National Grid and the developers are multibillion pound corporations with huge resources both in terms of people and money. The local authorities employ various experts in their fields and their costs are borne by the developers.
4. In contrast the community is dependent on individuals (who may or may not have relevant professional experience) giving up very substantial amounts of their time for free. Further to avoid being completely crushed in the planning process, they have to use their private financial resources to retain the services of relevant legal and environmental experts.

Incompetent Developers

5. It should be noted that the projects at Friston were only necessary because Scottish Power mismanaged its EA1 and EA3 projects which connect further south in Suffolk at an existing substation location at Bramford. The onshore cable route for these projects was meant to provide the necessary connection not only for EA1 and EA3 but also for EA1N and EA2. Connection agreements for EA1N and EA2 to connect at Bramford had even been entered into. Due to mismanagement of EA1 and then subsequent failures in the planning process, the connection point at Bramford was abandoned and the destruction at Friston planned.
6. To make matters worse EA1 was meant to have a generating capacity of 1200 MW. However this was reduced by almost half to 700 MW without any reduction in environmental impacts onshore. 500MW of generating capacity went “missing in action”. This is unforgivable.
7. It is hard to imagine a more disastrous outcome for Scottish Power’s EA1 project.

National Grid – management failure and regulatory failure

8. It was known well over a decade ago that the national transmission system would need to be hugely upgraded to cope with the needs of renewable energy. However National Grid did not have a long-term strategic plan to invest in one of the country’s most vital strategic assets. It obviously suited its shareholders and its management pay/remuneration plans to avoid the necessary capital investment. OFGEM failed to address these issues and failed to lobby for the necessary regulatory changes to ensure the required investment was made. There are obvious analogies to what has gone on in the water industry.

Local Authority Failure

9. Local authorities who are key stakeholders in the process can be (and were in East Suffolk) more interested in facilitating the development rather than protecting the communities which they are meant to serve. This is not surprising since the developers fund their expenses in engaging with the planning process. Furthermore they trumpet economic benefits which, in reality in the East Suffolk area, are minor relative to the damage and relative to other parts of the East of England e.g. Teesside and Hull. The financial mitigation which was agreed was paltry compared to the capital expenditure (understood to be £2.5 billion for each of EA1N and EA2 which is before the capex for the NG connection hub) and the temporary and long-term damage to the environment, to the community and its well-being. Furthermore there was no consultation with the community about the “benefits” deal which was done with the developers. It was conducted behind closed doors and without any proper financial analysis of the damage that would be caused.

Poor Stakeholder Engagement

10. National Grid and the developers seem to take the view that they are “doing God’s work”. Their engagement with the community is arrogant, patronising and dismissive. By way of example FPC has requested a meeting with Scottish Power to meet newly appointed members of its stakeholder team, who will engage with the community should its projects go ahead. This has been refused. Further it has failed to keep the community informed. For example when it chose to delay EA1N and EA2 by two years, the community only found out by chance from a specialist energy publication.

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