

Mark Parish Council, Mark, Somerset

Mr Steve Holliday  
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National Grid Plc  
1-3 Strand  
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WC2N 5EH

18 December 2009.

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Dear Sir

NATIONAL GRID HINKLEY POINT C CONNECTION PROJECT

Purpose of the letter.

1. I am writing to you on behalf of Mark Parish Council in respect of the consultation process for the above project. After consulting local opinion, it is the view of the Parish Council that the significant deficiencies in that process render it an inadequate basis on which to come to a decision, properly reflecting local opinion, on a preferred route for the Connection Project. The purpose of this letter is to describe those deficiencies and to request that the basis of consultation be revised, to include information on all the options for the network infrastructure and the desiderata and criteria for selection, and that the consultation process then be repeated. This would enable statutory consultees and all residents affected by the proposals to be consulted fully on all the potential options for the connection of the new electricity generator proposed for Hinkley Point. Only in this way will the eventual decision on the technology and the route to be chosen have credibility and legitimacy and achieve conformity with statutory requirements and thereby secure an acceptable level of local support. In the process National Grid would materially reduce the risk of its application to the Infrastructure Planning Commission being rejected for faulty consultation.

2. In this context you should note that Mark Parish Council, designated as a statutory consultee by Regulations made under the Planning Act 2008, have already submitted a response to your consultation in a letter dated 20 November 2009. That letter made representations about the adequacy of consultation and this letter develops those objections in the light of further information secured by the Council about the changes in the planning regime contained in the Planning Act 2008.

3. In submitting this letter, the Parish Council reserve the right to make further representations to National Grid on the adequacy of its consultation in the light of the further research they will be undertaking.

Planning background.

4. Under the terms of the Planning Act 2008 pre-application consultation is a statutory duty for the promoters of a major infrastructure project and detailed regulations have been made about the way that such consultation should be carried out. The Infrastructure Planning Commission (IPC) has the ultimate role in determining whether pre-application consultation meets the required standard and has the power (under Section 55 of the Planning Act 2008) to reject an application if it considers that such consultation is inadequate. Guidance issued by the Department for Communities and Local Government in September 2009 states that where someone feels that

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consultation was inadequately carried out they should approach the promoter in the first instance to ascertain their view of the matter. If, after such an approach they remain dissatisfied, they should make a complaint to the relevant local authority (in this case Sedgemoor District Council), the IPC or both.

5. In line with this guidance, the Council are now providing National Grid with the opportunity to consider our case that your consultation to date has failed to meet the standard required under the terms of the revised planning regime for major infrastructure projects. It is our intention to take up our concerns formally with the local planning authority and with the IPC if National Grid fails to agree that consultation for this project has not met the statutory requirements of the Planning Act 2008 and fails to respond by re-running the consultation process on the basis that we propose. You will note that a copy of this letter has been sent to the local authority statutory consultees for this area and to the IPC to alert them at an early stage.

6. It is the Parish Council's view that it is in the interests of National Grid to undertake a more comprehensive consultation in order to secure a better informed response from local consultees on the available options and thereby reduce appreciably the risk of an unfavourable decision by the IPC on the adequacy of the consultative process and thus, potentially, its rejection of a preferred route for that reason.

7. Before setting out the detail of the case there are a number of background issues that need to be raised. These are as follows.

### The significance of the Planning Act 2008 to this proposal

In the first instance, the Planning Act 2008, which *inter alia* makes provision for the establishment of the IPC, introduces a new planning regime for major infrastructure projects in England and Wales. The Department for Communities and Local Government issued guidance on pre-application consultation in September 2009. Relevant extracts from this guidance are contained in Appendix 1 to this letter. It is clear from these extracts that there is an expectation which is material to the eventual decision of the IPC, that full and meaningful consultation with statutory consultees and local communities, going beyond what has been expected in the past, has to be undertaken by the promoter of such a project.

There are three points at which consultation is required in order that public opinion may be elicited. Failure to carry out an inclusive and meaningful consultation is a ground upon which the IPC may reject the application at the point of submission. Paragraph 6.3 of the *IPC Draft Guide to Role and Operations* sets out the framework in which the IPC provides advice, both to promoters and interested parties, about pre-application consultation and representations. The paragraph also refers to "constructive dialogue" between promoters and interested parties and "...the values of openness, integrity, efficiency, objectivity and accountability that underpin the role of the IPC in infrastructure planning." Paragraph 6.14 of the guide discusses transitional arrangements. As community consultation had not begun before 1 October 2009 (the operative date for the commencement of the IPC), it is this Council's opinion that National Grid should be following the arrangements which are necessary under the new regime established by the Planning Act 2008.

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### The statutory duties of National Grid

The Electricity Act 1989 requires National Grid 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, and shall do what it reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on such flora, fauna, features, sites, buildings or objects” In addition, the National Grid has a statutory duty to “maintain an efficient, co-ordinated and economical” system of electricity transmission. The National Grid website page (*Our major infrastructure projects: we welcome your feedback*) states that “the options for major projects are therefore evaluated against these statutory duties. Balancing these sometimes conflicting requirements can be difficult”. We note that the consultants’ report prepared for National Grid was solely on the basis of environmental factors but has considered only the overland routes (see paragraph 17 below).

### Consultation process in respect of this project

#### a) The format of consultation with the Parish Council.

8. On 8 October 2009 National Grid sent a letter to the Parish Council inviting their views of the 2 corridors considered for the overland route to connect the Bridgwater and Seabank substations. The letter drew attention to the period for public consultation on two broad route corridor options for the new overhead line and contained a timetable for National Grid’s public exhibition programme. Reference was made to further information being available on the National Grid website. An information leaflet was enclosed with the letter. This letter and its attachment was in all material respects the same as that which went to individual residents of the village of Mark. The Parish Council are a Prescribed Person under Schedule 1, Column 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

9. If the Parish Council are to undertake their role as the democratic representative of the local community, they should have made readily available to them a more comprehensive account of the options, including any not published for consultation, than that provided to the general public. Failure by National Grid to provide this has seriously hampered the Council’s efforts to understand the proposals, to consult local opinion and provide properly informed comment in the timescale required. Even now, the Council are having to research the background to this complex issue in an attempt to provide an adequately rounded account of its views. The Planning Act 2008 clearly establishes that there must be a process of openness and engagement with local interests so that they can be assisted in responding appropriately. The Council believe that National Grid has failed in its obligation to provide adequate information to a statutory consultee in a form and in a manner which meets the more stringent requirements of the new consultative regime and that as a consequence the Council have been unreasonably hampered in their efforts to respond.

#### b) The process of consultation with local residents.

10. On 8 October 2009 National Grid sent the same letter to owner/occupiers in Mark and other affected communities as that sent to the Council. Two public meetings have been held in Wedmore and Mark, the latter organised by this Council, at which local residents were given the opportunity to comment on the form and the content of National Grid’s consultation. Over 475 people attended the 2 meetings, at which a show of hands of those living in the areas affected by the proposed routes indicated that about 30% of those present had not received the letter and

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consultation leaflet from National Grid, although they were sufficiently concerned about the issue to turn out on a Sunday evening in December to articulate their anxieties. It is the Council's view that this demonstrates that the National Grid has failed adequately to alert and consult local people with a legitimate interest in its proposals.

11. In the material which National Grid made available to those residents who received it there is reference to the availability of further information on request. However, the only means by which interested parties appear to be able to know the nature and extent of that information is by research on the internet. But in a village like Mark, with a disproportionate number of elderly people and with some on low incomes, access to the internet is not universal. Some residents have accordingly been left with the impression that only the information made available to them by letter is relevant. Moreover, even those with access to the internet have found the National Grid web site difficult to navigate, as not all the relevant documentation on the Hinkley C Connection Project is available in one place. The Council believe that it should have been possible to have indicated in the written material distributed the nature and extent of the further information available and to have offered to provide this in paper form on request. The Council is of the view that this illustrates the passive, partial and limited extent of the consultation, falling well short of the level of engagement and openness required by the new consultative regime.

12. The National Grid mounted a series of exhibitions, including one in Mark on 16 November, as part of its consultation. The Council were grateful for the assistance of National Grid staff at the exhibition, but they believe that the exercise was woefully inadequate. Local residents who attended the exhibition have complained to the Council that the exercise was a passive one. Local people, with no experience of the technical and other issues associated with National Grid's plans, were expected themselves to formulate and pose questions to which National Grid staff responded. This left the initiative with people who, for the most part, were unable to take it up. Residents have expressed dissatisfaction with the public exhibition arrangements on a number of specific grounds:

- a) Such information as was available was generic and did not deal specifically with the proposals as they would affect the Mark community;
- b) Different representatives from National Grid provided different answers to the same points;
- c) Any suggestions of mitigation of adverse environmental impacts by, for example, use of underground cables were dismissed out of hand on the grounds solely of cost;
- d) Options such as use of land adjoining the M5 corridor or using underwater cables were dismissed as too costly or impractical without explanation;
- e) Insufficient information was available on the likely height of the pylons to be used at the most sensitive sites;
- f) It was not clear whether, in respect of Corridor 1, the existing Western Power line would be replaced or would be supplemented by National Grid's pylons and overhead cables;
- g) There was no information available on the necessity for illuminating the pylons because of flight-paths of military aircraft;
- h) There was no information available about the opportunities for the amelioration of noise from the cable network.

13. It is the Council's view that the exhibition, which was an important part of National Grid's strategy for engagement with local people, failed to help residents to understand and to challenge the options offered to them and failed entirely to expose options not involving pylons crossing Mark. The Council believe that this illustrates National Grid's failure to meet the new consultative requirements.

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14. It is clear to the Council that the consultation regime which governs the approach which National Grid has to adopt in consulting local people goes well beyond that which has hitherto been necessary. It requires constructive dialogue and an active, open and responsive approach to making information available, none of which has been a feature of the consultation. The Council believe that the information provided was perfunctory and inadequate.

### c) Other options for routes

15. A critical deficiency of the National Grid's consultation is the absence of any discussion of alternative technological and geographic alternatives to the 2 overland routes offered. The residents of Mark are faced with a choice between two overhead route corridors, both of which have a substantial and significant impact on the village and, as a consequence, neither of which is acceptable to the community. This has left the village feeling that National Grid is endeavouring to split it by manoeuvring villagers into a choice between the lesser of 2 evils. The 2 public meetings demonstrated the depth of feeling among residents that National Grid, by denying debate about alternative options, had already decided on the outcome to the detriment of their interests.

16. Yet it is clear that other options are available to be considered by those whom the 2 overland routes would affect. In this context we note that the 11 December edition of the *Fosse Way Magazine*, carried an article on the National Grid's proposals in which a National Grid spokeswoman was reported as having given an explanation of the grounds on which underwater and underground cable routes were considered and dismissed. These were on financial, technical and environmental considerations. If this information could be provided to a journalist, why did it not form part of the information made available to all interested parties in the pre-application process?

17. In researching the background to the options offered for consultation, the Council have considered the Route Corridor Study prepared by TEP (Warrington) for National Grid. It appears that this considered only routes which were land-based, despite the fact that underwater routes have been adopted elsewhere in the UK and Europe to avoid overland routes or where they are the only practicable option. It has been noted that Paragraph 9.35 of the report states:

“The assessment and comparison of corridors has been based on environmental considerations only. It does not take account of technical or economic factors which will be taken into account by National Grid before a preferred corridor is identified to be taken forward.”

18. It is reasonable to ask, in this context, why the underwater cable option was not examined in the consultants' report for National Grid report if environmental factors were the only consideration at this stage? It is significant that, when this issue was raised with National Grid representatives at the Mark public exhibition, the principal objection was one of cost, not environmental impact. It is also reported in the 16 December 2009 edition of the *Burnham and Highbridge Weekly News* that National Grid's reaction to the Mark public meeting was that the key criteria for a decision were economy and efficiency. Leaving aside the injury this does to the statutory obligations National Grid are actually under, this reinforces the local view that environmental and human costs are not as important as the financial implications. Clearly an underwater route for the cabling infrastructure would have none of the environmental problems associated with any proposals for an overland route, though it might raise others which would have to be considered.

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19. In this connection we wish to remind you of a statement you personally made and which was reported in *The Independent* newspaper on 23 July 2009. The article said:

“In the UK, the main item on National Grid's agenda is to refresh the electricity infrastructure itself. The grid's architecture – designed around a central spine connected to a relatively small number of very large sources of power – is simply not appropriate for the 21st-century energy mix, with lots of smallish wind farms, both off and onshore, as well as the new nuclear power stations. According to the Energy Networks Strategy Group, Britain's power grid needs £4.7bn of unavoidable investment, 75 per cent of which will come from National Grid. But rather than simply boosting the existing network, the group has a more radical scheme to build new links running down each coast under the sea. The plan for the west coast – from Scotland to just south of Liverpool – is the most advanced. It is no more costly than the more conservative upgrade plan. And although there are some challenges – such as shifting the current to DC when it goes offshore, and AC when it comes back on again – none of the technical novelties is a showstopper. "I just don't think anyone ever thought of doing this before," Mr Holliday says. The plan for the eastern half of the plan has yet to be proven. But the western undersea grid is a "no-brainer", Mr Holliday insists, even for a company as risk-averse as National Grid. Ofgem seems to agree. The regulator has made a rare exception to the rules and given National Grid the go-ahead to start work on the project before the business case is fully worked out.” [Your direct quotes are emphasised].

20. Similarly, it is noted that in the initial consultation on the project with statutory and other bodies, the RSPB proposed that the network should follow the line of the M5. This is a section of countryside that is already compromised by the presence of the motorway and near part of which there is a line of lower-level pylons. Section 8 of the report deals with the constraints that the use of this corridor would pose, but it is not easy to discern from the TEP report why this option was discounted in the vicinity of Mark, even as an option for consultation. There are references to a “wirescape” in particular areas, but it is possible that such an effect could be mitigated by the use of underground cabling. (The Council notes that concern over the wirescape involved in retention of the Western Power 132,000 volt line in Corridor 1 through Mark is not mentioned in the consultation.) The Council does not advocate the adoption of alternative overland routes, but it does believe that they exist and should have been exposed for comment during the consultation process.

### Summary.

21. In the light of the commentary contained above, Mark Parish Council believes that the consultation carried out by National Grid is seriously flawed. The Council's rights as a statutory consultee have not been fully respected; the information provided to local residents has been perfunctory and passively delivered; alternative sources of information have not been exposed; the attempt at community engagement through a series of exhibitions did not constitute an active dialogue with local people; and the absence of any discussion of alternative technological and geographical options failed the test of openness required of the new consultative regime.

22. As a consequence, the Council believe that the National Grid consultation does not meet either the spirit or the letter of the planning regime for major infrastructure projects contained in the Planning Act 2008. These are issues that have already been raised with the Member of Parliament for the Wells constituency.

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Way forward.

23. Mark Parish Council consider that the consultation that National Grid has carried out in respect of this project is so wholly inadequate that the pre-application consultation process should be re-run taking account of the requirements of the Planning Act 2008. Mark Parish Council is of the view that it is:

- a) Unreasonable for the promoting body to exclude other options for routes from the public consultation process;
- b) That information at any future exhibition/presentation in Mark or which is communicated individually to local residents must be sufficient to enable them to come to a fully informed view about the proposed route corridors, including their relationship to alternative options and sufficient information about National Grid's proposals for the mitigation of adverse effects from the overhead cables. This would include options for use of underground cables.

24. The Council's case for revising and re-running this process is that one of the guiding principles for the establishment of this new regime for major infrastructure projects is that consultation by promoters must be carried out before any application is made in order to reduce the time subsequently taken for decision by the IPC. It should be clear from the representations contained in this letter that as a result of the deficiencies of National Grid's consultation on this project there is no possibility of local residents feeling that their views have been sufficiently considered and taken into account for a scheme that would have a major impact on their village, both at the construction stage and for the long-term future. As a consequence we urge you to reopen the consultation process on all potential route options for this infrastructure, taking account only of the environmental effects. This would include the underwater, underground and alternative overground corridor options. Thereafter, technological and financial issues could be factored in.

25. I ask for an acknowledgement of this letter and look forward to your early reply confirming that National Grid accepts the Parish Council's view that consultation has not met the requirements of the Planning Act 2008, has been inadequate, both in terms of format and content, and that as a consequence National Grid will reopen the pre-application consultation on the basis described in paragraph 23 of this letter and provide information about all possible cabling options and routes so that statutory consultees and local communities have a better understanding of their relative advantages and disadvantages and can respond accordingly.

26. A copy of this letter has been sent to the IPC, the Secretary of State for Energy and Climate Change, Somerset County Council, Sedgemoor and North Somerset District Councils and all parish councils in the potentially affected area, together with the Member of Parliament for the Wells constituency.

Yours faithfully

Councillor Eileen Corkish  
Chairman Mark Parish Council

Clerk to the Council,  
Mr Richard Young  
5 Channel Court  
Burnham on Sea  
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## APPENDIX 1

### Planning Act 2008 Guidance on pre-application consultation

Issued by the Department for Communities and Local Government, September 2009

#### Principles

8. The new requirements for pre-application consultation are a vital aspect of the new regime. The early involvement of local communities, local authorities and statutory consultees at this stage can bring about significant benefits for all parties:
  - To allow members of the public to influence the way projects are developed by providing feedback on potential options, providing them with an opportunity to shape the way in which their community develops
  - To help local people understand better what a particular project means for them, so that concerns resulting from misunderstandings are resolved early
  - To obtain important information about the economic, social and environmental impacts of a scheme from consultees, thus help promoters identify project options which are unsuitable and not worth developing further
  - To enable potential mitigating measures to be considered and, in some cases, built into the project before an application is submitted
  - It may identify ways in which the project could, without significant costs to promoters, support wider strategic or local objectives
9. Overall, effective pre-application consultation will lead to applications which are better developed, and in which the important issues have been articulated and considered as far as possible in advance of submission to the IPC. This in turn will allow for shorter and more efficient examinations.
10. It will also benefit communities, enabling local people to become actively involved in shaping proposals which affect their local communities at an early stage, where their views can influence the final application.
11. However, we recognize that NSIPs and the communities and environment in which they are located will vary considerably. The Government therefore believes that a ‘one-size-fits-all’ approach would not be appropriate and that promoters, who are best placed to understand the detail of their specific project proposals, and the relevant local authorities, who have a unique knowledge of their local communities, should as far as possible work together to develop plans for consultation.
12. The Planning Act therefore sets out a framework within which consultation proposals in each case are developed by promoters in consultation with the relevant local authority.

[...]

Community involvement and public access to information

15. The Government's strategy for sustainable development embraces the notions of transparency, information participation and access to justice. These fundamentals are relevant to this guidance, and underpin our approach.
16. There are many ways in which communities can be effectively involved in decisions which affect them. At its most simple level, a community involvement process should ensure that people:
  - have access to information
  - can put forward their own ideas and feel confident that there is a process for considering ideas
  - have an active role in developing proposals and options to ensure local knowledge and perspectives are taken into account
  - can comment on and influence formal proposals
  - get feedback and be informed about progress and outcomes
17. To achieve this, it is essential that promoters understand the local communities who will be affected by their planned application. Promoters should therefore work closely with the relevant local authority to gain this understanding, as the local authority will have a detailed knowledge of the community, including consulting local people on planning matters.
18. Promoters should use a range of methods and techniques to ensure that they access all sections of the community in question. Ultimately this process will benefit promoters, as without a proper understanding of the context, communities will not be able to provide the sort of informed input that is of most use to promoters when developing proposals. It is important, therefore, that an effective process is in place for information sharing, in both directions, to the benefit of both communities and promoters.