

Little Waltham Parish Council further response to the 2023 Norwich to Tilbury Consultation by The National Grid agreed at meeting on 1st August 2023

SECOND SUBMISSION BY THE LITTLE WALTHAM PC ON THE 2023 CONSULTATION

Following the Public Information Event at Chelmsford City Racecourse on 12 July 2023 the Little Waltham Parish Council (LWPC) wishes to expand its submissions on the Norwich – Tilbury transmission line. The first submission by the LWPC during the current consultation period was lodged by the LWPC in July 2023. However, at the 12 July Information Event, additional information, including the National Grid Design Development Report of June 2023 was made available to the LWPC. Furthermore, since then the National Grid 2023 Non Statutory Consultation Overview has been published. Accordingly, we wish to make further submissions.

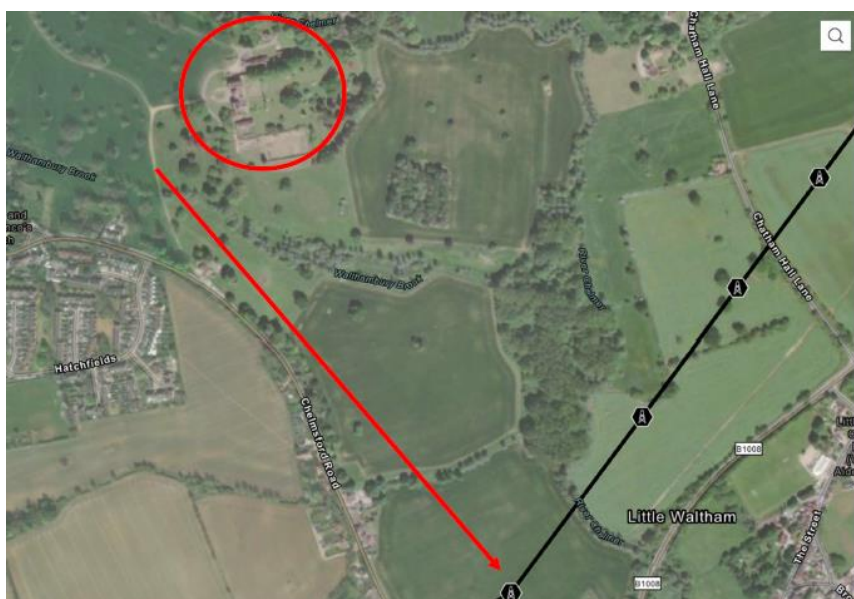
Submission 1

We maintain our primary submission, which was also made in earlier LWPC submissions, that the transmission line should be run offshore as part of an integrated offshore grid and not overland, arguably achieving significant overall costs savings. There would in addition be very significant benefits to heritage and residential areas, including designated Conservation Areas, and to protected archaeological, recreation and wildlife designations. Such areas can be found in and around Little Waltham.

Submission 2

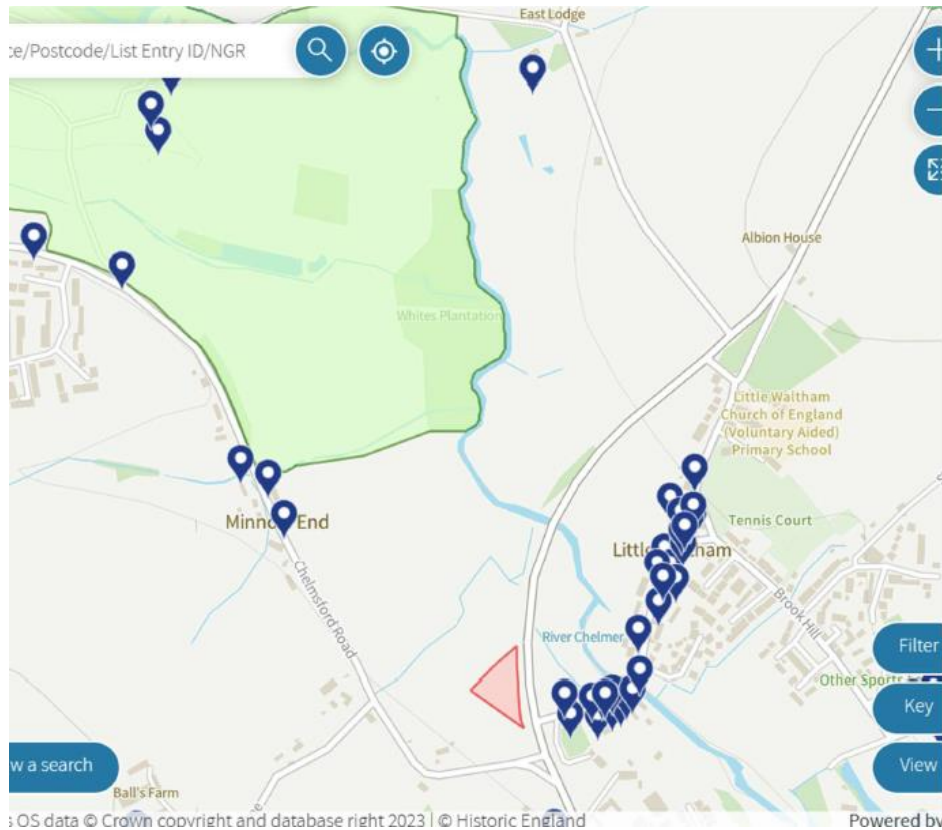
Should submission 1 above not be accepted, the second submission of the LWPC is for the line to be undergrounded as it passes between Little Waltham and Great Waltham. In general terms this submission should be read in conjunction with submissions made in Submission 3 below. The line, as currently proposed, indicates that the 50 meter pylons would run through what is a very small gap between the two villages. The pylons are, in places, just some 300 meters or so from the main cluster of listed buildings in Little Waltham and even closer to Langley's Registered Park and Garden and the Great Waltham Conservation area. The line runs virtually over the top of properties in Chatham Hall Lane and Chelmsford Road.

View of proposed pylons from Langley Park and the Great Waltham Conservation Area



Both villages have very significant protected heritage and residential areas. Both have Conservation Areas bordering the proposed line. The Little Waltham Conservation Area Character Appraisal document calls the village Conservation Area in Little Waltham an area of “unique quality”. The Great Waltham Conservation Area includes the Grade 1 listed Langley’s House, and the Great Waltham village church. The pylons would be very visible in both Conservation Areas, despoiling two of the most beautiful localities in the region.

Map of Listed buildings adjacent to proposed pylons



Both villages have large numbers of grade two listed buildings, most of them within their respective Conservation Areas. Taken together there are nearly 200 listed buildings in the two villages. The impact of the line of pylons as currently proposed on the two Conservation Areas will be very substantial. Running the lines underground through this area will avoid this significant detrimental impact on these historic areas.

There are further considerations. To the immediate south of Little Waltham, lying very close to the proposed pylon line is the Ash Tree Corner Scheduled Monument, details of which are set out below in submission 3. The area is marked in red on the map above. The pylons will overwhelm the archaeological heritage of the site. Undergrounding would avoid this damage.

Furthermore there are important recreational considerations which would require the transmission line to be undergrounded. Little Waltham Meadows Nature Reserve, which follows the River Chelmer as it runs through the village, is a designated Local Wildlife Site. The area is open to the general public and is a very popular recreational area for residents of Little Waltham and Great Waltham and the wider Chelmsford area alike. Furthermore, the Little Waltham village area is designated as part of the “Green Wedge” in the Chelmsford Development Plan, performing an important recreational function for the wider Chelmsford area. Full details of these designations are set out in submission 3 below.

The heritage, residential, archaeological, and recreational value of Little Waltham is so substantial that an expensive bypass, including a new bridge over the river Chelmer, was built around the village in the 1970's. Little Waltham is unique in the region in receiving this degree of expenditure to preserve its heritage. Running the line underground will ensure this expenditure will not be wasted.

The unsuitability of the gap between the two villages being used as a route for the pylons has been recognised by the National Grid itself in their publication "Design Development Report June 2023". In that document the National Grid planners proposed an alternative route through open farmland well to the north and west of the villages (see map below). They note the alternative route would "reduce potential heritage effects" and reduce the "residential effects" in the two villages in comparison to the damage which would be caused by the existing proposed line of pylons.(see map below). Undergrounding would avoid these effects altogether.

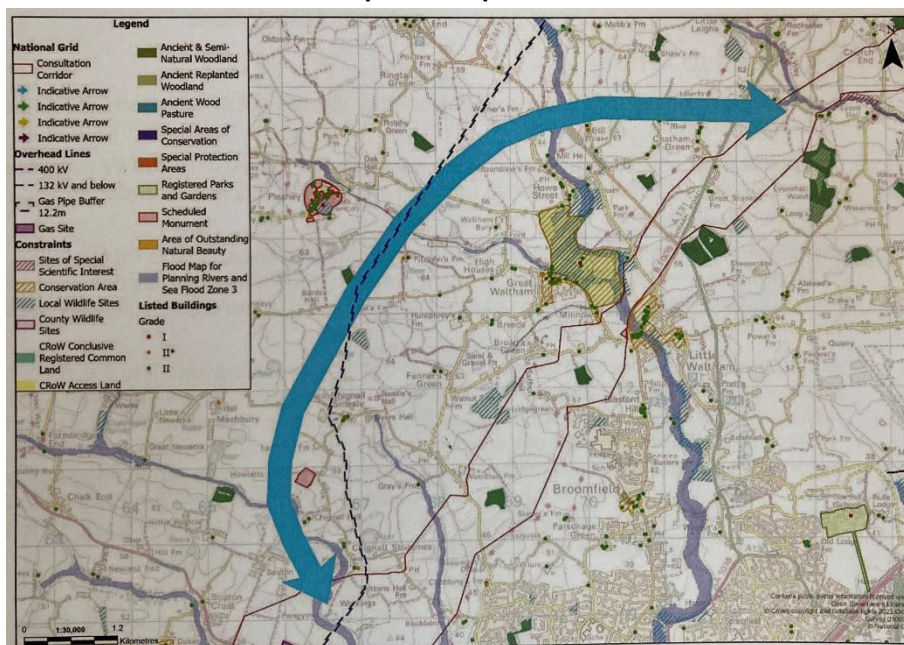
The Development Report suggests that the detrimental effects of the existing proposed line could be mitigated by tree cover. The fallacies of this argument are fully set out in submission 3 below.

In the National Grid publication "2023 Non – Statutory Consultation Overview" it was revealed that several new undergrounding proposals put forward during the consultation process have been accepted by the National Grid, including undergrounding at Notley, Great Horkesley and Fairstead. The lengths of the undergrounding are said to be 14.6 km, 5.3 km, 4.6 km and 0.7km. We estimate that the undergrounding as the line passes between Little Waltham and Great Waltham would be for not much more than about 1 km. This would be a very short length of undergrounding at minimal expense. The proposal to underground would alleviate very significant detriment to both villages.

Submission 3

The National Grid's "Norwich to Tilbury Design Development Report of June 2023" at paragraph 5.5.122, considers an "alternative route" for the pylon line in the Little Waltham area. Rather than running the line close to Little Waltham, as was originally proposed, (the Development Report calls this the "consultation route") it considers an alternative route running well to the north and east of Little Waltham through undeveloped agricultural farmland.

Map of "alternative route" in the Development Report.



It is the submission of the Little Waltham Parish Council (LWPC) that if above ground pylons are to be used in preference to undergrounding then the line should follow this “alternative route”, rather than the existing proposed consultation route running close to Little Waltham.

National Grid currently proposed route for pylons (the “Consultation Route”)



The Design Development Report accepts that the alternative route would “reduce potential heritage effects” in both Great Waltham and Little Waltham. This appears, therefore, to be a strong endorsement of the alternative route. Yet despite this strong endorsement the report then goes on to support the “consultation route” running close to Little Waltham.

The reason for the rejection of the “alternative route” in so far as it concerns residential properties appears to be the “effects on residential properties from an alignment within the consultation corridor are not considered to be at a level inconsistent with the relevant policy framework”. This statement is seriously defective for several reasons. First, the “relevant policy framework” which has been applied in this instance is not set out. Thus the objectors (the LWPC) do not know the issues which the National Grid are relying on for their decision, and cannot therefore submit a fully reasoned argument against it. We are therefore unreasonably and unlawfully hamstrung in our ability to make full submissions. Secondly, the National Grid have not set out why they have concluded that the residential effects have not met the relevant policy framework (whatever that may be). We are yet again unreasonably and unlawfully hamstrung in our ability to make submissions.

In the well known cases of R v Brent LBC ex parte Gunning 1984 (LGR168) and R v North and East Devon Health Authority ex parte Coughlan [2001] QB 213 the four principles that a public body has

to meet when consulting are set out. The second principle is that the public body must give sufficient reasons or “adequate information” for its proposals to allow consultees to understand them and respond to them properly. This fundamental requirement has been breached by the National Grid both by failing to set out the “policy requirements” which they relied on and by a failure to explain in full why they claim the policy requirements have not been met. Further legal advice with a view to judicial review will be sought by the Council.

The following submissions are made subject to the inherent inadequacy of the information supplied by the National Grid on these issues.

The “consultation route” in the Development Report runs in places just 300 meters or so from the Village with three 50 meter pylons directly overlooking the Little Waltham Conservation Area. The consultation route is extremely damaging to Little Waltham, its environment, the surrounding views across open countryside, the Conservation Area, Little Waltham’s built village heritage, its historic listed houses, its function as a recreational “green wedge” for the wider population of Chelmsford, its schools, its businesses, its wildlife particularly in the Little Waltham Meadows Nature Reserve, and of course to the residents who live in the village. The Design Development Report suggests however “the bypass and the screening from trees would reduce heritage effects on Little Waltham”.

This is plainly incorrect. The proposition that the adverse effect of a 50 meter pylon with very high powered electricity lines, could be mitigated by the bypass, a B road (the B1008) at ground level, is self-evidently wrong.

And the National Grid’s argument that trees mitigate the detrimental heritage effect of the pylons to Little Waltham, is also badly wrong - for a number of reasons. The first point is that nearly all the trees are deciduous trees which lose their leaves in the winter months exposing the entire village to the intrusive views of the very close, very large pylons and electricity lines. Furthermore trees can die, be lopped, be harvested or simply cut down by their owners. Just last year a number of trees in the meadow by the river in the Conservation Area were harvested by their owner. To suggest trees can offer a reliable and permanent barrier to the ongoing steel pylons is, we suggest, a fallacy which if accepted would be gravely damaging to the existing beauty of Little Waltham.

Secondly, even in the summer months there is little or no screening for significant parts of the Conservation Area of the village, including the Primary School, with over 200 pupils, the village

View from the centre of Little Waltham to proposed pylons (ringed)



green which hosts many village activities during the year, or for the meadows area which abuts the River Chelmer and lies directly between the village and the proposed pylons.

These meadows are regularly used by residents for walking and recreation. They are part of the Conservation Area and lead immediately on to the Little Waltham Meadows Nature Reserve “a beautiful mix of old flood areas and dry meadows and bursting with wild life”, managed by the Essex Wildlife Trust, where the conservators are seeking to reestablish otters. Kestrels, tawny owls, sparrowhawks, bee orchids, marsh marigolds, saxifrage, water voles, kingfishers, bats and the emperor dragonfly are all found here. It is designated as a Local Wildlife Site. These areas are open to the general public, and are greatly appreciated and frequented by residents and visitors alike. They provide an exceptional recreation facility for the wider Chelmsford population.

Many of the historic listed houses along The Street, (the historic throughfare of the village), and a number of the village businesses along The Street (including the busy grade 2 listed White Hart village pub, the popular Tufnell Hall Sports and Social Club recreational centre, and the Congregational Hall with its nursery school) have little or no shielding by trees at any time of the year. Many of the houses, including clusters at the top and bottom ends of the Street, have little or no tree coverage. For many houses, over 20, it is the rear and back gardens of the residential properties which are most exposed to the pylons, causing really significant intrusion and disruption in the quiet enjoyment of owners’ homes. All these locations lie within the Conservation Area and would be very severely impacted by the pylons and their cables.

And the proposition that any adverse heritage effect can be avoided by tree screening is very wrong for other reasons. It is wrong because the heritage value of Little Waltham is so significant that the adverse effect of the pylons on historic heritage will be very substantial, even if there is partial screening of some parts of the Village. The Development report does not even attempt to assess the uniquely significant heritage of Little Waltham, (merely stating it is “not considered to be at a level inconsistent with the relevant policy framework”) a lacuna which renders the report seriously defective in both factual and legal terms.

The Street represents one of the finest examples in the region of a diverse historic listed buildings townscape. The Street lies within the village Conservation Area and the village, and to give some context to its historical importance, the village is mentioned in the Domesday Book. The Little Waltham Conservation Area Character Appraisal document states “The buildings within the Conservation Area represent an excellent cross section of archetypal Essex domestic architecture spanning 500 years”. The Appraisal Document also states, “It is the setting of the village in rolling countryside with fields along the riverbank and its collection of typical Essex rural architecture that gives Little Waltham its unique quality”. The “rolling countryside” will of course be spoilt forever by the 50 meter pylons.

Some 66 buildings in the village area are individually listed as Grade 2, with a further 20 or so listed on a group basis. The listings include 15th, 16th, 17th, 18th and 19th century historic houses. At the bottom of the Street is the 15th century very rare Essex example of a Wealden Hall House which is unprotected by any effective tree cover. St Martins, the village church, again mentioned in the Domesday book, is 12th Century with 15th Century additions. Little Waltham thus contains such a dense concentration of heritage buildings over five centuries that in our submission it renders the village unique in the region. As such its heritage value is particularly high and particularly vulnerable to incompatible development such as the 50 meter steel pylons positioned so close by.

So significant is the architectural heritage of the village that in the 1970s an expensive bypass was constructed, including a new bridge over the river Chelmer, specifically to preserve the village from

environmental damage, including from unsightly traffic pollution. Now the 50 meter pylons of the National Grid are set to destroy this architectural heritage which the bypass sought so expensively to preserve.

A further aspect is the archaeological heritage of Little Waltham. In the early 1970's the British Archaeological Society carried out excavations at the southern end of the village which revealed Roman, Iron Age and Neolithic remains of museum quality and importance. The site, known as Ash Tree Corner, is a Scheduled Monument, under the Ancient Monuments and Archaeological Areas Act 1979 and the site is a heritage asset and part of the historic environment. As such it has the protection afforded by the 1979 Act such that any attempt to destroy or damage the site or carry out works which would alter it without permission, is a criminal offence which may result in prosecution. Any development close to a scheduled monument which might damage its "setting" is a material consideration in the planning system. The very close pylons will surely damage this setting. This site is not shielded by any effective tree cover from the pylons.

The importance of Little Waltham has been further recognised by environmental planners with the designation of Little Waltham as a "green wedge" for the Chelmsford Development plan. The plan indicates "The purpose of the Green Wedge is to protect and enhance the open character of the river valleys as well as providing areas for informal recreation". The village thus provides an important recreational facility for the wider Chelmsford population, set to become even more important with the development of the Chelmsford Garden Village to the east and north.

In conclusion, the assertion that the residential and heritage damage caused to Little Waltham by the consultation corridor can be mitigated by tree cover is deeply flawed. The National Grid has demonstrably failed to take relevant matters into account, in particular the very strong heritage, residential, environmental, archaeological, wildlife and recreational considerations pertaining to Little Waltham.

Further, the proposals are inconsistent with Holford Rule 1 which requires the route to avoid altogether major areas of highest amenity value including listed buildings, Conservation Areas and scheduled ancient monuments.

The proposals are also inconsistent with Holford Rule 2 which requires the National Grid to "avoid smaller areas of high amenity value by deviation" - which "notes to the rule" of Rule 2 state include areas of local high amenity value identified in development plans (which would include the designation of Little Waltham as part of the Chelmsford Green Wedge,) and should include the designation of the Little Waltham Meadows Nature Reserve as a Local Wildlife Site. The notes to rule 2 also state that "Where possible choose routes which minimise the effects on the settings of areas of architectural, historic and archaeological interest including Conservation Areas, listed buildings and ancient monuments". We have set out in the submissions above how the current route of the pylons heavily impact on all three of these interests and the settings they lie in, in the case of Little Waltham.

Supplementary notes to the Holford Rules state that the line should "avoid routing close to residential areas as far as possible on grounds of general amenity". This note is breached by routing the pylons so close to Little Waltham.

Paragraph 5.5.122 of the Design Development Report goes on to consider the "residential properties" effect. It accepts that "effects on residential properties would overall be reduced by the alternative route as there are fewer properties within the more agricultural setting". Once again the

report itself is accepting that the alternative route away from Little Waltham would be less damaging, and by inference the consultation route near Little Waltham would be more damaging.

We accept this crucial assessment of the damage the consultation route would cause to residential properties as it passes close to Little Waltham. There are approximately 400 houses in Little Waltham with over 1200 residents which will be strongly impacted and there are houses on Chatham Hall Lane and Chelmsford Road which are almost directly under the consultation route. To dismiss the effect of the disruption caused by the consultation route as not being “at a level inconsistent with the relevant policy framework” is, on any reasonable assessment, just wrong. This argument is in any event seriously factually and legally deficient for the reasons set out above. The alternative route has no residential houses which would be so impacted and is therefore to be strongly preferred on this ground. As the policy document accepts, the balance between the residential impact of the consultation route and that of the alternative route lies very heavily in favour of utilising the alternative route.

Paragraph 5.5.122 of the Design Development Report also suggests that properties in Great Waltham would benefit from tree screening with the consultation route, but many of the arguments as to the inadequacy of tree screening apply here also. Tree foliage is seasonal. Several of the pylons are situated so that there is no foliage screening at all. The interests of Great Waltham properties and its Conservation Area could be much better protected by siting the line along the “alternative route”.

Paragraph 5.5.123 states – “The alternative route would be less direct and less compliant with Holford three.” Holford three is very clear that this principle only applies where “all other things are equal” but as Paragraph 5.5.122 fully accepts, all other things are not equal here, with the balance of damage to heritage and residential effect lying heavily in favour of the alternative route. Further the alternative route would not entail any sharp angles. The curves are smooth and gradual. The increase in length of the line is minimal, just 2.5 kilometres.

In the document “2023 Non-statutory Consultation Overview” the National Grid revealed that since their consultation exercises began they have accepted 5 changes in the original proposed route of the pylons, including changes at Fairstead, Writtle and Ingatestone. We submit that the alternative route around Little Waltham falls within this category of acceptable changes and should be adopted for the reasons set out above.

Submission 4

The fourth submission is for the three pylons TB 136, 137 and 138 to be moved back farther away from Little Waltham. In particular pylon TB137 can be moved 300 – 400 metres into or near to the wood where it would be screened from Little Waltham and from the houses on the Chelmsford Road and Chatham Hall Lane. No residential premises would be disadvantaged. Langleys is a long way off and well screened. Woodland can be preserved by careful siting.

It may be possible to find the new position for TB 137 just outside the boundary of Langleys Park or the repositioning may mean the new location might be just inside the area of the Park. Although Langleys is a registered park, this designation cannot be an absolute bar to such a position, particularly as Langleys “Park” is not a public park, it is a private agricultural area run as a working farm. The public does not have general access to it to walk around, (apart from the access road and footpaths near the house). In the locality of Pylon TB137, the Park has the appearance of a straightforward commercial agricultural farm business. There is no public access to this section of the Park. The current position

of the pylon TB137 is on prime agricultural land and its removal to an area in or adjacent to woodland may provide some financial benefit for the commercial enterprise of the farm. The new position would be in the dip in the land as it runs down to the River Chelmer.

The three pylons should in any event be shortened to 35 meters or less in height to minimise impact on the village and surroundings.

Conclusion

The first preference of the Little Waltham Parish Council is for the transmission line to be run offshore. The second preference is for the line to be undergrounded because the gap between Little and Great Waltham is too narrow and the heritage and residential damage to both villages from an above ground line is too substantial. The third preference is for the line to follow the “alternative route” in the Development Report, again because the heritage and residential damage to the Waltham’s of the current proposed line is too great. The fourth preference, if none of the other three are adopted, is for the line to be moved away from Little Waltham using shorter pylons.

Little Waltham Parish Council

August 2023