

Walberswick Common Lands Charity

Founded 1901 - Registered Charity No. 206095

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LIONLINK

RESPONSE TO SUPPLEMENTARY NON-STATUTORY PUBLIC CONSULTATION

Introduction

1. This response is submitted on behalf of the Trustees of the Walberswick Common Lands Charity ('the Charity'). It has been considered and approved by all of the Trustees of the Charity.
2. The Charity owns land in and around the village of Walberswick in Suffolk. The original proposed landfall site, 'G', was on land owned by the Charity. G2 is not on land owned by the Charity. However, access to G2 from the sea would require access via land owned by the Charity.
3. The Trustees submitted a Response to the Original Non-Statutory Public Consultation on 18 December 2022.¹
4. We note that the Feedback Form dated September 2023 states that "All previous responses have been logged and are being considered by the project team." Accordingly, the purpose of this response is to focus on the alternative possible landfall site at Walberswick, identified as "G2".

¹ <http://walberswick.onesuffolk.net/assets/WCLC/New-Website-Documents/WCLC-to-NGV-EUROLINK-181222.pdf>

5. We would, however, observe that it is extraordinary that the original proposed landing site G remains as part of the ongoing consultation, given the obvious deficiencies which have now been recognised even by NGV. It shows a disregard bordering on contempt to the villagers of Walberswick (as well as to the landowners of the site and its immediate neighbours) to retain an option which is manifestly untenable.

Summary

6. The Trustees are unequivocally opposed to the G2 site proposal. In summary, the impact of major construction work at G or G2, involving heavy machinery, excavations, drilling, noise, dust and lighting, would be immense in social, environmental and economic terms. Aside from the major environmental threat described below, there will inevitably be an impact on the area not only as an amenity to local residents, but on the potential attraction of the area to the thousands of visitors who come from far and wide – to walk, to go to the beach, to surf, to go crabbing or to watch wild birds. The construction of LionLink over a prolonged period of time would have a major impact on Walberswick's economy and the revenues of local businesses. That will, in turn, have a significant impact on the Charity's income which will limit our ability to fulfil our objectives

The Charity

7. The Charity was founded in its current form in 1901. However, our earliest records are from 1815 and its origins go back to the Poor Laws. The Charity generates income from its land and buildings which it uses for: (i) environmental stewardship of its land; (ii) providing support to individuals in need and hardship; and (iii) providing charitable assistance to charities, groups and for projects; all within the Parish of Walberswick.
8. The Charity's environmental stewardship work operates under a Countryside Stewardship Agreement (Higher Tier) ('CSA') with Natural England and includes conserving open heathland, grazing marshes and reedbeds. We return to this below.
9. In addition, the Charity works closely with the Suffolk Wildlife Trust to ensure that it maintains best practice.
10. The village of Walberswick has a diverse community of differing economic circumstances. The Charity provides discreet support to individuals in need and hardship in a variety of ways. It also supports charities and groups that themselves support the community, such as Dementia UK,

the East Anglian Air Ambulance and the Lowestoft Food Bank. The largest beneficiary is the Sole Bay Care Fund which provides, amongst other services, end of life care. The Trustees are proud of the Charity's record in enabling village residents to pass away in their own homes, rather than more anonymous care facilities. For the 2022 year the Trustees gave charitable support and grants totalling over £50,000.

11. The Charity's annual returns and accounts are accessible through the Charity Commission's website.²

Legal issues

12. As noted above, G2 is not on land owned by the Charity. However, any route from the sea to G2 must cross land which is owned by the Charity. That land is classified as 'Functional Permanent Endowment Land'. Such land is subject to special restrictions under the Charities Act 2011 and the associated guidance issued by the Charity Commission. In order to dispose of functional permanent endowment land the Trustees would require the consent of the Charity Commission. While this might be theoretically possible, the Commission would expect that the land be replaced with land serving the same functional purpose. This creates a number of difficulties:
 - (a) The Trustees do not unilaterally have the power to enter into any agreement with NGV regarding the land, including the granting of an easement.
 - (b) Any agreement requires the consent of the Charity Commission, which sets a high bar in these matters. The accepted view is that applications are more likely to be refused than approved.
 - (c) Regardless, any proposal for a sale would need to include the substitution of replacement land that serves the same functional purpose. There is no land in Walberswick that could serve the same functional purpose, making compliance with this condition, and therefore a sale, impossible.
13. We understand that one proposal is to tunnel through the land into the sea. That involves no less consideration of the rights of the legal owner to the land.

² <https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/206095/accounts-and-annual-returns>

Landscape Ecology

A. Designations

14. The village of Walberswick sits in an Area of Outstanding Natural Beauty. G2 falls within that AONB.
15. Access between the sea and G2 involves land which is within:
 - (a) A National Nature Reserve, established to protect the most important habitats, species and geology, and to provide outdoor laboratories; particular features of this NNR include rich beach flora, wetlands which are home to species such as marsh sow thistle and sneezewort, and wildlife including otter and Natterjack toad, along with 280 bird species including bittern, marsh harrier, bearded tit, woodlark and nightjar.
 - (b) A Ramsar Site. In other words, they are Wetlands of International Importance. Under Article 3 of the 1971 Convention the United Kingdom has an international obligation to promote the preservation of those wetlands. It particularly warns against likely changes as a result of "technological developments, pollution or other human interference."
 - (c) A Site of Special Scientific Interest. The land abutting it (including the south part of the field upon which the G2 proposal is sited) falls within an SSSI Impact Risk Zone.
 - (d) A Special Area of Conservation (an area recognised as being of international importance under the Habitats Directive³).
 - (e) A Special Protection Area (an area recognised as being of international importance under the Birds Directive⁴).
 - (f) The Priority Habitat Inventory, under three categories:
 - (i) Coastal Saltmarsh; or
 - (ii) Maritime Slopes; or
 - (iii) Reedbeds.
16. The village itself is a Conservation Area. G2 abuts that conservation area on two sides.
17. In short, the land around Walberswick is amongst the most highly protected in the UK, in recognition of its national and international importance for landscape and biodiversity.

³ Council Directive 92/43/EEC

⁴ Council Directive 79/409/EEC

18. In addition, the land falls within the East Atlantic Flyway, a migratory bird route recognised for its vital importance to bird populations and wildlife. As a result, it has been identified by the United Kingdom Government as one of only seven places on the UK's 'Tentative List of UNESCO World Heritage Sites (only three of which are 'natural', as opposed to 'cultural').⁵ It is important to note that migratory birds are often to be seen resting in the field that is identified as the site for G2.

B. **Potentially affected sites**

SSSI and the Trustees' obligations

19. The Minsmere-Walberswick Heaths and Marshes SSSI are a complex series of habitats, including mudflats, shingle beach, reedbeds, heathland and grazing marsh, which combine to create an area of exceptional scientific interest. The tidal mudflats of the River Blyth estuary form sheltered feeding grounds for wildfowl and shorebirds and the shingle beach supports a variety of scarce shingle plants.⁶ Extensive reedbeds, developed on former grazing marshes flooded as a wartime defence measure in 1940, provide an important habitat for breeding populations of Reed Warbler (*Acrocephalus Scirpaceus*) and Bearded Tit (*Panurus biarmicus*). The marshes have a rich insect fauna - particularly moths, which includes a number of rare species.⁷ The high land at Walberswick forms part of the East Suffolk Sandlings and supports large areas of lowland heath, bracken, dry acidic grassland, woods and scrub. The heathland flora provides a valuable habitat for two nationally decreasing birds, the Nightjar (*Caprimulgus europaeus*) and Woodlark (*Lullula arborea*). Approximately 810 hectares of the SSSI is designated as the Walberswick National Nature Reserve (one of three NNRs managed by Natural England along the coast).
20. The area of the SSSI owned by WCLC is managed under a CSA with Natural England. It is an overall objective of the CSA "to maintain and enhance the management of the habitats that are found on WCLC lands, namely lowland dry heath with dry acid grassland, grazing marsh, fen, reedbed and salt marsh, especially where these habitats are interest features of Minsmere-Walberswick Heaths and Marshes SSSI, SPA, and SAC". Further specific provisions include:

⁵ <https://www.gov.uk/government/news/seven-sites-confirmed-in-the-running-for-unesco-world-heritage-status>

⁶ Including sea pea *Lathyrus japonicus*, sea campion *Silene maritima*, sea kale *Crambe maritima*, grey hair-grass *Corynephorus canescens* and yellow horned-poppy *Glaucium flavum*

⁷ Notably *Archanara neurica*, *Photedes brevilinea* and *Senta flammea*

- (a) Cliff Field is managed as grassland for the protection and enhancement of target features, including the Southern Marsh Orchid (*Dactylorhiza praetermissa*). The CSA envisages an increasing population.
 - (b) It is a prescription that the Charity should "only undertake or permit vehicular access on agreed routes as identified in the map of permitted routes. Do not create new tracks for vehicle access".
 - (c) As to the management of salt marsh "there should be evidence that the site is experiencing inundation and free movement of water and sediment, unhindered by any new engineering or coast defence works".
21. The Trustees take their environmental stewardship responsibilities extremely seriously, regarding it as a duty and a privilege to protect this important natural environment for current and future generations. The agreed vision for the Charity's environmental stewardship plan is that it "stewards its land in a world class manner, following a nature-first philosophy, with the support of the village community and partners."

Other designations

22. The Minsmere-Walberswick Heaths and Marshes Special Area of Conservation is designated on the basis of its importance for three habitat types: annual vegetation of drift lines, European dry heaths and perennial vegetation of stony banks. The lowland dry heaths on this site are at the extreme easterly range of heath development in the UK, although the heathland species are more characteristic of western parts of the UK. The shingle beach supports the variety of scarce shingle plants and the mixed sand and shingle supports annual vegetation typical of sandy shores, such as sea sandwort *Honckenya peploides* and shingle plants such as sea beet *Beta vulgaris ssp. maritima*.
23. The Minsmere-Walberswick Special Protection Area contains areas of grazing marsh, extensive reedbeds, the estuary of the River Blyth, and areas of lowland heath and woodland. In summer, the SPA supports nationally important breeding populations of Bittern (*Botaurus stellaris*), Marsh Harrier (*Circus aeruginosus*), Avocet (*Recurvirostra avosetta*), Little Tern (*Sterna albifrons*) and Nightjar. In this respect, the long stretch of the dunes south of G2 is particularly sensitive, being fenced off from the public by Natural England every summer to protect a colony of nesting Little Terns.

24. The SPA also supports nationally important breeding populations of three regularly occurring migratory species: Gadwall (*Anas strepera*), Teal (*Anas crecca*) and Shoveler (*Anas chipeata*), alongside a nationally important breeding population of Bearded Tit (*Panurus biarmicus*).
25. In winter, there is a nationally important wintering population of Hen Harrier (*Circus cyaneus*) and three migratory waterfowl: European White-Fronted Geese (*Anser albifrons albifrons*); Gadwall (*Anas strepera*) and Shoveler (*Anas chipeata*). There is an outstandingly diverse assemblage of breeding birds in the marshland and reedbed habitats, including Garganey (*Anas querquedula*), Water Rail (*Rallus aquaticus*), Cetti's Warbler (*Cettia cetti*) and Savi's Warbler (*Locustella lusciniodes*), alongside the Bittern. Also notable is an assemblage of wintering waterfowl including, in addition to species listed above, Bewick's Swan (*Cygnus columbianus*), Wigeon (*Anas penelope*), Spotted Redshank (*Tringa erythropus*) and Redshank (*Tringa tetanus*). During severe winter weather the SPA can assume even greater national and international importance as wildfowl and waders from many other areas arrive, attracted by relatively mild climate, compared with continental areas, and the abundant food resources available.
26. The Minsmere-Walberswick Ramsar site encompasses the same habitats as the SPA, including marshes in the valley of the River Blyth around Walberswick. The Westwood Marshes, part of this Walberswick complex, support the largest continuous stand of reedbed in England and Wales. The Ramsar citation recognises the outstanding diversity of breeding birds, including the Bittern, Marsh Harrier, Avocet, Little Tern, Nightjar and Bearded Tit alongside the importance for wintering water birds, rare species of marshland flora and insect fauna.

C. **Potentially impacted species**

27. In addition to the sites listed above, the areas surrounding Walberswick and the proposed landfall sites are used by several (former) European Protected Species ('EPS'), including:
 - (a) There is widespread evidence of Otters throughout the area (*Lutra lutra*).
 - (b) There are records of bats throughout the area. For example, Barbastelle bat (*Barbastella barbastellus*) (listed on Annex II and Annex IV(a) of the Habitats Directive and Schedule 2 of the Habitats Regulations) has been recorded over Westwood Marshes in 2015 and is likely to feed, breed and roost widely in the area.
 - (c) There are records of Sand Lizard (*Lacerta agilis*) and Smooth Snake (*Coronella austriaca*) on Westleton Heath.

- (d) Great Crested Newts (*Triturus cristatus*) occur along the broad band of the proposed cable route near the A12 and the risk map for the species has areas in the village (including most of Westwood Marshes) marked as being amber risk zone.
 - (e) There is a record for Natterjack Toad (*Epidalea calamita*) in Walberswick. There are recent records of the species from Westleton Heath and Minsmere and historical records from Southwold and Blythburgh.
 - (f) There are records of Dormouse (*Muscardinus avellanarius*) near Friston, Saxmundham and anecdotal records from the local vicinity of Walsberwick.
 - (g) Harbour porpoise (*Phocoena phocoena*) occur offshore, and there may be other cetaceans such as Bottlenose Dolphin (*Tursiops truncatus*).
28. In addition, there will be species listed on Schedules 5 and 8 of the Wildlife and Countryside Act 1981 occurring in the area.

D. The environmental impact of G2

29. We have set out above the legal issues in relation to G2 raised by the inevitable need to traverse the Charity's land in order to establish a connection between G2 and the sea (even assuming that the original G site is entirely avoided).
30. No doubt, NGV will be aware of the additional regulatory burdens raised by seeking to cross land falling within the designations.
31. If cabling were to be laid between the sea and G2, this would have a devastating and irreparable impact upon the land and its biodiversity. The route would cross a shingle beach, maritime slopes, sand dunes, marsh, river, and reedbeds, all of which together provide a unique environment for flora, and animal and bird fauna. It is inconceivable that this could realistically be restored (let alone that there be any net gain in biodiversity).
32. In addition to its importance to biodiversity, the shingle beach is understood to be peppered with Second World War sea defences (known as Admiralty scaffolding or Obstacle Z.1), the sites of which are largely unknown. Two such defences have been uncovered as a result of natural coastal changes over the last few years: one is readily visible between the regular high and low water marks slightly south of Cliff Field;⁸ another is apparent further north (but south of the River Blyth)⁹ but only at the lowest of tides. The Crown Estate is aware of the known

⁸ The northerly point seems to be at [///caskets.handrail.dolphin](#)

⁹ Out to sea from [///flamingo.dressings.anguished](#)

defences on Walberswick beach. What is unclear is how deeply set they are or where along the beach other defences may have been laid.

33. The maritime slopes and dunes, reinforced with marram grass, provide essential sea defences to the low-lying land behind them. If the slopes/dunes were breached, then there would be an extremely high probability of sea-flooding. The extent of such flooding and the impact upon flora, fauna and indeed upon the village itself is not currently known, but there is the potential for catastrophic harm for Walberswick beach, the dunes, the marshes and the reedbeds (and the fauna they sustain). If the sea were to break through, it would certainly connect with the River Dunwich and, in turn, most likely connect with the River Blyth and rapidly erode the remaining island of land. Restoration would be impractical and uneconomic.
34. We understand that one option that is being considered (although this is not disclosed in any of the consultation literature) is underground tunnelling from G2 to the sea, beneath the various obstacles identified above. We are in no position at present to comment upon whether this is feasible, either from an engineering or economic perspective. However, we consider that if that possibility is to be pursued further, there would need to be an assessment that it posed zero risk of impact upon any of the natural capital.
35. The potential for harm is so significant that it can only be appropriate to engage in any intervention (whether at ground level or through tunnelling) if the risk of such harm is entirely abated.

Other aspects of G2

36. Whilst NGV are seeking views on G2, it is difficult to understand how any consultation can be effective when the proposals are so unclear. There are two particular aspects of this:
 - (a) First, the proposed cabling corridor from G2 to the proposed substation.
 - (i) One specific point that the Trustees made in their Original Response was that the underground cable search area map includes the periphery of Walberswick Common. The Trustees have assumed that this is a mapping error and that it was not the intention to include Walberswick Common in the search area. We stated "If this assumption is incorrect, please inform us immediately." We have had no response to this. Our assumption accordingly remains in place.
 - (ii) More generally the 'corridor' encompasses areas with environmental designations, which extend far beyond the immediate coastal strip and surround the village. It

also encompasses the infrastructure which serves the village: for example, the single road which provides the only vehicular access in and out of the village.

- (b) Secondly, access to G2. This is not addressed at all in the consultation materials, save for reference to the concept of "the potential for a construction haul road that could mostly avoid Walberswick": a concept that has been floated, without any proposal.
- (i) What the concept recognises is the complete unsuitability of the existing road into Walberswick for additional traffic as a result of any proposed construction work. Nonetheless, it seems inevitable that this road will have to be used at least in part in order to access any haul road.
- (ii) In any event, it is impossible to express any views as to the impact of an additional haul road without any details being proposed as to location, size, construction material, or even as to its permanency (or otherwise).¹⁰ This renders effective consultation on this vitally important issue impossible.

Wider community impact

37. Walberswick as an economic unit relies almost exclusively on tourism. The village has high visitor numbers, drawn by its unspoilt natural environment surrounding a peaceful, picturesque village. This has been the case for well over the last century. Artists have long visited to capture that environment, including Charles Rennie Mackintosh who painted his renowned botanical watercolours in and around the village (all marked 'Walberswick' by the artist).
38. People come not only to visit its beach but also to walk through the unique countryside around it, which provides within short distances access to extraordinarily diverse environments: shingle beaches; marshes; reedbeds; woodland; open countryside. All of this is amplified by the diversity of the flora and fauna. The birdlife alone attracts many. The footpaths are heavily used, including those which run along and across the River Dunwich. Testament to that is the fact that in September 2023 Suffolk County Council essentially re-built the bridge that crosses the River Dunwich (known locally as Otter Bridge). One path from that bridge leads through the reedbeds to the bottom of Manor Field where G2 is located. Thus, that footpath leads from the beach, up the side of Manor Field and into the heart of the village. It is heavily used. Footpaths lead off this route, one across the southern boundary of Manor Field to Stocks Lane; another from Manor Field back down to Dunwich River via the allotments and the campsite.

¹⁰ But one example: how close would it come to a spinney that is the springtime home to nightingales?

39. The impact of any construction work on G2 should be obvious, both to the amenity of the residents but also to the attraction of the area to visitors: the slope of Manor Field means that it is readily visible throughout the walks from Walberswick south towards Dunwich.
40. In turn, the impact on tourism should be equally obvious. That includes not only holiday visitors, but those coming shorter distances just for a walk.
41. As noted in our Original Response, the Charity owns commercial premises in Walberswick, which it leases to generate income for charitable purposes. It is highly likely that the interconnector construction project will negatively impact visitor numbers to a very significant degree and, therefore, the trade of those businesses, which would require compensation for loss of earnings. The very real fear is that those businesses simply could not survive the impact of a large civil engineering project in the heart of the village.

Conclusion

42. We reiterate our hope that at a national and regional level there is greater coordination between Government agencies, utilities and developers to combine resources and leverage existing infrastructure and sites. We consider that, following careful assessment, it will be apparent that both G and G2 are entirely unsuitable for a landfall. There is no doubt that the construction works will have an impact on the Charity's income which will limit our ability to fulfil our objectives.
43. That unsuitability and that impact mean that the Trustees would be compelled to object to any proposal for an interconnector, or related cabling, on or under its land.
44. At the same time we note that all the proposed landfall sites are within the Suffolk Coast and Heaths AONB. Moreover, there appears to have been no proper consideration of the cumulative impact of the various projects proposed within the wider area. We would therefore urge NGV, related entities, Ofgem and the Government (in line with the proposals of the June 2023 Winser Report) to review the LionLink proposal in its current form, and to give further consideration to creating an offshore grid that would enable the power cables to be brought onshore at an existing brownfield site closer to the South East where demand is highest.

Richard Leiper KC
Chair of the Trustees
2 November 2023