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Bramford to Twinstead Reinforcement

Volume 8: Examination Submissions

Document 8.3.6.1: Draft Statement of Common Ground Royal Society
for the Protection of Birds (RSPB)

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The Infrastructure Planning (Examination Procedure) Rules 2010
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1. Introduction

1.1 Overview

- 1.1.1 This document supports National Grid Electricity Transmission plc's (here on referred to as National Grid) application for an order granting development consent to reinforce the transmission network between the existing Bramford Substation in Suffolk, and Twinstead Tee in Essex.
- 1.1.2 A Statement of Common Ground (SoCG) is a written statement produced as part of the application for development consent and is prepared jointly between the Applicant and the interested party. It sets out matters of agreement between both parties, as well as matters where there is not an agreement. It also details matters that are under discussion.
- 1.1.3 The aim of a SoCG is to help the Examining Authority manage the examination phase of the application. Understanding the status of the matters at hand will allow the Examining Authority to focus their questioning, and provide greater predictability for all participants in examination. A SoCG may be submitted prior to the start of or during examination, and then updated as necessary or as requested during the examination phase.
- 1.1.4 This SoCG is between National Grid (the Applicant) and the Royal Society for the Protection of Birds (the RSPB) relating to the application for development consent for the Bramford to Twinstead reinforcement ('the project'). This SoCG has been prepared in accordance with the guidance for the examination of applications for development consent for Nationally Significant Infrastructure Projects (NSIP) (Planning Act 2008) published by the Department of Communities and Local Government (Department for Communities and Local Government, 2015).
- 1.1.5 This SoCG has been prepared to identify matters between National Grid and the RSPB in respect to the Bramford to Twinstead reinforcement only. The SoCG will evolve as the application progresses through examination.

1.2 Description of the Project

- 1.2.1 This document supports National Grid's application for an order granting development consent to reinforce the transmission network between the existing Bramford Substation in Suffolk, and Twinstead Tee in Essex. This would be achieved by the construction and operation of a new electricity transmission line over a distance of approximately 29km. The project meets the threshold as a NSIP, as defined under Part 3 of the Planning Act 2008, hence National Grid requires a development consent order (DCO).
- 1.2.2 The reinforcement would comprise approximately 18km of overhead line (consisting of approximately 50 new pylons, and conductors) and 11km of underground cable system (with associated joint bays and above ground link pillars).
- 1.2.3 Four cable sealing end (CSE) compounds would be required to facilitate the transition between the overhead and underground cable technology. The CSE would be within a fenced compound, and contain electrical equipment, support structures, control building and a permanent access track.

- 1.2.4 Approximately 27km of existing overhead line and associated pylons would be removed as part of the proposals (25km of existing 132kV overhead line between Burstall Bridge and Twinstead Tee, and 2km of the existing 400kV overhead line to the south of Twinstead Tee). To facilitate the overhead line removal, a new grid supply point (GSP) substation is required at Butler's Wood, east of Wickham St Paul, in Essex. The GSP substation would include associated works, including replacement pylons and underground cables to tie the substation into the existing 400kV and 132kV networks.
- 1.2.5 Other ancillary activities would be required to facilitate construction and operation of the project, including (but not limited to):
- Modifications to, and realignment of sections of existing overhead lines, including pylons;
 - Temporary land to facilitate construction activities including temporary amendments to the public highway, public rights of way, working areas for construction equipment and machinery, site offices, welfare, storage and access;
 - Temporary infrastructure to facilitate construction activities such as amendments to the highway, pylons and overhead line diversions, scaffolding to safeguard existing crossings and watercourse crossings;
 - Diversion of third-party assets and land drainage from the construction and operational footprint; and
 - Land required for mitigation, compensation and enhancement of the environment as a result of the environmental assessment process, and National Grid's commitments to Biodiversity Net Gain (BNG).

1.3 This Statement of Common Ground

- 1.3.1 For the purpose of this SoCG, National Grid and the RSPB will jointly be referred to as the 'Parties'.
- 1.3.2 This SoCG focuses on the concerns of the RSPB and is based on points raised in the RSPB's Relevant Representation to the Examination [RR-043], received by the Planning Inspectorate on 18 July 2023. Any matter not covered in this SoCG should not be taken to indicate the RSPB's agreement on that matter or prevent the RSPB from making further representations as may be necessary, based on new information or submissions made by National Grid to the Examination. The RSPB is focusing on its key areas of concern around RSPB Wolves Wood Reserves/Hintlesham Woods Site of Special Scientific Interest (SSSI) and is not considering or reviewing all aspects of the project.
- 1.3.3 Throughout the SoCG:
- Where a section begins 'Matters Agreed', this sets out matters that have been agreed between the Parties and where there is no dispute;
 - Where a section begins 'Matters Not Agreed', this sets out matters that are not agreed between the Parties and where a difference of opinion remains; and
 - Where a section begins 'Matters Under Discussion', this sets out matters that are subject to further negotiation between the Parties.
- 1.3.4 This SoCG is structured as follows:

- Section 1 provides an introduction to this SoCG and a description of its purpose;
- Section 2 states the role of the RSPB in the DCO application process and details engagement undertaken between the Parties;
- Section 3 sets out matters agreed between the Parties;
- Section 4 sets out matters not agreed between the Parties;
- Section 5 sets out matters where agreement is currently outstanding between the Parties, but is under discussion; and
- Section 6 includes the signing off sheet.

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2. Record of Engagement

2.1 Role of the RSPB in the Process

- 2.1.1 The Royal Society for the Protection of Birds (registered Charity England and Wales number 207076, Scotland number SC037654, ‘the RSPB’) was set up in 1889. It is a registered charity incorporated by Royal Charter and is Europe's largest wildlife conservation organisation, with a membership of 1.15 million (RSPB Annual Report 2021-22). The RSPB manages 222 nature reserves in the UK covering an area of 159,000 hectares.
- 2.1.2 The principal objective of the RSPB is the conservation of wild birds and their habitats. The RSPB therefore attaches great importance to all international, European Union and national law, policy and guidance that assist in the attainment of this objective. It campaigns throughout the UK and internationally for the development, strengthening and enforcement of such law and policy. In so doing, it also plays an active role in the domestic processes by which development plans and proposals are scrutinised and considered, offering ornithological and other wider environmental expertise. This includes making representations to, and appearing at, public inquiries and hearings during the examination of applications for development consent.
- 2.1.3 The RSPB is the landowner and reserve manager at Hintlesham Woods SSSI and also own associated land at Wolves Wood (also part of the SSSI designation).

2.2 Summary of Pre-application Discussions

- 2.2.1 Pre-application discussions were held with the RSPB between 2009 and 2013 prior to project pause. A summary of these discussions can be found in options appraisal reporting, such as the Connections Option Report [APP-164]. Due to the lapse in time since these original discussions took place and as key staff may have changed, the SoCG only records the meetings and matters agreed since the project restarted.
- 2.2.2 Table 2.1 summarises the consultation and engagement that has taken place between the Parties prior to submission of the application.

Table 2.1 – Pre-application Discussions

Date	Topic	Discussion Points
13 March 2021	Launch of Non-Statutory Consultation	National Grid wrote to the RSPB as they are a prescribed consultee in the DCO process, informing them of the start of the non-statutory consultation and inviting their views. The non-statutory consultation was held for six weeks, between 25 March 2021 and 6 May 2021.
23 June 2021	Introduction to the project and meeting about Hintlesham Woods (joint meeting with Natural England)	National Grid introduced the project and outlined the work previously undertaken (pre project pause in 2013) in relation to the options appraisal process including the routes around Hintlesham Woods.
3 September 2021	Landowner meeting	Meeting between the Parties to discuss the Licence agreement for the dormouse surveys. The terms were agreed on the call.

Date	Topic	Discussion Points
8 September 2021	Ecology Meeting	Thematic National Grid provided a project update and technical discussions around surveys, Biodiversity Net Gain (BNG) and the Habitat Regulation Assessment (HRA).
11 November 2021	Hintlesham Woods Meeting (joint meeting with Natural England)	National Grid and RSPB discussed the proposals at Hintlesham Woods including the two options that will be presented at Statutory Consultation.
25 November 2021	BNG	National Grid presented the enhancement proposals to an environmental working group to seek feedback on the options proposed.
19 January 2022	Launch of the Statutory Consultation	National Grid wrote to the RSPB as they are a prescribed consultee in the DCO process, informing them of the start of the statutory consultation and inviting their views. The Statutory Consultation was held for a period of eight weeks between 25 January 2022 and 21 March 2022 and provided the opportunity for the public and stakeholders to see how the project has evolved since the non-statutory consultation, and comment on further detailed engineering design and environmental assessment work.
26 January 2022	Landowner email	Email correspondence sent from National Grid with regards to the ground-based bat roost surveys.
17 March 2022	Bird surveys	National Grid provided the RSPB with a description of the bird survey scope in an email.
21 March 2022	Response to Statutory Consultation	The RSPB provided their response to the Statutory Consultation.
28 March 2022	Landowner meeting	Meeting between the Parties to discuss the Licence agreement for the breeding bird surveys. The terms were agreed on the call.
30 March 2022	Ecology Meeting	Thematic National Grid provided a project update and technical discussions around surveys and BNG.
04 April 2022	Landowner meeting	Meeting between the Parties to discuss the Licence agreement for the badger surveys. The terms were agreed on the call.
05 April 2022	Bat survey	The RSPB provided National Grid with a copy of a 2012 report on bat activity surveys at Hintlesham Woods.
25 April 2022	Bird surveys	The RSPB confirmed in an email that they were generally supportive of the proposed method for the breeding bird survey at Hintlesham Woods but has questions about the output.
27 April 2022	Bird surveys	National Grid responded to the RSPB in an email about the clarifications on the bird surveys at Hintlesham Woods.
16 May 2022	Landowner meeting	Meeting between the Parties to discuss the Licence agreement for the bat surveys. The terms were agreed on the call and payment was made.
18th May 2022	Landowner email	The RSPB signed the Intrusive Access Licence for the ground investigation work. National Grid confirmed that it would seek Natural England consent (if required) and evidence of that will be provided to the RSPB in advance. National Grid would communicate with the RSPB regarding site access in advance of the works.
1 September 2022	Launch of the targeted consultation	National Grid wrote to the RSPB as they are a prescribed consultee in the DCO process, informing them of the start of the targeted consultation and inviting their views, which ran between 8 September 2022 and 19 October 2022, with a focus on the western part of the Stour Valley.

Date	Topic	Discussion Points
6 September 2022	Ecology Meeting	Thematic National Grid provided a project update and technical discussions around surveys, BNG and targeted consultation.
17 October 2022	Hintlesham Woods (joint with Natural England and Suffolk County Council)	Meeting to discuss Hintlesham Woods options and barb astelle bats.
17 October 2022	Response to Targeted Consultation	The RSPB provided their response to the Targeted Consultation.
31 January 2023	Landowner email	National Grid provided a copy of the Heads of Terms to the RSPB for a voluntary grant of overhead rights.
02 February 2023	Update meeting	National Grid provided a project update and technical discussions around the decision to remove Option 2 from the application.

2.3 Summary of Post-submission Discussions

2.3.1 Table 2.2 summarises the consultation and engagement that has taken place between the Parties post submission of the application.

Table 2.2 – Post-submission Discussions

Date	Topic	Discussion Points
25 April 2023	Heads of Terms	The RSPB requested clarification of the rights required and a response was provided by National Grid.
22 June 2023	Project meeting	update National Grid provided a technical update on the project. The RSPB had some questions about the proposal. The Parties agreed to meet on site to discuss the proposals in further detail. The site visit was arranged for 4 July 2023.
30 June 2023	Landowner email	The RSPB set revised Heads of Terms to National Grid.
30 June 2023	Landowner email	National Grid responded to the RSPB's proposals on the Heads of Terms with an explanation of the proposals and the suggested drafting.
04 July 2023	Landowner site visit	National Grid met the RSPB on site to discuss the proposed works on their land and to discuss the Head of Terms.
05 July 2023	Bird data	National Grid provided the RSPB with data from the bird surveys undertaken in and around Hintlesham Woods.
18 July 2023	Relevant representation	The RSPB submitted a copy of their Relevant Representation to National Grid.
8 August 2023	Landowner email	The RSPB received revised Heads of Terms from National Grid.

3. Matters Agreed

Table 3.1 – Matters Agreed

SoCG ID	Matter	Agreed Position	Date Agreed
3.1 The Project			
3.1.1	RSPB Engagement	The project's approach to engagement and consultation has been proactive and professional.	11/09/23
3.1.2	Option 2 at Hintlesham Woods	The RSPB supports the decision by National Grid to not take forward Option 2 (as per the Statutory Consultation material) as part of the application for development consent because removal of Option 2 avoids direct impacts on further ancient woodland habitat of Hintlesham Woods SSSI.	11/09/23
3.2 Assessment Approach and Methodology			
3.2.1	Baseline environment	The study areas used for the ornithology baseline data collection at Hintlesham Woods as presented within the Environmental Statement (ES) are suitable and the scope and detail of the information included in the application is sufficient.	11/09/23
3.2.2	Scope of biodiversity assessment	The bird surveys at Hintlesham Woods have focused on and identified appropriate species and areas of importance.	11/09/23
3.4 Habitat Mitigation Proposals			
3.5.1	Natural regeneration	The RSPB support the proposals to allow natural regeneration of woodland where appropriate in the habitat mitigation areas around Hintlesham Woods. (see also 5.4.1 below).	11/09/23
3.5.2	Proposals	That the broad locations proposed for habitat mitigation in the vicinity of Hintlesham Woods are suitable.	11/09/23
3.5 Biodiversity Net Gain (BNG)			
3.4.1	Principle	The RSPB support the commitment to a voluntary 10% BNG for this project.	11/09/23
3.4.2	Proposals	That the broad locations proposed for BNG in the vicinity (but outside the protected areas) of Hintlesham Woods are suitable.	11/09/23

4. Matters Not Agreed

Table 4.1 – Matters Not Agreed

SoCG ID	Matter	The RSPB Position	National Grid's Position
4.3 Environmental Impact Assessment			
4.3.1	SSSI embedded measures	The RSPB agree with Natural England (as set out in Part 3 of its Relevant Representations [RR-042]) that the proposed embedded measures need to be legally secured by being within the DCO, not via an associated document (the Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP)) that can be more easily changed than DCO conditions. Therefore, the required embedded measures should be set out and included within Requirement 4 of the DCO.	The embedded mitigation is contained within the CEMP, which is secured through Requirement 4 of the DCO. National Grid does not consider it practical or necessary to duplicate and list all of the many embedded measures as line items in the Requirement wording.
4.3.2	No construction phase or post-construction monitoring proposed for Hintlesham Woods SSSI.	The RSPB does not agree that it is appropriate for a project of this scale not to monitor potential impacts of works to both the existing route and the new route to the north and west of Hintlesham Woods on Hintlesham Woods SSSI.	<p>The works to the north and west of Hintlesham Woods would involve impacts to short sections of hedgerows and Potential Ancient Woodland 5, where the temporary access route would cross these features. These would all be reinstated following construction.</p> <p>The existing swathe through the SSSI is already managed as part of the maintenance associated with the existing overhead line. The swathe would be coppiced during construction, as part of the transposition works. The coppiced vegetation would be allowed to regrow following construction, in accordance with the existing maintenance regime and required safety clearances.</p> <p>The LEMP [APP-182] includes inspections as part of the five year monitoring and aftercare period to check that these areas are establishing. This is considered to be a sufficient duration for this type of habitat to re-establish and no further monitoring would be required.</p>

5. Matters Outstanding

Table 5.1 – Matters Outstanding

SoCG ID	Matter	The RSPB position	National Grid's Position
5.2 Assessment Approach and Methodology			
5.2.1	Construction noise assessment methods	To assess impacts on breeding birds, the noise assessment should be based on peak, rather than average, noise levels as impulsive noise is likely to have the greatest impact. This may require further mitigation, depending on the outcome of an updated assessment.	National Grid is undertaking further work to look at peak (rather than average) noise values at Hintlesham Woods and will discuss the results of this further work, when available, with the RSPB.
5.2.2	Construction noise assessment conclusions	The RSPB does not agree that it can be concluded that an average noise level of 60dB at the woodland edge at 200m from pylon construction to the north of Hintlesham Woods would not have a significant effect on breeding birds, particularly nightingale which breed in this area. The RSPB's view is that the assessment method requires revision as above and that mitigation should be proposed to avoid impacts as far as possible.	National Grid is undertaking further work to look at peak (rather than average) noise values at Hintlesham Woods and will discuss the results of this further work, when available, with the RSPB.
5.3 Environmental Impact Assessment			
5.3.1	Vegetation management/ coppicing of existing swathe within Hintlesham Woods	Details of working methods and measures to manage impacts of any vegetation clearance/ coppicing required within the existing swathe are still under discussion. These discussions include; how coppicing is defined; vehicle access and any ground/stump protection required or any other measures to facilitate access; extent of clearance; management of arisings; and management of vegetation regrowth.	The Landscape and Ecological Management Plan (LEMP) [APP-182] sets out the proposed working methods for vegetation clearance and coppicing within the existing swathe. Further details on the exact method would not be available until a main works contractor is appointed in 2024.
5.3.2	Conductor restringing along existing swathe within Hintlesham Woods	Details of working methods and measures to manage impacts (noting that works are planned during the bird breeding season) remain under discussion.	ES Appendix 7.1 Annex B: Hintlesham Woods SSSI Assessment [APP-111] describes the proposed working methods to manage the effects around Hintlesham Woods. Further details on the exact method would not be available until a main works contractor is appointed in 2024.
5.3.3	Works required to Pylon RB13	Details of in principle working methods and measures to manage impacts should any works be required to Pylon RB13 remain under discussion.	Further details on the exact working method would not be available until a main works contractor is appointed in 2024.
5.3.4	Access route to south of Hintlesham Woods	Details of working methods and measures to manage impacts of any works required to the access route to the south of Hintlesham Woods remain under discussion. Issues include any vegetation management required (noting importance	Sheet 06 and 08 of the General Arrangement Plans [APP-018] show the temporary access route in the field to the west of the SSSI. The LEMP [APP-182] and Appendix A: Vegetation Retention

SoCG ID	Matter	The RSPB position	National Grid's Position
		of the hedgerow and trees along this route) and surfacing/matting.	and Removal Plan of the LEMP [APP-183] sets out the proposed vegetation management required. Further details on the exact working method would not be available until a main works contractor is appointed in 2024.
5.3.5	Impacts of pylon construction to North and West of Hintlesham Woods	Details of working methods and measures to manage impacts of works close to the woodland boundary will be reviewed as they develop, with further details required of any works proposed within the 15m buffer.	The LEMP [APP-182] and Appendix A: Vegetation Retention and Removal Plan of the LEMP [APP-183] sets out the proposed measures that would be undertaken within 15m of ancient woodland. Further details on the exact working method would not be available until a main works contractor is appointed in 2024.
5.3.6	Further surveys within Hintlesham Woods SSSI	It is not yet clear whether any further intrusive or non-intrusive surveys within Hintlesham Woods will be required. If these are required, methodologies, timing and locations will require discussion along with any measures required to avoid impacts on the RSPB Reserve or SSSI.	There are no further surveys planned at Hintlesham Woods SSSI in relation to the application for development consent. As stated in the LEMP [APP-182], pre-construction surveys would be undertaken to check for changes to the baseline environment and to inform the final EPS licences. The programme and methods for such surveys would be discussed with the relevant landowner, including the RSPB in the case of Hintlesham Woods SSSI.

5.4 Habitat Mitigation Proposals

5.4.1	Management and aftercare	Aftercare of any mitigation required for operational impacts should be for the lifetime of the project. Robust management plans will be required to ensure that establishment and ongoing management uses appropriate methods and takes account of the need to manage issues such as invasive non-native species, drought and deer browsing pressure. Clear protocols should be in place should habitat not develop as expected.	Embedded planting at the GSP substation and around the CSE compounds would be maintained for the life of the project. Mitigation and reinstatement planting would be covered by a five-year aftercare period to check it is re-establishing, as set out in the LEMP [APP-182]. It would then be handed back to the relevant landowner for future maintenance, as National Grid would not be seeking land rights for ongoing landscape maintenance in these areas.
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5.5 Biodiversity Net Gain (BNG)

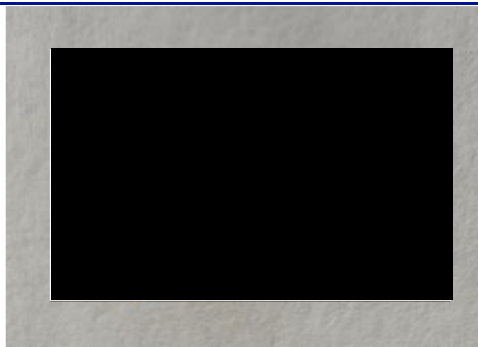
5.5.1	Management and aftercare	Aftercare of areas contributing to BNG should be for a minimum of 30 years. Robust management plans will be required to ensure that establishment and ongoing management uses appropriate methods and takes account of the need to manage issues such as invasive non-native species, drought and deer browsing	The net gain proposals are included in the Environmental Gain Report [APP-176]. Subject to development consent, National Grid would appoint a suitably qualified contractor to provide detailed proposals and to develop specific targets for each site. These
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SoCG ID	Matter	The RSPB position	National Grid's Position
		pressure. Clear protocols should be in place should habitat not develop as expected.	<p>would be used to monitor the environmental areas to check they are establishing as planned or whether further measures are required.</p> <p>It is anticipated that National Grid would own or lease the environmental enhancement areas and therefore would be responsible for maintaining the habitats on-site in for a period of up to 30 years, depending on habitat type and status of ownership.</p>

6. Approvals

On Behalf of	National Grid
Name	Sally Rotherham
Position	Consents Officer
Date	22.09.2023

Signed



On Behalf of	The Royal Society for the Protection of Birds
Name	Rosie Sutherland
Position	Head of Environmental Law and In House Solicitor.
Date	

Signed

Reference List

Department for Communities and Local Government (2015) *Planning Act 2008: Guidance for the examination of applications for development consent*. March 2015 (Department for Communities and Local Government, 2015)

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