

BT-NG-020621-545-0215

Bramford to Twinstead Reinforcement

Volume 8: Examination Submissions

Document 8.3.12: Extant Grid Supply Point Substation Consents

Final Issue A

September 2023

Planning Inspectorate Reference: EN020002

**The Infrastructure Planning (Examination Procedures) Rules 2010
Regulation 8(1)(k)**

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1. Introduction

1.1 Purpose of This Document

- 1.1.1 This document expands upon the query from the Examining Authority at Issue Specific Hearing 1 on 14 September 2023 for the Bramford to Twinstead Reinforcement ('the project') in respect to the Applicant, National Grid Electricity Transmission plc (National Grid), providing details of the consents obtained in relation to the grid supply point (GSP) substation. The Examining Authority asked the Applicant whether there was particular information available for the public to review in respect to the GSP substation consents and whether this should be included in the Examination Library.
- 1.1.2 The Issue Specific Hearing 1 opened at 10:00 and closed at 18:00. The agenda for the hearing was published on the Planning Inspectorate's website on 30 August 2023. Whilst this suggestion was not a specific action point raised by the Examining Authority [EV-018], which the Applicant has addressed in the Applicant's Response to Issue Specific Hearing 1 Action Points (**document 8.3.9**); the Applicant thought it would be beneficial to all parties to respond to this suggestion. As such, this document provides copies of the extant consents achieved outside the Nationally Significant Infrastructure Project process, in respect to the GSP substation.

1.2 The GSP Substation

- 1.2.1 The GSP substation is an essential element of the wider Bramford to Twinstead Reinforcement (the project).
- 1.2.2 In order to construct the project, three key stages must happen in sequential order:
- 1 Firstly, the GSP west of Twinstead Tee must be constructed and operational. This is a technical necessity, required to replace distribution network capacity to the Distribution Network Operator (DNO).
 - 1 Only once the GSP is operational can the 25km stretch of existing 132kV line between Burstall Bridge and Twinstead Tee be removed.
 - 1 Once the existing 132kV line between Burstall Bridge and Twinstead Tee is removed, the new 400kV reinforcement between Bramford Substation and Twinstead Tee can be constructed.
- 1.2.3 Therefore, it is important that the GSP is delivered as early as feasible, to allow the subsequent works to commence should development consent be granted.

1.3 The Consents

- 1.3.1 National Grid has obtained planning permission from Braintree District Council for the GSP substation under the Town and Country Planning Act (TCPA) (as well as an Environmental Impact Assessment (EIA) screening decision confirming it was not EIA development) in October 2022 (Application Reference: 22/01147/FUL) in advance of the application for development consent.
- 1.3.2 The planning application sought full planning permission for '*a new 400/132 kilovolt (kV) Grid Supply Point (GSP) substation including two supergrid transformers,*

associated buildings, equipment and switchgear, a single circuit cable sealing end compound, a new permanent vehicular access to the public highway, associated landscaping (including boundary fencing, an area for Biodiversity Net Gain, and landscape mounding) and drainage.’ This permission was later varied by virtue of a minor material amendment application pursuant to Section 73 of the TCPA (Application Reference 23/01488/VAR), also from Braintree District Council.

- 1.3.3 In addition, Overhead Line Consent pursuant to Section 37 of the Electricity Act 1989 (as well as an EIA screening decision confirming it was not EIA development) was obtained for an air insulated conductor and a temporary line diversion; works associated with tying the substation into the existing 400kV and 132kV networks.
- 1.3.4 Finally, a suite of other associated works, including replacement pylons and underground cables to tie the GSP substation into the existing 400kV and 132kV networks are required. These associated works, however, fall outside the scope of the TCPA planning applications and the Overhead Line Consents pursuant to Section 37 of the Electricity Act 1989 as they are permitted development subject to the General Permitted Development Order 2015, Schedule 2, Part 15 and exempt under the Overhead Lines (Exemption) (England and Wales) Regulations 2009, respectively. As a result, an expressed grant of consent has not been sought for these works.

1.4 Schedule of Consents

- 1.4.1 Table 1.1 below details a schedule of formal consents obtained pursuant to the GSP substation.

Table 1.1: Schedule of Consents

Description of Works	Consenting Route	Documents
A new 400/132 kilovolt (kV) Grid Supply Point (GSP) substation including two supergrid transformers, associated buildings, equipment and switchgear, a single circuit cable sealing end compound, a new permanent vehicular access to the public highway, associated landscaping (including boundary fencing, an area for Biodiversity Net Gain, and landscape mounding) and drainage	Full planning permission pursuant to the Town and Country Planning Act 1990	Decision Notice, 22/01147/FUL, Dated 25 October 2023 (Appendix A). EIA Screening Decision, 21/03343/SCR, Dated 23 December 2021 (Appendix B).
Air insulated electricity conductor running from the tower mounted cable sealing end unit to the horizontal electricity conductors and temporary diversion of the existing 400kV overhead line to facilitate installation of the new replacement pylon. The temporary diversion may be in place for approximately 1 year and be approximately 700m long. It would include two temporary pylons with a height of between approximately 44m and 48m above ground level.	Overhead Line Consent pursuant to Section 37 of the Electricity Act 1989.	Section 37 Consent, 1591U, Dated 3 November 2023 (Appendix C). Section 37 Screening Decision, 1591U, Dated 3 November 2023 (Appendix D).
Variation of Condition 2 (Approved Plans) & Condition 3 (Surface Water Drainage) of approved application 22/01147/FUL granted 25.10.2022 for: A new 400/132 kilovolt (kV) Grid Supply Point (GSP) substation including two supergrid transformers, associated buildings,	Minor material amendment pursuant to Section 73 of the Town and Country Planning Act 1990	Decision Notice, 23/01488/VAR, Dated 22 September 2023 (Appendix E).

equipment and switchgear, a single circuit cable sealing end compound, a new permanent vehicular access to the public highway, associated landscaping (including boundary fencing, an area for Biodiversity Net Gain, and landscape mounding) and drainage. Condition 2:- Would allow a reduction of substation footprint, improved cable alignment, rationalisation of the number and location of buildings, revised position and alignment of the supergrid transformer gantry moving it further from the A131. Condition 3 to be reworded to amend the SUDs trigger point.

Appendix A Decision Notice, 22/01147/FUL, Dated 25 October 2023

Braintree District Council

Town and Country Planning Act 1990 (as amended)

Application No.: 22/01147/FUL

Date Received: 29th April 2022

APPLICANT:

NGET
National Grid House
Warwick Technology Park
Gallows Hill
CV34 6DA
Warwick

AGENT:

Miss Rebecca Burt
Jacobs
Cottons Centre, Second Floor
Cottons Lane
London
SE1 2QG

DESCRIPTION:

A new 400/132 kilovolt (kV) Grid Supply Point (GSP) substation including two supergrid transformers, associated buildings, equipment and switchgear, a single circuit cable sealing end compound, a new permanent vehicular access to the public highway, associated landscaping (including boundary fencing, an area for Biodiversity Net Gain, and landscape mounding) and drainage

LOCATION:

Land Adjacent Butlers Wood And Waldergrave Wood West Of A131 (In The Parishes Of Bulmer And Twinstead) Sudbury Road Bulmer Essex

APPROVED PLAN(S):

Plan Description	Plan Ref	Plan Version
Location Plan	AAA_B2B_GSP_SITELOCATIO NPLAN_REV0	N/A
Concept Plan	AAA_B2B_GSP_CONSENTING _PLAN_REV0	N/A
Planning Layout	B31000F9-JAC-ZZ-XX-DR-010 P01	N/A
General	B31000F9-JAC-ZZ-XX-DR-012 P01	N/A
General	B31000F9-JAC-ZZ-XX-DR-013 P01	N/A
Levels	B31000F9-JAC-ZZ-XX-DR-014 P01	N/A
Levels	B31000F9-JAC-ZZ-XX-DR-015 P01	N/A
General Plans & Elevations	B31000F9-JAC-ZZ-XX-DR-016 P01	N/A
General Plans & Elevations	B31000F9-JAC-ZZ-XX-DR-017 P01	N/A

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Topographical Survey	B31000F9-JAC-ZZ-XX-DR-018 P01	N/A
Section	B31000F9-JAC-ZZ-XX-DR-019 P01	N/A
Fencing Layout/Details	B31000F9-JAC-ZZ-XX-DR-021 P01	N/A
Other	Construction Environment Management Plan	v3
Substation Details	PDD 21847 ELE 011 P02	N/A
Block Plan	PDD 21847 LAY 008 P02	N/A
Proposed Site Plan	PDD 21847 LAY 009 P02	N/A
Access Details	PDD 21847 LAY 020 P02	N/A
Landscape Masterplan	P20332-00-001 GI-0100-05	REV 5
Other	Archaeological Evaluation Interim Report	N/A
Arboricultural Report	April 2022	Appendix 5
Noise Details	April 2022	Appendix 10
Highway Plan	Swept Path Assessment	21-0130.SPA24
Other	Phase 1 Contaminated Land Assessment	N/A
Highway Plan	Detailed Access Drawing	PDD-21847-CIV- 022
Other	Environmental Appraisal - Planting Plan	N/A

DECISION:

The Braintree District Council as local planning authority hereby gives notice of its decision to **GRANT** planning permission in accordance with the above plan(s) and subject to the following conditions and reasons:

Condition 1

The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

Condition 2

The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason: For the avoidance of doubt and in the interests of proper planning.

Condition 3

Prior to commencement of development a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

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- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Condition 4

Prior to commencement of development a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved and retained thereafter.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Condition 5

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and approved, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements

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should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 6

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Condition 7

All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Environmental Appraisal Appendix 1 Construction Environment Management Plan (CEMP) V3 and as set out in Annex A (Code of Construction Practice - CoCP), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Condition 8

Any works which will impact the breeding / resting place of Great crested newt, shall not in in any circumstances commence unless the Local Planning Authority has been provided with a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

Condition 9

Prior to the installation of any external lighting at the site, a lighting design scheme to protect biodiversity, local amenity, and intrinsically dark landscapes shall be submitted to and approved in writing by the Local Planning Authority. The scheme

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shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

Temporary lighting installed during construction shall be provided by mobile solar lighting towers or similar. The lux level shall be 20 lux peak in the horizontal plane within the area of construction. The construction compound shall not be lit at night outside of core working hours except for welfare and site security cabins that will include low level lighting.

Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Condition 10

Prior to first use of the development hereby approved a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to beneficial use of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed to deliver Biodiversity Net Gain.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a 15 year work schedule (including an annual work plan capable of being rolled forward over a five-year period to deliver condition of created and enhanced habitats).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

Condition 11

Prior to any substation electricity equipment being erected above ground details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate. All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons following either substantial completion of the development or the development first being brought into use, whichever is the sooner unless otherwise previously agreed in writing by the local planning authority. All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier. Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason: To enhance the appearance of the development.

Condition 12

Prior to the implementation of the landscaping scheme pursuant to Condition 11 of this permission, an irrigation and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be implemented in accordance with the approved irrigation and maintenance regime.

Reason: To ensure that the landscaping scheme is able to fully establish in the interests of the appearance of the development and amenity of future and that of adjoining occupiers.

Condition 13

All areas of hardstanding shall be constructed using porous materials laid on a permeable base.

Reason: To prevent the increased risk of flooding.

Condition 14

The development shall be carried out in accordance with the management and best guidance practice measures as detailed in the approved Noise Assessment (Appendix 10).

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Reason: In the interests of neighbouring amenity.

Condition 15

Prior to commencement of development a Written Scheme of Investigation (WSI) which shall include details for a programme of archaeological investigation for monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The site may be of archaeological interest.

Condition 16

A final archaeological report or (if appropriate) a Post Excavation Assessment report and an Updated Project Design shall be submitted to and approved in writing by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: The site maybe of archaeological interest.

Condition 17

Prior to commencement of the development a Construction Traffic Management Plan, which shall include but not be limited to, details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved Construction Traffic Management Plan.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Condition 18

No occupation of the development shall take place until the proposal site access arrangements as shown in principle on planning application drawing number PDD-21847-CIV-022 Rev. P02 have been provided or completed.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Condition 19

Should contamination be found that was not previously identified, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with Paragraph 8.2.2 of the Applicant's Environmental Appraisal (CEMP V3) and a separate remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented and completed prior to the operation of the

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development.

Reason: In interests of neighbouring amenity.

Condition 20

There shall be no deliveries or construction vehicle movements to, from or within the premises outside the following times:

- Monday to Friday 0700 hours - 1900 hours;
- Saturday, Sundays, Public and Bank Holidays - 0800 hours - 1700 hours.

Reason: In interests of neighbouring amenity.

Condition 21

The applicant shall adhere to the actions and commitments contained within the Construction Environment Management Plan (CEMP, July 2022, V3) at all times as appropriate before, during, and after construction of the development.

Reason: In interest of neighbouring amenity.

Informative(s)

In forwarding the decision for this application, I have to draw your attention to the following:

Informative 1

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

Informative 2

- Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).
- All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway

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Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ.

Informative 3

In discharging Condition 9 the applicant shall include details of the measures that will be incorporated in the lighting scheme to ensure that the lighting is only turned on when personnel are on site.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

Policies:

The Development Plan policies taken into account when deciding this application are listed below. The policies can be viewed in full at Causeway House or on the Council's website – www.braintree.gov.uk

Braintree District Local Plan 2013 - 2033

Braintree District Local Plan 2013 - 2033

BP1 Braintree District Local Plan 2013 - 2033 Sustainable Development

BP6 Braintree District Local Plan 2013 - 2033 City

BP7 Braintree District Local Plan 2013 - 2033

BP11 Braintree District Local Plan 2013 - 2033

BP43 Braintree District Local Plan 2013 - 2033

BP52 Braintree District Local Plan 2013 - 2033

BP57 Braintree District Local Plan 2013 - 2033

BP59 Braintree District Local Plan 2013 - 2033

BP63 Braintree District Local Plan 2013 - 2033

BP64 Braintree District Local Plan 2013 - 2033

BP65 Braintree District Local Plan 2013 - 2033

BP67 Braintree District Local Plan 2013 - 2033

BP70 Braintree District Local Plan 2013 - 2033

Braintree District Local Plan 2013 - 2033

BP77 Braintree District Local Plan 2013 - 2033

BP72 Braintree District Local Plan 2013 - 2033

LPP73 Renewable Energy Schemes

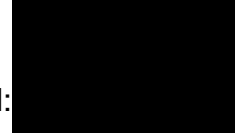
LPP74 Flooding Risk and Surface Water Drainage

LPP77 External Lighting

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Dated: 25th October 2022

Signed:



Christopher Paggi
Planning Development Manager
Causeway House, Bocking End, Braintree, Essex CM7 9HB

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Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- For householder and minor commercial applications you must appeal within **12 weeks** of the Council's decision. For other application types you must appeal within **6 months** of the Council's decision.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder or minor commercial appeals] of the date of this notice, whichever period expires earlier.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on telephone no. 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Land Purchase

If proposals are refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council for the area in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 as amended.

Compensation

In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 as amended.

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Appendix B EIA Screening Decision, 21/03343/SCR, Dated 23 December 2021

Our ref: 21/03343/SCR
Direct Dial: [REDACTED]
Ask for: Mathew Wilde
Date: 23.12.2021



Mr Sebastian Stevens
National Grid Electricity Transmission
National Grid House
Warwick Technology Park
Gallows Hill
Warwick
CV34 6DA

Development Management
Causeway House Braintree
Essex CM7 9HB

Tel: [REDACTED]
Email: planning@braintree.gov.uk

Dear Mr Stevens

APPLICATION NO: 21/03343/SCR

DESCRIPTION: Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2017 - Screening Request (Regulation 6) - GSP Substation

LOCATION: Land West Of Hedingham Road, Bulmer, Essex

I write in response to your request for a Screening Opinion in relation to the above site, received on 10th November 2021.

Following such a request, the Local Planning Authority are required to provide an Opinion on the requirement for an Environmental Impact Assessment to be undertaken under the terms of Part 2, Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

This letter constitutes the Council's formal Screening Opinion as to whether the proposed development requires formal Environmental Impact Assessment (EIA).

Description of Development Site

The site is located in a gap between two ancient woodlands (Butlers Wood and Waldergrave Wood) in the Bulmer Parish area. Historical maps show both wooded areas were previously joined, but there is now (and has been for some time) a clear 100m gap between the two.

The site is approximately 5km south of Sudbury and 1km northeast of Wickham St Paul. It is accessed directly from the A131 to the East. The site is currently arable land, however it does contain two 400kv Pylons and an overhead line.

The site is not located within any 'sensitive areas' as defined by the EIA Regulations (SSSIs and European sites (which include SPAs), National Parks, the Broads and Areas of Outstanding Natural Beauty (AONBs), World Heritage Sites and scheduled monuments).

History

The site has no planning history per se; however the substation proposal forms part of a wider Nationally Significant Infrastructure Proposal (NSIP) which seeks to erect a new 400kV electricity transmission connection (part overhead and part underground) spanning

approximately 27km from Bramford substation to Twinstead Tee. The substation itself is not directly required to enable the erection of the new 400kV line and is located some distance away from the new 400kV connection.

The substation is however considered to be necessary by National Grid to facilitate the removal of 25km of existing 132 kV overhead line operated by UK Power Networks and around 1 km of existing 400 kV overhead line. The substation is required to enable the conversion of electricity from 400kV to 132kV in order for it to be distributed into the local network and replace the capacity lost through the removal of the 132kV overhead line.

Proposal

A request for a Screening Opinion has been submitted to the Local Planning Authority for a proposed substation development. It would include a fenced compound approximately 270m by 50m in size. The fencing would likely consist of a 2.4m palisade fence with a 3.4m high electric pulse fence positioned behind it in order to secure the site. The compound would comprise two Super Grid Transformers (SGTs) to convert the voltage from 400kV to 132kV, for onward transmission and distribution by the District Network Operator (UKPN). The compound would also contain other associated equipment including switching devices, cooler banks for each transformer, a diesel generator for emergency back-up power and a water tank for emergency firewater supply. A steel gantry would also be required to receive the down leads from the 400kV line, measuring approximately 13m in height. The other structures in the compound are understood to be lower than this, although heights have not been confirmed. The proposals also include an adjacent 400kV single circuit sealing end enclosure measuring 33m x 30m in area and containing a 12.5m high gantry and high voltage equipment measuring 8m in height. The enclosure would enable a new underground 400kV connection.

The development also includes additional land within the red line for landscape planting proposals.

To facilitate the substation development, there would be a number of associated works to the existing infrastructure network around the site. In summary the associated works would; remove and relocate one existing pylon on the site, introduce a new underground cable to connect into an existing 132kV network and remove an existing 132kV pylon (approximately 60m west of the site) and replace it with a 132kV Cable Sealing End pylon (where the new undergrounded line would be routed to). Some temporary diversions of cables would also be required.

It is noted that some of these works are not considered to require planning permission such as works to existing overhead lines or new overhead lines on National Grid Assets, underground cables and temporary enabling/construction phase works, but have been included in the screening request for transparency so that the overall extent of associated work involved can be considered

Maintenance is limited for the use of the sub-station as it is to be fully automated. Construction would introduce HGVs to carry the equipment to site however this would cease following the completion of construction.

Legislative Background

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 ('EIA Regulations') are applicable to the assessment of this submission which came into force in May 2017. These regulations transpose the European Union Council's Directive on the assessment of the effects of certain projects on the environment (the EIA Directive) into UK law.

The requirement for EIA is either mandatory or conditional, depending on the classification of the project. This is based, in turn, on the likelihood of significant impacts arising. EIA applications are divided into 'Schedule 1 development' (major developments) and 'Schedule 2 development' (other developments likely to have significant effects on the environment by virtue of factors such as its nature, size or location).

Regulation 6 permits an application for planning permission to submit a request to the Local Planning Authority for a Screening Opinion as to whether or not an EIA will be required for a development that will be the subject of a planning application. In making a decision on this request the Local Planning Authority must have regard to the EIA Regulations. These set out the categories of development for which environmental impact assessment is required.

In the event that a development does fall within the list set out in Schedule 2, the Local Planning Authority must assess the likely impacts of the development having regard to the provision of Schedule 3 of the Regulations.

Where a relevant authority has to decide under these Regulations whether supplementary information is required to enable it to determine a subsequent application it must take into account in making that decision –

- (a) such of the selection criteria set out in Schedule 3 as are relevant to the development;
- (b) whether information that was available to the decision-maker when it decided to grant development consent for the development has changed since it made that decision;
- (c) whether new information on the likely environmental effects of the development has become available since the decision-maker decided to grant development consent; and
- (d) whether the new information referred to in paragraphs (b) and (c) is material to the decision as to whether the proposed development is likely to have significant effects on the environment, or as to the particular nature or extent of those effects.

Assessment

Assessment Against Schedule 1

The development of the site for a sub-station would not fall within any of the categories set out in Schedule 1. The wider Bramford - Twinstead NSIP proposal does however fall within Schedule 1, and an EIA process is currently being undertaken, which includes the substation element as an associated part. It should be noted however that if it is granted planning permission under the Town and Country Planning Act (as opposed to receiving consent through the NSIP process), the substation element would be removed from the Bramford – Twinstead NSIP and the associated EIA.

In any case, as stated above, as a standalone proposal, the substation would not fall within Schedule 1.

Assessment Against Schedule 2

If a proposed development is listed in Schedule 2 of the EIA regulations and exceeds the relevant 'exclusion thresholds and criteria' set out in the second column the proposal needs to be screened by the local planning authority to determine whether significant effects are likely and hence whether an assessment is required.

In this case, it is considered that the proposed sub-station does not fall within Schedule 2 of the EIA regulations. The only comparable category is 3(a) which states:

“Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1);”

The proposed substation would not produce electricity in this case as its primary function; it would instead convert electricity generated elsewhere into a lower voltage for use on the local electricity network. There would be a back-up diesel generator on the site which would plug some of the gap if electricity stopped being received, however it is understood that this would only be utilised on very rare occasions. The threshold for category 3(a) is a development exceeding 0.5ha in area. The proposed application red line site area would measure approximately 12ha and exceeds the 0.5ha threshold meaning that were it considered to be

category 3 development an EIA screening opinion would be compulsory (although this does not necessarily mean that it would then be deemed EIA development, simply that an opinion on this matter from the LPA must be sought). Whilst it is not considered that the proposal falls within category 3, and the Regulations are clear that this category is only for industrial installations which *generate* electricity, it is noted that the Applicant has taken a robust approach and sought a screening opinion for the sake of completeness.

It is also noted that the other associated works identified, such as replacing existing pylons, would not fall within any of the categories listed in Schedule 2.

Is the proposal in a sensitive area?

The local planning authority does not consider this to be a sensitive site within the meanings of the regulations.

Certain designated sites are defined in regulation 2(1) as sensitive areas – namely:

- Sites of Special Scientific Interest (SSSI) and European sites;
- National Parks, the Broads and Areas of Outstanding Natural Beauty; and
- World Heritage Sites and scheduled monuments.

The application is not within such a designated area and is sufficiently removed from any designated sensitive area that the proposed development would not adversely impact a sensitive area. The guidance states that the more environmentally sensitive the location, the more likely it is that the effects will be significant and will require an EIA.

The site is currently used for arable purposes. Given the sensitive edge of the site with surrounding ancient woodland, any future planning application submitted to the Local Planning Authority could be accompanied by an arboricultural report and ecology survey which would identify the health and protection of trees, and highlight any sensitive habitats or protected species on the site respectively.

Schedule 2 Assessment

Schedule 2 of the Regulations identifies those developments that may require an EIA.

Where a development exceeds the 'exclusion thresholds' the regulations go on to set out further thresholds which are intended to provide local planning authorities with further guidance in determining whether significant effects are likely. These thresholds are indicative only and need to be considered in the context of the location of the proposed development.

As stated above, the development in this case is not considered to fall within Schedule 2 of the EIA Regulations. Notwithstanding the above, the screening request for the development has been received. Officers therefore consider it would still be appropriate to consider the impacts of the development under Schedule 3 of the Regulations.

Schedule 3

Schedule 3 outlines the criteria to consider in determining whether development falling under Schedule 2 will require an EIA. The test to be applied in each case is whether the proposed development and its specific impacts are likely, in that particular location, to result in significant effects on the environment. The potential for significant effects should be considered against the situation (i.e. baseline condition) that would exist should the proposed development not be implemented. These constitute three broad criteria as follows:

- 1) the characteristics of development (e.g. its size, cumulation with other development, use of natural resources, the production of waste, quantities of pollution and waste generated, the risk of accidents having regard to particular substances or technologies and the risks to human health);
- 2) the environmental sensitivity of the location; and
- 3) the characteristic of the potential impact (e.g. its magnitude and duration)

These factors are considered below.

Characteristics of the Development

a) The size of the development

The substation equipment would be located within a compound of 270m by 50m in size with an adjacent sealing end enclosure measuring 33m by 30m. The size of the substation is not considered to be significant. The site as a whole would measure approximately 12ha. However a large proportion of this would consist of landscape planting.

b) The cumulation with other existing development and/or approved development

The need for the sub-station has arisen primarily due to the wider NSIP project for the new 400kv electricity line from Bramford to Twinstead Tee. The substation is included within the NSIP submission as associated development to enable the removal of the existing 132kv cable line and the replacement with a new 400kv powerline. The 132kv line is however controlled by UKPN which serves homes and businesses in the area. The 400kv lines by comparison are to transfer power to different substations across the country. Therefore to compensate for the loss of the 132kv line, a new substation is required to convert the 400kv electricity into 132kv electricity, so that it can be distributed on the local network. The substation therefore seeks to reduce the overall impact of the NSIP by removing the existing 132kv line, as opposed to having three lines (the existing 400kv, new 400kv and existing 132kv).

The substation in this case would not be located in close proximity to the new 400kv powerline; it would be located further away from Twinstead Tee (where the new line would join the existing 400kv line) at a distance of approximately 2km. The substation would instead serve the existing 400kv powerline to convert electricity into 132kv.

The Bramford – Twinstead Tee NSIP project meets criteria in Schedule 1 and therefore does not require an Environmental Impact Assessment to be completed and this is underway. This is because it proposes new overhead powerlines over 15km in length (Approximately 19km overhead and 10km underground) which would have an environmental impact that requires assessment. At this time, the EIA for the NSIP is to include impacts of the substation as this is included within the NSIP proposal. However, if planning permission is granted for the substation through the Town and Country Planning Act via a freestanding planning application, then the substation element would be removed from the NSIP proposal, and the relevant parts of the associated EIA.

The EIA for the NSIP would still however need to scope in the substation in its cumulative impacts assessment, meaning that the substation would not be discounted from the NSIP EIA process entirely and its cumulative impact with the NSIP project would still be considered. .

Overall, taking into account the nature of the substation as described in the 'Proposal' section, the fact that the NSIP is neither existing nor approved development, and taking into account the substations overall purpose and location as discussed above, it is considered that the cumulative impacts of the proposed substation development would not be significant. The NSIP process would still require its own EIA to assess these impacts. The substation proposal however wouldn't introduce such significant impacts as to warrant its own individual EIA outside of the cumulative impact assessment which it would be included within for the wider NSIP project.

c) The use of natural resources

The development would result in the loss of an arable field. It is not expected that the development proposals for the substation would result in excessive consumption of natural resources.

d) The production of waste

It is expected that some waste would be produced during the construction phase, for example materials packaging and during the installation of required infrastructure. Once the development is in operation there would be very little waste owing to the nature of the substation.

e) Pollution and nuisances

The development would result in additional traffic generation with associated noise and air quality impact during construction. The submitted supporting statement sets out however that construction traffic vehicles would be low, with approximately 20 workers and only 1 HGV vehicle per day. After this, the site is self-sufficient and only requires maintenance every so often. In terms of impacts:

Noise

The construction of the site would increase noise levels at the site but could be addressed via the use of a Construction Management Plan. The transformers would also create noise and this is proposed to be mitigated by noise enclosures. The nearest noise sensitive receptor would be approximately 290m away from the outer edge of the development. The site is also immediately adjacent to the A131, which is a main route with its own associated noise levels. An assessment of noise impact would be made within the course of a normal planning application and it is not considered that the impacts would be likely to be more than local.

Air Quality

The site is not located in an Air Quality Management Area. The site has the potential to cause air quality impacts as a result of dust and road traffic emissions during construction and road traffic exhaust emissions associated with vehicles travelling to and from the site during operation. However, these impacts could also be assessed via a separate assessment with the submission of any planning application.

Furthermore, a Construction Management Plan could be sought by way of planning condition and it is considered that this could control or mitigate pollution and nuisances during the construction phase.

Contamination

The site itself is greenfield land and is not identified as being contaminated on the Council's contaminated land register. However, a preliminary assessment could be carried out with any planning application to allow further assessment of this at the planning application stage.

f) The risk of accidents, having regard to substances or technologies used

There would be some risks to workers and others during the construction of the project. Environmental accidents are considered to be more likely than simply residential development, however adequate measures could be put in place to ensure that any such accidents can be appropriately contained.

Overall, it is considered the characteristics of the proposed development do not raise issues of more than local importance, and are not so unusual that their effect on the local environment that they cannot be adequately assessed during the course of the planning application.

g) The risks to human health

The proposed scheme is for an electricity substation. As with all such substations measures would be put in place by the applicant to prevent public access to the site which is standard practice. With regard to contamination, the site is not identified as being contaminated land on the Local Planning Authority register and the proposed development would not result in harmful substances occurring. The future planning application would need to be accompanied by a Contaminated Land Assessment which would identify any previously unknown potential sources of contamination on site or from any nearby off-site sources. A planning condition could be utilised to require any further investigations in this regard.

Location of the Development

(a) The existing land use

The existing land use is an arable field with ancient woodland either side (but outside of the red line area of the site). The site did previously form part of the ancient woodland, however sometime after the 1960s the tree cover in the central section of woodland was removed. The PPG defines an ancient woodland as any area that's been wooded continuously since at least 1600 AD. It goes on to define 'wooded continuously' advising that it does not mean there's been continuous tree cover across the whole site. Not all trees in the woodland have to be old. Open space, both temporary and permanent, is an important component of ancient woodlands.

The site in this case is an established 100m gap between the two wooded areas which is in well-established use as an arable field and could not be considered to be part of the adjacent ancient woodland. The ancient woodland would however still need to be protected during construction and operation. The planning application would be accompanied by an arboricultural report and tree protection plan to ensure that this does not happen. Similarly, an ecological survey would be required to assess likely impacts on ecology.

(b) The relative abundance, quality and regenerative capacity of natural resources in the area

The proposal is unlikely to have a significant impact on the use of natural resources other than those normally associated with similar scale substation projects.

The screening opinion is not supported by an agricultural land classification report. However, the land is understood to be predominantly classified as Grade 2 (very good). The development of the site would therefore lead to the loss of this agricultural land. Braintree is however primarily a rural district with many sites of high agricultural classification. As such, while there would be a degree of harm caused by the loss of the application site land, the loss would be small in the context of the amount of such agricultural land in the district. Further details could be submitted within an agricultural land classification report as part of any planning application for more detailed assessment however it is not considered that the impact would be more than local.

Overall, Officers consider the proposal is unlikely to result in a significant impact on the environment in this regard.

c) The absorption capacity of the natural environment, paying particular attention to the following areas – (i) wetlands; (ii) coastal zones; (iii) mountain and forest areas; iv) nature reserves and parks; (v) areas classified or protected under Member States' legislation; areas designated by Member States pursuant to Council Directive 79/409/EEC on the conservation of wild birds and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora; (vi) areas in which the environmental quality standards laid down in Community legislation have already been exceeded; (vii) densely populated areas; (viii) landscapes of historical, cultural or archaeological significance

The site is not located within or in close proximity to any 'Sensitive Areas' as defined by the EIA Regulations. It is however adjacent to ancient woodlands which provide arboricultural and ecological benefits. There are local walking routes through these wooded areas. The development is for a substation and therefore would not be occupied in the way in which a residential development would be, therefore it is not expected that the frequency of use of these footpaths would be increased by the development. Furthermore, the development would provide notable biodiversity enhancements.

The site is not located within a Conservation Area but is located within 450m of a Listed Building. However due to this distance and the size of the equipment it is considered the likely impact on this heritage asset would be very limited. It is considered that the impacts of the development could be adequately assessed through a normal planning application.

Essex County Council Place Services would be consulted during the course of any such planning application. Should the site be found to be of possible archaeological interest a condition requiring the securing of the implementation of a programme of archaeological work prior to the commencement of development could be utilised. It is however considered unlikely that the

impact of the development on archaeological remains would be of such a significant impact as to require an EIA.

Characteristics of the Potential Impact

(a) The extent of the impact (geographical area and size of the affected population)

The proposal is not considered to result in a significant impact on the environment. There would be a localised impact but this is not considered to be significant with reference to the regulations.

b) The nature of the impact

The nature of the impact would be local and would include the loss of areas of greenfield/agricultural land but this is not considered to be significant when assessed against the EIA Regulations.

(c) The transboundary nature of the impact

There is no international boundary affected by the proposal, all boundaries are local. Some equipment may need to be shipped in via the ports from other countries; however owing to the scale of the development this would be minimal.

(d) The intensity and complexity of the impact

The impacts are not considered to be of a magnitude that results in significant environmental impacts. The development is of no more than local interest in the context of the EIA Regulations.

(e) The probability of the impact

The impacts will occur if the development is granted planning permission and constructed. Any potential effects would however be low providing that such effects were controlled or mitigated through established and recognised planning measures or procedures.

The development of a substation of this size is well understood and the impacts of the development are not considered to be significant. The impacts that would occur can be predicted with a reasonable degree of accuracy and the normal planning process is capable of ensuring that well proven measures could be implemented to avoid significant effects. Furthermore, there is no reason to believe that the development would result in unusually complex and potentially hazardous environmental effects.

(f) The duration, frequency and reversibility of the impact

The proposed development would be permanent and therefore the impacts arising from the development would in the most part have the potential to remain for the life of the development. Conditions could be imposed regarding decommissioning if the substation ever ceases to be required.

(g) The cumulation of the impact with the impact of other existing and/or approved development

As discussed in the Characteristics of the Development (b) section above, from an EIA perspective, Officers do not consider that the cumulative impact of the current proposal with other existing or approved development is considered to be significant or to constitute development which is of more than local importance.

(h) The possibility of effectively reducing the impact

There will be opportunities to reduce the impact of the development through mitigation measures, planning conditions and planning obligations.

Conclusion

The National Planning Practice Guidance (PPG) is clear that '*... it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits*'. (Paragraph: 018).

'Only a very small proportion of Schedule 2 development will require an assessment'. (Paragraph: 018).

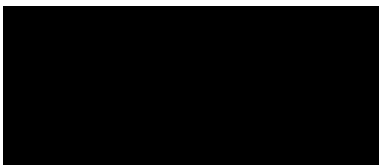
In this case, the development falls outside of Schedule 2 development. Having regard to the above matters, it is concluded that with reference to the scale, nature and location of the development the Local Planning Authority **would not require an EIA** and that an Environmental Statement will not be required to be submitted to support the planning application for this development.

In reaching this conclusion the Council consider that features of the development would not have unusually complex and potentially hazardous environmental effects, and would not occur within a particularly environmentally sensitive or vulnerable location. A range of technical reports would be required to support a formal planning application to assess the impacts of the development.

This screening opinion is made with specific regard to the context provided by the Town and County Planning (Environmental Impact Assessment) Regulations 2017, and does not prejudice the Local Planning Authority's consideration of the other planning matters relating to the development of this site.

If I can provide any clarification of these points or be of assistance in any other manner, please do not hesitate to contact me.

Yours Sincerely



Mathew Wilde MRTPI

Senior Planner

For Mr Christopher Paggi

Planning Development Manager

Appendix C Section 37 Consent, 1591U, Dated 3 November 2023



NATIONAL GRID PLC
1-3 STRAND
LONDON
WC2N 5EH

Energy Infrastructure Planning
Level 3, Victoria 1
1 Victoria Street
London
SW1H 0ET

Tel +44 (0)300 [REDACTED]
Website www.gov.uk/beis
Email s37consents@beis.gov.uk

Date: 3rd November 2022

**OVERHEAD LINES
ELECTRICITY ACT 1989
TOWN AND COUNTRY PLANNING ACT 1990.**

With reference to the application particulars of which are specified below, I am directed by the Secretary of State to inform you that consent is hereby granted pursuant to section 37(1) of the Electricity Act 1989 ("the 1989 Act") to the installing or keeping installed above ground of electric lines ("the lines") particulars of which are specified below ("the Development").

Pursuant to section 37(3) of the 1989 Act this consent is given subject to the following conditions:

1. The Development shall be constructed in accordance with the application and the plans set out in the particulars below.
2. Subject also to regulations 65, 66, 89 and 90 of The Conservation of Habitats and Species Regulations 2017, the Secretary of State may review this consent at any time after a period of five years from the date hereof, and upon such review, after giving all persons concerned an opportunity of being heard, he may vary or revoke this consent.
3. If the Secretary of State revokes this consent, then any lines or apparatus forming part of the Development shall be removed within such period as the Secretary of State may direct.

Pursuant to section 90(2) of the Town and Country Planning Act 1990 ("the 1990 Act") the Secretary of State hereby directs that planning permission for the Development shall be deemed to be granted subject to the following condition(s):

1. The Development to which this permission relates shall be begun not later than the expiration of three years beginning from the date of this consent.

Reason: To comply with the requirements of section 91 of the 1990 Act.

2. The Company shall dismantle and remove any temporary lines and equipment referred to in the application together with any redundant lines and apparatus



replaced by the Development within six months from the date of commissioning of the Development.

Reason: To restore the land as far as possible to its condition before the redundant lines and apparatus were installed.

3. No works, including the storage of materials or transit of machinery, must occur on or beyond the Top of Bank area, as detailed on the Arboricultural Constraints Plan, Rev. 1, Figure A5.1, dated April 2022, throughout the entirety of the construction and decommissioning of the Development.

Reason: To establish an appropriate Root Protection Area from the boundaries of Butler's Woods and Waldegrave Woods and to avoid any potential damage to the ancient woodland.

4. The development shall be implemented in accordance with the recommendations and mitigations detailed in the Environmental Appraisal Appendix 1: Construction Environment Management Plan (CEMP) April 2022 - by National Grid.

Reason: For the protection of flora and fauna and compliance with the Wildlife and Countryside Act 1981 (as amended), and with the Conservation of Species and Habitats Regulations 2017 (as amended).

5. Prior to commencement of the Development a Drainage and Dewatering Strategy shall be submitted to the LPA for approval in writing.

Reason: To ensure that appropriate measures are identified for the prevention of pollution and the management of water quality during drainage and discharge activities.

6. The commencement of the Development shall not take place until an Archaeological Watching brief programme has been submitted to and approved in writing by the LPA. The development and all archaeological works shall be carried out in accordance with the approved details.

Reason: To ensure the protection of any archaeological remains above or below ground that are affected by the development.

7. The Development shall be carried out under the supervision of an appropriately experienced soil specialist. The appointed person shall advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Reason: To ensure soil protection measures are implemented and compliance with the code of practice for the sustainable use of soils on construction sites.

8. Any works which will impact the breeding or resting place of Great Crested Newts (GCN), shall not commence until the LPA has been provided with a GCN District



Level Licence issued by Natural England authorising the specified works.

Reason To comply with the Wildlife and Countryside Act 1981 (as amended), and with the Conservation of Species and Habitats Regulations 2017 (as amended).

9. Should the removal of vegetation or hedgerows be required, a competent ecologist shall undertake an inspection for breeding birds (between 1st March to 31st August inclusive), badgers, dormice, and reptiles. Written confirmation shall be submitted to the LPA confirming that the above species will not be harmed. Should any evidence of protected species be found, detailed species-specific working method statements shall be submitted to and agreed in writing with the LPA before any vegetation clearance proceeds.

Reason: For the protection of flora and fauna and compliance with the Wildlife and Countryside Act 1981 (as amended), and with the Conservation of Species and Habitats Regulations 2017.

PLANNING AUTHORITY REFERENCE: Braintree District Council - Signed Form B dated 21 July 2022 - Ref. 22/01015/OHL

APPLICANT COMPANY: NATIONAL GRID PLC

DATE OF APPLICATION: 1st June 2022

PARTICULARS OF OVERHEAD LINES:

Name of Scheme: OVERHEAD LINE WORKS OFF THE A131/WORKS TO LINE 4YL AND PCB

Situated in the Parishes of:

- Twinstead
- Bulmer

Route as indicated on plan reference AAA_B2B_GSP_S37_App_Fig_Rev0 (Figure 2: Layout of the overhead line works) (or within a distance not exceeding ten metres on either side thereof)

Voltages:

- 400kV
- 132kV

The validity of the Secretary of State's decision may be challenged by making an application to the High Court for leave to seek a judicial review. Parties seeking further information as to how to proceed, including time limits, should seek independent legal advice from a solicitor or legal adviser or alternatively may contact

BEIS Ref: 12.04.09.05-1591U

Network Operator Ref: NATI-26108



Department for
Business, Energy
& Industrial Strategy

the Administrative Court at the Royal Courts of Justice, Strand, London, WC2 2LL
(General Enquiries 020 7947 6000).

Authorised by the Secretary of State

Yours faithfully,

Mr Francesco Marolda
OVERHEAD LINES MANAGER

Appendix D Section 37 EIA Screening Decision, 1591U, Dated 3 November 2023



Department for
Business, Energy
& Industrial Strategy

Sebastian Stevens
National Grid Electricity Transmission
National Grid
Warwick Technology Park
Gallows Hill
Warwick
CV34 6DA

**Department for Business, Energy &
Industrial Strategy**

Level 3, Victoria 1
1 Victoria Street,
London SW1H 0ET
s37consents@beis.gov.uk
www.gov.uk/beis

Our ref: 1591U
Your ref: NATI-26108

03 November 2022

Dear Mr Stevens,

**SCREENING DECISION BY THE SECRETARY OF STATE UNDER THE ELECTRICITY WORKS
(ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2017 (“THE
2017 REGULATIONS”)**

NAME OF SCHEME: OVERHEAD LINE WORKS OFF THE A131/WORKS TO LINE 4YLAND PCB

LOCATION: WEST OF A131, NEAR OLD ROAD, TWINSTEAD, ESSEX, CO10 7NE.

Screening decision for a proposed development (“the Development”) to:

- Temporarily divert 700 metres of an existing 400 kilovolt (kV) overhead line which includes the installation of one (1) steel lattice pylon with a maximum height of 48 metres (“the Diversion”); and
- Install an air insulated conductor of approximately 15 metres in length (“the Downloads”) forming part of a new 132 kV cable sealing end platform pylon replacing an existing pylon of the same voltage.

The Development requires Section 37 consent under the Electricity Act 1989 and is subject to the 2017 Regulations.

The Secretary of State for Business, Energy and Industrial Strategy (“the Secretary of State”) has considered the factors set out in Schedule 3 of the 2017 Regulations, together with the information within the supplied documentation (“the Application”) by National Grid Plc (“the Applicant”) in relation to the impacts on the environment of the Development and the views of the Braintree District Council (“the LPA”). In particular, in reaching his decision the Secretary of State notes the following factors:

1. The Development does not fall within Schedule 1 (mandatory EIA).



Department for
Business, Energy
& Industrial Strategy

2. The Development falls under Schedule 2 of the 2017 Regulations as it is to provide an electric line to be installed above ground with a voltage of 132 kV or more.
3. The Development is required to facilitate the construction of a proposed grid supply point substation (“GSP”) on land adjacent to Butler’s Woods and Waldegrave Woods. The GSP was subject to a separate planning application approved by the LPA under application reference number: 22/01147/FUL. The application states that the GSP will maintain the supply of the local electricity distribution network after the removal of 25 kilometres of an existing 132kV overhead line between Burstall Bridge and Twinstead Tee, in connection with the Bramford to Twinstead Wider Reinforcement Project (“the Wider Reinforcement Project”) which will be progressed separately via Development Consent Order (DCO) under the Planning Act 2008.
4. The LPA has assessed the GSP under the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 and made a screening opinion stating that the GSP would not require an EIA and that an Environmental Statement will not be required (letter dated 23 December 2021, ref. 21/03343/SCR). The Secretary of State notes that the LPA’s screening opinion included in its assessment a number of associated works including the Development and a consideration of cumulative effects with other existing and proposed projects.
5. The Development is predominantly to divert an already existing section of overhead line for up to one year from its commissioning. After this period, the diversion and pylon, including its foundation, would be removed. The Application states that after the removal the area would be reinstated with a species-rich grassland mix as part of the planting plan for the proposed GSP. The Downleads, part of the Development, are minor in nature and will be installed in the same location of an existing pylon therefore it is not anticipated that this addition would give rise to significant visual effects.
6. The Application states that the nearest residential receptor is at approximately 210 metres from the Development, however the mitigating measures proposed in the Application to avoid or reduce noise, dust and vibration during construction, together with the presence of intervening vegetation, and combined with the temporary nature of the construction works, would be sufficient to mitigate any potential significant effects to the surrounding residential receptors.
7. The Development does not cross any sensitive area as defined under Paragraph 4 of Schedule 2 of the 2017 Regulations, nor are there any such areas adjacent or in close proximity to the Development.
8. The Dedham Vale Area of Outstanding Natural Beauty (AONB) lies at approximately 7.6 kilometres from the Development and therefore due to its distance no effects are anticipated to the landscape and character of the site. The Secretary of State considers that the good practice measures identified in the Application such as reinstatement of land and a five-year aftercare period will avoid or reduce any potential localised impact such that the Development is not expected to result in any notable landscape visual effects.
9. The Development is immediately adjacent to two ancient woodlands, Butler’s Woods to the North and Waldegrave Woods to the South, which are both designated Local Wildlife Sites (“LWS”). The Secretary of State notes that the Application requests a 10 metres lateral tolerance from the proposed route included in the submitted plans. Additionally Natural England’s advice (letter dated 05 April 2022, ref. 386673 BT_SLA01_16032022) states that *“every effort should be made to ensure that the 15*



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metres buffer proposed from these habitats, is adhered to and implemented". However, the Application states that the Development will require no tree felling, nor there will be risk of tree root damage due to a 1-metre-deep ditch on the boundaries of the woodland (as detailed on the Arboricultural Constraints Plan, Rev. 1, Figure A5.1, dated April 2022), which would offer equivalent protection as fencing, preventing vehicular access and storage of materials within the woodlands. In view of the above, the Secretary of State considers that any potential likely significant effects to the woodland habitats would be avoided provided that the Development does not take place within or over the boundary of the identified ditches towards the woodland areas.

10. The Application states that the Development does not require any hedgerow or tree removal and therefore it is not anticipated to have any effects on protected species. However Natural England's advice (letter dated 05 April 2022, ref. 386673 BT_SLA01_16032022) states that:

- a. There is presence of Great Crested Newt ("GCN") within 250 metres of the Development,
- b. There are trees with the potential to support roosting bats within 50 metres of the Development (although no evidence of bats have been found), and
- c. Badger setts were identified within 30 metres of the Development.

In addition, the Ecology Officer of the LPA expressed concern about inadequate mitigation for hazel dormouse and regarding licence for GCN (Form B dated 21 July 2022, ref. 22/01015/OHL).

In relation to the above points, the Application includes a Construction Environment Management Plan ("CEMP") and a Code of Construction Practice ("CoCP"), which detail avoidance and mitigation measures, good practice measures and a timetable of site inspections. Such measures include:

- d. A preconstruction walkover survey to check for changes in protected species presence, and the appointment of an Ecological Clerk of Works ("ECoW") to monitor that the development proceeds in accordance with relevant environmental requirements and in adherence with the required good practice and mitigation measures,
- e. Finger-tip searches of the section of hedgerows to be undertaken by an experienced dormouse ecologist prior to removal (if removal is required), and
- f. Noise control measures, details of construction lighting to reduce luminosity and intrusion into adjacent habitats, measures to reduce the risk of entrapment and measures to control the spread of invasive weeds.

The Secretary of State also notes that the Applicant and Natural England have signed a Statement of Common Ground through which they have agreed a District Level Licencing ("DLL") approach to GCN which includes the area of the Development and that on this basis Natural England is satisfied that there are no likely significant effects on GCN arising from the Development (letter dated 05 April 2022, ref. 386673 BT_SLA01_16032022).

In view of the above, the Secretary of State considers that any potential likely significant effects to protected species will be mitigated subject to the implementation of adequate measures as detailed in the CEMP, CoCP and in accordance with the DLL agreed with Natural England.



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11. The Application does not indicate that there would be any potential effects on water or air quality, provided that the measures included in the CEMP and CoCP are followed. These measures would include the managements of runoffs, the reinstatement of land to its pre-construction conditions (including land drainage regimes) and dust suppressions and vehicle emissions control measures.
12. The CEMP and CoCP also includes measures to avoid or mitigate potential impacts on agriculture and soils. These measures include soil stripping methods which will follow the guidance set out in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (Defra, 2009), providing a record of condition of the working areas affected, the reinstatement of land used temporarily and the maintaining of access to and from agricultural land. Nevertheless, Natural England advice is that the Applicant should use *"an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site"*. The Secretary of State agrees with Natural England's advice and considers that the above measures are appropriate.
13. With regards to the use of natural resources, given the short term and temporary nature of the Development and the reinstatement measures included in the CEMP and CoCP, the Application does not suggest that there would be any permanent loss of agricultural land. In addition, the LPA's screening option (letter dated 23 December 2021, ref. 21/03343/SCR), which included in its assessment the area of the Development, considered that overall, there would not be an excessive consumption of natural resources arising from the proposed GSP.
14. The Application further confirms that whilst there would be no vegetation loss associated with the Development, the Applicant is committed to ensure that a minimum 10% Biodiversity Net Gain (BNG) will be achieved for the GSP which includes BNG also for the Development in line with Paragraph 174 of the National Planning Policy Framework (NPPF). On this basis the Secretary of State is satisfied that the establishment and maintenance regime for any BNG schemes for the Development will be delivered as part of a Landscape and Ecological Management Plan (LEMP) as approved by the LPA for the GSP.
15. With regards to designated heritage assets or designated historic landscapes, the Application confirms that the Development does not pass through any of these. The closest scheduled monument, the "Roman villa 480m southeast of Hill Farm", is at approximately 2 kilometres from the Development and therefore no harm is anticipated to arise to the heritage significance of this asset.
16. The Application further states that archaeological trial trenching was undertaken in February and March 2022 and that no datable artefacts were recovered, and the trenching confirmed that there was no widespread evidence of archaeological activity within the vicinity of the proposed works. However, the CEMP confirms that an archaeological watching brief will be undertaken during construction which will be completed under a Written Scheme of Investigation (WSI) to be agreed by the Applicant with the LPA prior to the works commencing to ensure that any archaeological remains which may be disturbed are appropriately recorded and protected. The Secretary of State considers this precautionary measure appropriate.
17. The Application also confirms that there are no listed buildings within 250 metres of the Development and that the five closest Grade II listed buildings would be protected by the surrounding landscape and vegetation and that therefore no likely significant effects



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- are anticipated to their settings. Historic England's advice (letter dated 20 May 2022, ref. PL00772103, integrated by the email dated 27 July 2022) confirms that there are no particular concerns with regards to the Development and note the provision of geophysical surveys and visual impact assessments in the Application and confirms that they do not object to the Development.
18. The Essex County Council Historic Buildings Consultant (letter dated 16 June 2022, ref. 22/01015/OHL) did not find that the Development would have an increased detrimental impact on the setting of nearby heritage assets and would not result in harm to their significance, and therefore raised no objections.
 19. The Environment Agency (email dated 13 May 2022, updated by email dated 08 August 2022) noted that there are very few constraints within its remit at the location of the Development and raised no objections. However, it provided advice to the Applicant in respect to foul drainage, dewatering, flood risk and hydrogeology. Therefore, subject to such measures together with those included in the CEMP and CoCP are observed, the Secretary of State considers that no likely significant effects are anticipated to occur to the water environment and hydrogeology of the site of the Development.
 20. The Braintree District Council was consulted and have (Form B dated 21 July 2022, ref. 22/01015/OHL) confirmed that the Development is not an EIA development.
 21. Natural England was consulted (letter dated 05 April 2022, ref. 386673 BT_SIA01_16032022, updated by email dated 22 July 2022) and have confirmed that there will be no likely significant effects on statutorily designated nature conservation sites or landscapes and an Environmental Impact Assessment is likely not required.
 22. Finally, with regards to cumulative effects with other existing and approved developments, the Application states that the nearest section of the Wider Reinforcement Project is over 2 kilometres away from the Development. This factor, combined with the temporary and localised nature of the Development, would have only a limited potential for cumulative effects arising from the Development and the GSP together with the Wider Reinforcement Project. The Application also states that a cumulative effects assessment was undertaken for the GSP, which concluded that there is limited potential for cumulative effects during construction either alone or in combination with the Development. It is also noted that the Wider Reinforcement Project will be subject to an Environmental Impact Assessment and that this will include the GSP and the Development in its cumulative impacts assessment. Overall, therefore, the Secretary of State considers that subject to the implementation of the measures included in the CEMP and CoCP it is unlikely that there would be any localised likely significant effects from the Development in combination with other existing or approved projects.

Taking account of the abovementioned factors and information received, the Secretary of State concludes that the Development is **not an EIA** development under the 2017 Regulations and does not require a statutory EIA as it is unlikely to have significant effects on the environment due to its nature, location and size. A copy of this letter has been sent to the LPA for information.

Francesco Marolda

Overhead Lines Manager
Energy Infrastructure Planning

Appendix E Decision Notice, 23/01488/VAR, Dated 22 September 2023

Braintree District Council

Town and Country Planning Act 1990 (as amended)

Application No.: 23/01488/VAR **Date Received:** 6th June 2023

APPLICANT:

NGET
National Grid House
Warwick Technology Park
Gallows Hill
Warwick
CV346DA

AGENT:

Stephenson Halliday Ltd
Mr Nick Edwards
32 Lowther Street
Kendal
LA97AN

DESCRIPTION:

Variation of Condition 2 (Approved Plans) & Condition 3 (Surface Water Drainage) of approved application 22/01147/FUL granted 25.10.2022 for: A new 400/132 kilovolt (kV) Grid Supply Point (GSP) substation including two supergrid transformers, associated buildings, equipment and switchgear, a single circuit cable sealing end compound, a new permanent vehicular access to the public highway, associated landscaping (including boundary fencing, an area for Biodiversity Net Gain, and landscape mounding) and drainage.

Condition 2: Would allow a reduction of substation footprint, improved cable alignment, rationalisation of the number and location of buildings, revised position and alignment of the supergrid transformer gantry moving it further from the A131.
Condition 3 to be reworded to amend the SUDs trigger point.

LOCATION:

Land Adjacent Butlers Wood And Waldergrave Wood West Of A131 Sudbury Road, Twinstead, Essex

APPROVED PLAN(S):

Plan Description	Plan Ref	Plan Version
Noise Details	NOISE REASSESSMENT TECHNICAL NOTE	N/A
Section	TWIN4-JMS-DS-XX-DR-X- 0021 REV. A	N/A
Noise Details	Appendix 10	N/A
Other	Construction Environment Management Plan	N/A
Proposed Elevations and Floor Plans	N/A	N/A
Block Plan	TWIN4-JMS-DS-XX-DR0012	N/A
Other	TWIN4-JMS-DS-XX-DR0011	N/A
Other	TWIN4-JMS-DS-XX-DR0013	N/A
Other	TWIN4-JMS-DS-XX-DR0015	N/A
Other	TWIN4-JMS-DS-XX-DR0016	N/A

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Section	TWIN4-JMS-DS-XX-DR0017	N/A
Site Layout	TWIN4-JMS-DS-XX-DR0018	N/A
Parking Strategy	TWIN4-JMS-DS-XX-DR0019	N/A
Proposed Floor Plan	TWIN4-JMS-DS-XX-DR0020	N/A
Access Details	PDD21847-CIV-022 Rev. P02	N/A

DECISION:

The Braintree District Council as local planning authority hereby gives notice of its decision to **GRANT** planning permission in accordance with the above plan(s) and subject to the following conditions and reasons:

Condition 1

The development hereby permitted shall begin not later than 25.10.2025.

Reason: This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

Condition 2

The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason: For the avoidance of doubt and in the interests of proper planning.

Condition 3

Prior to the installation of any components of the drainage system or within 6 months from the commencement of development (whichever is sooner), a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme should include, but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.

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- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall also include a programme for the installation of the drainage scheme. Once approved the approved drainage scheme shall be implemented in its entirety.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Condition 4

The scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and to prevent pollution shall be installed in accordance with the details approved with application 23/01561/DAC on the 12.07.2023.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Condition 5

Prior to the first use of the development as approved, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and approved, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to first use may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 6

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

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Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Condition 7

All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Environmental Appraisal Appendix 1 Construction Environment Management Plan (CEMP) V3 and as set out in Annex A (Code of Construction Practice - CoCP), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Condition 8

The development shall be carried out in accordance with the Great Crested Newt Licence, as approved by application 23/01814/DAC on the 03.08.2023.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

Condition 9

Prior to the installation of any external lighting at the site, a lighting design scheme to protect biodiversity, local amenity, and intrinsically dark landscapes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

Temporary lighting installed during construction shall be provided by mobile solar lighting towers or similar. The lux level shall be 20 lux peak in the horizontal plane within the area of construction. The construction compound shall not be lit at night outside of core working hours except for welfare and site security cabins that will include low level lighting.

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Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Condition 10

Prior to first use of the development hereby approved a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to beneficial use of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed to deliver Biodiversity Net Gain.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a 15 year work schedule (including an annual work plan capable of being rolled forward over a five-year period to deliver condition of created and enhanced habitats).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

Condition 11

Prior to any substation electricity equipment being erected above ground details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate. All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

All planting, seeding or turfing contained in the approved details of the landscaping

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scheme shall be carried out in the first planting and seeding seasons following either substantial completion of the development or the development first being brought into use, whichever is the sooner unless otherwise previously agreed in writing by the local planning authority. All hard surface areas agreed as part of the scheme shall be carried out before the first use of the buildings or upon the completion of the development whichever is the earlier. Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason: To enhance the appearance of the development.

Condition 12

Prior to the implementation of the landscaping scheme pursuant to Condition 11 of this permission, an irrigation and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be implemented in accordance with the approved irrigation and maintenance regime.

Reason: To ensure that the landscaping scheme is able to fully establish in the interests of the appearance of the development and amenity of future and that of adjoining occupiers.

Condition 13

All areas of hardstanding shall be constructed using porous materials laid on a permeable base.

Reason: To prevent the increased risk of flooding.

Condition 14

The development shall be carried out in accordance with the management and best guidance practice measures as detailed in the approved Noise Assessment (Appendix 10).

Reason: In the interests of neighbouring amenity.

Condition 15

The development shall be carried out in accordance with the Written Scheme of Investigation (WSI) as approved within application 23/01345/DAC on the 05.07.2023.

Reason: The site may be of archaeological interest.

Condition 16

A final archaeological report or (if appropriate) a Post Excavation Assessment report and an Updated Project Design shall be submitted to and approved in writing by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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Reason: The site maybe of archaeological interest.

Condition 17

The development shall be carried out in accordance with the Construction Management Plan as approved within application 23/01346/DAC on the 12.07.2023.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Condition 18

Prior to the first use of the development hereby approved, the site access arrangements as shown in principle on planning application drawing number PDD21847-CIV-022 Rev. P02 shall have been provided or completed.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Condition 19

Should contamination be found that was not previously identified, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with Paragraph 8.2.2 of the Applicant's Environmental Appraisal (CEMP V3) and a separate remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented and completed prior to the operation of the development.

Reason: In interests of neighbouring amenity.

Condition 20

There shall be no deliveries or construction vehicle movements to, from or within the premises outside the following times:

- Monday to Friday 0700 hours - 1900 hours;
- Saturday, Sundays, Public and Bank Holidays - 0800 hours - 1700 hours.

Reason: In interests of neighbouring amenity.

Condition 21

The applicant shall adhere to the actions and commitments contained within the Construction Environment Management Plan (CEMP, July 2022, V3) at all times as appropriate before, during, and after construction of the development.

Reason: In interest of neighbouring amenity.

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Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- For householder and minor commercial applications you must appeal within **12 weeks** of the Council's decision. For other application types you must appeal within **6 months** of the Council's decision.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder or minor commercial appeals] of the date of this notice, whichever period expires earlier.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on telephone no. 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Land Purchase

If proposals are refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council for the area in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 as amended.

Compensation

In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 as amended.

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National Grid plc
National Grid House,
Warwick Technology Park,
Gallows Hill, Warwick.
CV34 6DA United Kingdom

Registered in England and Wales
No. 4031152
nationalgrid.com