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Bramford to Twinstead Reinforcement

Volume 8: Examination Submissions

Document 8.5.3.2: Applicant's Comments on Essex County Council and Braintree District Council Local Impact Report

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1. Introduction

1.1 Purpose of the Document

1.1.1 This document provides National Grid Electricity Transmission plc's (the Applicant's) comments on the joint Local Impact Report (LIR) made by Essex County Council (ECC) and Braintree District Council (BDC) in response to an application for development consent for the Bramford to Twinstead Reinforcement (the project). Collectively, ECC and BDC they are referred to as 'the Councils'.

1.2 Project Overview

1.2.1 An application for development consent was submitted to the Planning Inspectorate on the 27 April 2023 to reinforce the transmission network between Bramford Substation in Suffolk, and Twinstead Tee in Essex. The project would be achieved by the construction and operation of a new electricity transmission line over a distance of approximately 29km comprising of overhead lines, underground cables and a grid supply point (GSP) substation. It also includes the removal of 25km of the existing distribution network, 2km of the existing transmission network and various ancillary works.

1.2.2 The application for development consent was accepted for Examination on the 23 May 2023.

1.2.3 A full description of the project can be found in Environmental Statement (ES) Chapter 4: Project Description [APP-072].

1.3 Structure of the Report

1.3.1 The ECC and BDC LIR [REP1-039] has been divided into 23 Chapters as detailed in Table 1.1. The Applicant has commented on each of the Chapters in the LIR in Tables 2.1 – 18.1. The Applicant has commented on paragraph numbers found in the LIR [REP1-039], grouping paragraphs where relevant.

Table 1.1 – Structure of the ECC and BDC LIR

LIR Chapter Number	Chapter Heading	Applicants Comments
1	Index of appendices	N/A
2	Glossary of acronyms and abbreviations	N/A

LIR Chapter Number	Chapter Heading	Applicants Comments
3	Terms of Reference	N/A
4	Description of the Area	N/A
5	Policy Context	N/A
6	Principle of Development	Table 2.1
7	Landscape and visual	Table 3.1
8	Biodiversity	Table 4.1
9	Green Infrastructure	Table 5.1
10	Climate Change	Table 6.1
11	Historic Environment	Table 7.1
12	Flood Risk & Water Quality	Table 8.1
13	Geology and Hydrogeology	Table 9.1
14	Agriculture and Soils	Table 10.1
15	Traffic and Transport	Table 11.1
16	Air Quality and Emissions	Table 12.1
17	Noise and Vibration	Table 13.1
18	Socio-Economic	Table 14.1
19	Minerals and Waste	Table 15.1
20	Cumulative Effects	Table 16.1
21	Draft Development Consent Order (DCO)	Table 17.1
22	Community Benefits	Table 18.1
23	Summary	N/A

2. Applicant’s Comments on Chapters 1 to 6

2.1 Introduction

- 2.1.1 This section provides the Applicant’s comments on Chapters 1 to 6 of the LIR. Chapter 1 of the LIR provides an index of the appendices included with the LIR. Chapter 2 of the LIR is a glossary of acronyms and abbreviations. Chapter 3 of the LIR details the terms of reference used in the LIR, stating which guidance and legislation has been followed to author the LIR, a project description and purpose and the structure of the LIR. As an extension, Chapter 4 of the LIR describes the location of the project. The Applicant has no comments to make on Chapters 1 to 4 of the LIR.
- 2.1.2 Chapter 5 of the LIR presents the policy context both nationally and locally, summarising which policy documents are relevant to the project. The Applicant has no comments to make on Chapter 5 of the LIR and can confirm that all relevant national policy and development plans have been considered in the development of the project. Finally, Chapter 6 of the LIR identifies relevant policies which support the principle of the project. Sections 6.1 to 6.3 within Chapter 6 lists national and local policy, which the Applicant has no comments to make. Therefore, Table 2.1, sets out the Applicant’s comments on Section 6.4 of the LIR only.

2.2 Comments Table

Table 2.1 – Applicant’s Comments to Chapters 1 to 6 of the LIR

Reference	Matter	Point Raised	Applicant’s Comments
6.4 Commentary			
6.4.1	Need for development	ECC and BDC agree that development is required to be able to accommodate increased electricity generation on the eastern coast to meet the Government targets of net zero.	The Applicant welcomes ECC and BDC’s in-principle support for the project.
6.4.2	Environmental cost	BDC confirm there is no conflict with BDC policies, but state that the development should not come forward at any environmental cost and impacts should be fully assessed in order to complete a full, fair and detailed planning balance assessment and provide mitigation to minimise environmental impact.	The Applicant is of the opinion that the project is well mitigated and includes the following: <ul style="list-style-type: none">• Of the 29km of transmission line proposed, approximately 11km of the proposed alignment will be underground in the most highly valued landscapes;• In underground sections trenchless crossings will be used to protect the most sensitive ecological and landscape features;

Reference	Matter	Point Raised	Applicant's Comments
			<ul style="list-style-type: none"> • 25km of the existing 132kV overhead line will be removed (where this coincides with the undergrounding there will be one less overhead line in the landscape); • 2km of existing 400kV overhead line will be removed in the Stour Valley; • Measures have been embedded into the design of the project to reduce environmental effects at the outset; • Best practice measures will be implemented in accordance with the Code of Construction Practice (CoCP); • Reinstatement will take place in accordance with the Landscape and Ecological Management Plan • Additional mitigation planting and landscape softening has been proposed (as shown in the LEMP); and • Enhancement planting has been committed to in the form of BNG. <p>Specifically in Essex, no new overhead lines are proposed, however realignment of a short section of overhead line will be required to connect the underground cables into the existing overhead line.</p> <p>The Applicant has committed to undergrounding the 400kV transmission line in the Stour Valley which falls within Essex.</p> <p>The Applicant has also committed to the use of trenchless construction techniques to instal the cables below ground at the River Box, River Stour, the Sudbury Branch railway line and to the north-west of Alphamstone, three of these four trenchless crossings are within Essex. This is proposed to preserve these important landscape and ecological features.</p> <p>Sensitive routeing of the underground cables has taken place. It is also the case that in Essex, outside of the locations for trenchless crossings, the landscape is very agricultural in nature and, therefore, reinstatement is relatively quick compared to other land uses.</p> <p>A reduction in hedgerow breaches has been proposed from the standard working width to aid reinstatement.</p> <p>Approximately 2.8km of the existing 132kV overhead line will be removed in Essex (where this coincides with the undergrounding there will be one less overhead line in the landscape). In addition, 2km of existing 400kV overhead line will also be removed in the Stour Valley.</p> <p>The good practice measures set out in Appendix A: CoCP (document 7.5.1 (B)) sets out the standard good practice measures that will be undertaken during construction of the project if it is granted consent. Good practice measures have been identified that would avoid or reduce impacts from the</p>

Reference	Matter	Point Raised	Applicant's Comments
			<p>project on the environment, including measures concerning the reinstatement of land use, vegetation, protected lanes, temporary construction areas etc.</p> <p>Embedded mitigation planting will be implemented at the GSP substation and Stour Valley West cable sealing end (CSE) compounds which will be maintained for the lifetime of the asset.</p> <p>Enhancement planting has been committed to for a 30-year period in the form of BNG, of which two large areas fall within Essex (the GSP substation and at Stour Valley West CSE).</p> <p>In relation to matters raised about the environmental impacts of the project and how these will be considered as part of the decision-making process, the Applicant can confirm that an Environmental Impact Assessment (EIA) has been undertaken for the project and is presented in the ES in Volume 6 of the application for development consent. The EIA presented in the ES will help inform the decision-making process. The ES documents the likely significant effects that are anticipated as a result of constructing and operating the project. Where a significant effect has been identified, the ES presents the proposed mitigation where appropriate that would be implemented to reduce the significance of the effect.</p>
6.4.3	Climate emergency	The Council encourages the generation of appropriate green energy infrastructure in BDC, aligning with the national net zero target.	The Applicant welcomes BDC's support for the need of the project in helping BDC meet their Climate Change Strategy (2021).
6.4.4	Existing woodland and hedging	BDC supports the protection of existing and proposed woodland and hedging as well as creation of new grassland.	The Applicant welcomes BDC's support for the protection and provision of landscaping and biodiversity measures.
6.4.5	Essex Climate Action Commission	The Essex Climate Action Commission was set up to advise ECC about tackling climate change and will run until 2025.	The Applicant supports ECC's efforts in tackling the climate crisis and by extension the need for the project.

3. Applicant's Comments on Chapter 7 (Landscape and Visual)

3.1 Introduction

3.1.1 This section provides the Applicant's comments on Chapter 7 (Landscape and Visual) of the LIR. Section 7.1 and 7.2 cover national and local policies in relation to landscape and visual and Section 7.3 sets out the key local context in relation to landscape and visual. The Applicant has no comments to make on these sections of the LIR. The main response in the LIR with regards to landscape is set out in Sections 7.4 to 7.6. Section 7.7 presents a summary of the points already made in the preceding three sections. Therefore, Table 3.1, sets out the Applicant's comments on Section 7.4 to 7.6 of the LIR, and does not include Section 7.7, which would be duplication.

3.2 Comments Table

Table 3.1 – Applicant's Comments on Chapter 7 (Landscape and Visual)

Reference	Matter	Point Raised	Applicant's Comments
7.4 Adequacy of Submission			
7.4.1	Methodology	BDC generally consider that the methodology used to assess landscape harm is appropriate, however there are some further refinements required to the overall assessment.	Noted. The Applicant responds to the specific points below.
7.4.2	Viewpoint H07/G18	It is unclear why viewpoint H07/G18 has been taken from c800m away, when there are closer Public Rights of Way (PRoW) which are around 200-400m distance from the project.	A viewpoint selection document presenting representative viewpoints proposed for the assessment was issued to the Councils on 16 June 2021. At the request of the Councils, Viewpoints H-09 and H-10 were included to represent views from PRoW closer to the GSP substation. These viewpoints are captured in the Viewpoint Assessment presented in ES Appendix 6.4: Viewpoint Assessment Section H Part 7 [APP-107]. These are the same viewpoints which were submitted in the Town and Country Planning Act planning application for the GSP substation which was approved in October 2022 by BDC (planning application reference: 22/01147/FUL) (and the variation approved in September 2023 (planning application reference: 23/01488/VAR)).

Reference	Matter	Point Raised	Applicant's Comments
			<p>The Landscape and Visual Assessment (LVIA) should consider views from local communities focusing on the way that a community currently experiences views from public locations such as streets and open spaces and how those will change. A series of representative viewpoint locations are selected from where to illustrate the likely effects of the Project. The selection of these is set out at paragraphs 6.19 – 6.20 of GLVIA3). GLVIA3 notes at paragraph 6.21 that when selecting the number and range of viewpoint locations, the emphasis must be on proportionality in relation to the scale and nature of the development proposal and its likely significant effects, and on agreement with the competent authority and consultation bodies.</p> <p>In this case a viewpoint selection document presenting representative viewpoints proposed for the assessment was issued to the Councils on 16 June 2021 following a meeting in May 2021 and locations were updated in line with comments received. No additional viewpoints were requested.</p> <p>The assessment of effects experienced by receptors at the representative viewpoints is presented at ES Appendix 6.4: Viewpoint Assessment Sections AB – H Parts 1 – 7 [APP-101 – APP-107]. These include wireline representations of the project to illustrate its likely effect.</p> <p>Photomontages were prepared for a selection of the viewpoints, and these are presented at ES Section 5.8.1 – 5.8.3 Photomontages Appendix 3 Parts 1 -3 [APP-063 – APP-065]. These should be read alongside the viewpoint assessments [APP-101-APP-107]. The selection of viewpoints for photomontages was agreed with the Councils.</p>
7.4.3	Landscape and visual assessment	There is also no landscape and visual assessment taken from the PRoW network east of the A131.	<p>This statement is not correct. A viewpoint selection document presenting representative viewpoints proposed for the assessment was issued to ECC on 16 June 2021. Comments were received on 20 June 2021 and the document updated accordingly. Viewpoints H-05, located on Bridleway 1 Twinstead (ECC site code: BR1116) and H-11, located on Little Henry 11, were included to represent views towards the GSP substation from PRoW to the east of the A131. The assessment of effects at these viewpoints is presented in ES Appendix 6.4: Viewpoint Assessment Section H Part 7 [APP-107]. These are the same viewpoints which were submitted in the Town and Country Planning Act planning application for the GSP substation which was approved in October 2022 by BDC (planning application reference: 22/01147/FUL) (and the variation approved in September 2023 (planning application reference: 23/01488/VAR)).</p>
7.4.4	Planting proposals	It is unclear from the GSP plans submitted, what the full extent and character of the planting is,	<p>The planting proposals are shown within the LEMP (document 7.8 (B)). The plan for the GSP substation is presented on Sheet 23 of LEMP Appendix B:</p>

Reference	Matter	Point Raised	Applicant's Comments
		designed to mitigate these adverse impacts, or the potential effectiveness of this mitigating planting.	Vegetation Reinstatement Plan (document 7.8.2 (B)) and the planting schedules are included in LEMP Appendix C Planting Schedules [APP-185].

7.5 Local Impact of Development

7.5.1	Construction phase impacts (landscape)	<p>There would be significant negative impacts upon the Stour Valley landscape at the construction stage, most of which is part of a proposed extension to the Area of Outstanding Natural Beauty (AONB) due to the quality and value of the landscape.</p> <p>The direct impacts involve an 80m wide swathe of construction activity. This is notable north of Henny Back Road north-west of Alphamstone which includes the coppice of potential ancient woodland.</p>	<p>The Stour Valley has a number of designations and sensitive features that have been considered as part of the ongoing and extensive options appraisal in this location. Details of the baseline environment in this location can be found in ES and its supporting appendices (Volume 6.2 to 6.4 of the application for development consent).</p> <p>The Applicant notes that although not a designation, the Stour Valley Project Area (SVPA) has similar picturesque landscape qualities to Dedham Vale AONB, being valued for its similar gently undulating river valley topography, medieval settlement pattern and rural characteristics, it is also covered within the same management plan (Dedham Vale AONB and Stour Valley Partnership, 2021). Hence, underground was considered appropriate in the most sensitive parts of the Stour Valley.</p> <p>As stated in paragraph 1.4.2 of ES Appendix 6.2: Assessment of Effects on Designated Landscapes [APP-098], the SVPA is not assessed as a receptor in its own right as part of the LVIA because, as agreed with Natural England (August 2021), it is not a designated landscape. It is considered in the assessment of the AONB as it forms part of the setting and also under the relevant landscape character areas in ES Appendix 6.3: Assessment of Effects on Landscape Character [APP-100].</p> <p>Environmental Statement Chapter 6: Landscape and Visual [APP-074] summarises the results of the landscape and visual impact assessment. As with any large construction project there would be some significant adverse effects during construction and in Year 1 before the vegetation establishes. However, there would also be some significant beneficial landscape and visual effects on the Stour Valley during operation, as stated in Table 6.5 of Landscape and Visual [APP-074]. This is due to the removal of sections of the existing 132kV and the 400kV overhead lines in association with the underground cables.</p> <p>The LIR notes that the direct impacts involve an 80m swathe during construction. This is correct in areas of cable using open cut methods. However, the Applicant notes that approximately 40% of the cable route within ECC/BDC is executed using a trenchless construction technology, which would not disturb the overlying ground.</p> <p>In terms of Potential Ancient Woodland (PoAWS) 10, this is where the Applicant is proposing to remove a section of the existing 400kV overhead line and pylons. A temporary access route is required through the existing</p>
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Reference	Matter	Point Raised	Applicant's Comments
			operational maintained swathe to remove the existing overhead line. An existing track would be used but some coppicing may be required (roots retained). The entire operational maintained swathe would be left to recolonise naturally once the overhead line has been removed and no further management would be necessary. Embedded measures EM-G07 and EM-G11 further reduce the effects at this site by confining construction activities to the existing operational maintenance swathe and using existing tracks within the woodland.
7.5.2	Operational benefits	There are, however, landscape and visual benefits from removing redundant sections of the UK Power Networks (UKPN) 132kV network and undergrounding substantial sections of the cable route as it crosses the Stour Valley Project Area.	The Applicant agrees with this point. Table 6.5 of ES Appendix 6: Landscape and Visual [APP-074] states that during operation, there would be long term significant beneficial effects on Landscape Character Area (LCA) 7: Essex C8 Stour Valley within Section G: Stour Valley due to the project.
7.5.3	Construction phase impacts – Stour Valley (visual)	<p>Due to the sensitivity of occupants of residential properties and recreational footpath users both within and close to the construction pathway in the Stour Valley, there are likely significant visual impacts upon these receptors whilst works are in progress.</p> <p>Viewpoint assessments are taken from 2km and 1.4km respectively so the near effects are not tested. Additional assessments should be carried out close to the construction route, such as from St Edmund's Way where it crosses the underground cable route.</p>	<p>Environmental Statement Chapter 6: Landscape and Visual [APP-074] summarises the results of the landscape and visual impact assessment. As with any large construction project there would be some significant adverse effects during construction and in Year 1 before the vegetation establishes. However, there would also be some significant beneficial landscape and visual effects on the Stour Valley as stated in Table 6.5 of ES Chapter 6: Landscape and Visual [APP-074]. This is due to the removal of sections of the 132kV and the 400kV overhead lines in association with the underground of the proposed 400kV transmission cables.</p> <p>A viewpoint selection document presenting representative viewpoints proposed for the assessment was issued to ECC on 16 June 2021 and locations were updated in line with comments received. Viewpoint G-30 is located on St Edmund's Way where it crosses the underground cable route, and several viewpoints are located on the edge of, or close to the Order Limits for the cable as shown on ES Figure 6.6 Visual Receptors and Viewpoints at ES Figures Part 1 [APP-146]. Near effects are therefore tested.</p>
7.5.4	Construction phase impacts – GSP substation (visual)	The proposed grid supply point (substation) (GSP) and sealing end compound at Waldegrave Wood, represents a significant negative feature in the local landscape during construction and in the early years post-construction, being above 12m in places.	<p>As with any large construction project, ES Chapter 6: Landscape and Visual [APP-074] acknowledges that there will be significant effects to visual receptors during construction and in Year 1 before the vegetation establishes. This was also acknowledged in the Town and Country Planning Act planning application for the GSP substation which was approved in October 2022 by BDC (planning application reference: 22/01147/FUL) (and the variation approved in September 2023 (planning application reference: 23/01488/VAR)).</p> <p>The location for between Butler's Wood and Waldegrave Wood was selected for the siting of the GSP substation (Location C2). Whilst Butler's Wood and</p>

Reference	Matter	Point Raised	Applicant's Comments
			Waldegrave Wood are Local Wildlife Sites (LWS) and are designated for their ancient woodland habitats, no vegetation clearance or modification of Butler's Wood or Waldegrave Wood is required during construction or operation, beyond the current wayleave for the existing 400kV overhead line in this location. This location would also benefit from a greater degree of screening by the existing mature woodlands and an area of land within Section H has been identified for landscape planting, connecting Butler's Wood and Waldegrave Wood.
7.5.5	Construction phase impacts – Stour Valley West CSE compound (visual)	The Stour Valley West Cable Sealing End (CSE) compound inserts a structure up to 11.7m high into the landscape close to a PRoW. From the viewpoint Year 1 photomontage (G07 View from PRoW near Mabb's Corner) the extent and nature of the planting, designed to mitigate these impacts, is unclear. Whilst removal of the 132kV cable line gives substantial landscape and visual benefits, the new structure creates an adverse impact during construction and Year 1.	<p>Locations of planting for Stour Valley West CSE compound are shown in the LEMP on Sheet 28 at Appendix B Vegetation Reinstatement Plan (document 7.8.2 (B)) and planting schedules are provided at Appendix C Planting Schedules [APP-185]. Based on the average growth rates set out in Table 3.1 in Photomontages [PDA-001] it is assumed that the native trees would achieve heights up to 7.7m after 15 years. However, views from the south would remain open due to the location of the underground cables. The effects of this are shown in photomontage 34B at G-07 presented in Appendix 3 Photomontages [APP-065].</p> <p>Environmental Statement Chapter 6: ES Chapter 6: Landscape and Visual [APP-074] summarises the results of the landscape and visual impact assessment. As with any large construction project there would be some significant adverse effects during construction and in Year 1 before the vegetation establishes. However, there would also be some significant beneficial landscape and visual effects on the Stour Valley as stated in Table 6.5 of ES Chapter 6: Landscape and Visual [APP-074]. This is due to the removal of sections of the 132kV and the 400kV overhead lines in association with the proposed 400kV underground cables.</p>
7.5.6 to 7.5.7	Operation phase impacts	<p>Proposals to underground the cables largely remove the significant landscape and visual impacts during the operational phase of the development. However, replacement planting of removed vegetation will take years to become effective and, in some areas, it will not be possible to re-establish trees where cables are present, and the character of the landscape will change locally as a result in those areas. Compensatory planting, in keeping with local character, is needed to offset these proposed losses.</p> <p>Surface infrastructure would remain highly visible locally within the landscape. Due to their size and</p>	<p>The Applicant is of opinion that the project is a well mitigated. Specifically in Essex, the Applicant has committed to undergrounding the 400kV transmission line in the Stour Valley which falls within Essex. No new overhead lines are proposed in Essex, however realignment of a short section of overhead line will be required to connect the underground cables into the existing overhead line.</p> <p>The Applicant has also committed to the use of trenchless construction techniques to instal the cables below ground at the River Box, River Stour, the Sudbury Branch railway line and to the north-west of Alphamstone south of Ansell's Grove, three of these four trenchless crossings are within Essex. This is proposed to preserve these important landscape and ecological features.</p>

Reference	Matter	Point Raised	Applicant's Comments
		<p>industrial character, the GSP substation and CSE compounds would give rise to significant residual adverse impacts, particularly on sensitive recreational users of footpaths.</p>	<p>Sensitive routeing of the underground cables has taken place and outside of the trenchless crossings in Essex routing falls within an agricultural landscape which reinstates relatively quickly compared to other land uses.</p> <p>A reduction in hedgerow breaches has been proposed from the standard working width to aid reinstatement.</p> <p>Approximately 2.8km of the existing 132kV overhead line will be removed in Essex (where this coincides with the undergrounding there will be one less overhead line in the landscape). 2km of existing 400kV overhead line will also be removed in the Stour Valley.</p> <p>The good practice measures set out in Appendix A: CoCP (document 7.5.1 (B)) sets out the standard good practice measures that will be undertaken during construction of the project if it is granted consent. Good practice measures have been identified that would avoid or reduce impacts from the project on the environment, including measures concerning the reinstatement of land use, vegetation, protected lanes, temporary construction areas etc.</p> <p>Embedded mitigation planting will be implemented at the GSP and Stour Valley West CSE compounds which will be maintained for the lifetime of the asset.</p> <p>Enhancement planting has been committed to for a 30-year period in the form of BNG, of which two large areas fall within Essex (the GSP and at Stour Valley West CSE).</p> <p>Sheets 20, 27 and 28 in the LEMP Appendix A Vegetation Retention and Removal Plan [APP-183] show that vegetation removal would be limited. Therefore, the Applicant does not consider that the character of the landscape would change.</p> <p>Sheets 20, 27 and 28 of the LEMP Appendix B: Vegetation Reinstatement Plan (document 7.8.2 (B)) show locations for reinstatement planting. This includes hedgerow and scrub reinstatement within the Order Limits.</p> <p>As stated in paragraph 6.10.2 of ES Chapter 6: Landscape and Visual [APP-074], there would be no significant effects during operation from the GSP substation.</p> <p>Effects on footpaths were included in the assessment of effects on community areas presented in ES Appendix 6.5: Assessment of Visual Effects on Communities [APP-108]. With reference to this comment, the relevant community area is Alphamstone. The assessment for Alphamstone presented in Section 2.2 concludes that there would be no significant residual adverse effects.</p> <p>It is acknowledged in ES Appendix 6.4: Viewpoint Assessment Section G Part 6 [APP-106] that there would be medium-small magnitude of change for</p>

Reference	Matter	Point Raised	Applicant's Comments
			<p>receptors at Viewpoint G-07. This is the only footpath close to the CSE compound.</p> <p>With this in mind, the Applicant is strongly of the opinion that further compensatory planting is not required within Essex.</p>
7.5.8	Selected viewpoint (H07/G18)	The selected viewpoint for the GSP substation at Waldegrave Wood (View from Rectory Lane on the edge of Wickham St Paul) is so far away from the site (c800m) that it is not possible to assess the Year 15 impacts from this distance. An additional viewpoint assessment and photomontage should be carried out closer to the proposed site.	<p>A viewpoint selection document presenting representative viewpoints proposed for the assessment was issued to ECC on 16 June 2021. Locations were updated in line with comments received.</p> <p>Viewpoints H-09 and H-10 (see ES Appendix 6.4: Viewpoint Assessment Section H Part 7 [APP-107]) were included to represent views from the PRoW close to the GSP substation. These are the same viewpoints which were submitted in the Town and Country Planning Act planning application for the GSP substation (planning application reference: 22/01147/FUL) and accepted as part of that planning consent.</p>
7.5.9	Selected viewpoint (G07)	The Stour Valley West CSE compound at Year 15 photomontage (View from PRoW near Mabb's Corner) demonstrates how limited the mitigation effect of the planting is at Year 15 with most of the structure still highly visible and the local effects still significantly adverse.	It is acknowledged at ES Appendix 6.4: Viewpoint Assessment Section G Part 6 [APP-106] that there would be a medium-small magnitude of change for receptors at Viewpoint G-07. This is because views from the south would remain open due to the location of the underground cables as shown in photomontage 34B at G-07 presented in Photomontages Appendix 3 Photomontages [APP-065]. Operational safety restrictions mean that only low rooting species can be planted over the cables so that roots do not interfere with the operation of the cable system.
7.5.10	Decommissioning impacts	These impacts would likely be similar to that of the construction phase impacts and will not be repeated again.	<p>As stated in paragraph 4.10.8 of ES Chapter 4: Project Description [APP-072], decommissioned underground cables could be left in the ground with any above ground structures such as link pillars removed. Cables could also be removed from the ducts using the jointing bays. These works are anticipated to be localised and short term in duration. .</p> <p>Section 4.10 of ES Chapter 4: Project Description [APP-072] states that in the event that, at some future date, the authorised development, or part of it, is to be decommissioned, a written scheme of decommissioning would be submitted for approval by the 'relevant planning authority' at least six months prior to any decommissioning works, as per Requirement 12 in the Draft Development Consent Order (dDCO) (document 3.1 (C)).</p>
7.6 Required Mitigation and Compensation			
7.6.1	Mitigation and compensation	A comprehensive mitigation and compensation plan should be provided that includes both off-site mitigation and a fully funded compensation plan to offset the permanent adverse effects of the surface	<p>As outlined in the Applicants comments to reference 6.4.2, the Applicant is of opinion that the project is a well mitigated.</p> <p>Specifically in Essex, the Applicant has committed to undergrounding the 400kV transmission line in the Stour Valley which falls within Essex. No new</p>

Reference	Matter	Point Raised	Applicant's Comments
		<p>infrastructure and of the cable route should be provided.</p>	<p>overhead lines are proposed in Essex, however realignment of a short section of overhead line will be required to connect the underground cables into the existing overhead line.</p> <p>The Applicant has also committed to the use of trenchless construction techniques to instal the cables below ground at the River Box, River Stour, the Sudbury Branch railway line and to the north-west of Alphamstone, south of Ansell's Grove, three of these four trenchless crossings are within Essex. This is proposed to preserve these important landscape and ecological features.</p> <p>Sensitive routeing of the underground cables has taken place and outside of the trenchless crossings in Essex routing falls within an agricultural landscape which reinstates relatively quickly compared to other land uses.</p> <p>A reduction in hedgerow breaches has been proposed from the standard working width to aid reinstatement.</p> <p>Approximately 2.8km of the existing 132kV overhead line will be removed in Essex (where this coincides with the undergrounding there will be one less overhead line in the landscape). 2km of existing 400kV overhead line will also be removed in the Stour Valley.</p> <p>The good practice measures set out in Construction Environmental Management Plan (CEMP) Appendix A: CoCP (document 7.5.1 (B)) sets out the standard good practice measures that will be undertaken during construction of the project if it is granted consent. Good practice measures have been identified that would avoid or reduce impacts from the project on the environment, including measures concerning the reinstatement of land use, vegetation, protected lanes, temporary construction areas etc.</p> <p>Embedded mitigation planting will be implemented at the GSP and Stour Valley West CSE compounds which will be maintained for the lifetime of the asset.</p> <p>Enhancement planting has been committed to for a 30 year period in the form of BNG, of which two large areas fall within Essex (the GSP and at Stour Valley West CSE).</p> <p>Sheets 20, 27 and 28 in the LEMP Appendix A: Vegetation Retention and Removal Plan [APP-183] show that vegetation removal would be limited.</p> <p>Sheets 20, 27 and 28 of the LEMP Appendix B: Vegetation Reinstatement Plan (document 7.8.2 (B)) show locations for reinstatement planting including biodiversity compensatory planting required. This includes hedgerow and scrub reinstatement within the Order Limits.</p> <p>The ES identifies the likely significant effects that would result from the project and has identified additional mitigation to avoid or reduce these effects. All additional mitigation planting is within the Order Limits and no offsite planting</p>

Reference	Matter	Point Raised	Applicant's Comments
			<p>is proposed, as the Applicant has sought to mitigate effects close to the source in accordance with the mitigation hierarchy.</p> <p>With this in mind, the Applicant is strongly of the opinion that further compensatory planting is not required within Essex.</p>
7.6.2	Design principles	BDC and ECC also endorse the Design Principles Document which was completed by Suffolk County Council and is included in Appendix 1 of this report.	Noted. The Applicant comments on the Design Principles can be found in Chapter 17 in Comments on Suffolk County Council and Babergh Mid Suffolk District Council Local Impact Report (document 8.5.3.1).
7.6.3 to 7.6.8	Removal of the 132kV overhead line owned by United Kingdom Power Networks (UKPN).	<p>Further removal of 132kV overhead line should be included between the Twinstead Tee and the proposed GSP substation. This section of line would become redundant as a result of this development. Additional visual as well as landscape benefits could be gained by removal of the remainder of the redundant 132kV line within the sensitive Stour Valley Project Area.</p> <p>It is also noted that a 400kV line shown is shown on a plan in PDA-002. While this is likely a referencing error only, it should be corrected.</p>	<p>The existing 132kV distribution network is owned and operated by UKPN. It is not intended that the 132kV overhead line between pylon PCB 89 and pylon PCB 98 is removed as part of the works permitted under the dDCO, since removal of this section of overhead line is not required as part of the proposed reinforcement (to vacate the corridor of the new 400kV overhead line) or otherwise required to mitigate the effects of the reinforcement (no new overhead line is proposed in this location).</p> <p>Following consultation feedback received and in line with the Transmission Licence obligation to be coordinated and work to rationalise networks, the Applicant discussed the potential removal of the remaining spans of 132kV overhead line with UKPN. This asset is owned and operated by UKPN and is its decision to retain or remove this equipment, as detailed in Table 7.6 (ref: G53) of the Consultation Report [APP-043]. The Applicant's understanding is that UKPN does not want the removal of these spans to be included as part of the authorised development under the dDCO. Given this section of overhead line is not the Applicant's asset, and there is no project requirement to remove it, the Applicant has respected UKPN's position and their interest as a statutory undertaker.</p> <p>The Applicant confirmed at Issue Specific Hearing 1, that the overhead line was incorrectly labelled on the ES Figures 3.4 [PDA-002]. It is shown as 400kV when it should be 132kV (as per all other plans and drawings). This is, however, an optioneering plan (showing GSP substation study areas) and, therefore, does not change the basis of the assumptions used or the outcomes of the ES. This has been added to the project Errata List at Deadline 2 [REP2-066].</p>

4. Applicant's Comments on Chapter 8 (Biodiversity)

4.1 Introduction

4.1.1 This section provides the Applicant's comments to Chapter 8 (Biodiversity) of the Councils LIR. Section 8.1 and 8.2 cover national and local policies in relation to biodiversity. Section 8.3 sets out the key local context in relation to biodiversity. The Applicant has no comments to make on these sections of the LIR. The main response in the LIR with regards to biodiversity is set out in Sections 8.4 to 8.8 (including an additional point made in the summary). Therefore, Table 4.1, sets out the Applicant's comments on Section 8.4 to 8.8 of the LIR.

4.2 Comments Table

Table 4.1 – Applicant's Comments on Chapter 8 (Biodiversity)

Reference	Matter	Point Raised	Applicant's Comments
8.4 Adequacy of Application Submission			
8.4.1 to 8.4.3	Survey data	The application is supported by suitable surveys for the majority of the route which are accepted. However, surveys could not be carried out for the temporary access route off the A131. As such, it is noted that there is a deficiency with the survey data supplied for the temporary access route regarding impacts on hedgerows, trees and biodiversity, including protected species. BDC and ECC would expect that these surveys are provided and sufficient time is given to review these.	<p>As noted in Table 3.1 in the Applicant's Response to Rule 9 Letter Dated 24 July 2023 [AS-005], the baseline habitat information presented within the ES Chapter 7: Biodiversity [APP-075] was based on desk study information, including project data searches from the Local Records Centre. High resolution aerial imagery was used to support the baseline assessment. This showed that the temporary access route crosses arable fields with hedgerows as described in ES Appendix 7.1: Habitats Baseline Report [APP-109] and shown on Habitats of Protected Species and Important Habitats [APP-014].</p> <p>The ecological verification surveys undertaken in August 2023 and the survey results can be found in the Ecological Survey of the Temporary Access Route off the A131 [REP1-036] submitted at Deadline 1. As stated in paragraph 3.1.2 of the Ecological Survey of the Temporary Access Route off the A131, the surveys confirm that the temporary access route off the A131 passes through arable fields, which are low ecological value habitats. This confirms the assumptions made in the ES at Appendix 7.1: Habitats Baseline Report [APP-109]. The Applicant does not intend to update the ES, as the findings of the verification surveys align with the assumptions that were made in the ES and would not alter the assessment conclusions in the ES.</p>

Reference	Matter	Point Raised	Applicant's Comments
			Also see the comments on paragraph 8.5.1 below regarding the arboricultural surveys carried out and the likely impact on trees.
8.5 Local Impact of Development			
8.5.1	Construction phase impacts	<p>There would be negative impacts upon ecological features during construction. This would include an 80m wide swathe that would be disturbed due to the construction of underground cable sections of the route.</p> <p>Surface infrastructure construction would represent an intrusive feature that would impact ecology during construction. Moreover, woodland areas within the new overhead transmission line sections would have a 20m wide swathe felled to ground level (no removal of roots) to facilitate construction activities. The trees would be graduated cut for an additional 12.5m on either side of the 20m swathe to accommodate construction activities.</p> <p>It would also involve horizontal directional drilling, which is the best method for avoiding ecological impacts on sensitive habitats, subject to the appropriate restoration of habitats at either end.</p>	<p>Firstly, in Essex, no new overhead lines are proposed, however realignment of a short section of overhead line will be required to connect the underground cables into the existing overhead line.</p> <p>The LIR notes that the direct impacts involve an 80m swathe during construction. This is correct in areas of cable using open cut methods. However, the Applicant notes that approximately 40% of the cable route, within ECC/BDC, is executed using a trenchless construction technique, which would not disturb the overlying ground.</p> <p>In addition, in ECC, a large proportion of the cable swathe is cropland, modified grassland and other non-priority grassland habitats (see ES Figure 7.1.4 [APP-148]), all of which are relatively straightforward to reinstate from an ecological perspective post installation. A trenchless crossing is proposed to the south of Ansell's Grove, where the underground cables cross woodland habitats of higher ecological value, to avoid any direct impact on these habitats.</p> <p>A small area of woodland north of Henny Back Road would be impacted, but as stated in paragraph 7.6.46 of ES Chapter 7: Biodiversity [APP-075]. At this location, there is an embedded measure (EM-G09 in the CEMP Appendix B Register of Environmental Actions and Commitment (REAC) (document 7.5.2 (B)), which commits to reducing the working width to 60m. As trees cannot be planted over the cables, scrub vegetation would be planted back over the cable once installed, to reconnect retained woodland either side.</p>
8.5.1	Arboricultural surveys	<p>No detailed Arboricultural surveys have been completed for the temporary access route off the A131. There is an abundance of trees along the A131 which would likely be required to be removed to facilitate access and suitable visibility on a national speed limit road. As such, there could be significant environmental effects if a large number of trees are required to be removed, especially veteran trees.</p>	<p>An arboricultural survey of the temporary access route off the A131 was undertaken in August 2023. The results are presented in the updated Arboricultural Impact Assessment (AIA) [REP1-012] published at Deadline 1. This confirms that no veteran trees are likely to be affected as a result of the proposed temporary access route off the A131. Approximately six individual trees and four tree groups could require felling for the proposed temporary access route. This is not a significant effect.</p> <p>The LEMP Appendix A: Vegetation Retention and Removal Plan [APP-183] submitted with the application for development consent included the vegetation likely to be affected from the temporary access route and visibility splays along the A131 on Sheets 28- 30.</p>

Reference	Matter	Point Raised	Applicant's Comments
8.5.2	Operational phase impacts	There would be a positive operational phase impact with ecological enhancements designed to achieve BNG and other Natural Capital benefits would be in place and would over the operational life of the development increasingly enrich the area. This is a requirement included in the Ofgem RIIO- 2 determination.	The Applicant notes that the LIR [REP1-0045] states that there would be a positive operational phase impact with ecological enhancements designed to achieve BNG and other Natural Capital benefits.
8.5.3	Decommissioning phase impacts	There would be negative material impacts upon ecology. This would include parts of the 80m wide swathe that would be disturbed due to the removal of underground cable sections of the route. Removal of vegetation to ground level would represent an intrusive feature that would impact ecology during decommissioning.	As stated in paragraph 4.10.8 of ES Chapter 4: Project Description [APP-072], decommissioned underground cables could be left in the ground with any above ground structures such as link pillars removed. Cables could also be removed from the ducts using the jointing bays. These works are anticipated to be localised and short term in duration. Therefore, decommissioning of the underground cables is unlikely to require an 80m swathe as required during construction.
8.5.4 to 8.5.5	132kV and 400kV overhead line removal	For the removal of the 132kV overhead line, there would be limited woodland lost. For the removal of the 400kV overhead line, a 20m working area would be required where trees would be cut to ground level. Both would lie within the operational maintained swathe which is regularly maintained by trimming the height of the trees for operational electrical safety clearances.	The Applicant can confirm that there would be limited vegetation loss associated with the removal of the overhead lines. LEMP Appendix A: Vegetation Retention and Removal Plan [APP-183] shows that the vegetation effected beneath the overhead lines would be coppiced.

8.6 Required Mitigation and Enhancements

8.6.1	Veteran trees and ancient woodland	Ecological mitigation designed to avoid, minimise and compensate for impacts from the surface infrastructure and of the cable route and enhancements to achieve BNG will be required. There is a need to demonstrate avoidance of impacts particularly for veteran trees and ancient woodland which are irreplaceable habitat. LEMP (document 7.8), Sections 6.3.7 - 6.3.8 and Table 6.2 detail the mitigation and buffers for veteran trees located within the Order Limits, to protect their roots from impacts.	<p>The Applicant can confirm that measures have been developed to avoid, minimise and compensate for ecological impacts and these have been secured as either embedded measures or additional mitigation in the CEMP Appendix B REAC document 7.5.2 (B)) which is secured through Requirement 4 of the dDCO (document 3.1 (C)). The approach to BNG is set out in the Environmental Gain Report [APP-176] and Requirement 13 of the dDCO secures the need for at least 10% BNG as part of the project.</p> <p>There are two Ancient Woodland Inventory (AWI) sites within the Order Limits at Hintlesham Little Wood (in Suffolk) and Butler's and Waldegrave Wood (in Essex). Environmental Statement Chapter 7: Biodiversity [APP-075] presents the assessment of impacts of the project on ancient woodland and veteran trees. Whilst Butler's Wood and Waldegrave Wood are LWS, designated for their ancient woodland habitats, no vegetation clearance or modification of Butler's Wood or Waldegrave Wood is required during construction or</p>
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Reference	Matter	Point Raised	Applicant's Comments
			<p>operation, beyond the current wayleave for the existing 400kV overhead line in this location.</p> <p>The LEMP (document 7.8 (B)), specifically Tables 6.1, 6.2 and 6.3, detail the potential impacts and mitigation approach for ancient and potential ancient woodland, veteran trees and Tree Preservation Orders (TPO), respectively. No ancient woodland or potential ancient woodland would be affected in Essex. See response below for confirmation that veteran trees have been identified and avoided.</p>
8.6.2	Ancient trees and candidate veteran trees and potential ancient woodland	The same mitigation also needs to be provided for ancient trees and candidate veteran trees and potential ancient woodland. Table 6.4 of the LEMP (document 7.8) includes ecological mitigation measures to avoid impacts on ancient woodland. EM-G11 which requires the temporary construction works to remove the existing 400kV overhead line at Ansell's Grove (PoAWS10) to be limited to the existing operational maintained swathe within the woodland. There will be no temporary access route installed and no vehicle access will be required within the woodland. It should be ensured that this remains the case at all times.	<p>The updated AIA [REP1-012] did not identify any ancient trees within or adjacent to the Order Limits. The arboricultural survey identified 14 veteran trees and two tree groups containing trees possessing similar veteran character. Of these, eight veteran trees are in Essex. One veteran tree, located in Section G: Stour Valley, in Suffolk, is likely to require removal (T378) as a result of the project. The remaining veteran trees are at the edge or outside of the Order Limits, and in combination with protective measures, can be retained as detailed in the LEMP (document 7.8 (B)), specifically Table 6.2.</p> <p>Embedded measure EM-G11 is contained within the REAC (document 7.5.2 (B)), which is secured through Requirement 4 of the dDCO (document 3.1 (C)).</p>
8.6.3	Butler's Wood	EM-H03: The proposed GSP substation has been located away from the southern edge of Butler's Wood. Construction works will not encroach into or beyond the ditch that runs east west along the northern and southern edges of the GSP substation. It should be ensured that this remains the case at all times.	Embedded measure EM-H03 is contained within the REAC (document 7.5.2 (B)), which is secured through Requirement 4 of the dDCO (document 3.1 (C)).
8.6.4	Arboricultural survey of the temporary access route off the A131	Such protection measures should also be extended into protecting any other ancient trees, candidate veteran/veteran trees and potential ancient woodland in areas which have yet to be surveyed along the temporary access routes off the A131.	An arboricultural survey of the temporary access route off the A131 was undertaken in August 2023. The results are presented in the updated AIA [REP1-012] published at Deadline 1. This confirms that no ancient, veteran trees or potential ancient woodland would be affected as a result of the proposed temporary access route off the A131.
8.6.5	Biodiversity Net Gain	Whilst the principle of BNG within the Order Limits is strongly supported, BDC considers more detailed information will be required within the	The application makes a clear distinction between those habitats necessary for mitigation purposes (which are detailed within the ES and Management Plans) and Biodiversity Net Gain which is reported separately within the Environmental

Reference	Matter	Point Raised	Applicant's Comments
		relevant Management Plans to deliver the promised gains within the time period for achieving the required condition and ecological function.	Gain Report [APP-176]. As stated in paragraph 7.1.2, the environmental areas have been designed to demonstrate a proposal that is capable of delivering a minimum of 10% BNG. Further iterations of the designs are anticipated both through working with environmental bodies, discussions with landowner and ongoing detailed designs which may reduce areas of assumed vegetation loss and identify additional opportunities to deliver BNG. Requirement 13 of the dDCO (document 3.1 (C)) requires that at least 10% BNG is delivered; it is not considered necessary for there to be further information provided at this stage on how it will be delivered as this may change with the detailed design.
8.7 Biodiversity Net Gain and Supporting Documents/Evidence			
8.7.1 and 8.7.2	Management plans	<p>Draft Management Plans have been submitted including the CEMP, CoCP and LEMP. These should continue to be updated taking into account consultee feedback and ongoing design refinement and environmental assessment.</p> <p>All of the construction phase management measures in relation to biodiversity are contained in the Project Description (embedded design), CoCP (good practice measures) and ES mitigation (yet to be finalised). All of these mitigation measures in relation to biodiversity are set out in the LEMP.</p>	<p>The Applicant submitted four Management Plans with the application for development consent; these are secured through Requirement 4 of the dDCO (document 3.1 (C)) and comprise a CEMP (document 7.5 (B)), Construction Traffic Management Plan (CTMP) (document 7.6 (B)), Materials and Waste Management Plan (MWMP) (document 7.7 (B)), and LEMP (document 7.8 (B)).</p> <p>The Management Plans set out site specific measures and construction methodologies that are required to help avoid or reduce potential effects of the project on the environment during construction. The Management Plans take into account feedback received on a consultation draft versions issued to relevant organisations in autumn 2022, as described in the respective management plan.</p> <p>It is recognised that there may be minor refinements through the examination process as part of the application for development consent.</p> <p>The Applicant has also asked the Councils for examples of details that they consider to be missing from the current Management Plans, and once this information is provided, then the Applicant will review this information to see whether changes are required to the Management Plans.</p> <p>The Applicant does not understand what is meant by the LIR [REP1-0045] comment that the ES mitigation is yet to be finalised. The ES presents the likely significant effects and presents the additional mitigation proposed to avoid or reduce these effects. The additional mitigation is listed in the REAC (document 7.5.2(B)).</p>
8.7.3 and 8.7.4	Landscape and Ecological Management Plan	The structure of the draft LEMP will enable it to set out project specific measures for embedded design, good practice and mitigation on how ecological features such as watercourses, vegetation (including trees) and habitats will be	The LEMP (document 7.8 (B)) already sets out site-specific measures and construction methodologies required to protect and manage landscape and ecological features such as landform, watercourses, vegetation (including trees) and habitats during construction. These measures are set out in Chapter 6

Reference	Matter	Point Raised	Applicant's Comments
		<p>protected and managed during the construction phase.</p> <p>The LEMP will need to also set out how land, vegetation and habitats will be reinstated following construction together with the subsequent aftercare and, where applicable, monitoring arrangements, particularly in relation to any licences issued by Natural England. The LEMP provides a mechanism to deliver all the construction phase measures relating to landscape and ecology which are secured by other documents e.g., CEMP and does not duplicate the measures set out within European Protected Species licences.</p>	<p>(vegetation retention) and Chapter 7 (vegetation and tree removal) of the LEMP.</p> <p>The LEMP also sets out how land, vegetation and habitats will be reinstated following construction (Chapter 8) together with the subsequent aftercare (Chapter 9) and, where applicable, monitoring arrangements (such as monitoring at designated sites and in relation to protected species (Chapter 10)). The Main Works Contractor will be responsible for implementing the measures outlined within the LEMP and associated Management Plans.</p>
8.7.5	Control mechanisms	<p>Further control mechanisms should be added into the CEMP and LEMP, so that when the contractor is appointed, all technical details can be finalised. See Section 21 of the dDCO, Article 57 and Schedule 17 for further detail.</p>	<p>It is recognised that there may be minor refinements of the CEMP (document 7.5 (B)) and LEMP (document 7.8 (B)) through the examination process as part of the application for development consent, including the updates at Deadline 3. However, these would then be final documents for which the Main Works Contractor will be responsible for implementing. Any deviation by the Main Works Contractor from the final documents would need to be agreed with the 'relevant planning authority', as per Requirement 4 of the dDCO (document 3.1 (C)).</p>
8.7.6	Biodiversity Net Gain	<p>Whilst the applicant is committed to delivering at least 10% BNG on this project, the BNG would be only shown in the Environmental Gain Report and not in the LEMP. This will all be delivered within the Order Limits should be secured via Requirement 13.</p>	<p>Biodiversity Net Gain is not included within the Management Plans. Biodiversity Net Gain is covered within the Environmental Gain Report [APP-176] and is secured via Requirement 13 (BNG) of the dDCO (document 3.1 (C)). Requirement 13 secures the provision of at least 10% BNG, but it is not considered necessary to secure <u>how</u> this is achieved. Flexibility is required to accommodate finalisation of the detailed design and to be able to incorporate changes that may deliver additional environmental benefits if identified at a later date.</p>
8.7.7	Advisory group	<p>It is considered appropriate that an Advisory Group is set up to help inform decision making throughout the implementation of the LEMP with LPA representatives invited as appropriate.</p>	<p>Requirement 9 (reinstatement planting plan) of the dDCO (document 3.1 (C)) prevents any stage of the authorised development from being brought into operational use until a reinstatement planting plan for trees, groups of trees, woodlands and hedgerows to be reinstated during that stage has been submitted to and approved by the 'relevant planning authority'. The reinstatement planting plan must be in general accordance with the LEMP (document 7.8 (B)) approved under Requirement 4. Therefore, the relevant Councils will have further input to the LEMP (document 7.8 (B)) prior to implementation.</p>

Reference Matter	Point Raised	Applicant's Comments
		<p>Whilst the Applicant is not necessarily averse to setting up an informal Advisory Group or similar it is not considered that it is necessary to secure it in the dDCO given the above formal securing mechanism.</p> <p>In addition, the Applicant will also continue to engage with the relevant Councils through the ongoing Host Authority meeting series to inform them of progress on the project. The Applicant is seeking to enter into a post-examination Planning Performance Agreement or equivalent with the Councils to facilitate ongoing engagement.</p>
8.8 Summary		
8.8.1	Need for further surveys	<p>Significant detrimental ecological impacts are inevitable during the construction and decommissioning of the proposals. However, embedded mitigation designed to avoid, minimise and compensate for adverse impacts and to achieve BNG are included with the Order Limits. However, further information is required in relation to ecological and arboricultural surveys for the un-surveyed areas (at the time of writing)</p> <p>The Applicant undertook ecological and arboricultural surveys for the temporary access route off the A131 in summer 2023.</p> <p>The Ecological Survey of the temporary access route off the A131 report [REP1-036], submitted at Deadline 1, stated in paragraph 3.1.2 that the surveys confirmed that the temporary access route off the A131 passes through arable fields, which are low ecological value habitats. This confirms the assumptions made in the ES Appendix 7.1: Habitats Baseline Report [APP-109]. Therefore, no changes are required to the ES baseline, figures or assessment in relation to habitats.</p> <p>The results of the arboricultural survey are presented in the updated AIA [REP1-012] published at Deadline 1. This confirms that no ancient, veteran trees or potential ancient woodland would be affected as a result of the proposed temporary access route off the A131.</p>
8.8.2	Mitigation hierarchy for avoiding veteran trees and ancient woodland	<p>Whilst avoidance and mitigation measures for veteran trees and ancient woodland (irreplaceable habitats) are documented where they have been surveyed, additional consideration should be given to demonstrating avoidance of tree felling / works (through locating on an alternative site with less harmful impacts). This is needed for the application of the mitigation hierarchy by confining activities to the minimum areas required for the works as required by EN1 paragraph 5.3.18 and the paragraph 180a in the National Planning Policy Framework (NPPF).</p> <p>No ancient woodland or veteran trees would be impacted in Essex.</p> <p>The project design process considered alternative options which are described in ES Chapter 3: Alternatives Considered [APP-071]. Table 3.6 (pages 29-30) specifically discuss Section G: Stour Valley and Section H: GSP substation which are within Essex. The key environmental factors are summarised and include ecological features as part of wider environmental considerations. Refinement of the alignment in Section G: Stour Valley are detailed in pages 40-43. GSP substation siting is discussed in pages 50-53.</p> <p>The Order Limits are the maximum necessary to facilitate the project while allowing locational flexibility for permanent infrastructure, such as the overhead line, pylons, CSE compounds and underground cables. This allows for adjustment to the final positioning of project features to avoid localised constraints or unknown or unforeseeable issues that may arise.</p>

Reference Matter**Point Raised****Applicant's Comments**

A number of commitments are made in the REAC (**document 7.5.2 (B)**) to then avoid and/or protect sensitive features within the Order Limits. The REAC is secured through Requirement 4 of the dDCO (**document 3.1 (C)**).

5. Applicant’s Comments on Chapter 9 (Green Infrastructure)

5.1 Introduction

- 5.1.1 This section provides the Applicant’s comments to Chapter 9 (Green Infrastructure) of the Councils LIR. Section 9.1 provides an overview of the local policies in relation to green infrastructure. The Applicant’s case is that when considering the proposals as a whole and the assessment of the project against the relevant National Policy Statements (NPS) (EN1 and EN-5); the project is compliant with NPS EN-1 in respect to green infrastructure.
- 5.1.2 Section 9.2 provides ECC comments on the ES in relation to green infrastructure. Section 9.3 refers to Essex Local Nature Partnership and Local Nature Recovery Strategy, which the Applicant has no comments on. Section 9.4, 9.5, 9.6 and 9.7 covers ECC comments on ES Chapter 7: Biodiversity [APP-075], the Environment Gain Report [APP-176], the CEMP (document 7.5 (B)) and the LEMP (document 7.8 (B)) respectively. Section 9.8 covers the alignment with the Norwich to Tilbury project. Section 9.9 provides specific comments on the Landscape Character Areas in Essex and Section 9.10 covers access and PRoW. Therefore, Table 5.1 sets out the Applicant’s comments on Section 9.2, 9.4 to 9.10 of the LIR [REP1-0045].

5.2 Comments Table

Table 5.1 – Applicant’s Comments on Chapter 9 (Green Infrastructure)

Reference	Matter	Point Raised	Applicant’s Comments
9.2 Green Infrastructure Comments in Relation to the ES			
9.2.1 to 9.25	Green infrastructure	It is noted that the ES does not refer to Green Infrastructure (GI), but it is noted under local policy. ECC recommend that the following Local Development guidance is taken into consideration, applied, and referenced: Essex Green Infrastructure Strategy, 2020, Essex Green Infrastructure Standards, 2022.	Green infrastructure is a generic and all-encompassing term for many of the aspects already covered within the application for development consent. For example, habitats are considered within ES Chapter 7: Biodiversity [APP-075], designated sites in ES Chapter 7: Biodiversity [APP-075], PRoW in ES Chapter 12: Traffic and Transport [APP-080], and open space, parks and gardens, amenity green space, playgrounds and cemeteries (etc) in Chapter 9 Planning Statement [APP-160]. Therefore, a standalone assessment of green infrastructure in addition to the specific receptors would cause duplication and confusion in the assessment. In the case of Open Space specifically, the project has taken a precautionary approach to the identification of potential open space. In the case of the project, there will be no material impact or loss to the function or use of the spaces identified. This is evidenced by the assessment

Reference	Matter	Point Raised	Applicant's Comments
			<p>presented at Table 9.2 of Chapter 9 Planning Statement [APP-160]. As such, no further mitigation is proposed in respect to Open Space.</p> <p>In the case of the other green infrastructure assets which are not likely to fall within the category of Open Space, the project has sought to avoid as far as possible impacts to such green infrastructure assets and the ES has determined that there are no significant long-term effects which are relevant in this respect. In terms of biodiversity, the project has sought to avoid as far as possible the impact on designated and non-designated sites and features from the optioneering stage to development of the LEMP.</p> <p>The project will deliver at least 10% BNG, as secured by Requirement 13 on the dDCO (document 3.1 (C)).</p> <p>The project has also sought to avoid as far as possible adverse landscape and visual impacts and will deliver significant beneficial effects to the most sensitive landscape in the area, the Dedham Vale AONB and Stour Valley through undergrounding the proposed transmission line and the removal of sections of 132kV and 400kV overhead line.</p> <p>The Applicant has reviewed the Essex Green Infrastructure Strategy (2020) and the Essex Green Infrastructure Standards 2022 as referenced in the LIR [REP1-0045]. Given the nature of the project and the approach taken to minimising adverse effects and maximising benefits, the Applicant considers that the project aligns with both documents, insofar as they are relevant to the project. Importantly, the project is also compliant with green Infrastructure policies in EN-1, draft EN-1 and related policies on biodiversity, landscape and visual impacts in EN-5 and draft EN-5.</p> <p>The proposed planting on the project, as shown on LEMP Appendix B: Vegetation Reinstatement Plan (document 7.8.2 (B)) is in accordance with the principles set out within the Essex Green Infrastructure Strategy, 2020 and Essex Green Infrastructure Standards, 2022.</p>
9.4 ES Chapter 7 Biodiversity [APP-075]			
9.4.1 to 9.4.2	Biodiversity net gain (BNG)	ECC welcomes the Applicant's commitment to deliver net gain by at least 10% or greater in environmental value on all construction projects. However, the Essex Local Nature Partnership encourages Essex LPAs to go for 20% BNG in local policy.	As stated in the Environmental Gain Report [APP-176] net gain is not currently a requirement on NSIP. However, the Applicant has its own commitment to deliver at least 10% BNG on its projects and opted to allow land for BNG within the Order Limits and this is secured through Requirement 13 in the dDCO (document 3.1 (C)). The Applicant also has a duty to be economic and efficient and therefore will not be seeking to deliver 20% BNG but instead at least 10% BNG. In being economic and efficient and with use of the mitigation hierarchy, the Applicant will work with its main works contractor to seek to further reduce effects at the

Reference	Matter	Point Raised	Applicant's Comments
			outset and therefore achieve the most biodiversity gains with the land available.
9.5 ECC GI Comments in Relation to 7.4 Environment Net Gain Report			
9.5.1 to 9.5.2	Biodiversity metrics	ECC welcomes that a wider Environment Gain Report has been produced. It is recommended that the latest Biodiversity Metric 4 is used and that the BNG Report is updated once the final design and landscape/GI provision for both on-site and off-site is known and fixed. However, Metric 3.1 can still be used before mandatory BNG is in place.	The Defra Metric 4.0 was published in July 2023, therefore, Defra 3.1 was the current version available at the point of application and (in accordance with guidance) continue to be used for the project for consistency. Natural England (2023a), states that <i>'Users of previous versions of the Biodiversity Metric should continue to use that metric (unless requested to do otherwise by their client or consenting body) for the duration of the project it is being used for.'</i> Natural England (2023b) also states that <i>'the changes have largely focussed on further improving your experiences as users of the calculation tool and its accompanying guidance.'</i> Therefore, is not anticipated that using Defra 4.0 would change the proposals currently identified within the Environmental Gain Report [APP-176] and it is not proposed that the report is updated at this stage. However, as described below, the Applicant agrees to re-run the metric based on the final detailed design and submit the output to the Councils.
9.5.3 to 9.5.5	Environmental Gain Report	It is noted on page 32 Para 7.3,2 of the Environment Net Gain Report that a Net Gain Management and Maintenance Plan will be produced after the first monitoring visit. However, a BNG Plan or ENG Plan will need to be submitted to and approved in writing by the local planning authority. The Environment Act sets out what the biodiversity gain plan should cover.	The Environmental Gain Report [APP-176] sets out how the Applicant is proposing to achieve net gain on the project. The Applicant is not intending to update the Environmental Gain Report [APP-176] once the final design is produced. However, Requirement 13 of the dDCO (document 3.1 (C)) provides that, unless otherwise agreed, written evidence (in the form of the outputs of the biodiversity metric) demonstrating how at least 10% in BNG is to be delivered as part of the authorised development, must be submitted to the 'relevant planning authority' no later than the date on which that part of the authorised development comprising the installation of new overhead electricity transmission line and underground electricity transmission line is first brought into operational use. As net gain is not mandatory on NSIP, the project does not fall under the requirements of the Environment Act 2021.
9.6 Comments in Relation to 7.5 Construction Environment Management			
9.6.1 to 9.6.2	Early planting	Construction will impact existing Green Infrastructure Assets such as trees, hedges and vegetation, as well as any nature designated sites. The LEMP and REAC should include any new GI features. Ideally, strategic elements of the GI framework are brought forward in	Sheets 20, 27 and 28 in the LEMP Appendix A Vegetation Retention and Removal Plan [APP-183] show that vegetation removal would be limited. Sheets 20, 27 and 28 of the LEMP Appendix B: Vegetation Reinstatement Plan (document 7.8.2 (B)) show locations for reinstatement planting.

Reference	Matter	Point Raised	Applicant's Comments
		phase one of the development, to create a landscape structure or evidence is shown that substantive GI is secured as early as possible in initial phases of delivery to allow early establishment.	The project construction working areas include the area needed to safely construct the project. The vegetation affected during construction would be reinstated at the end of construction when works have been completed. It would not be appropriate to plant new vegetation as part of the early works, as this is likely to be damaged during construction.
9.6.3	CEMP	The CEMP should make it clear that construction phase measures within the LEMP and REAC is adhered to and that these measures incorporate the recommendations within the ES and Environmental Gain Report.	The CEMP does not need to state that the LEMP and REAC would be adhered to, as these are secured in their own right through Requirement 4 of the dDCO (document 3.1 (C)). The Management Plans incorporate all of the measures relied on within the ES. This has been made clearer in the combined REAC submitted at Deadline 3 (document 7.5.2 (B)). The Environmental Gain Report [APP-176] sits separately to the Management Plans.
9.7 GI Comments in Relation to 7.8 Landscape and Ecology Management Plan (APP-182)			
9.7.1	LEMP	The LEMP provides measures on how the retained landscape and ecological features would be protected during construction, and reinstatement of vegetation. It should also include and align to the measures set out in the Environmental Gain Plan and any new landscape/ GI planting.	The LEMP (document 7.8(B)) contains all the planting required to make the project acceptable, including the embedded and best practice measures (including planting embedded into the design of the project and reinstatement planting) and additional mitigation as well as biodiversity compensation planting and landscape softening (EN-5). For clarity, the Applicant has separated BNG into the separate Environmental Gain Report [APP-176] to clearly define what is an enhancement and therefore additional to the requirements of the EIA process.
9.7.2	Landscape maintenance	The LEMP sets out the roles and responsibility for overseeing the delivery of the LEMP, but there is no reference to who will monitor the aftercare and longer-term management and maintenance? Clarification should be provided.	The aftercare monitoring of reinstatement and mitigation planting would be undertaken by the main works contractor as part of their contractual arrangements, who will do visits to check that planting is establishing. At the end of the aftercare period, the planting will be handed back to the relevant landowner to manage and maintain as they do with other land within their ownership. The Applicant will be responsible for maintaining the embedded planting around the GSP substation and the CSE compounds, on land that the Applicant will own or lease, for the life of the assets.
9.7.3	Landscape contract duration	On page 43 and 49 the LEMP refers to a 5-year aftercare period that will be established for the mitigation and reinstatement planting. However, ECC suggest that a minimum of 15 years is required, to ensure vegetation matures and is retained to successfully mitigate against the project's impact. However, through mandatory biodiversity net gain it will be expected for the habitat to	Although BNG is not currently mandatory on NSIP, the Applicant has committed to delivering at least 10% biodiversity net gain on the project. Further details can be found in the Environmental Gain Report [APP-176]. Requirement 13 of the dDCO (document 3.1 (C)) requires the Applicant to provide written evidence on how at least 10% in BNG is to be delivered on the project.

Reference	Matter	Point Raised	Applicant's Comments
		be secured for at least 30 years via obligations/conservation covenant.	<p>In accordance with good practice measure LV03 in the CoCP (document 7.5.1 (B)) and as stated in Requirement 10 of the dDCO (document 3.1 (C)), a five-year aftercare period will be established for mitigation planting and reinstatement. This is also secured through the LEMP (document 7.8 (B)) and Requirement 4 of the dDCO (document 3.1 (C)). Chapter 9 of the LEMP (document 7.8 (B)) sets out the proposals for maintenance and aftercare, which would include coppiced areas.</p> <p>In terms of the time period proposed for aftercare, the Applicant notes that in respect of certain sites along the project route where the freehold has been, or is proposed to be acquired by the Applicant, landscape screening (incorporating reinstatement planting) is an embedded measure which will be retained for the lifetime of the transmission asset and, therefore, maintained on a permanent basis. This would be at the GSP substation and around the CSE compounds, as per embedded measures EM-D01, EM-F01, EM-G03, EM-G06 and EM-H02 set out within the REAC (document 7.5.2 (B)). The Applicant has also committed to maintaining the environmental enhancement areas for a period of up to 30 years, as described in paragraph 7.3.1 in the Environmental Gain Report [APP-176].</p> <p>For those areas where reinstatement planting is identified in LEMP Appendix B: Vegetation Reinstatement Plans (document 7.8.2(B)), other than those areas mentioned above, in accordance with good practice measure LV03, and as stated in Requirement 10 of the dDCO (document 3.1(C)), a five-year aftercare period will be established for mitigation planting and reinstatement. By the end of that five-year period all planting delivered will be established. Following that time, the planting will be managed by the relevant landowner, as currently takes place in respect of existing planting on private land. The Applicant considers that five-years is appropriate in the context of these locations based on the types of reinstatement and mitigation planting proposed, which is typically hedgerow reinforcement and planting. Planting sizes and species have been selected based on those which would naturalise more easily than larger trees stock, for example, smaller whips and transplants. The purpose of the proposed reinstatement planting is to replace what is removed, in order to maintain the existing baseline. Once the reinstatement planting is delivered and has been established through the five-year maintenance period the purpose of the reinstatement planting has been achieved. It is the Applicant's view that there should be no additional obligation on the Applicant (or private landowners) to manage or maintain planting on private land which forms part of the wider baseline, in the same way as the Applicant (or private landowners) would not be</p>

Reference	Matter	Point Raised	Applicant's Comments
			obliged to maintain existing baseline planting which is not affected by the project.
9.7.4 to 9.7.6	Maintenance of GI assets	Details should include who is responsible for GI assets (including any surface water drainage system) and the maintenance activities / frequencies. ECC would also expect details on how the maintenance of GI assets and green spaces shall be funded and managed for the lifetime of the development to be included.	Firstly, the Main Works Contractor would be responsible during the contractual defects period; then the Applicant would be responsible for maintaining surface water drainage systems associated with the permanent features i.e. the GSP substation and the CSE compounds. The funding for the maintenance of the Applicant assets (whether the project components or features such as drainage or planting on the Applicant owned or leased land) would be funded through the Applicant's operational budget.
9.8 Alignment with Norwich to Tilbury NSIP			
9.8.1	Norwich to Tilbury	Bramford to Twinstead Reinforcement should take into consideration the Norwich to Tilbury proposal.	The Norwich to Tilbury project has been considered in ES Chapter 15: Cumulative Effects Assessment (CEA) [APP-083]. Further details of this can be found in the Applicant's Comments on Suffolk County Council and Babergh Mid Suffolk District Council Local Impact Report (document 8.5.3.1). However, it is noted that this section of the project falls within the jurisdiction of Suffolk County Council. Although, the Councils comment that they remain interested as a stakeholder in the Dedham Vale AONB and Stour Valley partnership.
9.8.2	Dedham Vale Area of Outstanding Natural Beauty (AONB)	ECC is a partner in the Dedham Vale AONB and Stour Valley Partnership and supports the Dedham Vale AONB and Stour Valley Management Plan 2016 to 2021. ECC recognise the importance of this project however, construction and development within the AONB should be kept to a minimum.	The effects of the project on Dedham Vale AONB are presented in ES Chapter 6: Landscape and Visual [APP-074]. As Dedham Vale AONB lies within Suffolk, further details can be found in the Applicant's Comments on Suffolk County Council and Babergh Mid Suffolk District Council Local Impact Report (document 8.5.3.1). However, it is noted that this section of the project falls within the jurisdiction of Suffolk County Council. Although, the Councils comment that they remain interested as a stakeholder in the Dedham Vale AONB and Stour Valley partnership.
9.9 LCA 7 – Essex C8 Stour Valley and LCA 8 – Essex B3 Blackwater and Stour Farmlands			
9.9.1 to 9.9.3	Climate Focus Area	The project is situated within the recommended Climate Focus Area (CFA). CFA require developments to consider the following requirements in line with meeting the requirements outlined in NPPF.	The goal of the CFA is to become more climate change resilient by a number of measures including improving soil health and access to natural green infrastructure and increasing biodiversity. Green infrastructure is a generic and all-encompassing term for many of the aspects already covered within the application for development consent. For example, habitats are considered within ES Chapter 7: Biodiversity [APP-075], designated sites in ES Chapter 7: Biodiversity [APP-075], PRoW in ES Chapter 12: Traffic and Transport [APP-080], and

Reference	Matter	Point Raised	Applicant's Comments
			<p>open space, parks and gardens, amenity green space, playgrounds and cemeteries (etc) in Chapter 9 Planning Statement [APP-160].</p> <p>Environmental Statement Chapter 11: Agriculture and Soils [APP-079] details the likely significant effects of the project on agriculture and soils. Agriculture and soil receptors include Best and Most Versatile (BMV) land (as defined by the Agricultural Land Classification (ALC) system) and land holdings in agricultural use. In addition, ES Appendix 11.1: ALC Report [APP-133] sets out the results of, the ALC surveys conducted on the project and the assessment regarding BMV land.</p> <p>The Applicant has also committed to delivering at least 10% BNG on the project, which is secured through Requirement 13 of the dDCO (document 3.1 (C)) (which has been updated for Deadline 3).</p>
9.10 Access and Public Rights of Way			
9.10.1	Provision of new PRoW	ECC supports the retention of existing and the provision of new access networks which encourages and supports active travel. The Council recommends that routes are designed to include sustainable transport routes such as paths, cycle, and bridleways and to join up existing PRoWs and new access routes to create circular walking routes. This should be something that is actively considered by the Applicant.	<p>The project is not affecting any PRoW after construction, during construction short term closures and diversions would be required. Therefore, the Applicant is supporting retention of existing PRoW but has not identified the need to provide any new PRoW as part of the project. It is also noted that the project will bring about long term benefits for the Stour Valley and users of its existing PRoW.</p>
9.10.2	Climate change	Mitigating and adapting to a changing climate is a national and Essex County Council priority. All developers should have regard to climate change goals and Applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide.	<p>The Applicant is committed to supporting government commitments to climate change and the need case of the project is around helping to deliver net zero.</p> <p>The project should be considered in the context of the significant benefits of the project in terms of delivering energy security, supporting the transition to net zero and other significant beneficial effects in Essex.</p> <p>Good practice measure W12 in the CoCP (document 7.5.1 (B)) states that where new, permanent areas of impermeable land cover are created, the drainage design will be in accordance with the requirements of the ECC Sustainable Drainage System (SuDS) Design Guide (2020). This is secured through Requirement 4 of the dDCO (document 3.1 (C)).</p>

6. Applicant’s Comments on Chapter 10 (Climate Change)

6.1 Introduction

6.1.1 This section provides the Applicant’s comments to Chapter 10 (Climate Change) of the Councils LIR. Section 10.1 covers local policy and the Applicant has no comment to make on this section. Section 10.9 presents a summary of the points already made in the previous sections and the Applicants comments does not include a Section 10.9 which would be a repeat of previous responses. Table 6.1 sets out the Applicants comments on Sections 10.2 to 10.8 of the LIR. Where the Applicant has no comment on particular paragraphs, no response is provided.

6.2 Comments Table

Table 6.1 – Applicant’s Comments no Chapter 10 (Climate Change)

Reference	Matter	Point Raised	Applicant’s Comments
10.2 Local Issues			
10.2.4	Emissions within the County. ‘Net Zero’ impact.	The impact of the project on emissions within the county and potential impact on the target for Essex to be net zero by 2050 should be included in the assessment and the importance of reducing the impact of the project to as close to ‘net zero’ as possible should be acknowledged.	The Applicant can advise that the approximate allocation of embodied CO ₂ e applicable to the portion of the project in Essex is 25,646 tCO ₂ e for capital (construction) carbon, 8,711 tCO ₂ e for transmission losses during 40 years of operation and 466 tCO ₂ e for SF ₆ . The total CO ₂ e estimated on the Essex section of the project is 34,823 tCO ₂ e. As stated in paragraph 3.2.4 in ES Appendix 4.3: Greenhouse Gas Assessment [APP-092], the Applicant has committed to deliver Carbon Neutral construction by end 2025/26, with the focus on the absolute reduction of impacts associated with the delivery for the project and measured via National Grid’s internal governance processes. Residual emissions of all of the Applicant projects within the portfolio at the end of 2025/26 (and future years) would be aggregated and offsets delivered in line with the Applicant’s Offsetting policy guidelines.
10.2.5	Reduction of construction and operation emissions.	To reduce the impact of the project, provision should be made for the reduction of greenhouse gas (GHG) emissions, in both construction and operational phases, in order to minimise the project’s carbon footprint and mitigate the effects of climate change. Only	As referenced within Section 3.2 in ES Appendix 4.3: Greenhouse Gas Assessment [APP-092], the Applicant has identified further measures to reduce the Greenhouse Gas (GHG) emissions of the project, in both construction and operational phases.

Reference	Matter	Point Raised	Applicant's Comments
	ECAC Report (2021).	once all avenues of reduction have been explored should offsetting be utilised. Opportunities for the project to implement the recommendations set out in the ECAC Report (2021) should be taken too.	The Applicant is committed to a focus on the absolute reduction of impacts associated with the delivery of the project. In respect of the energy recommendations in the ECAC Report (2021) the Applicant is of the view that the project will help to support the objectives to focus on investment in renewable energy, switching to a greener electricity supply and the creation of community energy neighbourhoods. The increase in transmission capacity will facilitate the ambitious green targets set by the Government and contribute to the growth in renewable energy and the decarbonisation of the UK.

10.3 Assessment Against Targets

10.3.1 to 10.3.4	Emissions calculation.	The ES considers the impact of the proposed scheme on climate (for example the nature and magnitude of GHG emissions). In order to ensure a clarity in the CO ₂ e implications of the project, it is necessary for the applicant to carry out a detailed calculation of emissions utilising the most thorough data collection methods, drawing from direct supply chain EPD relevant data, transport and on-site emissions to calculate the upfront emissions caused by the project.	As referenced within Sections 2.2 and 2.3 in ES Appendix 4.3: Greenhouse Gas Assessment [APP-092], the Applicant has completed a proportionate assessment on the embodied CO ₂ e associated with construction and operation. Each project component is assessed and the CO ₂ e associated with the component is calculated. The Applicant considers the embodied carbon of a range of materials necessary for construction of the project, including the aluminium and steel associated with the pylons, conductors and cables. It also includes aspects of construction including aggregates and hardstanding associated with the construction compounds and temporary access routes, fencing, trackway matting and an allowance for items such as vegetation removal.
10.3.5	Design life. Decommissioning.	The project has been assessed in terms of its impact on climate and the effects of climate on the scheme itself during both construction and operation. The design life of the project is 40 years and therefore this period has been used for the purposes of the assessment. All opportunities to extend the design life should be explored to avoid short term retrofit. Decommissioning has not been assessed, however design principles to ensure reuse of materials at end of life should be implemented where possible.	As stated in paragraph 4.10.2 of ES Chapter 4: Project Description [APP-072], while the design life of the project is currently at least 40 years, this is likely to be significantly extended given the probable increase in electricity demand in the future and the typical life of some components being longer than 40 years. The design life of the project could be extended with regular maintenance and refurbishment of each component. This extended working life is in accordance with the Applicant's experience on similar assets throughout its UK operations. As evidenced in Table 4.5 of ES Chapter 4: Project Description [APP-072], the majority of materials used on the project e.g. steel and aluminium, can be recycled.
10.3.6 to 10.3.10	Emissions within the County.	The applicant assesses the potential likely significant effect of the carbon emissions against the national level legally binding targets on climate as set out in the Climate	As per the response to reference 10.2.4 above, the total CO ₂ e estimated on the ECC section of the project of 34,823 tCO ₂ e is made up of 25,646 tCO ₂ e

Reference	Matter	Point Raised	Applicant's Comments
		Change Act 2008. It is important to understand the impact of the project on Essex's net zero target. ECC therefore request that the impact of the project on the County target is assessed and reported.	<p>for construction and 8,711 tCO₂e for transmission losses and 466 tCO₂e for SF₆ over 40 years of operation.</p> <p>The total carbon for construction of the project (25,646 tCO₂e) is the equivalent of 0.4% of the 6,834 ktCO₂e estimated as emitted within ECC in 2019.</p> <p>The transmission losses are estimated to be average CO₂e equivalent emissions of 218 CO₂e (8,711 tonnes divided by an estimated 40-year design life), representing 0.003% of the ECC 2019 CO₂e emissions.</p>
10.4 Ambition for Net Zero			
10.4.1 to 10.4.4	Reducing materials and waste use	The Applicant intends to further reduce its carbon emissions and reduce its resource use. The MWMP outlines the measures that are proposed for reducing the use of raw materials through reuse and recycling. The CEMP includes details of the measures proposed to reduce effects from emissions.	Noted. The Applicant has no comment on these matters.
10.4.5	'Net Zero' impact.	Throughout the ES, the Applicant has not directly acknowledged the importance of reducing the impact of the scheme to as close to net zero as possible. The applicant states that GHG emissions will be baselined and compared to periodically, there is no scale or quantified commitment indicated from the outset to reduce the value.	As stated in paragraph 3.2.4 in ES Appendix 4.3: Greenhouse Gas Assessment [APP-092], the Applicant has committed to deliver Carbon Neutral construction by end 2025/26, with the focus on the absolute reduction of impacts associated with the delivery for the project and measured via the CIT. Residual emissions of all the Applicant projects within the portfolio at the end of 2025/26 (and future years) would be aggregated and offsets delivered in line with the Applicant's Offsetting policy guidelines.
10.4.6	Emissions reduction.	The project, which will be carbon heavy in its construction, needs to show a commitment and methodology to first reduce and lastly offset the carbon footprint of the development and aim for net zero.	<p>As referenced within Section 3.2 in ES Appendix 4.3: Greenhouse Gas Assessment [APP-092], the Applicant has identified further measures to reduce the climate impact of the project, including:</p> <ul style="list-style-type: none"> ● Following the principles of PAS 2080 to reduce carbon through more intelligent design, construction and use; ● Requesting tendering contractors to propose low carbon alternative materials; ● The contractor will be incentivised to reduce the carbon footprint against the initial baseline; and ● The Applicant is committed to a focus on the absolute reduction of impacts associated with the delivery of the project with residual emissions to be offset in line with the Applicant's Offsetting policy guidelines.

Reference	Matter	Point Raised	Applicant's Comments
10.5 GHG Emission Mitigation Measures			
10.5.3	Emissions calculation.	The direct breakdown of the carbon emission data has not been provided. This should be sought to ensure clarity and transparency of the process emissions, and to ensure satisfactory GHG performance alignment with similar projects, materials, and supply chain impacts.	As referenced within Section 2.3 in ES Appendix 4.3: Greenhouse Gas Assessment [APP-092], the Applicant completed a proportionate assessment on the embodied CO ₂ e associated with construction and operation. As the Main Works Contractor is not yet appointed, the assessment has been based on estimates of materials. As the database contains commercial data, it is not appropriate to present the raw information that sits within the system. The Applicant uses the same methodology across all projects, so the carbon estimates provided are internally consistent.
10.5.10	Use of local suppliers to reduce transport distances.	The CTMP does not directly refer to the measures in place to improve efficiency of likely transport journeys to site associated with material transportation. Significant targets could be introduced to limit certain journeys to within an appropriate distance from the site, encouraging local supply chain interaction and reducing road-based emissions from vehicles.	As noted in ES Appendix 4.3: Greenhouse Gas Assessment [APP-092], the Applicant will request the tendering contractors to propose low carbon alternative materials as part of their response to the main works package, where practicable. It is also anticipated that the tendering contractors will provide a more detailed breakdown of materials, assets, equipment and energy that they propose to use in construction of the project. The CIT considers the origin of materials, the transport distances, opportunities for reuse of materials and low carbon alternatives.
10.5.11	Waste reduction and material re-use.	<p>The Applicant should specifically link into the storage and re-use of 'waste' materials and how they are defining waste – this could include ensuring that reuse of materials is prioritised or making a publicly available register of 'waste materials' that may be useful to other development contractors within the local area.</p> <p>Materials currently devised for demolition on the existing sites should be explored for feasibility of reuse and should integrate a 'deconstruct over demolition' approach to aim to keep materials in a state that keeps them at their highest possible value.</p>	<p>The MWMP [APP-181] sets out the measures proposed to reduce the generation of waste by applying the waste hierarchy (through reuse, recycling, composting, recovery etc of wastes). Paragraph 6.5.1 of the MWMP includes a list of likely wastes and the likely waste management methods, which includes options to reuse and recycle materials.</p> <p>Paragraph 6.4.7 of the MWMP [APP-181] states the intention that all soil will be reused on site, however if it arises that excess spoil cannot be reused on site and is required to be taken off site, the process (including certification and licensing) will be recorded as necessary. The good practice measures in Chapter 11: Agriculture and Soils of the CEMP (document 7.5 (B)) contains good practice guidance for the excavation, handling, storage and final placement of soils. These measures will help protect soils during construction and allow the application of the correct processes for storage and reuse to maintain their classification as non-waste material in the Definition of Waste (CL:AIRE, 2011).</p>
10.5.13	Contractor waste experience.	The Site Waste Management Plan is to become the responsibility of the Principal Contractor but there are no details about how this contractor will be identified and their	The Applicant uses Framework Contractors who are vetted for their experience including their sustainability credentials. However, the Applicant will retain overall responsibility for the management of waste on the project.

Reference	Matter	Point Raised	Applicant's Comments
		experience in the management of waste and circular economy principles and what the expectations are. The inclusion of measurable targets would be advisable.	<p>Section 2.5 of the MWMP [APP-181] includes the current project specific targets:</p> <ul style="list-style-type: none"> • The contractor appointed to construct the project will have carbon reduction targets; • The project will seek to reduce waste to landfill during construction and contribute to the target to achieve zero-waste to landfill across construction projects; and • The project will keep records of how it has followed the waste hierarchy to reduce waste and avoid waste being sent to landfill. <p>These targets will be monitored by the contractor during construction. As referenced in Table 4.1 of the MWMP [APP-181], the Applicant has confirmed that specific targets will be defined during the detailed design stage of the project when a Main Works Contractor has been appointed.</p>
10.5.16	Low carbon materials.	The key materials listed suggests typical materials such as concrete, steel, and aluminium are to be used. The materials sourced should be the lowest feasible embodied carbon to meet design requirements as possible. Current opportunities within the construction industry could allow significant reductions in CO2e through the use of novel, but well tested materials such as low carbon concretes and steel alternatives (including steel reuse). These avenues must be explored when procuring the project materials.	As stated in paragraph 3.2.2 of ES Appendix 4.3: Greenhouse Gas Assessment [APP-092], the Applicant would request the tendering contractors to propose low carbon alternative materials (as long as the materials also deliver the technical specification requirements needed) as part of their response to the main works package. The tendering contractors would also provide a more detailed breakdown of materials, assets, equipment and energy that they propose to use in construction of the project. This also considers the origin of materials, the transport distances, opportunities for reuse of materials and low carbon alternatives.
10.6 GHG Enhancement Measures			
10.6.2	Reduction of construction emissions. Low carbon materials. Waste reduction and material re-use.	<p>ECC would expect typical measures to be taken to demonstrate how to reduce and avoid GHG emissions on an infrastructure project of this scale.</p> <p>These enhancement measures relate to:</p> <ul style="list-style-type: none"> - <i>reducing or avoiding GHG emissions during construction stage by using electric or low carbon construction equipment, making use of telematics and start/stop technology,</i> 	<p>The Applicant advises that industry standard measures to reduce and avoid GHG emissions will be utilised for the project, with the Main Works Contractor incentivised to demonstrate a reduction in capital carbon over the duration of construction of the project.</p> <p>The CoCP (document 7.5.1 (B)) contains the minimum requirements that will be implemented to reduce and avoid GHG emissions. These include GG12 which details the minimum emissions standards for plant and vehicles, that vehicles are to be correctly maintained and operated in accordance with manufacturer's recommendations and in a responsible manner, and that plant and vehicles will be switched off when not in use.</p>

Reference	Matter	Point Raised	Applicant's Comments
		<p><i>generating renewable energy on-site, using low energy solutions for onsite offices / site compound etc.</i></p> <p><i>- reducing or avoiding GHG emissions associated with the consumption of raw materials, including carbon intensive materials (e.g., concrete, steel, aluminium and cement). Setting ambitious reduction targets for embodied carbon against early assumptions and adopting low carbon solutions throughout.</i></p> <p><i>- further reducing the magnitude of GHG emissions associated with the use of materials and waste disposal, through for example, undertaking pre-demolition assessments which make recommendations for materials re-use, recycling and other recovery or final disposal.</i></p>	<p>The CTMP (document 7.6 (B)) aims to reduce route and journey mileage to and from and around site, in accordance with good practice measure TT01.</p> <p>As stated in paragraph 3.2.2 of ES Appendix 4.3: Greenhouse Gas Assessment [APP-092], the Applicant would request the tendering contractors to propose low carbon alternative materials (as long as the materials also deliver the technical specification requirements needed) as part of their response to the main works package. The tendering contractors would also provide a more detailed breakdown of materials, assets, equipment and energy that they propose to use in construction of the project. This also considers the origin of materials, the transport distances, opportunities for reuse of materials and low carbon alternatives.</p> <p>On tender award this would become the '<i>carbon baseline</i>' for the project and the Main Works Contractor is incentivised to demonstrate a reduction in capital carbon over the duration of construction of the project. The carbon footprint is reviewed on a monthly basis and there would be key performance indicators in place that incentivise the Main Works Contractor to reduce the carbon footprint against the initial baseline.</p> <p>The MWMP (document 7.7(B)) sets out the measures proposed to reduce the generation of waste by applying the waste hierarchy. This includes a number of options (reduce, reuse, recycle compost and/or recovery) to continually to be assessed, which was be initiated from the pre-construction survey.</p>
10.6.3	'Net Zero' impact.	The applicant should aim to be leading the construction industry by example and striving to achieve and play their part in contributing to the national goal of achieving net zero by 2050. Therefore, ECC would urge the applicant to commit to these measures and seek to implement them in full.	As stated in paragraph 3.2.4 of ES Appendix 4.3: Greenhouse Gas Assessment [APP-092], the Applicant has committed to deliver Carbon Neutral construction by end 2025/26, with the focus on the absolute reduction of impacts associated with the delivery for the project. Residual emissions of all the Applicant's projects within the portfolio at the end of 2025/26 (and future years) would be aggregated and offsets delivered in line with the Applicant's Offsetting policy guidelines.
10.6.4	Industry leadership.	As a significant infrastructure provider, the Applicant has a unique opportunity to share resources, knowledge and data nationally, in order to achieve best practice in respect of mitigating the effects of construction, operation and maintenance of energy network infrastructure. However, a limited amount of this is drawn out in the ES and ECC finds this lack of ambition disappointing, and a missed opportunity to drive forward and demonstrate	The Applicant has proactively shared all its embodied carbon data to support calculation of the carbon footprint of electricity infrastructure projects with the other Transmission Operators to help drive a consistent approach across the sector. The Applicant established the Reduction Of Capital Carbon in Infrastructure – Transmission (ROCCIT) group with Scottish Power Energy Networks and SSEN Transmission to jointly own and manage this dataset going forward and the Applicant is planning to publish this data set more widely. The Applicant also proactively carries out regular knowledge sharing sessions with other organisations to share best practice, and to learn from them as per the examples below:

Reference	Matter	Point Raised	Applicant's Comments
		leadership in the construction industry in respect of climate mitigation. It is recommended that it should be addressed, and as a minimum the enhancement opportunities identified fully committed to.	<ul style="list-style-type: none"> • The Applicant has bimonthly sessions with the other Transmission Operators to share its work on sustainability to identify areas to proactively collaborate and drive change across the sector; • The Applicant is an active member of the Energy Network Association environment group, that includes Distribution networks alongside Transmission; • The Applicant is an active member of the Supply chain sustainability school – supporting several of their working groups – to help drive a consistent approach to sustainability throughout the supply chain; and • The Applicant is also part of the Infrastructure Client Group and various innovation groups, such as i3P, which brings client organisations together to share good practices and enable collaboration and knowledge sharing on innovation programmes.

10.7 Significance of Effects on Receptors

10.7.6	UK Carbon Budget. Use of local suppliers.	The Applicant has made the judgement that the construction and operational CO ₂ e numbers are not considered to have a material impact on the ability of the Government to meet its carbon reduction targets. The Applicant also considers that the UK Carbon Budget would not be affected by embodied carbon from imported materials as the Carbon Budget only applies to domestic emissions, however, the Applicant must show caution in seeing this as a reduction in the GHG impacts of the project.	<p>As indicated in paragraph 4.1.3 of ES Appendix 4.3: Greenhouse Gas Assessment [APP-092], the Applicant notes that the embodied carbon from materials potentially imported from outside the UK is included in the carbon estimates for the project. As the UK Carbon Budget only applies to domestic emissions, should steel and other material be imported the project assessment could be considered to represent a worst case.</p> <p>As previously noted, the Main Works Contractor would need to consider the origin of materials and the transport distances. As an example, and as referenced in Table 2.1 of the MWMP [APP-181], the use of local suppliers and providers to provide materials and services to reduce waste is proposed to reduce haulage miles and emissions and this could also provide opportunities with regards to the local supply chain.</p>
10.7.10	Cumulative emissions impact. Emissions calculation.	Whilst ECC understands how the judgement has been made and that it accords with the relevant guidance, it is considered important to highlight the shortcomings of the assessment process in relation to achieving the UK net zero target. If every project of this nature is considered in isolation, then in practice it becomes more unlikely that the UK will meet its net zero target by 2050. It is the cumulative impact of such projects that needs to be assessed.	<p>It is noted that paragraph 5 of Schedule 4 to the Infrastructure Planning (EIA) Regulations 2017 states that an ES is required to include 'a description of the likely significant effects of the development on the environment resulting from, inter alia – (c) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems related to areas of particular environmental importance likely to be affected or the use of natural resources'.</p> <p>Therefore, the focus of an ES is upon whether the project is likely to have a significant effect upon the environment of itself and/or in combination with other existing and/or approved projects. It is not the function of an ES to provide and assessment of the likely significant effects of other potential related or unrelated projects which will be subject to their own assessments</p>

Reference	Matter	Point Raised	Applicant's Comments
			<p>and decision-making processes. As a result, the ES assessed the likely significant effects of the project.</p> <p>It is appropriate to emphasise that the delivery of the project plays a key role in delivering the UK Government's net zero ambitions and delivering up to 50GW of offshore wind connected by 2030. Addressing the shortfalls in transmission capacity is vital to facilitate the ambitious green targets set by the Government, and to contribute to the growth in renewable energy and the decarbonisation of the UK.</p>
10.7.11	<p>Low carbon materials.</p> <p>Waste reduction and material re-use.</p>	<p>It is acknowledged that residual emissions of all projects within the Applicant's portfolio at the end of 2025/26 (and future years) would be aggregated and offsets delivered, however the importance of material efficiency and reducing the direct emissions of the project must far outweigh the reliance on offsetting at the end of the stated period.</p>	<p>See the Applicant's response to reference 10.6.2 above.</p>
10.8 Monitoring			
10.8.3	<p>Operational emissions monitoring.</p>	<p>ECC is satisfied with this approach, however, we stress the importance of monitoring the in-use performance of the asset, to ensure that GHG emissions throughout the assets design life are being met, and future efficiencies are taken when they present themselves to ensure the lowest possible impact from the development.</p>	<p>The majority of operational CO₂e emissions arise from the transmission losses associated with the installed equipment and are a function of their electrical resistivity and the electrical current flowing through this equipment over the course of its operational life. Such losses are uncontrollable, being inherent to the installed equipment, and no specific monitoring of operational emissions associated with these losses is undertaken. However, as clean/renewable generation on the UK electricity network is expected to continue to displace fossil-fuelled generation into the future, the CO₂e emissions arising from transmission losses can be expected to decrease from present levels.</p> <p>Other significant operational CO₂e emissions arise from the leakage of SF₆ insulating gas over the life of the equipment. Such losses are monitored and reported by the Applicant. The Applicant would seek alternatives to SF₆ when these become available on the market.</p>

7. Applicant’s Comments on Chapter 11 (Historic Environment)

7.1 Introduction

7.1.1 This section provides the Applicant’s comments on Chapter 11 (Historic Environment) of the Councils LIR. Section 11.1 and 11.2 cover national and local policies in relation to the historic environment. Section 11.3 sets out the key local context in relation to the historic environment and this quotes the relevant references from the Applicant’s ES, including ES Chapter 8: Historic Environment [APP-076]. The Applicant has no comments to make on these sections of the LIR. Section 11.10 presents a summary of the points already made in the preceding three sections. Therefore, Table 7.1 sets out the Applicant’s comments on Section 11.4 to 11.9 of the LIR, and does not include Section 11.10 which would be duplication.

7.2 Comments Table

Table 7.1 – Applicant’s Comments to Chapter 11 (Historic Environment)

Reference	Matter	Point Raised	Applicant’s Comments
11.4 Adequacy of Application Submission			
11.4.1	Built heritage	The methodology and scope of the assessments conducted to date are considered to be appropriate, identifying the relevant heritage assets which will be affected by the line upgrade. However, further work will need to be done to understand the full impact of the proposals once the route has been finalised, and LoD agreed.	The impact assessment presented within ES Chapter 8: Historic Environment [APP-076] considers the impact of the project. This also takes into account the flexibility offered by the Limits of Deviation (LoD). Paragraph 8.11.7 ES Chapter 8: Historic Environment [APP-076] states that sensitivity testing has been carried out to determine the potential for likely significant effects should alternative designs within the parameters defined by the Limits of Deviation (LoD) be taken forward. In the proposed overhead line sections, the assessment has concluded that the pylons could be located anywhere within the parameters of the LoD (including the vertical LoD) without resulting in significant effects to heritage assets. Paragraph 8.11.8 of ES Chapter 8: Historic Environment [APP-076] covers archaeological remains and concludes that the effects arising from construction work would not be significant. Adverse effects would occur, but these can be mitigated through

Reference	Matter	Point Raised	Applicant's Comments
			<p>implementing the preservation by record approach as set out in the Outline Written Scheme of Investigation (OWSI) [AS-005].</p> <p>Therefore, the Applicant does not consider there to be a need for further work to be undertaken to understand the full impact of proposals as these are already known..</p>
11.4.2	Protected Lanes	BDC has no objection in principle to the assessments used to review protected lanes, however further review is required of their reinstatement following construction. This is explored further in the construction impact section below.	<p>Good practice measure H05 in the CoCP (document 7.5.1 (B)) states that a topographic survey will be undertaken in advance of construction of each protected lane within the Order Limits where likely to be affected by physical works. The survey will include mapping of any historic earthwork features associated with the lane, including banks and ditches. During construction, the Main Works Contractor will seek to limit the width of the working area to the narrowest section of lane that is safe and practicable for the works. Any historic features associated with the lane will be reinstated at the end of construction to the pre-work condition, including the replanting of hedgerows and reinstatement of historic earthworks.</p> <p>ES Chapter 8: Historic Environment [APP-076] states in paragraph 8.6.19 that with H05 in place, that the direct effects to protected lanes would be a short term minor adverse effect, which is not significant. Paragraph 8.6.20 covers indirect effects (such as increased traffic) and concludes that this would be a short-term temporary effect which would amount to no change and a neutral effect, which is not significant. Therefore, the Applicant does not consider further review is required in relation to protected lanes.</p>
11.4.3 to 11.4.4	Archaeology	<p>The Applicant has undertaken desk-based assessment, some geophysics and limited trial trenching, and an aerial photographic assessment although this is not identified in ES Chapter 8: Historic Environment [APP-076], Table 8.1. The sources used for the desk-based assessment are appropriate and BDC support the use of these.</p> <p>It has been recommended that intrusive archaeological evaluation is undertaken on those areas where ground disturbance would occur. This has occurred in limited areas and is continuing but the results of these will be difficult to be integrated into the documentation already submitted as part of the application and the full impact of the project on the historic environment will not be fully defined.</p>	<p>The aerial investigation and mapping is listed in paragraph 8.4.2 of ES Chapter 8: Historic Environment [APP-076] under the desk-based sources rather than listed as part of the site (field) surveys in Table 8.1.</p> <p>The Applicant has undertaken trial trenching in the areas with the greatest soil disturbance i.e. the GSP substation, CSE compounds, main compound and underground cables sections. The overhead lines would require less disturbance of soil, with excavations typically limited to the pylon bases, temporary compounds and where stone access routes are required.</p> <p>The pylon locations are not fixed within the application for development consent, due to the LoD, in order to retain flexibility during detailed design and construction for unforeseen</p>

Reference	Matter	Point Raised	Applicant's Comments
11.4.5	Paleo-environmental report	The lack of ground truthing in the paleoenvironmental report has resulted in the failure to accurately identify the areas significance. Due to the limited level of intrusive evaluation, the level of post determination field work is likely to need to be more detailed to ensure that there is an accurate record of the archaeological deposits impacted by the project.	<p>circumstances. A watching brief will be employed in the overhead line sections where soil excavation is required. These areas would be typically limited to the pylon bases, temporary compounds and any stone access routes required, which could move within the LoD, and therefore, the Applicant considers it disproportionate to the risk and disturbing to the archaeology that may not be affected, to undertake trial trenching in the overhead line.</p> <p>The Archaeological Framework Strategy (AFS) [APP-186] sets out the process that has been followed for the surveys and the results of the surveys have informed the Outline Written Scheme of Investigation (OWSI) [AS-001]. The Applicant is undertaking a final round of trial trenching in the remaining underground cable areas, the results of which will be included in an updated OWSI submitted into Examination at an appropriate deadline.</p> <p>The Applicant has undertaken a desk study to assess the risks associated with encountering deposits of geoarchaeological and palaeoenvironmental interest during construction. As stated in paragraph 8.5.18 of ES Chapter 8: Historic Environment [APP-076], the potential for such remains have been identified within the floodplains of the River Box and River Stour. Overall, there is a high potential for deposits of geoarchaeological and palaeoenvironmental interest focused predominantly within the river valleys.</p> <p>The Applicant has committed to undertaking trenchless crossings at both the River Stour and River Box, and therefore disturbance of the geoarchaeological and palaeoenvironmental deposits is likely to be limited to the drill pits as noted in paragraph 7.2.2 of the OWSI [AS-001]. Paragraph 7.2.4 of the OWSI states that the mitigation proposed at the River Box and the River Stour will include a programme of geoarchaeological assessment that is proportionate to the project impact and the potential significance of the deposits, with details to be determined within the Detailed Written Scheme of Investigation (DWSI). The DWSI is secured through Requirement 6 of the dDCO (document 3.1 (C)), which states that no stage of the authorised development must commence until a DWSI of areas of archaeological interest relevant to that stage (if any) as identified within the OWSI or identified through evaluation work as set out in the OWSI has been submitted to and approved by the County Archaeologist.</p>

Reference	Matter	Point Raised	Applicant's Comments
11.4.6	Mitigation	A programme of investigation and recording does not provide a full record of the surviving archaeology unless there is total excavation. Section 8.8.3 of ES Chapter 8: Historic Environment [APP-076] should accept that the recording of an archaeological site in advance of development can only be partially mitigated by the record and damage is therefore sustained.	ES Chapter 8: Historic Environment [APP-076] and the OWSI [AS-001] both acknowledge the importance of preservation in situ, for example paragraph 1.5.1 of the OWSI states: Retention in situ – This is where known archaeological remains are preserved in place wherever possible. Preservation by record would only be used where archaeological remains are found where retention in situ is not warranted as stated in paragraph 1.3.1 in the OWSI [AS-001].
11.5 Construction Phase Impacts			
11.5.1	Built heritage	The impacts of construction were scoped out of the main Environmental Assessment. This is because as set out in Paragraph 8.3.3 of ES Chapter 8: Historic Environment [APP-076], no historic buildings have been identified as being directly at risk of physical damage from construction activities. BDC agree that there would be no physical impact on built heritage from construction activities within the Order Limits in Braintree District. There may however be some temporary harm to the setting of these buildings during construction, albeit at a low level and of course this would be temporary.	The Applicant notes that BDC is in agreement that there would be no physical impact on the built heritage from construction activities within the proposed Order Limits in Braintree District. Section 4.3 of ES Appendix 8.2: Historic Environment Impact Assessment [APP-127] provides an assessment of effects on listed buildings and changes to the settings of listed buildings during construction and operation of the project. Paragraph 4.3.2 states that there would be temporary effects to the setting of listed buildings during construction ranging from neutral to minor adverse, which would be not significant.
11.5.2 to 11.5.4	Protected Lanes	BDC support the re-instatement of any trees/hedgerow or other aspects of the protected lane which are to be altered. BDC is however concerned that the protected lanes contain many old hedgerows; these old hedgerows will be difficult to replace, and any replacement may not be able to match the character of such old hedgerows, leading to an interruption of the historic integrity of the lanes. Given their age, some of the road banks may also have some archaeological interest. Taking into account the above, BDC request that the necessary works to the protected lanes are located in the lower quality sections of the lanes wherever possible. It is not apparent from the documentation whether this has been explored and alternative access / underground cabling locations considered. It is also requested that a suitable management plan of any replacement planting be made through the requirements to ensure that any replacement planting survives. While it is stated that good practice measures will be applied in the CoCP [APP-178], BDC request further requirements for effective	See the Applicant's comment to reference 11.4.2 above regarding the assessment undertaken in relation to protected lanes and good practice measure H05. The main impacts on protected lanes are in relation to the cable crossing points and temporary accesses. With regards to the cable crossing points, these need to be located at the points where the alignment of the underground cables cross the protected lanes. Lengthening the cable alignment to utilise a lower quality section of the lane would result in bends to the cables and a much larger construction footprint due to a less efficient alignment. In the locations where an access point or temporary access route crosses a protected lane, these have typically been chosen at locations where there is an existing access point (e.g. for the arcing horn works) or at a location where there is a lower quality section of protected lane where this does not result in an unnecessarily long diversion. Section 6.8 of the LEMP (document 7.8 (B)) sets out the measures regarding protected lanes. This should be read

Reference	Matter	Point Raised	Applicant's Comments
		management of any replacement hedgerows/trees to ensure their survival.	alongside LEMP Appendix A: Vegetation Retention and Removal Plan [APP-183] and Appendix B: Vegetation Reinstatement Plan (document 7.8.2 (B)), which set out the vegetation that would be lost and reinstated in relation to protected lanes. Section 9.2 of the LEMP sets out the aftercare arrangements regarding hedgerows. The LEMP and its appendices are secured by Requirement 4 of the dDCO (document 3.1 (C)). Therefore, the Applicant does not consider that a further management plan is required for protected lanes.
11.5.5 to 11.5.7	Non-designated archaeological remains	<p>The proposed route has the potential to cause damage or destroy archaeological deposits during construction. Although the required groundworks are limited around new and existing pylons, the construction of new accesses, temporary access routes and compounds have the potential to disturb below ground deposits. The undergrounding of sections of the proposed route also has the potential to cause significant impact due to the width (80m) of the working corridor required for the burial of the cables.</p> <p>Within section 8.8.2 of ES Chapter 8: Historic Environment [APP-076], it is difficult to assess that the buried archaeology will be of low value as there has only been limited intrusive evaluation to confirm the significance of the deposits. Any archaeological field work undertaken post consent on those areas without trial trenching would have to be in the form of a programme of strip map and sample to appropriately deal with the archaeological potential. As such the Figure 1 in the OWSI [APP-187] would need to be updated.</p> <p>Although the approach identified within the OWSI is acceptable, the argument that there would be no significant effect on the historic environment is misleading (paragraph 8.12.1 [APP-076]), in that although a record will have been made of the below ground heritage assets these would have been destroyed by the development. BDC/ECC ask that this is at least recognised in the documentation.</p>	<p>The Applicant notes that underground cables (not overhead lines) are proposed within Essex. The LIR also notes that the direct impacts involve an 80m swathe during construction. This is correct in areas of cable using open cut methods. However, the Applicant notes that approximately 40% of the cable route, within ECC, is executed using a trenchless construction techniques. Therefore the effects on buried archaeology would be limited to the drill pits at either end of the trenchless crossings.</p> <p>All of the cable sections in ECC (excluding the areas beneath the trenchless crossings) either have been or are currently being subject to trial trenching (due for completion by the end of October 2023). Once complete, the information derived from the investigations will inform an updated OWSI [AS-001] that will be submitted into Examination at an appropriate deadline. Where important archaeological remains are present and at risk of removal or damage, then strip, map and sample will be recommended as mitigation in the updated OWSI.</p> <p>Removal of and damage to archaeological remains has been fully acknowledged in the ES Chapter 8: Historic Environment [APP-076] and ES Appendix 8.2: Historic Environment Impact Assessment [APP-127]. There will be no significant effects on archaeological remains following mitigation. The term 'significance' in EIA has a specific meaning which can differ from the way in which the word is commonly used.</p>
11.5.8	Value of sites	<p>Within paragraph 8.5.16 of ES Chapter 8: Historic Environment [APP-076] there is concern that the interpretation of no value is given to sites where artifacts have been removed from their original context. It is our view that these provide an indication of the potential for sites of that period being present within that</p>	<p>The archaeological value assigned to artefacts in the assessment in ES Chapter 8: Historic Environment [APP-076] and ES Appendix 8.1 Annex A: Gazetteer [APP-126] represents the value of the asset itself and not the potential for buried archaeology. The latter is accounted for in the OWSI [APP-187]</p>

Reference	Matter	Point Raised	Applicant's Comments
		area and thus should be seen as an indicator of occupation rather than being given no value. For instance, MSF5670 in ES Appendix 8.1 Annex A: Historic Environment Gazetteer [APP-126] pg. 16, is described as many black patches with pottery, this is given a 'No Value' as assigned value. However, this is as likely indicative of settlement activity and potentially significant. There are a number of examples like this which BDC/ECC would recommend should be reassessed.	where archaeological mitigation is focussed on areas where construction activity involves the removal of topsoil.
11.6 Operational Phase Impacts			
11.6.1	Built heritage	While there are no designated built heritage assets within the Order Limits, their settings still have the potential to be impacted by the completion and operation of the project. An assessment has been carried out for each of the Listed Buildings on Table 4.2 on ES Appendix 8.2: Historic Environment Impact Assessment [APP-127] and the Historic Buildings Consultant was largely in agreement with the findings of this. Furthermore, there are no additional built heritage assets which BDC consider need to be added to the list of potential heritage impacts. However, as this application progresses, further detail must be given regarding the heritage assets which have been identified as affected by the proposals, with a targeted landscape and heritage led scheme implemented to minimise any visual or other affects to the setting of heritage assets along the route.	The Applicant welcomes comments made on the built heritage assessment. As noted in the LIR [REP1-0045], the Applicant has undertaken an assessment for each of the Listed Buildings in Table 4.2 of ES Appendix 8.2: Historic Environment Impact Assessment [APP-127]. Paragraph 8.9 of ES Chapter 8: Historic Environment [APP-076] states that the assessment has concluded that there are no likely significant effects in relation to the historic environment during operation. Therefore, no additional mitigation has been identified. The Applicant does not consider that further detail needs to be provided or that there is a requirement for a targeted landscape and heritage led scheme. It is also worth mentioning that approximately 2.8km of the existing 132kV overhead line will be removed in Essex (where this coincides with the undergrounding there will be one less overhead line in the landscape). In addition, no new sections of overhead line are proposed in Essex. Embedded mitigation planting will be implemented at the GSP and Stour Valley West CSE compounds which will be maintained for the lifetime of the asset.
11.6.3	Protected lanes	It is not anticipated that there would be any significant effects on the protected lanes during operation, other than the occasional maintenance vehicle being used to service relevant sections of the development during its operational life.	The Applicant concurs with the LIR [REP1-0045] that there would be no significant effects on the protected lanes once development is operational. The effects associated with the occasional maintenance vehicle would result in no change from the existing baseline assessment.
11.6.4	Non-designated archaeological remains	No significant effects are anticipated on archaeology during the operation of the project.	The Applicant concurs with the LIR [REP1-0045] that there would be no significant effects on non-designated archaeological remains once development is operational.

Reference	Matter	Point Raised	Applicant's Comments
11.7 Decommissioning Impacts			
11.7.1	Built heritage	It is not anticipated that there will be significant negative effects on built heritage during any future decommissioning.	The Applicant concurs with the LIR [REP1-0045] that there are unlikely to be any significant negative effects on built heritage from any future decommissioning.
11.7.2	Protected lanes	It is likely that there would be negative impacts on the protected lanes during any decommissioning, as access will likely be required as before, to be able to remove the equipment, which will likely require the removal of further trees and hedgerows.	Section 4.10 of ES Chapter 4: Project Description [APP-072] states that in the event that, at some future date, the authorised development, or part of it, is to be decommissioned, a written scheme of decommissioning would be submitted for approval by the 'relevant planning authority' at least six months prior to any decommissioning works, as per Requirement 12 in the dDCO (document 3.1 (C)) . The decommissioning works would follow the Applicant processes at the time for assessing and avoiding or reducing any environmental impacts and risks.
11.7.3	Non-designated archaeological remains	It is not anticipated that there will be any archaeological impacts from decommissioning, as deposits will already have been disturbed, unless new areas of ground are required to be worked on.	The Applicant concurs with the LIR [REP1-0045] , that there are unlikely to be any archaeological impacts from decommissioning, as deposits will already have been disturbed.
11.8 Required Mitigation / Enhancements			
11.8.1	Built heritage	BDC consider that mitigation measures (including planting) will have an impact upon the setting of numerous heritage assets, as well as the line upgrade itself. Care must be taken to ensure any necessary mitigation measures are measured and well thought out, to cause minimal disruption to existing positive settings. Opportunities to enhance the settings of listed buildings must also be taken, in line with the statutory duty outlined in section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.	<p>The Applicant considers that the setting of many heritage assets will be improved by the removal of sections of the existing 132kV and 400kV overhead lines in Essex coupled with underground cables and trenchless crossings proposed for the proposed 400kV transmission line. The heritage consultant has been involved in discussions on the location of the proposed planting as shown on LEMP Appendix B Vegetation Reinstatement Plan (document 7.8.2 (B)) and the planting proposals are not considered to have an adverse effect on the setting of heritage assets.</p> <p>Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, applies to all decisions concerning listed buildings and requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Direct physical impacts to listed buildings was scoped out of the ES as no listed buildings would be directly damaged or removed as a result of the project. Where changes to the setting of listed buildings have been identified, in all cases, these are not</p>

Reference	Matter	Point Raised	Applicant's Comments
			significant and would result in less than substantial harm to the asset in question. This evidences the Applicant's compliance with the statutory duty in this respect.
11.8.2	Protected lanes	A commitment should be made not only to restore any affected vegetation as part of the restoration programme following construction, but also a commitment to improving the overall historic character of the lanes where appropriate by including additional hedgerow infilling etc across the whole lane.	As stated in H05 of the CoCP (document 7.5.1 (B)), the Main Works Contractor will seek to limit the width of the working area to the narrowest section of lane that is safe and practicable for the works. Any impacts on Protected Lanes would be limited to the construction of the project and would be temporary in nature. Any historic features associated with the lane will be reinstated at the end of construction to the pre-work condition, including the replanting of hedgerows and reinstatement of historic earthworks. It is, therefore, considered the project would protect the features of the Protected Lanes, resulting in less than substantial harm to the assets, thus not requiring specific enhancement measures. The replacement of vegetation (including hedgerow reinforcement) is shown on LEMP Appendix B Vegetation Reinstatement Plan (document 7.8.2 (B)).
11.8.3	Non-designated archaeological remains	It is recommended that the REAC [APP-179] has a further mitigation measure included so that there is a commitment that all the archaeological field work would require sign off from local authority archaeological advisors, prior to the commencement of development as identified in section 2.2.2 of the OWSI [APP-187]. This will integrate the archaeological process into the overall programme of environmental mitigation.	The OWSI [AS-001] is already secured through Requirement 6 of the dDCO (document 3.1 (C)) and, therefore, the Applicant does not consider that there is a need to duplicate this commitment in the REAC. However, as the Examining Authority has requested the REAC be extended to include all measures relied upon in the ES, this measure has been added to the updated REAC provided at Deadline 3 (document 7.5.2 (B)).
11.9 Outline Written Scheme of Investigation			
11.9.1 to 11.9.2	Strip map and sample	While the OWSI is generally supported by BDC/ECC, there are some changes recommended and these are set out below. Under 5.1.1 - it should state that strip map and sample has the potential to lead onto open area excavation (section 4 of 7.10) of smaller areas	The Applicant acknowledges that strip, map and sample (SMS) can lead to open area excavation (OAE). However, the OWSI [AS-001] sets out distinct OAE and SMS areas where excavation and recording under both approaches would be sufficient to meet the objectives of archaeological mitigation.
11.9.3	Strip map and sample locations	Section 5.2 - It is recommended that this should include all of those areas where topsoil removal is required and that trial trenching has not occurred. These areas will not have been fully assessed and as such their potential has not been defined.	The SMS locations will be confined to the areas of proposed underground cables (excluding trenchless crossings). See the Applicant's comments to references 11.5.5 to 11.5.7 above regarding areas where trial trenching has been completed.

Reference	Matter	Point Raised	Applicant's Comments
11.9.4	Watching briefs	Section 6.2 - identifies watching briefs taking place in areas where trial trenching has occurred. BDC/ECC do not see this as required unless as a specific result of the trial trenching showing very limited archaeological deposits present as within the new substation area. BDC/ECC would also recommend that this is not used in areas where no previous intrusive evaluation has occurred as this will likely cause considerable delay to the construction programme if deposits are identified	<p>The OWSI [AS-001] will be updated following the completion of the final trial trenching and will be submitted at an appropriate deadline. This version will remove the need for a watching brief in areas within Essex which have been subject to trial trenching and show limited archaeological deposits being present.</p> <p>It is also worth mentioning that approximately 2.8km of the existing 132kV overhead line will be removed in Essex (where this coincides with the undergrounding there will be one less overhead line in the landscape). In addition, no new sections of overhead line are proposed in Essex.</p>
11.9.5	Geoarchaeological and Palaeo-environmental potential	Within Section 7.2.4 of the Geoarchaeological and Paleoenvironmental Mitigation proposed mitigation is very general considering this is a very targeted location. It has been recommended in earlier meetings by the Host Authorities that these drill pits needed to be assessed in advance of submission by boreholes or other assessment methods to fully understand the significance of the deposits on site.	<p>The Applicant has committed to undertaking trenchless crossings at both the River Stour and River Box, and therefore disturbance of the geoarchaeological and palaeoenvironmental deposits is likely to be limited to the drill pits as noted in paragraph 7.2.2 of the OWSI [AS-001]. Paragraph 7.2.4 of the OWSI states that the mitigation proposed at the River Box and the River Stour will include a programme of geoarchaeological assessment that is proportionate to the project impact and the potential significance of the deposits, with details to be determined within the DWSI. The DWSI is secured through Requirement 6 of the dDCO (document 3.1 (C)), which states that no stage of the authorised development must commence until a DWSI of areas of archaeological interest relevant to that stage (if any) as identified within the OWSI or identified through evaluation work as set out in the OWSI has been submitted to and approved by the County Archaeologist. Therefore, the County Archaeologist will have a further control over the mitigation proposed at the locations where palaeoenvironmental deposits are anticipated.</p>
11.9.6	Notification period	Under Section 8.5.3, only providing the Local Authority Advisors a period of 10 days to read the publication report is inadequate, considering the scale and potential significance of the archaeological publication report. At no point elsewhere in the document is time identified for responses, it is unclear why it appears here. It would be more appropriate to give three months for this considering the likely size of this report.	<p>The wording of paragraph 8.5.3 of the OWSI [AS-001] refers to the time the authoring contractor has in making the amendments following the comments of the local authority advisors, not the time that the local authority advisors have to comment on the report. The timescales that the local authority advisors would have to comment on any relevant documents would be agreed through the DWSI.</p>

8. Applicant's Comments on Chapter 12 (Flood Risk and Water Quality)

8.1 Introduction

- 8.1.1 This section provides the Applicant's comments to Chapter 12 (Flood Risk and Water Quality) of the Councils LIR. Section 12.1, 12.2 and 12.3 cover national and local policies in relation to flood risk and water quality. Section 12.4 sets out the key local issues in relation to flood risk and water quality and quotes the relevant references from the Applicant's application documentation, including the Flood Risk Assessment (FRA) [APP-059]. Essex County Council, as the Lead Local Flood Authority, notes in Section 12.5 that the FRA has assessed flood risk from all sources including existing risk of flooding and any flood risk increased due to the project and that it is satisfied with the level of information provided to support that the project would not increase risk of flooding from surface water, ground water and from ordinary watercourses during the operational phase of the development.
- 8.1.2 Section 12.6 relates to the surface water drainage strategy. This notes that the Applicant has developed the Surface Water Drainage Strategy to support the application for the project in accordance with the Sustainable Drainage Strategy Guide and that discussions have taken place to ensure that the project complies with the Essex Design Guide and best practises. The LIR notes that surface water drainage system have been developed in accordance with local standards, national planning policies and industrial best practice guidance to minimise the impact from the project and to maximise the amenity and biodiversity opportunities.
- 8.1.3 The Applicant has no comments to make in relation to LIR Chapter 12 Flood Risk and Water Quality.

9. Applicant’s Comments on Chapter 13 (Geology and Hydrogeology)

9.1 Introduction

9.1.1 This section provides the Applicant’s comments to Chapter 13 (Geology and Hydrogeology) of the Councils LIR. Section 13.1 and 13.2 cover national and local policies in relation to geology and hydrogeology. Section 13.3 sets out the key local context in relation to geology and hydrogeology, noting that many of the project impacts are focused on the construction phase. The Applicant has no comments to make on these sections of the LIR. Section 13.8 of the LIR summarises the detailed points made in Sections 13.4 to 13.7 and concludes that ‘overall, the conclusions of Chapter 10 appear reasonable’. Therefore, Table 9.1, sets out the Applicant’s comments on Section 13.4 to 13.7 which set out the detailed comments in relation to geology and hydrogeology.

9.2 Comments Table

Table 9.1 – Applicant’s Comments on Chapter 13 (Geology and Hydrogeology) of the LIR

Reference	Matter	Point Raised	Applicant’s Comments
13.4 Impacts From Construction Activities Including Directional Drilling, And Surface Water Run Off During Construction			
13.4.1	Private water supplies (PWS)	The CEMP [APP-177] explains the measures that will be taken to protect PWS. These measures are generally reactive rather than protective, other than where works will take place for more than 100 days within 500m of a PWS. It is not clear where this criterion has come from to protect PWS. Further clarification should be provided.	The criterion is based on a pragmatic view of the potential for significant impacts, and are the criterion presented in the Scoping Report [APP-156]. Paragraphs 10.3.19 to 10.3.21 of the CEMP (document 7.5 (B)) note that the criterion is proposed for any PWS that are identified within the Order Limits following further landowner discussions. These are the same criterion that have been used for the assessments undertaken on already identified PWS as presented in ES Appendix 10.2: Groundwater Assessment and Baseline [APP-131].
13.4.2	PWS at Ansell’s Farm	Clarification should also be provided about how the approach relates specifically to the PWS well at Ansell’s Farm. Could there be hydraulic continuity between the strata that would be intersected by the indicative trenchless crossing profile and this PWS well?	The reference to the PWS at Caldecott is different to the PWS at Ansell’s Farm. The PWS at Ansell’s Farm is located at the western end of the proposed trenchless crossing (South of Ansell’s Grove). Section 3.4 of ES Appendix 10.2: Groundwater Assessment and Baseline [APP-131] has identified that dewatering is not anticipated at the western end of this proposed

Reference	Matter	Point Raised	Applicant's Comments
		ES Appendix 10.2: Groundwater Assessment and Baseline [APP-131] provides an assessment of the effects of this trenchless crossing, which refers to a PWS at Caldecott but not to the well at Ansell's Farm.	trenchless crossing and, therefore, impacts on the PWS at Ansell's Farm are not anticipated.
13.4.2	Sites with potential for contamination	Annex A of ES Appendix 10.1: Geology Baseline and Preliminary Risk Assessment [APP-130] lists the sites that are scoped out of the land contamination assessment, on the basis of a low / very low potential for contamination. These include an area of 'unknown infill' stated to be within the Order Limits at co-ordinates '58764, 237139'. There appears to be a missing digit in the first co-ordinate (i.e., only five digits) so it is not clear whether this feature is within BDC/ECC's geographical boundary. If it is, then further information on why this has been scoped out would be helpful as 'unknown infill' cannot necessarily be considered low risk without further explanation.	The site referred to has an ID BT325 and the coordinates should be 587964, 237139. This has been added to the Errata List [REP2-066] which was submitted at Deadline 2. This site was described as a potentially contaminated site in information received from BDC, which provided no further detail other than 'unknown infill'. However, since the first review of the site, which is very small, the Order Limits have evolved and the site now sits outside of both the Order Limits and the study area and therefore does not require any further assessment.

13.5 Completeness of The Baseline Assessment of Historical Mapping

13.5.1 and 13.5.2	Data sources for contaminated land	It is not clear from a review of ES Appendix 10.1: Geology Baseline and Preliminary Risk Assessment [APP-130] about precisely what historical mapping information has been used to define the baseline for the land contamination desk study. It would be helpful if a list of the mapping editions and dates that have been reviewed can be provided.	Section 3.2 of ES Appendix 10.1: Geology Baseline and Preliminary Risk Assessment [APP-130] describes the information sources. These include the National Library of Scotland for historical Ordnance Survey mapping typically between the late 1800s and the 1970s. Google Earth historical aerial imagery has been reviewed, with dates typically between the mid 1940's through to present day and supplemented by historical aerial photographs (Britain from Above) for various dates (which differ for different areas/places). This data is further supplemented by information requested and obtained from the Local Authority, the Environment Agency and the Defra MAGIC map.
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13.6 Unforeseen Contamination

13.6.1 and 13.6.2	Unexpected contaminated ground	The CEMP [APP-177] states that ' <i>if unexpected contaminated ground is identified, it should be excavated, segregated and stockpiled in an appropriate manner prior to being sampled</i> '. However, this may not necessarily be the correct sequence of operations, as for some suspected contaminated materials it is necessary to sample them first to ensure that the excavation can be	The Applicant can confirm that paragraph 10.3.12 of the CEMP (document 7.5 (B)) submitted at Deadline 3 has been amended to clarify this wording.
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Reference	Matter	Point Raised	Applicant's Comments
		carried out safely. As such, it is suggested that further refinements are made to the CEMP to resolve this.	
13.7 Regulatory Mechanism to Approve the Post Consent Assessment of the Effects of Directional Drilling on Ground Water			
13.7.1	Hydrogeological risk assessment	Paragraph 10.6.15 of ES Chapter 10: Geology and Hydrogeology [APP-078] explains that additional, post-consent, hydrogeological risk assessment work will be carried out at each trenchless crossing location once the trenchless crossing construction methods and associated details have been determined. However, it is not clear whether there is any regulatory mechanism for approving or questioning this post-consent assessment.	The Applicant has updated GH07 in the CoCP (document 7.5.1 (B)) submitted at Deadline 3 to say ' <i>The hydrogeological risk assessment will be submitted to the Environment Agency for approval prior to construction. The Environment Agency will have up to 21 working days to respond on the hydrogeological risk assessment and their comments will be considered as part of finalising the risk assessment. This can be supported by a pre-submission draft to reduce the risk of any delays.</i> '

10. Applicant’s Comments on Chapter 14 (Agriculture and Soils)

10.1 Introduction

- 10.1.1 This section provides the Applicant’s comments on Chapter 14 (Agriculture and Soils) of the Councils LIR. Section 14.1 and 14.2 cover national and local policies in relation to agriculture and soils. The Applicant has no comments to make on these sections of the LIR. Section 14.3 sets out the key local context in relation to agriculture and soils, noting that many of the project impacts are focused on the construction phase. This notes the error identified at the Issue Specific Hearing on 14 September, which is addressed in Table 10.1. It also requests further information in respect to soil surveys, which are also covered in Table 10.1.
- 10.1.2 Section 14.4 and 14.5 cover comments from ECC and BDC on the local impact of the project and proposed mitigation. Table 10.1 sets out the Applicant’s comments on Sections 14.3 to 14.6 of the LIR which relate to agriculture and soils.
- 10.1.3 Section 14.6 of the LIR summarises the detailed points made in Sections 14.4 to 14.5 and is not duplicated in Table 10.1. Therefore, Table 10.1, sets out the Applicant’s comments on Section 13.3 to 13.5 in relation to agriculture and soils.

10.2 Comments Table

Table 10.1 – Applicant’s Comments to Chapter 14 (Agriculture and Soils) of the LIR

Reference	Matter	Point Raised	Applicant’s Comments
14.3 Key Local Context			
14.3.2	Agricultural land	Paragraph 11.5 of ES Chapter 11: Agriculture and Soils [APP-079], sets out the extent of agricultural land affected by the proposal; 644ha within the Order Limits. However, it is noted from the first Issue Specific Hearing that there was a conflict in some documents about the amount of agricultural land affected by the project.	The Applicant can confirm that the number (720ha) quoted in the ES Non-Technical Summary [APP-068] is incorrect. This has been added to an Errata List which was submitted at Deadline 2 [REP2-066]. The total area of the Order Limits is 644ha, as is correctly referenced in ES Chapter 11: Agriculture and Soils [APP-079]. Of this 644ha, approximately 243ha (38%) is Grade 2 (very good) and 340ha (53%) is Grade 3 (good to moderate), based on the Defra Agricultural Land Classification (ALC) GIS layers. The remaining land (60ha) within the Order Limits is classified as either Grade 4 or non-agricultural land using the Defra GIS layer.

Reference	Matter	Point Raised	Applicant's Comments
14.3.3 to 14.3.5	Agricultural land classification (ALC) and best and most versatile (BMV) land surveys	<p>The majority of the ALC grade for the project has been derived through mapping data, with only detailed site-specific soil sampling carried out on land proposed for the CSE compounds and GSP substation. As such, the maps do not distinguish between Grade 3a and 3b (between Best and Most Versatile (BMV) or not).</p> <p>The Inspector issued a Rule 9 Letter requesting a timetable for further surveys to be completed for the temporary access route off the A131 to inform the examination proceedings. At the time of writing these surveys should now be complete but no further evidence has been received.</p>	<p>The baseline value of the land presented in ES Chapter 11: Agriculture and Soils [APP-079] was based on the Defra ALC mapping data. This mapping, at a scale of 1:250,000, does not distinguish between Grades 3a and 3b but provides an indication of the likely land classification. For the purposes of the assessment and as noted in paragraph 11.4.7, the ES assumed a reasonable worst case, that all Grade 3 land was BMV land.</p> <p>As noted in paragraph 11.4.6 of ES Chapter 11: Agriculture and Soils [APP-079] the site surveys were undertaken to identify the ALC grade at the locations where there was anticipated to be the greatest disturbance e.g. areas of permanent land take, comprising the CSE compounds and GSP substation.</p> <p>Soil verification surveys were completed for approximately 40% of the length of the temporary access route off the A131 in September 2023. The preliminary field investigation indicates that the soil quality is 'good' (i.e. ALC Grade 3a and therefore BMV). Soil surveys also recommenced in Summer 2023 on the project for all the undergrounded cable sections. Findings from these surveys, alongside those presented in ES Appendix 11.1: Agricultural Land Classification Survey [APP-133], will be utilised in the development of appropriate soil handling strategies during construction and reinstatement as set out in paragraph 11.3.6 of the CEMP (document 7.5 (B)). The temporary access route off the A131 would be in place for the duration of construction activities, following this the access would be removed and the land reinstated (including replanting of hedgerows and removal of temporary bridging structures) .</p>

14.4 Local Impact of Development

14.4.1 to 14.4.3	Impacts on land use and soils at the GSP substation	<p>Paragraph 11.6.20 of ES Chapter 11: Agriculture and Soils [APP-079] states that there would be a temporary loss of 6.95ha of land from arable production at the GSP substation. This is a significant amount of land, with operation of the development not planned until around autumn 2028 while construction is completed.</p>	<p>As noted in paragraph 11.6.20 of ES Chapter 11: Agriculture and Soils [APP-079], there would be a temporary loss of 6.95ha of BMV land from arable production. This is considered to be a medium magnitude impact on a receptor of low sensitivity, resulting in a minor effect which would be not significant.</p> <p>The Applicant has purchased the site of the GSP substation and is constructing the project in accordance with the Town</p>
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Reference	Matter	Point Raised	Applicant's Comments
			and Country Planning Act planning application approved by BDC (planning application reference: 22/01147/FUL).
14.4.4 to 14.4.10	Construction effects on agricultural land due to the temporary access route off the A131	<p>The temporary access route off the A131 would impact a significant quantity of agricultural land for up to four years during construction, which will affect farmers income. It is noted that compensation is being discussed with the landowners and BDC cannot comment on this.</p> <p>It is noted that the local roads are capable of taking combine harvesters and other large agricultural vehicles. As such, BDC request that further exploration is given to whether the local roads or a hybrid solution are used to best access the Stour Valley West CSE compound.</p>	<p>If a landowner's income and business is affected by the project, they can request compensation from the Applicant. Any claims regarding compensation would be addressed outside of the DCO process and compensation is not a 'relevant' and 'important' matter for the DCO process.</p> <p>Further details on the temporary access route off the A131 and alternatives considered can be found in Chapter 11 of this Document. The Technical Note on Temporary Access Route off the A131 (document 8.5.5) presents the optioneering, decision making and outline design principles with regards to the temporary access route has been submitted at Deadline 3. It is also worth mentioning that whilst the local road network will experience agricultural traffic and machinery, it is likely that the AILs required for the project would be larger than this.</p>
14.4.11 to 14.4.14	Operation phase impacts	In terms of the permanent loss of BMV land, this would be much more limited than that affected by construction, with farming able to take place near new pylons.	Approximately 2.8km of the existing 132kV overhead line will be removed in Essex (where this coincides with the undergrounding there will be one less overhead line in the landscape). In addition, no new sections of overhead line are proposed in Essex, including new pylons.
14.4.14	Decommissioning phase impacts	These will be similar to the construction phase impacts.	Noted. The Applicant has no comment on this point.
14.5 Required Mitigation			
14.5.1 to 14.5.2	Measures to protect soil	The CoCP (document 7.5.1 (B)) sets out standard good practice measures to protect the quality of soils. BDC consider that any and all measures to preserve the quality of all agricultural land affected by the development is paramount and would appreciate that this is discussed further in the hearing sessions.	The Applicant will await further feedback from BDC regarding the good practice measures outlined within the CoCP (document 7.5.1 (B)) and Chapter 11 of the CEMP (document 7.5 (B)). The CEMP and its appendices are secured through Requirement 4 of the dDCO [APP-034]. The Applicant will leave it to the discretion of the Examining Authority to decide on whether this matter is discussed in the hearing sessions.

11. Applicant's Comments on Chapter 15 (Traffic and Transport)

11.1 Introduction

- 11.1.1 This section provides the Applicant's comments on Chapter 15 (Traffic and Transport) of the Councils LIR. Section 15.1, 15.2 and 15.3 cover National and Local Policies in relation to Traffic and Transport. The Applicant has no comments to make on these sections of the LIR. Section 15.4 details the context in which ECC has undertaken its assessment. The Applicant has no comments to make on Sections 15.4.1 through to and including 15.4.5. Table 11.1 contains the Applicant's comments to paragraph 15.4.6.
- 11.1.2 Section 15.5 to 15.10 cover point from ECC on the Transport Assessment (TA) [APP-061], Consents and Licences, Access Rights of Way and Public Navigation Plans [APP-012], the CTMP, abnormal indivisible loads (AIL) and PRoW. Table 11.1 covers the Applicant's comments on these matters.

11.2 Comments Table

Table 11.1 – Applicant's Comments no Chapter 15 (Traffic and Transport) of the LIR

Reference	Matter	Point Raised	Applicant's Comments
15.4 Key Local Issues			
15.4.6	Topic meetings	ECC remain concerned that pre-submission discussions on the strategy and specifics of this DCO in respect of highways and transportation issues have not been sufficiently developed.	<p>The TA [APP-061] is based on the Proposed Alignment and the forecast traffic numbers, which have been benchmarked based on similar projects. The TA assumed the peak construction numbers (including contingency) to present a worst case scenario. The TA concludes in paragraph 8.1.7 that the project is not anticipated to have a substantial impact on the transport network during construction.</p> <p>The Applicant will continue to engage with ECC through the ongoing Thematic Meetings on Highways and seek to provide the assurances and gain acceptance through the relevant securing mechanisms.</p> <p>Once a Main Works Contractor is appointed further detail will be developed within the scope set out in the DCO application.</p>

Reference	Matter	Point Raised	Applicant's Comments
15.5 Transport Assessment			
15.5.1	Traffic impact	ECC would welcome further discussion for example in respect of working hours and seasonal variation, construction, and worker traffic generation etc.	<p>The Applicant notes that traffic impacts have been discussed in the ongoing Thematic Meetings on Highways. More details of the detailed forecast link-by-link traffic flows that underpinned the TA [APP-061] will be shared as part of this joint working. These are based on monthly flows by vehicle category (LGV, OGV1 and OGV2 and worker-transport); this is the most detailed level of forecasting that can be provided at the preliminary design stage. The Applicant will continue to hold further discussions with the Councils regarding this matter through Thematic Meetings on Highways.</p> <p>In terms of the working hours, the Applicant has responded to this in Table 13.1 in Chapter 13: Applicant' Comments on Chapter 17 (Noise and Vibration).</p>
15.5.2	Traffic impact	<p>It remains difficult to extract information relating to the uplift of vehicles on individual roads that are proposed to be used by construction traffic between the A and B road network and individual pylon sites.</p> <p>Construction vehicle numbers have been shown in the peak hours within the Transport Assessment but this is generic and it is difficult to understand if this is completely representative given that activity levels will vary over the duration of the project and therefore it is not entirely clear from the submission what the actual numbers and mix of traffic is anticipated to be on the local road network and if this requires additional mitigation.</p>	<p>See comments on reference 15.5.1 regarding additional information to be provided.</p> <p>In response to the feedback received from the Councils, the Applicant has added the proposed construction routes to Appendix A of the CTMP (document 7.6 (B)).</p> <p>The TA [APP-061] is based on expected construction traffic in August 2025 when vehicle generation (construction vehicles and staff vehicles combined) is expected to be at its highest level across the construction programme. Contingency uplifts have been added to the forecasts that significantly increase the level of construction traffic assessed. These are summarised in section 6.2 of the TA [APP-061]. The flows presented in Figure 7 of the TA [APP-061] therefore represent forecast construction traffic between 0800-0900 and between 1600-1700 (the network peak hours when background traffic is expected to be at its highest level) during a peak day for construction activity (in August 2025) but with significant contingency included as explained by the Applicant during Issue Specific Hearing 1 [REP1-024]. These forecasts represent a reasonable worst case for the entire construction programme and are the basis of the analysis and conclusions in the TA [APP-061]. Traffic levels will vary in different months across the construction programme but are expected to be lower than those presented in Figure 7. The approach to assessing traffic impacts in the TA [APP-061], summarised above, is standard practice and is in line with relevant Transport Assessment guidance.</p>
15.5.3 to 15.5.4	Traffic impact	For example, where access is required to a discreet pylon construction what typical vehicle mix would this involve and over what duration? Presumably access would only be required for a limited window within the overall project period,	See comment above to reference 15.5.1 and 15.1.2.

Reference	Matter	Point Raised	Applicant's Comments
		but this is not clear. It would assist in clarity if more specific detail could be given as to the locations of the construction compounds.	
15.5.5	Traffic impact	The Transport Assessment makes reference to the A12 widening project. Since the preparation of the supporting information there may now be greater clarity on vehicle numbers and distribution following the DCO hearings and this should be considered.	As set out in section 5.2 of the TA [APP-061], the A12 widening application documents available at the time did not suggest there would be any substantial construction impacts on the local road network north of the A12 and did not include any detailed information on traffic impacts (only high-level construction forecasts without any details on routing or locations of impacts). The Applicant also notes that it has closed out all matters with National Highways, as set out in the Statement of Common Ground submitted at Deadline 3 (document 7.3.4(B)).
15.5.6	Temporary Haul Road	The proposal to provide a temporary access route off the A131 is supported in principle by ECC and would significantly reduce the impact of construction traffic, particularly heavy goods vehicles (HGV), on the local road network (LRN) and reduce the necessity to carry out local mitigation schemes significantly on these roads.	Noted. The Applicant thanks ECC for their agreement in principle for the temporary access route off the A131.
15.5.6 to 15.5.7	Temporary Haul Road	<p>It is acknowledged that BDC have a different view to ECC on the acceptability of the temporary access route off the A131, given the impact on local farmers and wish for further alternative measures to be explored to access the sealing compound from the A131.</p> <p>In any case, it was anticipated that additional information regarding the form and construction of the temporary access route and its junction with the A131 would be included within the DCO submission. This information does not appear to have been provided and therefore it cannot be concluded that this mitigation is appropriate or deliverable.</p>	<p>Additional information regarding the temporary access route off the A131 is provided in the Applicant's Response to Rule 9 Letter Dated 24th July 2023 [AS-005]. The Technical Note on Temporary Access Route off the A131 (document 8.5.5) presents the optioneering, decision making and outline design principles with regards to the temporary access route has been submitted at Deadline 3. Requirement 11 on the dDCO states that no work to construct, alter any new or existing means of access to a highway may commence until written details have been submitted and approved by the relevant highway authority. The dDCO, therefore, has a built in approval process for the final access designs.</p> <p>Paragraph 4.7.7 of ES Chapter 4: Project Description [APP-072] describes the temporary access route off the A131. This states that a 7m wide temporary access route (with 4m wide soil storage to the side and passing places) is proposed off the A131 to the north of Collins Road near Little Maplestead. There are further details about the temporary access routes in paragraphs 4.4.35 to 4.4.39. Photograph 4.1b in ES Chapter 4: Project Description [APP-072] also shows what a temporary access route would look like.</p>
15.5.8	Site Accesses	A generic bellmouth detail is shown in [APP-033]. This provides no local context nor provides any information as to whether the	The Applicant assumes the reference to be intended to be to Design and Layout Plans Temporary Bellmouth for Access [APP-030]. The access junction form shown is a generic form based on a 'worst case' approach at the outline design

Reference	Matter	Point Raised	Applicant's Comments
		individual access point can be safely provided within land in the control of the developer and/or the highway boundary with regard to access geometry and visibility requirements. It cannot therefore be concluded that these accesses are suitable for use in connection with the project at this time.	stage. The detailed design will include individual access development reflecting the specific vehicles to be accommodated, and the site-specific characteristics of each individual access, including geometry and constraints such as trees and hedgerows to minimise removal of vegetation and using crown-lifting in preference to tree-removal. This site-specific design will include both the bellmouth form and its connection to the adjacent link. Requirement 11 on the dDCO states that no work to construct, alter any new or existing means of access to a highway may commence until written details have been submitted and approved by the relevant highway authority. The dDCO therefore has a built-in approval process for the final access designs.
15.6 Consents and Licenses			
15.6.1	Statement of Common Ground	ECC would seek to use Section 278 of the Highway Act 1980 to regulate construction of the accesses/haul road and crossings and would seek agreement to this within a Statement of Common Ground.	Noted. The Applicant will continue to engage with the Councils on these matters through the Statements of Common Ground (SoCG). In any event, the Applicant proposes to enter into a framework highways agreement with ECC and SCC (each in its capacity as local highways authority) in order to regulate how street works and other highways powers would be exercised during construction of the project. Heads of Terms in respect of the framework highways agreement have been produced by the Applicant and currently remain with the Councils for review.
15.7 Access, Rights of Way and Public Navigation Plans (2.7) [APP-012]			
15.7.1	Traffic impact	Figure 1 within [APP-012] shows that Mill Road and Bures roads are marked as a 'Construction Route to the Strategic Road Network'. It is questioned as to why this route is being recommended as opposed to the B1508 and consideration should also be given to using the A131 and haul road to access this area?	The construction route network reflects the range of potential approach routes with many sources of vehicle, with materials, plant and servicing of works sites. The height restriction at the rail bridge within Bures means access to both sides of that line are required, and there is no temporary access routes through the underground section of cable installation in the Stour Valley, so access is needed from both sides of that underground section. Where works vehicles can be routed on higher-classification roads this is proposed as set out in the CTMP.
15.8 Construction Traffic Management Plan (CTMP) (7.6) (APP-180)			
15.8.1	Highway repair	At 5.2.2 further clarification on the process for repair of the highway if condition survey identifies that works are required.	Section 5.2 of the CTMP (document 7.6 (B)) describes the preconstruction surveys that would be undertaken. This states in paragraph 5.2.2 that the initial survey will be undertaken prior to construction and it is anticipated that this will be regularly checked throughout construction to check that the surface of the highway altered for the project remains in good repair and safe for the public traffic using the highway.

Reference	Matter	Point Raised	Applicant's Comments
			The Applicant would be responsible for any works (or the cost of works) required to repair highways where it is demonstrated this is due to the construction of the proposed development. This is included within the Applicant's draft framework highways agreement which has been shared with the Councils and is awaiting feedback.
15.8.2	Site Accesses	At 5.5 Access points, there does not appear to be specific reference to wheel cleaning, this should be added, or it should be identified where it is referred to in the CTMP.	Good practice measure GG17 in the CoCP (document 7.5.1 (B)) notes that wheel washing or other wheel cleaning systems will be provided at each main compound access point on to the highway where a need has been identified through the design process. An adequate supply of water will be made available at these locations at all times. Road sweepers will be deployed on public roads where necessary to prevent excessive dust or mud deposits.
15.8.3	Traffic impact	The Applicant is reminded that a number of structures exist on this predominantly rural highway network including but not limited to the one at Halstead at the bridge over the River Colne and Head Street. There are both weight and/or width restrictions placed on them, which would prohibit HGV access and negate their use for the transport of HGV and abnormal loads. ECC as the Highway Authority needs to understand that construction traffic will avoid all such restrictions at all times.	In response to the feedback received from the Councils, the Applicant has added the proposed construction routes to Appendix A of the CTMP (document 7.6 (B)). The Applicant considers that these routes are suitable for use on the project based on the vehicles proposed. The Applicant will continue to discuss any restrictions related to structures with the Councils.
15.8.4	Site Accesses	The Council's note that it is the applicant's intention to inset a ghosted right hand turn lane at the A131 to afford construction access to the site by means of a haul road. The Highways Authority remains unsure if this can be accommodated within the existing road layout which, and for an A class road, is narrow in this rural location with no footways on either side of the highway.	This issue was addressed in the first Issue Specific Hearing ISH1 recorded in Applicant's Response to Issue Specific Hearing 1 Action Points [REP1-034]. The Technical Note on Temporary Access Route off the A131 (document 8.5.5) presents the optioneering, decision making and outline design principles with regards to the temporary access route has been submitted at Deadline 3.
15.9 Abnormal Indivisible Loads (AILs)			
15.9.1	AILs	AIL deliveries are required to the works area but there is little to no information regarding these routes. It is appreciated that AILs are covered by their own regulations but insofar as possible	In response to the feedback received from the Councils, the Applicant has added the proposed construction routes to Appendix A of the CTMP (document 7.6 (B)). This figure also shows the proposed AIL routes. The design on which the proposals in the application documents and ES were based included assessment of AIL routes with a cable drum vehicle, a low

Reference	Matter	Point Raised	Applicant's Comments
		these routes should be identified now together with any associated mitigation.	loader with a piling rig and a 150-tonne crane to ensure that all routes were suitable for the specific needs of these AIL vehicles.
15.10 Public Rights of Way (PRoW)			
15.10.1	PRoW	Overall, it appears the safety of users on the PRoW network is properly considered and the mitigation methods within the CTMP are considered appropriate.	The Applicant notes the comment from ECC.
15.10.2	Planting near PRoW	LV01 in the CoCP refers to replacement planting. ECC recommend that no new planting should occur within 2m from the edge of a PRoW, even if the existing hedge/vegetation was originally planted much closer. Perhaps some wording can be provided to assure user groups that the legal minimum widths of PROW will be considered.	Noted. This will be included within the PRoW Management Plan (document 8.5.8), submitted at Deadline 3.
15.10.3 to 15.10.4	Legal widths of PRoW	On page 24 of the CTMP (document 7.6 (B)) there is a section introducing the definitions of PRoW. Note that a cycle track is not a PRoW. It is also worth noting at this point the different legal minimum widths for each status type. On page 26 CTMP (document 7.6 (B)) it mentions temporary fencing to segregate PRoW where they coincide with temporary access routes. ECC recommend that some acknowledgement of the minimum width requirements for each status of PRoW would be appreciated.	The PRoW Management Plan (document 8.5.8), submitted at Deadline 3 will make clear the definitions of PROW and also detail the different legal minimum widths of each status type. This document also corrects the reference in relation to a cycle way not being a PRoW.
15.10.5	PRoW	CTMP (document 7.6 (B)) Table 6.1. A contact number for National Grid on all signage placed on site is necessary as it would not be the responsibility of the local highway authority to resolve any issues.	The PRoW Management Plan (document 8.5.8), submitted at Deadline 3, provides details of the contact arrangements that would be in place, including the need for a contact number to be provided on site signage.

12. Applicant's Comments on Chapter 16 (Air Quality and Emissions)

12.1 Introduction

- 12.1.1 This section provides the Applicant's comments to Chapter 16 (Air Quality) of the Councils LIR. Section 16.1 and 16.2 cover national and local policies in relation to air quality. Section 16.3 sets out the key local context in relation to air quality, noting that the project impacts would stem from the construction phase. This is followed by a summary in Section 16.5 of the LIR which concludes that overall, it is not anticipated that there would be any likely significant residual effects in relation to air quality on ecologically designated sites or human/community receptors in the BDC area if relevant good practice measures are followed.
- 12.1.2 The Applicant has no comments to make in relation to LIR Chapter 16 Air Quality.

13. Applicant's Comments on Chapter 17 (Noise and Vibrations)

13.1 Introduction

13.1.1 This section provides the Applicant's comments on Chapter 17 (Noise and Vibration) of the Councils LIR. Section 17.1, 17.2 and 17.3 cover national and local policies in relation to noise and vibration. The Applicant has no comments to make on these sections of the LIR. Section 17.5 of the LIR summarises the detailed points made in Sections 17.4 and is not duplicated in Table 13.1. Therefore, Table 13.1, sets out the Applicant's comments on Section 17.4 which set out the detailed [pints from the LIR in relation to noise and vibration.

13.2 Comments Table

Table 13.1 – Applicant's Comments on Chapter 17 (Noise and Vibration) of the LIR

Reference	Matter	Point Raised	Applicant's Comments
17.4.1 to 17.4.2	Construction phase impacts	The main disturbance at receptors, in terms of noise and vibration, will be during the construction phase of the development. The main areas of disruption will be around the construction of the pylons, underground cables, and trenchless crossing. The ES identifies significant noise effects at 19 properties (plus four when considering the flexibility provided by the LoD) and one property for vibration. Mitigation measures have been put forward by the Applicant to reduce these effects in the CoCP and CEMP	The Applicant concurs with the summary in the LIR. Environmental Statement Chapter 14: Noise and Vibration [APP-082] has assessed the potential noise effects that would occur on the project. The additional mitigation is secured through the REAC and the CEMP (documents 7.5.2 (B) and 7.5 (B) respective). In addition, approximately 2.8km of the existing 132kV overhead line will be removed in Essex (where this coincides with the undergrounding there will be one less overhead line in the landscape). In addition, no new sections of overhead line are proposed in Essex, including new pylons.
17.4.4 to 17.4.6	Core working hours	The construction periods proposed exceed normal working hours. The working hours have been defined as 0700-1900hrs Monday to Friday and 0800-1700hrs Saturdays, Sundays and Bank Holidays. These construction periods are excessive, and significantly longer than BDC would expect for typical construction activities. These construction periods have the potential	Environmental Statement Appendix 4.2: Construction Schedule [APP-091] sets out the construction programme required to achieve the 2028 delivery date. This is based on core working hours of 07:00 to 19:00 on weekdays and 08:00 to 17:00. The dDCO (document 3.1 (C)) contains (at Schedule 3), Requirement 7 (construction hours), which would allow for both weekday working and working each weekend. This latter aspect is intended to be in respect of areas where different work activities may overlap or interface, for example

Reference	Matter	Point Raised	Applicant's Comments
		<p>to cause a larger adverse impact than is necessary, at more antisocial times for noise sensitive receptors.</p> <p>BDC consider that the core construction hours should be in line with accepted working hours in order to reduce the impacts on NSR's as much as possible; 08:00-18:00 Monday to Friday and 08:00-13:00 Saturdays with no working on Sundays and Bank Holidays.</p>	<p>construction compounds or cable sealing end compounds. It also provides flexibility and contingency to recover any delays to ensure the critical path programme can be delivered. It is, however, generally anticipated that only alternate weekends would be worked in any specific geographical location (noting that the overhead line works and underground cable works would be in different locations (and with different contractors), save where they meet / overlap, as noted above), due to standard work shift patterns which would reduce disruption from construction activities. The expectation therefore is that such alternate weekend working by one contractor (for example for overhead line works), would generally be in different geographical areas (for example when compared to the underground cable works). Hence there might be work undertaken each weekend, but in different locations and hence with different receptors.</p> <p>Any delays to the programme would lead to a series of planned outages on the transmission system to be missed, resulting in significant delays to the 2028 delivery date. Each individual outage in this series would have to be completed in order and all must be completed to commission the new transmission lines. The availability of transmission system outages must be co-ordinated with other outages taking place across the UK transmission system, and these are normally co-ordinated years in advance, with the outage dates for this project, starting in March 2027 already having been agreed. Following preliminary discussions with the National Grid Electricity System Operator, it has been indicated that should the 2027 outages not be met the next clearly available outages would not be until 2032.</p> <p>It should be noted that the bulk of the civils construction activities, including the new underground cables and overhead lines, are scheduled to be undertaken in 2025/26. Works before and after this date are focused around enabling and finishing works, respectively which by their nature would be less disruptive.</p> <p>The provision to work outside of the core working hours for a defined list of activities has been requested for several reasons, including to maintain programme in the event of unforeseeable delays, in the interests of health and safety, technical limitations, to minimise disruption caused, due to external constraints on the timing or duration of the works and to account for contractor shift patterns. Working outside of core working hours would be carried out by exception, it is not the intention to plan works outside of core working hours where this could reasonably be avoided.</p>

Reference	Matter	Point Raised	Applicant's Comments
17.4.7 to 17.4.8	Works authorised to take place outside of core working hours	<p>It is acknowledged that the inclusion of a clause within the application to allow the completion of operations commenced during the core working hours which cannot safely be stopped' is intended to provide a degree of necessary flexibility to allow contractors to work outside of core hours. This extended working could result in night-time working, which has the potential to cause a significant adverse impact at noise sensitive receptors.</p> <p>BDC accept that in exceptional circumstances with some activities, it may be necessary to go beyond the working hours. It must however be ensured that this flexibility does not become a matter which could be exploited by the developer and/or contractor. If possible, it should be incumbent upon the Applicant to sequence works, as best as possible, so as not to require working outside of the core hours.</p>	<p>Working outside of core working hours would be carried out by exception, it is not the intention to plan works outside of core working hours where this could reasonably be avoided.</p> <p>ES Chapter 14: Noise and Vibration [APP-082] has assessed the potential for night-working at the trenchless crossings, where night-time working may be required to complete activities that once started need to continue. The additional mitigation is secured through the REAC and the CEMP (documents 7.5.2 (B) and 7.5 (B) respective).</p>
17.4.9	Working hours, and measures to minimise disruption from activities	BDC consider the hours of working and night time working need extensive discussions in order to reduce these to the lowest possible for the project, while the Applicant should demonstrate how it plans to undertake all possible measures to minimise disruption to local residents, specifically where a significant adverse effect has been identified.	<p>The CEMP (document 7.5 (B)) contains a number of measures that would avoid or reduce disruption due to noise during construction.</p> <p>ES Chapter 14: Noise and Vibration [APP-082] shows that there are a relatively small number of locations where there are anticipated to be significant noise effects to residential properties. The additional mitigation is secured through REAC and the CEMP (documents 7.5.2 (B) and 7.5 (B) respective). In addition, the Main Works Contractor would need to demonstrate the use of best practicable means during the works (as set out in Chapter 14 of the CEMP). This may include, for example, using quieter plant and situating plant away from receptors.</p>
17.4.10	Noise associated with temporary access routes	The Applicant has committed to regular inspections of surface of the proposed temporary access route off the A131 to keep it free from potholes and imperfections. This addresses to a large extent the previous concern that BDC had with regard to noise impacts to noise sensitive receptors. Ensuring that routine inspection and maintenance is carried out will be key and a programme should be required to be agreed through the Requirements if DCO consent is granted.	Good practice measures GG27 in the CoCP (document 7.5.1 (B)) states that the Contractor will undertake regular inspections of the temporary access routes and bellmouths to check for potholes or other defects. These will be repaired in a timely manner. The list of site checks is set out in Table 15.1 of the CEMP (document 7.5 (B)). Both the CoCP and CEMP are secured through Requirement 4 of the dDCO (document 3.1 (C)).
17.4.11	Operational phase impacts	Operational noise from overhead lines and the GSP substation were scoped out of the assessment, as this	The Applicant concurs with this statement in the LIR.

Reference	Matter	Point Raised	Applicant's Comments
17.4.12	Decommissioning impacts	These impacts would be similar to that of the construction phase and need careful consideration regarding working hours and mitigation measures to reduce impacts at noise sensitive receptors.	Section 4.10 of ES Chapter 4: Project Description [APP-072] states that in the event that, at some future date, the authorised development, or part of it, is to be decommissioned, a written scheme of decommissioning would be submitted for approval by the 'relevant planning authority' at least six months prior to any decommissioning works, as per Requirement 12 in the dDCO (document 3.1 (C)). The decommissioning works would follow The Applicant processes at the time for assessing and avoiding or reducing any environmental impacts and risks.

14. Applicant’s Comments on Chapter 18 (Socio-Economic)

14.1 Introduction

14.1.1 This section provides the Applicant’s comments to Chapter 18 (Socio-economics) of the Councils LIR. Section 18.1, 18.2 and 18.3 cover national and local policies in relation to socio-economics. The Applicant has no further comments to make on these sections of the LIR. Section 18.4 sets out the key local context in relation to socio-economics. Section 18.5 covers adequacy of the application/DCO and Section 18.6 covers opportunities and legacy. Table 14.1 sets out the Applicant’s comments on Sections 18.4 to 18.6.

14.2 Comments Table

Table 14.1 – Applicant’s Comments on Chapter 18 (Socio-Economic) of the LIR

Reference	Matter	Point Raised	Applicant’s Comments
18.4 Key Local Issues			
18.4.1 to 18.4.5	Skills, employment and education strategy	<p>The Applicant should cooperate and work with relevant partners, including other major projects across the county and use the skills, employment and education strategy to reduce the likelihood and severity of skills and construction worker shortages, as other projects may come forward within similar timeframes.</p> <p>Mitigation is likely to require investment in further education, apprenticeships and training within the local area to deliver the required workforce for the construction phase. The Applicant should use the skills and employment strategy to look at how they can maximise these opportunities and maximise the social value impact of the project locally.</p>	<p>It has been determined that there are no likely significant effects on socio economics, therefore no mitigation measures are required or proposed (see the Socio Economics and Tourism Report [APP-066]). Please also see section below on Community Benefits..</p> <p>Outside of the DCO process, the Applicant requests contractors tendering for the construction of the project to identify how they propose to provide job opportunities for local people. The Applicant also promotes the use of local supply and small/medium enterprises through main works contractors by embedded targets within its framework contracts. The Applicant will continue to work with Councils and business leaders to identify opportunities to invest in employment networks, including looking for opportunities to work with local businesses.</p>

Reference	Matter	Point Raised	Applicant's Comments
18.4.6 to 18.4.7	Construction workers	ES Chapter 4: Project Description [APP-072] indicates that there would be up to 350 workers per day at peak and an average of around 180 workers on site across the whole of the construction schedule. These are not large in numbers in comparison to other local major projects, but there is likely to be some positive economic impact during construction as a result of the project. ECC would expect that the Applicant ensures that as many workers as possible are appointed from the local area.	Paragraph 4.3.22 of the Socio Economics and Tourism Report [APP-066] states that the majority of employment activities would require trained specialists who are qualified to work on high voltage electricity lines. These are typically sourced from the Applicant's existing pool of approved contractors. However, from the applicant experience of other projects, it is likely that a minimum of 10% of the workforce would be sourced from the local labour market, including apprentices, security workers and delivery drivers. This level of local employment, based on a peak monthly employment assumption of 350 workers, could result in the peak monthly local job demand being up to approximately 35 jobs locally, which could be accommodated from the local labour pool. Outside of the DCO process, the Applicant requests contractors tendering for the construction of the project to identify how they propose to provide job opportunities for local people. The Applicant also promotes the use of local supply and small/medium enterprises through main works contractors by embedded targets within its framework contracts. The Applicant will continue to work with Councils and business leaders to identify opportunities to invest in employment networks, including looking for opportunities to work with local businesses.
18.4.8	Operational effects	The GSP substation and CSE compounds would be operated remotely and would not require any operators to be permanently on site. Therefore, it is unlikely that there would be significant effects during operation on jobs and the economy.	The Applicant notes the LIR response on this matter.
18.4.9	Disruption to businesses during construction	There is potential for disruption to access to workplaces and businesses during construction. The Applicant should seek to minimise the disruption caused during the construction phase and allow access to be maintained as far as possible to mitigate the impact that the work will inevitably have on local residents and businesses, including local farmers.	As stated in paragraph 4.3.14 of the Socio Economics and Tourism Report [APP-066], the Applicant has been working with local landowners and businesses that lie within the Order Limits to seek to reduce impacts on their operations. Measures identified to reduce impacts on local businesses include embedded measure EM-E03 (see the REAC (document 7.5.2 (B))), which commits the project to using suitable methods to protect orchard trees at Boxford Fruit Farm in Section E: Dedham Vale AONB when lowering and removing the 132kV overhead line. This would reduce the loss of trees within the orchards and limit the effects on the fruit farm business.

Reference	Matter	Point Raised	Applicant's Comments
			As stated in paragraph 4.3.14 of the Socio Economics and Tourism Report [APP-066], the Applicant has not identified any local businesses that would have severance to access or closure of their business during construction. There may be the need for local roads to be closed for short durations (generally up to two weeks) during construction, however in accordance with good practice measure AS03 (see the CoCP (document 7.5.1 (B))), access would be maintained for residents, landowners and businesses. In addition, given the rolling nature of the linear works, the construction activities in any particular area are likely to be short term and there is unlikely to be any direct effects to local businesses.
18.5 Adequacy of the Application/DCO			
18.5.1 to 18.5.2	Socio-economic effects	It is accepted that the Socio-Economic effects have been adequately considered within the Socio Economics and Tourism Report. The structure and methodology of the ES is generally accepted.	The Applicant notes the LIR response on this matter.
18.5.3	Cumulative effects	The cumulative impact of significant construction/infrastructure projects in the county requires consideration. Consideration should include the timing/phasing of the projects and inter-project impacts – including the transportation of construction materials and availability of labour. This should be considered as part of the 'future baseline' scenario.	The Applicant has undertaken a CEA. This is reported in ES Chapter 15: CEA [APP-083] and its appendices [APP-140-144]. A study area of 50km was used to identify NSIP within the region. NSIP within the study area were included in the long list of other developments [APP-142] and shortlisted for further assessment as appropriate. The shortlisting considered the construction/operational temporal overlap of the NSIP with the project, and the scale and nature of the development, to identify if there could be significant cumulative effects with the project requiring further assessment.
18.5.4 to 18.5.5	Employment and skills strategy	An employment and skills plan or strategy should be prepared prior to the commencement of construction. This should set out measures that the Applicant will implement in order to advertise and promote employment opportunities associated with the proposed development locally. The requirement for the skills and employment plan/strategy is justified in the Essex Developers' Guide to Planning Contributions document. ECC would welcome assurances that a Skills and Employment Plan or Strategy, will be secured by way of a DCO requirement.	In the Socio Economics and Tourism Report [APP-066] workforce numbers are estimated to be around 350 staff at peak and an average of around 180 workers on site during construction. The majority of employment activities would require trained specialists who are qualified to work on high voltage electricity lines. These are typically sourced from the Applicants approved contractors who have demonstrated the skills, training, and experience to undertake the works safely and competently. However, it is likely that 10% of the workforce (up to approximately 35 jobs) could be sourced from the local labour market, (including but not limited to) apprentices, security workers and delivery

Reference	Matter	Point Raised	Applicant's Comments
		ECC would also welcome assurances on how any employment and skills strategy will be monitored and the process for reporting on the progress against the objectives set within the strategy, consistent with the Construction National Skills Academy KPIs established by CITB.	<p>drivers. Paragraph 4.3.24 of the Socio Economics and Tourism Report [APP-066] states that: <i>'given the relatively low numbers of construction workers employed on the project and that the project would require workers to be experienced in working on high voltage electricity lines, there are unlikely to be significant adverse effects on jobs and employment. The above measures could deliver small beneficial effects through the creation of local job and employment opportunities. As these cannot be guaranteed and as they would be low in number, they are unlikely to result in significant effects on job creation and employment during construction'</i>.</p> <p>Given the relatively low number of construction workers, as well as the low number of the construction workforce predicted to be sourced from the local labour market and the absence of any likely significance of effect, the Applicant does not consider that it is proportionate nor necessary to prepare a Skills and Employment Plan or Strategy.</p>

18.6 Opportunities/Legacy

18.6.1	Opportunities and legacy	<p>The following could be considered as part of the proposals:</p> <ul style="list-style-type: none"> • Work with local further education providers to invest in and support the development of training programmes in green and modern methods of construction. • Contractual targets to create local jobs. Apprenticeship target, shaped to reflect local economic strategy. A financial contribution to enable Councils to target those furthest from employment. • Contractual targets to create local jobs. • Apprenticeship target, shaped to reflect local economic strategy. 	<p>It has been determined that there are no likely significant effects on socio economics associated with the project, however the Applicant is committed to continuing discussions with the Councils and other key stakeholders regarding their aspirations in respect of community benefits. These discussions are outside of the DCO process whilst the Applicant awaits the outcome of the Government's consultation on community benefits. However, to confirm the Applicant will work in collaboration with the Councils, suppliers and other parts of industry to leverage the benefits from the project to the local economy. The Applicant is committed to working with the Councils, other energy projects and local stakeholders to understand their priorities on skills and employment. This separate process with the Councils has already begun.</p>
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15. Applicant’s Comments on Chapter 19 (Minerals and Waste)

15.1 Introduction

15.1.1 This section provides the Applicant’s comments on Chapter 19 (Minerals and Waste) of the LIR. Section 19.1, 19.2 and 19.3 cover national and local policies in relation to minerals and waste. The Applicant has produced a MWMP [APP-181]. Section 14.4 sets out the key local context in relation to minerals and waste. The Applicant has no comments to make on Sections 19.1 to 19.4 of the LIR. Table 10.1 sets out the Applicant’s comments on Section 19.5 which set out the detailed points in relation to ES Appendix 10.3: Minerals Resource Assessment (MRA) [APP-132].

15.2 Comments Table

Table 15.1 – Applicant’s Comments on Chapter 19 (Minerals and Waste) of the LIR

Reference	Matter	Point Raised	Applicant’s Comments
19.5.1	Minerals policy	Paragraph 2.4.3 of the MRA [APP-132] refers to Policy MP10 of the adopted Essex Minerals Local Plan, this should be Policy S8. The paragraph also mentions a Minerals Consultation Area, this should be a Mineral Safeguarding Area.	The Applicant has added these points to the Errata list [REP2-066] and can confirm this would not change the conclusions presented in either the MRA [APP-132] or ES Chapter 10: Geology and Hydrogeology [APP-078].
19.5.2 to 19.5.4	Prior extraction of minerals	It is noted that due to the cable route for this project being located within an AONB and the significant impacts which minerals development would cause, as well as historic reports revealing that the mineral deposits are anticipated to be ‘highly variable’, it is not considered ‘practical and feasible’ for prior extraction of the minerals. Therefore, the Minerals and Waste Planning Authority removes its holding objection.	<p>The Stour Valley has a number of designations and sensitive features that have been considered as part of the ongoing and extensive options appraisal in this location. Details of the baseline environment in this location can be found in the ES and its supporting appendices (Volume 6.2 to 6.4 of the application for development consent).</p> <p>The Applicant notes that although not a designation, the Stour Valley Project Area has similar picturesque landscape qualities to Dedham Vale AONB and it is also covered within the same management plan (Dedham Vale AONB and Stour Valley Partnership, 2021). However, it is not legally considered an AONB.</p>

16. Applicant's Comments on Chapter 20 (Cumulative Effects)

16.1 Introduction

- 16.1.1 This section provides the Applicant's comments on Chapter 20 (Cumulative Effects) of the Councils LIR. Section 20.1 and 20.2 cover national and local policies in relation to cumulative effects. Section 20.3 sets out the key local issues in relation to cumulative effects. This focuses on the Norwich to Tilbury (formerly East Anglia GREEN) project. The LIR notes that the Suffolk County Council and Babergh and Mid Suffolk District Councils LIR [REP1-045] covers concerns in relation to this and that their views are supported. The Applicant's comments on this LIR can be found in **document 8.5.3.1**. As no specific comments have been made in the ECC and BDC LIR in relation to cumulative effects, the Applicant has no further comments on this LIR in relation to cumulative effects.

17. Applicant’s Comments on Chapter 21 (DDCO)

17.1 Introduction

17.1.1 This section provides the Applicant’s comments to Chapter 21 (dDCO) of the Councils LIR. It is concerned with matters raised by BDC and ECC in respect of the dDCO (**document 3.1 (C)**) and the draft Explanatory Memorandum (**document 3.2 (B)**).

17.2 Comments Table

Table 17.1 – Applicant’s Comments on Chapter 21 (DDCO) of the LIR

Reference	Matter	Point Raised	Applicant’s Comments
21.1.1 to 21.1.2	Overview of the Councils’ position	The Councils acknowledge the amendments made by the Applicant in response to comments provided in respect of an early version of the dDCO shared with the Councils in August 2022. However, the Councils consider there are still various areas of discrepancy.	<p>The Applicant was grateful to receive comments from the Councils on an early draft of the DCO which was shared with the Councils on a without prejudice basis in August 2022. The Applicant has had due regard to all comments received.</p> <p>As has been noted, a number of points raised by those Councils were subsequently incorporated in the dDCO submitted with the application for development consent (document 3.1 (C)). Where changes were not capable of being incorporated, the Applicant considers that necessary justification for the approach taken has been provided in the Explanatory Memorandum (document 3.2 (B)).</p> <p>The Applicant would also refer to the Applicant’s Comments on Relevant Representations [REP1-025] published at Deadline 1, as well as the detailed responses set out in this document.</p>
21.2.1 to 21.2.3	Article 2 (Interpretation)	<p>The Councils consider that the following “<i>pre-commencement operations</i>” (“...set up work associated with construction compounds, temporary accesses, erection of any temporary means of enclosure or temporary demarcation fencing marking out site boundaries...”) have the potential to have significant effects and should therefore trigger the commencement of development.</p> <p>Reference is made to the temporary access routes (up to 3-4km in length) and the</p>	<p>The definition of “<i>commence</i>” adopted in the dDCO closely follows the equivalent definition used in previous projects undertaken by the Applicant, save that a decision was taken by the Applicant to list the “<i>pre-commencement operations</i>” separately for reasons of clarity. This also broadly follows emerging drafting in the Yorkshire GREEN dDCO.</p> <p>The Applicant notes that similar comments to those set out in Paragraphs 21.2.1 to 21.2.3 were made by the Councils in respect of an early draft of the DCO which was shared with each of the host Councils on a without prejudice basis in August 2022. The Applicant has had due regard to those comments, with certain amendments subsequently made to the operations listed as “<i>pre-commencement operations</i>.”</p>

Reference	Matter	Point Raised	Applicant's Comments
		various construction compounds referenced in Work No. 12 falling within this definition.	<p>However, the Applicant considers that there is recent and relevant precedent for the continued inclusion of each of the “<i>pre-commencement operations</i>” listed in Paragraphs 21.2.1 to 21.2.3:</p> <ul style="list-style-type: none"> ● <i>set up work associated with construction compounds: the A417 Missing Link Development Consent Order 2022 and also the A428 Black Cat to Caxton Gibbet Development Consent Order 2022;</i> ● <i>temporary accesses: the A417 Missing Link Development Consent Order 2022; and</i> ● <i>erection of any temporary means of enclosure or temporary demarcation fencing marking out site boundaries: the A1 Birtley to Coal House Improvement Scheme Development Consent Order, the A417 Missing Link Development Consent Order 2022 and also the A428 Black Cat to Caxton Gibbet Development Consent Order 2022.</i> <p>In each case, the ability to undertake these “<i>pre-commencement operations</i>” is of importance in the context of the anticipated construction programme for the project. An inability to do so would require a number of additional activities to be carried out as part of an already constrained construction programme, and ultimately delay delivery of the project (the urgent national need for which is set out in the Need Case [APP-161]).</p> <p>Whilst the ability to undertake the “<i>pre-commencement operations</i>” is essential for the reasons stated, the Applicant envisages that they will be in geographically distinct locations, rather than across the entirety of the project route simultaneously. In particular, the Applicant would anticipate that the geographic focus of the “<i>pre-commencement operations</i>” would be around the main construction compound and the two underground cable sections. Further, given the length of the project and the anticipated size of the construction workforce, the Applicant does not envisage that “<i>pre-commencement operations</i>” will be undertaken across the whole of the project at the same time.</p> <p>The Applicant also anticipates that the actual temporal window for undertaking these operations will be limited given the overall construction programme for the project. It is likely that most of the “<i>pre-commencement operations</i>” will be undertaken in parallel to other elements of the authorised development.</p> <p>The Applicant further notes that, in respect of construction compounds, the definition of “<i>pre-commencement operation</i>” expressly refers merely to the “set up works associated with the establishment of construction compounds ...”</p>
21.2.4	Article 2 (Interpretation)	The Councils note that the “ <i>pre-commencement operations</i> ” are to be	Paragraphs 3.6.14 to 3.6.16 of the Explanatory Memorandum (document 3.2 (B)) explain how the Applicant anticipates that the definitions of “ <i>commence</i> ” and “ <i>pre-</i>

Reference	Matter	Point Raised	Applicant's Comments
		<p>controlled via the Code of Construction Practice, and as such request the inclusion of a mechanism to enable them to enforce any breaches if appropriate.</p>	<p><i>commencement operations</i>” will operate in practical terms, and in light of the control mechanisms set out in the Management Plans (comprising the CEMP (document 7.5 (B)) (which includes by way of appendix, the CoCP (document 7.5.1 (B)) and the REAC (document 7.5.2 (B)), the CTMP (document 7.6 (B)), the MWMP (document 7.7(B)), the LEMP (document 7.8 (B)) and the Public Rights of Way Management Plan (document 8.5.8)). As noted above, the CoCP is an appendix to the CEMP. The CEMP includes, at Section 15.3 a ‘Non-Compliance Procedure’ and at Section 15.4 a ‘Complaints Procedure’. The former anticipates that the Councils would, in certain circumstances, act as the relevant enforcing authority.</p> <p>Compliance with the Management Plans is secured through Requirement 4 of the dDCO.</p> <p>In all cases, Requirement 4 (3) requires that all “<i>pre-commencement operations</i>” must be carried out in accordance with the Management Plans unless otherwise agreed with the ‘relevant planning authority’ or other discharging authority as may be appropriate to the relevant plan concerned.</p> <p>The Applicant’s submission is that the above provides certainty on such matters, but the Applicant would also note the practical effect of section 161 (1)(b) (breach of terms of order granting development consent) of the Planning Act 2008 in such circumstances, and further notes the enforcement provisions in Part 8 of that Act.</p>
21.2.5	Article 2 (Interpretation)	<p>The defined term ‘Environmental Statement’ relates to those certified documents comprising the environmental statement. It is noted that some detailed design will not be firmed up until after confirmation of the DCO following the appointment of the main works contractor. It is important that relevant authorities are given sufficient information to enable them to identify and assess any materially new/different environmental impacts arising from the detailed design of the project, to require reasonable amendments to the proposed range of mitigation set out in the CTMP, CEMP, LEMP and MWMP and for any agreed changes to those documents to be reflected within the certified set of documents.</p>	<p>ES Chapter 4: Project Description [APP-072] and ES Chapter 5: EIA Approach and Method [APP-073] together make clear that the environmental assessment undertaken by the Applicant includes sensitivity testing which takes into account the application of flexibility as permitted by the dDCO (document 3.1 (C)) in respect of the design or construction method of the project. This includes the full extent of the LoD prescribed in Article 5 of the dDCO.</p> <p>The findings of the Applicant’s environmental assessment have been used to inform the commitments and other measures which are set out in the Management Plans and which would be implemented during construction of the project.</p> <p>Therefore, the Applicant does not currently consider that the detailed design of the project is likely to give rise to any materially new or materially different environmental impacts to those already assessed. However, to the extent that such circumstances do arise, the Management Plans already include an appropriate ‘Change Process’ (see, for example, Section 15.5 of the CEMP (document 7.5 (B))).</p>

Reference	Matter	Point Raised	Applicant's Comments
21.2.6	Article 2 (Interpretation)	Revisions are required to the definition of <i>"maintain"</i> in order to make clear that the Councils should determine whether or not works falling within that definition are likely to give rise to any materially new or materially different environmental effects.	<p>The Applicant notes that a similar request was made by the Councils in respect of an early draft of the DCO which was shared with each of the Councils on a without prejudice basis in August 2022.</p> <p>Whilst the Applicant has had due regard to those comments, the Applicant does not consider it appropriate nor practicable for the Councils to act as sole arbiters in determining whether or not the carrying out of any or all of the operations listed within the definition of <i>"maintain"</i> is likely to give rise to any materially new or materially different environmental effects. The maintenance of this asset, which will become an operational part of the national high voltage transmission network, should be a matter solely for National Grid pursuant to its statutory obligations and licence.</p> <p>Paragraph 3.6.8 of the Explanatory Memorandum (document 3.2 (B)) clarifies the Applicant's position in respect of this definition, including noting the view taken on the range of works that the Applicant considers it may reasonably need to carry out to maintain the connection.</p> <p>ES Chapter 4: Project Description [APP-072] makes clear that the environmental assessment undertaken by the Applicant includes an assessment of the operations which fall within the definition of <i>"maintain."</i> It considers what is likely, in the context of this project.</p> <p>As noted above, the findings of the Applicant's environmental assessment have been used to inform the commitments and other measures which are set out in the Management Plans and which would be implemented during construction of the project. Compliance with the Management Plans is secured through Requirement 4 of the dDCO.</p>
21.2.7	Article 2 (Interpretation)	The Councils welcome the amendments already made to the definition of <i>"operational use."</i> However, consideration is still required in the context of trigger timings.	<p>Paragraph 3.6.9 of the Explanatory Memorandum (document 3.2 (B)) clarifies the Applicant's intentions in respect of the definition of <i>"operational use."</i></p> <p>There is limited application of the definition in the dDCO (document 3.1 (C)): at Article 20(8) (in respect of compensation for loss or damage caused by the installation of protective measures), at Requirement 5 (in respect of approval and implementation of the Drainage Management Plan), and at Requirement 9 (in respect of the approval of a reinstatement planting plan).</p> <p>The Applicant considers that use of the definition is appropriate in each context, and would therefore welcome further clarification from the Councils as to the nature and extent of the further consideration which is mentioned in Paragraph 21.2.7.</p>
21.3.1 to 21.3.2	Articles 3 and 4 (Principal Powers)	The Councils consider that the Applicant should be placed under a mandatory obligation to deliver and maintain the	The Applicant notes that a similar request was made by the Councils in respect of an early draft of the DCO which was shared with each of the Councils on a without prejudice basis in August 2022.

Reference	Matter	Point Raised	Applicant's Comments
		<p>authorised development or, where the scheme is not fully completed, to decommission and remove any structures which are no longer needed.</p> <p>In particular, the current drafting does not offer sufficient certainty that the Applicant will maintain the authorised development to a reasonable standard for the whole of its lifetime.</p>	<p>Whilst the Applicant has had due regard to those comments, the Applicant does not consider it appropriate to introduce a mandatory obligation of this nature.</p> <p>The Need Case [APP-161] sets out the need for the project, noting in parallel the Applicant's statutory duties. In light of those duties, the Applicant must meet the need. The project is the proposed method to do so.</p> <p>As a regulated body, subject also to statutory duties (including a requirement to act in a manner which is co-ordinated, economic and efficient), and statutory licence conditions, the Applicant could not in any event entertain an obligation of the nature suggested by the Councils. Whilst there is a clear need to deliver the project in full (to which see the Need Case [APP-161]), the Applicant cannot predict with any certainty the potential for and/or nature of future changes to the economic regulatory environment within which it operates. Agreeing to an express obligation to deliver and maintain the authorised development could, at any time in the future, place the Applicant in breach of its other duties.</p> <p>In respect of the comments made regarding decommissioning of all or part of the project, the Applicant refers to Paragraph 2.3.7 of the Scoping Opinion dated June 2021 [APP-159] and to Section 4.10 of ES Chapter 4: Project Description [APP-072]. The latter makes clear that there are no plans to decommission the project.</p> <p>More particularly, Paragraph 4.10.5 of ES Chapter 4 states: <i>"In the event that, at some future date, the authorised development, or part of it, is to be decommissioned, a written scheme of decommissioning would be submitted for approval by the 'relevant planning authority' at least six months prior to any decommissioning works, as per Requirement 12 in the dDCO (application document 3.1). The decommissioning works would follow National Grid processes at the time for assessing and avoiding or reducing any environmental impacts and risks...."</i></p> <p>A development consent order is, by its very nature, permissive. Therefore, and notwithstanding the absence of any obvious precedent to support the Councils' position, it would be wholly inappropriate to introduce an obligation of this nature and particularly so when the practical effect of section 161 (1)(b) (breach of terms of order granting development consent) of the Planning Act 2008 is considered.</p> <p>Taking account of the above, the Applicant does not agree with the Councils that further provision is required in the dDCO (document 3.1 (C)) to address the position in terms of decommissioning.</p>
21.3.3	Article 5 (Limits of Deviation)	<p>The Councils are concerned that a one size fits all approach in terms of the limits of deviation is not suitable for particularly sensitive areas such as protected landscapes and Grade 1 listed buildings</p>	<p>As Paragraph 3.9 of the Explanatory Memorandum (document 3.2 (B)) makes clear, the LoD sought in respect of the project are intended to provide the Applicant with a necessary and proportionate degree of flexibility, particularly during construction of the authorised development, thereby reducing the risk that the</p>

Reference	Matter	Point Raised	Applicant's Comments
		<p>where the potential impact would be higher than in other areas.</p> <p>Further, the proposed 10% deviation noted at Article 5 (3)(b) is not appropriate in these areas and would need to be reduced or removed.</p>	<p>project as approved cannot later be implemented for unforeseen engineering or geological reasons.</p> <p>The Applicant also notes that the maximum 10% upward LoD at Article 5 (3)(b) of the dDCO (document 3.1 (C)) only applies to above ground structures, erections and apparatus forming part of the authorised development, such as substations and CSE compounds. The vertical LoD, for overhead lines for example, are set out separately at Article 5 (1)(b).</p> <p>The Applicant's environmental impact assessment takes account of the flexibility afforded by the LoD as currently proposed (see Table 4.1 in ES Chapter 4: Project Description [APP-072]). As is recorded in the Applicant's Comments on Relevant Representations [REP1-025] at Page 75, the application of the current LoD in a worst case scenario will not, on the whole, give rise to new or different significant adverse effects.</p>
21.3.3	Article 5 (Limits of Deviation)	<p>It would assist in clarity (for the purposes of assessing environmental impacts) if more specific detail could be given as to the location within the LoD of the proposed 'free-floating' construction compounds so as to enable environmental impacts of these works to be properly identified and assessed.</p> <p>ECC as local flood authority is concerned to minimise works in the floodplain and as such would welcome more specificity about the location of works in the flood plain.</p>	<p>The CoCP (document 7.5.1 (B)) includes good practice measure W07 which states that all construction compounds will be located in Flood Zone 1. Where this is not practicable, additional measures will be identified within a flood risk action plan. Further details on flood risk can be found in the FRA [APP-059]. This concluded in Paragraph 5.1.5 that the Applicant has made a number of commitments around flood risk management measures. With these measures in place, the residual risk during the construction phase has been assessed as low risk.</p> <p>The Applicant also refers to the response provided to Item 7.1 of the Applicant's Written Summary of Oral Representations to Issue Specific Hearing 1 [REP1-024] and to the response provided to Action No. AP22 in the Applicant's Response to Issue Specific Hearing 1 Action Points [REP1-034].</p>
21.3.4	Article 11 (Street Works)	ECC reserves the right to comment further in respect of Article 11 and Schedule 5.	The Applicant would be pleased to discuss any points which the Councils would wish to raise in respect of Article 11 and Schedule 5.
21.3.5	Article 12 (Permit Schemes)	ECC reserves the right to comment further in respect of Article 12.	The Applicant would be pleased to discuss any points which the Councils would wish to raise in respect of Article 12.
21.3.6	Article 14 (Power to alter the layout of the streets etc.)	It is not clear whether planning permission would be required for works undertaken in the highway but outside of the Order limits.	<p>In drafting this provision and the associated Schedule 6, the Applicant has sought to identify all relevant streets. However, to accommodate the situation where other streets, potentially not within the Order Limits, require alterations, the Article as drafted allows for this.</p> <p>Where that scenario occurs, the Applicant's expectation is that planning permission (and indeed any further ancillary consents) will be required where works to be undertaken within any part of the highway outside of the Order limits comprise</p>

Reference	Matter	Point Raised	Applicant's Comments
			<p>development within the meaning of Section 55 of the Town and Country Planning Act 1990.</p> <p>However, it would not be appropriate for the dDCO (document 3.1 (C)) to attempt to address all such eventualities (especially those which are already controlled as a matter of general planning law), and particularly to prescribe steps to be taken in respect of operations outside of the Order Limits.</p>
21.3.7	Article 15 (Temporary stopping up of streets and public rights of way)	<p>ECC requires detail as to the width of diverted PRoW in order to be satisfied that any proposed diversion is adequate to meet the ongoing needs of relevant traffic.</p> <p>As drafted, stopping up/ diversions are permitted for a 'reasonable' length of time, but no actual time period is specified.</p> <p>There needs to be a mechanism introduced to allow for intervention in circumstances where the stopping up/diversions remains in place for an unreasonably long period.</p>	<p>Section 6 of the CTMP (document 7.6 (B)) outlines the Applicant's intended strategy with regard to the management of temporary closures of existing streets and PRoW). The information in the CTMP is further supplemented by a PRoW Management Plan (document 8.5.8) submitted at Deadline 3.</p> <p>The Applicant would intend to provide a temporary diversion on a like-for-like basis, albeit this may not always be practicable. For example, given the extremely temporary nature of certain of the diversions, it may not in certain instances be feasible nor practicable to provide a temporary replacement on an equivalent basis, taking into account the Applicant's duties to act economically and efficiently.</p> <p>The Applicant also refers to the responses provided at Deadline 1 to Action Items AP16, AP17 and AP18 arising from Issue Specific Hearing 1 (to which see Section 2 of the Applicant's Response to Issue Specific Hearing 1 Action Points [REP1-034]). As the responses to Action Items AP16 and AP17 explain, no existing PRoW is anticipated to be closed for longer than 12 consecutive weeks.</p>
21.3.8	Article 16 (Access to works)	<p>The Council's request that further time is allowed before deemed consent is given as 28 days is too short.</p> <p>It is requested that the time period be extended to 56 days to give the Councils reasonable time to consider the applications.</p> <p>It is recommended that this time period be consistently applied across multiple provisions in the DCO.</p>	<p>Paragraph 3.3 of the Explanatory Memorandum (document 3.2 (B)) explains why a period of 28 days remains appropriate and necessary in the context of the project (in terms of Article 16 and other similar provisions in the dDCO (document 3.1 (C)) where a 28-day period is currently referenced).</p> <p>In addition to the precedent cited in the Explanatory Memorandum, the Applicant notes that there is extensive precedent for a 28 day period in a number of existing Orders, including: The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (see, for example, Articles 18 (9) and 19 (8)), the A57 Link Roads Development Consent Order 2022 (see, for example, Articles 14 (6) and 18 (11)), and the Awel y Môr Offshore Wind Farm Order 2023 (see, for example, Articles 12 (6) and 15 (6)).</p> <p>The Applicant does not consider that the suggested alternative of 56 days is conducive to the timely delivery of a project for which there is a critical national need (to which see the Need Case [APP-161]).</p> <p>In any event, the Applicant is committed to working closely with the relevant street and highways authorities to ensure that they are aware of when applications are likely to be submitted.</p>

Reference	Matter	Point Raised	Applicant's Comments
21.3.9	Article 17 (Construction, alteration and maintenance of streets)	<p>There needs to be a mechanism for ECC to be notified of completion of works and to sign off that these have been completed to a reasonable standard before the 12 month period leading to dedication as public highway is accepted.</p> <p>ECC must be able to reasonably require rectification of any substandard works before assuming responsibility for dedicated public highway.</p>	<p>The Applicant agrees that a notification mechanism relating to completion of works undertaken pursuant to Article 17 would be helpful.</p> <p>The Applicant anticipates that this is a matter which would be readily capable of being addressed in the framework highways agreement (or similar) which the Applicant proposes to enter into with ECC and SCC (each in its capacity as local highways authority) in order to regulate how street works and other highways powers would be exercised during construction of the project.</p> <p>Heads of Terms in respect of the framework highways agreement have been produced by the Applicant and currently remain with the Councils for review.</p> <p>Whilst the Heads of Terms in circulation already address the points raised by ECC in Paragraph 21.3.9, the Applicant would also note that Articles 17(1) and 17(2) already stipulate that works undertaken must be completed to the reasonable satisfaction of the street authority.</p>
21.3.10	Article 20 (Protective works)	It is unclear whether the carrying out protective works would constitute development for which planning permission is required and this needs clarification in the Order.	The Applicant refers to its response above in respect of Paragraph 21.3.6.
21.3.11	Article 47 (Traffic regulation)	<p>The Councils question what impact the powers set out in Article 47 will have on local traffic. i.e., will residents still be able to park outside their houses overnight? How will the traffic restrictions be enforced?</p> <p>There needs to be clarity as to who in effect will be enforcing any breach of a TRO and whether there are resources available to ECC if it is likely to have a role in this regard.</p>	<p>The Applicant's justification for the approach taken in respect of Article 47 is set out in Paragraph 3.51 of the Explanatory Memorandum (document 3.2 (B)).</p> <p>As is noted in the Explanatory Memorandum, there is precedent for this approach in the National Grid (Hinkley Point C Connection Project) Order 2016 (see Article 40).</p> <p>There is further recent precedent in the National Grid (Richborough Connection Project) Development Consent Order 2017 (see Article 39) and indeed in the Sizewell C (Nuclear Generating Station) Order 2022 (see Article 24).</p> <p>As to the practical implementation of powers derived from Article 47, the Applicant refers to the response provided to Item 5.2 of the Applicant's Written Summary of Oral Representations to Issue Specific Hearing 1 [REP1-024] and to the response provided to Action No. AP12 in the Applicant's Response to Issue Specific Hearing 1 Action Points [REP1-034].</p>
21.3.12	Article 48 (Felling or lopping)	The Councils request clarification as to the definition of "near" in Article 48 and an explanation of the impact this will have on the local area.	<p>The Applicant notes that similar comments were made by the Councils in respect of an early draft of the DCO which was shared with each of the Councils on a without prejudice basis in August 2022. The Applicant has had due regard to those comments.</p> <p>The Applicant's justification for the approach taken in respect of Article 48 is set out in Paragraph 3.52 of the Explanatory Memorandum (document 3.2 (B)).</p>

Reference	Matter	Point Raised	Applicant's Comments
21.3.13	Article 50 (Temporary closure of, and works in, the River Stour)	While impacts on watercourses and rights of navigation are outside of the Councils' remit, from a general point of view, it is considered that this provision needs further clarification. In particular, how will closures be communicated to vessels who are moored upstream? What would happen where vessels need to pass and cannot?	<p>Whilst there is no precise definition of 'near' in the dDCO (document 3.1 (C)), the power in Article 48 (1) is limited and of itself will define what 'near' means in the context of the given circumstances. More specifically, the Applicant notes that the power at Article 48 (1) may only be exercised for the specific statutory purpose(s) set out, namely to prevent an obstruction or interference with the construction, maintenance or operation of the authorised development or any apparatus used in connection with it, or to remove or prevent a danger to persons constructing, operating or maintaining the same. Therefore, as the distance from the Order limits increases, the more unlikely it will be for these statutory tests to be met.</p> <p>Other recent development consent orders have made similar provision. See, for example, Article 81 (1) of the Sizewell C (Nuclear Generating Station) Order 2022, Article 35 (1) of the Norfolk Boreas Offshore Wind Farm Order 2021, and Article 32 (1) of the Cleve Hill Solar Park Order 2022.</p> <p>None of the Orders referred to included a definition of 'near'.</p> <p>In overall terms, the Applicant anticipates that the project will have limited effects on existing public rights of navigation in respect of the River Stour.</p> <p>Paragraph 9.5.3 of ES Chapter 9: Water Environment [APP-077] provides a helpful overview of the extent of the River Stour (shown on the Access, Rights of Way and Public Rights of Navigation Plans [APP-012]) which is subject to the powers set out in Article 50 of the dDCO (document 3.1 (C)):</p> <p><i>'The River Stour is navigable within the Order Limits. Unpowered craft (i.e. those that are paddled, rowed or sailed) are permitted to travel the whole length of the Stour Navigation, from Brundon Mill (Sudbury) to Cattawade (on the Stour Estuary). Powered craft, with certain specified exceptions, such as the River Stour Trust trip boats, are restricted to the stretch between Ballingdon Bridge (Sudbury) and Henny Street. The Environment Agency is the navigation authority for this section of the river....'</i></p> <p>The CTMP (document 7.6 (B)) also explains at paragraph 1.5.3 that <i>'there would be short term disruption to navigation along the River Stour for safety reasons during lowering of the 132kV conductors and during installation and removal of the temporary bridge. These are anticipated to be short term in duration (i.e. up to one week for each). Outside of this, there are not anticipated to be effects on navigation. Notices would be placed up and downstream of the Order Limits at least four weeks in advance (or as otherwise agreed with the navigation authority) to notify river users of the works. During the conductor lowering and bridge works, it is anticipated that a boat would be moored in the river to prevent and warn users accessing the working area.'</i></p> <p>The Applicant intends to adhere to the temporary closure procedure (including publicity requirements) as prescribed at the relevant time by the Environment</p>

Reference	Matter	Point Raised	Applicant's Comments
			Agency acting in its capacity as the navigation authority for this particular section of the River Stour. The Applicant is engaged in discussions with the Environment Agency regarding the same.
21.3.14	Article 57 and Schedule 17 (Certification of documents)	<p>As the detailed design of significant elements of the proposal cannot be confirmed until after the DCO has been confirmed following appointment of the Main Works Contractor, there needs to be a mechanism for ensuring that the local planning authority is provided with sufficient information to enable it to identify and assess any materially new/different environmental impacts of any proposed changes in these control documents and where it does consent, that the agreed changes are properly reflected in the set of certified documents attaching to the DCO.</p> <p>There needs to be a mechanism for dealing with circumstances where the local planning authority (acting reasonably) cannot agree to any particular proposed amendment.</p>	<p>ES Chapter 4: Project Description [APP-072] and ES Chapter 5: EIA Approach and Method [APP-073] together make clear that the environmental assessment undertaken by the Applicant includes sensitivity testing which takes into account the application of flexibility as permitted by the dDCO (document 3.1 (C)) in respect of the design or construction method of the project. This includes the full extent of the LoD prescribed in Article 5 of the dDCO.</p> <p>The findings of the Applicant's environmental assessment have been used to inform the commitments and other measures which are set out in the Management Plans and which would be implemented during construction of the project.</p> <p>Therefore, the Applicant does not consider that the detailed design of the project is likely to give rise to any materially new or materially different environmental impacts to those already assessed.</p> <p>To the extent that such circumstances do arise, the Management Plans already include an appropriate 'Change Process' (see, for example, Section 15.5 of the CEMP (document 7.5 (B))).</p> <p>However, the Applicant proposes to further develop the 'Change Process' in order to make clear that the Applicant would also commit to updating the electronic library of certified documents (which it is required to maintain pursuant to Article 57(5)) with any revised or updated versions of the documents currently listed in Schedule 17.</p> <p>In the event of a disagreement as between the Applicant and the Councils as to a proposed change to one or more of the Management Plans or other control documents, the Applicant would anticipate having recourse to the appeals mechanism set out in Schedule 4 of the dDCO (document 3.1 (C)).</p>
21.4.1	Schedule 1 (Associated Development)	As drafted, there is no mechanism to decide who checks whether the works listed as Associated Development would result in materially new/different environmental effects.	<p>The Applicant notes that a similar request was made by the Councils in respect of an early draft of the DCO which was shared with each of the Councils on a without prejudice basis in August 2022.</p> <p>Whilst the Applicant has had due regard to those comments, the Applicant does not consider it appropriate nor practicable for the Councils to act as sole arbiters in determining whether or not the carrying out of any or all of the operations listed as Associated Development in Schedule 1 of the dDCO (document 3.1 (C)) is likely to give rise to any materially new or materially different environmental effects.</p> <p>Environmental Statement Chapter 4: Project Description [APP-072] makes clear that the environmental assessment undertaken by the Applicant includes an assessment of all ancillary activities required to facilitate the construction and operation of the project. This corresponds with the safeguard included in Schedule 1 of the dDCO,</p>

Reference	Matter	Point Raised	Applicant's Comments
			<p>namely that the operations listed as Associated Development must be “<i>necessary or expedient for the purposes of or in connection with the construction or maintenance of the above Work Nos.</i>”</p> <p>As noted above, the findings of the Applicant's environmental assessment have been used to inform the commitments and other measures which are set out in the Management Plans and which would be implemented during construction of the project.</p> <p>Compliance with the Management Plans is secured through Requirement 4 of the dDCO.</p> <p>The Applicant would also note the practical effect of section 161(1)(b) (breach of terms of order granting development consent) of the Planning Act 2008 to the extent that the Councils consider that, in carrying out any of the operations listed as Associated Development in Schedule 1, the Applicant or its contractors are acting outwith the scope of the powers sought and assessed. This is paired with other mechanisms including section 167 of that Act which enables the Council to make information requests of the Applicant.</p>
21.4.2	Schedule 1 (Work No. 12)	The works and operations comprised in Work No. 12 are significant items of work which may give rise to materially new/different impacts to those identified in the existing environmental statement. There do need to be appropriate controls in place to enable the LPA to identify and assess materially new/different environmental impacts and an appropriate opportunity afforded to the LPA to require the imposition of appropriate reasonable mitigations/controls.	The Applicant refers to the response provided to Item 7.1 (iii) of the Applicant's Written Summary of Oral Representations to Issue Specific Hearing 1 [REP1-024] and to the response provided to Action Nos. AP8 and AP22 in the Applicant's Response to Issue Specific Hearing 1 Action Points [REP1-034].
21.5.1	Schedule 3 (Requirements): Interpretation (Paragraph 1)	Consideration needs to be given to which BNG metric is appropriate for this development to use.	<p>As recorded in the draft SoCG with Natural England (document 7.3.2(B)), ID 3.7.1 states ‘the Defra 3.1 metric is a suitable tool for calculating 10% BNG on the project.’</p> <p>Defra Metric 4.0 was published in July 2023, therefore, Defra 3.1 was the version available at the point of application.</p> <p>Natural England (2023a), states that ‘Users of previous versions of the Biodiversity Metric should continue to use that metric (unless requested to do otherwise by their client or consenting body) for the duration of the project it is being used for.’</p> <p>Natural England (2023b) also states that ‘the changes have largely focussed on further improving your experiences as users of the calculation tool and its</p>

Reference	Matter	Point Raised	Applicant's Comments
			<p>accompanying guidance.' This suggests that Natural England does not consider that using the updated guidance would change the overall numbers from the Defra 3.1 version.</p> <p>The Metric has been updated a number of times since its launch. The project started using Version 2.0 in 2020-21, this was updated to Version 3.0 in spring 2022, and Version 3.1 in spring 2023.</p> <p>Each time an update is launched, it requires amendments to the data and how this is inputted into the Metric. It will also produce a slightly different output, albeit this is typically similar to the previous version in terms overall numbers. However, changes, no matter how small make it difficult in terms of consistency in reporting and does not enable the establishment of a fixed baseline against which to assess gain from.</p> <p>As Natural England repeat the point that Defra 3.1 metric is a suitable tool for calculating 10% BNG on the project in their Written Representation [REP2-026], the Applicant considers that a change to Defra Metric 4.0 is unnecessary and will introduce confusion regarding which baseline numbers are used on the project.</p>
21.5.2	Schedule 3 (Requirements): Time Limits (Requirement 2 (1))	<p>Requirement 2 (1) (Time Limits) can, and potentially should, be deleted.</p> <p>The rationale behind this includes that "commencement" (as defined) is a stipulation/requirement within 5 years and, as such, any work to "begin" the development will have had to have happened before this time in any event.</p> <p>In short, it is not considered that 2 (1) adds much, if anything.</p>	<p>Paragraphs 4.3.7 and 4.3.8 of the Explanatory Memorandum (document 3.2 (B)) explain the rationale behind the inclusion of sub-paragraph 2(1) in Schedule 3 of the dDCO (document 3.1 (C)).</p>
21.5.3	Schedule 3 (Requirements): Stages of authorised development (Requirement 3)	<p>There is no mechanism for commenting and/or approving of the development staging by the Councils. Braintree District Council consider a short period of time should be built in for the LPA to comment on the staging document, should they wish to.</p>	<p>The omission of an approvals mechanism in Requirement 3 is intentional. The staging plan to be prepared by the Applicant is to be submitted to the 'relevant planning authority' for information only.</p> <p>More specifically, the intention is that the Applicant would define the stages of the authorised development once it has been determined how the scheme will be practically delivered. This will involve consideration of a number of factors, such as the type of construction activity and methodology, geographic location, time period, and administrative boundaries of the relevant planning authorities in respect of the discharge of requirements.</p> <p>Given the nature of the project, there are likely to be works which take place at a particular location and on a particular date, but where it may then be necessary to</p>

Reference	Matter	Point Raised	Applicant's Comments
			<p>return to the same site to undertake further works at subsequent points during the construction process.</p> <p>The written scheme setting out the stages of the authorised development would confirm the spatial scope of the stage (the area within which the works will take place), the temporal scope (when it is likely to commence and be completed), and the works that it relates to.</p> <p>The purpose of Requirement 3 is to give prior notice to the 'relevant planning authorities' that the Applicant is proposing to bring forward the project in these stages so the relevant authorities will be able to discharge the plans which subsequently come forward in that knowledge.</p> <p>It is accepted by the Applicant that a staging plan is something that should be provided, but it is not appropriate for the authorities concerned to approve the stages because the Applicant should be able to define the way in which the project is ultimately constructed.</p>
21.5.4	Schedule 3 (Requirements): Approval and implementation of drainage management plan (Requirement 5)	ECC should be a consultee in relation to Requirement 5.	Requirement 5 states that no stage of the authorised development may be brought into operational use until, for that stage, a Drainage Management Plan, to address operational surface water management matters, has been submitted to and approved by the 'relevant planning authority'. The Applicant assumes that ECC would be the 'relevant planning authority' referenced in this Requirement.
21.5.5 to 21.5.6	Schedule 3 (Requirements): Construction hours (Requirement 7)	<p>The proposed construction hours for the development are not acceptable; as drafted the works allow for a 12-hour day during the week, with a significant amount of work able to be carried out even outside of these hours. The development could therefore give rise to significant noise and disruption for local residents, especially along the proposed haul route from the A131 to the Stour Valley West CSE compound.</p> <p>The hours of working, and the extent to which activities can be carried on outside of the working hours, need to be refined to minimise the impact on neighbouring properties and businesses as far as possible.</p>	<p>The Applicant notes that similar comments were made by the Councils in respect of an early draft of the DCO which was shared with each of the Councils on a without prejudice basis in August 2022. The Applicant refers the Councils to the justification for the core working hours which is provided in the following documents:</p> <ul style="list-style-type: none"> ES Chapter 4: Project Description [APP-072] and particularly Paragraphs 4.4.19 to 4.4.25 which provide an overview of the construction hours sought in respect of the project; The response provided in respect of Item 4.3 (Construction Schedule) at Issue Specific Hearing 1 (to which see the Applicant's Written Summary of Oral Representations to Issue Specific Hearing 1 [REP1-024]); and The Applicant's Comments on Relevant Representations [REP1-025], and particularly Section 2.18 of the same which addresses comments made by other interested parties in respect of the necessity for the core working hours listed in sub-paragraph (1) of Requirement 7.

Reference	Matter	Point Raised	Applicant's Comments
			The Applicant also directs the Councils to the Applicant's Response to 17.4.4 to 17.4.6 in Table 13.1 in the Applicant's Comments on Chapter 17 (Noise and Vibration) for further details.
21.5.7	Schedule 3 (Requirements): Implementation and maintenance of reinstatement planting scheme (Requirement 10)	The Councils consider that the 5 year 'aftercare period' in Requirement 10(3) should be extended to 10 years in order to provide greater ecological improvements.	<p>The Applicant notes that similar comments were made by the Councils in respect of an early draft of the DCO which was shared with each of the Councils on a without prejudice basis in August 2022.</p> <p>The Applicant notes that in respect of certain sites along the project route where the freehold has been, or is proposed to be acquired by the Applicant, landscape screening (incorporating reinstatement planting) is an embedded measure which would be retained for the lifetime of the transmission asset and, therefore, maintained on a permanent basis. This would be at the GSP substation and around the CSE compounds, as per embedded measures EM-D01, EM-F01, EM-G03, EM-G06 and EM-H02 set out within the REAC (document 7.5.2(B)).</p> <p>The Applicant has also committed to maintaining the environmental enhancement areas for a period of up to 30 years, as described in paragraph 7.3.1 in the Environmental Gain Report [APP-176]. The Applicant has also committed to a up to 30-year aftercare period for the mitigation planting MM09 at Hintlesham Woods, which is a priority site for development of mixed broadleaved native woodland planting, scrub planting and species rich grassland. The 30-year aftercare period for MM09 is considered necessary to enable the woodland planting to achieve the growth rates predicted and secure its long-term viability. Wording has been added to Section 9.1 of the LEMP (document 7.8(B)) at Deadline 3 to show the clear commitment from the Applicant in relation to this site.</p> <p>For those areas where reinstatement planting is identified in LEMP Appendix B: Vegetation Reinstatement Plans (document 7.8.2(B)), other than those areas mentioned above, in accordance with good practice measure LV03, and as stated in Requirement 10 of the dDCO (document 3.1(C)), a five-year aftercare period will be established for mitigation planting and reinstatement. By the end of that five-year period all planting delivered will be established. Following that time, the planting will be handed back to the relevant landowner, as currently takes place in respect of existing planting on private land. The Applicant considers that five-years is appropriate in the context of these locations based on the types of reinstatement and mitigation planting proposed, which is typically hedgerow reinforcement and planting. Planting sizes and species have been selected based on those which would naturalise more easily than larger trees stock, for example, smaller whips and transplants.</p> <p>The purpose of the proposed reinstatement planting is to replace what is removed, in order to maintain the existing baseline. Once the reinstatement planting is delivered and has been established through the five-year maintenance period the purpose of the reinstatement planting has been achieved. It is the Applicant's view</p>

Reference	Matter	Point Raised	Applicant's Comments
			that there should be no additional obligation on the Applicant (or private landowners) to manage or maintain planting on private land which forms part of the wider baseline, in the same way as the Applicant (or private landowners) would not be obliged to maintain existing baseline planting which is not affected by the project. In summary, the purpose of the reinstatement planting will not be undermined as its purpose is as replacement planting, and not as planting to be retained by the Applicant. There is also no justification for the Applicant to permanently acquire land for the management of replacement planting in perpetuity, or seek to agree long term management with a landowner, where that landowner would ordinarily be entitled to manage existing planting on their land as they consider appropriate. Management of replacement or mitigation planting following the five-year period is not considered directly related to the development or necessary on the basis that the planting required will have been delivered and its establishment secured, which is the purpose of the replacement planting.
21.5.8 to 21.5.9	Schedule 3 (Requirements): Biodiversity Net Gain (Requirement 13)	Requirement 13 needs further refinement as it does not make it clear what BNG is being sought, how the BNG will be managed, nor the period for which the biodiversity net gain should be provided for. Any proposals for off-site BNG in Braintree District have been secured via S106 agreements.	Requirement 13 (Biodiversity Net Gain) is intended to secure the Applicant's commitment to delivering at least 10% in BNG as part of the authorised development. As Paragraph 4.3.34 of the Explanatory Memorandum (document 3.2 (B)) makes clear, Requirement 13 should be read alongside the Statement of Reasons [APP-038] and the Environmental Gain Report [APP-176]. Paragraph 7 of the Environmental Gain Report [APP-176] deals with 'Implementation, Management and Monitoring'.
21.5.10	Schedule 3 (Requirements): General	There seems to be a very low number of Requirements considering the size of this development. BDC has suggested that consideration be given to a number of further topics listed in Paragraph 21.5.10.	In preparing Schedule 3 to the dDCO (document 3.1 (C)), the Applicant has had regard to established DCO precedent (including previous Orders which the Applicant has successfully promoted and delivered), Section 120 of the Planning Act 2008, and Paragraphs 15.1 and 15.2 of Planning Inspectorate Advice Note 15 (Drafting Development Consent Orders). The draft Requirements closely relate to the mitigation set out in the ES and ensure that the mitigation relied upon as part of the EIA is secured. The REAC (document 7.5.2 (B)) records the commitments made by the Applicant (both in terms of embedded measures and additional mitigation measures) and demonstrates how those commitments are secured. The Management Plans, compliance with which is secured through Requirement 4 of the dDCO, also address many of the matters which might otherwise have been the subject of further requirements. In the circumstances, the Applicant does not consider that further requirements are justified, necessary or indeed relevant to either the development proposed or the underlying planning policy position.

Reference	Matter	Point Raised	Applicant's Comments
21.6.1 to 21.6.2	Schedule 4 (Discharge of Requirements): Approvals	<p>The Councils consider that a 28 day period for the relevant authority to discharge the Requirements is too short and is insufficient for the technical matters which require assessment, as well as any cross-boundary issues to be considered.</p> <p>Furthermore, with the threat of deemed consent after 28 days, it could be that Requirements are refused with insufficient time to fully assess/resolve issues.</p> <p>It is considered that 56 days (8 weeks) would be sufficient to facilitate effective discharge of Requirements.</p>	<p>The Applicant notes that similar comments were made by the Councils in respect of an early draft of the DCO which was shared with each of the Councils on a without prejudice basis in August 2022. The Applicant has had due regard to those comments. However, the Applicant remains of the view that the timescales set out in Schedule 4 are entirely appropriate and necessary in the context of the project, noting both the justification and precedent set out in Paragraph 4.4 of the Explanatory Memorandum (document 3.2 (B)). It is also noted that Advice Note 15 is advisory only in nature.</p> <p>The Applicant's approach to, and justification for, the 'deemed consent' provisions included in the dDCO (document 3.1 (C)) is also set out in Paragraph 3.3 (Deemed approvals) of the Explanatory Memorandum.</p> <p>The Applicant also notes that not all applications made pursuant to Schedule 4 of the dDCO are subject to a deemed consent mechanism. Paragraph 1 (3) of Schedule 4 sets out the circumstances in which an application will be deemed to be refused.</p> <p>From a practical perspective, the Applicant would intend to work closely with the relevant discharging authorities to ensure that the timescales set out in Schedule 4 of the dDCO can be met.</p> <p>In particular, the Applicant anticipates that close future engagement will be facilitated by a Planning Performance Agreement (PPA). It is envisaged that, as part of a future PPA, pre-application 'shadow' submissions to the relevant discharging authority would be made by or on behalf of the Applicant. Comments raised by the relevant discharging authority as part of that pre-engagement process would, where appropriate, be addressed by the Applicant prior to the formal submission of the application pursuant to Schedule 4.</p> <p>This process, which the Applicant would be pleased to discuss in detail with the relevant discharging authorities, will allow all future applications to be determined swiftly and within the timescales set out in Schedule 4 to the draft Development Consent Order.</p> <p>Taking account of the above, the Applicant does not consider that the suggested alternative of 56 days is conducive to the timely delivery of a project for which there is a critical national need (to which see the Need Case [APP-161]). Whilst a maximum period of 56 days was sought in the context of the Sizewell C (Nuclear Generating Station) Order 2022, the Applicant submits that the two projects are not comparable in terms of scale, complexity or the number of future approvals which will be required. The Applicant would therefore welcome further clarification from the Councils as to why a period of 56 days is considered appropriate in the context of this particular project.</p>

Reference	Matter	Point Raised	Applicant's Comments
21.6.3	Schedule 4 (Discharge of Requirements): Fees	<p>The proposed fee of £116 is not sufficient to cover the Councils' costs for Requirements.</p> <p>This payment is only accepted if an accompanying PPA is agreed which would secure additional resource to deliver on discharging Requirements.</p>	<p>The Applicant notes that similar comments were made by the Councils in respect of an early draft of the DCO which was shared with each of the Councils on a without prejudice basis in August 2022.</p> <p>The Applicant has had due regard to those comments and understands that the fee of £116 per request included in Paragraph 3 (1) of Schedule 4 reflects the Councils' standard fee for applications to discharge a planning condition.</p> <p>In any event, the Applicant anticipates that the proposed PPA will make provision for the reimbursement of any additional reasonable financial costs which are likely to be properly incurred by the Councils in respect of the consideration and determination of any requests for approval, consent or agreement made pursuant to the dDCO.</p>
21.6.4	Schedule 4 (Discharge of Requirements): Further Information	<p>The time period of 3 business days within which to request further information is still wholly too short for the Councils as relevant authorities to be able to effectively engage with the discharge of Requirements process.</p>	<p>The Applicant notes that the 'further information' process set out in Paragraph 2 of Schedule 4 is akin to the validation process which accompanies conventional applications for planning permission. The relevant authority is not required to determine the extant application as part of the 'further information process'; it is simply a discretionary procedural step which the authority may have recourse to in certain circumstances.</p> <p>In that context, the Applicant anticipates that the proposed PPA will make provision for 'shadow' submissions to be made in advance to the relevant authority. Comments raised by the relevant authority as part of that pre-engagement process would, where appropriate, be addressed by the Applicant prior to the formal submission of the application. It is expected that this would ultimately negate the need for 'further information' to be requested pursuant to Paragraph 2 of Schedule 4.</p>
21.6.5	Schedule 4 (Discharge of Requirements)	<p>Provision should be made to consult the relevant requirement consultee at the same time as serving the relevant authority to promote effective use of time.</p>	<p>The Applicant respectfully disagrees with the point made by the Councils and considers that consultation in these circumstances is a matter wholly for the relevant authority to administer.</p> <p>Nonetheless, the Applicant would be willing to consider whether the proposed PPA could make provision for the Applicant to provide reasonable assistance to the relevant authority with regard to the consultation process in these circumstances.</p>

18. Applicant’s Comments on Chapter 22 (Community Benefits)

18.1 Introduction

18.1.1 This section (Table 18.1) provides the Applicant’s comments on Chapter 22 (Community Benefits) of the Councils LIR.

18.2 Comments Table

Table 18.1 – Applicant’s Comments on Chapter 22 (Community Benefits) of the LIR

Reference	Matter	Point Raised	Applicant’s Comments
22.1.1 to 22.1.3	Community fund	The Joint Council’s would wish to see opportunities and options explored by the applicant for community ownership, together with detail of the scope and operation of a community fund open to applications from community projects or groups	The Applicant is committed to continuing discussions with the Councils and other key stakeholders regarding their aspirations in respect of community benefits. These discussions would be outside of the DCO process whilst the Applicant awaits the outcome of the Government’s consultation.

Reference List

Essex County Council (2020) The Sustainable Drainage Design Guide for Essex.

Circular Ecology (2019) The Inventory of Carbon and Energy, Version 3.0.

Department for Environment, Food and Rural Affairs (2021) Biodiversity Metric 3.0 - Calculation Tool.

CL:AIRE (2011) The Definition of Waste: Development Industry Code of Practice, March 2021.

Planning Inspectorate (2018) Advice Note 15, Drafting Development Consent Orders, Republished July 2018.

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