

Subject: FW: "Compulsory Acquisition" RE: Examination Timetable
Attachments: Submission relating to proposed compulsory acquisition 021123.pdf; Submission re BNG considerations - questions for environmental hearing on 091123.pdf

From: Francis Prosser <[REDACTED]>
Sent: 02 November 2023 17:45
To: BramfordtoTwinstead <BramfordtoTwinstead@planninginspectorate.gov.uk>
Subject: RE: "Compulsory Acquisition" RE: Examination Timetable

Hi Jake,
Thank you for your time on the phone earlier today.
Further to the call and as discussed:

1 Compulsory Acquisition and Temporary Possession Hearing
I am grateful for your consideration of these points as an additional submission in advance of the hearing, and which I attach as a pdf.

2 Attendance at next week's hearings (DCO and Environmental sessions)
I previously requested to join by Teams. Unfortunately it now looks like joining either of these will be very difficult due to a funeral next week, and because of travelling and time zones, so as I said feel free to take me off the list.

I understand that we can still stream/ watch video and comment on these issues / matters raised, ideally by 16th November.

3 Given that I can't attend I shall also be very grateful if the ExA can consider including some questions I would have raised in the Environmental session. These are also attached as a pdf.

Many thanks for your assistance.

Kind regards,
Francis

Bramford-Twinstead: Additional Submission to the Planning Inspectorate relating to site specific matter re proposed 'temporary'* access and use of land off A1071 02/11/23
(prepared for Acquisition / Access issue-specific hearing 8th November 2023)

Temporary Access at and around our property entrance (Site Refs: 6-30, 6-31)

We have specific comments regarding the proposed use of part of our entrance track (plot 6-30), including main road access (plot 6-31), in order to access the scheme, intended here for access (shown as Class 7/0) to proposed "environmental areas" (described to us as areas for "Bio-diversity Net Gain").

*Whilst the proposed access is termed 'temporary' we understand that National Grid is now actually seeking access rights for 40 years, having extended the requested period from 5 years (change since the start of the examination / issue of draft terms). In addition, the effects would be permanent with the resulting removal of ancient hedgerow and ditch and the major change in use of affected land.

- Such access as shown on plans would be completely unnecessary and not be required in order to access any environmental areas at ENV04 in the Application general arrangement plans and also now shown in its updated "Book of Reference" as 6-24 (also with reference to ENV19 / 6-21).
- Additionally, there are better, safer and closer access points e.g. at 6-49 for example, and which would not affect residents (this is our main and only road access to three properties, barns and land) nor unnecessarily run over 300m across arable fields, skirting around the back of a section of ancient woodland (with nesting birds and mammals).
- Even if access rights were granted - we are in discussion with National Grid regarding a possible voluntary agreement - then the area shown (I estimate around 30-40m of track) is unnecessarily large/long:
- The proposed area shown would look to involve removal of a section of an estimated 10-20m of ancient hedgerow and important drainage ditch, which is also an important corridor link between two SSSI sites. This would also be unnecessary.
The current access arrangement to the field is presently used by all types of agricultural equipment and would be more than adequate for the type of activity such an area would require.
- I also note that in addition to unnecessarily removing 1800sqm, the proposed new access route (6-32) would leave a strip of farmed land between it and the wood/hedge, presumably making that un-usable – unnecessarily taking out a further 1500 sq m (est.).
- The rationale for the areas to be accessed (6-24 and 6-21) is already dubious as has been described in other submissions - see comments below. We have also asked that 6-21 / ENV19 be reconsidered – or at least some discussion and undertaking with us as to what the planting plans would be.
- Consequently, without 6-21, access 6-29 would not be required. (Together both would unnecessarily reduce arable land by 3400 sqm).
- All of this is excessive. It is not, as National Grid states in its documents, the "minimum land necessary" (at best it is hedging for some so far undefined activity across a very large area – see comments below – and with reference to "biodiversity net gain" requirements).
- We have requested a further meeting with National Grid on this, however:

- We would ask the Planning Inspectorate to consider this use of our access track and road entrance as unnecessary, with needless take-over of land and creation of additional and long-term disruption to people (and their access to homes) and to wildlife;
- we would also draw attention to the related changes that have been made since consultation and without proper discussion or agreement, as detailed below:

Related comments for consideration:

- 1 **The planned access detailed above was not included in the Applicant's consultation process or plans.**
- 2 At no point were we informed directly by the Applicant or its agents of the intentions for these areas, included our own property. (We had to seek a meeting with National Grid on this matter once we realised the access plans were included in the Application documents). The first we knew of this was seeing the revised 2.3 plans in the Application.
- 3 At no point since did we receive any direct notice from the Applicant of its plans to formally seek "temporary access" on our property (which we now see by default included in the revised documents submitted to the Examination, and included with "compulsory" processes). The first we knew of this formally was at a meeting we requested via our agent and in subsequent draft 'heads of terms' provided in July.¹
- 4 Not only do these access plans appear to have been added since the last Consultation, with no direct contact with actual affected persons (in our case), but also:
- 5 **The plans seem to have further changed** - or allowed scope to do so - since the start of the Examination – with the addition of the blanket phrases:
 "The Land Plans have been updated at Deadline 1 to reflect the fact that Class 5 rights (Compulsory acquisition of rights for biodiversity net gain) are no longer sought in respect of certain plots.
 "Equivalent changes have also been made to the Book of Reference."

These Application documents (2.3 (B) now feature the removal of the annotation "ENV" and the colouring of all previous such land the same (green), and now as green, for "Class 2 - compulsory acquisition of rights – Overhead line".

We were assured by National Grid that the ENV04 would be for accessing planting/habitat areas only, and would not be used for construction or industrial

¹ Note: having now checked with older / Application documents I see that the Applicant claims to have issued "New Line HoTs" to us in February of this year in respect of this parcel (Document 4.2.2: Statement of Reasons: Appendix B Schedule of Negotiations with Land Interests, sic). The first time we saw these were in July of this year when provided by our agent, following our request for a meeting having seen the new plans.

This was 'too draft' to consider seriously without discussion - we are currently waiting for revised terms and response to our points raised at that meeting (10/7) and subsequent further revised terms.

The same document (dated April 2023) later refers to PIL number document issued claims that :
 "New Line HoTs issued 24/02/23; Met & discussed with agent 07/03/23 and 27/07/23"

This document appears to have been amended after its original issue, but does not say so.

We had a meeting with National Grid along with our agent on 10/7/23.

In any case we were unaware of the plans until after the Application or of any HoTs until July 2023.

equipment. Environmental areas, specifically ENV04, were explained to us as highlighted for “BNG”. This is in line with the 2022 Consultation and original Application plans. However, as I read it this now potentially allows scope for change of use of land from ‘environmental areas’ to whatever the Applicant determines as above class 2.

- 6 We do not believe it is proper or fair to make such changes or include ‘updates’ in this way, especially after these were serious queries during consultation and have major impacts. Our submission gives one example - major to us – but there could be other similarly affected areas as a result.

Other observations

- We understand that BT/OpenReach have right of access for their equipment on this track along with Anglian Water (also I believe the same for 6.23 and 6.21)
- Whilst this relates to other owners, the RSPB does not, as far as I am aware have access or other rights over adjacent areas 6.29 or 6.21, as indicated in the 4.3 Book of Reference.

Note

I now see that the intended Class of Interest use of the area 6-30 is 7/0. (Document 4.3: Book of Reference Final Issue A April 2023). This remains unchanged in the Revision Issue B, provided after the examination started.

However, a change to (one of) the Freehold Co-Owners appears to have been made unilaterally, without reference to us. We have no idea why this would be done. National Grid is invited to contact us for corrections.

Submission relating to Biodiversity Net Gain (“BNG”) / Environmental considerations 02/11/23
(prepared for Environmental hearing 9th November 2023)

Questions for the hearing

1 How satisfied can we be that the Bio-diversity rules – understood to be part of the Environment Act 2021 and to be phased in from November this year – are being and will be applied correctly to this scheme, especially as they are new. (How) do they apply to this scheme?

Specifically: regarding the resulting loss of biodiversity from the 3km stretch of new, additional pylons around the North and West of Ramsey Wood¹:

2 How has the loss of biodiversity resulting from these new pylons and line been calculated? What is it? How exactly is that to be ‘offset’ and with an additional 10% improvement on top? (to meet the pending rules)

3 The Local Government Association defines biodiversity net gain (BNG) as an approach to development or land management that aims to leave the natural environment in a better state than it was beforehand. (this presumably needs to be measurable for planning policy)

How, in general terms, will the natural environment in this section be in a better state with the addition of these new lines?

4 Why have some areas such as ENVO04 / 6-24, originally intended and submitted as for “BNG”, had a definitional change of use / option, as shown in the submitted plans, since the start of the examination?

5 Extensive surveys seem to have been carried out in some areas, on various species to varying degrees:

5.1 Is it sufficient to rely on desk research for large areas of important, affected protected or otherwise notable habitats and species, as stated for much of the area within 1km of Order Limits (ref 7.4.4)?

5.2 Why haven’t equivalent surveys been carried out on much of one side of the proposed new line?

Point: As referenced in other submissions I do not feel enough detail has been done on or understanding of where the proposed new lines north and west of Ramsey Wood would actually go.

Point: If these haven’t been done how can the Biodiversity / baseline even be calculated properly?

Thank you

¹ Once again I refer to the persistence of National Grid in misleadingly calling this new line as re-aligned or re-use: Eg ref 6.2.7 Table 7.3 EM-AB02 “The proposed 400kV overhead line will reuse the existing pylons (RB12 and RB13) at Hintlesham Woods Site of Special Scientific Interest (SSSI).” And then even implying a ‘benefit’ from them.