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# Bramford to Twinstead Reinforcement

## Volume 8: Examination Submissions

Document 8.6.2.3: Applicant's Written Summaries of Oral Submissions to Issue Specific Hearing 3

Final Issue A  
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# 1. About this document

## 1.1 Introduction

- 1.1.1 This document summarises the case put by National Grid Electricity Transmission plc (the Applicant), at Issue Specific Hearing 3 (ISH3) on 9 November 2023 for the Bramford to Twinstead Reinforcement (referred to as the project).
- 1.1.2 The hearing opened at 10:00 on 9 November 2023 and closed at 12:45 on 9 November 2023. The agenda for the hearing **[EV-026]** was published on the Planning Inspectorate’s website on 27 October 2023.
- 1.1.3 In what follows, the Applicant’s submissions on the points raised broadly follow the items set out in the Examining Authority’s agenda.

## 1.2 Attendees on behalf of the Applicant

- 1.2.1 Michael Humphries, Counsel instructed by Bryan Cave Leighton Paisner LLP (BCLP) appeared on behalf of the Applicant.
- 1.2.2 The following expert witnesses also made submissions throughout the hearing:
- Jonathan Hale, Jacobs (Transport Planning);
  - Christopher Alves-Greenland, Jacobs (Highways Design);
  - Rob Fielden, National Grid (Engineering and Design); and
  - Ali Leeder, Arup (Planning Policy and Consents).

## 2. The Applicant's Summary of Case on Item 3.0: Transport Assessment and Methodology Used to Assess Traffic Impacts

### 2.1 Item 3.0. Transport Assessment and Methodology Used to Assess Traffic Impacts

Table 2.1 – Item 3.0. Transport Assessment and Methodology Used to Assess Traffic Impacts

Issued Discussed	Summary of Oral Case
<b>3.1. Local Impact Reports and the Transport Assessment</b>	
Clarification sought on the position of the Local Highways Authorities (LHA) in regard to the Transport Assessment [ <b>APP-061</b> ]	<p>The Applicant confirmed it continues to welcome engagement with the LHA (Suffolk County Council 'SCC' and Essex County Council 'ECC', collectively referred to as 'the Councils'). This includes a continuation of fortnightly meetings between the Applicant and the Councils, where highways matters are discussed. At the meeting on 1<sup>st</sup> November (the week before the hearing) the Applicant had agreed to provide the Councils with construction traffic numbers per proposed access and GIS/CAD files to enable the Councils to review each proposed access point in further detail.</p> <p>[Post hearing note: The construction traffic numbers have now been provided and have also been submitted into the Examination as <b>document 8.6.6.</b>]</p>

# 3. The Applicant's Summary of Case on Item 4.0: Construction Traffic and Construction Route Strategy

## 3.1 Item 4.0. Construction Traffic and Construction Route Strategy

Table 3.1 – Item 4.0. Construction Traffic and Construction Route Strategy

Issued Discussed	Summary of Oral Case
<b>4.1. Control Measures for Staff Numbers, Shift Patterns, Staff Vehicles and the Construction Traffic Management Plan (CTMP)</b>	
The assessment on staff numbers and the control of these numbers	<p>The Applicant confirmed the number of staff assumed in the Transport Assessment [APP-061] and Environmental Statement (ES) Chapter 12: Traffic and Transport [APP-080], a peak of 350 staff (in August 2025) and an average of 180, is a reasonable worst-case scenario.</p> <p>The staff assumptions have been developed by an experienced contractor who has worked on many similar projects. Significant contingency has been worked into the forecast during the development of the Transport Assessment (TA) and ES Chapter 12, as set out in the written record of Issue Specific Hearing 1 [REP1-024]. It is therefore very unlikely that the number of staff required on-site will exceed the assumptions in the TA and ES.</p> <p>However, it was clarified by the Applicant that the TA and ES assess a reasonable worst case, those documents are not designed to capture the impact of improbable or unlikely eventualities. There is therefore a need to retain some flexibility for the main works contractor to respond to these eventualities, which is particularly crucial given that the project programme is built around fixed network outages, which means there is limited scope for programme slippage.</p> <p>It is therefore the Applicant's view that it is impractical to place limits on the number of staff that the main works contractor can use to deliver this urgent Nationally Significant Infrastructure Project (NSIP). The main works contractor needs to have the flexibility to respond to improbable eventualities.</p>
Clarification on shift patterns and the proposed working hours	<p>SCC asked if shift patterns can be secured. The Applicant responded that the assumption used in the assessment is 7am-7pm weekday working hours, which means that most construction staff would not be travelling during peak hours.</p> <p>The Applicant noted that the proposed working hours used in the TA and ES are standard practice for a project of this nature and have also been applied to other recent National Grid projects including the Hinkley Connection (7am-7pm weekday working hours). In addition, other nearby NSIPs have also assumed similar hours. For example, the Lower Thames Crossing (LTC) project currently going through Development Consent Order (DCO) Examination assumes similar working hours as set out in section 6.4 of the Code of Construction Practice [REP6-038 of the LTC Examination Library]. In addition, the A12 Chelmsford to A120 Widening Scheme that</p>

Issued Discussed	Summary of Oral Case
	<p>went through DCO examination earlier in 2023 also includes working hours of 7.30am to 7pm in the week and extended working hours of 7am to 9pm during summer months as set out in section 6.2 of the Outline CTMP [REP6-054 of the A12 Examination Library]. In each of these latter two examples, a site set-up hour immediately before specified working hours and a close-down hour immediately after was also assumed.</p> <p>It was clarified by the Applicant that, based on the above evidence, the TA and ES assess a reasonable worst case. However, as per the response above, those documents are not designed to capture the impact of improbable or unlikely eventualities. There is therefore a need to retain some flexibility for the main works contractor to respond to these eventualities, which is particularly crucial given that the project programme is built around fixed network outages, which means there is limited scope for programme slippage. It is therefore the Applicant's view that it is impractical to place further limits on main works contractor working hours beyond those set out in Requirement 7 of the draft DCO [REP3-007]. The main works contractor needs to have the flexibility to respond to improbable eventualities.</p>
<p>Clarification on the term 'minibus' and staff vehicles used</p>	<p>The Applicant confirmed 'crew van' is a more accurate description of the vehicle in question than 'minibus'. These are staff welfare crew vans with an average occupancy of four to six persons. For assessment purposes in the TA and ES an average occupancy of four staff per van has been assumed, which is at the lower end of the occupancy range quoted, and that 70% of staff would use crew vans to travel to and from construction sites.</p> <p>The assumption related to 70% use of crew vans is based on their use being standard practice on a project of this nature, as advised by an experienced contractor who supported the development of the application for development consent. The Applicant also noted that many contractors on projects of this nature implement policies preventing workers from driving personal cars to site. In the TA [APP-061] it has been assumed as part of a precautionary assessment that 30% of staff would drive their own vehicle to site with an average occupancy of one staff member per vehicle. This therefore can be seen as a reasonable worst-case scenario, particularly if the main works contractor implements a policy of preventing staff from bringing their own vehicles to site.</p> <p>As per earlier responses however, the TA and ES are not designed to capture the impact of improbable or unlikely eventualities. There is therefore a need to retain some flexibility for the main works contractor to respond to these eventualities, which is particularly crucial given that the project programme is built around fixed network outages, which means there is limited scope for programme slippage.</p> <p>It is therefore the Applicant's view that it is impractical to place limits on the main works contractor use of crew vans, or requirements to achieve specific targets in terms of vehicle occupancy (noting that aspirational targets are being included in the CTMP [REP3-030]). The main works contractor needs to have the flexibility to respond to improbable eventualities.</p>
<p>The progress of the CTMP</p>	<p>The Applicant confirmed the intention to make the CTMP a final document during the Examination. The Applicant noted that discussions with the LHA were ongoing and that the Applicant has been working to accommodate requests from the LHA where reasonably practicable to do so. The recent inclusion of HGV routes in Appendix A of the CTMP submitted at Deadline 3 [REP3-030] was cited as an example.</p> <p>In response to the Councils, the Applicant then generally reiterated the importance of retaining flexibility to respond to unforeseen events (for example, extreme weather preventing access to site). It was noted that the project programme needs to be met. The Applicant agreed to continue dialogue with the Councils and other consultees to seek to accommodate concerns where appropriate.</p>



# 4. The Applicant's Summary of Case on Item 5.0: Proposed Temporary Traffic Restrictions

## 4.1 Item 5.0. Proposed Temporary Traffic Restrictions

Table 4.1 – Item 5.0. Proposed Temporary Traffic Restrictions

Issued Discussed	Summary of Oral Case
<b>5.1. The Need for Proposed Temporary Traffic Restrictions</b>	
The proportionality of need for the proposed restrictions provided for in the DCO	The Applicant confirmed it considers the proposed restrictions are required and considered helpful for the safe delivery of the project. The Applicant clarified these are waiting restrictions, rather than parking restrictions. Discussions are ongoing with the Councils to ensure the use of the restrictions is appropriate, with all parties committed to continued discussions.

# 5. The Applicant's Summary of Case on Item 6.0: Temporary and Permanent Measures Sought for Access to the Proposed Development

## 5.1 Item 6.0. Temporary and Permanent Measures Sought for Access to the Proposed Development

Table 5.1 – Item 6.0. Temporary and Permanent Measures Sought for Access to the Proposed Development

Issued Discussed	Summary of Oral Case
<p><b>6.1. Proposed Access Points, Bell-mouths and Access Tracks and Roads, Including the Haul Road from the A131 and the ‘Hybrid’ Solution Raised by Pebmarsh Parish Council and Others</b></p>	
<p>The ExA asked the Applicant to provide a summary of the reasons for access point AB-AP5</p>	<p>The Applicant confirmed that prior to submission of the application a generic bell-mouth and standard visibility splay were considered for assessment purposes and to inform the Order limits. AB-AP5 [APP-012, sheet 2] would be a temporary access point for the construction of overhead line pylon RB-4 [APP-010, sheet 2]. The Applicant noted the access point is an existing farm access and would be infrequently used. Use would be for three periods, with dates provided indicatively: in November/December 2024 to upgrade the access, returning in March-May 2025 for construction activities, and June 2026 for demobilisation.</p> <p>The Applicant summarised AB-AP5 was chosen as it is an existing and infrequently used access, reducing disruption, and provides access to pylon RB-4. Limited improvements to visibility would be needed for the vehicle types using this access.</p>
<p>The use of AB-AP5 and the alternative of access point AB-AP4</p>	<p>The Applicant clarified its preference for AB-AP5 due to the re-use of existing infrastructure and to minimise the impact on agricultural activities. However, if an appropriate access design cannot be agreed with the LHA, then the open field can be used to install a new access at AB-AP4 [APP-012, sheet 2]. Vehicles using the access would typically be normal road vehicles, consisting of cars, vans, Large Goods Vehicles and Heavy Goods Vehicles. As outlined in the TA [APP-061], the frequency of vehicles would be two to four movements a day over the period of November-December 2024, to an approximate total of 210 vehicles during this period. There would be a crane coming in one visit for the construction of RB-4.</p> <p>The ExA asked under what circumstances the alternative access AB-AP4 would be used. The Applicant stated that this would be an alternative if an access could not be designed that satisfied the LHA in terms of delivering a safe access with sufficient visibility and that can be delivered without unacceptable impacts on existing vegetation. If the LHA (SCC) did not consider the AB-AP5 design appropriate, then it would not approve and AB-AP4 would be pursued and designed in a satisfactory manner to the LHA.</p>

Issued Discussed	Summary of Oral Case
Flexibility in design of AB-AP5	In respect of the Applicant seeking Class 4 rights in perpetuity, the Applicant outlined that long-term occasional maintenance access may be required after construction, but it would be infrequent. Given that access during operation of the project would be very infrequent, this would be reflected in the design of the access, with the assumption that a less onerous design (with less vegetation loss) may be accepted compared to the design for the construction period. Therefore, even if AB-AP5 is not used during construction, it would likely be used during operation to prevent long term access being required across the agricultural field from AB-AP4. The Applicant noted that the alternative access AB-AP4 provides the flexibility requested should AB-AP5 be unable to be used during both construction and operation.
Vegetation and visibility	The Applicant will endeavour to reduce the impact on the private land to the south of AB-AP-5. The Applicant stated it does not need the land for physical works, but for visibility splays. It is a question of how much work is to be done to the trees to achieve the required sight line for road worthy vehicles and if that is considered acceptable.
The design of proposed access point AB-AP5	The Applicant noted that further work could be carried out to establish what is feasible and practicable at this location. The Applicant noted the role of further design work, as identified in <b>document 8.6.3, ISH3 Action Point 2</b> . The Applicant noted that if the impact of sight lines was unacceptable, then AB-AP5 would not be used and the alternative AB-AP4 would be employed.
<b>6.2. Any Other Matters Arising from the Responses to the Examining Authority’s First Written Questions</b>	
The submission of <b>REP3-005</b> by the Applicant	The Applicant noted the revision updates a drafting error, which gave the incorrect impression of where the visibility is typically measured to. The Applicant considered this to be a general worst-case scenario in respect to left and right visibility, with measures to be applied dependent on site specific constraints.

# 6. The Applicant's Summary of Case on Item 7.0: Public Rights of Way and Assessment of Construction and Traffic Impacts on Walkers, Cyclists and Horse Riders

## 6.1 Item 7.0. Public Rights of Way and Assessment of Construction and Traffic Impacts on Walkers, Cyclists and Horse Riders

Table 6.1 – Item 7.0. Public Rights of Way and Assessment of Construction and Traffic Impacts on Walkers, Cyclists and Horse Riders

Issued Discussed	Summary of Oral Case
<b>7.1. The Significance of Effects on WCH in Terms of Journey Length</b>	
The assessment of the receptors in Table 2.1 of ES Appendix 12.1 [APP-134]	<p>The Applicant confirmed the assessment was initially desk-based, involving the identification of particular facilities in the vicinity of each affected Public Right of Way (PRoW) and the types of users likely to be present on the PRoW, based on the location of those facilities. For example, if a route is next to a school, then it is assumed to be potentially used by vulnerable users such as school children, in which case it would be allocated a higher sensitivity rating.</p> <p>The Applicant also noted that PRoW surveys were also completed at various points throughout the study area. It was noted that particularly the 2023 PRoW surveys (detailed in Appendix C of the Applicant’s Response to Issue Specific Hearing 1 Action Points [REP1-034]) covered all routes with expected individual closures of longer than four weeks, and all routes allocated a sensitivity rating of ‘Moderate’ or above. These surveys recorded usage by different categories of user (including elderly people and children), which were then used to verify the assessment of sensitivity included in the application.</p>
The phrase ‘no notable’ used in Table 2.1	The Applicant confirmed that the phrase ‘no notable’ (as used in Table 2.1 of ES Appendix 12.1 [APP-134]) was used during the process of allocating sensitivity ratings to affected PRoW. The phrase is used where the Applicant has looked in the vicinity of the route and determined that there are no notable facilities that are likely to generate significant activity on the route in question.
<b>7.2 Public right of way closures and diversions, and their sequencing</b>	
Diversion lengths and period of route closure	The ExA noted that some diversion lengths quoted in Table 2.1 in ES Appendix 12.1 ranged from 1.6km to 6.5km and were associated with significance of effect values of ‘neutral’ or ‘minor’. The Applicant was asked to explain the rationale for these values and the considerations factored into the assessment. The Applicant confirmed the starting point for assigning magnitude of impact in

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**Issued Discussed****Summary of Oral Case**

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the assessment of WCH journey length is the length of the diversion – the distance thresholds used to define magnitude of impact are set out in ES Appendix 5.4 [APP-096] and any diversion of 1.6km or longer would be in the highest category of impact. However, the Applicant also noted that the assessment was amended to account for the duration of individual closures (noting that EIA guidance informing the thresholds in ES Appendix 5.4 covers permanent impacts as well as temporary impacts) and the likely number of users affected, with reference to the aforementioned desktop review of land-use in the vicinity of each route and the PRow survey data.

[Post hearing note: Subsequent to the hearing, the Applicant would also note that a high magnitude of impact category does not automatically result in a significant effect, as the latter is also determined based on receptor sensitivity in line with EIA guidance.]

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PROW Management Plan

The Applicant submitted a PRow Management Plan at Deadline 3 [REP3-056]. The PRow Management Plan has been added as a fifth management plan in Requirement 4 of the draft DCO [REP3-007].

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# 7. The Applicant's Summary of Case on Item 8.0: Any Other Business

## 7.1 Item 8.0. Any Other Business

Table 7.1 – Item 8.0. Any Other Business

Issued Discussed	Summary of Oral Case
<b>8.1. Extraordinary Traffic</b>	
Section 59 of the Highways Act 1980	SCC considered the project potentially capable of damage caused to the route via 'extraordinary traffic'. SCC suggested a side agreement to avoid any potential of needing to employ the process set out in s.59 of the Highways Act 1980. The Applicant noted that s.59 is an existing statutory provision allowing for such circumstances, and hence the Applicant submitted that it is not necessary to replace that provision. The Applicant has already committed to carrying out condition surveys of the roads in the Construction Traffic Management Plan [REP3-024]. The Applicant is happy to share survey data but does not agree with the suggestion that s59 needs to be replaced by a side agreement.
<b>8.2. Update on the Position of the Road Safety Audit</b>	
The ExA asked the Applicant to provide an update on the position of the Road Safety Audit	<p>As raised at Issue Specific Hearing 1, the Applicant can agree to undertake a Stage 1 audit at the end of Preliminary Design and a separate Stage 2 Detailed Design at the detailed design stage, or as in many well precedented cases for minor highway works, a combined Stage 1/2 audit at the end of the detailed design stage. The Applicant will continue to discuss the most appropriate timing for audits and the accesses that may require them (as infrequent maintenance accesses may not) with the LHAs in the regular highways meetings.</p> <p>[Post hearing note: The Applicant has included additional drafting in Requirement 11 that explicitly requires the Applicant to undertake road safety audits of the highway works authorised by the order (<b>document 3.1 (D)</b>) submitted at Deadline 4). This provides reassurance that these audits will be undertaken.]</p>

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