

Bramford to Twinstead Reinforcement

Volume 8: Examination Submissions

Document 8.6.3: Applicant's Response to the November Hearings Action Points (CAH1, ISH2, ISH3, ISH4)

Final Issue A
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1. About this Document

1.1 Introduction

1.1.1 This document provides National Grid Electricity Transmission plc's (the Applicant's) response to Action Points addressed to the Applicant arising at the Compulsory Acquisition Hearing 1 and Issue Specific Hearings (ISH) 2, 3 and 4 held week commencing 6 November 2023, in respect of the Bramford to Twinstead Reinforcement (the project):

- Compulsory Acquisition Hearing 1 (CAH1) - 8 November 2023 (see Table 2.1);
- Issue Specific Hearing 2 (ISH2) - 8 November 2023 (see Table 3.1);
- Issue Specific Hearing 3 (ISH3) - 9 November 2023 (see Table 4.1); and
- Issue Specific Hearing 4 (ISH4) - 9 November 2023 (see Table 5.1).

1.1.2 The Examining Authority (ExA) issued the list of action during the Hearings and then issued them in written form on 13 November 2023 (Action Points - CAH1, ISH2, ISH3 and ISH4 [EV-045]). Responses to actions addressed to the Applicant only are provided in the Tables, as set out above. On occasion the Applicant has made stylistic/grammatical changes to the wording of these actions; however, it is not considered that these changes are material to the actions provided.

2. Applicant's Response to Compulsory Acquisition Hearing 1

2.1 The Applicant's Response to Actions Table

Table 2.1 – Response to Compulsory Acquisition Hearing 1 (8 November 2023)

Action No.	ExA Description	Applicant's Response	Deadline
AP1	Provide further detail on the notice period that would be given to landowners if the haul route from the A131 was required for maintenance or repairs, including any difference between the voluntary and CA approach.	<p>The voluntary agreements currently provide for three months' notice of entry should it be necessary to re-build the temporary access route off the A131 and 28 days should entry be required, but it is not for a matter where it is deemed necessary to rebuild the temporary access route. These notice periods do not apply in the case of an emergency.</p> <p>In the absence of a voluntary agreement (the Compulsory Acquisition (CA) approach) three months' notice would be given on exercise of the CA power, consistent with section 11 of the Compulsory Purchase Act 1965 and when executing a General Vesting Declaration (GVD), albeit the Applicant accepts that the exercise of the right itself pursuant to any GVD, would be at a later date and not subject to such notice periods.</p>	Deadline 4
AP2	Submit an appendix to the earlier technical note to deal with the environmental comparison and swept path analyses for the Applicant's preferred route for the A131 construction haul road and the alternative routes suggested by DFP Nott and Sons and Mr PJ Nott for their holdings.	The two routes suggested have been added to the Technical Note on Temporary Access Route of the A131 (document 8.5.5 (B)), submitted at Deadline 4, including the rationale for these routes being rejected.	Deadline 4
		Swept path analyses are being prepared for the proposed temporary access route off the A131 and alternatives suggested. This information is intended to be submitted at Deadline 5 (1 December 2023).	Deadline 5
AP3	Check if the report on the targeted consultation on the A131 construction haul road is in the Examination Library, and – if not – submit it.	The Consultation Report: Appendix K September 2022 Targeted Consultation Materials and Supporting Information [AS-009] is now available in the examination library. This was originally submitted as part of the application for development consent; however, due to an administrative error Appendix J was added to the website twice in error instead of Appendix K.	Deadline 4

Action No.	ExA Description	Applicant's Response	Deadline
AP4	Explain how unauthorised use of the construction haul road from the A131 would be prevented, and how any such measures would be secured through the DCO.	<p>A number of security measures are secured in this respect.</p> <p>Good practice measure GG24 of the Construction Environmental Management Plan (CEMP) Appendix A: Code of Construction Practice (CoCP) [REP3-026] states, <i>'Where working areas are fenced the type of fencing installed will take into consideration the level of security required in relation to the surrounding land and public access, rural or urban environment and arable or stock farming. For some locations the fence used may also serve to provide acoustic and visual screening of the work sites and reduce the potential for disturbance of users in the surrounding areas. Fencing will be regularly inspected and maintained and removed as part of the demobilisation unless otherwise specified.'</i></p> <p>Paragraph 5.5.6 of the Construction Traffic Management Plan (CTMP) [REP3-030] states, <i>'Measures such as bellmouth construction and temporary construction matting or temporary hardstanding will be used to protect verges and provide a sound foundation for the safe passage of vehicles. Security fencing will be installed around the roadside access areas along with signage restricting access to construction traffic and construction teams only.'</i></p> <p>Requirement 4 of the dDCO (document 3.1 (D)) secures these various management plans.</p>	Deadline 4

3. Applicant's Response to Issue Specific Hearing 2

3.1 The Applicant's Response to Actions Table

Table 3.1 – Response to Issue Specific Hearing 2 (8 November 2023)

Action No.	ExA Description	Applicant's Response	Deadline
AP1	Explain what was assumed when undertaking the Environmental Impact Assessment (EIA) in relation to construction working hours and alternate working weekends.	<p>As stated in paragraph 4.4.19 of Environmental Statement (ES) Chapter 4: Project Description [APP-072], the environmental assessment assumed the following core working hours for construction that are set out within Requirement 7 of the draft DCO (document 3.1 (D)):</p> <ul style="list-style-type: none"> • 07:00–19:00 Mondays to Fridays; and • 08:00–17:00 on Saturdays, Sundays and Bank Holidays. <p>As set out in paragraph 2.3.2 of the CEMP [REP3-024], a period of one hour may be used either side of the core construction working hours at the start and end of each day to include activities such as job start meetings, toolbox talks, safety briefings, training, refuelling plant and equipment, setting up of material and equipment, installation of traffic management systems, and general housekeeping measures. These start-up and shut-down activities will not involve the operation of construction plant and equipment to limit the amount of noise and light emissions and therefore were not assessed in the ES, as these activities would have limited environmental effects.</p> <p>As described in paragraphs 4.2.22 to 4.2.25 of ES Chapter 4: Project Description [APP-072], there may be occasions where night working is required. In terms of the assessment presented in the ES it was assumed that this would typically only occur on rare occasions and would be likely to last for only a short duration, therefore was typically not assessed. The exception is for the noise assessment at the proposed trenchless crossings, where night-time working may be required to complete activities that once started, would need to continue and this was considered to potentially lead to significant effects as assessed in ES Chapter 14: Noise and Vibration [APP-082].</p>	Deadline 4

Action No.	ExA Description	Applicant's Response	Deadline
AP2	Submit a note that sets out the baseline construction schedule with the critical path analysis shown. Consider the relationship of this to the baseline scenario and scenario 1 (Justification for Construction Working Hours [REP3-045] table 2.1), and to Requirement 3 in the dDCO. Provide explanation how different milestone dates for scenarios 1 and 2 have been interpreted in table 2.1 including impact on time limit (Requirement 3).	The ES did not assume alternate weekend working, it assumed that works could take place on any Saturday or Sunday.	Deadline 5

4. Applicant's Response to Issue Specific Hearing 3

4.1 The Applicant's Response to Actions Table

Table 4.1 – Response to Issue Specific Hearing 3 (9 November 2023)

Action No.	ExA Description	Applicant's Response	Deadline
AP2	Undertake necessary surveys at Church Hill to establish feasibility of the proposed access AB-AP5, leading to tower RB4, and submit information into the Examination by Deadline 7.	The Applicant is undertaking design work at Church Hill to establish the feasibility and impact of the proposed access AB-AP5.	Deadline 7
AP4	Provide an assessment of construction traffic numbers for each access, together with related information.	This has been submitted at Deadline 4 (document 8.6.6) and will be discussed at the fortnightly Traffic and Transport Thematic meetings between the Applicant and the Local Highway Authorities.	Deadline 4

5. Applicant's Response to Issue Specific Hearing 4

5.1 The Applicant's Response to Actions Table

Table 5.1 – Response to Issue Specific Hearing 4 (9 November 2023)

Action No.	ExA Description	Applicant's Response	Deadline
AP1	Review the extent and nature of the management of the coppiced swathe through Hintlesham Woods during transposition and ongoing maintenance.	<p>The Applicant can confirm that the extent and nature of the management of the coppiced swathe through Hintlesham Woods during transposition and ongoing maintenance will be no greater than the re-energisation works that were undertaken in 2013 on the existing 400kV overhead line. Therefore, the project will lie within an already managed graduated swathe.</p> <p>Re-energisation requires the greatest extent of vegetation management, whereas the extent during normal operation would be less. The operational swathe for the proposed overhead line, would be as per maintained for the existing 400kV overhead line. This consists of trimming vegetation to a level that establishes 5.3m of safe clearance to the conductor under a condition where that conductor is blown out up to 45 degrees under high wind conditions. An additional allowance equivalent to three years growth of the vegetation is also made to ensure that the safe clearance noted can be maintained for a period between planned trimming works. As per embedded measure EM-AB12 in the REAC (document 7.5.2 (C)), vegetation management for works to the existing overhead line within Hintlesham Woods SSSI will comprise coppicing to ground level for a width of up to 20m along the existing operational maintenance swathe. In addition, the trees will be managed at graduated heights for up to an additional 12.5m on either side of the 20m swathe for construction activities and to allow the conductors to be installed onto the arms of the existing pylons. Vegetation will be permanently managed to achieve operational safety clearances during operation as is currently undertaken with the existing overhead line. No heavy good vehicle access will be undertaken within the woods.</p>	Deadline 4
AP2	Review your earlier response [REP3-048] to the Woodland Trust's submission [REP2-032] and comment further on fragmentation of the ancient woodland from adjacent supporting habitats.	As set out in paragraph 8.1.5 of the Landscape and Ecological Management Plan (LEMP) [REP3-034] the general principle of reinstatement on the project is that land used temporarily will be reinstated where practicable (bearing in mind any restrictions on planting and land use) to its pre-construction condition and use. The	Deadline 4

Action No.	ExA Description	Applicant's Response	Deadline
AP3	Provide further details of your proposed mitigation or compensation measures for the loss of veteran tree T378.	<p>Vegetation Reinstatement Plan in Appendix B of the LEMP [REP3-036] shows the location of the embedded planting, reinstatement planting, landscape softening, habitat compensation and additional planting.</p> <p>The operational phase of the project will not cause any permanent fragmentation of adjacent semi-natural habitats. The Order Limits predominantly cross arable farm land (low ecological value that is easy to reinstate). Trenchless crossings have been included to avoid more sensitive habitats including the River Box, River Stour and habitats that lie to the south of Ansell's Grove. The permanent above ground features of the grid supply point (GSP) substation and the cable sealing end (CSE) compounds would be located in arable fields and not semi-natural habitats).</p> <p>Once the line is operational, habitats including hedgerows and scrub (but excluding trees due to interference with the electricity line) will be able to re-establish underneath the overhead line and over the top of the underground cables. There will be no physical barriers to, or fragmentation of, the surrounding habitats. In some locations, for example the planting around the GSP substation and the planting proposed to the north of Ramsey Wood at Hintlesham Woods Site of Special Scientific Interest, has been designed to reconnect habitats that are currently fragmented in the arable landscape.</p> <p>Section 4.9 of ES Chapter 4: Project Description [APP-072] shows that there would be limited disturbance to habitats during operation, as in the main, this would consist of annual inspections of the line typically using a small van. The Applicant would need to maintain safety clearances beneath the proposed overhead line, however as the proposed line is generally replacing the 132kV overhead line for most of the Order Limits, there is already a maintained swathe along large proportions of the overhead line in the baseline situation.</p> <p>As reported in Section 7.10 of ES Chapter 7: Biodiversity [APP-075], no residual significant effects in relation to habitats are anticipated during operation.</p>	Deadline 5

Action No.	ExA Description	Applicant's Response	Deadline
AP7	Review the Register of Environmental Actions and Commitments in relation to the need or otherwise to include archaeological mitigation measures, and a further commitment to having all archaeological field work signed off by local authority archaeological advisors prior to the commencement of development.	The Applicant has included a Requirement regarding the need for all Detailed Written Scheme of Investigations to be submitted to, and approved by, the relevant local authority Archaeological Advisors in the REAC at Deadline 4 (document 7.5.2 (C)).	Deadline 4
AP8	Provide signposting to relevant policy and guidance that refers to the assessment of impacts on parts of an Area of Outstanding Natural Beauty (AONB) versus the whole.	The Applicant has been unable to find any guidance that supports the statement made by the Dedham Vale AONB and Stour Valley Partnership that an impact to part of the AONB would be the same as an impact on the whole. The Applicant maintains that in accordance with well-established EIA methodology and guidance, the magnitude of impact is a fundamental part of determining significance of effect. Thereby, the impact on a small part of the AONB would have a lower magnitude impact than an impact on the whole.	Deadline 4
AP9	You are invited to submit representations on any implications for the Examination of the Land Use and Regeneration Act coming into force in relation to the AONB. (Applicant Comment: it is assumed the ExA meant to refer to the Levelling-Up and Regeneration Act (2023))	The relevant section, Section 245 'Protected landscapes', of the Levelling-Up and Regeneration Act (2023) states, <i>'(A1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.</i> <i>(A2) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a devolved Welsh authority must have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'</i> The clause expands the duty on certain public authorities, including Statutory Undertakers (including the Applicant), when carrying out functions in relation to these landscapes to seek to further the statutory purpose and confers a power to make provision as to how they should do this. The legislation has been expanded from <i>'having regard'</i> to <i>'furthering the purpose'</i> of protected landscapes such as AONB. The expanded duty will not come into force until 2 months from the date on which the Levelling-Up and Regeneration Act (2023) was enacted. Therefore, it may be	Deadline 4/5

Action No.	ExA Description	Applicant's Response	Deadline
		<p>that further provisions are made to prescribe the redefined statutory duties more closely.</p> <p>In any event, the Applicant considers the project is compliant with the new 2023 Act obligation as set out above, as the project:</p> <ul style="list-style-type: none"> a.) proposes to underground the proposed 400kV overhead line within the AONB and beyond its boundary; and b.) proposes the removal of the existing 132kV overhead line within the AONB, resulting in a net loss of electricity transmission overhead line infrastructure in this designated landscape. <p>The Applicant intends to update the Planning Statement [APP-160] at Deadline 5 which will have regard to the expanded duty.</p>	
AP13	Following the ASI, review the sufficiency of visual mitigation planting at the CSE compounds and the permanent access road to the Stour Valley West CSE compound, and provide an update.	<p>The Applicant understands that the permanent access route was in reference to the CSE compound at Stour Valley East not Stour Valley West, as raised by the representatives at the Parish Councils at the Issue Specific Hearing.</p> <p>In relation to this permanent access route at the Stour Valley East CSE compound, the Applicant notes that this would be visible in close up views of the site. However, as noted by the Applicant in the hearing under Agenda Item 5.6, there is only one PRow in the vicinity. Footpath W-171/001/0 would be crossed by the permanent access route, thereby affording close range views. There would also be distant views of the permanent access route from the opposite side of the Stour Valley as illustrated by photomontage 32B Viewpoint 2G2.5 at Photomontages Appendix 3 Part 3 [APP-065]. The effect on views from the opposite side of the valley would however be moderated by the presence of intervening screening vegetation.</p> <p>Based on the review of this access route, the Applicant proposes a commitment to ensure a landscape architect is involved in the detailed design of the permanent access route to advise on suitable finishes for the permanent access route at Stour Valley East CSE compound as part of reducing the landscape and visual effects of this feature. This commitment will be added to the management plans at Deadline 5.</p> <p>In terms of the sufficiency of visual mitigation planting at the CSE compounds the Applicant refers to Figure 16.1 [APP-155] as a supporting figure to the text below.</p>	Deadline 4/5

Dedham Vale East CSE Compound (shown on Sheet 12 in **APP-155**)

The Applicant has included embedded planting (EM-D01) around the CSE compound, particularly to the north and south. This will help screen the site and also provide connectivity between the two existing woodland areas (which also provide existing screening of the site). Further planting (scrub, species rich grassland and hedgerow planting) is also proposed to the west of the CSE compound to compensate for habitats lost on the project (MM16).

Dedham Vale West CSE Compound (shown on Sheet 15 in **APP-155**)

The CSE compound has been positioned in a location where the site topography and surrounding landform provides a degree of screening, as well as existing planting to the west. In addition, the Applicant is proposing embedded planting around the CSE compound (EM-F01). Further planting (scrub, species rich grassland and woodland planting) is also proposed to the south of the CSE compound to compensate for habitats lost on the project (MM18).

Stour Valley East CSE Compound (shown on Sheet 19 in **APP-155**)

The CSE compound has been positioned in a location where the site topography and surrounding landform provides a degree of screening. In addition, the Applicant is proposing embedded planting around the CSE compound (EM-G03). The site is also screened by existing woodland to the south of the CSE compound.

Stour Valley West CSE Compound (shown on Sheet 28 in **APP-155**)

The Applicant has included embedded planting (EM-G06) around the CSE compound, which supplements existing planting to the north of the CSE which already screens the site. Further planting (tree and hedgerow planting) is also proposed to the east of the CSE compound to compensate for habitats lost on the project (MM23) and to provide screening from receptors to the east. This is also a location where the Applicant is proposing to undertake planting for net gain as set out in the Environmental Gain Report [**APP-176**], which would comprise further planting around the CSE compound.

Summary

As outline above, all of the CSE compounds have embedded planting as part of their design and in all cases benefit from existing planting on at least one side. Based on this, the Applicant considers that there is sufficient planting at all of the CSE compounds. The planting is shown on LEMP Appendix B: Reinstatement Plan

Action No.	ExA Description	Applicant's Response	Deadline
		[REP3-036], which is secured through Requirement 4 (and Requirement 10 and 11) of the draft DCO (document 3.1 (D)).	

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