



## **Suffolk County Council (20041323)**

Post-Hearing Submission for the Fourth Issue Specific Hearing (ISH4) on Various Environmental Matters, including Biodiversity, the Historic Environment, Landscape

## **Bramford to Twinstead (EN020002)**

Deadline 4

16 November 2023

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## Glossary of Acronyms

<i>DCO</i>	<i>Development Consent Orders</i>
<i>EIA</i>	<i>Environmental Impact Assessment</i>
<i>ExA</i>	<i>Examining Authority</i>
<i>ExQ</i>	<i>Examining Authority’s Written Questions</i>
<i>ISH</i>	<i>Issue Specific Hearing</i>
<i>LHA</i>	<i>Local Highways Authority</i>
<i>PROW</i>	<i>Public Rights of Way</i>
<i>SuDS</i>	<i>Sustainable Drainage Systems</i>

*“The Council” / “SCC” refers to Suffolk County Council; “The Host Authorities” refers to Suffolk County Council, Babergh and Mid Suffolk District Councils, Essex County Council, and Braintree District Council.*

## Purpose of this Submission

The purpose of this submission is to provide a written summary of representations made by Suffolk County Council at the Fourth Issue Specific Hearing (ISH4), on 9 November 2023, into various environmental matters, including biodiversity, the historic environment, landscape and views, and the water environment. Examination Library references are used throughout to assist readers.

Item	Suffolk County Council's Summary of Oral Case and responses to questions	References
<b>1 Welcome, preliminary matters and introductions</b>		
	<p>Suffolk County Council were represented by the following team in person:</p> <ul style="list-style-type: none"> <li>- Graham Gunby, National Infrastructure Planning Manager, Suffolk County Council</li> <li>- Michael Bedford KC, Barrister, Cornerstone Barristers</li> <li>- Isolde Cutting, Senior Landscape Officer, Suffolk County Council</li> <li>- Matthew Baker, Archaeological Officer, Suffolk County Council</li> </ul> <p>Attending colleagues were supported by the following team virtually:</p> <ul style="list-style-type: none"> <li>- Callum Etherton, Project Officer (Energy Infrastructure), Suffolk County Council</li> <li>- Seph Pochin, Ecologist, Suffolk County Council</li> </ul>	
<b>2 Purpose of the Issue Specific Hearing</b>		
	<p>SCC (Planning) notes that agenda item 6 (Water Environment) was dismissed from the agenda and any questions will be handled in the Examining Authority's Second Written Questions. As such, this agenda item has been omitted from this post-hearing submission.</p>	
<b>3 Biodiversity, ecology and nature conservation</b>		
<b>3.1 The Habitats Regulations Assessment. Potential effects of surface and ground water quality changes on the Stour and Orwell Estuaries SPA and Ramsar site</b>		
	<p>SCC (Planning) would note that Babergh DC is the lead authority for this matter.</p>	
<b>3.2 Clarification of proposals for ecological replacement, mitigation, enhancement and biodiversity net gain, and how they would be secured inside and outside the Order Limits</b>		
	<p>SCC (Planning) would note that Babergh and Mid Suffolk District Councils are the lead authorities for this matter.</p>	

<b>3.3 Impacts, mitigation and monitoring in relation to the Hintlesham Woods SSSI, including the process for transposing the existing overhead line onto new pylons around the north and west of Hintlesham Wood and the mounting of the proposed line onto the existing pylons, including site preparation and maintenance</b>	
	SCC (Planning) would note that Babergh District Council is the lead authority for this matter.
<b>3.4 Impacts and mitigation in relation to other ancient woodlands</b>	
	SCC (Planning) would note that Babergh and Mid Suffolk District Councils are the lead authorities for this matter.
<b>3.5 The proposed removal of veteran tree T378 and proposed protection for other ancient and veteran trees</b>	
	SCC (Planning) would note that Babergh District Council is the lead authority for this matter.
<b>3.6 Impacts and mitigation in relation to other Sites of Special Scientific Interest</b>	
	SCC (Planning) would note that Babergh and Mid Suffolk District Councils are the lead authorities for this matter.
<b>3.7 Update on protected species licences and letters of no impediment</b>	
	SCC (Planning) would note that Babergh and Mid Suffolk District Councils are the lead authorities for this matter.
<b>3.8 Any other matters arising from the responses to the Examining Authority's First Written Questions</b>	
	No matters discussed.
<b>4 The historic environment</b>	
<b>4.1 The Suffolk councils' concerns with the proposed route outside and to the west of Hintlesham Woods and its impacts on the setting of listed buildings</b>	
	SCC (Planning) would note that Babergh District Council is the lead authority for this matter, as it relates to the built environment, however, SCC (Landscape) does have input regarding landscape and visual amenity.

	<p>As noted in SCC's answer to ExQ1 DC.1.6.105 <b>[REP3-078]</b>, SCC is finalising the drafting of provisions to amend the Limits of Deviation for Work No.2 which will affect the Hintlesham area. The concerns relating to the landscape setting are set out within SCC's Relevant Representation <b>[RR-006]</b>, paragraphs h) and v), and the Suffolk Joint LIR <b>[REP1-045]</b>, paragraphs 6.9 – 6.11, 6.47b, and 17.9 and as noted in SCC's answer to ExQ1 HE1.8.9, the principal concern is to ensure that the tower locations agreed in 2013 are recognised, and that any changes to that arrangement are adequately and effectively controlled.</p>	
<p><b>4.2 Hintlesham Hall, associated listed buildings and the setting provided by the former park: assessment, impacts, harm, Limits of Deviation, sensitivity testing and the nature and sufficiency of the proposed mitigation</b></p>		
	<p>SCC (Planning) would note that Babergh District Council is the lead authority for this matter.</p>	
<p><b>4.3 Assessment of effects on cultural heritage assets associated with famous artists and writers, including Benton End House and Overbury Hall</b></p>		
	<p>SCC (Planning) would note that Babergh District Council is the lead authority for this matter.</p> <p>SCC noted that it was not clear from the oral comments made on behalf of the Applicant whether the cultural associations between famous artists and writers and cultural heritage assets, including Benton End House, had been included in the Applicant's assessment of the significance of those assets, including the contributions that their settings made to that significance. Having further reviewed the material presented by the Applicant in its assessment of the Historic Environment in Chapter 8 of the ES <b>[APP-076]</b>, the Historic Environment Baseline <b>[APP-125]</b>, and the Historic Environment Impact Assessment <b>[APP-127]</b>, SCC remains unclear where or how these cultural associations have been reflected in the assessment of impacts on the Historic Environment. SCC would invite the Applicant to provide clarification on this matter. SCC also notes the terms of Action Point 6 following ISH4 and has provided a separate response on that matter at agenda item 7 below.</p>	
<p><b>4.4 Update on proposals for archaeological investigations, and on the Outline Written Scheme of Investigation</b></p>		
	<p>SCC (Archaeological Service) have received summary reports of stages 1, 2, 3 and 4 of the trenched archaeological evaluation within the Suffolk section of the undergrounding route, sent to us by the archaeological contractor. SCCAS are now awaiting the completion of stage 5 trenched archaeological evaluation and the</p>	

	<p>submission of the stage 5 summary report. The summary reports have detailed the locations and discussed the archaeological features present within the evaluation areas. However, scientific analysis has not been undertaken at summary reporting and full reporting will be required for SCCAS to make informed decisions on archaeological mitigation.</p> <p>To date trenched archaeological evaluation has largely been completed within Suffolk, minus trenches in stage 2 area G6 (trenches G6.24 – G6.28) which were located in an area of grassland and were not excavated due to ecological constraints. These five trenches are located within a predominantly Roman metalwork scatter recorded within the county Historic Environment Record (HER number BSM 047) and are in close proximity to stage 1 trench G1.29 which identified a concentration of activity dating from the Roman period there is high potential to encounter additional archaeology within the area of these missing trenches.</p> <p>With the information provided in the summary reports for stages 1, 2, 3, and 4, SCCAS are now in a position to discuss the level of archaeological mitigation required within the undergrounding section that has been covered by the summary reports for stages 1,2,3 and 4. SCCAS are not able to comment on mitigation for stage 5. The results of the trenching will need to be combined with the results of the geophysical survey and added to the OWSI.</p> <p>SCCAS have not approved the Outline Written Scheme of Investigation, comments on the OWSI have been provided. It is good to see that it is intended that all trenched archaeological evaluation work is to be completed upfront within the undergrounding areas. However, SCCAS are concerned that there is no provision for further evaluation particularly within the over-head sections of the scheme relating to work required on the pylon sites and haul roads. As pylon locations are not yet determined, post-determination trenched archaeological evaluation within the overhead sections would accurately quantify the archaeological resource, both in quantity and extent and allow for decisions on the location/micro-setting of the pylon within the LoD as well as the need for, and scope of any further work based on the results of the evaluation. Post-determination archaeological evaluation would also be used to catch any areas that were not possible to trench up-front due to health and safety and ecological constraints, as well as serve as a contingency for areas where upfront archaeological evaluation is shown to be lacking, to aid in the formulation of mitigation strategies.</p>	
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	<p>Based on information in the County Historic Environment Record, there are a number of sites indicated within the Historic Environment Impact Assessment (document 6.3.8.2) which SCCAS would like to highlight at this stage within the overhead sections of the scheme:</p> <p>Roman Villa site (HER number HAD 014) – EN020002-00649-6.4.6 Environmental Statement Figures Part 6 <b>[APP-151]</b>, Sheet 5 monument reference MSF5172.</p> <p>Cropmark of an undated ring ditch (BUS 003) – EN020002-00649-6.4.6 Environmental Statement Figures Part 6 <b>[APP-151]</b>, Sheet 1 monument reference MSF13637.</p> <p>Hintlesham Park (HNS 007) – Contributions to the PAS database indicated Roman period activity in the area of the proposed pylon route. EN020002-00649-6.4.6 Environmental Statement Figures Part 6 <b>[APP-151]</b>, Sheet 1 and 3 monument reference MSF11949.</p> <p>Deer park, Pond Hall park (HAD 079) medieval free warren with possible moated hunting lodge (HAD 045). Park is last mentioned in 1638 and probably disparked by 1721. EN020002-00649-6.4.6 Environmental Statement Figures Part 6 <b>[APP-151]</b>, Sheet 3 monument references MSF14017 and MSF22837.</p> <p>Additionally, recent trenched archaeological investigations relating to the Anglian Water, Bury St Edmunds to Colchester, pipeline have recorded evidence two post-hole structures dating from the Roman period, suggestive of Roman settlement (HAD 263) located c. 200m to the north of Pond Hall Park, in an area where evidence of Roman activity was previously unknown in the HER, and unknown at the time the HER search was undertaken for this project.</p>	
<p><b>4.5 Any other matters arising from the responses to the Examining Authority’s First Written Questions</b></p>		
	<p>No matters discussed.</p>	
<p><b>5 Landscape and views</b></p>		



<b>5.1 The Examining Authority's Unaccompanied Site Inspection 4</b>	
	SCC (Landscape) welcomes the Examining Authority's further explanation for visited locations (based on desktop studies).
<b>5.2 The setting of the Dedham Vale AONB, and the case for additional undergrounding in section F of the proposed route in relation to effects on the AONB and the Stour Valley</b>	
	SCC (Planning) has no comments on this matter.
<b>5.3 Consideration of the statutory purpose of the AONB</b>	
	SCC (Landscape) supports the Dedham Vale AONB and Stour Valley Partnership's view that there will be a significant impact on the ability of the AONB to deliver statutory purpose during the construction of underground cables. There is likely to be a displacement of recreational activity, increasing the recreational pressure on other areas of the AONB. Although there may only be one PRoW affected, other recreational activities such as cycling, horse riding, and water sport activities (canoeing) also need to be considered.
<b>5.4 Special qualities of the Dedham Vale AONB</b>	
	SCC (Landscape) The assessment of the impacts on the Special Qualities of the AONB is acceptable. However, note 5.3 above in relation to significance
<b>5.5 Location of the Dedham Vale east cable sealing end compound</b>	
	SCC (Landscape) agrees with the location in principle but considers careful micro-siting essential to minimise visual effects experienced, when leaving Polstead Heath in a southerly direction without increasing the adverse effects on the PROW to the west (Suffolk Joint LIR [REP1-045], paragraph 6.139). Additional mitigation planting and appropriate management of the mitigation planting is likely to be required and will need to be allowed for in the detailed design stage. SCC would welcome further engagement with the Applicant in this matter.
<b>5.6 Whether additional viewpoints and assessment are required, including: from the PRoW network east of the A131; the temporary haul road from the A131; a viewpoint closer to the Stour Valley east cable sealing compound; and from the</b>	

<b>PRoW network on the edge of Wickham St Paul</b>	
	<p>SCC (Landscape) is broadly content with the overall number and representativeness of the viewpoints as part of the ES. However, the Council agrees with Essex County Council and Braintree District Council that there is a lack of viewpoints in some areas, for example around the proposed haul road, and that there are a lack of viewpoints from PRoW nearer to the scheme, for example, regarding the cable sealing end compound at Workhouse Green (Stour Valley East), as identified by the Councils.</p>
<b>5.7 Sufficiency of visual mitigation for the cable sealing end compounds</b>	
	<p>SCC (Landscape) considers the visual mitigation for the cable end sealing compounds insufficient for Dedham Vale West Cable Sealing End Compound at Leavenheath and Stour Valley West Cable Sealing End Compound at Alphamstone (Essex) (LIR <b>[REP1-045]</b>, paragraphs 6.141 and 6.145).</p> <p><i>Dedham Vale West Cable Sealing End Compound at Leavenheath</i></p> <p>SCC (Landscape) welcomes the strategic positioning of the Cable Sealing End Compound north-west of the existing tree group, as this will provide useful screening. However, SCC considers that there should be continuous roadside hedge planting on the north-eastern side of the B1068 from the boundary of the apple tree farm in the east to the access track. Instead of relying on regeneration of coppiced hedges directly adjacent to the road, the hedgerow should be set back sufficiently from the road to design in the requirements of the visibility splay (i.e., north of the ditch). The hedge should have a return into the access track. The hedge to the eastern side of the access track should continue all the way to the northern end of the access track and should include hedgerow trees. The proposed planting along the A134 may (regeneration of coppiced hedge) may need to be re-assessed and contingencies made available for additional planting, should the regeneration not be successful.</p> <p><i>Stour Valley West Cable Sealing End Compound (Essex)</i></p> <p>SCC defers to the recommendation for mitigation by Braintree and Essex County Councils for additional mitigation on this site but considers that the existing roadside vegetation along the north-eastern side of the lane between Pebmarsh Road and Mabb’s Corner should be strengthened, and the existing hedges managed in such a way that they afford better screening of the cable sealing end compound. While tree planting over the cables is not possible, options for hedge planting on the southern side of the compound should be explored to create several layers of</p>

	<p>mitigative planting to filter the views from the south.</p> <p>SCC (Landscape) further considers that it will be essential for the remaining cable sealing end compounds to retain the existing vegetation, ensure that that root zones are adequately protected and that landscape proposals will be fine-tuned at the detailed design stage and augmented, where required.</p> <p>At Dedham Vale East Cable Sealing End Compound at Polstead Heath the proposed hedgerow reinforcement along Millwood Road will be essential, including achieving a sufficient height of the hedge so that views form Millwood Road area screened.</p>	
<p><b>5.8 Sufficiency and security of landscape and visual mitigation and compensation planting generally</b></p>		
	<p>SCC (Landscape) considers that the proposals for landscape and visual mitigation and compensation planting generally is insufficient and insufficiently secure (reliant on Third Party agreements) (LIR <b>[REP1-045]</b>, paragraphs 6.16, 6.113, 6.117).</p> <p>SCC (Landscape) considers that the Landscape and Ecological Management Plan does not sufficiently secure re-instatement and mitigation planting. Not only is the LEMP in its current form not detailed enough to be considered the final LEMP, but it also contains fundamental flaws, which would make it unacceptable even as an Outline LEMP. Elements that are considered unacceptable include the planting schedules (species selection and percentages in the mix, sizes of tree stock, uniformity across the scheme), provisions for aftercare, such as timing to hand responsibility back to landowners, aftercare period for trees, aftercare prescriptions and periods for natural regeneration of woodland.</p> <p>SCC (Landscape) considers it would be preferable to agree a revised Outline LEMP, with detailed LEMPs being provided with the planting proposals for each section at post consent stage. SCC (Landscape) will provide a full review (tracked-change version) of the D3 LEMP <b>[REP3-034]</b> for Deadline 5.</p>	

Regarding the requests for additional Landscape and Visual Compensations over and above Biodiversity Net Gain, it is part of a broader point that we have made about the control doc and LEMP is illustration of that. The Applicant's position is that it is a final document and will become a certified document, without further consultation or involvement on matters of detail with the LAs. It is SCC's position that the measures are insufficient at present and consider that there needs to be more security for their delivery, and it is said that a number of the matters to be resolved and due course with agreement with landowners - LAs are excluded from this process. SCC considers that is not adequate.

The wider question is that where there are residual impacts that are identified but not are not capable of mitigation, it is those that SCC consider that there is a need for compensation (mitigation used in its narrower sense (of a measure that reduces an adverse impact) rather than mitigation as it is sometimes used in its broader sense to describe all betterment measures). Compensation, not in the financial or pecuniary sense, but as an offsetting measure to weigh against the residual impact. SCC considers that the Applicant is not doing enough to bring forward compensatory landscape measures and that more needs to be done and that it is not adequate to say there are residual; impacts that the applicant is not able to mitigate and that they should be weigh against the benefits of the scheme. SCC considers that the approach ought to be to mitigate where possible and compensate where it is not possible to mitigate, and that only where there are things that cannot be mitigated nor compensated that are then weighing against the benefits of the scheme.

SCC also consider that a focus only on impacts which are assessed as 'likely significant effects' and an effective discarding of any impacts assessed to be below the level of a 'significant' effect would not be an adequate or robust assessment of the impacts of the proposal. SCC acknowledges that for the purposes of EIA, there is a focus on the 'likely significant effects' but it does not follow that other impacts are not capable of being (either on their own or in conjunction with other impacts) relevant and important matters that need to be brought into account when a decision is made under the PA 2008. The process of EIA informs that decision making but it is not a substitute for it. When undertaking a planning balance of overall (residual) harms and benefits the Applicant (understandably) brings into account the totality of the benefits that would be delivered by the proposal. It would be a distortion of the planning balance to then leave out of account or to treat as immaterial adverse impacts that have been identified but which are assessed as being below the level of a significant effect.

<b>5.9 Inter-project cumulative effects and mitigation at the existing Bramford substation</b>	
	<p>SCC (Landscape) considers that the cumulative landscape and visual effects around Bramford substation require a more holistic approach, such as a landscape and ecology masterplan, which factors in the additional energy infrastructure developments expected in this area. The potential for comprehensive off-site mitigation needs to be further explored around Bramford and Burstall. SCC acknowledges that the inter-project cumulative effects will not be capable of being fully mitigated and therefore considers that compensation and landscape scale restoration are required (LIR [REP1-045], paragraphs 6.127-6.129). SCC would welcome further engagement with the Applicant on these issues.</p>
<b>5.10 Any other matters arising from the responses to the Examining Authority's First Written Questions</b>	
	No matters raised.
<b>6 Any other business</b>	
	<p>SCC does not have any objections to online only events during the third round of hearings (if required) on the week commencing 11 December 2023. SCC has not experienced any technical challenges during virtual attendances in previous rounds of hearings, during this Examination or other examinations, and would not foresee experiencing any disadvantages from such a decision.</p>
<b>7 Review of actions arising</b>	
	<p>There were two actions points for Suffolk County Council [EV-045], as noted below with resolutions:</p> <p><b>7.1.a. AP6 (Babergh District Council and Suffolk County Council) Provide a note on the nature and scope of any additional assessment you consider necessary to account for the long, cultural association of assets and landscapes with famous artists and writers</b></p> <p>SCC (Planning) understands that Babergh District Council and Mid Suffolk District Council will include information regarding this action point in their joint submission at Deadline 4, with further assessment at D5, SCC defers to their comments on this matter.</p> <p><b>7.1.b. AP9 (All Parties) You are invited to submit representations on any implications for the Examination of the Land Use [sic] and Regeneration Act coming into force in relation to the</b></p>

	<p style="text-align: center;"><b>AONB</b></p> <p>The Levelling Up and Regeneration Act 2023 received Royal Assent on 26 October 2023. One of the provisions coming into force on 26 December 2023 (in accordance with s.255(9)(b) LURA 2023) is s.245 LURA 2023. S.245(6) LURA 2023 amends s.85 of the Countryside &amp; Rights of Way Act 2000 by adding a new sub-section (A1) to impose a new duty as follows:</p> <p><i>S.85(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></p> <p>S.85(2)(a) CROWA 2000 defines a “<i>relevant authority</i>” so as to include a “<i>Minister of the Crown</i>”. This means that the new duty to seek to further the purpose of conserving and enhancing the Dedham Vale AONB will apply to the Secretary of State from 26 December 2023 onwards and so will apply when the Secretary of State comes to make his decision on the Application. The Secretary of State for Environment Food and Rural Affairs will be empowered by s.85(1A) CROWA 2000 from 26 December 2023 to make regulations which make provision for how a relevant authority is to comply with this new duty but at present no such regulations have been made. The new duty is not, however, contingent on the making of such regulations.</p> <p>SCC considers that the new duty will mean that the Secretary of State should give greater weight to the need to ensure that the AONB is conserved and enhanced and that impacts on the AONB are avoided, minimised or adequately mitigated, or where they cannot be mitigated any residual impacts are compensated for so that the overall effect of the development on the AONB is one that achieves conservation or enhancement of its natural beauty so far as is possible. Whilst SCC notes that the new duty is not absolute but requires that the relevant authority “<i>must seek to further</i>” the stated purpose, SCC considers that this imposes an imperative that requires as much as possible to be done to achieve that purpose when considering the merits of the Applicant’s proposal and its effects on the Dedham Vale AONB.</p>	
<b>8 Close of Issue Specific Hearing 4</b>		