



**Babergh District Council and Mid Suffolk District Council (20041302)**

**Deadline 4 submission for Bramford to Twinstead (EN020002)**

The purpose of this submission is to present the councils' response in respect of the following items due at deadline 4:

1. **Written summaries of oral submissions to the Hearings.**
2. **Any post-Hearing submissions or other documents requested by the ExA at the Hearings.**
3. **Any specific responses to points raised in oral submissions to the Hearings.**
4. **Comments on responses to ExQ1.**
5. **Comments on submissions received at Deadline 3.**
6. **Progressed SoCGs.**
7. **Progressed s106 agreement(s) (if a requirement emerges).**
8. **Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010.**

**1. Written summaries of oral submissions to the Hearings.**

Babergh District Council and Mid Suffolk District Council made no submission to the Compulsory Acquisition Hearing 1, the Issue Specific Hearing 2 or the Issue Specific Hearing 3.

This is a written summary of representations made by Babergh District Council and Mid Suffolk District Council to the Issue Specific Hearing (ISH4), on 9 November



## BRAMFORD TO TWINSTEAD – DEADLINE 4 SUBMISSION

2023, into various environmental matters, including biodiversity, the historic environment, landscape and views, and the water environment.

11:38 – Bron Curtis

“Good Afternoon, Bron Curtis, Principle Planning Officer for Mid Suffolk District Council and Babergh District Council and I am supported today online by Sue Hooton, Principle Ecological Consultant from Essex Place Services but acting on behalf of of Braintree and Mid Suffolk and Babergh District Councils and also Laura Johnson, Senior Built Heritage Consultant from Essex Place Services acting on behalf of Mid Suffolk District Council, Babergh District Council and Braintree District.. Thank you.”

14:08 – Laura Johnson (PS Heritage) on behalf of BMSDC

“Yes. Laura Johnson. Thank you.”

35:53 – Bron Curtis

“Thank you. I am going to ask my colleague Mrs. Hooton to comment on that in a moment. I’m not sure if we had the time to digest all of that information, so it might be that we need to come back to you at deadline four or potentially later. So if I could ask Sue to comment please?”

36:15 – Sue Hooton (PS Ecology) on behalf of BMSDC

“Thank you Sir. As Miss Curtis just said, we have not had sufficient time to digest the information provided, so we would like to respond at deadline 4 please?”

56:46 - Sue Hooton (PS Ecology) on behalf of BMSDC

“Thank you Sirs, Sue Hooton, Representing Babergh District Council, Mid Suffolk District Council, obviously, this veteran trees within Babergh District Council. And we are concerned that although the applicant is considering the standing advice in relation to buffer zones, the standing advice does make it very clear that any veteran trees as well as ancient trees and ancient woodland should only be removed with the wholly exceptional reasons, which if the applicant is saying that this is a wholly exceptional reason, there should be suitable compensation strategy in place. And



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that's at the moment we need further discussion with the applicant on this matter, because there's no compensation being provided. Thank you, sir"

1:09:51 - Laura Johnson (PS Heritage) on behalf of BMSDC

"Just really to reiterate the same points as Suffolk. Unfortunately, we weren't able to attend on the same day as Historic England but we will wait and see what comes forward.

## **2. Any post-Hearing submissions or other documents requested by the ExA at the Hearings.**

2.1 Babergh District Council has held a meeting with the Applicant to discuss veteran tree T378 and the proposed compensation strategy. Suitable compensation measures were discussed and the Applicant is drafting up a commitment that will be issued to Babergh District Council for comment. Subject to agreeing the wording, the Applicant has stated that it would include this text within the REAC and would also include this wording in a new commitment box on LEMP Appendix A at a suitable deadline.

2.2 As set out in the submitted LIR, the emerging definition of the Mitigation Hierarchy, as included in the draft Overarching National Policy Statement for Energy (EN-1), March 2023, includes compensation as part of the process to protect the environment and biodiversity. Paragraph 4.1.5 confirms that when weighing adverse impacts against benefits, the measures to avoid, reduce, mitigate or compensate for any adverse impacts, not just significant ones, should be taken into consideration. The aim for mitigation should be to retain and/or restore the legibility and character of the landscape and to screen or filter the views of the new infrastructure as far as possible. Where, even with additional mitigation, adverse effects remain, compensation in form of landscape restoration and enhancement will be required at a scale commensurate with the level of harm resulting from the construction of the surface infrastructure and of the cable route. Beyond the reinstatement planting, there is limited mitigation planting proposed and the Councils neither considers the current proposals in this regard to be sufficient nor to be sufficiently secure. Compensation will be required to allow for landscape restoration at a scale commensurate with the level of harm resulting from the construction of the surface infrastructure and of the cable route in order to protect the environment and biodiversity and to improve the quality of the landscape within the affected areas and to compensate for the residual the harm, that cannot be mitigated.



The Councils encourage a side agreement (such as a Section 106 agreement) between the Applicant and the relevant planning authorities, to fund landscape restoration projects in this area for a set period of time. As the route of the scheme crosses the Dedham Vale AONB and adversely affects not only the AONB, but also its setting, and other sensitive landscapes, the Councils considers that a dedicated AONB Officer may be best placed for project conception, management, and delivery. The Councils consider the LEMP in its current form not robust and detailed enough and the dDCO requirement wording to be unacceptable in respect of landscape mitigation measures.

The Councils considers the proposals for aftercare presented in the LEMP insufficient and will comment further at deadline 5.

2.3 Limits of deviation - for the existing power lines that are marked as being retained, as per the General Arrangement map (document APP-018), would the limits of deviation mean that these too could be increased in height by 4m/moved?

2.4 The map showing all the heritage assets (document APP-015) features the incorrect reference numbers for the listed buildings. The numbers on the map do not correlate to the HE list entry numbers and the Impact report (document: APP-127)

2.5 In relation to CEMP APP-178, plus its appendices REAC APP-179 and CoCP APP-180 (all April 2023), it is noted from the ISH4 discussion that there will be an updated CoCP to include the Environment Agency requirements in the CEMP. The councils will also be providing details on this at deadline 5.

2.6 It is noted that the Woodland Trust (REP2-032) seek a 30m buffer from Ancient Woodland (rather than the “at least 15m” buffer in the Government’s Standing Advice) and are concerned about fragmentation of Ancient Woodland but the applicant’s commitment to create habitats (BNG) will improve connectivity with semi-natural habitats.

2.7 In respect of environmental health matters, the councils consider that the ‘Management Plans’ documents should be viewed as live, and subject to revision, rather than final documents as whilst the broad content can be agreed, there are aspects within each section which will be subject to site specific review and amendment as the development commences and progresses.



The councils also ask for the inclusion of the following within each specific risk assessment and as part of the overall CEMP for the development:

DUST: Within ES Appendix 13.1: Dust Risk Assessment (application document 6.3.13.1) and CEMP: Volume 7: Other Documents Document 7.5.1: CEMP Appendix A – Code of Construction Practice Final Issue A April 2023 Planning Inspectorate Reference: EN02000 APP-177 7.5 Construction Environmental Management Plan From National Grid Electricity Transmission APP-178 7.5.1 CEMP Appendix A Code of Construction Practice From National Grid Electricity Transmission.

We would expect to see the inclusion of detail in respect of ensuring the availability and use of water suppression (browsers or fine mist deployment) for the purpose of damping down during predicted and experienced periods of warm dry and or windy weather. The means of suppression shall be suitable and sufficient having regard to the size of the area under development.

NOISE AND VIBRATION: CEMP: Volume 7: Other Documents Document 7.5.1: CEMP Appendix A – Code of Construction Practice Final Issue A April 2023 Planning Inspectorate Reference: EN020002 APP-082 6.2.14 ES Chapter 14 Noise and Vibration From National Grid Electricity Transmission, CEMP: Volume 7: Other Documents Document 7.5.1: CEMP Appendix A – Code of Construction Practice Final Issue A April 2023 Planning Inspectorate Reference: EN02000.

In addition to the measures proposed, we would ask for the inclusion of separate assessments of and proposals for mitigation for locations where percussive piling is expected. We would ask for reduced working hours in these instances for example 0800-1700, to be agreed with the LPA). Whilst we understand that the construction hours are in line with the DCO, this appears to be in draft format. We would therefore strongly recommend that the construction hours are 08:00 - 18.00hrs Mondays to Fridays, 9.00 - 13.00hrs Saturdays with no working and/or plant operated on Sundays and Bank Holidays. Deliveries to the development/use only within these times. Section 2.3.2 of the CEMP states that a period of one hour either side of the working hours may be used for training. Briefing and general housekeeping but not operating of plant or equipment. This would effectively make the working hours 06.00 – 20.00 hours Monday – Friday and 07.00 – 18.00 on Other days. A 06.00am start is unacceptable in areas close to residential dwellings as the arrival of staff of site may result in loss of amenity. It is unclear as to why the testing and commissioning of electrical plant cannot be done within normal operational hours.



We would like to see scheduled overruns/out of hours working be subject to COPA1974 S61 prior consent with the submission of an application detailing times of work, plant details and noise/vibration levels at least 28 days prior to commencement. This would be essential in the case of horizontal directional drilling (HDD) which is identified as being likely to require night time working to complete trenchless crossings.

We expect to be consulted on and have sight of the results of Noise monitoring undertaken across sites together with any additional mitigation to ensure that the levels accord with those outlined at the nearest NSRs. In addition, as the development is planned over a significant period, the NMP may require updates to account for new NSRs which may have been constructed within this period and looking to the future for the decommissioning phase of the development. In the case of additional mitigation measures proposed in table 14.6 of the document 6.2.14: Environmental Statement: Main report Chapter 14 – Noise and Vibration (Planning inspectorate reference EN20002) , it is stated that site specific BPM will be put in place unless a detailed assessment is undertaken which demonstrates that no significant noise impacts would occur – details of any such detailed assessment and site specific BPM should be provided prior to work beginning on that site.

LIGHT: APP-058 5.4 Vol 5: Reports and Statements Document 5.4: Statement of Statutory Nuisance Final Issue April 2023 Planning Inspectorate Reference: EN020002.

We understand that temporary artificial lighting would be of the lowest luminosity necessary to safely perform each task and directional to avoid glare into residential properties. It would also be designed, positioned and directed to reduce the intrusion into adjacent properties.

We would ask that site specific lighting plans near to NSRs be submitted in advance. Section 6.4.6 of the CEMP states that it is ‘anticipated that the use of solar lighting towers will be limited to the working hours authorised..’. This should be the case rather than what is anticipated (excepting during times of emergency work or authorised work under CPPA s.61). Good practice measure GG20 in the code of construction practice document should be updated to include this.

### **3. Any specific responses to points raised in oral submissions to the Hearings.**



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3.1 AP4 Babergh District Council Identify the further Listed Buildings to the west of Hintlesham Woods that the Suffolk councils are concerned about and the nature of those concerns ([REP1-045] at paragraph 8.5 and in Annex B).

The further listed buildings to the west of Hintlesham Woods are:

College Farmhouse (list entry number: 1036919)

Normans Farmhouse (list entry number: 1286010)

Old Hall House (list entry number: 1036920)

College Farmhouse is the most susceptible to harm to its setting, due to the proximity of the building to the power line, its relatively open boundary and the house's positioning, which faces south. The other two have less of a visual link, with trees in their immediate setting

3.2 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.

The contribution which its agricultural and landscape setting makes to the overall significance of Benton End needs to be assessed in relation to its cultural significance. As noted at the hearing and at Appendix A of this submission, the house was used to host and house artists in the early twentieth century. Is there evidence that the subject of these paintings included or was influenced by the pastoral landscape? The submitted documents are considered to insufficient to demonstrate the value of the landscape setting to the significance of Benton End.

Further comment will be made at deadline 5 if appropriate.

3.3 AP9 All parties 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.

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 & Rights of Way Act 2000 by adding a new sub-section (A1) to impose a new duty as follows:



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.”

S.85(2)(a) CROWA 2000 defines a “relevant authority” so as to include a “Minister of the Crown”.

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.

The councils consider 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 the councils note that the new duty is not absolute but requires that the relevant authority “must seek to further” the stated purpose, the councils consider 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.

3.4 AP12 Babergh and Mid Suffolk District Councils Elaborate on your suggestion that a closer viewpoint assessment and photomontage is needed for the Stour Valley east cable sealing compound in relation to receptors on the public right of way network [REP2-008]

The effects on the landscape and visual receptors of the Sealing End Compound are hard to judge from viewpoint VPG2.5 (Document 5.8.3: Photomontages: Appendix 3 Photomontage Figures (Part 3), which is southwest of the compound near Lamarsh, but around 2Km distant. The visual effects could still be assessed from the PRow to the west of the compound (c550m away), or from the southeast (c400-600m away) or from Workhouse Green to the northwest (c600m away). VPG2.5 viewpoint is not representative of the experience of people using the PRow network closer to the





compound, nor does it demonstrate the effects on the local landscape itself or its fabric. An assessment and photomontage from a closer point would aid understanding of the extent or not of any impacts and demonstrate the extent of mitigation to be provided and the likely effectiveness after 15 years.

The ASI satisfied some concerns that the infrastructure could be visible from the PRow network due to the local topography. However an assessment and a photomontage, if appropriate, from part of the PRow network could help demonstrate that visibility is minimal.

3.5 AP14 Babergh and Mid Suffolk District Councils Following the ASI, elaborate on any specific outstanding concerns in relation to the visual mitigation planting at the cable sealing end compounds. Can you also explain the reference to 'biodiversity net gain' in a landscape and visual context [REP2-008] and then expand on your suggestions.

At Dedham Vale East, the plans show mainly areas of species rich grass to be re-instated plus several areas of scrub outside the sealing end compound and only one smaller area of woodland planting to the south. Whilst views from the south should eventually be screened (see Photomontage D04) views from the lane in and out of Polstead Heath closer to the installation will likely not. There are no photomontages from Polstead Heath itself to demonstrate the likely adverse effect from this direction. Cross-sections to demonstrate the extent or effectiveness of planting would be beneficial. More woodland/tree whip planting along the roadside would assist in mitigating visual effects on users of the route in and out of Polstead Heath and on the setting of the village. Details of the height to which roadside vegetation will be maintained should be included in the LEMP.

Similarly at Dedham Vale West compound there is only a small block of woodland proposed to the northwest of the compound and one to the southwest. There is a narrow strip of landscape 'softening' further to the south-west. It is understandable for operational reasons that woodland is not located under the cables themselves, however opportunity should be sought to extend the woodland planting in the vicinity of the installation, neighbouring communities or local PRow networks.

Stour Valley East compound: There is existing woodland to the east/southeast and proposed woodland to the northwest and southwest of the compound site. There are potential adverse views from receptors immediately due west but no viewpoint photomontages to test this. The nearest viewpoint, VP G2.5 is 2Km away. The viewpoint to the north, G2.3 is 2.2Km away. A viewpoint assessment and, as



appropriate, a photomontage from the PRoW network to the west would help demonstrate that there are no significant visual effect from this installation.

Stour Valley West compound: There are two small areas of proposed woodland to the north and southwest of the compound, some linear belts of landscape softening and large areas of proposed areas of net gain. Details of the landscape softening, and net gain do not appear to be included in the LEMP. If these land parcels do contain woodland planting, it is likely then the landscape and visual effects can be contained. However, VP G.07 Photomontage from southwest of the compound indicates that at Year 15 very little screening will have been achieved. Extensive additional mitigation planting is needed if the Year 15 image is correct.

**4. Comments on responses to ExQ1.**

None.

**5. Comments on submissions received at Deadline 3.**

Refer to comments from SCC on the joint LIR.

**6. Progressed SoCGs.**

The Councils continue to participate in meetings with the Applicant regarding the SoCG.

**7. Progressed s106 agreement(s) (if a requirement emerges).**

None.

**8. Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010.**

None.



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**Appendix A: Benton End – brief history and ambition for the future**

Benton End is a Grade II\* listed 16th century, half-timbered house, reputed to have been designed by Sir Peter Cheyney and is situated on the edge of the historic market town of Hadleigh, Suffolk. The house enjoys a commanding position overlooking the Brett Valley. It is referred to in Sir Nikolaus Pevsner's 'The Buildings of England' series

Benton End was the home of Sir Cedric Morris (1889 – 1982) – an important figure in the worlds of both art and horticulture. The house and garden where he lived with his partner Arthur Lett-Haines, known as Lett, (1894–1978); for four decades from 1940 served as a home, an art school, a place for creative self-expression and at various times, a residential medical centre offering gardening and horticultural therapy, and as an important site in queer history, offering a safe space for persecuted gay men. Benton End brought together a rich array of people from a range of disciplines – including art, horticulture, cuisine, literature and illustration – who came to study, to garden or to socialise.

Whilst best known as the home of Morris and Haines, it was built in the 1520s as a manor house for the leading clothier in Hadleigh; later owners included a judge who signed the death warrant of Charles I, an Olympian, a botanist (the Rev Buddle, after whom the buddleia was named), and the son of the founder of Sainsbury's (Sir Alfred Sainsbury) from whom Cedric Morris bought the house from in 1939.

9.

10. Morris and Haines ran the East Anglian School of Painting and Drawing from Benton End – a sanctuary for a diverse range of influential artists, writers, musicians, and botanists of the 20th century. Lucian Freud and Maggi Hambling were among their students. Vita Sackville-West, Beth Chatto, Paul and John Nash, Elizabeth David, Constance Spry, Benjamin Britten and Peter Pears all frequented the house.

11.

12. Morris was famous for breeding tall bearded irises Morris was also an avid plant hunter and he amassed a huge collection of rare and unusual plants throughout the gardens at Benton End – believed to be the most interesting collection of plants in post-war Britain!

Benton End was a sanctuary for a diverse range of influential artists, writers, musicians, and botanists of the 20th century. Morris made a garden as influential in its day as Sissinghurst for its freedom of form and planting; it became one of the first modern gardens of naturalistic design, developed as it was for the study of the unusual plants Morris chose with his keen artist's eye.

13.

The Pinchbeck Charitable Trust acquired the property, a private home since Morris' death in 1982.



In 2021, Benton End was majority gifted to the Garden Museum by The Pinchbeck Charitable Trust.

In November 2021 the Garden Museum and the Pinchbeck Charitable Trust jointly announced plans to revive and restore Benton End as a new centre of gardening, art, and creativity.

The revived Benton End aims to support and inspire artists and gardeners of all ages and to encourage freedom of invention, enthusiasm, and enjoyment, in the spirit of the original ethos of Morris and Haines.

14.

15. Work to preserve the house and garden is ongoing, ensuring that the rich history of Benton End is not forgotten. This is an ambitious project and it is anticipated that the first phase will be the re-opening of the 3acre walled garden in 2026.

16. Plans for the redevelopment of the house are being drawn up with the support of a specialist advisory panel, and James Horner, the recently-appointed Head Gardener began his work in early 2023.

17. These ambitious redevelopment works are expected to cost in the region of £4-5m and the team will be seeking National Lottery funding alongside National Heritage Memorial Funds to realise this ambition.

18. During the redevelopment, Benton End have opened for specialist art and gardening group visits with house and garden tours. On 3rd June over 700 people visited as part of Hidden Gardens of Hadleigh. It was the first time the garden had been opened publicly since the house was gifted to The Garden Museum.

19. The vision is that Benton End will be revived as a place of art and horticulture, learning and friendship.





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