



Babergh District Council and Mid Suffolk District Council (20041302)

Deadline 5 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 5:

- 1. Comments on other submissions received at Deadline 4.**
- 2. Anything that was due at D4 that the council's deferred to D5.**
- 3. Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010.**

Section 1: Comments on other submissions received at Deadline 4

- CEMP appendix B REAC**

Recommendations in respect of working hours are reiterated as follows:
Working hours should be restricted to 08:00 - 18.00hrs Mondays to Fridays,
9.00 - 13.00hrs Saturdays and 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.

It is our understanding that scheduled overruns/out of hours working will be subject to COPA1974 S61 prior consent with the submission of an application



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detailing times of work, plant details and noise/vibration levels. We shall require these submission without exception 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

Where noise levels have been agreed with the LPA for a COPA1974 S.61 prior consent, this will provide a defence to the person undertaking the construction activities providing they remain within those levels with no exceedances. However, where levels are exceeded then Statutory Nuisance may exist under the EPA1990 S.79. The LA may take action under S.80.

It should be noted that an individual aggrieved may still take action under the EPA1990 S.82 or seeking an injunction.

Control and mitigation measures in respect of noise, vibration, dust and light are in place to reduce the likelihood of a Statutory Nuisance however they may not completely exclude the possibility of action being taken under the provisions of the Environmental Protection Act 1990.

We would not consider the agreement to these by the Local Planning Authority to be a reasonable and proportionate defence against future nuisance action.

- **LEMP**

A joint submission on behalf of all the local authorities has been made by Suffolk County Council on this matter

- **Revised draft DCO (defer to SCC).**

Mid Suffolk District Council and Babergh District Council defer to the submission from Suffolk County Council on this matter.

- **Comments on the joint PCs submission**

Babergh District council acknowledges the community's concerns.

We are mindful of the scope of the application proposal submitted and the requirements of the EIA Regs in terms of the assessment of alternatives.

The council has no objection to the submission of further information demonstrating assessment of the quarry location option in terms of all material considerations should the ExA deem it appropriate.



Section 2: Anything that was due at D4 that the council's deferred to D5.

- **Additional information on the significance of Benton End and its surrounding landscape as an heritage asset**

This is a joint submission of Babergh District Council and Suffolk County Council.

In response to ISH4 AP6 information was provided on the significance of Benton End and its setting to illustrate the concerns of Babergh District Council and Suffolk County Council in respect of the need for additional assessment considered necessary to account for the long, cultural association of assets and landscapes with famous artists and writers. It was indicated that further information would be provided at deadline 5 if appropriate.

Babergh District Council and Suffolk County Council hereby submit, at Appendix A (this will be the pictures doc) a summary of material produced representing Benton End and the surrounding landscape. The councils believe these paintings reinforce that the wider landscape setting aided the unique situation at Benton End in the early 20th century and its significance as a place of artistic activity/history.

On this basis, the councils consider it necessary for the applicant to provide further heritage impact assessment, by way of an appendix or addendum to the EIA heritage chapter, which demonstrates that the significance of the asset has been re-assessed having regard to the cultural significance of the wealth of material produced by noted artists. The original impact assessment should also be superseded and/or updated as appropriate.

Therefore, SCC and Babergh District Council consider that the Applicant should ensure that the setting of the asset should be protected, as a minimum, via micro-siting of towers, at least to the same level of control as for Hintlesham Hall.

Section 3: Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010.


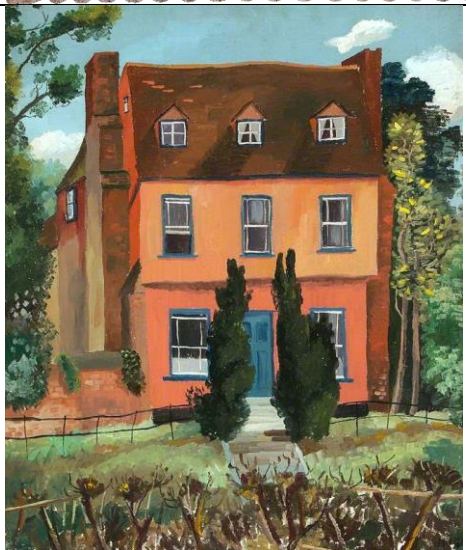
None.






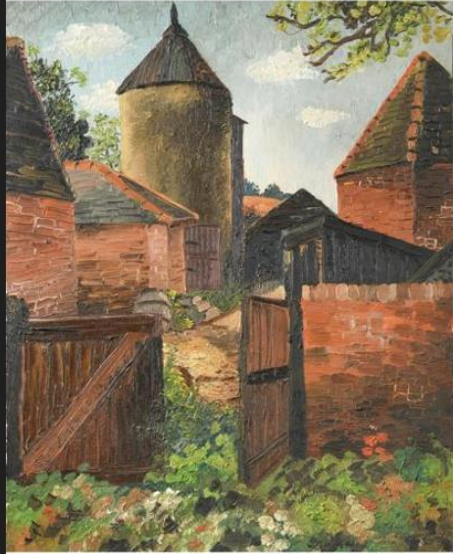


Appendix A:



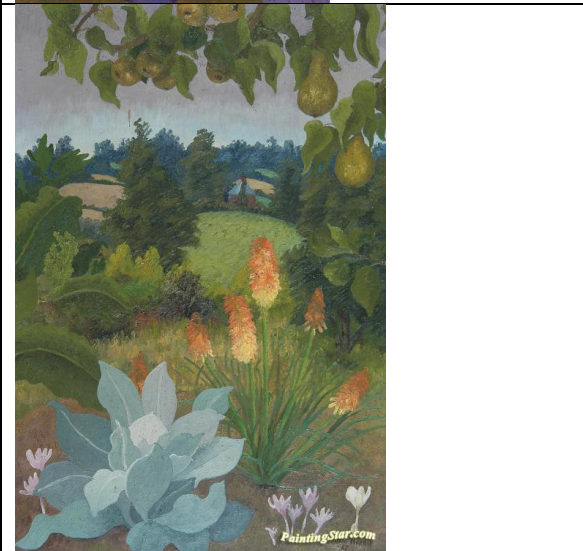
Further information to reinforce the significance of Benton End and the need for assurance of the adequacy of assessment. In particular in terms of landscape setting and artistic associations of material produced representing the landscape.

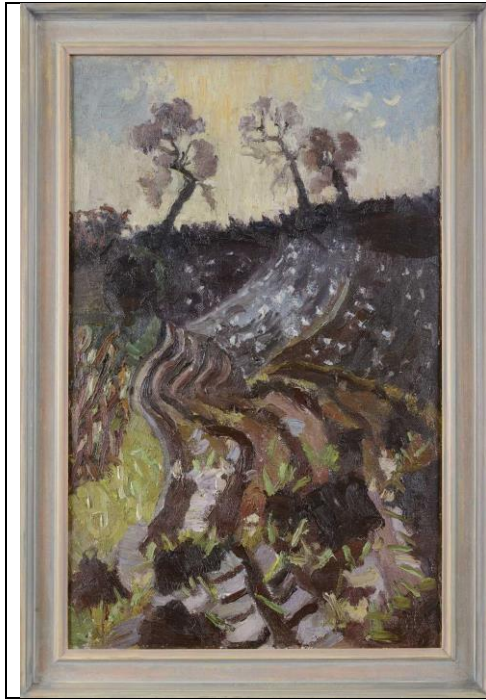
Please see a collection of related articles below depicting the landscape setting.

	<p>1. Still Life in the Summer Garden by Cedric Morris – painted from the walled garden from the north side of the house looking south west (towards where the existing pylons are).</p>
	<p>2. Benton End House by Joan Warburton – painted from the field opposite the house, next to the Brett river.</p>

	<p>3. Benton End and Landscape by Rosemary Rutherford</p>
	<p>5. Rear of Benton End – artist unknown. Painted from the upper garden, beyond the walled garden.</p>
	<p>6. Cedric Morris in the garden and landscape by Glyn Morgan.</p>

 A painting showing a view of Benton End buildings, including a prominent stone tower with a conical roof and a brick building with a gabled roof. A wooden gate is visible in the foreground.	<p>7. South View of Benton End, Cedric Morris</p>
 A painting of Benton End Gates, showing a large tree in the foreground and a white fence leading to a building. The scene is set in a rural landscape with rolling hills in the background.	<p>8. Benton End Gates by Mollie Smith. Painted on the right side of the house, overlooking where the pylons are currently.</p>
 A painting titled 'The Harvest' showing a field of large-leafed plants, possibly cabbages, in the foreground. In the background, there are trees and a building, with a person visible near a structure.	<p>9. The Harvest by Lucy Harwood</p>

	<p>10. Cedric Morris</p>
	<p>11. Cedric Morris – Garden at Benton End</p>
	<p>12. Landscape from Under a Pear Tree at Benton End</p>



13. Ploughed landscape by Lucy Harwood