



## Bramford to Twinstead Reinforcement

### Agenda for Issue Specific Hearing 5

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| <b>Topic</b>     | <b>The draft Development Consent Order and related matters</b>   |
| <b>Date</b>      | <b>Wednesday 13 December 2023</b>  |
| <b>Time</b>      | <b>2.00pm</b>  |
| <b>Venue</b>     | <p>Virtual hearing held online through Microsoft Teams (instructions on how to join online or by telephone will be provided in advance to those who have pre-registered).</p> <p><b>The virtual room opens at 1.30pm</b> for those participating online. Join between 1.30pm and 1.45pm to enter the virtual lobby. From here you will be admitted to the Arrangements Conference, greeted and given further instructions. The Arrangements Conference will be hosted at 1.45pm by the Case Team. It will cover housekeeping arrangements for those participating online and answer any questions about taking part.</p>   |
| <b>Attendees</b> | <p>All registered Interested Parties are welcome to attend. Those wishing to make oral representations on this specific topic should register in advance with the case team.</p> <p>(Email <a href="mailto:bramfordtotwinstead@planninginspectorate.gov.uk">bramfordtotwinstead@planninginspectorate.gov.uk</a> or call 0303 444 5000.)</p> <p>The Examining Authority would be assisted by the attendance of representatives from the following, and would be grateful for confirmation of attendees:</p> <ul style="list-style-type: none"><li>• The Applicant</li><li>• Essex County Council</li><li>• Suffolk County Council</li><li>• Babergh District Council</li><li>• Mid Suffolk District Council</li><li>• Braintree District Council.</li></ul> <p><b>Could all participants please read Annexes A and B to this agenda before joining the Hearing.</b></p> |

## Agenda for Issue Specific Hearing 5

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| 2.00pm | <b>Examining Authority opens the Hearing.</b>   |
| Item 1 | <b>Welcome</b> , preliminary matters and introductions.   |
| Item 2 | <b>Purpose of this Issue Specific Hearing</b> (please read Annexes A and B below in advance).   |
| Item 3 | <b>Review of Applicant’s Schedule of Changes to the draft DCO</b> at Deadlines 4 and 5: Applicant to provide overview of main changes.  |
| Item 4 | <p><b>Review of parties’ current positions on Requirement 7 – construction hours:</b></p> <ul style="list-style-type: none"> <li>• Consideration of Applicant’s response to Action Point 1 arising from ISH2 [EV-045] - explanation of assumptions when undertaking the EIA in relation to construction working hours and alternate working weekends.</li> <li>• Review of the Applicant’s response to Action Point 2 arising from ISH2 – the relationship of baseline construction schedule and critical path analysis and associated implications for the draft DCO. (See its Deadline 5 submission Construction Schedules with Critical Path (Applicant’s document reference 8.7.5).)</li> <li>• Clarification of whether draft Requirement 7 - construction hours - would apply to ‘pre-commencement’ operations defined in Article 2(1) and consideration of whether any associated amendment is needed.</li> <li>• Any other associated issues arising from Deadline 5 submissions including the implications of concerns about Requirement 7 – Construction hours of the draft DCO [REP4-030] for Article 46 – Defence to proceedings in respect of statutory nuisance.</li> </ul> |
| Item 5 | <p><b>Implications for the Councils of draft Article 53 – safeguarding</b></p> <p>Review of Suffolk County Council’s and Braintree District Council’s submissions arising from Action Point 3 from ISH2 [EV-045], due at Deadline 5.</p>  |
| Item 6 | <p><b>Perceived problems with control documents/ management plans</b></p> <p>Review of Suffolk County Council’s Deadline 5 submission arising from Action Point 4 from ISH2 [EV-045].</p>   |
| Item 7 | <p><b>Temporary construction compounds</b></p> <ul style="list-style-type: none"> <li>• Does the approximate area in Table 4.1 of the Construction Environmental Management Plan [REP3-024] equate to the zone shown for temporary construction compounds on the General Arrangement plans [APP-018]?</li> <li>• Are the local authorities satisfied that there is sufficient control over the siting of the proposed temporary construction compounds?</li> <li>• Any other associated issues arising from Deadline 5 submissions.</li> </ul>  |
| Item 8 | <p><b>Article 2 – ‘pre-commencement operations’</b></p> <p>Review of:</p> <ul style="list-style-type: none"> <li>• Essex County Council’s and Braintree District Council’s comments in their Response to Applicant’s Comments on their Local Impact Report</li> </ul>   |

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|         | <p>and Other Documents [REP4-049] at sub-section 16, including the adequacy of the Explanatory Memorandum in this respect [REP4-045].</p> <ul style="list-style-type: none"> <li>• Applicant's response at Deadline 5.</li> </ul>   |
| Item 9  | <p><b>Local authorities' suggested amendments to the draft DCO.</b></p> <p>Consideration of:</p> <ul style="list-style-type: none"> <li>• Amended wording of existing Articles, Requirements and Schedules suggested by the Suffolk councils in response to ExQ1 questions DC1.6.85, DC1.6.93, DC1.6.105 and DC1.6.119 [PD-005].</li> <li>• The need for, and wording of new Requirements put forward by the Essex councils in response to ExQ1 question DC1.6.97 [PD-005].</li> <li>• Any other associated issues arising from relevant Deadline 4 and 5 submissions.</li> </ul> |
| Item 10 | Any other business.   |
| Item 11 | Review of actions arising.  |
| Item 12 | Close of Issue Specific Hearing 5.  |

**Note that the agenda is provided for general guidance and may be subject to change on the day.**

**If you simply wish to observe this hearing**, you will be able to:

- view a livestream of the event (a link will be made available on the [project webpage](#) shortly before the event is scheduled to begin); or
- view the recording of the livestream that will be published on the [project webpage](#) shortly after the event has finished.

## Annex A

### Procedure at Issue Specific Hearings

#### ***Introduction***

The Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 dictate that the Examining Authority presides at a hearing, that it has powers of control over the conduct of a hearing, and that it is responsible for determining the procedure.

The parties requested to attend are listed on the first page of this document. If you wish to participate in the Hearing and have not already confirmed your attendance, please do so as soon as possible by contacting the Case Team on 0303 444 5000 or by email to [bramfordtotwinstead@planninginspectorate.gov.uk](mailto:bramfordtotwinstead@planninginspectorate.gov.uk).

Please ensure that you read our [Privacy Notice](#) before attending the Hearing.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage](#) of the National Infrastructure Planning website closer to the Hearing date.

A digital recording will be made of the Hearing as a formal record of proceedings. If you take part, it is important that you understand that the formal record will be published and retained, usually for a period of 5 years from the Secretary of State's decision.

Interested Parties and members of the public who wish to observe the Hearing can therefore watch the livestream, or view and listen to the recording, after it has concluded.

The Planning Inspectorate is subject to the General Data Protection Regulation. During the Hearing, you must not put sensitive personal information into the public domain. Indeed, you are actively encouraged not to do so. Please do not make any reference to personal information such as your home or email address, or your personal or family situation, including economic, financial, cultural or health related matters.

If you feel that reference to sensitive personal information is unavoidable, you are asked to speak individually to the Case Team. They will explore whether the information can be provided in writing, which could then be redacted before it is published. Such written evidence carries the same weight as oral evidence.

In summary, the Hearing is being held by the Examining Authority to consider the draft Development Consent Order and related matters.

The Examining Authority would recommend any parties who are new to the process and wish to learn more about the background and procedures in hearings to read the Planning Inspectorate's [Advice Note 8.5](#), *The Examination: hearings and site inspections*.

#### ***Joining the Hearing***

Parties who have registered to attend and invitees will receive an email shortly before the hearing containing a joining link and telephone number to enable participation. Please join the Arrangements Conference promptly. The Case Team will admit you from the virtual lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the Hearing to start promptly. If you require any special measures or arrangements to enable your participation in the Hearing, please let the Case Team know well in advance.

## ***During the Hearing***

Participants may be legally represented if they wish, but the Examining Authority will conduct the Hearing in such a way that legal representation will not be required. The Examining Authority will lead the questioning of parties making oral representations and probe, test and assess the evidence. There is usually no cross-examination of witnesses by other parties, though the Examining Authority does have the power to allow this under certain circumstances.

Short breaks will be taken at convenient points, usually at least once every hour or so. If for any reason you require an urgent break at a specific time, please let the Case Team know and the programme will be adjusted to accommodate you if possible.

To reduce background noise, please mute all audible notifications for electronic devices and switch off your microphone unless speaking. Your camera should also be switched off unless you wish to speak.

Please note the chat function on Microsoft Teams will not be in use so please do not try to send any messages. If at any point you cannot hear or wish to speak, please use the raised hand function, and turn your camera on. There may be a delay before this is acknowledged, but the Examining Authority will come to you as soon as possible.

For those watching the livestream, if the Hearing is adjourned or if there is a technology glitch, you may need to refresh your browser page to view the re-started livestream.

For identification and for the benefit of those who may listen to the recording later, all speakers should give their names at every point at which they speak and - if representing an organisation or individual - who it is that you represent.

The Hearing will follow this agenda and it would be helpful for you to have a copy to hand. However, the agenda is for guidance only and may be subject to change on the day. The Examining Authority may add other considerations or issues as the Hearing progresses. The Hearing will be concluded when the Examining Authority has asked all of its questions, each has been responded to, and all relevant contributions have been made. If the discussions cannot be concluded for whatever reason, it may be necessary for the Examining Authority to prioritise some matters and defer others.

Documents in the Examination Library will be taken as read and need not be repeated in your oral submission, although signposting to key documents may assist.

The Examining Authority has scrutinised and is familiar with the information already submitted by the Applicant, the local authorities, Statutory Parties, Affected Persons, and all Interested Parties. As such, when answering a question at the Hearing, it is unnecessary to repeat at length something that has already been submitted. When referring to information already submitted, please use the appropriate Examination Library reference wherever possible. Please keep the use of abbreviations and acronyms to a minimum and explain what they mean at first use, as there will be people watching the livestream and listening to the digital recording that may not be familiar with the application or the documents.

If you feel that you cannot answer any question being asked of you, or if you require time to collate the information that is requested, then you can indicate that and follow up in a written submission at Deadline 6 in the Examination Timetable (20 December 2023).

### ***Close of the Hearing***

The Hearing will finish when the Examining Authority considers that all matters have been covered and all participants have had an opportunity to make their representations. If there are additional matters to be dealt with, it may be necessary to defer some matters to written questions.

A summary of the evidence presented orally at Issue Specific Hearing 5 should be included in post-hearing submissions to be submitted by Deadline 6 in the Examination Timetable (20 December 2023).

## **Annex B**

### **The purpose of this Issue Specific Hearing**

This is the third Issue Specific Hearing to consider the draft Development Consent Order (DCO) and related matters. The main purpose of this Hearing is to continue the examination of the draft DCO Articles and Schedules, and in particular to consider:

- issues around how the draft DCO is intended to work – what would be consented, the extent of the powers and what requirements and agreements are proposed;
- any possible issues of prevention, mitigation or compensation which are not covered by the draft DCO as currently drafted;
- the justification for any changes from established practice; and
- the views of other parties as to the appropriateness, proportionality or efficacy of the proposals.

Discussion at the Hearing will be held without prejudice to the ExA's final recommendation about whether or not the DCO should be made. In addition to the DCO matters requiring oral examination above, further matters pertaining to the draft DCO may be the subject of further written questions from the ExA.

Discussion at the Hearing will be based on the following documents, or any later versions submitted at Deadline 5 to supersede or supplement them, and active participants are advised to have an electronic or hard copy of each available:

- Draft Development Consent Order [REP4-030]
- Explanatory Memorandum [REP4-045]
- Applicant's Schedules of Changes to the dDCO [REP4-012]
- Justification for Construction Working Hours [REP3-045].

The Examination is predominantly a written process. The Examining Authority has asked and may ask further questions on these topics in written questions.

There may be other questions or topics that you were expecting to be covered. Please be reassured that this simply indicates that the Examining Authority considers that it has all the necessary information on the topic, or that it will be examined in writing.