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Bramford to Twinstead Reinforcement

Volume 8: Examination Submissions

Document 8.8.5: Applicant's Comment on Other Submissions Received at Deadline 5

Final Issue A
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1. Introduction

1.1 Purpose of the Document

1.1.1 This document provides National Grid Electricity Transmission plc's (the Applicant's) comments on the other submissions from Interested Parties received at Deadline 5 in response to an application for development consent for the Bramford to Twinstead Reinforcement (the project).

1.2 Project Overview

1.2.1 An application for development consent was submitted to the Planning Inspectorate on 27 April 2023 to reinforce the transmission network between Bramford Substation in Suffolk, and Twinstead Tee in Essex. The project would be achieved by the construction and operation of a new electricity transmission line over a distance of approximately 29km comprising of an overhead line, underground cables and a grid supply point (GSP) substation. It also includes the removal of 25km of the existing distribution network, 2km of the existing transmission network and various ancillary works.

1.2.2 The application for development consent was accepted for Examination on the 23 May 2023.

1.2.3 A full description of the project can be found in Environmental Statement (ES) Chapter 4: Project Description [**APP-072**].

1.3 Structure of the Document

1.3.1 While all Interested Parties' responses received at Deadline 5 have been reviewed and considered in detail, the purpose of this document, in the first instance, is not to provide a direct comment on each individual Interested Party. Instead, where appropriate, the document identifies the key issues raised by the Interested Parties on a thematic basis and provides a thematic comment to those issues. Residual matters which are not covered in the Thematic section at Chapter 2 are commented on in Chapters 3 to 7.

1.3.2 The submissions received from other Interested Parties at Deadline 5, and which have been commented on are:

- Chapter 3: Suffolk County Council (SCC) covering the following:
 - Comments on other submissions received at Deadline 4 [**REP5-003**]; and
 - Response to Action Points from CAH1, ISH2, ISH3 and ISH4 [**REP5-034**].
- Chapter 4: Babergh and Mid Suffolk District Council (BMSDC) response [**REP5-030**].

- Chapter 5: Essex County Council (ECC) /Braintree District Council (BDC) response [**REP5-031**].
- Chapter 6: Natural England response covering the following:
 - Comments on Information Provided at Deadline 3 and 4 on Soils and Best and Most Versatile Agricultural Land [**REP5-037**];
 - Comments on Document 8.5.12: Technical Note on Ancient and Potential Ancient Woodland and ISH4, Action Point One (Table 5.1) of Document 8.6.3: Applicant’s Response to the November Hearings Action Points (CAH1, ISH2, ISH3, ISH4) [**REP5-038**]; and
 - Comments on other submissions received at Deadline 4 [**REP5-039**].
- Chapter 7: Robert Shelley [**REP5-040**].

1.3.3 The Applicant has no comments to make on the submission from East Anglia THREE Limited [**REP5-036**] and, therefore, no comments are provided in this document.

1.3.4 The Applicant has commented on paragraph numbers used in the individual submissions, grouping paragraphs where relevant. The submissions provided by other Interested Parties have largely been included verbatim. However, where necessary, the Applicant has paraphrased those submissions and has made other stylistic/ grammatical changes to the text. It is not considered that these changes are material to the comments provided. In the first instance, the Applicant would direct the reader to the original submission.

1.3.5 Generally, the Applicant has not commented on matters which an Interested Party has said it is not concerned about, has no further comments to make or where it has deferred to another Interested Party on a specific matter.

2. Thematic Issues

2.1 Section Overview

2.1.1 This Chapter identifies the key issues raised by the Interested Parties on a thematic basis which include:

- Management Plans;
- Cultural Significance of Benton End;
- Layham Quarry Alternative Location;
- Shift Patterns and the Proposed Working Hours;
- Worker Profiles and Socio-Economic Impacts;
- Draft DCO; and
- Traffic and Transport.

2.2 Management Plans

2.2.1 The Applicant has commented on submissions received on the management plans in the Applicant's Response to Interested Party Comments on Management Plans (**document 8.8.6**).

2.3 Cultural Significance of Benton End

2.3.1 Suffolk County Council and BMSDC have said in their Deadline 5 submissions that they consider it necessary for the Applicant to provide further heritage impact assessment, by way of an appendix or addendum to the Environmental Impact Assessment (EIA) heritage chapter, which demonstrates that the significance of Benton End has been re-assessed, having regard to the cultural significance of the wealth of material produced by noted artists. The original impact assessment should then be superseded and/or updated as appropriate.

2.3.2 The Applicant has submitted the Technical Note on Cultural Associations [**REP5-028**] at Deadline 5, which focuses on Benton End. The existing 400kV overhead line is located approximately 150m south of Benton End House, at its closest point, and the existing 132kV overhead line, (which would be replaced with the proposed 400kV overhead line), is parallel to the 400kV overhead line to

the south approximately 330m south of Benton End House at its closest point. As stated in paragraph 2.2.17 of the Technical Note [REP5-028], the existing 132kV overhead line, which would be removed and replaced by the new 400kV overhead line (further away from Benton End House), is screened from Benton End House by intervening outbuildings and mature trees and would be located behind the existing retained 400kV overhead line. Whereas there are some very limited glimpsed views south-westward, towards the existing infrastructure, the distance to the proposed replacement overhead line means that the effect of the project on Benton End House would be very limited and is therefore assessed as having a neutral effect.

- 2.3.3 The Technical Note [REP5-028] concluded that there would be a neutral effect on Benton End House due to the lack of impact on its historic associations as a result of the project, lack of impact on its aesthetic value, and lack of inter-visibility with the project. The information provided in the Technical Note [REP5-028] does not change the conclusions presented within ES Chapter 8: Historic Environment [APP-076], therefore the Applicant does not consider there is a need to update or supersede the original impact assessment.
- 2.3.4 Babergh and Mid Suffolk District Council and SCC have submitted a summary of material produced representing Benton End and the surrounding landscape. The Applicant does not consider that the submission of these art works would change the assessment presented in the Technical Note on Cultural Associations [REP5-028]. As the Applicant's ES [APP-076] has concluded that there would likely be a neutral effect on the property, the Applicant does not consider there to be a need to microsite the pylons at this location.

2.4 Layham Quarry Alternative Location

- 2.4.1 Suffolk County Council and BMSDC provided comments on the Joint Parish Councils' submission (Parish Councils of Assington, Bures St Mary, Leavenheath, Little Cornard, Polstead and Stoke by Nayland [REP4-016]).
- 2.4.2 In their comments, BMSDC acknowledge the community's concerns and state that they are mindful of the scope of the application proposal submitted, and the requirements of the EIA Regulations in terms of the assessment of alternatives. The comments state that *'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'*.
- 2.4.3 The Applicant has already considered and assessed Layham Quarry as a potential location for the Dedham Vale East cable sealing end (CSE) compound as part of its design evolution. This is presented in Table 3.13 of Chapter 3: Alternatives Considered of the Environmental Statement [APP-071] and paragraph 5.7.72 to 5.7.74 of the Planning Statement [APP-160].
- 2.4.4 The Applicant also provided commentary on this matter at Issue Specific Hearing (ISH) 4, and subsequently in Table 4.1 of Deadline 4 Submission Applicants Written Summaries of Oral Submissions to ISH4 [REP4-034], as well as Table 3.1 of Applicant's Comments on Written Representations [REP3-048].

- 2.4.5 Suffolk County Council provide comment on each of the points made by the Joint Parish Councils which include commentary on moving the CSE compound to a site immediately adjacent to the western boundary of Layham Quarry, the potential to locate the CSE compound to a worked area of the site (within the Minerals Safeguarding Area), and asking SCC's view as to whether it would consent to 'un-safeguard' an area outside of the consented site to enable underground cables or allow an extension of the mineral activities westwards.
- 2.4.6 The Applicant cannot comment on whether it would be appropriate for SCC to amend the boundary of the safeguarded area, as this is a standard minerals and waste safeguarding policy, applying a 250m buffer. The Applicant also acknowledges that this policy does not act as a block to development in this location but is a significant material consideration to ensure the quarry use can operate under the terms of its planning permissions and licences without prejudice. The Applicant also notes that the planning permission to provide additional time periods for the completion of extraction and restoration of the site relates to the whole site.
- 2.4.7 Suffolk County Council identified a number of material planning considerations in respect to the Parishes' requests, such as archaeology, landscape and visual impacts, Public Rights of Way (PRoW) etc. and whilst not making a judgement on which location they preferred, SCC concluded that they *'would have no objection to the siting of the DV East CSEC within the area identified so long as it would not prohibit further minerals extraction and processing.'*
- 2.4.8 The Applicants Written Summaries of Oral Submissions to ISH4 [REP4-034] remain valid in this respect as well as the Applicant's response to this matter as set out in Table 3.1 of Applicant's Comments on Written Representations [REP3-048]. The Applicant has already considered and assessed Layham Quarry as a potential location for the Dedham Vale East CSE compound following consultation feedback and maintains its position on the matter; this location is not preferred for environmental, technical and cost reasons (as detailed in Table 3.13 of Alternatives Considered [APP-071]), in addition to (but not limited to) the concerns in relation to minerals safeguarding. The Applicant has, therefore, concluded that when taking into account all of its duties (which includes the need to be economic and efficient) and the National Policy Statements policies in respect to the consideration of alternatives, on balance the Applicant's preferred option, for which development consent is being sought, is considered to be acceptable.

2.5 Shift Patterns and the Proposed Working Hours

- 2.5.1 Babergh and Mid Suffolk District Councils, in their Deadline 5 submission [REP5-030], reiterated their recommendations in respect of working hours. The Applicant has commented on these points in Table 3.1 (ref 2.7b) of the Applicant's Comments on Other Submissions Received at Deadline 4 [REP5-025] and has no further comments to make on the matter.
- 2.5.2 Braintree District Council, ECC and SCC have said in their Deadline 5 submission [REP5-031 and REP5-033] that the Councils are yet to see any evidence submitted that confirms that the worker numbers assessed are a worst case. The Applicant has responded to these points in Table 2.1 (refs 3.1a and 3.1f) of the Applicant's Comments on Other Submissions Received at Deadline 4 [REP5-025] and has no further comments to make on the matter.

- 2.5.3 The Councils also state in their Deadline 5 submissions [**REP5-031** and **REP5-033**] that no evidence has been submitted that the working hours are standard practice; the Councils also state that the only evidence submitted is that the working hours have been used in other DCO submissions. The Councils state that if these are the working hours, then the assessment has not been based on the hour of greatest change. The Applicant has commented on these points in Table 4.1 (ISH6/AP4) of the Applicant's Response to December Action Points (**document 8.8.3**) and has no further comments to make on the matter.
- 2.5.4 The Councils noted in their Deadline 5 submissions [**REP5-031** and **REP5-033**] that they are not stating that there should not be any flexibility in controls, just that management processes are built in to minimise any short-term additional impacts. The Applicant has commented on these points in Table 2.1 (ref 3.1a) of the Applicant's Comments on Other Submissions Received at Deadline 4 [**REP5-025**] and has no further comments to make on the matter.

2.6 Worker Profiles and Socio-Economic Impacts

- 2.6.1 Suffolk County Council has said in their Deadline 5 submission that the Council does not consider that the Applicant has provided a thorough or evidence-based examination of the likelihood of local labour taking up roles within the project. The Council requests that the Applicant does further work to define the skill sets needed within its workforce and compares this to the skills available within the local labour market, providing an evidence-based approach to assessing likelihood of local labour. The Council disputes the statement from the Applicant that the majority of employment activities would require trained specialists who are qualified to work on high voltage electricity lines. The Council states that it cannot fully determine the sufficiency of the approach to determining socio economic effects ahead of receiving a detailed workforce profile.
- 2.6.2 The Applicant has commented on these points in Table 2.1 (ref 1a and 1b) of the Applicant's Comments on Other Submissions Received at Deadline 4 [**REP5-025**] and has no further comments to make on the matter.

2.7 Draft DCO

- 2.7.1 Suffolk County Council provided comments on the Applicant's Schedule of Changes to the Draft DCO as submitted at Deadline 4 [**REP4-004**]. Those comments are set out in Table 1 of Section 1 of the County Council's Comments on other submissions received at Deadline 4 [**REP5-033**].
- 2.7.2 Notwithstanding subsequent updates made by the Applicant to the Schedule of Changes at Deadlines 5 and 6 (see **document 8.4.2 (E)**), SCC's concerns can be summarised as follows:
- (**Refs: 1a, 1b, 1c, 1d, 1e, 1f, 1g and 1h**): the additional drafting included by the Applicant in Articles 11 (Street works), 14 (Power to alter layout etc of streets), 15 (Temporary stopping up), 16 (Access to Works), 19 (Discharge of water), 21 (Surveys and investigations), 47 (Traffic regulation) and 48 (Felling and lopping) of the draft DCO (**document 3.1 (F)**) to allow an alternative period of time to be agreed (beyond the stated 28 days) is not a satisfactory aim, because the extension

of time remains dependent on the Applicant's agreement and would leave the discharging authority in the same overall position.

- **(Refs: 1a, 1b, 1c, 1d, 1e, 1f, 1g and 1h):** the 28 day decision making period included in Articles 11 (Street works), 14 (Power to alter layout etc of streets), 15 (Temporary stopping up), 16 (Access to Works), 19 (Discharge of water), 21 (Surveys and investigations), 47 (Traffic regulation) and 48 (Felling and lopping) of the draft DCO (**document 3.1 (F)**) is too short and should be replaced by a period of 56 days. Such period should also be paused if the highway authority or other discharging authority considers that additional information is reasonably required to make a decision on the application before it.
- **(Ref: 1I):** Requirement 6 (Archaeology) in Schedule 3 of the draft DCO (**document 3.1 (F)**) should be re-written, for the reasons set out in Paragraphs 8.45 to 8.52 of the County Council's Local Impact Report [**REP1-045**].

2.7.3 The SCC submissions restate submissions made at previous Examination deadlines, to which the Applicant has already commented on as follows:

- **(Refs: 1a, 1b, 1c, 1d, 1e, 1f, 1g and 1h):** see the detailed comments provided in Table 2.1 of the Applicant's Comments on Other Submissions received at Deadline 3 [**REP4-022**].
- **(Ref: 1I):** see the detailed comments provided in Table 2.1 of the Applicant's Comments on Other Submissions received at Deadline 4 [**REP5-025**], and particularly the section of Table 2.1 (pages 78-79) which addresses matters raised in respect of Requirement 6 (Archaeology) in the County Council's Comments on Deadline 3 submissions.

2.7.4 The Applicant, therefore, has no further comment to make in respect of the SCC Deadline 5 submissions.

2.7.5 Whilst BMSDC defer (in Section 1 of [**REP5-030**]) to the submissions made by SCC in respect of the draft DCO, the District Councils do make the point (in the context of Article 46 of the draft DCO) that reliance on the control and mitigation measures set out in the CEMP in respect of certain forms of statutory nuisance should not constitute a defence to proceedings brought under section 82 of the Environmental Protection Act 1990 (**EPA 1990**).

2.7.6 The Applicant refers by way of response to the Statement of Statutory Nuisance [**APP-058**] which confirms that, whilst construction of the project could give rise to statutory nuisance under s.79(1)(g) and (ga) (noise and vibration) of the EPA 1990, the use of best practicable means and good practice measures as set out in the CEMP (**Document 7.5 (C)**) would mean that the likelihood of such nuisance arising is negligible. Compliance with the CEMP is secured by Requirement 4 of the draft DCO (**document 3.1 (F)**).

2.7.7 Whilst the effect of Article 46 is explained in Paragraph 3.50 of the Explanatory Memorandum (**document 3.2 (E)**), it should be noted that Article 46 has been informed by the conclusions reached in the Statement of Statutory Nuisance. Therefore, the Applicant considers that, as a matter of public policy, the controls on noise in the draft DCO are sufficient to justify the defence to statutory nuisance proceedings provided by Article 46.

- 2.7.8 Notwithstanding the extensive recent precedent for Article 46 (see, by way of example, Articles 41(2) and (3) of the Southampton to London Pipeline Development Consent Order 2020, Article 12(1)(a)(iii) of the Sizewell C (Nuclear Generating Station) Order 2022, and Article 44(1) and (2) of the Boston Alternative Energy Facility Order 2023), the Applicant does not consider that it would be reasonable or appropriate for there to be a claim of statutory nuisance in circumstances where there is compliance with management plans which have been approved by the Secretary of State and which are intended to address matters related to statutory nuisance.
- 2.7.9 This is a point which the Applicant has made previously in its Response to First Written Questions [REP3-052] (see the responses provided to DC1.6.49 to DC1.6.52) and in its Comments on Responses to First Written Questions [REP4-029] (see the comments provided in relation to DC1.6.51).
- 2.7.10 The Applicant, therefore, has no further comment to make in respect of the BMSDC Deadline 5 submissions.
- 2.7.11 Section 3 of BDC and ECC's joint Deadline 5 submission (Comments on other submissions received at Deadline 4 [REP5-031]) contains further submissions made by the Councils in response to the Applicant's comments on the Councils' responses to certain of the First Written Questions relating to the draft DCO (**document 3.1 (F)**). The Applicant's response to those further Deadline 5 submissions is set out in Section 5 (Table 5.1) of this document.

2.8 Traffic and Transport

The Local Highways Authorities' Submissions on the Transport Assessment and ES Chapter 12: Traffic and Transport Methodology

- 2.8.1 The SCC Comments on any Other Submissions Received at Deadline 4' [REP5-033], indicates that the Council (and ECC) welcomes the clarification regarding the size and occupancy of crew vans. The response goes on to state that no evidence has been submitted that supports the 70% assumption (of total staff commuting in crew vans), nor any controls within the Construction Traffic Management Plan (CTMP) (**document 7.6 (C)**) that will ensure it is delivered. Mainly as a result of the two assumptions around car share and staff travel times, the peak figure of 528 staff is assessed as 32 peak hour vehicle movements, which is a reason why a traffic impact has not been identified. It is difficult to see how this can be considered a worst-case assessment.
- 2.8.2 The Applicant has commented on these points in Applicant's Comments on Other Submissions Received at Deadline 4 [REP5-025] (see references 3.1a, 4.4, 12a, 15.5.2, and 21.1.7-21.1.8). The Applicant has also confirmed previously that the figure of 528 staff used in the assessment is the result of considering the maximum monthly staff requirement at each access point in a seven-month period around the August 2025 peak month. This inflates the number of staff assessed by 51% when compared with the actual number of staff forecast to work on the project in the August 2025 peak (350). The Applicant has no further comment to make in respect of these points.

- 2.8.3 In Comments on any other submissions received at Deadline 4 [REP5-033] on the issue of staff numbers and control, SCC also indicated that it (and ECC) is yet to see any evidence submitted that confirms that the figures assessed are a worst case; and that no evidence has been submitted that the working hours are standard practice. The document also indicates that SCC and ECC are not stating that there should not be any flexibility in controls, just that management processes are built in to minimise any short-term additional impacts.
- 2.8.4 The Applicant has commented on these points in the Applicant's Comments on Other Submissions Received at Deadline 4 [REP5-025] (see references 3.1f and 12a). The Applicant has no further comment to make in respect of these points.
- 2.8.5 In SCC's submission Comments on any other submissions received at Deadline 4 [REP5-033], they also indicated on the issue of shift patterns and proposed working hours that it (and ECC) is yet to see any evidence submitted that confirms that the figures assessed are a worst case; or that the working hours assumed are standard practice. The document also indicates that SCC and ECC are not stating that there should not be any flexibility in controls, just that management processes are built in to minimise any short-term additional impacts.
- 2.8.6 The Applicant has commented on these points in Applicant's Comments on Other Submissions Received at Deadline [REP5-025] (see reference 3.1a in this document). The Applicant has no further comment to make in respect of these points.
- 2.8.7 SCC indicated in its document Comments on any other submissions received at Deadline [REP5-033] that the assessment has not been based on the hour of greatest change.
- 2.8.8 The Applicant's view is that there is no requirement in relevant guidance concerning either the Transport Assessment (TA) or the EIA to undertake such an assessment, and that it would be disproportionate and unnecessary to do so given the modest forecast traffic and transport impacts of the project. Further details on the Applicant's position in this regard is set out in ISH6 AP2 and AP3 of the Applicant's Response to December Action Points (**document 8.8.3**).
- 2.8.9 In its Deadline 5 Submission, Comments on other submissions received at Deadline 4 [REP5-031], ECC and BDC tabulated comments and concerns relating to the TA in a red/amber/green (RAG-rated) format.
- 2.8.10 The Applicant notes that all of these are addressed in this document and/or previous submissions by the Applicant including the provision of additional information (traffic surveys, mapped link sensitivity; abnormal indivisible load (AIL) movements) and explanations (hour of greatest change; workforce movements).

The Local Highways Authorities' Submissions on the Transport Assessment Construction Vehicle Profile Data [REP4-006]

- 2.8.11 In Table 9 of SCC Table of Comments on 8.6.2.3 Applicant's Written Summaries of Oral Submissions to ISH 3, [REP4-050], under 3.1 Local Impact Reports and the Transport Assessment, SCC (Local Highway Authority (LHA)) notes the submission of the figures in [REP4-006]. To assist in interrogating this data, SCC and ECC have requested a copy in 'XLSL' [sic] format.

- 2.8.12 The Applicant notes that the data shown in [REP4-006] was submitted in MS Excel format by emailed link to the LHAs to a SharePoint file and via a file transfer system on 6 December 2023.

The Local Highways Authorities' Submissions on Access Points, Bellmouths and Access Tracks/Roads and the Technical Note on Temporary Access from the A131 [REP4-014]

- 2.8.13 In Table 9: SCC Table of Comments on 8.6.2.3 Applicant's Written Summaries of Oral Submissions to ISH, [REP4-050], under 3.1 Local Impact Reports and the Transport Assessment, SCC notes that the LHAs have yet to receive any detailed plans of accesses; however, at a meeting on the 29 November 2023, the Applicant confirmed that the plans are in preparation and will be shared as completed.
- 2.8.14 In SCC submission Comments on any other submissions received at Deadline 4 [REP5-030] under 6.2. Any Other Matters Arising from the Responses to the Examining Authority's First Written Questions SCC noted the submission of [REP3-005] (the indicative bellmouth design approach) by the Applicant. Suffolk County Council remains greatly concerned regarding the feasibility of many accesses and that the site-specific assessments have not been completed in sufficient detail.
- 2.8.15 The Applicant notes that design information for the temporary access off the A131 (Access Point H-AP20 and connecting temporary access route) was submitted at Deadline 5 – 8.7.4: Temporary Access Route off the A131 Concept Design and Swept Path Assessment [REP4-014] .
- 2.8.16 The sketch showing access point AB-AP5 adjacent to Rose Cottage was shared directly with LHAs on 06 December and has been put into Examination at Deadline 6 (Appendix 1 of **document 8.8.3**).
- 2.8.17 The Applicant considers that the amount of information provided in relation to access point design is sufficient to determine an application for development consent. The final detailed designs, accompanied by the results or road safety audits, will be submitted to the LHAs pursuant to Requirement 11 of the DCO (**document 3.1 (F)**). However, in the interests of providing further reassurance to the LHAs the Applicant has committed to undertaking further preliminary design work on those access points identified as being of concern to the LHAs. A list of a further eight sites in Suffolk are subject to additional design development, a list of which was shared in the email to SCC on 6 December 2023. Those designs will be shared with LHAs for comment and entered in Examination at a future deadline once complete. Additional preliminary access point designs in Essex are also in development following ECC's supply of a spreadsheet of accesses noting the LHA's areas of specific interest.
- 2.8.18 Regarding access point AB-AP5, SCC notes that movements of 120 Heavy Goods Vehicles (HGV) in December 2024 are forecast for access reference: AB-AP5. Noting that most projects do not work over the festive break, this suggests more than infrequent use, certainly an intensification of use for a field access. SCC is very concerned that the Applicant considers that limited improvements to visibility are needed considering the very limited visibility to the south of this access at present.

- 2.8.19 The Applicant notes that surveys have been commissioned in that location of speed; topography and of vegetation, and the access design will be updated with the resulting information. The festive break is recognised, and that in this example rather than 30 vehicles per week for 4 weeks this may represent a month with 40 vehicles per week for three weeks; this is still considered a scale of use that this access can accommodate.
- 2.8.20 Regarding the temporary access route off the A131, ECC in relation to responding to **[REP4-014]**, have indicated that no details have been provided to support the premise that Option 2a provides the ability to design a safe, accessible junction. Details of the initial design, including visibility splays supported by speed data and a stage 1 road safety audit (RSA) and designers response should be submitted to ECC.
- 2.8.21 The Applicant has provided further details of the outline design and swept path assessment of the proposed temporary access route off the A131 **[REP5-026]**.
- 2.8.22 The Applicant would refer to the sub heading below regarding the wider application of RSA. For clarity, private construction/access routes would not be subject to a future RSA outside of where they interact with the public highway.
- 2.8.23 With reference to Figure 1.1 (Appendix A) which is contained within the Technical Note on Temporary Access Route off the A131 **[REP4-009/ REP4-014]**, SCC note that there are concerns regarding visibility at noted locations which are also indicated as not being exhaustive.
- 2.8.24 The Applicant has since received a tabulated list of accesses where concerns of visibility have been raised by ECC. It is not clear whether ECC has provided this list and the above concerns after a review Figure 1.1 (Appendix A) of **[REP4-009/ REP4-014]**, and the Trees and Hedgerows to be Removed or Managed Plans **[APP-017]** as the Applicant is of the view that sufficient visibility would be provided at all access and that the conclusions of the Environmental Statement shall not be undermined by the vegetation clearance required to do so. That being said, as described above the Applicant has proposed to provide initial designs into the examination to provide a narrative at these locations and to allay concerns raised by the LHA.
- 2.8.25 Options 3d and 2e in relation to alternative options put forward by the local farmers regarding the temporary access route off the A131 are not preferred as they would provide insufficient manoeuvrability for AILs. ECC request the analysis which shows the swept paths of said AILs to evidence this assertion.
- 2.8.26 The Applicant listed manoeuvrability (amongst other considerations) as one of the reasons why the aforementioned Options (3d and 2e) have been discounted and would refer Interested Parties to the consideration of these alternatives presented in the Technical Note which elicited this comment **[REP4-009]**. However, the Applicant has committed to provide Swept Path Analysis of both options (**document 8.8.12**) to support its statements made about concerns regarding manoeuvrability of these options.
- 2.8.27 Suffolk County Council in response to action points from ISH3 note in relation to HGV paragraph 2.6, that whilst Requirement 11 provides the LHA with the ability to refuse to approve access, that pressure may be applied to the authority to accept a sub-standard layout. In SCC view, the provision of proportionate information at this stage can minimise these risks. Furthermore, following

discussions with the applicant on the 29 November 2023 focussing on a single access, SCC remains greatly concerned regarding the feasibility of many accesses and that the site-specific assessments have not been completed in sufficient detail.

- 2.8.28 In relation to access point AB-AP5 SCC is very concerned that the Applicant considers that limited improvements to visibility are needed considering the very limited visibility to the south of this access at present.
- 2.8.29 The Applicant has provided a 1:100 scale sketch showing the visibility splay required to achieve a 70kph design speed, and considers that vegetation pruning and coppicing, in accordance with the Trees and Hedgerows to be Removed or Managed Plans [APP-017], is required to achieve this visibility splay, and is now in the process of commissioning speed, topographical and arboricultural surveys to further examine these assumptions. It is worth noting the Applicant's position that AB-AP4 to the north has been allowed for within the DCO application should it not be possible to design a safe access with limited vegetation management and therefore this work is being brought forward to offer reassurance to the LHA and Affected Person.
- 2.8.30 In summary, additional information has been provided to both assure LHAs regarding the provision already made, and additional information gathered where gaps identified in the data, for example additional speed, arboricultural and topographical surveys. The preparation of more detailed design information for a range of the most difficult accesses demonstrates the Applicant's intention to show that the works can be delivered safely.

The Local Highways Authorities' Submissions on Road Safety Audits (RSA)

- 2.8.31 Within the Deadline 5 submissions by BDC and ECC, Section 7 of Comments on Deadline 4 Submission Document [REP4-050], specifically the table presented in relation to the position of RSA, it is the view of ECC that Stage 1 RSA and designers' responses should be provided as part of the DCO. There is disparity between the information being provided at the DCO stage by the Applicant and what the LHA think should be included in the DCO. Preliminary design information should be available now for each access location which in turn will dictate the Order Limits of the dDCO and this should be subject of a Stage 1 RSA.
- 2.8.32 Suffolk County Council welcome the Applicant's inclusion of RSA in Requirement 11 and agreeing that the necessity is proportional to the use of the access, SCC remains concerned that this information and other items such as speed surveys are not available at this stage of the examination.
- 2.8.33 The Applicant notes the request for a Stage 1 RSA but maintains that the addition to Requirement 11 provides reassurance that these Audits will be undertaken in the detailed design stage. The minor nature of the five permanent access works, and temporary nature and low traffic generation of the overwhelming majority of works make this approach reasonable. In addition, the Applicant has supplied LHAs with speed and traffic flow data for two-week surveys at 167 sites. The Applicant notes the need for RSA timing to reflect the seasonal variance in vegetation and, in turn, on visibility at access points. It should also be noted that, in common with the approach on this project, on the Applicant's previous DCOs, RSAs were only undertaken at the detailed design phase prior to construction as opposed to supporting the DCO application or examination.

The Local Highways Authorities' Submissions on 'Extraordinary Traffic'

- 2.8.34 SCC considered the project potentially capable of damage caused to construction routes via 'extraordinary traffic' whereas the Applicant noted that Section 59 is an existing statutory provision allowing for such circumstances, and hence the Applicant submitted that it is not necessary to replace that provision. The Applicant has already committed to carrying out and sharing condition surveys of the roads in the CTMP (**document 7.5 (C)**) but does not agree with the suggestion that Section 59 needs to be replaced by a side agreement. SCC notes that this remains unresolved and its position is unchanged.
- 2.8.35 The Applicant notes this and confirms that its position is unchanged.

The Local Highways Authorities' Comments on Abnormal Indivisible Loads

- 2.8.36 Within the Deadline 5 submission made by BDC and ECC, Comments on other submissions received at Deadline 4 [**REP5-031**], ECC and BDC note in paragraph 6.4.1 information requested including AIL route analysis and review of highway structures. Four reports shared by the Applicant directly with LHAs are also being put into Examination at Deadline 6 (**document 8.8.11**) to address these issues.

The Local Highways Authorities' Comments on Requested Data

- 2.8.37 In ECC/BDC deadline 5 submission [**REP5-031**] in relation to the TA and ES Chapter 12 Traffic and Transport [**APP-061 and APP-080**] the table within point 4.2.1 provided comments / concerns for the ExA's information and consideration. With specific regard to the issue of assumptions around extent of PRow closures and timing of closures, a request for greater detail on timing and extent of closures is made.
- 2.8.38 Suffolk County Council, likewise, in their Deadline 5 submission to action points from ISH3 paragraph 2.8 note that whilst details of individual closures have been provided, a holistic programme showing the combined impact at any stage of the project has not.
- 2.8.39 The Applicant notes the request for additional information and has submitted the Technical Note on PRow Closure Sequencing (**document 8.8.9**) at Deadline 6 where the matters of PRow closures and timings have been detailed further.

3. Applicant’s Specific Comments on the Submission from Suffolk County Council

3.1 Introduction

3.1.1 Table 3.1 summarises the Applicant’s comments to submissions provided by SCC at Deadline 5 [REP5-032 – REP5-034], which are not covered in the Thematic section above. The Applicant has no comments on the Cover Letter [REP5-032]. The Applicant has also not commented on matters that SCC has said it is not concerned about, is in agreement with, has no comment on or where it has deferred to another Interested Party on a specific matter, therefore the numbering in Table 3.1 is not consecutive.

3.1.2 In some cases, where the point raised is lengthy, the Applicant has summarised the key points to keep the document concise.

3.2 Table of Comments

Table 3.1 – Applicant’s Comments on the SCC Deadline 5 Submission

| Ref | Matter | Point Raised | Applicant’s Comments |
|--|--------|--|---|
| Applicant’s Response to the November Hearings Action Points (CAH1, ISH2, ISH3, ISH4) [REP4-042] | | | |
| 8a | AP13 | <p>From the Applicant’s response provided it is not clear where the permanent access route would cross Footpath W-171/001/0. SCC is concerned that a substantial part of the intervening vegetation that would potentially help to screen the view from across the Stour valley will be removed, not for the permanent access route, but for the works in general. This includes veteran tree T378, which according to the Applicant cannot be circumvented or drilled underneath.</p> <p>While SCC welcomes the 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, SCC expects that a suitably qualified landscape architect will be involved in the detailed landscape design throughout the entire project area.</p> | <p>The permanent access road crosses Footpath W-171/001/0 approx. 450m to the west of Stour Valley East CSE Compound to the west of 132kV pylon PCB77 as shown on Sheet 19 of the General Arrangement Plans [APP-018]. At this location, there would be vegetation removal associated with the underground cables as shown on Sheet 19 of LEMP Appendix A: Vegetation Retention and Removal Plan [APP-183], which includes T378 which is central to the underground cable swathe. This vegetation would be reinstated as shown on Sheet 19 of the LEMP Appendix B: Reinstatement Plans [REP3-036] the gap for the access crossing this at an oblique angle to avoid direct views across the valley.</p> <p>The Applicant welcomes the comments regarding the involvement of a landscape architect and confirms that one would be involved in the detailed design stages of the project.</p> |

| Ref | Matter | Point Raised | Applicant's Comments |
|-----|--------|--|--|
| | | <p>The embedded planting measures around the CSE compounds are not detailed enough to provide comfort that appropriate visual screening will be achieved.</p> <p>At the Stour Valley West CSE compound the proposed area for potential embedded planting seems insufficient.</p> | <p>Detailed planting designs would be submitted to the local authorities for each CSE compound in line with Requirement 9 which has now been updated to make this explicitly clear.</p> <p>At Stour Valley West CSE, 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. An additional hedgerow has been added to the LEMP Appendix B: Reinstatement Plan [REP3-036] to help filter views from the south. 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.</p> |

Comments on other submissions received at Deadline 4 [REP5-003]

| | | | |
|-----|--------------------------|---|---|
| N/A | The progress of the CTMP | <p>SCC welcomes the inclusion of the construction routes within the CTMP albeit with the reservations expressed in the LIR [REP1-044] and [REP1-045]. SCC considers that with the lack of controls and details regarding monitoring, reporting, and enforcement, the CTMP can only be considered a draft or outline and that there should be a further iteration of the CTMP when more information is available from the contractor for discharge by the Highway Authorities.</p> | <p>The Applicant notes the reservations and confirms that the CTMP (document 7.6 (C)) has been amended at Deadline 6 to split the Construction Routes into AILs on one figure and construction routes on a separate figure which will improve clarity as to which routes are on both or only one of these two networks.</p> <p>The Applicant considers that the CTMP provides appropriate information and controls for it to be final at the end of the examination and certified by the Secretary of State. There is a difference of opinion with the LHAs over what should be secured but this does not mean the CTMP in general is not a “final” CTMP due to lack of information.</p> <p>Should any future changes become necessary that would result in an updated document these would need to be submitted to and agreed by the LHAs for approval (Requirement 4 (2) of the draft DCO (document 3.1 (F))).</p> <p>It should be noted that this is the approach that has been taken on the Applicant's previous DCO's (see Richborough Connection Project and Yorkshire Green as recent examples).</p> |
|-----|--------------------------|---|---|

4. Applicant's Specific Comments on the Submission from Babergh and Mid Suffolk District Council

4.1 Introduction

4.1.1 All matters raised by BMSDC in their Deadline 5 submission [REP5-035] are addressed in the Thematic Sections in Chapter 2.

5. Applicant’s Specific Comments on the Submission from Essex County Council and Braintree District Council

5.1 Introduction

5.1.1 Table 5.1 summarises the Applicant’s comments to submissions provided by ECC/BDC at Deadline 5 [REP5-035], which are not covered in the Thematic section above. The Applicant has not commented on matters that ECC/BDC has said it is not concerned about, is in agreement with, has no comment on or where it has deferred to another Interested Party on a specific matter, therefore the numbering in Table 5.1 is not consecutive. In some cases, where the point raised is lengthy, the Applicant has summarised the key points to keep the document concise.

5.2 Table of Comments

Table 5.1 – Applicant’s Comments on the ECC/BDC Deadline 5 Submission

| Ref | Matter | Point Raised | Applicant’s Comments |
|--|--|---|--|
| Responses to Comments on Specific Questions | | | |
| MG1.0.15/ EA1.2.8 | Committed developments overlapping with the proposed Order Limits for the Proposed Development, as set out in Appendix C of the Planning Statement | Whilst it is appreciated that only proposals that are either submitted or consented have been added to the list of interconnected developments, the councils understand that both DCO proposals for Five Estuaries offshore wind farm and North Falls offshore wind farm are to be submitted to the Planning Inspectorate in Q1-3 2024. | The Five Estuaries and North Falls offshore windfarms are included in ES Appendix 15.3: Long List of Other Developments [APP-142] and ES Appendix 15.4: Shortlist of Other Developments [APP-143]. The data freeze date for the CEA was 31 January 2023. It is noted that the expected DCO application submission dates for the Five Estuaries and North Falls offshore wind farms have changed since the data freeze date for the CEA, from 2023 to 2024, however this does not change the conclusions of the CEA as reported in ES Chapter 15: CEA [APP-083] as a temporal overlap in construction between the other developments and the project was assumed for the CEA. |
| CM1.5.62 | Mitigation and compensatory planting | The Councils note the comments of the Applicant but would reiterate our comments that further mitigation and compensatory planting should be considered to mitigate the impact of the | The Application has responded to this matter in Table 2.1 (ref 5.8, pages 47 to 49) of the Applicant’s Comments on Other Submissions Received at Deadline 4 [REP5-025]. |

| Ref | Matter | Point Raised | Applicant's Comments |
|----------|---------------|---|--|
| | | development, as well as providing a more reasonable timescale than 28 days to assess any changes to the control documents. | The Applicant has reviewed the tracked change version of the Landscape and Ecological Management Plan (LEMP) [REP5-035] which was submitted on behalf of SCC, ECC, BMSDC and BDC at Deadline 5. The Applicant has responded to the suggested changes in Chapter 4 of Response to Third Party Comments on the Management Plans (Document 8.8.6) which has been submitted at Deadline 6. |
| DC1.6.79 | Staging Plans | It is noted that the Applicant intends to submit the staging plans for the development should consent be granted. The Council's recognise the procedural issue this would raise at this time, influenced also by the fact that a contractor is not on board, and who will lead on staging. However, the Councils seeks assurances that the control documents as will be attached should consent be ultimately issued, will be applied to all stages of the development. Without these specific staging points being submitted here it is not possible to assess the impact of the construction on the specific areas affected. It is important that the DCO if Consented, and the control documents, lead the implementation of this NSIP and not a currently unappointed contractor. | <p>The Applicant assumes that reference in the Councils' submission to 'control documents' is a reference to the various management and other plans and schemes secured through Schedule 3 (Requirements) to the draft DCO (Document 3.1 (F)).</p> <p>As the Applicant made clear in its response to Paragraph 21.5.3 of the Councils' Joint Local Impact Report [REP3-050], the essential purpose of Requirement 3 (Stages of authorised development) is to confirm to the relevant planning authorities in advance: (a) the spatial scope of each stage of the authorised development (the area within which the works will take place), (b) the temporal scope (when it is likely to commence and be completed), and (c) the works that each stage relates to.</p> <p>Requirement 3(4) commits the Applicant to carrying out the authorised development in accordance with the submitted staging plan.</p> <p>Amongst other things, it is anticipated that the provision of this staging information will better assist the relevant authorities in discharging their duties in respect of the project, including in relation to subsequent submissions made by the Applicant pursuant to other Requirements.</p> <p>In response to what is understood to be the Councils' specific point of concern, the Applicant confirms that Requirement 3 will operate in parallel to all other Requirements, including: Requirement 4 (Management Plans), Requirement 5 (Approval and implementation of Drainage Management Plan), Requirement 6 (Archaeology), Requirement 8 (Retention and removal of trees, woodlands and hedgerows), Requirement 9 (Reinstatement planting plan), and Requirement 10 (Reinstatement planting plan – implementation, compliance and replacement planting).</p> |

| Ref | Matter | Point Raised | Applicant's Comments |
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| | | | Save for Requirement 4 (which applies to <u>all</u> works forming part of the authorised development), the controls secured through those Requirements listed above extend to each of the stages of the authorised development (noting that a 'stage' for this purpose is defined in Requirement 1(1) as being "... a defined stage of the authorised development, the extent of which is shown in a scheme submitted to the relevant planning authority pursuant to Requirement 3.") |
| LV1.9.40 | Updated Planting Schedule | The Council's welcome the Applicant's commitment to consider specific species planting and would like confirmation as to by which Deadline this will be submitted? | The Applicant is reviewing the feedback from the Local Planning Authorities on the LEMP and will provide an update at Deadline 7. |
| CM1.5.12 | Construction Hours | Working The Councils are continuing to discuss working hours with the Applicant. For clarity it is not considered, given that this DCO was placed in abeyance for a considerable period by the Applicant, that the urgency of the development as is now found to be evident, should result in loss to neighbouring amenity. Whilst the limits for daytime operations are noted, it is correct that the location of the proposal is within a very quiet rural area. In terms of the noise impact from vehicles whilst the assumption that: "impact of noise from construction traffic is therefore not significant at all noise sensitive receptors", may be correct but, and by using the same analogy as the Applicant, it is their evidence that some would be significantly affected. | As explained in the Justification for Construction Working Hours [REP3-045] and the Construction Schedules with Critical Path [REP5-027], the working hours requested are necessary to achieve the 2028 delivery date. The submitted a Technical Note on Noise Sensitive Receptors (Document 8.8.7) at Deadline 6 to evidence properties which may experience noise using a lower noise threshold. |
| TT1.13.15 | Transport Assessment Construction Vehicle Profile Data | The Council has requested that the information provided in the document TA Construction Vehicle Profile Data [REP4-006] be provided in a more accessible format and await its provision. The Councils have provided the applicant with a list of our concerns with the TA method and controls within the CTMP, as summarised in our response above. For clarity, the Council maintains its position. | Transport Assessment Construction Vehicle Profile Data (REP4-006) was supplied to the LHA in Excel spreadsheet format on 6 December 2023. |

| Ref | Matter | Point Raised | Applicant's Comments |
|-------------------------------------|--|---|---|
| 6 December TT 1.13.15 and TT1.13.21 | Highways Monitoring and Enforcement Strategy | <p>The Council maintains our response at Deadline 4 [REP4-049] where we set out the current position on these issues, which are summarised below:</p> <ul style="list-style-type: none"> - Surveying of the condition of the highway network for remediation. Partially resolved. Further information and discussions are needed. - That the local highway authorities should be the party responsible for discharging the CTMP and agreeing any changes to the CTMP. This appears to be resolved. - Absence of monitoring of construction and workforce traffic. It is understood that Good Practice Measure TT02 will ensure GPS monitoring of construction routes and there is an indication that construction traffic will be recorded at paragraph 7.2.4. Further information is sought on what traffic is to be monitored and how vehicle numbers will be reported to the highway authorities. Not considered to be resolved. - Absence of commitment to achieve staff modal share through commitment to minibus and car sharing. Not resolved; there continues to be no commitment to achieve the staff mode share. - Absence of commitments to survey staff movements. The CTMP includes commitment towards surveying of staff movements in the form of a travel survey. This appears to be partially resolved, but further commitment to monitoring of total staff vehicle movements. - Absence of reporting on CTMP monitoring and non-compliance to highway authorities. Not resolved: there is no commitment to report the findings of the monitoring to the highway authorities; nor any meaningful process for remedial actions if the CTMP fails to achieve its targets. | <ul style="list-style-type: none"> - Surveying the condition of the highway for remediation: Section 5.2 of the CTMP (Document 7.6 (C)) includes details of the visual and photographic surveys that would be undertaken and shared. - Changes to the CTMP: The Applicant has confirmed that LHAs are the party responsible for discharging and agreeing changes to CTMP (document 7.6 (C)), as detailed in paragraph 7.6.6. This was confirmed in reference 12.32 of the Applicant's Comments on Suffolk County Council and Babergh Mid Suffolk District Council Local Impact Reports (REP3-049). - Monitoring of workforce traffic: As detailed in paragraph 6.3.5 of the CTMP (document 7.6 (C)), the Applicant would require staff to sign in and out of each work location. These records will be used to assess vehicle movements and occupancy rates and the Applicant can provide this information to the LHA. This was confirmed in reference TT1.13.21 of the Applicant's Comments on Responses to First Written Questions (REP4-029). - Monitoring of Heavy Goods Vehicles (HGVs): Paragraph 7.2.5 of the CTMP (Document 7.6 (C)) includes details of the monitoring and reporting for compliance with the CTMP, including requirements to; provide GPS tracking for the main works contractor's HGVs, monitor vehicle numbers between the strategic road network and the site and use the Construction Traffic Routes shown in Figure 1 of Appendix A of the CTMP. This is considered a sufficient and proportional level of monitoring. - Modal share/ staff movements: Section 6.4 of the CTMP (Document 7.6 (C)) provides details of monitoring, including; the mode of transport; number of crew van movements; number of people sharing cars (average minimum occupancy of 1.3) and crew vans (average minimum occupancy of 4) and car park usage. The Applicant is willing to periodically share this information |

| Ref | Matter | Point Raised | Applicant's Comments |
|---|---|--|---|
| | | <p>- Approval of construction traffic routes. Resolved through inclusion of Construction Routes at Appendix A.</p> | <p>with the LHAs. This is considered a sufficient and proportional level of monitoring.</p> <ul style="list-style-type: none"> - CTMP monitoring and non-compliance: as outlined under 'monitoring of workforce traffic' and 'monitoring of HGVs' above, sufficient and appropriate levels of monitoring and reporting have been included in the CTMP (Document 7.6 (C)). The Applicant is happy to share this data. The non-compliance procedure is detailed in Section 7.3. - Approval of construction traffic routes: response noted. The construction traffic route proposed by the LHAs at Sudbury, which avoids the one-way system by utilising Head Lane/Shawlands Avenue, has been included in the CTMP at Deadline 6 (Document 7.6 (C)). |
| 6.2 | Construction routes within the CTMP (REP3-030] | <p>For four routes, it appears that ES Appendix 12.1 – Traffic and Transport Significance of Effects Tables [APP-134], assumes no HGV traffic will utilise these routes, only staff movements.</p> <p>For an additional route The Environmental Statement assumes very low levels of HGV traffic will utilise these routes</p> | <p>The Construction Traffic Routes in Appendix A of CTMP (document 7.6 (C)) have been clarified by splitting categories of use at Deadline 6 into HGV and AIL routes.</p> <p>The nature of works at the locations of these five routes is very limited since this is an existing 132kV line being removed which would generate limited HGV movement.</p> |
| TT1.13.49 | Erect Scaffolding Over the Highway | Agreed in principle, but the point is that the permit scheme cannot authorise oversailing of the highway. That is a separate agreement. | The Applicant notes that a permit scheme cannot authorise oversailing of the highway and would seek to include the approvals methodology in the highways framework agreement. |
| Comments on Deadline 4 Submission Document 8.6.2.3: Applicant's Written Summaries of Oral Submissions to Issue Specific Hearing 3 [REP4-050] | | | |
| N/A | The proportionality of need for the proposed restrictions provided for in the DCO | <p>Agreed there is also the reference to 'stopping up' which is considered to be the incorrect terminology. The Applicant has suggested this has now been changed but ECC have been unable to verify this.</p> <p>It has been suggested that the Applicant seeks a specific meeting with ECC to discuss their strategy for the Temporary Traffic Restrictions to provide greater clarity to ECC.</p> | <p>Please refer to Table 3.1, Item Ref. 4 of the Applicant's Schedule of Changes to the Draft Development Consent Order (document 8.4.2 (E)) where the correction to Article 15(6) is noted.</p> <p>This change is also reflected in the draft DCO (document 3.1 (F)).</p> <p>Whilst the Applicant will in all cases seek to minimise the need for the use of temporary traffic restrictions it is necessary for the DCO to provide wide powers in relation to these to ensure no impediment to the delivery of the project.</p> |

| Ref | Matter | Point Raised | Applicant's Comments |
|-----|--|---|--|
| N/A | The assessment of the receptors in Table 2.1 of ES Appendix 12.1 [APP-134] | The Council provided comments on our position regarding the assessment of impacts on WCH within the public highway in our Deadline 3 Response [REP4-049]. The Council have not agreed a sensitivity of links assessed on the highway and remain concerned with elements of the assessment as set out. | A plan setting out the sensitivity categories allocated to each section of the road network was submitted to the examination at Deadline 5 (Appendix A of 8.7.3: Applicant's Comments on Other Submissions Received at Deadline 4 [REP5-025]). The Applicant awaits any comments on that submission. |

6. Applicant's Comments on the Submission from Natural England

6.1 Introduction

6.1.1 Natural England has submitted three responses at Deadline 5, the first is a cover email [REP5-039] noting the submission of the following two documents:

- Natural England's Comments on Information Provided at Deadlines 3 and 4 on Soils and Best and Most Versatile Agricultural Land [REP5-037]. In this document, Natural England has provided submissions in relation to Chapter 11: Agriculture and Soils in the CEMP (**Document 7.5 (C)**). The Applicant has responded to these comments in the Applicant's Response to Interested Party Comments on Management Plans (**Document 8.8.6**).
- Natural England's Comments on Document 8.5.12: Technical Note on Ancient and Potential Ancient Woodland and ISH4, Action Point One (Table 5.1) of Document 8.6.3: Applicant's Response to the November Hearings Action Points (CAH1, ISH2, ISH3, ISH4) [REP5-038]. In this document, Natural England has provided submissions on ancient woodland and veteran trees. The Applicant's comments to these points is provided in Table 6.1.

6.1.2 In relation to matters on ancient woodland and veteran trees, the Applicant notes that the approach proposed on Bramford to Twinstead is the same approach that was used on the Southampton to London Pipeline DCO (DCO Reference: EN070005). This included the Approach to Ancient Woodland and Veteran Trees, included as Appendix C in the LEMP on that project [REP6-028]. This methodology, which defines how works would be undertaken within 15m of ancient woodland, was approved by Natural England in their Statement of Common Ground at Deadline 1 [REP1-005], which stated that '*Natural England agrees with the methodologies and mitigation measures for the protection of Ancient Woodland and Veteran trees, including tree roots, are appropriate*'. The Forestry Commission also agreed to the approach as evidenced in its Statement of Common Ground [REP2-025] which states '*That the Forestry Commission agrees that the proposed approach to mitigating effects on Ancient Woodland, potential ancient woodland and veteran trees, as described in the ES and the further information included in the Arboricultural Mitigation Strategy, are appropriate. Technical Note: Ancient Woodland and Veteran Trees provides clarity*'.

6.2 Table of Comments

Table 6.1 – Applicant’s Comments on the Natural England Deadline 5 Submission

| Ref | Matter | Point Raised | Applicant’s Comments |
|---|---------------------------------------|---|---|
| <p>Natural England’s Comments on Document 8.5.12: Technical Note on Ancient and Potential Ancient Woodland and Issue Specific Hearing 4, Action Point One (Table 5.1) of Document 8.6.3: Applicant’s Response to the November Hearings Action Points (CAH1, ISH2, ISH3, ISH4) [REP5-038]</p> | | | |
| 2.1 – 2.2, 6.2 – 6.3 | Application of the Standing Advice | <p>Natural England still advise that further consideration is given to the application of the Standing Advice for ancient woodland, ancient trees and veteran trees. As stated in our Relevant Representations (which remained our position in our Written Representation), the standing advice is not simply a buffer to protect the roots, it is a buffer to protect the woods and their ecology as a whole. Consideration should be given to the increased exposure to external pollution sources, protection of the canopy extending beyond the boundary, light pollution, dust pollution and changes to hydrology affecting the wood (pp 44-45).</p> <p>Having reviewed the technical note, it is still considered that the standing advice has not been adequately applied. More weight has been given to the Standing Advice concerning the buffer zone around the minimum area being for root protection, however, not enough consideration has been given to the preferred habitat of which the buffer zone should consist. Natural England advise the Applicant to refer to the Standing Advice ‘Buffer zone recommendations,’ which states, ‘A buffer zone should consist of semi-natural habitats such as woodland and/or a mix of scrub, grassland, heathland and wetland. The proposal should include creating or establishing habitat with local and appropriate native species in the buffer zone.’</p> | <p>The Applicant is unclear as to which aspects of the Standing Advice Natural England considers have not been adequately applied. The Applicant has used a 15m buffer, which the Standing Advice acknowledges is the minimum that can be used. The Applicant has also assessed the effects on other aspects of the ancient woodland (such as dust, noise etc) within the ES as noted in the Applicant’s Comments on Written Representations [REP3-048]. Therefore, the Applicant has demonstrated why it considers that 15m is acceptable.</p> <p>The Applicant notes several examples where working in and adjacent to ancient woodland has been undertaken on other high voltage electricity projects. These include the Richborough Connection Project DCO and the 2013 reconductoring works of the existing 4YL overhead line that passed through Hintlesham Woods SSSI.</p> <p>The Applicant does not consider it necessary to seek compulsory acquisition powers to obtain land to create habitat buffers between areas of ancient woodland and its transmission lines, when the land is primarily an intensively arable landscape consisting of best and most versatile land.</p> |
| 3.1 | Hintlesham Woods SSSI | <p>It is acknowledged that the Applicant proposes a further commitment at Keeble’s Grove, which is part of Hintlesham Woods SSSI, that it will, ‘not be topsoil stripped in order to avoid impacts to the root protection area of this woodland.’</p> <p>It is important to emphasise that driving vehicles within the buffer zone should also be avoided. As stated in paragraph</p> | <p>The Applicant note that this is an existing access using for agricultural purposes. The Applicant has committed to no topsoil removal of the temporary access track at this location, as the route is only required for light goods vehicles accessing the landscape planting to the north of Ramsey Wood, so would not be subject to large construction vehicles.</p> |

| Ref | Matter | Point Raised | Applicant's Comments |
|-----|--|---|---|
| | | 2.5.2 and illustrated in Fig. 2.5 of the technical note, a temporary access route will run adjacent to Keeble's Grove and it is not clear what distance this is from the woodland edge. Natural England would advise that a buffer zone, as described in the Standing Advice, should be applied to avoid compaction of the soil. | If this is in regard to dust and hydrology then the Applicant refers to see answer to the response to 2.1 – 2.2, 6.2 – 6.3 above. |
| 3.2 | Wolves Wood | <p>Natural England advise that the A1071 does not provide a buffer between the bellmouth on the south side of the road to Wolves Wood on the north side. The road itself means that there is already a compaction zone causing below ground impacts.</p> <p>It is important to note that a buffer zone would also prevent above ground impacts. Consideration should be given to the habitat that could be provided within the buffer zone, above ground.</p> | <p>Arboricultural studies show that approximately 80% of a tree's roots are typically located in the top 60cm of soil. This is the area that would be impacted by the existing road (A1071), which is a solid surface and has two-way traffic and is approximately 7.3m wide.</p> <p>The Applicant does not consider that the 15m should apply when there is site-specific evidence that shows that the root protection area would be curtailed.</p> <p>No above ground impacts are anticipated.</p> |
| 3.3 | Hintlesham Little Wood | In Natural England's Relevant Representations, we asked for clarity on the need for hand digging/vacuum excavation at Hintlesham Little Wood (part of Hintlesham Woods SSSI). Natural England welcomes the Applicant's comments in paragraph 2.2.9. of the technical note, which states, 'no excavation works are proposed within 15m of Hintlesham Little Wood.' Again, Natural England reiterates the need to apply the Standing Advice, with 15m being the minimum buffer zone required, dependant on other factors. | The Applicant is unclear which aspects of the Standing Advice Natural England consider are not being met at this location. If this is in regard to other aspects such as dust and noise, then the Applicant refers to see answer to the response to 2.1 – 2.2, 6.2 – 6.3 above. |
| 4.1 | Butlers and Waldegrave Woods - buffers | Information provided in the LEMP implies that no impact is anticipated at Butler's Wood and Waldegrave Wood due to their distance from works or other features. However, the technical note does not make this clear as no distance is provided from either wood to the substation and therefore it is unknown if the works will be within the minimum distance 15m buffer zone. | <p>The Applicant notes that the existing 400kV overhead line runs immediately adjacent to Waldegrave Wood, therefore no additional buffer can be provided between the wood and the existing overhead line.</p> <p>Paragraphs 7.6.169 to 7.6.170 of ES Chapter 7: Biodiversity [APP-075] conclude that the impact on Butler's and Waldegrave Woods would be of negligible magnitude on high value receptors, resulting in a neutral effect, which would be not significant. This is the same conclusion that was reached in the Town and Country Planning Act planning application for the GSP Substation that was consented by BDC in October 2022 and is now under construction.</p> |

| Ref | Matter | Point Raised | Applicant's Comments |
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| 4.1 | Butlers and Waldegrave Woods - buffers | Paragraph 2.11.7 states, 'Both woodlands are bordered by a ditch in excess of 1m depth therefore groundworks within 15m of ancient woodland will not cause tree root damage.' As advised in our comments on Wolves Woods with regards to roads, the ditch does not provide a buffer and consideration should be given to above ground impacts. | <p>The Applicant has undertaken an Arboricultural Impact Assessment [REP1-011] which included the relevant parts of both woods. The arboriculturalist confirmed that the deep ditches would limit tree roots extending into the substation site. The Applicant does not consider that the 15m should apply when there is site-specific evidence to explain that the root protection area would be curtailed.</p> <p>If this is in regard to dust and hydrology then the Applicant refers to see answer to the response to 2.1 – 2.2, 6.2 – 6.3 above.</p> |
| 4.1 | Butlers and Waldegrave Woods - buffers | The placement of a substation between the two woods will result in the ecology of the wood becoming less functionally connected. Natural England advise that the Applicant review their implementation of the mitigation hierarchy for Butler's Wood and Waldegrave Wood. | <p>The Applicant notes that the former land use of the field between the two woods was an arable field. The Applicant does not consider that the project would decrease the functional connectivity of the wood compared to its former use. In addition, the Applicant is proposing embedded planting and further net gain planting to the west of the GSP substation site, to enhance connectivity between the woodlands. This was suggested by environmental stakeholders at the ecological thematic meetings held on the project, in which Natural England was a participant, as a positive outcome for the site.</p> <p>This is the same proposals for the Town and Country Planning Act planning application for the GSP Substation that was consented by BDC in October 2022 and is now under construction.</p> |
| 4.2 | Butlers and Waldegrave Woods – operational management | The technical note has made reference to pruning to maintain operational maintenance. This is still considered an impact on the trees and therefore on the woodland feature. Natural England would advise that this is given further consideration by the Applicant and to review their implementation of the mitigation hierarchy | The operational regime for the project would be no different to the existing management regime currently undertaken at Waldegrave Wood given that this is in reference to the existing 400kV overhead line. Pruning is required to the existing woodland to maintain the necessary safety clearances between the overhead line and the trees. |
| 5.1 | Hintlesham Woods (PoAWS05) | Having reviewed the information provided on works at PoAWS05, Natural England advise that the Standing Advice has not been acceptably implemented. Planned works at this site include cutting a 5m gap, which includes root removal. It is Natural England's advice that this is considered a loss or damage, and the implementation of the mitigation hierarchy should be reviewed. | <p>The Applicant does not agree that the mitigation hierarchy has not been followed. PoAWS05 consists of a line of trees on either side of an existing track which runs from Ramsey Wood to the A1071. In terms of seeking to avoid effects the following alternative routes were considered and dismissed:</p> <ul style="list-style-type: none"> Access from the south using the RSPB track – this was dismissed as it was identified as being an important bat corridor and would also require a stone access route through Hintlesham Woods SSSI (root removal); |

| Ref | Matter | Point Raised | Applicant's Comments |
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| | | | <ul style="list-style-type: none"> • Access from the west – this was dismissed as it would require a stone access route through Hintlesham Woods SSSI (root removal); and • Access from the north – this was dismissed as it would require a stone access and heavy goods vehicles using the track adjacent to Keebles Grove (ancient woodland and SSSI). <p>The above were all considered to have a greater effect on ancient woodland than the proposed access route.</p> <p>The next stage was to consider reduction of effect, which led to the commitment to narrow the gap in the potential ancient woodland as per embedded measure EM-AB05:</p> <p><i>'The tree belt to the north of Hintlesham Woods (PoAWS5) will be retained other than at a 5m gap where the proposed temporary access route will cross the tree belt. Soil from the PoAWS5 will be stored separate to general soil storage so that it can be replaced at PoAWS5, where soil is suitable for reuse (for example, not contaminated).'</i></p> <p>A temporary access route is required along the overhead line in order to construct the pylons that go round the north and west of the woodland. This would be replanted following construction. The Applicant is confident that it has applied the mitigation hierarchy at this location and has identified what it considers to be appropriate mitigation for the impact that would occur.</p> |
| 6.1 | Terminology | Natural England notes that the technical note consistently refers to 'designated ancient woodland'. It is advised that it is sufficient to describe it as 'ancient woodland' or 'ancient woodland included on the inventory'. The term 'designated' can be misleading because it has no statutory designation, and hence can be confused with 'designated sites' by which, we would be referring to SSSIs. | Noted. The Applicant agrees with Natural England on this matter and will avoid using the term designated ancient woodland in future documents. The intention was to clearly differentiate between ancient woodland that had been identified by independent sources and that which was identified by the Applicant through its baseline surveys. |
| 7.1 | Maintained swathe | Natural England welcomes confirmation from the Applicant in their response to Action Point 1 that the works and ongoing maintenance at Hintlesham Woods SSSI will not extend beyond the existing maintenance swathe. Natural England would welcome the addition of this commitment to the Landscape and Ecological Management Plan, including | As stated in paragraph ES Chapter 4: Project Description [APP-072], National Grid needs to maintain statutory safety clearances from the overhead line conductors at all times. The conductors therefore need to be of a sufficient height above vegetation. The minimum clearance for 400kV conductors at the point of energisation is 5.2m plus three-years of vegetation growth (distance varies based on the vegetation type). |

| Ref | Matter | Point Raised | Applicant's Comments |
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| | | <p>details of how it will be assured that works will not stray beyond the existing managed swathe, which was discussed with the Applicant in a meeting on 22 November 2023.</p> | <p>The existing maintained swathe has been created by the vegetation clearance that has been undertaken during previous energisations, most recently the energisation of the reconducting work in 2013. The project is not changing the pylons and therefore the new conductors will require the same clearances as the former reconducting and not require any tree clearance outside of the maintained swathe.</p> <p>The Applicant has updated the LEMP at Deadline 6 (Document 7.8 (C)) to say that the Order Limits at Hintlesham Woods will be demarcated so that construction activities do not stray beyond the maintained swathe which is the same as the vegetation management that took place during the 2013 reconducting works energisation.</p> |

7. Applicant's Comments on the Submission from Robert Shelley

7.1 Introduction

7.1.1 Table 7.1 summarises the Applicant's comments to submissions provided by Robert Shelley at Deadline 5 [REP5-040], which are not covered in the Thematic section above.

7.2 Table of Comments

Table 7.1 – Applicant's Comments on the Robert Shelley Deadline 5 Submission

| Ref | Matter | Point Raised | Applicant's Comments |
|-----|--------------------------------|--|---|
| N/A | Stour Valley East CSE Compound | <p>We write in response to issues raised by the joint Parish Councils at Issue Specific Hearing 4 regarding access to the Stour Valley CSE Compound. Mr Shelley is the lessee of the shooting rights of Causton Hall Estate over which the proposed access route is due to run. Mr Shelley favours an access route that would follow the existing track, as shown on the attached plan, for the following reasons:</p> <ul style="list-style-type: none">• Reduced visibility impact• Reduced impact on the shoot enterprise• The route shown on the plan submitted to the DCO runs in close proximity to the south of Todds Wood. As plotted, the permanent access for the CSE compound goes straight through a drive, making it unusable and putting in jeopardy the viability of the shoot. The shoot injects a very considerable amounts of money into the immediate local economy, not to mention several thousand each year to The Royal Agricultural Benevolent Institution. We would be grateful if the Inspector could give due consideration to the above. | <p>The Applicant considered a number of options to access the proposed Stour Valley East CSE compound during the pre-application design and consultation stages. Due to the secluded location of the CSE compound it is a difficult location to access. Options considered included: from the east (starting at G-AP1 or G-AP2), from the north (near Workhouse Green) and various points off the B1058. The conclusion of this work was that an access directly from the B1058 (G-AP3) as contained within the application documents was preferred for the permanent CSE access balancing various considerations, including:</p> <ul style="list-style-type: none">• The need to construct this access for construction of the cable route in any event, avoiding the need for an additional separate access being required for operational use;• Suitable access and visibility directly on to the B1508;• Terrain and topography for HGVs;• Distance from residential properties; |

| Ref | Matter | Point Raised | Applicant's Comments |
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| | | | <ul style="list-style-type: none"> ● Security and management to avoid unauthorised use of the access route; and ● Management and diversion of PRowS. <p>The Applicant has listened to the feedback regarding the permanent access route and can confirm that it has added a new commitment to the REAC (Document 7.5.2 (D)) that says: <i>'A landscape architect will be involved in the detailed design 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.'</i></p> <p>It is the Applicant's view that the current proposed access route is acceptable and with the additional commitment described above would reduce the impact as described in Mr Shelley's submission.</p> <p>It is the Applicant's view that the impact of the permanent access route on shooting activities will be limited due to no above ground features being proposed (beyond gates at the start and finish) and considering it generally runs beneath the existing 132kV line that will be removed. Any demonstrable financial loss will be compensated for following normal processes.</p> |

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