

Date: 17 January 2024
Our ref: 461381
Your ref: EN020002/20041359



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BY EMAIL ONLY

Dear Sir/Madam

**NSIP Reference Name / Code: National Grid: Bramford to Twinstead Reinforcement / EN020002
Registration Identification Number: 20041359**

**Title: Natural England's Response to Examination Authority's Further
Written Questions (ExQ2).**

Examining Authority's submission deadline 7: 17 January 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

For any further advice on this consultation please contact the case officer Emma Hurrell and copy to consultations@naturalengland.org.uk.

Yours faithfully

Emma Hurrell, Lead Adviser, Norfolk and Suffolk Area Team

Reference	Question to:	Question	Natural England's Response
EC2.3.1	The Applicant Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council Natural England	<p>The November 2023 draft National Policy Statement for Electricity Networks Infrastructure (NPS EN-5) notes at paragraph 2.10.8 that long-term management of mitigation schemes is essential and that the relevant management plan should include a realistic timescale to secure the integrity and benefit of landscape and biodiversity commitments made to achieve consent. To what extent do you believe this draft policy is important and relevant to the Examination?</p> <p>Do you consider the current commitments made in relation to the maintenance and aftercare of mitigation planting and Biodiversity Net Gain measures (summarised, for example, in the Applicant's response to comments from the Essex councils at Deadline 5 [REP5-025]) sufficient to meet this policy aspiration?</p>	<p>Natural England agrees that the draft National Policy Statement is important and relevant to the examination. However, given the time scale of expected adoption with the draft policy coming into force in early 2024, without an exact date determined, it is for the examining authority to determine the weight placed on it.</p> <p>Natural England provided a response to reference EC1.3.6 of the Examining Authority's First Written Questions, noting we mostly accepted the aftercare period of 5 years for new or reinstated woodland, trees and hedgerows, with further comment on scenarios where this time should be extended.</p> <p>Natural England welcomes the Applicant's commitment in paragraph 9.1.2 of the Landscape and Ecological Management Plan, which confirms an extended aftercare period for mitigation planting at the grid supply point (GSP) substation and cable sealing end (CSE) compounds for the lifetime of the assets. In addition, they have stated they will maintain the area at Hintlesham Woods SSSI for 30 years. This is in line with mandatory Biodiversity Net Gain, which requires that the land manager is responsible for managing that habitat for at least 30 years to achieve the target condition.</p>
EC2.3.3	The Applicant Natural England	Can you provide an update on negotiations [REP5-038] about the commitment (EM-AB17) to restrict construction works and ongoing maintenance at Hintlesham Woods SSSI to the existing maintenance swathe and the corresponding updating of the LEMP and REAC at Deadline 6 [Examination Library references to be confirmed]? Can you indicate if and when this may be	As stated in paragraph 7.1. of Natural England's response to the Document 8.5.12: Technical Note on Ancient and Potential Ancient Woodland [REP5-038], Natural England welcomes the Applicant's commitment to restrict works to within the existing managed swathe through Hintlesham Woods SSSI. We welcome the addition of commitment EM-AB17 provided in the Register of Environmental

		shown as resolved in your SoCG?	<p>Actions and Commitments (REAC) [REP6-023], which confirms this. However, it was not possible to identify reference to this commitment in the Landscape and Ecological Management Plan (LEMP) [REP3-034], which would be expected.</p> <p>Natural England continues to work with the Applicant on the SoCG and will provide a revised version at deadline 8 with our current position on this matter.</p>
EC2.3.7	Environment Agency Natural England	The Applicant has said that it considers the Environment Agency to be the HRA competent authority with regards to the Hydrogeological Risk Assessment [REP5-013]. Natural England acknowledges that the Environment Agency is the relevant authority in relation to matters relating to groundwater and surface water quality but notes that it should be an advisor to other competent authorities in its role as the 'nature conservation body' (Regulation 5 of the Conservation of Habitats and Species Regulations 2017 (as amended)). It therefore considers it must be consulted on the hydrogeological risk assessment. What process would be followed to ensure this?	<p>As stated in the good practice measure GH07, which is recorded in the REAC REP6-023], it states, "<i>The hydrogeological risk assessment will be submitted to the environment Agency for approval prior to construction. The environment Agency will have up to 21 working days to respond on the hydrogeological risk assessment and their comments will be considered as part of finalising the risk assessment.</i>"</p> <p>Natural England request that we are provided the same opportunity as the Environment Agency to provide comment of the hydrogeological risk assessment and associated appropriate assessment. As detailed in the Environment Agency's response (ref: AE/2024/129094/01-L01), they are happy to work with Natural England on this matter.</p> <p>Natural England cannot comment further on how we will be consulted as it is unclear whether this will be subject to a discharge of condition application, a permit application or by another mechanism.</p>
CM2.5.4	Babergh and Mid Suffolk District Councils Suffolk County Council Essex	Further to Applicant's response to Action Point 9 at Issue Specific Hearing 1 [REP1-034], and to the discussion in Issue	With regards to justifying operations outside the core working hours, Natural England advise that the Applicant should follow the mitigation hierarchy with

	<p>County Council Braintree District Council Natural England</p>	<p>Specific Hearing 5, can you confirm your position in relation to the use of phrases or words such as 'severe weather conditions', 'disrupted', interrupted', and 'delayed', specially if you believe them to be insufficiently precise to justify operations taking place outside the core working hours? (Replicated in paragraph 2.3.1 (2) of the CEMP [REP3-024]).</p>	<p>regards to ecological receptors. They should ensure that they comply with the requirements under protected species licences, any agreed working arrangement around Dedham Vale National Landscape and any agreed working arrangements around Hintlesham Woods SSSI. The arrangements around Hintlesham Woods SSSI are still being discussed with the applicant.</p> <p>More specifically, with reference to the precision of words and phrases in the management plans, this has been an ongoing topic of discussion between Natural England and the Applicant around the theme of soil management. In our meeting with the Applicant on 9 January 2024, Natural England advised the Applicant that good practice guidance, such as the good practice guidance for handling soils from the Institute of Quarrying¹ (and referenced by the Applicant in the CEMP) provides clearly defined definitions for weather conditions when it is suitable to handle soil and when works should cease. Natural England have advised that this guidance should be implemented.</p>
WE2.12.4	Natural England	<p>Paragraph 3.1.2 of the Applicant's HRA Report [APP-057] explains the location of the Stour and Orwell Estuaries Special Protection Area and Ramsar sites in relation to the Order Limits, noting that the Rivers Stour, Box and Brett and the Belstead Brook all enter the Stour and Orwell Estuaries, approximately 5.72km south-east of the Order Limits.</p> <p>Notwithstanding the likelihood that the Environment Agency</p>	<p>It is for the Applicant to provide sufficient information for the competent authority to complete a Habitats Regulations Assessment. Sufficient information is yet to be provided as the method of construction is yet to be confirmed.</p> <p>Natural England should be informed by the Applicant how they intend to consult the Environment Agency on this issue. It is not clear whether this will be subject to a discharge of</p>

¹ 1 Good Practice Guide for Handline Soils in Mineral Workings (Institute of Quarrying, 2021). Available at

https://www.quarrying.org/soils-guidance?hs_preview=TLRoGudX-47138641948

		<p>would be the competent authority in this respect, and that you consider that you should be consulted, are you confident that sufficient controls could be put in place to ensure that the proposed construction activities in Flood Zone 3 (including horizontal directional drilling under the River Stour) would not adversely impact the integrity of the European site?</p>	<p>condition application, a permit application or by another mechanism. It is a statutory requirement for competent authorities to consult Natural England for its views under regulation 64(3) when they are carrying out an Appropriate Assessment (AA) and to '<i>have regard</i>' to any representations that we may make.</p>
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