



Babergh District Council and Mid Suffolk District Council (20041302)

Deadline 7 submission for Bramford to Twinstead (EN020002)

The purpose of this submission is to present the councils' response in respect of the following items due at deadline 7:

1. Responses to ExQ2

Reference	Question to	Question	Local Authority Answer
1.1 Miscellaneous and general			
Legislation and policy			
MG2.0.2	The Applicant and all IPs	On 22 November 2023, the Department for Energy Security and Net Zero published an updated version of the draft National Policy Statements for Energy (NPS EN-1 to NPS EN-5). These include some changes relating to the decision-making process for low carbon generation NSIP applications and electricity	Paragraph 1.6.3 of revised EN-1, published 22 November 2023, states <i>"1.6.3 The 2023 amendments will therefore have effect only in relation to those applications for development consent accepted for examination, after the designation of those amendments. However, any emerging draft NPSs (or those designated but not yet having</i>



Babergh and Mid Suffolk District Councils
 Endeavour House, 8 Russell Road, Ipswich IP1 2BX
 Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

Reference	Question to	Question	Local Authority Answer
		<p>connections. The revised draft Statements have been laid before Parliament but were yet to be designated at the time of the publication of these ExQ2.</p> <p>Do any parties have any comments on the potential effect of the changes set out in the relevant November 2023 draft versions of the Energy National Policy Statements on matters related to this application, compared to the March 2023 draft versions of the Energy National Policy Statements?</p>	<p><i>effect) are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act 2008 and with regard to the specific circumstances of each Development Consent Order application.”</i></p> <p>Section 4.2, Critical National Priority Infrastructure, is relevant to the project, noting that adaptive management is now included in national policy and is therefore a consideration in regard to the mitigation hierarchy and its operation. The Councils would like to draw the applicant’s attention to the following assessment requirements:</p> <p><i>“Applicant’s assessment</i></p> <p><i>4.2.10 Applicants for CNP infrastructure must continue to show how their application meets the requirements in this NPS and the relevant technology specific NPS, applying the mitigation hierarchy, as well as any other legal and regulatory requirements.</i></p> <p><i>4.2.11 Applicants must apply the mitigation hierarchy and demonstrate that it has been applied. They should also seek the advice of the appropriate SNCB or other relevant statutory body when undertaking this process. Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated.</i></p> <p><i>4.2.12 Applicants should set out how residual impacts will be compensated for as far as possible. Applicants should also set out how</i></p>



Babergh and Mid Suffolk District Councils
 Endeavour House, 8 Russell Road, Ipswich IP1 2BX
 Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

BRAMFORD TO TWINSTEAD – DEADLINE 3 SUBMISSION

Reference	Question to	Question	Local Authority Answer
			<p><i>any mitigation or compensation measures will be monitored and reporting agreed to ensure success and that action is taken. Changes to measures may be needed e.g. adaptive management. The cumulative impacts of multiple developments with residual impacts should also be considered.”</i></p> <p>Further to this, revised EN-5 states: <i>“2.11.6 Away from these protected landscapes and in locations where there is a high potential for widespread and significant adverse landscape and/or visual impacts, the Secretary of State should be satisfied that the applicant has provided evidence to support a decision on whether undergrounding is or is not appropriate, having considered this on a case-by-case basis, weighing the considerations in paragraph 2.9.24 above.”</i></p>
MG2.0.3	<p>The Applicant Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council</p>	<p>The Government published an updated National Planning Policy Framework accompanied by a written ministerial statement on 19 December 2023. Do you have any comments on the potential effect of the changes this brings to the wider planning policy framework on matters related to this application?</p>	<p>The NPPF forms part of the overall framework of national planning policy and is a material consideration. However, it is not considered that there any particular implications arising out of the publication of the latest version.</p>



Babergh and Mid Suffolk District Councils
 Endeavour House, 8 Russell Road, Ipswich IP1 2BX
 Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

BRAMFORD TO TWINSTEAD – DEADLINE 3 SUBMISSION

Reference	Question to	Question	Local Authority Answer
MG2.0.8	The Applicant Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council	What weight do you consider should be given in this Examination to the Department for Energy Security and Net Zero publication <i>Transmission Acceleration Action Plan - Government response to the Electricity Networks Commissioner's report on accelerating electricity transmission network build?</i>	There are not any particular implications arising out of the publication of the report. It is understood that the proposed development is already on a tight timescale
MG2.0.9	The Applicant Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council	What policy weight do you consider should be given in this Examination to the Department for Levelling Up, Housing and Communities' policy paper <i>Getting Great Britain building again: Speeding up infrastructure delivery</i> (November 2023)?	This document forms part of the overall framework of national planning policy and is a material consideration.



Babergh and Mid Suffolk District Councils
 Endeavour House, 8 Russell Road, Ipswich IP1 2BX
 Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

Reference	Question to	Question	Local Authority Answer
1.2 Biodiversity, ecology and nature conservation, including HRA matters			
EC2.3.1	The Applicant Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council Natural England	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? 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?	NPS EN-5 is relevant and 2.10.8 actually states: <i>“Furthermore, since long-term management of the selected mitigation schemes is essential to their mitigating function, a management plan, developed at least in outline at the conclusion of the examination, and which sets out proposals within a realistic timescale, should secure the integrity and benefit of these schemes.”</i> This NPS is therefore relevant as it demonstrates that the final management plans are not needed at this stage and cannot be expected to contain all the final details. [REP6-046] states at 3.3.2 that the objectives of the LEMP “ To outline the provision of the details that would form both species protection and landscape mitigation (including compensation for habitats lost) planting schemes. ’ The final provision can therefore only be prepared for the final LEMP post DCO. No. To meet the aspiration of NPS EN-5, the maintenance and aftercare of mitigation planting, the current commitments need to be extended to the appropriate timescales for delivery of the promised BNG condition and <i>secure the integrity and benefit of these schemes</i> , not just 5 years aftercare and hand back to the landowner ! The November 2023 draft National Policy Statement for Electricity Networks Infrastructure (NPS EN-5) Para 2.10.8 is an essential policy



Babergh and Mid Suffolk District Councils
 Endeavour House, 8 Russell Road, Ipswich IP1 2BX
 Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

Reference	Question to	Question	Local Authority Answer
			<p>to ensure the long term management of necessary landscape mitigation, enhancement and compensation. It is relevant as it is due to come into force in early 2024. The commitments in the current LEMP do not constitute realistic timescales to secure the integrity and benefit of all landscape and biodiversity commitments made to achieve consent. The Councils' have proposed alternative and additional commitments within the LEMP See Councils' joint Landscape and Ecological Management Plan Document Review [REP5-035]</p> <p>Compensation hierarchy - see Rep6 046</p>
1.3 Construction matters			
General construction matters			
CM2.5.4	Babergh and Mid Suffolk District Councils Suffolk County Council	Further to Applicant's response to Action Point 9 at Issue Specific Hearing 1 [REP1-034], and to the discussion in Issue 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', especially if you believe them to be insufficiently precise to justify operations	<p>It is important to ensure that works which may be classified as delays, disruptions and interruptions are clearly agreed.</p> <p>Further clarification is required in respect of these points, severe weather could be linked to Met Office severe weather warnings etc.</p>



Babergh and Mid Suffolk District Councils
 Endeavour House, 8 Russell Road, Ipswich IP1 2BX
 Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

Reference	Question to	Question	Local Authority Answer
	Essex County Council Braintree District Council Natural England	taking place outside the core working hours? (Replicated in paragraph 2.3.1 (2) of the CEMP [REP3-024]).	
1.4 Draft Development Consent Order			
DC2.6.8	Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council	<p>In respect of Article 53, Safeguarding, can you advise:</p> <ol style="list-style-type: none"> 1. What would registration of the provisions of Article 53 as a local land charge entail? For example, would it involve registration of the charge in the Applicant's favour on an individual plot of land on a folio-by-folio basis? 2. Once the charge was registered with HM Land Registry, would the council have to undertake a separate date entry exercise in respect of updating its digital mapping database etc and what would this entail? 	<p>The details of the charge would need to be entered into our internal land charges system. This would be linked to the registration and the affected properties would be linked to the charge. This would then transfer as a registered charge to HMLR for inclusion in their register. The applicant should provide a shapefile of the final extent of the defined order limits.</p> <p>We would need to load the shapefile as a layer in our GIS and create any appropriate buffer. We would then link the layer and any appropriate buffer to our planning validation system.</p> <p>This is likely to be a one-off task for our GIS officer taking approximately 2-3 hours.</p> <p>Yes, they would be a consultee linked to spatial data the same as other such consultees.</p>



Reference	Question to	Question	Local Authority Answer
		<p>3. What would be the attendant implications for staff resources?</p> <p>4. Once the charge was registered on the council's database etc, would the Applicant automatically appear on a statutory list of consultees for individual planning applications on land subject to the charge?</p> <p>5. Would the Applicant's addition as a statutory consultee involve any additional staff time when consultations are being carried out on a planning application? If so, what would this involve?</p> <p>6. If the councils and Applicant were to be amenable to entering into a Planning Performance Agreement to address the administrative task that Article 53 of the dDCO would involve, how would this be secured?</p>	<p>No, this would be picked up as part of the overall consultation exercise at the validation stage of a planning application.</p> <p>1.</p> <p>2.</p> <p>3.</p> <p>4. If cost-recovery for this work was deemed necessary and appropriate this could form part of the existing PPA, with an amendment to it's scope, or by a further PPA or MoU.</p>



Reference	Question to	Question	Local Authority Answer
DC2.6.11	Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council	Subsequent to amendment of the CEMP [REP3-025] by insertion of Table 4.1, are you satisfied that there is sufficient control in the dDCO over the siting of the proposed temporary construction compounds? If not, precisely how is it considered to be deficient or unclear and how might perceived issues or omissions be addressed?	<p>No, we are currently not currently satisfied with the level of information provided at this time. The compound location is denoted within the submitted plans, however the precise location has not been determined.</p> <p>Further detail is required in to confirm;</p> <p>How the compounds are to be used, for example will the compounds be used y several contractors at the same time or in succession.</p> <p>The indication is that the use of and therefore the potential for disturbance to any nearby sensitive receptors will be transient. What does this represent in practice, ie will each compound be used for several weeks, or months and then decommissioned or will they be utilised for the duration of the works by different contractors.</p> <p>What plant and equipment will be used within the compounds ie alongside storage of plant and equipment, will there be maintenance of plant, vehicles or equipment within these spaces and will any plant or equipment be static and running during either hours of work or overnight ie generators.</p> <p>What volume of traffic is anticipated on a 24 hour basis to each compound.</p> <p>Has the impact of noise from vehicle movements to and from the compounds been captured within the noise assessment and proposed mitigation measures.</p>



Babergh and Mid Suffolk District Councils
 Endeavour House, 8 Russell Road, Ipswich IP1 2BX
 Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

Reference	Question to	Question	Local Authority Answer
DC2.6.13	Essex County Council Braintree District Council Suffolk County Council Babergh and Mid Suffolk District Councils	<p>Can you provide a further response about the content of the following management plans, without prejudice to any view that you might hold that these should be treated as outline plans that would need to be detailed post-consent by the local planning authority, and the ExA's ultimate recommendation on this matter? Can you summarise or signpost what further information would be necessary in your opinion to make each of these plans sufficiently detailed to represent final versions and thus to allow you the necessary control over the construction and associated activities should the DCO be made? (Further to the example of the LEMP in the councils' joint Landscape and Ecological Management Plan Document Review [REP5-035] and the subsequent Deadline 6 submission from Suffolk County Council, Additional Evidence relating to the Landscape and Ecological Management Plan [Examination Library reference to be determined]).</p> <p>(a) Construction Environmental Management Plan. (b) Materials and Waste Management Plan. (c) Construction Traffic Management Plan.</p>	<p>In respect of environmental health matters: We would anticipate that the CEMP would be a live document, which will require review and updates.</p> <p>In respect of ecology: For example for the LEMP, further information would be necessary to make each of these plans sufficiently detailed include a mechanism to update the Plan with details of all survey & assessment of additional impacts to ecology in relation to contractors' amended design post DCO to represent a final version.</p> <p>When details are finalised by the contractor, these may well have implications for the Management plans and updates will need to be agreed with the LPAs. For example, The Lower Thames Crossing DCO Requirement 5 secure the outline LEMP 6.7 Volume 6 which <i>outlines</i> the proposed management and monitoring of the parcels of land, that perform landscape and ecological mitigation functions that mitigate impacts of the Project.</p> <p>In respect of landscape and visual: What further information would be Necessary? See the Councils' joint Landscape and Ecological Management Plan Document Review [REP5-035]. These are Summarised below: Para 1.3.2 Purpose: needs expanding Para 1.3.3 and Section 2.1: Compensation needs adding Para 1.4 Clarity needed between Environmental Gain and Biodiversity Net Gain.</p>



Reference	Question to	Question	Local Authority Answer
		<p>(d) Landscape and Ecological Management Plan.</p> <p>(e) Public Rights of Way Management Plan.</p>	<p>Table 1.1 Document needs to include for Mitigation and compensation not just vegetation reinstatement.</p> <p>Expand Chapter 8 to include mitigation and compensation.</p> <p>Expand Chapter 9 to include long-term management</p> <p>Need separate reinstatement Plan mitigation plan and Compensation plans or clarify through colour coding on one plan. Table 3.1 Landscape specialists Needed for monitoring</p> <p>5.2 Summary of Main Land Uses Crossed by the Project needs summary of landscape character too</p> <p>6. 0-6.4 Vegetation Retention – Extensive further detail required as outlined in REP5-035</p> <p>6.5 Detailed design and location plan of bridge needs to be approved prior to installation. If already allowed for in another document add the ref to the LEMP.</p> <p>6.8 Protected Lanes Table 6.5 Proposed temporary works and reinstatement detail need agreeing prior to Commencement.</p> <p>7.0 Vegetation and Tree Removal – extent of anticipated removals needs recording.</p> <p>8.4 Reinstatement and Mitigation</p> <p>Further requirements identified Natural Regeneration of Woodland – methodology needs Agreement pre-commencement</p> <p>8.5 Reinstatement and Planting of Hedgerows – additional requirements identified</p> <p>9. Aftercare – long term management needs including</p>



Babergh and Mid Suffolk District Councils
 Endeavour House, 8 Russell Road, Ipswich IP1 2BX
 Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

Reference	Question to	Question	Local Authority Answer
			<p>9.1 Varied establishment and aftercare periods required, to be detailed. Programme for aftercare/ long term maintenance needed. Joint inspections needed.</p> <p>9.1.4 Significant failures: if process Detailed elsewhere please ref in LEMP</p> <p>9.1.5 Use of mulch</p> <p>9.2.2 Detailed programmes Needed</p> <p>10 Implementation: detailed LEMPs and Landscaping schemes for each section of the project</p> <p>The nature of the consent process makes the finalisation of the LEMP difficult until the appointment of a contractor post-consent allows the finalisation of detailed layouts, designs etc.</p>
DC2.6.15	The Applicant Essex County Council Braintree District Council Suffolk County Council Babergh and Mid Suffolk District Councils	Without prejudice to your views or the ExA's ultimate recommendation on the matter, if the following management plans were amended to constitute outline versions that would need to be detailed and submitted after the making of any DCO, are you able to agree a set of deliverables for each plan that would need to be approved by the relevant local planning authorities together with any necessary additional stages and timescales? (Further to the example of the LEMP in the councils' joint Landscape and Ecological Management Plan	<p>In respect of environmental health matters: The deliverables are the items already in the CEMP, but We would suggest that items such as noise and vibration would need to be site specific and submitted 28 days before work at each site commences.</p> <p>In respect of ecology: Details for how to agree all changes in all Plans that will continue to happen during detailed design and pre-construction following review by the contractor amendments post DCO.</p>



Babergh and Mid Suffolk District Councils
 Endeavour House, 8 Russell Road, Ipswich IP1 2BX
 Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

Reference	Question to	Question	Local Authority Answer
		<p>Document Review [REP5-035] and the subsequent Deadline 6 submission from Suffolk County Council, Additional Evidence relating to the Landscape and Ecological Management Plan [Examination Library reference to be determined]). The plans in question are:</p> <p>(a) Construction Environmental Management Plan.</p> <p>(b) Materials and Waste Management Plan.</p> <p>(c) Construction Traffic Management Plan.</p> <p>(d) Landscape and Ecological Management Plan.</p> <p>(e) Public Rights of Way Management Plan.</p>	
1.5 Historic environment			
HE2.8.1	<p>Babergh and Mid Suffolk District Councils</p> <p>Suffolk County Council</p> <p>Essex County Council</p> <p>Braintree District Council</p>	<p>Concerns have been expressed about archaeological trial trenching and the Applicant's outline Written Scheme of Investigation during the Examination so far. At Deadline 5 [REP5-016], the Applicant confirmed that field surveys were completed in November 2023 and submitted an updated outline Written Scheme of Investigation to reflect completed trial trenching results and feedback received from you at Deadlines 3 and 4. Are you now content with this matter? If</p>	<p>We defer to the response from SCC.</p>



Babergh and Mid Suffolk District Councils
 Endeavour House, 8 Russell Road, Ipswich IP1 2BX
 Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

BRAMFORD TO TWINSTEAD – DEADLINE 3 SUBMISSION

Reference	Question to	Question	Local Authority Answer
		<p>not, please summarise what remains outstanding.</p> <p>The intention signalled in Suffolk County Council’s Deadline 6 submission, Response to the Applicant’s Comments on any other submissions received at Deadline 4 (<i>sic</i>) [Examination Library reference pending], to submit a joint response with Essex County Council to raise outstanding issues with the OWSI is noted, and the relevant part of that document can be cross-referenced in response to this question insofar as it is relevant and comprehensive, if submitted.</p>	
HE2.8.3	Babergh and Mid Suffolk District Councils Suffolk County Council	You have previously raised concerns that archaeological mitigation requirements are not appropriately represented within the Applicant’s REAC. The REAC ([REP4-018] and [Deadline 6 version yet to be allocated an Examination Library reference]) has since been amended and now includes additional measures relating to the Written Scheme of Investigation. Has this addressed your concerns in relation to this?	We defer to the response from SCC.
HE2.8.4	The Applicant Babergh and Mid Suffolk	A number of submissions have been made and oral evidence presented in relation to the Applicant’s assessment of the effects of the Proposed Development on the historical	<p>Zoey & Michelle?</p> <p>The additional information provided has clarified that the cultural and artistic associations of Benton End House and Overbury Hall have</p>



Babergh and Mid Suffolk District Councils
 Endeavour House, 8 Russell Road, Ipswich IP1 2BX
 Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

BRAMFORD TO TWINSTEAD – DEADLINE 3 SUBMISSION

Reference	Question to	Question	Local Authority Answer
	<p>District Councils Suffolk County Council</p>	<p>cultural associations of the landscape and associated buildings in the Dedham Vale, Stour Valley and Brett Valley with famous artists and writers. These include a helpful compendium of paintings linked with Benton End from Babergh and Mid Suffolk District Councils [REP5-030]. The Applicant has also submitted a Technical Note on Cultural Associations [REP5-028], which focuses on Benton End House and Overbury Hall and summarises how cultural associations were considered in the landscape and historical assessments.</p> <p>Are you content that this Technical Note adequately addresses any perceived shortcomings of the assessment? Do you consider that the body of information and assessment in front of the Examination addresses the requirements of the NPS adequately, and in particular can you comment on whether it identifies the contribution to the significance of the assets that the NPS requires?</p> <p>Do you consider that the cultural associations, if more fully addressed, could add sufficient additional sensitivity to the identified built heritage receptors and their settings to change the assessment outcome to being significant</p>	<p>been considered as part of the applicant’s assessment. The worry was that this had been overlooked, and the contribution each building’s setting makes to its overall significance not fully assessed as the description of both asset within the earlier documentation had made no clear reference to either’s cultural and associative value.</p> <p>However, the additional Technical Note (REP5-028) provides clarification regarding how the setting of the buildings, including the presence of overhead lines, affects this significance and how each listed building is appreciated and understood. Whilst it is unclear if the level of detail now provided did form part of the original assessment, I am in agreement that the expanded knowledge and understanding of each asset’s setting does not affect the overall impact on either asset.</p> <p>The applicant concludes that the effect on Benton End will be ‘a small adverse impact and a minor adverse effect, which is not significant’. The effect on Overbury Hall is ‘a small adverse impact and a minor adverse effect, which is not significant.’ I do disagree that the effect would be a ‘small’ impact, however do not believe its overall impact would be significant.</p>



Babergh and Mid Suffolk District Councils
 Endeavour House, 8 Russell Road, Ipswich IP1 2BX
 Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

BRAMFORD TO TWINSTEAD – DEADLINE 3 SUBMISSION

Reference	Question to	Question	Local Authority Answer
		(in terms of the Applicant's stated approach to the EIA), or to increase the degree of harm that would result from the Proposed Development on those listed buildings?	
HE2.8.5	Babergh and Mid Suffolk District Councils	Further to your concerns about listed buildings in the vicinity of the route of the Proposed Development outside and to the west of Hintlesham woods and your subsequent confirmation of the assets involved [REP4-039], the Applicant has confirmed that all three buildings [REP5-025] are assessed in Appendix 8.2 of the ES, Historic Environment Impact Assessment [APP-127]. Are you now content with this matter? If not, please clarify your concerns.	Yes. No further comments on this matter.
HE2.8.9	The Applicant Historic England Suffolk Preservation Society Babergh and Mid Suffolk District Councils	In relation to the potential impacts of the Proposed Development on Hintlesham Hall (including the associated listed buildings, and the overall setting) could you outline your understanding of the applicable legal and policy framework in respect of 'avoidable harm'? If it was to be assumed for the purposes of this question that there was agreement that the pylons and the overhead line could be located anywhere within the proposed Limits of Deviation without causing substantial harm to the listed buildings at Hintlesham Hall, to what extent would it be	In respect of landscape and visual: No comment on landscape issues In relation to the specific Question asked. In respect of heritage: We don't believe that 'avoidable harm' is a defined policy or legal term in respect of the assessment of impacts on heritage assets and setting, although the Planning (Listed Building and Conservation Areas) Act 1990 and NPPF do stress the importance of conserving assets.



Babergh and Mid Suffolk District Councils
 Endeavour House, 8 Russell Road, Ipswich IP1 2BX
 Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

Reference	Question to	Question	Local Authority Answer
	Suffolk County Council	important in legal and policy terms that the degree of harm was nevertheless kept to the minimum possible level, so as not to cause 'avoidable harm'?	<p>Section 195 of the NPPF states 'These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.' Section 203, 205 and 208 are all applicable too.</p> <p>In terms of the Planning (Listed Building and Conservation Areas) Act 1990, section 16(2) states:</p> <p>'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'</p> <p>However, this technically refers to LBC applications. It is inferred from this though that setting is important and a contributing part of a heritage assets special interest.</p>
1.6 Landscape and views, including trees and hedgerows			
National Landscape and landscape assessment			
LV2.9.1	The Applicant Babergh and Mid Suffolk District Councils	The Levelling-up and Regeneration Act 2023 (sections 245 (5) and (6)(a)) will amend the Countryside and Rights of Way Act 2000 in respect of the 'general duty' imposed on public bodies dealing with functions in an Area of Outstanding Natural Beauty (AONB). In	<p>Natural England has recently Advised Dedham Vale National Landscape and Stour Valley Partnership: <i>the duty to 'seek to further' is an active duty, not a passive one.</i></p> <p><i>Any relevant authority must take all reasonable steps to explore</i></p>



BRAMFORD TO TWINSTEAD – DEADLINE 3 SUBMISSION

Reference	Question to	Question	Local Authority Answer
	Suffolk County Council Essex County Council Braintree District Council Dedham Vale National Landscape and Stour Valley Partnership	addition, on 22 November 2023 (and as part of a national change), the Dedham Vale AONB was renamed the Dedham Vale National Landscape. Do you consider these changes to have any effect on the Proposed Development and the impact assessments that have been submitted? If so, describe them, and, if not, explain why not.	<i>how the statutory purposes of the protected landscape (A National Park, the Broads, or an AONB) can be furthered;</i> <i>The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like for like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose;</i> <i>The proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition to avoiding and mitigating the effects of the development...’ This is a significant change from “Duty of Regard” to “Further of Purposes”, Proposals for additional Compensation e.g., a landscape restoration fund as part of environmental benefits contributes to furthering the purposes.</i>
LV2.9.2	The Applicant Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council	Without prejudice to your view on the adequacy of landscape mitigation and compensation provided as part of the Proposed Development, how might any proposal for additional compensation (for example, a landscape restoration fund and managing officer) be secured, and would it pass the relevant tests for a legal agreement? Are you able to provide examples of comparable projects where compensation has been provided in this way?	Proposals for additional Compensation e.g., a landscape restoration fund as part of environmental benefits contributes to furthering the purposes of the AONB as required in The Levelling-up and Regeneration Act 2023 The Councils’ consider that environmental benefits should seek to “add benefit over and above committed mitigation and statutory compensation to communities”; as per the precedent of the High Speed Two Community and Environment Benefit Fund. https://hs2funds.org.uk/about/ The environmental benefit project



Babergh and Mid Suffolk District Councils
 Endeavour House, 8 Russell Road, Ipswich IP1 2BX
 Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

Reference	Question to	Question	Local Authority Answer
	Braintree District Council		area would be localised around the Dedham Vale AONB and Stour Valley Project Area with opportunities to deliver environmental benefits outside of these designations and settings to ensure delivery of environmental projects in the most appropriate locations. In HS2 case funds were channelled Via Groundwork Trust but we see Dedham Vale National Landscape and Stour Valley Partnership fulfilling the same role
1.7 Land use and soil			
Soils, geology and ground conditions			
LU2.10.9	Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council	Do you have any outstanding comments on the level of detail currently in the CEMP (as secured through dDCO Requirement 4) for soil management?	We defer to the comments of SCC and Braintree DC
1.8 Noise and vibration			
NV2.11.3	Babergh and Mid Suffolk	Further to the Applicant’s response to ExQ1 NV1.11.8 [REP3-052] that the CEMP would control noise and vibration and provide the	We concur with the comments made by Braintree in this regard;



Babergh and Mid Suffolk District Councils
 Endeavour House, 8 Russell Road, Ipswich IP1 2BX
 Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

BRAMFORD TO TWINSTEAD – DEADLINE 3 SUBMISSION

Reference	Question to	Question	Local Authority Answer
	District Councils Braintree District Council	same function as a standalone Noise and Vibration Management Plan, can you comment on the adequacy of the level of detail currently in the CEMP (secured through DCO draft Requirement 4). If the level of detail is insufficient, can you summarise what measures are required to manage, monitor and control noise and vibration levels across the Order Limits?	The Councils would however once again reiterate that, should the CEMP be used to form a standalone Noise and Vibration Management plan, as well as policing the construction of the development more generally, then consideration should be given to a standalone public notification, communications and a complaints procedure document. This is further justified in Paragraph 4.11.12 in The Councils Deadline 6 response [REP6-051].
NV2.11.24	The Applicant Babergh and Mid Suffolk District Councils Braintree District Council	At Deadline 6, the Applicant submitted its Document 8.8.7, Technical Note for Noise Sensitive Receptors [Examination Library number to be confirmed]. This presents the findings of a further assessment (using a lower noise threshold) of potential construction noise impacts on NSRs during weekends and bank holiday periods. It identifies four additional locations where construction noise levels may be in excess of the lower threshold for weekend working at six NSRs. It is understood that the Applicant provided this in advance to the local authorities for comment, including a request for identification of any additional NSRs of concern. 1. Could the Applicant please confirm the range of noise sources that were included in the assessment (for example, did it include construction traffic movements), and the	We require additional time to review the map, as well as noise assumptions, to determine whether there are any other NSR's which are caught by the 55dB weekend working. We hope to respond at Deadline 8.



Babergh and Mid Suffolk District Councils
 Endeavour House, 8 Russell Road, Ipswich IP1 2BX
 Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

BRAMFORD TO TWINSTEAD – DEADLINE 3 SUBMISSION

Reference	Question to	Question	Local Authority Answer
		<p>extent to which it addresses intra-project cumulative noise effects?</p> <p>2. Can you update your position on this matter in response to this question and if it is not your final position, indicate when you consider that will be reached and how it will be submitted into the Examination.</p> <p>3. Are you content that the types of noise mitigation measures that have already been identified for the NSRs identified in the ES could, in principle, be applied to the newly identified NSRs such that any adverse noise effects could be satisfactorily reduced?</p> <p>4. Could the Applicant detail how any necessary additional mitigation measures will be secured?</p>	



Babergh and Mid Suffolk District Councils
 Endeavour House, 8 Russell Road, Ipswich IP1 2BX
 Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk