



Bramford – Twinstead

Deadline 7 Response:

- ExA Questions 2 Answers [PD-008]
- D6 - Planning Statement [REP6-012]
- D6 - Construction Traffic Management Plan [REP6-025]
- D6 Technical Note on Public Rights of Way Closure Sequencing [REP6-049]
- Action Points from Issue Specific Hearing 6 for Deadline 7

Braintree District Council (20041141) &

Essex County Council (20041299)

PINS REFERENCE: EN020002

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1 Glossary of Acronyms and Abbreviations

AONB – Area of Outstanding Natural Beauty

BDC – Braintree District Council

B&MSDC - Babergh District Council, Mid Suffolk District Council

BNG – Biodiversity Net Gain

BPM – Best Practicable Means

B2T – Bramford to Twinstead

CALEP – Construction Artificial Light Emissions Plan

CEMP – Construction Environmental Management Plan

CoCP – Code of Construction Practice

CTMP – Construction Transport Management Plan

DCO – Development Consent Order

dDCO – Draft Development Consent Order

DMRB – Design Manual for Roads and Bridges

ECC – Essex County Council

EIA – Environmental Impact Assessment

ES – Environmental Statement

ExA – Examining Authority

HGV – Heavy Goods Vehicle

LEMP – Landscape and Ecological Management Plan

LIR – Local Impact Report

LLC – Local Land Charges

LOD – Limits of Deviation

LPA – Local Planning Authority

MLP - Minerals Local Plan

MWPA – Minerals and Waste Planning Authority

NG – National Grid

NPPF – National Planning Policy Framework

NPS – National Policy Statement

NPSNN – National Policy Statement for National Networks

NSR – Noise Sensitive Receptors

OFGEM - Office of Gas and Electricity Markets.

OWSI – Outline Written Scheme of Investigation

PA – Planning Act

PINS – Planning Inspectorate

PPA – Planning Performance Agreement

PRoW – Public Right of Way

PROWMP – Public Right of Way Management Plan

REAC - Register of Environmental Actions and Commitments

SCC – Suffolk County Council

SMS – Strip Map and Sample

SoCG – Statement of Common Ground

SoS - Secretary of State

SNCB – Statutory Nature Conservation Bodies

SVPA - Stour Valley Project Area

TA – Transport Assessment

TCPA – Town and Country Planning Act

USRN – Unique Street Reference Number

2 Purpose Of Submission

2.1 Introduction & Format

- 2.1.1 The purpose of this report is to respond directly to the ExA's second round of questions (ExQ2) [PD-008] directed to BDC and ECC as Host Authorities for the Bramford to Twinstead Project. For ease of use, questions which are not addressed to BDC or ECC have been greyed out.
- 2.1.2 The report also comments on other Deadline 6 submissions. These can be found after the responses to ExQ2 and are clearly labelled in terms of their relevance.
- 2.1.3 This response is jointly prepared by BDC and ECC and here forth will be referred to as 'The Councils'. Any differences of opinion between The Councils will be explicitly labelled as such.

Reference	Question to	Questions from ExQ2	Local Authority Answer
3 <u>Miscellaneous and general</u>			
3.1 <u>General and cross-topic</u>			
MG2.0.1	The Applicant		
3.2 <u>Legislation and policy</u>			
MG2.0.2	The Applicant and all IPs	<p>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 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>The National Policy Statement, EN-1, is the UK Government's overarching strategy for energy. These emerging policies are material to the decision making process but should not replace the currently adopted National Policy Statements as the starting point for decision making on this project.</p> <p>However, the Councils would like to draw the Applicant's attention to the following assessment requirements from the new NPS':</p> <ul style="list-style-type: none"> • <i>'Applicants for Critical National Priority (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> • <i>'Applicants must apply the mitigation hierarchy and demonstrate that it has been applied. They should also seek the advice of the appropriate Statutory Nature Conservation Bodies (SNCB) e.g Natural England 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> • <i>'Applicants should set out how residential impacts will be compensated for as far as possible. Applicants should also set out how 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.'</i>

Reference	Question to	Questions from ExQ2	Local Authority Answer
			<p><i>The cumulative impacts of multiple developments with residual impacts should also be considered.'</i></p> <p>Furthermore 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>This revised Framework replaces the previous NPPF published in March 2012, revised in July 2018, updated in February 2019 and revised in July 2021. Consideration has been given to the proposed changes to the NPPF, although, updates are limited to planning for onshore wind development in England and, therefore, has limited relevance to the project.</p> <p>Whilst the NPPF does not contain policies relating to electricity networks infrastructure, it does contain policy for conserving and enhancing the natural and historic environment.</p> <p>These are to set out three overarching principles of the planning system, these being economic, social and environmental objectives which have to be applied to any as proposed development. The Council's are of the view that the proposals will in broad terms give the requisite benefits as are needed to assess its suitability in accordance with the new NPPF.</p>

Reference	Question to	Questions from ExQ2	Local Authority Answer
			However, such broad policy compliance should be assessed in light of what are considered the material impact of the development will have on adverse impacts which is as set out in detail within The Council's evidence. Hence the consideration of this DCO proposal must be considered in balance.
MG2.0.4	The Applicant		
MG2.0.5	Essex County Council	Can you provide a progress update on the current review of the Essex Minerals Local Plan and whether there are likely to be any changes in mineral land use policy within the Order Limits of the Proposed Development ([REP1-039], paragraph 5.2.3)?	The MLP is still undergoing review, with a Regulation 18 consultation taking place in February 2024. This review has not yet reached Regulation 19 stage and therefore, the Minerals and Waste Planning Authority (MWPA) currently places no weight on any proposed amendments to relevant policies.
MG2.0.6	The Applicant		
MG2.0.7	The Applicant		
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> ?	The Action Plan sets out a holistic approach looking at every part of the design and delivery of electricity transmission infrastructure and the Government endorses the package of recommendations contained within the Winser Report in the Action Plan. It is considered that this overarching Plan should also be considered in the planning balance. The Joint Councils are aware of the applicant's claim that they are working to a tight timescale.

Reference	Question to	Questions from ExQ2	Local Authority Answer
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)?	<p>This prospectus sets out how the UK will go further to build the infrastructure of the future faster and cheaper, to prepare Great Britain for the challenges of the coming decades and lay the foundations for the economic infrastructure of the future, to ensure that everyone across our country benefits in the opportunities ahead.</p> <p>The Councils recognise that new electricity transmission projects, as the UK gears up to revolutionise the way in which electricity is generated by UK based renewable energy sources, are a necessity to include proposals which can be delivered quickly, with certainty, and will deliver the projects necessary to enable this transformation to take place.</p> <p>The Council's therefore consider that policy weight should be given to this policy paper.</p>
MG2.0.10	The Applicant		
3.3 <u>The Proposed Development</u>			
MG2.0.11	The Applicant		
MG2.0.12	The Applicant		
MG2.0.13	The Applicant		
3.4 <u>Alternatives</u>			
MG2.0.14	The Applicant		
3.5 <u>Socio-economics and other community matters: employment</u>			
MG2.0.15	The Applicant		

Reference	Question to	Questions from ExQ2	Local Authority Answer
MG2.0.16	The Applicant		
3.6 <u>Socio-economics and other community matters: businesses</u>			
MG2.0.17	The Applicant		
3.7 <u>Socio-economics and other community matters: local residents and community</u>			
MG2.0.18	The Applicant		
Air quality and emissions			
AQ2.1.1	The Applicant		
AQ2.1.2	The Applicant		
AQ2.1.3	The Applicant		
AQ2.1.4	The Applicant		
AQ2.1.5	The Applicant		
AQ2.1.6	The Applicant		
AQ2.1.7	The Applicant		
Approach to the EIA and the ES			
EA2.2.1	The Applicant		
EA2.2.2	The Applicant		
4 <u>Biodiversity, ecology and nature conservation, including HRA matters</u>			
EC2.3.1	The Applicant Babergh and Mid Suffolk	Part 1 - The November 2023 draft National Policy Statement for Electricity Networks Infrastructure (NPS EN-5) notes	In general for Part 1 – this question is linked to other questions around the weight to be attached to the new National Policy Statements (NPS's) (November 2023). While these policies are yet to

Reference	Question to	Questions from ExQ2	Local Authority Answer
	District Councils Suffolk County Council Essex County Council Braintree District Council Natural England	<p>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>Part 2- 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>be fully adopted, it shows the direction of travel by the Government which is a heavier focus on development mitigation, particularly long-term mitigation, which the existing NPS's do not place as much emphasis on. As such, The Councils consider that this draft policy is important and relevant to the examination. There should be an onus on the Applicant to satisfy the ExA that these additional points have been complied with.</p> <p>In respect of Ecology, Part 1 NPS EN-5 is relevant and Paragraph 2.10.8 actually states: "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."</p> <p>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.</p> <p>[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.</p> <p>Part 2 - 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 secure the integrity and benefit of these schemes, not just 5 years aftercare and hand back to the landowner.</p>

Reference	Question to	Questions from ExQ2	Local Authority Answer
			For Landscape impact, the November 2023 draft National Policy Statement for Electricity Networks Infrastructure (NPS EN-5) Para 2.10.8 is an essential policy 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].
EC2.3.2	The Applicant		
EC2.3.3	The Applicant Natural England		
EC2.3.4	The Applicant		
EC2.3.5	The Applicant		
EC2.3.6	Mr Nick Miller		
EC2.3.7	Environment Agency Natural England		
Compulsory Acquisition, Temporary Possession and other land or rights considerations			
CA2.4.1	Robert Arthur		

Reference	Question to	Questions from ExQ2	Local Authority Answer
	David Cowlin		
CA2.4.2	Simon J Gilbey on behalf of GVS Nott (trading as D P Nott & Sons)		
CA2.4.3	Land Partners LLP on behalf of Peter Nott		
CA2.4.4	Francis Prosser		
CA2.4.5	Francis Prosser		
CA2.4.6	Francis Prosser		
CA2.4.7	Robert Shelley		
CA2.4.8	The Applicant		
CA2.4.9	The Applicant		
5	<u>Construction matters</u>		
5.1	<u>General construction matters</u>		
CM2.5.1	The Applicant		
CM2.5.2	The Applicant		
CM2.5.3	The Applicant		
CM2.5.4	Babergh and Mid Suffolk	Further to Applicant's response to Action Point 9 at Issue Specific Hearing 1	The Councils share SCC's interpretation of what severe weather should be defined as:

Reference	Question to	Questions from ExQ2	Local Authority Answer
	District Councils Suffolk County Council Essex County Council Braintree District Council Natural England	[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 taking place outside the core working hours? (Replicated in paragraph 2.3.1 (2) of the CEMP [REP3-024]).	<i>'severe weather' means any weather conditions which prevent the undertaking of the relevant works during the permitted hours by reason of physical incapacity (whether for reasons of visibility, ground conditions, power availability, site access or otherwise) or being contrary to safe working practices.</i> The Councils also comment more generally that additional works which have come about due to delays caused by severe weather conditions, have the potential to cause significant additional impacts – therefore it is important that this ability is not abused. Furthermore, The Councils consider that it would be pertinent to add a notification requirement (with reasons) to ensure that the contractor must explain why the works in question, could not be done at the appropriate time. A record should also be kept of any such working and be made available to the Host Authorities on request.
6 <u>Draft Development Consent Order</u>			
DC2.6.1	The Applicant		
DC2.6.2	The Applicant Suffolk County Council Essex County Council	Should references in Article 15, Temporary stopping up of streets and public rights of way, to 'stopping up', stop up' and 'stopped up' refer to 'closure', 'close' and 'closed' respectively for the sake of clarity and accuracy?	The Council are content with wording to be changed to 'closed' etc, but any wording needs to be clear that it is only closed to motor vehicles and remains open to pedestrians.
DC2.6.3	The Applicant		
DC2.6.4	The Applicant		

Reference	Question to	Questions from ExQ2	Local Authority Answer
DC2.6.5	Suffolk County Council Essex County Council	Are you content with the scope of powers sought to authorise alteration and use as a temporary work site of any street or public right of way that has been temporarily stopped up, altered or diverted under the powers conferred by Article 15, Temporary stopping up of streets and public rights of way, whether or not within the Order Limits? If not, can you propose alternative draft wording or, if included elsewhere, signpost it?	The Council are content with the scope of powers, as it is understood and expected that any works would be subject to Requirement 11 within the DCO.
DC2.6.6	Suffolk County Council Essex County Council	In respect of Article 15, Temporary stopping up of streets and public rights of way, are you satisfied that the information in Schedule 7, together with the Access, Rights of Way and Public Rights of Navigation Plans [APP-012] would provide you with sufficient information in your role as street authority?	Essex County Council provided comments to the Applicant by email on 4 January 2024 with a review of the Schedules and had a number of queries, which we have asked the Applicant to review and check they are confident with the wording within the Schedules. However, it is considered to be the ultimate responsibility of the Applicant to ensure that their Schedules are accurate. The above being said, it is worth considering whether the Unique Street Reference Number (USRN) should be included to avoid any confusion within referencing of specific locations.
DC2.6.7	The Applicant		
DC2.6.8	Babergh and Mid Suffolk District Councils	In respect of Article 53, Safeguarding, can you advise:	Question 1: When the Article 53 Direction is available to register, the Land Charges team will require the following:

Reference	Question to	Questions from ExQ2	Local Authority Answer
	<p>Suffolk County Council</p> <p>Essex County Council</p> <p>Braintree District Council</p>	<p>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?</p> <p>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> <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</p>	<p>The Legislation wording and the Act to record in Part 3 of the LLC Register.</p> <p>The effective date</p> <p>The end date if applicable</p> <p>A plan of the Article 53 Direction extent outlined in red</p> <p>Question 2:</p> <p>The Applicant should provide a GIS shape file (.shp) of the red lines or polygons and advise if any buffer for consultation is required. This enables accuracy and is easier to add the spatial information to GIS, Uniform and the TLC Land Charges software.</p> <p>Question 3:</p> <p>There would be time needed to register and plot the land charge, as well as time to upload the file onto the Councils general mapping system. This time is however not expected to be significant in terms of hours.</p> <p>Question 4:</p> <p>They should do, yes. All registered charges remain in the Councils database.</p>

Reference	Question to	Questions from ExQ2	Local Authority Answer
		administrative task that Article 53 of the dDCO would involve, how would this be secured?	<p>Question 5: If the system is updated correctly, then it will be identified at the validation stage of an application that a consultation should be made to National Grid. The Consultations are done as standard at the same time, providing we have details in the system of who to contact etc. As such, additional staff time for the consultation would be limited.</p> <p>Question 6: Upon speaking to the teams in question, The Councils consider it would not be necessary to secure a PPA for Article 53 provisions when the costs would not be substantial.</p>
DC2.6.9	The Applicant		
DC2.6.10	The Applicant		
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>The Councils consider that there is still some uncertainty around the siting of the compounds. It is unclear whether there is scope, within the order limits, for the temporary construction compounds to move from the position shown on Table 4.1 and the general works plans [APP-018]. Clarity should be provided on this, as noise impacts of the Temporary Construction Compounds could be more impactful at Noise Sensitive Receptors (NSR's) at different locations within the order limits.</p> <p>The Councils would also comment more generally that there is still uncertainty over how these temporary construction compounds will be used. This includes a lack of information regarding:</p>

Reference	Question to	Questions from ExQ2	Local Authority Answer
			<ul style="list-style-type: none"> - Nature of use of each compound - how many teams will use it at any one time etc - How long will they in situ for? - What plant is to be used at the compounds <p>The Councils suggest the above information could be provided by way of requirement, should the information not be available until a mains works contractor is appointed.</p>
DC2.6.12	Essex County Council Braintree District Council	<p>In your LIR ([REP1-039] paragraph 21.5.10), you referred to the need for a Requirement relating to the external appearance of the proposed temporary construction compounds. Can you advise:</p> <ol style="list-style-type: none"> 1. Why you perceive a need for such detail given that they would be temporary? 2. What details you consider necessary other than the colour of the security fencing that you mention in your response to Applicant's comments on the Essex councils' LIR and other documents ([REP4-049], item 5)? 	<p>Point 1:</p> <p>While The Councils referred to temporary construction compounds for the external appearance requirement, this was primarily in relation to the means of enclosure surrounding the temporary compounds, opposed to any temporary buildings or structures. Temporary fencing around construction compounds has the potential to be visually intrusive. This is relevant insofar as we do not have the exact locations of the temporary construction compounds, only an area, and hence the impact of the same is not clear.</p> <p>In respect of the mains works compound, this will be around for the duration of the project, which is due to take circa 4 years to complete, therefore any inappropriate boundary treatment, although temporary, could still be visually intrusive.</p> <p>It should be noted that there are other similar requirements for means of enclosure details in other NSIP decisions, this is set out in point 3 below.</p>

Reference	Question to	Questions from ExQ2	Local Authority Answer
		<p>3. The particulars of any relevant precedent for such a Requirement?</p>	<p>Point 2: The Councils provided some further clarity on this point in REP6-051, paragraphs 4.11.14 - 4.11.16. In short, the requirement should cover:</p> <ul style="list-style-type: none"> - Colour pallet for each building/structure - Commitment not to use reflective materials - Ensure that perimeter fencing is suitable and coloured appropriately <p>Point 3: There is precedent for approval of the details of temporary fencing/means of enclosure in the following confirmed DCOs:-</p> <p>Brechfa Forest Wind Farm Connection Order 2016 Requirement 7 – restriction on each stage of authorised development until written details of all proposed permanent and temporary fences, walls or other means of enclosure have been approved by the relevant planning authority</p> <p>Longfield Solar Farm Order 2023 Requirement 23 restriction on development of substation works pending approval of details re proposed temporary fences, walls and other means of enclosure.</p> <p>National Grid Kings Lynn B Power station connection order 2013 Requirement 7 Restriction on development pending approval of details of permanent and temporary walls fences or other means of enclosure within the Order limits.</p> <p>National Grid Hinckley Point C Connection Project Order 2016 Requirement 16 Restriction on stages of development until written details of all proposed temporary and permanent</p>

Reference	Question to	Questions from ExQ2	Local Authority Answer
			fences walls or other means of enclosure have been approved by the relevant Planning authority.
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.</p>	<p>In terms of Ecology, further details are required. 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 outlines 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 terms of Landscape and other ecological matters, please see the Councils' Joint Landscape and Ecological Management Plan Document Review [REP5-035].</p> <p>This information required within REP5-035 is summarised below:</p> <p>Para 1.3.2 Purpose: needs expanding</p> <p>Para 1.3.3 and Section 2.1: Compensation needs adding</p> <p>Para 1.4 Clarity needed between Environmental Gain and Biodiversity Net Gain.</p> <p>Table 1.1 Document needs to include for Mitigation and compensation not just vegetation reinstatement.</p>

Reference	Question to	Questions from ExQ2	Local Authority Answer
		<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>	<p>Expand Chapter 8 to include mitigation and compensation.</p> <p>Expand Chapter 9 to include long-term management. Need separate reinstatement Plan mitigation plan and Compensation plans or clarify through colour coding on one plan.</p> <p>Table 3.1 Landscape specialists Needed for monitoring 5.2 Summary of Main Land Uses Crossed by the Project also needs summary of landscape character 6.</p> <p>Vegetation Retention – Extensive further detail required as outlined in REP5-035.</p> <p>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</p> <p>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 Planting of Woodland and Trees Further requirements identified Natural Regeneration of Woodland – methodology needs Agreement pre-commencement</p> <p>8.5 Reinstatement and Planting of Hedgerows – additional requirements identified9. Aftercare – long term management needs including</p>

Reference	Question to	Questions from ExQ2	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 refer to it in the LEMP</p> <p>9.1.5 Use of mulch</p> <p>9.2.2 Detailed programmes needed</p> <p>10 Implementation: detailed LEMPs and Landscape schemes for each section of the project required</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> <p>For Highways and Transportation on the CTMP, it is noted that the Applicant submitted an updated Construction Traffic Management Plan at Deadline 6 [REP6-025], and so these comments have been provided with the aim of taking into consideration the updates within that plan.</p> <p>As per our response, aside from relevant controls on HGVs which, we identified the following key commitments that we would like to see added to the CTMP:</p> <ol style="list-style-type: none"> 1) Target the workforce car share as assessed in the Transport Assessment 2) Survey staff arrival and departure times.

Reference	Question to	Questions from ExQ2	Local Authority Answer
			<p>3) Survey of HGV numbers and EURO compliance.</p> <p>4) Commit to reporting the findings of the survey to the Councils.</p> <p>5) Commit to additional measures being implemented if the car share proportions are not achieved, such as a staff minibus.</p> <p>6) Commit to a review of impacts if the shift patterns are not similar to those assessed.</p> <p>The Applicant had committed to considering our concerns and the most recent CTMP addresses point 1 and partially point 2 and 5, above as:</p> <p>1) Paragraph 6.3.5 includes a commitment to target the assessed car share proportions.</p> <p>2) Paragraph 6.3.5 includes a commitment to survey staff movements. The Council do not want or need full staff details, just numbers of vehicles and staff.</p> <p>3) Paragraph 6.3.5 includes a commitment to discussing further measures for achieving staff car share.</p> <p>4) It is also noted that there is a commitment to sharing information on construction vehicle route compliance with the Council, which is welcomed. However, the Council maintains that a monitoring report should be submitted.</p> <p>On the basis of the above, the Council considers that the following text should be included:</p> <p>At Para 6.3.5 the text should be amended to “Staff will be required to sign in and out of each work location and staff numbers per work</p>

Reference	Question to	Questions from ExQ2	Local Authority Answer
			<p>site, including arrival and departures times, can be shared with the relevant highway authority (full detail cannot be shared due to General Data Protection Regulations).”</p> <p>At Para 6.4.3 the text should be amended to the following: “A copy of the report will be provided to the relevant highway authorities one month after completion of the surveys.”</p> <p>Table 7.1 text should be amended to “Checking signage is in place. Monitoring of vehicle condition, standards (including EURO compliance) and use of agreed construction routes.” This is particularly important to protect the historic character of the narrow lanes in the area.</p> <p>Paragraph 7.2.5 should be amended to “National Grid will share quarterly information on compliance with routes in Appendix A and EURO emissions compliance to inform discussions with the relevant highway authorities on monitoring and enforcement of the CTMP where required.”</p> <p>A Paragraph should be included at either 6.4.4 or 7.3.2 setting out that “In the event that the staff travel plan fails to achieve the targets additional management measures will be proposed to the local highway authority to ensure compliance. The success of these measure will be monitored and reported on”.</p> <p>A Paragraph should be included at either 6.4.5 or 7.3.3 setting out that “In the event that the staff shift patterns indicate impacts on the highway network during the peak periods above those assessed in the Transport Assessment, then a review will be undertaken by the</p>

Reference	Question to	Questions from ExQ2	Local Authority Answer
			<p>Applicant to determine whether this would result in any additional material impacts and if so what reasonable management measures can be implemented to mitigate any unforeseen impacts”.</p> <p>Further to the above, whilst the Council consider it reasonable to include a control on HGV movements to those assessed within the Environmental Statement, especially at sensitive locations (as per our Response at [REP5-031], with reference to adjustments as a result of unforeseen circumstances. As per our Deadline 6 Response [REP6-051], a control should be included that sets out that there would be no HGV movements on the highway network outside of the core working hours, plus an additional hour to avoid parking on the highway, and no HGV movements on Saturday, Sunday and Bank Holidays.</p> <p>A commitment should be included stating that “the layout and contents of any monitoring reports would need to be agreed with the relevant highway authority”.</p>
DC2.6.14	The Applicant		
DC2.6.15	<p>The Applicant Essex County Council Braintree District Council Suffolk County Council Babergh and Mid Suffolk</p>	<p>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</p>	<p>Landscape Comments re: LEMP: A set of deliverables should be possible to agree if based on the Councils ‘Comments made in REP5-035 and additionally in SCC’s response REP6-054. These comments are made based on previous Council experience. The applicant has responded positively to a few of these comments but the rest remain unagreed.</p> <p>Highways and Transport Response re: CTMP</p>

Reference	Question to	Questions from ExQ2	Local Authority Answer
	District Councils	<p>necessary additional stages and timescales? (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]). 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>	<p>Comments have been provided with regards to the most recent Construction Traffic Management Plan [REP6-025].</p> <p>It is considered that deliverables would include a construction programme which would inform revised vehicle movement forecasts and worker numbers following appointment of the principal contractor.</p> <p>The CTMP would also include agreement on what is to be reported and the frequency of reporting.</p> <p>The CTMP would include Confirmation on number and routeing of AILs.</p> <p>It could also include update on implementation on temporary traffic orders.</p>
DC2.6.16	The Applicant		
DC2.6.17	Suffolk County Council	<p>Your LIR [REP1-045] noted that decommissioning and removal routes require careful consideration and your responses to ExQ1 [REP3-078] suggested wording for an associated Requirement (your reply to DC1.6.119 [PD-005]). Nevertheless, can you concisely explain why you perceive</p>	

Reference	Question to	Questions from ExQ2	Local Authority Answer
		Requirement 12, Decommissioning, to be deficient as written?	
DC2.6.18	Suffolk County Council	<p>In your response to ExQ1 [REP3-078], you responded to DC1.6.119 by reproducing an extract from the East Anglia ONE North Offshore Wind Farm Order 2022. Can you explain:</p> <p>If the wording under the header '<i>onshore decommissioning</i>' would replace or supplement Requirement 12 in the dDCO [REP5-005]?</p> <p>Albeit that your suggested additional or replacement wording is reproduced from a made DCO, why is it considered appropriate in this instance?</p> <p>Why each of the component parts are considered necessary in this instance?</p>	
DC2.6.19	Essex County Council Braintree District Council	<p>Can you clarify three outstanding points arising from your response to ExQ1 DC1.6.97 in your Deadline 3 Response to ExA Questions 1 [REP3-061] in respect of your suggestion that a Requirement is needed in respect of lighting:</p> <p>1. Is there a formally designated Dark Sky Area along the line of the Proposed Development or in its immediate vicinity?</p>	<p>Point 1:</p> <p>There is no formally designated Dark Sky Area along the line of the proposed development or in its immediate vicinity. The Closest dark sky area is Coggeshall Parish, and is set out in their Adopted Local Plan, Figure 8: https://www.braintree.gov.uk/downloads/file/3652/coggeshall-neighbourhood-plan-adopted-july-2021</p> <p>The Dark Sky Area covers a large part of the more rural aspects of Coggeshall Parish, in the areas around the main settlement.</p> <p>Should a CPRE search be undertaken, as was completed for Coggeshall, it is probable that the areas in or near the order limits of</p>

Reference	Question to	Questions from ExQ2	Local Authority Answer
		<p>2. Is residential amenity the basis of your concern in seeking additional controls over lighting or were you using the term in a broader sense?</p> <p>3. Where you refer to biodiversity, are bats your sole concern?</p> <p>4. Aside from your ongoing concerns about the draft nature of management plans subject of Requirement 4, in what way do you consider section 6.4 of the CEMP [REP3-024] deficient in addressing your concerns?</p>	<p>this project would be eligible to qualify for becoming a Dark Sky Area, given the rural location of the development.</p> <p>In any case, Irrespective of a formal designation, the countryside along the Stour Valley is an area of high tranquillity that is managed as though it is an AONB/National Landscape. The Stour Valley Project area exhibits relatively dark skies.</p> <p>Furthermore, see https://dedhamvale-nl.org.uk/wp-content/uploads/2023/08/Lighting-Guidance-in-National-Landscapes.pdf page 7: Dedham Vale has not ‘... yet secured an International Dark-Sky Association (IDA) place status like other UK protected landscapes that have achieved designation, it is still important to protect skies that could qualify for this accreditation at a later date.’</p> <p>.</p> <p>Point 2:</p> <p>The Councils were concerned in a broader sense about lighting, not just in relation to residential amenity. The basis of the concern is primarily to protect the intrinsic character and beauty of the countryside and to fulfil the statutory purpose of the National Landscape/project area, as well as the rural landscape more generally, which is to conserve and enhance the natural beauty of the area.</p> <p>Point 3:</p> <p>The suggested text in Appendix 3 of the LIR [REP3-061] – informed by the Hinckley Point DCO - for a Requirement to control lighting – aims to minimise on all ecological receptors which are considered to be potentially sensitive to artificial lighting.</p> <p>Bats have been identified as a proxy for nocturnal wildlife in line with CEMP Appendix A, CoCP (application document 7.5.1) GG20 which</p>

Reference	Question to	Questions from ExQ2	Local Authority Answer
			<p>refers to protected species and sensitive habitats and the REAC (application document 7.5.2).</p> <p>Point 4: Section 6.4 (lighting) of the updated CEMP [REP3-024] is very limited and does not include sufficient details which cover the final lighting design scheme following the appointment of a mains works contractor. It also needs the reference in 6.4.2 updating as Guidance Note 08/18 has been superseded by Guidance Note 08/23 Bats and Artificial Lighting at Night (Institute of Lighting Professionals, 2023). The production of a Construction Artificial Lighting Emissions Plan (CALEP) and a parallel document for operation of the development (particularly at the substation) is considered reasonable and appropriate for this Project (as used in The East Anglian THREE Offshore Wind Farm DCO 2017 Requirement 23) may help with DC2.6.20 for SCC. The CALEP should include cross references to the CEMP (including the CoCP) and Ecological Management Plan to be secured by other Requirements.</p>
DC2.6.20	Suffolk County Council	In your Deadline 4 submission [REP4-043], you suggested that a Requirement in the East Anglia THREE Offshore Wind Farm Order 2017 offered an appropriate general approach to a lighting Requirement for this dDCO [REP5-005] and that inclusion of a good practice measure is also needed in CEMP Appendix A, CoCP [REP3-026]. Can you clarify:	

Reference	Question to	Questions from ExQ2	Local Authority Answer
		<p>Albeit that the basis for your suggested Requirement is reproduced from a made DCO, why is it considered appropriate in this instance?</p> <p>Are you only suggesting the additional provisions in respect of Work No. 9, Grid Supply Point Substation to the east of Wickham St Paul, as set out in Schedule 1 of the dDCO [REP5-005]?</p> <p>Aside from your ongoing concerns about the draft nature of management plans subject of Requirement 4, in what way do you consider section 6.4 of the CEMP [REP3-024] deficient in addressing your concerns?</p>	
DC2.6.21	The Applicant		
DC2.6.22	<p>Essex County Council</p> <p>Braintree District Council</p> <p>Suffolk County Council</p>	<p>In respect of the suggested scheme to introduce a time limit on HGV movements on the local road network during the construction phase of the proposed development, can you advise on the following questions arising:</p> <ol style="list-style-type: none"> 1. Who would enforce the scheme? 2. What provision would an associated Requirement need to make for a reporting mechanism if the control was considered to have been breached? 	<p>Need:</p> <p>The construction phase of the development is temporary, however given the build period would be across 4 years (albeit varying at different points on the project), there is a need to protect the amenity of residents, as well as the economic activity and natural beauty and tranquillity of the landscape. HGV movements are an issue of high importance to Essex/Braintree residents living in the area & on the HGV access route, especially on how it will affect their own use of the highway network. Limiting HGV movements on weekends when the areas are likely to be most used would certainly go a long way in reducing these impacts.</p> <p>In response to question 1:</p>

Reference	Question to	Questions from ExQ2	Local Authority Answer
		<p>3. How do you respond to the Applicant's submission in its Comments on Other Submissions Received at Deadline 4 ([REP5-030] page 11) where it says that: <i>'An unintended consequence of a requirement to restrict HGV movements may mean that vehicles need to park and wait for "core hours". This in itself could lead to adverse impacts'?</i></p>	<p>It is envisaged that the scheme would be enforced by the Applicant in the first instance through the CTMP which is a control document within the DCO. Should this step fail, enforcement would be by the Local Planning Authority.</p> <p>In response to question 2: The CTMP would set out the necessary management and reporting process, which would indicate what would be required to be a breach and the appropriate review process to determine the cause of the breach and any potential management processes that are necessary to implement to address the breach.</p> <p>In response to Question 3: It is considered reasonable that restriction on hours of movement for HGVs would be revised to reflect the Applicant's core working hours, excluding Saturdays, Sundays and bank holidays, to include a period (potentially an hour) before and potentially after operation to reduce the potential for waiting on the highway. Outside of the additional hour, it is considered any risk can be managed by the Applicant.</p> <p>As a separate point – if this requirement / restriction is to be added as requested by The Councils, then an 'HGV' should be defined in the DCO, using industry accepted terminology.</p>
DC2.6.23	BNP Paribas Real Estate on behalf of Royal Mail		

Reference	Question to	Questions from ExQ2	Local Authority Answer
DC2.6.24	BNP Paribas Real Estate on behalf of Royal Mail		
DC2.6.25	BNP Paribas Real Estate on behalf of Royal Mail		
Good design – no questions in ExQ2			
7 <u>Historic environment</u>			
HE2.8.1	Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council	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 not, please summarise what remains outstanding. 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	There are still considerable concerns regarding the OWSI submitted on the 5th of December. Detailed comments have been made and have been sent to the archaeological consultants of the applicant. Those areas giving concern relate to clarification within the text under section 1.2 on the level of evaluation completed to date and that which will need to be completed if approved. This is especially a concern for the geoarchaeological and palaeoenvironmental mitigation (Section 7 within the OWSI) as this will require initial evaluation followed by an appropriately agreed mitigation strategy. The evaluation of this area will need to be undertaken as early as possible to allow scientific dates to be obtained to identify the date and significance of the deposits present and thus allow an appropriate mitigation strategy to be defined. Under section 1.5 description of strip map and sample. By undertaking work immediately ahead of construction there is a high potential of this causing significant delays to the development due to the level of archaeological investigation required. It is recommended that the

Reference	Question to	Questions from ExQ2	Local Authority Answer
		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>programme of top soil stripping within strip map and sample (SMS) areas should be undertaken several months in advance of construction work to facilitate the archaeological investigation. SMS can lead to areas requiring detailed open area excavation.</p> <p>Under 5.1.2 SMS is described as a rapid form of excavation.</p> <p>The term watching brief should be removed from the whole document and replaced by archaeological monitoring.</p> <p>Section 8 will need to clearly define the role of the Local Authority Archaeological Advisors in the agreeing of site specific WSI's, monitoring of the archaeological fieldwork, sign off of completed fieldwork, sign off of separate site reports and final publication.</p>
HE2.8.2	The Applicant		
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?	<p>While not a question directed at BDC/ECC, The Councils have the following comments on this question:</p> <p>The revised REAC (REP4-018) Historic Environment has had significant numbers of additional commitments added, many of which are covered within the OWSI, for which there is already a commitment to comply with this document (no 9). It is recommended that the Historic Environment section of the REAC is revisited and reduced to the main requirements, such as commitment to produce site specific WSI's, proposed palaeo-environmental evaluation and mitigation, role of Local Authority archaeological Advisors, proposed post excavation and publication requirements.</p>
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	

Reference	Question to	Questions from ExQ2	Local Authority Answer
	<p>District Councils Suffolk County Council</p>	<p>the effects of the Proposed Development on the historical 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 (in terms of the Applicant's stated</p>	

Reference	Question to	Questions from ExQ2	Local Authority Answer
		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.	
HE2.8.6	Essex County Council Braintree District Council	At Deadline 5 ([REP5-025], page 125), the Applicant responded to your concerns about the assessment of the Proposed Development on several listed buildings that you had identified (Gentry's Farm, Nether House Farm, Netherby Cottage, Moorcote and Ansells, Abbot's Farm, All Saints Church). Are you now content with this matter? If not, what remains outstanding?	<p>The Councils do not wish to add anything further on those Listed Buildings specified in this question.</p> <p>Some additional concerns have however been raised by residents on the likely impacts of construction activities through vibration from HGV's. The Listed Building Concerns include the Churches at Twinstead and Lamarsh where the Applicant intend to access their sites via existing harden tracks close to the buildings, which could be susceptible to damage from vibration. Lamarsh church in particular has a rubble constructed tower for example.</p> <p>The Councils request some reassurance from the Applicant that these particular buildings have been considered, and highlight any recourse which may be available, should damage occur.</p>

Reference	Question to	Questions from ExQ2	Local Authority Answer
HE2.8.7	Suffolk County Council	At Deadline 4 [REP4-039], you highlighted some additional sites in the Suffolk County Historic Environment Record. The Applicant responded at Deadline 5 [REP5-025]. Are you now content with this matter? If not, what remains outstanding?	
HE2.8.8	The Applicant Historic England		
HE2.8.9	The Applicant Historic England Suffolk Preservation Society Babergh and Mid Suffolk District Councils Suffolk County Council	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 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'?	

Reference	Question to	Questions from ExQ2	Local Authority Answer
8	<u>Landscape and views, including trees and hedgerows</u>		
8.1	<u>National Landscape and landscape assessment</u>		
LV2.9.1	<p>The Applicant Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council Dedham Vale National Landscape and Stour Valley Partnership</p>	<p>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 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.</p>	<p>Natural England has recently Advised Dedham Vale National Landscape and Stour Valley Partnership: the duty to ‘seek to further’ is an active duty, Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape ... can be furthered; 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.</p> <p>A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose; 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 would contribute to furthering the purposes.</p>
LV2.9.2	<p>The Applicant Babergh and Mid Suffolk District Councils Suffolk County Council</p>	<p>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</p>	<p>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</p> <p>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</p>

Reference	Question to	Questions from ExQ2	Local Authority Answer
	Essex County Council Braintree District Council	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?	Speed Two Community and Environment Benefit Fund. https://hs2funds.org.uk/about/ The environmental benefit project area would be localised around the Dedham Vale National Landscape 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.
8.2 <u>Visual assessment</u>			
LV2.9.3	Suffolk County Council	Your answers to ExQ1 [REP3-078] expanded on the concerns in your LIR [REP1-045] in relation to the effectiveness of the proposed mitigation planting for the Stour Valley west cable sealing end compound. The Applicant [REP3-052] has explained the rationale behind the design of the proposed planting whilst acknowledging that some views would remain open at year 15 due to the location of the underground cables (for example, from viewpoint G-07). The Applicant has further explained that this was balanced against the benefits of removing pylons from the view and resulted in an adverse medium-small magnitude of change overall. Do you now	

Reference	Question to	Questions from ExQ2	Local Authority Answer
		accept this explanation and assessment, or do you wish to put forward a more effective scheme of mitigation that does not impinge on the identified technical constraints?	
LV2.9.4	The Applicant		
LV2.9.5	The Applicant		
LV2.9.6	The Applicant		
8.3 <u>Hedgerows and trees</u>			
LV2.9.7	Woodland Trust		
<u>Land use and soil</u>			
8.4 <u>Agriculture and other land use</u>			
LU2.10.1	The Applicant		
LU2.10.2	The Applicant		
LU2.10.3	The Applicant		
LU2.10.4	The Applicant		
LU2.10.5	The Applicant		
LU2.10.6	The Applicant		
9 <u>Soils, geology and ground conditions</u>			
LU2.10.7	The Applicant	.	
LU2.10.8	The Applicant		

Reference	Question to	Questions from ExQ2	Local Authority Answer
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?	The Councils have sought specialist advice on this particular topic and will respond in Deadline 8 submissions.
LU2.10.10	The Applicant		
10 <u>Noise and vibration</u>			
NV2.11.1	The Applicant		
NV2.11.2	The Applicant		
NV2.11.3	Babergh and Mid Suffolk District Councils Braintree District Council	Further to the Applicant's response to ExQ1 NV1.11.8 [REP3-052] that the CEMP would control noise and vibration and provide the 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?	<p>The noise and vibration section contains adequate information so impacts from noise and vibrations are reduced as far as is practically possible. Albeit further reassurance should be provided for some listed properties as specified in The Councils response to question HE2.8.6 above.</p> <p>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].</p>

Reference	Question to	Questions from ExQ2	Local Authority Answer
NV2.11.4	The Applicant		
NV2.11.5	The Applicant		
NV2.11.6	The Applicant		
NV2.11.7	The Applicant		
NV2.11.8	The Applicant		
NV2.11.9	The Applicant		
NV2.11.10	The Applicant		
NV2.11.11	The Applicant		
NV2.11.12	The Applicant		
NV2.11.13	The Applicant		
NV2.11.14	The Applicant		
NV2.11.15	The Applicant		
NV2.11.16	The Applicant		
NV2.11.17	The Applicant		
NV2.11.18	The Applicant		
NV2.11.19	The Applicant		
NV2.11.20	The Applicant		
NV2.11.21	The Applicant		
NV2.11.22	The Applicant		

Reference	Question to	Questions from ExQ2	Local Authority Answer
NV2.11.23	The Applicant		
NV2.11.24	<p>The Applicant Babergh and Mid Suffolk District Councils</p> <p>Braintree District Council</p>	<p>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.</p> <p>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.</p> <p>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 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</p>	<p>The Councils were provided with a table which set out a list of properties which the Applicant considered breached those more sensitive noise levels on Bank Holidays and Weekends. We were however only provided with the map identifying those receptors, and other receptors, at Deadline 6. The Councils need 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. The Councils are working on the SoCG with the Applicant and hope to reach an agreed position before Deadline 8, however a submission will be made at Deadline 8 irrespective.</p> <p>In terms of the assessment of those receptors identified by the Applicant in Braintree/Essex, the following observations have been made:</p> <p>Significant adverse effects should be avoided as activities are predicted to not exceed temporal threshold criteria as described in BS5228-1 and DMRB, i.e activity will not exceed ten days in any 15 consecutive days or 40 days in any consecutive six months.</p> <p>However, no predicted noise level at receptors is presented, just receptor locations, in the Applicants opinion, that exceed the 55 dB threshold. Although mitigation measures set out within the ES chapter are extensive and are best practical means (BPM) for reducing noise levels as far as reasonably possible, it is not definitive to say they are appropriate in reducing noise levels sufficiently to avoid unacceptable adverse impacts without comparison to predicted noise levels. This can include a detailed assessment for specific activities that may require more/less mitigation.</p>

Reference	Question to	Questions from ExQ2	Local Authority Answer
		<p>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>	
The water environment			
10.1 <u>Flood Risk Assessment</u>			
WE2.12.1	The Applicant		
10.2 <u>Surface water management</u>			
WE2.12.2	The Applicant		
10.3 <u>Management measures</u>			
WE2.12.3	The Applicant		
WE2.12.4	Natural England		
WE2.12.5	The Applicant		
WE2.12.6	The Applicant		
WE2.12.7	The Applicant		
10.4 <u>Temporary bridges and culverts</u>			
WE2.12.8	Environment Agency		
WE2.12.9	The Applicant		

Reference	Question to	Questions from ExQ2	Local Authority Answer
11	<u>Traffic and transport</u>		
11.1	<u>Transport assessment</u>		
TT2.13.1	The Applicant		
TT2.13.2	The Applicant		
TT2.13.3	The Applicant		
TT2.13.4	The Applicant		
TT2.13.5	The Applicant		
TT2.13.6	The Applicant		
11.2	<u>Construction traffic and construction route strategy</u>		
TT2.13.7	The Applicant		
TT2.13.8	Essex County Council Suffolk County Council	In ExQ1 [PD-005], the ExA raised a query about whether heavy good vehicles associated with the Proposed Development would travel past any schools or other particularly sensitive receptors (TT1.13.31). Are you content with the Applicant's response ([REP3-052] pages 192 and 193)?	The Councils are generally content with the Applicant's response. As per our response at Deadline 6 [REP6-051], we have reviewed the sensitivity of links in Essex and as per ITEM 3 of our Post Hearing Submissions, we have not identified any disagreements that would materially impact conclusions based on the Applicant's assessment method. However, as per our response to 21.1.15 and 5.10 of our Deadline 6 Response [REP6-051], the Applicant has identified baseline HGV movements based on their survey data, a review of the provided survey data suggests that they have included a category TB2 in their baseline, and further clarity is sought on the appropriateness of its inclusion.
TT2.13.9	Essex County Council	In ExQ1 [PD-005], the ExA raised a query related to members of the public identifying vehicles associated with the	Whilst the Council note the Applicant's response, we consider that it would be reasonable to include some form of identification on the

Reference	Question to	Questions from ExQ2	Local Authority Answer
	Suffolk County Council	project (TT1.13.32). Are you content with the Applicant's response ([REP3-052] page 193)?	dashboard (a sign) for the ease of identification by parties including the public.
TT2.13.10	The Applicant		
TT2.13.11	The Applicant		
11.3 <u>Public rights of way</u>			
TT2.13.12	Essex County Council Suffolk County Council	Are you content with the sufficiency of the Applicant's response [REP1-034] to action points 16 and 17 from the first Issue Specific Hearing [EV-018], relating to the public rights of way survey data?	The Applicant's response sets out the work they have undertaken. The PRoW surveys are considered to be of a limited scope, with limited details on the exact survey dates and times provided.
TT2.13.13	Essex County Council Suffolk County Council	Are you content with the suitability and sufficiency of the Applicant's Public Rights of Way Management Plan [REP3-056]? If not, why not, and what further content would be required to satisfy your concerns?	The Council set out its position on the Public Rights of Way Management Plan (PRoWMP) [REP3-056] at Deadline 4 [REP4-049]. Since then at Deadline 5 [REP5-025] the Applicant has committed to addressing these comments, and subject to these changes the Council are likely to be content with the plans content, so await submission of an updated plan.
TT2.13.14	The Applicant		
TT2.13.15	The Applicant		
TT2.13.16	Essex County Council Suffolk County Council	Section 5.4 of the Public Rights of Way Management Plan [REP3-056] sets out the Applicant's reinstatement approach for public rights of way. Are you content with the scope of the survey work to be carried out to ensure that final reinstatement could return the public rights of way to their original condition on	Yes, The Councils are content.

Reference	Question to	Questions from ExQ2	Local Authority Answer
		completion of the Proposed Development?	

12 **Comments on Updated Planning Statement [REP6-012]**

12.1 **Community Benefits**

- 12.1.1 At submission reference REP6-012, the applicants provide an updated planning statement (D06 Planning Statement document 7.1B) which puts forward the following addition the following at paras 5.13.11 and 5.13.12:

The Secretary of State should consider any relevant positive provisions the applicant has made or is proposing to make to mitigate impacts (for example through planning obligations) and any legacy benefits that may arise as well as any options for phasing development in relation to the socio-economic impacts. The Secretary of State may wish to include a requirement that specifies the approval by the local authority of an employment and skills plan detailing arrangements to promote local employment and skills development opportunities, including apprenticeships, education, engagement with local schools and colleges and training programmes to be enacted. National Grid promotes the use of local supply and small/medium enterprises through main contractors by embedded targets within its framework contracts.

National Grid will continue to work with relevant planning authorities and business leaders at a national, regional and local level to identify opportunities to invest in employment networks, including looking for opportunities to work with local businesses. National Grid does not consider that an Employment, Skills and Education Strategy is needed on this project given the low number of jobs that would be created and that many will require trained specialists who are qualified to work on high voltage electricity lines sourced from National Grid's existing pool of approved contractors. However, National Grid is committed to continuing discussions with the Councils and other key stakeholders

regarding their aspirations in respect of community benefits.

These discussions would be outside of the DCO process.

- 12.1.2 The Councils note that the socio economic impact of this development is currently absent from the DCO documentation, it having been previously Scoped out of the same by the Planning Inspectorate. However the Council's remain committed to the position that the impacts of the same are an important, not only in considering the impact of this DCO proposal, but also in combination with other similar developments as we as experience a period of accelerated growth in the region where skills as could gained could be transferred. Hence the suggestion that "The Secretary of State may wish to include a requirement that specifies the approval by the local authority of an employment and skills plan detailing arrangements to promote local employment and skills development opportunities." as made by the Applicant above is wholly supported and the Council's would support the SoS adding this as a requirement should this DCO ultimately be Consented.
- 12.1.3 It is also correct that the Authorities along the route have made contact with the applicant and provided a community benefits strategy in support of the submission. The Council's wrote to the applicant in October setting out their wish for Community Benefits, and no substantive response has been received at this time. In addition to the text outlined below, the Councils outlined a series of exemplary community benefit agreements, and other potential areas of opportunities, which the Councils believe should inform the Bramford to Twinstead Community Benefit from which the host communities should receive benefit for the vital role they play in hosting the critical national priority infrastructure.
- 12.1.4 The Councils along the route of this DCO proposal are seeking a community benefit fund, consist with values provided by HM Government as published within the "Government's Response to the Electricity Transmission Network Infrastructure Consultation" which accompanied the Autumn Statement on 22 November 2023. As such, the Council perceive that a fund of £4,040,000 with social value, community value, and environmental value would be an appropriate model. To ensure effective, consistent, and fair distribution, the Councils believe that resource facilitation should be provided outside of the funds with a project officer working with communities to ensure effective administration and distribution of benefits. Further, the Councils feel that community benefits should be community-led, with the Developer providing asset and skills sharing, provision of professional services and a contribution of time to ensure the success of the funds. Finally, the Councils consider that considerable efforts must be made to ensure that communities are aware of any community and environmental benefits they may be able to access; including whether there are opportunities to combine schemes to receive value from synergies or match-funding available.

12.1.5 Both The Councils together with Suffolk County Council remain of the held view that this should be provided under the umbrella of so-called “Community Benefit” which preferably would be secured under an agreement made under s.111 of the Local Government Act 1972. Such an agreement was made in Suffolk in respect of the Scottish Power Renewables East Anglia Two and One North offshore wind farm project with East Suffolk Council, as well as one for the Longfield Solar Farm DCO in Essex and Braintree. These were designed to compensate for residual environmental impacts and included measures for community benefits for those affected by the DCO. The Council’s remain disappointed that the applicant has not progressed discussions on Community Benefits other than suggesting that such cannot be provided as such is not in statute at this time, meaning that OFGEM see no reason to resource the same for this DCO.

12.1.6 The Councils will continue to press the need for and the value which could be added to this DCO project by community benefits and update the ExA as necessary at future deadlines.

12.2 Comments on Policies

12.2.1 In response to The Councils comment in MG1.0.14 on REP3-061, the Applicant has added some, but not all relevant, BDC policies.

12.2.2 In terms of the policies added, these are Policy SP1 of the Adopted Local Plan (presumption in favour of sustainable development), Policy SP3 of the Adopted Local Plan (spatial strategy for north Essex), Policy SP7 of the Adopted Local Plan (place shaping principles) and policy LPP52 of the Adopted Local Plan (layout and design of development). These additions are welcome, as they are in broad terms, related to the project.

12.2.3 There were a number of notable omissions from The Councils recommended list of Policies in MG1.0.14 REP3-061. Notable omissions include:

Policy SP6 of the Adopted Local Plan (infrastructure and Connectivity) – This policy is broadly relevant to the project in that it is seeking to promote sustainable means of transport, which also extends into travel plans and construction traffic.

Policy LPP42 of the Adopted Local Plan (Sustainable transport) – this policy is similar to SP6 but references Highway 278 agreements, development affecting PROW’s etc.

Policy LPP71 of the Adopted Local Plan (climate change) – this policy is very relevant to this project – the policy requires the

applicant to demonstrate that the impacts of climate change have been incorporated into the scheme

- 12.2.4 It is fair to say however that these policies are broad in nature and there are no specific local BDC policies to do with new overhead or underground lines. Furthermore, it is noted that many of the policy criteria is contained within the NPPF, to which this development has had regard. As such, including these policies would unlikely change the outcome of the Applicants submission.
- 12.2.5 There were also other policy omissions (Policies SP2, LPP43 and LPP78) which were less relevant to the scheme.

13 Comments on Deadline 6 Submission Construction Traffic Management Plan [REP6-025].

13.1 Overview

- 13.1.1 Our response to the Deadline 6 submission Construction Traffic Management Plan [REP6-025] are set out in our response to DC 2.6.13 and DC 2.6.15 of the Examining Authority's further written questions.
- 13.1.2 In respect of Deadline 6 Documents REP6-037 (Swept Path Assessment for Alternative Temporary Access Routes off the A131) and REP6-038 (Reports on Abnormal Indivisible Load Access for Cable Drums, Transformers and Shunt Reactors), The Councils have not had the opportunity to review the documents in any detail in the time given to respond at D7. This work is currently on going and we will endeavour to make any response by D8. So such does not prejudice the applicant, and should substantive comment be needed over and above that as given by SCC, and there will be a significant commonality of approach from both Council's, such will be made available to the applicants as soon as is possible.

14 Comments on Deadline 6 Submission Technical Note on Public Rights of Way Closure Sequencing [REP6-049].

14.1 Overview

- 14.1.1 The inclusion of closure sequencing of the Public Rights of Way network is noted and welcomed. The information provided confirms which routes will be affected in conjunction with adjacent parts of the network.

- 14.1.2 The technical note provides adequate information on the phasing of network restrictions. Assessment will be undertaken and if any cumulative effects of the closure of the routes are identified details will be provided at deadline 8.

15 Action Points from Issue Specific Hearing 6 for Deadline 7

15.1 Information available

- 15.1.1 At Issue Specific Hearing 6, Essex County Council were asked to provide available details on our Highways Operation Plan and Asset Management. The following information is available.

- The Council's Annual Plan provides a high-level summary of the roles (including the street works team), processes and responsibilities of ECC Highways: [annual-plan-2023-24-final-web.pdf \(essexhighways.org\)](https://www.essexhighways.org/annual-plan-2023-24-final-web.pdf)
- The Council's Highways and Transportation Asset Management Policy 2023 – 2024, which sets out how asset management supports wider Council policies: [highways-and-transportation-asset-management-policy-2023-24.pdf \(essexhighways.org\)](https://www.essexhighways.org/highways-and-transportation-asset-management-policy-2023-24.pdf)
- The Council's Highways and Transportation Asset Management Strategy 2023-24, which sets out the how the asset management strategy reflects the management policy and is to be delivered, as well as its desired outcomes: [highways-and-transportation-asset-management-strategy-2023-24.pdf \(essexhighways.org\)](https://www.essexhighways.org/highways-and-transportation-asset-management-strategy-2023-24.pdf)
- The Council's Highways Maintenance Policy and General Principles (July 2019) sets out the adopted policies for highway maintenance across the County: [essex-highway-maintenance-policy-and-general-principles.pdf \(essexhighways.org\)](https://www.essexhighways.org/essex-highway-maintenance-policy-and-general-principles.pdf). The general policy document is supported by the following documents:
 - The County's Maintenance and Inspections Strategy: Carriageways, Footways and Cycleways (April 2022), provides

the specific details on prioritisation of management of these assets, including setting out the frequency of inspections, process for identifying defects and relevant response times: [maintenance-inspections-strategy-for-carriageways-footways-and-cycleways-april-2022-update.pdf \(essexhighways.org\)](https://www.essexhighways.org/maintenance-inspections-strategy-for-carriageways-footways-and-cycleways-april-2022-update.pdf)

- The County's Maintenance and Inspections Strategy: Public Rights of Way, provides the specific details on prioritisation of management of these assets, including setting out the frequency of inspections, process for identifying defects and relevant response times: [public-rights-of-way-\(prow\)-maintenance-inspections-strategy.pdf \(essexhighways.org\)](https://www.essexhighways.org/public-rights-of-way-(prow)-maintenance-inspections-strategy.pdf)
- The County's Maintenance and Inspections Strategy: Structures, provides the specific details on prioritisation of management of these assets, including setting out the frequency and types of inspections, process for identifying defects and relevant response times: [structures-maintenance-inspections-strategy.pdf \(essexhighways.org\)](https://www.essexhighways.org/structures-maintenance-inspections-strategy.pdf)
- The County's Maintenance and Inspections Strategy: Street Lighting, provides the specific details on management of these assets, including setting out the frequency and types of inspections, process for identifying defects and relevant response times: [maintenance-and-inspections-strategy-street-lighting.pdf \(essexhighways.org\)](https://www.essexhighways.org/maintenance-and-inspections-strategy-street-lighting.pdf)
- The County's Maintenance and Inspections Strategy: Winter, provides the process for managing the network during winter periods where measures such as precautionary salting may be need, including parts of the network that would be treated, as well as treatments during severe weather events: [maintenance-and-inspections-strategy-winter.pdf \(essexhighways.org\)](https://www.essexhighways.org/maintenance-and-inspections-strategy-winter.pdf)

- The County's Maintenance and Inspections Strategy: Intelligent Transport Systems, provides the specific details on management of these assets (e.g. traffic signals, electronic messaging signs, CCTV cameras etc.), including setting out the frequency and types of inspections, process for identifying defects and relevant response times: [maintenance-and-inspections-strategy-its.pdf \(essexhighways.org\)](https://www.essexhighways.org/maintenance-and-inspections-strategy-its.pdf)