



Babergh District Council and Mid Suffolk District Council (20041302)

Deadline 8 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 8:

- 1. Responses to the ExA's commentary on, or proposed schedule of changes to, the draft DCO (defer to SCC)**
- 2. Comments on any other submissions received at Deadline 7**
- 3. ExQ2 responses deferred from D7**

RESPONSES

- 1. Responses to the ExA's commentary on, or proposed schedule of changes to, the draft DCO**

The Councils defer to the comments of Suffolk County Council on this matter.

- 2. Comments on any other submissions received at Deadline 7**

Landscape and visual

Document 8.9.4: Applicant's Comments on Other Submissions Received at Deadline 6

2.2 Compensation for Landscape and Visual Effects

2.2.1 This section responds to submissions made at Deadline 6 in relation to the comments received on compensation for landscape and visual effects. Suffolk County Council maintains its position that all adverse effects should be mitigated and compensated for. The Applicant identifies that similar comments are made by BMSDC. The Applicant has responded to this matter in Table 2.1 (ref 5.8, pages 47 to 49) of the Applicant's Comments on Other Submissions Received at Deadline 4 [REP5-025].



Response: BMSDC maintains its position that not all adverse effects have been fully compensated for. Recently published Overarching National Policy Statement for Energy (EN-1) in para 4.1.5 identifies that in considering any proposed development the Secretary of State should take into account ‘... any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy’. (Council’s emphasis)

2.3 Sufficiency of Visual Mitigation

2.3.3 Babergh and Mid Suffolk District Councils note that they still have concerns and comments in respect to the Dedham Vale East cable sealing end (CSE) compound and Stour Valley East CSE compound. The Applicant responded to specific points on these in the Applicant’s Comments on Other Submissions Received at Deadline 5 [REP6-045] in Section 2.4 and Table 7.1 respectively. The Applicant updated Requirement 9 of the draft DCO [REP6-003] at Deadline 6 to confirm that the reinstatement planting plan submitted to the relevant planning authority must include a landscape plan for each CSE compound, which will show the proposed hard and soft landscaping and proposed finishes for hard landscape features in response to the Councils on this matter.

Response: BMSDC retains concerns that, as the LEMP is not an outline document, the councils’ actual control of the extent of planting will be minimal post DCO, at the point that the landscape plans are submitted for approval.

2.4 Management Plans

2.4.1 This section responds to submissions made at Deadline 6 in relation to the comments received on the Management Plans from the Councils, including that the project as submitted with the application for development consent should include environmental commitments under the category of compensation as well as the other categories.

The applicant says ‘Compensation for habitats lost during construction is included under the header of mitigation. Therefore, the Applicant does not consider there to be a need to add an additional bullet for compensation’.

Response: BMSDC remains concerned that compensation is being identified as the same as mitigation. Further that whilst biodiversity gain is allowed for, landscape compensation is not. Much of the wording of the LEMP uses the term ‘reinstatement’ or ‘replacement’ planting which is not the same as landscape



compensation but implies only replacement of planting lost during construction. E.g., reinstatement of hedgerows and coppiced areas.

Document 8.9.3: Applicant's Responses to Second Written Questions:

6.0 Draft Development Consent Order: DC2.6.15 in relation to outline management plans and a set of deliverables for each plan that would need to be approved by the relevant local planning authorities post making of the DCO.

Response: The Councils' position remains that an outline management plan should be considered at draft DCO stage.

9.0 Landscape and Views, including Trees and Hedgerows

9.1 National Landscape and Landscape Assessment Table 9.1 – National Landscape and Landscape Assessment.

Response: in relation to LV2.9.1, the council's position remains that not all the adverse effects in the setting of the National Landscape are fully compensated for and that 'furthering the purpose' of the National Landscape required by the Levelling-up and Regeneration Act (LURA) 2023 supports this position.

In relation to LV2.9.2 regarding the adequacy of landscape mitigation and compensation.

Response: BMSDC maintains its position that not all adverse effects have been fully compensated for. Recently published Overarching National Policy Statement for Energy (EN-1) in para 4.1.5 identifies that in considering any proposed development the Secretary of State should take into account '... any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy'. (Council's emphasis)

In addition to the above, the Applicant suggests that it would not be appropriate to provide for a landscape restoration fund and a managing officer as part of the DCO, that it would be disproportionate to the scale of the residual effects and would not change the outcome of the residual effects to the receptors that experience the effect.

Response: Landscape restoration funds have been provided on other infrastructure projects and could be made proportionate to the scale of the project and the residual



effects. It's the nature of residual effects that it is not possible to mitigate them to benefit the experience of the receptors that are affected. That is why compensation is needed. The compensation could be used in the vicinity of the affected receptors if required and not over a wider area. Biodiversity Net Gain is not the same as landscape compensation although it could be used in part to the same effect. The Councils consider that the development is not acceptable in planning terms, without further landscape compensation.

Heritage

BDC accepts the position in the statement of common ground with Historic England regarding Hintlesham Hall (based on the wording of EM-AB01, an environmental measure outlined in document 7.5.2 '(D): CEMP Appendix B – Register of Environmental Actions and Commitments (REAC)') which should allow for controls needed for the placement of new/amended pylons within the setting of Hintlesham.

Ecology

REP7-026 Deadline 6 responses which does include comments on aftercare period to support delivery of promised BNG.

Ref 7.7 Lopping of trees/felling:

We welcome confirmation in Table 5.1 that trees within 50m of the Order Limits were surveyed for their potential to support roosting bats as set out in the ES Appendix 7.7 Bat Survey Report [APP-117]. We note that paragraph 2.4.4 sets out the subsequent aerial inspection or emergence re-entry surveys undertaken on trees within the Order Limits *and within 50m of the Order Limits*. A draft Bat Licence has been completed and Natural England has provided a LONI (Letter of No Impediment) which can be found in ES Appendix 7.7 Annex A: Bat Draft Licence [APP-118]. We are also reassured that, should works be required on any additional trees that have not undergone bat survey (whether within or outside of the Order Limits), then the Applicant would undertake preconstruction surveys as part of the final bat licence that would be submitted to Natural England for approval, which would also include any required mitigation measures needed to offset the effect.

We seek confirmation from the applicant that this appropriate compensation for loss of roost resource would be included in the CoCP and REAC.

7.19.1 Aftercare duration

We note that the Applicant has confirmed its commitment to maintaining planting at the CSE compounds for the lifetime of the asset, as stated in embedded measures



EM-D01, EM-F01, EM-G03 and EM-G06 in the Register of Environmental Commitments (REAC) [REP6-023].

However we understand that Natural England's advice on BNG for NSIPs requires a precautionary principle to be adopted where land included in calculations of habitats created or enhanced. Where such land will be returned to the landowner after 5 years such as hedgerows or natural regeneration, the Applicant should treat this as a loss of habitat unless an alternative location can be secured for the minimum 30 years management to deliver the promised BNG.

We therefore highlight that unless adequate habitat compensation is secured to reach no net loss, the project cannot claim to be delivering any BNG.

Whilst five years aftercare is a standard landscape contract (for establishing trees and shrubs) that is used on many large infrastructure projects, this is not sufficient to deliver habitats including the promised condition at the end of 30 years period.

7.19.2 Bat survey - surveys

We welcome the applicant's reassurance that if the seven trees with bat roosting potential not surveyed (Natural England required emergence surveys as they were considered unsafe to climb) would still be impacted once the detailed design is developed, these would be surveyed using emergence and re-entry techniques. If required, those trees with bat roosts would be incorporated into the final bat licence submitted to Natural England for approval. We note that none of the seven trees noted relate to works accesses so this avoids the need for traffic controls. We look forward to consultation on the final design to review the Vegetation Retention and Removal Plans with details of any bat surveys of these trees.

We seek reassurance that if any of these trees will be lost to the development that good practice measure B06 in the CoCP [REP3-026] will be applied: *'Alternative roost structures (bat boxes) will be provided on retained trees within the Order Limits or areas outside of the Order Limits agreed with landowners. Two artificial bat boxes will be deployed on retained trees to every one tree with high or moderate bat roosting potential felled. Where high potential roosting features are present, the project will soft fell these. The limbs will be attached to retained trees where practicable'*.

7.19.3 Bat survey – mitigation hierarchy



We note the applicant's commitment for good practice measure B06 in the CoCP [REP3-026], which states that, for loss of trees with roosting features included in the bat licence, bat boxes will be provided as compensation measures and where . We welcome the statement that, should the project receive development consent, then the Applicant would need to submit a final bat licence to Natural England for approval of any required mitigation this would be informed by the latest published guidance.

We therefore consider that the REAC should also refer to appropriate compensation for loss of roost resource.

3. ExQ2 responses deferred from D7

Response to query regarding noise sensitive receptors.

The Councils would expect the identification of the noise sensitive receptors to be undertaken by the applicant and submitted in full for consideration. In the event that any noise sensitive receptors are identified once works commence, these will be expected to be incorporated within the noise monitoring and management regime.

