

Bramford – Twinstead:

Deadline 8 Response:

- Response to Comments on Deadline 6 submission
- Comments on updated LEMP, Vegetation Removal, Retention, Planting and Reinstatement Plans and schedules
- OWSI
- Deferred items from D7 (examiners questions)
- Comments on ExA dDCO amendments
- Comments on any other D7 submission

Braintree District Council (20041141) &

Essex County Council (20041299)

PINS REFERENCE: EN020002

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1 Glossary of Abbreviations

AIL – Abnormal Indivisible Load

BDC – Braintree District Council

BMSDC – Babergh and Mid Suffolk District Council

BMV – Best Most Versatile

BNG – Biodiversity Net Gain

B2T – Bramford to Twinstead

CEMP – Construction Environment Management Plan

CiFA – Chartered Institute of Archaeologists

CoCP – Code of Construction Practice

CSE – Cable Sealing End

CTMP – Construction Traffic Management Plan

dDCO – Draft Development Consent Order

ECC – Essex County Council

EIA - Environmental Impact Assessment

ES – Environmental Statement

ExA – Examining Authority

GPS – Global Positioning System

GSP – Grid Supply Point

HGV – Heavy Goods Vehicle

LEMP – Landscape Environmental Management Plan

LHA – Local Highway Authority

LiR – Local Impact Report

LGV – Light Goods Vehicle

LHA – Local Highway Authority

LONI – Letter of No Impediment

LPA – Local Planning Authority

NG – National Grid

NSIP – National Strategic Infrastructure Project

OL – Order Limits

OWSI – Outline Written Scheme of Investigation

PPA – Planning Performance Agreement

PROW – Public Right of Way

PWSI – Published Written Scheme of Investigation

REAC – Register of Environmental Actions and Commitments

SMS – Strip, Map and Sample

SOAEL – Significant Observed Adverse Effect Level

SOCG – Statement of Common Ground

2 Purpose Of Submission

2.1 Introduction & Format

2.1.1 The purpose of this submission is to provide commentary on a number of documents submitted by the Applicant at Deadline 7. These documents include inter alia:

REP7-007 – updated LEMP

REP7-008 – Vegetation retention and removal plan

REP7-009 – vegetation reinstatement plan

REP7-011 – Planting schedules

REP7-013 – OWSI

REP7-022 - Comments on Interested Party Comments on Management Plans

REP7-026 – Comments on BDC/ECC Deadline 6 responses by Applicant

2.1.2 The report also provides any necessary information / comments which were deferred at Deadline 7 (from the ExA Questions).

2.1.3 The report finally comments on the changes made by the ExA to the dDCO.

2.1.4 Any reference to 'The Councils' in this document is meaning both BDC and ECC. Any differences of opinion between BDC and ECC will be explicitly labelled as such.

3 Comments on BDC/ECC Deadline 6 Responses by Applicant [REP7-026]

3.1 Overview

3.1.1 This section does not report on all comments made by the Applicant with regards to The Councils Deadline 6 submission. This is because many points are now at a stalemate between the parties. The Councils intend to submit a separate, joint document, which sets out some of the key points still at stalemate for the ExA to consider.

3.1.2 The responses below will use the same reference numbers which can be found in [REP7-026] for ease of reference.

3.2 Archaeological Matters

3.2.1 For CM2.5.1, the information on archaeological mitigation strategies is not considered appropriate in terms of terminology and scope of mitigation methodologies, specifically Strip, Map and Sample (SMS) methodology, and is in conflict with the revised OWSI (document 7.10 (C)).

3.2.2 In response to HE2.8.2, the Applicants timetable for the production of a report is not acceptable, for mitigation to be agreed in the areas covered by the report, the report will need to be submitted before the OWSI can be agreed. Failing this, the OWSI will be required to remove references to any areas that have been identified as not requiring further investigation.

3.3 Ref 7.7 Lopping of trees/felling

3.3.1 The Councils welcome confirmation in Table 5.1 that trees within 50m of the Order Limits (OL) were surveyed for their potential to support roosting bats as set out in the ES Appendix 7.7 Bat Survey Report [APP-117]. The Councils 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]. The Council 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.

3.3.2 However, The Councils seek confirmation from the Applicant that this appropriate compensation for loss of roost resource would be included in the CoCP and REAC.

3.4 7.19.1 Aftercare Duration

3.4.1 The Councils 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].

3.4.2 However, The Councils 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.

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

3.4.4 Furthermore, 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.

3.5 7.19.3 Bat survey – Mitigation Hierarchy

3.5.1 The Councils 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. The Councils 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.

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

3.6 7.5 – Temporary Stopping up of Streets

3.6.1 The Councils the comments from the Applicant and have no further comments to add.

3.7 Table 2 15.5.1 – Transport Assessment Assumption

3.7.1 The council notes the response from the Applicant. And, aside from agreement on reporting, considers this matter resolved.

3.8 Table 2 15.5.1 and 21.1.5 CTMP – HGV Movements

3.8.1 The Council have noted the amendments to the CTMP, which are welcomed. The CTMP should identify the specific frequency of reporting.

3.9 Table 2 15.5.1 CTMP – Car Sharing & Traffic Impact

3.9.1 The Council have noted the amendments to the CTMP, which are welcomed. The CTMP should identify the specific frequency of reporting.

3.9.2 The Council notes the changes made to the CTMP and believes that some of the bullet points have been resolved, subject to further detail on reporting.

The matter relating to the CTMP putting in place a review mechanism as a result of noticeably different shift patterns has not been resolved.

3.10 Table 2 15.5.1 Traffic Commitments

3.10.1 The Council notes the Applicant's position that controls are not considered to be necessary. It would be beneficial to know what, if any, management processes could be put in place as The Councils consider that the scheme would benefit from the same. The disagreement will form part of our Statement of Common Ground.

3.11 Table 2 15.8.1 Highway Repair

3.11.1 The Council maintains its position.

3.12 Table 2 15.8.2 Wheel washing

3.12.1 In order to ensure that there is no impact on the highway network; a process should be brought in to ensure that those accesses that require wheel washing are identified, with appropriate facilities and management being put into place in the interest of keeping mud/detritus off the highway network in the interest of vehicle safety and amenity, common with all construction sites.

3.13 Table 2.7 PRow and assessment of construction and traffic impacts on WCH

3.13.1 The Council notes the Applicant's position and disagrees with their conclusion on the need for an assessment of the hour of greatest change. This has been set out in the Statement of Common Ground.

4 Comments on updated Landscaping and Ecological Documents

4.1 Overview

4.1.1 This section of the report provides general comments on the updated **LEMP** [REP7-007], **Vegetation Retention and Removal Plan** [REP7-008], **Vegetation Reinstatement Plan** [REP7-009] and **Planting Schedules** [REP7-011] as appropriate.

4.1.2 In summary, the Council remain concerned about the landscape and visual impacts of the development, and in the opinion of the Councils, the updated documents do not go far enough to address our concerns as a whole.

4.2 Landscape and Visual Impacts

4.2.1 The Councils still consider that the extent of mitigation and compensation for residual adverse landscape and visual effects is lacking generally.

4.2.2 Furthermore, the LEMP is not acceptable as it does not provide sufficient information regarding mitigation and compensation, nor post-consent control for the Local Planning Authority. The Councils remain of the view that the LEMP should be submitted in outline at this stage, although for the avoidance of doubt, the LEMP as currently submitted is not of sufficient quality to be able to qualify as a suitable outline LEMP. The Council consider that this is a fundamental issue, along with the other management plans, and will conjoin with the other Host Authorities to make a joint statement on this matter in more detail.

4.2.3 The Councils do however welcome the additional commitment by the Applicant under Requirement 9 and the additional planting included at the Stour Valley West Cable Sealing end compound. As such, subject to effective implementation, aftercare and ongoing monitoring the proposals around the CSE compounds, it is considered that this particular mitigation is now acceptable.

4.2.4 Although for the avoidance of doubt, the change to Requirement 9 does not alleviate the wider concerns with regards to extent and sufficiency of proposed mitigation and lack of compensation for residual effects across the scheme more generally. The revised LEMP, including revised Appendices has not changed this.

5 Comments on updated OWSI [REP7-013]

5.1 Overview

5.1.1 This section of the report focuses on the updated OWSI submitted at Deadline 7.

5.2 Detailed Comments

5.2.1 Some of the comments previously submitted have been taken on board and the document is improved, however the main issue appears to be the formulation of an appropriate mitigation strategy in areas that have either received no former intrusive archaeological investigation, and areas which have been subjected to a limited trial trench evaluation.

5.2.2 A programme of targeted trial trench evaluation was carried out in November 2023. The results of these investigations have not been submitted in a report to the Local Authority archaeological advisor and the Applicant states that this report will not be provided until March 24. One area has been identified within the OWSI as requiring further investigation in the form of open area excavation, however the remainder of the areas have been scoped out of the requirement for any further investigation. Until the trial trench evaluation report has been submitted and the results discussed with the Local Authority archaeological advisor, then the mitigation strategy in these areas cannot be determined. Document 7.10 (C) states that no further mitigation will be required in these areas, however fails to provide any supporting evidence as to why these areas will be removed from the scope.

5.2.3 Removing areas from further investigation without adequate supporting evidence is contrary to what is stated in APP-076 Environmental Statement Chapter 8 Historic Environment, Section 8.8.2 which states that "a level of archaeological mitigation would be applied to all archaeological remains where removal or damage is unavoidable, whether significant or not, as per good practice." (*underline added for emphasis*)

- 5.2.4 The evaluations have been successful in determining that there does not appear to be any archaeological remains that would act as a constraint to the development, however they were not carried out to an appropriate level to provide sufficient information on the nature, scale and complexity of any archaeological remains present.
- 5.2.5 A programme of archaeological evaluation will need to be completed across the scheme, in areas where there is likely to be an impact on archaeological remains, in order provide the Local Authority archaeological advisor sufficient data on which to formulate and come to agreement on, an adequate mitigation strategy.
- 5.2.6 Any areas where there may be impact to potential archaeological remains, including from temporary compounds, access roads, planting schemes etc. will require an archaeological evaluation in the first instance with an appropriate coverage of trial trenches and using more conventional trial trench methodologies which would allow for the recognition of features through weathering over a suitable time period. The methodology employed during the completed investigations have not been conducive to this.
- 5.2.7 A detailed strategy for post determination trenched archaeological evaluation will need to be included within the OWSI.
- 5.2.8 Palaeoenvironmental archaeological assessment, providing enhanced deposit models and palaeoenvironmental information, in order to determine if sensitive deposits of archaeological importance would be damaged or destroyed by the proposed trenchless crossing, and to allow the formulation of an appropriate mitigation strategy.
- 5.2.9 There remains considerable areas of concern within the OWSI and it is very important to have this document as detailed and accurate as possible as it will guide the whole archaeological programme.

- 5.2.10 For information, the following issues were previously raised and have not been satisfied:
- 5.2.11 **Section 1.2** the level of evaluation to date has been limited and further evaluation will be required post consent especially in those areas not being undergrounded and where there are running tracks or access tracks.
- 5.2.12 **Section 1.3.3** those areas where archaeological mitigation is not proposed needs to be reconsidered on a site-by-site basis depending on the nature of the work and until no impact can be confirmed these should remain within the areas to be assessed.
- 5.2.13 **Section 1.5.1** This section needs to include further evaluation work in those areas not evaluated to date.
- 5.2.14 **Section 6** Should now be referred to as Archaeological Monitoring and Recording following the CiFA guidelines.
- 5.2.15 **Section 7** Further advice should be obtained from the Historic England Science Advisor as the section on geoarchaeological and palaeoenvironmental work seems to be rather lacking in information and the archaeological contractor will need guidance to create their detailed WSI.

5.3 Summary

- 5.3.1 In summary, there is concern regarding the level of archaeological field evaluation undertaken to date and the mitigation strategy proposed. The OWSI does not include any further archaeological trial trenching evaluation and has removed areas along the scheme from any further mitigation based on a limited programme of trial trenching. The results of the trial trenching exercise have not been shared with the Local Authority Archaeological advisors and it is considered that there is not enough evidence to remove large areas of the scheme from further mitigation based on the levels of investigation carried out to date.

6 Any Items Deferred from Deadline 7

6.1 Overview

6.1.1 This section comments on any items which were deferred for response at Deadline 7 to Deadline 8. These are set out in the following headings below.

6.2 Comments on Swept Path Assessment for Alternative Temporary Access Routes Off the A131 [REP6-037]

6.2.1 At Deadline 7 the Council indicated it would provide any relevant comments on the Applicant's submission Swept Path Assessment for Alternative Temporary Access Routes Off the A131 [REP6-037]. No further comments are considered necessary.

6.3 Comments for Reports on Abnormal Indivisible Load Access for Cable drums, Transformers and Shunt Reactors. [REP6-038]

6.3.1 At Deadline 7 the Council indicated it would provide any relevant comments on the Applicant's submission Reports on Abnormal Indivisible Load (AIL) Access for Cable drums, Transformers and Shunt Reactors [REP6-038]. The Council note the submission of Appendix 4 - A131 Town Bridge Information and note the conclusions. No further comments are considered necessary. The Council have not seen a swept path assessment of the AIL route, and so we are currently not aware of what works will be required to remove street furniture to facilitate routeing.

6.4 Comments on Soil Management – CEMP - LU2.10.9 [REP7-029]

6.4.1 At Deadline 7 the Councils indicated they would provide any relevant comments on the Soil Management contained within the CEMP. The Councils have since employed a soil specialist to review the CEMP at Wardel Armstrong.

6.4.2 The review by the soil specialist has identified a large number of issues with the submitted documents. The full response can be found at the end of this

report. The Councils fully endorse the comments made by the soil specialist Wardel Armstrong and expect that the CEMP is updated accordingly to reflect these comments.

6.4.3 A summary of the concerns is set out below for reference:

The CEMP (REP6-021) and appendices do not contain adequate information to prevent soil loss, soil damage and land degradation. The CEMP (REP6-021) refers to other documents that might contain this information. These references are either circular or refer to documents that do not contain adequate information or any of the content expected.

The conclusion in paragraph 11.1.1 of the CEMP (REP6-021) stating that a Soil Management Plan (SMP) is not required because the information is already available is not considered as adequate. We were unable to use the CEMP and the associated documents to access the information required to prevent soil loss, soil damage or the degradation of land quality. This can be addressed by the creation of an outline soil management plan provided a detailed soil management plan is also expected to be created. This would provide a centralised reference that covers measures needed to protect a highly valuable and sensitive receptor (Soil and Land).

The Agricultural Land Classification Survey was reviewed, and it is confirmed that the proposed works will impact Best and Most Versatile (BMV) agricultural land. As such, it recommended that a separate document be requested that is focused exclusively on soil management, provided as a soil management plan.

6.4.4 The soil specialist is there suggesting that an outline soil management plan should be created, which then should be supplemented by a detailed soil

management plan, through requirement, once a contractor has been appointed and the scope of works fully assessed.

- 6.4.5 Furthermore, The Councils asked Wardel Armstrong to complete a review of another current DCO (Yorkshire Green), submitted by National Grid as the Applicant, to ascertain what the measures were proposed for the soil management on that project. The Yorkshire GREEN draft DCO is publicly available as document REP8-004 at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN020024/EN020024-000332Yorkshire%20Green%20Examination%20Library.pdf>

- 6.4.6 Requirement 5 of Schedule 3 (of the Yorkshire Green dDCO) specifies that construction work must comply with an Outline Soil Management Plan, which was provided with the Environmental Statement (as listed in Schedule 2 Part 8 of the draft DCO). Requirement 6 of Schedule 3 secures the pre-construction approval of a Soil and Aftercare Management Plan by the relevant planning authority.

- 6.4.7 Conversely, as has been stated above, the Bramford to Twinstead draft DCO (REP6-003) does not specifically mention any soil management plans. Requirement 4 of Schedule 3 states that construction must be carried out in accordance with the CEMP. The Applicant considers that the CEMP fulfils the function of a standalone Soil Management Plan (this is stated in the CEMP), in which case Requirement 4 would secure compliance with a Soil Management Plan. However, as noted from the review of the application documents, the soil specialists do not agree that the CEMP fulfils the function of a Soil Management Plan.

- 6.4.8 There also appears to be no direct equivalent to Yorkshire GREEN Requirement 6 in the Bramford to Twinstead draft DCO i.e. no mechanism, either through the CEMP or through direct DCO Requirements, for pre-construction regulatory approval of a Soil and Aftercare Management Plan.

Requirement 4 of Schedule 3 of the Bramford to Twinstead draft DCO states that construction must be carried out in accordance with the CEMP and the LEMP, both of which contain some information regarding soil management and aftercare. However, as noted from the soil specialist review of the application documents, The Councils do not consider that the content of the CEMP and LEMP suitably covers the requirements of a full Soil and Aftercare Management Plan. As such, an additional Requirement should be included to produce a full Soil and Aftercare Management Plan once a contract has been appointed.

- 6.4.9 Finally, it is noted that Natural England have raised concerns in their SoCG [REP6-018] about soil management:

The Consultee still considers the soil mitigation measures to lack an adequate level of detail. Natural England has requested that the detailed Agricultural Land Classification surveys should be undertaken to inform the impact assessment, the soil handling methodologies, and the reinstatement criteria. These remain outstanding with no subsequent justification as to why these have not been undertaken. Please refer to the document (our ref: 485764) on Soils and BMV Agricultural Land submitted by the Consultee at Deadline 5 for further detail of our current position.

SoCG 5.3.7a and 5.3.7b: These items relate to the CEMP and LEMP, and note that the outstanding matters with these documents include matters relating to Soils and BMV Agricultural Land.

6.5 Comments on Noise Sensitive Receptors

- 6.5.1 In NV2.11.24, The Councils deferred comments on the map/table presented by the Applicant, in regard to whether any additional properties should be included on the list.

- 6.5.2 It is noted that the Applicant has looked across the extent of the order limits and removed receptors which are outside of the temporal limits i.e. activity does not exceed 10 or more days of working in any 15 consecutive days or for a total number of days exceeding 40 in any 6 consecutive months. Having carried out a review of receptors based on the plant lists and distances at which SOAEL (Significant Observed Adverse Effect Level) is exceeded within Appendix 14.1, as well as receptor locations in Figure 14.1, plus reviewing the order limits plus the distances within which SOAEL that may be exceeded, The Councils do not consider that any further receptors need to be included within the table/map presented by the Applicant.
- 6.5.3 However, based on the absolute levels where mitigation is applied, short term impacts maybe occurring at sensitive receptors. The Councils recommend that those receptors which do not exceed the temporal threshold but do exceed the Category A threshold limits in accordance with BS 5228-1, should be notified of any potentially disruptive works in advance of commencing the work. The CEMP should therefore be adjusted to take this into account.

7 Comments on Schedule of the Examining Authority’s recommended amendments to the Applicant’s draft Development Consent Order submitted at Deadline 6

7.1 Overview

7.1.1 This section comprises a table going through the recommended changes to the dDCO by the ExA and any comments which The Councils have on these changes.

7.1.2 In general, The Councils welcome the majority changes made by the ExA on the dDCO. Any specific comments on the changes are set out below.

Reference	Text from the draft DCO	ExA’s Recommended Amendment	Reasons and Notes	ECC/BDC Comments
Article 11(3) Street works	if a street authority that receives an application for consent under paragraph (2) fails to notify the undertaker of its decision within 28 days (or such other period as agreed by	Amend to read: if a street authority that receives an application for consent under paragraph (2) fails to notify the undertaker of its decision within 28 35 days (or such other period as agreed by the	Reason: To provide a reasonable period that would allow for the exchange of any requisite further information.	The Councils support the increased time period.

	the street authority and the undertaker) beginning with the date on which the application was received, that authority will be deemed to have granted consent	street authority and the undertaker) beginning with the date on which the application was received, that authority will be deemed to have granted consent.		
Article 12(1) Application of the permit schemes	The permit schemes apply to the construction and maintenance of the authorised development and will have effect in connection with the exercise by the undertaker of any powers conferred by this Part	Amend to read: The permit schemes apply to the construction and maintenance of the authorised development and will have effect in connection with the exercise by the undertaker of any powers conferred by this Part	Reason: There is insufficient justification as to why the Applicant should not apply to the relevant highway authority under the permit schemes during the maintenance phase of the authorised development: the	The Councils support this amendment.

			provision is unnecessary.	
Article 12(3) Application of the permit schemes	Irrespective of anything which is stated to the contrary within the permit schemes, where the undertaker submits an application for a permit in relation to the construction or maintenance of the authorised development subject to proposed conditions and the relevant highway authority wishes for different conditions to be imposed on the permit, the relevant highway authority must seek to reach	Amend to read: Irrespective of anything which is stated to the contrary within the permit schemes, where the undertaker submits an application for a permit in relation to the construction or maintenance of the authorised development subject to proposed conditions and the relevant highway authority wishes for different conditions to be imposed on the permit, the relevant highway authority must seek to reach	Reason: There is insufficient justification as to why the Applicant should not apply to the relevant highway authority under the permit schemes during the maintenance phase of the authorised development: the provision is unnecessary	The Councils support this amendment.

	<p>agreement with the undertaker on the conditions subject to which the permit is to be granted and provide alternative permit conditions to the undertaker within 10 working days following the date on which the application for the permit is made by the undertaker and must not refuse the permit before the end of the period which is 5 working days following the date on which the alternative permit conditions are provided to the undertaker</p>	<p>agreement with the undertaker on the conditions subject to which the permit is to be granted and provide alternative permit conditions to the undertaker within 10 working days following the date on which the application for the permit is made by the undertaker and must not refuse the permit before the end of the period which is 5 working days following the date on which the alternative permit conditions are provided to the undertaker</p>		
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<p>Article 13 (3) Application of the 1991 Act</p>	<p>The following provisions of the 1991 Act do not apply in relation to any works executed under the powers of this Order–</p> <p>(a) section 56 (power to give directions as to timing of street works);</p> <p>(b) section 56A (power to give directions as to placing of apparatus);</p> <p>(c) section 58 (restrictions on works following substantial road works);</p>	<p>Amend to read: The following provisions of the 1991 Act do not apply in relation to any works executed under the powers of this Order–</p> <p>(a) section 56 (power to give directions as to timing of street works);</p> <p>(b) section 56A (power to give directions as to placing of apparatus);</p> <p>(c) section 58 (restrictions on works following substantial road works);</p>	<p>Reason: There is no persuasive reason for the disapplication of the provision suggested for deletion</p>	<p>The Councils support this amendment.</p>
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	<p>(d) section 58A (restrictions on works following substantial street works);</p> <p>(e) section 73A (powers to require undertaker to re-surface street);</p> <p>(f) section 73B (power to specify timing etc. of re-surfacing);</p> <p>g) section 73C (materials, workmanship and standard of resurfacing);</p> <p>(h) section 77 (liability for cost of use of alternative route);</p>	<p>(d) section 58A (restrictions on works following substantial street works);</p> <p>(e) section 73A (powers to require undertaker to re-surface street);</p> <p>(f) section 73B (power to specify timing etc. of re-surfacing);</p> <p>(g) section 73C (materials, workmanship and standard of re-surfacing);</p> <p>(h) section 77 (liability for cost of use of alternative route);</p>		
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	(i) section 78A (contributions to cost of re-surfacing by undertaker) and (j) Schedule 3A (restriction on works following substantial street works)	(h) section 78A (contributions to cost of re-surfacing by undertaker); and (i) Schedule 3A (restriction on works following substantial street works)		
Article 47(1) Traffic regulation	Subject to the provisions of this article, the undertaker may at any time for the purposes of construction or maintenance of the authorised development or for purposes ancillary to the construction or maintenance of the authorised development	Amend to read: Subject to the provisions of this article, the undertaker may at any time for the purposes of construction or maintenance of the authorised development or for purposes ancillary to the construction or maintenance of the authorised development	Reason: There is insufficient justification as to why the Applicant should not apply to the relevant highway authority for Traffic Regulation Orders during the maintenance phase of the authorised development. The proposed provision is	The Councils support this amendment.

			unnecessary beyond the construction phase of the authorised development.	
Article 47(2) Traffic regulation	Without limiting the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld or delayed, the undertaker may, in so far as may be expedient or necessary for the purposes of or in	Amend to read: Without limiting the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld or delayed, the undertaker may, in so far as may be expedient or necessary for the purposes of or in connection with	Reason: There is insufficient justification as to why the applicant should not apply to the relevant highway authority for Traffic Regulation Orders during the maintenance phase of the authorised development. The proposed provision is unnecessary beyond the construction phase	The Councils support this amendment.

	connection with construction or maintenance of the authorised development, or for purposes ancillary to it, at any time	construction or maintenance of the authorised development, or for purposes ancillary to it, at any time	of the authorised development.	
Article 47(3) Traffic regulation		<p>Insert new paragraph 47(3) to read:</p> <p>The undertaker must not exercise the powers conferred by paragraph (2) in relation to a prohibition, restriction or other provision intended to have effect permanently or otherwise beyond the construction and commissioning of the authorised development.</p>	Reason: For the avoidance of doubt that all prohibitions, restrictions or other provisions will have effect temporarily.	The Councils support this amendment.

<p>Requirement 7</p>	<p>Amend to read: 7(2) No percussive piling operations may take place on Sundays and Bank Holidays</p>	<p>Amend to read: 7(2) No percussive piling operations may take place between 19.00 and 07.00, or on Sundays, and Bank Holidays or other public holidays, and no abnormal indivisible load or HGV deliveries may be made to site between 19.00 and 07.00, or on Sundays, Bank Holidays or other public holidays.</p>	<p>Reason: To limit the effects of construction, machinery and traffic operations on local communities.</p>	<p>The Councils welcome the ExA's suggested alterations to exclude HGV's in the nighttime and on Sundays and bank holidays, however the Councils consider that this should also be extended to Saturday afternoons, in order to give additional respite from long working hours to local communities (should the working hours be consented as currently proposed).</p>
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				<p>Notwithstanding the position above - this text could be amended to:</p> <p>“And, unless otherwise agreed with the local highway authority, no abnormal indivisible load or HGV deliveries may be made to site between 19.00 and 07.00, or on Sundays, Bank Holidays or other public holiday”.</p>
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				This would add some flexibility for the Applicant – and would also make it easier to exclude Saturday afternoons in the HGV delivery restriction.
Requirement 11 (1 Highway works	No work to construct, alter or temporarily alter any new or existing means of access to a highway to be used by vehicular traffic may commence until written details of design, layout and reinstatement of that means of access has been submitted to and approved	Amend to read: No work to construct, alter or temporarily alter any highway, including any new or existing means of access to a highway to be used by vehicular traffic, may commence until written details of design, layout and reinstatement of the highway works that means of access has have been submitted to	Reasons: 1) To ensure that Requirement 11 has effect in relation to all relevant enabling highway works. 2) Grammar correction.	The Councils support this amendment.

	by the relevant highway authority.	and approved by the relevant highway authority.		
Requirement 11 (2) Highway works	The highway accesses must be constructed and reinstated in accordance with the details approved under subparagraph (1).	Amend to read: The highway works accesses must be constructed and reinstated in accordance with the details approved under subparagraph (1).	Reason: To ensure that Requirement 11 has effect in relation to all relevant enabling highway works.	The Councils support this amendment.
Requirement 11(4) Highway works	The undertaker must carry out road safety audits of the highway works authorised by this Order in accordance with Standard GG 119 Road Safety Audit (Revision 2) of the Department for Transport's Design Manual for Roads and Bridges or in accordance with any	Amend to read: Unless otherwise agreed with the relevant highway authority, The undertaker must: a) carry out stage 1, 2, 3 and 4 road safety audits of the highway works authorised by this Order in accordance with Standard GG 119 Road Safety Audit (Revision 2) of	Reasons: 1) To ensure significant road safety implications arising from land take and basic highway design principles are identified and considered. 2) To ensure proportionate use of the Road Safety Audit process. 3) For	The Highway Authority would look to take a pragmatic approach at the detailed design stage so not to undertake any extraneous works.

	<p>standard that supersedes that Standard and must, to the reasonable satisfaction of the highway authority, implement any recommendations to mitigate or remove road safety problems and defects identified in any such road safety audits arising out of the authorised development.</p>	<p>the Department for Transport's Design Manual for Roads and Bridges or in accordance with any standard that supersedes that superseding Standard; and b) must, to the reasonable satisfaction of the highway authority, implement any consequent road safety actions arising out of the authorised development to the reasonable satisfaction of the highway authority recommendations to mitigate or remove road safety problems and defects identified in any such road</p>	<p>precision and enforceability</p>	
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		safety audits arising out of the authorised development		
Article 10(2)(b) Planning Permission	(b) in respect of that inconsistency, no enforcement action under the 1990 Act may be taken in relation to development carried out or used pursuant to that planning permission whether inside or outside the Order limits.	Without prejudice to the ExA's final position on the need for Article 10(2)(b) discussed above, if it is retained, it should be amended to read: (b) in respect of that inconsistency, no enforcement action under the 1990 Act may be taken in relation to development carried out or used pursuant to that planning permission whether inside or outside adjacent to the Order limits.	Reason: For precision and reasonableness.	The Councils agree in principle with this change, but the meaning of the word 'adjacent' is not set out in Part 1 of the DCO. If this terminology is to be used, then an additional definition is needed of adjacent.

<p>Requirement 1(1) Interpretation</p>	<p>“Biodiversity metric” means Biodiversity Metric 3.1 as published by Natural England in April 2022;</p>	<p>Amend to read: “biodiversity metric” means Biodiversity Metric 3.1 as published by Natural England in April 2022 the Statutory Biodiversity Metric published by Defra on 29 November 2023 or any subsequent Government adopted version;</p>	<p>Reason: For updating and to ensure currency in the future.</p>	<p>While The Councils agree that any new application should use the Statutory Metric, as this DCO application was submitted prior to the introduction of the Statutory Metric, it would likely mean that all existing BNG proposed for this development would need to be re-calculated, which may not be possible at this late stage. The Councils cover this in</p>
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				the Host Authority SoCG.
Requirement 5 Approval and implementation of Drainage Management Plan	1) No stage of the authorised development may be brought into operational use until, for that stage, a Drainage Management Plan (DMP), to address operational surface water management matters, has been submitted to and approved by the relevant highway authority. (2) The operational use of each stage of the authorised development must be carried out in accordance	(1) No stage of the authorised development may be brought into operational use until, for that stage, a Drainage Management Plan (DMP), to address operational surface water management matters, has been submitted to and approved by the relevant highway planning authority , after consultation with the relevant highway authority. (2) The operational use of each stage of the authorised development must be carried out in accordance with the	Reason: For consistency with the clarification provided by the Applicant in [REP3-050], 21.5.4.	The Councils consider that the discharging authority for the Drainage Management Plan should be the Lead Local Flood Authority, in consultation with the Local Planning Authority. Therefore, it is respectfully requested that the wording is updated as such.

	with the approved Drainage Management Plan (DMP) referred to in sub-paragraph (1) or with any amended Drainage Management Plan (DMP) that may subsequently be approved by the relevant highway authority.	approved Drainage Management Plan (DMP) referred to in sub-paragraph (1) or with any amended Drainage Management Plan (DMP) that may subsequently be approved by the relevant highway planning authority, after consultation with the relevant highway authority.		
Requirement 7 Construction hours	7(1) Subject to sub-paragraphs (2) to (4), work may only take place between 0700 and 1900 Monday to Friday and between 0800 and 1700 on Saturdays, Sundays, and Bank Holidays (the core	Amend to read: 7(1) Subject to sub-paragraphs (2) to (46), work may only take place between 0700 and 1900 Monday to Friday and between 0800 and 1700 on Saturdays, Sundays, and Bank Holidays and other	Reason: 1) To accommodate proposed amendments listed below. 2) To include all public holidays that affect all sectors of society (whereas Bank Holidays involve the	The Councils note the ExA's suggestions in relation to working hours – while we agree that other public holidays should be included, The Councils remain

	working hours), unless otherwise approved by the relevant planning authority.	public holidays (the core working hours), unless otherwise approved by the relevant planning authority	closure of banks and financial institutions).	concerned about the amenity impacts of such long working hours, particularly on Saturday afternoons, Sundays and bank holidays.
Schedule 4(1)(1) Discharge of Requirements Applications made under Requirements	(1) Where an application has been made to a relevant authority for any consent, agreement or approval required by a requirement (including consent, agreement or approval in respect of part of a requirement), the relevant authority must give notice to the undertaker of	(1) Where an application has been made to a relevant authority for any consent, agreement or approval required by a requirement (including consent, agreement or approval in respect of part of a requirement), the relevant authority must give notice to the undertaker of its decision	Reason: The 35-day period is more consistent with precedent established by recent and comparable made Orders.	The Councils have asked for 56 days as this is the most reasonable period to allow for discharge of Requirements, however The Councils do welcome that the ExA has extended the period above the 28

	its decision on the application within a period of 28 days beginning with -	on the application within a period of 35 days beginning with -		days initially proposed by the Applicant.
Schedule 4(3) Discharge of Requirements Fees	(b) A fee of £116 per request.	(b) A fee of £145 £116 per request	Reason: The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023 came into force on 12th April 2023 and Regulation 12 (2)(b) Amendment of Regulation 16 (fees for confirmation of compliance with condition attached to	The Authorities are still negotiating with the applicant on a PPA for the discharge of requirement stage, as that fee would not enable the Councils to work on a cost neutral basis.

			planning permission) substituted £116 with £145.	
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Comments on Interested Party Comments on Management Plans [REP7-022]

Ref	Matter	Submission from Interested Party	Applicant's Comments	Council Comments
TT1.13.21	Highways Monitoring and Enforcement Strategy	<p>The Council maintains our response at Deadline 4 [REP4-049] where we set out the current position on these issues, which are summarised below:</p> <ul style="list-style-type: none"> • Surveying of the condition of the highway network for remediation. Partially resolved. Further information and discussions are needed. • That the local highway authorities (LHA) should be the party responsible for discharging the CTMP and agreeing any changes to the CTMP. This appears to be resolved. • Absence of monitoring of construction and workforce traffic. It is understood that TT02 will ensure GPS monitoring of construction routes and there is an indication that construction traffic will be recorded at paragraph 7.2.4. Further information is sought on what traffic is to be monitored and how 	<ul style="list-style-type: none"> • Surveying the condition of the highway for remediation: Section 5.2 of the CTMP [REP6-025] includes details of the visual and photographic surveys that would be undertaken and shared. • Changes to the CTMP: The Applicant has confirmed that the LHA would be the party responsible for discharging and agreeing changes to CTMP [REP6-025], as detailed in paragraph 7.6.6. Agreed that this is resolved. • Monitoring of construction and workforce traffic: On monitoring of construction traffic: Paragraph 7.2.5 of the CTMP [REP6-025] includes details of the monitoring and reporting for compliance with the CTMP, including requirements to; provide GPS tracking for the main works contractor's HGVs, monitor 	<p>As per The Councils response at Deadline 7 [REP7-029], we welcome the additional details provided within the CTMP [REP6-025] and note a number of our concerns have been addressed. Specific responses to the bullet points as followed.</p> <p>- Noted</p> <p>- Noted</p> <p>- Noted. The CTMP should identify the specific frequency of reporting as per our response to DC 2.6.15 at Deadline 7.</p>

		<p>vehicle numbers will be reported to the highway authorities. Not considered to be resolved.</p> <ul style="list-style-type: none"> Absence of commitment to achieve staff modal share through commitment to minibus and car sharing. Not resolved; there continues to be no commitment to achieve the staff mode share. Absence of commitments to survey staff movements. The CTMP includes commitment towards surveying of staff movements in the form of a travel survey. This appears to be partially resolved, but further commitment to monitoring of total staff vehicle movements. Absence of reporting on CTMP monitoring and non-compliance to highway authorities. Not resolved: there is no commitment to report the findings of the monitoring to the highway authorities; nor any meaningful process for remedial actions if the CTMP fails to achieve its targets. 	<p>vehicle numbers between the strategic road network and the site and use the Construction Traffic Routes shown in Figure 1 of Appendix A of the CTMP. This is considered a sufficient and proportional level of monitoring. A change has been made to paragraph 7.2.5 of the CTMP at Deadline 6 to commit to sharing information on compliance with HGV routes and discussing further action where required. On monitoring workforce traffic, as detailed in paragraph 6.3.5 of the CTMP [REP6-025], the Applicant would require staff to sign in and out of each work location. These records will be used to assess vehicle movements and occupancy rates. A change has been made to paragraph 6.3.5 of the CTMP at Deadline 6 to confirm that information on staff traffic will be shared with relevant highway authorities.</p> <ul style="list-style-type: none"> Modal share/staff movements: Section 6.4 of the 	<ul style="list-style-type: none"> - Noted. The CTMP should identify the specific frequency of reporting as per our response to DC 2.6.15 at Deadline 7. - Noted. The CTMP should identify the specific frequency of reporting as per our response to DC 2.6.15 at Deadline 7. - Noted. The CTMP should identify the specific frequency of reporting as per our response to DC 2.6.15 at Deadline 7. - The CTMP should identify the specific frequency of reporting as per our response to DC 2.6.15 at Deadline 7.
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		<ul style="list-style-type: none"> Approval of construction traffic routes. Resolved through inclusion of Construction Routes at Appendix A. 	<p>CTMP [REP6-025] has been updated at Deadline 6 to provide detail of monitoring, including; the mode of transport; number of crew van movements; number of people sharing cars (average minimum occupancy of 1.3) and crew vans (average minimum occupancy of 4) and car park usage. The Applicant has also committed to a target of 70% of staff travelling to sites using crew vans, with this being a new commitment introduced at Deadline 6. The Applicant is willing to also periodically share information on modal share with the LHAs and discuss potential measures to increase modal share where these targets are not met.</p> <ul style="list-style-type: none"> Staff survey: Staff vehicle movements will be monitored for the purposes of assessing whether targets on modal share are being met as described above and as now stated in paragraph 6.3.5 of the CTMP. The Applicant 	<p>- Noted</p>
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			<p>is happy to share this information with the local highway authorities.</p> <ul style="list-style-type: none"> • CTMP monitoring and non-compliance: as outlined under 'monitoring of workforce traffic' and 'monitoring of HGVs' above, further commitments to monitor and report CTMP compliance have been added to the CTMP at Deadline 6 [REP6-025]. The Applicant is happy to share this data. The non-compliance procedure is detailed in Section 7.3. • Approval of construction traffic routes: agreed. The construction traffic route proposed by the LHAs at Sudbury, which avoids the one-way system by utilising Head Lane/Shawlands Avenue, has been included in the CTMP at Deadline 6 [REP6-025] 	
4.2.1	Parking of construction staff vehicles	Monitoring, reporting and enforcement of inappropriate parking should be included in CTMP.	Measures for controlling parking on site are already included in paragraph 6.3.10 of the CTMP [REP6-025].	

4.2.1	70% of staff travel by crew van	Include appropriate targets, monitoring and controls within CTMP to ensure modal split.	The Applicant has added a target to the CTMP for 70% of staff to travel using crew vans and 4 personnel per van to address this comment. This has been added to the CTMP at Deadline 6 [REP6-025]	Aside from outstanding issues relating to the exact details of reporting. This is considered to be resolved.
6.2.1 – 6.2.4	Construction Routes	<p>For the construction routes within the CTMP that represent the following:</p> <ul style="list-style-type: none"> • Henny Road, Bell Hill, Springett's Hill and Lamarsh Hill on sheet 3 of the construction routes. • Bures Road to Henny Road shown on Sheet 3 of the construction routes. • Church Road through Twinstead on Sheet 4 of the construction routes. • Church Road to Wickham St Paul on Sheet 4 of the construction routes. It appears that ES Appendix 12.1 – Traffic and Transport Significance of Effects Tables [APP- 	<p>HGV routes are detailed within Figure 1 of the CTMP [REP6-025], and the CTMP is secured via Requirement 4 to the draft DCO (Document 3.1 (G)). In accordance with good practice measure TT02 in the CoCP [REP3-026], the Main Works Contractor will implement a monitoring and reporting system to check compliance with the</p>	<p>The additional discussions and clarification of the relative use of these routes is welcomed. The Councils are looking for a process that ensures that the low numbers assessed and expected on these</p>

		<p>134], assumes no HGV traffic will utilise these routes, only staff movements; this is noteworthy due to the routes' rural characteristics and narrowness. The CTMP needs to ensure that general HGV traffic does not utilise these routes to access the site. Church Road and Twinstead Road in particular are very narrow, and do not conveniently facilitate any form of two-way traffic with limited potential for passing. Mitigation in the form of passing bays may still be required.</p> <ul style="list-style-type: none"> • Old Road to Wickham St Paul on Sheet 4 of the construction routes. The ES assumes very low levels of HGV traffic will utilise these routes; this is noteworthy due to the routes' rural characteristics and narrowness. The CTMP needs to ensure that no more than the low levels of HGV traffic identified within the ES uses these routes to access the site and be able to evidence the same. Old Road is very narrow and does not conveniently facilitate two-way traffic with limited potential for passing. 	<p>measures set out within the CTMP [REP6-025]. This will include the need for a GPS tracking system to be fitted to HGV owned and operated by the Main Works Contractor to check for compliance with authorised construction routes. The Construction Routes identified on Figure 1 of CTMP [REP6-025] are considered suitable for their proposed use based on the anticipated vehicle type and numbers. Church Road (through Twinstead) and Church Road (to Wickham St Paul) are both for minor works to the existing overhead line e.g. the arcing horns and therefore are</p>	<p>particularly rural routes are not unreasonably exceeded. If this was embedded into the monitoring and compliance process this may address our concerns.</p>
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			<p>anticipated to have limited numbers of vehicles associated with these works. Similarly, Old Road (to Wickham St Paul) is for access for the 132kV cables installation and for works to the existing overhead lines. The main HGV traffic would use the accesses at the GSP substation (H-AP1 and H-AP2) off the A131. The intention would be that construction traffic in this area of the project would primarily use the temporary access route leading to the A131 at H-AP20 once constructed, limiting the construction traffic on alternative routes on the local road network</p>	
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7.2.1 (4.1)	Clarification on the term 'minibus' and staff vehicles used	The Council welcomes the clarification regarding the crew van. No evidence has been submitted that supports the 70% assumption nor any controls within the CTMP that will ensure it is delivered. Mainly as a result of the two assumptions around car share and staff travel times, the peak figure of 528 staff is assessed as 32 peak hour vehicle movements, which is a reason why a traffic impact has not been identified. It is difficult to see how this can be considered a worst-case assessment.	To address these comments the CTMP [REP6-025]. has been updated at Deadline 6 to change the word 'minibus' to 'crew vans' throughout. It has also been updated to include a target for 70% of staff to use crew vans and commitments for staff vehicle and occupancy use to be monitored and discussed with the relevant highway authorities if targets are not met. The Applicant considers that this addresses this comment.	Aside from outstanding issues relating to the exact details of reporting. This is considered to be resolved.
7.2.1 (4.1)	Outline CTMP	The Council welcomes the inclusion of the construction routes within the CTMP. The Council maintains its position as set out at Paragraph 21.1.4	Response noted regarded inclusion of the Construction Routes in Appendix A of the CTMP [REP6-025]. The Applicant	Noted. The Councils maintains its position. But appreciates the progress that has

		<p>of our Deadline 4 Response [REP4-049] that there should be a further iteration of the CTMP, when more information is available from the contractor for discharge by the Highway Authorities</p>	<p>does not consider it necessary to commit to a future CTMP, as it does not consider additional information regarding construction traffic and routing is required to be submitted outside of the existing processes available through the DCO. The Applicant has, however, updated the CTMP at Deadline 6 to address local highway authority comments. If changes are necessary to the CTMP following Examination, then these would be subject to LHA engagement to agree changes before commencement of works as detailed in paragraph 7.6.6 of the CTMP [REP6-025].</p>	<p>been made on addressing our concerns within the CTMP.</p>
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8.1 Comments on Transport Assessment Traffic Survey Data [REP7-024]

- 8.1.1 The Council can confirm receipt of the data identified in the submission. The Council have undertaken some high-level checks on the data.



BRAINTREE DISTRICT COUNCIL

BRAMFORD TO TWINSTEAD NSIP

REVIEW OF SOIL PROTECTION MEASURES IN CEMP

FEBRUARY 2024

DATE ISSUED: FEBRUARY 2024
JOB NUMBER: GM11845
REPORT NUMBER: 011
VERSION: V1.0
STATUS: Final

BRAINTREE DISTRICT COUNCIL

BRAMFORD TO TWINSTEAD NSIP

REVIEW OF SOIL PROTECTION MEASURES IN CEMP

FEBRUARY 2024

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1 INTRODUCTION

1.1 Background

1.1.1 Wardell Armstrong LLP (WA) has been commissioned by Braintree District Council to undertake a review of the agriculture and soil protection measures contained in the Construction and Environmental Management Plan (CEMP) for the Bramford to Twinstead NSIP development. This report provides a detailed review of the following documents:

- Construction Environmental Management Plan (Document 7.5, Application Reference: REP6-021)
- CEMP Appendix A Code of Construction Practice (Document 7.5.1, Application Reference: REP3-026)
- CEMP Appendix B Register of Environmental Actions and Commitments (Document 7.5.2, Application Reference: REP6-023)

1.1.2 During the review it became apparent that additional documents needed to be accessed and these include:

- Landscape and Ecological Management Plan (LEMP) (REP3-034)
- Agriculture and Soils ES chapter (APP-079)
- Agricultural Land Classification survey report (APP-133)

1.1.3 Whilst accessed for the purposes of this assessment, a full review of these documents is outside the remit of this report.

1.2 Report Structure

1.2.1 Due to the nature of the issues within these documents and for clarity, a discussion has been provided in Section 2 which focuses on the major concerns with how the CEMP and associated documents have been structured. Section 2 also discusses the lack of project-specific information on soils and land, soil management practices, and mitigation measures.

1.2.2 Sections 3, 4, and 5 provide a review of how soil and land have been covered in the CEMP and the two appendices. Specific text from the document(s) is provided for those sections where there are specific concerns along with our comments beneath.

1.2.3 Conclusions and recommendations are provided in Section 6.

2 DISCUSSION

- 2.1.1 As part of the technical review, the original CEMP application document was reviewed (APP-177) along with the association appendices (APP 178, APP 179).
- 2.1.2 All three of these APP (original application) documents contain measures and advice that will result in soil loss, soil damage, and degradation of land quality. They do not adequately inform the user on how to access baseline information and have not been linked to other important operational documents and further assessment requirements. As these have been superseded, they are not reviewed in detail here.
- 2.1.3 The detailed review was conducted on documents REP6-021 and its associated appendices (REP6-023, REP3-026). All three of these documents are updated and partially corrected versions of documents APP-177, APP-178 and APP-178, and contain some of the same errors and document structural issues as the APP documents.
- 2.1.4 Document REP6-021 (CEMP) makes the following statement in paragraph 11.1.1,
“ES Chapter 11: Agriculture and Soils (application document 6.2.11-APP-079) considers the potential effects of the project on agriculture and soil. As noted in Section 1.3 of the CEMP, this chapter sets out the measures that will be undertaken in relation to soil. It fulfils the purpose of and contains all of the necessary measures that would be set out in a standalone Soil Management Plan”.
- 2.1.5 A full review of document APP-079 is outside the scope of this review. However, in section 11.12 paragraph 11.12.1 of document APP-079 the following conclusion is drawn:
“The good practice measures set out in the CoCP (application document 7.5.1) and the CEMP (application document 7.5) would reduce the potential for impacts to agriculture and soils”.
- 2.1.6 Users of the CEMP (Document REP6-021) who require project specific instructions on how to protect soil and land will find that they are being cross (circular) referenced between the same two documents and appendices for essential information that none of the documents contain.
- 2.1.7 The detailed review of document REP6-021 found that essential information to prevent soil loss, soil damage, and the degradation of land quality have been referenced as being located across at least three separate documents as listed below:
- CEMP (REF6-021) and appendices

- LEMP (REP3-034)
- Agriculture and Soils ES chapter (APP-079)

2.1.8 A cursory review of documents APP-079 and REP3-034 was conducted in conjunction with the detailed review of document REF6-021. None of these three documents or their accompanying appendices contains the *project-specific* information and *project-specific* mitigation measures needed to prevent soil loss, soil damage and land degradation.

2.1.9 An example of an error that is common across all the documents is demonstrated by paragraph 11.3.32 of the CEMP (REF6-021) which states:

“Appropriate techniques will be used when necessary to provide protection for subsoils from compaction and smearing in areas subject to heavy trafficking where ground conditions dictate. This will typically be in areas of wet soil. Use of tracked plant will be preferred to wheeled vehicles to reduce compaction of underlying soils. In naturally wet areas bog mats or similar will be used to minimise rutting and compaction of these subsoils.”

2.1.10 The above paragraph is intended to provide instructions on very intrusive ground works that can impact soil quality, cause soil loss and result in land degradation if conducted inappropriately. The CEMP states that “Appropriate techniques” will be used but provides no reference to where these can be found or who will determine what is appropriate. The statement also implies that appropriate techniques will only be required in “wet areas” and this may not be the case and “Appropriate techniques” may be required in other areas. This has been used as a single example of a recurring concern with the CEMP and associated documents and more examples are provided in Sections 4, 5 and 6.

2.1.11 The CEMP (Section 11.3.7) refers to the hiring a “suitably experienced” soil scientist but there is no reference as to who will employ them and when they will be brought into the project, nor does it detail what their responsibilities will be.

2.1.12 Section 11.3.6 states that further preconstruction soil survey work is required but makes no reference to who will be responsible for this or what the purpose will be. The same paragraph states that “detailed soil management measures” will be developed but provides no clarity on who will develop these and when. Also, there is no reference to where this information will be available and who is responsible for its implementation.

3 DETAILED REVIEW OF THE CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (REP6-021) AND ASSOCIATED DOCUMENTS

The following review contains relevant statements from the CEMP and its appendices and identifies areas where we consider more detail is required. These are presented in text boxes with comments provided below.

3.1 Section 4 – Construction Methodology

Section 4.3 (GSP Substation)

4.3.4 The initial preparatory works will require the temporary removal of the top layers of soil and laying a temporary stone capping to provide a clean and stable working platform. The topsoil and a layer of subsoil will be excavated within the footprint and this will be replaced with suitable imported granular fill to form the surface of the compound.

3.1.1 The specific requirement to strip and store topsoils and subsoils separately needs to be specifically included in this statement along with a reference to the storage location and method details of general good practice.

Section 4.4 (Overhead Line Removal)

4.4.4 Where practicable, the legs of the pylons will be cut and the pylon pulled to the ground using a tractor. If there is limited space, the pylons may be dismantled by crane, with sections cut and lowered to the ground for further dismantling or removed from site. Unless there is a compelling need for removal of the foundations in a particular area, these will be removed to approximately 1.5m below ground level, and subsoil and topsoil reinstated.

3.1.2 This does not make clear where the extra subsoil and topsoil that will be required for this process will originate from to complete the restoration. A statement on the source of the soil and the quality standards that should be met is needed, as well as a statement on what the restoration objective will be.

Section 4.5 (New Overhead Transmission Line)

4.5.2 A working area around each new pylon will be cleared of vegetation and fenced appropriately according to the risk. A typical working area is 40x40m for a suspension (line) pylon and 80x80m for an angle (or tension) pylon. Percussive piling may be required at some pylon locations, subject to the ground conditions. Where piling is required, a temporary stone pad will be required adjacent to each new pylon location, on which to place plant such as cranes and piling rigs (GG23). It is anticipated that the crane pad and the pylon base will be stripped of the topsoil and subsoil to protect the soil during construction.

3.1.3 This is stating that the topsoil and subsoil will be stripped to protect them but does not provide a link or reference to the best practice or project-specific methods that

are required to achieve this. It also states that “It is anticipated” that soil will be stripped prior to work commencing but provides no reference to who will make this decision. Topsoil and subsoil stripping and temporary storing will be required in this situation.

Section 4.5 (New Overhead Transmission Line)

4.5.4 Pre-mixed concrete will be poured to form the foundations, with the steelwork protruding from the concrete as stubs, which the pylon legs are then attached to. Once the concrete has cured the timber struts and shuttering are anticipated to be removed. The excavation is then backfilled with subsoil, where suitable, and the sheet piles are assumed to be removed before replacing the topsoil.

- 3.1.4 There is reference here to the need for an assessment of “suitability” when determining the need for soil reinstatement, but no reference is provided to how this will be determined nor how this will impact the soil volume balance for the project. Clarity on whether soil will need to be imported to support this is also required.

Section 4.6 (Underground Cable Installation)

4.6.2 The working area for the underground cables will typically be 80m wide comprising 60m for the cable layout and 20m for the temporary access route and soil storage. The working area will be demarcated and secured by temporary fencing appropriate to the location, for example, provision of stockproof fencing in grazing areas. Gated entrances will be installed at the entrance to the working area, where required to secure the site. Once secured, the working area in site compounds and along cable sections will generally be stripped of the upper layers of soil, including separation of topsoil and subsoil to maintain soil quality during storage.

- 3.1.5 Language such as “generally” has been used in an operational document and it is unclear how users of this document should interpret this. Also, this paragraph implies that other options are available, and these should be detailed and referenced here and linked to the embedded measures. Again, the language used to describe specific and invasive soil management activities uses non-standard and generalised language.

Section 4.6 (Underground Cable Installation)

4.6.3 The proposed cable trenches are expected to be marked using geographical positioning systems before the trenches are open-cut and the ducts installed. The cables will be laid in groups. The trench surrounding the ducts will be filled with cement-based sand (or other suitable material) and a polymeric cable protection will cover the width of the trench. Topsoil and subsoil will be replaced over the top of the polymeric cable protection.

- 3.1.6 The reference to topsoil and subsoil replacement should be linked to a specific method and should also state where the CEMP user can access details about baseline soil types and ALC quality. A reference to how excess soil arising from this construction element will be managed should also be made here.

3.2 Section 9 – Water Environment

Section 9.3 (Water Environment – Pollution and Erosion Management Measures)

Section 9.3.21 Protection of exposed soils: To reduce the risk of silt being mobilised by erosion caused during rainfall events. Stockpiles will be compacted and graded to reduce rainwater infiltration. If they are in a sensitive area, e.g. near a watercourse, consideration will be given to covering over, e.g. with tarp or geotextile, to prevent

- 3.2.1 Soil stockpiles should not be “compacted” as this will cause direct soil damage and pose an environmental risk. This approach to soil management does not conform to recognised best practice that covers these types of works. The statement that “If they are in a sensitive area” is concerning as this is a working document and we recommended that any such soil storage location be already identified and assessed for suitability. There should be little or no risk to sensitive areas or water quality caused by soil storage. We do not support a general statement that requires soil to be “covered” for storage purposes and more detail on the design and purpose of the covering is also required.

Section 9.3 (Water Environment – Pollution and Erosion Management Measures)

Section 9.3.31 (Flood Risk Reduction Measures) All compounds are located in Flood Zone 1 (lowest risk of flooding). Where practicable, soil stockpiles will be located outside of Flood Zone 2 and 3 and areas of high or medium risk of flooding from surface water (as defined by the Environment Agency Risk of Flooding from Surface Water map). Where these measures are is not practicable, additional measures will be identified within a flood risk action plan, for example creating breaks in the stockpiles to avoiding creating continuous barriers to floodplain flows. Site fencing and screening will also be positioned to reduce the risk of impeding floodwater (W07).

- 3.2.2 We suggest that this be reassessed as we recommend a higher threshold be set for soil storage locations. We also recommend “Where practicable” be removed or clarified. We cannot foresee a situation where soil and water quality can be put at risk based on an evaluation of “practicability”. The flood risk action plan should be referenced. A reference to where the user can find the flood risk action plan should be provided.

3.3 Section 11 – Agriculture and Soils

Section 11.3 (Implementation of Measures)

11.3.2 (Programming the Works) Works will be programmed to occur throughout the year. During wet conditions and where soil is plastic, soil handling works will be put on hold until the conditions/materials are more appropriate, as defined by the field assessment of soil plasticity. Soils will be handled when they are in a reasonably dry and friable state, which is when any soil structure present is least susceptible to lasting damage by compaction and smearing.

- 3.3.1 No details on the field assessment of soil plasticity have been provided nor is there a reference to where this can be found. The “reasonably dry” should be changed to “below its plastic limit”.

Section 11.3 (Implementation of Measures)

11.3.3 (Programming of Works) In some cases, it may be necessary to handle soils when they are saturated, for example due to programme, engineering or due to the specific nature of the soil, for example in wetland areas. In these cases, location-specific methods will be agreed with the soil scientist prior to work commencing.

- 3.3.2 Handling saturated soils should be considered as an extreme exception requiring specific planning if it was to be accomplished without damaging soil resources. We disagree that there should be a generalised allowance for handling saturated soils within the CEMP.
- 3.3.3 Wetland areas and the soils found within them would typically be highlighted as a highly sensitive receptor and details on where these areas are and how they would be managed requires more detail for the user of this document.

Section 11.3 (Implementation of Measures)

11.3.4 (Programming of Works) In the case of frozen ground, excavation works may proceed given effective excavation techniques and implementation of safety measures to prevent excavation collapse during thawing, however backfilling of frozen soils will not be possible as required compaction levels will be unachievable. Subsequently the soils will be allowed to fully thaw before commencing backfilling activities.

- 3.3.4 Current good practice suggests that soils should not be managed or handled when the ground is covered in snow, and this should be discussed here in relation to frozen ground. There are other “stop work” conditions and criteria that have not been covered here.

Section 11.3 (Implementation of Measures)

11.3.5 (Programming of Works) Allowance will be made within the construction programme for the potential for soil handling operations to have to temporarily cease due to poor weather / ground conditions.

- 3.3.5 We recommend that this statement be linked to a specific document(s) outlining STOP conditions and how to assess them.
- 3.3.6 Sections 11.3.6 to 11.3.11 (not included here) outline the outstanding site planning and preparation measures that are required, such as pre-construction soil surveys and the need for a competent soil scientist to oversee the management of soil during soil stripping, handling, storage, and reinstatement. Section 11.3.9 also outlines the

considerations that need to be considered when identifying soil storage locations. In each instance, no reference is provided to who will be responsible for conducting the assessment, what criteria they must consider, or how to find the information required to complete them.

- 3.3.7 Sections 11.3.12 to 11.3.20 (not included here) outline soil stripping measures and state that the “the soil stripping method will follow the guidance set out in the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites”. These sections contain useful measures to protect land and soil, but the language used is not definitive and implies that other, unspecified, methods could be used. An example can be found in section 11.2.13 which provides a relevant review of what machinery is expected to be used, but then states “where practicable” without stating what practicable means or what the alternative methods will be.
- 3.3.8 Section 11.3.15 states the “normal working practices will be to strip topsoil to its full depth”. We are unclear if this will always be done or only when there are normal working conditions. A statement on what constitutes “normal” is needed along with what alternatives are acceptable.
- 3.3.9 Section 11.3.17 states that “soil survey data” will be used to inform soil handling operation but no reference to where or in what form this information will be provided is included.
- 3.3.10 Section 11.3.19 correctly identifies the need to consider soil conditions prior to the commencement of works, but no detail is provided on how this will be accomplished. In addition, it specifies that an “agreed moisture content criteria” is to be used to assess the suitability of soil conditions for stripping, but no reference to what this is has been provided.
- 3.3.11 The same section discusses the very real concerns regarding rainfall but uses terminology such as “sustained heavy rainfall” without clarification on what this means. This would be better covered by a specific section on stop work criteria.

Section 11.3 (Implementation of Measures)

11.3.21 (Creation of Stockpiles) Soil stockpiling will be required during construction activities to enable the reuse of the soil resource and limit soil damage from weather and other construction activities. Stockpiles will be designed and positioned to reduce the risks of causing pollution to surrounding watercourses; dust generation; and increasing flood risk to the surrounding area. The stockpiles will not be positioned where they are vulnerable to compaction or erosion.

3.3.12 Section 11.3.21 to 11.3.33 outline a range of appropriate soil handling and management measures that will be adhered to during soil stockpiling. In each instance, the measures are acceptable but, in all cases, they are not complete. In at least one instance, the measures detailed appear to contradict other sections of the document and/or other relevant documents in the library.

3.3.13 A relevant example is seen in section 11.3.29 which provides a description of where stockpiles will be located but fails to provide the means by which the specific locations will be identified. This section also used the term “wherever practicable”, which implies that other methods can be used in situations that are “impractical”, but no detail is provided on these alternative methods.

Section 11.3 (Implementation of Measures)

11.3.22 (Creation of Stockpiles) The following good practice measures will apply in relation to soil stockpiles, with further details included in Chapter 9: Water Environment of the CEMP:

- W02: Stockpiles will not be located within 15m of a main river;*
- W06: There will be no permanent land raising undertaken in locations identified as Flood Zone 3; and*
- W07: Construction materials or stockpiles of soils/arising will not be stored within Flood Zone 3 and areas of high and medium risk of flooding from surface water. Where this cannot be avoided, stockpiles will be aligned to avoid creating continuous barriers to floodplain flows.*

3.3.14 Section 11.3.22 introduces a new chapter that the CEMP user must access to obtain information on an important aspect of soil and land protection. This increased the number of separate documents to at least four and does not detail how this range of differing information will be brought together or by whom. This section also details a measure that would allow for topsoil storage in a Flood Zone 3 area, and it is recommended that this be reconsidered.

Section 11.3 (Implementation of Measures)

11.3.23 (Creation of Stockpiles) Topsoil stockpiles will not exceed 3m in height and subsoil stockpiles will not exceed 5m in height. A separator geotextile will be placed beneath topsoil stockpile areas.

3.3.15 The reasoning behind the use of a geotextile is unclear and should be specified. The type of geotextile that is proposed for use should be detailed and its permeability needs to be understood to determine if its use will be beneficial to soil and land protection.

Section 11.3 (Implementation of Measures)

11.3.24 (Creation of Stockpiles) Management of stockpiles will be undertaken to reduce the risk of silt-laden runoff or dust generation, for example through the use of coverings or through seeding where stockpiles will be in place for longer time periods. Where stockpiles become vegetated, weed management will be undertaken, for example through cutting or through the use of selective herbicides to reduce the risk of weed seed predominating in the stockpile seedbank or spreading onto neighbouring land.

3.3.16 While 11.3.24 states that “Management of stockpiles will be undertaken to reduce the risk of silt-laden runoff or dust generation, for example through the use of coverings or through seeding where stockpiles will be in place for longer time periods”, there is no direct statement of when seeding is required. The DEFRA 2009 guidance states that “if the soil is to be stockpiled for more than six months the surface of the stockpiles should be seeded with a grass/clover mix to minimise soil erosion and to help reduce infestation by nuisance weeds”. Also, the process and effectiveness of “soil covering” needs more detail.

Section 11.3 (Implementation of Measures)

11.3.25 (Creation of Stockpiles) Water suppression will be used across all areas of exposed earthworks as required to reduce dust generation.

3.3.17 While the use of water to suppress dust generation may be effective, there needs to be some detail on how this will be accomplished and when this is required.

Section 11.3 (Implementation of Measures)

11.3.26 (Creation of Stockpiles) Records will be created to show areas where soils have been stripped, where those soils have been stockpiled and where the soils are reinstated to. The records will also include details of the location, volume and soil type to aid reinstatement.

3.3.18 Section 11.3.26 covers good practice on the creation of stockpiles and correctly refers to the need to consider soil type. However, none of the documents reviewed or accessed for this report has any site or project-specific information on soil types or land quality. A reference to where to find this information is required but could not be found.

Section 11.3 (Implementation of Measures)

11.3.31 (Creation of Stockpiles) the condition of the stockpiles will be regularly monitored. If rainwater gathers on the stockpile surface or in areas directly adjacent to them, drainage pathways to soakaway areas away from the stockpile will be provided.

3.3.19 For section 11.3.31 there needs to be a reference to who will conduct the monitoring, how this will be recorded, and who will be responsible for any required remediation.

Section 11.3 (Implementation of Measures)

11.3.33 (Creation of Stockpiles) Where soils have not been stripped and temporary access routes are required, these will be constructed using ground protection matting, low ground pressure vehicle tyres or other suitable methods that protect the soil.

- 3.3.20 Section 11.3.33 provides a generalised statement on appropriate methods for trafficking land without topsoil stripping. It is recommended that a review of the soil types involved is required before such a generalised approach can be adopted. This section also states that “other suitable methods” of trafficking land without topsoil stripping may be used. These should be detailed or a reference to effective good practice document should be provided. A statement on who will decide on what is appropriate in also needed.
- 3.3.21 Section 11.3.34 to 11.3.41 (not shown here) outlines the soil reinstatement measures, and states that “soil replacement will follow the methodology set out by DEFRA (2009)”. Additionally, it is stated that “Land used temporarily will be reinstated to an appropriate condition relevant to its preconstruction condition and, where relevant, Agricultural Land Classification grade, including any subsoil drainage”, and that “It is anticipated that this will be achieved primarily by reinstating the full soil profile in the correct sequence of horizons, and in a state where good soil profile drainage and plant root development are achieved”.
- 3.3.22 In general, the soil and land management measures outlined in section 11.3.34 to 11.3.41 are suitable. However, the terms “where relevant” and “achieved primarily” implies that alternative methods can be used which have not been specified. The restoration targets are highly generalised and no reference to who will oversee this or be responsible for it is provided.

Section 11.3 (Implementation of Measures)

Section 11.3.35 (Reinstatement) Land used temporarily will be reinstated to an appropriate condition relevant to its preconstruction condition and, where relevant, Agricultural Land Classification grade, including any subsoil drainage, unless otherwise stated within the LEMP (application document 7.8). This will be achieved primarily by reinstating the full soil profile in the correct sequence of horizons, and in a state where good soil profile drainage and plant root development are achieved.

- 3.3.23 Section 11.3.35 contains important good management advice on reinstatement, however, the phrase “achieved primarily” implies that other approaches or reinstatement targets will be acceptable, and these should be detailed. It is also

unclear where the user of the CEMP will find information on the Agricultural Land Classification grading that is needed to implement this measure.

Section 11.3 (Implementation of Measures)

Section 11.3.39 (Reinstatement) Where subsoil was not stripped, an assessment will be made of the requirement for deep ripping, as above, and/or subsoil cultivation. Once all compaction has been removed the topsoil will be spread to the required depth, as above. The topsoil will not be compacted. Where a temporary access route is in place, this will typically be the final element to be restored. Once reinstated, the area will be kept clear of traffic.

3.3.24 Section 11.3.39 states that where “subsoil was not stripped an assessment will be made of the requirement for deep ripping, as above, and/or subsoil cultivation”. Clarification is needed on who will be responsible for this determination and where the user of the CEMP can access the require information on soil type.

3.4 Section 15 – Implementation

Table 15.1 (Anticipated Site Checks Relevant to the CEMP for Agriculture and Soil)

<i>Inspection Type</i>	<i>Purpose</i>	<i>Who</i>	<i>Frequency</i>
<i>Visual inspection</i>	<i>Visual inspections to check soil stockpiles. For example, checking for signs of erosion, water ponding, loss of protective vegetation and signs of invasive species.</i>	<i>Works Supervisor</i>	<i>Once a month and after heavy rainfall</i>
<i>Monitoring weather conditions</i>	<i>The weather can affect soil handling conditions. For example, soil should not be stripped or moved when waterlogged or frozen.</i>	<i>Works Supervisor</i>	<i>Daily</i>

3.4.1 Table 15.1 outlines the anticipated site checks relevant to the CEMP and provides clarification on who will be responsible for overseeing and acting upon issues arising during construction. However, there is no clear statement on who will be responsible for overseeing and making a decision on the outstanding detail on soil management methodologies that have been highlighted in this review.

4 CEMP APPENDIX A CODE OF CONSTRUCTION PRACTICE (REP3-026)

4.1 Section 1.3 – Good Practice Measures

4.1.1 Table 1.1 outlines the ‘Good Practice Measures’ that have been identified to ‘avoid or reduce impacts from the project on the environment’. The general project commitments relevant to soils include GG18 and GG23.

Table 1.1 (Good Practice Measures – General Project Commitments)

<i>Ref</i>	<i>Good Practice Measures</i>
<i>General Project Commitments</i>	
<i>GG18</i>	<i>Earthworks and stockpiled soil will be protected by covering, seeding or using water suppression depending on duration of stockpile and local conditions such as weather and exposure of the site.</i>
<i>GG23</i>	<i>Stone pads will be installed in areas where heavy equipment, such as cranes and piling rigs, are to be used. The stone pads will provide stable working areas and will reduce disturbance to the ground. The stone pad area will be stripped of the topsoil, which will be stored and reinstated in accordance with the soil management measures contained in the CEMP</i>

- 4.1.2 The recommendations in GG18 for covering and water suppression as mitigation measures for the protection of stockpiled soils needs clarification as it is not clear what these measures will be addressing. The CEMP would be better informed by specific reference to industry standards covering these construction elements.
- 4.1.3 The recommendations in GG23 state that the soil management measures in the CEMP will be suitably detailed to inform restoration measures for this element of the construction process. The CEMP contains a single reference to the term ‘restoration’ and this relates to identifying a suitably qualified person to create the restoration plan. At no point in the CEMP is any detail provided on what the restoration targets are, or how they will be achieved.
- 4.1.4 In Table 1.1, the ‘Agriculture and Soils’ good practice measures are outlined in References AS01 to AS10.

Table 1.1 (Good Practice Measures – Agriculture and Soils)

<i>Ref</i>	<i>Good Practice Measures</i>
<i>Agriculture and Soils</i>	
<i>AS01</i>	<p><i>Soil management measures have been included within the CEMP (document 7.5). Measures include but are not limited to the following:</i></p> <ul style="list-style-type: none"> <i>• How the different topsoil and subsoil resources present will be stripped and stockpiled;</i> <i>• Suitable conditions for when handling soil will be undertaken, for example avoiding handling of waterlogged soil;</i> <i>• Indicative soil storage locations;</i> <i>• How soil stockpiles will be designed taking into consideration site conditions and the nature/composition of the soil;</i> <i>• Specific measures for managing sensitive soils, such as heavy-textured soils or those supporting valuable habitats</i> <i>• Suitable protective surfacing (such as Trackway or similar products) where soil stripping can be avoided, based on sensitivity of the environment and proposed works;</i> <i>• Approach to reinstating soil that has been compacted; and</i> <i>• Details of measures required for soil restoration</i>

4.1.5 Good practice measure AS01 details the need to consider “different soil types” and “sensitive soils”, however, no reference to where this information can be found is provided.

Table 1.1 (Good Practice Measures – Agriculture and Soils)

<i>Ref</i>	<i>Good Practice Measures</i>
<i>Agriculture and Soils</i>	
<i>AS02</i>	<p><i>Where land is being returned to agricultural use, the appropriate soil conditions (for example through the replacement of stripped layers and the removal of any compaction) will be recreated. This will be achieved to a depth of 1.2m (or the maximum natural soil depth if this is shallower) except over buried cables where the reinstated soil depth will be approximately 0.9m.</i></p>

4.1.6 Good practice measure AS02 provides a clear statement on the need for restoration but the CEMP contains no reference to where the user of this document can find the project-specific detail needed to comply. Within the CEMP, there is no reference to the location or details of the ALC survey that has been conducted for some project elements. It is also recommended that this generalised approach to soil management and soil reinstatement lacks the required project-specific details to be effective.

<i>Table 1.1 (Good Practice Measures – Agriculture and Soils)</i>	
<i>Ref</i>	<i>Good Practice Measures</i>
<i>Agriculture and Soils</i>	
<i>AS09</i>	<i>Soil excavated from the project will be reused on site through the backfilling of trenches and for landscaping where practicable and where soil is suitable for reuse (for example, not contaminated and giving consideration to land holdings and applicable biosecurity measures). It is intended that all soil will be reused on site, however if it arises that excess spoil cannot be reused on site, this soil will be taken off site in accordance with measures outlined within the Materials and Waste Management Plan.</i>

4.1.7 Measure AS09 refers to the use of excess agricultural soil for landscaping purposes. Landowner consent will be required prior to the creation of these landscaping features.

<i>Table 1.1 (Good Practice Measures – Agriculture and Soils)</i>	
<i>Ref</i>	<i>Good Practice Measures</i>
<i>Agriculture and Soils</i>	
<i>AS10</i>	<i>Pre-construction soil surveys will be undertaken in areas of underground cable at suitable spacings where soil stripping is proposed and no existing soil survey data is available. This would support the development of detailed soil management measures and will provide soil information to inform the handling, movement and reinstatement of soil during construction.</i>

4.1.8 AS10 states that detailed soil management measures will be developed based on further site assessment. Clarification on the format of these detailed soil management measures is required.

4.1.9 There is a detailed soil survey available for sections of the site, however, there is no description of the sensitivity of the individual soil types to compaction and erosion (for example by a breakdown by texture). While the detailed information is not needed in the CEMP, a reference to where it can be found is required. For clarity, it was determined that this is not covered within the ES Chapter.

5 CEMP APPENDIX B REGISTER OF ENVIRONMENTAL ACTIONS AND COMMITMENTS (REAC) (REP6-023)

5.1.1 The Author has no comment on this section. It is anticipated that addressing other concerns within the CEMP will require this register to be updated and expanded.

6 CONCLUSIONS

- 6.1.1 The CEMP (REP6-021) and appendices do not contain adequate information to prevent soil loss, soil damage and land degradation. The CEMP (REP6-021) refers to other documents that might contain this information. These references are either circular or refer to documents that do not contain adequate information or any of the content expected.
- 6.1.2 The conclusion in paragraph 11.1.1 of the CEMP (REP6-021) stating that a Soil Management Plan (SMP) is not required because the information is already available is not considered as adequate. It is not possible to use the CEMP and the associated document to access the information required to prevent soil loss, soil damage or the degradation of land quality.
- 6.1.3 This can be addressed by the creation of an outline soil management plan provided a detailed soil management plan is also expected to be created. This would provide a centralised reference that covers measures needed to protect a highly valuable and sensitive receptor (Soil and Land)
- 6.1.4 As a final check, the Agricultural Land Classification Survey was reviewed, and it is confirmed that the proposed works will impact Best and Most Versatile (BMV) agricultural land. As such, it is recommended that a separate document be requested that is focused exclusively on soil management, provided as a soil management plan.

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