



Suffolk County Council (20041323)

Comments on Responses to the Examining Authority's Further Written Questions (ExQ2)

Bramford to Twinstead (EN020002)

Deadline 8

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Glossary of Acronyms

<i>DCO</i>	<i>Development Consent Orders</i>
<i>EIA</i>	<i>Environmental Impact Assessment</i>
<i>ExA</i>	<i>Examining Authority</i>
<i>ExQ</i>	<i>Examining Authority’s Written Questions</i>
<i>ISH</i>	<i>Issue Specific Hearing</i>
<i>LHA</i>	<i>Local Highways Authority</i>
<i>PROW</i>	<i>Public Rights of Way</i>
<i>SCCAS</i>	<i>Suffolk County Council Archaeological Service</i>
<i>SuDS</i>	<i>Sustainable Drainage Systems</i>

“The Council” / “SCC” refers to Suffolk County Council; “The Host Authorities” refers to Suffolk County Council, Babergh and Mid Suffolk District Councils, Essex County Council, and Braintree District Council.

Purpose of this Submission

The purpose of this submission is to provide comments to the Applicant’s responses to the Examining Authority’s Second Written Questions **[REP7-025]**. Examination Library references are used throughout to assist readers.

1 Comments on the Applicant’s Responses to the Examining Authority’s Second Written Questions [REP7-025]

Table 1: SCC Table of Comments on the Applicant’s Response to the ExA’s Second Further Questions [REP7-025]				
Ref	Topic	Ref No.	Applicant’s Answer	SCC’s Comment
1a	Potential wording for Detailed Management Plans Requirement 4	DC2.6.16	<p>Taking account of the matters stipulated by the Examining Authority in DC2.6.16, the Applicant suggests, on a strictly without prejudice basis, the following by way of alternative wording for Requirement 4:</p> <p>Management Plans 4—(1) No stage of the authorised development may commence until, for that stage, the following plans as relevant to that stage have been submitted to and approved by the relevant planning authority or other discharging authority as may be appropriate to the relevant plan concerned, and in the case of the Construction Traffic Management Plan, the relevant highway authority—</p> <p>(a) A Construction Environmental Management Plan (which must be substantially in accordance with the Outline Construction Environmental Management Plan);</p>	<p>SCC (Planning) welcomes the revised wording which would enable the discharge of detailed management plans that would have the advantage of having input from the main contractor.</p> <p>SCC (Planning) is already in discussion with NGET in respect of the Planning Performance Agreement to enable the discharge of requirements process. Costings have been drawn up on a modular basis to enable flexibility if the outline/detailed management plan process were to be adopted.</p> <p>SCC is practised in the discharge of requirements and is willing enter early discussions with NGET in respect of the relevant discharging matters in order to be able to expedite approvals.</p> <p>Besides the Construction Traffic Management Plan SCC would expect to be the discharging authority for the Materials and Waste Management Plan, and also the Public Rights of Way Management Plan.</p>

			<p>(b) A Materials and Waste Management Plan (which must be substantially in accordance with the Outline Materials and Waste Management Plan);</p> <p>(c) A Construction Traffic Management Plan (which must be substantially in accordance with the Outline Construction Traffic Management Plan);</p> <p>(d) A Landscape and Ecological Management Plan (which must be substantially in accordance with the Outline Landscape and Ecological Management Plan); and</p> <p>(e) A Public Rights of Way Management Plan (which must be substantially in accordance with the Outline Public Rights of Way Management Plan).</p> <p>(2) All construction works forming part of the authorised development must be carried out in accordance with the plans listed in sub-paragraph (1) above, unless otherwise agreed with the relevant planning authority or other discharging authority as may be appropriate to the relevant plan concerned, and in the case of the Construction Traffic Management Plan, the relevant highway authority.</p>	
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		<p>(3) For the avoidance of doubt, all pre-commencement operations must be carried out in accordance with the Outline Construction Environmental Management Plan, the Outline Materials and Waste Management Plan, the Outline Construction Traffic Management Plan, the Outline Landscape and Ecological Management Plan and the Outline Public Rights of Way Management Plan unless otherwise agreed with the relevant planning authority or other discharging authority as may be appropriate to the relevant plan concerned, and in the case of the Outline Construction Traffic Management Plan, the relevant highway authority.</p> <p>The Applicant would also anticipate consequential amendments being made to the draft DCO [REP6-003] as follows:</p> <p>(a) To the following defined terms in Article 2(1) and Schedule 17 so as to reflect the fact that existing documents submitted as part of the Examination and referenced in the draft DCO [REP6-003] would then be 'Outline' versions of the same: Construction Environmental Management Plan, Materials and Waste Management Plan, Construction Traffic</p>	
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		<p>Management Plan, Landscape and Ecological Management Plan and Public Rights of Way Management Plan;</p> <p>(b) Article 46, where reference is currently made in sub-paragraphs (1), (2) and (3) to the CEMP. References would instead need to be to the particular CEMP as approved pursuant to sub-paragraph (1) of Requirement 4;</p> <p>(c) Article 49, where reference is currently made in sub-paragraph (8) to the LEMP [REP3-034]. Reference would instead need to be to the particular LEMP [REP3-034] as approved pursuant to sub-paragraph (1) of Requirement 4; and</p> <p>(d) Requirements 8 and 9, where reference is currently made in sub-paragraphs (3) and (4), respectively, to the LEMP [REP3-034]. Reference would instead need to be to the particular LEMP [REP3-034] as approved pursuant to sub-paragraph (1) of Requirement 4.</p> <p>For the avoidance of doubt, the above wording is submitted solely on a without prejudice basis and is not reflective of the Applicant's primary contention. There remains disagreement between the Applicant and the relevant planning</p>	
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			<p>authorities over what should be contained within the Management Plans (for example whether or not an absolute cap on vehicle numbers should be included within the CTMP). These disagreements are not due to a lack of design detail being available but because the parties disagree about what detail it is necessary and proportionate to secure in the Management Plans. This disagreement would remain regardless of whether the plans are considered “outline” or “final” and requiring the Applicant to seek approval for these plans again prior to construction is unlikely to change either parties’ position. Therefore, inclusion of the amended Requirement 4 above could result in a delay during discharge of the Requirement, which in turn could affect timescales for project delivery.</p> <p>If the above alternative wording were adopted by the ExA, then there would be programme implications as set out by the Applicant in evidence to date.</p>	
1b	National Landscape and Landscape Assessment	LV2.9.1	The Applicant does not consider that the LURA has any impacts on the project or the impact assessments that have been	Please see SCC’s complete comments on this matter in SCC’s Deadline 7 Submission – Response to ExQ2 [REP7-033] .

			submitted as part of the application for development consent.	SCC (Planning) considers that this is a significant change from “Duty of Regard” to “Further of Purposes” and supports the view of the DVNLSVP, expressed in its answer, that the Applicant should review its perception of the Dedham Vale National Landscape.
1c		LV2.9.2	The Applicant does not consider that it would be appropriate to provide for a landscape restoration fund and a managing officer as part of the DCO. This would be completely disproportionate to the scale of the limited and localised residual effects that are likely to occur on the project. It would also not meet National Grid’s duty under the Electricity Act to consumers to be economic and efficient. Any proposed funding mechanism of this nature would not change the outcome of the residual effects to the receptors that experience the effect. Instead, the compensation would be used to increase the benefits elsewhere within the region, which the Applicant considers to be unnecessary given the wider environmental benefits as a result of the project from the removal of the 132kV and parts of the 400kV overhead lines, undergrounding of the 400kV line within Dedham Vale AONB and parts of the Stour Valley and the environmental gain	<p>SCC (Landscape) disagrees with the view of the Applicant that it would not be appropriate to provide for a landscape restoration fund and a managing officer as part of the DCO.</p> <p>SCC (Landscape) considers the very fact that residual effects would remain and affect visual receptors, i.e. local residents and visitors to the area, is precisely the argument for having such a funding mechanism. The funding would be invested in the area and communities affected by the scheme into measures of landscape restoration and improved access to the countryside.</p> <p>SCC (Landscape) is of the view that the removal of the 132kV and parts of the 400kV overhead lines is embedded mitigation which lessens the adverse effects the new 400kV line might otherwise have resulted in. It does not, however compensate for the residual effects of the scheme.</p>

			proposed within the Environmental Gain Report [APP-176] .	
1d	Visual Assessment	LV2.9.4		<p>SCC (Landscape) welcomes the additional hedge planting included by the Applicant on the south-western boundary of the Stour Valley West CSE compound, shown on The Vegetation Reinstatement Plan [Sheet 28, [REP7-009]], which will help to soften and filter the views to the compound, especially as the compound would be slightly sunken in comparison to the surrounding contours.</p> <p>SCC (Landscape) would support further planting to the south-east of Mabb’s Corner, regardless, whether it would be for mitigation or biodiversity net gain.</p>
1e		Lv2.9.6	<p>The LEMP Appendices including Appendix A: Vegetation Retention and Removal Plan (documents 7.8.1 (B)) and Appendix B: Vegetation Reinstatement Plan (document 7.8.2 (C)) are based on the Proposed Alignment shown on the General Arrangement Plans [APP-018]. This is based on the current designs. However, the detailed design would be undertaken by the Main Works Contractor, when appointed, and therefore could change within the flexibility provided by the Limits of Deviation. The vegetation to be removed and therefore reinstated, could change from that assumed in the</p>	<p>When read together, the first and last paragraph of the Applicant’s response (see on the left) seem to state that while there may be necessary changes to vegetation removal and reinstatement as the detailed designs emerge, it can already be said with some certainty that these changes would not result in new or different significant effects.</p> <p>While SCC (Landscape) is concerned that the changes within the LoD during the detailed design stage may result in additional vegetation losses in some areas, the Council would seek reassurance form the Applicant that the changes during the design stages and within the limits of the LoD would actively seek to reduce vegetation losses, wherever possible. Given that the</p>

		<p>LEMP, and the Appendices would need to be updated. Requirements 8, 9 and 10 of the draft DCO [REP6-003] secure this later discharge with the relevant planning authorities in respect of LEMP Appendix A: Vegetation Retention and Removal Plan (document 7.8.1 (B)), LEMP Appendix B: Vegetation Reinstatement Plan (document 7.8.2 (C)) and LEMP Appendix C: Planting Schedules (document 7.8.3 (B)), to provide the relevant planning authorities with details of the vegetation affected and the planting proposals once confirmed.</p> <p>...</p> <p>...</p> <p>Hedgerows and trees are considered in ES Chapter 6: Landscape and Visual [APP-074] as an important part of the landscape character and for the screening they provide. They are also considered in ES Chapter 7: Biodiversity [REP6-009] in terms of their habitat value. Both chapters conclude (in Section 11 of the respective chapters) that there would be no new or different likely significant effects to those identified in Sections 6 to 10 of the</p>	<p>assessments were based on a worst-case scenario, this should be a central part of the detailed design stage and micro-siting but does not appear to be given the attention it requires.</p>
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			respective chapters when taking into account the flexibility provided by the LoD.	
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