



Dedham Vale
National
Landscape
& Stour Valley

Our Ref: BTNO

Date: 9 February 2024

Enquiries to: Graham Gunby; Mark Woodger; Mathew Wilde, Bron Curtis, Simon Amstutz

Tel: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]

Email: [REDACTED]
[REDACTED]
[REDACTED]

Via Portal

For the attention of Jake Stephens

Dear Mr Stephens,

BRAMFORD TO TWINSTEAD EN020002
ESSEX COUNTY COUNCIL 20041299
SUFFOLK COUNTY COUNCIL 20041323
BRAINTREE DISTRICT COUNCIL 20031141
BABERGH DISTRICT COUNCIL AND MID SUFFOLK DISTRICT COUNCIL 20041302

This letter is a joint written representation on behalf of Essex County Council, Suffolk County Council, Braintree District Council, Babergh District Council, Mid Suffolk District Council and the Dedham Vale National Landscape & Stour Valley. Collectively, these organisations will be referred to as 'The Councils' in this representation.

Whilst the need for grid reinforcement is acknowledged, the principle of the scheme is accepted, and the fundamental mitigation proposed, such as undergrounding in the Stour Valley and removal of redundant 132kV transmission lines, is supported, the Councils consider that the proposals for implementation and control of the construction of the proposed development, are inadequate. The Councils also consider that

restrictions on working hours are insufficient, the inadequacy of mitigation and compensation measures, the substantially insufficient fees for discharge requirements, and non-committal approach on side agreements.

These inadequacies are so profound that the Councils consider they are likely to render the promoter's proposals for the scheme unacceptable. Therefore, the Councils are considering moving to a position of formal objection. This unfortunate outcome may be avoided if the following matters are addressed by the applicant.

Adequacy of Management Plans

The Councils consider that the following management plans require substantial revision, due to insufficient detail, these issues are exacerbated by the lack of a commitment to a two-stage, (outline and final) process, in accordance with the comments submitted to the examination:

1. Construction Environmental Management Plan (CEMP);
2. Outline Written Scheme of Investigation (OWSI);
3. Construction Traffic Management Plan (CTMP);
4. Landscape and Ecological Management Plan (LEMP); and,
5. Public Rights of Way Management Plan (PRoWMP).

Adequacy of Landscape Mitigation and Compensation

The Councils do not consider that the current proposals for landscape and visual mitigation are adequate, they consider that a strategic landscape restoration scheme for the project is required, to fully mitigate and to compensate for the adverse effects on the landscape and the communities affected by the scheme. To avoid any potential delay in the determination of the applications, the Councils would be content that this could be secured by an additional Requirement to Schedule 4 of the draft Development Consent Order.

Control and supervision of the execution and aftercare of landscape and ecological mitigation, and Biodiversity Net Gain, by Local Planning Authorities

The Councils consider that the provisions for aftercare are not acceptable in the current iteration of the scheme. Firstly, the aftercare period for some elements of the mitigative planting is inadequate. This is crucial because if the proposed ecological mitigation fails, then Biodiversity Net Gain cannot, by definition, be achieved; as the mitigation measures will not have eliminated the impacts of the scheme, to which Net Gain must be a genuine addition. This outcome would also mean that the Applicant would not meet their Ofgem licence requirements. Secondly, the lack of control afforded to the relevant local authorities in the process of aftercare, for mitigation and Biodiversity Net Gain, and consequently, the inability for the Councils to monitor and

secure satisfactory outcomes on behalf of the communities they represent, is wholly unacceptable.

Finalisation of management plans and discharge of requirements

The Councils consider that a further detailed finalisation stage of these plans, secured by requirements to discharge detailed versions of them, as proposed by the Examining Authority at Deadline 7, is essential. However, the Councils consider that the above management plans are so deficient that, without amendment, even a two-stage process via requirement would not overcome many of the issues identified by the Councils throughout the examination process. As such, for the avoidance of doubt, the Councils consider that the Management Plans listed above require updating, and should be changed to outline versions, with formal discharge via requirement/s for the final versions, once a lead contractor has been appointed by the applicant.

The Councils welcome the Examining Authority's amendment to extend the period of notice to the undertaker of the relevant authority's decision from 28 to 35 days, however, the Councils would expect this to extend to 56 days. The Councils consider that this additional time is reasonable and appropriate, given the multiple simultaneous NSIPs that are being dealt with by the Local Authorities in Suffolk and Essex.

Working hours

The Councils welcome the Examining Authority's amendment to restrict the working hours. However, the Councils suggest that it would be appropriate for this to be expanded to include Saturday afternoons, in addition to Sundays and Bank Holidays as proposed. This arrangement would align with the working hours that are used for quarries and related workings, which are consented and controlled by County Councils.

In addition to these five significant matters, which are likely to make the proposal unacceptable to the Councils if they are not resolved, the Councils also have other significant concerns with respect to the following matters.

Schedule 4 (Discharge of Requirements) Fees

The Councils are disappointed with the Examining Authority's minor amendment to the Schedule 4 Fees from £116 to £145. Instead, the Councils suggest adding a clause to (3)(1)(b) that reads as follows: "a fee of £145 per request, unless otherwise agreed".

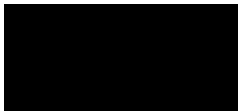
Side Agreements (An update on community benefits)

Whilst the Councils understand that community benefits are not a material planning consideration, the Councils are concerned that the Applicant is not forthcoming in their commitment to the provision of community benefits, or the value of these benefits, as outlined in Item 15b [REP6-059], paragraphs 12.1.1 to 12.1.6 [REP7-029]. If this is

not the case, it is suggested that a letter of comfort from National Grid and/or the regulator, Ofgem, would be appropriate, for the avoidance of doubt.

The Councils are also concerned that the Applicant continues to place socio-economic matters into community benefits, despite the fact that adverse socio-economic impacts are a material planning consideration. The Councils understand that this is due to the Applicant scoping out socio-economic impacts, however, the Councils consider that matters which should properly be dealt with by the application of the mitigation hierarchy should not be addressed through community benefits. Therefore, these should be included as part of the project's embedded mitigation or compensation, and secured by agreement.

Yours sincerely,



Graham Gunby

National
Infrastructure
Planning Manager
Suffolk County
Council



Mark Woodger

Principal Planning
Officer (National
Infrastructure)
Essex County
Council



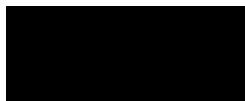
Mathew Wilde

Senior Planner
Braintree District
Council



Bron Curtis

Principal Planning
Officer
Babergh and Mid
Suffolk District
Councils



Simon Amstutz

AONB Manager
Dedham Vale
National
Landscape &
Stour Valley