

Bramford to Twinstead Reinforcement

Volume 8: Examination Submissions

Document 8.10.3: Applicant's Comments on Responses to Second Written Questions

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Introduction

Document Purpose

This document provides the Applicant's comments on the responses provided by other interested parties and affected persons to the Examining Authority's Further Written Questions (ExQ2) [PD-008] received on 22 December 2023. This document contains comments on the responses to questions addressed to other parties (or other parties as well as the Applicant) which were submitted at Deadline 7 (17 January 2024). The Applicant has not provided any further comments on those questions directed solely to the Applicant, as the responses are provided in Applicant's Responses to Second Written Questions [REP7-025] submitted at Deadline 7.

Project Overview

National Grid Electricity Transmission plc (here on referred to as 'the Applicant') has made an application for development consent to reinforce the transmission network between Bramford Substation in Suffolk, and Twinstead Tee in Essex. The Bramford to Twinstead Reinforcement ('the project') would be achieved by the construction and operation of a new electricity transmission line over a distance of approximately 29km (18 miles), the majority of which would follow the general alignment of the existing overhead line network.

The application for development consent was accepted for Examination on the 23 May 2023.

Structure of the Document

This document has been structured to align with the numbering used within the ExQ2 [PD-008]. Therefore, the document starts at '0' in terms of the numbering of the chapters and continues through to Chapter 13.

The responses provided by other parties have largely been included verbatim. However, on occasion the Applicant has paraphrased this response and made other stylistic/ grammatical changes to the text. It is not considered that these changes are material to the response provided; however, in the first instance, the Applicant would direct the reader to the original response.

The written question responses received from other parties are:

- Suffolk County Council (SCC) [REP7-033];

- Babergh District Council and Mid Suffolk District Council (BMSDC) [REP7-028];
- Braintree District Council (BDC) and Essex County Council (ECC) [REP7-029];
- Dedham Vale National Landscape and Stour Valley Partnership (DVNLSVP) [REP7-040];
- Environment Agency [REP7-036];
- Historic England [REP7-037];
- Suffolk Preservation Society [REP7-039];
- Natural England [REP7-038];
- Bob Cowlin [REP7-041];
- Nick Miller [REP7-042];
- Francis Prosser [REP7-043]; and
- Robert Shelley [REP7-045].

0. Miscellaneous and General

0.1 General and Cross-Topic

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to Second Written Questions [REP7-025] submitted at Deadline 7.

0.2 Legislation and Policy

Table 0.2. – Legislation and Policy

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
MG2.0.2	The Applicant and all Interested Parties (IPs)	On 22 November 2023, the Department for Energy Security and Net Zero published an updated version of the draft National Policy Statements for Energy (NPS) EN-1 to NPS EN-5). These include some changes relating to the decision making process for low carbon generation National Significant Infrastructure Project (NSIP) applications and electricity connections. The revised draft Statements have been laid before Parliament but were yet to be designated at the time of the publication of these	<p><u>Babergh and Mid Suffolk District Councils (Joint Response) and Suffolk County Council</u></p> <p>Babergh and Mid Suffolk District Councils quote paragraph 1.6.3 of revised EN-1, published 22 November 2023, which states the transitional arrangements in respect to the replacement NPS.</p> <p>Babergh and Mid Suffolk District Councils comment that Section 4.2, Critical National Priority (CNP) Infrastructure, is relevant to the project, noting that adaptive management is now included in national policy and is, therefore, a consideration in regard to the mitigation hierarchy and its operation.</p> <p>The Councils also draw the Examining Authority's attention to the requirements in paragraphs 4.2.10 to 4.2.12 of revised EN-1 which details the relationship between CNP and the mitigation hierarchy. Babergh and Mid Suffolk District Councils also quote paragraph 2.11.6 of revised EN-5 which considers the use of undergrounding in protected landscapes.</p> <p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>EN-1, is the UK Government's overarching strategy for energy. These emerging policies are material to the decision-making</p>	<p>The Applicant refers to its response provided at MG2.0.2 of the Applicant's Responses to Second Written Questions [REP7-025] submitted at Deadline 7.</p> <p>The Applicant does not consider adaptive management applies to the project, as the likely significant effects and proposed mitigation are well understood based on knowledge from similar projects.</p> <p>The Applicant provided a full response to comments on EN-1 policy on the mitigation hierarchy in section 6c of document 8.7.3 Applicant's Comments on Other Submissions Received at Deadline 4 [REP5-025]. The Applicant considers that the project complies fully with paragraphs 4.2.10 to 4.2.12.</p> <p>The Applicant would reiterate that whilst compensation is a component of the mitigation hierarchy, it is not treated in the same way as the other three elements of the hierarchy in planning policy terms. Paragraph 4.2.11 of EN-1 states that <i>'Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced</i></p>

Reference	Question	Question To:	Response from Interested Party or Affected Person	Applicant's Comments
	ExQ2.	Do any parties have any comments on the potential effect of the changes set out in the relevant November 2023 draft versions of the Energy NPS on matters related to this application, compared to the March 2023 draft versions of the Energy NPS?	<p>process but should not replace the currently adopted NPS as the starting point for decision making on this project.</p> <p>BDC/ECC also provide the same response as BMSDC in relation to paragraphs 4.2.10 to 4.2.12 of revised EN-1.</p>	<i>or mitigated</i> '. This sentence does not include the fourth element of the hierarchy, compensation.
MG2.0.3	The Applicant Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council	The Government published an updated National Planning Policy Framework (NPPF) accompanied by a written ministerial statement on 19 December 2023. Do you have any comments on the potential effect of the changes this brings to the wider planning policy framework on matters related to this application?	<p><u>Babergh and Mid Suffolk District Councils (Joint Response) and Suffolk County Council</u></p> <p>The NPPF forms part of the overall framework of national planning policy and is a material consideration. However, it is not considered that there any particular implications arising out of the publication of the latest version.</p> <p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>This revised Framework replaces the previous NPPF published in March 2012, revised in July 2018, updated in February 2019 and revised in July 2021. Consideration has been given to the proposed changes to the NPPF, although, updates are limited to planning for onshore wind development in England and, therefore, has limited relevance to the project.</p> <p>Whilst the NPPF does not contain policies relating to electricity networks infrastructure, it does contain policy for conserving and enhancing the natural and historic environment.</p> <p>These are to set out three overarching principles of the planning system, these being economic, social and environmental objectives which have to be applied to any as proposed development. The Council's are of the view that the proposals will in broad terms give</p>	Generally, the Interested Parties and the Applicant are in agreement on the potential effect of the NPPF changes to the wider planning policy framework on matters related to the project. The Applicant refers to its response provided at MG2.0.3 of the Applicant's Responses to Second Written Questions [REP7-025] submitted at Deadline 7.

Reference	Question	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>the requisite benefits as are needed to assess its suitability in accordance with the new NPPF.</p> <p>However, such broad policy compliance should be assessed in light of what are considered the material impact of the development will have on adverse impacts which is as set out in detail within The Council's evidence. Hence the consideration of this Development Consent Order (DCO) proposal must be considered in balance.</p>	
MG2.0.5	Essex County Council	Can you provide a progress update on the current review of the Essex Minerals Local Plan (MLP) and whether there are likely to be any changes in mineral land use policy within the Order Limits of the Proposed Development ([REP1-039], paragraph 5.2.3)?	<p><u>Essex County Council</u></p> <p>The MLP is still undergoing review, with a Regulation 18 consultation taking place in February 2024. This review has not yet reached Regulation 19 stage and therefore, the Minerals and Waste Planning Authority currently places no weight on any proposed amendments to relevant policies.</p>	The Applicant notes the response and also places no weight on any proposed amendments to relevant policies contained in the Essex Minerals Local Plan.
MG2.0.8	The Applicant Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council	What weight do you consider should be given in this Examination to the Department for Energy Security and Net Zero publication Transmission Acceleration Action Plan - Government response to the Electricity Networks Commissioner's report on accelerating electricity transmission network build	<p><u>Babergh and Mid Suffolk District Councils (Joint Response) and Suffolk County Council</u></p> <p>There are not any particular implications arising out of the publication of the report. It is understood that the proposed development is already on a tight timescale</p> <hr/> <p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>The Action Plan sets out a holistic approach looking at every part of the design and delivery of electricity transmission infrastructure and the Government endorses the package of recommendations contained within the Winsor Report in the Action Plan. It is considered that this overarching Plan should also be considered in the planning balance. The Joint Councils are aware of the applicant's claim that they are working to a tight timescale.</p>	The Applicant has no further comments to make and refers to its response provided at MG2.0.8 of the Applicant's Responses to Second Written Questions [REP7-025] submitted at Deadline 7.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
MG2.0.9	The Applicant Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council	What policy weight do you consider should be given in this Examination to the Department for Levelling Up, Housing and Communities' policy paper Getting Great Britain building again: Speeding up infrastructure delivery (November 2023)?	<p><u>Babergh and Mid Suffolk District Councils (Joint Response) and Suffolk County Council</u></p> <p>This document forms part of the overall framework of national planning policy and is a material consideration.</p> <p>SCC also note that it is not considered that there any particular implications arising out of the publication of the policy paper.</p> <hr/> <p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>This prospectus sets out how the UK will go further to build the infrastructure of the future faster and cheaper, to prepare Great Britain for the challenges of the coming decades and lay the foundations for the economic infrastructure of the future, to ensure that everyone across our country benefits in the opportunities ahead. The Councils recognise that new electricity transmission projects, as the UK gears up to revolutionise the way in which electricity is generated by UK based renewable energy sources, are a necessity to include proposals which can be delivered quickly, with certainty, and will deliver the projects necessary to enable this transformation to take place. The Council's therefore consider that policy weight should be given to this policy paper.</p>	The Applicant has no further comments to make and refers to its response provided at MG2.0.9 of the Applicant's Responses to Second Written Questions [REP7-025] submitted at Deadline 7.

0.3 The Proposed Development

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to Second Written Questions [REP7-025] submitted at Deadline 7.

0.4 Alternatives

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to Second Written Questions [REP7-025] submitted at Deadline 7.

0.5 Socio-Economics and Other Community Matters: Employment

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to Second Written Questions [REP7-025] submitted at Deadline 7.

0.7 Socio-Economics and Other Community Matters: Business

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to Second Written Questions [REP7-025] submitted at Deadline 7.

0.8 Socio-Economics and Other Community Matters: Local Residents and Community

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to Second Written Questions [REP7-025] submitted at Deadline 7.

1. Air Quality and Emissions

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to Second Written Questions [REP7-025] submitted at Deadline 7.

2. Approach to the EIA and the ES, Including Cumulative Effects

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to Second Written Questions [REP7-025] submitted at Deadline 7.

3. Biodiversity, Ecology and Nature Conservation, Including HRA Matters

Table 3.1 – Biodiversity, Ecology and Nature Conservation, Including Habitats Regulation Assessment (HRA) Matters

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant’s Comments
EC2.3.1	The Applicant Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council Natural England	The November 2023 draft NPS for Electricity Networks Infrastructure (NPS EN-5) notes at paragraph 2.10.8 that long-term management of mitigation schemes is essential and that the relevant management plan should include a realistic timescale to secure the integrity and benefit of landscape and biodiversity commitments made to achieve consent. To what extent do you believe this draft policy is important and relevant to the Examination? Do you consider the current commitments made in relation to the maintenance and aftercare of mitigation planting and Biodiversity Net Gain measures (summarised, for example, in the Applicant’s response to comments from the Essex councils at Deadline 5 [REP5-025]) sufficient to meet this policy aspiration?	<p><u>Babergh and Mid Suffolk District Councils (Joint Response)</u></p> <p>NPS EN-5 is relevant and 2.10.8 actually states: <i>“Furthermore, since long-term management of the selected mitigation schemes is essential to their mitigating function, a management plan, developed at least in outline at the conclusion of the examination, and which sets out proposals within a realistic timescale, should secure the integrity and benefit of these schemes.”</i> This NPS is therefore relevant as it demonstrates that the final management plans are not needed at this stage and cannot be expected to contain all the final details.</p> <p>[REP6-046] states at 3.3.2 that the objectives of the Landscape and Ecological Management Plan (LEMP) <i>“To outline the provision of the details that would form both species protection and landscape mitigation (including compensation for habitats lost) planting schemes.”</i> The final provision can therefore only be prepared for the final LEMP post DCO.</p> <p>To meet the aspiration of NPS EN-5, the maintenance and aftercare of mitigation planting, the current</p>	<p>The Applicant notes that paragraph 2.10.8 of EN-5 states that a management plan should be developed <i>‘at least in outline’</i>. This means that this is the lowest acceptable level and therefore it is quite acceptable for a management plan to go beyond this level to a final plan.</p> <p>The Applicant also questions the term ‘final details’. The purpose of the management plans is to secure the mitigation relied on to mitigate likely significant effects identified through the Environmental Statement (ES). The purpose of the management plan is not to confirm every ‘final detail’ relating to the construction of the project.</p> <p>The Applicant has responded to the duration of aftercare in response to question DC1.6.92 in the Applicant’s Response to First Written Questions [REP3-052].</p> <p>The Applicant has responded to the Councils’ joint Landscape and Ecological Management Plan Document Review [REP5-035] in the Applicant’s Response to Interested Party Comments on Management Plans [REP7-022].</p>

Reference Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p>commitments need to be extended to the appropriate timescales for delivery of the promised Biodiversity Net Gain condition and secure the integrity and benefit of these schemes, not just 5 years aftercare and hand back to the landowner!</p> <p>The commitments in the current LEMP do not constitute realistic timescales to secure the integrity and benefit of all landscape and biodiversity commitments made to achieve consent. The Councils' have proposed alternative and additional commitments within the LEMP See Councils' joint Landscape and Ecological Management Plan Document Review [REP5-035].</p>	
		<p><u>Suffolk County Council</u></p> <p>SCC considers paragraph 2.10.8 of, and the wider November 2023 draft NPS EN-5 to be important and relevant to the examination. This includes the uncertainty in weather patterns experienced over the recent years. It is no longer possible to assume that following a five-year aftercare period, all plantings will have established and be on their way to maturity. This is why SCC advocates a dynamic aftercare (see Local Impact Report (LIR) [REP1-045], paragraph 6.30), which puts greater weight on outcomes (i.e., successful establishment) than on fixed timescales.</p>	
		<p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>The BDC/ECC response raises the same points as BMSDC above in relation to Paragraph 2.10.8 of EN-5, which it argues demonstrates that the final management plans are not needed at this stage and cannot be expected to contain all the final details, and also in relation to duration of the aftercare period.</p>	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><u>Natural England</u></p> <p>Natural England agrees that the draft NPS is important and relevant to the examination. However, given the time scale of expected adoption with the draft policy coming into force in early 2024, without an exact date determined, it is for the examining authority to determine the weight placed on it.</p> <p>Natural England provided a response to reference EC1.3.6 of the Examining Authority's First Written Questions, noting we mostly accepted the aftercare period of 5 years for new or reinstated woodland, trees and hedgerows, with further comment on scenarios where this time should be extended. Natural England welcomes the Applicant's commitment in paragraph 9.1.2 of the LEMP, which confirms an extended aftercare period for mitigation planting at the grid supply point (GSP) substation and cable sealing end (CSE) compounds for the lifetime of the assets. In addition, they have stated they will maintain the area at Hintlesham Woods Site of Special Scientific Interest (SSSI) for 30 years. This is in line with mandatory Biodiversity Net Gain, which requires that the land manager is responsible for managing that habitat for at least 30 years to achieve the target condition.</p>	
EC2.3.3	The Applicant Natural England	Can you provide an update on negotiations [REP5-038] about the commitment (EM-AB17) to restrict construction works and ongoing maintenance at Hintlesham Woods SSSI to the existing maintenance swathe and the corresponding updating of the Landscape and Ecological Management Plan (LEMP) and Register of Environmental Actions and Commitments	<p><u>Natural England</u></p> <p>As stated in paragraph 7.1. of Natural England's response to the Document 8.5.12: Technical Note on Ancient and Potential Ancient Woodland [REP5-038], Natural England welcomes the Applicant's commitment to restrict works to within the existing managed swathe through Hintlesham Woods SSSI. We welcome the addition of commitment EM-AB17 provided in the REAC [REP6-023], which confirms this. However, it was not possible to identify reference to this commitment in the LEMP [REP3-034], which would be expected. Natural England continues to work with the Applicant on the</p>	The Applicant added EM-AB17 to the REAC (document 7.5.2 (E)) at Deadline 6 and also added the commitment at paragraph 6.7.3 in the LEMP at Deadline 7 [REP7-006] and considers this matter to be addressed. EM-AB17 in the REAC (document 7.5.2 (E)) states that ' <i>the Order Limits at Hintlesham Woods will be demarcated so that construction activities do not stray beyond the maintained swathe which is the same as the vegetation management that took place during the 2013 reconductoring works energisation</i> '.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		(REAC) at Deadline 6 [Examination Library references to be confirmed]? Can you indicate if and when this may be shown as resolved in your SoCG?	SoCG and will provide a revised version at Deadline 8 with our current position on this matter.	
EC2.3.6	Mr Nick Miller	Following your helpful submission of wildlife records into the Examination, the Applicant [REP4-029] has confirmed that it was aware of the sensitive habitats that you highlight in the Stour Valley and that these were a key consideration when it committed to undertake a trenchless crossing to the south of Ansell's Grove, which would not disturb the land surface or habitats in that area. This is secured as embedded measure EM-G08 in the REAC [REP4-018]. With this mitigation in mind, are you now content with the Applicant's assessment in this respect?	<p><u>Mr Nick Miller – the Applicant has paraphrased the response to the key points raised.</u></p> <p>I'm not content with the Applicant's assessment, and I maintain that the trenchless method is not a suitable mitigation of the effects on the Local Wildlife Site and the surrounding habitat and biodiversity of the Alphamstone section. I would again urge that a southern route past Alphamstone should be evaluated and I question why National Grid have chosen to cross exceptional habitat, instead of the arable land of a southern route.</p> <p>The key objections are in relation to:</p> <ul style="list-style-type: none"> • Impacts on dormouse; • An alternative route across arable land to the south of Alphamstone; and • Impacts from heat from cables and a 100m working swathe. 	<p>The Applicant respectfully disagrees with the IP and maintains that a trenchless crossing to the south of Ansell's Grove would avoid impacts to the overlying habitats. The depth of burial of the cables in the trenchless crossing would result in any heat arising from the cables being dissipated within the ground immediately surrounding the cable with a negligible impact on the sub-soil or top-soil temperatures.</p> <p>The 100m working swathe associated with the trenchless crossing is required to reduce the thermal interaction between the cable phases themselves and to allow for the appropriate power transfer.</p> <p>Alternative routes to the south of Alphamstone have been considered and ES Chapter 3: Alternatives Considered [APP-071] sets out the reasons why these have not been taken forward.</p> <p>The potential impacts on dormouse are set out in ES Chapter 7: Biodiversity [REP6-009], which concludes in paragraph 7.7.15 that the impact on the species would be negligible and the effect would be neutral and not significant.</p>
EC2.3.7	Environment Agency Natural England	The Applicant has said that it considers the Environment Agency to be the HRA	<p><u>Environment Agency</u></p> <p>Please consult both parties to allow for each to provide their respective responses. The Environment Agency are</p>	The Applicant maintains its view that the Environment Agency is the relevant authority in relation to surface and ground water quality.

Reference Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
	<p>competent authority with regards to the Hydrogeological Risk Assessment [REP5-013]. Natural England acknowledges that the Environment Agency is the relevant authority in relation to matters relating to groundwater and surface water quality but notes that it should be an advisor to other competent authorities in its role as the 'nature conservation body' (Regulation 5 of the Conservation of Habitats and Species Regulations 2017 (as amended)). It therefore considers it must be consulted on the hydrogeological risk assessment. What process would be followed to ensure this?</p>	<p>happy to work with Natural England should this be of assistance.</p> <p>Natural England</p> <p>As stated in the good practice measure GH07, which is recorded in the REAC, it states, 'The hydrogeological risk assessment will be submitted to the Environment Agency for approval prior to construction. The Environment Agency will have up to 21 working days to respond on the hydrogeological risk assessment and their comments will be considered as part of finalising the risk assessment.'</p> <p>Natural England request that we are provided the same opportunity as the Environment Agency to provide comment of the hydrogeological risk assessment and associated appropriate assessment. As detailed in the Environment Agency's response, they are happy to work with Natural England on this matter. Natural England cannot comment further on how we will be consulted as it is unclear whether this will be subject to a discharge of condition application, a permit application or by another mechanism.</p>	<p>However, in order to conclude this point, good practice measure GH07 in the CoCP (document 7.5.1 (C)) has been amended as follows (new text in red):</p> <p><i>GH07: A hydrogeological risk assessment will be undertaken once the trenchless crossing method has been confirmed. This will assess the risks on groundwater or surface water quality associated with the construction method including considering the potential for breakout during drilling and the use of bentonite or other agents proposed. Where the assessment identifies an unacceptable risk to groundwater or surface water quality, mitigation measures will be identified and/or alternative methods and/or additives shall be proposed, assessed and used. The hydrogeological risk assessment will be submitted to the Environment Agency for approval prior to construction. At the same time, the Applicant will submit the hydrogeological risk assessment to Natural England, along with the contact details for the Environment Agency. Natural England will be responsible for submitting any comments it has on the hydrogeological risk assessment to the Environment Agency for its consideration as part of the approval process.</i></p> <p><i>The Environment Agency will have up to 21 working days to respond on the hydrogeological risk assessment and their comments will be considered as part of finalising the risk assessment. This can be supported by a pre-submission draft to reduce the risk of any delays.</i></p>

4. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

Table 4.1 – Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
CA2.4.1	Robert Arthur David Cowlin	The Applicant's Comments on Written Representations ([REP3-048] pages 69 and 70) responded to your various concerns. Does the response allay them? If referring to specific features or suggested alternative routes in your response, can you clearly show these on a map or plan, such as by the annotation of a copy of Sheet 16 of the Applicant's Access, Rights of Way and Public Rights of Navigation Plans [APP-012] or the Work Plans [APP-010]?	<u>Robert Arthur David Cowlin</u> Sadly, the Applicant's response does not allay my concerns. It is clear that despite pleas by myself and my agent, the Applicant has not met me on site to look at the land and features affected. Therefore, their response has purely been made using remote resources such as Ordnance Survey and Google maps which are excellent in showing features on plan but are of limited use otherwise for showing existing gates, badger setts and very uneven and boggy ground. The Applicant states they have sought to 'find a route that has the least impact including vegetation removal' but how can they do that without a site inspection? I object to them making a new break in my hedge when an existing field gate can be used (see Point 1 on attached plan). I object to their route to remove Pylon PCB 66 because that crosses very uneven and boggy ground (Point 2) [REDCATED] and when a more practical route exists through the horse paddocks to the north.	The Applicant refers to the Applicant's Comments on Written Representations [REP3-048]. The Applicant has engaged with the Affected Person and has agreed heads of terms for a voluntary land agreement.
CA2.4.2	Simon J Gilbey on behalf of GVS Nott (trading as D P Nott & Sons)	The Applicant assessed your preferred route for the proposed haul road from the A131 to the Stour Valley West CSE compound in its Technical Note on Temporary Access Route off the A131 [REP4-009], which it	<u>No response found in Examination Library.</u>	The Applicant is unable to comment on this but would welcome further engagement from Simon J Gilbey on behalf of GVS Nott (trading as D P Nott & Sons).

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		refers to as Option 3c: Southern Variation of Option 2a for G Nott. Do you want to comment any further on its analysis and conclusions?		
CA2.4.3	Land Partners LLP on behalf of Peter Nott	The Applicant assessed your preferred route for the proposed haul road from the A131 to the Stour Valley West CSE compound in its Technical Note on Temporary Access Route off the A131 [REP4-009], which it refers to as Option 2e: Variation of Option 2a for P Nott. Do you want to comment any further on its analysis and conclusions?	<u>No response found in Examination Library.</u>	The Applicant is unable to comment on this but would welcome further engagement from Land Partners LLP on behalf of Peter Nott.
CA2.4.4	Francis Prosser	You are not listed in the Book of Reference [REP4-037]; is it correct in this respect?	<u>Francis Prosser</u> Interested Party doesn't directly answer this question.	The Applicant responded to this matter in CA2.4.4 of Applicant's Responses to Second Written Questions [REP7-025].
CA2.4.5	Francis Prosser	The Applicant has amended the Book of Reference [REP4-037] in respect of Plots 6-21 and 6-29. Are you satisfied that the amended entries correctly reflect parties with rights in that land?	<u>Francis Prosser</u> Regarding 6-21 and 6-29: as we are not owners of this land it would be best if this were confirmed with them. Regarding 6-30 (proposed temporary access to environmental area ENV 4). This is still not showing fully accurate ownership, in that one name is incorrect, despite information provided by owners and in correspondence with agents over some. National Grid did not get in touch to verify as I invited in my previous submission: the correct current ownership for this particular plot is: Mr Jeremy N Prosser and Mrs Patricia A Prosser. National	The owners of Plots 6-21 and 6-29 have not made a representation to state that this is incorrect and the Applicant through diligent enquiries believes that the details are correct. Regarding Plot 6-30, as proposed in the Applicant's Responses to Second Written Questions [REP7-025] the Applicant has taken proactive steps to seek to clarify in light of this information. The Book of Reference will be amended at Deadline 9 should this be required.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>Grid should get in touch to confirm their correspondence address / contact details (which they should have already).</p> <p>Regarding 6-31 (Access splay and Verges): this seems to list additional owners - we are double-checking our records here but invite National Grid to get in touch on this as well so we can verify with them, as well as needing to correct an owner name as per 6-30. Book of Reference [REP4-037].</p>	Plot 6-31 contains owners who the Applicant, following diligent enquiry, considers to have rights in the subsoil of half width of the public highway.
CA2.4.6	Francis Prosser	<p>In the Applicant's Comments on Other Submissions received at Deadline 3 [REP4-022] at Table 3.1.2 (Comments on Francis Prosser Deadline 3 Submission, pages 14-18), it responds to issues raised in your submission [AS-008]. Do you wish to comment on the Applicant's responses in respect of the following?</p> <ol style="list-style-type: none"> Proposed temporary access and use of land off A1071 (page 14). Need for proposed temporary access, including alternative to proposed temporary access and use of land off A1071. Scale of proposed temporary access and use of land off A1071. Land impact of proposed temporary 	<p>Francis Prosser – the Applicant has paraphrased the response to the key points raised.</p> <ol style="list-style-type: none"> Regarding the newly proposed and unnecessary screening right outside our house (ENV19), we would of course welcome the offer of renewed dialogue with the Applicant and trust that when they say it is for the “benefit of Rams Farm” (that’s us) and the benefit of “specific properties identified in the community assessment” (what is that assessment? Is it new?) that they do now actually ask us as the people who live there. Clearly it is for the owner/ farmer to comment on this but from observation I would have thought that this makes the remaining areas far harder and less economical to farm. We are at least reassured that the purpose of the ‘temporary’ access using our road entrance and track is for access to mitigation planting only in area ENV04. Other than the generic letters distributed about the so-called additional consultation in September 2022, none of us (that is none of the owners of plots at Rams Farm) received any specific letter relating to their property and the new, additional plans for additional temporary access using the properties’ entrance (as the Applicant’s response seems to suggest), or highlighting any expansion of the Order Limits. It is not reasonable to say that we were adequately consulted on a substantial change that included our property, until after the application was made, nor with any real opportunity to discuss the new, specific plans before then. We do recognise that National Grid have since engaged with us on a potential agreement after we approached them directly on these points in June 2023. 	<ol style="list-style-type: none"> The Applicant is committed to continued dialogue with all Affected Persons. The community assessment referenced by the Applicant is summarised in Table 6.7 of ES Chapter 6: Landscape and Visual [APP-074] and provided in paragraph 2.16.23 of ES Appendix 6.5: Assessment of Visual Effects on Communities [APP-108]. The Applicant is unaware of any representation being made regarding the impact on agricultural operations from the relevant landowner. As above. As above. Noted. In addition to the formal targeted consultation in September 2022 referenced by the Affected Person, Heads of Terms correspondence was issued to the Affected Person’s agent on 28 February 2023 (prior to the application for development consent being submitted) containing information on the rights sought over the Affected Persons land. As set out in the Applicant’s previous response [REP4-022] the Applicant can confirm that the proposed use of the land at

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p>access and use of land off A1071.</p> <p>5. Proposed temporary access and use of land off A1071 (page 16).</p> <p>6. Consultation on proposed temporary access and use of land off A1071.</p> <p>7. Changes of definitions.</p>	<p>7 We still do not think that the proposed planting is appropriate in this area ("ENV4"). However, even if it went ahead then the access as proposed is not needed in that form. We were also concerned that this access would be used for construction, particular when we noticed some change in wording in our proposed access agreement terms (HoTs), coupled with issue of maps in Land Plans April 2023 which clearly show the change of colour to green with the annotation 'Class 2' for Compulsory Acquisition which I understand to be for 'construction activities' i.e. at variance to the original consultation General Arrangement maps, which are annotated "Environmental Area" (and shown with no access).</p>	<p>ENV04 (shown as MM09 on LEMP Appendix B: Vegetation Reinstatement Plan [REP3-036]) has not changed since the start of the Examination and remains as described under Additional Mitigation EIA_B01 in the REAC [REP3-028]. Class 2 in the class of rights covers rights for environmental mitigation as well as for overhead line works. Reference should be made to the Works Plans [APP-010] sheet 6 of 30 which clearly shows that no new permanent electrical infrastructure would be authorised in this area.</p>
CA2.4.7	Robert Shelley	Does the updated Book of Reference submitted at Deadline 4 [REP4-036] correctly reflect your interests in land that might be affected by the Proposed Development?	<p><u>Robert Shelley</u></p> <p>We confirm that the updated Book of Reference now correctly reflects Robert Shelley's interest in land that might be affected by the Proposed Development.</p>	The Applicant notes this confirmation.

5. General Construction Matters

5.1 General Construction Matters

Table 5.1 – General Construction Matters

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
CM2.5.4	Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council Natural England	Further Applicant's response to Action Point 9 at Issue Specific Hearing 1 [REP1-034], and to the discussion in Issue Specific Hearing 5, can you confirm your position in relation to the use of phrases or words such as 'severe weather conditions', 'disrupted', 'interrupted', and 'delayed', especially if you believe them to be insufficiently precise to justify operations taking place outside the core working hours?	<p>to <u>Babergh and Mid Suffolk District Councils (Joint Response)</u></p> <p>It is important to ensure that works which may be classified as delays, disruptions and interruptions are clearly agreed. Further clarification is required in respect of these points, severe weather could be linked to Met Office severe weather warnings etc.</p> <hr/> <p><u>Suffolk County Council</u></p> <p>As first noted in SCC's post-hearing submission for ISH5 [REP6-056], under item 4.3, SCC wishes to propose the following wording in relation to "severe weather conditions" in Requirement 7(3)(g). That provision allows works delayed or held up by "severe weather conditions" to be completed outside the core working hours referred to in Requirement 7(1). While SCC accepts the fact that certain abnormal weather events might disrupt the undertaker's plans, SCC also considers it would be helpful if that term was defined and propose the inclusion of a further sub-paragraph after existing Requirement 7(4) (<i>see proposed wording in SCC's full response</i>).</p> <p>SCC would note the following: Paragraph 4 of SCC's Deadline 6 document Post-Hearing Submission for the Fifth Issue Specific Hearing (ISH5) on the draft Development Consent Order (DCO) and Related Matters [REP6-056] sets out SCC's position on Requirement 7 (construction hours).</p> <p>Regarding "severe weather conditions", SCC is content for the term to be included in Requirement 7 provided it is defined and accompanied by a provision requiring the undertaker to notify the relevant planning authority when and why works could not be done at the appropriate time. SCC's proposed amendments are below and SCC considers these changes help make Requirement 7 more precise.</p>	<p>As explained in the Applicant's own response to CM2.5.4 (see [REP7-025]), the Applicant's position as to the need to define certain words or phrases used in Requirement 7 remains as set out in Table 3.1, Item iii (Schedule 3, Requirement 7 of the draft DCO) of the Applicant's Written Summaries of Oral Submissions to Issue Specific Hearing 5 [REP6-042].</p> <p>Reference is also made to the Applicant's Comments on Other Submissions Received at Deadline 6 [REP7-026], in which the Applicant has responded to the specific drafting amendments proposed by SCC in relation to Requirement 7, including in respect of the proposed further restriction on heavy goods vehicle (HGV) movements.</p> <p>The Applicant's submissions in respect of the proposed amendments to Requirement 7 (concerning further restrictions on HGV movements) are captured in the Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's draft DCO also submitted at Deadline 8 (Document 8.10.2).</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p>(Replicated in paragraph 2.3.1 (2) of the Construction Environmental Management Plan (CEMP) [REP3-024]).</p>	<p>As mentioned at ISH5, SCC also considers Requirement 7 should make clear that “work” includes any pre-commencement operation and should state that lorry deliveries may not be made on Saturday afternoons, Sundays, and Bank holidays.</p> <p>Taken together, SCC would propose Requirement 7 is amended as follows (amendments shown underlined and bold) – (<i>see proposed wording in SCC’s full response</i>).</p>	
<u>Braintree District Council and Essex County Council (Joint Response)</u>				
<p>The Councils share SCC’s interpretation of what severe weather should be defined as: ‘severe weather’ means any weather conditions which prevent the undertaking of the relevant works during the permitted hours by reason of physical incapacity (whether for reasons of visibility, ground conditions, power availability, site access or otherwise) or being contrary to safe working practices.</p>				
<p>The Councils also comment more generally that additional works which have come about due to delays caused by severe weather conditions, have the potential to cause significant additional impacts – therefore it is important that this ability is not abused. Furthermore, The Councils consider that it would be pertinent to add a notification requirement (with reasons) to ensure that the contractor must explain why the works in question, could not be done at the appropriate time. A record should also be kept of any such working and be made available to the Host Authorities on request.</p>				
<u>Natural England</u>				
<p>With regards to justifying operations outside the core working hours, Natural England advise that the Applicant should follow the mitigation hierarchy with regards to ecological receptors. They should ensure that they comply with the requirements under protected species licences, any agreed working arrangement around Dedham Vale National Landscape and any agreed working arrangements around Hintlesham Woods SSSI. The arrangements around Hintlesham Woods SSSI are still being discussed with the Applicant.</p>				
<p>More specifically, with reference to the precision of words and phrases in the management plans, this has been an ongoing topic of discussion between Natural England and the Applicant around the theme of soil management. In</p>				
<p>The Applicant has followed the mitigation hierarchy with regards to ecological receptors. The Applicant has prepared draft licences for protected species, and should the project be granted development consent, final licences would be requested prior to construction. The main works contractor will comply with the final management plans and licences.</p>			<p>With reference to the words and phrases in the management plans, the Applicant has included reference to the good practice guidance for handling soils from the Institute of Quarrying in</p>	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>our meeting with the Applicant on 9 January 2024, Natural England advised the Applicant that good practice guidance, such as the good practice guidance for handling soils from the Institute of Quarrying (and referenced by the Applicant in the CEMP) provides clearly defined definitions for weather conditions when it is suitable to handle soil and when works should cease. Natural England have advised that this guidance should be implemented.</p>	<p>the CEMP (document 7.5 (D)). The Applicant notes that this is guidance (not mandatory) and there may be circumstances when it is not practicable to comply with all of the recommendations in the guidance, for example when meeting an outage deadline during a prolonged period of wet weather. However, the Applicant has added wording into the CEMP, for example at paragraph 11.3.19, which states that where this is not possible, weather-specific methods will be agreed with the soil scientist prior to work commencing.</p>

6. Draft Development Consent Order

Table 6.1 – Draft Development Consent Order (DCO)

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
DC2.6.2	The Applicant Suffolk County Council Essex County Council	Should references in Article 15, Temporary stopping up of streets and public rights of way (PRoW), to 'stopping up', stop up' and 'stopped up' refer to 'closure', 'close' and 'closed' respectively for the sake of clarity and accuracy?	<p><u>Suffolk County Council</u></p> <p>SCC notes that “temporary stopping up” (and the attendant “stop up” and “stopped up”) has been used in several DCOs, including Model Provision 11 of the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009. Other examples (picked randomly) include the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (article 15), A19/A184 Testo's Junction Alteration Development Consent Order 2018 (article 12), Silvertown Tunnel Order 2018 (article 11), Norfolk Vanguard Offshore Wind Farm Order 2022 (article 11), and A47 Wansford to Sutton Development Consent Order 2023 (article 16). Owing to the frequent use of “stopping up” etc. in this context, SCC is content for the terms to be used in the instant dDCO.</p> <p>SCC is content with the use of the term ‘close’ and ‘closed’ subject that clarity is given by the applicant that the removal of access rights refers to motorised vehicles and not cyclists, walkers and horse riders</p> <p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>The Council are content with wording to be changed to ‘closed’ etc, but any wording needs to be clear that it is only closed to motor vehicles and remains open to pedestrians.</p>	<p>The Applicant notes that SCC submission is substantially aligned with the Applicant's own response to DC2.6.2 (to which see [REP7-025]).</p> <p>From the Applicant's perspective, the additional clarification which SCC suggests would be necessary to address potential ambiguity in the event that references were instead made to 'close', 'closed' and 'closure' is in and of itself a further reason why Article 15 of the draft DCO (document 3.1(G)) should continue to refer to 'stopping up', 'stop up' and 'stopped up'.</p>
DC2.6.5			<u>Suffolk County Council</u>	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
Suffolk County Council Essex County Council	Are you content with the scope of powers sought to authorise alteration and use as a temporary work site of any street or PRow that has been temporarily stopped up, altered or diverted under the powers conferred by Article 15, Temporary stopping up of streets and PRow, whether or not within the Order Limits? If not, can you propose alternative draft wording or, if included elsewhere, signpost it?	<p>SCC notes the following: The relevant power is included in article 15(2), which states –</p> <p>“Without limitation on the scope of paragraph (1), the undertaker may use as a temporary working site any street or public right of way which has been temporarily stopped up, altered or diverted under the powers conferred by this article”.</p> <p>This is a wide-ranging power which could apply to streets and PRow both inside and outside the Order Limits. SCC is concerned that, absent any control, a temporary working site could be located in an inappropriate location. SCC therefore considers it reasonable that the power in article 15(2) should be amended to require the street authority’s permission to use a location as a temporary working site. SCC would propose the following amendment to article 15(2) (amendments shown underlined and bold) –</p> <p>“Without limitation on the scope of paragraph (1), and subject to the street authority’s consent, the undertaker may use as a temporary working site any street or public right of way which has been temporarily stopped up, altered or diverted under the powers conferred by this article”.</p> <p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>The Council are content with the scope of powers, as it is understood and expected that any works would be subject to Requirement 11 within the DCO.</p>	<p>The Applicant would re-emphasise the point made in its response to DC2.6.4 (to which see [REP7-025]), namely that the Applicant has no intention of stopping up, altering or diverting a street or PRow simply because it would be expedient to establish a temporary working site at that location.</p> <p>The power conferred by Article 15(2) of the draft DCO (document 3.1(G)) is ultimately of secondary importance in the context of the primary temporary stopping-up power afforded by Article 15(1) and Article 15(4).</p> <p>The Applicant anticipates that Article 15(2) may be relied upon, for example, in order to facilitate the temporary storage of plant and other equipment ahead of that plant and equipment being transferred to another location outside of the highway boundary but within the Order limits.</p> <p>The Applicant would, however, be content to make the exercise of Article 15(2) subject to the street authority’s consent as SCC suggest, provided that such consent is not unreasonably withheld or delayed (and thereby mirroring Article 15(5)(b)).</p> <p>Any amendment to Article 15(2) in the manner contemplated would also necessitate the following amendments to be made to Article 15(9), (10) and (11):</p> <p><i>“(9) If a street authority which receives an application for consent under sub-paragraph (2) or (5)(b) fails to notify the undertaker of its decision before the end of the period of 28 days (or such other period as agreed by the street authority and the undertaker) beginning with the date on which the application was received, it is deemed to have granted consent.</i></p>	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
				<p>(10) Any application for consent under subparagraph (2) or (5)(b) must include a statement that the provisions of paragraph (9) apply to that application.</p> <p>(11) If an application for consent under subparagraph (2) or (5)(b) does not include the statement required under paragraph (10), then the provisions of paragraph (9) will not apply to that application.”</p> <p>These changes are reflected in the draft DCO submitted at Deadline 8 (Document 3.1 (G)).</p>
DC2.6.6	Suffolk County Council Essex County Council	In respect of Article 15, Temporary stopping up of streets and PRoW, are you satisfied that the information in Schedule 7, together with the Access, Rights of Way and Public Rights of Navigation Plans [APP-012] would provide you with sufficient information in your role as street authority?	<p>Suffolk County Council</p> <p>SCC supports the view of the Dedham Vale National Landscape and Stour Valley Partnership (DVNLSVP) that the Environment Agency is the Navigation Authority for the River Stour, as further expressed in the DVNLSVP answer to this question.</p> <p>SCC can confirm that the information provided for PRoW within provides sufficient information as street authority, subject to some minor referencing matters (please refer to SCC’s accompanying Deadline 7 submission responding to the action points arising from ISH5 and ISH6).</p> <p>Braintree District Council and Essex County Council (Joint Response)</p> <p>Essex County Council provided comments to the Applicant by email on 4 January 2024 with a review of the Schedules and had a number of queries, which we have asked the Applicant to review and check they are confident with the wording within the Schedules. However, it is considered to be the ultimate responsibility of the Applicant to ensure that their Schedules are accurate. The above being said, it is worth considering</p>	<p>The Applicant has undertaken a further technical review of the information presented in Schedule 7 (and indeed also in Schedules 5, 6, 8 and 12) of the draft DCO (document 3.1 (G)), including in response to matters stated in Suffolk County Council’s Response to AP5 from Issue Specific Hearing 5 (to which see [REP7-032]).</p> <p>The output of that review is summarised in the Applicant’s Schedule of Changes to the Draft Development Consent Order submitted at Deadline 8 (document 8.4.2 (F)).</p> <p>In relation to submissions made by the DVNLSVP, the Applicant refers to its response to Item 9 (Stour River Navigation) in Table 6.1 of the Applicant’s Comments on Other Submissions Received at Deadline 6 [REP7-026].</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>whether the Unique Street Reference Number should be included to avoid any confusion within referencing of specific locations.</p> <p><u>Dedham Vale National Landscape and Stour Valley Partnership</u></p> <p>The DVNLSVP considers that the Environment Agency is the Navigation Authority for the River Stour and as such should be asked if it has sufficient information to comment on the temporary stopping up of the Stour Navigation. Furthermore, it is the DVNLSVP view that if the navigation is to be stopped up then a temporary portage should be put in place to ensure river users can continue their journey.</p>	
DC2.6.8	Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council	<p>In respect of Article 53, Safeguarding, can you advise:</p> <p>1. What would registration of the provisions of Article 53 as a local land charge entail? For example, would it involve registration of the charge in the Applicant's favour on an individual plot of land on a folio-by-folio basis?</p> <p>2. Once the charge was registered with HM Land Registry, would the council have to undertake a separate date entry exercise in respect of updating its digital mapping database etc and what would this entail?</p>	<p><u>Babergh and Mid Suffolk District Councils (Joint Response)</u></p> <p>1. The details of the charge would need to be entered into our internal land charges system. This would be linked to the registration and the affected properties would be linked to the charge. This would then transfer as a registered charge to HMLR for inclusion in their register. The applicant should provide a shapefile of the final extent of the defined order limits.</p> <p>2. We would need to load the shapefile as a layer in our Geographic Information System (GIS) and create any appropriate buffer. We would then link the layer and any appropriate buffer to our planning validation system.</p> <p>3. This is likely to be a one-off task for our GIS officer taking approximately 2-3 hours.</p> <p>4. Yes, they would be a consultee linked to spatial data the same as other such consultees.</p>	<p>The Applicant welcomes the clarification provided by each of the Councils in relation to the administrative aspects of Article 53 of the draft DCO (document 3.1 (G)).</p> <p>As previously set out (see, for example, the Applicant's responses to DC1.6.58 to DC1.6.62 (inclusive) of the Applicant's Responses to First Written Questions [REP3-052]), the Applicant would be pleased to discuss these administrative matters further with each of the relevant planning authorities.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		3. What would be the attendant implications for staff resources?	5. No, this would be picked up as part of the overall consultation exercise at the validation stage of a planning application.	
		4. Once the charge was registered on the council's database etc, would the Applicant automatically appear on a statutory list of consultees for individual planning applications on land subject to the charge?	6. If cost-recovery for this work was deemed necessary and appropriate this could form part of the existing Planning Performance Agreement (PPA), with an amendment to it's scope, or by a further PPA or MoU.	
		5. Would the Applicant's addition as a statutory consultee involve any additional staff time when consultations are being carried out on a planning application? If so, what would this involve?	<p>Suffolk County Council</p> <p>SCC considers the following:</p> <ol style="list-style-type: none"> 1. This is a matter for HM Land Registry 2. No 3. N/A 4. No 5. No 6. N/A 	
		6. If the councils and Applicant were to be amenable to entering into a Planning Performance Agreement (PPA) to address the administrative task that Article 53 of the dDCO would involve, how would this be secured?	<p>Braintree District Council and Essex County Council (Joint Response)</p> <p>Question 1: When the Article 53 Direction is available to register, the Land Charges team will require the following:</p> <ul style="list-style-type: none"> • The Legislation wording and the Act to record in Part 3 of the LLC Register; • The effective date; • The end date if applicable; and • A plan of the Article 53 Direction extent outlined in red. <p>Question 2: The Applicant should provide a GIS shape file (.shp) of the red lines or polygons and advise if any buffer</p>	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>for consultation is required. This enables accuracy and is easier to add the spatial information to GIS, Uniform and the TLC Land Charges software.</p> <p>Question 3: There would be time needed to register and plot the land charge, as well as time to upload the file onto the Councils general mapping system. This time is however not expected to be significant in terms of hours.</p> <p>Question 4: They should do, yes. All registered charges remain in the Councils database.</p> <p>Question 5: If the system is updated correctly, then it will be identified at the validation stage of an application that a consultation should be made to National Grid. The Consultations are done as standard at the same time, providing we have details in the system of who to contact etc. As such, additional staff time for the consultation would be limited.</p> <p>Question 6: Upon speaking to the teams in question, The Councils consider it would not be necessary to secure a PPA for Article 53 provisions when the costs would not be substantial.</p>	
DC2.6.11	Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree	Subsequent to amendment of the CEMP [REP3-025] by insertion of Table 4.1, are you satisfied that there is sufficient control in the dDCO over the siting of the proposed temporary construction compounds? If not, precisely how is it considered to be deficient or unclear and how might perceived issues or omissions be addressed?	<p><u>Babergh and Mid Suffolk District Councils (Joint Response)</u></p> <p>No, we are currently not currently satisfied with the level of information provided at this time. The compound location is denoted within the submitted plans, however the precise location has not been determined.</p> <p>Further detail is required in order to confirm;</p> <p>How the compounds are to be used, for example will the compounds be used by several contractors at the same time or in succession.</p>	<p>The Applicant is of the view that there is sufficient control as to the positioning of the temporary compounds within the dDCO (document 3.1 (G)) and measures set out within the Management Plans to avoid significant environmental effects.</p> <p>The design and operation of the temporary construction compounds will be influenced by a number of factors including site security, safety and operational requirements and therefore the Applicant does not consider the host authorities possess the necessary technical competencies to determine matters of this nature.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
	District Council		<p>The indication is that the use of and therefore the potential for disturbance to any nearby sensitive receptors will be transient.</p> <p>What does this represent in practice, ie will each compound be used for several weeks, or months and then decommissioned or will they be utilised for the duration of the works by different contractors.</p> <p>What plant and equipment will be used within the compounds ie alongside storage of plant and equipment, will there be maintenance of plant, vehicles or equipment within these spaces and will any plant or equipment be static and running during either hours of work or overnight ie generators.</p> <p>What volume of traffic is anticipated on a 24 hour basis to each compound. Has the impact of noise from vehicle movements to and from the compounds been captured within the noise assessment and proposed mitigation measures.</p>	<p>More specifically, the Applicant notes that there are two elements to the submission provided by BMSDC.</p> <p>In relation to the first element (regarding the siting of the temporary site compounds), the Applicant refers to its response to DC2.6.11 (to which see [REP7-025]).</p> <p>In relation to the second element (regarding the operation and use of the temporary site compounds), the Applicant notes as follows:</p> <p>The compounds will be used by the main works contractor and their specialist sub-contractors. Use of the compounds will be controlled by the CEMP (document 7.5 (D)), CTMP (document 7.6 (D)) and the CoCP (document 7.5.1 (C)).</p> <p>The main site compound would likely be utilised for the duration of the works as the main contractor's offices and welfare would be established within it. Satellite compounds along the route would only be required for the duration of works that they service e.g. for the construction of CSE compounds and the trenchless crossings on the underground cable route.</p> <p>The main site and satellite compounds would be utilised for secure storage of materials and equipment. Support equipment such as telehandlers, light good vehicles (LGVs), HGVs will be operating within the compounds. It is likely that the main compound and some of the satellite compounds will be connected to mains electricity however if generators are required these will be utilised in accordance with good practise measure GG10 in the CoCP (document 7.5.1 (C)) and other commitments made in the CEMP (document 7.5 (D)).</p> <p>Access to the compounds will be required 24hrs a day however the only presence outside of the working hours will be security staff who are required</p>

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			<p><u>Suffolk County Council</u></p> <p>SCC wishes to see additional detail over and above the map coordinate and plan shading presented, so that the implications of the proposed compounds can be considered more fully.</p> <p>SCC notes the following:</p> <p>Requirement 4(1) (management plans) provides – “All construction works forming part of the authorised development must be carried out in accordance with the plans listed in sub-paragraph (2) below, unless [certain exceptions apply]”. The plans listed in sub-paragraph (2) include the CEMP [REP3-025].</p> <p>“Authorised development” means the development described in Schedule 1 and, while there is no definition of “construction works”, “temporary construction works” is defined as meaning “the temporary construction works described in Schedule 1 (authorised development) to the Order” (article 2(1)). SCC considers “all construction works” must include “temporary construction works” because, per article 2(1), “temporary construction works” form part of the authorised development. Moreover, it could be argued that “all” includes permanent and temporary construction works.</p> <p>Schedule 1 includes Work No. 12 – Temporary Site Compounds – which makes provision for “Works to construct temporary site compounds as part of the authorised development and in each case which may include [certain matters]”.</p> <p>So, by article 2(1) and Requirement 4(1) and (2), and subject to certain exceptions, the temporary construction works must be carried out in accordance with the CEMP. Since Work No. 12 – Temporary Site Compounds – is</p>	<p>to prevent theft or damage to materials and equipment.</p> <p>The Applicant agrees with the analysis set out in SCC submission, noting that in any event all ‘construction works’ are <i>de facto</i> temporary in nature.</p> <p>It is the Applicant’s intention that Table 4.1 of the CEMP (document 7.5 (D)) secures the location of each of the temporary site compounds.</p> <p>For the avoidance of doubt, references in the Council’s submission to ‘certain exceptions’ are understood to be a shorthand reference to the words “... unless otherwise agreed with the relevant planning authority or other discharging authority as may be appropriate to the relevant plan concerned...” as they appear in Requirement 4(1) and 4(3) and to which Requirement 1(4) also relates (as explained in Paragraphs 4.3.1 to 4.3.5 of the Explanatory Memorandum (document 3.2 (F))).</p> <p>For clarity, the Applicant has updated the wording in the CEMP at Deadline 8 (document 7.5 (D)) to say ‘temporary <i>site</i> compounds’ to match the draft DCO terminology (document 3.1 (G)).</p> <p>In response to SCC’s request for an explanation as to why the General Arrangement Plans [APP-018] are not listed as certified documents, the Applicant notes that this is akin to many of the other application documents which are similarly not referred to in the draft DCO (document 3.1 (G)).</p> <p>Further, it merits noting that Schedule 17 does not secure any of the documents it lists.</p> <p>The role of securing documents is carried out by other operative provisions – for example Schedule 3</p>

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			<p>included in Schedule 1 is falls within the meaning of “temporary construction works” and so Work No. 12 must be carried out in accordance with the CEMP</p> <p>SCC would be grateful for the Applicant’s confirmation as to whether it agrees with the above analysis.</p> <p>Turning to the CEMP, there is a mismatch between the terms used in the dDCO (“temporary site compounds”) and the CEMP itself, which refers to “temporary construction compounds”. If these are one and the same thing, SCC would suggest the following four references to “temporary construction compounds” in the CEMP are amended to refer to “temporary site compounds”: (i) References, Table 4.1; (ii) paragraph 4.2.8; (iii) heading of Table 4.1; and (iv) paragraph 6.4.6. If the Applicant disagrees, SCC would welcome its explanation.</p> <p>Based on the above, the siting of the proposed temporary site compounds, would seem to be controlled by paragraph 4.2.8 of the CEMP [REP3-025], which states –</p> <p>“The locations of the temporary construction compounds are shown on the General Arrangement Plans (application document 2.10.) and are detailed in Table 4.1”.</p> <p>Owing to their importance in identifying the location of the compounds, SCC would expect the General Arrangement Plans to be a certified document; however, they do not appear to be. SCC would welcome the Applicant’s explanation why the General Arrangement Plans are not certified documents.</p> <p>SCC would note that as the access points are set out separately in the Access, Rights of Way and Public Rights of Navigation Plans [APP-012] and controlled in terms of approval by Requirement 11 and SCC is content as Local Highways Authority with this arrangement. The authority notes that for some locations utility apparatus connections are required and that the sizes of the temporary areas are</p>	<p>(pursuant to Article 3), Requirement 4, would secure the management plans.</p> <p>Schedule 17 and Article 57 merely provide for the certification of certain documents, so that all parties can be sure as a matter of evidence as to which document is referred to. Schedule 17 itself does not secure compliance with any documents.</p>

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			<p>only approximate with no tolerance or maximum area given.</p> <p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>The Councils consider that there is still some uncertainty around the siting of the compounds. It is unclear whether there is scope, within the Order Limits, for the temporary construction compounds to move from the position shown on Table 4.1 and the general works plans [APP-018]. Clarity should be provided on this, as noise impacts of the Temporary Construction Compounds could be more impactful at Noise Sensitive Receptors (NSR's) at different locations within the Order Limits. The Councils would also comment more generally that there is still uncertainty over how these temporary construction compounds will be used. This includes a lack of information regarding:</p> <ul style="list-style-type: none"> • Nature of use of each compound • how many teams will use it at any one time etc - How long will they in situ for? • What plant is to be used at the compounds <p>The Councils suggest the above information could be provided by way of requirement, should the information not be available until a main works contractor is appointed.</p>	<p>The Applicant refers to the comments set out above in response to submissions made by BMSDC on these particular points.</p> <p>The assessment presented in Section 14.6 of ES Chapter 14: Noise and Vibration [APP-082] is based on the Proposed Alignment noting that most of these are associated with specific work activities e.g. the CSE compounds and trenchless crossings. Section 14.11 presents the results of the sensitivity testing including flexibility within the Order Limits and concludes in paragraph 14.11.9 that although there is the potential for significant adverse effects at these four additional NSR, the same mitigation measures outlined in Section 14.8 would apply, namely that further detailed assessments of potential impacts would be conducted by the contractor prior to construction and the need for site-specific BPM, including localised screening, would be determined. This is described in Chapter 14 of the CEMP (document 7.5 (D)). It is considered that when this mitigation is applied that there would be no residual significant effects.</p>
DC2.6.12	Essex County Council Braintree District Council	In your LIR ([REP1-039] paragraph 21.5.10), you referred to the need for a Requirement relating to the external appearance of the proposed temporary	<p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>Point 1: While The Councils referred to temporary construction compounds for the external appearance requirement, this was primarily in relation to the means of enclosure surrounding the temporary compounds, opposed to any temporary buildings or structures.</p>	<p>The Applicant notes that the Councils' submissions in respect of the second sub-question relate to the external appearance of <u>permanent</u> compounds, buildings and structures rather than the external appearance of <u>temporary</u> construction compounds. For the avoidance of doubt, the Applicant's position in respect of matters concerning permanent</p>

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		<p>construction compounds. Can you advise:</p> <p>1. Why you perceive a need for such detail given that they would be temporary?</p> <p>2. What details you consider necessary other than the colour of the security fencing that you mention in your response to Applicant's comments on the Essex councils' LIR and other documents ([REP4-049], item 5)?</p> <p>3. The particulars of any relevant precedent for such a Requirement?</p>	<p>Temporary fencing around construction compounds has the potential to be visually intrusive. This is relevant insofar as we do not have the exact locations of the temporary construction compounds, only an area, and hence the impact of the same is not clear.</p> <p>In respect of the mains works compound, this will be around for the duration of the project, which is due to take circa 4 years to complete, therefore any inappropriate boundary treatment, although temporary, could still be visually intrusive.</p> <p>It should be noted that there are other similar requirements for means of enclosure details in other NSIP decisions, this is set out in point 3 below.</p> <p>Point 2: The Councils provided some further clarity on this point in REP6-051, paragraphs 4.11.14 - 4.11.16. In short, the requirement should cover:</p> <ul style="list-style-type: none"> • Colour pallet for each building/structure - Commitment not to use reflective materials • Ensure that perimeter fencing is suitable and coloured appropriately <p>Point 3: There is precedent for approval of the details of temporary fencing/means of enclosure in the following confirmed DCOs:-</p> <p>Brechfa Forest Wind Farm Connection Order 2016 Requirement 7 – restriction on each stage of authorised development until written details of all proposed permanent and temporary fences, walls or other means of enclosure have been approved by the relevant planning authority.</p> <p>Longfield Solar Farm Order 2023 Requirement 23 restriction on development of substation works pending approval of details re proposed temporary fences, walls and other means of enclosure.</p>	<p>compounds, buildings and structures remains as set out in Item 5 at pages 116-7 of the Applicant's Comments on Other Submissions Received at Deadline 4 [REP5-025].</p> <p>In respect of temporary construction compounds, to comply with their Construction (Design and Management) Regulations and Health and Safety at Work Act obligations the Main Works Contractor would be required to secure the work sites and compounds. In other locations and in accordance with good practice measure GG24 in the CoCP (document 7.5.1 (C)), the working area would be appropriately fenced to reduce the risk of site staff from unintentionally exiting the site boundary. The choice of fencing would be decided following a risk assessment, relevant to the work location.</p> <p>The details of the temporary construction compound fencing, type and proposed colour, would not be known until the main works contractor is appointed and the appropriate risk assessments have been carried out. The Applicant is of the view that given the temporary nature of the construction compounds and site fencing and because the fencing is a safety and security matter, that there is no need for a Requirement on this matter.</p>

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			<p>National Grid Kings Lynn B Power station connection order 2013 Requirement 7 Restriction on development pending approval of details of permanent and temporary walls fences or other means of enclosure within the Order limits.</p> <p>National Grid Hinckley Point C Connection Project Order 2016 Requirement 16 Restriction on stages of development until written details of all proposed temporary and permanent fences walls or other means of enclosure have been approved by the relevant Planning authority</p>	
DC2.6.13	Essex County Council Braintree District Council Suffolk County Council Babergh and Mid Suffolk District Councils	Can you provide a further response about the content of the following management plans, without prejudice to any view that you might hold that these should be treated as outline plans that would need to be detailed post-consent by the local planning authority, and the ExA's ultimate recommendation on this matter? Can you summarise or signpost what further information would be necessary in your opinion to make each of these plans sufficiently detailed to represent final versions and thus to allow you the necessary control over the construction and associated activities should the DCO be made? (Further to the example of the LEMP in the councils' joint Landscape and Ecological	<p><u>Babergh and Mid Suffolk District Councils (Joint Response)</u></p> <p>In respect of environmental health matters: We would anticipate that the CEMP would be a live document, which will require review and updates.</p> <p>In respect of ecology: For example, for the LEMP, further information would be necessary to make each of these plans sufficiently detailed include a mechanism to update the Plan with details of all survey and assessment of additional impacts to ecology in relation to contractors' amended design post DCO to represent a final version.</p> <p>When details are finalised by the contractor, these may well have implications for the Management plans and updates will need to be agreed with the Local Planning Authorities. For example, The Lower Thames Crossing DCO Requirement 5 secure the outline LEMP 6.7 Volume 6 which outlines the proposed management and monitoring of the parcels of land, that perform landscape and ecological mitigation functions that mitigate impacts of the Project.</p> <p>In respect of landscape and visual: What further information would be Necessary? See the Councils' joint Landscape and Ecological Management Plan Document</p>	<p><u>Comments from BMSDC, BDC and ECC</u></p> <p>The Applicant does not consider that it is appropriate to have the CEMP as a live document, as this would not provide third parties with reassurance that measures would be delivered.</p> <p>Instead, the Applicant is seeking approval on the final CEMP submitted into Examination, which includes the change process described in Section 15.5 (document 7.5 (D)).</p> <p>The purpose of the LEMP is <u>not</u> to provide details of survey and assessment, nor to provide detailed method statements, its purpose is to provide a framework for how impacts will be managed. The Applicant does not consider it necessary to update the LEMP to duplicate the details of all surveys, as the survey reports would be provided to the contractor separately. The LEMP also includes Section 10.6 [REP7-006], which sets out the change process, should different measures be identified through the detailed design process.</p> <p>The Applicant has responded to the Landscape and Ecological Management Plan Document Review [REP5-035] in the Applicant's Response to</p>

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		<p>Management Plan Document Review [REP5-035] and the subsequent Deadline 6 submission from SCC, Additional Evidence relating to the Landscape and Ecological Management Plan. (a) CEMP.</p> <p>(b) Materials and Waste Management Plan (MWMP)</p> <p>(c) Construction Traffic Management Plan (CTMP)</p> <p>(d) LEMP.</p> <p>(e) Public Rights of Way Management Plan.</p>	<p>Review [REP5-035] and a summary is provided in the full response from BMSDC. The nature of the consent process makes the finalisation of the LEMP difficult until the appointment of a contractor post-consent allows the finalisation of detailed layouts, designs etc.</p> <p><u>Suffolk County Council</u></p> <p>SCC notes that the Applicant submitted an updated CTMP at Deadline 6 [REP6-025], and so these comments have been provided with the aim of taking into consideration the updates within that plan. As per our response, aside from relevant controls on HGVs which, we identified the following key commitments that we would like to see:</p> <ol style="list-style-type: none"> 1) Target the workforce car share as assessed in the Transport Assessment 2) Survey staff arrival and departure times. 3) Survey of HGV numbers and EURO compliance 4) Commit to reporting the findings of the survey to the Councils. 5) Commit to additional measures being implemented if the car share proportions are not achieved, such as a staff minibus. 6) Commit to a review of impacts if the shift patterns are not similar to those assessed. <p>The Applicant had committed to considering our concerns and the most recent CTMP addresses point 1 and partially point 2 and 5, above as:</p> <ol style="list-style-type: none"> 1) Paragraph 6.3.5 includes a commitment to target the assessed car share proportions. 	<p>Interested Party Comments on Management Plans [REP7-022].</p> <p><u>Comments from SCC</u></p> <ol style="list-style-type: none"> 1) National Grid welcomes agreement that the workforce car share target and monitoring was addressed in the CTMP submitted at Deadline 6 [REP6-025]. 2) the Applicant has agreed that staff arrival and departure times will be recorded and communicated with LHAs and has accepted the change proposed by SCC to add '<i>including arrival and departures times</i>' to paragraph 6.3.5 (now 6.3.6) in the CTMP submitted at Deadline 8 (document 7.5 (D)). 3) the Applicant has added changes to 7.2.5 as requested by SCC that specify that information would be provided quarterly and that this would include information on Euro compliance. A cross reference to commitments on Euro compliance has also been added to the new Table 7.1 in place of the reference in the previous Table 7.1 (see last item in the table). 4) the Applicant notes that Council's request that a copy of the report previously mentioned in section 6.4 should be shared with the Councils. Section 6.4 contained an outline of a Travel Plan from the original application and has been superseded by subsequent agreements to, for example, specific vehicle sharing targets. Therefore, 6.4 has been removed and replaced by a table in section 7.3 that covers all targets, monitoring and enforcement rather than only those related to the Travel Plan. The Applicant is however happy to agree to sharing monitoring data

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			<p>2) Paragraph 6.3.5 includes a commitment to survey staff movements. The Council do not want or need full staff details, just numbers of vehicles and staff.</p> <p>3) Paragraph 6.3.5 includes a commitment to discussing further measures for achieving staff car share.</p> <p>4) It is also noted that there is a commitment to sharing information on construction vehicle route compliance with the Council, which is welcomed. However, the Council maintains that a monitoring report should be submitted.</p> <p>On the basis of the above, the Council considers that the following text should be included:</p> <p>At paragraph 6.3.5 the text should be amended to “Staff will be required to sign in and out of each work location and staff numbers per work site, including arrival and departures times, will be shared with the relevant highway authority (full detail cannot be shared due to General Data Protection Regulations).”</p> <p>At paragraph 6.4.3 the text should be amended to the following:</p> <p>“A copy of the report will be provided to the relevant highway authorities one month after completion of the surveys.”</p> <p>Table 7.1 text should be amended to “Checking signage is in place. Monitoring of vehicle condition, standards (including EURO compliance) and use of agreed construction routes.”</p> <p>Paragraph 7.2.5 should be amended to “National Grid will share quarterly information on compliance with routes in Appendix A and EURO emissions compliance to inform discussions with the relevant highway authorities on monitoring and enforcement of the CTMP where required.”</p>	<p>and has added the following sentence in paragraph 7.3.5 of the CTMP submitted at Deadline 8 (document 7.5 (D)) to address this point ‘7.3.5 <i>Where information described below is to be provided to the LHA, this information will be provided in one pack on a quarterly basis. Should they be required, measures to increase compliance would be discussed with the LHA.</i>’ The Applicant has also added clarification in Table 7.1 of the CTMP that the Travel Information Pack would also be shared with LHAs.</p> <p>5) This point has been addressed through new paragraph 7.3.5 (see above) and the commitment in paragraph 6.3.6 and Table 7.1.</p> <p>6) National Grid does not agree that it is necessary or proportional to limit staff travel at peak times given the low number of vehicles, low number of staff, the way trips are spread over the network and firm commitments to car sharing/ use of crew vans. The Transport Assessment [APP-061] assesses a reasonable worst case and substantial impacts are not predicted. In reality, given the urgency of the project and nature of staff travel, it is not considered that actions would be reasonable even in the unlikely event that peak travel for staff did occur at levels higher than predicted. It would not be considered acceptable to, for example, retain staff on site for two hours to avoid the evening peak if their shift time coincided with the peak time (e.g. if a whole staff briefing were held meaning that staff did not leave before the evening peak); or hold staff outside site until 9:30 if traffic delays meant that they could not arrive before the morning peak. It is in the Applicant’s interest for staff travel to be outside the peak hours so that time is not wasted travelling. Therefore, staff</p>

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			<p>A paragraph should be included at either 6.4.4 or 7.3.2 setting out that “In the event that the staff travel plan fails to achieve the targets additional management measures will be proposed to the local highway authority to ensure compliance. The success of these measure will be monitored and reported on”. A paragraph should be included at either 6.4.5 or 7.3.3 setting out that “In the event that the staff shift patterns indicate impacts on the highway network during the network peak periods above those assessed in the Transport Assessment, then a review will be undertaken by the Applicant to determine whether this would result in any additional material impacts and if so what reasonable management measures can be implemented to mitigate any unforeseen impacts”. Further to the above, whilst the Council consider it reasonable to include a control on HGV movements to those assessed within the ES, especially at sensitive locations (as per our Response at [REP5-031], with reference to adjustments as a result of unforeseen circumstances. As per our Deadline 6 Post-hearing Submission for ISH5 [REP6-056], a control should be included that sets out that there would be no HGV movements on the highway network outside of the core working hours, plus an additional hour to avoid parking on the highway, and no HGV movements on Saturday, Sunday and Bank Holidays.</p> <p>A commitment should be included stating that “the layout and contents of any monitoring reports would need to be agreed with the relevant highway authority”.</p>	<p>travel in peak hours would only occur when necessary so commitments to reduce this are not likely to be successful or likely to lead to adverse consequences that are not justified given the low level of traffic under discussion.</p> <p>Similarly, the Applicant does not agree that the hours of HGVs should be restricted to outside the hours of 19.00 and 07.00 Monday to Saturday and at any time on Sundays and Bank Holidays. As the Applicant has made clear in both oral evidence (to which see Table 3.1 - Item 4 of [REP6-042]) and written submissions (to which see, in particular, Table 2.1 of [REP5-025]), a restriction of this nature is neither necessary nor proportionate. Traffic would not be ‘substantial’ so does not meet the test in Paragraph 5.13.11 of NPS EN-1 (2011) and Paragraph 5.14.14 of NPS EN-1 (2024) relevant to the introduction of restrictions on HGV numbers or timing.</p> <p>Further, there are circumstances under which travel in evenings and weekends would be <i>preferred</i>. For example, if weekend working is required it would be inefficient if moving equipment from one part of the corridor to another is not permitted at weekends. Restricting movement of equipment at weekends could make it more likely that this equipment is instead moved in the Friday evening peak, which would not be desirable from any perspective and could lead to programme delays. Additionally, movements of AILs are generally carried out at night to reduce disruption to the highway network and to coincide with the availability of police escorts. Restricting AIL movements to weekdays and daytime would be against normal operations for these deliveries. For further information please see the Applicant’s response to the Examining Authority’s</p>
			<p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>In terms of Landscape and other ecological matters, the BDC/ECC response is the same as that provided by BMSDC above.</p>	

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			In relation to comments on the CTMP the BDC/ECC response is the same as that provided by SCC above.	recommended amendments to Requirement 7 (document 8.10.2). To address the comment on the layout and contents of the monitoring report, the Applicant has agreed to share this information with the LHAs and discuss in the regular meetings. This commitment has been included in the latest version of the Statement of Common Ground with the Local Planning Authorities, which the Applicant aims to submit in its signed format at Deadline 9. Given the nature of this agreement, it is not considered necessary for this to be secured in the CTMP.
DC2.6.15	The Applicant Essex County Council Braintree District Council Suffolk County Council Babergh and Mid Suffolk District Councils	Without prejudice to your views or the ExA's ultimate recommendation on the matter, if the following management plans were amended to constitute outline versions that would need to be detailed and submitted after the making of any DCO, are you able to agree a set of deliverables for each plan that would need to be approved by the relevant local planning authorities together with any necessary additional stages and timescales? (Further to the example of the LEMP in the councils' joint Landscape and Ecological Management Plan Document Review [REP5-035] and the subsequent Deadline 6 submission from Suffolk County Council, Additional Evidence relating to the	<u>Babergh and Mid Suffolk District Councils (Joint Response)</u> In respect of environmental health matters: The deliverables are the items already in the CEMP, but we would suggest that items such as noise and vibration would need to be site specific and submitted 28 days before work at each site commences. In respect of ecology: Details for how to agree all changes in all Plans that will continue to happen during detailed design and preconstruction following review by the contractor amendments post DCO. <u>Suffolk County Council</u> SCC considers that deliverables would be able to be agreed and are outlined below. SCC also suggests that there should be an Access Management Plan as per the Scottish Power Renewables East Anglia One North and Two projects. SCC, in terms of securing the final CTMP the working of EA1(N) Requirement 38 could be considered. <i>(SCC quote suggested wording from other DCOs, see full response for details.)</i>	The Applicant is unclear what additional references BMSDC is requesting. Noise and vibration measures are included in Chapter 14 of the CEMP (document 7.5 (D)), including Section 14.4 which references Section 61 Consent. Section 15.5 of the CEMP (document 7.5 (D)) sets out the change process that would be followed if changes were to occur to the measures required during detailed design or preconstruction once a Main Works Contractor is appointed. The Applicant has set out in the Applicant's Response to Interested Party Comments on Management Plans [REP7-022], the reasons why that it considers the LEMP, CEMP and REAC to be final documents and that a further later discharge of these documents is unnecessary. Regarding SCC's proposal for an Access Management Plan, The Applicant does not believe that this would address any aspects of the design, operation or safety of the access points that are not already addressed in the other management plans and Requirement 11 of the DCO.

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		<p>Landscape and Ecological Management Plan [Examination Library reference to be determined]). The plans in question are:</p> <ul style="list-style-type: none"> (a) CEMP (b) MWMP (c) CTMP (d) LEMP (e) Public Rights of Way Management Plan (PRoWMP). 	<p>SCC notes that the National Grid (Hinkley Point C Connection Order) included as Requirement 27 submission of the Travel Plan for approval before commencement of any stage of the project. It does also include Requirement 5 securing the CEMP including the CTMP.</p> <p>(SCC quote suggested wording from other DCOs, see full response for details.)</p> <p>Deliverables</p> <ul style="list-style-type: none"> • Confirmation of construction routes • Identification of HGVs • Approval of proposed signage to direct construction traffic to correct accesses • Updated HGV and worker profiles following appointment of main contractor • Number and routeing of AILs • Contents of monitoring reports and frequency • Consultation process for local communities and stakeholders to be advised of road closures and other restrictions. <p>SCC considers that the deliverables that would need to be agreed should include the following:</p> <ul style="list-style-type: none"> • Detailed LEMP and CEMP (including REAC) in accordance with the agreed outline LEMP and CEMP. • Please refer to the items listed in question DC2.6.13. • Detailed landscape proposals <p>SCC would require further amendments to the PRoWMP that the Applicant has already agreed to undertake. SCC</p>	<p>Regarding SCC's request for a Travel Plan; the CTMP already includes a Travel Plan and no further detail is considered necessary.</p> <p>In terms of the deliverables that SCC and ECC have requested be included in the CTMP:</p> <ul style="list-style-type: none"> • Construction routes are already confirmed in Appendix A of the CTMP and there is a process set out in the DCO for this to be amended if required. • The Applicant disagrees that there should be a requirement for identifiers on vehicles stating the project name. National Grid agreed to this requirement on a previous project and found it very impractical in practice. It requires drivers to either be sent an identifier in the post or go to a specific point to collect one, increasing the number of trips on the network. SCC has not demonstrated why this would be necessary. • The Applicant has agreed that signage on the highway network would be approved by LHAs, either through the Permit Scheme or Framework Highway Agreement depending on the nature of the signage. This point is agreed in the Statement of Common Ground with Local Authorities, which will be submitted in signed version at Deadline 9. • The Applicant disagrees that it is necessary to confirm HGV and worker profiles with the LHA. • Routing of AILs is set out in Appendix A of the CTMP and there is a process set out in the DCO for this to be amended if required. The final details of the AIL movements will be approved through the Special Type General Orders

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			<p>would anticipate that these amendments are made prior to the end of the examination.</p> <p>Please refer to points made in question TT2.13.13 and DC2.6.13.</p> <hr/> <p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>Landscape Comments re: LEMP: A set of deliverables should be possible to agree if based on the Councils 'Comments made in REP5-035 and additionally in SCC's response REP6-054. These comments are made based on previous Council experience. The applicant has responded positively to a few of these comments but the rest remain unagreed.</p> <p>Highways and Transport Response re: CTMP</p> <p>Comments have been provided with regards to the most recent CTMP [REP6-025].</p> <p>It is considered that deliverables would include a construction programme which would inform revised vehicle movement forecasts and worker numbers following appointment of the principal contractor.</p> <p>The CTMP would also include agreement on what is to be reported and the frequency of reporting.</p> <p>The CTMP would include Confirmation on number and routing of AILs.</p> <p>It could also include update on implementation on temporary traffic orders.</p>	<p>process and this process does not need to be replicated in the DCO.</p> <ul style="list-style-type: none"> The revised CTMP submitted at Deadline 8 confirmed that monitoring data will be provided to LHAs on a quarterly basis [document 7.6(D)]. Further detail has also been provided on what is being monitored in the revised Table 7.1 in the CTMP. The CTMP provides information on the process for notifying organisations of road closures and diversions in paragraph 5.4.13 (major road users) and 5.8.2 (relevant highway authorities). The CTMP states that road closures and diversions would be agreed through the Permit Scheme, with agreement the communication expectations for road works included in this application, which is approved by local highway authorities (see paragraph 7.5.2 of the CTMP [document 7.6(D)]). It is therefore not considered necessary for this process to be replicated in the CTMP. <p>Regarding BDC and ECC's request for a construction programme linked to goods vehicle movements, a programme and access-by-access vehicle numbers has already been provided in Transport Assessment Construction Vehicle Profile Data [REP4-006]. It is not considered necessary for a revised version to be submitted or agreed; nor would it be practical or necessary for any existing or future version to be secured, particularly given that traffic is not substantial and is largely limited to the construction period.</p>
DC2.6.17	Suffolk County Council	Your LIR [REP1-045] noted that decommissioning and removal routes require careful	<u>Suffolk County Council</u>	The Applicant's submissions in respect of the amendments to Requirement 12 suggested by SCC are captured in the Applicant's Response to the

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		consideration and your responses to ExQ1 [REP3-078] suggested wording for an associated Requirement (your reply to DC1.6.119 [PD-005]). Nevertheless, can you concisely explain why you perceive Requirement 12, Decommissioning, to be deficient as written?	<p>SCC considers that the environmental circumstances would be likely to have changed and a full reassessment of the implications of decommissioning is required.</p> <p>SCC concern can be addressed by an amendment to draft Requirement 12 (decommissioning). In addition, SCC considers the relevant planning authority should consult the relevant highway authority before approving the written scheme of decommissioning. SCC would propose R12 is amended as follows (amendments shown underlined and bold) –</p> <p>“(1) In the event that, at some future date, the authorised development, or part of it, is to be decommissioned, a written scheme of decommissioning must be submitted for approval by the relevant planning authority, following consultation with the relevant highway authority, at least six months prior to any decommissioning works.</p> <p>(2) The approved scheme must be implemented as approved as part of the decommissioning of the authorised development or relevant part of it.</p> <p>(3) This requirement does not apply to the part of the authorised development and associated development described in Schedule 1 (authorised development) which relates to the dismantling and removal of existing infrastructure or apparatus.</p> <p>(4) The written scheme of decommissioning submitted under paragraph (1) must include a full reassessment of the environmental implications of decommissioning”.</p> <p>SCC would also be grateful if the Applicant could explain what event(s) would trigger the decision to decommission.</p>	<p>Schedule of the Examining Authority’s recommended amendments to the Applicant’s draft DCO also submitted at Deadline 8 (document 8.10.2).</p> <p>As to the events or circumstances which might require the decommissioning of all or part of the project, the Applicant refers to Paragraph 4.10 of ES Chapter 4: Project Description [APP-072].</p>
DC2.6.18	Suffolk County Council	In your response to ExQ1 [REP3-078], you responded to DC1.6.119 by reproducing an extract from the East Anglia	<p>Suffolk County Council</p> <p>Subject to the Applicant confirming (per the request in DC2.6.17) what event(s) would trigger the decision to</p>	The Applicant refers to its response above in relation to DC2.6.17.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p>ONE North Offshore Wind Farm Order 2022. Can you explain:</p> <ol style="list-style-type: none"> 1. If the wording under the header 'onshore decommissioning' would replace or supplement Requirement 12 in the dDCO [REP5-005]? 2. Albeit that your suggested additional or replacement wording is reproduced from a made DCO, why is it considered appropriate in this instance? 3. Why each of the component parts are considered necessary in this instance? 	<p>decommission, SCC considers its concerns could be addressed by the amendments to Requirement 12 suggested in DC2.6.17.</p>	
DC2.6.19	Essex County Council Braintree District Council	<p>Can you clarify three outstanding points arising from your response to ExQ1 DC1.6.97 in your Deadline 3 Response to ExA Questions 1 [REP3-061] in respect of your suggestion that a Requirement is needed in respect of lighting:</p> <ol style="list-style-type: none"> 1. Is there a formally designated Dark Sky Area along the line of the Proposed Development or in its immediate vicinity? 2. Is residential amenity the basis of your concern in seeking additional controls over 	<p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>Point 1: There is no formally designated Dark Sky Area along the line of the proposed development or in its immediate vicinity. The Closest dark sky area is Coggeshall Parish and is set out in their Adopted Local Plan. The Dark Sky Area covers a large part of the more rural aspects of Coggeshall Parish, in the areas around the main settlement. Should a The Campaign to Protect Rural England search be undertaken, as was completed for Coggeshall, it is probable that the areas in or near the order limits of this project would be eligible to qualify for becoming a Dark Sky Area, given the rural location of the development. In any case, Irrespective of a formal designation, the countryside along the Stour Valley is an area of high tranquillity that is managed as though it is an Area of Outstanding Natural Beauty (AONB)/National</p>	<p>The Applicant's position remains as set out in Item 5 at page 114 of the Applicant's Comments on Other Submissions Received at Deadline 4 [REP5-025].</p> <p>Reference is also made in this context to the Applicant's response to DC2.6.21 (to which see [REP7-025]).</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p>lighting or were you using the term in a broader sense?</p> <p>3. Where you refer to biodiversity, are bats your sole concern?</p> <p>4. Aside from your ongoing concerns about the draft nature of management plans subject of Requirement 4, in what way do you consider section 6.4 of the CEMP [REP3-024] deficient in addressing your concerns?</p>	<p>Landscape. The Stour Valley Project area exhibits relatively dark skies. Furthermore, Dedham Vale has not <i>'... yet secured an International Dark-Sky Association place status like other UK protected landscapes that have achieved designation, it is still important to protect skies that could qualify for this accreditation at a later date'</i>.</p> <p>Point 2: The Councils were concerned in a broader sense about lighting, not just in relation to residential amenity. The basis of the concern is primarily to protect the intrinsic character and beauty of the countryside and to fulfil the statutory purpose of the National Landscape/project area, as well as the rural landscape more generally, which is to conserve and enhance the natural beauty of the area.</p> <p>Point 3: The suggested text in Appendix 3 of the LIR [REP3-061] – informed by the Hinckley Point DCO – for a Requirement to control lighting – aims to minimise on all ecological receptors which are considered to be potentially sensitive to artificial lighting. Bats have been identified as a proxy for nocturnal wildlife in line with CEMP Appendix A, CoCP (document 7.5.1) GG20 which refers to protected species and sensitive habitats and the REAC (document 7.5.2).</p> <p>Point 4: Section 6.4 (lighting) of the updated CEMP is very limited and does not include sufficient details which cover the final lighting design scheme following the appointment of a mains works contractor. It also needs the reference in 6.4.2 updating as Guidance Note 08/18 has been superseded by Guidance Note 08/23 Bats and Artificial Lighting at Night (Institute of Lighting Professionals, 2023). The production of a Construction Artificial Lighting Emissions Plan (CALEP) and a parallel document for operation of the development (particularly at the substation) is considered reasonable and appropriate for this project (as used in The East Anglian THREE Offshore Wind Farm DCO 2017 Requirement 23) may help with DC2.6.20 for SCC. The CALEP should include cross</p>	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			references to the CEMP (including the CoCP) and LEMP to be secured by other Requirements.	
DC2.6.20	Suffolk County Council	<p>In your Deadline 4 submission [REP4-043], you suggested that a Requirement in the East Anglia THREE Offshore Wind Farm Order 2017 offered an appropriate general approach to a lighting Requirement for this dDCO [REP5-005] and that inclusion of a good practice measure is also needed in CEMP Appendix A, CoCP [REP3-026]. Can you clarify:</p> <ol style="list-style-type: none"> 1. Albeit that the basis for your suggested Requirement is reproduced from a made DCO, why is it considered appropriate in this instance? 2. Are you only suggesting the additional provisions in respect of Work No. 9, Grid Supply Point Substation to the east of Wickham St Paul, as set out in Schedule 1 of the dDCO [REP5-005]? 3. Aside from your ongoing concerns about the draft nature of management plans subject of Requirement 4, in what way do you consider section 6.4 of the CEMP [REP3-024] deficient in addressing your concerns? 	<p>Suffolk County Council</p> <p>SCC notes the following:</p> <ol style="list-style-type: none"> 1. SCC considers this Requirement is appropriate as it reproduced from a made DCO and does not create site(s)-specific requirements and thus would cover the whole project, thus a more general approach than Essex Council's proposed requirements. 2. SCC are supportive of a requirement of the Essex Councils' request for the control of lighting during construction, however, SCC would prefer a whole project requirement (specifically relating to Works No.'s that are permanent works) as opposed to site or sites specific requirements. 3. SCC proposed this alternative requirement in support of the principle of the Essex Councils' requests for additional lighting requirements, as noted in their response to ExQ1 DC1.6.97 [REP3-061], as a result of the rurality of the linear route as noted in paragraph 21.5.10 of the Essex Councils' LIR [REP1-039]. SCC are ambivalent to where this Requirement is captured, however, considering the ongoing concerns with the management would have a preference towards inclusion in the dDCO as opposed to certified control documents. 	<p>The Applicant's position remains as set out in Item 5 at page 114 of the Applicant's Comments on Other Submissions Received at Deadline 4 [REP5-025].</p> <p>Reference is also made in this context to the Applicant's response to DC2.6.21 (to which see [REP7-025]).</p>
DC2.6.22			Suffolk County Council	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
	Essex County Council Braintree District Council Suffolk County Council	<p>In respect of the suggested scheme to introduce a time limit on HGV movements on the local road network during the construction phase of the proposed development, can you advise on the following questions arising:</p> <p>1. Who would enforce the scheme?</p> <p>2. What provision would an associated Requirement need to make for a reporting mechanism if the control was considered to have been breached?</p> <p>3. How do you respond to the Applicant's submission in its Comments on Other Submissions Received at Deadline 4 ([REP5-030] page 11) where it says that: 'An unintended consequence of a requirement to restrict HGV movements may mean that vehicles need to park and wait for "core hours". This in itself could lead to adverse impacts'?</p>	<p>SCC notes the following:</p> <ol style="list-style-type: none"> 1. Enforcement would be by the Applicant secured within the CTMP 2. The reporting can be secured within the CTMP to avoid the need for a Requirement 3. This would occur already as there are no restrictions on movements on the local highway network. SCC is proposing that HGVs are restricted to 1 hour before and after the core hours accepting that certain activities can take place outside these core hours as set out in Requirement 7 of the DCO and CEMP [REP6-021]. Appropriate management of arrivals and departures would remove any risk of HGVs needing to park and wait. <p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>Need: The construction phase of the development is temporary, however given the build period would be across 4 years (albeit varying at different points on the project), there is a need to protect the amenity of residents, as well as the economic activity and natural beauty and tranquillity of the landscape. HGV movements are an issue of high importance to Essex/Braintree residents living in the area & on the HGV access route, especially on how it will affect their own use of the highway network. Limiting HGV movements on weekends when the areas are likely to be most used would certainly go a long way in reducing these impacts.</p> <p>In response to question 1: It is envisaged that the scheme would be enforced by the Applicant in the first instance through the CTMP which is a control document within the DCO. Should this step fail, enforcement would be by the Local Planning Authority.</p> <p>In response to question 2: The CTMP would set out the necessary management and reporting process, which</p>	<p>The Applicant's submissions in respect of the proposed amendments to Requirement 7 (concerning further restrictions on HGV movements) are captured in the Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's draft DCO also submitted at Deadline 8 (Document 8.10.2).</p> <p>The Applicant's position otherwise remains as set out in the Applicant's Comments on Other Submissions Received at Deadline 4 ([REP5-025], and in particular at pages 11 and 66 to 69 (inclusive).</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>would indicate what would be required to be a breach and the appropriate review process to determine the cause of the breach and any potential management processes that are necessary to implement to address the breach.</p> <p>In response to Question 3: It is considered reasonable that restriction on hours of movement for HGVs would be revised to reflect the Applicant's core working hours, excluding Saturdays, Sundays and bank holidays, to include a period (potentially an hour) before and potentially after operation to reduce the potential for waiting on the highway. Outside of the additional hour, it is considered any risk can be managed by the Applicant.</p> <p>As a separate point – if this requirement / restriction is to be added as requested by The Councils, then an 'HGV' should be defined in the DCO, using industry accepted terminology.</p>	
DC2.6.23	BNP Paribas Real Estate on behalf of Royal Mail	The Applicant's comments on Written Representations ([REP3-048] pages 36 and 37) referred to wording to be included in the CTMP [REP3-030] that would purportedly address your practical concerns about road closures, diversions etc. Such arrangements would be secured by Requirement 4 of the dDCO [REP5-005]. Is this control mechanism adequate? If you consider it inadequate, can you explain why?	<u>No response found in Examination Library.</u>	The Applicant is unable to comment on this but would welcome further engagement from BNP Paribas Real Estate on behalf of Royal Mail.
DC2.6.24	BNP Paribas Real Estate	How do you respond to the Applicant's Comments on Response to First Written Questions ([REP4-029] pages	<u>No response found in Examination Library.</u>	The Applicant is unable to comment on this but would welcome further engagement from BNP Paribas Real Estate on behalf of Royal Mail.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
	on behalf of Royal Mail	59 and 60) where it addresses your reply to ExQ1 CA1.4.29?		
DC2.6.25	BNP Paribas Real Estate on behalf of Royal Mail	Further to your response to ExQ1 [REP3-076], where you express generic concerns about the accuracy of Transport Assessments, do you perceive any specific deficiencies in the Applicant's Transport Assessment [APP-061] in terms of baseline transport conditions, methodology or outcome?	<u>No response found in Examination Library.</u>	The Applicant is unable to comment on this but would welcome further engagement from BNP Paribas Real Estate on behalf of Royal Mail.

7. Good Design

No questions asked.

8. Historic Environment

Table 8.1 – Historic Environment

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
HE2.8.1	Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council	Concerns have been expressed about archaeological trial trenching and the Applicant's outline Written Scheme of Investigation during the Examination so far. At Deadline 5 [REP5-016], the Applicant confirmed that field surveys were completed in November 2023 and submitted an updated outline Written Scheme of Investigation to reflect completed trial trenching results and feedback received from you at Deadlines 3 and 4. Are you now content with this matter? If not, please summarise what remains outstanding. The intention signalled in Suffolk County Council's Deadline 6 submission, Response to the Applicant's Comments on any other submissions received at Deadline 4 (sic)	<p><u>Babergh and Mid Suffolk District Councils (Joint Response)</u> We defer to the response from SCC.</p> <hr/> <p><u>Suffolk County Council</u> SCC (Archaeological Service) supports the comments made by BMSDC. There are still considerable concerns regarding the OWSI submitted on 5 December 2023. Detailed comments have been made and have been sent to the archaeological consultants of the Applicant.</p> <p>Those areas giving concern relate to clarification within the text under section 1.2 on the level of evaluation completed to date and that which will need to be completed if approved. This is especially a concern for the geoarchaeological and palaeoenvironmental mitigation (Section 7 within the OWSI) as this will require initial evaluation followed by an appropriately agreed mitigation strategy. The evaluation of this area will need to be undertaken as early as possible to allow scientific dates to be obtained to identify the date and significance of the deposits present and thus allow an appropriate mitigation strategy to be defined.</p> <p>Under section 1.5 description of strip map and sample (SMS). By undertaking work immediately ahead of construction there is a high potential of this causing significant delays to the development due to the level of archaeological investigation required. It is recommended that the programme of topsoil stripping within SMS areas should be undertaken several months in advance of construction work to facilitate the archaeological</p>	The Applicant has responded to the specific points raised in the Council's response to this Written Question (in relation to the OWSI) in the Applicant's Response to Interested Party Comments on Management Plans [REP7-022] at Deadline 7.

Reference Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
	[Examination Library reference pending], to submit a joint response with Essex County Council to raise outstanding issues with the Outline Written Scheme of Investigation (OWSI) is noted, and the relevant part of that document can be cross-referenced in response to this question insofar as it is relevant and comprehensive, if submitted.	<p>investigation. SMS can lead to areas requiring detailed open area excavation.</p> <p>Under 5.1.2, SMS is described as a rapid form of excavation The term watching brief should be removed from the whole document and replaced by archaeological monitoring.</p> <p>Section 8 will need to clearly define the role of the Local Authority Archaeological Advisors in the agreeing of site specific WSI's, monitoring of the archaeological fieldwork, sign off of completed fieldwork, sign off of separate site reports and final publication.</p> <p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>BDC/ECC provided the same response at that for SCC above.</p>	
HE2.8.3	Babergh and Mid Suffolk District Councils Suffolk County Council You have previously raised concerns that archaeological mitigation requirements are not appropriately represented within the Applicant's REAC. The REAC ([REP4-018] and [Deadline 6 version yet to be allocated an Examination Library reference]) has since been amended and now includes additional measures relating to the Written Scheme of Investigation. Has this addressed your concerns in relation to this?	<p><u>Babergh and Mid Suffolk District Councils (Joint Response)</u></p> <p>We defer to the response from SCC.</p> <p><u>Suffolk County Council</u></p> <p>SCC supports the comments made by BMSDC. The revised REAC [REP4-018] Historic Environment has had significant numbers of additional commitments added, many of which are covered within the OWSI, for which there is already a commitment to comply with this document (no 9). It is recommended that the Historic Environment section of the REAC is revisited and reduced to the main requirements, such as commitment to produce site specific WSI's, proposed palaeoenvironmental evaluation and mitigation, role of Local Authority archaeological Advisors, proposed post excavation and publication requirements.</p> <p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>BDC/ECC has submitted the same response at SCC.</p>	The Applicant removed the commitments suggested by SCC in the REAC at Deadline 8 (document 7.5.2 I). The Applicant has responded to this matter further in Table 3.1 of the Applicant's Comments on Submissions Received at Deadline 7 (document 8.10.6).

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
HE2.8.4	The Applicant Babergh and Mid Suffolk District Councils Suffolk County Council	A number of submissions have been made and oral evidence presented in relation to the Applicant's assessment of the effects of the Proposed Development on the historical cultural associations of the landscape and associated buildings in the Dedham Vale, Stour Valley and Brett Valley with famous artists and writers. These include a helpful compendium of paintings linked with Benton End from Babergh and Mid Suffolk District Councils [REP5-030]. The Applicant has also submitted a Technical Note on Cultural Associations [REP5-028], which focuses on Benton End House and Overbury Hall and summarises how cultural associations were considered in the landscape and historical assessments. Are you content that this Technical Note adequately addresses any perceived shortcomings of the assessment? Do you consider that the body of information and assessment in front of the	<p><u>Babergh and Mid Suffolk District Councils (Joint Response)</u></p> <p>The additional information provided has clarified that the cultural and artistic associations of Benton End House and Overbury Hall have been considered as part of the Applicant's assessment. The worry was that this had been overlooked, and the contribution each building's setting makes to its overall significance not fully assessed as the description of both asset within the earlier documentation had made no clear reference to either's cultural and associative value. However, the additional Technical Note [REP5-028] provides clarification regarding how the setting of the buildings, including the presence of overhead lines, affects this significance and how each listed building is appreciated and understood. Whilst it is unclear if the level of detail now provided did form part of the original assessment, I am in agreement that the expanded knowledge and understanding of each asset's setting does not affect the overall impact on either asset. The Applicant concludes that the effect on Benton End will be 'a small adverse impact and a minor adverse effect, which is not significant'. The effect on Overbury Hall is 'a small adverse impact and a minor adverse effect, which is not significant.' I do disagree that the effect would be a 'small' impact, however do not believe its overall impact would be significant.</p> <p><u>Suffolk County Council</u></p> <p>SCC considers that the technical note is sufficient.</p>	<p>A response is provided in the Applicant's Responses to Second Written Questions [REP7-025] submitted at Deadline 7.</p> <p>The Applicant can confirm that the contribution a listed buildings setting makes to its overall significance was considered as part of the assessment presented in ES Chapter 8: Historic Environment [APP-076] and ES Appendix 8.2: Historic Environment Impact Assessment [APP-127]. The Applicant has no further comments to make.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p>Examination addresses the requirements of the NPS adequately, and in particular can you comment on whether it identifies the contribution to the significance of the assets that the NPS requires? Do you consider that the cultural associations, if more fully addressed, could add sufficient additional sensitivity to the identified built heritage receptors and their settings to change the assessment outcome to being significant (in terms of the Applicant's stated approach to the Environmental Impact Assessment (EIA), or to increase the degree of harm that would result from the Proposed Development on those listed buildings?</p>		
HE2.8.5	Babergh and Mid Suffolk District Councils	<p>Further to your concerns about listed buildings in the vicinity of the route of the Proposed Development outside and to the west of Hintlesham woods and your subsequent confirmation of the assets involved [REP4-039], the Applicant has confirmed</p>	<p><u>Babergh and Mid Suffolk District Councils (Joint Response)</u> Yes. No further comments on this matter.</p>	<p>The Applicant has no further comments to make.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		that all three buildings [REP5-025] are assessed in Appendix 8.2 of the ES, Historic Environment Impact Assessment [APP-127]. Are you now content with this matter? If not, please clarify your concerns.		
HE2.8.6	Essex County Council Braintree District Council	At Deadline 5 ([REP5-025], page 125), the Applicant responded to your concerns about the assessment of the Proposed Development on several listed buildings that you had identified (Gentry's Farm, Nether House Farm, Netherby Cottage, Moorcote and Anells, Ab'ot's Farm, All Saints Church). Are you now content with this matter? If not, what remains outstanding?	<p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>The Councils do not wish to add anything further on those Listed Buildings specified in this question.</p> <p>Some additional concerns have however been raised by residents on the likely impacts of construction activities through vibration from HGV's. The Listed Building concerns include the Churches at Twinstead and Lamarsh where the Applicant intend to access their sites via existing harden tracks close to the buildings, which could be susceptible to damage from vibration. Lamarsh church in particular has a rubble constructed tower for example.</p> <p>The Councils request some reassurance from the Applicant that these particular buildings have been considered, and highlight any recourse which may be available, should damage occur.</p>	<p>The churches at Twinstead and Lamarsh have been considered within the construction noise and vibration assessment presented in ES Chapter 14: Noise and Vibration [APP-082]. Predicted vibration levels from construction activities and construction traffic are below those at which cosmetic damage would be expected. As detailed in Appendix 14.2: Construction Traffic Noise and Vibration Assessment [APP-137], vibration from traffic is caused by defects in the road surface (e.g. pot-holes). Such defects would be avoided via regular maintenance.</p> <p>BS 5228-2:2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 2: Vibration (BS 5228-2) states that buildings of historic value should not (unless it's structurally unsound) be assumed to be more sensitive to vibration than buildings with no historic value.</p>
HE2.8.7	Suffolk County Council	At Deadline 4 [REP4-039], you highlighted some additional sites in the Suffolk County Historic Environment Record. The Applicant responded at Deadline 5 [REP5-025].	<p><u>Suffolk County Council</u></p> <p>SCC notes that these sites listed are assessed within ES Appendix 8.2: Historic Environment Impact Assessment [APP-127] except Cropmark of an undated ring ditch (BUS 003) – ES Figures Part 6 [APP-151], Sheet 1 monument reference MSF13637. This is noted on figure 8.1 [APP-151] and should be</p>	<p>The Applicant has checked Table 3.1 of ES Appendix 8.2: Historic Environment Impact Assessment [APP-127] and can confirm that the asset is missing. The details will be added to the Errata List (document 8.4.3 (B)) Document at Deadline 9.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		Are you now content with this matter? If not, what remains outstanding?	<p>noted in the text of [APP-127] with an Historic Environment Record reference.</p> <p>Appropriate mitigation will be defined in the OWSI.</p> <p>However, it should be noted that "watching brief" (see comment HE2.8.1, this document) is an incorrect term.</p>	<p>The asset is a ring ditch of unknown date, visible as a crop mark (MSF13637) / pale soil mark. It is assessed as low value. The impact would be excavation associated with the temporary access point (AB-AP4). The magnitude of impact would be medium adverse, and the significance of effect would be minor adverse (not significant).</p> <p>As set out in 7.14.14 of Table 5.1 in the Applicant's Response to Interested Party Comments on Management Plans [REP7-022], the Applicant has not amended 'watching brief' to 'archaeological monitoring and recording', in order to maintain consistency with ES Chapter 8: Historic Environment [APP-076] and the Archaeological Framework Strategy [APP-186]. However, the Applicant has added '(also known as archaeological monitoring and recording)' to the watching brief description in Section 6.1 of the OWSI [REP7-012] in response to the Council's comments.</p>
HE2.8.8	The Applicant Historic England	The signed SoCG between the Applicant and Historic England submitted at Deadline 5 confirmed that all matters are agreed, apart from the detail and wording of the proposed embedded measure EM-AB01 relating to pylon positioning restrictions to the north of Hintlesham Hall, which was noted as being still under discussion. There appeared to be no update at Deadline 6. When are	<p>Historic England</p> <p>The Applicant has proposed an amended measure (EM-AB01), which is captured in the REAC. We felt this is sufficient to resolve the outstanding matter in the SoCG and all matter are now agreed.</p>	The Applicant can confirm that a final SoCG with Historic England was submitted at Deadline 7 [REP7-018] and there are no further matters outstanding or not agreed.

Reference Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
	the two parties' final positions on this matter likely to be submitted into the Examination?		
HE2.8.9	The Applicant Historic England Suffolk Preservation Society Babergh and Mid Suffolk District Councils Suffolk County Council	<p>In relation to the potential impacts of the Proposed Development on Hintlesham Hall (including the associated listed buildings, and the overall setting) could you outline your understanding of the applicable legal and policy framework in respect of 'avoidable harm'? If it was to be assumed for the purposes of this question that there was agreement that the pylons and the overhead line could be located anywhere within the proposed Limits of Deviation without causing substantial harm to the listed buildings at Hintlesham Hall, to what extent would it be important in legal and policy terms that the degree of harm was nevertheless kept to the minimum possible level, so as not to cause 'avoidable harm'?</p>	<p>Historic England</p> <p>Avoidance of conflicts between the conservation of a heritage asset's and the impact of an application is at the heart of the policies in both EN-1 (e.g. 5.9.22) and NPPF (Para 201). This includes the contribution made to the significance of a heritage assets from its setting.</p> <p>Broadly speaking further reducing harm will reduce the overall impact of a scheme on the significance of an asset and would be more favourable when weighing the balance between harm and public benefits. We agree that minimising harm, and approaches to development that seek to further reduce harm to heritage assets also would follow the principle of avoidance.</p> <p>In all cases where there is harm, where there is harm, whether or not this is substantial, the policy is still clear that 'any' harm requires a clear and convincing justification (EN-1 para 5.9.26 and NPPF 206) and that harm will need to be weighed appropriately by the decision maker against the public benefits of the proposal (EN-1 para 5.9.20 and NPPF 208). This is mindful that 'great weight' needs to be given to an asset's conservation, and that the more important the asset the greater the weight should be (EN-1 para 5.9.25 and NPPF 205).</p> <p>Suffolk Preservation Society (SPS)</p> <p>SPS agrees that any heritage harm resulting from of the proposed infrastructure within the setting of grade I listed Hintlesham Hall will fall short of substantial harm. However, as previously stated in our response to ExQ1, the degree of impact will vary according to the proximity of the new infrastructure and alignment of existing and new pylons. We continue to urge that, to minimise these impacts in order to not cause 'avoidable harm', the Limit of Deviation should be kept to a minimum and the Applicant must</p>
			<p>The Applicant has no further comment to make on the Historic England, SPS or BMSDC responses except noting that the Applicant considers that the project is compliant with planning policy, including EN-1 and the NPPF, as evidenced in the Planning Statement [REP6-011].</p> <p>In response to SCC, the Applicant has included commitment EM-AB01 in the REAC (document 7.5.2 (E)), which restricts where a pylon can be placed within the Limits of Deviation. The Applicant does not consider it to be appropriate for the Councils to approve the final location of the pylon, as per the response provided in Table 2.1 of Applicant's Comments on Other Submissions Received at Deadline 4 [REP5-025].</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>work closely with Historic England with regards to the micrositing of the pylon towers within the setting of Hintlesham Hall and Park. We consider that the introduction of additional pylons and overhead wires into the setting of the highly graded Hintlesham Hall, and adjacent designated assets and parkland, will create a degree of less than substantial harm. All heritage harm must be given weight in the decision-making process. Greater weight should be given to the highest grade of designated heritage assets. The need for critical national priority infrastructure is accepted but this must be weighed against the residual impacts – unavoidable harm which is not capable of being addressed by the application of the mitigation hierarchy. Application of the mitigation hierarchy requires that harm should be avoided and, where harm is unavoidable, mitigation measures must be taken to reduce or compensate for this harm.</p> <p>The Applicant notes that SPS provide specific references from EN-1 which support their position.</p>	
			<p><u>Suffolk County Council</u></p> <p>SCC understands that agreement between the Applicant, Historic England, SCC, Babergh District Council and Mid Suffolk District Council on the precise location of the pylons was reached before the project was frozen in 2013. Any deviation from those precise locations would require reconsideration and re-approval.</p>	
			<p><u>Babergh and Mid Suffolk District Councils (Joint Response)</u></p> <p>In respect of landscape and visual: No comment on landscape issues In relation to the specific Question asked.</p> <p>In respect of heritage: We don't believe that 'avoidable harm' is a defined policy or legal term in respect of the assessment of impacts on heritage assets and setting, although the Planning (Listed Building and Conservation Areas) Act 1990 and NPPF do stress the importance of conserving assets.</p> <p>Section 195 of the NPPF states '<i>These assets are an irreplaceable resource, and should be conserved in a manner</i></p>	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.'</i></p> <p>Section 203, 205 and 208 are all applicable too. In terms of the Planning (Listed Building and Conservation Areas) Act 1990, section 16(2) states: '<i>In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'</i></p> <p>However, this technically refers to Listed Building Consent applications. It is inferred from this though that setting is important and a contributing part of a heritage assets special interest.</p>	

9. Landscape and Views, Including Trees and Hedgerows

9.1 National Landscape and landscape assessment

Table 9.1 – National Landscape and Landscape Assessment

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
LV2.9.1	The Applicant Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council Dedham Vale National Landscape and Stour Valley Partnership	The Levelling-up and Regeneration Act 2023 (sections 245 (5) and (6)(a)) will amend the Countryside and Rights of Way (CROW) Act 2000 in respect of the 'general duty' imposed on public bodies dealing with functions in an Area of Outstanding Natural Beauty (AONB). In addition, on 22 November 2023 (and as part of a national change), the Dedham Vale AONB was renamed the Dedham Vale National Landscape. Do you consider these changes to have any effect on the Proposed Development and the impact assessments that have been submitted? If so, describe them, and, if not, explain why not.	<p><u>Babergh and Mid Suffolk District Councils (Joint Response)</u></p> <p>Natural England has recently Advised DVNLSVP: the duty to 'seek to further' is an active duty, not a passive one. Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape (A National Park, the Broads, or an AONB) can be furthered;</p> <p>This is a significant change from "Duty of Regard" to "Further of Purposes", Proposals for additional Compensation e.g., a landscape restoration fund as part of environmental benefits contributes to furthering the purposes.</p> <p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>Natural England has recently Advised DVNLSVP: the duty to 'seek to further' is an active duty, Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape ... can be furthered; The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like for like measures and replacement.</p>	The Applicant has no further comments to make and refers to its response provided at LV2.9.1 of the Applicants Responses to Second Written Questions [REP7-025] submitted at Deadline 7.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose; The proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition to avoiding and mitigating the effects of the development...' This is a significant change from "Duty of Regard" to "Further of Purposes", Proposals for additional Compensation e.g., a landscape restoration fund as part of environmental benefits would contribute to furthering the purposes.</p>	
			<p><u>Suffolk County Council</u></p> <p>SCC notes that section 85(1) of the CRoW Act 2000 requires public bodies to conserve and enhance the beauty of AONB. The Levelling Up and Regeneration Act 2023 changes section 85 of the CRoW Act 2000 as follows: "In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority (other than a devolved Welsh authority) shall have regard to must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."</p> <p>SCC 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.</p>	
			<p><u>Dedham Vale National Landscape and Stour Valley Partnership</u></p> <p>On 26 December 2023, a new duty came into force in English AONB (now branded as National Landscapes). This duty says that all 'relevant authorities' (generally, those with a public function), 'must seek to further the</p>	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>purposes' of the designated landscape; for National Landscapes, this purpose is conserving and enhancing natural beauty. This duty features in Section 245 of the Levelling Up and Regeneration Act 2023, which gained Royal Assent on 26 October 2023 – and it overrides and strengthens the previous duty to 'have regard' to the purposes. This new duty has great potential in delivering the UK Government's Environmental Improvement Plan (EIP23).</p> <p>English AONB were branded as National Landscapes on 22 November 2023. Legally these areas remain AONB and as such Government and other policy continues to refer to AONB, but they are now known as National Landscapes in common usage.</p> <p>The DVNLSVP considers the above to be a significant change and that the applicant should review and adapt its treatment of the Dedham Vale National Landscape to comply with the new duty. It notes Natural England's interim advice on the strengthened duty that states:</p> <p>Natural England advises that:</p> <ul style="list-style-type: none"> • the duty to 'seek to further' is an active duty, not a passive one. Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape (A National Park, the Broads, or an AONB) can be furthered; • The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like for like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose; 	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<ul style="list-style-type: none"> The proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured. Natural England's view is that the proposed measures should align with and help to deliver the aims and objectives of the designated landscape's statutory management plan. The relevant protected landscape team/body should be consulted. 	
LV2.9.2	<p>The Applicant Babergh and Mid Suffolk District Councils Suffolk County Council Essex County Council Braintree District Council</p>	<p>Without prejudice to your view on the adequacy of landscape mitigation and compensation provided as part of the Proposed Development, how might any proposal for additional compensation (for example, a landscape restoration fund and managing officer) be secured, and would it pass the relevant tests for a legal agreement? Are you able to provide examples of comparable projects where compensation has been provided in this way?</p>	<p><u>Babergh and Mid Suffolk District Councils (Joint Response)</u></p> <p>Proposals for additional Compensation e.g., a landscape restoration fund as part of environmental benefits contributes to furthering the purposes of the AONB as required in The Levelling-up and Regeneration Act 2023.</p> <p>The Councils' consider that environmental benefits should seek to "add benefit over and above committed mitigation and statutory compensation to communities"; as per the precedent of the High Speed Two Community and Environment Benefit Fund. The environmental benefit project area would be localised around the Dedham Vale AONB and Stour Valley Project Area with opportunities to deliver environmental benefits outside of these designations and settings to ensure delivery of environmental projects in the most appropriate locations.</p>	<p>BMSDC and SCC are referring to 'environmental benefit' rather than mitigation and compensation (which is over and above that required to make the development acceptable in planning terms). The Applicant is discussing community benefits (which could include environmental benefit) with the host authorities outside of the DCO process.</p> <p>The Applicant also considers that the project already includes environmental benefits over and above mitigation and compensation, for example the commitment to deliver 10% biodiversity net gain.</p> <p>There would also be a long-term benefit from the project from the removal of the 132kV overhead line and undergrounding the proposed transmission line within the AONB and the Stour Valley.</p> <p>The Applicant does not consider that HS2 is a suitable comparable project to reference, in terms of scale or likely significant effects that would result.</p> <p>The Applicant is proposing to undertake landscape mitigation planting around Bramford Substation (MM01), as shown on sheet 1 and 2 of LEMP</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>In HS2 case funds were channelled Via Groundwork Trust but we see DVNLSVP fulfilling the same role.</p>	<p>Appendix B [REP7-009] and existing hedgerows affected by the project would be reinforced. The Applicant is also proposing planting as part of the biodiversity net gain proposals as described in the Environmental Gain Report [APP-176].</p>
			<p><u>Braintree District Council and Essex County Council (Joint Response)</u></p>	<p>In response to SCC, the Applicant considers that new strategic hedge planting at this location would affect the land use and operation of the existing fields and would also have implications for potential proposed developments that are consented or have planning applications submitted, as shown on ES Figure 15.2: Proposed Developments [APP-155].</p>
			<p>The BDC/ECC is the same as the response from BMSDC.</p>	
			<p><u>Suffolk County Council</u></p>	<p>The Applicant also does not consider there a need to offset the impacts of the project on the AONB (National Landscape) given the long-term beneficial effect that the project would have on this landscape, as concluded in ES Chapter 6: Landscape and Visual [APP-074].</p>
			<p>SCC proposes that this should be provided under the umbrella of so-called "Community Benefit" which preferably would be secured under an agreement made under s.111 of the Local Government Act 1972. (S.111 allows a local authority to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions). Such an agreement was made in respect of the Scottish Power Renewables East Anglia Two and One North offshore wind farm project with East Suffolk Council. This was designed to compensate for residual environmental impacts and included measures such as landscape enhancement. SCC is disappointed for example with the lack of proposals for landscape mitigation around the Bramford Substation, where strategic hedgerow planting would be helpful in offsetting the impacts of the proposed development. This would follow one of the strategies of the Scottish Power agreement whereby landscape enhancement could offset the impacts of that proposed development on the AONB (now National Landscape).</p>	

9.2 Visual Assessment

Table 9.2 – Visual Assessment

Reference	Question To:	Question	Response from Interested Party or Applicant's Comments Affected Person
LV2.9.3	Suffolk County Council	Your answers to ExQ1 [REP3-078] expanded on the concerns in your LIR [REP1-045] in relation to the effectiveness of the proposed mitigation planting for the Stour Valley West CSE. The Applicant [REP3-052] has explained the rationale behind the design of the proposed planting whilst acknowledging that some views would remain open at year 15 due to the location of the underground cables (for example, from viewpoint G-07). The Applicant has further explained that this was balanced against the benefits of removing pylons from the view and resulted in an adverse medium-small magnitude of change overall. Do you now accept this explanation and assessment, or do you wish to put forward a more effective scheme of mitigation that does not impinge on the identified technical constraints?	<p>Suffolk County Council</p> <p>SCC considers that the visual effects of the proposed Stour Valley West CSE compound would be greater than the visual benefit of the removed pylons.</p> <p>During the thematic meeting with the Applicant on 12 December 2023, this site was discussed, and the Applicant indicated that further planting to the south-west of the CSE compound would be possible. SCC welcomes this and considers that the proposed landscape softening to the south of the cable route should be extended westwards to Henny Back Road (Mabb's Corner) in form of a tree belt.</p> <p>The Applicant's assessment of the impact on Viewpoint G-07: View from the PRoW near Mabb's Corner concludes that there would be a medium-small magnitude of change overall at this location.</p> <p>The Applicant has included extra hedgerow planting to the south-west of the Stour Valley West CSE compound on Sheet 28 of LEMP Appendix B: Reinstatement Plan at Deadline 7 [REP7-009], in response to the feedback from SCC.</p> <p>In terms of the softening, the Applicant maintains that this is not required to mitigate a significant effect at this location. As shown on sheet 28 of LEMP Appendix B: Reinstatement Plan [REP7-009], embedded planting is already proposed around the CSE compound to the north of the softening area. In addition, the landowner has requested that softening is not extended to the road, as this would limit how they can farm the field. The existing softening was proposed to benefit Abbot's Farmhouse (Table 6.7 in ES Chapter 6: Landscape and Visual [APP-074]), which already has a tall hedge screening views in this direction, therefore the Applicant does not consider it appropriate to extend the softening towards Henny Back Road.</p>

9.3 Hedgerows and Trees

Table 9.3 – Hedgerows and Trees

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
LV2.9.7	Woodland Trust	At Deadline 5, the Applicant [REP5-025] suggested a new mitigation commitment in relation to veteran tree T378 (EMG13), and this has been added to the REAC at Deadline 6 [Examination Library reference to be confirmed]. Does this satisfy your concerns in relation to this veteran tree?	<u>No response found in Examination Library.</u>	The Applicant considers the commitment wording to be sufficient and has no further comments to make.

10. Land Use and Soil

10.1 Agriculture and Other Land Use

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to Second Written Questions [REP7-025] submitted at Deadline 7.

10.2 Soils, Geology and Ground Conditions

Table 10.1 – Soils, Geology and Ground Conditions

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
LU2.10.9	Babergh and Mid Suffolk District Councils	Do you have any outstanding comments on the level of detail currently in the CEMP (as secured through dDCO	<u>Babergh and Mid Suffolk District Councils (Joint Response)</u> We defer to the comments of SCC and BDC	The Applicant is unclear from the response what specific concerns SCC has regarding soils in the CEMP as it is not aware of comments from the Council's in relation to these matters. The Applicant

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
Suffolk County Council Essex County Council Braintree District Council	Requirement management?	4) for soil	<p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>The Councils have sought specialist advice on this particular topic and will respond in Deadline 8 submissions.</p> <p><u>Suffolk County Council</u></p> <p>SCC considers that the existing details contained within the CEMP ([REP6-021] to [REP6-024]) and LEMP ([REP3-034] to [REP3-036]) are insufficient for a final document and that a further detailed stage to be discharged as a Requirement would be needed in both cases. It is also noted that the Applicant allows itself to move soils when they are saturated to fit in with the construction programme (Paragraph 11.3.3 of the CEMP [REP6-021]). The Applicant includes reference to opening an 80m wide swathe for several kilometres in open cut undergrounding sections. The soils in these areas need careful handling and aftercare to bring them back to the required standard. Although not specifically intended for energy transmission developments, useful guidance on soil handling and aftercare can be found in Planning Practice Guidance under Minerals at Paragraph 036 onwards.</p>	<p>has responded to comments on soil in relation to the LEMP in Applicant's Response to Interested Party Comments on Management Plans [REP7-022].</p> <p>The Applicant considers that the measures outlined in the CEMP (document 7.5 (D)) are sufficient to protect soil during removal, handling and reinstatement. The CEMP references the Good Practice Guide for Handling Soils in Mineral Workings (The Institute of Quarrying, 2021) in paragraph 11.1.2 as relevant guidance.</p>

11. Noise and Vibration

Table 11.1 – Noise and Vibration

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
NV2.11.3	Babergh and Mid Suffolk District Councils Braintree District Council	Further to the Applicant's response to ExQ1 NV1.11.8 [REP3-052] that the CEMP would control noise and vibration and provide the same function as a standalone Noise and Vibration Management Plan, can you comment on the adequacy of the level of detail currently in the CEMP (secured through DCO draft Requirement 4). If the level of detail is insufficient, can you summarise what measures are required to manage, monitor and control noise and vibration levels across the Order Limits?	<p><u>Babergh and Mid Suffolk District Councils (Joint Response)</u></p> <p>We concur with the comments made by BDC in this regard. The Councils would however once again reiterate that, should the CEMP be used to form a standalone Noise and Vibration Management plan, as well as policing the construction of the development more generally, then consideration should be given to a standalone public notification, communications and a complaints procedure document. This is further justified in Paragraph 4.11.12 in The Councils Deadline 6 response [REP6-051].</p> <p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>The noise and vibration section contains adequate information so impacts from noise and vibrations are reduced as far as is practically possible. Albeit further reassurance should be provided for some listed properties as specified in The Councils response to question HE2.8.6 above.</p> <p>BDC/ECC also provided the same response at that for BMSDC above.</p>	<p>The Applicant notes that community engagement and public information is covered in Section 3.4 of the CEMP (document 7.5 (D)) and the complaints procedure is set out in Section 15.4 of the CEMP. Therefore, the Applicant does not consider it necessary to produce a standalone document covering these matters.</p> <p>The Applicant has responded to the comment on noise and vibration at listed buildings in its response to HE2.8.6 above.</p>
NV2.11.24	The Applicant Babergh and Mid Suffolk District	At Deadline 6, the Applicant submitted its Document 8.8.7, Technical Note for NSRs. This presents the findings of a further	<p><u>Babergh and Mid Suffolk District Councils (Joint Response)</u></p>	<p>The Applicant notes that the proposed construction works are not expected to generate unacceptable impacts.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
Councils Braintree District Council		<p>assessment (using a lower noise threshold) of potential construction noise impacts on NSRs during weekends and bank holiday periods. It identifies four additional locations where construction noise levels may be in excess of the lower threshold for weekend working at six NSRs. It is understood that the Applicant provided this in advance to the local authorities for comment, including a request for identification of any additional NSRs of concern.</p> <p>1. Could the Applicant please confirm the range of noise sources that were included in the assessment (for example, did it include construction traffic movements), and the extent to which it addresses intra-project cumulative noise effects?</p> <p>2. Can you update your position on this matter in response to this question and if it is not your final position, indicate when you consider that will be reached and how it will be submitted into the Examination.</p> <p>3. Are you content that the types of noise mitigation measures that have already been identified for the NSRs identified in the ES could, in principle, be applied to the newly identified NSRs such</p>	<p>We require additional time to review the map, as well as noise assumptions, to determine whether there are any other NSR's which are caught by the 55dB weekend working. We hope to respond at Deadline 8.</p> <p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>The Councils were provided with a table which set out a list of properties which the Applicant considered breached those more sensitive noise levels on Bank Holidays and Weekends. The Councils need additional time to review the map, as well as noise assumptions, to determine whether there are any other NSR's which are caught by the 55dB weekend working. The Councils hope to reach an agreed position before Deadline 8.</p> <p>In terms of the assessment of those receptors identified by the Applicant in Braintree/Essex, the following observations have been made:</p> <p>Significant adverse effects should be avoided as activities are predicted to not exceed temporal threshold criteria as described in BS5228-1 and Design Manual for Roads and Bridges (DMRB), i.e activity will not exceed ten days in any 15 consecutive days or 40 days in any consecutive six months. However, no predicted noise level at receptors is presented, just receptor locations, in the Applicants opinion, that exceed the 55 dB threshold. Although mitigation measures set out within the ES chapter are extensive and are best practical means for reducing noise levels as far as reasonably possible, it is not definitive to say they are appropriate in reducing noise levels sufficiently to avoid unacceptable adverse impacts without</p>	<p>The Applicant has undertaken a noise assessment in ES Chapter 14: Noise and Vibration [APP-082]. This uses the threshold criteria and durations set out in BS5228-1 and DMRB to predict the likely significant noise effects. The predicted noise levels at each receptor are presented in Table 14.1 (pre-mitigation). Mitigation is presented in Section 14.8 of the chapter. Paragraph 14.10.5 concludes that on the basis of the proposed additional mitigation, that the construction noise levels can be reduced such that that significant adverse effects would be avoided at all NSR. The mitigation is secured through the CEMP (document 7.5 (D)).</p> <p>The Technical Note for Noise Sensitive Receptors (Document 8.8.7) submitted at Deadline 6 provides a further, more conservative precautionary assessment of construction activities on local receptors. The Technical Note uses the lower noise threshold for weekend periods (55 dBA) and a limited number of receptors have been identified where there is the potential for exceedance of this lower threshold. Table 3.2 notes that the duration set out in BS5228-1 and DMRB (i.e. ten days in any 15 consecutive days or 40 days in any consecutive six months) is not met at these locations.</p> <p>The Applicant notes that the Councils are intending to review the proposed list of NSR at Deadline 8. In the meantime, the Applicant has included these additional properties and proposed mitigation measures to the CEMP at Deadline 8 (document 7.5 (D)), even though these do not meet the criteria set out in BS5228-1 and DMRB for a significant effect.</p> <p>The Council's observe that the proposed mitigation measures are extensive. As is standard on construction projects, specific mitigation measures would be selected by the contractor once the details of specific construction methods, plant, and equipment are confirmed.</p>

Reference Question To:	Question	Response from Interested Party or Affected Applicant's Comments Person
	<p>that any adverse noise effects could be satisfactorily reduced?</p> <p>4. Could the Applicant detail how any necessary additional mitigation measures will be secured?</p>	<p>comparison to predicted noise levels. This can include a detailed assessment for specific activities that may require more/less mitigation.</p>

12. The Water Environment

Flood Risk Assessment

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to Second Written Questions [REP7-025] submitted at Deadline 7.

Management Measures

Table 12.1 – Management Measures

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
WE2.12.4	Natural England	Paragraph 3.1.2 of the Applicant's HRA Report [APP-057] explains the location of the Stour and Orwell Estuaries Special Protection Area and Ramsar sites in relation to the Order Limits, noting that the Rivers Stour, Box and Brett and the Belstead Brook all enter the Stour and Orwell Estuaries, approximately 5.72km south-east of the Order Limits. Notwithstanding the likelihood that the Environment Agency would be the competent authority in this respect, and that you consider that you should be consulted, are you confident that sufficient controls could be put in place to ensure that the proposed construction activities in Flood Zone 3 (including horizontal directional drilling under the River Stour) would not adversely impact the integrity of the European site?	<p>Natural England</p> <p>It is for the Applicant to provide sufficient information for the competent authority to complete a HRA. Sufficient information is yet to be provided as the method of construction is yet to be confirmed. Natural England should be informed by the Applicant how they intend to consult the Environment Agency on this issue. It is not clear whether this will be subject to a discharge of condition application, a permit application or by another mechanism. It is a statutory requirement for competent authorities to consult Natural England for its views under regulation 64(3) when they are carrying out an Appropriate Assessment and to 'have regard' to any representations that we may make.</p>	See the Applicant's response to EC2.3.7 above.

Temporary Bridges and Culverts

Table 12.2 – Temporary Bridges and Culverts

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
WE2.12.8	Environment Agency	Further to your response to ExQ1 WE1.12.40, can you confirm the status of discussions with the Applicant concerning embankments that potentially need to be installed?	<p><u>Environment Agency</u></p> <p>We have been in discussions with the Applicant and have included some text in section 3.1.6 of the Statement of Common Ground. Should land raising be required (this can include the addition of embankments) in Flood Zones 2 or 3 to access the temporary crossings, it is essential that flood risk modelling is carried out to ensure no increase in flood risk elsewhere. It is also essential that the Applicant provides to the Environment Agency; detailed drawings of temporary crossings alongside river levels to ensure a sufficient head clearance for navigation, for approval before proceeding. This will also allow us to ensure that any embankments will not harm any of our assets. It is our understanding that this level of detail is not being provided at this stage of the DCO process. It is imperative that the Environment Agency is able to review these details as they become available. We note that the Applicant is not disapplying the need for a Flood Risk Activity Permit (FRAP) and so we will also be able to review further details at this time.</p>	<p>The Applicant is not disapplying the need for a FRAP. A FRAP will be provided to the Environment Agency when information is available and prior to any works required in relation to the main rivers.</p>

13. Traffic and Transport

13.1 Traffic Assessment

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to Second Written Questions [REP7-025] submitted at Deadline 7.

13.2 Construction Traffic and Construction Route Strategy

Table 13.1 – Construction Traffic and Construction Route Strategy

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
TT2.13.8	Essex County Council Suffolk County Council	In ExQ1 [PD-005], the ExA raised a query about whether heavy good vehicles associated with the Proposed Development would travel past any schools or other particularly sensitive receptors (TT1.13.31). Are you content with the Applicant's response ([REP3-052] pages 192 and 193)?	<p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>The Councils are generally content with the Applicant's response. As per our response at Deadline 6 [REP6-051], we have reviewed the sensitivity of links in Essex and as per ITEM 3 of our Post Hearing Submissions, we have not identified any disagreements that would materially impact conclusions based on the Applicant's assessment method. However, as per our response to 21.1.15 and 5.10 of our Deadline 6 Response [REP6-051], the Applicant has identified baseline HGV movements based on their survey data, a review of the provided survey data suggests that they have included a category TB2 in their baseline, and further clarity is sought on the appropriateness of its inclusion.</p> <hr/> <p><u>Suffolk County Council</u></p> <p>SCC notes that the number of HGVs along both the A1071 and A134 would increase significantly, and the Applicant is proposing nothing other than a briefing to the local community. SCC considers that a briefing to</p>	<p>BDC and ECC</p> <p>The Applicant is pleased that the Councils are generally content with the Applicant's previous response on the impact of the project on schools, and that they have not identified any material disagreements on the issue of link sensitivity.</p> <p>With regard to vehicle category TB2, the Applicant provided a response to a previous query in paragraphs 2.8.6 to 2.8.8 of the Applicant's Comments on Other Submissions Received at Deadline 6 [REP7-026] and has no further comments to make.</p> <p>SCC</p> <p>The Applicant disagrees with the statement that '<i>the number of HGVs along both the A1071 and A134 would increase significantly</i>'. Table 4.1 in ES Appendix 12.1: Traffic and Transport Significance of Effects Tables [APP-134] indicates that the magnitude of impact of forecast HGV changes is categorised as 'negligible' on all segments of the A1071 and A134. This assessment and categorisation was developed in</p>

Reference Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p>hauliers would also be appropriate. SCC notes the following: Primary Schools on the proposed construction routes are located at:</p> <ul style="list-style-type: none"> ● Hintlesham and Chattisham CoE Primary School (on the A1071) <p>Schools located close to construction routes where pedestrian / cycle routes may cross are:</p> <ul style="list-style-type: none"> ● Bures VC Primary School (Nayland Road); ● Nayland Primary School (Bear Street); ● Sprites Primary Academy (Ipswich, off A1214); ● Suffolk One (off Scrivener Road, Ipswich); ● Thomas Gainsborough Secondary School (Wells Hall Road); ● Wells Hall Community Primary School, Great Cornard (Wells Hall Road). <p>The construction routes do pass close to a number of village halls (e.g., Assington, Hintlesham, Leavenheath Newton), and churches which may be used at times by vulnerable groups. However, SCC would accept that the use of such facilities varies between communities and in time making sensitivity difficult to accurately quantify. Subject to the volume of HGVs not exceeding that in the assessment SCC accepts that the impacts of the project would not materially change with respect to the list of sensitive receptors above.</p> <p>SCC concurs with ECC regarding clarity of the inclusion of category TB2 in the baseline and that if discounted this may reveal a larger impact of the project in terms of larger goods vehicles.</p>	<p>line with the Guidelines for the Environmental Assessment of Road Traffic (GEART) (Institute of Environmental Assessment (IEA), 1993), which was identified by SCC as appropriate guidance during pre-application discussions.</p> <p>The Applicant is pleased that SCC accepts that the impacts of the project would not materially change with respect to the list of sensitive receptors referenced.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
TT2.13.9	Essex County Council Suffolk County Council	In ExQ1 [PD-005], the ExA raised a query related to members of the public identifying vehicles associated with the project (TT1.13.32). Are you content with the Applicant's response ([REP3-052] page 193)?	<p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>Whilst the Council note the Applicant's response, we consider that it would be reasonable to include some form of identification on the dashboard (a sign) for the ease of identification by parties including the public.</p> <p><u>Suffolk County Council</u></p> <p>SCC notes that there would not be a standard livery, however, the sub-contractors livery would provide a route to providing vehicle identification if required.</p> <p>SCC notes that a form of identification for construction traffic would be desirable to enable the public to correctly identify vehicles associated with the project. This has been a commitment from Scottish Power Renewables for all four of their onshore cable projects in Suffolk.</p> <p>EA1(N) CTMP4</p> <p>The contractor will implement a system to help the public distinguish HGV construction vehicles associated with the proposed East Anglia ONE North project from other traffic on the highway network. Each HGV will be required to display a unique identifier, provided by the CTMPCos within the window of the cab (a recognisable logo) that will allow members of the public to report any concerns such as driver behaviour or the use of unapproved routes via a publicised telephone contact number.</p> <p>SCC notes that the National Grid (Hinkley Point C Connection Order) included requirement 24 Scheme of Marking:</p> <p>24.(1) No stage of the authorised development must commence until a scheme of marking for HGVs and LGVs to identify vehicles engaged on work in the</p>	<p>The Applicant does not consider the inclusion of identification on the dashboard of vehicles to be practical, necessary or reasonable.</p> <p>The construction will involve multiple deliveries and contractors, hire vehicles etc, coming from different locations.</p> <p>Either vehicles must be sent the notices in advance or would need to make additional movements to come to a central point to get an identifier. The latter would add to vehicle numbers on the network and makes construction less efficient.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			authorised development has been submitted to and approved by the relevant highway authority, after consultation with the relevant planning authority. (2) The authorised development must be carried out in accordance with the approved scheme of marking.	

Public Rights of Way

Table 13.2 – Public Rights of Way

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
TT2.13.12	Essex County Council Suffolk County Council	Are you content with the sufficiency of the Applicant's response [REP1-034] to action points 16 and 17 from the first Issue Specific Hearing [EV-018], relating to the PRoW survey data?	<p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>The Applicant's response sets out the work they have undertaken. The PRoW surveys are considered to be of a limited scope, with limited details on the exact survey dates and times provided.</p> <p><u>Suffolk County Council</u></p> <p>SCC are disappointed that the Applicant has undertaken limited surveys of the PRoW network over a very brief period of time. In addition, the routes surveyed in 2013 and 2021 were not repeated with fewer surveyed in 2021 and 2023.</p> <p>Exact survey dates and times have not been provided and the Applicant has stated just a weekday and weekend day over a 10 hour period. Less than 10% of the routes affected have been surveyed with the remainder appearing to be assessed as a desk top exercise. The accuracy of the assessment is limited in its evidence.</p>	The Applicant has responded on scope of surveys in Action Point 16 in the Applicant's Response to Issue Specific Hearing 1 Action Points [REP1-034]. The Applicant has surveyed all PRoW that are expected to be subject to temporary individual closures of over four weeks or where they have a sensitivity ascribed of medium or above, which it considers is proportionate to the short term, temporary effects that are anticipated.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			SCC are content with the Applicant's response regarding Open Access Land and known permissive access.	
TT2.13.13	Essex County Council Suffolk County Council	Are you content with the suitability and sufficiency of the Applicant's PRowMP [REP3- 056]? If not, why not, and what further content would be required to satisfy your concerns?	<p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>The Council set out its position on the PRowMP [REP3-056] at Deadline 4 [REP4- 049]. Since then, at Deadline 5 [REP5-025] the Applicant has committed to addressing these comments, and subject to these changes the Council are likely to be content with the plans content, so await submission of an updated plan.</p> <p><u>Suffolk County Council</u></p> <p>SCC are still awaiting amendments that the Applicant confirmed in their submission in deadline 5, under [REP5-025] 8.7.3 Applicant's comments on other submissions at Deadline 4.</p> <p>Details were provided at Deadline 6 for community engagement as requested by the applicant to assist with their PRowMP. These were included in Response to the Applicant's Comments on any other submissions received at Deadline 4 [REP6-059].</p> <p>SCC await further updates on the PRowMP [REP3-056] covering Community Engagement, PRow Management Signage, and Active Management Plan for 'Shared Routes'.</p>	The Applicant previously submitted at Deadline 6 the Technical Note on Public Right of Way Closure Sequencing [REP6-049] and has further submitted the updated PRowMP at Deadline 8 (document 8.5.8 (B)) which addresses the previous comments noted in relation to PRow.
TT2.13.16	Essex County Council Suffolk	Section 5.4 of the PRowMP [REP3-056] sets out the Applicant's reinstatement approach for PRow. Are you content with the scope of	<p><u>Braintree District Council and Essex County Council (Joint Response)</u></p> <p>Yes, The Councils are content.</p>	The Applicant notes that the Councils are content in relation to these matters.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
	County Council	the survey work to be carried out to ensure that final reinstatement could return the PRow to their original condition on completion of the Proposed Development?	<u>Suffolk County Council</u> SCC are content with reinstatement approach set out in PRowWMP. The survey information will be provided to the relevant local highway authority prior to works commencing on site. SCC are content that the final reinstatement works be carried out accordingly.	

References

Institute of Environmental Assessment (1993) Guidelines for the Environmental Assessment of Road Traffic (GEART)

The British Standards Institution, (2014) BS 5228-2:2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 2: Vibration (BS 5228-2)

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