

Bramford to Twinstead Reinforcement

Volume 8: Examination Submissions

Document 8.10.5: Comments on the Report On Implications For European Sites and Any Associated Questions

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1. Introduction

1.1 Purpose of the Document

- 1.1.1 This document provides National Grid Electricity Transmission plc's (the Applicant's) comments on the Examining Authority's (ExA) Report on the Implications for European Sites (RIES) [**PD-010**] for the Bramford to Twinstead Reinforcement (the project). The RIES is based on the ExA review of the Habitats Regulation Assessment (HRA) Report that was submitted as part of the application for development consent and was updated at Deadline 1 [**REP1-007**].

1.2 Project Overview

- 1.2.1 An application for development consent was submitted to the Planning Inspectorate on 27 April 2023 to reinforce the transmission network between Bramford Substation in Suffolk, and Twinstead Tee in Essex. The project would be achieved by the construction and operation of a new electricity transmission line over a distance of approximately 29km comprising of an overhead line, underground cables and a grid supply point (GSP) substation. It also includes the removal of 25km of the existing distribution network, 2km of the existing transmission network and various ancillary works.
- 1.2.2 The application for development consent was accepted for Examination on the 23 May 2023.
- 1.2.3 A full description of the project can be found in Environmental Statement (ES) Chapter 4: Project Description [**APP-072**].

2. Comments on the RIES [PD-010]

2.1 Introduction

2.1.1 Table 2.1 provides the Applicant’s response to the questions raised by the ExA within the main body report of the RIES [PD-010]. This table only includes the answers to questions directed to the Applicant. Table 2.2 provides the Applicant’s response to questions raised by the ExA in Table 3.1 of the RIES regarding the assessment of effects on integrity. The Applicant has not responded further to Annex 1: ExA’s Understanding of Position at Point of RIES Publication, as the ExA is summarising where uncertainty lies based on the questions set out in Table 2.1 and 2.2.

Table 2.1 – Applicant’s Response to Questions in the Main Body of the RIES

ID	Question to	Question	Applicant’s Response
Q2.1.1	Natural England (NE) and Interested Parties (IP)	Other than the sites listed above, the ExA is not aware of any representations from IPs identifying any additional UK European sites for inclusion in the Applicant’s HRA. IPs are requested to advise if they consider that additional sites or qualifying features could be affected by the Proposed Development.	The Applicant is not aware of any additional UK European sites that should be included in the HRA, other than those set out in Table 2.1 of the RIES [PD-010].
Q3.1.2	The Applicant	Confirm whether the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site are in favourable or unfavourable condition.	<p>The boundaries of the Stour and Orwell Estuaries SPA and Ramsar sites are concurrent and comprise of the following Sites of Special Scientific Interest (SSSI). Condition information for each SSSI has been collated below from Natural England’s Designated Sites View (Natural England, 2024). SPA and Ramsar features are shown in bold text.</p> <p>Stour Estuary SSSI (year of condition assessment is 2010):</p> <ul style="list-style-type: none"> • Aggregations of breeding birds (avocet) – Favourable; • Aggregations of non-breeding birds (black-tailed godwit, brent goose, cormorant, curlew, dunlin, great crested grebe, grey plover, knot, mute swan, pintail, redshank, ringed plover, shelduck) – Favourable;

ID	Question to	Question	Applicant's Response
			<ul style="list-style-type: none"> ● Nationally scarce plants (<i>Hordeum marinum</i>, <i>Inula crithmoides</i>, <i>Limonium humile</i>, <i>Sarcocornia perennis</i> and <i>Zostera noltei</i>) – Unfavourable, no change; ● Nationally scarce plants (<i>Lepidium latifolium</i> and <i>Verbascum pulverulentum</i>) – Favourable; ● Population of Schedule 5 annelid worm - <i>Alkmaria romijni</i>, Tentacled Lagoon-worm – Unfavourable, no change; ● Population of Schedule 5 sea anemone - <i>Nematostella vectensis</i>, Starlet Sea Anemone – Favourable; ● Littoral sediment; five units, four favourable and one unfavourable, declining due to coastal squeeze; and ● Earth heritage – Favourable. <p>Orwell Estuary SSSI (year of condition assessments are noted below)</p> <ul style="list-style-type: none"> ● Aggregations of breeding birds (avocet) – Favourable (2013); ● Aggregations of non-breeding birds (black-tailed godwit, brent goose, cormorant, gadwall, grey plover, redshank) – Favourable (2023); ● Aggregations of non-breeding birds (dunlin, pintail, shelduck) – Unfavourable, declining (2023) ● Littoral sediment, comprising 16 units: nine Favourable; seven Unfavourable due to coastal squeeze (2009-2010) ● Neutral grassland – lowland – three units all Favourable (2010) <p>Cattawade Marshes SSSI (year of condition assessment is 2012):</p> <ul style="list-style-type: none"> ● Assemblages of breeding birds - Lowland damp grasslands – Unfavourable, recovering; and ● Neutral grassland – lowland: two units; one Favourable and one unfavourable – recovering (2012).

Table 2.2 – Applicant’s Response to Questions in Table 3.1 of the RIES

ID	Potential Impact Pathway	Details of Issue	ExA question	Observation / Applicant’s Response
Stour and Orwell Estuaries SPA and Ramsar Site				
3.1.1	Ground and surface water quality during construction	NE [RR-042] requested a detailed contingency plan on how a bentonite (or other lubricant) 'breakout' would be dealt with to demonstrate robust mitigation. NE also noted a discrepancy in the wording of good practice measure GH07 included in the Code of Construction Practice (CoCP) [APP-178], compared to the measure described in the HRA Report [APP-057]. The Applicant submitted an updated HRA Report [REP1-007], incorporating the wording of GH07 as set out in the CoCP [APP-178]. GH07 requires a hydrogeological risk assessment to be undertaken once trenchless crossing methods have been confirmed, with risks assessed to include consideration of a contingency for the breakout of bentonite and other agents. The Applicant [REP4-005] noted in its Errata List that the HRA Report [REP1-007] contained the wording of GH07 as set out in [APP-178] but acknowledged it had been updated again in [REP3-026] to allow the Environment Agency (EA) 21 days (rather than 10 days) to comment on the hydrogeological risk assessment. NE [REP2-026] identify that the matter relating to wording of GH07 as replicated in the HRA Report [REP1-007] is resolved. NE does not refer to its request for a detailed contingency plan for lubricant breakout in [REP2-026].	The ExA understands that this matter is agreed between the Applicant and NE, aside from one outstanding concern about consultation on the hydrogeological risk assessment, which is discussed in ID 3.1.2 below.	The Applicant agrees with the position that has been outlined by the ExA in the RIES. The Applicant’s position is that the only outstanding matter is in relation to consultation on the hydrogeological risk assessment, which is discussed in ID 3.1.2 below.
3.1.2	Ground and surface water quality during construction	NE [RR-042] requested more detail of good practice measures GH06 (foundation risk assessment) and GH07 (hydrogeological risk assessment) in the CoCP [APP-178], to include a requirement to consider potential risks to the European sites. The Applicant [REP1-025] confirmed that the foundation and hydrogeological risk assessments would consider risks to all relevant receptors including the SPA and Ramsar site should a pathway be identified. NE [REP2-026] welcomed amendments to GH06 and GH07 in the updated CoCP [REP3-026] but requested to be consulted on the hydrogeological risk assessment once it is completed. It stated that the CEMP [REP6-021] and CoCP [REP3-026] should be secured once further details on risk assessments have been provided. The Applicant ([REP3-048], Table 2.9) responded that the EA is the relevant authority for ground and	Q3.3.1 [To the Applicant and NE]: Confirm that the ExA’s understanding is correct, or otherwise explain what remains outstanding and what steps are being taken to resolve the matter Q3.3.3 [To the Applicant]: Comment on the responses to EC2.3.7 from NE and the EA. Confirm what further steps will be taken prior to the close of Examination to resolve this matter.	The Applicant maintains its view that the EA is the relevant authority in relation to surface and ground water quality. 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):
<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</i>				

ID	Potential Impact Pathway	Details of Issue	ExA question	Observation	/ Applicant's Response
		<p>surface water quality, and it is best placed to approve the hydrogeological risk assessment. The Applicant stated that if the EA is satisfied there is no risk to watercourses within the Order Limits, then it can be concluded there is no risk the European sites. The Applicant [REP4-034] restated this position at ISH4. At ISH2, the Applicant [REP4-017] also explained its general position on management plans, stating that its objective was to provide a finalised set for the SoS to consider as part of the DCO application.</p> <p>In the draft SoCG submitted at D5, NE ([REP5-011], 5.4.1) acknowledged the Applicant's response but stated that, whilst the EA is the relevant authority for ground and surface water, NE is an advisor to other competent authorities, acting as a nature conservation body under regulation 5 of the Conservation of Habitats and Species Regulations 2017 and considers it should be consulted. NE ([REP5-011], 5.3.7a and 5.3.7c) stated that it considered there to be outstanding matters with the CEMP, which may lead to further refinement of the CoCP good practice measures when resolved, because of the issue at 5.4.1. The Applicant's position was unchanged at D5 [REP5-011]. It stated that it had responded to matters in respect of the CEMP in [REP3-048].</p> <p>No further progress was reported in the draft SoCG between the Applicant and NE submitted at D6 [REP6-017]. The ExA ([PD-008], DC2.6.16) requested the Applicant to submit some without prejudice draft wording to revise R4 of the dDCO [REP6-003] to treat the management plans, including the CEMP [REP6-021] as outline. The ExA ([PD-008], EC2.3.7) requested NE and the EA to explain the process that would be followed to ensure that NE were consulted on the hydrogeological risk assessment. The EA requested that the Applicant consult both NE and EA to allow for both to provide their respective responses. NE requested the same opportunity as the EA to comment on the hydrogeological risk assessment and associated appropriate assessment. NE noted that the EA confirmed it was happy to work with NE on this matter. NE stated that it could not comment on how it would be consulted as it is unclear whether it would be subject</p>			<p><i>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. 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>

ID	Potential Impact Pathway	Details of Issue	ExA Observation / Applicant's Response question
		to a condition discharge application, a permit application or another mechanism.	
3.1.3	Ground and surface water quality during construction	<p>The ExA ([PD-005], WE1.12.19) sought confirmation from the EA that it was confident that sufficient controls could be put in place to ensure that activities in Flood Zone 3, including horizontal directional drilling under the River Stour, would not result in adverse impacts to the European sites. The EA ([REP3-070], WE1.12.19) responded that it would recommend consultation with NE on this question as it is primarily within NE's remit. The EA was satisfied that if the control measures set out in the CEMP [REP6-021] and CoCP [REP3-026] were implemented, the project would not adversely affect the integrity of the European sites. It stated that the Applicant has committed to applying for flood risk activity permits (FRAP) where required and that NE would also be consulted through this process.</p> <p>The ExA ([PD-008], WE2.12.4) sought confirmation from NE on this matter. NE stated that it is for the Applicant to provide sufficient information for the competent authority to complete a HRA and that sufficient information is yet to be provided as the method of construction is not yet confirmed. NE asked that the Applicant confirms how it intends to consult the EA on this matter and noted that it is a statutory requirement for competent authorities to consult NE when carrying out an appropriate assessment and to have regard to any presentations made by NE.</p>	<p>Q3.3.5 [To the Applicant]: Although detailed construction methodology is yet to be confirmed, the Applicant maintains that the measures in the CEMP [REP6-021] and CoCP [REP3-026] provide sufficient controls that no effect on European sites would occur (the nearest being located 5.72km away from the Order Limits). These controls would be legally required, as they are secured through Requirement 4 of the draft DCO (document 3.1 (G)).</p> <p>Consultation with the Environment Agency would be through the permit application i.e. through the FRAP process, where the hydrogeological risk assessments would form supporting information.</p>

References

Natural England (2024) Designated Sites View. Available online: <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx> [Accessed 24.01.2024]

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