



Bramford – Twinstead:

Deadline 9 Response:

- Response to Applicants comments on ExA's dDCO amendments
- Response to Applicants comments on ExA Questions 2
- Response to Temporary and Permanent Access Note
- Amendments to Management Plans/Control Documents

Braintree District Council (20041141) &

Essex County Council (20041299)

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1 Glossary of Abbreviations

AIL – Abnormal Indivisible Load

BDC – Braintree District Council

B2T – Bramford to Twinstead

CEMP – Construction Environment Management Plan

CoCP – Code of Construction Practice

CTMP – Construction Traffic Management Plan

dDCO – Draft Development Consent Order

ECC – Essex County Council

ExA – Examining Authority

HGV – Heavy Goods Vehicle

LEMP – Landscape Environmental Management Plan

LHA – Local Highway Authority

LPA – Local Planning Authority

NG – National Grid

NSIP – National Strategic Infrastructure Project

PROW – Public Right of Way

REAC – Register of Environmental Actions and Commitments

2 Purpose Of Submission

2.1 Introduction & Format

2.1.1 The purpose of this submission is to provide commentary on a number of documents submitted by the Applicant at Deadline 8. These documents include inter alia:

- *Response to Applicants comments on ExA's dDCO amendments*
- *Response to Applicants comments on ExA Questions 2*
- *Response to Temporary and Permanent Access Note*
- *Amendments to Management Plans/Control Documents*

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

3 Response to Applicants comments on ExA's dDCO amendments **[REP8-032]**

3.1 Overview

3.1.1 This section of the report comments on representations made by the Applicant on the suggested dDCO changes put forward by the ExA. The Councils had already made some comments on the ExA dDCO amendments [REP8-040], however in light of the Applicants comments, The Councils consider that they need to comment further on a number of points.

3.2 Requirement 1(1)(g) Interpretation (Page 18)

3.2.1 The Councils support the principle of the ExA's suggested wording for Requirement 1(1)(g), whereby start up and close down activities, which are outside of core working hours, should not lead to adverse impacts on residential amenity. The Councils therefore consider that this is a reasonable request by the ExA.

3.2.2 The Councils note the Applicant's rationale for raising concerns with the suggested wording of the ExA. The Applicant also refers to additional measures put forward in the CEMP. However, from a review of Chapter 14 of the CEMP, it is not apparent where an amendment has been made to capture the suggested change of the ExA, which would transpose across the entire development for start up and close down activities.

3.2.3 Perhaps to avoid the issues identified by the Applicant, the wording for Requirement 1(1)(g) could be amended to better avoid any ambiguity, but still ultimately retain the principle of limiting activities in the start up and close down periods which would likely lead to noise impacts for Noise Sensitive Receptors outside of the core working hours. The Councils would welcome commenting on any revised wording that the ExA or the Applicant wish to put forward.

3.3 Requirement 4 – Management Plans (Page 20)

- 3.3.1 The Councils support the ExA's amendments to add a new sub-paragraph to 4(4) to ensure that any additional deliverables in the management plans are provided as soon as reasonably practicable.
- 3.3.2 The Applicant raises a number of concerns with this suggestion including suggesting that it was practically unworkable, had issues around ambiguity, was unnecessary, would frustrate delivery of project and have enforcement issues.
- 3.3.3 The Councils submit that a two-stage process for the Management Plans, as is usually expected on developments of this nature, would alleviate the issues raised by the Applicant, but allow the deliverables to be submitted/secured/planned for as required by the ExA.
- 3.3.4 In any case, the rationale underpinning this suggested wording indicates that in reality, a two-stage process is required.

3.4 Requirement 7 – Construction Hours - Piling (page 22)

- 3.4.1 The Councils support the ExA's amendment to restrict all piling, not just percussive piling, on Sundays and Bank Holidays. Piling is one of the noisiest construction activities that there is – a blanket ban on these sensitive days would be entirely reasonable given the long working hours and days which are sought, bearing in mind that it is commonplace for no work at all to take place on a Sunday or a Bank Holiday. It would also make it easier to enforce, as a member of the public is unlikely to know the difference between normal piling and percussive piling activities.
- 3.4.2 Perhaps a compromised position would be to add the wording "*unless agreed in writing, no piling operations shall take place.... on Sundays and bank holidays.*" This then builds in some flexibility and would allow the Councils to be aware of works taking place with their prior approval, should complaints about noise be received.

3.5 Requirement 7 – Construction Hours – HGV (page 22)

3.5.1 The Councils agree with the principle of restricting HGV movements and have previously made submissions as such. The Councils note that the Applicant has raised particular concerns regarding restricting the movements of AILs and the implications on the road network if these were to be concentrated at more peak times.

3.5.2 Having regard to this, and the frequency of AIL movements, which would be low overall, The Councils consider that AIL's could reasonably be removed from the working hours delivery restriction. However, HGV's are different to this as they do not require the same provisions as AIL's. As such, for reasons considered in multiple prior submissions including [REP8-040], The Councils agree in the strongest possible terms that HGV movements should be restricted on Sundays and bank holidays at the very minimum.

3.6 Requirement 7 - Construction Hours – New Sub-para 5

3.6.1 The Councils support the ExA's amendment to add in new sub-paragraph 5 to Requirement 7. Indeed, this insertion would be entirely reasonable and make it clear to all contractors that special exemptions exist at the most sensitive locations of the route, especially given the long working hours which are sought.

3.6.2 The Applicant does not agree with the suggested amendment, but proposes that alternative weekend working at these locations would assist in reducing impacts. This is contrary however to what we have been told previously, that the Applicant would be unable to commit to alternative weekend working formally.

3.6.3 In any case, should the ExA accept this change, it would be appropriate to keep a log of which weekends were worked in these locations, which should be available on request by the Local Planning Authority. Otherwise, it would be difficult to enforce that the alternative weekend working was taking place.

3.7 Requirement 7 - Construction Hours – Severe Weather Definition (page 26-27)

3.7.1 The Councils support this amendment by the ExA. The Applicant argues that there is no such precedent for a requirement/definition of this nature. However, The Councils consider that there is likely not a similar precedent because there hasn't needed to be one on other projects where weekend working (other than Saturday mornings) is not required. In this case, the long working hours and days would necessitate the need for such a definition, to be able to hold the contractor to alternative weekend working as far as possible.

3.8 Requirement 8 (3) (page 27)

3.8.1 The Councils support the ExA's amended wording to Requirement 8(3). The Applicant however argues that by removing the wording 'general', it does not allow for flexibility for the contractor. However, the Council considers that the DCO must be complied with in its entirety, including the management plans. If removing the word 'general' causes an issue, then a two stage process (outline management plans and detailed management plans by requirement) would absolve this issue.

4 Response to Applicants comments on ExA Questions 2 [REP8-033]

4.1 Overview

4.1.1 This section provides a response on any comments made by the Applicant on The Councils answers to the ExA's second round of questions. The latter half of the section is in a tabular format for ease of reference.

4.2 DC2.6.12

4.2.1 In response to DC2.6.12, The Councils answered the ExA's queries in relation to temporary construction compounds. However, the detail specified in point 2 of The Councils' response, informed by REP6-051, refers to details that we would expect to see for permanent equipment. The Councils would like to take this opportunity to just confirm that we would also expect this detail to be submitted for the temporary construction compounds, but only in relation to details relating to fences/means of enclosure.

4.2.2 The Applicant comments that they cannot provide this detail at this stage as this will be finalised when a contractor is appointed. If the ExA are in agreement with The Councils' suggestion for additional details, then the simplest way to secure these would be through an additional requirement. The best way would of course be that the CEMP and its appendices including the CoCP are made outline documents so that all details which cannot be confirmed yet, such as the means of enclosure and lighting, are able to be submitted for approval.

4.3 LV2.9.3 - Item 9.2 Visual Assessment

4.3.1 Stour Valley West CSE – The Councils support SCC's call for additional tree planting at Stour Valley West Cable Sealing End Compound to extend the proposed landscape softening. The Applicant talks about only needing to mitigate significant effects but The Councils maintain that as many adverse effects as possible should be mitigated or compensated for, and that the

recently published Overarching National Policy Statement for Energy (EN-1), in para 4.1.5, supports this position.

Reference	Applicant's Comments	Council Response
DC2.6.13	<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 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</p>	<p>The Councils welcome the additional commitments and amendments that are set out in DC2.6.13 that have been reflected in the Construction Traffic Management Plan [REP8-018]. With regards to point 6 of the Applicant's response, which includes the areas of disagreement, we would respond with the following:</p> <p><u>Staff Travel</u> There is no assessment that shows whether staff travelling in peak hours would result in an impact, and so if this is a possibility then it is debateable whether the assessment is worst case. The Councils are not looking for staff to be held on-site, which would not be considered to be <i>reasonable</i>, but for pragmatic solutions, such as increased car sharing, or the running of additional staff mini-buses, that might further reduce impacts on the highway network if shift patterns are not what has been predicted by the Applicant.</p> <p><u>HGV travel times</u> The Councils maintain its position regarding controls on HGV movements, as per our Deadline 6 response [REP6-015], and Deadline 7 [REP7-029] response, that 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 (unless agreed in writing by the LHA), plus an</p>

	<p>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 preferred. 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 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</p>	<p>additional hour to avoid parking on the highway, and no HGV movements on Saturday afternoons, Sunday and Bank Holidays.</p>
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	<p>necessary for this to be secured in the CTMP.</p>	
<p>TT2.13.8</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>Noted.</p> <p>In response to those comments at paragraph 2.8.6 to 2.8.8 [REP7-026]. The Councils would gather from the Applicant's response that there is some potential that the HGV baseline may be somewhat inflated due to this categorisation. But that the exact impact is difficult to fully quantify.</p> <p>An example of where this may be occurring would be the A131(1), which as per [APP-134], has 1,265 HGVs of a total 8,976 vehicles, which equates to 14%, which seems high for a HGV proportion. TB2 appears to represent the vast majority of this proportion based on the survey data, with categories 8 to 14, which are the articulated lorries and probably more akin to the project's traffic, representing a very small proportion. So it may be reasonable to conclude that the proportion of large HGVs will increase far more significantly.</p> <p>It is recognised that in a number of locations the magnitude of impact of the HGV movements would not change even if the baseline was reduced to exclude TB2, but there is some concern as to whether this might be the case for any locations which see a more significant proportional impacts such as the A134 segments, and therefore impacts may not be being identified.</p>

5 Temporary and Permanent Access Note [REP8-038]

5.1 Overview

5.1.1 This section provides a response on the submitted Temporary and Permanent Access note at deadline 8.

5.2 General Comments

5.2.1 The Councils welcome the submission of the technical note, which has been discussed with the Applicant's team via fortnightly meetings.

5.2.2 Whilst The Councils maintain its overall position that for some accesses evidence has not been submitted that the proposed access arrangements, including appropriate visibility can be accommodated within the existing road layout including provision of a Stage 1 RSA, as per our response to item 15.8.4 of [REP6-051], this note, along with other work undertaken by the Applicant has helped to alleviate some of our concerns on the deliverability of these accesses.

5.2.3 As set out within the note, unless otherwise agreed, ECC's position is that 2.0m is not an acceptable standard for measuring junction visibility, and that the standard is for a setback distance of 2.4m, and will require visibility to be measured to this distance.

6 Comments on Updated Management Plans

6.1 Overview

6.1.1 This section provides a response on the modifications where appropriate that have been submitted to the Management Plans at Deadline 8.

6.2 CEMP & Appendices [REP8-013]

6.2.1 We note the amendment to good practice measure GG17 and welcome the inclusion of a plan showing the location of wheel washing facilities that will be provided to the relevant Local Highway Authority and the relevant police services for information purposes. However, as per our response at Deadline 8 [REP8-040] a process should be brought in to ensure that those accesses that require wheel washing are identified, with appropriate facilities and management being put into place in the interest of keeping mud/detritus off the highway network in the interest of vehicle safety and amenity, common with all construction sites.

6.2.2 The Councils are disappointed in the changes to TT02, which remove any requirement for monitoring HGV numbers from the CEMP. However, there is still a commitment to monitor this information, as per paragraph 7.2.5 of the CTMP, which is considered to be acceptable. Monitoring and reporting of HGV movements gives greater confidence in that the development impacts are not being exceeded.

6.2.3 The Councils welcome the inclusion of TT04 including the process for reinstatement of street furniture.

6.2.4 The Council welcomes the inclusion at TT05 of a commitment to look for construction traffic to be timed outside of network peaks, and would request that this could form part of relevant reporting through the CTMP.

6.3 CTMP [REP8-019]

6.3.1 The Council welcomes the following amendments to the Construction Traffic Management Plan:

- *clarification of consulted user groups, as per paragraph 3.1.3.*
- *commitments to further liaison with the police services as per paragraph 5.3.5 and paragraph 5.4.10.*
- *reference to Code of Construction Practice measure TT05.*
- *The commitment to a plan for showing the location of wheel washing facilities.*
- *The inclusion of the construction routes within the travel information pack, as per paragraph 6.3.3.*
- *The amendment to include monitoring of arrival and departure times, as per paragraph 6.3.6.*
- *The commitment to provide quarterly information on routes and EURO compliance, as per paragraph 7.2.6.*
- *The confirmation at paragraph 7.3.5 that information will be provided on a quarterly basis.*
- *Clarification of the requirement of the CTMP, as per Schedule 17 of the DCO, as set out at section 7.3.*
- *Clarification of the commitments, targets, monitoring and enforcement, as set out at Table 7.1.*
- *The addition of a commitment where discussions would be held with the LHA to explore further measures to meet targets, as per paragraph 7.4.1.*

6.3.2 With regards to paragraph 7.4.1, whilst it is recognised that there may be occasions when discussions with the LHA may not be required for further measures, the limitations of this commitment due to the inclusion of *where appropriate* mean that engagement may not occur. It would be useful to include a commitment that says that all new measures will be reported to the LHA as part of the quarterly monitoring report.

6.4 PROW management Plan [REP8-025]

6.4.1 The Council welcomes the following amendments to the Public Right of Way Management Plan:

- *clarification of consulted user groups, as per paragraph 3.3.3.*
- *clarification of management measures, as per paragraph 5.1.11.*
- *confirmation of the provision of map for diversion routes, as per paragraph 5.2.1.*
- *confirmation that diversions will be in place prior to any PRow closures, as per paragraph 5.2.6.*

6.5 Applicant's Comments on Other Submissions Received at Deadline 7 [REP8-036]

6.5.1 1.3.3 - The Applicant states 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. And that Paragraph 4.2.11 of EN-1 (2024) states that 'Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated'. This sentence does not include the fourth element of the hierarchy, compensation. However, Para 4.2.12 goes on to say: 'Applicants should set out how residual impacts will be compensated for as far as possible.' Thus, compensation for each residual impact should be identified as far as possible and not only residual significant impacts.