



Suffolk County Council (20041323)

**Babergh District Council and Mid Suffolk
District Council (20041302)**

Final Position Statement

Bramford to Twinstead (EN020002)

Deadline 9

23 February 2024

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Glossary of Acronyms

<i>DCO</i>	<i>Development Consent Orders</i>
<i>DVNLSP</i>	<i>Dedham Vale National Landscape and Stour Valley Partnership</i>
<i>EIA</i>	<i>Environmental Impact Assessment</i>
<i>ExA</i>	<i>Examining Authority</i>
<i>ExQ</i>	<i>Examining Authority's Written Questions</i>
<i>ISH</i>	<i>Issue Specific Hearing</i>
<i>LHA</i>	<i>Local Highway Authority</i>
<i>PROW</i>	<i>Public Rights of Way</i>
<i>SuDS</i>	<i>Sustainable Drainage Systems</i>

"SCC" refers to Suffolk County Council; "BMSDC" refers to Babergh and Mid Suffolk District Councils; "The Host Authorities" refers to Suffolk County Council, Babergh and Mid Suffolk District Councils, Essex County Council, and Braintree District Council.

Purpose of this Submission

The purpose of this submission is to provide Suffolk County Council's (SCC) Final Position Statement on outstanding matters of disagreement with the Applicant, taking into account the Applicant's Deadline 8 (D8) submissions and representations made by other interested parties at D8, as appropriate. Whilst this submission outlines SCC's final position statement, Babergh and Mid Suffolk District Councils wholly support its content and rationale. Whilst it is understood that the Applicant may submit further relevant material at Deadline 9 (D9), this submission does not respond to any such material and, as necessary, SCC and BMSDC will respond to such material at Deadline 10 (D10). However, SCC and BMSDC hope that it is

helpful to the ExA and to the Applicant for its Final Position Statement to be provided at D9.

Examination Library references are used throughout to assist readers.

Summary of the Councils' Position at Deadline 9

1. A summary of the Councils' Position at Deadline 8 can be located at [REP8-044]. On a point of detail, it should be noted that in the first full paragraph on p.3 of [REP8-044] the reference to 'requirements to discharge detailed versions of them, as proposed by the Examining Authority at Deadline 7', should have been a reference to the Applicant's 'without prejudice' version of Requirement 4, as put forward in [REP7-025], in response to ExQ2 DC2.6.16 in the ExA's Further Written Questions [PD-009]. SCC acknowledges that the amendments recommended by the ExA to Requirement 4 in [PD-009] did not include the changes put forward in the Applicant's 'without prejudice' version of Requirement 4. SCC apologises for any confusion caused by its earlier text. However, the substantive and important point that SCC wishes to make is that a change to Requirement 4 to include at least the text put forward by the Applicant in [REP7-025] is necessary (but not in itself sufficient) to address one of SCC's key concerns with regard to the management plans.
2. Detailed representations on critical issues are outlined below, which the Council considers will be its final position on these matters prior to the ExA's recommendation and SoS decision. SCC are disappointed that, despite the clear statements of the strength of concerns jointly expressed by SCC and the other Councils and the Dedham Vale National Landscape & Stour Valley Project throughout the Examination and culminating in [REP8-044], the Applicant has made minimal effort to address and resolve those concerns. As the principal public authorities with responsibilities for safeguarding the environmental assets in their areas and as the bodies representing the communities living and working within those areas, all of which will experience the impacts of the project, it should be a matter of great concern to the ExA and to the SoS that the Applicant has so failed to respond effectively to those concerns. Having regard to the stage now reached in the Examination, SCC has reluctantly concluded that further progress is unlikely to be made before the close of the Examination on 12 March 2024.
3. Consequently, notwithstanding that SCC have always accepted the principle of the project, and has been able to support important aspects of it, including undergrounding in the Stour Valley and the removal of redundant 132kV transmission lines. SCC is so concerned about the shortcomings in the Applicant's proposals for the implementation and control of the construction of the project, that it must advise the ExA and the SoS that it formally **OBJECTS** to the making of a Development Consent Order (DCO) in the terms put forward by the Applicant in the draft DCO [REP8-005] and supported by the current suite of control documents.
4. SCC recognise that a recommendation and a decision that the DCO should not be made would have serious implications for the ability of the Applicant to undertake improvements that are needed to the National Grid in a timely manner so as to assist in the transition to Net Zero but SCC do not accept that the position is in fact so stark that the only available choices are to proceed to approve an unsatisfactory project or to reject it.

5. In the first place, it would be open to the ExA to make its recommendations to the SoS on the basis that the draft DCO should include a revised Requirement 4 (as put forward in the Applicant's text in **[REP7-025]**, which required the Applicant to come forward with detailed management plans for subsequent approval, and for the ExA to also invite the SoS to call for the Applicant to provide revised outline management plans in the period before a decision is made. In the second place, it would open to the SoS, having called for the submission of such revised outline management plans, to consider whether those plans were sufficient to provide an effective platform for the subsequent preparation and approval of detailed management plans. If the SoS was so satisfied, those revised outline management plans could then become certified documents in substitution for the inadequate documents thus far submitted by the Applicant.
6. Whilst such a process might entail some short extension to the decision-making stage (so as to allow for consultation on any draft material submitted by the Applicant to the SoS), such an extension would serve a clear purpose by enabling the application to be put into a state where it would be capable of then being approved. It would therefore enable the Applicant to proceed with the project but without imposing on either the receiving environment or the local communities unacceptable impacts that would be incapable of effective control or adequate mitigation.
7. Given that there is a practical and achievable route forward that could enable the project to proceed, without any undue delay, SCC entirely rejects any argument that might be advanced by the Applicant that the shortcomings in the project should be simply weighed in the planning balance against its benefits.
8. Whilst this submission outlines SCC's final position statement, Babergh and Mid Suffolk District Councils wholly support its content and rationale.

Management Plans

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

Outline Written Scheme of Investigation **[REP7-013]**

10. SCC (Archaeology) still have issues with the amended Outline Written Scheme of Investigation (OWSI) **[REP7-013]**, and cannot approve of the document until serious amendments have been made, for detailed comments on the OWSI please see documents:

- a. **[REP7-034]** Comments on the Outline Written Scheme of Investigation
- b. **[REP7-033]** Section 8 of Answers to ExA's Further Written Questions
- c. **[REP8-041]** Comments on the Applicant's response to the OWSI amendments

Landscape and Ecological Management Plan **[REP7-007]**

11. SCC (Landscape) considers that the Landscape and Ecological Management Plan (LEMP) **[REP7-006]** and its Appendices **[REP7-008 to 010]** are not suitable to be final control documents, as there are many variables yet to be resolved in cooperation with the main contractor, once appointed, during the detailed design stage. SCC can further not agree with the documents provided at deadline 7 being considered even as the Outline LEMP, as there remain serious concerns, regarding, for example:
- a. inaccuracies and inconsistencies between plans
 - b. lack of transparent accounts of expected vegetation losses
 - c. adequacy of proposed protection measures for retained vegetation within and adjacent to the DCO Order limits
 - d. proposals for natural generation of woodland
 - e. provisions for aftercare
 - f. provisions for monitoring
12. Detailed comments by SCC can be found in Suffolk County Council Comments on any other submissions received at Deadline 7 **[REP8- 047]**, SCC Additional Evidence relating to the Landscape and Ecological Management Plan **[REP6-054]**, the Joint Landscape and Ecological Management Plan Document Review **[REP5-035]**, and SCC Responses to Comments on Local Impact Report Annex A – Control Document Review in Relation to Landscape and Visual Impacts **[REP4-008]**.
13. The Applicant’s response can be found in **[REP7-022]** Response to 8.8.6 (B) Applicant’s Response to Interested Party Comments on Management Plans (Clean).

Construction Environmental Management Plan **[REP8-013]**

14. SCC (Landscape) considers that there remains a fragmentation of information across control documents. This also affects the Construction Environmental Management Plan (CEMP) **[REP8-012]**, resulting in a risk of relevant information not being found/ easily accessible or ignored, if this suite of documents had to be relied on onsite during construction. Further, the language remains vague. Detailed comments were provided in SCC Responses to Comments on Local Impact Report Annex A – Control Document Review in Relation to Landscape and Visual Impacts **[REP4-008]**.

Register of Environmental Actions and Commitments **[REP8-017]**

15. SCC (Archaeology) welcomes the amendments made to the Register of Environmental Actions and Commitments (REAC). However, SCC (Archaeology) would highlight that the Outline Written Scheme of Investigation (OWSI) **[REP7-013]** has not been approved, the measures proposed could be subject to change following submission of an approved DWSI.

Construction Traffic Management Plan **[REP8-019]**

16. SCC provided comments on the CTMP at paragraphs 12.75 – 12.94 **[REP1-045]** Annex D paragraphs D.114 – D.132 **[REP1-044]**, Table 1 (Monitoring and Enforcement of

Construction Traffic) [REP2-013], Table Item 4.2.a [REP4-021], Table 9 (Progress of the CTMP) [REP5-033], Table Item 4.2 [REP6-057], and questions DC2.6.13, DC2.6.15, and DC2.6.22 [REP7-033].

Public Right of Way Management Plan [REP8-025]

17. SCC (PROW) provided comments on the Public Right of Way Management Plan at Deadline 4 [REP4-046] at Deadline 6 [REP6-059], and on the Public Right of Way closure sequencing at Deadline 7 [REP7-031].
18. SCC (PROW) notes the inclusion of 8.8.9 Technical note on Public Right of Way closure sequencing [REP6-049], however, reference is not made to this within the Public Right of Way Management Plan or as an additional appendix. The technical note provides a greater understanding of phasing of works and SCC (PROW) welcomes this addition to provide clarity of timings and greater understanding of impact. Therefore, SCC would welcome this to be referenced within the Public Right of Way Management Plan.
19. SCC (PROW) welcomes the expansion of engagement beyond local residents as noted in paragraphs 3.3.2 and 3.3.3.
20. SCC (PROW) welcomes further clarity of the active management in paragraph 5.1.11. Gating of the public right of way should be avoided and should be managed through gating of construction access way or managed crossing.
21. SCC (PROW) welcomes the inclusion of a map alongside the closure notice to provide users with greater clarity, as defined in paragraph 5.2.1.

Working Hours

Response to 8.10.2 Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's Draft DCO [REP8-032]

22. SCC is disappointed by the Applicant's responses to the ExA's recommended amendments to Requirement 7 on construction (working) hours. SCC is supportive of the ExA's recommended amendments (albeit it has suggested some additional refinements in its comments in [REP8-045]). The Applicant's essential position seems to be that the amendments are "*neither necessary nor proportionate*" rather than that they would prejudice the ability to implement the project. SCC considers that the amendments are both necessary and proportionate to safeguard the interests of local communities and the interests of persons using the rural roads and the public rights of way network and/or the wider countryside, within which the proposed works are to be undertaken, for access, leisure, or recreation.
23. The statement made by applicant '*the recommended amendment overlooks the fact that it is standard practice for AIL movements to take place at night*' is not entirely correct.
24. Suffolk Police restricts Abnormal Load movements in hours of darkness. Their website states –

- a. Movements are not allowed to take place during the hours of darkness, with the exception of:
 - the A12 Essex border to A14 Copdock Interchange
 - the A14 Felixstowe to Cambridgeshire border
25. They also restrict the moving during the following –
- a. We do not allow the movement of abnormal loads in Norfolk or Suffolk during peak traffic periods:
 - Mon-Fri 7:30am – 9am and 4:30pm – 6pm
 - on Bank Holiday weekends
 - during periods where a major event has been planned
26. Therefore, whilst the AIL movement could progress at night across the prescribed sections, they would need to progress on the local road network amongst rural roads in daylight thus making this an unlikely practice in Norfolk or Suffolk.

Discharge of Requirements

Response to 8.10.2 Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's Draft DCO [REP8-032]

27. SCC notes that the Applicant seeks to maintain its position that the time period in paragraph 1(1) of Schedule 4 to the draft DCO [REP8-005] for the discharge of requirements should remain at 28 days and argues that that period is “*appropriate, necessary, and proportionate*”. SCC disagrees, for the reasons previously rehearsed in earlier submissions, and most recently summarised in its remarks on a related time period in Article 11(3) as set out in [REP8-045]. Whilst the Applicant continues to argue that extending the time available to the local authorities to give effective scrutiny to its various submissions seeking discharge of requirements could impact on the Applicant's ability to meet its construction timetable, the remedy for that concern lies in the Applicant's own hands by earlier submission of the required details for which approval is sought. The Applicant is in charge of when it undertakes the work to prepare its discharge submissions and if it knows that the period available to the discharging authority is 56 days (as sought by SCC and the other local authorities) and it knows when it needs approvals to be in place to achieve the construction programme, there is no good reason why the Applicant cannot programme its preparation work accordingly.
28. SCC suggests that it is in the public interest that the matters that are the subject of the discharge submissions are given thorough and effective scrutiny by the discharging authority, and that outcome is likely to be frustrated if the period of time available is inadequate. SCC therefore does not accept the Applicant's arguments for retaining a 28 day period and maintains its position that 56 days is needed.
29. SCC remains concerned regarding the phrasing of Requirement 6 (Archaeology) as indicated in paragraphs 8.47 – 8.52 [REP1-045], Table 1 (Draft Development Consent

Order (DCO)) [REP2-013], DC1.6.105 [REP3-078] Table 1 (1a) [REP4-046] Table 1 (1l) [REP5-033], and most recently referenced in Table 1 (Requirement 6 Archaeology) [REP8-045]. As stated in [REP8-045], SCC maintains its position in respect of the drafting of this requirement. SCC considers that it does not have provision for post-excavation assessment, reporting, publication, dissemination of results and archiving, that is separate from the Outline Written Scheme of Investigation. SCC considers that the advised DCO wording would allow for clear points of sign off for the applicant, as well as secure provision for post-excavation analysis, reporting, publication, dissemination of results and archive deposition, which are currently not covered by the current dDCO wording.

Adequacy of Landscape Mitigation and Compensation

Response to 8.8.6 (B) Applicant's Response to Interested Party Comments on Management Plans (Clean) [REP7-022]

30. The Host Authorities do not consider that the current proposals for landscape and visual mitigation are adequate, they consider that a strategic landscape restoration scheme for the project is required, to fully mitigate and to compensate for the adverse effects on the landscape and the communities affected by the scheme. To avoid any potential delay in the determination of the applications, the Host Authorities would be content that this could be secured by an additional Requirement to Schedule 3 of the draft Development Consent Order.
31. The wording for such an additional Requirement is proposed by SCC in its D9 submission *Responses to the the Applicant's draft Development Consent Order and Applicant's response to the ExA's recommended amendments to the dDCO* in Table Item 24 of Table 1.

Control and Supervision of the execution, and of the aftercare, of Landscape and Ecological Mitigation and Biodiversity Net Gain

Response to 8.8.6 (B) Applicant's Response to Interested Party Comments on Management Plans (Clean) [REP7-022]

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

and secure satisfactory outcomes on behalf of the communities they represent, is wholly unacceptable. Thirdly, adequate and effective control and monitoring is particularly important in Suffolk and the region more widely, because of the emerging impacts of adverse growing conditions, in particular, in relation to periods of drought in spring following planting in the previous winter. This has resulted in significant and widespread failures of planting on other schemes in Suffolk and the region.

Economic Development, Skills, and Tourism

33. The delivery of Net Zero in the UK by 2050 is expected to require a pipeline of generation and connection projects in Suffolk. Therefore, significant changes for the economy, environment and communities of Suffolk can be expected as a result. SCC has set out in Our Energy and Climate Adaptive Infrastructure Policy¹ how it intends to maximise the benefits to Suffolk's economy and supply chains, employment opportunities, skills and training provision.
34. SCC can only maximise the benefits of any project once the impacts are properly understood. Throughout the Examination and Consultation stages for Bramford to Twinstead Reinforcement (paragraphs r and s [RR-006], Section 15 [REP1-045], Table 1 (Socio Economic and Tourism) [REP2-013], MG1.0.43, MG1.0.44, MG1.0.56, and MG1.0.60 [REP3-078], Table Item 1a and 1b [REP4-033], Table Item 5a [REP5-033], Table Items 1a, 1b, 1c, 15a, 15b [REP6-059], and Table Item 1a [REP7-031]), SCC have maintained that the Applicant has not provided a thorough, evidence based, examination of the likelihood of local employment opportunities on the project. We have requested throughout that the Applicant defines the skill sets needed within its workforce and compares this to the skills available within the local labour market, this would provide an evidence-based approach to assessing likelihood of socio-economic skills impacts.
35. SCC believes that this is necessary to ascertain the likelihood of impacts to ensure if there are any negative impacts they are properly mitigated and to maximise positive opportunities for the local community and that until such a workforce profile is provided the Applicant cannot assume there will be no likely significant socio-economic effects.
36. Once thorough assessment has taken place, SCC would then expect to work with the Applicant and their associated supply chains, contractors and local partners to recruit and train local people ahead of the construction period which will ensure that they develop their skills and are enabled to move between roles and different types of contracts as we see further grid replacement and reinforcement work. This project, as part of the wider energy infrastructure construction projects in Suffolk and the East of England, is an opportunity to generate skills and employment outcomes and subsequently contribute to the achievement of both national and local policy objectives.

¹ <https://www.suffolk.gov.uk/asset-library/energy-and-climate-adaptive-infrastructure-policy.pdf>