

Bramford to Twinstead Reinforcement

Volume 8: Examination Submissions

Document 8.11.3: Applicant's Comments on Other Submissions Received at Deadline 8

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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 other submissions from Interested Parties received at Deadline 8 (09 February 2024) in relation to an application made for development consent for the Bramford to Twinstead Reinforcement (the project).

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.

1.3 Structure of the Document

1.3.1 While all Interested Parties' responses received at Deadline 8 have been reviewed and considered in detail, the purpose of this document, in the first instance, is not to provide a direct comment on each individual Interested Party response. Instead, where appropriate, the document identifies the key issues raised by each Interested Party and responds to that.

1.3.2 The submissions received from other Interested Parties at Deadline 8, and which have been commented on are:

- Chapter 2: Suffolk County Council (SCC) covering the following:
 - Covering Letter [REP8-042];
 - Response to D7 Submissions [REP8-044];
 - Comments on responses to ExQ2 [REP8-043];
 - Comments on the Applicant's Response to the Outline Written Scheme of Investigation (OWSI) Amendments [REP8-041];

- Response to the Action Point 4 arising from ISH6 [REP8-048];
- Response to the ExA's Schedule of Changes to the draft DCO [REP8-045]; and
- Revised Annex F of the Suffolk Joint Local Impact Report (LIR) (Review of Site Accesses) [REP8-046].
- Chapter 3: Essex County Council (ECC) and Braintree District Council (BDC) Deadline 8 Submission [REP8-040].
- Chapter 4: Babergh and Mid Suffolk District Councils (BMSDC) [REP8-039].
- Chapter 5: Natural England covering the following:
 - Comments on any other submissions received at Deadline 7 [REP8-053]; and
 - Comments on the Report on the Implications for European Sites (RIES) [REP8-054].
- Chapter 6: The Parish Councils of Assington, Bures St Mary, Leavenheath, Little Cornard, Polstead and Stoke by Nayland, covering the following:
 - Additional supporting information at Deadline 8 [REP8-049]; and
 - Response to the Applicant's reply to the Parish Councils Deadline 6 submission regarding proposed workings in Sections D/E and F [REP8-050].
- Chapter 7: Alan Hall [REP8-055].
- Chapter 8: Burstall Parish Council [REP8-051].
- Chapter 9: Network Rail Infrastructure Limited [REP8-052].

1.3.3 The Applicant has commented on paragraph numbers used in the individual submissions, grouping paragraphs where relevant. The submissions provided by other Interested Parties have largely been included verbatim. However, where necessary, the Applicant has paraphrased those submissions and has made other stylistic/ grammatical changes to the text. It is not considered that these changes are material to the comments provided. In the first instance, the Applicant would direct the reader to the original submission. Generally, the Applicant has not commented on matters which an Interested Party has said it is not concerned about, has no further comments to make, where it has deferred to another Interested Party on a specific matter or where it states they will make further comments in due course.

1.3.4 The Applicant notes that there are some broad themes in the responses from the Host Authorities, namely around the nature of the management plans (outline vs final) and also regarding the sufficiency of the mitigation and compensation. These and other key themes are raised by the Host Authorities in the Host Authorities Deadline 8 Letter Redacted [REP8-044], which the Applicant has responded to in the Applicant's Comments on Host Authorities Deadline 8 Letter (**document 8.11.2**). These matters are not addressed within this report (**document 8.11.3**) to avoid duplication.

2. Applicant’s Specific Comments on the Submission from Suffolk County Council

2.1 Introduction

2.1.1 Table 3.1 below summarises the Applicant’s comments to submissions provided by SCC at Deadline 8. The Applicant has no comments on the Cover Letter [REP8-042]. The Applicant has not commented on matters that SCC has said it is not concerned about, is in agreement with, has no comment on or where it has deferred to another Interested Party on a specific matter. Therefore, the numbering in Table 3.1 is not consecutive. In some cases, where the point raised is lengthy, the Applicant has summarised the key points to keep the document concise.

2.2 Response Table

Table 3.1 – Applicant’s Comments on the SCC Deadline 8 Submission [REP8-041] - [REP8-048]

Ref	Matter	Point Raised	Applicant’s Comments
Comments on Responses to the Examining Authority’s Further Written Questions (ExQ2) [REP8-043]			
Table 1	Written Question LV2.9.4	<p>SCC welcomes the additional hedge planting included by the Applicant on the south-western boundary of the Stour Valley West Cabling Sealing End (CSE) compound, shown on The Vegetation Reinstatement Plan [Sheet 28, [REP7-009], which will help to soften and filter the views to the compound, especially as the compound would be slightly sunken in comparison to the surrounding contours.</p> <p>SCC would support further planting to the south-east of Mabb’s Corner, regardless, whether it would be for mitigation or biodiversity net gain.</p>	<p>The Applicant notes that SCC welcomes the additional hedge planting that is proposed for softening within Essex.</p> <p>In terms of the softening, the Applicant maintains that this is not required to mitigate a significant effect at this location. In addition, the landowner has requested that softening is not extended to the road, as this would limit how they can farm the field. Therefore, the Applicant does not consider it appropriate to extend the softening towards Henny Back Road.</p>
Table 1	Written Question LV2.9.6	<p>When read together, the first and last paragraph of the Applicant’s response seem to state that while there may be necessary changes to vegetation removal and reinstatement as the detailed designs emerge, it can already be said with some certainty that these changes would not result in new or different significant effects. While SCC is concerned that the changes within the LoD during the detailed design stage may result in additional vegetation losses in some areas, the Council would seek</p>	<p>Landscape Environment Management Plan (LEMP) Appendix A (document 7.8.1 (C)) shows the vegetation that would be affected during construction of the project based on the Proposed Alignment. The vegetation losses shown are based on a realistic worst case using knowledge from other National Grid projects. It is anticipated (based on previous project experience) that once a Main Works Contractor is appointed that the vegetation losses will be refined and reduced. To</p>

Ref	Matter	Point Raised	Applicant's Comments
		reassurance from the Applicant that the changes during the design stages and within the LoD would actively seek to reduce vegetation losses, wherever possible. Given that the assessments were based on a worst-case scenario, this should be a central part of the detailed design stage and micro-siting but does not appear to be given the attention it requires.	confirm, it is not the Applicant's intention to remove any vegetation beyond that required to safely construct and operate the project. As the Applicant has not yet appointed a Main Works Contractor, it recognises that there could be refinement of the design based on detailed designs and final construction methodology. Requirement 8 of the draft DCO (document 3.1 (H)) allows for changes to LEMP Appendix A if this was to occur.

Comments on any other submissions received at Deadline 7 [REP8-046]

SCC Table of Comments on 7.8 (C) LEMP [REP7-006]

1c	Paragraph 2.5.6	SCC considers that the walk over should also include the presence of a Landscape Architect and of a representative of the relevant local authority.	Reference to a landscape architect has been added to paragraph 2.5.6 of the LEMP (document 7.8 (D)).
1e	Paragraph 5.1.3	Should read: Babergh and Mid Suffolk Joint Local Plan	The word 'Joint' has been added to paragraph 5.1.3 of the LEMP (document 7.8 (D)).
1g	Embedded Measure EM-G14	SCC welcomes the involvement of a landscape architect at the Stour Valley East CSE compound to finalise the design; However, SCC considers that a landscape architect should be involved throughout the DCO area with the same purpose.	As stated in Table 3.2 of the LEMP (document 7.8 (D)), the Environmental Clerk of Works (EnvCoW) will be supported by appropriate technical specialist advisors (including landscape architects) depending on the location and potential impacts. Landscape architects will continue to input to the detailed design aspects of the project. A commitment was made at the Stour Valley East CSE compound to satisfy a specific comment from an Interested Party, but this does not mean that a landscape architect would not be involved on the project otherwise.
1h	7.2.1	The coppicing of a 45m swathe does seem excessive and not in line with the following paragraphs and illustration 7.1 – Sketch of 400kV Overhead Line Construction Within Woodland With an Existing Maintained Swathe. SCC queries if this is an error and should be corrected, so that coppiced swathes and graduated cutting back vegetation is consistent and does not exceed 45m in total.	The LEMP (document 7.8 (D)) was previously amended in response to a request from the RSPB, Natural England and the local planning authorities, who stated that a graduated swathe would damage the upper sections of trees. The LEMP was amended to show coppicing across the full 45m swathe as requested by the Interested Parties. The Applicant has added that an arboriculturist will advise on a site-by-site basis whether the type and age of trees within the managed area would benefit from coppicing to ground level rather than being managed to a graduated height due to the type of tree and the overall shape and structure to cover both scenarios and to retain trees (rather than coppicing) where practicable.

Ref	Matter	Point Raised	Applicant's Comments
1i	Paragraph 8.2.7	When the Applicant is re-running the final Biodiversity calculations, SCC would ask that the up-to date statutory metric is used for the calculations.	With reference to Item 3.7 in Table 3.1 of the Statement of Common Ground with Natural England (document 7.3.2 (F)), the Applicant notes that Natural England has confirmed that Biodiversity Metric 3.1 is appropriate for use in the context of the project. As stated in Table 3.14 of the Applicant's Comments on Relevant Representations [REP1-025], this reflects Natural England's wider current recommendation that 'users of previous versions of the Biodiversity Metric should continue to use that metric (unless requested to do otherwise by their client or consenting body' (Natural England, 2023). Therefore, the Applicant is proposing to continue using version 3.1 of the Metric on the project going forward.
1j	Paragraph 8.4.12	The measure described here would counter-productive to the regeneration goals. SCC considers that this paragraph needs to be removed.	This paragraph was added at the request of Interested Parties regarding what would happen if natural regeneration was not meeting the habitat objectives.
1k	Paragraph 9.1.2	SCC considers that five years aftercare is no longer sufficient to establish all types of planting. It is certainly not long enough to establish tree and woodlands, SCC instead promotes a period of aftercare of five years for hedges, ten years for trees and fifteen years for woodland as indicated in the Host Authorities' LEMP Document Review [REP5-035]. It should be considered by the Applicant that any mitigation planting that fails, even after five years, will reduce the achieved Biodiversity Net Gain.	The Applicant has set out its position on aftercare duration in the Applicant's Comments on Host Authorities Deadline 8 Letter (document 8.11.2).
1l	Paragraph 9.1.3	The term 'periodic' is too vague. Inspections should be carried out annually, at least for the first five years. SCC expects that a representative of the local authority is present at the inspections and that the applicant enables and facilitates this. Remedial measures need to be agreed with the relevant local authority. While copies of inspection reports are part of this process, they are not acceptable on their own. This provision is wholly unacceptable, as it gives the relevant local authority no control to secure successful mitigation.	The Applicant has added 'annually' to paragraph 9.1.3 of the LEMP (document 7.8 (D)). The Applicant does not consider that a representative of the local authority needs to be present at these standard landscape contract inspections, which would be routine on landscape contracts. However, the Applicant would be happy to arrange an informal site visit with a representative of the local authority, as long as it is arranged in advance so that suitable safety briefings and the like can be arranged.
1m/1o	Paragraph 9.1.5	SCC expects that a representative of the local authority is present at the final inspection and that the Applicant enables and facilitates this. Remedial measures need to be agreed with the relevant local authority. While the provision of a copy of the final inspection report forms part of this process, it is not acceptable on its own. This provision is wholly unacceptable, as it gives the relevant local authority no control to secure successful mitigation.	The Applicant has included a new commitment (LV04) in the CoCP at Deadline 9 (document 7.5.1 (D)) to say that ' <i>A representative from the relevant planning authority will be present at the final inspection of reinstatement and mitigation planting prior to handover to the landowner, unless agreed otherwise with the relevant planning authority. Where applicable, remedial measures will be agreed between the Applicant and relevant planning authority during the site visit in accordance with the</i>

Ref	Matter	Point Raised	Applicant's Comments
			<i>Development Consent Order</i> . This text has also been added to the LEMP at paragraph 9.1.5 (document 7.8 (D)).
1n	Paragraph 9.2.1	How often will plants be inspected, re-firmed and stakes, guards and ties adjusted? - When is it envisaged to remove stakes, guards, and ties? Tree watering: what frequency and quantities are envisaged? What type of vehicle will require access to reach the trees? Which access route will these vehicles use?	The frequency of inspections and watering would depend on the planting proposed (e.g. hedgerows would be different to trees), the soil conditions (e.g. if sand or clay), the weather conditions (e.g. if a particularly dry period) and other factors. As the Applicant would be responsible for delivering the aftercare (and achieving the objectives), it would be responsible for determining the frequency of visits that are necessary to achieve this. The anticipated vehicles that would be used for delivering the aftercare would be light good vehicles e.g. a land rover. These would use existing access tracks where available.
1p	10.1.2	Briefings of relevant staff are required prior to pre-commencement works, with regards to tree protection and minimisation of vegetation losses.	The Applicant has added, ' <i>this will include briefings on tree protection measures and the objective to avoid and reduce vegetation loss</i> ' to paragraph 10.1.2 of the LEMP (document 7.8 (D)).
1q	10.2-10.4	The comparison of (photographic and descriptive) existing baseline condition surveys and post construction and implementation surveys and reports will need to be submitted to the relevant discharging local authority. A representative of the relevant discharging local; authority should be present at monitoring site inspections, and this should be enabled and facilitated by the Applicant. Adaptive measures need to be agreed with the relevant discharging authority.	The Applicant has added a new commitment to the CoCP (LV05) at Deadline 9 (document 7.5.1 (D)) to say that ' <i>the results of baseline vegetation surveys and post-construction vegetation surveys will be provided to the relevant planning authority</i> '. As noted in response to 1m/1o above, the Applicant has also included LV04 in the CoCP at Deadline 9 (document 7.5.1 (D)) to say that a representative from the relevant planning authority will be present at the final inspection of reinstatement and mitigation planting prior to handover to the landowner.

SCC Table of Comments on 7.81 (B): LEMP Appendix A – Vegetation Retention and Removal Plan [REP7-008]

2a	Overall	It does not appear that the revised Vegetation Retention and Removal Plan is substantially different from its previous iteration. Following several site visits, there is concern about the presentation of potentially affected vegetation. The combination of hedgerows and treelines into one category (shown as a linear feature), ignores that some of the trees within hedgerows are mature specimen trees, rather than overgrown large shrubs. This has the effect, that the vegetation losses appear less severe on paper than they are in reality. (Examples: Sheet 02, corner, north of Rose Cottage, where the hedge contains several mature oaks; Sheet 11, Rands Road, field access, where a tree that requires removing has not been mapped; Sheet 15 between H-E-16 and H-E-	The arboricultural survey and the LEMP figures, which are based on the arboricultural survey, follow the guidance from British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations. The standard allows for trees to be surveyed either as individual, groups or woodlands allowing for a proportionate approach for reporting/assessment. Trees that form a cohesive arboricultural feature either aerodynamically, visually or culturally are typically surveyed as groups with the larger tree dimensions recorded. The Applicant has undertaken further arboricultural survey at Rose Cottage in response to a specific request from the Affected Person and
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Ref	Matter	Point Raised	Applicant's Comments
		<p>01, a track with mature hedgerows either side and containing several mature specimen trees that should be awarded the same protection as the trees south-east of this section of the corridor.)</p> <p>Combined with the persisting inconsistencies between the plans and the written documents, this causes concern as to whether the losses of vegetation have been adequately captured and quantified.</p>	<p>the Examining Authority and this has been added to the Arboricultural Impact Assessment at Deadline 9 (document 5.10 (C)).</p> <p>The Applicant objects to the statement that there are persisting inconsistencies between the plans and the written documents. The Applicant notes that the DCO application exceeds 10,000 pages, excluding the numerous documents and updates during Examination. Inevitably, some minor inconsistencies will occur between documents. However, the Applicant has addressed all of these as soon as they have been identified, either through updates to documents or through the Errata List (document 8.4.3 (C)). The Applicant is not aware of any outstanding inconsistencies between documents.</p>
2b	EM-AB16 (Sheet 06)	Still shown on Sheet 10 to be topsoil stripped, while LEMP states that it will not be stripped, to avoid impact to the root protection area of the ancient woodland of Keeble Grove.	The Applicant has updated LEMP Appendix A (Document 7.8.1 (C)) and LEMP Appendix B (Document 7.8.2 (D)) at Deadline 9 to correct this error.

SCC Table of Comments on 7.8.2.(C) LEMP Appendix B – Vegetation Reinstatement Plan [REP7-009]

3b	Dedham East compound at Polstead, Sheet 12	Vale CSE at visibility splay requirements for the proposed permanent access. The existing hedge may need to be partially or fully removed; a new hedge may need to be planted behind the existing hedge, outside the visibility splays.	The Applicant notes the comment in respect of access point D-DAP2 and would refer to the response to Item 7o below.
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SCC Table of Comments on 7.8.3 (B): LEMP Appendix C – Planting Schedules (Clean) [REP7-010]

4a	Overall	<p>SCC welcomes the changes made by the Applicant to the selection of species, their percentages within the various mixes, and their sizes. There is still concern that some of the tree species are proposed at a size that will be difficult to establish, which may be justifiable in key locations, but would require appropriate, intensified aftercare, which the LEMP currently does not allow for.</p> <p>SCC welcomes the statement in paragraph 8.2.1 of the LEMP that the planting schedules can be fine-tuned in discussion with the relevant planning authorities in accordance with the discharge of Requirement 9 of the draft DCO. However, this firstly does not go far enough, and SCC considers that the palette presented in the Planting Schedules should be fine-tuned and agreed with the relevant discharging authorities (not simply discussed). Secondly, an equivalent statement should be</p>	<p>The Applicant has reviewed the habitat survey results for the project and has not identified hedgerows that warrant specific fine-tuning. However, in response to SCC, it has added the following sentence to LEMP Appendix C (document 7.8.3 (C)) at Deadline 9: '<i>The Planting Schedules provide a guide, which may be subject to changes to allow a response to specific conditions and requirements of the various localities within the Order Limits</i>'.</p> <p>In addition, Requirement 9 of the draft DCO (document 3.1 (H)) requires the Applicant to submit a reinstatement planting plan to the relevant authority <u>for approval</u> and this must include a schedule of trees, hedgerows or other plants or seedlings to be planted, noting numbers, species, sizes and planting density of any proposed planting or seedlings.</p>
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Ref	Matter	Point Raised	Applicant's Comments
		included in the Introduction to the Planting Schedules in paragraph 1.2.1. to make clear that these planting palettes are a guide, which may be subject to changes to allow a response to specific conditions and requirements of the various localities within the scheme.	
Applicant's Comments on Other Submissions Received at Deadline 6 [REP7-026]			
6c	Traffic and Transport: Access Points, Bellmouths and Temporary Access Routes	<p>SCC would note that the concerns it raises are that a solution is achievable within the highway and order limits and that the applicant is content that there remains a risk that as LHA, SCC may for specific locations refuse to discharge requirement 11 if no safe solution can be found.</p> <p>SCC welcomes the Applicant's recognition that when considering proposals for put forward for approval under Requirement 11 it would be open to the LHA to request an alternative layout. However, SCC considers that the position of the LHA needs to be stronger than simply an ability to 'request' an alternative. The LHA needs the ability and the authority to refuse proposals it considers are unacceptable, whether or not an alternative solution is available.</p> <p>In its comments (above) on the Applicant's document Temporary and Permanent Access Technical Note –Suffolk County Council [REP7-027], SCC has put forward a suggested addition to Requirement 11 to make it clear that the LHA has the authority to refuse to approve proposals under Requirement 11 that it deems to be unacceptable, irrespective of any alternative solutions.</p>	<p>The Applicant is confident that it is possible to design access solutions to construct and operate the project within the powers of the draft DCO (document 3.1 (H)). For all projects applicants must aim to build in flexibility to ensure projects are constructable when detailed design is complete and to enable improvements to the project where possible. The Applicant has built in this flexibility and is confident Requirement 11 can be discharged. Given that the Local Highways Authority (LHA) discharge Requirement 11, the Applicant would note that this is very much the Applicant's risk, rather than a SCC risk.</p> <p>The Applicant does not see the necessity for the change suggested to Requirement 11. It is by definition within SCC's gift to 'refuse to approve proposals under Requirement 11 that it deems to be unacceptable'. A fuller response on this point in made under Ref 7b below.</p>
6d	Collision data on the routes identified by SCC	SCC would emphasise that it is unlikely that the examination timetable will allow time for SCC to comment on this	The Applicant notes the comment and remains committed to review collision data once received, to inform the detailed design and operation of the works.
6e	Applicant's Specific Comments on the Submission from SCC	SCC has considered the information provided and has no further comments in addition to those covered in previous submissions [REP4-008], [REP4-021], [REP4-033], [REP4-039], [REP6-056]. Previously, SCC had committed to reviewing Schedule 12 of the draft Development Consent Order, however, due to the numerous Nationally Significant Infrastructure Projects (NSIP) at various stages of the process in Suffolk, staff availability has not been permitting. Separately, SCC considers that it is the Applicant's responsibility to ensure that the	<p>The Applicant refers to Paragraph 2.4.1 of the Applicant's Comments on Other Submissions Received at Deadline 7 [REP8-036]:</p> <p><i>"Suffolk County Council's Response to the Action Points arising from ISH5 and ISH6 [REP7-032] provides certain comments on Schedules 5, 6, 8 and 12 of the draft DCO (document 3.1 (G)). The Applicant has responded to these comments through the Applicant's Schedule of Changes to the Draft DCO (document 8.4.2 (F)) which has been submitted at Deadline 8."</i></p>

Ref	Matter	Point Raised	Applicant's Comments
		project is acceptable, in this case by checking the schedules against publicly available street gazetteer.	

SCC Table of Comments on the Temporary and Permanent Access Technical Note [REP7-027]

7a	Introduction to Access Requirements	<p>It is unclear what the Applicant defines as 'large' bellmouths. SCC notes that the layout as set out in [APP-030] does not specify dimensions. Similarly, the Design and Layout Plans: Temporary Bellmouth for Access [REP3-005] shows no dimensions and includes an annotation for the bellmouth that the 'Width to suit access requirement'. Therefore, SCC cannot comment on the appropriateness of each individual access, for example that it is of sufficient width to allow two Heavy Goods Vehicles (HGV) to pass if the volume of construction traffic makes this necessary. Nor can comments be made on construction impacts such as damage to tree roots.</p>	<p>The detail of access design including bellmouth design with dimensions will be undertaken once a Main Works Contractor has been appointed. The Applicant considers that sufficient detail is available appropriate to the current preliminary design stage. The management arrangements for works vehicles including passing arrangements would be determined by the Main Works Contractor, and the details of access design would be submitted for LHA approval and subject to Road Safety Audit and could not proceed to construction until approved by the LHA.</p>
7b	Design Information Provided in the DCO Application	<p>SCC welcomes the fact that the Applicant intends that Requirement 11 should operate to as to allow the LHA to refuse to approve an unacceptable access design. SCC agrees that the LHA should have that ability.</p> <p>However, the problem that the Applicant has not grappled with is that the red line for the DCO is fixed at this stage and yet the access designs are generic and it has not been demonstrated on a site by site basis that a suitable design can be achieved within the red line of the Order limits or land forming part of the highway.</p> <p>The concern that SCC has is that once the DCO has been made, any applications coming forward for approval under Requirement 11 will be confined to works within the red line and/or works within the limits of the existing highway and the Applicant will argue that it has no power to do works on any other land.</p> <p>If SCC as LHA refuses to approve an access because what is proposed is unacceptable, whether for reasons of safety or visibility or loss of vegetation of nature conservation/landscape/cultural heritage value, the Applicant may seek to challenge that refusal on the basis that what has been proposed is the best that can be achieved within the confines of the powers given by the DCO.</p> <p>SCC raised this issue in its Post Hearing Submissions following ISH1 [REP1-043] at item 5.3, including reference to the <i>Proberun</i> case, and</p>	<p>The Applicant notes SCC's concern and, in response, has developed designs for the most difficult accesses to establish a more detailed level of design for those 'worst-case' examples. In all cases, solutions have been identified that can be achieved within the Order Limits and public highway extents, and/or where managed access could be used if needed.</p> <p>Managed access might involve banksman directing of works vehicles for the most lightly trafficked accesses (for example those only servicing the removal of one existing pylon), or traffic management such as signal-controlled access for more heavily trafficked accesses. These traffic management proposals would be subject to LHA approval before works could commence.</p> <p>The Applicant has previously responded to the point which SCC makes regarding the conduct of future approvals processes, most recently at Paragraph 2.8.26 of the Applicant's Comments on Other Submissions Received at Deadline 6 [REP7-026]:</p> <p><i>"The LHA is the authority with the responsibility for the discharge of Requirement 11 and has the authority to take a decision on whether the access designs are safe and appropriate. The project delivery is urgent and it is in the Applicant's interests for requirements to be determined as quickly as possible, which is likely to involve working with the LHAs to design accesses appropriate for their use and context. <u>The Applicant notes the wider concern expressed by the LHA regarding the potential for a substandard layout to be pursued if constraints prevent a compliant solution. However, the LHA would have the authority to request an</u></i></p>

Ref	Matter	Point Raised	Applicant's Comments
		<p>SCC has not seen any satisfactory response to its concerns from the Applicant.</p> <p>To move matters forward and to ensure that Requirement 11 does give SCC as LHA an unconstrained ability to refuse to give approval to any access that it deems to be unacceptable, (which is what the Applicant states is intended), SCC suggests that the Requirement should be revised as follows:</p> <p>Add new sub-paragraph 11(5): <i>'For the avoidance of doubt, when considering any proposals submitted for approval under sub-paragraph (1), the relevant highway authority shall be entitled to deem those proposals to be not acceptable and to withhold approval irrespective of whether the Applicant can provide any alternative access arrangement that the local highway authority deems to be acceptable within the limits of any land currently controlled by the Applicant or land forming part of the maintainable highway.'</i></p>	<p><u>alternative layout if the solution was not considered appropriate and in this context the concern does not seem well founded."</u></p> <p>The Applicant is fully cognisant of the important public safety considerations attaching to any development intended to be undertaken in the public highway.</p> <p>Therefore, to the extent that an alternative access could not, hypothetically, be accommodated within the Order Limits, the Applicant would seek to obtain all necessary consents through other established statutory mechanisms (as it regularly does in order to maintain and/or upgrade existing overhead lines and cables throughout England and Wales which do not benefit from the provisions contained in DCOs). Indeed, the Applicant has already clarified its intentions in this respect in its response at page 5 of the Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's draft DCO (document 3.1 (H)):</p> <p><u>"In addition to the justification already set out at Paragraph 3.14.1 of the Explanatory Memorandum (Document 3.1 (F)), and whilst acknowledging that there is no current intent to do so, the Applicant considers it necessary and appropriate to provide for a future eventuality whereby certain elements of the authorised development are required to be consented through other means. For example, it may be the case that express planning permission is required to be sought for certain other access or enabling works, or to facilitate future maintenance or other operations."</u></p> <p>From the Applicant's perspective, a clear distinction can therefore be drawn between the project and the circumstances applicable in the case of <i>Proberun Ltd v Secretary of State for the Environment and Medina Borough Council</i> [1990] 3 PLR 79 as cited by SCC. In the context of the project, the Applicant would retain the ability to exercise certain street works and other related powers, on consent, outside of the Order Limits. This is readily distinguishable from the position in <i>Proberun</i> where, as the penultimate paragraph of the judgment makes clear, there was no prospect that <u>"...the developers could, or might, acquire the necessary rights over adjoining land to create a different form of junction..."</u></p> <p>Therefore, and notwithstanding the complete absence of precedent, the Applicant disagrees with SCC as to the need to amend Requirement 11 in the manner contemplated.</p>

Ref	Matter	Point Raised	Applicant's Comments
7c	Purpose of this Technical Note	<ul style="list-style-type: none"> Improved bellmouths – see above. Speed limits and traffic management are only proposed to be temporary in the construction phase and would not be available for permanent accesses used in the operational phase. Whilst the volume of use may be low and / or intermittent such junctions must be designed to appropriate standards. Traffic management which involves stopping opposing flows of traffic is only practical on roads that have space for the vehicles to pass each other (for HGVs nominally a minimum 5.5m at low speed). Removal of vegetation on private land not within the Order Limits would need the landowners permission. At this stage this cannot be taken as granted. SCC would agree that there is scope to rationalise the number of accesses (see below). 	The Applicant notes the observations, and the same provisions have been made for LHA approval of design and operational proposals of both temporary and permanent accesses before construction of those accesses.
7d, 7g, REP8-047 7h, 7i, Table 7 7j, 7k, 7l, 7m and 7n		SCC has provided detailed comments pertaining to specific access points in Table 7 of REP8-047: SCC Table of Comments on the Temporary and Permanent Access Technical Note [REP7-027]	<p>The Applicant offers the following response in relation to points raised by SCC for accesses <u>included</u> within the Temporary and Permanent Access Technical Note: Suffolk County Council [REP8-030]:</p> <p>As per the response to Item 7b, the Applicant notes solutions have been identified that can be achieved within the Order Limits and public highway extents, and/or where managed access could be used if needed. The Applicant notes the points raised and these will be addressed in the detailed design which will be submitted to the LHA for approval.</p> <p>Specific comments are offered in respect of the following access points;</p> <ul style="list-style-type: none"> AB-AP5: The Technical Note has been updated at Deadline 9 following receipt of the arboricultural survey. AB-EAP1: The Applicant notes the apparent drafting error, and this has been updated at Deadline 9. D-DAP1 The Applicant notes the comment and the drawing has been updated to provide further clarity on the drawing at Deadline 9. <p>The Applicant is confident that the scope of vegetation works for these accesses can be delivered at detailed design within the scope of vegetation assumptions shown on LEMP Appendix A: Vegetation Retention and Removal Plans (document 7.8.1 (C)). Any proposed</p>

Ref	Matter	Point Raised	Applicant's Comments
			<p>changes to this position (or LEMP Appendix A) would be submitted for approval of the relevant planning authorities, in accordance with Requirement 8 of the draft DCO (document 3.1 (H)).</p> <p>The Applicant notes that as part of the detailed design process to be adopted once a Main Works Contractor is appointed, additional measures to mitigate visibility splay requirements if required could include site specific agreements, traffic management measures or relaxation of design criteria following receipt of topographical/speed survey information.</p>
7e, 7f, REP8-047 7o, 7p, Table 7 7q & 7r,		SCC has provided detailed comments pertaining to specific access points in Table 7 of REP8-047: SCC Table of Comments on the Temporary and Permanent Access Technical Note [REP7-027]	<p>The Applicant offers the following response in relation to points raised by SCC for accesses <u>not included</u> within the Temporary and Permanent Access Technical Note [REP7-027].</p> <p>The Applicant has already undertaken more detailed assessment of accesses identified by SCC as 'of concern' as per the response to Item 7b, and notes that in all cases solutions have been identified that can be achieved within Order Limits and public highway extents, and/or where managed access could be used if needed. Having reviewed the SCC comments on these further access points, the Applicant is of the view that there are no issues raised that could not be addressed during the detailed design process in a similar manner, and that if the vegetation clearance proposals were shown to be more extensive than those currently assumed on LEMP Appendix A: Vegetation Retention and Removal Plans (document 7.8.1 (C)) then these would be submitted for approval of the relevant planning authorities, in accordance with Requirement 8 of the draft DCO (document 3.1 (H)).</p>
7s	Compounds (General)	SCC can confirm that the compounds that look acceptable in terms of vegetation loss are: 1, 2, 3, 4, 7, 8, 9, 10, 12.	Noted, the Applicant has no comment on this.
7t	Compound (sheet 16)	5 SCC notes that the access across A134 will need to be micro-sited to avoid mature roadside trees and should make use of existing powerline corridor, where vegetation growth is already restricted.	The final access point across the A134 will be located considering a number of different factors including suitable visibility splays and stopping sight distance from the southern bend. The Applicant has already sought to position access points in locations that would avoid or limit vegetation loss, however this is sometimes not possible due to other factors such as health and safety clearances associated with working beneath the live overhead line.

Ref	Matter	Point Raised	Applicant's Comments
7u	Compound (sheet 19)	6 SCC considers that the existing farm track should not be used for access, using the field instead. The track is vegetated and there are mature trees that have not been identified other than as part of the hedgerow.	Compound 6 is the temporary construction compound adjacent to the Stour Valley East CSE compound. The Applicant notes that access to this compound would be from the temporary access route and not the existing farm track. The access for PCB-76 removal is intended to utilise the existing track to maximise the use of existing infrastructure however this would be further reviewed in detailed design once the Main Works Contractor is appointed. The vegetation that would be affected by the use of the access track is shown on LEMP Appendix A: Vegetation Retention and Removal Plan (document 7.8.1 (C)).
Y7v	Compound 11	SCC were unable to locate this compound.	Compound 11 is on sheet 23 of Figure 4.1: The Project [PDA-002]. It is a small compound associated with the works to the south of the GSP substation in Essex.
7w	Compound (Sheet 28)	12 SCC notes that the hedgerow vegetation along the south-western and north-western boundaries of the compound are not clearly shown on Vegetation Retention and Removal Plan. These hedgerows need to be appropriately protected.	Measures to protect hedgerows are set out in Section 6.4 of the LEMP (document 7.8 (D)).
7x	Revised Annex F	<p>LIR SCC provided a revised version of Annex F of the Joint Suffolk LIR at Deadline 6 in its Post-Hearing Submission for ISH6 (Appendix 1) [REP6-057] that identified matters that may be of concern for each specific access and had anticipated the Applicant would have used this to identify those requiring further attention.</p> <p>In SCC's view the drawings included in [REP7-027] would represent a minimum level of detail if supported with the key dimensions of the individual bellmouths, swept path analysis where appropriate and details of the vegetation to be removed or trimmed. Whilst the Applicant has presented these in meetings the LHA has had little influence in which accesses were assessed other than providing Annex F for the Applicant's reference.</p> <p>SCC considers the most sensitive higher risk accesses not assessed to date are:</p> <ul style="list-style-type: none"> ● C-AP1 and C-AP2 on the B1070 in Layham; ● F-AP4 on the B1068 in Leavenheath; ● F-AP5 Leavenheath and F-AP7 Assington both on the A134; and 	The Applicant notes the observations and the updated Annex F content which will be used in development of the design, in liaison with the LHA in advance of formal submission of design and operational proposals for approval.

Ref	Matter	Point Raised	Applicant's Comments
		<ul style="list-style-type: none"> G-AP3 and G-AP4 on the B1508 at Bures St Mary. <p>These accesses generally have the highest volume of construction traffic on the busiest (in local terms) roads and include two of the permanent accesses. In some cases (A134 and B1508) compliance with existing speed limits is poor. This does not mean other issues such as the impacts of vegetation clearance remain at other locations. Please refer to the final revision of LIR Annex F submitted at D8</p>	
7y	Additional Sensitive Receptor	Following a site visit, SCC has become aware of an additional sensitive receptor in Assington, specifically Ryes College, a private school located on Bures Road, Assington.	Ryes College is shown as a noise sensitive receptor (NSR) on Sheet 8 of Figure 14.1 [APP-154]. The Applicant notes that the receptor is missing from Table 3.1 and 4.1 in ES Appendix 12.1 [APP-134] and has added this receptor to the Errata List submitted at Deadline 9 (Document 8.4.3 (C)). The change to the receptor sensitivity would change the overall effect from negligible to minor, which would be not significant and, therefore, would not change the conclusion or mitigation presented in ES Chapter 12: Traffic and Transport [APP-080].

Response to the Action Point 4 Arising From ISH6 [REP8-048]

1.2	AP4 on IEMA July 2023 guidelines, regarding worst case hour and effects on the community	SCC notes that the changes in the 2023 IEMA Guidance are that it recognises DMRB guidance for transport schemes and that some elements such as Population and Human Health may have relevance to assessment of nonhighway schemes. It also outlines level of competence for experts assessing environmental impacts. Tables 3.1, 3.2 and 3.3 of the 2023 IEMA guidance provide an example methodology to assess fear and intimidation. It would be helpful if this could be undertaken for selected sites, specifically the A1071 in Hintlesham and A134 Nayland and Leavenheath.	<p>The Applicant notes its response to Action Point 11 from ISH 1 [REP1-034] and that the IEMA guidance (2023) was published in July 2023, after the application was submitted. The Applicant undertook a review of the guidance in response to Action Point 11, and this confirmed that the new guidance would have no material impact on the assessment of traffic and transport matters in relation to the project. Further details can also be found in the Comments on Other Submissions Received at Deadline 4 [REP5-025] and the Applicant's Response to the December Hearing Action Points [REP6-041].</p> <p>The Applicant is unclear for the reason to use the methodology on the selected sites, given the high baseline traffic flows on the A1071 and A134 mean that the percentage change as a result of the project on most segments would be negligible as a result.</p>
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SCC Comments on the Applicant's Response to the OWSI Amendments [REP8-041]

1.4	Archaeological mitigation strategies	The information on archaeological mitigation strategies is not considered appropriate in terms of terminology and scope of mitigation methodologies, specifically SMS methodology, and is in conflict with the revised OWSI. In response to question HE2.8.2, the Applicant's timetable for the production of a report is not acceptable, for mitigation	The mitigation identified in the OWSI is based on the interim trial trenching results, which except from the final phase of trenching, have all been supplied to the Local Authority Advisors. The Local Authority Advisors were also issued with the daily communications about the trenches during the site work to confirm that each trench could be closed. The targeting
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Ref	Matter	Point Raised	Applicant's Comments
		<p>to be agreed in the areas covered by the report the report will need to be submitted before the OWSI can be agreed. Failing this the OWSI will be required to remove references to any areas that have been identified as not requiring further investigation.</p>	<p>of anomalies with trenches and the testing of areas free of anomalies has largely verified the reliability of the non-intrusive surveys with sufficient confidence to allow recommendation of mitigation for each area to adequately mitigate any removal and damage to archaeological remains.</p> <p>The Applicant will continue to engage with the Local Authority Advisors, including following the issue of the final trial trenching report (due in March 2024) to refine the locations and scope of mitigation as would be set out within the Detailed Written Scheme of Investigation (DWSI).</p>
1.5-1.10	Trial trench evaluation	<p>A programme of targeted trial trench evaluation was carried out in November 2023. The results of these investigations have not been submitted in a report to the Local Authority archaeological advisor and the Applicant states that this report will not be provided until May 2024. The Examination ends on 12 March 2024. The last practical opportunity for SCC to comment on any new material will be at Deadline 9 on 23 February 2024 so SCC has to assume that the report will not be available for its comments before the close of the Examination. One area has been identified within the OWSI as requiring further investigation in the form of open area excavation however the remainder of the areas have been scoped out of the requirement for any further investigation. Until the trial trench evaluation report has been submitted and the results discussed with the Local Authority archaeological advisor then the mitigation strategy in these areas cannot be determined.</p> <p>The OWSI states that no further mitigation will be required in these areas however fails to provide any supporting evidence as to why these areas will be removed from scope.</p> <p>Removing areas from further investigation without adequate supporting evidence is contrary to what is stated in ES Chapter 8: Historic Environment Section 8.8.2 which states that “a level of archaeological mitigation would be applied to all archaeological remains where removal or damage is unavoidable, whether significant or not, as per good practice”.</p> <p>The evaluations have been successful in determining that there does not appear to be any archaeological remains that would act as a constraint to the development however they were not carried out to an appropriate level to provide sufficient information on the nature, scale and complexity of any archaeological remains present.</p>	<p>See the response to 1.4 above. All of the trial trenching results have been provided to the Local Authority Advisors along with daily communication during the site work about the results on site as part of confirming that each trench could be closed. The Applicant is in the process of producing the final trial trenching report, due in March 2024, however the proposed mitigation set out in the OWSI has already taken into account the results of the final phase of trial trenching.</p> <p>The Applicant will continue to engage with the Local Authority Advisors to refine the locations and scope of mitigation as would be set out within the DWSI.</p> <p>The underground cable sections that are excluded from further mitigation are warranted based on a lack of results from non-intrusive survey and trial trenching. The approach of not trial trenching areas within the overhead line sections is based on a proportionate approach set out within the Archaeological Framework Strategy (AFS) [APP-186] and given the very limited disturbance of soil within these sections. Applying an Archaeological Monitoring and Recording approach for these areas is entirely appropriate for mitigating removal and damage to any potential buried archaeology in such limited areas.</p> <p>The methodology for the trial trenching was set out within the DWSI produced for the site work. This explained that the opening and closing of trial trenches in the same day was based on health and safety concerns regarding leaving trenches open overnight and also to reduce the impacts of the works to the landowner and of the land use of these fields.</p> <p>The Applicant maintains that it does not consider that further trial trenching is required on the project, and that the proposed mitigation is appropriate, based on the result of both the desk and site surveys and the limited soil disturbance that would occur in the overhead line sections.</p>

Ref	Matter	Point Raised	Applicant's Comments
		<p>A programme of archaeological evaluation will need to be completed across the scheme in areas where there is likely to be an impact on archaeological remains in order provide the Local Authority archaeological advisor sufficient data on which to formulate and come to agreement on, an adequate mitigation strategy.</p> <p>Any areas where there may be impact to potential archaeological remains, including from temporary compounds, access roads, planting schemes etc. will require an archaeological evaluation in the first instance with an appropriate coverage of trial trenches and using more conventional trial trench methodologies which would allow for the recognition of features through weathering over a suitable time period. The methodology employed during the completed investigations have not been conducive to this.</p> <p>A detailed strategy for post determination trenched archaeological evaluation will need to be included within the OWSI.</p>	
1.11	Trenchless crossing	<p>In addition, the area of the trenchless crossing should be subject to upfront geoarchaeological and palaeoenvironmental archaeological assessment, providing enhanced deposit models and palaeoenvironmental information in order to determine if sensitive deposits of archaeological importance would be damaged or destroyed by the proposed trenchless crossing and to allow the formulation of an appropriate mitigation strategy.</p>	<p>The River Stour valley has been subject to extensive geotechnical ground investigation and the results used to inform a detailed/enhanced deposit model interpreted by geoarchaeological specialists. The same level of detail is not available for the River Box valley given the limited ground investigation data at this location.</p> <p>The Applicant has proposed geoarchaeological mitigation in both locations, focussed on the drill pits (ground that would be disturbed). This mitigation will help to enhance the deposit models at both the Rivers Stour and Box whilst retrieving organic material for laboratory analysis. Further text on the latter has been added to the OWSI at Deadline 9 (document 7.10 (D)).</p>
1a	Introduction	<p>Changes requested by in [REP7-034] Table items 1a, 1b, 1d, 1e, 1f and 1h have not been undertaken.</p>	<p>(1a and 1b) Paragraph 1.2.6 of the OWSI (document 7.10 (D)) has been amended to make it clear that the trial trenching was focused on the underground cable, the CSE compounds, GSP substation and the main site compound off the A134. Text has also been added to say that some trenches were not excavated due to ecological constraints.</p> <p>(1c) Paragraph 1.3.2 of the OWSI (document 7.10 (D)) has been updated with the correct reference to the East of England Archaeological Research Framework.</p> <p>(1d) The Applicant considers its approach to mitigation set out for the overhead line sections is appropriate and that the proposed</p>

Ref	Matter	Point Raised	Applicant's Comments
1b/1c	Purpose of the Report / Aims and Objectives	<p>The level of evaluation to date has been limited and further evaluation will be required post consent, especially in those areas not being underground and where there are running tracks or access tracks.</p> <p>Those areas where archaeological mitigation is not proposed needs to be reconsidered on a site-by-site basis depending on the nature of the work and until no impact can be confirmed these should remain within the areas to be assessed.</p>	<p>Archaeological Monitoring and Recording will suffice in mitigating impacts to any archaeological remains present.</p> <p>(1e) Section 7.3 of the OWSI (document 7.10 (D)) has been updated to include details that will be provided within the geoarchaeological DWSI, with the exception of the need for further assessment, which has been provided already based on the available data.</p> <p>(1f) The Applicant does not consider it necessary to undertake additional mitigation in areas proposed for tree planting, as these are generally located in areas that were previously wooded where tree roots would have disturbed the soil e.g. areas around Hintlesham Woods. Undertaking archaeological mitigation in such areas is considered to be more damaging than the planting itself.</p> <p>(1h) As noted in 1a and 1b above, paragraph 1.2.6 of the OWSI (document 7.10 (D)) has been amended to summarise the results of trial trenching. In addition, references to the term 'watching brief' have been updated to 'Archaeological Monitoring and Recording' throughout. As noted in response to 1.4 above, the Applicant considers that the trial trenching done to date is sufficient for informing the scope of mitigation.</p> <p>The AFS [APP-186] sets out the justification for the surveys and mitigation based on project components. In terms of the specific locations noted by the Local Authority Archaeological Advisors:</p> <ul style="list-style-type: none"> • Locations where the 132kV or 400kV overhead lines are to be removed: The soil disturbance in these areas will be confined to the pylon bases, which would have disturbed the soil (and archaeology) during the original construction; • Modification works to the existing 132kV or 400kV overhead line: These works involve modifications to the existing pylons (e.g. fitting arcing horns) and it is therefore not anticipated to require ground disturbance or risk to known or unknown archaeology; • Trenchless crossings: Trenchless crossings are proposed in locations identified as having an environmental sensitivity which warrant a method that avoid disturbance to the overlying features. Soil (and archaeological features) would not be disturbed along the trenchless crossings, and undertaking trial trenching at such locations would damage the habitats and features that the trenchless crossing is designed to avoid. The Applicant has committed to undertaking

Ref	Matter	Point Raised	Applicant's Comments
			<p>further mitigation on the drill pits (see Chapter 7 of the OWSI (document 7.10 (D))). The route of the trenchless crossing cables is anticipated to be located c 10m below ground levels and therefore would pass beneath any buried archaeology if present; and</p> <ul style="list-style-type: none"> • Environmental planting areas. The Applicant does not consider that trial trenching is required where grassland or hedgerows are proposed given the shallow nature of the root systems. Tree/woodland planting is proposed around the CSE compounds and the GSP substation and in small number of mitigation areas. This planting is generally proposed as reinstatement of historic woodland e.g. at Hintlesham Woods and therefore tree roots would have previously disturbed any archaeology present.
1d	Structure of the Report	This section needs to include further evaluation work in those areas not evaluated to date.	The Applicant considers that the trial trenching done to date is sufficient in informing the need for, and scope of future mitigation in line with the approach set out in the AFS [APP-186].
1e	General Considerations	Changes requested by in [REP7-034] Table items 1j, 1k, 1l, and 1n have not been undertaken.	<p>(1j) The Applicant has amended paragraph 2.2.1 and 2.2.2 of the OWSI (document 7.10 (D)) as per the Council's request. The exception is that the Local Authority Advisors will not have unrestricted access to archaeological sites, due to the Applicant being responsible for health and safety of the site and as this will be undertaken on private land, the site access will need to be arranged through the Applicant.</p> <p>(1k) The Applicant has amended paragraph 2.4.2 of the OWSI (document 7.10 (D)) as per the Council's request.</p> <p>(1l) The Applicant has amended paragraph 2.3.3 of the OWSI (document 7.10 (D)) as per the Council's request.</p> <p>(1n) The Applicant has amended paragraph 2.2.1 of the OWSI (document 7.10 (D)) to say that the frequency of the communication will be defined within the DWSI, as this will depend on the activities taking place and the approach being taken.</p>
1f	Preservation <i>in situ</i>	Changes requested by in comment references 1o (in part), 1p, and 1q have not been undertaken.	(1o, 1p and 1q) The results of the archaeological survey work undertaken to date, including the results of the trial trenching, has not identified archaeological remains that would be worthy of preservation in situ.
1g	Targeted Archaeological	Changes requested by in [REP7-034] Table items 1r, 1s, 1t (in part), and 1u (in part) have not been undertaken.	(1r) Chapter 4 of the OWSI has been amended to cross reference the field work to the post-excavation report and updated project design, as

Ref	Matter	Point Raised	Applicant's Comments
	Open Area Excavation		<p>requested and to remove the comparison between Open Area Excavation (OAE) and Strip, Map and Sample (SMS).</p> <p>(1s) The Applicant has identified the areas of OAE in the OWSI (document 7.10 (D)) based on the results of the archaeological survey work, including the trial trenching. The Applicant has identified these areas in Section G for OAE and will discuss the specific locations with the Local Authority Advisor as part of the DWSI.</p> <p>(1t) Paragraph 2.2.2 of the OWSI (document 7.10 (D)) has been updated to say that the Local Authority Advisors will set archaeological briefs or specifications for the production of the DWSI.</p> <p>(1u) The OWSI (document 7.10 (D)) has been updated to include the revised guidance from ClfA for archaeological excavation. The Applicant considers that the detail regarding overburden removal, hand excavation policy, human remains, inhumations, environmental sampling, scientific dating, recording, and artefactual recovery is more appropriate to a DWSI and is not necessary in an outline document, which sets the broad parameters of mitigation rather than detail more appropriate elsewhere. The Applicant is confident that its archaeological contactor will adhere to professional standards and include the necessary level of detail in their method statement, as instructed to do so in the OWSI.</p>
1h	Archaeological Strip, Map and Sample Excavation	Changes requested by in [REP7-034] Table items 1v (in part), 1w, 1x and 1y have not been undertaken.	<p>(1v and 1w) Chapter 5 of the OWSI (document 7.10 (D)) has been amended to include some of the detail with respect to the definition of SMS and paragraph 5.3.3 has been added to say that the DWSI will contain flexibility of the SMS strategies being kept under review.</p> <p>(1x) The Applicant has identified the areas for SMS in Section 5.2 of the OWSI (document 7.10 (D)) and will discuss the specific details relating to these with the Local Authority Advisor as part of the DWSI.</p> <p>(1y) See response to 1u above.</p>
1i	Archaeological Watching Brief	Should now be referred to as Archaeological Monitoring and Recording following the CiFA guidelines. A watching brief is not “also known as Archaeological Monitoring and Recording”. Watching brief is a redundant term and should not be used. Changes requested by in [REP7-034] Table items 1z, 1aa, 1dd and 1ee (in part) have not been undertaken.	<p>(1z) The Applicant has amended ‘watching brief’ to ‘Archaeological Monitoring and Recording’ in the OWSI (Document 7.10 (D)), with clarification in paragraph 1.5.1 that Archaeological Monitoring and Recording is formerly known as ‘watching brief’ to provide consistency with the terminology used in the ES and the AFS.</p> <p>(1aa, 1dd and 1ee) The Applicant has set out its approach to trial trenching in response to 1.4 above.</p>

Ref	Matter	Point Raised	Applicant's Comments
1j	Geoarchaeological and Palaeoenvironmental Investigation and Mitigation	Changes requested by in [REP7-034] Table items 1ff (other than the title), 1gg, 1hh and 1ii have not been undertaken. Further advice should be obtained from the Historic England Science Advisor as the section on geoarchaeological and palaeoenvironmental work seems to be rather lacking in information and the archaeological contractor will need guidance to create their detailed WSI. In summary, there is concern regarding the level of archaeological field evaluation undertaken to date and the mitigation strategy proposed. The OWSI does not include any further archaeological trial trenching evaluation and has removed areas along the scheme from any further mitigation based on a limited programme of trial trenching. The results of the trial trenching exercise have not been shared with the Local Authority Archaeological advisors and it is considered that there is not enough evidence to remove large areas of the scheme from further mitigation based on the levels of investigation carried out to date.	<p>(1ff) Detailed assessment of the palaeoenvironmental resource has been completed. The OWSI addresses mitigation and reporting.</p> <p>(1gg and 1hh) Section 7.3 of the OWSI (Document 7.10 (D)) has been updated to include reference to consultation with the regional Historic England Science Advisor. The results of the geoarchaeological assessment will be made available to the Historic England Regional Science Advisor for comment. Any feedback will inform the DWSI.</p> <p>(1ii) Paragraph 7.3.1 of the OWSI already states that a DWSI will be produced for the geoarchaeological and palaeoenvironmental mitigation.</p>
1k	Dissemination	Changes requested by in [REP7-034] Table items 1kk (in part), 1oo and 1rr have not been undertaken.	<p>(1kk) The OWSI uses the PXA and UPD acronyms as requested.</p> <p>(1oo) The Applicant does not consider it necessary to update the wording in the DCO, as paragraph 8.3.2 of the OWSI (document 7.10 (D)) states that the UPD will make provision for the analysis, publication, timeline and dissemination of results. The OWSI is secured under Requirement 6 of the draft DCO (Document 3.1 (H)), therefore any commitments made in the OWSI are already secured as part of the draft DCO (document 3.1 (H)).</p> <p>(1rr) The Applicant considers that paragraph 8.6.1 of the OWSI (document 7.10 (D)) already covers the groups named by SCC regarding outreach and also noting that the paragraph notes that these are only examples and not an inclusive list.</p>
1l	Archiving	Changes requested by in [REP7-034] Table items 1ss (in part) and 1tt have not been undertaken.	<p>(1ss) Paragraph 9.1.1. of the OWSI (document 7.10 (D)) has been amended to include PXA and UPD approval prior to archiving agreement and makes the provision for digital archiving.</p> <p>(1tt) Paragraph 9.1.4 of the OWSI (document 7.10 (D)) makes reference to the 'appropriate repository', meaning that the project archive would be split with respect to the two counties.</p>

3. Applicant’s Specific Comments on the Submission from Essex County Council and Braintree District Council

3.1 Introduction

3.1.1 Table 4.1 summarises the Applicant’s comments to submissions provided by ECC and BDC at Deadline 8 [REP8-040]. The Applicant has not commented on matters that ECC/BDC has said it is not concerned about, is in agreement with, has no comment on or where it has deferred to another Interested Party on a specific matter. Therefore, the numbering in Table 4.1 is not consecutive. In some cases, where the point raised is lengthy, the Applicant has summarised the key points to keep the document concise.

3.2 Response Table

Table 4.1 – Applicant’s Comments on the ECC/BDC Deadline 8 Submission [REP8-040]

Ref	Matter	Point Raised	Applicant’s Comments
<i>Comments on BDC/ECC Deadline 6 Responses by Applicant [REP7-026]</i>			
3.2	Archaeological Matters	<p>For CM2.5.1, the information on archaeological mitigation strategies is not considered appropriate in terms of terminology and scope of mitigation methodologies, specifically Strip, Map and Sample (SMS) methodology, and is in conflict with the revised OWSI.</p> <p>In response to HE2.8.2, the Applicant’s timetable for the production of a report is not acceptable, for mitigation to be agreed in the areas covered by the report, the report will need to be submitted before the OWSI can be agreed. Failing this, the OWSI will be required to remove references to any areas that have been identified as not requiring further investigation.</p>	<p>The OWSI contains indicative proposed areas of mitigation. The Applicant is happy to discuss these with the Local Authority Advisors taking into account the results of the final trial trenching report (forthcoming May 2024). The Applicant feels that the interim results provided to the Local Authority Advisors contain sufficient information to propose mitigation approaches, even if these are to be subject to discussion and amendment at a later stage.</p>
3.3	Ref 7.7 Lopping of trees/felling	<p>The Councils welcome confirmation in Table 5.1 that trees within 50m of the Order Limits were surveyed for their potential to support roosting bats as set out in the ES Appendix 7.7 Bat Survey Report [APP-117]. The Councils note that Paragraph 2.4.4 sets out the subsequent aerial inspection or emergence re-entry surveys undertaken on trees within the Order Limits and within 50m of the</p>	<p>As the Council notes, the Applicant has completed a draft bat licence [APP-118] and has received a LONI from Natural England. Should DCO consent be granted, the Applicant will prepare and submit a final bat licence for Natural England approval. This would include all potential bat roosts affected by the project, including any changes that may be identified through the detailed design and</p>

Ref	Matter	Point Raised	Applicant's Comments
		<p>Order Limits. A draft Bat Licence has been completed and Natural England has provided a Letter of No Impediment (LONI) which can be found in ES Appendix 7.7 Annex A: Bat Draft Licence [APP-118].</p> <p>The Council are also reassured that, should works be required on any additional trees that have not undergone bat survey (whether within or outside of the Order Limits), then the Applicant would undertake preconstruction surveys as part of the final bat licence that would be submitted to Natural England for approval, which would also include any required mitigation measures needed to offset the effect. However, The Councils seek confirmation from the Applicant that this appropriate compensation for loss of roost resource would be included in the CoCP and REAC.</p>	<p>pre-construction surveys. The licence would also include any proposed mitigation measures. As these mitigation measures would be secured through the licence, the Applicant does not consider it necessary to duplicate this information in the CEMP (document 7.5 (E)), CoCP or Register of Environmental Action and Commitments (REAC), as stated in paragraph 1.3.6 of the CEMP (document 7.5 (E)).</p>
3.4	7.19.1 Aftercare Duration	<p>The Councils note that the Applicant has confirmed its commitment to maintaining planting at the CSE compounds for the lifetime of the asset, as stated in embedded measures EM-D01, EM-F01, EM-G03 and EM-G06 in the REAC. However, The Councils understand that Natural England's advice on biodiversity net gain (BNG) for NSIPs requires a precautionary principle to be adopted where land included in calculations of habitats created or enhanced. Where such land will be returned to the landowner after 5 years such as hedgerows or natural regeneration, the Applicant should treat this as a loss of habitat unless an alternative location can be secured for the minimum 30 years management to deliver the promised BNG.</p> <p>The Councils therefore highlight that unless adequate habitat compensation is secured to reach no net loss, the project cannot claim to be delivering any BNG.</p> <p>Furthermore, whilst five years aftercare is a standard landscape contract (for establishing trees and shrubs) that is used on many large infrastructure projects, this is not sufficient to deliver habitats including the promised condition at the end of 30 years period.</p>	<p>The Applicant is unaware of any published advice from Natural England relating to BNG for NSIPs and it should be noted that BNG is not a statutory requirement for NSIPs pursuant to the Environment Act until 2025. However, the Applicant is being proactive by voluntarily incorporating BNG into the project in advance of the legal requirement pursuant to the Environment Act, to do so.</p> <p>The Environmental Gain Report [APP-176] describes how there are over 500 hedgerow units in the BNG baseline for the Order Limits. Post works, the hedgerow units would increase by 13.4%. To reach this value, a precautionary approach has been used for impacts on hedgerows by assuming that in addition to habitat loss (i.e. the entire hedgerow including roots would be removed) that any coppicing of hedgerows would also cause a reduction in one condition category. In order to reach a gain in hedgerow units, the majority are derived from creation or reinforcement of hedgerows which are within Environment Areas where landowner agreement and up to 30 years maintenance is to be secured. Fewer, but additional hedgerow units are gained over the wider project where coppiced hedgerows are allowed to reestablish to baseline condition and temporary gaps in hedgerows are reinstated. Where the baseline identified a hedgerow in poor condition, these would be reinstated and improved. Although handed back to the landowner after five years, as is standard practice for large scale infrastructure schemes, there is high confidence in the continued retention and management of these reinstated hedgerows</p>

Ref	Matter	Point Raised	Applicant's Comments
			considering their location within the wider hedgerow network and agricultural landscape.
3.5	7.19.3 Bat survey Mitigation Hierarchy	– The Councils note the Applicant's commitment for good practice measure B06 in the CoCP [REP3-026], which states that, for loss of trees with roosting features included in the bat licence, bat boxes will be provided as compensation measures. The Councils welcome the statement that, should the project receive development consent, then the Applicant would need to submit a final bat licence to Natural England for approval of any required mitigation this would be informed by the latest published guidance. The Councils therefore consider that the REAC should also refer to appropriate compensation for loss of roost resource.	See Applicant's response to Ref 3.3. The Applicant considers that the mitigation would be agreed through the licence and that there is no need to update the REAC (document 7.5.2 (F)) to duplicate what would be secured through a different statutory process.
3.9	Table 2 15.5.1 Construction Traffic Management Plan (CTMP) – Car Sharing and Traffic Impact	The matter relating to the CTMP putting in place a review mechanism as a result of noticeably different shift patterns has not been resolved.	The Applicant does not agree it is necessary to secure shift patterns so this point is not agreed. See the Statement of Common Ground Local Authorities (document 7.3.1 (D)).
3.10	Table 2 15.5.1 Traffic Commitments	The Council notes the Applicant's position that controls are not considered to be necessary. It would be beneficial to know what, if any, management processes could be put in place as The Councils consider that the scheme would benefit from the same. The disagreement will form part of our Statement of Common Ground (SoCG).	The Applicant has introduced a number of controls on traffic into the CTMP, including for example, HGV routing and vehicle sharing. The Applicant is not intending to make any further changes to the CTMP. Further detail on areas agreed and not agreed are presented in the Statement of Common Ground Local Authorities (document 7.3.1 (D)).
3.12	Table 2 15.8.2 Wheel washing	In order to ensure that there is no impact on the highway network; 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.	The CTMP [REP8-018] paragraph 5.5.7 commits to the provision of wheel washing facilities and sharing a plan of these facilities with the relevant highway authority.
3.13	Table 2.7 PRoW and assessment of construction and traffic impacts on WCH	The Council notes the Applicant's position and disagrees with their conclusion on the need for an assessment of the hour of greatest change. This has been set out in the SoCG.	The Applicant has responded to this most recently in response to Action Point 4 in the Applicant's Response to the December Hearing Action Points [REP6-041].
4.2.3	Landscape and Visual Impacts	The Councils welcome the additional commitment by the Applicant under Requirement 9 and the additional planting included at the Stour Valley West CSE compound. As such, subject to effective implementation, aftercare and ongoing monitoring the proposals	The Applicant notes that this matter is now acceptable.

Ref	Matter	Point Raised	Applicant's Comments
		around the CSE compounds, it is considered that this particular mitigation is now acceptable.	
Comments on the Updated OWSI [REP7-013]			
5.2.1- 5.2.7 and 5.2.11- 5.2.13	Trial trenching and archaeological evaluation	<p>A programme of targeted trial trench evaluation was carried out in November 2023. The results of these investigations have not been submitted in a report to the Local Authority archaeological advisor and the Applicant states that this report will not be provided until March 24. One area has been identified within the OWSI as requiring further investigation in the form of open area excavation, however the remainder of the areas have been scoped out of the requirement for any further investigation. Until the trial trench evaluation report has been submitted and the results discussed with the Local Authority archaeological advisor, then the mitigation strategy in these areas cannot be determined. Document 7.10 € states that no further mitigation will be required in these areas, however fails to provide any supporting evidence as to why these areas will be removed from the scope.</p> <p>Removing areas from further investigation without adequate supporting evidence is contrary to what is stated in ES Chapter 8 Historic Environment, which states that “a level of archaeological mitigation would be applied to all archaeological remains where removal or damage is unavoidable, whether significant or not, as per good practice”.</p> <p>The evaluations have been unsuccessful in determining that there does not appear to be any archaeological remains that would act as a constraint to the development, however they were not carried out to an appropriate level to provide sufficient information on the nature, scale and complexity of any archaeological remains present.</p> <p>A programme of archaeological evaluation will need to be completed across the scheme, in areas where there is likely to be an impact on archaeological remains, in order provide the Local Authority archaeological advisor sufficient data on which to formulate and come to agreement on, an adequate mitigation strategy.</p> <p>Any areas where there may be impact to potential archaeological remains, including from temporary compounds, access roads,</p>	The Applicant has responded to comments on trial trenching in line item 1.4 of Table 3.1.

Ref	Matter	Point Raised	Applicant's Comments
		<p>planting schemes etc. will require an archaeological evaluation in the first instance with an appropriate coverage of trial trenches and using more conventional trial trench methodologies which would allow for the recognition of features through weathering over a suitable time period. The methodology employed during the completed investigations have not been conducive to this.</p> <p>A detailed strategy for post determination trenched archaeological evaluation will need to be included within the OWSI</p>	
5.2.8	Palaeoenvironmental archaeological assessment	Palaeoenvironmental archaeological assessment, providing enhanced deposit models and palaeoenvironmental information, in order to determine if sensitive deposits of archaeological importance would be damaged or destroyed by the proposed trenchless crossing, and to allow the formulation of an appropriate mitigation strategy.	The Applicant has responded to comments on the palaeoenvironmental archaeological assessment in line item 1.11 of Table 3.1.
5.2.14	Archaeological Monitoring and Recording	Section 6 Should now be referred to as Archaeological Monitoring and Recording following the CiFA guidelines	Chapter 6 of the OWSI (document 7.10 (D)) has been amended to use the term 'Archaeological Monitoring and Recording'.
5.2.15	Geoarchaeological and palaeoenvironmental work	Section 7 Further advice should be obtained from the Historic England Science Advisor as the section on geoarchaeological and palaeoenvironmental work seems to be rather lacking in information and the archaeological contractor will need guidance to create their detailed WSI.	Chapter 7 of the OWSI (document 7.10 (D)) has been amended to include reference to consultation with the Historic England Regional Science Advisor.
5.3.1	Summary	In summary, there is concern regarding the level of archaeological field evaluation undertaken to date and the mitigation strategy proposed. The OWSI does not include any further archaeological trial trenching evaluation and has removed areas along the scheme from any further mitigation based on a limited programme of trial trenching. The results of the trial trenching exercise have not been shared with the Local Authority Archaeological advisors and it is considered that there is not enough evidence to remove large areas of the scheme from further mitigation based on the levels of investigation carried out to date.	The Applicant has responded to comments on trial trenching in line item 1.4 of Table 3.1. In addition, the Applicant has removed a large area near the Stour Valley West CSE compound from further mitigation based on evidence of modern quarrying activity, which has erased any potential archaeological remains.

Ref	Matter	Point Raised	Applicant's Comments
<i>Any Items Deferred from Deadline 7</i>			
6.3	Comments for Reports on Abnormal Indivisible Load Access for Cable drums, Transformers and Shunt Reactors. [REP6-038]	At Deadline 7 the Council indicated it would provide any relevant comments on the Applicant's submission Reports on Abnormal Indivisible Load (AIL) Access for Cable drums, Transformers and Shunt Reactors [REP6-038]. The Council note the submission of Appendix-4 - A131 Town Bridge Information and note the conclusions. No further comments are considered necessary. The Council have not seen a swept path assessment of the AIL route, and so we are currently not aware of what works will be required to remove street furniture to facilitate routeing.	The Applicant notes the comment. Further assessment of the AIL routes will not be available until the detailed design stage when the Main Works Contractor is appointed.
6.4	Comments on Soil Management – CEMP	The Councils have employed a soil specialist to review the CEMP and this has identified a large number of issues with the submitted documents. The full response can be found at the end of this report. The Councils fully endorse the comments made by the soil specialist and expect that the CEMP is updated accordingly to reflect these comments.	The Applicant has responded to each point below and also in the separate response to the soil specialist's report lower down in this table.
6.4.4 and 6.4.6	Outline Soil Management Plan (SMP)	<p>The Applicant considers that the CEMP fulfils the function of a standalone SMP, in which case Requirement 4 would secure compliance with a SMP. However, as noted from the review of the application documents, the soil specialists do not agree that the CEMP fulfils the function of a SMP.</p> <p>There appears to be no mechanism, either through the CEMP or through direct DCO Requirements, for preconstruction regulatory approval of a Soil and Aftercare Management Plan. As such, an additional Requirement should be included to produce a full Soil and Aftercare Management Plan.</p>	<p>The Applicant considers that Chapter 11 of the CEMP (document 7.5 (E)) contains all of the information required to fulfil the role of a SMP, and this statement has been added to paragraph 11.1.1 of the document for clarity. However, in response to feedback, the Applicant has committed to producing a SMP, which is secured through Requirement 14 of the draft DCO (document 3.1 (H)).</p> <p>Further details are provided in the Applicant's response to Wardell Armstrong Review of Soil Protection Measures in the CEMP in the table below.</p>
6.5	Comments on Noise Sensitive Receptors	In NV2.11.24, The Councils deferred comments on the map/table presented by the Applicant, in regard to whether any additional properties should be included on the list. Having carried out a review of receptors based on the plant lists and distances at which Significant Observed Adverse Effect Level (SOAEL) is exceeded within Appendix 14.1, as well as receptor locations in Figure 14.1, plus reviewing the Order Limits plus the distances within which SOAEL that may be exceeded, The Councils do not consider that any further receptors need to be included within the table/map presented by the Applicant.	<p>The Applicant notes that the Councils accept the assessment presented in ES Chapter 14: Noise and Vibration [APP-082] and that they do not consider that any further NSR need to be included.</p> <p>In response to the comment on absolute levels (excluding the temporal duration), the Applicant would point to the assessment presented in the Technical Note on Noise Sensitive Receptors [REP6-047] where a lower threshold (and not the duration) was applied to identify additional NSR that would meet the lower threshold. The Applicant has included commitments to undertake</p>

Ref	Matter	Point Raised	Applicant's Comments
		<p>However, based on the absolute levels where mitigation is applied, short term impacts maybe occurring at sensitive receptors. The Councils recommend that those receptors which do not exceed the temporal threshold but do exceed the Category A threshold limits in accordance with BS 5228- 1, should be notified of any potentially disruptive works in advance of commencing the work. The CEMP should therefore be adjusted to take this into account.</p>	<p>additional noise measures for the NSR identified in both documents in Section 14.3 of the CEMP (document 7.5 (E)).</p> <p>Section 3.4 of the CEMP also sets out the details regarding community engagement. Paragraph 3.4.2 states that local residents will be informed of the commencement and likely duration of the construction work activities through a letter drop.</p>
Comments on Interested Party Comments on Management Plans [REP7-022]			
TT1.13.2 1	Highways Monitoring and Enforcement Strategy	<p>As per The Councils response at Deadline 7 [REP7-029], we welcome the additional details provided within the CTMP [REP6-025] and note a number of our concerns have been addressed. Specific responses to the bullet points as followed.</p> <ul style="list-style-type: none"> The CTMP should identify the specific frequency of reporting as per our response to DC 2.6.15 at Deadline 7. 	<p>The CTMP [REP8-018] was updated at Deadline 8 and now commits to reporting on a quarterly basis. The Applicant, therefore, hopes this point is resolved.</p>
4.2.1	70% of staff travel by crew van	<p>Aside from outstanding issues relating to the exact details of reporting. This is considered to be resolved.</p>	<p>Noted. The Applicant has no further comment on this matter.</p>
6.2.1 6.2.4	– Construction Routes	<p>The additional discussions and clarification of the relative use of these routes is welcomed. The Councils are looking for a process that ensures that the low numbers assessed and expected on these particularly rural routes are not unreasonably exceeded. If this was embedded into the monitoring and compliance process this may address our concerns.</p>	<p>The Applicant is not willing to secure traffic numbers given that traffic is not substantial and securing these details is unnecessary. The monitoring and management required to manage traffic over a large number of accesses is disproportional given the low number of vehicles and lack of impacts.</p>
7.2.1 (4.1)	Clarification on the term 'minibus' and staff vehicles used	<p>Aside from outstanding issues relating to the exact details of reporting. This is considered to be resolved.</p>	<p>Noted. The Applicant has no further comment on this matter.</p>
Wardell Armstrong Review of Soil Protection Measures in the CEMP			
2.1.1 2.1.8	– Soil management measures in the CEMP	<p>Users of the CEMP [REP6-021] who require project specific instructions on how to protect soil and land will find that they are being cross (circular) referenced between the CEMP and the CoCP and appendices for essential information that none of the documents contain.</p> <p>The detailed review of the CEMP found that essential information to prevent soil loss, soil damage, and the degradation of land</p>	<p>The Applicant notes that the primary user of the CEMP (document 7.5 (E)), will be the contractor, as the CEMP sets out the objectives and actions needed to be undertaken during construction to deliver the project in accordance with the measures and mitigation identified within the Environmental Statement.</p>

Ref	Matter	Point Raised	Applicant's Comments
		<p>quality have been referenced as being located across at least three separate documents (CEMP, LEMP and ES Chapter 11 Agriculture and Soils ES chapter [APP-079]. None of these documents or their accompanying appendices contains the project-specific information and project specific mitigation measures needed to prevent soil loss, soil damage and land degradation.</p>	<p>The Applicant considers that Chapter 11 of the CEMP already sets out these parameters and objectives to avoid and reduce impacts on the nature and quality of soil resources.</p> <p>However, in response to the Council's feedback, the Applicant has also added Requirement 14 to the draft DCO (document 3.1 (H)), to produce a SMP that would be subject to approval by the relevant planning authority prior to construction. The SMP will be supported by the pre-construction soil surveys and details on specific soil management measures.</p>
2.1.9-2.1.10		<p>An example of an error that is common across all the documents is demonstrated by paragraph 11.3.32 of the CEMP which is intended to provide instructions on very intrusive ground works that can impact soil quality, cause soil loss and result in land degradation if conducted inappropriately. The CEMP states that 'Appropriate techniques' will be used but provides no reference to where these can be found or who will determine what is appropriate.</p> <p>The statement also implies that appropriate techniques will only be required in 'wet areas' and this may not be the case and 'Appropriate techniques' may be required in other areas. This has been used as a single example of a recurring concern with the CEMP and associated documents and more examples are provided in Sections 4, 5 and 6.</p>	<p>The Applicant disagrees that the CEMP (document 7.5 (E)) contains errors. The CEMP sets out the objectives and parameters within which the contractor would deliver the project. The Applicant considers the exact details on how the contractor meets these objectives should allow for some flexibility in order to deliver to the required end date and outages.</p> <p>Appropriate techniques would be identified in method statements produced by the contractor, which would be reviewed by the EnvCoW and the soil scientist, which is a standard approach taken on construction projects. However, in response to the Council's feedback the Applicant has committed to producing a SMP, which is secured through Requirement 14 of the draft DCO (document 3.1 (H)).</p>
2.1.11	Suitably people	experienced Paragraph 11.3.7 of the CEMP refers to the hiring a 'suitably experienced' soil scientist but there is no reference as to who will employ them and when they will be brought into the project, nor does it detail what their responsibilities will be.	<p>The Applicant would be responsible for appointing the contractor and for suitably experienced people being employed on the project. The Applicant considers that these details are a commercial matter between it and its contractor. The CEMP (document 7.5 (E)) only needs to include the commitment to employ suitably experienced people to undertake the relevant roles.</p>
2.1.12	Pre-construction surveys	Paragraph 11.3.6 of the CEMP states that further preconstruction soil survey work is required but makes no reference to who will be responsible for this or what the purpose will be. The same paragraph states that "detailed soil management measures" will be developed but provides no clarity on who will develop these and when. Also, there is no reference to where this information will be available and who is responsible for its implementation.	<p>The results of the existing soil surveys are set out ES Appendix 11.1: Agricultural Land Classification (ALC) Survey [APP-133], for clarity the Applicant has included reference to these in paragraph 11.3.6 of the CEMP (document 7.5 (E)).</p> <p>The Applicant may appoint the Main Works Contractor, a different consultant or contractor to undertake the pre-construction soil surveys (as described in the CEMP) as long as they are suitably qualified to do the survey work. The Applicant considers that who</p>

Ref	Matter	Point Raised	Applicant's Comments
			<p>it appoints to do the survey work, is a commercial matter and not a relevant matter for the CEMP or SMP.</p> <p>All soil survey data will be handed to the Main Works Contractor as part of the contract information, along with any other baseline surveys undertaken on the project. The Applicant notes that is part of the standard process of handover of documents to a contractor. This will include information from any required pre-construction soil surveys as set out in Chapter 11 of the CEMP and which will be collated with existing soil and ALC survey information. The Applicant has added reference to the existing soil survey results to paragraph 11.3.6 of the CEMP (document 7.5 (E)).</p> <p>Detailed soil measures would be identified in method statements produced by the Main Works Contractor, which would be reviewed by the EnvCoW and the soil scientist, which is a standard approach taken on construction project. However, in response to the Council's the Applicant has committed to producing a SMP, which is secured through Requirement 14 of the draft DCO (document 3.1 (H)). The SMP will be supported by the results of pre-construction soil surveys as set out in Chapter 11 of the CEMP and will also provide further clarification on roles and responsibilities.</p>
3.1.1	Section 4 – Construction Methodology, paragraph 4.3.4	The specific requirement to strip and store topsoil and subsoils separately needs to be specifically included in this statement along with a reference to the storage location and method details of general good practice.	Chapter 11 of the CEMP (document 7.5 (E)) clearly sets out the need to strip and store topsoil and subsoil separately and other good practice measures e.g. paragraph 11.3.27. Chapter 4 provides a simple description of the project and is not designed to duplicate the measures set out later in the document.
3.1.2	Section 4.4 (Overhead line removal) paragraph 4.4.4	This does not make clear where the extra subsoil and topsoil that will be required for this process will originate from to complete the restoration. A statement on the source of the soil and the quality standards that should be met is needed, as well as a statement on what the restoration objective will be.	<p>See response to line item 3.1.1 above.</p> <p>As stated in paragraph 6.4.7 of the Material and Waste Management Plan (MWMP) [REP3-032], excess soil gained from the displaced soil within the cable trenches will be reused in backfilling the holes created from the foundation removal of the dismantled 132kV and 400kV pylons or in local landscaping mounding around the CSE compounds or spread across the cable sections. Should there be a deficit in required soil volumes, this would be imported in accordance with the British Standard for Topsoil (BS3882:2015) and the British Standard for Subsoil (BS8601:2013).</p>

Ref	Matter	Point Raised	Applicant's Comments
3.1.3	Section 4.5 (New Overhead Transmission paragraph 4.5.2)	This is stating that the topsoil and subsoil will be stripped to protect them but does not provide a link or reference to the best practice or project-specific methods that are required to achieve this. It also states that "It is anticipated" that soil will be stripped prior to work commencing but provides no reference to who will make this decision. Topsoil and subsoil stripping and temporary storing will be required in this situation.	See response to line item 3.1.1 above. The contractor would determine the exact methodology required during construction and soil storage locations, within the parameters set within the CEMP (document 7.5 (E)).
3.1.4	Section 4.5 (New Overhead Transmission paragraph 4.5.4)	There is reference here to the need for an assessment of "suitability" when determining the need for soil reinstatement, but no reference is provided to how this will be determined nor how this will impact the soil volume balance for the project. Clarity on whether soil will need to be imported to support this is also required.	The suitability of soil for use would be based on a number of factors, including the condition of the soil, the required end land use, whether the soil is contaminated and such. The Main Works Contractor would determine whether the soil was suitable within the parameters of the MWMP [REP3-032] regarding contamination, and GG07 in the CoCP (document 7.5.1 (D)), which requires land to be reinstated (bearing in mind any restrictions on planting and land use) to its pre-construction condition. Soil volumes would be calculated during detailed design. As stated in paragraph 6.4.7 of the MWMP [REP3-032], excess soil gained from the displaced soil within the cable trenches will be reused in backfilling the holes created from the foundation removal of the dismantled 132kV and 400kV pylons or in local landscaping mounding around the CSE compounds or spread across the cable sections. Should there be a deficit in required soil volumes, this would be imported in accordance with the British Standard for Topsoil (BS3882:2015) and the British Standard for Subsoil (BS8601:2013).
3.1.5	Section 4.6 (Underground Cable Installation) paragraph 4.6.2	Language such as "generally" has been used in an operational document and it is unclear how users of this document should interpret this. Also, this paragraph implies that other options are available, and these should be detailed and referenced here and linked to the embedded measures. Again, the language used to describe specific and invasive soil management activities uses non-standard and generalised language.	The Applicant responded to comments on the use of terminology such as 'generally' in the Schedule of Changes to the Management Plans [REP3-055], noting that if DCO is consented, the management plans would become legally binding documents. Therefore, some statements allow necessary flexibility to ensure that the project can be constructed in a safe manner and to allow the Contractor to use the option of alternative methods that deliver the desired outcome. However, in response to the feedback, the Applicant has committed to producing a SMP, which is secured through Requirement 14 of the draft DCO (document 3.1 (H)).

Ref	Matter	Point Raised	Applicant's Comments
3.1.6	Section 4.6 (Underground Cable Installation) paragraph 4.6.3	The reference to topsoil and subsoil replacement should be linked to a specific method and should also state where the CEMP user can access details about baseline soil types and ALC quality. A reference to how excess soil arising from this construction element will be managed should also be made here.	See the response to line item 2.1.12 regarding soil surveys. As stated above, Chapter 4 of the CEMP (document 7.5 (E)) provides a simple description of the project and is not designed to duplicate the measures set out later in the document. Topsoil and subsoil replacement is set out in Section 11.3 of the CEMP.
3.2.1	Section 9.3 (Water Environment – Pollution and Erosion Management Measures) paragraph 9.3.21	Soil stockpiles should not be “compacted” as this will cause direct soil damage and pose an environmental risk. This approach to soil management does not conform to recognised best practice that covers these types of works. The statement that “If they are in a sensitive area” is concerning as this is a working document and we recommended that any such soil storage location be already identified and assessed for suitability. There should be little or no risk to sensitive areas or water quality caused by soil storage. We do not support a general statement that requires soil to be “covered” for storage purposes and more detail on the design and purpose of the covering is also required.	The Applicant has changed ‘compacted’ to ‘smoothed in paragraph 9.3.23 of the CEMP (document 7.5 (E)) to address this point. Good practice measures allow for smoothing of the stockpile surface to reduce infiltration and potential waterlogging of stored soil resources. Paragraph 9.3.23 of the CEMP (document 7.5 (E)) states ‘consideration will be given to covering over, e.g. with tarp or geotextile, to prevent erosion’ and does not say that it will be covered. Whether it is covered will depend on the risk of erosion or creation of dust (which in turn will depend on weather conditions, duration of the soil storage etc). Therefore, the Applicant considers that the existing wording in the CEMP (document 7.5 (E)) is appropriate.
3.2.2	Section 9.3 (Water Environment – Pollution and Erosion Management Measures) Paragraph 9.3.31 (We suggest that this be reassessed as we recommend a higher threshold be set for soil storage locations. We also recommend “Where practicable” be removed or clarified. We cannot foresee a situation where soil and water quality can be put at risk based on an evaluation of “practicability”. The flood risk action plan should be referenced. A reference to where the user can find the flood risk action plan should be provided.	The Applicant responded to comments on the use of terminology such as ‘where practicable’ in the Schedule of Changes to the Management Plans [REP3-055], noting that if DCO is consented, the management plans would become legally binding documents. The wording of paragraph 9.3.33 has been added following discussions with the Environment Agency. The floodplain at the River Stour is wide and therefore removing stockpiles from the floodplain would require transporting soils potentially a distance from the source. The flexibility allows for soil stockpiles can be located within the floodplain if designed in a certain way. The Applicant considers that short term storage in the floodplain could have a lower risk and impact on soils than transporting it a distance from source. Therefore, the Applicant considers that the existing wording in the CEMP (document 7.5 (E)) is appropriate. The Applicant notes that the Main Works Contractor is the main ‘user’ of the CEMP, and it would be responsible for producing the flood risk action plan for the project.

Ref	Matter	Point Raised	Applicant's Comments
3.3.1	Section (Implementation Measures) 11.3.2	11.3 No details on the field assessment of soil plasticity have been provided nor is there a reference to where this can be found. The "reasonably dry" should be changed to "below its plastic limit".	The Applicant does not consider it necessary to provide details of the field assessment of soil plasticity to be in the CEMP (document 7.5 (E)). However, in response to the Council's the Applicant has committed to producing a SMP, which is secured through Requirement 14 of the draft DCO (document 3.1 (H)), which will include details of the hand test to be undertaken to assess soil plasticity.
3.3.2-3.3.3	Section (Implementation Measures) 11.3.3	11.3 Handling saturated soils should be considered as an extreme of exception requiring specific planning if it was to be accomplished without damaging soil resources. We disagree that there should be a generalised allowance for handling saturated soils within the CEMP. Wetland areas and the soils found within them would typically be highlighted as a highly sensitive receptor and details on where these areas are and how they would be managed requires more detail for the user of this document	The Applicant does not intend to handle saturated soils except by extreme exception and the word 'exceptional' has been added to paragraph 11.3.3 of the CEMP (document 7.5 (E)) to emphasise this point. However, the Applicant maintains that the required programme to deliver the project to government timescales and the reliance of some activities on outages that would be agreed with the system operator years prior to construction, mean there may be extreme circumstances where there may be a need to handle saturated soils, including potentially wet, heavy soils associated with watercourse floodplains. As paragraph 11.3.3 of the CEMP states ' <i>in these cases, location-specific methods will be agreed with the soil scientist prior to work commencing.</i> ' The SMP will include further details of the approach to soil reconditioning to ensure plastic soils can be effectively dried prior to reinstatement.
3.3.4	Section (Implementation Measures) 11.3.4	11.3 Current good practice suggests that soils should not be managed of or handled when the ground is covered in snow, and this should be discussed here in relation to frozen ground. There are other "stop work" conditions and criteria that have not been covered here.	As the project is located in East Anglia, there is a low risk that there would be sufficient snow fall during construction, which could cause an issue. In addition, for health and safety reasons, the contractor is unlikely to undertake large scale works during snow where this can be avoided. The Applicant maintains that due to the critical nature of the programme, e.g. need to meet outage windows, it is difficult to apply blanket stop conditions to works. The SMP will include further details of weather conditions which would require works to be stopped.
3.3.5-3.3.6	Stop conditions	We recommend that this statement be linked to a specific document(s) outlining STOP conditions and how to assess them. Sections 11.3.6 to 11.3.11 outline the outstanding site planning and preparation measures that are required, such as pre-construction soil surveys and the need for a competent soil scientist to oversee the management of soil during soil stripping, handling, storage, and reinstatement. Section 11.3.9 also outlines the considerations that	See the response to 3.3.4 on stop conditions. All surveys and construction activities would be undertaken by suitably qualified people. In general, the contractor would be responsible for producing the method statements for each work activity and these would be reviewed by the EnVCoW who would draw on suitably qualified specialists depending on the activities. This is a standard approach taken on all National Grid projects and

Ref	Matter	Point Raised	Applicant's Comments
		need to be considered when identifying soil storage locations. In each instance, no reference is provided to who will be responsible for conducting the assessment, what criteria they must consider, or how to find the information required to complete them.	other large construction projects. The Applicant does not consider that this level of prescription is necessary in the CEMP, which sets out the objectives and desired outcomes to be achieved. However, in response to the feedback, the Applicant has committed to producing a SMP, which is secured through Requirement 14 of the draft DCO (document 3.1 (H)) and this will provide further clarification on roles and responsibilities.
3.3.7	Soil measures methodology	and Paragraphs 11.3.12 to 11.3.20 outline soil stripping measures and state that the ' <i>the soil stripping method will follow the guidance set out in the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites</i> '. These sections contain useful measures to protect land and soil, but the language used is not definitive and implies that other, unspecified, methods could be used. An example can be found in section 11.2.13 which provides a relevant review of what machinery is expected to be used, but then states 'where practicable' without stating what practicable means or what the alternative methods will be.	See the response to line item 3.2.2 above. The management plans commit the contractor to delivering a required outcome, rather than prescribing the methods that would be used. This allows for flexibility to use emerging or alternative methods where these deliver the required outcome.
3.3.8	Soil stripping	Paragraph 11.3.15 states the 'normal working practices will be to strip topsoil to its full depth'. We are unclear if this will always be done or only when there are normal working conditions. A statement on what constitutes "normal" is needed along with what alternatives are acceptable.	Measures to ensure effects on the nature and quality of soil resources are minimised will be included in a Soil Management Plan, relevant to that phase of works, which will be in place as set out in Requirement 14. The full topsoil depth will be stripped where practicable. Once the final construction details are known, details of any areas where aspects such as archaeological requirements, services, contamination etc. pose a limitation to how and to what depth soils can be stripped will be identified.
3.3.9	Soil survey data	Paragraph 11.3.17 states that soil survey data will be used to inform soil handling operation but no reference to where or in what form this information will be provided is included.	See the response to line item 2.1.12 regarding soil surveys.
3.3.10	Soil conditions	Paragraph 11.3.19 correctly identifies the need to consider soil conditions prior to the commencement of works, but no detail is provided on how this will be accomplished. In addition, it specifies that an "agreed moisture content criteria" is to be used to assess the suitability of soil conditions for stripping, but no reference to what this is has been provided.	In general, the contractor would be responsible for producing the method statements for each work activity which would set out the details on how the outcomes would be met. The method statements would be reviewed by the EnvCoW who would draw on suitably qualified specialists depending on the activities. This is a standard approach taken on all National Grid projects and other large construction projects. The Applicant does not consider that this level of prescription is necessary in the CEMP (document 7.5)

Ref	Matter	Point Raised	Applicant's Comments
3.3.11	Stop work criteria	The same section discusses the very real concerns regarding rainfall but uses terminology such as “sustained heavy rainfall” without clarification on what this means. This would be better covered by a specific section on stop work criteria.	(E)), which sets out the objectives and desired outcomes to be achieved. However, in response to the feedback, the Applicant has committed to producing a SMP, which is secured through Requirement 14 of the draft DCO (document 3.1 (H)) and this will provide further clarification on the moisture content criteria.
3.3.12	Soil handling measures	<p>Section 11.3.21 to 11.3.33 outline a range of appropriate soil handling and management measures that will be adhered to during soil stockpiling. In each instance, the measures are acceptable but, in all cases, they are not complete. In at least one instance, the measures detailed appear to contradict other sections of the document and/or other relevant documents in the library.</p> <p>A relevant example is seen in section 11.3.29 which provides a description of where stockpiles will be located but fails to provide the means by which the specific locations will be identified. This section also used the term “wherever practicable”, which implies that other methods can be used in situations that are “impractical”, but no detail is provided on these alternative method</p>	The Applicant responded to comments on the use of terminology such as ‘where practicable’ in the Schedule of Changes to the Management Plans [REP3-055], noting that if DCO is consented, the management plans would become legally binding documents. Therefore, some statements allow necessary flexibility to ensure that the project can be constructed in a safe manner and to allow the contractor to use the option of alternative methods that deliver the desired outcome. However, in response to the feedback, the Applicant has committed to producing a SMP, which is secured through Requirement 14 of the draft DCO (document 3.1 (H)) and this will provide further clarification on the location of stockpiles.
3.3.14	Soil measures and storage	Section 11.3.22 introduces a new chapter that the CEMP user must access to obtain information on an important aspect of soil and land protection. This increased the number of separate documents to at least four and does not detail how this range of differing information will be brought together or by whom. This section also details a measure that would allow for topsoil storage in a Flood Zone 3 area, and it is recommended that this be reconsidered.	<p>The Applicant notes that the primary user of the CEMP (document 7.5 (E)), will be the contractor, as the CEMP sets out the objectives and actions needed to be undertaken during construction to deliver the project in accordance with the measures and mitigation identified within the Environmental Statement.</p> <p>On this basis, the Applicant has sought to reduce the number of management plans and documents that control where measures are secured to avoid a paper chase and duplicate commitment wording. The Applicant considers that the request for a separate SMP will create an additional document, which seems to contradict the point being made about the number of separate documents.</p> <p>In response to the point regarding topsoil storage in Flood Zone 3, this is responded to in line item 3.2.2 above.</p>

Ref	Matter	Point Raised	Applicant's Comments
3.3.15	Soil measures and storage	The reasoning behind the use of a geotextile is unclear and should be specified. The type of geotextile that is proposed for use should be detailed and its permeability needs to be understood to determine if its use will be beneficial to soil and land protection.	<p>Measures to ensure effects on the nature and quality of soil resources are minimised will be included in a Soil Management Plan, relevant to that phase of works, which will be in place as set out in Requirement 14.</p> <p>Paragraph 11.3.23 of the CEMP has been updated to remove reference to a geotextile and to clarify that topsoil can be stored on topsoil with the suitable marker layer, but that subsoil will only be stockpiled on subsoil.</p>
3.3.16	Soil measures and storage	While 11.3.24 states that "Management of stockpiles will be undertaken to reduce the risk of silt-laden runoff or dust generation, for example through the use of coverings or through seeding where stockpiles will be in place for longer time periods", there is no direct statement of when seeding is required. The DEFRA 2009 guidance states that "if the soil is to be stockpiled for more than six months the surface of the stockpiles should be seeded with a grass/clover mix to minimise soil erosion and to help reduce infestation by nuisance weeds". Also, the process and effectiveness of "soil covering" needs more detail.	<p>See the Applicant's response to 3.2.1 and 3.3.15 above.</p> <p>Measures to ensure effects on the nature and quality of soil resources are minimised will be included in a Soil Management Plan, relevant to that phase of works, which will be in place as set out in Requirement 14.</p> <p>This will include details of the requirement for seeding and when this will take place. The use of coverings has been included to ensure there are measures available for short-term storage during, for example, very dry conditions when dust generation may be an issue. Paragraph 11.3.24 of the CEMP (document 7.5 (E)) has been updated to include reference to seeding of stockpiles in place for longer than six months and reference to the use of coverings in particular circumstances to reduce dust generation risk.</p>
3.3.17	Soil measures and storage	While the use of water to suppress dust generation may be effective, there needs to be some detail on how this will be accomplished and when this is required.	See the Applicant's response to 3.2.1 above. Dust suppression methods would depend on the soil type, the duration of the stockpile, the weather conditions on site and proximity to sensitive receptors. The Applicant does not consider it necessary to define the exact measures for dust suppression in the CEMP (document 7.5 (E)).
3.3.18	Soil measures and storage	Section 11.3.26 covers good practice on the creation of stockpiles and correctly refers to the need to consider soil type. However, none of the documents reviewed or accessed for this report has any site or project-specific information on soil types or land quality. A reference to where to find this information is required but could not be found.	See the response to line item 2.1.12 regarding soil surveys.

Ref	Matter	Point Raised	Applicant's Comments
3.3.19	Soil monitoring	For section 11.3.31 there needs to be a reference to who will conduct the monitoring, how this will be recorded, and who will be responsible for any required remediation.	As stated in Table 15.1 of the CEMP (document 7.5 (E)), the Works Supervisor would be responsible for the visual inspections to check soil stockpiles and for undertaking any remedial measures.
3.3.20	Temporary access routes	Section 11.3.33 provides a generalised statement on appropriate methods for trafficking land without topsoil stripping. It is recommended that a review of the soil types involved is required before such a generalised approach can be adopted. This section also states that "other suitable methods" of trafficking land without topsoil stripping may be used. These should be detailed or a reference to effective good practice document should be provided. A statement on who will decide on what is appropriate in also needed.	<p>There are different methods that would be employed for the temporary access routes depending on different factors including the duration the route would be operation, the types and numbers of machinery using the route and weather conditions. For the underground cable areas, the temporary access route would be soil stripped and use stone surfacing. In the overhead line sections, some temporary access routes would use trackmat or an equivalent surfacing. For minor works e.g. the arcing horns, existing farm access tracks may be used.</p> <p>Paragraph 11.3.33 states that 'where soils have not been stripped and temporary access routes are required, these will be constructed using ground protection matting, low ground pressure vehicle tyres or other suitable methods that protect the soil.' The Applicant considers that the contractor is best placed to decide on the method using the objectives and parameters set out in the CEMP (document 7.5 (E)), which is to protect soil structure and to allow land to be returned to its pre-construction condition.</p>
3.3.21	Reinstatement measures	Section 11.3.34 to 11.3.41 (not shown here) outlines the soil reinstatement measures, and states that "soil replacement will follow the methodology set out by DEFRA (2009)". Additionally, it is stated that "Land used temporarily will be reinstated to an appropriate condition relevant to its preconstruction condition and, where relevant, Agricultural Land Classification grade, including any subsoil drainage", and that "It is anticipated that this will be achieved primarily by reinstating the full soil profile in the correct sequence of horizons, and in a state where good soil profile drainage and plant root development are achieved	The Applicant has no comment on this matter.
3.3.22	Reinstatement measures	In general, the soil and land management measures outlined in section 11.3.34 to 11.3.41 are suitable. However, the terms "where relevant" and "achieved primarily" implies that alternative methods can be used which have not been specified. The restoration targets are highly generalised and no reference to who will oversee this or be responsible for it is provided.	<p>See response to line item 3.1.5 above.</p> <p>The ultimate restoration target is to restore land to its pre-construction condition and use (bearing in mind any restrictions on planting and land use). The use of the phrase 'achieved primarily' in this instance relates to the key objective of reinstating the soil profile in a condition which ensure natural levels of infiltration,</p>

Ref	Matter	Point Raised	Applicant's Comments
			drainage etc. are achieved. In addition, the existing land drainage may play a role in this if present. However, in response to the feedback, the Applicant has committed to producing a SMP, which is secured through Requirement 14 of the draft DCO (document 3.1 (H)) and this will set out further details in relation to the restoration targets and details on roles and responsibilities.
3.3.23	Reinstatement measures	Section 11.3.35 contains important good management advice on reinstatement, however, the phrase “achieved primarily” implies that other approaches or reinstatement targets will be acceptable, and these should be detailed. It is also unclear where the user of the CEMP will find information on the Agricultural Land Classification grading that is needed to implement this measure.	See response to line item 3.3.22 above on the language used. See the response to line item 2.1.12 above regarding soil surveys.
3.3.24	Reinstatement measures	Section 11.3.39 states that where “subsoil was not stripped an assessment will be made of the requirement for deep ripping, as above, and/or subsoil cultivation”. Clarification is needed on who will be responsible for this determination and where the user of the CEMP can access the require information on soil type.	The parties responsible for making a decision as to whether other methods are required would include the contractor, the EnvCoW, the soil specialist and the land officer based on whether the soil is meeting the pre-construction conditions. See the response to line item 2.1.12 above regarding soil surveys. The SMP will be supported by pre-construction soil surveys as set out in Chapter 11 of the CEMP (document 7.5 (E)) and which will be collated with existing soil and ALC survey information.
3.4.1	Site checks	Table 15.1 outlines the anticipated site checks relevant to the CEMP and provides clarification on who will be responsible for overseeing and acting upon issues arising during construction. However, there is no clear statement on who will be responsible for overseeing and making a decision on the outstanding detail on soil management methodologies that have been highlighted in this review.	See response to line item 3.3.10 above. The SMP will provide further details on roles and responsibilities for different actions.
4.1.2	Stockpile coverings	The recommendations in GG18 for covering and water suppression as mitigation measures for the protection of stockpiled soils needs clarification as it is not clear what these measures will be addressing. The CEMP would be better informed by specific reference to industry standards covering these construction elements.	Measure GG18 is a good practice measure outlining the need to protect stockpiles from weather and exposure. The detailed measures are set out in paragraphs 11.3.21 to 11.3.33 or the CEMP (document 7.5 (E)). Paragraph 11.1.2 of the CEMP references good practice soil guidance.
4.1.3	Soil restoration	The recommendations in GG23 state that the soil management measures in the CEMP will be suitably detailed to inform	The Applicant notes that the reinstatement section of Chapter 11 of the CEMP (document 7.5 (E)) sets out the process for

Ref	Matter	Point Raised	Applicant's Comments
		restoration measures for this element of the construction process. The CEMP contains a single reference to the term 'restoration' and this relates to identifying a suitably qualified person to create the restoration plan. At no point in the CEMP is any detail provided on what the restoration targets are, or how they will be achieved.	reinstatement (or restoration) of soils. This explains how soils would be replaced and the measures that would be undertaken to return the land to the pre-construction conditions. In accordance with GG07, the restoration target is to reinstate land to its pre-construction condition as recorded through the pre-construction surveys. However, in response to the feedback, the Applicant has committed to producing a SMP, which is secured through Requirement 14 of the draft DCO (document 3.1 (H)) and this will set out further details in relation to the restoration targets and details on roles and responsibilities.
4.1.5	Soil types and sensitive soils	Good practice measure AS01 details the need to consider 'different soil types' and 'sensitive soils', however, no reference to where this information can be found is provided.	The Soil Management Plan will be developed at a time when final construction details are available. The pre-construction surveys would confirm the soil type and their relative sensitivity to handling (predominantly related to their texture). See the response to line item 2.1.12 regarding soil surveys and the response to line item 3.3.2 - 3.3.3 in relation to sensitive soils.
4.1.6	Soil surveys	Good practice measure AS02 provides a clear statement on the need for restoration but the CEMP contains no reference to where the user of this document can find the project-specific detail needed to comply. Within the CEMP, there is no reference to the location or details of the ALC survey that has been conducted for some project elements. It is also recommended that this generalised approach to soil management and soil reinstatement lacks the required project-specific details to be effective.	See the response to line item 4.1.3 and 2.1.12 above. The soil survey data will be handed to the contractor as part of the contractor information, alongside all other baseline surveys undertaken on the project.
4.1.7	Excess soil	Measure AS09 refers to the use of excess agricultural soil for landscaping purposes. Landowner consent will be required prior to the creation of these landscaping features.	The detailed designs will include soil mass balance calculations. The only places where there is anticipated to be an excess of soil that would be used for landscaping purposes would be at the GSP substation and the CSE compounds, where the Applicant would own the land.
4.1.8	Soil management measures	AS10 states that detailed soil management measures will be developed based on further site assessment. Clarification on the format of these detailed soil management measures is required.	The SMP will be developed at a time when final construction details are available. In response to the feedback, the Applicant has committed to producing a SMP, which is secured through Requirement 14 of the draft DCO (document 3.1 (H)) and this will set out further details in relation to soil management measures.

Ref	Matter	Point Raised	Applicant's Comments
4.1.9	Detailed soil survey	There is a detailed soil survey available for sections of the site, however, there is no description of the sensitivity of the individual soil types to compaction and erosion (for example by a breakdown by texture). While the detailed information is not needed in the CEMP, a reference to where it can be found is required. For clarity, it was determined that this is not covered within the ES Chapter	See the response to line item 2.1.12 regarding soil surveys.
5.1.1	REAC	The Author has no comment on this section. It is anticipated that addressing other concerns within the CEMP will require this register to be updated and expanded	Based on the above responses, the Applicant has not identified the need to update any of the soil related measures in the REAC (document 7.5.2 (F)) but has committed to producing a SMP, which is secured through Requirement 14 of the draft DCO (document 3.1 (H)).
6.1.1-6.1.4	Standalone SMP	<p>The CEMP and appendices do not contain adequate information to prevent soil loss, soil damage and land degradation. The CEMP refers to other documents that might contain this information. These references are either circular or refer to documents that do not contain adequate information or any of the content expected.</p> <p>The conclusion in paragraph 11.1.1 of the CEMP stating that a SMP is not required because the information is already available is not considered as adequate. It is not possible to use the CEMP and the associated document to access the information required to prevent soil loss, soil damage or the degradation of land quality.</p> <p>This can be addressed by the creation of an Outline SMP, provided a Detailed SMP is also expected to be created. This would provide a centralised reference that covers measures needed to protect a highly valuable and sensitive receptor (Soil and Land).</p> <p>As a final check, the Agricultural Land Classification Survey was reviewed, and it is confirmed that the proposed works will impact Best and Most Versatile agricultural land. As such, it is recommended that a separate document be requested that is focused exclusively on soil management, provided as a SMP.</p>	<p>The Applicant notes the Interested Parties concerns about reference to other documents and circular references, and counters this by suggesting that a further document is the solution. The Applicant notes that the primary audience for the Management Plans is the Main Works Contractor, as the Management Plans set out the commitments made and required outcomes to comply with the DCO. The Applicant's has taken the approach on the project to streamline the number of Management Plans (but not the content) to avoid inconsistency and cross referencing.</p> <p>The Applicant disagrees that the Chapter 11 of the CEMP (document 7.5 (E)) is not adequate to secure the required outcomes and mitigation measures in relation to soil. The Applicant has responded to this further in the Applicant's Comments on Host Authorities Deadline 8 Letter (Document 8.11.2).</p> <p>In response to the feedback, the Applicant has committed to producing a SMP, which is secured through Requirement 14 of the draft DCO (document 3.1 (H)).</p>

4. Applicant’s Comments on the Submission Babergh and Mid Suffolk District Councils

4.1 Introduction

4.1.1 Table 5.1 summarises the Applicant’s comments to the submission provided by BMSDC at Deadline 8 [REP7-035]. The Applicant has not commented on matters that BMSDC has said it is not concerned about, is in agreement with, has no comment on or where it has deferred to another Interested Party on a specific matter. Therefore, the numbering in Table 5.1 is not consecutive. In some cases, where the point raised is lengthy, the Applicant has summarised the key points to keep the document concise.

4.2 Response Table

Table 5.1 – Applicant’s Comments on the BMSDC Deadline 8 Submission [REP8-039]

Ref	Matter	Point Raised	Applicant’s Comments
<i>Comments on any other submissions received at Deadline 7 – the Applicant has no further response on these matters.</i>			
<i>Document 8.9.3: Applicant's Responses to Second Written Questions</i>			
9.1	Written Questions: LV2.9.1: National Landscapes	The council’s position remains that not all the adverse effects in the setting of the National Landscape are fully compensated for and that ‘furthering the purpose’ of the National Landscape required by the Levelling up and Regeneration Act 2023 supports this position.	The Applicant responded to this matter the in the Applicant’s Responses to Second Written Questions [REP7-025] and has nothing further to add in relation to this matter.
N/A	Heritage	BDC accepts the position in the SoCG with Historic England regarding Hintlesham Hall based on the wording of EM-AB01 in the REAC which should allow for controls needed for the placement of new/amended pylons within the setting of Hintlesham.	The Applicant notes that BMSDC accepts the position in the SoCG with Historic England.
N/A	Ecology	REP7-026 Deadline 6 responses which does include comments on aftercare period to support delivery of promised BNG.	The Applicant has no comment on this matter.
Ref 7.7	Lopping trees/felling:	of BMSDC has submitted the same response as Line item 3.3 in Table 4.1.	See the Applicant’s response to Line 3.3 in Table 4.1 which addresses the same comment.

Ref	Matter	Point Raised	Applicant's Comments
7.19.1	Aftercare duration	BMSDC has submitted the same response as Line item 3.4 in Table 4.1.	See the Applicant's response to Line 3.4 in Table 4.1 which addresses the same comment.
7.19.2	Bat survey surveys	- We welcome the Applicant's reassurance that if the seven trees with bat roosting potential not surveyed would still be impacted once the detailed design is developed. If required, those trees with bat roosts would be incorporated into the final bat licence submitted to Natural England for approval. We look forward to consultation on the final design to review the Vegetation Retention and Removal Plans with details of any bat surveys of these trees.	See the Applicant's response to Line 3.3 in Table 4.1.
7.19.3	Bat survey mitigation	- BMSDC has submitted the same response as Line item 3.5 in Table 4.1.	See the Applicant's response to Line 3.5 in Table 4.1 which addresses the same comment.

ExQ2 responses deferred from D7

N/A	Response to query regarding noise sensitive receptors (NSR).	The Councils would expect the identification of the NSR to be undertaken by the Applicant and submitted in full for consideration. In the event that any NSR are identified once works commence, these will be expected to be incorporated within the noise monitoring and management regime.	Noted. The Applicant has undertaken a full noise assessment in ES Chapter 14: Noise and Vibration [APP-082] in accordance with Design Manual for Roads and Bridges (DMRB) and British Standard 5228- 1:2009+A1:2014. In response to feedback from Interested Parties, the Applicant has also undertaken further noise assessment using a lower noise threshold, as set out in Technical Note on Noise Sensitive Receptors [REP6-047]. The Applicant has committed to additional measures at the NSR identified in both documents within the CEMP (document 7.5 (E)). Therefore, the Applicant can confirm that it has identified NSR and included the proposed measures within the management plans.
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5. Applicant's Comments on the Submission Natural England

5.1 Introduction

5.1.1 Table 6.1 summarises the Applicant's comments to the submission provided by Natural England at Deadline 8 [REP8-053] – [REP8-054]. In some cases, where the point raised is lengthy, the Applicant has summarised the key points to keep the document concise. This means the numbering is not consecutive in places.

5.2 Response Table

Table 6.1 – Applicant's Comments on the Submission from Natural England [REP8-053 – REP8-054]

Ref	Matter	Point Raised	Applicant's Comments
Natural England's Comments on Document 8.5.9: Technical Note on Noise Levels at Hintlesham Woods [REP8-053]			
2.1/3.2	Bird surveys	<p>The focus of the report has been on nightingale, owing to the issue being raised in Natural England's Relevant Representations that disturbance from noise could be of particular concern for this species. This is because surveys reported in the Species Baseline Report identified nightingale are located primarily at the edge of the woodland, which they are known to habitually use, and this is the side closest to where the works will occur.</p> <p>Along with the nightingale identified within the maintenance swathe, this leaves the entire known population of nightingale at Hintlesham Woods SSSI vulnerable to disturbance from the construction works. If disturbance resulted in failed breeding attempts, this could lead to them being lost from the woodland. It is important to note that whilst impacts to nightingale are of particular concern, they are but one of a number of species identified in the Assemblages of breeding birds – Mixed: Scrub, Wood' notified feature of Hintlesham Woods SSSI. For this reason, Natural England consider it important for the Applicant to undertake monitoring of the schedule 1 bird species, which includes nightingale, pre and post construction. In addition to safeguarding the Nightingale population on Hintlesham Woods SSSI the specific information will be of value in other situations.</p>	<p>The Applicant has added a new commitment (EM-AB19) to the REAC at Deadline 9 (document 7.5.2 (F)) to undertake surveys for Schedule 1 birds and nightingale pre-construction, during construction and post construction, as requested by Natural England.</p> <p>Natural England has confirmed that it is happy with this commitment as set out in the Statement of Common Ground Natural England (document 7.3.2 (F)).</p>
2.2	Existing studies	The Technical Note does review a number of published works on birds and disturbing activities/acoustics but it does not include any specific studies on	Studies on disturbance of breeding birds is limited, as acknowledged by both Natural England and RSPB in a meeting

Ref	Matter	Point Raised	Applicant's Comments
		<p>Nightingale. Some of the comparisons made are fairly general. The existing studies relate to environments which are dissimilar to Hintlesham Woods (a closed woodland canopy) or to a species such as the nightjar which, while having a similar nesting site, relies heavily on camouflage for concealment and response (which the nightingale does not).</p>	<p>on 14 February 2024. As such, as well as committing to the breeding bird monitoring pre, during and post construction (see 2.1 above), the Applicant has committed to undertaking a noise monitoring plan at Hintlesham Woods SSSI during construction activities within the bird breeding season, see EM-AB20 in the REAC (document 7.5.2 (F)). Natural England has confirmed that it is happy with these commitments as set out in the Statement of Common Ground Natural England (document 7.3.2 (F)).</p>
2.3-2.4	<p>Peak noise levels and construction activities</p>	<p>Natural England has previously advised that <i>'the noise assessment should be revised to include peak values as well as average sound power values. This is because sudden, unpredictable loud noises are more likely to startle birds and cause an escape flight response'</i> [RR-042]. The Applicant has committed to not using percussive piling for pylon erection in sensitive areas near the SSSI during the breeding season (EM-AB14 in the REAC). This will mean that there is reduced noise disturbance, which is welcomed.</p> <p>Whilst expectedly, the report focuses on the impact of noise arising from construction activities (including pylon removal and cable pulling), there is potential that these activities to be disturbing in other ways. For example, the presence of contractors and vehicles will be novel and perhaps unexpected. This could be disturbing to the birds compared to the existing 'background' noise and activity such as the field cultivation example quoted in the Technical Note, which continues year-round and is already present when the Nightingales arrive from Africa in the Spring.</p> <p>Paragraph 6.1.3 states, <i>'Noise levels associated with the conductor and transposition works are estimated to be less than 60dB at the edge of the SSSI and would not exceed the threshold. Therefore, no further assessment or mitigation is proposed.'</i> Following further correspondence with the Applicant, Natural England have been informed that a further commitment in the REAC has been added to ensure the contractor will undertake noise monitoring at the woodland boundary during construction of the foundation of temporary pylon RB12T to check that noise levels remain below 70dB. Whilst Natural England welcome this commitment, we advise that monitoring alone cannot be considered mitigation and consideration should be given to what mitigation will be provided should noise levels be found to exceed 70dB.</p>	<p>All works in and around Hintlesham Woods have been programmed to take place outside of bird breeding season other than where the works are required to be undertaken during an electrical outage window (for safety), as per commitment EM-AB14 in the REAC (document 7.5.2 (F)).</p> <p>Following further programming review, the Applicant has identified that temporary pylon RB12T can be constructed and removed outside of bird breeding season. However, RB11 would need to be constructed during an outage window within the bird breeding season. Pylon RB11 is slightly further away from the SSSI than RB12T and as it is a permanent pylon, would not need removal unlike RB12T, resulting in fewer activities within bird breeding season. The Applicant has updated ES Appendix 7.1 Annex B Hintlesham Woods SSSI Assessment (document 6.3.7.1.2 (B)) and the relevant commitments in the REAC (document 7.5.2 (F)) at Deadline 9 to reflect this updated position.</p> <p>The Applicant has also updated the Technical Note on Noise Levels at Hintlesham Woods (document 8.5.9 (B)) to include predicted peak noise values of different activities. The Applicant has also agreed to produce a noise monitoring plan at Hintlesham Woods SSSI, see EM-AB20 in the REAC (document 7.5.2 (F)). The noise monitoring plan will include details of the noise monitoring to be undertaken (including location of monitoring equipment, frequency of noise peaks and duration). Natural England has confirmed that it is happy with this commitment as set out in the Statement of Common Ground Natural England (document 7.3.2 (F)).</p>

Ref	Matter	Point Raised	Applicant's Comments
3.1	Noise mitigation measures	Natural England welcomes the use of alternative construction techniques to percussive piling for pylon erection in sensitive areas near the SSSI during the breeding season. We also welcome the proposed noise monitoring at the woodland boundary during the construction of the foundation of temporary pylon RB12T. However, Natural England advise further detail is required of what mitigation measures would be implemented should the noise monitoring at the woodland boundary exceed 70dB.	The Construction Noise Management Plan for Hintlesham Woods SSSI referred to in commitment EM-AB20 (see response to Ref. 2.3-2.4 above) would be developed by the Main Works Contractor who will set out the methods of working and a range of possible scenarios of where and when additional measures could be required. Natural England has confirmed that it is happy with this commitment as set out in the Statement of Common Ground Natural England (document 7.3.2 (F)).

Natural England's Comments on the Report on the Implications for European Sites (RIES) [REP8-054]

1	European sites	Natural England has reviewed the European sites included in the Habitats Regulations Assessment (HRA) [REP1-007]. Based on the information available, we do not consider there to be any additional UK European sites or qualifying features that could be affected by the proposed development.	The Applicant concurs with Natural England's statement.
2	Approach to the assessment	Natural England are satisfied with the Applicant's approach to the assessment of Stour and Orwell Estuaries Ramsar site, which includes consideration of the conservation objectives of the overlapping Stour and Orwell Estuaries Special Protection Area (SPA).	The Applicant notes that Natural England is satisfied with the approach to the assessment.
3	Notifiable features	The condition of the notifiable features of the Stour and Orwell Estuaries SPA and Stour and Orwell Estuaries Ramsar site (and underpinning SSSIs, Cattawade Marshes SSSI and Orwell Estuary SSSI Stour Estuary SSSI) can be found on Natural England's Designated Sites database.	The Applicant has no comment on this.
4	GH07	<p>Natural England mostly agree with the 'details of issue' provided although the reason that there has been no further reference to our request for a detailed contingency plan for lubricant breakout is because the Applicant had advised Natural England that a commitment has been made to produce a Technical Note for the Environment Agency when the drilling method is known. This would include any proposed contingency plans should a breakout occur.</p> <p>Discussions have been ongoing between the Applicant and Natural England on this matter. Natural England are satisfied with the proposed revised wording for commitment GH07. Providing this measure along with the other mitigation measures identified in the HRA are secured, Natural England consider this matter resolved.</p>	The Applicant updated the wording of GH07 as discussed with Natural England, in the CoCP and REAC (document 7.5.2 (F)) at Deadline 7, These documents are secured through Requirement 4 of the draft DCO (document 3.1 (H)). The Applicant notes that Natural England consider this matter to be resolved.

Ref	Matter	Point Raised	Applicant's Comments
5-6	GH07	<p>Natural England consider this wording is sufficient to ensure that the CEMP and CoCP would not be finalised until the outcome of the hydrogeological risk assessment is known.</p> <p>With the agreed amendments to commitment GH07, Natural England is satisfied the control framework in the CEMP and CoCP and the requirement to obtain a Flood Risk Activity Permit will ensure that activities in Flood Zone 3 would be managed in a way to avoid effects to the European sites. This is inclusive of the wording for Requirement 4 of the dDCO, requiring a final version of the CEMP to be incorporated</p>	<p>See response to item 4 above.</p> <p>The Applicant notes that the CEMP (document 7.5 (E))) and REAC (Document 7.5.2 (F)) contain the commitments to undertake a hydrogeological risk assessment. The latter would be a separate technical document that would be submitted to Natural England and the Environment Agency as per GH07. The Applicant does not consider that the CEMP and CoCP cannot be finalised on this basis to clearly secure the measures contained with them during Examination.</p>

6. Applicant’s Comments on the Submission from the Parish Councils of Assington, Bures St Mary, Leavenheath, Little Cornard, Polstead & Stoke by Nayland

6.1 Introduction

6.1.1 Table 7.1 summarises the Applicant’s comments on the submission provided by the Parish Councils of Assington, Bures St Mary, Leavenheath, Little Cornard, Polstead & Stoke by Nayland at Deadline 8 [REP8-049] and [REP8-050]. In some cases, where the point raised is lengthy, the Applicant has summarised the key points to keep the document concise. This means the numbering is not consecutive in places.

6.2 Response Table

Table 6.1 – Applicant’s Comments on the Submission from the Parish Councils of Assington, Bures St Mary, Leavenheath, Little Cornard, Polstead & Stoke by Nayland [REP8-049] and [REP8-050]

Ref	Matter	Point Raised	Applicant’s Comments
<i>Response to the Applicant’s reply to the Parish Councils’ Deadline 6 submission regarding proposed works in Sections D/E & F [REP8-050]</i>			
N/A	Relocation of the Dedham Vale East compound Section D/E Layham Quarry	We note that the Applicant has not sought to challenge any of the many new and detailed observations raised in either of our [REP6-060 and REP6-061] submissions, relying instead on its earlier responses [REP3-048 and REP6-045] to our prior submissions, and on the limited and, as we have previously suggested, incomplete information contained in the Applicant’s appraisal report. Accordingly, and in the absence of challenge, we invite the ExA to conclude that the Applicant concurs with our assertion that relocation of the Dedham Vale East CSE compound into and alongside the boundary of a worked-out section of Layham Quarry represents a superior and less damaging siting than the currently suggested location alongside Millwood Road.	The Applicant has responded to the observations raised by the Parish Council’s in its previous responses and has nothing further to add at this deadline. The Applicant considers that its proposed site for the Dedham Vale East CSE compound is the most suitable location taking into account all the relevant factors.

Ref	Matter	Point Raised	Applicant's Comments
N/A	Impact of the CSE compound on the National Landscape	The Applicant asserts that the proposed site for Dedham Vale East CSE compound is approximately 1km from the boundary of the Dedham Vale National Landscape [REP3-048, Table 3.1]. This is disingenuous: while the boundary is 1km away when measured from the west, the proposed compound is only 350m from the boundary when measured from the south. This proximity, along with the new 400kV pylons that would be required immediately to the east of Millwood Road, represents a negative impact on the setting of the National Landscape, an impact that is totally extinguished by relocating the CSE compound to the quarry.	The Applicant notes that the existing woodland would screen the CSE compound to the south.
N/A	Visual impact of the compound from Heath Road	In the same table, the Applicant suggests that siting the CSE compound between the two halves of Millfield Wood will reduce its visual impact. However, the response does not address the visibility of the compound whilst travelling for a distance of about 1km along Heath Road, or for a distance of about 500m along Millwood Road where the presence of the compound's massive steel structures would be both out-of-character in the rural landscape and impossible to shield or soften through landscaping. Again, these impacts would be similarly extinguished through relocation to the quarry.	Visual receptors travelling along Heath Road and Millwood Road would only experience a transient view of the CSE compound along a short section. The visual effect will reduce over time as the proposed hedgerow reinforcement and the planting proposed around the CSE compound matures. The Applicant also notes that the site already contains two overhead lines and pylons (one of which will be removed) which are far taller than the equipment proposed in the CSE.
N/A	Horlock Rules	We note the Applicant does not respond to our contention that the Horlock Rule requirement to ' <i>take advantage of the screening provided by land form and existing features and the potential use of site layout and levels to keep intrusion into surrounding areas to a reasonably practicable minimum</i> ' would be well served by re-siting the CSE compound to the quarry on land already well below the agricultural lane to the west of the quarry, using bunds to the west and south, topped by mature vegetation, and thereby demonstrating minimum intrusion into the surrounding areas.	The Applicant has demonstrated how it is meeting the Horlock Rules within the Planning Statement [REP6-011].
N/A	Layham Quarry site	Contrary to the Applicant's assertion that 'there may be potential effects', the use of the north-west corner of the quarry will not have an impact on the Layham Pit Woodland and Meadow Wildlife site, sites that are already subject to 'potential effects' by planned overhead pylon and line works. The Applicant's own survey data referencing the distribution of protected species within both the Layham Quarry and Millwood Road sites are equivocal. The undergrounding of lines across the open land between the two sections of woodland would represent a temporary disturbance no greater than in other sections of undergrounding, as opposed to the permanent changes associated with building and operating the Millwood Road compound.	The Applicant has explained its reasons for location of the proposed site for Dedham Vale East CSE and the reasons for discounting other sites in Applicants Comments on Written Representations [REP3-048] and the Applicant's Comments on Other Submissions Received at Deadline 5 [REP6-045].

Ref	Matter	Point Raised	Applicant's Comments
N/A	Impacts minerals	on Table 7.2 of REP7-026 also refers back to REP3-048 Table 3.1, where the Applicant cites mineral rights as contributing to the decision not to use Layham Quarry. Given that (i) SCC, as minerals authority, has raised no objection to the use of Layham Quarry, to the impact on existing consents and permissions or to safeguarding known deposits, and (ii) our proposal to use only a worked-out part of the quarry site along its western boundary, we infer that the Applicant no longer wishes to rely on this justification.	The Applicant responded to comments on minerals in the Applicant's Comments on Other Submissions Received at Deadline 5 [REP6-045].
N/A	Impacts on the quarry	<p>During the early stages of the Examination process, the Applicant objected to our relocation proposal based in part on concerns from Babergh District Council and SCC regarding protected species and mineral rights. In reality, the proposal has never been seriously presented by the Applicant as an option, and it has therefore never been meaningfully assessed by the authorities.</p> <p>Instead, we have systematically addressed any possible concerns and re-assert that SCC no longer objects to the proposal on mineral grounds. The Applicant's inability to rebut factually any of our other arguments suggests that there is no longer any substantive objection to the benefits of our proposal.</p>	The Applicant has set out its reasons for the selection of the proposed site for Dedham Vale East CSE compound and why it has discounted alternative locations in the Applicant's Comments on Written Representations [REP3-048] and the Applicant's Comments on Other Submissions Received at Deadline 5 [REP6-045]. The Applicant has no additional comments to make on this matter.
N/A	Proposal for further undergrounding through Section F	<p>In Table 7.2 of REP7-026, the Applicant refers to the replacement of the existing 132kV line by the proposed development. This fails to address the significantly higher impact of the taller pylons on medium- and long-distance views – ie those that benefit least from local screening by geographic features and vegetation – and which are exactly those that we believe need to be protected to minimise the impact on the National Landscape and Stour Valley, and their setting. We believe that the Applicant's explanation on this point fails to account for its differing approaches between the current application and Norwich to Tilbury.</p> <p>In the same table, the Applicant relies on purported characteristics of the landscape in Great Horkesley compared with our sites of interest on the Bramford-Twinstead route. However, our contention is that the Great Horkesley example establishes the principle that, while undergrounding always carries incremental costs, it can be justified even outside designated landscapes in order to protect the setting of the National Landscape. This Applicant's reliance on the boundaries of the dedicated landscape to limit undergrounding is thereby called into question.</p>	<p>ES Chapter 6: Landscape and Visual [APP-074] concludes that the project would have beneficial effects on both the Dedham Vale National Landscape and on the Stour Valley, due to the combination of the removal of the 132kV overhead line and proposed underground cables at these locations.</p> <p>The Applicant accepts that undergrounding may be appropriate outside of designated landscapes, and its proposals to underground the transmission line in parts of Section G: Stour Valley provides evidence of this. However, as the Applicant has to justify the additional cost associated of underground cables to both Ofgem and its consumers, there needs to be strong evidence why undergrounding is necessary at each location. The Applicant does not consider there to be sufficient evidence to justify undergrounding in this location.</p>
N/A	Access to Stour Valley East CSE compound from the B1508	The Applicant reiterates its previous position that the proposal is not yet sufficiently detailed to warrant modifying the proposal at DCO stage. The Applicant appears to have ignored our central point that this is not a landscaping/mitigation/design issue to be addressed at a future date via commitments in the REAC and subject to yet-to-be-completed detailed designs.	The Applicant considered a number of options to access the proposed Stour Valley East CSE compound during the pre-application design and consultation stages. Due to the secluded location of the CSE compound it is a difficult location to access. Options considered included: from the east (starting at G-AP1

Ref	Matter	Point Raised	Applicant's Comments
		<p>This is an access road alignment matter and relates to the selection of appropriate private land over which powers are to be granted for the provision of an access road of significant length.</p> <p>In the absence of challenge to the substance of our proposal – that the current road alignment harms long views from the Stour Valley Project Area and therefore also its setting – we contend that this concern is sufficiently material to justify consideration at this stage and over which we ask the ExA to recommend a specific amendment to the scheme in response to local consultation requests.</p>	<p>or G-AP2), from the north (near Workhouse Green) and various points off the B1508. The conclusion of this work was that an access directly from the B1508 (G-AP3) as contained within the application documents was preferred for the permanent CSE access balancing various considerations, including:</p> <p>The need to construct this access for construction of the cable route in any event, avoiding the need for an additional separate access being required for operational use;</p> <ul style="list-style-type: none"> ● Suitable access and visibility directly on to the B1508; ● Terrain and topography for HGVs; ● Distance from residential properties; ● Security and management to avoid unauthorised use of the access route; and ● Management and diversion of PRowWs. <p>In relation to this permanent access route at the Stour Valley East CSE compound, the Applicant notes that this would be visible in close up views of the site. However, there is only one PRow in the vicinity. Footpath W-171/001/0 would be crossed by the permanent access route, thereby affording close range views. There would also be distant views of the permanent access route from the opposite side of the Stour Valley as illustrated by photomontage 32B Viewpoint 2G2.5 at Photomontages Appendix 3 Part 3 [APP-065]. The effect on views from the opposite side of the valley would however be moderated by the presence of intervening screening vegetation. Based on the review of this access route, the Applicant proposes a commitment to ensure a landscape architect is involved in the detailed design of the permanent access route. The Applicant has listened to the feedback regarding the permanent access route and can confirm that it has added a new commitment to the REAC (document 7.5.2 (F)) that says: <i>'A landscape architect will be involved in the detailed design to advise on suitable finishes for the permanent access route at Stour Valley East CSE compound as part of reducing the landscape and visual effects of this feature.'</i></p>

Ref	Matter	Point Raised	Applicant's Comments
N/A	Incremental costs of additional undergrounding (Section D/E and F)	<p>The Applicant asserts that the cost of undergrounding transmission cables is between 4 and 10 times the cost of overhead lines and pylons but does not elaborate further, citing commercial sensitivity. Nevertheless, the Applicant quotes at REP3-048 Table 3.2 an additional cost of £16 million to extend the undergrounding by 800m to reach the quarry. Without a rationale or explanation, it is impossible to accept that this is a realistic figure. Only a full cost-benefit analysis of the options could support the Applicant's lowest economic cost argument in favour of not increasing the underground line section.</p> <p>The Applicant refers back to its response to Babergh District Council's LIR REP3-051 and to the 2012 Connection Options Report APP-164 in this response. A cost-benefit analysis to assess the merit of incremental undergrounding clearly makes the cost differential between the options vitally important. Given that the COR predates the final decision to underground Sections E and G in full, we request that the ExA request confirmation from the Applicant that the capital costs of £111.8m (underground) and £8.4m (overhead line) given in 3.2.2 of REP3-051 fully reflect that the underground option would remove the need for the acquisition, construction, provision of access to, maintenance and operation of two CSE compounds.</p> <p>We are concerned that the only costing data put forward by the Applicant to object to our proposals are based on the 2012 COR and appear to be based only on scaling of high-level per kilometre cost estimates. Since 2012, scheme details have been developed considerably, and we request that ExA take steps to assure us and itself that the additional costs being quoted for additional undergrounding in Sections D and F are based on internally consistent unit construction costs and are realistic.</p>	<p>The Applicant has previously set out its response on the additional cost of undergrounding (including REP3-048 Table 3.1). This includes a summary of the licence obligations and planning policy framework within which the Applicant makes technology decisions.</p> <p>The Applicant confirms that the costs provided in REP-051 include all costs associated with each option (including the two cable sealing end compounds).</p> <p>The Interested Party is directed to the Applicant's Responses to First Written Questions REP3-052 MG1.0.25 to MG1.0.28 which provide updated capital and lifetime costs for the strategic options considered. It has remained the case (in 2012 and now) that underground electricity transmission lines cost considerably more than an overhead line equivalent.</p>

Additional Supporting Information at Deadline 8 – Strategic Options & TS Conductor [REP8-049]

1	Context and wider consultation	<p>Further to our submission at Deadline 7 regarding the incomplete nature of the Applicant's consideration of strategic options and alternative technologies, we write to inform the ExA of the additional parish councils that have reviewed our submission and indicated their support. Although we have not received confirmation from any party that the Applicant intends to address and respond to the issues raised in our note, we have taken this opportunity to amplify the information that we reasonably expect to be covered by the Applicant's response.</p> <p>Following deposition of our Deadline 7 submission, we have approached all of the parish councils located to the east of us that are materially affected by the reinforcement scheme. In the interests of efficiency, we have asked the councils</p>	<p>The Applicant notes the response. The Applicant has responded on this matter in Table 5.1 of the Applicant's Comments on Other Submissions Received at Deadline 7 REP8-036 and has nothing further to add.</p>
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Ref	Matter	Point Raised	Applicant's Comments
		<p>to respond to us directly, rather than overload the ExA with multiple separate submissions. While a number have yet to meet to complete their individual sign-off procedures, the following councils have already endorsed the contents of our Deadline 7 submission on Strategic Options etc [REP7-035], and agreed that their names can be added in support of the six parish councils that made the original submission:</p> <ul style="list-style-type: none"> ● Chattisham and Hintlesham Parish Council; ● Raydon Parish Council; ● Layham Parish Council; and ● Boxford Parish Council. <p>We have made separate approaches to Babergh District Council, SCC, our local Member of Parliament, to the Secretary of State for Energy Security and Net Zero and to OfGem. We assume that a technological solution that obviates the need to construct a second 400kV pylon line and the attendant disruption from undergrounding works would have the strong support of all parties, especially if it were technologically sound, cheaper to build and could be completed in timescales consistent with demand.</p>	
3.1- 3.2	Expectations of a Response from The Applicant	<p>Based on an assumption that the Applicant expects or is required to respond to our earlier submission, we have taken this opportunity to set out some of the elements that we would expect to see in an authoritative reply.</p> <p>We believe this matter to be of sufficient importance to warrant a fulsome and detailed technical response from the Applicant, one that is supported by evidence that can be challenged and tested by independent experts. We would expect to see:</p> <ul style="list-style-type: none"> ● An explanation for the fact that the emerging conductor technology highlighted in our submission was omitted by the Applicant from its documents. ● Detailed reasons why the claims made by TS Conductor regarding the appropriateness of this emerging technology and increased conductor capacity cannot be substantiated, failing which, detailed reasoning for not promoting the adoption of a superior and less damaging scheme to replace the existing 400kV conductors on the existing pylons supporting the existing 400kV line. 	<p>The Applicant has responded on this matter in Table 5.1 of the Applicant's Comments on Other Submissions Received at Deadline 7 [REP8-036] and has nothing further to add.</p>

Ref	Matter	Point Raised	Applicant's Comments
3.3- 3.4	TS Conductors	<ul style="list-style-type: none"> <li data-bbox="443 172 1368 325">Evidence for the build-up of demand for reinforcement between Bramford and Twinstead, for example, over the next 20-30 years, and reasoning as to why the existing conductors could not be progressively replaced with advanced conductors to match emerging demands for additional capacity and resilience. <p data-bbox="443 368 1368 612">While we cannot purport to be energy transmission experts, we assert that this should not be seen as an excuse by the Applicant for making generalised responses, advancing assertions without the provision of evidence, including technical detail and calculations if necessary, or for a casual or unsubstantiated dismissal of issues raised in our note. We rely on the ExA's breadth of relevant infrastructure planning experience to recognise deficiencies in arguments raised by the Applicant in support of its technical solutions, and if necessary to call for independent expert evidence.</p> <p data-bbox="443 635 1368 783">In passing, we note that, whilst so-called advanced conductors have been in use for a number of years on the UK grid – albeit we understand with mixed results, we are led to believe that TS Conductor has developed a superior product that is currently being installed in US and is in the process of securing approval for use in UK.</p>	The Applicant has responded on this matter in Table 5.1 of the Applicant's Comments on Other Submissions Received at Deadline 7 [REP8-036] and has nothing further to add.

7. Applicant's Comments on the Submission from Alan Hall

7.1 Introduction

7.1.1 Table 8.1 summarises the Applicant's comments to the submission provided by Alan Hall at Deadline 8 [REP8-X055]. In some cases, where the point raised is lengthy, the Applicant has summarised the key points to keep the document concise. This means the numbering is not consecutive in places.

7.2 Response Table

Table 6.1 – Applicant's Comments on the Submission from Alan Hall [REP8-055]

Ref	Matter	Point Raised	Applicant's Comments
<i>Access point AB-AP5 (adjacent to Rose Cottage, Church Hill, Burstall)</i>			
N/A	Engagement on the project	<p>Having attended ISH3 and spoken constructively with two National Grid staff members I was hopeful of rapid progress towards an agreement, but three months later progress by the Applicant seems painfully slow.</p> <p>I cannot overstate how disappointed I am that despite much pleading on my part and several unfulfilled promises made by the Applicant, they have still not met with me to discuss this access, nor do they respond to email queries (by compulsion via their land agent) seeking updates or clarification.</p> <p>In their document 8.4.4 "Compulsory Acquisition Objections Schedule" they claim (Item 25) to have been in negotiation for months, and specifically that they were in contact on November 23rd to discuss next steps and possible HOTs. This is untrue. In fact their email on 23rd November was in response to a further plea from myself for a meeting, but in their response the Applicant simply stated that work was ongoing and they hoped to meet "soon". A further 11 weeks have passed!</p> <p>Much as I would like to see this matter concluded amicably, there is currently no proposal from the Applicant to which I could consent, beyond the original blanket agreement over all of my land and property within the DCO red line, reflecting none of the (as yet inconclusive) mitigations under discussion.</p>	<p>The Applicant committed to undertaking further survey and design work at this location (AB-AP5) at ISH3 to offer reassurance to the Affected Person.</p> <p>This has included:</p> <ul style="list-style-type: none"> • Further design work to sketch the proposed access and visibility requirements; • Topographic survey; • Road speed survey; and • Arboricultural survey. <p>This work is now complete and is reported in an updated document at Deadline 9 The Temporary and Permanent Access Technical Note – Suffolk County Council (document 8.9.5 (C)).</p> <p>Following the conclusion of this work the Applicant has written to the Affected Person with revised Heads of Terms and is proposing a site meeting to discuss further.</p>

Ref	Matter	Point Raised	Applicant's Comments
		I would welcome open discussion with the Applicant and a concrete proposal for discussion, negotiation and hopefully agreement. I am at a loss to see how this can be achieved with the Applicant's current approach.	
Point 1	AP4 and AP5	In the Temporary and Permanent Access Technical Note, para 2.1.2, the Applicant states that construction of the alternative AP4 would require additional materials compared to AP5. No detail is given but this must surely refer to soil stripping and stone filling of the track, implying that AP5 would not require this to be done. However, according to the LEMP and following discussion with the Applicant at ISH3, my understanding is that the existing agricultural track at AP5 is inadequate in strength and width and will also require stripping and fill. The track at AP5 is at least 50% (200m) longer than at AP4 so the Applicant's assertion is untrue – AP4 remains the cheaper, less disruptive and more environmentally sound option for this and other previously stated reasons.	The Applicant anticipates that the existing agricultural track at AP5 may require some works to make it suitable for purpose. However, it is expected to require less significant work than building a new access at AP4, meaning less vehicles trips and a lower impact. It is also noted that AP4 would bisect the field, affecting a larger area of agricultural land, which is considered to have a negative impact in comparison to utilising the existing access track.
Point 2	Visibility splays	Despite the visibility splay requirement increasing from 45 to 90m since ISH3, the Applicant has produced a drawing showing a possibility of achieving this which ' <i>does not interact with any surveyed tree trunks</i> '. However, no mention is made of any bellmouth requirement which, if constructed according to the original plan, would invalidate this statement. What are the Applicant's intentions in this regard? Again in document 8.9.5, the Applicant states: ' <i>the Applicant's view that developing large bellmouths and undertaking major road improvements for temporary accesses would be disproportionate</i> '. I agree. Is it the case that the standard bellmouth would not now be used at AP5?	The Temporary and Permanent Access Technical Note – Suffolk County Council (document 8.9.5 (C)) has been updated at Deadline 9 to incorporate the outcome of the arboricultural survey carried out in February 2024. The Applicant is confident that the bellmouth detail design will be in accordance with that shown on LEMP Appendix A: Vegetation Retention and Removal Plans (document 7.8.1 (C)), which are expected to be sufficient to achieve a visibility splay consistent with the design speed as well as to meet the relevant bellmouth design criteria. In any event, any vegetation removal would be part of the submitted package to the Local Highway Authority (in this case Suffolk County Council) for approval before the project progresses to construction in accordance with Article 48 of the draft DCO (document 3.1 (H)). In addition, Requirement 8 of the draft DCO requires the approval of all vegetation removal to be agreed by the relevant planning authority prior to construction work commencing.
Point 3	Vegetation removal	LEMP Appendix A Vegetation and Removal Plan has not been updated to reflect the reduced impact on my trees and vegetation. Without this formalisation of their proposal, I would not be able to have confidence in the Applicant's proposal.	The Applicant has updated LEMP Appendix A: Vegetation Retention and Removal Plan at Deadline 9 (document 7.8.1 (C)) to reflect the arboricultural survey undertaken in February 2024. This shows that one ash tree would need to be removed but that the oak trees would be retained. Further details can be

Ref	Matter	Point Raised	Applicant's Comments
Point 4	Temporary nature of the access point	I would like the Applicant to confirm, as per statements made at ISH3 both in the formal session and also in conversation with National Grid personnel, that AP5 is a Temporary Access to be fully reinstated on completion of construction. I am aware that the Applicant seeks permanent rights to reconfigure the access should this be required in the future.	found in the updated Temporary and Permanent Access Technical Note: Suffolk County Council (document 8.9.5 (C)).
Point 5 and 6	Vegetation affected	<p>The Applicant seems anxious to defer detail design work and a decision on AP5 until after grant of the DCO, covering this by a fallback position that AP4 will be used instead of AP5 if '<i>excessive vegetation removal</i>' is required (or other difficulties arise). Who will be the arbiter of this? Surely not just the Applicant and certainly not their contractor?</p> <p>The Applicant has made various statements which at this stage can only be described as aspirational. What mechanism is in place to ensure that the mitigations described are actually implemented? I understand that the project will be executed by a contractor on a 'design and build basis'. Should the DCO be granted, the Applicant will take a back seat and the detail work will be left to the contractor who, as things stand, will have rights over the entire red-lined DCO area. It is entirely possible that the original large scale felling of trees could still take place. Is this why the Applicant is so reluctant to propose HOTs</p>	<p>The Applicant can confirm that the temporary access will be reinstated to its existing form on completion of construction of the reinforcement.</p> <p>As noted, in common with elsewhere on the route, the Applicant has also sought permanent rights of access to ensure it can monitor, operate and maintain the new overhead line and pylons. This would generally be walking or light vehicle access utilising the existing farm track without modification unless a major rebuild of the asset is required akin to the original construction requirements.</p> <p>Although the Applicant has undertaken additional work in relation to AP5 to offer reassurance to the Affected Person the Applicant maintains that the level of detail requested is not required when determining whether a NSIP should be consented.</p> <p>Ultimately, any vegetation removal would be part of the submitted package to the Local Highway Authority for approval before the project progressed to construction in accordance with Article 48 of the draft DCO (document 3.1 (H)). In addition, Requirement 8 of the draft DCO requires the approval of all vegetation to be agreed by the relevant planning authority prior to construction work commencing. It is of course the prerogative of the Councils to refuse approval and therefore the alternative access AB-AP4 would need to be used.</p> <p>Whilst a Main Works Contractor will be appointed to deliver the physical works, responsibility for compliance with the DCO or any other agreement remains with the Applicant as the statutory undertaker.</p>

8. Applicant’s Comments on the Submission from Burstall Parish Council

8.1 Introduction

8.1.1 Table 9.1 summarises the Applicant’s comments to the submission provided by Burstall Parish Council at Deadline 8 [REP8-051]. In some cases, where the point raised is lengthy, the Applicant has summarised the key points to keep the document concise. This means the numbering is not consecutive in places.

8.2 Response Table

Table 6.1 – Applicant’s Comments on the from Submission Burstall Parish Council [REP8-051]

Ref	Matter	Point Raised	Applicant’s Comments
<i>Submission Response for Deadline ‘8’</i>			
N/A	Residual effects and landscape compensation	<p>Burstall and Hintlesham and Chattisham parish councils are disappointed at the lack of progress on Matters Not Agreed in the Statement of Common Ground Local Authorities and find responses by the Applicant wholly unacceptable. The Applicant argues (4.1.1) that: <i>‘the residual adverse effects are considered to be very limited and are outweighed, and should be considered in the context of the significant benefits of the project’</i> The Applicant also takes the position that the residual effect cannot be avoided.</p> <p>This position cannot be supported by the evidence. As these parishes have maintained from the outset, the residual cumulative landscape effects around Bramford and Hintlesham – including the setting of Grade 1 listed Hintlesham Hall – are significant and could be avoided by using underground cables. The Applicant has never demonstrated that this option is not technically feasible. Even if overhead lines remain the preferred option due to policy set out via the National Policy Statement (NPS), the mitigation hierarchy requires the impact to be reduced through effective landscape measures, supported by compensation.</p>	<p>The Applicant accepts that ES Chapter 6: Landscape and Visual [APP-074] concludes that Burstall and Hintlesham have been identified as having likely significant adverse effects. These effects are from the proposed 400kV overhead line and cannot be mitigated due to the pylon heights. However, there are a number of receptors within these community areas, where additional mitigation planting is proposed to help reduce the significant effects as referenced in ES Appendix 6.5: Assessment of Visual Effects on Communities [APP-108].</p> <p>The Applicant notes that the further landscape and visual mitigation and compensation requested by the councils would not reduce the scale of effect at the receptors identified in the landscape and visual assessment.</p> <p>ES Chapter 8: Historic Environment [APP-076] concludes that the project would result in a minor adverse effect (not significant) on Hintlesham Hall, including its setting.</p> <p>The Applicant has responded to matters regarding the sufficiency on landscape and visual mitigation and</p>

Ref	Matter	Point Raised	Applicant's Comments
		These parishes therefore agree with the statement by SCC that the proposals for landscape and visual mitigation and compensation planting are insufficient and insufficiently secure.	compensation planting in the Applicant's Comments on Host Authorities Deadline 8 Letter (document 8.11.2).
N/A	Effects on biodiversity	Landscape and biodiversity are closely linked but the limited scope of the Applicants' latest update to ES Chapter 7: Biodiversity provide no comfort on biodiversity or landscape mitigation.	The Applicant stands by the assessment presented in ES Chapter 7: Biodiversity [REP6-009] which has been undertaken by technically qualified people and is based on independent assessment guidelines. The update to the ES Chapter at Deadline 6 was to address a matter in the Statement of Common Ground Natural England (document 7.3.2 (F)).
N/A	Effects on traffic and transport	Burstall and Hintlesham and Chattisham parishes are highly sensitive to increases in commercial traffic. Burstall and the adjacent Flowton area is already struggling to accommodate increased traffic caused by work around the Bramford substation, including the construction of large solar farms. The A1071 through Hintlesham is rightly notorious with several accident blackspots. It is therefore essential both parishes are consulted and involved in developing detailed and ongoing traffic plans.	The Applicant has undertaken a Transport Assessment [APP-061] which sets out the temporary impacts on the road network and included a review of collision data in Appendix A. The Transport Assessment concludes that peak traffic levels associated with construction of the project would be insubstantial. The detailed design of the accesses is secured by Requirement 11 of the draft DCO (document 3.1 (H)); and the vegetation removal by Requirement 8. Both Requirements are approved by the Councils in their role as LHA (the Competent Authorities). In addition, at the Councils' request, the Applicant has altered the draft DCO to include a requirement for Road Safety Audits.

9. Applicant's Comments on the Submission from Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited

9.1 Introduction

- 9.1.1 Table 6.1 contains the Applicant's response to certain elements of the submission made by Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited (Network Rail) at Deadline 8 [REP8-052].
- 9.1.2 The response set out below should be read alongside matters set out in the Applicant's own Deadline 8 submission: Application under Section 127 Planning Act 2008 – Network Rail Infrastructure Limited [REP8-037] and also in the Applicant's Schedule of Changes to the draft Development Consent Order (**document 8.4.2 (G)**).
- 9.1.3 The Applicant's position remains as set out in its Application under Section 127 Planning Act 2008 – Network Rail Infrastructure Limited [REP8-037], namely that the prescribed tests of Section 127 of the 2008 Act have been met and that interests and rights in Network Rail's land may be included for compulsory acquisition in the draft DCO (**document 3.1 (H)**).

9.2 Response Table

Table 6.1 – Applicant's Comments on the Submission from Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited [REP8-052]

Ref	Matter	Point Raised	Applicant's Comments
<i>Representation at Deadline 8 by Network Rail Infrastructure Limited in relation to The National Grid (Bramford to Twinstead Reinforcement) Order 20[REP8-052]</i>			
	NGET's Amendments to Protective Provision 30(1)	Proposed If National Grid Electricity Transmission's (NGET) proposed deletions in the Revised Protective Provisions it would give rise to a significant and unacceptable risk that NGET could compulsorily acquire rights over railway land which would not be subject to the conditions, limitations and restrictions typically required by Network Rail (NR) (including as required through NR's business and technical clearance process) to facilitate the safe and efficient operation of the railway. This risk could lead to a failure by NR in its capacity as a statutory undertaker to comply with its Network Licence (further details of which are set out below).	Table 1.2 of the Application under Section 127 Planning Act 2008 – Network Rail Infrastructure Limited [REP8-037] makes clear that only Class 3 (underground cable) and Class 4 (access) permanent rights are sought in respect of Network Rail's land, alongside temporary possession powers for, <i>inter alia</i> , the dismantling and removal of redundant infrastructure. The Class 3 (underground cable) rights which the Applicant is seeking to acquire are at depth beneath Network Rail's land and will be exercised in accordance with the guidance and other measures set out in Paragraphs 1.3.2 and 1.3.3 of [REP8-037]. The exercise of these rights is, therefore, highly unlikely to

Ref	Matter	Point Raised	Applicant's Comments
		<p>NR operates under a Network Licence granted by the Office of Rail and Road (ORR) (a copy of which is appended to this representation). Under the Network Licence, NR is obliged to ensure compliance with a wide number of standards imposed by the Rail Safety and Standards Board that pertain to maintaining the safe and efficient running of trains on the railway. In order to regulate its ability to comply with such standards, NR must retain stringent restrictions, controls and procedures over any interferences with the railway by third parties, including by reason of persons exercising rights on or over railway land.</p>	<p>impact upon Network Rail's duties to maintain the safe and efficient running of the Sudbury Branch railway line.</p> <p>Exercise of Class 4 (access) rights and temporary possession powers would constitute a 'specified work' for the purposes of Network Rail's Protective Provisions and, therefore, any such exercise would be subject to the controls and other measures stipulated by Network Rail in the manner contemplated by those Protective Provisions (including the requirement to enter into an Asset Protection Agreement). The Applicant understands that those controls and measures are a practical manifestation of the 'restrictions, controls and procedures over interferences with the railway' which Network Rail refers to in its Deadline 8 submission.</p> <p>Taking account of the above, the Applicant does not agree that the amendment sought to Paragraph 30(1) of the Protective Provisions would inhibit the safe and efficient operation of the railway or, in turn, lead to non-compliance with the terms of Network Rail's Network Licence.</p>
<p>NGET's Amendments Protective</p>	<p>Proposed to the Provisions</p>	<p>A restriction on the compulsory acquisition of rights over railway land is a widely accepted and longstanding principle and has been accepted by the Examining Authority and Secretary of State on numerous DCOs, including but not limited to: the A47/A11 Thickthorn Junction DCO, Thurrock Flexible Generation Plant DCO, Yorkshire and Humber CCS Cross Country Pipeline DCO, Sunnica Energy Farm DCO, Longfield Solar Farm DCO and South Humber Bank Energy Centre DCO</p>	<p>Notwithstanding the precedent cited by Network Rail, there is also very clear and very relevant precedent to support the specific amendment to Paragraph 30(1) of the Protective Provisions which the Applicant is seeking.</p> <p>Reference is made in this context to the Protective Provisions for the benefit of Network Rail as they appear in each of The National Grid (Hinkley Point C Connection Project) Order 2016 and The National Grid (Richborough Connection Project) Development Consent Order 2017.</p> <p>So far as the Applicant is aware, the form of Protective Provisions as included in the Hinkley and Richborough Orders has not inhibited the safe and efficient operation of the railway network nor has Network Rail been placed in a position of conflict with the terms of its Network Licence.</p>
<p>NGET's Amendments Protective</p>	<p>Proposed to the Provisions</p>	<p>Network Rail is of course willing to engage with NGET through the consent process facilitated by provision 30(1) to agree the terms of the rights sought and is obliged under the Protective Provisions to act reasonably in doing so.</p>	<p>The Applicant welcomes Network Rail's willingness to agree the terms of the rights required in order to deliver the project. Indeed, the Applicant intends that private treaty negotiations with Network Rail will continue in parallel with the compulsory</p>

Ref	Matter	Point Raised	Applicant's Comments
Provision 30(1)		<p>Where the parties are unable to agree the terms of the rights, the Protective Provisions include a mechanism for any disputes to be resolved through arbitration at provision 48 in any event and so any risk that the parties will ultimately not agree the terms of the rights (through the process of NGET seeking NR's consent under provision 30(1)) is not a justified reason to delete these powers from provision 30(1). The purpose of this restriction is not to impede the implementation of NGET's scheme nor hold NGET to ransom (NR is required by the Protective Provisions to act reasonably), but to secure the necessary protection to NR as a statutory undertaker over its assets in order that it can properly regulate the rights to be exercised over its railway network, which is an appropriate function and purpose of protective provisions. It is inconceivable that NGET should have powers to acquire rights over operational railway land without NR's consent having been provided as to how those rights can be exercised.</p>	<p>acquisition process with a view to concluding an agreement as soon as practicably possible.</p> <p>However, given the current impasse as documented in Paragraphs 1.5.12 to 1.5.19 (inclusive) of the Application under Section 127 Planning Act 2008 – Network Rail Infrastructure Limited [REP8-037], and the absence of substantive engagement to date, the Applicant simply cannot countenance a scenario whereby the delivery of critical national infrastructure is subject to the consent and arbitration process which is referred to in Network Rail's submission.</p> <p>As a related point, and given the great weight which Network Rail affords in its submissions to its Network Licence obligations, the Applicant is surprised that Network Rail is content for matters of this nature to be determined through an arbitration process. Applying Network Rail's own logic, an arbitration award in favour of the Applicant would appear almost certain to place Network Rail in breach of those Licence obligations.</p> <p>In reality, the Applicant anticipates that an arbitration award would favour Network Rail, leaving the Applicant in as equally disadvantageous and unacceptable a position to that which it would find itself in if Paragraph 30(1) were not amended in the manner currently proposed.</p>
<p>NGET's Amendments to Protective Provisions</p> <p>Provision 30(1)</p>	<p>Proposed to the Provisions</p>	<p>It is accepted that there is some protection afforded to Network Rail in the Protective Provisions, as NGET must both (i) enter into an asset protection agreement (provision 30(7)) and (ii) seek NR's prior approval of any plans (provision 31(1)), before any works commence. However, whilst these requirements secure some comfort for NR, this is limited to NR having approval as to the design of the works and the procedure to be followed in carrying out the works. These protections do not afford NR any control over how NGET can exercise a right to access the railway in carrying out the installation works or in carrying out future maintenance works.</p>	<p>From the Applicant's perspective, there is no practical distinction to be drawn between the measures and controls already stipulated by Network Rail in the Protective Provisions (i.e. 'the procedure to be followed in carrying out the works' as it is termed in Network Rail's submission) and the manner in which rights sought by the Applicant for the purposes of the project can be exercised.</p> <p>As explained above, the exercise of Class 4 (access) rights would constitute a 'specified work' for the purposes of Network Rail's Protective Provisions and, therefore, any such exercise would be subject to the controls and other measures stipulated by Network Rail in the manner contemplated by those Protective Provisions (including the requirement to enter into an Asset Protection Agreement).</p>

Ref	Matter	Point Raised	Applicant's Comments
NGET's Amendments Protective	Proposed to the Provisions	The insertion of this wording is not acceptable to Network Rail on the basis that:	The Applicant appreciates the fact that certain approvals may – in abstract terms – take longer than others to obtain.
Provision 30(6)		(a) it cannot agree to a blanket obligation to respond to a request for consent under provision 30 of the Protective Provisions within a maximum of 42 days on the basis that some circumstances may require a longer period of time than this for NR to properly assess the impacts of any such request (for example, NR may need to seek technical clearance from its engineers in order to grant consent (a process which can take up to 3 months)). Equally, some requests may require less than 42 days for NR to respond, but it is not appropriate for NR to be obliged to respond within a fixed time period which does not factor in the specific circumstances or particulars of such request which may necessitate a longer period;	However, a period of 42 days is considered entirely reasonable given (a) the critical national need which necessitates the timely delivery of the project, (b) the very limited nature of requests for consent or approval to which Paragraph 30(6) would apply, and (c) the nature of the Network Rail asset(s) which could conceivably form the subject matter of any approvals process.
		(b) it is not appropriate for the consent of NR, as a statutory undertaker, to be deemed to have been given where it cannot provide a response within a fixed time period. Any such request for NR's consent must be properly assessed and cannot be deemed to have been given due to the effluxion of time. Any such provision would be contrary to NR's duty to carry on its statutory undertaking and comply with its Network Licence as detailed above;	The very limited interactions between the project and Network Rail's asset(s) (the Sudbury Branch railway line) are of a lower order of magnitude and complexity to those on other projects where a 3 month approval period may be justifiable. The Applicant also notes that Paragraph 31(2) of the Protective Provisions includes a deemed consent mechanism, and that such a mechanism is not in dispute (indeed it forms part of Network Rail's standard-form Protective Provisions): <i>"...If by the expiry of the further 28 days the engineer has not intimated approval or disapproval, <u>the engineer shall be deemed to have approved the plans as submitted.</u>"</i>
		(c) in any event it is not appropriate to draft this obligation in a manner which obliges NR not to unreasonably delay providing its 'consent', but rather it ought to be worded to provide that NR should not unreasonably delay providing its 'response' to such a request. The former approach implies that such consent has been pre-determined to have been given, which is not appropriate or grammatically correct.	The Applicant would therefore query whether Network Rail's submission that "[any] such provision would be contrary to NR's duty to carry on its statutory undertaking and comply with its Network Licence" is indeed factually correct. Absent any further clarification from Network Rail, the Applicant would suggest that limited weight may be placed on this particular aspect of Network Rail's submission.
		NR is content to agree not to unreasonably delay providing its response to such a request and would propose the following wording as a new provision 30(6A):	As to the particular drafting of Paragraph 30(6), the Applicant notes the submissions made by Network Rail and would suggest that the final sentence in Paragraph 30(6)(b) is instead amended to read as follows:
		<i>"(6A) Where Network Rail is asked to give its consent pursuant to this paragraph, Network Rail's response to such a request must not be unreasonably delayed."</i>	<i>"If by the expiry of the further 14 days Network Rail has not intimated consent or refusal of consent, Network Rail is deemed to have <u>approved</u> the exercise of the respective powers."</i>
			The effect of this change would be to mirror the form of wording in Paragraph 31(2) and in respect of which Network Rail is, as noted above, already seemingly content.

Ref	Matter	Point Raised	Applicant's Comments
		<p>Provision 30(7) NGET has requested the following wording in red text to be inserted in the Revised Protective Provisions as a revision to provision 30(7):</p> <p><i>(7) Unless otherwise agreed, the undertaker must use reasonable endeavours to enter into an asset protection agreement prior to the carrying out of any specified work.</i></p> <p>The insertion of this wording is not acceptable to Network Rail on the basis that in order to comply with its Network Licence, Network Rail must ensure that any person accessing railway property enters into an asset protection agreement in order to ensure the safe and efficient running of trains on the railway. An asset protection agreement ensures that any person accessing railway property complies with the relevant conditions and procedural requirements deemed by NR to be reasonably necessary to maintain the safety of that person and the safety of users of the railway. NR is under an obligation not to act unreasonably (save for matters which concern safety where NR shall have absolute discretion) in entering into such an agreement under provision 30(6) which should be sufficient comfort to NGET that NR may not otherwise act unreasonably in imposing requirements in an asset protection agreement. On this basis, NR's position is that such an obligation cannot be subject to the use of reasonable endeavours and that NGET's proposed revisions to provision 30(7) should be rejected. For the reasons set out above, NR requests that the Current Protective Provisions are retained and that NGET's request for the Revised Protective Provisions to be included is rejected.</p>	<p>The Applicant refers to submissions made in Table 7.1 of the Applicant's Schedule of Changes to the draft Development Consent Order (document 8.4.2 (G)):</p> <p><i>"In a similar vein, the Applicant has sought to amend what was previously an absolute obligation in Paragraph 30(7) to enter into an Asset Protection Agreement (APA) prior to the carrying out of any 'specified work'.</i></p> <p><i>Whilst the Applicant takes seriously its obligation to ensure that statutory undertakers' apparatus and equipment is protected through the inclusion of adequate protective provisions, it is incumbent upon the Applicant to ensure that any protective provisions are reasonable, proportionate and would not lead to unnecessary or unjustified cost burdens which would ultimately be borne by the consumer.</i></p> <p><i>As indicated above, the Applicant has serious concerns based on its engagement to date, that NRIL would be inclined to enter into an appropriate form of APA in such circumstances in a timely manner.</i></p> <p><i>Any delay to the carrying out of 'specified works' would have significant implications in terms of delivery of the project as a whole, the critical national need for which is already well established (see, for example, the Needs Case [APP -161]).</i></p> <p><i>Therefore, the amendments sought to Paragraph 30(7) seek to cater for a potential scenario whereby NRIL's prompt engagement in respect of an APA is not forthcoming or indeed where the terms sought by NRIL are unreasonable. In recognition of NRIL's own statutory duties, the amendments do not, however, seek to remove the requirement to enter into an APA."</i></p>

References

Department for Energy Security and Net Zero (2023) Benefits for Electricity Transmission Network Infrastructure, Government Response, 22 November 2023. (Department for Energy Security and Net Zero, 2023)

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