



Bramford – Twinstead:

Deadline 10

- Response to any documents submitted at
Deadline 9

Braintree District Council (20041141) &

Essex County Council (20041299)

PINS REFERENCE: EN020002

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1 Glossary of Abbreviations

BDC – Braintree District Council

ECC – Essex County Council

ExA – Examining Authority

LEMP – Landscape Environmental Management Plan

OWSi – Outline Written Scheme of Investigation

REAC – Register of Environmental Actions and Commitments

2 Purpose Of Submission

2.1 Introduction & Format

2.1.1 The purpose of this submission is to provide a response as appropriate to any submissions arising at Deadline 9. The report comments on the wording for Requirement 14 and comments on the Applicants comments on The Councils Deadline 8 Submission [REP9-065].

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

3 Soil Management Plan – Requirement 14 of dDCO

3.1 Detailed Comments

- 3.1.1 The Councils welcome that a soil management plan is now to be included by way of Requirement. The Councils however suggest that the wording of the requirement may need some refinement, as it is something that will likely require multiple discharges. The current Requirement wording is as follows:

14.—(1) Unless otherwise agreed with the relevant planning authority, no stage of the authorised development may commence until, for that stage, a Soil Management Plan prepared in accordance with Chapter 11 of the Construction Environmental Management Plan describing how construction works should be undertaken to minimise effects on the nature and quality of soil has been submitted to and approved by the relevant planning authority.

(2) The construction works for each stage of the authorised development must be carried out in general accordance with the approved Soil Management Plan referred to in sub-paragraph (1), or with any amended Soil Management Plan that may subsequently be approved by the relevant planning authority

- 3.1.2 The Councils consider that there are two issues with the Requirement wording; the first is one of procedure – the condition is intended to be discharged multiple times, owing to it being required for each stage. Each stage will however likely come forward at different times, owing to the linear nature of the project. As such, it is suggested that the Work Numbers, as set out in Schedule 1, Authorised Development of the dDCO [REP9-007], are included in the condition as appropriate. By including the stages, it would enable the contractor to apply to part discharge stage 1 for example, and for auditing / monitoring purposes, the discharging authority can readily see what has been discharged and what hasn't.

3.1.3 The second change is one of the wording more generally. The Councils consider that the following should be omitted from the wording (red / strikethrough):

14.—(1) Unless otherwise agreed with the relevant planning authority, no stage of the authorised development may commence until, for that stage:

[List of relevant stages where ground works are appropriate]

a Soil Management Plan prepared in accordance with Chapter 11 of the Construction Environmental Management Plan describing how construction works should be undertaken to minimise effects on the nature and quality of soil has been submitted to and approved by the relevant planning authority.

(2) The construction works for each stage of the authorised development must be carried out in ~~general~~ accordance with the approved Soil Management Plan referred to in sub-paragraph (1), or with any amended Soil Management Plan that may subsequently be approved by the relevant planning authority

3.1.4 The removal of the word 'general' from the Requirement is necessary as this allows for flexibility which could have unintended consequences by leading to soil quality degradation. The Councils consider that the soil management plan should be robust enough to be able to be followed in full. Should an amendment be required, then this can be agreed with the Local Authority as stipulated by the Requirement.

4 Archaeological Comments

4.1 Overview

4.1.1 This section responds to some of the comments made by the Applicant on the Councils Deadline 8 submission [REP8-040], using the reference numbers in Table 4.1.

4.2 Ref 3.2

4.2.1 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.

4.2.2 The “interim results” provided amount to an email briefly summarising the archaeological features revealed within each trial trench, this would not be considered sufficient information to propose mitigation. Proposals for mitigation would follow a programme of post excavation analysis and assessment, the results of which would be presented, with accompanying plans, in an evaluation report.

4.2.3 The points raised under 3.2 have not been addressed in the Applicants comments (REP9-065).

4.3 REF 5.2.1-7 and 5.2.11-13

4.3.1 The Applicant states that the targeting 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.

4.3.2 The level of archaeological trial trenching that has been undertaken does not meet the recommended standards for archaeological evaluation in Essex. In Essex it is recommended that archaeological evaluation by trial trenching should aim to cover 5% of the development area to enable a statistically

representative sample of the area to be investigated. This coverage would enable a more accurate understanding of the nature, scale, complexity and extent of archaeological remains and is vital in determining an appropriate mitigation strategy. The evaluation that was completed covered less than 1.5% of the area where there may be an impact on archaeological remains from undergrounding of cables. This would not be considered a statistically representative sample to determine an appropriate mitigation strategy and a further programme of archaeological evaluation is required to provide sufficient information on the extent and significance of any archaeological remains within the area.

- 4.3.3 A mitigation strategy has been proposed prior to the completion and production of the evaluation report for the area that has been subject to limited trial trenching. The evaluation report would also be expected to provide an analytical assessment on the reliability of the geophysical and non-intrusive surveys. The Applicant has failed to provide evidence which demonstrates the reliability and accuracy of these non-intrusive surveys, or their worth in determining a mitigation strategy.
- 4.3.4 The application, therefore, does not provide sufficient information to propose a mitigation strategy in the areas that have been subjected to a minimal level of archaeological evaluation by trial trenching.
- 4.3.5 The Applicant has failed to provide sufficient information to identify areas that can be removed from the requirement for further archaeological work or mitigation at this time.
- 4.3.6 Removing areas from further investigation at this stage without adequate supporting evidence is contrary to what is stated in Document 6.2.8 Environmental Statement Ch 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”.

- 4.3.7 In addition, mitigation is proposed in areas which have not been subject to any archaeological evaluation such as access roads, temporary compounds, planting etc. Archaeological monitoring and recording would not be recommended on areas where the potential for archaeological remains is unknown. These areas should be the subject of an archaeological evaluation by trial trenching in the first instance. This would allow a suitable mitigation strategy to be proposed.
- 4.3.8 The points raised under 5.2.1-7 and 5.2.11-13 have not been addressed in the Applicants comments (REP9-065).
- 4.4 REF 5.2.8 and 5.2.15 Geoarchaeology and palaeoenvironmental assessment
- 4.4.1 The area of the proposed trenchless crossings have not been adequately evaluated, the test pits proposed for these locations were not excavated and so limited information from this area has been obtained. The mitigation proposed is vague and does not constitute an appropriate geoarchaeological investigation.
- 4.4.2 The Applicant has failed to provide sufficient information in the areas of the trenchless crossings. The Geoarchaeological Desk based Assessment has not been submitted as part of the evidence base and no intrusive work has taken place in this area to inform on the nature of the deposits that may be encountered.
- 4.4.3 The Historic England regional science advisor should be consulted on the proposed mitigation for Geoarchaeological and Palaeoenvironmental assessment to inform the OWSI.
- 4.4.4 The points raised under 5.2.8 and 5.2.15 have not been addressed in the Applicants comments (REP9-065).

4.4.5 Finally, requested changes within the OWSI have been made to address points 5.2.14 and 5.2.15. The Historic Environment Advisor has no further comments on these points.

5 Detailed Comments on Updated LEMP [REP9-039]

5.1 Overview

5.1.1 The Councils remain concerned about the adequacy of the LEMP, both from a quality point of view (as drafted), but also the fact that it should form an outline LEMP with a detailed submission to follow by way of Requirement.

5.1.2 The Council have however reviewed the latest version of the LEMP as submitted at Deadline 9 and comment as below.

5.2 Detailed Comments

5.2.1 Para 2.4.2: We welcome the inclusion of landscape architects as one of the environmental specialists employed by National Grid to advise on the design refinements and the micro-siting of project components when appropriate, although The Councils submit that the relevant Local Authority landscape officer should be party to these discussions/deliberations.

5.2.2 Para 2.5.7: We welcome that a landscape architect is included in the specialists undertaking pre-construction walkover surveys to assist in micro-siting the works to minimise tree loss, although again, the Councils consider that the Local Authority should have some involvement in this.

5.2.3 Section: 8.1 General Approach: still appears to cover reinstatement and mitigation planting not compensation planting which The Councils have always argued is necessary to effectively mitigate the impacts of the project.

5.2.4 Para 8.1.2 Item 4 in relation to length of aftercare period proposed does not ensure the baseline position is maintained over time in order for the biodiversity net gain to be secured in the long term (see comments on aftercare in The Councils Deadline 10 Final Position Statement).

5.2.5 Section 8.2 Landscape and Ecological Reinstatement Plans: this still appears to reference mitigation but not compensation for landscape and visual effects. Para 8.2.7 refers to areas identified for compensation of

existing habitats lost during construction but not for landscape and visual effects. The Environmental Gain Report (application document 7.4) gives a short outline of proposed environmental gain in relation to landscape and visual factors but does not elaborate on the quantity of losses, the strategic objectives these discreet projects deliver on nor how they relate to relevant character objectives, for instance. The Councils submit that this is an omission and the Environmental Gain Report should be updated.