

BT-NG-020621-545-0311

# Bramford to Twinstead Reinforcement

Volume 8: Examination Submissions

Document 8.12.2: Applicant's Comments on Other Submissions Received at Deadline 9

Final Issue A  
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nationalgrid



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# Contents

<b>1.</b>	<b>Introduction</b>	<b>1</b>
1.1	Purpose of the Document	1
1.2	Project Overview	1
1.3	Structure of the Document	1
<b>2.</b>	<b>Applicant’s Specific Comments on the Submission from Suffolk County Council</b>	<b>3</b>
2.1	Introduction	3
2.2	Response Table	4
<b>3.</b>	<b>Applicant’s Specific Comments on the Submission from Babergh and Mid Suffolk District Council</b>	<b>20</b>
3.1	Introduction	20
3.2	Response Table	20
<b>4.</b>	<b>Applicant’s Specific Comments on the Submission from Essex County Council and Braintree District Council</b>	<b>22</b>
4.1	Introduction	22
4.2	Response Table	22
	<b>References</b>	<b>29</b>
	Table 2.1 – Applicant’s Comments on the SCC Deadline 9 Submissions [REP-072 and REP-073]	4
	Table 3.1 – Applicant’s Comments on the BMSDC Deadline 9 Submission [REP9-070]	20
	Table 4.1 – Applicant’s Comments on the ECC/BDC Deadline 9 Submission [REP9-071]	22

# 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 9 (23 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. A full description of the project can be found in Environmental Statement (ES) Chapter 4: Project Description [APP-072].
- 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 9 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 provides a response.
- 1.3.2 The submissions received from other Interested Parties at Deadline 9, and which have been commented on are:
- Chapter 2: Suffolk County Council (SCC) Deadline 9 submission comprising:
    - SCC and Babergh and Mid Suffolk District Council's (BMSDC) Final Position Statement [REP9-072];
    - SCC Comments on any Other Submissions Received at Deadline 8 [REP9-073]; and
    - Response to the Applicant's Draft Development Consent Order (DCO) and the Applicant's Response to the Examining Authority's Recommended Amendments to the draft DCO [REP9-074].

- Chapter 3: BMSDC Deadline 9 Submission [**REP9-070**]; and
- Chapter 4: Essex County Council (ECC) and Braintree District Council (BDC) Deadline 9 Submission [**REP9-071**].

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 or where it has deferred to another Interested Party on a specific matter. Therefore, the numbering in the response tables below is not consecutive.

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

### 2.1 Introduction

- 2.1.1 Table 2.1 summarises the Applicant's comments on submissions provided by SCC at Deadline 9 and the joint Final Position Statement with BMSDC. For comments on submissions provided by and only relating to BMSDC, see Chapter 3. In some cases, where the point raised is lengthy, the Applicant has summarised the key points to keep the document concise.
- 2.1.2 In terms of the SCC and BMSDC Final Position Statement [REP9-072], the Applicant notes that this repeats the comments from the Host Authorities' Letter at Deadline 8 [REP8-044], which the Applicant responded in full at Deadline 9 in the Applicant's Comments on Host Authorities' Deadline 8 Letter [REP9-064] and therefore has not sought to do so again here. The Final Position statement reiterates that SCC and BMSDC support the principle of the project and important aspects of it, including undergrounding in the Stour Valley and the removal of redundant 132kV transmission lines. However, SCC and BMSDC also consider that there are 'shortcomings' in the Applicant's proposals for the implementation and control of the construction of the project (primarily around the status of the Management Plans), that have led SCC and BMSDC to formally object to the making of the DCO in the terms currently proposed by the Applicant.
- 2.1.3 As stated in the Applicant's Comments on Host Authorities' Deadline 8 Letter [REP9-064], the Applicant maintains that it has engaged extensively with the Host Authorities to try and resolve matters. It has made substantial changes to the Management Plans in response to feedback received (both prior to application and during examination) to secure additional mitigation and detail. However, in the Applicant's view, SCC and BMSDC have continued to press for unnecessary details to be provided and activities controlled without evidence as to why this is required. It is not necessary or appropriate for local authorities to control every detail of construction of a major infrastructure project. The Applicant considers that the remaining matters not agreed and its position on these is outlined within the Statement of Common Ground Local Authorities (**document 7.3.1 (E)**).
- 2.1.4 Given the project fundamentals are supported (after many years of productive dialogue and refinement) the Applicant is surprised at the Councils' position. The Applicant is unclear how these relatively minor issues (non-significant effects and in some cases not even material considerations) lead to SCC and BMSDC concluding that they cannot support the project in its current form. From the Applicant's perspective, the project is well developed, well mitigated, evidence based and compliant with planning policy, as evidenced in the Planning Statement [REP6-011] which concludes that '*Overall, the planning balance lies overwhelmingly in favour of the grant of development consent for the project, thus securing the project's benefits for generations to come*'. The Applicant would also make reference to the Closing Statement (**document 8.12.3**) submitted at Deadline 10 for an overview of the Applicant's case at the end of the Examination.

## 2.2 Response Table

2.2.1 The above text responds to the general points covered within the ‘summary’ section (paragraphs 1-6) of the SCC and BMSDC Final Position Statement [REP9-072] and are not repeated in Table 2.1. As the remaining matters in the Final Position Statement also repeat many points previously covered, the Applicant has summarised these and provided a signpost to where the matter has been previously addressed rather than repeating its position in full except where the Applicant considers a response in full might be of assistance. The remaining submissions from SCC, providing comments on specific matters have typically been responded to in full.

Table 2.1 – Applicant’s Comments on the SCC Deadline 9 Submissions [REP-072 and REP-073]

Ref	Matter	Point Raised	Applicant’s Comments
<b>Comments on SCC and BMSDC Final Position Statement [REP9-072]</b>			
Management Plans 9, 11-14	Management Plans	SCC considers that the management plans require substantial revision and a two-stage, (outline and final) process.	The Applicant has responded to this in the Applicant’s Comments on Host Authorities’ Deadline 8 Letter [REP9-065].
Management Plans 10 and 15	Outline Scheme Investigation (OWSI)	Written of SCC cannot approve the OWSI until serious amendments have been made.	The Applicant has responded to the specific comments raised on the OWSI in the Applicant’s Response to Interested Party Comments on Management Plans [REP7-022] and in the Applicant’s Comments on Other Submissions Received at Deadline 8 [REP9-064].
Management Plans 16	Construction Traffic Management Plan (CTMP)	SCC provided comments on the CTMP at paragraphs 12.75 – 12.94 [REP1-045] Annex D paragraphs D.114 – D.132 [REP1-044], Table 1 (Monitoring and Enforcement of Construction Traffic) [REP2-013], Table Item 4.2.a [REP4-021], Table 9 (Progress of the CTMP) [REP5-033], Table Item 4.2 [REP6-057], and questions DC2.6.13, DC2.6.15, and DC2.6.22 [REP7-033].	The Applicant has responded to the SCC comments on the CTMP in [REP3-049] in response to [REP1-045] and [REP1-044], in [REP3-044] in response to [REP2-013], in [REP5-025] in response to [REP4-021], in [REP6-045] in response to [REP5-033], in [REP7-026] in response to [REP6-057] and in [REP8-033] in response to [REP7-033].
Management Plans 17-21	Public Rights of Way Management Plan (PRoWMP)	SCC notes that the Technical note on Public Right of Way (PRoW) closure sequencing [REP6-049] is not referenced within the PRoWMP.	The Technical Note on Public Right of Way Closure Sequencing [REP6-049] is based on indicative dates and assumptions on the sequencing of project interactions with PRoW as per the preliminary design and programme for the project. The Technical Note was provided for information to help the Councils understand the potential impact of multiple interactions including closures. The Applicant is not of the view that it is appropriate to secure the detail of the assessment in the Technical Note as part of the PRoWMP, but notes that Appendix A of the PRoWMP does include a full list of the anticipated interactions, including closures, with PRoW for the duration of the project. The

			<p>PRoWMP was submitted during Examination as a direct result of feedback from the Councils during the Examination process.</p> <p>The sequencing of PRoW closures will depend on the development of the full construction programme, which will be shared with local authorities as set out in Requirement 3.</p> <p>Detail of closure sequencing represents micro detail of a construction programme; and construction programmes are always subject to change over time. Given that the closures will be short in duration and managed as set out in the PRoWMP, the Applicant does not accept that there is a necessity for their sequencing to be secured in the PRoWMP. Nor is it considered likely that Councils having 'control' over this matter would have any beneficial effects for users of PRoW. Should timescales for closures or sequencing vary over time, this is unlikely to be something Councils (or the Applicant) has a great deal of control over. For example, the Applicant cannot safely re-open a PRoW before works are completed.</p>
Working Hours 22	Requirement 7	SCC consider amendments are required to the construction (working) hours to safeguard the interests of local communities and countryside users.	The Applicant has responded to this in the Applicant's Comments on Host Authorities' Deadline 8 Letter [REP9-065].
Working Hours 23-26	Abnormal Indivisible Load (AIL) Movements	SCC consider that whilst AIL movement could progress at night across the prescribed sections, they would need to progress on the local road network amongst rural roads in daylight.	<p>The Applicant notes the comment in respect of AIL movements but does not consider that this has any material implication in respect of matters stated in either the Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's Draft DCO [REP8-032] or the Applicant's Comments on Host Authorities' Deadline 8 Letter [REP9-065].</p> <p>The Applicant further notes that the particulars of any AIL movement would be determined in accordance with the restrictions in force at the time the delivery is required as also referenced in the Applicant's response at Deadline 8 [REP8-036].</p>
Discharge of Requirements 27-28	DCO Schedule 4	SCC disagrees with the time period in paragraph 1(1) of Schedule 4 to the draft DCO [REP8-005] for the discharge of requirements.	The Applicant has responded to this in the Applicant's Comments on Host Authorities' Deadline 8 Letter [REP9-065].
Discharge of Requirements 29	Requirement 6 (archaeology)	SCC remains concerned regarding the phrasing of Requirement 6 (Archaeology). SCC maintains its position in respect of the drafting of this requirement with regards to provision for post-excavation assessment, reporting, publication, dissemination of results and archiving.	The Applicant maintains that as the details for post-excavation assessment, reporting, publication, dissemination of results and archiving is within, and secured through the OWSI and there is no need for separate wording in Requirement 6.



Adequacy of New Requirement Landscape Mitigation and Compensation 30-31	The Host Authorities do not consider that the current proposals for landscape and visual mitigation are adequate.	The Applicant has responded to this in the Applicant's Comments on Host Authorities' Deadline 8 Letter [REP9-065].
Control and Aftercare Supervision of effective control LEMP and BNG 32	The Host Authorities consider that the provisions for aftercare (including durations) are not acceptable.	The Applicant has responded to this in the Applicant's Comments on Host Authorities' Deadline 8 Letter [REP9-065].
Control and Aftercare Supervision of effective control LEMP and BNG 32	The lack of control afforded to the relevant local authorities in the process of aftercare, for mitigation and BNG, and consequently, the inability for the Host Authorities to monitor and secure satisfactory outcomes on behalf of the communities they represent, is wholly unacceptable.	<p>The Applicant added LV04 to the CoCP [REP9-035] and REAC [REP9-037] at Deadline 9 which states '<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 Development Consent Order</i>'.</p> <p>The Applicant is of the view that this measure would address SCC's concern.</p>
Economic Development, Skills and Tourism 33-36	Ascertain the likelihood of impacts the SCC maintain that the Applicant has not provided a thorough, evidence based, examination of the likelihood of local employment opportunities on the project.	The Applicant has responded to this in the Applicant's Comments on Host Authorities' Deadline 8 Letter [REP9-065].

**SCC Comments on any other submissions received at Deadline 8 [REP9-073]**

**SCC Comments on the Temporary and Permanent Access Technical Note – SCC [REP8-030]**

1a	Access points	<p>Previous comments on the Technical Note still stand and can be viewed in Deadline 8 Submission, SCC, Comments on any other submissions received at Deadline 7 [REP8-047]. SCC considers that the Applicant readily accepts significant adverse impacts on vegetation and/or vegetation losses for temporary access points rather than actively seeking to minimise impacts on vegetation and fully exploring alternatives. The impacts on vegetation must be expected to result in adverse effects on the local landscape character, where these impacts occur. The following temporary access routes have not yet been further assessed, despite serious concerns being previously raised by SCC: G-AP1/P-G-1 and E-DAP4.</p>	<p>The Applicant does not accept that there are significant adverse effects on vegetation, rather it must assume worst case as part of the EIA and considers that the vegetation losses on this Nationally Significant Infrastructure Project (NSIP) are low, especially when considering residual effects and the vegetation that would be replaced following construction. Vegetation loss has been taken into account in the landscape and visual impact assessment and the assessment on landscape character.</p> <p>The Applicant disagrees that it has not/ will not actively seek to minimise impacts on vegetation and sees no justification for this statement from SCC. The Applicant has minimised vegetation loss, both through avoiding features such as woodland areas through the corridor and alignment routing (see ES Chapter 3: Alternatives Considered [APP-071] and through embedded measures set out in the REAC [REP9-037]. In addition, the Applicant has</p>
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reduced the loss further by narrowing the gaps in hedgerows associated with the construction works. This will continue into detailed design.

The majority of vegetation would be reinstated in situ and where this is not possible (due to safety restrictions of not planting trees over the underground cables and retaining necessary safety clearances from the overhead line) the vegetation would be replaced as near as practicable to where it was removed. In addition, the Applicant is delivering 10% biodiversity net gain (BNG), so there would be an overall increase in vegetation and habitats created by the project.

As stated in the Applicant's Comments on Other Submissions Received at Deadline 8 [REP9-064], the Applicant has already undertaken more detailed assessment of accesses identified by SCC as 'of concern' 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 [REP9-040] then these would be submitted for approval of the relevant planning authorities, in accordance with Requirement 8 of the draft DCO [REP9-006].

1b	Effect of Requirement 8	<p>In the second sentence of the Applicant's paragraph, which is repeated several times in the document, it should probably read 'removal of vegetation' rather than 'approval of vegetation'.</p> <p>While SCC appreciates this control mechanism, there is the concern that, once bellmouth and access route proposals are part of the suite of consented documents, there will be limited opportunity for changes to the designs to reduce vegetation losses.</p>	<p>The Applicant notes SCC's response, and agrees that the relevant sentences in the Temporary and Permanent Access Technical Note – Suffolk County Council [REP9-062] should instead read as follows: <i>'Requirement 8 (Retention and removal of trees, woodlands and hedgerows) prevents any stage of the authorised development from being commenced until a plan showing the trees, groups of trees, woodlands and hedgerows to be retained and/or removed during that stage has been approved by the relevant planning authority.'</i></p> <p>With regards to the second matter, the Applicant maintains that the vegetation loss assumptions used for the application and the ES, are based on a reasonable worst case. The LEMP [REP9-044] describes the measures that would be taken during detailed design and during the pre-construction walkover surveys to further avoid and reduce vegetation loss. The Applicant (and its Contractor) would be seeking to reduce vegetation loss as much as possible, as any vegetation loss needs to be replaced before considering net gain (in accordance with the Defra metric).</p>
1c-1e	Specific comments on access points:	SCC has provided specific comments on access points:	See the response to 1a above in relation to new access points being requested for further assessment.

- D-DAP2 Millwood Road (Access to Dedham Vale East CSE compound);
- AP4 Stoke Road, Leavenheath (Access to Dedham Vale West CSE compound);
- G-AP3: B1508 Bures Road, Sudbury (Access to Stour Valley East CSE compound).

SCC considers that, when the changes in reinstatement and mitigation planting will be made, a placemaking approach will be required and new hedgelines (and trees) should be provided on either side of the access, in such a way that they will accommodate the required visibility splays, while delivering adequate mitigation.

If during the detailed design, the vegetation removal and reinstatement would be different to what is currently assumed, then updated versions of LEMP A: Retention and Removal Plan [REP9-040] and LEMP B: Reinstatement Plan [REP9-041] would be submitted in accordance with Requirement 8 and 9 of the draft DCO [REP9-006].

**SCC Comments on the Applicant's Comments on Responses to Second Written Questions [REP8-033]**

2a	LV2.9.2 Strategic Hedgerow Planting	SCC considers that as part of a strategic planting scheme conflicts with land uses and proposed developments could be avoided. SCC considers that there are missed opportunities for additional planting, around Bramford and elsewhere.	The Applicant does not consider there to be a need for a strategic planting scheme on the project. The Applicant has responded on the matter in relation to planting around Bramford Substation in the Applicant's Comments on Host Authorities' Deadline 8 Letter [REP9-065] and has no further comment to make on this matter.
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**SCC Comments on the Applicant's Comments on Other Submissions Received at Deadline 7 [REP8-036]**

3a	LEMP	SCC considers that in situations where potential conflict can arise with the proposed works are where retained vegetation will need protective measures most.	The Applicant agrees that there will be some situations where there will need to be a balance between the proposed works and the measures required to protect vegetation and that is the very reason why flexibility is required in the wording in Section 6.2 of the LEMP [REP9-044].
3b	Outline LEMP	Applying the Rochdale envelope refers to the assumption of a reasonable worst-case scenario. SCC considers that it should then be verified in the detailed design stage, with the main contractor, whether and how improvements on the worst case can be made. With regards to vegetation losses, there should be an active engagement by the contractor to reduce such losses. There is concern that if the LEMP and its appendices are the final documents, there is no incentive to do this, and that vegetation will be removed as per the consented Vegetation Retention and Removal Plan.	<p>The Applicant has applied a reasonable worst-case assumption when identifying the vegetation that would be affected as shown on LEMP Appendix A: Vegetation Retention and Removal Plans [REP9-040]. The Applicant considers, that based on its experience from previous projects, that the Main Works Contractor, once appointed, would likely confirm a reduction in the vegetation that would be cleared to that assumed in the ES.</p> <p>The Applicant maintains that it is in its interest to continue to refine and reduce the areas of vegetation affected, as any vegetation loss needs to be replaced to achieve 'no net loss' in the Defra metric before a gain can then be achieved. Like for like replacement does not achieve 'no net loss', and additional habitat creation will be required to achieve the same biodiversity value to baseline</p>

conditions. This is an iterative process and an incentive to continue to work with contractors during detailed design to further reduce vegetation loss.

3c	Hard surfacing of materials of temporary access routes (p. 11)	SCC would neither wish to specify nor to take on liability for design and finishes of temporary access routes; SCC does however consider that it should be able to retain some control over the suitability of such designs and finishes for the location and the potential adverse impacts on adjacent vegetation.	The Applicant is unclear why the Council considers that it should have ‘control’ over the suitability of temporary features which serve an engineering function for a limited time and then would be removed and the land use reinstated. The Applicant maintains that the control requested by SCC is unnecessary.
3d	Aftercare and 9.1.5)	(9.1.4) SCC considers that it would be not only in the interest of the project, but also of the Applicant to show more flexibility regarding aftercare periods. The successful establishment of the reinstatement and mitigation planting provides the baseline for any potential BNG. If reinstatement and mitigation planting fail, this will need to be subtracted from BNG. This could result in requirements for BNG set by the Applicant’s regulator Ofgem not being met. Robust and effective monitoring schemes and involvement and control for the relevant local planning authority in this process are considered essential.	The Applicant has responded to this matter in its response to line item 3.4 in Table 4.1 of the Applicant’s Comments on Other Submissions Received at Deadline 8 [REP9-064].
3e	Compensation	The Applicant has been selective in quoting the National Policy Statement (NPS) EN-1 (2024). SCC considers that a different emphasis emerges when looking at the relevant paragraphs in full.	The Applicant respectfully disagrees with the Council on the interpretation of the policy quoted in paragraph 4.2.10-12 of EN-1.

**SCC Comments on the Braintree District Council and Essex County Council D8 Response [REP8-040]**

4a	Soil management	SCC wholly support the statements made by the soil specialist consultant as outlined in the submission.	The Applicant has responded to the comments from the soil specialist in Table 4.1 of the Applicant’s Comments on Other Submissions Received at Deadline 8 [REP9-064]. In addition, the Applicant added Requirement 14 into the draft DCO at Deadline 9 [REP9-006] to say that a Soil Management Plan will be submitted to and approved by the relevant planning authority. This matter has now been agreed between the parties in the Statement of Common Ground (SoCG) submitted at Deadline 10 (document 7.3.1 (E)).
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**SCC Responses to the Applicant’s draft DCO and the Applicant’s response to the ExA’s recommended amendments to the draft DCO [REP9-074]**

1	Article 2 – definition of bank holiday	– The definition is fine; however, because the term “Bank Holiday” is only used in Schedule 3 (Requirements) – specifically, in Requirements 2(1), 7(1), 7(3) and 7(4)(e) –	The Applicant notes that the term “Bank Holiday” is also used in the definition of “business day” in Article 2(1) of the draft DCO [REP9-006].
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		the definition should be moved from Art.2 (interpretation) to paragraph 1(1) (interpretation) of Schedule 3.	From the Applicant’s perspective, it is therefore appropriate to retain the definition of “Bank Holiday” in Article 2(1) as currently drafted.
2	Article 2 Management Plans	– These changes are fine, save for the name of the final listed document. The document in the Examination Library is the ‘Public Right of Way Management Plan’ and not the “Public Rights of Way Management Plan”.	The Applicant is grateful to SCC for drawing attention to this minor typographical error.  The Applicant anticipates that the Examining Authority (ExA) will make the necessary correction to Article 2(1) in the event that it is minded to recommend the making of the DCO.
3	Article 2 Environmental Statement	– There is no definition of “Errata List” in article 2(1) (interpretation) and SCC considers one is needed.	The Applicant does not consider that a definition of ‘Errata List’ is necessary. The purpose and effect of that document is self-evident, noting that the Errata List is intended to become a certified document in any event.
8	Art.15 (temporary stopping up of streets and PRow)	<p>SCC considers the words ‘<i>with the consent of the street authority</i>’ should be included in article 15(2); however, the words “(such consent not to be unreasonably withheld or delayed)” should be omitted. As stated in previous representations, in several provisions, SCC is under a requirement to approve various documents, and provision is made to say that approval must not be unreasonably withheld or delayed and there is also a provision that it is deemed to be given after 28 days.</p> <p>In several cases this appears to be unprecedented in DCOs or not well precedented. For instance, the words are also included in subparagraph (5)(b) of article 15; however, they do not appear in the equivalent provisions of the previous National Grid DCOs cited by the Applicant as precedents in section 3.19 of the Explanatory Memorandum [REP8-006] i.e. Network Rail (Ipswich Chord) Order 2012; National Grid (King’s Lynn B Power Station Connection) Order 2013 or National Grid (Hinkley Point C Connection Project) Order 2016.</p> <p>No justification is provided for the inclusion of both “unreasonably withheld or delayed” and a very short deeming provision.</p> <p>SCC will be receiving considerable numbers of requests for approval and will of course ensure that they are dealt with as quickly as possible. With the deeming provisions included there is no need to say that the approvals must not be unreasonably withheld or delayed, and in some cases the deeming provisions are unprecedented and unnecessary.</p>	The Applicant’s position on each of the matters raised by SCC remains as set out in its response [REP3-052] to ExQ1 DC1.6.22 to DC1.6.24 (inclusive) of the ExA’s First Written Questions [PD-005], and more particularly in its Comments on Suffolk County Council’s and Babergh and Mid Suffolk District Council’s Local Impact Report [REP3-049].

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Moreover, by section 161(1)(b) (breach of terms of order granting development consent) of the Planning Act 2008, it is an offence for a person to fail to comply with the terms of a DCO. SCC considers it excessive for it to potentially face criminal liability in these circumstances.

SCC considers art.15(2) should state – “(2) Without limitation on the scope of paragraph (1), the undertaker may, with the consent of the street authority, use as a temporary working site any street or public right of way which has been temporarily stopped up, altered or diverted under the powers conferred by this article”.

For the reasons set out above, as well as being omitted from article 15(2) and 15(5)(b), the words “unreasonably withheld or delayed” should be omitted from the following articles: 11(2) (street works); 14(4) (power to alter layout, etc. of streets); 16(1)(b) (access to works); 19(3) and 19(4)(a) (discharge of water); 21(5) (authority to survey and investigate the land); 47(2) (traffic regulation); and 52(1) (procedure regarding certain approvals etc.).

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11	Article 47 (traffic regulation)	<p>As stated in its Response to the ExA’s Schedule of Changes to the draft DCO, SCC agrees to these changes.</p> <p>In addition, and as mentioned in previous submissions (e.g. Post-hearing Submission for ISH2 on the DCO and related matters [REP4- 043]) SCC considers the powers in paragraph (1) should be subject to SCC’s consent and so should be amended as follows – ‘<i>Subject to the provisions of this article, <b><u>and the consent of the traffic authority in whose area the road is situated</u></b>, the undertaker may at any time for the purposes of construction <del>or maintenance</del> of the authorised development or for purposes ancillary to the construction <del>or maintenance</del> of the authorised development—</i>’</p> <p>The precedent cited in paragraph 3.51.2 of the Explanatory Memorandum, (article 40 of the National Grid (Hinkley Point C Connection Project) Order 2016 (S.I.2016/49)), includes the bold and underlined words, as does the Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I.2014/909; see article 38), which is cited in a footnote to paragraph 3.51.2. (The words are included in the</p>	<p>The Applicant’s position on this matter remains as set out in its Comments on Suffolk County Council’s and Babergh and Mid Suffolk District Council’s Local Impact Report [REP3-049].</p>
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corresponding provisions of other DCOs which are not cited in the Explanatory Memorandum).

SCC requested that the same amendment be made to the final draft version of the Sizewell C (Nuclear Generating Station) Order 2022 (S.I.2022/853) and, following the ExA's recommendation to include the words, they were included in the Order made by the Secretary of State.

SCC considers the same approach should be followed here.

12	Article 47 (traffic regulation)	SCC notes the justification in the Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's Draft DCO for the inclusion of paragraph (6). It is not clear, however, why the period of five years has been chosen. It is also not clear how the Applicant will inform the traffic authority of any expiration mentioned in paragraph (6) and how much notice will be given. Finally, paragraph (6) needs to provide for the undertaker providing, at its own expense, any replacement signage or other steps required by the traffic authority in advance of any expiration.	Whilst SCC's submissions are noted, it is important to emphasise the point that paragraph (6) of Article 47 is intended to operate as a safeguard or 'backstop' mechanism.  Noting that powers are only exercisable pursuant to paragraphs (1) and (2) in relation to the construction of the authorised development, the Applicant anticipates that most, if not all, traffic regulation orders will be removed well in advance of the expiry of the five year period referenced in paragraph (6). However, the Applicant considers that a five year period remains necessary to ensure that sufficient flexibility is retained in the event of unforeseen circumstances arising.  The Applicant also considers that the replacement of signage (and indeed any other similar practical steps related to the expiration of traffic regulation orders implemented pursuant to Article 47) is most appropriately addressed through the Framework Highways Agreement. The Applicant would be pleased to consider SCC's further proposals in this respect.
13	Article 48 (felling or lopping)	As stated in its Response to the ExA's Schedule of Changes to the draft DCO, SCC agrees to this change.  To avoid any confusion, SCC considers it would be helpful if the undertaker notifies the highway authority before it fells, lops etc. in circumstances when the consent of the highway authority is not required and so article 48(8) should be further amended to state – <i>'(8) The consent of the relevant highway authority is not required under paragraph (4) where –</i>  <i>(1) the tree to be felled, lopped, pruned, cut, trimmed, coppiced, pollarded, or reduced in height or width is described or shown in as 'affected vegetation' on the Landscape and Ecological Management Plan Trees and Hedgerows to be Removed or Managed Plans and</i>	The Applicant would not object to the inclusion in Article 48(8) of a notification provision in the form suggested by SCC.  However, the Applicant is concerned that the inclusion of such a mechanism is likely to be administratively burdensome for all parties, noting especially in this context the previous submissions made by SCC as to the number of documentary submissions and requests for approval which the host authorities are already set to receive on both this and other NSIPs.  The Applicant's position as to the utility of the words "or near" in Article 48(1) remains as set out in its Comments on Suffolk County Council's and Babergh and Mid Suffolk District Council's Local Impact Report [REP3-049].

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(2) *the undertaker has notified the relevant highway authority of its intention to carry out any of the operations described in subparagraph (a)*’.

In addition, and as mentioned in previous submissions (e.g. Post-hearing Submission for ISH2 on the DCO and related matters SCC considers the words “or near” should be deleted from article 48(1).

14	Article 53 (safeguarding)	<p>SCC considers the Applicant’s proposed drafting in article 53(7) is unclear and would be grateful if the Applicant could explain the difference between (i) completion of the decommissioning of the authorised development and (ii) completion of the decommissioning of the final part of the authorised development. Once SCC receives the explanation, it should be able to offer its final view on article 53(7). Subject to receiving that explanation, SCC considers the drafting proposed by the ExA in its Schedule of recommended amendments to the Applicant’s draft DCO to be preferable, because it is clearer.</p> <p>Regarding article 53(8)(ii), SCC considers the Applicant’s proposed drafting is fine. SCC notes the Applicant has not included the ExA’s suggested amendments to article 53(5), notes (in the Applicant’s Response to the Schedule of the Examining Authority’s recommended amendments to the Applicant’s Draft DCO the Applicant’s justification for this, and further notes that, despite its justification, notes the Applicant would <i>‘be content to accept an amendment to Article 53(5) in the form proposed if the Examining Authority was indeed minded to make such a change’</i>.</p> <p>If article 53 is to be retained, SCC considers the ExA’s amendment (i.e. the deletion of the words <i>‘and ensure that the matters raised in any such representation are addressed’</i>) should be made because the additional and unprecedented wording would constitute an unjustified interference with the discretion Parliament has entrusted to local authorities.</p> <p>SCC therefore considers article 53(5) should state – <i>‘In determining an application for planning permission, a relevant planning authority must take into account any representations received in accordance with this article and</i></p>	<p>For the avoidance of doubt, Article 53(7) reads as follows:</p> <p><i>“(7) The requirement to consult will cease to have effect upon completion of the decommissioning of the authorised development or the final part of it.”</i></p> <p>As Section 4.10 (Decommissioning) of ES Chapter 4: Project Description [APP-072] makes clear, there is no certainty as to whether the authorised development will, at an unspecified future point in time, be removed as a whole or in part. Clearly, given the nature of the network reinforcements proposed, there is a potential that the authorised development could be decommissioned in stages.</p> <p>The drafting in Article 53(7) is therefore intended to accommodate such an eventuality and to ensure that the operational protections which Article 53 is intended to afford (and as summarised in the Applicant’s response [REP3-052] to ExQ1 DC1.6.60 to DC1.6.62 (inclusive) of the ExA’s First Written Questions [PD-005]) continue to have practical effect until the point in time at which the last part of the authorised development ceases to exist.</p> <p>The Applicant’s position in respect of Article 53(5) remains as set out in the Applicant’s Response to the Schedule of the Examining Authority’s recommended amendments to the Applicant’s Draft DCO [REP8-032].</p>
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*ensure that the matters raised in any such representation are addressed.*

In any event, SCC maintains its concerns with this article and considers it ought to be removed from the draft DCO.

16	Schedule Requirements (Requirement 1)	3	SCC notes the LEMP refers to ' <i>replacement hedgerow planting</i> ' and would be grateful if the Applicant could explain why that term is not included in the definition of ' <i>reinstatement planting</i> '.	The Applicant considers that ' <i>replacement hedgerow planting</i> ' is already covered within the term ' <i>reinstatement planting</i> '.
17	Schedule Requirements (Requirement 3)	3	As stated in its Response to the ExA's Schedule of Changes to the draft DCO, SCC considers written notice should also be given to the relevant highway authority, which is also responsible for certain pre-commencement operations (for instance, per Requirement 11(3), all pre-commencement operations involving the construction or alteration of temporary accesses). On reflection, SCC also considers a longer notice period would be helpful and would suggest a period of ' <i>no less than 28 days</i> '.	<p>The Applicant respectfully disagrees with the point made by SCC and considers that notification of other authorities in the circumstances contemplated by Requirement 3(1) is a matter wholly for the relevant planning authority to administer.</p> <p>The Applicant is also unconvinced as to the necessity of providing at least 28 days' notice pursuant to Requirement 3(1). Given the nature of the "pre-commencement operations", it is unclear to the Applicant why the relevant planning authority would require an extended notice period.</p> <p>In any event, it is emphasised that Requirement 3(1) already commits the Applicant to providing <u>no less than 7 days</u>' notice.</p>
19	Schedule Requirements (Requirement 5)	3,	As stated in its Response to the ExA's Schedule of Changes to the draft DCO, SCC disagrees with the new text. The discharging authority should be the lead local flood authority (LLFA) (who should consult the relevant planning authority because the approval of the drainage management plan is a function of the lead local flood authority. SCC's position is supported by BMSDC within its administrative areas and by ECC and (we understand) BDC.	<p>The Applicant acknowledges the Councils' position in relation to the identity of the discharging authority for the purposes of Requirement 5 (whilst noting that this is different to the position set out in SCC's response to ExQ1 DC1.6.105 in [REP3-078] where it was suggested that the discharging authority should in fact be the highway authority).</p> <p>The Applicant anticipates that the ExA will make the following amendments to Requirement 5 (shown in bold red text and reflecting the submission made by SCC in [REP9-074]) in the event that it is minded to recommend the making of the DCO:</p> <p><i>"5. —(1) No stage of the authorised development may be brought into operational use until, for that stage, a Drainage Management Plan, to address operational surface water management matters, has been submitted to and approved by the <b>lead local flood authority</b>, after consultation with the relevant <b>planning</b> authority.</i></p> <p><i>(2) The operational use of each stage of the authorised development must be carried out in accordance with the approved Drainage Management Plan referred to in sub-paragraph (1) or with any amended Drainage Management Plan that may subsequently be approved by the <b>lead local flood authority</b>, after consultation with the relevant <b>planning</b> authority."</i></p>

20	Schedule Requirements (Requirement 6)	3, As stated in its Response to the ExA's Schedule of Changes to the draft DCO, SCC agrees to these changes. As stated in [REP8-045], SCC maintains its position in respect of the drafting of this requirement, as set out in paragraph 8.45 to 8.52 [REP1-045], DC1.6.105 [REP3-078], Table Item 1 [REP5-033].	The Applicant's position remains as set out in its Comments on Suffolk County Council's and Babergh and Mid Suffolk District Council's Local Impact Report [REP3-049], in its Comments on Responses to First Written Questions [REP4-029] and in its Comments on Other Submissions Received at Deadline 5 [REP6-045].
21	Schedule Requirements (Requirement 7)	<p>3, Regarding the Applicant's proposed amendments, SCC would comment as follows – Paragraph (2) – the prohibition against piling operations between 1900 and 0700 should apply to Monday to Friday and should apply all day Saturday, Sunday and on Bank Holidays.</p> <p>SCC considers the following amendments should therefore be made to the Applicant's draft DCO.</p> <p>'(1) Subject to sub-paragraphs (2) to (5), work (which includes any pre-commencement operation) may only take place between 0700 and 1900 Monday to Friday and between 0800 and 1700 on Saturdays, Sundays and Bank Holidays (the core working hours), unless otherwise approved by the relevant planning authority.</p> <p>(2) No piling operations may take place between 19.00 and 07.00. on Monday to Friday or on Saturdays afternoons, Sundays or Bank Holidays.</p> <p>(3) No percussive piling operations may take place on Sundays and Bank Holidays and no lorry deliveries may be made to site on Saturday afternoons, Sundays or Bank Holidays.</p>	The Applicant's position in respect of Requirement 7 remains as set out in the Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's Draft DCO [REP8-032].
21	Schedule Requirements (Requirement 7)	<p>3, Paragraph (4)(d) – this amendment is fine. Paragraph (4)(j) – this amendment is fine. Paragraph (4)(k) – this amendment is fine, though SCC does not consider the words '<i>or following a request made by any third party</i>' is justified and should be omitted.</p> <p>SCC considers the following amendments should therefore be made to the Applicant's draft DCO.</p> <p>(4)(k) intrusive surveys, in the instance of an emergency where there is a risk to persons or property <del>or following a request made by any third party.</del></p>	The Applicant's position in respect of Requirement 7 remains as set out in the Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's Draft DCO [REP8-032].

21	Schedule Requirements (Requirement 7)	<p>3, SCC considers the following amendments should be made to the Applicant's draft DCO.</p> <p>(5) Where any work has been delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities in accordance with sub-paragraph (3)(g) the undertaker must, as soon as practicable, notify the local planning authority of the disruption or interruption and explain why that work could not be completed within the core working hours referred to in sub-paragraph (1).</p> <p>(8) In this Requirement, "severe weather conditions" means any weather which prevents work from taking place during the core working hours referred to in subparagraph (1) by reason of physical incapacity (whether for reasons of visibility, ground conditions, power availability, site access or otherwise) or being contrary to safe working practices.</p>	<p>The Applicant's position in respect of Requirement 7 remains as set out in the Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's Draft DCO [REP8-032].</p>
21	Schedule Requirements (Requirement 7)	<p>3, SCC considers the following amendments should be made to the Applicant's draft DCO.</p> <p>(7) No construction activity may take place between 19.00 and 07.00, or on any Sunday or Bank Holiday at:</p> <ul style="list-style-type: none"> <li>● F-AP4;</li> <li>● Pylon PCB 64;</li> <li>● Pylon 4Y004A;</li> <li>● Pylon RB4;</li> <li>● Pylon RB7;</li> <li>● Pylon RB33;</li> <li>● Pylon RB25; and</li> <li>● Pylon 4YLA002.</li> </ul> <p>As shown on Figure 4.1 in the Environmental Statement Figures (document reference 6.4(B)).</p>	<p>The Applicant's position in respect of Requirement 7 remains as set out in the Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's Draft DCO [REP8-032].</p>
22	Schedule requirements (Requirement 8)	<p>3 SCC considers this amendment is fine; however, as stated in its Response to the ExA's Schedule of Changes to the draft DCO, SCC considers sub-paragraph (2) should be amended to require the plan submitted under sub-paragraph</p>	<p>This information is already available as the location, species and condition of the trees, groups of trees, and woodlands are contained within the Arboricultural Impact Assessment [REP9-018]. The results of the hedgerow</p>

			(1) to include more detail, as follows – <i>‘The plan submitted under sub-paragraph (1) must include details of the location, species and condition of the trees, groups of trees, woodlands and hedgerows to be removed and retained during that stage of the authorised development’.</i>	surveys are presented in ES Appendix 7.5 - Important Hedgerows Assessment [APP-115].
23	Schedule requirements (Requirement 9)	3	As stated in its Response to the ExA’s Schedule of Changes to the draft DCO, SCC agreed with the ExA’s recommended amendments for the reasons given by the ExA. SCC considers this provision should state – “(4) The reinstatement planting plan submitted under sub-paragraphs (1) and (2) must be in general accordance with the LEMP Landscape and Ecological Management Plan”.	The Applicant’s position in respect of Requirement 9 remains as set out in the Applicant’s Response to the Schedule of the Examining Authority’s recommended amendments to the Applicant’s Draft DCO [REP8-032].
24	Schedule Requirements (Requirement 10)	3,	SCC requests that the Applicant explains why sub-paragraph (3) does not also refer to the ‘Landscape and Ecological Reinstatement and Mitigation Planting’ section of the LEMP, which sets out (according to the LEMP) “how vegetation and features will be reinstated following construction”. Once SCC receives this explanation, it should be able to reply fully to the proposed amendments to paragraph (3).	As noted in Table 7.1 of the Applicant’s Schedule of Changes to the Draft Development Consent Order [REP9-052], the inclusion of Requirement 10(3) in its present form is a direct response to an amendment proposed in the Schedule of the Examining Authority’s (ExA) recommended amendments to the draft DCO [PD-009].  Notwithstanding the nature of the change already made, the Applicant considers that the ‘Landscape and Ecological Reinstatement and Mitigation Planting’ section of the LEMP is already given practical effect for these purposes through the operation of Requirement 4 (Management Plans).
24	Schedule Requirements (Requirement 10)	3,	SCC considers the reference to ‘5 years’ in sub-paragraph (4) should be changed to ‘10 years’, which would provide for greater ecological improvements.	The Applicant’s position in respect of aftercare durations for the purposes of Requirement 10 remains as stated in the Applicant’s Comments on Host Authorities’ Deadline 8 Letter [REP9-065].
24	Schedule Requirements (Requirement 10)	3,	SCC and the other host authorities do not consider that the current proposals for landscape and visual mitigation are adequate, they consider that a strategic landscape restoration scheme for the project is required, to fully mitigate and to compensate for the adverse effects on the landscape and the communities affected by the scheme. To avoid any potential delay in the determination of the applications, the Councils would be content that this could be secured by an additional Requirement to Schedule 3 of the draft DCO.	The Applicant has responded on mitigation and compensation in the Applicant’s Comments on Host Authorities’ Deadline 8 Letter [REP9-065] and would like to reiterate that the project performs very well in landscape and visual terms, providing 29km of transmission infrastructure with very limited landscape and visual adverse effects and delivering beneficial effects in sensitive landscapes.  The Bramford to Twinstead Reinforcement is a well mitigated project, both in terms of rationalisation of existing infrastructure, undergrounding of the proposed infrastructure in the most highly valued landscapes (Dedham Vale National Landscape and the Stour Valley), by the use of trenchless construction practices at key landscape features and reinstatement and mitigation planting, and will result in long-term landscape and visual benefits in these locations. The project has also committed to a 10% BNG which will complement landscape and visual reinstatement and mitigation planting. As

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such, the benefits of the project will significantly and demonstrably outweigh the harm identified. The Applicant has no further comment to make on this matter.

28	Schedule Requirements	4,	<p>As SCC stated in its Response to the ExA's Schedule of Changes to the draft DCO, it does not follow that a fee for the discharge of a condition under a planning permission is appropriate for the discharge of a requirement related to a NSIP. The scale of work involved in the latter is invariably greater and the work itself more complex. Owing to the presence of deeming provisions in the DCO, the work must also be prioritised and carried out in a short time frame. The complexities and added pressures must be reflected in the fee. Owing to these factors, SCC considers the fee regime under paragraph (3) is insufficient.</p> <p>SCC considers the paragraph (3) should be amended to allow the applicant and relevant authority to agree a different fee from that set out in paragraph (3). SCC considers such agreement could be included in a planning performance agreement which catered for the post-decision stage of the project.</p> <p>In any event, it is essential that the words "or by any other provision of this Order" are included in paragraph (1) because several articles include provision for consent, agreements and approval and there is no reasonable argument as to why the costs of determining those should not incur a fee, particularly since they are subject to deeming provisions and tight timeframes for determination.</p>	<p>The Applicant's position in respect of fees payable pursuant to Schedule 4 remains as documented in the Applicant's Comments on the Host Authorities' Deadline 8 Letter [REP9-064].</p>
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***Comments on the Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's Draft DCO [REP8-032]***

35	Article (planning permission)	10(1)	<p>SCC is not persuaded by the need for this provision because, as the Applicant acknowledges, there is no intention to do what the provision provides for.</p> <p>SCC acknowledges the existence of precedents but notes these provisions are very much the exception rather than the rule for DCO drafting.</p>	<p>The Applicant's position in respect of Article 10(1) remains as set out in the Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's Draft DCO [REP8-032].</p>
37	Article (street works)	11(3)	<p>While SCC considers 35 days is preferable to 28 days, it maintains its position that the period is too short and should be 56 days. The same point applies to the time limits</p>	<p>The Applicant's position remains as set out in its Comments on Suffolk County Council's and Babergh and Mid Suffolk District Council's Local Impact Report [REP3-049], in its Comments on Essex County Council's and Braintree District Council's Local Impact Report [REP3-050] and also in its Response to the</p>

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included in the following provisions: 14(5), 15(9), 16(2), Schedule of the Examining Authority's recommended amendments to the 19(9), 21(8), 47(8), 48(5), and paragraph (1) of Schedule 4. Applicant's Draft DCO [REP8-032].

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# 3. Applicant’s Specific Comments on the Submission from Babergh and Mid Suffolk District Council

## 3.1 Introduction

3.1.1 Table 3.1 summarises the Applicant’s comments to submissions provided by BMSDC at Deadline 9 [REP9-070]. For comments on SCC and BMSDC Final Position Statement [REP9-072], see Chapter 2. The Applicant has not commented on matters that BMSDC has said it is not concerned about, 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.

## 3.2 Response Table

Table 3.1 – Applicant’s Comments on the BMSDC Deadline 9 Submission [REP9-070]

Ref	Matter	Point Raised	Applicant’s Comments
1	7.5.2 Appendix B – REAC	A Net Gain Monitoring and management plan for BNG areas - The Applicant needs to produce this under Requirement 13 (Environmental Gain Report) which will be produced after the first monitoring visit at each BNG site and would be updated after each subsequent visit.	The Applicant is unclear what the Council is referencing here. Requirement 13 covers BNG and states that written evidence (in the form of the outputs of the biodiversity metric) demonstrating how at least 10% in BNG is to be delivered must be submitted to the relevant planning authority no later than the date on which that part of the authorised development comprising the transmission electric line forming part of the authorised development is first brought into operational use.
1	7.5.2 Appendix B – REAC	Method statement for Hintlesham woods clearance – this purely relates to avoiding impacts on breeding birds as agreed with RSPB. This needs to cross ref to construction lighting as previously mentioned to avoid impacts on Barbastelle bats.	The Applicant notes that this commitment EM-AB18 in the REAC [REP9-037] was added following discussions with the RSPB in agreeing the Statement of Common Ground [REP9-048]. Temporary construction lighting is covered within Section 6.4 of the CEMP [REP9-033].
N/A	8.10.3 at section HE2.8.9	The placement of pylons at Hintlesham Hall remains a matter of disagreement as set out in the SoCG.	The Applicant notes that this is identified under the matters not agreed in the Statement of Common Ground Local Authorities (document 7.3.1 (E)).

Ref	Matter	Point Raised	Applicant's Comments
N/A	LV2.9.2 landscape restoration fund	A landscape restoration fund is sought to provide additional landscape and visual benefits and that the Councils are still seeking additional compensation to make the development acceptable in planning terms. The 10% net gain referred to by the Applicant is designed to deliver biodiversity enhancement not landscape and visual enhancement and may not be the most beneficial enhancement solution in landscape and visual terms.	<p>The Applicant has responded on mitigation and compensation in the Applicant's Comments on Host Authorities' Deadline 8 Letter [REP9-065] and has no further comment to make on this matter. A landscape restoration fund is not required to make the development acceptable in planning terms.</p> <p>The Applicant is aware that net gain, is an enhancement and is not compensation. Biodiversity Net Gain has been kept very separate and reported in the Environmental Gain Report [APP-176] from the LEMP so that a clear divide between, mitigation and compensation and enhancements can be made. The Applicant has committed to delivering 10% BNG in advance of this being mandatory on NSIPs. Landscape architects have inputted to the BNG proposals and the Applicant considers that these would provide landscape and visual benefit, as well as biodiversity benefit, as set out in the Environmental Gain Report [APP-176].</p>
N/A	LV2.9.3 Stour Valley West CSE	ECC and BDC support SCC's call for additional tree planting at Stour Valley West CSE to extend the proposed landscape softening. The Applicant talks about only needing to mitigate significant effects, but the Councils maintain that as many adverse effects as possible should be mitigated or compensated for, and that the recently published Overarching NPS for Energy (EN-1), in para 4.1.5, supports this position	The Applicant notes that Stour Valley West CSE compound is not in the district of Babergh and Mid Suffolk but is within the Braintree District. The Applicant has responded to this matter in line item 4.3 of Table 4.1.
N/A	Compensation	The Council considers that compensation for each residual impact should be identified as far as possible and not only residual significant impacts.	The Applicant has responded on mitigation and compensation in the Applicant's Comments on Host Authorities' Deadline 8 Letter [REP9-065] and has no further comment to make on this matter.



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

## 4.1 Introduction

4.1.1 Table 4.1 summarises the Applicant’s comments to submissions provided by ECC and BDC at Deadline 9 [REP9-071]. The Applicant has not commented on matters that ECC/BDC has said it is not concerned about, 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.

## 4.2 Response Table

Table 4.1 – Applicant’s Comments on the ECC/BDC Deadline 9 Submission [REP9-071]

Ref	Matter	Point Raised	Applicant’s Comments
<b>Response to Applicants comments on Examining Authority’s dDCO Amendments [REP8-032]</b>			
3.2	Requirement 1(1)(g) Interpretation	<p>The Councils support the principle of the ExA’s suggested wording for Requirement 1(1)(g), whereby start up and close down activities, which are outside of core working hours, should not lead to adverse impacts on residential amenity.</p> <p>The Councils note the Applicant’s rationale for raising concerns with the suggested wording of the ExA. The Applicant also refers to additional measures put forward in the CEMP. However, from a review of Chapter 14 of the CEMP, it is not apparent where an amendment has been made to capture the suggested change of the ExA, which would transpose across the entire development for start-up and close down activities.</p> <p>The wording for Requirement 1(1)(g) could be amended to better avoid any ambiguity, but still ultimately retain the principle of limiting activities in the start-up and close down periods which would likely lead to noise impacts for Noise Sensitive Receptors outside of the core working hours.</p>	<p>The Applicant added text to paragraph 2.3.2 to the CEMP [REP9-033] at Deadline 8 covering this matter.</p> <p>In addition, a new measure was added to the REAC [REP9-037] at Deadline 9 which states ‘<i>Construction related noise levels will not exceed 55dB at the nearest Noise Sensitive Receptor as shown on Figure 14.1: Noise Baseline in the ES Figures Part 9 (application document 6.4.9) during start-up and close down activities (as defined in Schedule 3 to the draft DCO (document 3.1))</i>’.</p> <p>Therefore, the Applicant considers this to be suitably secured and no change is required to Requirement 1(1)(g).</p>

Ref	Matter	Point Raised	Applicant's Comments
3.3	Requirement 4 – Management Plans	<p>The Councils support the ExA's amendments to add a new sub-paragraph to 4(4) to ensure that any additional deliverables in the management plans are provided as soon as reasonably practicable.</p> <p>The Applicant raises a number of concerns with this suggestion including suggesting that it was practically unworkable, had issues around ambiguity, was unnecessary, would frustrate delivery of project and have enforcement issues.</p> <p>The Councils submit that a two-stage process for the Management Plans, as is usually expected on developments of this nature, would alleviate the issues raised by the Applicant, but allow the deliverables to be submitted/secured/planned for as required by the ExA. In any case, the rationale underpinning this suggested wording indicates that in reality, a two-stage process is required.</p>	<p>The Applicant has responded that it does not consider that a two-stage process for the Management Plans is required in the Applicant's Comments on Host Authorities' Deadline 8 Letter [REP9-065] and reiterates that paragraph 2.10.8 of EN5 states that a management plan should be developed 'at least in outline'. This means that an outline plan is the lowest acceptable level, with the words 'at least' suggesting it is preferable for a final management plan to be developed. On the Applicant's DCO projects to date it has been the case that the Secretary of State has approved (and certified) a similar suite of primary Management Plans as part of their decision.</p>
3.4	Requirement 7 – Construction Hours - Piling	<p>The Councils support the ExA's amendment to restrict all piling, not just percussive piling, on Sundays and Bank Holidays. Piling is one of the noisiest construction activities that there is – a blanket ban on these sensitive days would be entirely reasonable given the long working hours and days which are sought, bearing in mind that it is commonplace for no work at all to take place on a Sunday or a Bank Holiday. It would also make it easier to enforce, as a member of the public is unlikely to know the difference between normal piling and percussive piling activities.</p> <p>Perhaps a compromised position would be to add the wording '<i>unless agreed in writing, no piling operations shall take place.... on Sundays and bank holidays.</i>' This then builds in some flexibility and would allow the Councils to be aware of works taking place with their prior approval, should complaints about noise be received.</p>	<p>The Applicant disagrees that all piling has the same noise level. Alternative forms of piling are specifically designed to have lower noise levels. This is evidenced in the Technical Note on Noise Levels at Hintlesham Woods [REP9-058] which shows that rotary bored piling has a modelled noise of 51dB assuming 100% 'on-time average (Table 4.1) compared to 63dB for percussive piling assuming 100% 'on-time average (Table 3.1) at 260m distance.</p> <p>The Applicant is also unclear about which Noise Sensitive Receptors the council is concerned about with regards to the piling. The Technical Note on Noise Sensitive Receptors [REP6-047] demonstrates that there are very few Noise Sensitive Receptors close to the works and these just do not warrant a 'blanket ban' approach. Further restrictions such as those proposed would not, in the Applicant's submission, meet the tests as to a Requirement set out in NPS EN-1 paragraph 4.1.7.</p> <p>More broadly, the Applicant's position in respect of Requirement 7 remains as set out in the Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's Draft DCO [REP8-032].</p>
3.5	Requirement 7 – Construction Hours	<p>The Councils agree with the principle of restricting HGV movements and have previously made submissions as such. The Councils note that the Applicant has raised particular concerns regarding restricting the</p>	<p>The Applicant has previously responded regarding proposed restrictions to HGV delivery hours in the Applicant's Response to the Schedule of the Examining Authority's recommended</p>

Ref	Matter	Point Raised	Applicant's Comments
		<p>movements of AILs and the implications on the road network if these were to be concentrated at more peak times.</p> <p>Having regard to this, and the frequency of AIL movements, which would be low overall, The Councils consider that AIL's could reasonably be removed from the working hours delivery restriction. However, HGV's are different to this as they do not require the same provisions as AIL's. As such, for reasons considered in multiple prior submissions including [REP8-040], The Councils agree in the strongest possible terms that HGV movements should be restricted on Sundays and bank holidays at the very minimum.</p>	<p>amendments to the Applicant's Draft DCO [REP8-032] and has no further comment to make on this matter.</p> <p>More broadly, the Applicant's position in respect of Requirement 7 remains as set out in the Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's Draft DCO [REP8-032].</p>
3.6	Requirement 7 - Construction Hours	<p>The Councils support the ExA's amendment to make it clear to all contractors that special exemptions exist at the most sensitive locations of the route, especially given the long working hours which are sought. The Applicant proposes that alternative weekend working at these locations would assist in reducing impacts. This is contrary however to what we have been told previously, that the Applicant would be unable to commit to alternative weekend working formally.</p> <p>In any case, should the ExA accept this change, it would be appropriate to keep a log of which weekends were worked in these locations, which should be available on request by the Local Planning Authority. Otherwise, it would be difficult to enforce that the alternative weekend working was taking place.</p>	<p>The Applicant's position in respect of Requirement 7 remains as set out in the Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's Draft DCO [REP8-032].</p> <p>It is important to emphasise that the Applicant's position in respect of alternate weekend working as set out in [REP8-032] is strictly without prejudice to its primary position which remains as set out in Section 6 (Working Hours) of the Applicant's Comments on the Host Authorities' Deadline 8 Letter [REP9-064].</p>
3.7	Requirement 7 - Construction Hours – Severe Weather Definition	<p>The Councils support this amendment by the ExA. The Applicant argues that there is no such precedent for a requirement/definition of this nature. However, The Councils consider that there is likely not a similar precedent because there hasn't needed to be one on other projects where weekend working (other than Saturday mornings) is not required. In this case, the long working hours and days would necessitate the need for such a definition, to be able to hold the contractor to alternative weekend working as far as possible.</p>	<p>The Applicant's position in respect of Requirement 7 remains as set out in the Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's Draft DCO [REP8-032].</p>
3.8	Requirement 8(3)	<p>The Councils support the ExA's amended wording to Requirement 8(3). The Applicant however argues that by removing the wording 'general', it does not allow for flexibility for the contractor. However, the Council considers that the DCO must be complied with in its entirety, including the management plans. If removing the word 'general' causes an issue, then a two-stage process (outline management plans and detailed management plans by requirement) would absolve this issue.</p>	<p>The Applicant's position in respect of Requirement 8 remains as set out in the Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's Draft DCO [REP8-032].</p>

Ref	Matter	Point Raised	Applicant's Comments
<b>Response to Applicant's comments on ExA Questions 2 [REP8-033]</b>			
4.2	DC2.6.12	<p>The Councils answered the ExA's queries in relation to temporary construction compounds. However, the detail specified in point 2 of The Councils' response, informed by REP6-051, refers to details that we would expect to see for permanent equipment. The Councils would like to take this opportunity to just confirm that we would also expect this detail to be submitted for the temporary construction compounds, but only in relation to details relating to fences/means of enclosure.</p> <p>The Applicant comments that they cannot provide this detail at this stage as this will be finalised when a contractor is appointed. The best way would be that the CEMP and its appendices are made outline documents so that all details which cannot be confirmed yet, such as the means of enclosure and lighting, are able to be submitted for approval.</p>	<p>The Applicant maintains that it is not necessary for the Councils to see every detail regarding how the contractor would undertake the temporary works. Items such as temporary fencing and temporary lighting would be determined based on matters such as security risk and safety, which would be the responsibility of the Main Works Contractor under the Construction Design and Management Regulations. Therefore, the Applicant is unclear what the purpose would be in supplying the Councils with such details of temporary works other than seeking unnecessary controls as outlined in the Applicant's Comments on Host Authorities' Deadline 8 Letter [REP9-065].</p>
4.3	LV2.9.3 Assessment	Visual <p>The Councils support SCC's call for additional tree planting at Stour Valley West CSE compound to extend the proposed landscape softening. The Applicant talks about only needing to mitigate significant effects but The Councils maintain that as many adverse effects as possible should be mitigated or compensated for, and that the recently published Overarching National Policy Statement for Energy (EN-1), in para 4.1.5, supports this position.</p>	<p>The Applicant has noted that the proposed softening is not required to mitigate a significant effect as described in ES Chapter 6: Landscape and Visual [APP-074]. In addition, the landowner does not want the softening and has said that it would impact the viability of his business and how he farms the land. Therefore, the Applicant does not consider it appropriate to seek compulsory acquisition rights for landscape softening which is not required under the EIA Regulations 2017. The Applicant has responded to the more general point on mitigation and compensation in the Applicant's Comments on Host Authorities' Deadline 8 Letter [REP9-065].</p>
Table	DC2.6.13 – Staff Travel	<p>There is no assessment that shows whether staff travelling in peak hours would result in an impact, and so if this is a possibility then it is debateable whether the assessment is worst case. The Councils are not looking for staff to be held on-site, which would not be considered to be reasonable, but for pragmatic solutions, such as increased car sharing, or the running of additional staff mini-buses, that might further reduce impacts on the highway network if shift patterns are not what has been predicted by the Applicant.</p>	<p>The working hours requested by the Applicant are 7am to 7pm. Therefore, the workforce would be travelling outside of core hours. The Applicant maintains that this is the standard approach taken on other National Grid projects.</p> <p>Paragraph 6.3.6 of the CTMP [REP8-018] includes a target of 70% of personnel to travel to site in crew vans, resulting in an average vehicle occupancy that is above the industry average for construction projects. Should the results of the monitoring be lower than this target, the Applicant will discuss the need for further measures with the contractor and the relevant highway authority to see if there are additional measures to encourage further car sharing, such as additional provision of crew van transport. The</p>

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			Applicant has therefore already committed to pragmatic solutions and targets on car sharing and crew vans.
Table	DC2.6.13 – HGV times	The Councils maintain its position regarding controls on HGV movements, that a control should be included that sets out that there would be no HGV movements on the highway network outside of the core working hours (unless agreed in writing by the Local Highways Authority), plus an additional hour to avoid parking on the highway, and no HGV movements on Saturday afternoons, Sunday and Bank Holidays.	See the response to line item 3.5 above.
Table	TT2.13.8	<p>The Councils would gather from the Applicant's response that there is some potential that the HGV baseline may be somewhat inflated due to this categorisation. But that the exact impact is difficult to fully quantify.</p> <p>An example of where this may be occurring would be the A131(1), which has 1,265 HGVs of a total 8,976 vehicles, which equates to 14%, which seems high for a HGV proportion. TB2 appears to represent the vast majority of this proportion based on the survey data, with categories 8 to 14, which are the articulated lorries and probably more akin to the project's traffic, representing a very small proportion. So it may be reasonable to conclude that the proportion of large HGVs will increase far more significantly.</p> <p>It is recognised that in a number of locations the magnitude of impact of the HGV movements would not change even if the baseline was reduced to exclude TB2, but there is some concern as to whether this might be the case for any locations which see a more significant proportional impacts such as the A134 segments, and therefore impacts may not be being identified</p>	The Applicant has responded to this issue in paragraphs 2.8.6-2.8.8 of the Applicant's Comments on Other Submissions Received at Deadline 6' [REP7-026] and in reference TT2.13.8 in Table 13.1 of the Applicant's Comments on Responses to Second Written Questions' [REP8-033] and has no further comments to make on the matter.
<b>Other Documents</b>			
5.2	Access points	<p>Whilst The Councils maintain its overall position that for some accesses evidence has not been submitted that the proposed access arrangements, including appropriate visibility can be accommodated within the existing road layout including provision of a Stage 1 RSA, this note, along with other work undertaken by the Applicant has helped to alleviate some of our concerns on the deliverability of these accesses.</p> <p>As set out within the note, unless otherwise agreed, ECC's position is that 2.0m is not an acceptable standard for measuring junction visibility, and</p>	<p>The Applicant notes the Temporary and Permanent Access Technical Note: Essex County Council [REP8-038] has helped to alleviate some of the Council's concerns on the deliverability of the accesses.</p> <p>The Applicant notes the request for a 2.4m minimum setback from the edge of the connecting road (the 'X distance) for the driver's eye position when leaving an access point. Appendix F of the Suffolk Design Streets Guide 2022 Edition Table 1 - which is based on Manual for Streets (MfS) - gives this 2.4 minimum, although</p>

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		<p>that the standard is for a setback distance of 2.4m, and will require visibility to be measured to this distance.</p>	<p>Appendix H also provides for 2.0m at 'compact urban sites' which might include some village locations. The notes preceding Table 1 recognise that MfS is orientated more to streets (built up locations where the place function is most important) compared to roads (more typically rural/non-built-up and/or where the movement function dominates).</p> <p>The Applicant therefore considers that DMRB standard CD 123 Geometric design of at-grade priority and signal-controlled junctions Version 2.1.0 is more relevant to 'road' category locations, where the movement function is most important, including the majority of access points on the project. The minority of access points are in rural village locations, might be considered to have a more substantive movement function, reflected in the text preceding Table 1, which suggests that generally villages with 30mph speed limit might be considered place-dominated, though this is orientated more towards permanent development, rather than temporary accesses which is the case with the project.</p> <p>The Applicant recognises and supports the need for site-specific detailed design submissions for each locations, for which each access design must reflect its context and constraints. These would be submitted for approval of the LHAs during the detailed design stage of the scheme. All designs would be subject to Road Safety Audit, also for LHA approval before works commence at the relevant location.</p>
6.2	CEMP appendices GG17	<p>and The Council's note the amendment to GG17 and welcome the inclusion – of a plan showing the location of wheel washing facilities that will be provided to the relevant LHA and the relevant police services for information purposes. However, 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.</p>	<p>The Applicant is unclear as to what the Council is requesting with regards to 'a process'. As stated in GG17, the accesses that require wheel washing will be identified through the detailed design process, and a plan showing the locations will be provided to the relevant LHA and the relevant police services for information. The commitment then lists that road sweepers will be deployed on public roads to prevent excessive dust or mud deposits from construction activities.</p>
6.2	CEMP appendices – TT04 and TT05	<p>and The Councils are disappointed in the changes to TT02, which remove any requirement for monitoring HGV numbers from the CEMP. However, there is still a commitment to monitor this information, as per paragraph 7.2.5 of the CTMP, which is considered to be acceptable. Monitoring and reporting of HGV movements gives greater confidence in that the development impacts are not being exceeded.</p>	<p>The wording was removed from TT02 in the CoCP [REP9-035] as it was considered that this caused confusion with the text set out in 7.2.5 in the CTMP [REP8-018] which the Council considers is acceptable.</p>

Ref	Matter	Point Raised	Applicant's Comments
		<p>The Councils welcome the inclusion of TT04 including the process for reinstatement of street furniture.</p> <p>The Council welcomes the inclusion at TT05 of a commitment to look for construction traffic to be timed outside of network peaks, and would request that this could form part of relevant reporting through the CTMP.</p>	<p>The Applicant notes that the Councils welcome the inclusion of TT04 and TT05 in the CoCP [REP9-035].</p> <p>The Applicant further notes that Table 7.1 (Construction Vehicles) of the CTMP [REP8-018] already includes recording of HGV movements as they enter and leave work sites and the provision of information to highway authorities.</p>
6.3	CTMP	<p>The Council welcomes amendments to the CTMP.</p> <p>With regards to paragraph 7.4.1, whilst it is recognised that there may be occasions when discussions with the LHA may not be required for further measures, the limitations of this commitment due to the inclusion of where appropriate, mean that engagement may not occur. It would be useful to include a commitment that says that all new measures will be reported to the LHA as part of the quarterly monitoring report.</p>	<p>The Applicant notes that section 7.3.5 of the CTMP [REP8-018] indicates that where measures are required to increase compliance these would be discussed with the LHA and considers this adequately addresses the point regarding the potential application of new measures.</p>
6.5	The mitigation hierarchy	<p>The Applicant states that whilst compensation is a component of the mitigation hierarchy, it is not treated in the same way as the other three elements of the hierarchy in planning policy terms. And that Paragraph 4.2.11 of EN-1 (2024) states that 'Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated'. This sentence does not include the fourth element of the hierarchy, compensation. However, Para 4.2.12 goes on to say: 'Applicants should set out how residual impacts will be compensated for as far as possible.' Thus, compensation for each residual impact should be identified as far as possible and not only residual significant impacts</p>	<p>The Applicant has responded on mitigation and compensation in the Applicant's Comments on Host Authorities' Deadline 8 Letter [REP9-065] and has no further comment to make on this matter.</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)

Department for Transport (2007) Manual for Streets, London

National Highways (2021), Design Manual for Roads and Bridges Version 2.1.0, CD 123 Geometric design of at-grade priority and signal-controlled junctions

Suffolk County Council (2022) Streets Guide 2022 Edition, Appendix F



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