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# Bramford to Twinstead Reinforcement

Volume 8: Examination Submissions

Document 8.6.4: Applicant's Comments on Responses to First Written Questions

Final Issue A  
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# Introduction

## Document Purpose

This document provides the Applicant's comments on the responses provided by other interested parties and affected persons to the Examining Authority's First Written Questions (ExQ1) [PD-005] received on 13 October 2023. This document contains comments on the responses to questions addressed to other parties (or other parties as well as the Applicant) which were submitted at Deadline 3 (31 October 2023). The Applicant has not provided any further comments on those questions directed solely to the Applicant, as the responses are provided in Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.

## Project Overview

National Grid Electricity Transmission plc (here on referred to as 'the Applicant') has made an application for development consent to reinforce the transmission network between Bramford Substation in Suffolk, and Twinstead Tee in Essex. The Bramford to Twinstead Reinforcement ('the project') would be achieved by the construction and operation of a new electricity transmission line over a distance of approximately 29km (18 miles), the majority of which would follow the general alignment of the existing overhead line network.

The application for development consent was accepted for Examination on the 23 May 2023.

## Structure of the Document

This document has been structured to align with the numbering used within the ExQ1 [PD-005]. Therefore, the document starts at '0' in terms of the numbering of the chapters and continues through to Chapter 13. The responses provided by other parties have largely been included verbatim. However, on occasion the Applicant has paraphrased this response and made other stylistic/ grammatical changes to the text. It is not considered that these changes are material to the response provided however in the first instance, the Applicant would direct the reader to the original response. The responses received from other parties are:

- Anglian Water Deadline 3 Submission - Responses to ExQ1 [REP3-058];
- Assington Parish Council Deadline 3 Submission - Responses to ExQ1 [REP3-059];

- Babergh District Council and Mid Suffolk District Council Deadline 3 Submission - Responses to ExQ1 [**REP3-060**];
- Braintree District Council Deadline 3 Submission - Responses to ExQ1 [**REP3-061**];
- Dedham Vale Area of Outstanding Natural Beauty (AONB) and Stour Valley Partnership Deadline 3 Submission - Responses to ExQ1 - ExQ1.7 [**REP3-062**];
- East Anglia Three Limited (wholly owned subsidiary of ScottishPower Renewables (UK) Limited) Deadline 3 Submission - Responses to ExQ1 [**REP3-069**];
- Environment Agency Deadline 3 Submission - Responses to ExQ1 [**REP3-070**];
- Essex Police Deadline 3 Submission - Responses to ExQ1 [**REP3-071**];
- Historic England Deadline 3 Submission - Responses to ExQ1 [**REP3-073**];
- Natural England Deadline 3 Submission - Responses to ExQ1 [**REP3-074**];
- Pivoted Power LLP Deadline 3 Submission - Responses to ExQ1 [**REP3-075**];
- Royal Mail Deadline 3 Submission - Responses to ExQ1 [**REP3-076**];
- Royal Society for the Protection of Birds (RSPB) Deadline 3 Submission - Responses to ExQ1 [**REP3-077**];
- Suffolk County Council (SCC) Deadline 3 Submission - Comments on Deadline 2 Submissions and Responses to ExQ1 [**REP3-078**];
- The Parish Councils of Assington, Bures St Mary, Leavenheath, Little Cornard, Polstead and Stoke by Nayland Deadline 3 Submission - Responses to ExQ1 [**REP3-079**];
- Chris Leney on behalf of Brooks Leney Deadline 3 Submission - Responses to ExQ1 [**REP3-080**];
- Nick Miller Deadline 3 Submission - Responses to ExQ1 [**REP3-082**];
- Burstall Parish Council Deadline 3 Submission - Responses to ExQ1 [**REP3-083**];
- Brown & Co on behalf of Mr G V S Nott Deadline 3 Submission - Responses to ExQ1 [**REP3-084**];
- John D I Bennett JP Deadline 3 Submission - Responses to ExQ1 [**REP3-085**];
- Belinda Littler on behalf of Robert Andrew Shelley Deadline 3 Submission - Responses to ExQ1 [**REP3-086**];

- Belinda Littler on behalf of Peter Nott Deadline 3 Submission - Responses to ExQ1 [**REP3-087**]; and
- Julie Howe on behalf of Suffolk Preservation Society Deadline 3 Submission - Responses to ExQ1 [**REP3-088**].

Response from Mark Westwood [**REP3-081**] was also listed in the Planning Inspectorate's Examination Library as a response to ExQ1. However, this is incorrect and is an email acknowledgement to the Examining Authority in response to an earlier letter.

Finally, on occasion it would appear the Examining Authority has directed questions to other parties but those parties have not responded. Text is provided in the relevant sections where this is the case.



# 0. Miscellaneous and General

## 0.1 General and Cross-Topic

Table 0.1 – General and cross-topic

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
MG1.0.5	East of England Ambulance Services Trust	At pages 135 and 136 of its Comments on Relevant Representations [REP1-025] the Applicant responds to various points that you made in your RR [RR-030] about the need for a legal agreement. Have its comments addressed your concerns? If not, can you explain why not?	<b>No response found in Examination Library.</b>	The Applicant is unable to comment on this but would welcome further engagement from the East of England Ambulance Services Trust.
MG1.0.6	Essex Police	At page 137 of its Comments on Relevant Representations [REP1-025] the Applicant responds to various points that you made in your RR [RR-033] about the potential for the Proposed Development to impact on services that you provide. Have these comments addressed your concerns? If not, can you explain why not?	<i>Essex Police acknowledge the comments provided by the Applicant [REP1-025] in response to our Relevant Representation [RR-003] and would like to clarify that whilst Essex Police are responsible for policing in the County of Essex, we work closely with our neighbouring police force's and liaise on matters that cross boundaries to ensure a consistent and suitable policing provision is provided in all areas.</i>  <i>Essex Police confirm that initial contact was made by the Applicant in 2021 with the Force Roads Policing and Commercial Vehicle Unit regarding Abnormal Invisible Load (AIL) movements, however, due to the early nature of this contact on agreements were made at this time and no further contact has been made since. Given the</i>	The Applicant noted Essex Police's Relevant Representation and since the receipt of this Representation, the Applicant has held a productive meeting with Essex Police during which Essex Police's pertinent issues were discussed. The Parties agreed to prepare a Statement of Common Ground to progress these matters. It is expected that a draft Statement of Common Ground will be submitted at Deadline 5.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>information now available regarding the proposed development we have requested further conversations to discuss route and movement requirements along with other aspects of road's policing.</p> <p>The representations of Essex Police also cover aspects in addition to the movement of construction vehicles which have not yet been addressed, including:</p> <ul style="list-style-type: none"> <li>• Scheme development: Communications and Designing out Crime considerations.</li> <li>• Construction: Workforce, Response plans, and Road's policing considerations.</li> <li>• Construction Traffic Management Plan: Points raised for clarification still to be addressed.</li> </ul> <p>Essex Police confirm that following submission of our Relevant Representations, we have now received contact from the Applicant and have requested a Statement of Common Ground between both parties to ensure matters are clarified and agreed where appropriate. Initial conversations have been scheduled between Essex Police and the Applicant which are due to take place in the coming weeks. We welcome this engagement which we hope will address and mitigate our concerns.</p>	

## 0.2 Legislation and Policy

Table 0.2 – Legislation and policy

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
MG1.0.7	Local Planning Authorities	The Planning Statement [APP-160] refers, for example in the Executive Summary, to the draft replacement National Policy Statement (NPS) EN-1 and NPS EN-5 that were the subject of consultation in 2021. Having noted what the Applicant said on the matter in its cover letter [APP-001] should its Planning Statement be updated to reflect the versions issued for consultation in March 2023, given that the application was made after this?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>The draft EN-1 and EN-5 are referenced in some of the representations and reports by the Council in relation to landscape and visual issues so the applicants planning statement could be updated with the 2023 versions.</i></p> <p><i>Refer to comments from SCC</i></p> <hr/> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Planning) believes that relevant draft policy is a relevant and important consideration and therefore the most recent draft should be taken into consideration. SCC is neutral on the question of whether this would be most effectively done by updating the Planning Statement or by the submission by the Applicant of a free-standing document addressing compliance with the draft NPSs.</i></p> <hr/> <p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>Section 104(2)(d) of the Planning Act 2008 sets out that in deciding the application the Secretary of State (SoS) must have regard to— any other matters which the [Secretary of State] thinks are both important and relevant to [the Secretary of State's] decision. The Council's consider that relevant draft policy is a material consideration and important and relevant to the SoS decision. The applicant should therefore update the planning statement to cover the March 2023 consultation version, or at the very least, provide</i></p>	<p>The Applicant notes the Council's response and will provide an update to the Planning Statement [APP-160] at Deadline 5 to address any changes in the national policy context from the original Planning Statement policy 'freeze' date.</p> <p>At the time of writing this response (16 November 2023), the extant NPS remains the 2011 version.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>a comparison of the 2021 version and the 2023 version to give an overview of what has changed if anything, and any potential implications for the development. It is noted that in their covering letter, the Applicant states that they would be happy to provide a commentary on the implications of the draft NPS if requested.</i></p>	
MG1.0.8	The Applicant Local planning authorities	In the Applicant's cover letter [APP-001], reference is made to the Government document Powering Up Britain, published by the Department for Energy Security and Net Zero, March 2023, explaining the reason for not referencing it. What weight should be given to this publication?	<p><b><u>The Applicant</u></b></p> <p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Refer to comments from SCC</i></p> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Planning) has included reference to this document in its Local Impact Report [REP1-045] as it considered to be a high-level expression of Government policy and therefore is a relevant and important consideration. The degree of weight it should be given is unlikely to be uniform across the document as a whole but is likely to be influenced by the specific contents and their relevance to the issues arising in the Application to which they relate. However, SCC would draw specific attention to the over-arching statement on page 9 (attributed to the Prime Minister) that "there can be no solution to climate change without protecting and restoring nature" and SCC would suggest that this is an important factor when considering the Applicant's arguments that its need case justifies particular harms to the local environment.</i></p> <p><b><u>Braintree District Council and Essex County Council</u></b></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant has no further comments to make on this matter other than that set out in the Applicant's Responses to First Written Questions [REP3-052] at MG1.0.8 submitted at Deadline 3, as the parties are generally in agreement that the Government document Powering Up Britain, published by the Department for Energy Security and Net Zero, March 2023 is capable of being important and relevant for decision making.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>SCC (Planning) has included reference to this document in its Local Impact Report [REP1-045] as it is considered to be a high-level expression of Government policy and therefore is a material consideration. The Councils also recommend that the direction of travel as set out in the document should be accorded weight.</p>	
MG1.0.9	The Applicant Local planning authorities	<p>Neither the Planning Statement [APP-060] nor Chapter 2 of the Environmental Statement (ES) [APP-070] appear to refer to A Green Future: Our 25 Year Plan to Improve the Environment published by the Department for the Environment, Food and Rural Affairs in 2018. The Suffolk councils cite this in their Local Impact Report [REP1-045]. What weight should the Applicant give to this publication?</p>	<p><b><u>The Applicant</u></b></p> <p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>A Green Future: Our 25 Year Plan to Improve the Environment recognises the need for nature and landscape recovery. Chapter 2: Recovering nature and enhancing the beauty of landscapes, Page 58, states ‘... we will develop a Nature Recovery Network ... more effectively linking existing protected sites and landscapes...’ This project could help deliver on these objectives by delivering an effective landscape compensation scheme.</i></p> <p><i>Refer to comments from SCC</i></p> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Planning) has included reference to this document in its Local Impact Report [REP1-045] as it considered to be a high-level expression of Government policy and therefore is a relevant and important consideration. The degree of weight it should be given is unlikely to be uniform across the document as a whole but is likely to be influenced by the specific contents and their relevance to the issues arising in the Application to which they relate.</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant has no further comments to make on this matter other than that set out in the Applicant's Responses to First Written Questions [REP3-052] at MG1.0.9 submitted at Deadline 3, as the parties are generally in agreement that the Government document A Green Future: Our 25 Year Plan to Improve the Environment is capable of being important and relevant for decision making. The Applicant considers that the project is compliant with the Plan insofar as it is relevant to the project.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>SCC (Planning) has included reference to this document in its Local Impact Report [REP1-045] as it considered to be a high-level expression of Government policy and therefore is a material consideration. The Council's agree with this approach. In terms of landscape specific guidance, A Green Future: Our 25 Year Plan to Improve the Environment recognises the need for nature and landscape recovery. Chapter 2: Recovering nature and enhancing the beauty of landscapes, Page 58, states '... we will develop a Nature Recovery Network ... more effectively linking existing protected sites and landscapes...' This project could help deliver on these objectives by delivering an effective landscape compensation scheme.</i></p>	
MG1.0.10	The Applicant	Neither the Planning Statement [APP-060] nor Chapter 2 of the ES [APP-070] appear to refer to The UK's Industrial Strategy, included in the Suffolk councils' Local Impact Report [REP1-045], that gave rise to the associated Build Back Better: our plan for growth that was published by HM Treasury in March 2021. Should the Applicant take account of it?	<p><b><u>The Applicant</u></b></p> <p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Refer to comments from SCC</i></p> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Planning) has included reference to this document in its Local Impact Report [REP1-045] as it considered to be a high-level expression of Government policy and therefore is a relevant and important consideration.</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant has no further comments to make on this matter other than that set out in the Applicant's Responses to First Written Questions [REP3-052] at MG1.0.10 submitted at Deadline 3. Given that the Strategy has been superseded and the Government states that it is out of date, the Applicant's view is that it carries no weight and is not important and relevant in decision making.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>SCC (Planning) has included reference to this document in its Local Impact Report [REP1-045] as it considered to be a high-level expression of Government policy and therefore is a material consideration. The Council's agree with this statement.</i></p>	
MG1.0.11	Applicant			A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.
MG1.0.12	The Applicant	The Suffolk councils' Local Impact Report [REP1-045] refers to the Government's Community Benefits for Electricity Transmission Network Infrastructure, published in March 2003. Should the Applicant take account of it?	<p><b><u>The Applicant</u></b></p> <p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Refer to comments from SCC</i></p> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Planning) has included reference to this document in its Local Impact Report [REP1-045] as it considered to be a high-level expression of Government policy and therefore is a relevant and important consideration.</i></p> <p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>SCC (Planning) has included reference to this document in its Local Impact Report [REP1-045] as it considered to be a high-level expression of Government policy and therefore is a material consideration. The Councils support this statement.</i></p>	A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
MG1.0.13	The Applicant Local planning authorities	The Suffolk councils' Local Impact Report [REP1-045] refers to the National Planning Policy Framework (NPPF), September 2023. Given that its publication superseded submission of this application, what weight should the Applicant attach to it?	<p><b><u>The Applicant</u></b></p> <p><b><u>Babergh and Mid Suffolk District Councils</u></b> Refer to comments from SCC.</p> <p><b><u>Suffolk County Council</u></b>            SCC (Planning) believes that relevant NPPF is the most recent version dated September 2023. SCC is not aware of any guidance to suggest that the weight that should be given to current Government policy should be reduced because it was published after the date that the application was submitted. It is incumbent on the Applicant to address all current policy guidance that is relevant and important (unless the guidance itself expressly includes transitional provisions to limit its application to pre-existing projects that have not yet been determined). Paragraph 218 of Annex A of the NPPF makes it a material consideration from the date of its publication and para 5 explains its relevance to National Significant Infrastructure Projects (NSIPs).</p> <p><b><u>Braintree District Council and Essex County Council</u></b>            SCC (Planning) believes that relevant National Planning Policy is the most recent version dated September 2023. The Council's agree with this approach, and it is a matter of fact that Policies and Guidance will change throughout the life of an NSIP and the recommendation to be made by the ExA will be on the basis of the Policies and Guidance in place at the time of decision.</p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant notes the Council's response and will provide an update to the Planning Statement [APP-160] at Deadline 5 to address any changes in the national policy context from the original Planning Statement policy 'freeze' date.</p>



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
MG1.0.14	Local planning authorities	Are the host local planning authorities content with the assessment and conclusions of the Applicant's analysis of the local planning policy context set out in Section 8 and Appendices D and E of the Planning Statement [APP-160] (noting it was written with a 'data-freeze date' of 31 January 2023), Chapter 2 of the ES [APP-070] and ES Appendix 2.2 [APP-089]?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Notwithstanding the freeze date, BMSDC consider it appropriate to draw attention to the changed status of the council's respective development plans by virtue of the progress of the emerging BMSDC Joint Local Plan.</i></p> <p><i>On 19th September 2023, the Babergh and Mid Suffolk District Councils received the Inspectors' report on the examination of the Joint Local Plan. The Inspectors' have concluded that, subject to the recommended modifications, the Plan is sound. Accordingly, the Joint Local Plan and its policies are a material consideration of significant weight.</i></p> <p><i>The Joint Local Plan is expected to be adopted by the councils in November 2023</i></p>	<p>The Applicant has considered the relevant policies within the emerging Babergh and Mid-Suffolk District Council Joint Local Plan within Appendices D and E of the Planning Statement [APP-160].</p> <p>The Applicant has since reviewed the Babergh and Mid-Suffolk District Council (BMSDC) Joint Local Plan Main Modifications (2023) as detailed in SCC Joint Local Impact Report [REP1-045] and found that the modifications from the Regulation-19 BMSDC Joint Local Plan do not change the projects assessment or compliance with policy as detailed in Appendix D of the Planning Statement [APP-160].</p> <p>However, the Applicant notes the Council's response and will provide an update to the Planning Statement [APP-160] at Deadline 5 to address any changes in the national policy context from the original Planning Statement policy 'freeze' date.</p>
			<p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Planning) believes that the most up to date Policy Documents should be referred to at the time the Application is made. However, where there is a change to those Policy Documents post-submission, the Applicant should expect to provide an update to its earlier assessments. SCC is aware that the BMSDC Joint Local Plan Part 1 is expected to be adopted as part of the Development Plan in November 2023 and that it will thereupon supersede some earlier elements of the Development Plan and it would be reasonable to expect the Applicant to provide an updated assessment of any relevant policy changes.</i></p>	As above at MG1.0.14.

Reference Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>Section 8.6 of the Planning Statement states that Section 1 of the Adopted Local Plan “not considered to be an important or relevant consideration to the project as it covers strategic issues”. BDC disagree with this statement; while indeed the policies are more strategic in nature there are a number of relevant policies for this development. The ExA are referred to Section 6.2 of the joint Councils Local Impact Report [REP1- 039]. In short, the relevant policies are: - Policy SP1 (Presumption in Favour of Sustainable Development) - Policy SP2 (Recreational Disturbance Avoidance and Mitigation Strategy RAMS) - Policy SP3 (Spatial Strategy for North Essex) - Policy SP6 (Infrastructure and Connectivity) - Policy SP7 (Place Shaping Principles) And these policies are referred to in relevant sections of the Local Impact Report.</i></p> <p><i>Commentary on Table D.1 (appendix to Planning Statement [APP-160])</i></p> <p><b>Overview</b></p> <p><i>This appendix contains an assessment against the Local Plan Policies which the Applicant considers relevant to the determination of the application. Compliance with each of these policies e.g. LPP47 Built and Historic Environment, are covered within specific topic sections of the Councils’ Local Impact Report [REP1-039] and are not repeated here. This commentary will focus on any other issues that are spotted e.g. incorrect policy references, or policies which are not included in the list that should be.</i></p> <p><b>Detailed Comments</b></p>	<p>The Applicant notes the Council’s response and will provide an update to the Planning Statement [APP-160] at Deadline 5 to address any changes suggested by Braintree District Council (BDC).</p>

Reference	Question	Question	Response from Interested Party or Affected Person	Applicant's Comments
	To:		<p>Page A119, reference G/BLP2/LPP1 refers to Policy LPP76, which they say is in relation to Renewable Energy Schemes. This reference is incorrect as it is actually adopted Policy LPP73 which refers to renewable energy schemes. It is noted that Policy LPP73 is correctly referenced later in the Appendix on G/BLP/LPP73. The Councils did not refer to Policy LPP73 (renewable energy schemes) in their Local Impact Report [REP1-039] as strictly speaking, the scheme is not for renewable energy. That said, as set in Paragraph 6.4.2 of the Council's Local Impact Report, we do not object to the principle of development, despite the conflict with Policy LPP1 (Development Boundaries). There are a number of Adopted Local Plan policies referred to in the Councils Local Impact Report [REP1-039] which are relevant to the project but are not listed. These are - Policy LPP42 (Sustainable Transport) – Paragraph 15.2.1 of the Local Impact Report - Policy LPP43 (Parking Provision) – Paragraph 15.2.2 of the Local Impact Report - Policy LPP52 (Layout and Design of Development) – Paragraph 15.2.3 of the Local Impact Report - Policy LPP71 (Climate Change) – Paragraph 6.2.5 of the Local Impact Report Policy LPP78 (Infrastructure Delivery and Impact Mitigation) – Paragraph 20.2.2 of the Local Impact Report Compliance with these policies are generally explored in each of the specific topic headings. Should the full policy wording be required by the ExA then BDC are happy to provide this. No further comments are made in relation to Chapter 2 of the ES [APP-070] and ES Appendix 2.2 [APP-089].</p>	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
MG1.0.15	Local planning authorities	Acknowledging the helpful local policy coverage set out in the Local Impact Reports [REP1-039] and [REP1-045], are the host local planning authorities content with the assessment and conclusions of the Applicant's analysis of committed developments overlapping with the proposed Order Limits for the Proposed Development, as set out in Appendix C of the Planning Statement [APP160]?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Refer to SCC in respect of County determined developments. Confirm BMSDC are content in respect of District determined developments</i></p>	The Applicant welcomes this response.
			<p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Planning) as Minerals &amp; Waste Planning Authority is content that the analysis as submitted is accurate. SCC (Planning) defers to BMSDC in respect of non-County matter development</i></p>	The Applicant welcomes this response.
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>The Councils note that the majority of committed developments referred to are within Suffolk and therefore it falls to them to say whether this has been sufficient within their administrative area. What is less clear is the as proposed developments relationship with the as proposed Norwich to Tilbury NSIP proposals which have been out to 2 rounds of non-statutory consultation at this time. The Joint Council's are of the opinion that this NSIP is committed to by the Applicant, National Grid. This is not within Appendix C of the Planning Statement at APP-160. The Planning Inspectorate also advised in ID 4.14.3 of the Scoping Opinion that the applicant should consider the potential for significant cumulative effects with Nationally Significant Infrastructure Projects (NSIP) within 50km of the project, the as proposed Norwich to Tilbury (N2T) project is well within the as requested 50km threshold. However, The Councils note that N2T is mentioned in the ES Appendix 15.3 at APP-142.</i></p> <p><i>An update can be provided on the following applications from the list provided:</i></p>	<p>An assessment of planning permissions and DCOs which intersect the Order Limits for the project is contained at Appendix C of the Planning Statement [APP-160]. It should be noted that the intention of this Appendix is to report on developments which have a grant of consent or have been submitted to a determining authority.</p> <p>Refused or withdrawn applications have been excluded from this assessment. It is not the intention of the Appendix to include possible future applications which have not yet been submitted to a determining authority as the proposed plans cannot be interrogated to a sufficient degree to understand the interface.</p> <p>The data freeze date for Appendix C is 31 January 2023. The Applicant intends on providing an update to the Planning Statement at Deadline 5, including Appendix C.</p> <p>East Anglia GREEN, (now known as Norwich to Tilbury), is identified as ID DCO-019 in the ES (Cumulative Effects Assessment (CEA)) [APP-083]. It is listed in Table 1.1 (Long List of NSIP Within 50km of the Project) of ES Appendix 15.3:</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>- 22/01008/COUPA – Approved</p> <p>- 22/03142/FUL - Refused</p>	<p>Long List of Other Developments [APP-142] and taken forward for further consideration in Table 1.1 of ES Appendix 15.4: Shortlist of Other Developments [APP-143]. The potential for significant cumulative effects is then considered and reported in Table 2.1 of ES Appendix 15.5: Inter Project CEA [APP-144] and summarised in ES Chapter 15: CEA [APP-083].</p>
MG1.0.16	The Applicant Mid Suffolk DC Babergh DC	<p>Section 4.3.3 of the Planning Statement [APP-160] states that: 'Section A (Bramford Substation) and Section B (Hintlesham) are addressed separately, despite these are combined into a single Section AB (Bramford/Hintlesham) elsewhere in the application (sic). This recognises that Section A (Bramford Substation) falls within Mid Suffolk District, whereas Section B (Hintlesham) falls within Mid-Suffolk District.' Does this need to be corrected in relation to Section B?</p>	<p><b><u>The Applicant</u></b></p> <p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Yes, this is an error. Section B falls within Babergh District.</i></p> <p><i>It is noted that parts of Section A fall outside of Hintlesham parish but within the Babergh District parish of Burstall.</i></p> <p><i>The administrative boundary is shown on the submitted plans</i></p> <hr/> <p><b><u>Mid Suffolk Council</u></b></p> <p>As above.</p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Errata List [REP2-066] will be resubmitted at Deadline 4 to include this error and will also be captured in the update to the Planning Statement at Deadline 5.</p>

## 0.3 The Proposed Development

Table 0.3 – Legislation and policy

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
MG1.0.18	The Applicant Natural England RSPB Local planning authorities	ES chapter 4 [APP-072] (paragraph 4.6.6) includes an illustration (4.2) that shows how trees would be cut back where the 400kV line passes through woodland. On either side of the 20m swathe there is a 12.5m band of 'graduated cutting back'. Is this appropriate? It could, for example, lead to tall tree stumps that look unnatural and may not regrow. Might coppicing and regrowth management be more appropriate to achieve a more natural and biodiverse woodland edge ecocline?	<p><b><u>The Applicant</u></b></p> <p><b><u>Natural England</u></b></p> <p><i>The proposed management in ES chapter 4 [APP-072] paragraph 4.6.6 and the illustration in 4.2 could lead to tall tree stumps that look unnatural and may not regrow. Coppicing is considered preferable. A recognised approach to achieving a graded edge (often sought along woodland wide rides) is to coppice on a longer cycle. Natural England has raised the issue of management of woodland around existing overhead lines. In our Relevant Representations, Natural England did request clarification that coppicing would be used at Hintlesham Woods Site of Special Scientific Interest (SSSI) rather than vegetation clearance (paragraph 2.7.2.1). The Applicant in their response confirmed, "that the vegetation beneath the existing overhead line at Hintlesham Woods SSSI would be coppiced. Paragraph 8.2.2 of the Landscape and Ecological Management Plan (LEMP) [APP 182] will be updated at an appropriate deadline to include protection of coppiced areas from deer browsing during re-growth." It is important that the pre-existing swathe in the woodland is not widened.</i></p> <p><b><u>RSPB</u></b></p> <p><i>The area of woodland under the existing power lines has been managed by the Applicant as short rotation coppice due to the presence of the existing power lines. Given this existing swathe is therefore characterised by coppiced scrub rather than the surrounding high forest, we are</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant proposed a graduated swathe as it considered this to have a lower effect on trees, particularly at the edge of the Order Limits, which may only require some pruning. However, in response to the feedback received from third parties, the Applicant will review this decision and feedback further at Deadline 5.</p> <p>It would be impractical to coppice on a longer cycle, as commitments have been made to restrict the timing and minimise the duration of construction activities in or around Hintlesham Woods SSSI. e.g. EM-AB09 in the Register of Environmental Actions and Commitments (REAC) (<b>document 7.5.2(C)</b>).</p> <p>See response to Natural England above.</p>



Reference Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p><i>content with the proposal to coppice (rather than cut to ground level) in the central part of the swathe, with the coppiced stools requiring protection from deer browsing to enable successful regeneration. We have not yet seen details of the Applicant's proposed method to achieve the 'graduated cutting back' either side of this central strip as illustrated in the ES but suggest that a similar result may be more easily achieved through coppicing linear patches of scrub on varying time lengths of rotation to manage the height of the regrowth. Whichever method is proposed, to avoid further impacts on Hintlesham Woods SSSI it is important that the existing swathe (the area of previously coppiced scrub) is not widened by planned or inadvertent encroachment into high forest trees.</i></p>	
		<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>A graduated cut is not appropriate or good practice for mature trees within woodland as it would encourage growth where cut which could make them unstable in the future. It would be much better to coppice the full width and manage this appropriately.</i></p> <p><i>According to Bat Roosts in Trees (BTHK, 2018), the tops of woodland trees are likely to possess potential roost features (PRFs) which are used by bats for maternity roosts so a graduated swathe is not a low impact measure.</i></p> <p><i>If the larger trees and understorey shrubs are crown reduced, rather than pollarded, a more natural result could be produced and avoid the need for severe coppicing over a wider area (See Arboricultural Association - A brief guide to tree work terminology and definitions (trees.org.uk)). Not all trees will be suitable and works to each swathe should be identified and agreed pre-commencement and verified on site by a suitable arboriculturist.</i></p>	See response to Natural England above.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Ecology) defers to Essex Place Services as instructed by BMSDC, Natural England and RSPB.</i></p>	See response to Natural England above.
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>A graduated cut is not appropriate or good practice for mature trees within woodland as it would encourage growth where cut which could make them unstable in the future. It would be much better to coppice the full width and manage this appropriately. Although, not all trees will be suitable and works to each swathe should be identified and agreed pre-commencement and verified on site by a suitable arboriculturist / ecologist. Furthermore, according to Bat Roosts in Trees (BTHK, 2018), the tops of woodland trees are likely to possess potential roost features (PRFs) which are used by bats for maternity roosts so a graduated swathe is not a low impact measure.</i></p>	See response to Natural England above.

## 0.4 Alternatives

Table 0.4 – Alternatives

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
MG1.0.33	John Duncan Irvine Bennett	Which wood are you referring to in your RR [RR-058]?	<i>The wood which I am referring to in my representation is the wood where the existing pylons run through. I.e. I am referring to creating a line parallel to the existing pylons rather than going the other side of Ramsey wood and past my house. Saving a huge amount of money and causing comparative minimal disruption.</i>	A response to this is provided in the Applicant's Comments on Relevant Representations [REP1-025].



## 0.5 The Funding Statement

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.

## 0.6 Socio-Economics and Other Community Matters: General

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
MG1.0.43	Local planning authorities	Do you consider that the methodology used in the analysis of socio-economic impacts in Section 3 of the Socio Economics and Tourism Report [APP-066] is appropriate and that the analysis has been carried out correctly in the context of this methodology?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>No. The restriction of the Study Area to the Local Planning Authorities (LPAs) that are directly affected is inconsistent as the impact on the visitor economy, community and economy will be felt across neighbouring authorities, including Ipswich and East Suffolk, particularly during construction when access is likely to be restricted.</i></p> <p><i>The ES doesn't appear to take into account the difference in impact between the areas where pylons would be deployed as opposed to those areas where cables are proposed to be undergrounded. This needs to be assessed separately as the impact, visually as well as environmentally and economically will be very different.</i></p> <p><i>Visitor economy Volume &amp; Value reports available for 2022 (the latest data used in the assessment is 2020).</i></p>	<p>As stated in paragraph 3.1.3 of the Socio Economics and Tourism Report [APP-066], baseline data are referenced at a national, regional, county, district and in some cases at ward level, where the data are available and provide context to the existing baseline environment. Table 3.1 of the Socio Economics and Tourism Report [APP-066] outlines the different scales of data sources that have been used to support the assessment.</p> <p>Each topic chapter of the ES [APP-074] to [APP-082] differentiates between those impacts which would occur due to the overhead line or those impacts which would occur due to the underground cable aspect of the project.</p> <p>The Applicant is unable to source the document(s) referred to in this response. The visitor economy assessment in the Socio Economics and Tourism Report [APP-066] utilises 2019 and 2020 data (where 2020 have been referenced comparison is given to 2019 (the latest year of data prior to the COVID-19 pandemic)).</p> <p>It is still unclear how recovery from the COVID-19 restrictions will change patterns of tourist numbers and</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
				<p>tourism revenue going forward. The Government's Tourism Recovery Plan: Update on Delivery (Department for Culture, Media and Sport, 2023) states that at the beginning of 2023, the picture of recovery is a mixed one, with domestic visitor numbers appearing to have recovered to - or close to - 2019 levels, but international visitor numbers and spending, however, remain below 2019 levels. The Government's aim is to recover 2019 levels of inbound visitors and spend by the end of 2024. Therefore, it is considered appropriate to use 2019 data as the latest year of data prior to the COVID-19 pandemic, given that the Government does not expect inbound visitors and spend to recover to 2019 level until the end of 2024.</p>
			<p><i>No reference to the adopted Culture, Heritage and Visitor Economy Strategy for BMSDC (adopted March 2023)</i></p>	<p>The Babergh and Mid Suffolk District Council's Culture, Heritage and Visitor Economy Strategy was published in March 2023, and was not included in the Socio Economic and Tourism Report [APP-066] as the drafting of the report was finalised prior to the publication of the Strategy.</p> <p>The Applicant does not consider that referencing this document would materially change the outcome or conclusions of the Socio Economics and Tourism Report [APP-066].</p>
			<p><i>Accommodation surveys are inconsistent and using the data sources identified excludes Air B&amp;B, self catering, camping and caravanning data which forms a significant part of the accommodation offer in our Districts.</i></p>	<p>The assessment in the Socio Economics and Tourism Report [APP-066] utilises the VisitBritain accommodation stock audit (2016), which includes in its audit serviced accommodation (hotels and similar accommodation) and non-serviced accommodation (collective establishments and holiday dwellings including holiday and other short-stay accommodation, and tourist campsites including camping grounds, recreational vehicle parks and trailer parks). The</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
				<p>VisitBritain (2016) study is the latest accommodation stock audit that the Applicant is aware of.</p> <p>The assessment also utilises VisitEngland's England Occupancy Survey, which measures bedroom and bed-space occupancy across the serviced accommodation sector – from large hotels to small bed and breakfasts and farmhouses.</p>
			<p><i>The data used to generate this baseline is flawed, as it takes into account "usual population" as opposed to the much larger non-resident tourist population.</i></p>	<p>The population baseline for the assessment in the Socio Economics and Tourism Report [APP-066] utilises 2021 Census data, which provides population data for usual residents on Census Day. The Census defines a usual resident as anyone who on Census Day, 21 March 2021, was in the UK and had stayed or intended to stay in the UK for a period of 12 months or more or had a permanent UK address and was outside the UK and intended to be outside the UK for less than 12 months. As tourism is transient and will fluctuate it is not appropriate to include tourist numbers in the resident population baseline.</p>
			<p><i>The Hidden Needs report completed in Suffolk in 2020, concluded that over time, the county is becoming relatively less advantaged, and more deprived compared to other areas of England. In 2007, Suffolk was ranked 115th out of 149 Upper Tier Authorities, by 2019, it had slipped to 99th.</i></p> <p><i>Barriers to Housing &amp; Services IMD. This domain measures the physical and financial accessibility of housing and local services. The indicators fall into two sub-domains: 'geographical barriers', which relate to the physical proximity of local services, and 'wider barriers' which includes issues relating to access to housing such as affordability and homelessness. Babergh is 45 out of 149 Local Authorities, Mid Suffolk is 43 out of 149</i></p>	<p>The Socio Economics and Tourism Report [APP-066] utilises the Index of Multiple Deprivation (IMD) (Ministry of Housing, Community and Local Government, 2019), which combines information from indicators (such as income, employment, health and disability, education, skills and training, barriers to housing and services, crime, and the living environment) in weighted proportions to measure the overall relative deprivation for an area. The Applicant considers this an appropriate level of detail for the assessment.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>indicating significant deprivation around access to services and housing.</i></p> <p><i>Neither of these points is covered within the baseline.</i></p>	
			<p><i>Technical Skills Legacy report for Suffolk published that shows construction demand and projected skills needs.</i></p>	<p>The Technical Skills Legacy report for Suffolk (Suffolk Growth Partnership, 2022) is not referenced in the Socio Economics and Tourism Report [APP-066], however, in paragraph 4.3.22 of the report [APP-066] the Applicant acknowledges that the majority of employment activities would require trained specialists who are qualified to work on high voltage electricity lines. These are typically sourced from the Applicant's existing pool of approved contractors.</p> <p>The Applicant promotes the use of local supply and small/medium enterprises through main contractors by embedded targets within its framework contracts. The Applicant will continue to work with relevant planning authorities and business leaders at a national, regional and local level to identify opportunities to invest in employment networks, including looking for opportunities to work with local businesses.</p>
			<p><i>No social value assessment included for the construction program to show local benefit and no commitment to supporting local procurement or supply chain.</i></p>	<p>The Applicant has an existing Community Grant Programme aimed at community organisations and charities in areas affected by its work. The Applicant will provide information about how to apply for this programme which funds projects that meet local needs by providing a range of social, economic and environmental benefits.</p> <p>The Applicant promotes the use of local supply and small/medium enterprises through main contractors by embedded targets within its framework contracts. The Applicant will continue to work with the Councils and business leaders at a national, regional and local level to identify opportunities to invest in employment</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
				networks, including looking for opportunities to work with local businesses.
			<p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Skills / Economic Development) notes that the document states "The effect of construction workers on accommodation is considered at a district/county level, as the workers are likely to seek accommodation over a wider area to benefit from wider market availability (for example, the large settlement of Ipswich) and proximity to the wider transport network, including the A12 and A14." This is appropriate. It is agreed that 2020 and 2021 were atypical due to the Pandemic disruption. It might be worth using 2019 as a baseline year, as the tourism economy has yet to return to pre-pandemic levels. There is an absence of reference to several key documents and data sources, as discussed within section 15 of the Local Impact Report [REP1-045]. Therefore, SCC does not have confidence in the accuracy of the analysis.</i></p>	<p>Uncertainty in data due to fluctuations caused by the COVID-19 pandemic are acknowledged in the Socio Economics and Tourism Report [APP-066]. Conclusions have been drawn from the available data and reference made to potential uncertainties where identified. Where 2020 and 2021 data have been utilised for the assessment, comparison is given to 2019 (the latest year of data prior to the COVID-19 pandemic). For example, in paragraphs 5.2.5 and 5.4.3 of the Socio Economics and Tourism Report [APP-066] a comparison is given to the 2019 data.</p> <p>The Applicant has reviewed the documents listed in Section 15 of the Suffolk County Council and Babergh and Mid Suffolk District Councils Local Impact Report [REP1-045]. These provide useful context and will help support the work the Applicant is doing more widely in relation to community benefits, working alongside the Councils outside the DCO process. However, the Applicant does not consider that referencing any of these documents would materially change the outcome or conclusions of the Socio Economics and Tourism Report [APP-066].</p>
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>3.1 - In general The Councils agree that this is correct.</i></p>	<p>Noted. The Applicant has no comment to make on this matter.</p>
MG1.0.44	Local planning authorities	Do you agree with the conclusions drawn from the socio-economic analysis in the Socio-Economics and Tourism Report [APP-066]? Are	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p>No. As per concerns raised on the methodology above, the conclusion is considered flawed until these issues have been addressed.</p> <p>The Councils consider that the assumptions used to reach the conclusion that the project is unlikely to have</p>	<p>The Socio Economics and Tourism Report [APP-066] considers the effects on socio-economics by looking at two different receptors:</p> <ul style="list-style-type: none"> <li>• Effects on the local economy, local businesses and local jobs and employment: This considers the potential significant effects of construction activities</li> </ul>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		there particular points at issue?	<p>a significant effect on the local economy businesses, jobs or employment during construction is flawed. No assessment has ever been carried out that looks at incidental impacts linked to the impact of construction disruption on communities and travel to work, education, healthcare or provision of services. The development is proposed in a rural area with limited routes for public transport, if any of these main routes are impacted during construction, the impact on the affected communities could be significant.</p> <p>The Applicant has also not considered implications of other energy infrastructure projects and cumulative impact.</p>	<p>and worker numbers on the local economy, employment and job creation; and</p> <ul style="list-style-type: none"> <li>Effects on community service providers: This considers the potential significant effects on the operation of community services, for example, increased demand due to construction workers, which could lead to delay to accessing services for local residents.</li> </ul> <p>The assessment concluded that that there are unlikely to be significant effects on socio-economics and tourism during construction and operation of the project, taking into account embedded and good practice measures.</p> <p>Intra-project and inter-project cumulative effects, including those related to socio-economics, recreation, tourism and amenity, are covered in ES Chapter 15: CEA [APP-083].</p>
			<p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Skills / Economic Development) are concerned about the socio-economic effects as listed in Table 6.1 and the direct effects on the tourism/visitor economy. We do not agree that there will be “no likely significant effects”. We are concerned about the long-term effects on a balanced thriving visitor economy once work is complete and do not agree that this should be scoped out.</i></p> <p><i>SCC does not agree with the conclusions drawn from the analysis due to a lack of data provided, such as workforce numbers (as discussed in section 15 of the Local Impact Report [REP1-045]. The Applicant has not thoroughly considered implications of other energy infrastructure projects and cumulative impact.</i></p>	<p>The Scoping Report [APP-156] concluded that the project was unlikely to have significant effects on socio-economics and tourism and it was scoped out from being required as a standalone topic in the ES. The Planning Inspectorate agreed with this position in the Scoping Opinion [APP-159]. The Applicant has updated the baseline assessment regarding these topics within the Socio Economics and Tourism Report [APP-066], which confirms the conclusions presented in the Scoping Report regarding these topics. ES Chapter 15: CEA [APP-083] assesses the intra-project and inter-project cumulative effects on socio-economics and tourism and confirms that there would be no likely significant effects.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>The Council's challenge the idea that there will no significant socio-economic and tourism impacts, and support the comments as raised and on tourism in particular as raised by SCC who have the majority of the potential tourism impact.</i></p>	See response above in relation to comments made by SCC on this matter.
		<p>4.3.5 – 4.3.13 <i>The Council's suggest that the applicant consider further impact on construction sector workforce numbers across Essex in culmination with other projects – with reference to the report that Mace produced for ECC in 2020 - Mace (2020) Construction Growth in Essex 2020-2040.</i></p>	<p>The Applicant has reviewed Mace (2020) Construction Growth in Essex 2020-2040 and considers that the study would not change the conclusions of the Socio Economics and Tourism Report [APP-066].</p> <p>The Mace (2020) study identifies a significant pipeline of major projects, including new Garden Communities, highways improvements and other transport enhancements, as well as the county's two 'megaprojects' Lower Thames Crossing and Bradwell B nuclear new build, and other major projects outside of the Essex boundary. The report identifies that the supply of labour in the Essex working age population (without intervention) will fail to keep pace with demand. At the occupation level, the greatest shortages are expected to be in Non-Construction Professional roles, Wood Trades and Labourers. Peaks in demand also result in significant temporary shortages of Plumbing and Heating, Ventilation, and Air Conditioning (HVAC) Trades, Electrical Trades, Plant Operatives and Civil Engineering Operatives.</p> <p>As stated in paragraph 4.3.22 of the Socio Economics and Tourism Report [APP-066], the majority of employment activities for the project would require trained specialists who are qualified to work on high voltage electricity lines, whom are typically sourced from the Applicant's existing pool of approved contractors. From experience of other National Grid projects, the Applicant considers it is likely that a minimum of 10% of the workforce would be sourced from the local labour</p>	



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
				<p>market, including apprentices, security workers and delivery drivers. This level of local employment, based on a peak monthly employment assumption of 350 workers, could result in the peak monthly local job demand being up to approximately 35 jobs locally, which the Applicant considers could be accommodated from the local labour pool based on the jobs density data presented in paragraph 4.3.4 of the Socio Economics and Tourism Report [APP-066].</p> <p>Furthermore, as stated in paragraph 4.3.18 of the Socio Economics and Tourism Report [APP-066], the workforce numbers for the project (based on the alternative scenario presented in ES Appendix 4.2: Construction Schedule [APP-091], which is considered to be a worst-case scenario in terms of workforce numbers) are estimated to be around 350 staff at peak and an average of around 180 workers on site across the whole of the alternative construction schedule. This is not a large number in workforce terms (in comparison with Sizewell C, for example, which is expected to employ an estimated 7,900 construction workers at peak construction).</p> <p>While there is strong demand for the construction workforce in a number of occupations in the region, given the relatively low number of construction workers required for the project, and that the project would require trained specialists who are qualified to work on high voltage electricity lines, whom are typically sourced from the Applicant's existing pool of approved contractors, the Applicant considers that there are unlikely to be significant adverse effects on jobs and employment.</p>
			5.2.1 – Tourism baseline – we ask why the Applicants are they not using more recent data? The submission seems to skew the data when you use 2019-2020 data	Uncertainty in data due to fluctuations caused by the COVID-19 pandemic are acknowledged in the Socio Economics and Tourism Report [APP-066]. Conclusions



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<i>given the impact of COVID and states that it is also unclear how recovery from the COVID-19 restrictions, will change patterns of tourist numbers and tourism revenue going forward. Surely this is no longer relevant and should not be used to suggest that tourism is low and therefore the impact is low.</i>	have been drawn from the available data and reference made to potential uncertainties where identified. Where 2021 and 2021 data have been utilised for the assessment, comparison is given to 2019 (the latest year of data prior to the COVID-19 pandemic). For example, in paragraphs 5.2.5 and 5.4.3 of the Socio Economics and Tourism Report [APP-066] a comparison is given to the 2019 data.

## 0.7 Socio-Economics and Other Community Matters: Farming

Table 0.7 – Socio-economics and other community matters: farming

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
MG1.0.54	Local planning authorities	Do you consider that impacts on agriculture businesses have been properly considered and assessed?	<b><u>Babergh and Mid Suffolk District Councils</u></b> <i>No. There is no reference to specific impacts on agriculture businesses as part of the assessment.</i>	Impacts on Agricultural Operations and Viability are assessed in ES Chapter 11: Agriculture and Soils [APP-079] and as stated, impacts on Agricultural Operations and Viability during construction and operation are assessed to be not significant.
			<b><u>Suffolk County Council</u></b> <i>In principle, SCC (Planning) considers that the proposals and their implementation which would include restoration of disturbed land and landowner agreements would be sufficient to safeguard agricultural interests.</i>	The Applicant welcomes this response.
			<b><u>Braintree District Council and Essex County Council</u></b> <i>4.3.16 – ‘The project could cause temporary direct effects to the operation of agricultural businesses through disruption or loss of agricultural land during construction. The vast majority of agricultural land would be reinstated following construction and existing agricultural operations would continue.’ This potentially</i>	A response is provided in Chapter 10 of The Applicant's Comments on Essex County Council and Braintree District Council Responses to First Written Questions [REP3-050] submitted at Deadline 3.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			underestimates the impact on agricultural businesses if land is not accessible even for short time and could have potential long term significant knock-on impacts. In particular, BDC consider that the proposed haul route from the A131 to the Stour Valley West cable sealing end (CSE) compound will unduly impact on agricultural businesses (farming) during construction. The Councils concerns are set out in the Local Impact Report ( <b>REP1-039</b> ), Section 14, and summarised in Paragraphs 14.4.7 – 14.4.9 as well as paragraph 18.4.9. In addition, for operation post construction the undergrounded cables need to be positioned so agricultural use can return unaffected by the development proposed.	

## 0.8 Socio-Economics and Other Community Matters: Tourism and Local Recreational Users

**Table 0.8 – Socio-economics and other community matters: tourism and local recreational users**

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
MG1.0.56	Local planning authorities	Paragraph 5.2.7 (Effects During Construction) of the Socio-Economics and Tourism report [ <b>APP-066</b> ] states, 'With these [good practice] measures in place, it is unlikely that the project would result in significant effects on the tourism economy during construction'. Do you consider that the impacts on tourism been properly assessed, particularly with regard to Dedham Vale and the Stour	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p>a. <i>No. As identified in previous responses, the baseline and assessment is flawed and therefore the conclusions reached cannot be found sound.</i></p> <p>b. <i>There is no differentiation on impact identified between the area of undergrounding in the AONB</i></p>	<p>The Applicant has provided comments in Table 0.6 of this report to Babergh District Council's concerns regarding the baseline for the Socio Economics and Tourism Report [<b>APP-066</b>].</p> <p>Paragraph 5.3.8 of the Socio Economics and Tourism Report [<b>APP-066</b>] acknowledges that the project would have direct effects to parts of the Dedham Vale AONB and the Stour Valley during construction, but that the good practice measures within the Code of Construction Practice (CoCP) [<b>REP3-026</b>] would reduce the effects experienced by visitors, and it is considered unlikely that there</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		Valley, footpaths, cycleways, bridleways, and other leisure areas? Do you consider that the proposed good practice and mitigation measures would address the potential impacts? If not, what additional measures do you consider are required?	<p>c. <i>No reference to the impact on accommodation providers or attractions for lost bookings as people choose not to holiday in this area during construction.</i></p> <p><i>A full package of appropriate mitigation measures needs to be agreed and in place in advance of commencement of construction to mitigate this impact to ensure that businesses don't lose out by visitors cancelling bookings as their holiday would be disrupted by construction.</i></p>	<p>would be significant effects on visitor attractions. In addition, there is limited public access to the AONB within the Order Limits, for example there is only one Public Right of Way (PRoW) (along the River Box) within the underground cable section.</p> <p>As stated in paragraph 1.2.3 of the Socio Economics and Tourism Report [APP-066], the report does not consider whether there would be financial effects of the project on individual businesses. This is because if there was a relevant claim for compensation, this would be dealt with by negotiation and, where appropriate, the application of the Compensation Code. Furthermore, paragraph 4.3.17 of the Socio Economics and Tourism Report [APP-066] states that there could be indirect economic effects to individual businesses, for example loss of business to a holiday let during construction. These matters are addressed outside of the Environmental Impact Assessment (EIA), through the landowner discussions and compensation arrangements. Therefore, indirect economic effects to local businesses are not considered further in the report.</p> <p>The good practice measures within the CoCP [REP3-026] would reduce nuisance from construction activities, including risk of disturbance from noise, light and dust (for example GG10, GG11, GG12, GG13, GG19 and GG20), and would reduce the effects experienced by visitors, by only closing accesses for short periods while construction activities occur and providing signed diversions for any temporary diversions required (TT03). The CoCP is secured through Requirement 4 of the dDCO (document 3.1 (D)).</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>d. Catherine Bailey (Landscape):</p> <p><i>Visual effects form part of the amenity of the natural landscape and affect users experience of the landscape.</i></p> <p><i>Cross reference needs to be made to localised adverse visual effects, particularly permanent and cumulative effects within the Landscape and Visual Impact Assessment (LVIA), and appropriate compensation identified, being mindful that most residual adverse visual effects from pylons cannot be effectively mitigated with planting.</i></p>	<p>Landscape and visual impacts are covered in ES Chapter 6: Landscape and Visual [APP-074], and cumulative landscape and visual effects are covered in ES Chapter 15: CEA [APP-083]. These are not duplicated in the Socio Economics and Tourism Report [APP-066].</p> <p>The LEMP [REP3-034] contains all the planting required to make the project acceptable, including the embedded and best practice measures (including planting embedded into the design of the project and reinstatement planting) and additional mitigation as well as biodiversity compensation planting and landscape softening (NPS EN-5). The remaining residual effects are considered to be acceptable in the overall planning balance without further mitigation or compensation.</p>
			<p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Planning) is concerned about the impacts of in particular the proposed working hours upon amenity and tourism. Details of phasing would, it is believed, mitigate this. National Grid (the Applicant) say that details of the construction programme will not be available until contractors are appointed. For this reason, it is SCC's position that management plans including the Construction Traffic Management Plan (CTMP) and Construction Environmental Management Plan (CEMP) require further detail which could be discharged via a Requirement under the DCO.</i></p>	<p>See the Applicant's comments in Table 11.1 (reference 14.44) of the Applicant's Comments on Suffolk County Council and Babergh Mid Suffolk District Council Local Impact Reports [REP3-049].</p>
			<p><i>SCC (Skills / Economic Development) are concerned about the socio-economic impact of this project as well as the effects on tourism. These effects will be economic, visual,</i></p>	<p>The Scoping Report [APP-156] concluded that the project is unlikely to have significant effects on socio-economics and tourism and was therefore scoped out from being required as a standalone</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<i>environmental and physical. We do not feel that they have been sufficiently considered as part of this assessment and require closer examination</i>	<p>topic in the ES. The Planning Inspectorate agreed with this position in the Scoping Opinion [APP-159].</p> <p>The Applicant has updated the baseline assessment regarding these topics within the Socio Economics and Tourism Report [APP-066], which confirms the conclusions presented in the Scoping Report regarding these topics. ES Chapter 15: CEA [APP-083] assesses the intra-project and inter-project cumulative effects on socio-economics and tourism and confirms that there would be no likely significant effects.</p>
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>In terms of socio-economic comments, the measures are satisfactory but the Councils consider that the statement: 'with these it is unlikely the project will result in significant effects to the tourism economy' is inaccurate. There will inevitably be impacts on businesses that rely on tourism in the area. Should there/could there be monetary compensation for these businesses for the losses they experience? The Council's consider that there should be closer identification of which businesses that rely on tourism would/could be impacted by the development and measures to limit the impact should be put in place for them individually.</i></p>	<p>As stated in paragraph 1.2.3 of the Socio Economics and Tourism Report [APP-066], the report does not consider whether there would be financial effects of the project on individual businesses. This is because if there was a relevant claim for compensation, this would be dealt with by negotiation and, where appropriate, the application of the Compensation Code.</p> <p>Paragraph 4.3.17 of the Socio Economics and Tourism Report [APP-066] states that there could be indirect economic effects to individual businesses, for example loss of business to a holiday let during construction. These matters are addressed outside of the EIA, through the landowner discussions and compensation arrangements. Therefore, indirect economic effects to local businesses are not considered further in the report.</p>
			<i>In terms of potential impacts from footpaths, cycleways etc, there is little mention of how visual effects form part of visitor amenity at either the</i>	<p>Landscape and visual impacts are covered in ES Chapter 6: Landscape and Visual [APP-074], and cumulative landscape and visual effects are</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>construction or operational stages. Visual effects form part of the amenity of the natural landscape and affect users experience of the landscape. Cross reference needs to be made to localised adverse visual effects, at both construction and operational stages and the cumulative effects, and appropriate compensation identified, being mindful that many residual adverse visual effects from pylons and overhead wires cannot be effectively mitigated with planting.</p>	<p>covered in ES Chapter 15: CEA [APP-083]. These are not duplicated in the Socio Economics and Tourism Report [APP-066].</p> <p>The LEMP [REP3-034] contains all the planting required to make the project acceptable, including the embedded and best practice measures (including planting embedded into the design of the project and reinstatement planting) and additional mitigation as well as biodiversity compensation planting and landscape softening (NPS EN-5). The remaining residual effects are considered to be acceptable without further action on mitigation or compensation.</p>

## 0.9 Socio-Economics and Other Community Matters: Employment

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.

## 0.10 Socio-Economics and Other Community Matters: Businesses

**Table 0.10 – Socio-economics and other community matters: businesses**

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
MG1.0.60	Local Planning Authorities	Do you consider that the impact of the Proposed Development on businesses has been properly considered and assessed, particularly in	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p>a. <i>No. No differentiation in terms of impact between the areas planned for undergrounding or pylons which could result in a different conclusion around impact.</i></p>	See the Applicant's comments in Table 0.6 (ref MG1.0.43, Babergh District Council sub-section) of this document.



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		relation to the potential for disruption caused by the construction and dismantling process?	<p>b. <i>No identification of impact on reduced access to services (including businesses, healthcare, education etc) during construction and the challenges this will have.</i></p> <p><i>This could also include changes to rural bus services which could have a significant impact on rural businesses and community services and exacerbate rural isolation challenges</i></p>	<p>Section 4.4 of the Socio Economics and Tourism Report [APP-066] considers effects on community services.</p> <p>As stated in paragraph 4.4.4 of the Socio Economics and Tourism Report [APP-066], there could be indirect effects as a result of construction traffic causing either severance to access or delays to community services. These effects are considered within ES Chapter 12: Traffic and Transport [APP-080], which conclude that there are unlikely to be significant effects on the local road network. This is not considered further within the Socio Economics and Tourism Report [APP-066] to avoid duplication.</p>
			<p><b>Suffolk County Council</b></p> <p>a. <i>SCC (Planning) is concerned about the impacts of in particular the proposed working hours upon amenity and tourism. Details of phasing would it is believed mitigate this. National Grid (the Applicant) say that details of the construction programme will not be available until contractors are appointed. For this reason, it is SCC's position that management plans including the CTMP and CEMP require further detail which could be discharged via a Requirement under the DCO.</i></p>	<p>See the Applicant's comments in Table 11.1 (reference 14.44) of the Applicant's Comments on Suffolk County Council and Babergh Mid Suffolk District Council Local Impact Reports [REP3-049].</p>
			<p>b. <i>SCC (Skills / Economic Development) are concerned of the effects on tourism as part of this process. We are also concerned that insufficient consideration has been given to the effects on the local labour market/workforce and how the demand for this work (along with the other NSIPs proposed for Suffolk over the next few years) can be met.</i></p>	<p>See the Applicant's comments in Table 0.6 (ref MG1.0.44, Braintree District Council and Essex County Council sub-section) of this document.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>The Council's consider that there should be closer identification of which businesses that rely on tourism would/could be impacted by the development and measures to limit the impact should be put in place for them individually.</i></p>	See the Applicant's comments in Table 0.8 (ref MG1.0.56, Braintree District Council and Essex County Council sub-section) of this document.

## 0.11 Socio-Economics and Other Community Matters: Local Residents and Community

Table 0.11 – Socio-economics and other community matters: local residents and community

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
MG1.0.62	Local highway authorities	Could you provide accurate, up-to-date and publicly accessible information on your websites relating to any walking, cycling and horse rider diversion routes that were agreed to facilitate the Proposed Development?	<p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Local Highway Authority) notes that no details of any diversion routes for walking, cycling or horse rider diversions have been made publicly accessible other than those in our responses to the examination (i.e., RR [RR-006], Local Impact Report [REP1-045]). SCC (PROW) provides details on current temporary closures and diversions for Public Rights of Way that they Highway Authority have administered. This is available on the SCC website.</i></p> <p><i>Details of temporary traffic regulation orders administered through the DCO could be included on the SCC website. Full details would be required from the Applicant to enable this to be undertaken. Further information is provided by SCC to all affected Parish Councils and User Groups, with notices and maps displayed on site. For the proposed development this would be the full responsibility of the Applicant as part of the administering the DCO.</i></p>	The proposed diversion routes for PROW are shown on the Access, Rights of Way and Public Rights of Navigation Plans [APP-012] submitted as part of the application for development consent. In addition, the Applicant has provided a PROW Management Plan at Deadline 3 [REP3-056] which contains further details regarding the PROW affected and whether these require a diversion route.



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<u>Essex County Council</u> <i>ECC maintains an up to date footpath and rights of way map which is a publicly available document. It is noted that all diversions will however be temporary and the map is updated on an infrequent basis but signage will be provided on site for users.</i>	The Applicant has no comment to make on this matter.

## 1. Air Quality and Emissions

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.

## 2. Approach to the EIA and the ES, Including Cumulative Effects

**Table 2.1 Approach to the EIA and the ES, including cumulative effects**

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
EA1.2.5	The Applicant Local planning authorities	The LEMP [APP-182] includes proposals for woodland establishment through natural regeneration, using the local seed bank already present. Does the LEMP include sufficient information on which to base the establishment and management of the larger areas that extend some distance from existing woodland on arable soils? Would soil fertility need to be reduced and is further detail needed on control of weeds? Is further detail required on the measures that would be taken if the establishment of naturally regenerated woodland is not occurring satisfactorily? Is the proposed monitoring and aftercare period sufficient?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Decommissioning could be worse for ecology as mobile species are likely to take present in habitats created and restored. We support the proposed addition by ExA to Req 12 as any major development would need to review the ES conclusions to inform appropriate mitigation and compensation where necessary.</i></p> <p><i>The proposed addition to Requirement 12 would also be useful in relation to landscape and visual impacts.</i></p> <p><i>Environmental Health team comments:</i></p> <p><i>4.10.5 indicates that the decommissioning would follow National Grid processes at that time. The preamble suggests this may be 40-80 years from now at least. Technology and methods for decommissioning may well change significantly in that time as alluded to in the noise and vibration summary. There may also be more noise sensitive receptors constructed and occupied in the vicinity also between construction to decommissioning, these would also need to be taken into consideration at that time.</i></p> <p><i>I would consider this addition to be beneficial to all parties.</i></p> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Planning) accepts that the Rochdale envelope based upon a worst-case scenario construction case within the ES would encompass sufficiently demolition of the proposed development at the end of its lifetime. It</i></p>	<p>Responses are provided under response reference EC1.3.5 in the Applicant's Responses to First Written Questions [REP3-052] and on pages 27 and 28 of the Applicant's Comments on Suffolk County Council and Babergh Mid Suffolk District Council Local Impact Reports [REP3-049] submitted at Deadline 3.</p> <p>As stated in the Schedule of Changes to the Management Plans [REP3-055] submitted at Deadline 3, a new paragraph 8.4.11 has been inserted to the LEMP [REP3-034] submitted at Deadline 3 following receipt of the Local Impact Report from Suffolk County Council [REP1-045], expressing concerns about natural regeneration, to note that aftercare checks will identify whether additional planting is required to achieve the habitat objectives.</p> <p>The Applicant also notes that it would need to comply with any relevant legislation at the time of decommissioning such as those pertaining to protected species.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>should be noted that the construction of the proposed development would include a significant amount of demolition of existing infrastructure including pylon towers.</i></p> <p><i>However, since the environmental sensitivities of the receiving environment may well change over the operational lifetime of the development (for example the presence or absence of particular species or habitats, the addition of further designated heritage assets, or the addition of new sensitive receptors for noise or vibration by reason of additional development in the locality), SCC would therefore support the inclusion of the suggested addition to Requirement 12.</i></p> <p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>For the impacts of the work at decommissioning stage it is very difficult to predict what these will be on both the environment and amenity given the time periods proposed. As such, the Councils agree in principle to the proposed addition, and also request the addition of 'or where the likely decommissioning impacts are materially different' to the wording proposed. Practically it may not always be possible to agree a better or worse option. There may be some instances where the decommissioning impacts are simply different from the impacts originally envisaged, in which case there should be a new assessment</i></p>	
EA1.2.8	Local planning authorities	Do the local planning authorities agree with the list of plans and projects included in the cumulative effects assessment (ES Chapter 15 [APP-083])?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>BMSDC confirm agreement.</i></p>	The Applicant welcomes this response.
			<p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Planning) is in agreement.</i></p>	The Applicant welcomes this response.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><b>Braintree Council District and Essex County Council</b></p> <p><i>In broad terms, and in respect of the developments in the administrative areas of the Council's, yes. It is noted that East Anglia Green (now known as Norwich to Tilbury) is here specifically mentioned in <b>APP-083</b>. At para 15.6.41 and 15.6.43 and it is concluded that the impacts of the two as proposed NSIP proposals would have a "significant cumulative effect to landscape and views immediately around Bramford Substation." As such the Councils request that the applicant provides a specific reference within the submitted suite of documents as to where such "significant" effects are considered as it is not clear at this time.</i></p>	<p>East Anglia GREEN (now known as Norwich to Tilbury) is identified as ID DCO-019 in the ES CEA <b>[APP-083]</b>. It is listed in Table 1.1 (Long List of NSIP Within 50km of the Project) of ES Appendix 15.3: Long List of Other Developments <b>[APP-142]</b> and taken forward for further consideration in Table 1.1 of ES Appendix 15.4: Shortlist of Other Developments <b>[APP-143]</b>. The potential for significant cumulative effects is then considered and reported in Table 2.1 of ES Appendix 15.5: Inter Project CEA <b>[APP-144]</b> and summarised in ES Chapter 15: CEA <b>[APP-083]</b>.</p>

### 3. Biodiversity, Ecology and Nature Conservation, Including HRA Matters

Table 3.1 – Biodiversity, ecology and nature conservation, including Habitats Regulation Assessment (HRA) matters

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
EC1.3.1	The Applicant Natural England	The Applicant's comments on RRs <b>[REP1-025]</b> do not seem specifically to address the suggestion from Natural England <b>[RR-042]</b> that the potential impacts on the Hintlesham Woods SSSI interest features 'lowland mixed deciduous woodland' and	<p><b>The Applicant</b></p> <p><b>Natural England</b></p> <p><i>Following the submission of Natural England's Relevant Representations (dated 18 July 2023, our ref: 437197) and subsequent discussions, the Applicant stated on the 7 September 2023 that they would provide Natural England</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions <b>[REP3-052]</b> submitted at Deadline 3.</p> <p>The Applicant has submitted a Technical Note on Ancient and Potential Ancient Woodland <b>[REP3-046]</b> and a Technical Note on Noise Levels at Hintlesham Woods <b>[REP3-057]</b> at Deadline 3 and has no further comment to make at this time.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p>'breeding bird assemblages - mixed: scrub and woodland' require further assessment, and that consideration of mitigation or compensation is required. Can you indicate your current position on these matters.</p>	<p>with two technical notes: "a peak noise assessment" and one "detailing the proposals at each ancient / potential ancient woodland within 15m of the Order Limits". Although, we note that effects on ancient woodlands are not restricted to 15m, as per our standing advice for ancient woodland, ancient trees, and veteran trees (<a href="https://www.gov.uk/guidance/ancientwoodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions">https://www.gov.uk/guidance/ancientwoodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions</a>), which the applicant has been referred to throughout the consultation process. Once the technical notes are received and reviewed, further comment will be made in due course.</p> <hr/> <p><b><u>RSPB</u></b></p> <p>The RSPB would like to note its concern regarding the potential for noise disturbance to impact on breeding birds of the Hintlesham Woods SSSI and the need to consider mitigation for this issue (as raised in our Statement of Common Ground with the Applicant, <b>REP1-028</b>).</p>	
EC1.3.5	The Applicant Natural England Local planning authorities	<p>The LEMP [APP-182] includes proposals for woodland establishment through natural regeneration, using the local seed bank already present.</p> <p>Does the LEMP include sufficient information on which to base the establishment and management of the larger areas that extend some distance from existing woodland on arable soils? Would soil fertility need to be reduced and is further detail needed on control of weeds? Is</p>	<p><b><u>The Applicant</u></b></p> <hr/> <p><b><u>Natural England</u></b></p> <p>The LEMP provides little detail on the natural regeneration area proposed. More information about the size of the area, soils and previous use of the proposed area would be required to provide more detailed advice. However, we provide the below advice based on the questions asked, and information currently available. In terms of the distance, the site might benefit from planting a group of trees, grown from seed from Hintlesham Woods SSSI, in the middle or on the further half from the seed source, which would help to expedite the woodland colonisation</p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <hr/> <p>The Applicant refers to its responses provided under reference EC1.3.5 in the Applicant's Responses to First Written Questions [REP3-052] and on pages 27 and 28 of the Applicant's Comments on Suffolk County Council and Babergh Mid Suffolk District Council Local Impact Reports [REP3-049] submitted at Deadline 3.</p> <p>As stated in the Schedule of Changes to the Management Plans [REP3-055] submitted at Deadline 3, a new paragraph 8.4.11 has been inserted to the LEMP [REP3-034] submitted at</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		further detail required on the measures that would be taken if the establishment of naturally regenerated woodland is not occurring satisfactorily? Is the proposed monitoring and aftercare period sufficient?	<p><i>rate. The However, it should be noted that transitional habitat will be of benefit to a wide range of species and provide valuable ecological connectivity. In relation to soil fertility, reducing the nutrient status of the soil can be beneficial, and could be achieved in a variety of ways. One is to turn the soil over, although this would lead to large carbon loss from the soils. Another would be to plant a crop such as a bird mix, specifically intended to draw nitrogen from the soil prior to the natural regeneration process beginning. The options would need to be considered by the Applicant to determine which would be most appropriate. In terms of weed control, it is important to understand the soil fertility to know whether there is a risk posed by competitive vegetation. If the soil is of high fertility and there is a residual weed seed bank, cultivation can stimulate weed germination and therefore it is not usually recommended, or if necessary, should be kept to a minimum. The Forestry Commission Natural Colonisation guidance provides useful information on this and other points.</i></p> <p><i>We advise that natural colonisation/ regeneration is an active area of research and guidance is likely to evolve. It can take longer than planting to achieve the desired results and any monitoring programme should account for this. We advise that a 5-year aftercare period would ideally be extended to 15 years for natural regeneration of woodland. Details should be provided on measures to be taken if establishment is not occurring satisfactorily. However, we reiterate that natural regeneration is favoured by Natural England, as it should produce a woodland that is both resilient and suited to the site.</i></p> <p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Soil fertility is helpful for woodland creation to get trees established but the distance from existing woodland will be</i></p>	Deadline 3 following the Local Impact Report from Suffolk County Council [REP1-045], expressing concerns about natural regeneration, to note that aftercare checks will identify whether additional planting is required to achieve the habitat objectives.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>a limiting factor in the early years. However, scrub will develop more quickly and this will support natural regeneration of woodland over time. By definition, natural regeneration should not need artificial weed control and limited aftercare other than fencing to keep deer out ! Monitoring of the process will inform the need for any supplementary planting where necessary with seeds collected from the trees within nearby woodland areas as stated in Para 8.4.8. Experience of re-wilding of arable land locally suggests natural regeneration can be quite quick depending on the specific environment of each field.</i></p> <p><i>We recommend that the aftercare period should be aligned to the Biodiversity Metric timescale to reach the desired condition outcomes.</i></p> <p><i>These details should be finalised by the contractor and support discharge of Requirement 10 for the final LEMP and other control documents by the relevant LPA</i></p> <hr/> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Ecology) defers to BMSDC as the lead authority on ecology matters. SCC (Landscape) has expressed concerns about the proposals for natural regeneration of woodland within the Local Impact Report [REP1-045]. SCC considers that the LEMP [APP-182] does not include sufficient prescriptions for the establishment, aftercare and monitoring of such woodlands ([REP1-045], paragraphs 6.162 - 6.163). The proposed aftercare period of 5 years is wholly inadequate, and the proposals are not secured in the dDCO ([REP1-045], paragraphs 6.164. and 6.181).</i></p> <p><i>It is necessary to harvest seed from local donor sources to inoculate the regeneration areas and to ensure that emerging regeneration of scrub and trees is protected from browsing deer, rabbits and hare. Therefore, considerable thought will need to be given at sourcing and</i></p>	



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>collecting of donor seed stock and it is essential that appropriate fencing (including rabbit fencing at its base) is installed around all natural regeneration areas. Weed control is not generally compatible with natural regeneration, as spraying and cutting is likely to destroy the woody species that are the desired outcome. Therefore, it is necessary that there is a high level of seed inoculation and robust protection of germinating trees and shrubs, as this will ensure that pernicious weeds are rapidly shaded out. Soil fertility does not need to be reduced.</p> <p><b><u>Braintree District Council and Essex County Council</u></b></p> <p>Same response as Babergh District Council.</p>	
EC1.3.6	The Applicant Natural England Local planning authorities	Section 9 of the LEMP [APP-182] appears to suggest that most areas of habitat (trees, woodlands, hedges, grasslands) created for mitigation, restoration, compensation and biodiversity net gain revert to the landowner after five years. Is this a correct understanding and do you believe that this is sufficient guarantee that the created habitat would provide its mitigation or compensation function in the longer term?	<p><b><u>The Applicant</u></b></p> <p><b><u>Natural England</u></b></p> <p><i>Natural England's comments on the Draft LEMP (06.01.2023) stated: 'We note and mostly accept that new or reinstated woodland, trees and hedgerows would be inspected and maintained by National Grid for a period of five years, after which these assets would be handed back to the landowner. We would however, question whether planting specifically to screen the sealing end compounds would be wholly or partly on land that remains within National Grid's ownership and could therefore be under its permanent care. This would ensure that the vegetative screening necessary for mitigating the landscape and visual effect of a sealing end compound can be maintained for the full lifetime of the scheme.' The long-term screening for sealing end compounds (and therefore the long-term efficacy of mitigation for LVIA impacts) can</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant refers to its response under response reference EC1.3.4 of the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p>



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>only be secured if a planning mechanism or other binding agreement with the landowner is put in place, to ensure that the planting around these features is maintained for the lifetime of the scheme. Biodiversity gains should ideally be secured for a minimum of 30 years and be subject to adaptive management and monitoring. This will be a legal requirement when Biodiversity Net Gain (BNG) becomes mandatory. Gains can be secured through planning obligations, conservation covenants or requirements within the DCO. Ideally, this should also extend to any areas of land that are temporarily acquired, reinstated (or enhanced) and then returned to the landowner.</i></p>	
			<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>The initial 5 year aftercare period for habitat creation is not sufficient for any guarantee and at least 10-15 years will be needed for management cycles to support the desired condition outcomes required by the Metric. This needs to be secured by long term monitoring so that remedial measures can be put in place where necessary. It is not considered reasonable for the landowner to bear the cost of long term management to meet the applicant's commitments without recompense.</i></p> <p><i>Paragraph 9.1.4 and 9.2.1 amongst others imply a five-year aftercare period is proposed. In places e.g., 9.3.1 it is implied that the maintenance could be handed back to the landowner sooner than five years. It is unlikely that the reinstatement objectives for trees and shrubs could be assured in a five-year period, especially in light of the increasing periods of extended high temperatures and drought experienced in the East of England.</i></p>	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>In relation to net gain, a minimum of 30 years of maintenance needs to be secured; please refer to Ecology response</i></p> <hr/> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Ecology) defers to BMSDC as the lead authority on ecology matters. SCC (Landscape) considers that the hand-back period for any habitat should ensure that the habitat's function and desired outcomes have been achieved or appropriately secured prior to handing back. Therefore, handing back after 5 years may be appropriate in some cases, but not in all, for example woodland.</i></p> <hr/> <p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>Paragraph 9.1.4 and 9.2.1 amongst others imply a five year aftercare period is proposed. In places e.g., 9.3.1 it is implied that the maintenance could be handed back to the landowner sooner than five years. This 5 year aftercare period for habitat creation is not sufficient for any guarantee and at least 10-15 years will be needed for management cycles to support the desired condition outcomes required by the Metric, especially light of the increasing periods of extended high temperatures and drought experienced in the East of England. This needs to be secured by long term monitoring so that remedial measures can be put in place where necessary. It is not considered reasonable for the landowner to bear the cost of long-term management to meet the applicant's commitments without recompense.</i></p>	
EC1.3.7	Suffolk CC Babergh DC Mid Suffolk DC	The Suffolk councils' position in their Local Impact Report <b>[REP1-045]</b> in relation to biodiversity impacts (at paragraphs 7.30 and 7.36) is	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Paras 7.30 and 7.36 go on to state "This would include a 80m wide swathe that would be disturbed due to the construction of underground cable sections of the route. Surface infrastructure construction would represent an</i></p>	The Applicant refers to its responses on pages 34 to 37 (inclusive) in The Applicant's Comments on Suffolk County Council and Babergh Mid Suffolk District Council Local Impact Reports <b>[REP3-049]</b> .

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		unclear. While the Applicant's ES [APP-075] concluded that there are no likely significant residual effects in relation to biodiversity receptors during construction or operation, the Local Impact Report appears to conclude that there would be significant impacts during construction and decommissioning, 'There would be material impacts upon ecological features (designated sites, protected and Priority species and habitats).' Can the position be clarified with specific instances and supporting evidence.	<p><i>intrusive feature that would impact ecology during construction."</i></p> <p><i>These statements are pre-mitigation and when the Local Impact Report was submitted, the ES mitigation was and still it not finalised. We support the use of embedded and good practice mitigation designed to avoid, minimise and compensate for adverse impacts. However, the mitigation details are still not yet agreed. One example is the graduated cut of trees adjacent to the 20m swathe cut under the pylon route through woodland as referred to in ExA Q1 MG1.0.17. This method of working is requires further discussion.</i></p> <p><i>A further example is the aftercare period for habitat creation being limited to five years ref ExA Q1 EC1.3.5. This does not build confidence that the desired condition outcomes will be reached and the responsibility period should therefore be aligned to the Biodiversity Metric timescale with ongoing monitoring secured by Reqt 5 and delivered under the final LEMP to be agreed by the LPAs.</i></p> <p><i>It is therefore considered appropriate that LPA representatives are part of an Advisory Group is set up to help inform decision making throughout the implementation of the LEMP by the contractor. This will take into account consultee feedback and ongoing design refinement and environmental assessment and aim to support discharge of Requirement 5.</i></p> <hr/> <p><b><u>Mid-Suffolk District Council</u></b></p> <p><i>As above.</i></p> <hr/> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Ecology) defers to BMSDC as the lead authority on ecology matters.</i></p>	<p>The Applicant provides comments on the graduated cut in its response to MG1.0.18 in Table 0.3 of this document.</p> <p>With regards to aftercare, the Applicant refers to its responses on pages 16 and 17 in The Applicant's Comments on Suffolk County Council and Babergh Mid Suffolk District Council Local Impact Reports [REP3-049].</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
EC1.3.8	Nick Miller	You have raised concerns on matters relating to biodiversity [RR-103], referring to your 'own surveys, and... important information from local residents Nigel Morgan, John Dumont and John McGlashan, as well as Nightingale survey information from Martin Peers, and Dormouse survey information from Suffolk Wildlife Trust (on behalf of Essex Wildlife Trust).' Do you intend to submit the survey information into Examination (noting that badger data would need to be on a confidential basis, and that the information should be evidenced and include the qualifications and experience of the surveyors)?	<p><i>The following are the survey information, for Dormice, Nightingales, and Habitats and Species in the Local Wildlife Site.</i></p> <p><i>Dormice</i></p> <p><i>1. Attached spreadsheet (at end of this email) of Dormouse records from Suffolk Wildlife Trust, I can also supply if required, a map showing those locations.</i></p> <p><i>2. Following emails 5/7/23, 7/7/23, from Suffolk Wildlife Trust/ Essex and Suffolk Dormouse Group, inc statements "I can confirm these records were obtained from surveys carried out by the Essex and Suffolk Dormouse Group." and "Dormouse records from Alphamstone attached for your reference."</i></p> <p><i>Nightingales</i></p> <p><i>I received the following information from Martin Peers in , and John Dumont in 2022 &amp; 2023, I can also supply if required, a map showing those locations. Qualifications and Experience of Observers: John Dumont is an acute observer of wildlife who has from childhood lived in Alphamstone and explored it thoroughly throughout, as well as playing a leading part in official conservation projects there, he is a qualified geographer (retired) and I have received many biodiversity communications from him which have been detailed and evidenced, and regularly confirmed by my own observations, he has communicated with local landowners and National Grid's ecologists. Martin Peers is an established local ornithologist whose knowledge is unbounded, he has provided frequent records to Suffolk and Essex Bird Recorders, and to the British Trust for Ornithology, over many years, his recording effort is continuous and he does regular repeat surveys, and publications show his records are well regarded. Singing male Nightingales: Martin Peers: 2020 just north of Local Wildlife Site TL886356 &amp; 888356; north-</i></p>	<p>The Applicant thanks the interested party for this information.</p> <p>The Applicant is aware of the sensitive habitats within the Stour Valley and this was a key consideration when committing to undertaking a trenchless crossing to the south of Ansell's Grove, as set out in embedded measure EM-G08 in the REAC (<b>document 7.5.2 (C)</b>).</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>west of Ansell's Farm 867365; 865368 John Dumont: 2022 just north of Local Wildlife Site TL878360; 2023 5 close together just east of Local Wildlife Site TL883357 (same location as Martin Peers).</p> <p><i>Habitats and Species in the Local Wildlife Site</i></p> <p>My survey visit of April 2021 shows: The Local Wildlife Site is a very steep valley side of pure sand, with springs, and dense Giant Horsetail &amp; Bracken. At the top it is extremely dry with Lesser Calamint. Below it is a wide area of flooded marsh and peaty fen traversed by the Alphamstone Brook, with both series of Golden Saxifrage, Marsh Marigold and Wild Garlic. All these species form extensive patches, many other less scarce species were present. The Brook is visibly chalky and clear, with white-coated pebbles. The sand and fen areas and their flora are in contrast indicative of exceptionally acid ground. The citation of the Local Wildlife Site states the species are "a rich flora amongst which Marigold, Common Spotted Orchid, Marsh Horsetail, Ragged Robin, Creeping Jenny and Bog Stitchwort are of particular interest as species typical of a rare and declining habitat." John Dumont has recent records of Bullhead, Otter (photo available of spraints at the site) and nesting Tawny Owl. Interpretation: I can say from my thorough experience of similar locations in the Stour Valley area, that these species and habitats are highly untypical of East Anglia, and are a classic combination particular to the tributaries of the River Stour, resulting from a glacial terminal moraine of sand and gravel. The high water-table typical of this will ensure springs and that the valley will be flooded and the Brook running, all year round. Such places are unsuited to any human use and this location is visibly natural and undisturbed by humans. Its light-soil character can be predicted to typically have light scrub and very old hedges with Dormice and Nightingales in surrounding undisturbed</p>	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<i>dry, sandy, and/or steep land. Qualifications and Experience of Observer: Nick Miller - I hold a Degree in Biology, I have knowledge of Habitat Science and Botany in particular, have submitted some thousands of records, have participated in many conservation projects, and have spent 30 years as Warden of a Suffolk County Council Nature Reserve, which has species and habitats similar to Alphamstone's.</i>	
EC1.3.9	Nick Miller	Can you clarify if your representation [RR-103] questions the Applicant's baseline information and mapping in relation to the Alphamstone Meadows Local Wildlife Site and important adjacent scarce habitats (i.e., do you believe any are missed out of the ES)?	<i>I disagree with the Applicant's finding of Dormice only in the pit area in the western part of Henny Back Road, centred on TL872354. Adjoining to the west are the Suffolk Wildlife's recorded Dormice, and if the two populations are totalled, they are more than double those found by the Applicant. I disagree therefore with the Applicant's statement that the total is no more than the norm for the region. I also disagree with the Applicant's implication that any colony of numerous Dormice can be disregarded.</i>	Dormouse survey was undertaken with the objective of confirming dormouse presence. The project assumes that if dormouse are confirmed as present, all connected suitable habitat would also support dormouse. The assessment of impact on dormouse habitat and the embedded measures to avoid significant effects by the project is not affected by the total number of dormice present. In addition, the measures set out in the draft dormouse licence [APP-120] mean that the favourable conservation status of the dormouse populations present are not affected.
EC1.3.11	The Applicant Natural England	The Habitats Regulation Assessment (HRA) Report [REP1-007] sets out how mitigation measures have been dealt with at the screening stage. Is there sufficient clarity in relation to the proposed trenchless crossings of the Rivers Box and Stour (paragraph 2.4.1, etc) to demonstrate that the approach accords with the People Over Wind and Sweetman v Coillte Teoranta judgement?	<p><b><u>The Applicant</u></b></p> <p><b><u>Natural England</u></b></p> <p><i>The competent authority should seek and rely upon their own legal advice when considering the application of the People Over Wind and Sweetman v Coillte Teoranta judgement.</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant refers to its response provided in response reference EC1.3.11 in Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p>



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
EC1.3.12	The Applicant Natural England Local planning authorities	The list of plans and projects where in-combination effects could occur was fixed on the 31 January 2023 to allow the HRA to be finalised for submission [APP-057]. Have any further relevant plans or projects come forward or become known since then that might affect the in-combination assessment?	<p><b><u>The Applicant</u></b></p> <p><b><u>Natural England</u></b></p> <p><i>We are not aware of any plans or projects which have become 'live' since the 31st January 2023. However, we have not conducted a search of plans and projects. It is for the Applicant and not Natural England to provide the competent authority with the information required to carry out a HRA. Whilst it is acceptable for the plans or projects considered in-combination to become fixed for the HRA to be submitted, a HRA is an iterative process, and the Applicant should ensure that the assessment remains valid and complete as the examination process continues.</i></p> <p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>I can't find any list of the plans and projects for the in combination assessment in the HRA report.</i></p> <p><i>However, the criteria in section 2.7 to identify plans and projects which could, without mitigation, have a Likely Significant Effect on the Stour &amp; Orwell Estuaries SPA and Ramsar – the only Habitats sites within scope- should be sufficient for the applicant to refresh the list to support the in -combination part of the stage 2 HRA Appropriate Assessment.</i></p> <p><i>It should include any live projects and any that have been consented but not yet implemented which have been assessed and could have the same impact pathways - surface water quality and groundwater through pollution and sedimentation incidents on watercourses (some are crossed and subsequently discharge into the Stour and Orwell Estuaries SPA and Ramsar) and also habitat degradation and indirectly in reduction in species density.</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant refers to its response under reference EC1.3.12 in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>In addition, the Applicant notes that Section 6.4 of the HRA Report [REP1-007] states that the HRA Report did not need an in-combination assessment, as there were no likely significant effects as the mitigation at Stage 2 avoids the impact pathway so that there were no appreciable impacts to assess in combination with other plans/projects.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>Obviously, Norwich to Tilbury is not sufficiently advanced as a project yet to be included but with good practice measures secured for any projects considered under the in combination assessment, this mitigation means the combination of multiple individual de minimis effects is also de minimis</i></p> <hr/> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Planning) defers to BMSDC (Planning) in respect of the non-NSIP developments in the vicinity of Bramford substation.</i></p> <hr/> <p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>The Councils have not been able to find any list of the plans and projects for the in-combination assessment in the HRA report unfortunately and would wish that the applicants provide a signpost to the same. However, the criteria in section 2.7 to identify plans and projects which could, without mitigation, have a Likely Significant Effect on the Stour &amp; Orwell Estuaries SPA and Ramsar, should be sufficient for the applicant to refresh the list to support the in-combination part of the stage 2 HRA Appropriate Assessment. It should include any live projects and any that have been consented but not yet implemented which have been assessed and could have the same impact pathways - surface water quality and groundwater through pollution and sedimentation incidents on watercourses (some are crossed and subsequently discharge into the Stour and Orwell Estuaries SPA and Ramsar) and also habitat degradation and indirectly in reduction in species density. Norwich to Tilbury has currently been the subject of two rounds on non-statutory consultation and the Councils consider that this is a committed development. Therefore, it is recommended that the in combination effect with Norwich to Tilbury are properly explained so the</i></p>	



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<i>Councils can consider the true impact of in combination effects.</i>	

## 4. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

Table 4.1 – Compulsory Acquisition, Temporary Possession and other land or rights considerations

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
CA1.4.1	Any Affected Person	The Applicant explains in its SoR [APP-38] that voluntary rights in land for underground cables and overhead lines, including pylons, would be sought by way of an option for easement under the terms of a Deed of Grant, rather than via wayleaves (paragraphs 6.1.5 to 6.1.7). a) Do you agree with the Applicant's approach? b) If not, explain why not with reasons. c) If not, and this affects land that you have an interest in, set out detailed reasons in relation to your specific rights.	<p><b><u>Chris Leney on behalf of Brooks Leney</u></b></p> <p>A - No</p> <p><i>B – Throughout the last year to 18 months I have had numerous meetings with Bruton Knowles (agents for the applicant) to work through and agree Heads of Terms (HoTs) for voluntary rights in land via a Deed of Grant. These HoTs were agreed on a generic basis for all of our clients, with final copies being signed off by the applicant on the 1st September 2023. Since this time we have only received HoTs for landowners to sign on approximately one third of our clients. I am therefore concerned that the applicant does not remain committed to agreeing voluntary rights, by way of an easement, rather than wayleaves. The proposal for a Deed of Grant, rather than wayleaves, has the impact of putting undue burden on my client's land and I do not believe allows for full assessment of appropriate compensation etc.</i></p> <p><b><u>East Anglia THREE Limited</u></b></p> <p>Yes</p>	<p>The Applicant has committed significant resources and time in seeking voluntary agreements and is making good progress.</p> <p>The Applicant has provided Brooks Leaney with Heads of Terms (HoT) relating to all his clients (75% of which had been provided by the day following the date on which the representation was made). The Applicant is hopeful that signed HoTs can be achieved with many of Brooks Leaney's clients shortly.</p> <p>The Applicant has responded to points about temporary rights/permanent rights within its Responses to First Written Questions [REP3-52] in response to CA1.4.14. The Applicant also addressed this in paragraphs 6.1.6 and 6.1.7 of the Statement of Reasons [APP-038].</p> <p>The Applicant has no comment on this matter.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
CA1.4.2	Any Affected Person	Are you aware of any inaccuracies in the BoR [REP1-005], SoR and Appendices [APP-038] to [APP-041], Land Plans [REP1-004] or Special Category Land Plans [APP-009]? If so, set out what these are and provide the correct details.	<p><b><u>East Anglia THREE Limited</u></b></p> <p><i>EA3 and ScottishPower Renewables (SPR) are not aware of any inaccuracies.</i></p>	The Applicant has no comment on this matter.
CA1.4.3	Land Partners (Limited Liability Partnership) LLP on behalf of Robert Shelley	The Schedule of Changes to the BoR [REP1-027], (pages 2, 5 and 6), shows that interests have been added in your favour. With these amendments, are you content that the updated BoR [REP1-005] correctly records your interests?	<p><i>We are responding to question CA1.4.3 as posed in The Examining Authority's first written questions, issued on 13th October 2023.</i></p> <p><i>The Schedule of Changes to the BoR [REP1-027], (pages 2, 5 and 6), shows that interests have been added in your favour. With these amendments, are you content that the updated BoR [REP1-005] correctly records your interests? We act on behalf of Robert Shelley [20041309] and confirm that the plots against which Mr Shelley's interest have been registered are correct but there are a number of plots which have been omitted which we set out below and ask that Mr Shelley's interest in each of these plots is added to the Book of Reference: 19-25 19-26 19-29 19-34 19-36 20-01 20-03 20-05 20-07 20-08 20-09</i></p> <p><i>Mr Shelly holds a lease of sporting rights over the Cawston Hall Estate and a copy of the lease has been provided to the Applicant's agents. Please let us know if you have any further questions on this? As a point of note, we raise that there are differences between the Book of Reference Document 4.3(B) (clean) version and the tracked version e.g. My client's interest in plot 20-06 is recorded on page 947 of the 'clean document' but is not recorded against plot 20-06 on page 940 of the tracked version. I would be grateful if you could please acknowledge receipt of this response</i></p>	The Book of Reference has been updated for Deadline 4 ( <b>document 4.3 (D)</b> ) to reflect these additional interests.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
CA1.4.4	Foot Anstey LLP on behalf of Pivoted Power LLP	The Schedule of Changes to the BoR [REP1-027], (pages 3, 5 and 6), shows that interests have been added in your favour. With these amendments, are you content that the updated BoR [REP1-005] correctly records your interests?	<i>We confirm that the updated BoR correctly records Pivoted Power LLP's interests.</i>	The Applicant has no comment on this matter.
CA1.4.5	Any Affected Person	Do you have any concerns that you have not yet raised about the legitimacy, proportionality or necessity of the compulsory acquisition or Temporary Possession (TP) powers sought by the Applicant that would affect land that you own or have an interest in?	<p><b><u>East Anglia THREE Limited</u></b></p> <p><i>No, EA3 and SPR have already set out their concerns to the Examination and the Applicant based on their knowledge and understanding of the Project. The concern for EA3 and SPR is how the existing interests are protected and negotiations with the Applicant are ongoing with the aim of agreeing and entering into a side agreement which deals with this.</i></p> <p><b><u>Brown &amp; Co on behalf of Mr G V S Nott</u></b></p> <p><i>We act on behalf of Mr G V S Nott (Person with an Interest in Land No. 702), trading as D P Nott &amp; Sons, the owner and occupier of land at Pebmarsh, Halstead, Essex.</i></p> <p><i>The Applicant, National Grid, are proposing to acquire a permanent right of access (defined as Class 4 – Compulsory Acquisition of Rights – Access) across Mr Nott's land, identified as Land Parcel Nos.; 29-01, 29-02, 29-03, 29-04 and 29.05 (in common with others).</i></p> <p><i>We have concerns about the proportionality of the extent of the rights that the Applicant are seeking to acquire.</i></p> <p><i>When the Applicant initially approached Mr Nott in the Summer of 2022, it was on the basis that they would only require a temporary haul road across his property during the construction phase of the Project. This is the basis upon which the Consultation was undertaken in Autumn 2022 and upon which my client duly responded. In January 2023, the</i></p>	<p>The Applicant has no comment on this matter.</p> <p>The Applicant has responded to points about temporary rights/permanent rights and consultation at page 30 of its Comments on Relevant Representations [REP1-025].</p> <p>In the Compulsory Acquisition Hearing 1 held on 8 November 2023 the Applicant undertook an action to provide an update to <b>REP3-053</b> Technical Note on Temporary Access Route off the A131 to cover the detailed routing decisions made in respect of the temporary access route off the A131.</p> <p>The Applicant notes that compensation would be payable for any impacts on the farm arising from the project.</p> <p>The Applicant has made commitments on soils and land drainage at paragraph 4.2.1 of the CEMP [REP3-025] and good practice</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>'temporary' requirement changed to a 'permanent' one, with the Applicant advising that upon completion of the Project, they would then require the right to come back over the property at a later date, upon three months' notice, should the need arise. The implication at the time, was that future access was likely to only be required periodically, every 25 to 30 years, when the Applicant needed to undertake substantial works, which would justify the cost of reinstalling the haul road. At the beginning of September 2023, the Applicants' surveyors advised that it had become clear that their client would require access at other times over our clients' land and would not always propose to reinstate the haul road. If required, such access would be upon 28 days' notice, save for in the case of an emergency.</i></p> <p><i>This places a tremendous burden on our client who could have no warning of the Applicant seeking to exercise its rights over the land. As well as interruption to the growing crops, this uncertainty on the potential occupation of the land limits the landowner's ability to enter the land into any stewardship or environmental management scheme. Allied to this, the route for the haul road and therefore the 'rights of access' now sought, bisect my clients substantial arable fields and, any unplanned re-entry of the nature now sought, will significantly impact crops established, which may well have been 'sold forward', thereby creating contractual issues for non-delivery. My clients' land is also heavily drained and he already has considerable concerns regarding the impact that the 'temporary haul road' will have on the land and mole drainage in the field, which the Applicant proposes to address as part of the project. Depending upon the time of year that access is taken, if the haul road is not to be re-installed in its' totality, then the impact on soil structure and the land drainage beneath could be significant and take many years to resolve.</i></p> <p><i>We again bring to the Inspectors attention the alternative proposal submitted to and rejected by the Applicant referred</i></p>	<p>measures are secured at GG07 and at W16 in the CoCP [REP3-026].</p> <p>The draft HoT (which are with the Affected Persons for signature) go further than these commitments, offering payment for the costs of the Affected Persons to employ their own drainage consultants to comment on the Applicant's proposals.</p> <p>The over-riding commitment offered by the Applicant is to restore land at least to the standard recorded in the Schedule of Condition (Paragraph 4.2.1 of the CEMP [REP3-024]).</p> <p>The Affected Person raises the question of notice periods. The Applicant notes the Electricity System Restoration Standard which requires the Applicant to have sufficient capability and arrangements in place to restore 100% of GB electricity demand within five days. In the event of a significant electricity outage the temporary access route may be needed to meet this requirement.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>to in the Representation submitted in October 2023, which I again set out below, for ease of cross reference.</i></p> <p><i>Upon confirmation of National Grids' requirements, Brown &amp; Co wrote to their agents' advising that; 'my client has asked me to again raise the question of an 'alternative' route for the haul road. You will recall that National Grid originally rejected the idea that the haul road be diverted around the boundary of the two larger fields affected by the proposal, on the basis that this would cost more money. Subject to agreeing detailed terms, including landscaping and fencing provision, my client has asked me to propose that the route to be taken by National Grid follows that shown on the attached plan between Points A to E, subject to that section of the haul road between Points A and B being left in situ upon the completion of the scheme, which would represent a substantial cost benefit to NG and also provide them with a secure access in the future.</i></p> <p><i>It is further proposed that between Points B and C, National Grid utilise the existing road network to obviate the damage to the land drainage system in the field situate to the North of the road. Access over the land between Points C, D and E you will recall will not impact on any existing land drainage.'</i></p> <p><i>Despite the substantial cost savings of not having to remove the haul road upon completion of the construction phase of the Project, National Grid advised, via their agents', that they were not prepared to consider a review of the route as;</i></p> <ul style="list-style-type: none"> <li><i>• they would not have planning permission to leave the haul road in-situ;</i></li> <li><i>• the alternative route would potentially result in disruption to the owners of properties in near proximity to the haul road; and</i></li> <li><i>• the alternative route was not included as part of National Grids' consultation process, thereby creating a potential legal issue.</i></li> </ul>	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>We further question whether there should be a requirement for the Applicant to undertake ecological and biodiversity surveys of the land prior to any future use of the rights of access over the land being sought by the Applicant, after the initial construction period reinstatement is completed. Does future ecological value have no influence?</i></p> <p><i>We seek clarity on what events would trigger the exercise of the rights for a full reinstatement or access without. We ask for the Applicant's assessment of the frequency of these events.</i></p> <p><i>We ask how the Applicant proposes to transport a load unsuitable for the Public Highway across agricultural land?</i></p> <p><i>We appreciate that the Applicant needs access to maintain the infrastructure but contend that the breadth of the rights being sought is not equitable and at least 3 months' notice should be provided to the landowner and that full reinstatement of the haul road to the standard proposed during the construction phase be required. Taking access without installing a full specification haul road risks considerable damage to the underlying land and we know of examples where an acquiring authority has taken access in adverse conditions, the clay soil turned to liquid and filled in the field drains resulting in a substantial claim paid to the landowner to reinstate the drainage system.</i></p>	
CA1.4.11	Local planning authorities Local highway authorities	Are any of the Councils in their roles as the local planning authority and the highway authority aware of: a) Any reasonable alternatives to the compulsory acquisition or the TP which is sought by the Applicant? b) Any areas of land or rights that the Applicant is seeking the	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p>No</p> <p><b><u>Suffolk County Council</u></b></p> <p>SCC (Local Highway Authority) notes that: a) where land is required for the purposes of this project outside of the existing highway boundary, SCC is not aware of other reasonable alternatives to secure these other than those proposed by the applicant. b) the areas of land required for highway access purposes will depend on the detailed design of these</p>	The Applicant notes the responses and has no further comment to make on this matter.



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		powers to acquire that you consider would not be needed?	<i>elements; for example, the land required to provide visibility splays, access roads and drainage.</i>	
			<b><u>Braintree District Council and Essex County Council</u></b> A) No. B) Not that the Councils are aware of.	
CA1.4.24	Mead Farms	Can you submit a plans or plans showing the plots of land that are the subject of your RR [RR-041] and with which you are concerned?	<b>No response found in Examination Library.</b>	The Applicant is unable to comment on this but would welcome further engagement from Mead Farms.
CA1.4.25	Malcolm Frost	Can you submit a map or plan showing the land that is the subject of the lease that you referred to in your RR [RR-079] and explain how the Proposed Development would affect your legal interest in that land?	<b>No response found in Examination Library.</b>	The Applicant is unable to comment on this but would welcome further engagement from Malcolm Frost.
CA1.4.26	Linda Keenan	Can you submit a map or plan showing your land referred to in your RR [RR-093]?	<b>No response found in Examination Library.</b>	The Applicant is unable to comment on this but would welcome further engagement from Linda Keenan.
CA1.4.27	Land Partners LLP on behalf of Peter Nott	In your RR [RR-039] you refer to copies of drainage maps including highlighted areas that are of particular	<i>We attach drainage plans of the farm and an annotated plan of the route which was sent to NG's agent in July 2023, along with the following note:</i>  <i>There is one area which I have highlighted on the attached plan which is of concern as the headland of the southern field</i>	In the Compulsory Acquisition Hearing 1 held on 8 November 2023 the Applicant undertook to provide an update to <b>REP3-053</b> Technical Note on Temporary Access Route off the A131 to cover the detailed routing decisions made in



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		issue to you. Can you forward this evidence?	<p><i>contains significant drainage infrastructure. There are three outfalls along this length through which water flows from the farm yard and buildings, in addition to the fields and my clients are very concerned about any interference in this area. Your clients should have copies of the drainage plans for this area if they require anything more technical to illustrate this.</i></p> <p><i>We propose that the route continues in the small field to the north, where I have marked in red. My client has commented that the length of 'hedge' along this boundary is not long-established, having grown up to what could now count as a hedge purely by vegetation along the bank not being cut.</i></p>	<p>respect of the temporary access route off the A131.</p> <p>The Applicant notes that compensation would be payable for any impacts on the farm arising from the project.</p> <p>The Applicant has made commitments on soils and land drainage at paragraph 4.2.1 of the CEMP [REP3-025] and good practice measures are secured at GG07 and at W16 in the CoCP [REP3-026].</p> <p>The draft HoT (which are with the Affected Persons for signature) go further than these commitments, offering payment for the costs of the Affected Persons to employ their own drainage consultants to comment on the Applicant's proposals.</p> <p>The over-riding commitment offered by the Applicant is to restore land at least to the standard recorded in the Schedule of Condition (Paragraph 4.2.1 of the CEMP [REP3-025]).</p>
CA1.4.28	Foot Anstey LLP on behalf of Pivoted Power LLP	The Applicant responded to points raised in your RR [RR-035] at page 104 of its Comments on Relevant Representations [REP1-025]. Do you consider this a fair summary of your interaction with it to date?	<i>We confirm that the Applicant's response to points raised in Pivoted Power LLP's RR, at page 104 of its Comments on Relevant Representations is a fair summary of the interaction with them to date.</i>	The Applicant notes the response and has no further comment to make on this matter.
CA1.4.29	Royal Mail	The Applicant addressed points raised in your RR [RR-023] at page 86 of its Comments on Relevant	<i>Please see Royal Mail's Deadline 2 Representation dated 11 October 2023 as submitted to the Examination. Royal Mail does not agree with the Applicant's reasoning and conclusion</i>	The Applicant has responded to the Royal Mail's Written Representation at Deadline 3 in Applicants Comments on Written Representations [REP3-048].

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		Representations [REP1-025]. Do you agree with its reasoning and conclusion? If not, can you explain why you disagree with its analysis of your concerns?	<p>at page 82 of its comments on Relevant Representations from September 2023.</p> <p><i>Transport Assessments are theoretical in nature and do not always accurately predict construction traffic impact in practice, which can present risk to Royal Mail's operations. Therefore, the measures requested by Royal Mail in its Relevant Representation and Deadline 2 Representation are necessary because of Royal Mail's Universal Service Provider obligations which are in the public interest and should not be affected detrimentally by any statutorily authorised project.</i></p>	
CA1.4.34	Babergh DC	The Applicant sets out its case in the Special Category Land Report [APP-041] as to why it considers that the areas of open space shown on Special Category Land Plans [APP-009], over which compulsory acquisition of permanent rights in land are being sought, should be treated as an exception to the need for Special Parliamentary Procedure in accordance with s132 (3) of PA2008. Are you persuaded by its evidence? If not, please explain why not.	See CA1.4.35.	See CA1.4.35.
CA1.4.35	The Applicant Babergh DC Assington PC	Are the rights sought by the Applicant in respect of land at Assington Green, as	<u>The Applicant</u>	A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p>shown on Special Category Land Plans [APP-009] at Sheet No. 05 and described in the Special Category Land Report [APP-041], consistent with Policy ASSN-10 Local Green Spaces of the Assington Neighbourhood Plan 2018 - 2036? Please give reasons for your answer and highlight any implications for the Examination.</p>	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>National planning practice Guidance Paragraph: 020 Reference ID: 37-020-20140306 states: 'Designating a green area as Local Green Space would give it protection consistent with that in respect of Green Belt...'</i></p> <p><i>The land does not need to be publicly accessible. '... land could be considered for designation even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance and/or beauty). Planning Practice Guidance, Paragraph: 017 Reference ID: 37-017-20140306. The Assington Local Green Space (LGS) affected (ASS-10) is only physically accessible from PRow to the west and south but these give extensive views over the LGS (see ANP-Supporting-Doc-Local-Green-Spaces.pdf (onesuffolk.net)</i></p> <p><i>Special Category Land Report [APP-041], states at para 2.1.4 'The exemption upon which National Grid proposes to rely is that set out in section 132(3). Section 132 (3) requires that the Order land, when burdened with the Order Rights, be no less advantageous than it was before'...</i></p> <p><i>However, at Para 4.1.20 the document identifies that the new transmission tower is only in a similar position to the old one, not the same position, and around 50m to the south. The Council's understanding is that instead of skirting the northern edge of the LGS as the current pylon line does, this would place the new tower and line more centrally within the LGS thus spreading adverse visual effects over a wider area and affecting users of the PRow to the west and south of the greenspace.</i></p> <p><i>Therefore, we suggest that the usage of the land could be affected by the rights sought and be less advantageous and thus the Secretary of State (SoS) cannot be satisfied that this project would not cause the land to be less advantageous and therefore special parliamentary procedure should apply.</i></p>	<p>The Applicant has no further comments to make on this matter other than that provided in Applicant's Responses to First Written Questions [REP3-052] at CA1.4.35 submitted at Deadline 3 and the further clarification provided in the Applicant's written summaries of oral submissions to Compulsory Acquisition Hearing 1 (<b>document 8.6.2.1</b>).</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>In relation to Policy ASSN-10 Local Green Spaces of the Assington Neighbourhood Plan 2018 – 2036, this states that 'Development in the Local Green Spaces will be consistent with national policy for Green Belts.' NPPF 2023 states in 'Proposals affecting the Green Belt', Para 148. 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.' Therefore if the proposal and the rights sought cause harm and that harm is not outweighed by other considerations, they could be deemed to be inconsistent with Policy ASSN-10 of the Assington Neighbourhood Plan 2018 – 2036.</i></p> <hr/> <p><b><u>Assington Parish Council</u></b></p> <p><i>2. The owner of the land referred to has already made comments (<b>REP2-036</b>) related to the use of these parcels of land, and the Parish Council endorses his request for a site visit to discuss less impactful options for this section of the line.</i></p> <p><i>3. Policy ASSN-10 of the Assington Neighbourhood Plan requires that development in designated Local Green Spaces be consistent with the NPPF, 'Protecting Green Belt Land' (27 March 2012, §137-151) 4. NPPF §147 &amp; 148 emphasise that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in 'very special circumstances', which do not exist unless other considerations clearly outweigh this harm.</i></p> <p><i>5. NPPF §149 &amp; 150 establish exceptions to the presumption that new buildings in the Green Belt are inappropriate. Power transmission infrastructure is not listed among these exceptions.</i></p>	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>6. The proposed development in these Local Green Spaces is deeper into the Green Space than UK Power Networks' existing 132kV line, and the proposed infrastructure is larger and considerably taller than the existing pylon. The proposal will therefore inevitably harm local residents' enjoyment of the Green Space.</p> <p>7. The proposed access route would also create a break in the mature hedge line that is a feature of the Green Space.</p> <p>8. In summary, by proposing new building in the Green Belt, and because of the permanent harm that it will cause to these Local Green Spaces, the proposed development is contrary to the requirements of the NPPF and should therefore not be considered compatible with policy ASSN-10.</p>	

# 5. General Construction Matters

## 5.1 General Construction Matters

Table 5.1 – General construction matters

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
CM1.5.10	East Anglia Three Limited c/o Scottish Power Renewables	Please advise if construction-related information for the EA3 Converter Station such as a programme of works and piling activities (referred in your RR [RR-029]) is available and will be submitted into the Examination.	<i>Yes, please see Annex A within this document. This information was also shared with the Applicant by email on 10th October 2023.</i>	The Applicant welcomes this engagement and the information provided.
CM1.5.12	The Applicant Suffolk CC Essex CC	The Applicant's written summary of oral representations to Issue Specific Hearing 1 [REP1-024] notes that the provisional programme has been prepared using 'standard industry working hours'. Can you provide any evidence to demonstrate that Sundays and bank holidays are or are not standard industry working hours?	<p><b><u>The Applicant</u></b></p> <p><b><u>Essex County Council</u></b></p> <p><i>Table E.1 (Page 119) in BS 5228- :2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise provides noise limits for construction activities at different times/days of the week. This BS 5228 document can be found in Appendix 2 to this response.</i></p> <p><i>The following noise limits are provided as follows for Category A in BS 5228;</i></p> <p><i>- Night-time (23.00–07.00) – 45dB(A) - Evenings and weekends - 19.00–23.00 weekdays, 13.00–23.00 Saturdays</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant has provided further details at Deadline 3 in its Justification for Construction Hours [REP3-045].</p> <p>The assessment presented in ES Chapter 14: Noise and Vibration [APP-082] was based on the standard daytime threshold of 65 dBA. This is because for significance in assessment terms, both the noise level and the temporal thresholds (10 days in 15 or 40 days in six months) need to be exceeded for there to be a significant effect. Exceeding the weekend threshold (55 dBA) would not</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>and 07.00– 23.00 Sundays. - 55dB(A) - Daytime (07.00–19.00) and Saturdays (07.00–13.00) - 65dB(A).</i></p> <p><i>Furthermore, Section 60.4 of Control of Pollution Act 1974 states in acting under this section (that being section 60 of the Act in controlling noise from construction sites) the local authority shall have regard—</i></p> <p><i>a)to the relevant provisions of any code of practice issued under this Part of this Act; (that would be BS5228)</i></p> <p><i>(d) to the need to protect any persons in the locality in which the premises in question are situated from the effects of noise. The lower noise limit for the ‘Evening and Weekends’ therefore evidences a higher sensitivity for these times. To allow construction to continue into these more sensitive times is therefore not prohibited per se in BS 5228, but greater controls are inevitably required in order to keep within the stated noise limits. If the construction phase of the development were to go ahead with the proposed working hours by the Applicant (including the start up times and night-time working), it is not clear how this would be contained to these lower, more reasonable noise levels at the weekends/evenings/bank holidays to protect neighbour amenity.</i></p> <p><i>Even if an additional/amended Requirement to restrict noise levels at these times were introduced, it would be very difficult to monitor and enforce. The impacts are not limited just to those Noise Sensitive Receptors near the site, but also those along the as proposed heavy goods vehicles (HGV) routes to the same in the predominantly rural highway network. Owing to the above, and the fact that the accepted levels of noise are much lower on weekends and night times (and therefore harder to stay within), as well as the plethora of National and Local Policy which seeks to protect the amenity of residents, it is the established standard of both Council’s to limit the operation of works to implement permitted schemes to Monday to Friday and Saturday</i></p>	<p>therefore lead to a significant effect during weekends on their own as the temporal threshold couldn’t be exceeded. The temporal threshold can only therefore be exceeded if the 65 dBA noise level is exceeded during normal daytime periods as well.</p> <p>The Applicant notes that the project is located in a rural / farming landscape. The routing sought to avoid settlements and groups of properties that would be noise sensitive receptors. The Applicant considers that there are a limited number of noise sensitive receptors that would be affected by the project and the effects would be mitigated through the measures set out in Chapter 14 of the CEMP [REP3-024].</p> <p>In terms of noise in relation to the highways network, ES Chapter 14: Noise and Vibration [APP-082] states in paragraph 14.6.21 to 14.6.22 that during construction, there would be additional vehicle traffic (including HGV) on the local road network, travelling to and from the work sites. However, the assessment indicates that construction traffic noise impacts are negligible on all routes, with the exception of one route (namely the route between the A131 and Henny Road via Twinstead Green, Church Road and Twinstead Road), where a minor magnitude impact expected. The impact of noise from construction traffic is therefore not significant at all noise sensitive receptors.</p>



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>morning only, with no workings on Saturday afternoons, Sundays or Bank Holidays. With this Condition attached to any consent during construction, it therefore protects neighbouring amenity at the most sensitive times. Furthermore, it is understood that SCC will be providing evidence of working hours on other NSIP projects which demonstrate that that Sundays/Bank Holidays are not 'standard' industry working hours in their Deadline 3 response.</p> <p>In summary, the Councils consider that there is evidence which supports the restriction of working on these times/days. The Councils would therefore urge the ExA to carefully consider the allowed working hours/days of the project. The Councils deliberations on this are set out in the Local Impact Report [REP1-039] Paragraphs 17.4.4 – 17.4.9, as well as our Deadline 2 response [REP2-009] Paragraph 4.9.1.</p>	
			<p><b><u>Suffolk County Council</u></b></p> <p>SCC (Planning) provides the extract from the current planning permission (Ref. No: SCC/0018/19B/VOC) for Layham Quarry which will lay underneath an overhead lines section of the route and will provide a construction area for the proposed development. Condition 10 deals specifically with "Hours of Operation"</p> <p>Hours of Operation 10.</p> <p>Except as provided at (a) – (c) below no operations authorised or required by this permission shall be carried out on the site except between the following times:</p> <ul style="list-style-type: none"> <li>● 0700 to 1800 hours Monday to Friday</li> <li>● 0700 to 1300 hours Saturdays a) No servicing, maintenance and testing of plant shall be carried out except between the following times:</li> </ul>	<p>The Applicant has provided further details at Deadline 3 in document Justification for Construction Hours [REP3-045]. Whilst the matters raised in that document will not be repeated here, it is worth mentioning that there are varying examples of 'approved' industry working hours in the locality. For example, the Anglian Water Bury St Edmunds to Colchester 69k Pipeline Scheme was approved by the Babergh District Council Planning Committee on 3 October 2023, with approved working hours which included Sunday working hours 08.00 - 16.00 (with restricted use of plant on Sundays and Bank Holidays).</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<ul style="list-style-type: none"> <li>• 0700 to 1800 hours Monday to Friday 0700 to 1300 hours Saturdays. b) No servicing, maintenance and testing of plant shall be carried out on Sundays, or on Bank/Public Holidays. c) For temporary operations undertaken for up to 8-weeks within any</li> <li>• 12-month period, i.e., soil stripping or replacement, bund</li> <li>• construction or removal, the permitted hours shall be as follows:</li> <li>• 0800 to 1800 hours Monday to Friday</li> <li>• 0800 to 1300 hours Saturdays.</li> </ul> <p>d) The above time restrictions shall not apply to environmental monitoring.</p> <p>e) There shall be no working on Sundays or Bank/Public Holidays.</p> <p>f) This condition shall not apply in cases of emergency when life, limb or property are in danger. The Minerals Planning Authority shall be notified, in writing, as soon as possible after the occurrence of any such emergency.</p> <p>Reason: to ensure the amenity of neighbouring properties and rural environment is maintained having regard to the NPPF, and the Minerals Core Strategy Adopted 2008.</p> <p>SCC (Local Highway Authority) provides extracts from Scottish Power Renewable East Anglian ONE North windfarm and Sizewell C Nuclear Power Station Examinations.</p> <p>SPR EA1(N) The CoCP states in 3.1 that the "Onshore construction activities would normally be conducted during working hours of 7am to 7pm Monday to Friday and 7am to 1pm on Saturdays with no construction works on Sundays or</p>	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>bank holidays. Construction works may occur outside the above times where permitted in line with the DCO".</p> <p>SZC The CoCP 1.2.1 states that: "The site will require 24 hour working, 7 days per week, except for earthworks operations at the borrow pits, which must not be undertaken between 23:00 hours and 07:00 hours".<sup>2</sup> However, in transport terms restrictions were place on HGV movements in the CTMP4.4.13 which places the following constraints:</p> <ul style="list-style-type: none"> <li>Monday to Friday: During the early years, Sizewell C HGVs will be limited to arrive at the main development site between the hours of 07:15-21:00 and during the peak construction phase, once the Sizewell link road and two village bypass are in use, Sizewell C HGVs will be limited to arrive at the main development site between the hours of 07:00-21:00. The latest departure of Sizewell C HGVs from the main development site will be 23:00.</li> </ul>	

## 5.2 CoCP and Control Documents

Table 5.2 – CoCP and control documents

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
CM1.5.62	Braintree DC Mid-Suffolk DC Babergh DC Essex CC Suffolk CC Environment Agency Natural England	The CEMP [APP-177], Construction Traffic Management Plan (CTMP) [APP-180], Materials and Waste Management Plan (MWMP) [APP-181] and LEMP [APP-182] appear to be submitted as final documents, without a requirement to submit and	<p><b><u>The Environment Agency</u></b></p> <p><i>Most of our comments have been included within previous representations. We are able to add the following.</i></p> <p><i>In relation to identifying any outstanding concerns with the plans.</i></p> <p><i>For the CEMP [APP-177]: The key point is covered by good practice measure GH07 in application document</i></p>	The Applicant refers to its response against reference 4.6.9 on page 18 of the Applicant's Comments on Written Representations [REP3-048].

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p>approve detailed versions in the dDCO [APP-034]. Could you:</p> <ul style="list-style-type: none"> <li>comment on the Applicant's proposed approach;</li> <li>identify any outstanding concerns with the content of the plans;</li> <li>describe the steps considered necessary to resolve outstanding concerns by close of Examination; and</li> <li>provide comments on the Applicant's proposed approach to managing future change of these management plans, i.e., that the Applicant would provide details of the change together with evidence of stakeholder engagement, and request that the <b>'relevant planning authority'</b> endeavours to respond to confirm its consent to the change or reasons for not accepting within 28 days?</li> </ul>	<p>7.5.1, and we expect to see a Hydrogeological Risk Assessment (HRA) in due course. Note that we have on several occasions pointed out that several documents, including GH07 that the statement "The hydrogeological risk assessment will be submitted to the Environment Agency for information prior to construction." We noted that this "should not be "for information" but submitted well in advance for approval to the Environment Agency. We need to review these documents well in advance of any works commencing." We also note that there does not appear to be any commitments relating to the provision of any HRA in the application document 7.5.1 REAC – we wish to see a commitment in this document too.</p> <p><i>In relation to the steps necessary to resolve outstanding concerns. We are pleased that any HRA would be provided once the trenchless crossing method has been confirmed, covered by GH07, but this should also be provided as a specific REAC commitment. In answer to the final bullet point this would be acceptable.</i></p> <p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>The LPAs consider it essential that a 2 stage process for these App documents with approval of final detailed versions submitted by the contractor are approved following further consultation. The proposed standard response time for changes to management plans is not flexible as some may be minor whilst others could require detailed stakeholder engagement.</i></p> <p><i>Para 8.2.1 of the LEMP [APP-182] refers to the Vegetation Reinstatement Plan in Appendix B (application document 7.8.2) as being a combination of proposed embedded planting at the grid supply point (GSP) substation and around the CSE compounds, reinstatement planting, landscape softening, habitat compensation and additional planting required to mitigate</i></p>	<p>The Applicant will review the Council's comments at Deadline 4 regarding the extra detail that it would expect to see in the management plans.</p> <p>The Applicant updated the LEMP [REP3-034] to clarify that it covers mitigation planting as well as reinstatement and embedded planting.</p> <p>The enhancement planting is described in the Environmental Gain Report [APP-176] and will be subject to further design to take into consideration site constraints. The Applicant has committed to delivering at least 10% net gain as secured through Requirement 13 of the dDCO (document 3.1 (D)).</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>an environmental effect. In the Environmental Gain Report <b>APP- 176</b>, para 6.2.1 refers only to landscape mitigation and biodiversity enhancements not landscape enhancements or mitigation.</i></p> <p><i>As there are likely many residual landscape and visual effects, significant or otherwise, clarity is needed on how and where landscape enhancement and compensation has been or will be strategically addressed as opposed to biodiversity net gain, or details of an approach including the scope and extent of compensation agreed with The Councils and appropriate environmental bodies.</i></p> <p><i>It would be preferable to The Councils if the LEMP was submitted as a draft as part of the dDCO not a final document. Environmental Health team comments in relation to noise and vibration, dust matters only:</i></p> <p><b>APP-177</b></p> <p><i>The methods proposed for the control of noise, vibration and dust from the on site activities in line with chapter 14 of the ES are in line with those we would require for construction activities They propose to use modern plant. However, We would require a separate assessment and proposals for mitigation as required to be submitted where percussive piling is to be used. Reduced working hours would be expected too for example 0800-1700 for piling activities (to be agreed with the LPA)</i></p> <p><i>We would ordinarily consider the following to be acceptable working hours 08.00 and 18.00hrs Mondays to Fridays and between the hours of 09.00 and 13.00hrs on Saturday. There shall be no working and/or plant operated on Sundays and Bank Holidays. Deliveries to the development/use only within these times. However, we believe that the hours proposed are in line with the DCO although this appears to be a draft only. If this is the case and a final document hasn't been agreed then we</i></p>	<p>The Applicant considers that the project is already well mitigated. In the context of a major infrastructure project, the residual adverse effects are considered to be very limited and should be considered in the context of the significant benefits of the project (contributing to energy security, supporting the transition to net zero and other significant beneficial effects, such as those achieved through the removal of the 132kV overhead line, the removal of a section of 400kV overhead line and undergrounding of the proposed 400kV overhead line). The Applicant considers that the remaining residual effects are acceptable without further mitigation or compensation.</p> <p>The ES has assumed percussive piling at all pylon locations as a reasonable worst case. This has been assessed within ES Chapter 14: Noise and Vibration [<b>APP-082</b>]. The locations that have been identified as potentially having a significant effect would have additional mitigation (EIA_NV01) to reduce the significant effects to a non-significant level. Additional temporary noise mitigation measures would be put in place to reduce noise levels from construction plant and machinery at the following locations, unless a detailed assessment is undertaken which demonstrates that no significant noise impacts would occur to nearby noise sensitive receptors. This additional mitigation is secured through the REAC (<b>document 7.5.2 (C)</b>). Further details about best practicable means can also be found in the CEMP [<b>REP3-024</b>]. Therefore, the Applicant does not consider there to be a need to submit a</p>

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			<p>would like to see those times amended to our acceptable hours of work.</p> <p>Managing Future change - section 14/4/11 relates to unscheduled overruns. I would consider them to fall into the same category as requiring a Control of Pollution Act 1974 S61 prior consent which the previous section deals with. There would be a need for an application to be submitted detailing times of work, plant details and noise/vibration levels proposed and submitted at least 28 days prior to the work commencing beyond the existing permissions. I have no comments or observations to make in regard to the other documents</p>	<p>separate assessment and proposals for mitigation where percussive piling is to be used as this is already assessed as part of the application.</p> <p>The Applicant has provided further details at Deadline 3 in its Justification for Construction Hours [REP3-045].</p> <p>Section 14.4 of the CEMP [REP3-024] sets out details regarding Control of Pollution Act 1974 and Section 61 consents with regards to the project.</p>
			<p><b><u>Suffolk County Council</u></b></p> <p>SCC (Local Highways Authority) is unhappy with the Applicants proposed approach as they have made it clear that the detail of the project will only be agreed following appointment of a contractor. In respect to transport issues in the CTMP [APP-180] concerns are:</p> <ul style="list-style-type: none"> <li>• In 1.2.8, the Applicant states the CTMP require agreement with LPA rather than LOCAL HIGHWAY AUTHORITY.</li> <li>• In 2.2, the Applicant states that the detailed construction program will be subject to change, for example the cable drums are only "anticipated" to be delivered at the locations stated in 5.3.10 or that the "proposed construction routes will be agreed with the contractor" (5,4,2). In 5.4.14, it is "anticipated" that temporary signage will be erected along construction routes.</li> <li>• With respect of the Travel Plan elements, much is worded in terms of "anticipated" (7.2.2, 7.2.3, 7.2.4,</li> </ul>	<p>The Applicant updated the CTMP at Deadline 3 [REP3-030] to remove some of the ambiguous reference. The remaining ones are explained within the Schedule of Changes to the Management Plans [REP3-055].</p> <p>The Applicant has also updated the dDCO at Deadline 3 (<b>document 3.1 (D)</b>) to reference the local highways authority rather than the LPA in reference to the CTMP.</p> <p>The Applicant considers that all mitigation is secured through the management plans, which are secured through Requirement 4 of the dDCO (<b>document 3.1 (D)</b>).</p> <p>The Applicant will review the Council's comments at Deadline 4 regarding the extra detail that it would expect to see in the management plans.</p>



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>7.3.1, 7.3.3, 7.3.10, 7.4.1, 7.4.3) or "assumed" (7.2.4, 7.3.11).</p> <p><i>The above are important as the Applicant has not secured such measures as the maximum daily HGV movements, HGV routes, nor shift pattern timing within the management documents.</i></p> <p><i>In SCC (Local Highway Authority)'s view, key embedded mitigation should be secured in the management plans and where changes or details change an approval process involving the LOCAL HIGHWAY AUTHORITY are required (Local Impact Report [REP1-045], paragraphs 12.57, 12.63 and 12.75 to 12.94).</i></p> <p><i>SCC (Landscape) has expressed its concerns relating to the CEMP [APP-177], LEMP [APP-182] and dDCO [APP-034] in the Local Impact Report [REP1-045], paragraphs 6.148- 6.183. In SCC (Landscape)'s view, the CEMP and LEMP should be considered as outline documents, however, even as outline documents they require revision.</i></p>	
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><b>Comments on applicants approach</b></p> <p><i>The Councils have previously commented on this at Para 21.2.5 [REP 1-039] and Para 21.3.4:</i></p> <p><b>Comment on the Applicant's proposed approach;</b></p> <p><i>The Councils consider that; (i) relevant authorities must be given the chance to review and approve changes to the control plans (e.g. CEMP) especially where the plans are likely to be firmed up following appointment of the Main Works Contractor; (ii) the Applicants' proposal (CM1.5.62) to provide details of changes to plans to relevant stakeholder for approval is welcome in principle. However It is considered that 28 days is not sufficient and we request that 56 days is given to this process. Further</i></p>	<p>The Applicant will review the Council's comments at Deadline 4 regarding the extra detail that it would expect to see in the management plans.</p> <p>The Applicant has responded to the matters raised in the Local Impact Report [REP1-039] regarding changes to the management plans in Table 17.1 of the Applicant's Comments on Essex County Council and Braintree District Council's Local Impacts Reports [REP3-050].</p> <p>The Applicant has responded to the matters raised in the Local Impact Report [REP1-039] regarding private water supplies and groundwater in Table 9.1 of the Applicant's Comments on Essex County Council and</p>



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>information may reasonably be required to enable different/new environmental impacts to be considered; there should be a mechanism to deal with circumstances where the LPA (acting reasonably) is unable to approve within the given timeframe.</i></p> <p><b>Identify any outstanding concerns with the plans</b></p> <p><i>The Councils have previously noted a few concerns / questions on this in the Local Impact Report. These are listed below; paragraph references are to the Local Impact Report (<b>REP1-039</b>):</i></p> <ul style="list-style-type: none"> <li>• <i>Para 13.4.1 and 13.4.2, in relation to protection of private groundwater supplies.</i></li> <li>• <i>Para 13.6.1 and 13.6.2, in relation to unexpected contamination.</i></li> <li>• <i>Para 13.7.1 in relation to the post-consent assessment of the effects of directional drilling on groundwater.</i></li> </ul> <p><i>Furthermore, Para 8.2.1 of the LEMP [<b>APP-182</b>] refers to the Vegetation Reinstatement Plan in Appendix B (application document 7.8.2) as being a combination of proposed embedded planting at the GSP substation and around the CSE compounds, reinstatement planting, landscape softening, habitat compensation and additional planting required to mitigate an environmental effect. In the Environmental Gain Report <b>APP-176</b>, para 6.2.1 refers only to landscape mitigation and biodiversity enhancements not landscape enhancements or mitigation.</i></p> <p><i>As there are likely many residual landscape and visual effects, significant or otherwise, clarity is needed on how and where landscape enhancement and compensation has been or will be strategically addressed as opposed to biodiversity net gain, or details of an approach including</i></p>	<p>Braintree District Council's Local Impacts Reports [<b>REP3-050</b>].</p> <p>With regards to the comments on planting as residual effects, the Applicant refers to the response to Babergh and Mid Suffolk District Council above.</p> <p>In respect to the request for 56 days, please refer to DC1.6.105(c) at Appendix A of this document.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>the scope and extent of compensation agreed with The Councils and appropriate environmental bodies</i></p> <p><b>Steps before end of Examination</b></p> <ul style="list-style-type: none"> <li>● <i>Provide clarification and/or update the relevant control documents.</i></li> <li>● <i>Add additional/updated requirements to the DCO for submission of finalised details of control documents</i></li> </ul>	
			<p><b><u>Natural England</u></b></p> <p><i>Please refer to Natural England's Written Representations (dated 11 October 2023, our ref: 450715), in which we have identified a number of outstanding issues with the CEMP and LEMP. In our written representations we have stated what information Natural England considers is a requirement to resolve the issue, and where appropriate, when Natural England would request to be further consulted and how we suggest measures are secured.</i></p>	<p>The Applicant refers to its response to Natural England's Written Representations in Table 2.9 of the Applicant's Comments on Written Representations [REP3-048].</p>

## 6. Draft Development Consent Order

Table 6.1 – Draft Development Consent Order (dDCO)

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
DC1.6.3	The Applicant Local planning authorities	Paragraph 21 of Planning Inspectorate Advice Note 15: Drafting Development Consent Orders deals with the issue of defining 'commencement' - advance works and environmental protection and suggests they are generally unlikely to find favour with the SoS. The Applicant's associated submission is noted at paragraphs 3.6.14 and 3.6.15 of the Explanatory Memorandum (EM) [APP-035]. Nevertheless, can the range of potential 'pre-commencement operations' in Article 2 of the dDCO reasonably be described as either de minimis or having minimal potential for adverse impact?	<b><u>The Applicant</u></b>	A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.
			<b><u>Babergh and Mid Suffolk District Councils</u></b> <i>Refer to the comment of SCC.</i>	The Applicant refers to its responses at pages 94-96 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].
			<b><u>Suffolk County Council</u></b> <i>In the Local Impact Report [REP1-045] and Deadline 2 Comments on Applicant's Comments on Relevant Representations ("the Comments") [REP2-013] SCC (Legal) states that several of the carve-outs of the definition of "commence" would seem capable of giving rise to significant environmental effects including: the demolition of existing buildings, site clearance, the provision of temporary accesses and the erection of any temporary means of enclosure.</i>  <i>SCC notes that paragraph 3.6.15 of the Explanatory Memorandum [APP-035] states – "... The works and operations within the definition of "pre-commencement operations" are either de minimis or have minimal potential for adverse impacts ..." In paragraph 17.7 of the Local Impact Report [REP1-045] and Row (i) of the Comments [REP-013] SCC (Legal) states it would welcome "further explanation as to which of the</i>	The Applicant refers to its responses at pages 94-96 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>carveouts are de minimis and which have minimal potential for adverse impacts.</p> <p>The Councils would also welcome an explanation of where each has been assessed". SCC would still welcome that explanation and would propose to respond to that explanation in due course.</p>	
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p>The Councils have commented previously on the scope of the proposed pre-commencement works - Para 21.2.3 and Para 21.2.4 [REP1-039]. This point is reiterated in paragraph 4.10.3 of the Councils Deadline 2 response [REP2-009]. The Council's do not consider that the works which are said to amount to pre-commencement, and in particular engineering operations to construct site compounds, cannot be considered at this time as having no effect and cannot be proven to have "minimal potential for adverse impacts" (para 3.6.15 of APP-035), thus are not de-minimis. It is noted that such pre-commencement works would be outside the provisions of the DCO which would not come in until the development is "commenced" and therefore not be the subject of limits or controls within the DCO should Consent be given and be subject to necessary prior approval.</p> <p>Notwithstanding this, is there an assessment of each of these pre-commencement works available to support the Applicants' position that such works are de minimis?</p>	<p>The Applicant refers to its responses at pages 71-73 (inclusive) of the Applicant's Comments on Essex County and Braintree District Councils' Local Impact Report [REP3-050], and also to its responses at pages 94-96 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].</p>
DC1.6.5	The Applicant Local planning authorities	Is the definition of 'pre-commencement operations' in Article 2 sufficiently clear and	<b><u>The Applicant</u></b>	A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		unambiguous? For example, 'demolition of existing buildings' could be read as meaning either the surveys required for the demolition of existing buildings or the actual demolition of existing buildings. Is amendment required in this or other respects?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b>  <i>Refer to the comment of SCC.</i></p> <p><b><u>Suffolk County Council</u></b>  <i>SCC (Planning) refers the ExA. to the previous answer.</i></p> <p><b><u>Braintree District Council and Essex County Council</u></b>  <i>Subject to reservations expressed by SCC in relation to ambiguity around the word temporary para 12.19 [Rep 1-045] The Councils have no particular concerns re clarity of wording, save that this clause is widely drafted to carve a very broad range of potentially impactful operations out of the definition of commencement, see comments on this above.</i></p>	<p>The Applicant refers to its response to DC1.6.5 provided in the Applicant's Responses to First Written Questions [REP3-052].</p> <p>The Applicant also refers to its comments at pages 94-96 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].</p> <p>The Applicant refers to its response to DC1.6.5 provided in the Applicant's Responses to First Written Questions [REP3-052].</p> <p>The Applicant also refers to its comments at pages 94-96 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].</p> <p>The Applicant refers to its comments at page 54 of the Applicant's Comments on Essex County and Braintree District Councils' Local Impact Report [REP3-050], and also to its comments at pages 94-96 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].</p>
DC1.6.8	The Applicant			A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.
DC1.6.9	Braintree DC Essex CC	Looking at the final sentence of paragraph 21.2.7 of your Local Impact Report [REP1-039], how	<b><u>Braintree District Council and Essex County Council</u></b>	The Applicant refers to its response to DC1.6.5 provided in the Applicant's Responses to First Written Questions [REP3-052].

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		should the dDCO be amended to address your specific concern about 'trigger timings'.	<i>[REP1-039] The Councils state that consideration [of operational use] is still however required in the context of trigger timings. 'Operational use' is relevant to the following:- Requirement 5 drainage management plan - no stage of the authorised development maybe brought into operational use until a drainage management plan (DMP) for surface water treatment has been approved by the LPA; operational use must be carried out as per the approved DMP. Requirement 9 and 10 reinstatement planting no stage of the authorised development may be brought into operational use until a reinstatement plan has been approved by the LPA. Planting to be undertaken as per approved plan in first available opportunity and no later than the first planting season after the operational use of the relevant part of the authorised development. No reference in CoCP/CEMP/LEMP/MWMP to operational use except that LEMP refers to reinstatement planting.</i>	<p>The Applicant also refers to its comments at page 74 of the Applicant's Comments on Essex County and Braintree District Councils' Local Impact Report [REP3-050].</p> <p>The Applicant remains uncertain as to the actual extent of amendments to the dDCO (<b>document 3.1 (D)</b>) sought by Braintree District Council and Essex County Council. The Applicant would therefore welcome further clarification in this respect.</p>
DC1.6.16	The Applicant Local planning authorities	In exercising rights conferred by Article 5, is it sufficiently clear on the face of the dDCO, without recourse to supporting documents, where construction activity should and should not take place, e.g., to avoid certain features or environmentally sensitive areas?	<b><u>The Applicant</u></b>	A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.
			<b><u>Babergh and Mid Suffolk District Councils</u></b> <i>Refer to the comment of SCC.</i>	The Applicant refers to its response to DC1.6.16 provided in the Applicant's Responses to First Written Questions [REP3-052].
			<b><u>Suffolk County Council</u></b> <i>SCC (Legal) considers it is necessary to consider supporting documents in the situation described.</i>	The Applicant refers to its response to DC1.6.16 provided in the Applicant's Responses to First Written Questions [REP3-052].
			<b><u>Braintree District Council and Essex County Council</u></b> <i>On its face there is a one size fits all approach; different rules apply for linear works and non-linear works but</i>	The Applicant refers to its comments at pages 75-76 (inclusive) of the Applicant's Comments on Essex County and Braintree District Councils' Local Impact Report [REP3-050].

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>there is no restriction on the Limits of Deviation (LoD) limits in respect of any environmentally sensitive areas; The Councils referred to this in [REP 1-039] para 21.3.3 Article 5 –LoD. Furthermore, SCC state in para 17.9 [REP 1-045] has highlighted that no role is afforded to the local planning authorities (via the LEMP) in micro siting any final alignment of overhead lines and call for (i) the final alignment to be in locations agreed with the County/Historic England for certain sensitive areas and (ii) in other areas the LEMP should be amended to allow for consultation by relevant authorities and approval by the LPA. The Joint Councils defer to the views of SCC/BMSDC on the impact of this on their local area (e.g. Hintlesham).</i></p>	<p>The Applicant also refers to its comments at pages 97-98 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].</p>
DC1.6.31	Essex CC Suffolk CC	Save for the disapplication provisions subject of the previous question, are the highway authorities content with the disapplication of the New Roads and Street Works Act 1991 that is sought by Articles 13 (3) and 13 (4) in relation to works executed under Article 12? If not, please explain why not and advise how those provisions might be changed to address your concerns.	<p><b><u>Essex County Council</u></b></p> <p><i>Art 12 allows for the operation of a Permit Scheme as to the authorisation of roadworks in the locality. Para 21.3.5 [REP1-039] stated in relation to Art 12 - that ECC reserve the right to comment further on the proposals relating to the Permit schemes. ECC notes and endorses the comments previously made by SCC in [REP1-045] in relation to Article 47 Paragraph 17.34-17.37 “</i></p> <p><b><u>Suffolk County Council</u></b></p> <p><i>In the Local Impact Report [REP1-045], paragraphs 12.21 and 12.22, SCC (Local Highway Authority) expressed concerns regarding disapplication of some elements of the New Roads and Street Works Act 1991. These are specifically:</i></p>	<p>The Applicant would be pleased to discuss any matters which the Councils would wish to raise in respect of Article 12.</p> <p>In the meantime, the Applicant refers to its responses to DC1.6.29, DC1.6.30 and DC1.6.31 provided in the Applicant's Responses to First Written Questions [REP3-052].</p> <p>The Applicant also refers to its comments at pages 101-102 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].</p> <p>The Applicant refers to its comments at pages 54-56 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].</p>



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<ul style="list-style-type: none"> <li>section 56 (power to give direction regarding timing of street works) by undertaking works without the consent of the local highway authority, as this unacceptably fetters its role coordinating street works. Co-ordinating street works can be very helpful to developers, including developers of nationally significant infrastructure projects, and SCC considers the retention of section 56 would benefit the Applicant.</li> <li>section 73C (materials, workmanship and standard of resurfacing) so that all repairs to the highway are of acceptable quality.</li> </ul> <p>SCC (as Local Highway Authority) would request that these elements are removed, or similar provisions included in any side agreement to protect the authority's position.</p>	
DC1.6.41	Statutory Undertakers	Are you content with the extent of the powers sought under Article 20? If not, set out your reasons and any suggested amendments to the wording of this Article.	<p><b><u>East Anglia Three Limited</u></b></p> <p><i>EA3 and SPR recognise that the powers are very broad but they understand that with such a large development as the Project, that there might be the need to provide for protective works rights. As such, EA3 and SPR are looking to mitigate the impact of these powers, such as interfering with ongoing operations and / or the safety of EA3 and SPR's.</i></p> <p><b><u>Essex County Council</u></b></p> <p><i>These provisions relate to statutory undertakers rather than local authorities. See comments below.</i></p>	<p>The Applicant notes the response provided by East Anglia Three Limited.</p> <p>The Applicant refers to its responses to DC1.6.39, DC1.6.40 and DC1.6.41 provided in the Applicant's Responses to First Written Questions [REP3-052].</p> <p>In respect of the interface between the project and the East Anglia Three project, and the steps proposed to manage that interface, the Applicant refers to the position as set out in the Status of Statements of Common Ground (document 7.3 (D)).</p> <p>The Applicant refers to its responses to DC1.6.39, DC1.6.40 and DC1.6.41 provided in the Applicant's Responses to First Written Questions [REP3-052].</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
DC1.6.42	Statutory Undertakers	Have you any objection to: a) The powers sought in connection with your land, building, structure, apparatus and equipment? b) The powers sought outside of the Order Limits? c) The notice periods (Article 20 (5) and (6))? d) The definition of 'protective works' (Article 20 (12))?	<p><b><u>East Anglia Three Limited</u></b></p> <p>a) Please see response to DC1.6.41 above.</p> <p>b) Please see response to DC1.6.41 above.</p> <p>c) EA3 and SPR are of the opinion that the notice periods in Articles 20(5) and 20(6) as currently drafted are very tight. They would propose that the notice period in Article 20(5) should be increased to 28 days and the notice period in Article 20(6) should be increased to 21 days. These will allow EA3 and SPR sufficient time to evaluate what the Applicant proposes to do given the nature of the EA3 and SPR works, rights and apparatus that could be affected.</p> <p>d) EA3 and SPR understand that the definition of 'protective works' is phrased broadly but they do not have a concern with this as long as the impacts of the works are adequately mitigated for in a side agreement as mentioned in their response to DC1.6.41 above.</p>	<p>a) The Applicant refers to its responses to DC1.6.39, DC1.6.40 and DC1.6.41 provided in the Applicant's Responses to First Written Questions [REP3-052].</p> <p>b) The Applicant refers to its responses to DC1.6.39, DC1.6.40 and DC1.6.41 provided in the Applicant's Responses to First Written Questions [REP3-052].</p> <p>c) The Applicant refers specifically to sub-paragraph (c) of its response to DC1.6.39 provided in the Applicant's Responses to First Written Questions [REP3-052].</p> <p>d) The Applicant notes the response provided by East Anglia Three Limited. In respect of the interface between the project and the East Anglia Three project, and the steps proposed to manage that interface, the Applicant refers to the position as set out in the Status of Statements of Common Ground (<b>document 7.3 (D)</b>).</p>
			<p><b><u>Essex County Council</u></b></p> <p>[REP1-039] para 21.3.10 The Council's previously highlighted that Article 20 allows the undertaker to carry out protective works (i.e., ground strengthening/ underpinning/remedial works after construction) to any land, building, structure, apparatus or equipment, lying within the Order limits or which may be affected by the 'authorised development', as the undertaker considers necessary or expedient. Article 20 therefore refers to protective works outside of the Order Limits, however it is unclear whether such works would constitute development for which planning permission is required. Whilst there is no objection in principle to necessary or expedient works outside the Order limits, it would be</p>	<p>The Applicant refers to its response to DC1.6.40 provided in the Applicant's Responses to First Written Questions [REP3-052], and also to its response at pages 76-77 (inclusive) of the Applicant's Comments on Essex County and Braintree District Councils' Local Impact Report [REP3-050].</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<i>useful to clarify in the Order whether such works require planning permission.</i>	
DC1.6.44	Any Affected Person	Do you consider that 14 days' notice (Article 21 (3)) is an appropriate and reasonable amount of notice for the undertaker to give you prior to entering land to undertake surveys and investigations? If not, what notice period would you consider to be proportionate and reasonable?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b>  <i>BMSDC, as landowner, consider to be acceptable.</i></p> <p><b><u>Chris Leney on behalf of Brooks Leney</u></b>  <i>Given that some of the affected land has livestock on it, as well as shoots etc., 28 days' Notice would be more appropriate and reasonable.</i></p> <p><b><u>East Anglia Three Limited</u></b>  <i>EA3 and SPR are of the opinion that the notice period in Article 21(3) as currently drafted is very tight. They would propose that the notice period in Article 21(3) should be increased to 28 days.</i></p>	<p>The Applicant notes the response provided by Babergh and Mid Suffolk District Councils.</p> <p>The Applicant refers to its response to DC1.6.43 provided in the Applicant's Responses to First Written Questions [REP3-052].</p> <p>The Applicant refers to its response to DC1.6.43 provided in the Applicant's Responses to First Written Questions [REP3-052].</p>
DC1.6.47	Any Affected Person	Do you agree with the notice periods set out in Articles 26 (2), 27 (2), 28 (3) and 28 (11)? If not, set out the reasons why you do not agree and suggest timescales that you consider to be appropriate, with reasoning.	<p><b><u>Babergh and Mid Suffolk District Councils</u></b>  <i>BMSDC, as landowner, consider to be acceptable.</i></p> <p><b><u>East Anglia Three Limited</u></b>  <i>EA3 and SPR are of the opinion that the notice periods in Articles 26(2) and 27(2) as currently drafted are very tight. They would propose that the notice periods in Article 26(2) and 27(2) should be increased to 28 days.</i></p>	<p>The Applicant notes the response provided by Babergh and Mid Suffolk District Councils.</p> <p>The Applicant refers to its response to DC1.6.47 provided in the Applicant's Responses to First Written Questions [REP3-052].</p>
DC1.6.51	Local Planning Authorities	Are you satisfied that Articles 46 (2) and (3) provide a reasonable and proportionate defence to statutory nuisance. If not, why not?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b>  <i>Articles 46(2) and (3) as follows:</i>  <i>"(2) For the purposes of paragraph (1) above, compliance with the controls and measures relating to noise described in the Construction Environmental Management Plan will be sufficient, but not necessary,</i></p>	<p>The Applicant refers to its response to DC1.6.50 provided in the Applicant's Responses to First Written Questions [REP3-052].</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>to show that an alleged nuisance could not reasonably be avoided.</i></p> <p><i>(3) Where a 'relevant planning authority' is acting in accordance with section 60(4) and section 61(4) of the Control of Pollution Act 1974 in relation to the construction of the authorised development then the local authority must also have regard to the controls and measures relating to noise referred to in the Construction Environmental Management Plan."</i></p> <p><i>Environmental Health team comments:</i></p> <p><i>Where noise levels have been agreed with the LPA for a Control of Pollution Act 1974 S.61 prior consent, this will provide a defence to the person undertaking the construction activities providing they remain within those levels with no exceedances. However, where levels are exceeded then Statutory Nuisance may exist under the EPA1990 S.79. The LPA may take action under S.80.</i></p> <p><i>It should be noted that an individual aggrieved may still take action under the EPA1990 S.82 or seeking an injunction.</i></p> <p><i>I would not consider the mere agreement to a Construction Management Plan (CMP) by the LPA to be a reasonable and proportionate defence. Controls will reduce the likelihood of a Statutory Nuisance but not completely exclude the possibility of action taken under EPA1990 S.80.</i></p>	
			<p><b><u>Suffolk County Council</u></b></p> <p><i>Paragraph 3.50.4 of the Explanatory Memorandum [APP-035] says: "This article is based on article 7 of the general model provisions ... This provision is appropriate for inclusion in the Order to ensure that nuisance claims are considered in the context of the</i></p>	<p>The Applicant refers to Paragraph 1.2.2 of the Explanatory Memorandum (<b>document 3.2 (C)</b>), which states (emphasis added): "The Localism Act 2011 removed the requirement for the decision maker to have regard to the general model provisions in deciding applications, and with the repeal of section 38</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>wider benefits of the authorised development". However, article 7 of the general model provisions does not include paragraphs (2) and (3) of Article 46. Similarly, paragraphs (2) and (3) are not included in other DCOs promoted by the Applicant which include the defence to proceedings in respect of statutory nuisance. For instance, they do not appear in –</p> <ul style="list-style-type: none"> <li>• article 37 of the National Grid (Richborough Connection Project) DCO 2017 (SI 2017/817);</li> <li>• article 38 of the National Grid (Hinkley Point C Connection Project) Order 2016 (SI 2016/49);</li> <li>• article 40 of the National Grid (North London Reinforcement Project) Order 2014 (SI 2014/1052); and</li> <li>• article 15 of the National Grid (King's Lynn B Power Station Connection) Order 2013 (SI 2013/3200).</li> </ul> <p>It is not clear from the Explanatory Memorandum [APP-035] whether paragraphs (2) and (3) have found favour with the Secretary of State before or why they are required in this Order.</p> <p>While SCC (Legal) will await the Applicant's justification for the proposed inclusion of paragraphs (2) and (3) before reaching a definitive conclusion, their absence from the model provisions and from each DCO previously promoted by the Applicant makes it difficult for SCC to consider them necessary. If they are not necessary, they should not be included in the Order.</p> <p><b><u>Braintree District Council and Essex County Council</u></b></p> <p>Art 46 (1) &amp; (3) refers to CEMP being approved in Schedule 3 - there is no provision for this in Sched 3 and the words 'approved under Sched 3</p>	<p>without the Model Provisions Order 2009 being 'saved', they have formally 'lapsed'. <u>Secondary legislation under the Localism Act also removed the requirement on an applicant to explain in the Explanatory Memorandum divergences from the Model Provisions.</u>"</p> <p>The Applicant also notes that the absence of paragraphs (2) and (3) from previous DCOs which it has promoted does not therefore prevent the inclusion of those provisions in the context of the project.</p> <p>Indeed, the Applicant refers to its response to DC1.6.50 provided in the Applicant's Responses to First Written Questions [REP3-052] which demonstrates both the relevant and recent precedent for paragraphs (2) and (3), and the necessity for including the same in the dDCO (<b>document 3.1 (D)</b>).</p>
				<p>The Applicant refers to Change Ref. 9 in Table 2.1 (Schedule of Changes to Version A of the dDCO) of the Applicant's Schedule of Changes to the Draft dDCO (<b>document 8.4.2 (C)</b>), and</p>

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			<p><i>(Requirements) 'should be deleted. [This appears to have been accepted by the Applicant REP2- 001]</i></p> <p><i>The words to the 'reasonable satisfaction of [the relevant authority] be reasonably avoided' should be added to Art 46(1)(iii) and (iv) in line with the approved wording in the local approved Sizewell DCO to enable enforcement action – if required.</i></p>	<p>to Articles 46(1)(a)(ii) and 46(3 of the dDCO (<b>document 3.1 (D)</b>).</p> <p>Notwithstanding the drafting found in the Sizewell C (Nuclear Generating Station) Order 2022, the Applicant would welcome clarification from the Councils as to the necessity of these particular amendments in the context of the project. Absent such justification, the Applicant does not consider that the amendments specified by the Councils are necessary.</p>
DC1.6.56	Braintree DC Essex CC	At paragraph 21.3.13 of your Local Impact Report [REP1-039], you raised concerns about the implications for vessels moored upstream of proposed works on the River Stour. Do the Applicant's Comments on Relevant Representations [REP1-025] on pages 81 and 102 as they relate to the works, allay your concerns about Article 50. If not, how should it be redrafted to address them?	<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>It was unclear what action would be taken from the initial submission documents – now clarity has been provided and agreement sought with the Environment Agency, The Councils offer no further comment in this regard.</i></p>	<p>The Applicant notes the response provided by the Councils.</p> <p>The Applicant refers to its response to DC1.6.120 provided in the Applicant's Responses to First Written Questions [REP3-052], and also to the Draft Statement of Common Ground with the Environment Agency [REP3-020].</p>
DC1.6.57	Environment Agency	In your capacity as the navigation authority for the River Stour, has the Applicant addressed your concerns about Article 50 of the dDCO in Applicant's Comments on Relevant Representations [REP1-025] at pages 81 and 102?	<p><i>We are pleased that the Applicant has confirmed that there will be no need to take part of the embankment away to install the temporary bridge. We note that the Applicant has stated that a bespoke design will not be available until the detailed design stage and that the applicant has confirmed that they will proceed with a flood risk activity permit. We are still in discussions with the Applicant regarding navigation and the requirements for the temporary river crossing. We will</i></p>	<p>The Applicant notes the response provided by the Environment Agency.</p> <p>The Applicant refers to the Draft Statement of Common Ground with The Environment Agency [REP3-020] and is seeking to update this at a future deadline with regards to the agreement on navigation.</p>



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			<i>need to review detailed designs before we are able to grant a permit or provide further detail at this stage.</i>	
DC1.6.58	The Applicant Local planning authorities	Whose would be responsible for registering Article 53's provisions as a local land charge, including any associated cost, as Article 53 (6) seeks?	<b><u>The Applicant</u></b>	A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.
			<b><u>Babergh and Mid Suffolk District Councils</u></b> <i>The applicant in consultation with the landowner.</i>	The Applicant refers to its response to DC1.6.58 provided in the Applicant's Responses to First Written Questions [REP3-052], and also to the Applicant's Written Summary of Oral Submissions to Issue Specific Hearing 2 ( <b>document 8.6.2.2</b> ).
			<b><u>Suffolk County Council</u></b> <i>It is not clear from Article 53 who would be responsible for registering the requirement to consult under Article 53 as a local land charge. In any event, if Article 53 is retained, SCC (Legal) considers the Applicant should be responsible for any associated costs.</i>	The Applicant refers to its response to DC1.6.58 provided in the Applicant's Responses to First Written Questions [REP3-052], and also to the Applicant's Written Summary of Oral Submissions to Issue Specific Hearing 2 ( <b>document 8.6.2.2</b> ).
			<b><u>Braintree District Council and Essex County Council</u></b> <i>Art 53(6) provides that the requirement to consult (safeguarding) is a local land charge. The Councils consider that if this provision is approved any costs of registering the order as a land charge should be borne by the Applicant. The safeguarding article is not based on any model clause; it has been used in the Thames Tideway Tunnel DCO.</i>	The Applicant refers to its response to DC1.6.58 provided in the Applicant's Responses to First Written Questions [REP3-052], and also to the Applicant's Written Summary of Oral Submissions to Issue Specific Hearing 2 ( <b>document 8.6.2.2</b> ).
DC1.6.59	The Applicant Local planning authorities	A proposal's implications for the construction and operation of the Proposed Development	<b><u>The Applicant</u></b>	A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.



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		would be capable of being a material consideration in determining any application for planning permission made wholly or partly within the Order Limits by virtue of Section 70 of the Town and County Planning Act (TCPA) 1990. In that context, is the Article 53 proposal to add to local planning authorities' administrative burden proportionate and necessary?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Refer to comments from SCC.</i></p> <p><b><u>Suffolk County Council</u></b></p> <p><i>In this context, SCC (Legal) does not consider the Article 53 proposal to add to local planning authorities' administrative burden to be proportionate and necessary.</i></p> <p><i>The orthodox position is that DCOs do not include a safeguarding article and SCC does not consider it necessary to depart from that position.</i></p> <p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>The Councils consider that it would be proportionate and necessary to have the duty to consult. Mapping should be able to be updated to route the project.</i></p>	<p>The Applicant refers to its response at page 104 of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049], and also to the Applicant's Written Summary of Oral Submissions to Issue Specific Hearing 2 (document 8.6.2.2).</p> <p>The Applicant refers to its comments at page 104 of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049], and also to the Applicant's Written Summary of Oral Submissions to Issue Specific Hearing 2 (document 8.6.2.2).</p> <p>The Applicant refers to its comments at page 104 of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].</p>
DC1.6.60	The Applicant Local planning authorities	The local planning authority is under a legal duty to determine applications for planning permission according to principles of administrative law. If this is not done, there is opportunity for challenge under existing legislation and public law principles. In relation to the proposed Article 53, do you consider the existing legal	<p><b><u>The Applicant</u></b></p> <p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Refer to comments from SCC.</i></p> <p><b><u>Suffolk County Council</u></b></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant refers to its response to DC1.6.60 provided in the Applicant's Responses to First Written Questions [REP3-052].</p> <p>The Applicant refers to its response to DC1.6.60 provided in the Applicant's</p>

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		checks and balances to be insufficient to protect the Applicant's interests?	<i>In relation to Article 53, SCC (Legal) does not consider the existing legal checks and balances to be insufficient to protect the Applicant's interests.</i>	Responses to First Written Questions [REP3-052].
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>The Councils consider that the Applicants would have the opportunity to comment on any planning proposals within the Order limits without Art 53, but would need to be vigilant in identifying and commenting on such applications. Art 53 will therefore be helpful for the Applicant, but to the extent there are increased costs/admin burden for local planning authorities, the costs of such should be underwritten by the Applicant.</i></p>	The Applicant refers to its response to DC1.6.60 provided in the Applicant's Responses to First Written Questions [REP3-052].
DC1.6.61	The Applicant Local planning authorities	Article 53 (5) of the dDCO would require that the matters raised in the undertaker's representations are 'addressed'. This contrasts with Section 70 (2) (c) of TCPA 1990 that requires a local planning authority to 'have regard to' the listed considerations. Would this facet of the Article's wording arguably fetter a local planning authority's implementation of the provision of TCPA 1990 by including the word 'addressed' as opposed to 'have regard to'?	<p><b><u>The Applicant</u></b></p> <p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Refer to comments from SCC.</i></p> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Legal). In section 70(2)(c) of the TCPA, Parliament has demanded that, in dealing with an application for planning permission, the LPA must have regard to certain things; however, Parliament has not gone further and demanded that all matters arising from those things must be addressed.</i></p> <p><i>The duty under section 70(2)(c) of the TCPA 1990 is less onerous than that in Article 53(5). To "have regard" to something is to consider it and once the thing has</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant refers to its response to DC1.6.61 provided in the Applicant's Responses to First Written Questions [REP3-052].</p> <p>The Applicant refers to its response to DC1.6.61 provided in the Applicant's Responses to First Written Questions [REP3-052].</p>

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			<p>been considered, the duty is discharged. By introducing the duty to address matters raised in representations,</p> <p>Article 53(5) goes much further than the equivalent provision in primary legislation and does so to an unreasonable degree. Article 53(5) also goes further than the equivalent provision in the Thames Tideway Tunnel DCO 2014 (SI 2014/2384) which states:</p> <p><i>"In determining an application for planning permission a 'relevant planning authority' must take into account any representations received in accordance with this article" (article 52(7)).</i></p> <p>There is no explanation from the departure from precedent in the Explanatory Memorandum [APP-035] which merely states: "Paragraph (5) is amended to ensure that matters raised in representations received in accordance with this article are addressed" (paragraph 3.57). This is contrary to paragraph 1.5 of Advice Note 15 (Drafting Development Consent Orders), which requires an explanation for the divergence in wording from a consented DCO.</p>	
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>The use of the words 'addressed' seems to require a certain outcome which could arguably fetter the ability of LPAs to apply the principles of TCPA1990 in the usual way. 'Have regard to' is in the opinion of BDC preferable. Add 'insofar as it is reasonable to do so' to end of Art 53(5).</i></p>	<p>The Applicant refers to its response to DC1.6.61 provided in the Applicant's Responses to First Written Questions [REP3-052].</p>
DC1.6.62	The Applicant Local planning authorities	In relation to Article 53, the EM [APP-035] cites the Thames Tideway Tunnel Order as	<b><u>The Applicant</u></b>	A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		precedent but does not explain what it considers to be the factual similarities between the consented scheme and the Proposed Development? How are they considered to be comparable? Are the Thames Tideway Tunnel Order and the Proposed Development not distinguishable in terms of context with this being a predominantly rural area subject to comparatively less development pressure?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Refer to comments from SCC.</i></p> <hr/> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Legal) does not consider the Thames Tideway Tunnel project and the instant application to be comparable. The difference in context between the two applications is stark. The Thames ExA summarised the context of that project as part of the justification for recommending the inclusion of article 52 (safeguarding) in the Thames Tideway Tunnel DCO 2014 (SI 2014/2384). They said –</i></p> <p><i>“We consider that the critical consideration is the need for the undertaker to have to manage a project of such complexity, scale and within a dense predominantly urban environment with a wide variety of property interests and rights above, on, in and under the ground. Therefore we consider that it is prudent, and on balance appropriate, to confirm this power as drafted by the Applicant”.</i></p> <p><i>[Paragraph 20.173 of the Examining authority’s Report of Findings and Conclusions and Recommendation to the Secretary of State for Communities and Local Government and the Secretary of State for Environment, Food and Rural Affairs dated 12 June 2014]. The language of paragraph 20.173 cannot be used to describe the context of the instant application. Another important distinction between the instant application and Thames is that on 15 March 2013, the Secretary of State for Communities and Local Government issued consultation and safeguarding directions for development affecting any tunnel alignments that formed part of the Thames Tideway Tunnel project. Those directions superseded earlier</i></p>	<p>The Applicant refers to its response to DC1.6.62 provided in the Applicant's Responses to First Written Questions [REP3-052].</p> <hr/> <p>The Applicant refers to its response to DC1.6.62 provided in the Applicant's Responses to First Written Questions [REP3-052].</p>

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			<p><i>safeguarding directions which had been made in 2012. So, the safeguarding article in the Thames DCO was made in the context of an existing safeguarding direction by the Secretary of State. The same cannot be said here.</i></p> <p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>Other than the Thames Tideway Tunnel Order DCO which is a different type of project in all ways to the current proposal, there appears to be limited (if any) precedent for a safeguarding provision of this nature on other DCOs (all of which relate to projects of national significance) ; it is difficult to understand why this provision is needed here when it has not been required in relation to other NSIPs.</i></p>	<p>The Applicant refers to its response to DC1.6.62 provided in the Applicant's Responses to First Written Questions [REP3-052].</p>
DC1.6.64	Local planning authorities	Do you have any observations on the Applicant's response to Action Point 21 (AP21) arising from ISH1 that is set out on pages 14 and 15 of [REP1-034]?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Refer to comments from SCC.</i></p>	<p>The Applicant respectfully disagrees with the Councils' position in relation to the Work Plans [APP-010].</p> <p>Taking account of the inherent complexities associated with the project (including, for example, the transpositions and other modifications necessary to the existing overhead line), the Applicant considers that the Work Plans fulfil the function prescribed in Regulation 5(2)(j) of the Infrastructure Planning (Applications: Prescribed Form and Procedures) Regulations 2009 (as amended).</p> <p>Using the Work Plans as a reference point, the General Arrangement Plans [APP-018] then show an indication of the construction and operational components of the proposals based on the Proposed Alignment within the parameters of the dDCO (<b>document 3.1 (D)</b>).</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
				The Applicant refers to pages 13-14 (inclusive) of the Guide to the Plans [APP-007a] which confirms that the General Arrangement Plans are indicative only.
			<p><b><u>Suffolk County Council</u></b></p> <p><i>Despite the explanation provided, the Works Plans are not straightforward to interpret. Page 15 of [REP1-034] says, to assist the reader, the General Arrangement Plans [APP-018], contains additional information. However, the status of the General Arrangement Plans is not clear (they are not mentioned in the dDCO) it is not clear what the status of that dDCO and SCC (Legal) would welcome conformation on this point.</i></p>	<p>The Applicant respectfully disagrees with the Councils' position in relation to the Work Plans [APP-010].</p> <p>Taking account of the inherent complexities associated with the project (including, for example, the transpositions and other modifications necessary to the existing overhead line), the Applicant considers that the Work Plans fulfil the function prescribed in Regulation 5(2)(j) of the Infrastructure Planning (Applications: Prescribed Form and Procedures) Regulations 2009 (as amended).</p> <p>Using the Work Plans as a reference point, the General Arrangement Plans [APP-018] then show an indication of the construction and operational components of the proposals based on the Proposed Alignment within the parameters of the dDCO (document 3.1 (D)).</p> <p>The Applicant refers to pages 13-14 (inclusive) of the Guide to the Plans [APP-007a] which confirms that the General Arrangement Plans are indicative only.</p>
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>No Comment – The Councils support the ExA in their continued examination of the DCO.</i></p>	The Applicant notes the response provided by the Councils.
DC1.6.69		Does the Applicant's response to Action Point 22 (AP22)	<b><u>Babergh and Mid Suffolk District Councils</u></b>	The Applicant refers to Table 4.1 (Temporary Construction Compounds) which was included

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	Local planning authorities	arising from ISH1 address local planning authorities' concerns that were raised in the preceding question? ([REP1-034], at page 15.)	<p><i>Refer to comments from SCC.</i></p> <hr/> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Legal) notes that, rather than add the siting of the construction compounds to the Works Plans, the Applicant intends to include the locations of the compounds in an updated version of the CEMP, which will be provided at Deadline 3.</i></p> <p><i>SCC will need to consider the updated CEMP carefully before commenting further on this point.</i></p> <hr/> <p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>The Councils look forward to an updated CEMP at deadline three to ensure that our concerns are fully satisfied.</i></p>	<p>in the CEMP [REP3-024] at Deadline 3, and also to its response to DC1.6.69 provided in the Applicant's Responses to First Written Questions [REP3-052].</p> <p>The Applicant awaits the Council's further comments (if any) on this particular point.</p> <hr/> <p>The Applicant refers to Table 4.1 (Temporary Construction Compounds) which was included in the CEMP [REP3-024] at Deadline 3, and also to its response to DC1.6.69 provided in the Applicant's Responses to First Written Questions [REP3-052].</p> <p>The Applicant awaits the Council's further comments (if any) on this particular point.</p> <hr/> <p>The Applicant refers to Table 4.1 (Temporary Construction Compounds) which was included in the CEMP [REP3-024] at Deadline 3, and also to its response to DC1.6.69 provided in the Applicant's Responses to First Written Questions [REP3-052].</p>
DC1.6.71	Local Planning Authorities	Do you wish to respond to the Applicant's remarks about 'Associated Development' in its comments on RRs [REP1-025] at page 80?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Refer to comments from SCC.</i></p>	<p>The Applicant refers to its comments at pages 104-106 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].</p> <p>The Applicant also refers to ES Chapter 4: Project Description [APP-072] which explains how the project is likely to be designed, constructed and operated (including ancillary activities required to facilitate the same), and confirms that worst-case assumptions in that respect have formed the basis for the</p>



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
				Applicant's environmental impact assessment (EIA).
			<p><b><u>Suffolk County Council</u></b></p> <p><i>On page 80 of [REP-025], the Applicant responds to comments made by Essex County Council [RR-004] and BDC [RR-002]. Nevertheless, SCC (Legal) welcomes the opportunity to respond to the Applicant's remarks about Associated Development ("AD").</i></p> <p><i>The Applicant states that, in determining the extent of AD, it has had regard to current Guidance (Planning Act 2008: associated development applications for major infrastructure projects) issued by the Ministry of Housing, Communities &amp; Local Government and dated April 2013.</i></p> <p><i>Paragraph 5(iv) of the Guidance says "[AD] should be proportionate to the nature and scale of the principal development".</i></p> <p><i>It seems to SCC that certain of those matters listed as AD go wider than would seem appropriate; for instance: (b) bridge (l) demolition of existing buildings or structures (m) temporary offices etc.</i></p> <p><i>In the first instance, SCC would welcome further information as to where this AD has been assessed.</i></p>	<p>The Applicant refers to its comments at pages 104-106 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].</p> <p>The Applicant also refers to ES Chapter 4: Project Description [APP-072] which explains how the project is likely to be designed, constructed and operated (including ancillary activities required to facilitate the same), and confirms that worst-case assumptions in that respect have formed the basis for the Applicant's EIA.</p>
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>Horlock Rule 9 requires that: 'The design of access roads, perimeter fencing, earthshaping, planting and ancillary development should form an integral part of the site layout and design to fit in with the surroundings' . In relation to the mitigation mounds, the one to the west of the proposed substation is identified in the Substation Design and Access statement as being 1:14</i></p>	<p>As this is an application for development consent, the Applicant is seeking LoD within which the final project components would lie. However, the mounds and planting would be in accordance with the LEMP [REP3-034] which is secured under Requirement 4 of the dDCO (document 3.1 (D)).</p> <p>The Applicant also notes that the mounds and planting designs at the GSP substation have</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>slope which would be an acceptable angle in a largely flat to gently undulating landscape. However, the LEMP drawings do not show the extent of the mounding although shrub, and in some places tree-planting, is shown as between 10-40m in width.</i></p> <p><i>A cross -section is required to show the extent as well as the height of the mounding. The mounding to the east of the substation, alongside the A131, is identified in the LEMP as being 1:4 slope which is harder to integrate with the natural landscape, particularly if it is assumed this will be placed hard up against the fence line and thus visible in part from the road until fully grown. It is proposed that as the shrub planting is shown as 20m in width, if the inner edge of the mounding aligns with the inner edge of the planted area it would allow a 1:10 planted slope to the road and a 1:4 planted slope to the substation (assuming maximum height of 1.5m) the latter not being on public view. The planting on the mound to the east will only screen the lower half of the installation at best when it is fully mature, so it is recommended that additional tree - planting is provided to the east of the A131 where there are several PRow as both mitigation and compensation to users for the effects of the installation. Alternatively, or additionally the H1 hedgerow mix along the A131 at this point could be replaced by H2 Hedgerow with Trees. It is considered with Essex both having a dry climate, and the complications for planting on newly bunded structures that this further emphasises the request for aftercare to be extended to a period 10 -15 years to enable the growth of vegetation to be properly managed.</i></p>	<p>been approved by BDC as part of the planning consent under the Town and Country Planning Act (TCPA). The designs for the TCPA are compatible with the Order Limits and the LoD that are sought as part of the dDCO (<b>document 3.1 (D)</b>).</p> <p>Updated versions of the Design and Layout Plans: GSP Substation Layout [<b>REP3-004</b>] and Elevations [<b>REP3-006</b>] showing the location and form of the proposed mounds were submitted at Deadline 3.</p> <p>The embedded planting at the GSP substation would be maintained for the life of the asset, as per embedded measure EM-H02 in the REAC (<b>document 7.5.2 (C)</b>). The REAC is secured through Requirement 4 of the dDCO (<b>document 3.1 (D)</b>).</p>
DC1.6.75	The Applicant Local planning authorities	Article 2 of the dDCO includes a definition of 'commence' but neither it nor Requirement 1	<b><u>The Applicant</u></b>	A response is provided in the Applicant's Responses to First Written Questions [ <b>REP3-052</b> ] submitted at Deadline 3.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		define 'begin' for the purposes of Requirement 2 (1). For the sake of precision and enforceability, is such a definition required?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Refer to comments from SCC.</i></p>	<p>Having had regard to the Councils' submissions, the Applicant agrees with Suffolk County Council and Babergh District Council that a definition of 'begin' is not required in the dDCO (<b>document 3.1 (D)</b>).</p> <p>The Applicant has, however, included the following explanatory note at Paragraph 4.3.8 of the Explanatory Memorandum (<b>document 3.2 (C)</b>) which aims to clarify the Applicant's intentions in respect of Requirement 2(1):</p> <p><i>"By virtue of section 11 of the Interpretation Act 1978, and since no contrary intention appears in Requirement 2 or elsewhere in the Order, the date on which the authorised development is deemed to have 'begun' is to be read in accordance with section 155(1) of the Act i.e. "on the earliest date on which any material operation comprised in, or carried out for the purposes of, the development begins to be carried out". Therefore, a specific definition of 'begin' is not required."</i></p>
			<p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Legal). Section 11 of the Interpretation Act 1978 says - "Where an Act confers power to make subordinate legislation, expressions used in that legislation have, unless the contrary intention appears, the meaning which they bear in that Act".</i></p> <p><i>The Planning Act 2008 ("2008 Act") confers power to make development consent orders which, as statutory instruments, are subordinate legislation and so expressions used in the 2008 Act have the same meaning in DCOs, unless the DCO includes a contrary intention.</i></p>	<p>Having had regard to the Councils' submissions, the Applicant agrees with SCC and Babergh District Council that a definition of 'begin' is not required in the dDCO (<b>document 3.1 (D)</b>).</p> <p>The Applicant has, however, included the following explanatory note at Paragraph 4.3.8 of the Explanatory Memorandum (<b>document 3.2 (C)</b>) which aims to clarify the Applicant's intentions in respect of Requirement 2(1):</p> <p><i>"By virtue of section 11 of the Interpretation Act 1978, and since no contrary intention appears in Requirement 2 or elsewhere in the Order,</i></p>

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			<p><i>By Requirement 2(1) of the instant DCO, the authorised development must begin no later than the end of a period of 5 years "beginning with the date on which this Order comes into force". [Our emphasis].</i></p> <p><i>Section 155(1) of the 2008 Act says –</i></p> <p><i>"For the purposes of this Act ... development is taken to begin on the earliest date on which any material operation comprised in, or carried out for the purposes of, the development begins to be carried out". [Our emphasis].</i></p> <p><i>Owing to section 11 of the Interpretation Act, since no contrary intention appears in Requirement 2 of the instant DCO, start date for beginning the authorised development is in accordance with section 155(1) of the 2008 Act i.e. "on the earliest date on which any material operation comprised in, or carried out for the purposes of, the development begins to be carried out". In the light of the above, SCC does not consider a definition of "begin" is required; however, if a new sub-paragraph (3) was included in Requirement 2 and which defined "begin" as having the same meaning as in section 155(1) of the 2008 Act, SCC would not object.</i></p> <p><i>As mentioned in DC1.6.105, SCC's concern is the Applicant is carving too much out for pre-commencement works.</i></p>	<p><i>the date on which the authorised development is deemed to have 'begun' is to be read in accordance with section 155(1) of the Act i.e. "on the earliest date on which any material operation comprised in, or carried out for the purposes of, the development begins to be carried out". Therefore, a specific definition of 'begin' is not required."</i></p>
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>The Council notes the rationale for inclusion of the dual commencement/begin wording at Art 2(1) and 2(2) as explained by the Applicant in the explanatory memorandum.</i></p>	<p>Having had regard to the Councils' submissions, the Applicant agrees with SCC and Babergh District Council that a definition of 'begin' is not required in the dDCO (<b>document 3.1 (D)</b>).</p> <p>The Applicant has, however, included the following explanatory note at Paragraph 4.3.8 of the Explanatory Memorandum (<b>document</b></p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<i>In The Councils view it would be helpful to define 'begin' so as to be able to distinguish it from commencement in a legal context for the sake of precision and enforceability.</i>	<b>3.2 (C))</b> which aims to clarify the Applicant's intentions in respect of Requirement 2(1):  <i>"By virtue of section 11 of the Interpretation Act 1978, and since no contrary intention appears in Requirement 2 or elsewhere in the Order, the date on which the authorised development is deemed to have 'begun' is to be read in accordance with section 155(1) of the Act i.e. "on the earliest date on which any material operation comprised in, or carried out for the purposes of, the development begins to be carried out". Therefore, a specific definition of 'begin' is not required."</i>
DC1.6.77	Local planning authorities	Is the distinction between the applicability of the time limits in Requirement 2 precise and enforceable? If not, how should it be changed?	<b><u>Babergh and Mid Suffolk District Councils</u></b> <i>Refer to comments from SCC.</i>	The Applicant refers to its comments above in respect of the Council's comments on DC1.6.75.
			<b><u>Suffolk County Council</u></b> <i>See the reply to DC1.6.75.</i>	The Applicant refers to its comments above in respect of the Council's comments on DC1.6.75.
			<b><u>Braintree District Council and Essex County Council</u></b> <i>As above.</i>	The Applicant refers to its comments above in respect of the Councils' comments on DC1.6.75.
DC1.6.78	Local planning authorities	Notwithstanding how 'stage' is defined in Requirement 1 of the dDCO, is it sufficiently clear to you what it means in the context of Requirement 3?	<b><u>Babergh and Mid Suffolk District Councils</u></b> <i>Refer to comments from SCC.</i>	The Applicant refers to its comments at pages 82-83 (inclusive) of the Applicant's Comments on Essex County and Braintree District Councils' Local Impact Report <b>[REP3-050]</b> .
			<b><u>Suffolk County Council</u></b> <i>Before development can commence, a single document setting out all "stages" of the development will be submitted to the 'relevant planning authority'.</i>	The Applicant refers to its comments at pages 82-83 (inclusive) of the Applicant's Comments on Essex County and Braintree District Councils' Local Impact Report <b>[REP3-050]</b> .

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			<p><i>Paragraph 4.3.10 of the Explanatory Memorandum states –</i></p> <p><i>“National Grid’s intention is to define the stages of the authorised development once detailed design has been undertaken and once it has been agreed with its Main Works Contractor(s) how the project will be delivered”. [Our underlining]. The detail about the document’s likely contents is also included in the Explanatory Memorandum. For instance, paragraph 4.3.11 –</i></p> <p><i>“It is anticipated that the staging plan to be submitted pursuant to Requirement 3 will specify: (a) the spatial scope of each stage of the authorised development (i.e. the geographical area(s) within which works are to take place), (b) the temporal scope of each stage of the authorised development (i.e. when the works are likely to commence and to be completed) and (c) the works to be carried out in each case”. [Our underlining]. The underlined words hint at a lack of certainty in the plans for the document and it might be sensible to suggest that a new paragraph be added to the Requirement, setting out what the document will include e.g. the definition of “stage” could be amended so that those matters listed under paragraphs (a) to (c) of paragraph 4.3.11 are included in the definition. (None of the precedents included similar detail; however, this Requirement has become more detailed with each iteration).</i></p> <p><i>SCC (Legal) notes the uncertainty regarding the meaning of “stage” was an issue during the Examination of the order which became the National Grid (Richborough Connection Project) Development Consent Order 2017 and the matter was summarised as follows in the ExA’s Report – “10.7.24 It was not clear to the Panel or to the local authorities what the stages of the authorised development were and hence the clarity of the requirement was lacking. We asked</i></p>	



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			<p>written questions and probed the matter at all three DCO hearings during the Examination. 10.7.25 In response to FWQs, the Applicant explained that stages would only be defined after a construction contractor was appointed and that these stages would be defined by activities [REP2-016, Q1.5.33]. 10.7.26 At DCO1, it was evident that the Applicant's response had caused confusion amongst the Panel and the local authorities. The local authorities argued amongst other things, that the stages should be geographically based; that the details to be submitted should include a defined plan showing the location that the stage related to as well as the relationship between that stage; and that the preceding and acceding stages should be included [EV-021 to EV-024]. After extensive discussion, matters were still unclear and so the Applicant agreed to provide a post hearing note at DL3 with a fuller explanation of 'stages'. 10.7.27 The post hearing note explains that the reference to 'activities' reflects that stages would not necessarily be defined solely by reference to geographical location or by activity because both terms are used interchangeably by the Applicant for much of the works contemplated. However, the Applicant confirmed that the written scheme setting out all of the stages would include references to defined sections or part of the authorised development. The Applicant provided two examples to aid understanding. Firstly, the construction of the 400kV overhead line (Work No. 1), the Applicant explained, could be a stage of the authorised development in itself. Secondly, the removal of the existing 132kV overhead line could also be a stage. Each stage of any part of the authorised development (for example removal of the PX 132kV line) could be undertaken as one stage or broken down further. The Applicant confirmed that this level of detail would form part of the written scheme as required under Requirement 4, to be submitted to and approved by the</p>	



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			<p>local authorities [REP3-023]. ... 10.7.29 The Panel gives weight to the signed SoCG with the Joint Councils as the discharging authorities for many of the requirements, which confirms that they are content with the Applicant's explanation of stages and the Applicant's confirmation that it would work closely with the local authorities in preparing and agreeing the written scheme required under 4 (2) [REP8-014]. The ExA is therefore now satisfied that the intent of the requirement is clear and includes it in the dDCO". In the first instance, an alternative to amending the drafting of Requirement 3 would be to ask the applicant to provide an explanation similar to that given during the Richborough examination.</p>	
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p>"stage" means a defined stage of the authorised development, the extent of which is shown in a scheme submitted to the 'relevant planning authority' for approval pursuant to Requirement 3; It is not clear whether 'stage' refers to physical location and/or place within a timeline but otherwise the definition is on its face clear.</p>	<p>The Applicant refers to its comments at pages 82-83 (inclusive) of the Applicant's Comments on Essex County and Braintree District Councils' Local Impact Report [REP3-050].</p>
DC1.6.79	The Applicant Local planning authorities	Should the written scheme referred to in Requirement 3 (1) be subject to approval by the 'relevant planning authority' within a stated time period? If not, why not?	<p><b><u>The Applicant</u></b></p> <p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p>Refer to comments from SCC.</p> <p><b><u>Suffolk County Council</u></b></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant refers to its comments at pages 82-83 (inclusive) of the Applicant's Comments on Essex County and Braintree District Councils' Local Impact Report [REP3-050].</p> <p>The Applicant refers to its comments at pages 82-83 (inclusive) of the Applicant's Comments</p>

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			<p>Requirement 3 is based on the following precedents: Requirement 4 of the National Grid (Richborough Connection Project) Development Consent Order 2017, Requirement 4 of the National Grid (Hinkley Point C Connection Project) Order 2016, and Requirement 3 of the National Grid (North London Reinforcement Project) Order 2014.</p> <p>It is not identical to any of the precedents and there is one important difference between the instant requirement and the precedents: each of the precedents requires the document i.e. the “written scheme” to be approved by the planning authority, following consultation with other bodies (which in each case includes the highway authority). For instance, Requirement 4(1) of the Richborough Connection Project DCO states – “4.—(1) The authorised development may not commence until a written scheme setting out all the stages of the authorised development has been submitted to <b>and approved by the ‘relevant planning authority’ following consultation with the highway authority</b>”.</p> <p>[Differences with Requirement 3(1) of the Bramford to Twinstead dDCO shown highlighted and in bold].</p> <p>SCC (Legal) considers the scheme should be subject to the approval of the <b>‘relevant planning authority’</b>, following consultation with the highway authority; however, since no explanation for the departure from the precedents is given in the Explanatory Memorandum, SCC will consider carefully the applicant’s explanation for the change.</p>	<p>on Essex County and Braintree District Councils’ Local Impact Report [REP3-050].</p>
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p>The Councils agree that amendments to Req 3(1) are required so that the staging plan should be subject to approval by the <b>‘relevant planning authority’</b> in</p>	<p>The Applicant refers to its comments at pages 82-83 (inclusive) of the Applicant’s Comments on Essex County and Braintree District Councils’ Local Impact Report [REP3-050].</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>consultation with the relevant highway authority. This document will effectively become a 'control' document as it sets the parameter for each stage of work and as such it is appropriate for the LPA to approve the original staging plan (and any amendment). This approach was followed in the Brechfa Forest Connection DCO. The Councils propose the following amendments:-</i></p> <p><i>3.—(1) The authorised development may not commence until a written scheme setting out all stages of the authorised development has been submitted to and approved by the 'relevant planning authority' after consultation with the relevant highway authority.</i></p>	
DC1.6.80	Local planning authorities	Should any amendments to the written scheme, referred to in Requirement 3 (2), be subject to approval by the 'relevant planning authority'? If so, why?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Refer to comments from SCC.</i></p>	<p>The Applicant refers to its comments at pages 82-83 (inclusive) of the Applicant's Comments on Essex County and Braintree District Councils' Local Impact Report [REP3-050].</p> <p>Having had regard to the Councils' submissions in relation to Requirement 3(3), the Applicant has (for Deadline 4) amended the drafting of that provision in the manner suggested by the Councils.</p> <p>This change is also documented in the Applicant's Schedule of Changes to the dDCO (<b>document 8.4.2 (C)</b>).</p>
			<p><b><u>Suffolk County Council</u></b></p> <p><i>The three precedents mentioned in the reply to DC1.6.79 do not include an equivalent provision to instant Requirement 3(2); however, if paragraph (1) is to be amended per the preceding paragraph, SCC would suggest paragraph (2) is amended along the following lines – "(2) Any revisions to the written scheme referred to in sub-paragraph (1) above must be</i></p>	<p>The Applicant refers to its comments at pages 82-83 (inclusive) of the Applicant's Comments on Essex County and Braintree District Councils' Local Impact Report [REP3-050].</p> <p>Having had regard to the Councils' submissions in relation to Requirement 3(3), the Applicant has (for Deadline 4) amended</p>

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			<p>submitted to <b>and approved by</b> the '<b>relevant planning authority</b>' <b>following consultation with the highway authority</b> in advance of the commencement of the stage of the authorised development to which the revisions relate". [Amendments shown highlighted and in bold].</p> <p>Although the ExA has not asked a question about Requirement 3(3), SCC wonders whether that provision might be improved if amended as follows – "(3) Written notice of the commencement and completion of construction <b>for of</b> each stage of the authorised development, and the operational use of that <b>part stage</b> of the authorised development, must be given to the '<b>relevant planning authority</b>' within 10 business days of the relevant event occurring". If the Applicant disagrees, SCC would welcome an explanation as to what "that part" refers to.</p>	<p>the drafting of that provision in the manner suggested by the Councils.</p> <p>This change is also documented in the Applicant's Schedule of Changes to the dDCO (<b>document 8.4.2 (C)</b>).</p>
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p>Requirement 3 (2) – staging plan. ECC/BDC agree that amendments to Req 3(2) are required so that the staging plan should be subject to approval by the '<b>relevant planning authority</b>' in consultation with the relevant highway authority. This document will effectively become a control documents as it sets the parameters for each stage of work and as such it is appropriate for the LPA to approve (the original staging plan and) any amendment. The Councils propose the following amendments:- 3 (2) Any revisions to the written scheme referred to in subparagraph (1) above must be submitted to the '<b>relevant planning authority</b>' for approval after consultation with the relevant highway authority in advance of the commencement of the stage of the authorised development to which the revisions relate.... (4) The authorised development</p>	<p>The Applicant refers to its comments at pages 82-83 (inclusive) of the Applicant's Comments on Essex County and Braintree District Councils' Local Impact Report [REP3-050].</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<i>must be carried out in accordance with the written scheme submitted further to sub-paragraph (1) or (2).</i>	
DC1.6.82	Suffolk CC Babergh DC Mid Suffolk DC	Requirement 4 (3) refers to 'other discharging authority as may be appropriate to the relevant plan concerned'. Would this not address your concern that any departure from the CTMP should be agreed with the relevant highway authority?	<b><u>Babergh and Mid Suffolk District Councils</u></b> <i>BMSDC understand that SCC prefer explicit reference to the Highway Authority and have no objection to this.</i>	The Applicant refers to its response to DC1.6.82 provided in the Applicant's Responses to First Written Questions [REP3-052], and to Requirement 4 (Management Plans) of the dDCO ( <b>document 3.1 (D)</b> ).
			<b><u>Mid-Suffolk District Council</u></b> <i>BMSDC understand that SCC prefer explicit reference to the Highway Authority and have no objection to this.</i>	The Applicant refers to its response to DC1.6.82 provided in the Applicant's Responses to First Written Questions [REP3-052], and to Requirement 4 (Management Plans) of the dDCO ( <b>document 3.1 (D)</b> ).
			<b><u>Suffolk County Council</u></b> <i>SCC (Local Highway Authority) considers that it would be helpful if this explicitly referred to the Local Highway Authority to avoid potential dispute on the appropriateness of the discharging authority.</i> <i>This would be consistent with the test of precision that each planning condition must satisfy, per Circular 11/95: Use of conditions in planning permission.</i>	The Applicant refers to its response to DC1.6.82 provided in the Applicant's Responses to First Written Questions [REP3-052], and to Requirement 4 (Management Plans) of the dDCO ( <b>document 3.1 (D)</b> ).
DC1.6.85	Suffolk CC Babergh DC Mid Suffolk DC	Following on from your comment in paragraph 6.26 of your Local Impact Report [REP1-045], can you specify which Requirement(s) you consider need to be amended and suggest wording that would address your concerns?	<b><u>Babergh and Mid Suffolk District Councils</u></b> <i>Refer to comments from SCC.</i>	The Applicant refers to its comments at pages 106-107 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].
			<b><u>Mid-Suffolk District Council</u></b> <i>Refer to comments from SCC.</i>	
			<b><u>Suffolk County Council</u></b> <i>The point here is that SCC (Legal) has concerns about the management plans and considers Requirement 4 (management plans) should provide for the</i>	The Applicant refers to its comments at pages 106-107 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>preparation of more detailed management plans, which would be subject to a further approval process.</i></p> <p><i>Further detail is set out in the reply to DC1.6.105.</i></p>	<p>Suffolk District Councils' Local Impact Report [REP3-049].</p> <p>The Applicant also notes that Suffolk County Council committed during Issue Specific Hearing 2 held on Wednesday 8 November 2023 to providing tangible examples of details which the Council consider to be missing from the current Management Plans. (See AP4 in the Examining Authority's record of Action Points from Issue Specific Hearing 2 [EV-045]).</p>
DC1.6.86	The Applicant Local planning authorities	Should Requirement 8 refer to the baseline information and assessment set out in the Arboricultural Impact Assessment [REP1-011]? If not, why not?	<p><b><u>The Applicant</u></b></p> <p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Refer to comments from SCC.</i></p> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Landscape) considers that the plan referred to in requirement 8 should be based on the up-to-date information and assessment of the Arboricultural Impact Assessment (AIA) [REP1-011]. However, rather than cross-referencing relevant information back to the AIA, all relevant information should be contained in the detailed plan; any deviations from previously consented documents (such as the AIA, LEMP or the Vegetation Reinstatement Plan) should be clearly marked and identified on the detailed plan.</i></p> <p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>Yes the Councils consider that it should.</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant refers to its response to DC1.6.86 provided in the Applicant's Responses to First Written Questions [REP3-052].</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
DC1.6.87	The Applicant Local planning authorities	Should the plan submitted under Requirement 8(1) also include: • tree protection plans detailing temporary physical tree protection measures according to BS 5837:2012; • a schedule of any proposed tree and hedgerow management to facilitate retention; • specifications for temporary physical protection for retained and vulnerable trees; and • details of an auditable system of compliance with the approved protection measures? If not, why not?	<b><u>The Applicant</u></b>	A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.
			<b><u>Babergh and Mid Suffolk District Councils</u></b> <i>Refer to comments from SCC.</i>	The Applicant refers to its response to DC1.6.87 provided in the Applicant's Responses to First Written Questions [REP3-052].
			<b><u>Suffolk County Council</u></b> <i>SCC (Landscape) considers that all the points listed are relevant to the purpose of the plan submitted under Requirement 8(1) and should therefore be included. With regards to the tree protection plans, it will be important to choose an appropriately fine-grain scale for any drawing included in the plan, so that the various elements in the plan, not least tree protection fence lines, remain clearly legible. An over-reliance on colour-coding should be avoided.</i>	The Applicant refers to its response to DC1.6.87 provided in the Applicant's Responses to First Written Questions [REP3-052].
			<b><u>Braintree District Council and Essex County Council</u></b> <i>ExA suggestion appears sensible, the Joint Council's have no issues with inclusion.</i>	The Applicant refers to its response to DC1.6.87 provided in the Applicant's Responses to First Written Questions [REP3-052].
DC1.6.89	The Applicant Local planning authorities	Should Requirement 9 also refer to the need to include details of ground cultivation for planting, five-year maintenance proposals, and arrangements for the identification and replacement of any failures? The Applicant is referred to the Yorkshire Green dDCO as an example.	<b><u>The Applicant</u></b>	A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.
			<b><u>Babergh and Mid Suffolk District Councils</u></b> <i>Refer to comments from SCC.</i>	The Applicant refers to its response to DC1.6.89 provided in the Applicant's Responses to First Written Questions [REP3-052].
			<b><u>Suffolk County Council</u></b>	The Applicant refers to its response to DC1.6.89 provided in the Applicant's



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>SCC (Landscape) considers that Requirement 9 should include appropriate specifications, which include details of ground preparation, in particular decompaction, and subsequent cultivation, appropriate aftercare and maintenance proposals, weed control / use of herbicides, and arrangements for the identification and replacement of any failures, including regular reports to, and site inspections by representatives of the relevant local authority. The plan should also include a programme that details when individual prescriptions are to be carried out, at what frequency and for how long.</p>	Responses to First Written Questions [REP3-052].
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p>ExA suggestion appears sensible. In respect of ecology the Councils would support the ExA suggestion to secure this detail to support best practice methods for establishment and aftercare including replacements.</p>	The Applicant refers to its response to DC1.6.89 provided in the Applicant's Responses to First Written Questions [REP3-052].
DC1.6.91	The Applicant Local planning authorities	In the interests of clarity, do you agree that the maintenance arrangements in Requirement 10 (3) would be better part of the reinstatement planting plan to be agreed by the 'relevant planning authority' and thus should be included in that plan and referred to in Requirement 9? If not, please explain why not.	<p><b><u>The Applicant</u></b></p> <p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p>Refer to comments from SCC.</p> <p><b><u>Suffolk County Council</u></b></p> <p>SCC (Landscape) agrees that the maintenance arrangements in Requirement 10(3) form an integral part of the reinstatement planting plan and prescriptions should be included within the plan.</p> <p>A distinction between the Plan itself and its implementation and maintenance into two separate requirements will, however, be useful for the discharge</p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant refers to its response to DC1.6.91 provided in the Applicant's Responses to First Written Questions [REP3-052].</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>of these requirements. It may be necessary to include in Requirement 10(3) that all planting carried out under the agreed plan shall be maintained in accordance with the provisions and prescriptions of the plan.</i></p> <p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>The Councils agree with this.</i></p>	
DC1.6.93	Suffolk CC Babergh DC Mid Suffolk DC	What wording would you suggest in place of Requirement 11 as drafted?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Refer to comments from SCC.</i></p> <p><b><u>Mid-Suffolk District Council</u></b></p> <p><i>Refer to comments from SCC.</i></p> <p><b><u>Suffolk County Council</u></b></p> <p><i>Save for the point made in the reply to DC1.6.105, SCC (Local Highway Authority) does not necessarily seek to have Requirement 11 reworded. SCC notes that the requirement only covers construction or alteration of accesses and not the wider highway activities. SCC would suggest that either (i) Requirement 11 is amended to provide for those activities or (ii) the Applicant agrees to the inclusion of protective provisions in the dDCO which will address SCC's concerns or (iii) the Applicant and SCC enter into a highways side agreement to cover SCC's concerns. SCC would expect any protective provisions or side agreement to include the following –</i></p> <p><i>The recovery of reasonable costs including but not limited to:</i></p>	<p>The Applicant refers to its comments at page 111 of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].</p> <p>The Applicant further notes that comments on the HoTs for the proposed Framework Highways Agreement were provided by SCC on 6 November 2023.</p> <p>Notwithstanding the absence of similar comments from ECC, the Applicant remains committed to progressing the Framework Highways Agreement, including through the ongoing Traffic and Transport Thematic meetings.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<ul style="list-style-type: none"> <li>• <i>Additional costs of routine, cyclic and emergency highway maintenance resulting from the Applicants' occupation or use of the highway (if applicable).</i></li> <li>• <i>Visual and structural condition surveys of the highway (A134, A1071, B1508, B1069) and contributions towards structural repairs to monitor damage to the highway (in accordance with the provisions of Section 59 Highways Act 1980);</i></li> <li>• <i>Surveys and assessment of highway structures to facilitate AIL movements.</i></li> <li>• <i>Creation of temporary traffic regulation orders where not included in Schedules;</i></li> <li>• <i>Issue of permits and licenses;</i></li> <li>• <i>Relocating / removing street furniture and all other highway infrastructure to facilitate AIL movements;</i></li> <li>• <i>Technical approval and inspection of highway accesses (Requirement 11); and</i></li> <li>• <i>Review of submitted materials for monitoring the final management plans (such as CTMP/ Travel Plan / PROW Strategy etc).</i></li> </ul>	
DC1.6.97	Essex CC Braintree DC	In paragraphs 21.5.10 and 23.3.2 of your Local Impact Report you refer to additional Requirements that you say should be considered. Can you provide draft wording of the additional Requirements that you consider need to be included in the DCO to deliver the project?	<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>The Councils refer the ExA to Appendix 3 of this response where suggested wording is set out.</i></p>	<p>The Applicant notes that no specific reason or justification is given by BDC and/or ECC for each of the proposed Requirements listed in Appendix 3 of the Councils' Responses to ExQ1 [REP3-061].</p> <p>Notwithstanding the response already provided at page 85 of the Applicant's Comments on Essex County and Braintree District Councils' Local Impact Report [REP3-050], the Applicant considers that the absence of justification is</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
				contrary to Paragraph 15.2 of Advice Note 15 (Drafting Development Consent Orders), which states "...Requirements should therefore be precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects."
DC1.6.102	Local planning authorities	Can you respond to the Applicant's submission on 'Timeframes for Determining Applications and Fees' in its comments on RRs [REP1-025] at page 82?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Refer to comments from SCC.</i></p> <p><b><u>Suffolk County Council</u></b></p> <p><b><i>Timescales</i></b></p> <p><i>The timescales in Schedule 4 are too short and should be changed so that they are, at the very least, no shorter than those set out in Advice Note 15. The Explanatory Memorandum [APP-035] justifies the shorter timescales as follows – "Whilst it is acknowledged that the time limits included in Schedule 4 (in relation to the determination of applications made pursuant to the Requirements and any requests made by the relevant discharging authority for further information) do differ from those recommended in Advice Note 15, National Grid considers that shorter time limits are necessary and proportionate in light of the immediate and pressing national need which the project is intended to address" (paragraph 4.4.2). This is an unconvincing argument: the 28 day decision-making period in paragraph 1(1) of Schedule 4 (compared to the 42-day period in paragraph 1(2) of Appendix 1 to Advice Note 15) is unlikely to affect "the immediate and pressing national need which the project is intended to address". While the SCC will ensure that any request for approval will be dealt with as quickly as possible, it will be remembered that SCC will be receiving a considerable number of requests for approval across several nationally significant</i></p>	The Applicant refers to its comments at pages 111-113 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>infrastructure projects. A 42-day decision-making period would be challenging in this context; the reduction of the time-frame to 28 days is unrealistic and potentially detrimental to the effective consideration of requests. Owing to the circumstances summarised in the preceding paragraph, SCC considers a 56-day decision-making period would be reasonable. Fees The fees proposed in paragraph 3(1) are unreasonably low and need to be increased.</p> <p><b>Additional comments</b></p> <p>SCC (Legal) notes the Applicant's comment [REP1-025] that "its proposed approach in terms of both the timescales and fees for determining applications submitted pursuant to the DCO (if made) is reflective of the approach successfully adopted by the Applicant in relation to the delivery of other linear infrastructure projects, including those spanning multiple administrative boundaries". SCC cannot comment on the success or otherwise of other projects the Applicant has promoted; SCC can, however, comment on the effect of hosting several NSIPs in its administrative area. SCC's experience has led it to conclude that Schedule 4 would be inappropriate in its present form for the instant application. That, surely, is a more appropriate test to apply than the "one size fits all" approach which the Applicant seems to be suggesting. As Advice Note 15 states: "It is not sufficient for an Explanatory Memorandum to simply state that a particular provision has found favour with the Secretary of State previously; the ExA and Secretary of State will need to understand why it is appropriate for the scheme applied for". In respect of the proposed "shadow submissions" mentioned by the Applicant [REP1-025], NSIP promoters in Suffolk whose DCOs include timeframes which are more consistent with those in Advice Note 15 do this already. While SCC</p>	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>welcomes the shadow submissions" suggestion, it will be necessary for more realistic deadlines to be provided. Finally, SCC welcomes the fact that "the Applicant anticipates that close future engagement will be facilitated by a Planning Performance Agreement (PPA)" [REP1-025] and looks forward to entering into discussions with the Applicant regarding the PPA.</p> <p><b><u>Braintree District Council and Essex County Council</u></b></p> <p>See Paragraph 4.10.12 of the Deadline 2 joint Councils response [REP1-009].</p>	
DC1.6.103	Suffolk CC Babergh DC Mid Suffolk DC	Why do you consider paragraph 3 (2) of Schedule 4 to be unreasonable? How does it need to be amended to address your concerns?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p>Refer to comments from SCC.</p> <p><b><u>Mid-Suffolk District Council</u></b></p> <p>Refer to comments from SCC.</p> <p><b><u>Suffolk County Council</u></b></p> <p>SCC (Legal) notes paragraph 3(2) of Schedule 4 has been omitted from dDCO dated 11 October 2023 which was submitted at Examination Deadline 2. SCC is content with this omission.</p>	<p>The Applicant assumes that the Councils are referring to [REP1-039]. In any event, the Applicant would be grateful if the Councils could please clarify the response since there is no Paragraph 4.10.12 in [REP1-039].</p> <p>The Applicant notes the response provided by SCC.</p>
DC1.6.104	Local planning authorities	What fee should be levied by paragraph 3 (1) (b) of Schedule 4 of the dDCO?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p>Refer to comments from SCC.</p> <p><b><u>Suffolk County Council</u></b></p> <p>SCC (Planning) understand that these are nominal amounts derived from TCPA fee regulations. SCC's preference would be to negotiate a planning performance agreement for discharge of requirements,</p>	<p>The Applicant refers to its response to DC1.6.104 provided in the Applicant's Responses to First Written Questions [REP3-052].</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>alongside facilitating future engagement as noted in reply to DC1.6.102. Subject to these negotiations, the local authorities will confirm their common position in respect of a reasonable fee.</p> <p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>£116 is proposed per request which is the standard fee. The Councils would have no issue with this if a PPA was in place where the costs could be recovered elsewhere, as this would simply not cover the costs of the project.</i></p>	
DC1.6.105	Suffolk CC Babergh DC Mid Suffolk DC	Can you provide suggested wording of the amendments to Articles, Requirements and Paragraph 1 of Schedule 4 that you refer to in paragraph 17.87 (a to j inclusive) of your joint Local Impact Report [REP1-045]?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Refer to comments from SCC.</i></p> <p><b><u>Mid-Suffolk District Council</u></b></p> <p><i>Refer to comments from SCC.</i></p> <p><b><u>Suffolk County Council</u></b></p> <p><i>Suffolk County Council proposed a detailed set of amendments to the dDCO. These amendments are summarised in Appendix A to this document.</i></p>	The Applicant refers to Appendix A to this document.
DC1.6.106	The Applicant	Burstall PC [RR-013] seeks community involvement in the discharge of Requirements: what is your response?	<p><b><u>Burstall Parish Council</u></b></p> <p><i>We thank the Examining Authority for referring our request [RR-013] on community involvement in the discharge of Requirements to the applicant. We would like to draw to the Examining Authority's attention the initial response from the applicant [Doc 8.8.3] which</i></p>	A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>was as follows: "Adopting a placemaking approach implies creating the right to public access which is not proposed for any of the CSE compound locations". Burstall Parish Council wishes to stress that access is entirely irrelevant. The refusal of participatory placemaking and design is also wholly inconsistent with the applicant's own approach to other projects in Suffolk, including the design for the Yaxley substation. In that instance no access was proposed for, or expected by, the local community which was keen to engage in the detail of design and the mitigation strategy.</p>	
DC1.6.117	Natural England	At pages 122 to 125 inclusive of its Comments on Relevant Representations [REP1-025], the Applicant responds to various points that you made in your RR [RR-042] about the scope of the dDCOs provisions. Have its comments addressed your concerns? If not, can you explain why not?	<p>As detailed in Natural England's Written Representations (dated 11 October 2023, our ref: 450715), there are 2 outstanding issues: one relates to soils and the other to the requirement for a drainage strategy.</p> <p>It remains Natural England advice that the soil management measures should be clearly presented in the CEMP as a Soil Management Plan. Natural England have provided advice on the detail that should be included in the Soil Management Plan. Natural England acknowledges the Applicant's response [REP1-025, p124] to omission 2, in which we advise a drainage strategy is made a requirement of the DCO to identify the methods required to control runoff for difference areas of the project. Whilst the measures presented are sufficient at a high level, Natural England still advise that a drainage strategy is required to detail where different measures will need to be applied.</p>	The Applicant has commented on these matters in the Applicant's Comments on Written Representations [REP3-048].
DC1.6.119	Suffolk CC Babergh DC Mid Suffolk DC	At paragraph 12.11 of your Local Impact Report [REP1-45] you refer to the need for a Requirement to address decommissioning and removal	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p>Refer to comments from SCC.</p> <p><b><u>Mid-Suffolk District Council</u></b></p>	The Applicant refers to its response to DC1.6.94 provided in the Applicant's Responses to First Written Questions [REP3-052].

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		route; can you suggest the wording that you would like to see included within the DCO?	<p><i>Refer to comments from SCC.</i></p> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Local Highway Authority) noted that the requirement is included in the granted order for East Anglia One North Offshore Wind Farm Order 2022 could form the basis of a similar requirement for this project. An extract is provided below: Onshore decommissioning 30.—</i></p> <p><i>(1) The undertaker must notify the ‘<b>relevant planning authority</b>’ of the permanent cessation of commercial operation of the transmission works within 14 days following the date of permanent cessation.</i></p> <p><i>(2) Within six months following the permanent cessation of commercial operation of the transmission works an onshore decommissioning plan in respect of the transmission works must be submitted to and approved by the ‘<b>relevant planning authority</b>’ in consultation with the relevant highway authority and the relevant statutory nature conservation body.</i></p> <p><i>(3) The undertaker must notify the ‘<b>relevant planning authority</b>’ of the permanent cessation of commercial operation of the grid connection works within 14 days following the date of permanent cessation.</i></p> <p><i>(4) Within six months following the permanent cessation of commercial operation of the grid connection works an onshore decommissioning plan in respect of the grid connection works must be submitted to and approved by the ‘<b>relevant planning authority</b>’ in consultation with the relevant highway authority and the relevant statutory nature conservation body.</i></p> <p><i>(5) The decommissioning plans must be implemented as approved.</i></p>	<p>The Applicant considers that Requirement 12 (Decommissioning) in Schedule 3 to the dCO (<b>document 3.1 (D)</b>) suitably addresses this particular point, and hence no further (or amended) Requirement is needed.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
DC1.6.120	The Applicant Environment Agency	Are negotiations continuing between the Applicant and the Environment Agency about potential further Requirements in the dDCO in relation to navigation of the River Stour and temporary in-river and cross-river construction structures and permanent cross-river structures? Will the outcome be reported in the Statement of Common Ground between the parties, and, if so, when is this expected? If there is no agreement on these matters as yet, can the Environment Agency suggest the wording that you would like to see included within the DCO?	<p><b><u>The Applicant</u></b></p> <p><b><u>The Environment Agency</u></b></p> <p><i>Please see our answer to question DC1.6.57 above. The Applicant is currently engaging with us and we will be responding to the applicants questions shortly. The outcome of this will be communicated in the next update to the Statement of Common Ground (SoCG) under SoCG ID 5.5.1.</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant notes the response provided by the Environment Agency.</p> <p>The Applicant refers to the Draft Statement of Common Ground with The Environment Agency [REP3-020]. The Applicant is seeking to agree an updated position with the Environment Agency through the next update to the Statement of Common Ground which will be submitted at a future deadline.</p>

## 7. Good Design

Table 7.1 – Good design

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
GD1.7.1	The Applicant	Does the design of the proposed mitigation mounds and planting at the proposed	<b><u>The Applicant</u></b>	A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
Essex CC Braintree DC		new GSP substation comply with Horlock Guideline 9 and the good design tests in NPS EN-1 in terms of existing landscape character and landform?	<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>It is noted that the proposed GSP Substation went through an extensive design and mitigation process as part of the Town and Country Planning Act planning application, which was subsequently approved. This sought to include mounding at either side of the GSP substation (from A131 and from field on western side), while the two groups of Ancient Woodland, Butlers Wood and Waldergrave Wood, provide screening from the north and western angles. Horlock Rule 9 requires that: 'The design of access roads, perimeter fencing, earthshaping, planting and ancillary development should form an integral part of the site layout and design to fit in with the surroundings' In relation to the mitigation mounds, the one to the west of the proposed substation is identified in the Substation Design and Access statement as being 1:14 slope which would be an acceptable angle in a largely flat to gently undulating landscape. However, the LEMP drawings do not show the extent of the mounding although shrub, and in some places tree-planting, is shown as between 10-40m in width.</i></p> <p><i>A cross -section is required to show the extent as well as the height of the mounding. The mounding to the east of the substation, alongside the A131, is identified in the LEMP as being 1:4 slope which is harder to integrate with the natural landscape, particularly if it is assumed this will be placed hard up against the fence line and thus visible in part from the road until fully grown. It is proposed that as the shrub planting is shown as 20m in width, if the inner edge of the mounding aligns with the inner edge of the planted area it would allow a 1:10 planted slope to the road and a 1:4 planted slope to the substation (assuming maximum height of 1.5m) the latter not being on public view. The planting on the mound to the east will only screen the lower half of the installation at best when it is fully mature, so it is recommended that additional tree - planting is provided to the east of the A131 where there are several PRow as both mitigation and compensation to users for the effects of the installation. Alternatively, or additionally the H1 hedgerow mix along the A131 at this point</i></p>	<p>The Applicant confirms that the mounds and planting designs at the GSP substation have been approved by BDC as part of the planning consent under the TCPA. The designs for the TCPA are compatible with the Order Limits and the LoD that are sought as part of the dDCO (<b>document 3.1 (D)</b>).</p> <p>Updated versions of the Design and Layout Plans: GSP Substation Layout [<b>REP3-004</b>] and Elevations [<b>REP3-006</b>] showing the location and form of the proposed mounds have been submitted at Deadline 3.</p> <p>The embedded planting at the GSP substation would be maintained for the life of the asset, as per embedded measure EM-H02 in the REAC (<b>document 7.5.2 (C)</b>). The REAC is secured through Requirement 4 of the dDCO (<b>document 3.1 (D)</b>). Further details on the planting proposals are set out in the LEMP [<b>REP3-034</b>], which align with the species mix set out in the approved planning application.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<i>could be replaced by H2 Hedgerow with Trees. Overall, with the above additions/modifications, it is considered that the development would meet the Horlock Rules and good design tests in EN -1.</i>	

## 8. Historic Environment

Table 8.1 – Historic environment

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
HE1.8.1	Historic England Babergh DC Mid Suffolk DC Suffolk CC	Are you content with the study areas used for the historic environment baseline studies (paragraph 8.4.5 ff, ES Chapter 8 [APP-076])?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Yes – the 3km area for designated assets and 250m for non-designated is a large area to cover; 1km is normally the search area, so 3km is refreshing to see.</i></p> <hr/> <p><b><u>Suffolk County Council</u></b></p> <p><i>Suffolk County Council Archaeological Service (SCCAS) is content with the baseline for archaeology as set out in 8.4.7 – 8.4.9. For built and designated heritage, however, SCCAS would defer to Historic England and BMSDC.</i></p> <hr/> <p><b><u>Historic England</u></b></p> <p><i>We have focused on Hintlesham Hall for the purposes of our advice so defer to Babergh DC, Mid Suffolk DC and Suffolk CC on this question.</i></p>	The Applicant welcomes this response.
HE1.8.2	Historic England Babergh DC Mid Suffolk DC Suffolk CC	The assessment of effects on settings in ES Chapter 8 [APP-076] (paragraphs 8.1.6, 8.4.11, 8.4.17, 8.4.22, etc) seems to rely on intervisibility between the Proposed Development and potential historic environment receptors. Do you understand that to be the case, and, if so, are you content with the approach?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Agree that the intervisibility does seem to be the hinge point for the assessments. In terms of the pylons and cabling, this is reasonable, as the affect will be almost exclusively visual. For the substations and compounds, other changes such as noise, increased traffic, lighting etc need to also be considered. As the submissions to date all reference HE's document GPA3, The Setting of Heritage Assets, in which a checklist is given of potential receptors, I do have confidence that the Applicant is aware of the other potentially harmful aspects of the scheme, beyond visual impacts. However, if this is not forthcoming, I will</i></p>	The Applicant has assessed the effects on listed buildings, including noise and lighting, in ES Appendix 8.2: Historic Environment Impact Assessment [APP-127] which concludes that there would be no significant effects when considering the embedded and good practice measures set out in the REAC (document 7.5.2 (C)) and CoCP [REP3-026] respectively.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>flag/question any conclusions or assessments which fail to look at other potentially harmful impacts.</i></p> <hr/> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Archaeological Service) notes that this relates to setting regarding built and designated heritage, on matters such as this, SCCAS would defer to Historic England and BMSDC.</i></p> <hr/> <p><b><u>Historic England</u></b></p> <p><i>There is a lot of emphasis on the Zone of Theoretical Visibility (ZTV). The intervisibility between the Proposed Development and potential historic environment receptors will form part of the assessment but the assessment should not rely on this. As detailed in the glossary of the NPPF setting of a heritage asset is; "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." While ES Chapter 8 does seem to rely on intervisibility we are satisfied that ES Appendix 8.2 – Annex A Hintlesham Hall Assessment does assess other aspects of the setting of Hintlesham Hall's setting such as character and context.</i></p>	
HE1.8.3	Historic England	If not covered in your Written Representation, can you elaborate on your specific concerns in relation to the CSE compound close to the Polstead Conservation Area [RR-036].	<i>We no longer have concerns relating to the close to the Polstead Conservation Area. The Dedham Vale East CSE compound was moved approximately 1km further away from its original location and was placed between two blocks of woodland to screen the site in response to Historic England's feedback.</i>	The Applicant welcomes this response.
HE1.8.5	Braintree DC Essex CC	In your Local Impact Report [REP1-039], you say that 'further work will need to be done to understand the full impact of the proposals once the	<b><u>Braintree District Council and Essex County Council</u></b> <b><u>Archaeology</u></b>	The Applicant refers to its response in Table 7.1 of the Applicant's Comments on Essex County Council and Braintree



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p>route has been finalised, and LoD agreed' (paragraph 11.4.1). Explain this comment in the context that the dDCO sets the proposed LoD for the route and that the Applicant says that the assessment has been carried out on the worst-case effect for each receptor. What further information and assessment would be required? Similarly, paragraph 11.6.2 suggests that, 'as this application progresses, further detail must be given regarding the heritage assets which have been identified as affected by the proposals...', and goes on to suggest that this must inform the mitigation measures. Please explain what further information and assessment is considered to be required.</p>	<p><i>The assessment has been carried out on known or identified non-designated heritage assets (receptors), identified from information on the Essex Historic Environment Record, cropmark data and geophysical data. It can be demonstrated that these methods of assessment can only provide an indication of what archaeological remains may be present within an area and, by their non-intrusive nature, are unable to detect all potential archaeological features that may be present below ground. The Applicant acknowledges the limitations of assessment in paragraph 8.4.29 of ES Chapter 8 (Ref <b>APP-076</b>). Little archaeological investigation has taken place within the Order Limits and areas where no archaeological remains are recorded are not necessarily areas where archaeology is absent. An archaeological investigation through trial trench evaluation would enable a greater understanding on the nature, significance, complexity and extent of below ground archaeological remains which may be impacted upon by the groundworks associated with the proposal. This has been recommended from the start of the proposals. Archaeological sites of high significance are known within the area such as the scheduled monument of Alphamstone Roman villa and can be extensive in extent, as for example, the recently scheduled monument site of Wixoe Roman town which straddles the River Stour on the Essex/Suffolk border. Without intrusive archaeological investigation the significance and extent of any below ground archaeological remains cannot, with confidence, be fully assessed. Should any archaeological remains of high significance be revealed preservation in situ would be the most appropriate mitigation. Without archaeological evaluation it is unclear if the proposed LoD would be adequate to facilitate preservation in situ of any highly significant remains. An element of archaeological intrusive evaluation has been completed on the substation and further archaeological intrusive evaluation is currently being undertaken in two areas where underground cabling is proposed. This will provide an appropriate level of assessment on which to determine the impact of the scheme on archaeological remains in these</i></p>	<p>District Council Local Impact Report [REP3-050].</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>areas. However, where below ground cable or trenchless crossings are proposed and no intrusive evaluation has occurred the Applicant will need to demonstrate that preservation in situ of any significant archaeological remains is attainable within the proposed LoD. In addition, little assessment has taken place in areas of the river crossings. The ES Report states that there "is a high potential for deposits of geoarchaeological and palaeoenvironmental interest focused predominantly within the river valleys" (Vol.6 Doc 6.2.8 Chapter 8 Para 8.5.18 (Ref APP -076)) as well as high potential for prehistoric ritual remains. Without some form of intrusive investigation, the potential and significance of any archaeological or geoarchaeological remains cannot be adequately assessed. Further information should be provided which includes an updated plan of all known heritage receptors (archaeological) within the Order Limits where underground cabling and any other extensive areas of groundworks will be required. This should include the results of the trial trenching investigations and would aim to provide a clear demonstration that there is potential for avoidance of any significant archaeological remains should they be revealed during the mitigation stage. As above, in respect of comments made in paragraph 11.6.2, the current stage of archaeological investigation has not been completed and little archaeological/geoarchaeological investigation has taken place in areas identified as potential high significance. It remains to be demonstrated that preservation in situ as a form of mitigation can be achieved through the measures listed in Section 3.1.1 (Document 7.10: Outline Written Scheme of Investigation (Ref: AS -001)).</p> <p><b>Above Ground Heritage</b></p> <p>The LoD for the DCO is alarming, particularly as it can add another 4m to the height of the pylons. It is the Councils position that the Lo D should not apply in sensitive areas. This is particularly needed as there will be some areas/assets which</p>	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			are more susceptible to change in their settings. As such, notwithstanding that the effects are based on a worst case scenario, the Councils are asking for further information to fix the positioning of the pylons in sensitive areas, and/or reduce / remove the LoD in sensitive areas (those in the setting of Listed Buildings). This is therefore designed to avoid the worst case scenario and minimise the harm on above ground heritage assets as far as possible.	
HE1.8.9	Historic England Babergh DC Mid Suffolk DC Suffolk CC The Suffolk Preservation Society	A number of parties have raised issues in relation to effects on the Grade I listed Hintlesham Hall and the associated listed buildings. The Applicant's proposals here are said to be based on the micro-siting of towers agreed with Historic England prior to the project being put on hold in 2013, but the proposed LoD proposed would allow pylons to vary from the indicative agreed positions. Do you consider this approach acceptable in the area within the setting of Hintlesham Hall? Are there any implications in relation to avoidable harm to Hintlesham Hall? Can you confirm if there is a specific area, component or extent of the proposed LoD that is of concern, and any harm you consider could arise. Should any changes or deviation be restricted to those agreed by the relevant local planning authority and Historic England? Paragraph 8.11.6 of the ES [APP-076] addresses the sensitivity testing that was carried out in relation to pylon locations and	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>No. The LoD are a concern in particularly sensitive areas, such as Hintlesham Hall. We would ask that the LoD do not apply in such areas and that any placement of towers is thoroughly considered and justified, with this including impact assessments and reasoning behind the proposed placements. The LoD as proposed in the dDCO can increase the pylon height by 4m and move their placement within the corridor. Furthermore, section 5 (4) of the dDCO says this would not apply if it is felt that the impact would not be more than outlined in the EIA. Document 6.3.8.2.1: ES Appendix 8.2 – Annex A Hintlesham Hall Assessment concludes that the effects will be minor (not significant). Does this mean that the LoD will still apply in the area around Hintlesham, as it would not take the level of harm into the realms of substantial/significant effects, despite the fact that the placement of the pylons and an increase in height could have an exacerbating effect, beyond that shown in the photomontages? (e.g. AB20 and HV01).</i></p> <p><i>There is potential here that the levels of deviation permitted by the DCO would undermine all the work previously undertaken to agree on the location of pylons close to Hintlesham Hall.</i></p> <p><i>I recommend that the LoD do not apply in the area around Hintlesham Hall, especially the increase in height. Alternatively, the local authority need to be consulted on such deviations and the changes agreed before construction takes place.</i></p>	The Applicant refers to its comments in Table 7.1 of the Applicant's Comments on Essex County Council and Braintree District Council Local Impact Report [REP3-050].

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		alignment and concludes that, 'the pylons could be located anywhere within the parameters of the LoD (including the vertical LoD) without resulting in significant effects to heritage assets.' Do you agree with this conclusion? Is the sensitivity testing and conclusion further described in the Applicant's Hintlesham Hall Assessment [APP-128] sufficiently evidenced, and do you agree with the conclusion?	<p><i>I agree that there will not be significant effects in so much as there will not be substantial harm to the setting and significance of the assets. There may well, however, be an increase in the level of less than substantial harm and an exacerbation of pre-existing negative elements. This harm should not be overlooked or assumed acceptable because it would not entirely remove the setting or significance of the building, as the NPPF makes it clear that any form of harm to the significance of a heritage asset should be considered in the planning balance.</i></p> <p><i>I agree that there will be less than substantial harm to the heritage assets (para 4.5.4 of APP-128) and that the changes which have occurred to the Hall's setting have already partially diminished the contribution the setting makes to its overall significance. This does not mean, however, that an exacerbation of the incongruous elements will have no effect, and the report includes a conclusion to this affect (para 4.5.4 'minor effects (not significant) are considered to constitute harm). The terminology used 'e.g. it will not have a significant effect (para 4.5.1) is somewhat misleading, as although the effect may not be significant in EIA terms, it is not by any means low or negligible.</i></p> <p><b><u>Mid-Suffolk District Council</u></b></p> <p><i>As above.</i></p> <p><b><u>Historic England</u></b></p> <p><i>We expressed concerns in our Written Representation regarding the LoD around Hintlesham Hall. We do not think the LoD and potential changes to the positions of pylons RB3 and RB4 have been fully taken into account. We have concerns that the LoD could result in avoidable harm to the significance of Hintlesham Hall. Our concerns relate specifically to the siting of pylons RB8 and RB9. If they were moved they would be in a key view from the stable block of Hintlesham Hall (shown in</i></p>	

The Applicant refers to its comments in response to Historic England's Written Representation in Table 2.8 of the Applicant's Comments on Written Representations [REP3-048].

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>viewpoint HV01). We consider this would increase the level of harm considerably and would be avoidable. We would therefore like to see additional measures added to protect the view out from the stable block of Hintlesham Hall (shown in viewpoint HV01) and prevent the relocation of pylons RB8 and RB9. We would agree that any changes or deviation should be restricted a way to achieve this as suggested would be to seek agreement from the relevant local planning authority and Historic England? Paragraph 8.11.6 of the ES [APP-076] addresses the sensitivity testing that was carried out in relation to pylon locations and alignment and concludes that, 'the pylons could be located anywhere within the parameters of the LoD (including the vertical LoD) without resulting in significant effects to heritage assets.' In the case of Hintlesham Hall and pylons RB8 and RB9 we do not agree with this conclusion. We do think the sensitivity testing and conclusion further described in the Applicant's Hintlesham Hall Assessment [APP-128] could be better evidenced. Particularly relating to the images within the setting to better understand its character and context. As detailed above this also does not take into account the LOD and how changes within those would change the level of harm. The conclusion states; "the assessment has shown that the project would result in a loss of heritage significance. However, this is not considered to be so serious that it would lead to an inability to appreciate or understand the Hall or its relationship to its setting. This would not result in substantial harm it falls below the levels 'a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced' and it is considered that the project would not seriously affect a key element of its special architectural or historic interest. The report concludes that the degree of change to the historic assets would not result in substantial harm to Hintlesham Hall or its ancillary buildings. As set out in this report, minor non-significant effects constitute 'harm', and this degree of harm would be justified by the public benefit gained as a result of the project." We agree with this assessment if the proposals are built as shown. However, we</p>	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>do not consider this assessment has taken into account the LOD and the resultant impact if pylons RB8 and RB9 were moved.</i></p> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Archaeological Service) notes that this concerns impacts regarding Hintlesham Hall. SCCAS would therefore defer to Historic England, BMSDC and the Suffolk Preservation Society.</i></p> <p><i>SCC (Landscape) has expressed concerns about the proposed LoD within the Relevant Representations ([RR-006], paragraphs h) and v)) and the Local Impact Report [REP1-045], paragraphs 6.9 - 6.11, 6.47.b, 17.9. The principal concern is to ensure that the tower locations agreed in 2013 are recognised, and that any changes to that arrangement are adequately and effectively controlled.</i></p> <p><i>The specific heritage impacts of individual tower locations, or the heritage effects of changes to the location of individual towers adjacent to, or within sight of, Hintlesham Hall are a matter for the relevant heritage specialists at BMSDC and Historic England.</i></p> <p><b><u>The Suffolk Preservation Society</u></b></p> <p><i>The Suffolk Preservation Society (SPS) is happy that the applicant has, and continues to, work closely with Historic England regarding the micro-siting of the pylon towers which are to be located within the setting of Hintlesham Hall and Park. This is vital in order to ameliorate the impact of the transmission infrastructure on these highly graded heritage assets. However, we are concerned that the final siting of the pylons cannot be confirmed due to the LoD which equates to approx. 110m in width, and consider that the assessment of heritage impact is therefore unreliable. We call for a tighter LoD, and the detailed locations of the pylons to be agreed</i></p>	<p>The Applicant refers to its comments in Table 5.1 of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Council's Local Impacts Report [REP3-049].</p> <p>The Applicant refers to its comments to The Suffolk Preservation Society's Written Representation in Table 2.13 of the Applicant's Comments on Written Representations [REP3-048].</p>



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>between the applicant and Historic England prior to consent being given.</i></p> <p><i>Careful micrositing of the pylon towers will reduce the degree of visual harm that the new line of pylons will have in concert with those existing in the landscape. The cumulative visual appearance of the resulting wirescape must be taken into account from the most sensitive viewpoints. This will vary depending on how the existing and additional pylons are viewed together. The LoD may result in alterations to the siting of the pylons at a later date which has the potential to cause greater visual impact within the setting of these highly graded heritage assets.</i></p> <p><i>The area that causes SPS the greatest concern is between the designated heritage assets and the exiting 400kW power line 310m to the north of Hintlesham Hall. This area has been converted from parkland to arable land and contains the existing 400kV overhead line. Nevertheless, through its open character to the woodland on its northern boundary the area contributes to the appreciation and understanding of Hintlesham Hall in its original more extensive parkland setting.</i></p> <p><i>Should any changes or deviation be restricted to those agreed by the relevant local planning authority and Historic England? Yes.</i></p> <p><i>SPS disagrees with this conclusion. Whilst the setting of the heritage assets is already compromised due to the presence of transmission infrastructure 310m away, introducing a new 400kV overhead line and pylons in closer proximity to Hintlesham Hall and ancillary buildings will impact the experience of these assets. The degree of impact will vary according to the proximity of the new infrastructure and alignment of existing and new pylons. Given the LoD, SPS does not consider that the worst-case scenario for the impact of the new pylons and wirescape on Hintlesham Hall and Park has been demonstrated and we strongly suggest that the</i></p>	



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<i>worst-case scenario is illustrated within the submission to fully understand the impact of the proposals.</i>	
HE1.8.10	The Applicant Historic England Babergh DC Mid Suffolk DC Suffolk CC The Suffolk Preservation Society	Noting that nearby locations and slightly different angles of view might introduce one or more of the proposed new pylons into the visualisation in addition to the new overhead lines, is the location of viewpoint HV01 [APP-063] reasonably representative of the full range of potential impacts on the listed buildings at the Hintlesham Hall estate, including their setting? On this basis, is the assessment set out in the Hintlesham Hall Assessment [APP-128] a reasonable worst case?	<p><b><u>The Applicant</u></b></p> <p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>The heritage effects should not be considered in isolation from the landscape and visual issues which help inform discussion of setting, Viewpoint (VP) HV01 does not represent the full range of potential adverse effects either on landscape or on the users of the PRow system within what was the historic extent of the parkland surrounding Hintlesham Hall. VP HV01 is situated north-west of the remaining hedgerow adjoining Hintlesham Park which mitigates some of the cumulative adverse effects from the proposed row of pylons and cable. Elsewhere, however, views from PRow 32 and 34A to the north of VP HV01, lie within the historic boundaries of Hintlesham Park, which forms part of the setting of the hall, but have no such screening. Thus, VP HV01 represents only a limited range of landscape and visual receptors, and therefore cannot fully represent the effects on the setting.</i></p> <p><b><u>Laura Johnson – Heritage:</u></b></p> <p><i>I do not think the assessment given in APP-128 goes into enough detail regarding the LoD and the potential effects of this. The worst case would be the taller pylons, positioned at such a distance and location that makes them especially prominent from the Hall, and in views toward the Hall. The organisation/placement of the pylons can also affect the cluttering effect of the landscape, as a staggered location may not conceal or limit the views of both lines, for example. I disagree that because the parkland has already been degraded due to the presence of the existing line, the effect of</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The heritage effects have not been considered in isolation from the landscape and visual issues which inform the discussion on setting. The setting for each asset is described in ES Appendix 8.2: Historic Environment Impact Assessment [APP-127]. The viewpoint chosen at Hintlesham Hall was requested by Historic England. This is the only viewpoint that has been selected for historic reasons alone. The remaining viewpoints in the ES Appendix 6.4: Viewpoint Assessment Section AB Part 1 (<b>document 6.3.6.4.1 (B)</b>) are considered to represent viewpoints from a range of points in the landscape, including from PRow.</p> <p>The Applicant notes that the viewpoints are representative and are not designed to fully represent the effects on the setting. The viewpoints are only one source used when undertaking the assessment presented in ES Appendix 8.2: Historic Environment Impact Assessment [APP-127]. The assessment is also based on the professional opinion of a Heritage</p>

Reference Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p><i>the new line will be smaller, as the report seems to suggest (section 4.4.2). The assessment should go further and does not seem to be a reasonable worst case scenario.</i></p>	<p>Consultant who has visited the site to inform the assessment.</p> <p>The Applicant has presented its assessment at Hintlesham Hall (including consideration of the LoD) in ES Appendix 8.2 - Annex A Hintlesham Hall Assessment [APP-128].</p>
		<p><b><u>Historic England</u></b></p> <p><i>The locations of pylons RB8 and RB9 have been considered in great detail to prevent their visibility in views from the stable block of Hintlesham Hall as shown in HV01 [APP-063]. Slightly different locations of view might introduce glimpses of the pylons not currently shown in HV01 [APP-063]. Viewpoint HV01 [APP-063] is one view out from the stable block. It does not take into account how Hintlesham Hall would be experienced in context with the proposed pylons and overhead lines in the round. For example when in the fields to the north of Hintlesham Hall where the pylons would be located one would experience the hall in its setting. On this basis the assessment set out in the Hintlesham Hall Assessment [APP-128] does not show a reasonable worst case. A reasonable worst case image would show the pylons.</i></p>	<p>The Applicant notes that the viewpoints are representative and are not designed to fully represent the effects on the setting. The viewpoints are only one source used when undertaking the assessment presented in ES Appendix 8.2: Historic Environment Impact Assessment [APP-127]. The assessment is also based on the professional opinion of a Heritage Consultant who has visited the site to inform the assessment.</p> <p>The viewpoints are based on the Proposed Alignment as shown on the General Arrangement Plans [APP-018].</p>
		<p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Archaeological Service) notes that this concerns viewpoint HV01 and setting of Hintlesham Hall. SCCAS would therefore defer comment to Historic England, BMSDC and the Suffolk Preservation Society.</i></p>	<p>The Applicant has no comment to make on this matter.</p>
		<p><b><u>The Suffolk Preservation Society</u></b></p> <p><i>SPS considers that the viewpoint HV01 and visualisation 05 does not adequately illustrate the potential impact of the proposals. A single viewpoint is not representative of the full</i></p>	<p>The Applicant has commented on this point in response to Babergh and Mid Suffolk and Historic England above.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>range of potential impacts on the setting of the heritage assets. Receptors which include those visiting the hotel and golf club are not fixed in one viewing position and will have a kinetic experience taking in a series of views of the new transmission infrastructure from a number of viewpoints when moving around the heritage assets.</i></p> <p><i>At viewpoint HV01 there is a sparse hedgerow/ tree line between receptors and the direction of view of the current and proposed transmission lines. A site visit demonstrates that the existing infrastructure is highly prominent within the landscape in this area and that the visualisation from HV01 understates this impact. The proposed overhead line would run parallel to the existing overhead line, at least 85m away, and therefore closer to this viewpoint. Moving in either direction from HV01, along the access tracks to the north of the Hall and around stable buildings, affords even clearer views through to the application site area due to the varying degrees of planted screening. For this reason, SPS has asked for more details as well as a greater degree of planted mitigation including the reinstatement of an avenue of trees along the access track from the A1071.</i></p> <p><i>Given the LoD, SPS does not consider that the worst-case scenario for the impact of the new pylons and wirescape on Hintlesham Hall and Park has been demonstrated. Assessments within the report are carried out according to the proposed pylon line being located centrally within the LoD (para 4.2.1). Para 4.2.4 however, states that the line could be anywhere between 35m and 135m closer than the existing line to the grade II* listed stable buildings (and para. 3.3.2 states that the new line needs to be located at least 85m away from existing infrastructure). If the new 400kV overhead line is closer to the Hall and its ancillary buildings, or the pylon location changes within the LoD, the degree of impact on the setting of Hintlesham Hall and its ancillary buildings will change. The assessment does not evaluate the worst-case</i></p>	

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>scenario, simply stating that this change in impact will be marginal (para 4.4.2). The setting of a heritage asset is not restricted to intervisibility and includes how an asset is experienced (Historic England Good Practice Advice Note 3 The Setting of Heritage Assets 2017). In addition to the visual impact, the introduction of additional intrusive electricity infrastructure into the setting of the hotel will impact the experience of those visiting and enjoying the setting of these highly graded assets.</i></p>	
HE1.8.15	The Applicant Historic England	The ExA notes that the Applicant and Historic England are in ongoing discussions about mitigation for adverse effects on heritage assets, including the potential for landscape restoration of the historic park at Hintlesham Hall [RR-036]. Can the Applicant and Historic England provide an update on discussions and comment on how the LoD proposed in this location might affect any proposals to restore parts of the historic park.	<p><b><u>The Applicant</u></b></p> <p><b><u>Historic England</u></b></p> <p><i>The proposed landscape restoration at present includes parts of an avenue running southwest from the hall. There is also an avenue proposed along the A1071. We understand the elements of the avenue proposed for restoration running southwest from the hall are based on historical evidence. The elements running alongside the road from north to south are speculative. The Applicant will need to clarify how the LoD proposed in this location might affect any proposals to restore parts of the historic park.</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The planting proposals along the A1071 and along the avenue are not affected by the LoD, which only relate to the electrical infrastructure, such as the pylons and conductors. There are no LoD affecting the enhancement proposals.</p>

# 9. Landscape and Views, Including Trees and Hedgerows

## 9.1 AONB

Table 9.1 – AONB

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
LV1.9.1	Natural England Local planning authorities Dedham Vale AONB and Stour Valley Partnership The PCs of Assington, Bures St Mary, Leavenheath, Little Cornard, Polstead and Stoke by Nayland	Having seen the information from the Applicant in ES Appendix 6.2 Annex A, Dedham Vale AONB Approach and Identification of Setting Study [APP-099], and its comments on RRs (e.g., section 2.12, section 2.13, page 64, section 3.9, page 113) [REP1-025], explain any outstanding concerns that you may have in relation to the Applicant's definition of, and assessment of impacts on the setting of the Dedham Vale AONB.	<p><b>Natural England</b></p> <p><i>The Applicant has provided an additional Figure at Deadline 1 showing the setting of the AONB in relation to viewpoints. Natural England do not have any outstanding concerns regarding the setting of the AONB but advise that the Examining Authority give appropriate consideration and weight to any information and advice provided by the AONB Partnership because it stems from a locally based and detailed knowledge of the area. That knowledge encompasses landscape character, the area's defined 'special qualities', its management needs and vulnerability to this type of development.</i></p> <p><b>Babergh and Mid Suffolk District Councils</b></p> <p><i>Document APP-099 Fig 5.1 – Proposed AONB Setting in Relation to the Project illustrates how a substantial part of the proposed overhead route west of Leavenheath as far as the Stour Valley East CSE compound (a distance of around 3Km) is deemed to lie within the setting of the AONB.</i></p> <p><i>Concerns remain that significant residual localised adverse effects could remain from the proposed overhead line and pylons, and that if the proposals go ahead the effects are not fully compensated for.</i></p>	<p>Noted. The Applicant has no comment to make on this matter.</p> <p>Comments are provided in the Applicant's Comments on Babergh District Council's Additional Local Impact Report [REP3-051].</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Planning) has seen the proposed response to this question by the Dedham Vale AONB and Stour Valley Partnership and agrees with that response. To avoid unnecessary duplication that response is not repeated here.</i></p> <p><i>SCC (Landscape) notes that the setting of protected landscapes is an important matter, which Natural England is best placed to provide advice on.</i></p>	Noted. The Applicant has no comment to make on this matter.
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>Refer to comments from the Dedham Vale and Stour Valley Partnership</i></p>	Noted. The Applicant has no comment to make on this matter.
			<p><b><u>Dedham Vale AONB and Stour Valley Partnership</u></b></p> <p><i>The Dedham Vale AONB and Stour Valley Partnership consider that the Applicant has underplayed the effects of the project on views from the nationally designated landscape in Appendix 6.2 Annex A, Dedham Vale AONB Approach and Identification of Setting Study [APP-099], for example: Views out from the AONB from Keppers Lane near TL 962 394 will include views of new 400kV line (rather than smaller existing 132kV line).</i></p> <p><i>With respect to the Applicant's comments in Relevant Representations: [REP1-025] Section 2.12: The Dedham Vale AONB and Stour Valley Partnership welcome proposals to underground sections in the Stour Valley Project Area (SVPA) and to the revised location of the Stour Valley West CSE compound and the use of trenchless construction methods to avoid impacts on important wildlife habitats and most residential receptors. It notes that the route as</i></p>	<p>The Applicant disagrees that it has underplayed the effects of the project on views from the AONB. Keepers Lane forms the boundary line at the edge of the AONB. The southern part of this lane is bordered to both sides by overgrown hedgerows with mature trees which screen and filter many views out from the road.</p> <p>When combined with the gently rolling landform these hedgerows substantially reduce intervisibility between the AONB and the wider area.</p> <p>The location noted by the AONB and Stour Valley Partnership is one of a limited number of gaps on the north-west side of the lane and shows the existing 132kV overhead line and more distant 400kV overhead line on the horizon. Only a short section of the lane (approximately 400m) affords these views which do not extend deeper into the AONB due to the extent of hedgerow and mature tree cover along the south-eastern side of the lane.</p>



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>proposed will include an overhead line section between the Dedham Vale West CSE compound and Stour Valley East CSE compound. It considers that should new policy drivers or evidence of harm to the AONB from the proposals relating to this stretch, further consideration for extending the undergrounding of the cables should be made and form part of the project.</i></p> <p><i>[REP1-025] Section 2.13: The Dedham Vale AONB and Stour Valley Partnership considers that the proposed revised location of the Dedham Vale East CSE compound will not cause significant harm to the AONB but that local receptors should be considered.</i></p> <p><i>[REP1-025] Section 3.9: The Dedham Vale AONB and Stour Valley Partnership consider that the Applicant is underplaying the assessed impacts on the AONB in the statement from this document: The natural beauty indicators of the AONB - notably scenic quality, relative wildness and relative tranquillity would be adversely affected. Given however that these significant adverse effects would be experienced relatively locally within approximately 1km of the LoD and would be short term, temporary and mainly reversible, it is not considered that the overall integrity of the AONB would be affected. It considers that the nationally designated landscape is a single entity and as such impact to part of the AONB is an impact to the entity of the AONB.</i></p> <p><i>The Dedham Vale AONB and Stour Valley Partnership broadly welcome the undergrounding of cables through the nationally designated landscape, noting the care required to minimise negative impacts on important habitats and archaeological assets. It notes that the driver for undergrounding is national policy (para 2.9.20 NPS for Electricity Networks</i></p>	<p>Based on this, the Applicant considers the assessment presented in ES Chapter 6: Landscape and Visual [APP-074] remains appropriate.</p> <p>The Applicant has provided a detailed assessment on the natural beauty indicators and special qualities at Deadline 1 in Dedham Vale AONB Special Qualities and Statutory Purpose [REP1-032].</p> <p>The Applicant responded at Issue Specific Hearing 4 (see Applicant's Written summaries of oral submissions to the Issue Specific Hearing 4 (<b>document 8.6.2.4</b>)) that it did not agree that a temporary impact on a small part of the AONB would affect the overall integrity of the AONB or that for the purposes of the assessment that the AONB should be treated as a single entity.</p>



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>Infrastructure (EN-5)) and it should not be seen as compensation for the negative impacts of the scheme during construction, particularly on the natural beauty indicators of scenic quality, relative wildness and relative tranquillity.</i></p> <p><b><u>The PCs of Assington, Bures St Mary, Leavenheath, Little Cornard, Polstead and Stoke by Nayland</u></b></p> <p>See full response [REP3-079] which covers:</p> <ol style="list-style-type: none"> <li>1. Context;</li> <li>2. Application of national policy to the proposed scheme;</li> <li>3. Local impact of CSE compounds;</li> <li>4. Location of the Dedham Vale East CSE compound in Section D/E;</li> <li>5. Proposal to underground throughout Section F; and</li> <li>6. Conclusions.</li> </ol>	<p>The Applicant notes the comments of the Parish Councils in conjunction with their oral evidence provided at the Issue Specific Hearing 4, see Applicant's Written summaries of oral submissions to the Issue Specific Hearing 4 (<b>document 8.6.2.4</b>) for further details. It was noted that the Parish Councils had not yet had the opportunity to review the Applicant's Deadline 3 submission, which addressed these points; for example, see Action AP10 from ISH4 which states '<i>Please review the Applicant's response to Relevant Representations [REP1-025] and in Table 3.1 of its response to Written Representations [REP3-048], which explain the selection process it went through before concluding that the Dedham Vale East CSE compound should be sited at its proposed location. Provide any update to your position in relation to this</i>'. Although, it is the Applicant's view that this Action more broadly covered the Parish Councils concerns in respect to the design of the project. As such, the Applicant will await further feedback before responding.</p>
LV1.9.2	The PCs of Assington, Bures St Mary, Leavenheath, Little Cornard, Polstead and	In your submission at OFH2 and your follow up note [REP1-070], you indicate that the six PCs intend to seek expert landscape advice in relation to the Applicant's approach to assessing effects on the setting of the AONB,	<p><b><u>The PCs of Assington, Bures St Mary, Leavenheath, Little Cornard, Polstead and Stoke by Nayland</u></b></p> <p><i>We are happy in principle to accommodate the Examining Authority's request to work to shorter timelines to support the progress of the examination (LV 1.9.2). However, this may impact our ability to raise funds and identify and engage an independent</i></p>	Noted. The Applicant has no comment to make on this matter.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
	Stoke by Nayland	with the intention of submitting this at Deadline 9. This would be very late in the Examination, so can this be submitted as a part of your Written Representation or as soon as possible after this?	<i>landscape expert in time to feed into the process. We would welcome further dialogue with the Examining Authority (ExA) on this point.</i>	
LV1.9.3	Dedham Vale AONB and Stour Valley Partnership	Your RR [RR-028] raised the matter of how the Proposed Development would impact on the ability to deliver the AONB's statutory purpose, without further detail. Having seen the Applicant's comments on your RR [REP1-025], can you elaborate on any outstanding concerns in relation to this?	<p><b><u>Dedham Vale AONB and Stour Valley Partnership</u></b></p> <p><i>The Dedham Vale AONB and Stour Valley Partnership broadly welcomes the Applicant's proposal to underground cables through the nationally designated landscape which it believes is driven by national policy (para 2.9.20 NPS for Electricity Networks Infrastructure (EN-5)). Furthermore, it notes rule 1 of the Holford rules, on the guidelines for routing high voltage overhead transmission lines which states that areas of the highest amenity value (including AONBs) should be avoided. The Dedham Vale AONB and Stour Valley Partnership recognise the argument put forward by the applicant to not follow rule 1 of Holford. The Dedham Vale AONB and Stour Valley Partnership consider that there will be a significant impact on the ability of the AONB to deliver statutory purpose during the construction of underground cables. The applicant states that the construction period could be up to 6 years (para 4.4.4 2.1 Preliminary Environmental Information Report Volume 1 Main Report January 2022). Para 1.4.5 of the Preliminary Environmental Information Report Volume 1 Main Report January 2022 notes that The draft Order Limits within the underground cables sections are typically 100m wide. However, within that 100m, there would be a 80m construction working width. The additional 20m is</i></p>	<p>The Applicant has provided a detailed assessment on the natural beauty indicators and special qualities at Deadline 1 in Dedham Vale AONB Special Qualities and Statutory Purpose [REP1-032].</p> <p>The Applicant responded at Issue Specific Hearing 4 (see Applicant's Written summaries of oral submissions to the Issue Specific Hearing 4 (<b>document 8.6.2.4</b>)) that the construction works would affect a small proportion of the AONB in an area which can be reinstated quickly following construction and where there is little public access. Therefore, the Applicant does not agree this short-term effect on a small part of the AONB would affect its overall statutory purpose during the construction period.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>included within the draft Order Limit width to provide flexibility for any unforeseen conditions.</i></p> <p><i>The Dedham Vale AONB and Stour Valley Partnership consider that the impacts of delivering c4km of undergrounding works in the AONB will have significant on those areas affected to deliver statutory purpose, to conserve and enhance natural beauty during the construction period.</i></p> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Planning) has seen the proposed response to this question by the Dedham Vale AONB and Stour Valley Partnership and agrees with that response. To avoid unnecessary duplication that response is not repeated here. SCC (Landscape) particularly agrees, that, within the areas affected by the proposed development, the statutory purpose of the AONB (to conserve and enhance natural beauty) would not be able to be delivered during the construction period.</i></p>	Comments are provided in LV1.9.3 to Dedham Vale AONB and Stour Valley Partnership.
LV1.9.4	Natural England Local planning authorities Dedham Vale AONB and Stour Valley Partnership	Having seen the Applicant's comments on RRs [REP1-025] (e.g., page 113 ff) and its document, The Dedham Vale AONB Special Qualities and Statutory Purpose [REP1-032], do you believe that any further information is required to assess the Proposed Development's effects on the special qualities of the AONB? Do you agree with the	<p><b><u>Natural England</u></b></p> <p><i>The information provided by the Applicant has been sufficient for us to assess the proposed development's effects on the special qualities of the AONB. Our focus has been on the avoidance of significant adverse operational stage impacts to the AONB and with respect to this, we do not have any further concerns to raise regarding the conclusions drawn. The AONB Partnership may be able to provide the examination with further detailed insights and advice on this matter given their role in producing the area's statutory management plan and local understanding of how and where the area's special qualities are expressed.</i></p>	The Applicant welcomes and notes this response.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		Applicant's conclusions in this regard, and, if not, why not?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Refer to comments from the Dedham Vale and Stour Valley Partnership.</i></p> <hr/> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Planning) has seen the proposed response to this question by the Dedham Vale AONB and Stour Valley Partnership and agrees with that response. To avoid unnecessary duplication that response is not repeated here.</i></p> <p><i>SCC (Landscape) agrees with the Applicant's findings in the ES that: "Significant adverse landscape effects during construction are predicted for the AONB and Stour Valley Special Landscape Area (SLA), however only a localised part of the designation within approximately 1km of the LoD would be affected" ([APP-098], Document 6.3.6.2: ES Appendix 6.2 Assessment of Effects on Designated Landscapes, April 2023, paragraph 4.1.1). See also SCC comments on this relation to socio economics (Local Impact Report [REP1-045], paragraph 15.48 – 15.50).</i></p> <p><i>SCC (Landscape) considers, however, that the presence of these significant adverse landscape effects within part the AONB during construction, will also tend to undermine the purposes of the designation as a whole during construction, and in that respect, SCC supports the view of the Dedham Vale AONB and Stour Valley Partnership that the adverse effects would affect the AONB as a whole (as raised in the AONB's Answers to ExQ1).</i></p> <hr/> <p><b><u>Braintree District Council and Essex County Council</u></b></p>	<p>Noted. The Applicant has no comment to make on this matter.</p> <hr/> <p>Comments are provided in LV1.9.1 to Dedham Vale AONB and Stour Valley Partnership.</p> <hr/> <p>Noted. The Applicant has no comment to make on this matter.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			Refer to comments from the Dedham Vale and Stour Valley Partnership.	
			<p><b><u>Dedham Vale AONB and Stour Valley Partnership</u></b></p> <p><i>The Dedham Vale AONB and Stour Valley Partnership broadly agree with part of the conclusions in para 4.1.1 of <b>APP-098</b> Document 6.3.6.2: ES Appendix 6.2 Assessment of Effects on Designated Landscapes April 2023 that state: Significant adverse landscape effects during construction are predicted for the AONB and Stour Valley SLA, however only a localised part of the designation within approximately 1km of the LoD would be affected. Where the Dedham Vale AONB and Stour Valley Partnership disagree is the reference to localised part of the designation. It considers the designation is a single entity and that damage to part of the AONB (temporary or otherwise) is damage to the AONB. The Dedham Vale AONB and Stour Valley Partnership further questions para 4.1.3 of <b>APP-098</b> Document 6.3.6.2: ES Appendix 6.2 Assessment of Effects on Designated Landscapes April 2023 that state: Significant beneficial effects are predicted for the AONB and Stour Valley SLA from the removal of the existing 132kV overhead line in association with the 400kV underground cables and trenchless crossings. The Dedham Vale AONB and Stour Valley Partnership consider that these benefits have been overplayed as the existing 400kV line will remain in situ and the removal of the smaller 132kV line will not lead to significant beneficial effects as the existing structure will still be dominant in the landscape.</i></p>	Comments are provided in LV1.9.1 to Dedham Vale AONB and Stour Valley Partnership.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
LV1.9.5	The Applicant Dedham Vale AONB and Stour Valley Partnership	A number of AONB policy and management documents have been mentioned in submissions into the Examination, including: 'the AONB Management Plan' and six position statements on key issues affecting the AONB (including the 'Dedham Vale AONB Position Statement: Development in the Setting of the Dedham Vale AONB') (ES Appendix 6.2 Annex A, Dedham Vale AONB Approach and Identification of Setting Study [APP-099]); the 'Dedham Vale AONB and SVPA Management Plan (2016-2021)'; the 'Dedham Vale AONB and SVPA Management Plan (2021-2026)'; and the 'Dedham Vale Area of Outstanding Natural Beauty: Natural Beauty and Special Qualities document' [RR-028]. Which of these do you believe to be important and relevant to the considerations of the ExA and SoS, and do any of them need to be submitted into the Examination as a consequence?	<p><b><u>The Applicant</u></b></p> <p><b><u>Dedham Vale AONB and Stour Valley Partnership</u></b></p> <p><i>The Dedham Vale AONB and Stour Valley Partnership note that sec 89 para 2 of the Countryside and Rights of Way Act (2000) places a requirement on local authorities to prepare and publish a plan which formulates their policy for the management of the area, see <a href="https://www.legislation.gov.uk/ukpga/2000/37/section/89">https://www.legislation.gov.uk/ukpga/2000/37/section/89</a> Furthermore, statutory undertakers and public bodies (noting that the Dedham Vale AONB and Stour Valley Partnership consider the applicant is a statutory undertaker and the planning inspectorate a public body) are currently required to pay regard to the statutory purpose of the AONB which it considers is described in the AONB Management Plan. See section 85 of the Countryside and Rights of Way Act (2000) see <a href="https://www.legislation.gov.uk/ukpga/2000/37/section/85">https://www.legislation.gov.uk/ukpga/2000/37/section/85</a> It may be worth noting that an amendment to the Levelling Up and Regeneration Bill is currently waiting for Royal ascent to change the section 85 duty from have regard to the purpose of conserving and enhancing the natural beauty to seek to further the purpose of conserving and enhancing the natural beauty. The amendment was passed, follow a Third Reading on 26 Sept 2023. See <a href="https://parliamentlive.tv/event/index/76159bab-ff35-4bc4-ae3efa614bc18198?in=12:08:57">https://parliamentlive.tv/event/index/76159bab-ff35-4bc4-ae3efa614bc18198?in=12:08:57</a> The published amendment is at: <a href="https://bills.parliament.uk/publications/52707/documents/3952">https://bills.parliament.uk/publications/52707/documents/3952</a> (see page 5).</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant has considered the documents that have been listed and considers that these do not change the conclusions of the assessment presented in ES Chapter 6: Landscape and Visual [APP-074].</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>AONB management plans are reviewed every five years. The Dedham Vale AONB and Stour Valley Partnership consider the current plan that runs 2021-2026 to be the relevant AONB Management Plan. It can be downloaded from <a href="https://www.dedhamvalestourvalley.org/managing/managementplan/">https://www.dedhamvalestourvalley.org/managing/managementplan/</a> Dedham Vale AONB and Stour Valley Partnership consider the following Position statement should be given appropriate weight when determining the application:</p> <ul style="list-style-type: none"> <li>• Development in the setting (Revised 2016).</li> </ul> <p>It further considers its published guidance on:</p> <ul style="list-style-type: none"> <li>• Natural Beauty and Special Qualities of the AONB,</li> <li>• Valued Landscape Assessment SVPA.</li> <li>• The Selection and Use of Colour in Development.</li> <li>• Lighting Guidance for the National Landscapes.</li> </ul> <p>The Dedham Vale AONB and Stour Valley Partnership consider the above documents to be relevant when determining the application. Where possible these documents were uploaded at a similar time to the responses to the ExAQ1. Where files are too large The AONB Partnership has approached <a href="mailto:bramfordtotwinstead@planninginspectorate.gov.uk">bramfordtotwinstead@planninginspectorate.gov.uk</a> to discuss ways of sharing documents.</p>	
LV1.9.6	Natural England Local planning authorities	Do you consider that the information submitted by the Applicant in its comments on RRs [REP1-025] (e.g., page	<p><b>Natural England</b></p> <p>We consider that the information submitted is sufficient.</p>	The Applicant welcomes this response.



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
	Dedham Vale AONB and Stour Valley Partnership	92 and page 113 ff) is sufficient to conclude that the Applicant properly addressed its duty of regard to the purpose of the AONB as described in section 85 of the Countryside and Rights of Way Act (2000)? If not, why not?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Refer to comments from the Dedham Vale and Stour Valley Partnership.</i></p> <hr/> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Planning) has seen the proposed response to this question by the Dedham Vale AONB and Stour Valley Partnership and agrees with that response. To avoid unnecessary duplication that response is not repeated here. SCC (Landscape) is satisfied that the applicant has sufficiently addressed its duty of regard to the purposes of the AONB, but endorses the concerns expressed by the Dedham Vale AONB and Stour Valley Partnership (as raised in the AONB's Answers to ExQ1).</i></p> <hr/> <p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>Refer to comments from the Dedham Vale and Stour Valley Partnership.</i></p> <hr/> <p><b><u>Dedham Vale AONB and Stour Valley Partnership</u></b></p> <p><i>The Dedham Vale AONB and Stour Valley Partnership considers the applicant has met its duty to pay regard to the purposes of the AONB but as stated in response to question LV1.9.3 it does not concur with the analysis relating to impacts on the wider AONB integrity (as AONB is single entity and harm to part of it is harm to whole), that 400kV lines will remain in situ despite removal of 132kV lines so electricity infrastructure will still be a significant landscape feature and harm to AONB during construction, noting</i></p>	<p>Noted. The Applicant has no comment to make on this matter.</p> <hr/> <p>Noted. The Applicant has no comment to make on this matter.</p> <hr/> <p>Noted. The Applicant has no comment to make on this matter.</p> <hr/> <p>Comments are provided in LV1.9.1 to Dedham Vale AONB and Stour Valley Partnership.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<i>benefits of undergrounding are limited to operational phases and are policy driven in the AONB.</i>	

## 9.2 Visual Assessment

Table 9.2 – Visual assessment

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
LV1.9.16	Suffolk CC	Your suggested locations for site inspections [ <b>PDA-007</b> ] includes VP AB2.19 (location 2). Is this an incorrect reference as it could not be located in the application documentation?	<p><i>SCC (Landscape) viewpoint AB2.19 is indeed erroneous. Further, the listings of viewpoints of potential interest for a site visit were intended as additions to the suggested locations, rather than as identification for the locations (some suggested locations are not supported by viewpoint assessments).</i></p> <p><i>For clarity, the suggested locations of potential interest for observations are listed... (please refer to full SCC response here as it is too long to duplicate)</i></p>	<p>The application includes a number of representative viewpoints, the locations of which have been agreed with SCC, as stated in line item 3.4.2 in the Draft Statement of Common Ground Local Authorities [<b>REP1-015</b>].</p> <p>The viewpoints provide an aide memoir to the Examining Authority considering the application. The assessment presented in ES Chapter 6: Landscape and Visual [<b>APP-074</b>] is based on an overall assessment on the landscape and views. Adding more viewpoints to the application would not change the conclusions of the assessment. In addition, the viewpoint assessment presents wirelines of the project to provide a worst case, these do not show mitigation planting. Therefore, the Applicant does not consider there to be a need to provide additional viewpoints at this point of Examination.</p>
LV1.9.17	The Applicant Suffolk CC	Suffolk CC [PDA-007] believes there is an omission on Photomontages 34A and 34B [ <b>APP-065</b> ] (which	<b>The Applicant</b>	A response is provided in the Applicant's Responses to First Written Questions [ <b>REP3-052</b> ] submitted at Deadline 3.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		display VP G07 in year 1 and year 15), in that no mitigation planting is shown in year 15 whereas ES Appendix 6.4, Viewpoint Assessment Section G Part 6 [APP-106], notes that year 15 would include mitigation. What is the situation with this?	<p><b><u>Suffolk County Council</u></b></p> <p><i>In the Local Impact Report [REP1-045], paragraphs 6.144 and 6.145, SCC (Landscape) refers to the label on the Vegetation Reinstatement Plan [APP-184], Sheet 28, stating: EM G06: The design allows for an area of landscape planting around the CSE compound at Stour Valley West. The embedded planting will be maintained for the life of the CSE compound.</i></p> <p><i>It is acknowledged that some planting is shown on photomontages 34A and 34B [APP-065]. ES Appendix 6.4, Viewpoint Assessment Section G Part 6 [APP-106] speaks of reinstatement planting.</i></p> <p><i>As the photomontages demonstrate, the proposed planting, be it re-instatement, mitigative or for Biodiversity/Environmental Gain, is not sufficient to screen, filter or soften the stark appearance of the gantries of the CSE compound from VP G07. SCC (Landscape) does not agree that the existing woodland backdrop makes the proposed infrastructure less prominent ([APP-106], p.26, comments for Operation- Year 1 (Without Mitigation)). SCC (Landscape) considers that substantial further mitigation planting is required for this location.</i></p> <p><i>SCC's view, the lack of screen planting cannot be justified by the location of the underground cables.</i></p>	The Applicant has commented on this in Table 3.1 in The Applicant's Comments on Suffolk County Council and Babergh Mid Suffolk District Council Local Impact Reports [REP3-049].
LV1.9.19	Braintree DC Essex CC	At paragraph 7.4.3 of your Local Impact Report [REP1-039], you suggest that there should be additional representative viewpoints	<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>See attached Appendix 1 - Landscape Plan for proposed assessment location at the junction of</i></p>	The Applicant has commented on this in Table 3.1 in The Applicant's Comments on Essex County Council and Braintree District Council Local Impact Report [REP3-050].

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		and a visual assessment from public rights of way east of the A131 ('Twinstead 23, Twinstead 1 and Great Henny 18'). Can you specify the locations that you consider to be required, and what additional information this would add to the assessment?	<i>Twinstead 23, Twinstead 1 and Great Henny 18 shown as a green spot on the extract plan. Such an assessment would better represent the effects on users of the PRow system east of the A131 and the Single Circuit Sealing End compound, particularly at the start of the operational period, but likely demonstrating that even at Year 15, due to the height of the structures, additional mitigation planting to the east of the A131 is required and/or compensatory planting that strengthens local landscape character.</i>	The Applicant also responded to this in Issue Specific Hearing 4 (see Applicant's Written summaries of oral submissions to the Issue Specific Hearing 4 ( <b>document 8.6.2.4</b> )).
LV1.9.22	Braintree DC Essex CC	At paragraph 7.5.8 of your Local Impact Report [ <b>REP1-039</b> ], you suggest that an additional, closer viewpoint is required to assess the impacts of the proposed GSP and sealing end compound at Waldegrave Wood. You consider VP H07 (from Rectory Lane on the edge of Wickham St Paul) to be too far away to assess year 15 impacts. Can you confirm that the receptor of concern is users of the public rights of way network, explain why you do not believe that VPs H08 and H09 serve this function, and suggest a precise location where you consider the additional VP should be located?	<b><u>Braintree District Council and Essex County Council</u></b>  <i>The Councils confirm that the receptors of concern are predominantly users of the PRow system, primarily although not exclusively, Bridleway Bulmer 14. The Councils agree that VPs H08, H09 and H10 serve this function. However, suggest that a photomontage from H09 is required to demonstrate the adverse effects at Year 1, which we judge will remain Medium-High (not reduce to Medium), and how by Year 15, the maturing embedded planting would obscure much of the new infrastructure as claimed.</i>	The Applicant has commented on this in Table 3.1 in The Applicant's Comments on Essex County Council and Braintree District Council Local Impact Report [ <b>REP3-050</b> ].  The Applicant also responded to this in Issue Specific Hearing 4 (see Applicant's Written summaries of oral submissions to the Issue Specific Hearing 4 ( <b>document 8.6.2.4</b> )).

## 9.3 General LVIA Matters

Table 9.3 – General LVIA matters

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
LV1.9.28	Natural England	Your RR [RR-042] requests clarification in relation to the LVIA methodology and in particular how sensitivity was assigned to the Dedham Vale AONB in ES Chapter 6 [APP-074]. Has the explanation in the Applicant's comments on RRs [REP1- 025] provided the explanation that you required, or do you have any outstanding concerns in this respect?	<i>Yes, the Applicant's comments clarify the methodology and we have no further comments, but again we advise that the Examining Authority give appropriate consideration and weight to any information and advice provided by the AONB Partnership because it stems from a locally based and detailed knowledge of the area. That knowledge encompasses landscape character, the area's defined 'special qualities', its management needs and vulnerability to this type of development.</i>	Noted. The Applicant has no comment to make on this matter.
LV1.9.29	The Applicant Natural England Local planning authorities	The assessment is said to be based on GLVIA3 (ES Chapter 6 paragraph 6.4.11 [APP-074].) The Landscape Institute produced a consultation version of Draft Technical Guidance Note 05/23, Notes and Clarifications on aspects of the 3rd Edition Guidelines on Landscape and Visual Impact Assessment (GLVIA3), in July 2023. Noting this remains as a draft, do any of the contents have any relevance to, or change the outcome of the LVIA set out in the ES	<p><b><u>The Applicant</u></b></p> <p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>As the Draft Technical Guidance Note 05/23 has been produced to be read in conjunction with GLVIA3 it is all of potential relevance to the Examination in relation to landscape and visual issues but it is difficult to say whether it would change the outcome of the LVIA set out in the ES as the document mainly identifies clarifications not new guidance.</i></p> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Landscape) considers that the late appearance of this draft guidance means that it would not be</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant has no further comment to that included in Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>Noted. The Applicant has no comment to make on this matter.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>reasonable to revise the LVIA methodology and findings to accommodate it.</i></p>	
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>As the Draft Technical Guidance Note 05/23 has been produced to be read in conjunction with GLVIA3 it is all of potential relevance to the Examination in relation to landscape and visual issues but it is difficult to say whether it would change the outcome of the LVIA set out in the ES as the document mainly identifies clarifications not new guidance.</i></p>	<p>The Applicant has no further comment to that included in Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p>
			<p><b><u>Natural England</u></b></p> <p><i>We would draw the examining Authorities' attention to Para 5 (13) which usefully clarifies the relevance of a designated landscape's 'setting' to assessing effects on the designated landscape itself. We do not anticipate that the draft Technical Guidance would lead to 'significant' changes in the outcome of the LVIA or ES with regards to impacts to designated landscapes at the projects operational stage. (For reference, the draft document can be accessed here: GLVIA3-Notes-and-Clarifications.pdf (landscapeinstitute.org)).</i></p>	<p>As noted in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3, the Applicant considers that there would be no change to the outcome of the LVIA presented within ES Chapter 6: Landscape and Visual [APP-074] and its appendices.</p>
LV1.9.40	The Applicant Local	In the Planting Schedule [APP-185], do you consider the inclusion of <i>Alnus glutinosa</i>	<b><u>The Applicant</u></b>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p>



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
planning authorities	(alder) in the H2 species-rich hedgerow mix with trees appropriate? Is alder die-back prevalent in the area, and - if so - should the planting of new alder trees be restricted?		<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>David Pizzey (Arboricultural Officer): Alder dieback (Phytophthora) is a fungal disease which tends to be quite localised. I'm not aware we have a particular problem with it anywhere, but that doesn't mean it doesn't exist. Regardless of this, alder isn't the most common component of a native hedgerow mix and so I would probably avoid using it, unless conditions are damp where it will thrive when others won't.</i></p>	<p>The proposed species rich hedgerow mix are set out in LEMP Appendix C: Planting Schedules [APP-185] and currently includes <i>Alnus glutinosa</i> (alder) as a local species present in the landscape. However, the Applicant will review the Planting Schedule in discussion with the relevant planning authorities to determine appropriate species and will provide an update at a future deadline.</p> <p>As per Requirement 9 (2) of the dDCO (<b>document 3.1(D)</b>), the reinstatement planting plan submitted must include a schedule of trees, hedgerows or other plants or seedlings to be planted, noting numbers, species, sizes and planting density of any proposed planting or seedlings. Therefore, the '<b>relevant planning authority</b>' will get a further opportunity to comment on the proposed species.</p>
			<p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Landscape) acknowledges that species choice is challenging, given the range of diseases at present. It would therefore be preferable to finalise the detailed suite of species at the Discharge of Requirements stage to be able to take account of the prevailing disease issues and availability of planting stock at the time.</i></p>	<p>As per Requirement 9 (2) of the dDCO (<b>document 3.1(D)</b>), the reinstatement planting plan submitted must include a schedule of trees, hedgerows or other plants or seedlings to be planted, noting numbers, species, sizes and planting density of any proposed planting or seedlings. Therefore, the '<b>relevant planning authority</b>' will get a further opportunity to comment on the proposed species.</p>
			<p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>Prunus spinosa (blackthorn) is included in planting mixes - this is so vigorous and spreading and could overwhelm slower growing species which are included in much smaller percentages. Furthermore, Common Alder in the H2 hedgerow mixture is out of keeping</i></p>	<p>The Applicant considers that <i>Prunus spinosa</i> (blackthorn) is a suitable species to include in the planting mix (in small proportions) as it is vigorous growing and therefore enables quick regrowth of gaps as part of the habitat reinstatement. However, the Applicant will review the Planting Schedule in discussion with the relevant planning authorities to determine appropriate species and will provide an update at a future deadline.</p>



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<i>with this habitat type, being a wet woodland tree and found adjacent to watercourses.</i>	

## 9.4 Hedgerows and Trees

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.

# 10. Land Use and Soil

## 10.1 Agriculture and Other Land Use

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.

## 10.2 Soils, Geology and Ground Conditions

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.

# 11. Noise and Vibration

Table 011.1 – Noise and Vibration

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
NV1.11.8	The Applicant Local planning authorities	Would a Noise and Vibration Management Plan (NaVMP) be useful to bring together and secure all of the relevant controls and mitigation measures? If so, should it be secured through Requirement 4 of the dDCO?	<p><b><u>The Applicant</u></b></p> <p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p><i>Environmental Protection would consider a NaVMP to be a necessary and essential requirement. We would leave it for planners to decide whether it is a requirement for the dDCO.</i></p> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Planning / Public Health) would support such a proposal.</i></p> <p><b><u>Braintree District Council and Essex County Council</u></b></p> <p><i>Yes, agreed. A Noise and Vibration Management Plan would be useful.</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>A response is provided under reference NV1.11.8 in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant considers that all appropriate noise and vibration mitigation and management measures relevant to a Noise and Vibration Management Plan (NaVMP) are contained within the CEMP [REP3-024]. The Applicant considers that breaking the CEMP down into a number of individual management plans would not change the measures but would create excessive documentation with duplication and overlap where commitments cross over more than one topic area. However, the Applicant will review the Council's comments at Deadline 4 regarding the extra detail that it would expect to see in the management plans.</p>

# 12. The Water Environment

## 12.1 Flood Risk Assessment

Table 12.1 – Flood Risk Assessment (FRA)

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
WE1.12.1	The Environment Agency River Stour Trust Lead Local Flood Authorities	Can you briefly confirm your views on the applicant's approach and method in the FRA[APP-059]? Do you consider the FRA to comply with NPS EN-1, the NPPF and Planning Practice Guidance? Does the FRA represent an accurate assessment of the flood risks on site and is the assessment proportionate to the risk and appropriate to the scale and nature of the project?	<p><b><u>The Environment Agency</u></b></p> <p><i>The FRA is thorough and has adequately assessed and mitigated flood risk. Plans comply with planning guidance.</i></p> <hr/> <p><b><u>Essex Lead Local Flood Authority</u></b></p> <p><i>The Joint Council's considers the applicant has taken a pragmatic approach to Flood Risk. Whilst it may not specifically comply with the wording in EN-1 the FRA does represent an accurate and proportionate assessment of Flood Risk.</i></p> <hr/> <p><b><u>Suffolk Lead Local Flood Authority</u></b></p> <p><i>SCC Lead Local Flood Authority (LLFA) considers that the Applicant has taken a pragmatic approach to assessing flood risk on this project. Regarding compliance with NPS EN-1, NPPF, and Planning Practice Guidance, SCC (LLFA) notes that because some flood risks have been scoped out, the FRA does not comply with the national policies and guidance outlined. However, SCC (LLFA) considers that the FRA does represent an accurate and proportionate assessment.</i></p>	<p>The Applicant welcomes this response.</p> <hr/> <p>The Applicant notes that it considered all potential sources of flood risk in relation to the project at the scoping stage (in line with national policies and guidance). Those that posed a low risk were scoped out, with the aim of providing a proportional FRA that was focused on matters relevant to the application and decision. The scoping out of certain sources of flood risk was agreed with the Environment Agency and in the Scoping Opinion [APP-159]. Therefore, the Applicant disagrees that the FRA does not comply with national policies and guidance.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<u>River Stour Trust</u> No response found in Examination Library.	The Applicant is unable to comment on this but would welcome further engagement from the River Stour Trust.
WE1.12.2	The Environment Agency River Stour Trust Lead Local Flood Authorities	Are you content with the Applicant's approach to the operational phase risk assessment, as set out in paragraphs 4.3.13 and 4.3.14 of the FRA [APP-059]?	<u>The Environment Agency</u> <i>We can confirm we are happy with the applicant's approach.</i> <hr/> <u>Essex Lead Local Flood Authority</u> <i>The Joint Councils are content with this approach.</i> <hr/> <u>Suffolk Lead Local Flood Authority</u> <i>SCC (LLFA) is content.</i>	The Applicant welcomes this response.
			<u>River Stour Trust</u> No response found in Examination Library.	The Applicant is unable to comment on this but would welcome further engagement from the River Stour Trust.
WE1.12.3	The Environment Agency River Stour Trust Lead Local Flood Authorities	Does the FRA [APP-059] adequately and appropriately cover the specific issues of concern to the Lead Local Flood Authority?	<u>The Environment Agency</u> <i>No response provided.</i> <hr/> <u>Essex Lead Local Flood Authority</u> <i>The Joint Councils consider this is adequately covered.</i> <hr/> <u>Suffolk Lead Local Flood Authority</u> <i>SCC (LLFA) is content that this is adequately covered.</i>	The Applicant notes that no response has been provided.
			<u>River Stour Trust</u> No response found in Examination Library.	The Applicant welcomes this response.
			<u>River Stour Trust</u> No response found in Examination Library.	The Applicant is unable to comment on this but would welcome further engagement from the River Stour Trust.
WE1.12.4	The Environment	Can you briefly confirm your views on the sufficiency and	<u>The Environment Agency</u>	Noted – the Applicant has no further comment to make on this matter.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
	Agency River Stour Trust Lead Local Flood Authorities	application of the sequential and exception tests set out in the FRA [APP-059]?	<p><i>The Environment Agency does not comment on the sequential and exception tests.</i></p> <hr/> <p><b><u>Essex Lead Local Flood Authority</u></b></p> <p><i>The Joint Council's concur with the comments which are within the Mid Suffolk/Babergh to ExA questions 1; the sequential and exception tests have been inappropriately applied but nonetheless we consider that the tests have would be passed if correctly applied.</i></p> <hr/> <p><b><u>Suffolk Lead Local Flood Authority</u></b></p> <p><i>SCC (LLFA) considers that this is not a matter for the LLFA to comment on.</i></p> <hr/> <p><b><u>Babergh District Council</u></b></p> <p>This question relates to the NPPF flood risk sequential and exception tests which, for TCPA applications, are the responsibility of the LPA to determine. On that basis BMSDC offer the following response to this question:</p> <ul style="list-style-type: none"> <li>• The interpretation of the application of the sequential test as set out at 3.2.10 of the FRA (APP-059) is considered to be incorrect.</li> <li>• The sequential test is applied to the whole of an application site, and therefore, applies to the whole of the order limits in this instance.</li> <li>• The order limits affect land within flood zones 1, 2 and 3.</li> <li>• Whilst BMSDC consider that the sequential test is passed, we disagree with the reasoning given at 3.2.11.</li> <li>• Having regard to the unique circumstances of the proposed scheme and the catchment for the development outcomes it is concluded that suitable sites at lower risk of flooding are not available to site the</li> </ul>	<p>See the Applicant's comments to Babergh District Council below in this table.</p> <hr/> <p>Noted – the Applicant has no further comment to make on this matter.</p> <hr/> <p>The Applicant disagrees that the Sequential Test has been applied incorrectly in the FRA [APP-059]. The FRA [APP-059] acknowledges that within the Order Limits there is land within all three of the Flood Zones. Paragraph 3.2.11 of the FRA [APP-059] refers to optioneering and the consideration of reasonably available alternative land at lower risk of flooding as per the Sequential Test, but to deliver the objectives of the project wholly avoiding Flood Zone 2/3 is not possible (i.e. no reasonably alternatives are available). The sequential approach to locating project infrastructure has therefore been followed, with the most vulnerable infrastructure (such as the GSP substation and CSE compounds) placed in Flood Zone 1 and seeking to avoid pylons within Flood Zones 2 and 3. Paragraph 3.2.11 of the FRA [APP-059] therefore concludes that the project passes the Sequential Test.</p> <p>With regard to the Exception Test, the application documentation presents the</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>development as a whole and, within the site, the development has been sited in the safest parts of the site where practicable. On this basis BMSDC consider the sequential test is passed.</p> <ul style="list-style-type: none"> <li>• BMSDC disagree with the statement at 3.2.12 that “The Exception Test is only required for projects that do not pass the Sequential Test”.</li> <li>• In accordance with the National Planning Practice Guidance paragraph 031 Reference ID: 7-031-20220825 and Table 2 at paragraph 079 Reference ID: 7-079-20220825 the Exception Test should be applied for essential infrastructure development proposals in flood zones 3a and 3b when the sequential test has demonstrated that it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives).</li> <li>• Having regard to the unique circumstances of the proposed scheme and the information in the submitted ES, FRA and accompanying documents it is considered to be demonstrated that the development would have demonstrable wider sustainability benefits that outweigh the flood risk impacts to / from the development and that the development be safe for its lifetime and would not result in an increase in flood risk elsewhere. On this basis BMSDC consider the exception test is passed.</li> </ul>	<p>information necessary to address both parts of the test:</p> <ol style="list-style-type: none"> <li>1. wider sustainability benefits; and</li> <li>2. project is safe from flooding over its lifetime and will not increase flood risk elsewhere.</li> </ol> <p>The Applicant welcomes the Council's comments that the Exception Test is passed.</p>
			<p><b>River Stour Trust</b></p> <p><b>No response found in Examination Library.</b></p>	<p>The Applicant is unable to comment on to this but would welcome further engagement from the River Stour Trust.</p>



## 12.2 Surface Water Management

All questions were directed to the Applicant, therefore please refer to the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.

## 12.3 Management Measures

**Table 12.3 – The Water Environment - Management measures**

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
WE1.12.12	Environment Agency	What are your views on the management measures set out in Section 9.2 (Management Measures) of the CEMP [APP177] regarding: (i) site planning and preparation; (ii) surface water abstraction and discharges; (iii) pollution and erosion management measures; and (iv) reinstatement?	<b><u>The Environment Agency</u></b>	Paragraph 9.3.10 of the CEMP [REP3-024] states that no surface abstractions are anticipated on the project.
	River Stour Trust		<i>The Applicant has not mentioned any mitigation measures for interruption to other abstractors (especially from dewatering activities as there are groundwater licences near the river crossings). We are however pleased that the Applicant has noted that they will not be interrupting flows. Measure AS04 talks about interrupting water supplies for livestock and measures taken but there is no mention of any other water supplies; this could be because only supplies to livestock are affected but should be clarified with the Applicant.</i>	Good practice measure W09 in the CoCP [REP3-026] states that active private water supplies will be identified through landowner discussions. Appropriate measures will be considered during construction. In the event of a landowner or tenant reporting that installation activities have affected their private water supply, an initial response will be provided within 24 hours. Where the installation works have affected a private water supply, an alternative water supply will be provided.
	Lead Local Flood Authorities		<i>In relation to section 9.3.2 we agree with the approach for buffer zones to prevent site run off reaching any watercourses.</i>	The Applicant welcomes this response.
			<i>Section 9.3.10 regarding discharges mentions applying for an abstraction licence if water discharge was required. This should be amended to say an environmental permit for discharge activities. The</i>	The Applicant will update the CEMP [REP3-024] at Deadline 5 with reference to an environmental permit rather than an abstraction licence in paragraph 9.3.10.

Reference	Question To: Question	Response from Interested Party or Affected Person	Applicant's Comments
		<i>Applicant should also need to take into account time needed for a permit to be issued.</i>	The Applicant notes the comments regarding the time needed for a permit to be issued, and will consider this as part of the project schedule, should development consent be granted.
		<i>General good practise and topic-specific measures in 7.5.1 – GG14, GG15 and W10 should stipulate that any pollution incident (inc. sediment run-off) should immediately be reported to our incident hotline 0800 807060. W13 – movements must be carried out by a suitably registered waste carrier.</i>	<p>Section 3.5 of the CEMP <b>[REP3-024]</b> sets out the process for managing incidents. This states in paragraph 3.5.3 that relevant organisations will be contacted as part of the incident response; these include but are not limited to the Environment Agency.</p> <p>In relation to W13, the Materials and Waste Management Plan <b>[REP3-032]</b> sets out the need for a suitably registered waste carrier on the project in Section 3.3. and 6.6.</p> <p>Therefore, no change is considered necessary to GG14, GG15, W10 or W13 as these are already covered within the management plans.</p>
		<p><b><u>Essex Lead Local Flood Authority</u></b></p> <p><i>The Joint Council's consider the methods as set out are commensurate to an active development site and comply with best practice.</i></p>	The Applicant welcomes this response.
		<p><b><u>Suffolk Lead Local Flood Authority</u></b></p> <p><i>SCC (LLFA) can confirm that the measures are in line with best practice for a construction site.</i></p>	
		<p><b><u>River Stour Trust</u></b></p> <p><b>No response found in Examination Library.</b></p>	The Applicant is unable to comment on this but would welcome further engagement from the River Stour Trust.
WE1.12.13		<b><u>The Environment Agency</u></b>	The Applicant welcomes this response.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
	Environment Agency River Stour Trust Lead Local Flood Authorities	What are your views on the capacity of the control measures set out in CoCP [APP-178] and REAC [APP-179] to manage flood risk?	<p><i>We have reviewed these documents as part of our ongoing responses to this application and we are satisfied with their content.</i></p> <hr/> <p><b><u>Essex Lead Local Flood Authority</u></b></p> <p><i>See response to WE1.12.12 above.</i></p> <hr/> <p><b><u>Suffolk Lead Local Flood Authority</u></b></p> <p><i>SCC (LLFA) can confirm that the measures are in line with best practice for a construction site.</i></p> <hr/> <p><b><u>River Stour Trust</u></b></p> <p><b>No response found in Examination Library.</b></p>	The Applicant is unable to comment on this but would welcome further engagement from the River Stour Trust.
WE1.12.14	Environment Agency River Stour Trust Lead Local Flood Authorities	Would the dDCO [APP-034] and Section 9.2 (Management Measures) of the CEMP [APP-177] adequately secure all measures required to mitigate flood risk?	<p><b><u>The Environment Agency</u></b></p> <p><i>We are satisfied that the dDCO and section 9.2 of the CEMP adequately secure measures to mitigate flood risk.</i></p> <hr/> <p><b><u>Essex Lead Local Flood Authority</u></b></p> <p><i>See response to WE1.12.12 above.</i></p> <hr/> <p><b><u>Suffolk Lead Local Flood Authority</u></b></p> <p><i>SCC (LLFA) can confirm that the measures are in line with best practice for a construction site.</i></p> <hr/> <p><b><u>River Stour Trust</u></b></p> <p><b>No response found in Examination Library.</b></p>	The Applicant welcomes this response.
WE1.12.15	Environment Agency	Paragraph 4.4.63 of ES Chapter 4 [APP-072] addresses	<i>Yes, mostly. These partially satisfy Regulation 5 of the Water Abstraction and Impoundment (Exemptions)</i>	The Applicant notes the comments regarding time needed for a permit to be issued and will

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		<p>abstractions and de-watering. Are you satisfied with the approach to dewatering activities? Can you see any reason why the relevant environmental permits would not be issued for groundwater abstraction and discharge?</p>	<p><i>Regulations 2017 (WAIR 2017) but should also consider the other requirements. The Applicant would need to allow sufficient time to apply for a licence if one is required, and should bear in mind any delays in the permitting process that may impact the project schedule. We would advise that the Applicant confirm with our permitting team that the 6 month exemption is appropriate for their needs in regards to multiple sites &amp; duration. Where a dewatering licence is required, this will need to be a completely non-consumptive transfer licence (this means no intervening use of water) due to water availability in the area. We have only been able to identify that they may do this in the River Stour and River Box crossings and are unclear if they intend to dewater such to need a licence anywhere else.</i></p>	<p>consider this as part of the project schedule, should development consent be granted.</p>
WE1.12.19	Environment Agency	<p>Paragraph 3.1.2 of the Habitats Regulations Assessment Report [APP-057] explains the proximity of the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar sites to the Order Limits, noting that the River Stour, the River Box, the River Brett and the Belstead Brook all enter the Stour and Orwell Estuaries, approximately 5.72km southeast of the Order Limits. Are you confident that sufficient controls can be put in place to ensure that the proposed activities in Flood Zone 3 (including horizontal directional drilling under the</p>	<p><i>We would recommend consulting with Natural England on this question as this is primarily within their remit, however, we are satisfied that, provided the relevant control measures set out in the CoCP and CEMP are implemented, the project will not adversely affect the integrity of the Stour and Orwell Estuary SPA and Ramsar site. Any crossing of main rivers (or work within 8 meters of a main river or defence) will also likely require a flood risk activity permit. The Applicant has committed to applying for flood risk activity permits where required. Natural England will also be consulted through this process in terms of SSSIs, SACs and SPAs.</i></p>	<p>The Applicant welcomes this response.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		River Stour) would not adversely impact the European sites? How would these drilling activities be controlled by Environment Agency licensing?		

## 12.4 Temporary Bridges and Culverts

Table 12.4 – Temporary bridges and culverts

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
WE1.12.40	Environment Agency	Paragraph 4.4.40 of ES Chapter 4, the Project Description [APP-072] looks at bridge crossings. Are you satisfied with the proposals for temporary (4-year) bridges across the Rivers Brett, Box and Stour? Can you see any reason why the relevant Flood Risk Activity Permits would not be issued?	<i>Bridge crossing proposals have been assessed and proposed levels are to set above required flood levels and provided the crossings do not affect existing flood defences and our previous advice about bridge design is adhered to with protected species issues are adequately addressed (including obtaining any required Protected Species Licences from Natural England) we do not foresee any issues. The Applicant has however recently contacted us regarding potential embankments that may need to be installed to allow plant to access the temporary crossing over the Stour. It must be ensured that any embankment does not increase flood risk elsewhere. Discussions are ongoing with the Applicant.</i>	Noted – this matter is listed as a matter outstanding (reference 5.5.1) in Table 5.1 of the Draft Statement of Common Ground with the Environment Agency [REP3-020].
WE1.12.41	The Applicant	Paragraphs 11.1 and 11.2 of the Environment Agency RR [RR-031] raise concerns about the	<b><u>The Applicant</u></b>	A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
	Environment Agency	possible need to remove part of the embankment to install a temporary bridge. The Applicant [REP1-025] is not expecting this to be necessary. This matter appears to be close to agreement, but will it be included in the Statement of Common Ground between the two parties?	<p><b><u>The Environment Agency</u></b></p> <p><i>The Applicant has confirmed that there will be no need to remove part of the embankment to install the temporary bridge. We can therefore confirm agreement between the two parties. Further information can be found within our written rep referenced AE/2023/128839/01-L01 and dated 10 October 2023.</i></p>	The Applicant welcomes this response and confirms that this is an agreed matter in the Draft Statement of Common Ground with the Environment Agency [REP3-020].
WE1.12.43	The Applicant Environment Agency	Paragraphs 2.1 and 2.2 of the Environment Agency RR [RR-031] comment on the impacts of temporary culverts on habitats and the hydro-morphology of watercourses. The Applicant has responded in its comments on RRs [REP1-025]. Will this matter be included in the Statement of Common Ground between the two parties? Can the Applicant confirm the extent of temporary culverting of watercourses that would be required during construction?	<p><b><u>The Applicant</u></b></p> <p><b><u>The Environment Agency</u></b></p> <p><i>We provided an update in our most recent written rep referenced AE/2023/128839/01-L01 and dated 10 October 2023. To reaffirm, the Applicant has stated that all temporary crossings and/or culverts will be removed post construction unless otherwise agreed in the Flood Risk Activity Permit /Ordinary Watercourse Consent. It would be better if the applicant could state that there is a presumption that all such crossings will be removed. If they are not removed then there will be a likely net loss of wetland habitat and measures should be put in place to mitigate/compensate for this loss.</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>A response is provided in Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p>

## 12.5 Water Resources

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.

# 13. Traffic and Transport

## 13.1 Traffic Assessment

Table 13.1 – Transport Assessment

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
TT1.13.15	The Applicant National Highways Essex CC Suffolk CC	Does the Transport Assessment [APP-061] submitted with the application meet the criteria set out in NPS EN-1, Section 5.14 Traffic and Transport, in relation to the requirements of a Transport Assessment? If not, in what respects is it lacking?	<p><u>The Applicant</u></p> <p><u>National Highways</u></p> <p>No response found in Examination Library.</p> <p><u>Essex County Council</u></p> <p><i>In general terms, the Transport Assessment [APP-061] does contain the information that might be expected in a Transport Assessment i.e. it looks at the existing transport network and the future transport network to assess the impacts of the development. However, it is the methodology for assessing those impacts which have created concerns. In general due to the ad-hoc nature of this project, as well as other NSIPs, numerous assumptions are included in the assessment method, and it is these assumptions that create concern when determining the impact of the development. It is considered that concerns relating to many of these assumptions can be addressed through amendments to the CTMP [APP-180], which is discussed in our response to TT 1.13.21.</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>A final and signed Statement of Common Ground with National Highways was submitted at Deadline 3 [REP3-022] determining that all matters were resolved with this Consultee.</p> <p>The Applicant notes its Responses to First Written Questions [REP3-052] at TT1.13.15 submitted at Deadline 3.</p> <p>Further information has been provided regarding construction vehicle requirements (by vehicle category) at individual access points across the construction programme, (see, Transport Assessment Construction Vehicle Profile Data (document 8.6.6)).</p> <p>The Applicant also notes that at Issue Specific Hearing 3 (9 November 2023), SCC and ECC were assigned an action to submit a list of information that they would expect to see included in the CTMP.</p> <p>The Applicant looks forward to receiving that information, which will form the basis of further discussions at the regular Traffic and Transport</p>



Reference Question To: Question	Response from Interested Party or Affected Person	Applicant's Comments
	<p><i>The below represents a list of assumptions that mean the Council cannot conclude that the development impacts have been assessed through the Transport Assessment:</i></p> <ul style="list-style-type: none"> <li>• Total staff numbers.</li> <li>• Peak construction vehicle numbers</li> <li>• Staff shifts patterns and as a result the assessment hour.</li> <li>• The use of the staff mini-bus</li> <li>• The assessed proportions of car sharers.</li> <li>• These assumptions affect the location of junction assessments.</li> </ul> <p><i>As identified in our Local Impact Report [REP1-039], there is also an absence of information relating to the following that means that determining the extent of impacts on the local highway network is difficult:</i></p> <ul style="list-style-type: none"> <li>• Extent of use of the temporary accesses.</li> <li>• The makeup of the construction fleet that would use each access.</li> <li>• The design of the proposed site accesses.</li> </ul>	<p>Thematic Meetings with the local highway authorities.</p> <p>The Applicant is also discussing further information requirements on access designs, including providing designs including the access near Rose Cottage (AB-AP5) discussed in Compulsory Acquisition Hearing 1 (8 November 2023).</p>
	<p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Local Highway Authority) accepts that the location and nature of the site makes it difficult to prepare a travel plan that can improve access by sustainable means of transport (5.14.7 of NPS EN-1) although this does not mean efforts should be made to do so such as use of minibuses. Therefore, provision of walking and cycling routes is unlikely to</i></p>	<p>The Applicant refers to its Responses to First Written Questions [REP3-052] at TT1.13.15 submitted at Deadline 3.</p> <p>The Applicant utilises crew vans to reduce the number of private vehicles on the highway and would seek to do so as far as practicable on the project. The Applicant agrees that due to the nature of the area, the lack of footpaths/ cycle</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p><i>be beneficial in terms of benefit versus disruption during construction. The exception may be where focussed improvements can be made to avoid specific impacts such as PROW or footways crossing busy roads or where there are safety issues such as narrow roads or bends.</i></p> <p><i>Similarly, it is unlikely that improvements to the internal transport impact can be delivered that shifts freight to a more sustainable mode of transport (5.14.12).</i></p> <p><i>SCC (Local Highway Authority)'s position is that HGV movements should be controlled as stated within the Local Impact Report paragraph 12.79 [REP1-045].</i></p> <p><i>SCC is concerned that the 'water preferred policy' (5.14.16) is not being rigorously followed in respect of some AILs such as cable drums which may come from ports further away than Ipswich or Felixstowe.</i></p>	<p>lanes, the journeys made and the nature of work being undertaken (e.g. requirement for welfare vans and equipment) there are limited opportunities for construction workers to access sites by walking and cycling. Traffic during operation would be very limited.</p> <p>In relation to the emerging NPS EN-1, at paragraph 5.14.16 and the reference to the 'water preferred policy', the Applicant confirms that it has considered this policy and expects materials requiring transportation by AILs to arrive at a local port. At this stage, however, the Applicant is unable to confirm exactly which port will be used. This will be determined post DCO consent taking account of a range of considerations including the suitability of port infrastructure, the origin of materials and the onward AIL route from the port to the access points.</p>

## 13.2 Construction Traffic and Construction Route Strategy

Table 13.2 – Construction traffic and construction route strategy

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
TT1.13.21	The Applicant National	Has agreement been reached with the highway authorities on a monitoring	<u>The Applicant</u>	A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.

Reference	Question	Question To:	Response from Interested Party or Affected Person	Applicant's Comments
	Highways and enforcement strategy for construction and related traffic [sections 8.2 and 8.3 of the CTMP [APP-180] refer)? If not, what are the outstanding issues?	Essex CC Suffolk CC	<p><b><u>National Highways</u></b></p> <p><b>No response found in Examination Library.</b></p> <p><b><u>Essex County Council</u></b></p> <p>Agreement has not been reached; however it is understood that the Applicant is preparing an updated CTMP, which will look to address the highway authorities concerns. ECC welcome this commitment and will comment once submitted. The following summarise the areas of concern:</p> <ul style="list-style-type: none"> <li>• Surveying of the condition of the highway network for remediation.</li> <li>• That the local highway authorities should be the party responsible for discharging the CTMP and agreeing any changes to the CTMP.</li> <li>• Absence of monitoring of construction and workforce traffic.</li> <li>• Absence of commitment to achieve staff modal share through commitment to minibuses and car sharing.</li> <li>• Absence of commitments to survey staff movements.</li> <li>• Absence of reporting on CTMP monitoring and non-compliance to highway authorities.</li> <li>• Approval of construction traffic routes.</li> </ul>	<p>A final Statement of Common Ground with National Highways at Deadline 3 [REP3-022] showing that all matters were resolved.</p> <p>The Applicant notes that a response was provided in the Applicant's Responses to First Written Questions [REP3-052] at TT1.13.21 submitted at Deadline 3. The areas of concern are noted and as detailed in the Applicant's response [REP-052] will be discussed through the Traffic and Transport Thematic meetings .</p> <p>The Applicant refers to the submission of the updated CTMP [REP3-030] which also addresses this subject including the securing of HGV routes for construction traffic.</p> <p>Regarding specific items:</p> <ul style="list-style-type: none"> <li>• Condition surveys are secured in the CEMP at section 15.2.1 [REP3-024];</li> <li>• The dDCO (<b>document 3.1 (D)</b>) and CTMP [REP3-030] have been updated to make it clear the local highways authorities are the discharging authority in relation to the CTMP;</li> <li>• Management and monitoring of construction and workforce traffic is a matter for the Main Works Contractor. However, the Applicant is sharing forecasted traffic figures by access point and vehicle type used in the Transport Assessment (<b>document 8.6.6</b>), so that the local highway authorities are able to see the derivation of the proposed impact of activity;</li> <li>• Regarding minibuses/ car sharing, verbal clarification was provided in Issue Specific Hearing 3 (9 November 2023) that the vehicles referred to are crew vans for mobile work</li> </ul>

Reference Question Question To:	Response from Interested Party or Affected Person	Applicant's Comments
		<p>activity, with welfare provision, rather than minibuses, these vehicles combine a transport function to reach work sites with a welfare facility and tool storage (see Applicant's Written Summaries of Oral Submissions made to ISH3 (<b>document 8.6.2.3</b>));</p> <ul style="list-style-type: none"> <li>• Regarding staff movements, Section 7.4 of the CTMP [<b>REP3-030</b>] secures the monitoring and reporting of travel modes. Staff arrival and departure at all work sites will be recorded as part of routine site management procedures which will provide the basis for the monitoring;</li> <li>• Regarding monitoring and compliance reporting, CTMP Section 8 [<b>REP3-030</b>] sets out checks and reporting requirements. A commitment has also been made that a complaints log will be maintained for issues related to the CTMP; and</li> <li>• Regarding construction traffic routes, the CTMP was revised [<b>REP3-030</b>] and submitted at Deadline 3 to include HGV routes which are now secured.</li> </ul>
	<p><b><u>Suffolk County Council</u></b></p> <p>As SCC (Local Highway Authority) understands that there has been no change in the Applicant's position since the application and therefore the issues raised regarding monitoring and enforcement remain. SCC looks forward to these being resolved in a revised CTMP. Such key issues are considered to be:</p> <ul style="list-style-type: none"> <li>• HGV routes and timing</li> <li>• Daily HGV movements (per route and /or for each access)</li> </ul>	<p>The Applicant notes that a response was provided in the Applicant's Responses to First Written Questions [<b>REP3-052</b>] at TT1.13.21 submitted at Deadline 3. The areas of concern are noted and as detailed in the Applicant's response [<b>REP3-052</b>] will be discussed through the Traffic and Transport Thematic meetings .</p> <p>The Applicant also refers to the updated CTMP [<b>REP3-030</b>] which also addresses this subject including the securing of HGV routes for construction traffic.</p> <p>Regarding the individual issues, please see the response above to ECC's specific queries.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<ul style="list-style-type: none"> <li>• Total HGV movements for the project</li> <li>• Shift patterns for workers.</li> <li>• Car share ratio (for which worker numbers and light goods vehicles (LGV) movements would be required noting that workforce surveys provide incomplete data, or traffic counts)</li> <li>• Process for monitoring and reporting data including any non-compliance and enforcement action taken.</li> </ul>	
TT1.13.25	Essex CC Suffolk CC	How often would local authority highway inspectors carry out statutory inspections of the highway network affected by the project?	<p><b><u>Essex County Council</u></b></p> <p><i>The Essex highway network hierarchy consists of County Road Priority 1 routes, County Road Priority 2 Routes and Local Routes. These can be viewed on the Essex Highways website, Highways Information Map Highways Information Map   ECC(essexhighways.org) The Inspection regime is set out with the Maintenance and Inspections Strategy, Carriageways Footways and Cycleways, April 2022 maintenance-inspections strategy-for-carriageways-footways-and-cycleways April- 2022-update.pdf (essexhighways.org) is as follows:</i></p> <ul style="list-style-type: none"> <li>• County Road PR1 Monthly</li> <li>• County Road PR2 3 Monthly</li> <li>• Local Route 12 Monthly</li> </ul> <p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Local Highway Authority) would highlight that the frequency of carriageway and footway safety inspections is stated in SCC's Highways Operational Plan 4.1.3 and 4.1.5. For carriageways, inspections vary from once every month (Strategic Routes e.g., A131 / Main Distributors</i></p>	The Applicant notes the responses and has no comments in relation to the details provided.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<i>e.g., A1071) to once every 6 months for local and minor roads (mostly unclassified and some C class roads)</i>	
TT1.13.36	Babergh DC Mid Suffolk DC Suffolk CC	Are you satisfied with the Applicant's response (page 66 of its Comments on Relevant Representations [REP1-025]) to point n) (Traffic and Transport) in your RRs ([RR-001] and [RR-006]) related to monitoring and enforcement of construction traffic?	<p><b><u>Babergh and Mid Suffolk District Councils</u></b></p> <p>Refer to comments from SCC.</p> <p><b><u>Suffolk County Council</u></b></p> <p>The Applicant's response in [REP1-025] does not satisfy SCC (Local Highway Authority)'s concerns regarding monitoring and enforcement as detailed in 12.84 to 12.93 of the Local Impact Report [REP1-045] as these comments were made in relation to the CTMP as submitted in the application and this has not been revised. SCC's position is that the CTMP and other plans should secure the key mitigation and provide monitoring, reporting and enforcement to ensure compliance with these values. To maintain confidence in the process the monitoring data should be provided to the LOCAL HIGHWAY AUTHORITY for scrutiny and preferably place in the public domain. Such key information is considered to be:</p> <p>HGV routes and timing</p> <p>Daily HGV movements (per route and /or for each access)</p> <p>Total HGV movements for the project</p> <p>Shift patterns for workers.</p> <p>Car share ratio (for which worker numbers and LGV movements would be required noting that workforce surveys provide incomplete data, or traffic counts)</p> <p>Process for monitoring and reporting data including any non-compliance and enforcement action taken.</p>	The Applicant would make reference to the comments provided in TT1.13.21 in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.

## 13.3 Temporary Traffic Regulation Orders

Table 13.3 – Temporary Traffic Regulation Orders

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
TT1.13.37	The Applicant Essex CC Suffolk CC	Has agreement been reached between the relevant highway authorities and the Applicant on the use of Temporary Traffic Regulation Orders (Schedule 11 of the dDCO [APP-034] refers)? If not, what are the outstanding issues?	<p><b><u>The Applicant</u></b></p> <p><b><u>Essex County Council</u></b>  <i>It is assumed that question TT1.13.37 relates to Schedule 12 of the dDCO not Schedule 11. Agreement has not been reached with Essex Council. To date there has been no detailed discussion regarding the requirement for the Temporary Traffic Regulation Orders set out in Schedule 12.</i></p> <p><b><u>Suffolk County Council</u></b>  <i>SCC (Local Highway Authority) believes this should refer to Schedule 12 and answers accordingly. No agreement has yet been reached with SCC as Local Highway Authority. The concerns remain regarding the practicality of the parking restrictions as presented, although, SCC notes that selective restrictions at specific locations may be required particularly on AIL routes. Whilst SCC (Local Highway Authority) has no objection to the temporary 30mph speed limits, SCC would have concerns regarding driver compliance in the absence of traffic calming or enforcement and would not accept reduction in design standards purely relying on the implementation of such speed limits.</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant has no further comments to make on this matter other than that set out in the Applicant's Responses to First Written Questions [REP3-052] at TT1.13.37 submitted at Deadline 3.</p>



Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
TT1.13.38	The Applicant Essex CC Suffolk CC	What length of road markings and how many associated signs would be required for compliance with the current Traffic Signs Regulations and General Directions and to bring the proposed temporary waiting restrictions into lawful effect? (See Schedule 11 of the dDCO [APP-034].)	<p><b><u>The Applicant</u></b></p> <p><b><u>Essex County Council</u></b>  <i>Essex County Council are unable to answer this question, it would be a matter for the applicant to confirm having first agreed the principle of the use of Temporary Traffic Regulation Orders.</i></p> <p><b><u>Suffolk County Council</u></b>  <i>SCC (Local Highway Authority) would note that as presented in Schedule 12, the proposed parking restrictions would require single yellow lines (diagram 1017) together with prohibition of waiting signs (S4-3). Chapter 3 of the Traffic Signs Manual 13.4.14 recommend signs to be at 60m intervals.</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant has no further comments to make on this matter other than that set out in the Applicant's Responses to First Written Questions [REP3-052] at TT1.13.38 submitted at Deadline 3.</p>
TT1.13.41	The Applicant Essex CC Suffolk CC	<p>In relation to the temporary stopping up of streets and the temporary restriction of vehicular movement dDCO [APP-034], Schedule 7, Parts 1 and 2, and Schedule 11, Part 3) can the Applicant explain:</p> <p>i. For how long is it intended each restriction should operate?</p>	<p><b><u>The Applicant</u></b></p> <p><b><u>Essex County Council</u></b>  <i>No periods of closure are set out in the dDCO at this time, therefore detailed comments cannot be provided. As stated this is for the applicant to address and should form part of ongoing discussion with the relevant Highway Authority.</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant has no further comments to make on this matter other than that set out in the Applicant's Responses to First Written Questions [REP3-052] at TT1.13.41 submitted at Deadline 3.</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		ii. What is the minimum and maximum period of closure sought for each location identified? iii. When would they be implemented? iv. How has the likely disruption to users of these streets been assessed in the ES? v. What are the lengths of the proposed diversionary routes? vi. What mitigation measures would be used and how would these be secured in any DCO? Are the proposed periods of closure likely to be acceptable to the highway authorities?	<p><b><u>Suffolk County Council</u></b></p> <p><i>SCC (Local Highway Authority) notes that s14 of the Road Traffic Regulation Act 1984,6 refers to temporary prohibition or restriction on roads. The term "stopping up" would be included in Part VIII of the Highways Act 1980, and refers to removal of highway rights. It is presumed the powers sought by the Applicant are in relation to the former temporary restriction. The acceptability of a duration of any closure will depend on the classification and use of the highway together with the suitability or otherwise of any proposed diversion. Generally, SCC (Local Highway Authority) would seek to avoid restrictions on A and B class roads or seek restricting closures to times with low traffic flows. The Traffic Management Act 2004 s16,8 places a network management duty on local traffic authorities so as far as may be reasonably practical to secure the expeditious movement of traffic on the authority's road network. As such, SCC would seek to minimise the number and duration of any restrictions.</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>In addition, The Applicant notes SCC's responses to the term 'stopping up' and has no further comments to add.</p> <p>In relation to the point regarding avoiding restrictions on A and B class roads, seeking to restrict closures to times with low traffic flows and seeking to minimise the number and duration of any restrictions are matters that would be subject to consultation with the local highways authorities as part of the permitting process.</p>

## 13.4 Temporary and Permanent Measures to Access the Works

Table 13.4 – Temporary and permanent measures to access the works

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
TT1.13.48	Essex CC Suffolk CC	The Applicant proposes to gain authorisation to erect temporary signs on the highway using the Permit Scheme described in Section 2.4 of the CTMP [APP-	<p><b><u>Essex County Council</u></b></p> <p><i>Whilst some temporary signs might be authorised via the Permit Scheme it is more likely that temporary signs would be</i></p>	The Applicant considers that the short duration of most closures and diversions make Permit Scheme coverage most appropriate. Once a Main Works Contractor is appointed and a construction programme is further developed, the proposals for temporary signage would be

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
		180]. Would you be satisfied to authorise consent to erect temporary signage under a Permit Scheme?	<p><i>associated with Temporary Traffic Regulation Orders or traffic management agreed as part of Section 278 Highway Works associated with the scheme.</i></p> <p><b><u>Suffolk County Council</u></b></p> <p><i>Generally, SCC (Local Highway Authority) manages temporary traffic management signage through the New Roads and Street Works Act 1991 Permit Scheme provided that the duration does not necessitate the use of semi-permanent signs with concrete or other underground foundations. In this case, SCC would expect the Applicant to enter a Highways Act 1980 s278 agreement. The latter is considered to be necessary due to the risks associated with excavation in the public highway.</i></p>	<p>reviewed and the most appropriate mechanism determined at that time.</p> <p>The Applicant notes the constructive discussions in the Traffic and Transport Thematic meetings, in particular that the Permit Scheme is appropriate for free-standing temporary traffic management signing (for example temporary signs in accordance with Chapter 8 of the Traffic Signs Manual). Where other types of signs are required, associated with TTRO – for example temporary signs fixed on lamp columns or signs with dedicated support structures and foundations then S278 would be required. Each proposal submitted would be evaluated on a task-specific basis by the local highways authorities.</p> <p>The Applicant considers that the short duration of most closures and diversions make Permit Scheme coverage most appropriate. Once a Main Works Contractor is appointed and a construction programme is further developed, the proposals for temporary signage would be reviewed and the most appropriate mechanism determined at that time.</p> <p>The Applicant notes the constructive discussions in the Traffic and Transport Thematic meetings, in particular that the Permit Scheme is appropriate for free-standing temporary traffic management signing (for example temporary signs in accordance with Chapter 8 of the Traffic Signs Manual). Where other types of signs are required, associated with TTRO – for example temporary signs fixed on lamp columns or signs with dedicated support structures and foundations then S278 would be required. Each proposal submitted would be evaluated on a task-specific basis by the local highways authorities.</p>
TT1.13.49		The Applicant proposes to gain authorisation to erect scaffolding	<b><u>Essex County Council</u></b>	The Applicant notes the response on this issue. Once a Main Works Contractor is appointed and a construction

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
Essex CC Suffolk CC		over the highway using the Permit Scheme described in Section 2.4 of the CTMP [APP-180]. Would you be satisfied to issue a licence for scaffolding oversailing the public highway using a Permit Scheme?	<i>The Permit Scheme would not authorise oversailing of the public highway. This would be subject to separate oversailing licence.</i>	<p>programme is further developed, the proposals for scaffolding and any other works spanning operational highways would be reviewed and the most appropriate mechanism for approvals determined at that time.</p> <p>The Applicant notes the constructive discussions in the Traffic and Transport Thematic meetings, in particular that the Permit Scheme may be appropriate for some scaffold-related activities, whereas others would need a specific more detailed agreement. Submission of design documentation by the Main Works Contractor might be acceptable in lieu of a specific licence and this would be evaluated on a task-specific basis by the local highways authorities.</p>
			<p><b><u>Suffolk County Council</u></b></p> <p>Usually, SCC (Local Highway Authority) would prefer to issue a license under s177 of the Highways Act 1980 for oversailing of the highway. However, SCC would not object to using the New Roads and Street Works Act 1991 permit process subject to certification that the scaffold has been designed and independently checked.</p>	<p>The Applicant notes the response on this issue. Once a Main Works Contractor is appointed and a construction programme is further developed, the proposals for scaffolding and any other works spanning operational highways would be reviewed and the most appropriate mechanism for approvals determined at that time.</p> <p>The Applicant notes the constructive discussions in the Traffic and Transport Thematic meetings, in particular that the Permit Scheme may be appropriate for some scaffold-related activities, whereas others would need specific more detailed agreement. Submission of design documentation by the Main Works Contractor might be acceptable in lieu of a specific licence and this would be evaluated on a task-specific basis by the Local highways authorities.</p>

## 13.5 Public Rights of Way

Table 13.5 – Public rights of way

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
TT1.13.54	The Applicant Essex CC Suffolk CC	Would local authority Public Rights of Way Officers be involved in monitoring of:  i. Temporary signage; ii. The various forms of public rights of way closures; iii. Safety measures; iv. Condition surveys; and v. The reinstatement and inspections of the public rights of way affected by the project?	<u><b>The Applicant</b></u>  <u><b>Essex County Council</b></u>  <i>(i) temporary signage; No, ECC do not have the resources to monitor temporary signage. ECC would expect the Applicant to be responsible for temporary signage clearly sign but to also (as on other developments) to have contact numbers for them for the public to use in respect of closures or any other issues.</i>  <i>(ii) the various forms of public rights of way closures; As above, the assumption is that the Applicant would be closing PROW under the DCO and not an ECC Temporary Traffic Regulation Order. It would therefore be their responsibility (and liability) to ensure that the routes are closed as the order allows.</i>  <i>(iii) safety measures; Definitely not – if the Applicant are proposing a safety measures then they are responsible for making sure they happen and are effective. ECC would like to have advance notice of what they are, but ultimately it is their responsibility to make sure they work and it would not be appropriate, nor achievable with resources as they are, for ECC PROW Officers to monitor the applicants safety measures.</i>  <i>(iv) condition surveys; Potentially, although ECC would expect the PROW Officer/s to be able to</i>	A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.  The Applicant submitted a Public Right of Way Management Plan at Deadline 3 [REP3-056], which is secured under Requirement 4 of the dCO (document 3.1(D)).  The Applicant has no further comments to make on this matter other than that set out in the Applicant's Responses to First Written Questions [REP3-052] at TT1.13.54 submitted at Deadline 3.

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
			<p>recover costs for time incurred in connection with before/after surveys if required to attend. These can be photographic/report based instead, but where the applicant proposes private vehicular use over or coincidental with significant sections of multiple PROW ECC PROW maintenance team may well want to monitor the situation more closely or require the applicant to do so.</p> <p>(v) the reinstatement and inspections of the public rights of way affected by the project? As above – for any permanent diversions required these would presumably be by means of the DCO and its powers and not through applying to ECC. If so there should still be some form of certification required on behalf of ECC for us to accept the revised routes as PROW before any changes actually become legal. If so the PROW Officers would need to certify the routes but their time would be chargeable.</p>	
			<p><b><u>Suffolk County Council</u></b></p> <p>SCC (PROW) as Highway Authority would require the Applicant through a Rights of Way Management Plan to lead and deliver all on all aspects of monitoring. This would be done in agreement with the relevant Highway Authority. The Applicant would be required to undertake all aspects of temporary signage, safety measures, communication with communities and users on temporary closures.</p> <p>In addition, pre commencement condition surveys would be required to be undertaken by the Applicant and method of reinstatement. Details would be required to be provided to the Highways Authority prior to commencement.</p>	<p>The Applicant submitted a Public Right of Way Management Plan at Deadline 3 <b>[REP3-056]</b>, which is secured under Requirement 4 of the dDCO (<b>document 3.1 (D)</b>).</p>

Reference	Question To:	Question	Response from Interested Party or Affected Person	Applicant's Comments
TT1.13.62	The Applicant Essex CC Suffolk CC	Has the scope of the survey work to would need to be carried out to ensure that final reinstatement would return public rights of way to their original condition on completion of the Proposed Development been agreed? (Section 4.7 of the CEMP [APP-177] and paragraph 6.2.3 of the CTMP [APP-180].)	<p><b><u>The Applicant</u></b></p> <p><b><u>Essex County Council</u></b>  <i>Essex County Council have not reached any agreement about this with the applicant. It would likely be different depending on the PROW (i.e. naturally surfaced or not etc.) and be a matter to be agreed with the PROW Maintenance team.</i></p> <p><b><u>Suffolk County Council</u></b>  <i>SCC (PROW) as Highway Authority would require the Applicant to carry out pre commencement surveys of all routes. This would be required through a Rights of Way Management Plan to cover methodology for reinstatement. This has currently not fully been agreed and SCC awaits a Rights of Way Management Plan.</i></p>	<p>A response is provided in the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.</p> <p>The Applicant submitted a Public Right of Way Management Plan at Deadline 3 [REP3-056], which is secured under Requirement 4 of the dDCO (document 3.1(D)).</p> <p>The Applicant has also provided a response in the Applicant's Responses to First Written Questions [REP3-052] at TT1.13.62 submitted at Deadline 3. However, the Applicant notes that this matter has yet to be agreed with Essex and Suffolk County Councils and is a matter for the Traffic and Transport Thematic meetings which are continuing on a fortnightly basis.</p> <p>The Applicant submitted a Public Right of Way Management Plan at Deadline 3 [REP3-056], which is secured under Requirement 4 of the dDCO (document 3.1(D)).</p>



## 14. Navigation

All questions were directed to the Applicant. Therefore, please refer to the Applicant's Responses to First Written Questions [REP3-052] submitted at Deadline 3.

# References

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# Acronyms

Acronym	Description
AIL	Abnormal Indivisible Loads
AONB	Area of Outstanding Natural Beauty
BNG	Biodiversity Net Gain
CEA	Cumulative Effects Assessment
CoCP	Code of Construction Practice
CEMP	Construction Environmental Management Plan
CSE	Cable Sealing End
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
dDCO	Draft Development Consent Order
DMP	Drainage Management Plan
ECC	Essex County Council
EIA	Environmental Impact Assessment
ES	Environmental Statement
FRA	Flood Risk Assessment

FRAP	Flood Risk Activity Permit
GSP	Grid Supply Point
HGV	Heavy Goods Vehicles
HM	His Majesty
HRA	Habitats Regulation Assessment
LEMP	Landscape and Ecological Management Plan
LGV	Large Goods Vehicles
Local Impact Report	Local Impact Report
LoD	Limits of Deviation
LVIA	Landscape and Visual Impact Assessment
MWMP	Materials and Waste Management Plan
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
NSR	Noise Sensitive Receptors
OWSI	Outline Written Scheme of Investigation
REAC	Register of Environmental Actions and Commitments
RR	Relevant Representation
PRoW	Public Rights of Way

RSPB	Royal Society for the Protection of Birds
SPR	Scottish Power Renewables
SSSI	Site of Special Scientific Interest
TCPA	Town and Country Planning Act 1990
TP	Temporary Possession
UK	United Kingdom
WR	Written Representation
ZTV	Zones of Theoretical Visibility

# Appendix A: Applicant's Comments to SCC's Response at DC1.6.105

Table A.1: Applicant's Comments to SCC's Response at DC1.6.105

Reference	Topic	Suffolk County Council Response	Applicant's Comments
DC1.6.105(a)	Article 2(1): "Pre-commencement operations"	<p><b><u>The definition of "pre-commencement operations" and, in particular, the implications arising from certain works which are drafted as falling outside that definition;</u></b></p> <p>Certain of the carve-outs from the definition of "commencement" would seem capable of giving rise to significant environmental effects including: the demolition of existing buildings, site clearance, the provision of temporary accesses and the erection of any temporary means of enclosure.</p> <p>In paragraph 17.7 of the Local Impact Report [REP1-045] and Row (i) of the Comments [REP-013] SCC (Legal) states it would welcome <i>"further explanation as to which of the carve-outs are de minimis and which have minimal potential for adverse impacts. SCC would also welcome an explanation of where each has been assessed"</i>. SCC would still welcome that explanation and would propose to respond to that explanation in due course. The following comments are therefore subject to receiving the Applicant's explanation.</p> <p>SCC (Legal) considers the provision of "temporary accesses" must either (i) be removed from the definition of "pre-commencement operations" or (ii) if retained, be limited to the provision of temporary accesses required to deliver the other pre-commencement operations and, if retained, the provision of "temporary accesses" must be subject to Requirement 11 (highway works).</p> <p>Option (i) would see the definition of "pre-commencement operations" amended as follows –</p>	<p>The Applicant agrees that it is appropriate for SCC and, indeed, ECC (each in its capacity as local highways authority) to have a sufficient degree of control and oversight in respect of the design, layout and, where appropriate, reinstatement of any accesses which are to be formed and/or permanently or temporarily altered as part of the authorised development, including those which may be formed or altered as part of any <i>"pre-commencement operations."</i></p> <p>In that context, the Applicant had anticipated that the Permit Schemes (as defined in Article 2(1) of the dDCO (document 3.1 (D))) would provide each of the County Councils with the requisite degree of control and oversight, noting that Article 12 (Application of the Permit Schemes) of the dDCO would have the effect of applying the Permit Schemes in totality in respect of the construction and maintenance of the authorised development.</p> <p>However, to the extent that either of the County Councils is able to demonstrate that the Permit Schemes would not operate in this manner, and that there would otherwise be a lacuna in respect of the controls exercisable over the formation and alteration of any accesses, the Applicant would be pleased to consider such amendment(s) to the dDCO as are necessary to give effect to the same.</p>

Reference	Topic	Suffolk County Council Response	Applicant's Comments
		<p><i>“pre-commencement operations” means operations consisting of engineering investigations and surveys, environmental (including archaeological) investigations and monitoring, surveys and monitoring investigations for the purpose of assessing ground conditions, diversion and laying of services, demolition of existing buildings, site clearance, environmental mitigation measures, remediation in respect of any contamination or other adverse ground conditions, set up works associated with the establishment of construction compounds, <del>temporary accesses</del>, erection of any temporary means of enclosure or temporary demarcation fencing marking out site boundaries and the temporary display of site notices or advertisements;”</i></p> <p>Option (ii) would see the definition of “pre-commencement operations” amended as follows –</p> <p><i>“pre-commencement operations” means operations consisting of engineering investigations and surveys, environmental (including archaeological) investigations and monitoring, surveys and monitoring investigations for the purpose of assessing ground conditions, diversion and laying of services, demolition of existing buildings, site clearance, environmental mitigation measures, remediation in respect of any contamination or other adverse ground conditions, set up works associated with the establishment of construction compounds, <del>temporary accesses</del>, erection of any temporary means of enclosure or temporary demarcation fencing marking out site boundaries <b>and</b> the temporary display of site notices or advertisements, <b>and, subject to Requirement 11 (highway works) the provision of temporary accesses necessary to deliver any of these pre-commencement operations;</b>”</i></p> <p>Option (ii) would also see Requirement 11 amended as follows –</p> <p><i>“11.—(1) No work to construct, alter or temporarily alter any new or existing means of access to a highway to be used by vehicular traffic may commence until written details of design, layout and reinstatement of that means of access has been submitted to and approved by the relevant highway authority.</i></p>	<p>From the Applicant's perspective, a slightly revised version of Option (ii) as suggested by SCC would be appropriate.</p> <p>The Applicant would therefore not propose to amend the definition of “pre-commencement operations”, but would suggest that Requirement 11 is altered as follows (additional text in bold):</p> <p><i>“11(1) No work to construct, alter or temporarily alter any new or existing means of access to a highway to be used by vehicular traffic may commence until written details of design, layout and reinstatement of that means of access has been submitted to and approved by the relevant highway authority.</i></p> <p><i>(2) The highway accesses must be constructed and reinstated in accordance with the details approved under sub-paragraph (1).</i></p> <p><b><i>(3) For the avoidance of doubt, all pre-commencement operations involving the construction or alteration of temporary accesses must be carried out in accordance with sub-paragraphs (1) and (2) unless otherwise agreed with the relevant highway authority.”</i></b></p> <p>This amendment (if such an amendment is indeed required) would ensure consistency with the approach taken in respect of the direct application of the Management Plans to the “pre-commencement operations” pursuant to Requirement 4.</p>



Reference	Topic	Suffolk County Council Response	Applicant's Comments
		<p>(2) <i>The highway accesses must be constructed and reinstated in accordance with the details approved under sub-paragraph (1).</i></p> <p>(3) <u><b>This requirement applies to the provision of any temporary access necessary to deliver any of the pre-commencement operations</b></u>".</p>	
DC1.6.105(b)	Article 5 LoD	<p><b><u>The LoD:</u></b></p> <p>SCC is finalising the drafting of this provision which will provide for amending the LoD for Work No.2 (which will affect the Hintlesham area) so that the pylon siting remains in the locations previously agreed with SCC and Historic England.</p>	<p>Notwithstanding the absence of specific drafting amendments, the Applicant refers by way of response to pages 40-41 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].</p> <p>Noting that commitment EM-AB01 forms part of the REAC, and that compliance with the REAC is already secured through Requirement 4 of the dDCO, the Applicant does not consider that it is necessary or appropriate for Article 5 to be further amended for the purpose which the Council contemplates.</p>
DC1.6.105(c)	Article 11 (Street works)	<p><b><u>The way in which street works are controlled under article 11 (and under the corresponding requirement, Requirement 11):</u></b></p> <p><b><u>Article 11 (Street works)</u></b></p> <p><b><u>Article 11(2)</u></b></p> <p>Under several of the dDCO articles (including article 11(2)), SCC is required to grant approval for certain street works, 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 a short period. In several cases this appears to be unprecedented in DCOs or not well preceded.</p> <p>SCC will be receiving considerable numbers of requests for approval and will 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". 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</p>	<p><b><u>Article 11(2)</u></b></p> <p>In response to the Council's comments on Article 11(2), and indeed the further provisions in the dDCO (<b>document 3.1 (D)</b>) where this particular formulation of words is used, the Applicant refers to page 98 of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].</p> <p>The Applicant therefore respectfully disagrees with the Council and considers that the words "...<b>which consent shall not be unreasonably withheld or delayed</b>...." should be retained in the dDCO.</p> <p><b><u>Article 11(3)</u></b></p> <p>In response to the Council's comments on Article 11(3), and indeed the further provisions in the dDCO (<b>document 3.1 (D)</b>) where a 28 day determination period is prescribed, the Applicant refers to page 99 of the Applicant's Comments on</p>

Reference	Topic	Suffolk County Council Response	Applicant's Comments
		<p>to comply with the terms of a DCO. SCC considers it excessive for it to potentially face criminal liability in these circumstances.</p> <p>SCC notes from paragraph 3.15.1(c) of the Explanatory Memorandum [APP-035] that the cited precedent is article 11 of the Thames Tideway Tunnel DCO 2014 (S.I. 2014/2384), however the relevant provision in that Order (article 11(3)(b)) does not refer to consent not being delayed.</p> <p>In the light of the deeming provision in article 11(3), which makes the words “unreasonably withheld or delayed” unnecessary, SCC requests that article 11(2) is amended as follows –</p> <p><i>“Without limiting the scope of the powers conferred by paragraph (1) but subject to the consent of the street authority, <del>which consent shall not be unreasonably withheld or delayed</del>, the undertaker may, for the purposes of the authorised development, or for purposes ancillary to it, enter on so much of any other street whether or not within the Order limits, for the purposes set out at sub-paragraph (1)(a) to (i) and paragraph (3) of article 8 (application of the 1990 Act) shall apply”.</i></p> <p>SCC requests that similar amendments are made to the following provisions: articles 14(4) (power to alter layout, etc. of streets), 15(5)(b) (temporary stopping up of streets and public rights of way), 16(1)(b) (access to works), 19(3) (discharge of water), and 47(2) (traffic regulation).</p> <p><b>Article 11(3)</b></p> <p>By article 11(3), an application for consent under article 11(2) must be determined within 28 days of the application or consent is deemed to be granted. While SCC will ensure that any application for consent will be dealt with as quickly as possible, it will be remembered that SCC will be receiving a considerable number of requests for approval across several nationally significant infrastructure projects. A 28-day decision-making period in this context is unrealistic and potentially detrimental to the effective consideration of applications.</p> <p>Given the volume of work which will arise from the number of NSIPs being delivered in Suffolk, SCC considers 28 days is too short and requests that it is replaced with 56 days. SCC also considers that this</p>	<p>Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].</p> <p>The Applicant therefore respectfully disagrees with the Council and considers that the 28 day determination period should be retained in all instances in the dDCO.</p> <p>The Applicant has responded separately at Deadline 4 to matters stated in the Council's Deadline 3 submission “<i>Response to the Applicant's Schedule of Changes to the draft Development Consent Order</i>” (see the Applicant's Comments on Other Submissions Received at Deadline 3 (document 8.6.5).</p> <p>It is worth noting, however, that the Applicant has incorporated the change requested by the Council in respect of the replacement of the words “....unless otherwise agreed....” with “....(or such other period as agreed by the [street authority] and undertaker)....”</p> <p>This change is also documented in the Applicant's Schedule of Changes to the dDCO (document 8.4.2 (C)).</p>

Reference	Topic	Suffolk County Council Response	Applicant's Comments
		<p>period should be paused if the highway authority considers that additional information is reasonably required to make a decision.</p> <p>SCC (Legal) requests that 28 days is replaced with 56 days in the following provisions: 14(5) (power to alter layout, etc. of streets); 15(9) (temporary stopping up of streets and public rights of way); 16(2) (access to works); 19(9) (discharge of water); 21(8) (authority to survey and investigate land), 47(8) (traffic regulation) and 48(5) (felling or lopping) a deemed consenting regime.</p> <p>A similar point applies in respect of Schedule 4 (discharge of requirements), which is mentioned below.</p> <p>As explained in SCC's Deadline 3 submission "Response to the Applicant's Schedule of Changes to the dDCO" SCC does not consider the Applicant's proposed amendment to the article 11(3) in the latest version of the dDCO [REP2-005] achieves the Applicant's aim and, in any event, maintains its position that 56 days is the appropriate timeframe. The same point applies to the Applicant's proposed amendments to the following provisions in [REP2-005]: article 14(5), 15(9), 16(2), 19(9), 21(8), 47(8) and 48(5).</p>	
DC1.6.105(d)	Article 15 (Temporary stopping up of streets and public rights of way)	<p><b><u>The proposals for stopping up streets and public rights of way under Article 15:</u></b></p> <p><b><u>Article 15 (temporary stopping up of streets and public rights of way)</u></b></p> <p>By article 15(1), the undertaker may, "for a reasonable time" divert traffic from the street or PRoW; and prevent all persons from passing along the street or PROW.</p> <p>SCC would welcome more information as to what "a reasonable time" might be.</p> <p>In addition, SCC considers that article 15 should provide that any temporary diversion specified in column (4) of Part 1 of Schedule 7 must be open for use, and in the case of a street, must be completed to the reasonable satisfaction of the street authority, before the</p>	<p>In response to the Council's request for clarification as to what may constitute 'a reasonable time', the Applicant refers to page 100 of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049] and also to Section 2 of the Applicant's Response to Issue Specific Hearing 1 Action Points [REP1-034].</p> <p>In response to the Council's suggested amendment to Article 15(6) of the dDCO (<b>document 3.1 (D)</b>), the Applicant refers to page 100 of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].</p> <p>The Applicant further notes the constructive discussions in the Traffic and Transport Thematic meetings, in particular that 'standard' in this context needs to reflect the level of provision made by a highway link or junction – for example</p>

Reference	Topic	Suffolk County Council Response	Applicant's Comments
		<p>corresponding street or PRow in temporarily stopped up, altered or diverted.</p> <p>Moreover, paragraph 3.19.5 of the Explanatory Memorandum [APP-035] states that any alternative route under this article should be provided on a like-for-like basis. Owing to this, SCC would suggest that article 15(6) be amended as follows –</p> <p><i>“(6) Where the undertaker provides a temporary diversion under paragraph (4), the temporary alternative route is not required to be of a higher standard <b>and must be of no lower standard</b> than the temporarily closed street or PRow in columns (1) and (2) of Parts 1 and 2 of Schedule 7 (streets or public rights of way to be temporarily stopped up)”.</i></p> <p>It would also be helpful to know how National Grid proposes (i) to inform SCC of any stopping up etc. and (ii) how it proposes to keep temporary working sites under paragraph (2) to a minimum in terms of time and area.</p>	<p>width and condition – rather than designated class or other categorisation. A diversion route should meet the needs of diversion usage, and a lower-classification or categorisation of route may achieve this more effectively than a nominally higher-classification route which might be of lesser carriageway width or junction form for example.</p> <p>In response to the Council's request for further information regarding the exercise of powers pursuant to Article 15 of the dDCO (<b>document 3.1 (D)</b>), the Applicant anticipates using its existing streetworks notification system in combination with the Permit Schemes (including in relation to the consultation requirement imposed pursuant to Article 15(5)(a)). From the Applicant's perspective, this approach would streamline the temporary stopping-up process and would enable the Local Highways Authorities (LHAs) to consider the implementation of proposed closures holistically and alongside other works by the host authority and/or third parties.</p> <p>A similar approach is anticipated in respect of any PRowS proposed to be temporarily stopped-up pursuant to Article 15 of the dDCO.</p>
DC1.6.105(e)	Article 17 (Construction, alteration and maintenance of streets)	<p><b><u>The proposals for constructing, altering and maintaining streets under Article 17:</u></b></p> <p><b><u>Article 17 (construction, alteration and maintenance of streets)</u></b></p> <p>SCC (legal) requests that paragraphs (1) and (2) are amended as follows –</p> <p><i>“(1) Any street (other than any private streets) to be constructed under this Order must be completed to the reasonable satisfaction of the street authority and must, unless otherwise agreed with the street authority, be maintained (including any culverts or other structures laid under that part of the highway) by <b>and at the expense of the undertaker for a period of 12 months from its completion and at</b></i></p>	<p>The Applicant refers by way of comment to page 101 of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [<b>REP3-049</b>].</p> <p>The Applicant considers that this is a matter which would be readily capable of being addressed in the Framework Highways Agreement and, in that context, is grateful for the comments provided by the Council in respect of the draft HoTs.</p>

Reference	Topic	Suffolk County Council Response	Applicant's Comments
		<p><u><b>the expiry of that period by and at the expense of</b></u> the street authority.</p> <p>(2) Where a street is altered or diverted under this Order, the altered or diverted part of the street must be completed to the reasonable satisfaction of the street authority and must, unless otherwise agreed with the street authority, be maintained (including any culverts or other structures laid under that part of the highway) <u><b>by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the</b></u> street authority”.</p> <p>SCC legal notes that the bold and underlined words are included in the cited precedent, article 12 of the Thames Tideway Tunnel DCO 2014 (S.I. 2014/2384). The SCC considers that commuted sums for future maintenance might also be required.</p>	
DC1.6.105(f)	Article 47 (Traffic regulation)	<p><u><b>The proposals for regulating traffic under article 47:</b></u></p> <p><u><b>Article 47 (traffic regulation)</b></u></p> <p>SCC requests that article 47(1) is amended as follows –</p> <p><i>“Subject to the provisions of this article, <u><b>and the consent of the traffic authority in whose area the road is situated</b></u>, the undertaker may, for purposes of the construction of the authorised development ...”</i></p> <p>The precedent cited in paragraph 3.51.2 of the Explanatory Memorandum [APP035], (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 corresponding provisions of other DCOs which are not cited in the Explanatory Memorandum).</p> <p>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 Examining Authority’s</p>	The Applicant refers by way of comment to pages 101-102 (inclusive) of the Applicant’s Comments on Suffolk County and Babergh Mid Suffolk District Councils’ Local Impact Report [REP3-049].

Reference	Topic	Suffolk County Council Response	Applicant's Comments
		<p>recommendation to include the words, they were included in the Order made by the Secretary of State.</p> <p>SCC is concerned that the consultation requirements under this article are insufficient and considers they should better reflect the consultation regime set out in regulation 6 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 which SCC would have to follow when making a TRO. SCC would welcome the Applicant's explanation as to why this article departs so far from the 1996 Regulations. SCC would also like to know how any objections would be dealt with.</p> <p>For TROs in Schedule 12 which are modified or where new orders are required, SCC considers that, as a minimum, the consultation regime under regulation 6 of the 1996 Regulations should apply. SCC also requests that its costs for the associated are recoverable.</p> <p>In addition, SCC would encourage the Applicant to follow SCC's Consultation and Engagement Charter (which enshrines good practice) and would welcome discussions with the Applicant on this point.</p>	
DC1.6.105(g)	Article 48 (Felling or lopping)	<p><b><u>The drafting of article 48, which concerns the felling or lopping of trees:</u></b></p> <p>SCC is finalising its proposed drafting of this article which will capture the following points –</p> <ul style="list-style-type: none"> <li>the deletion of “or near” from article 48(1) (as these words are too vague).</li> <li>the article cross-referencing to a plan showing the location of all trees and hedgerows that will be affected by the works, along with timings of the proposed removal. (There needs to be an assessment procedure in place ahead of any tree or shrub works with respect to bats and nesting birds, and possibly dormice in relation to hedgerows).</li> </ul>	<p>The Applicant refers by way of comment to pages 103-104 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].</p> <p>Notwithstanding the absence of specific drafting amendments, the Applicant does not consider that it is necessary or appropriate for Article 48 to be amended in the manner which the Council contemplates.</p>



Reference	Topic	Suffolk County Council Response	Applicant's Comments
		<ul style="list-style-type: none"> <li>a detailed compensation planting plan, showing how any tree and hedgerow lost will be compensated, either within, or close to, the Order limits.</li> </ul>	
DC1.6.105(h)	Schedule 3 (Requirements)	<p><b><u>The identification of the discharging bod(ies) for Requirements:</u></b></p> <p>SCC is content with the changes to paragraphs (1) and (3) of Requirement 4.</p>	The Applicant notes the Council's response.
DC1.6.105(i)	Schedule 3 (Requirements)	<p><b><u>The drafting of certain Requirements:</u></b></p> <p><b><u>Paragraph 1 (Interpretation)</u></b></p> <p>Paragraph 1(4) states –</p> <p><i>“Where an approval or agreement is required under the terms of any Requirement or a document referred to in a Requirement, or any Requirement specifies “unless otherwise approved” or “unless otherwise agreed” by the relevant highway authority or the ‘relevant planning authority’, such approval or agreement may only be given in relation to minor or immaterial changes and where it has been demonstrated to the satisfaction of the relevant highway authority or the ‘relevant planning authority’ that the subject matter of the approval or agreement sought <b>is unlikely to</b> give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement”.</i></p> <p>No explanation for this provision is given in the Explanatory Memorandum [APP-035]. While it is precedented, the precedents usually include “does not” instead of “is unlikely to”. (See, for example, paragraph 1(3) of Schedule 2 (requirements) of the Sizewell C (Nuclear Generating Station) Order 2022 (S.I.2022/853)).</p> <p>SCC considers “does not” should be included in paragraph 1(4) and, if the Applicant disagrees, SCC requests the Applicant provides an explanation.</p> <p><b><u>Requirement 4 (Management Plans)</u></b></p> <p>Requirement 4(1) requires compliance with the specified management plans. SCC would support such a provision, in principle, provided that</p>	<p><b><u>Paragraph 1 (Interpretation)</u></b></p> <p>The Applicant refers by way of comment to the Applicant's written summaries of oral submissions to the Issue Specific Hearing 2 (<b>document 8.6.2.2</b>).</p> <p>The Applicant has amended Paragraph 1(4) of Schedule 3 in line with the Council's suggestion. Paragraph 1(4) now uses the words “does not” in place of “is unlikely to”.</p> <p>This change is also documented in the Applicant's Schedule of Changes to the dDCO (<b>document 8.4.2 (C)</b>).</p> <p><b><u>Requirement 4 (Management Plans)</u></b></p>



Reference	Topic	Suffolk County Council Response	Applicant's Comments
		<p>the content of the management plans was either (a) sufficiently detailed and precise at this stage so that they could be satisfied during the Examination process that the management plans would ensure that a satisfactory form of development would come forward (and that unsatisfactory ways of achieving the development were precluded) or (b) that the content of the management plans included explicit provision for the preparation of more detailed plans, which would be subject to a further approval process. However, as matters stand, the Applicant has structured the dDCO so that there are 'high level' management plans that are to be certified documents but which are light on detail and leave too many matters at large and yet the dDCO does not require any further approval process in relation to matters which are not satisfactorily specified in the management plans. SCC does not see this as acceptable and would ask the Applicant to review its approach in this regard.</p> <p><b><u>Requirement 5 (Approval and implementation of Drainage Management Plan)</u></b></p> <p>Since highway authorities are responsible for, amongst other things, providing and managing highway drainage and roadside ditches, SCC considers the highway authority should grant the relevant drainage approvals under Requirement 5 and that the Requirement should be amended as follows –</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 (DMP), to address operational surface water management matters, has been submitted to and approved by the <b><u>relevant planning highway</u></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 (DMP) referred to in sub-paragraph (1) or with any amended Drainage Management Plan (DMP) that may subsequently be approved by the <b><u>relevant planning highway</u></b> authority."</i></p> <p><b><u>Requirement 6 (Archaeology)</u></b></p>	<p>The Applicant refers to its comments at pages 106-107 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [<b>REP3-049</b>].</p> <p>The Applicant also notes that the Council committed during Issue Specific Hearing 2 held on Wednesday 8 November 2023 to providing tangible examples of details which the Council consider to be missing from the current Management Plans (see AP4 in the Examining Authority's record of Action Points from Issue Specific Hearing 2 [<b>EV-045</b>]).</p> <p><b><u>Requirement 5 (Approval and implementation of Drainage Management Plan)</u></b></p> <p>The Applicant has amended Requirements 5(1) and 5(2) of Schedule 3 in line with the Council's suggestion. Both sub-paragraphs now refer to approval by the 'highway authority' as opposed to the "<b>relevant planning authority</b>".</p> <p>This change is also documented in the Applicant's Schedule of Changes to the dDCO (<b>document 8.4.2 (C)</b>).</p> <p><b><u>Requirement 6 (Archaeology)</u></b></p> <p>The Applicant refers to its comments at pages 42-43 (inclusive) of the Applicant's Comments on Suffolk County</p>

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		<p>The justification for Requirement 6 is set out in paragraphs 8.45 to 8.52 of the Local Impact Report [REP1-045].</p> <p>SCC considers Requirement 6 should be drafted as follows –</p> <p><i>“(1) The authorised development must be undertaken in accordance with the Archaeological Framework Strategy and the Outline Written Scheme of Investigation (OWSI).</i></p> <p><i>(2) No stage of the authorised development may commence until either a Preservation in situ management plan, or a Detailed Written Scheme of Investigation of areas of archaeological interest relevant to that stage (if any) as identified within the OWSI or identified through evaluation work as set out in the OWSI has been submitted to and approved by SCC.</i></p> <p><i>(3) Any Detailed Written Scheme of Investigations must be in accordance with the OWSI and must identify areas where archaeological works are required and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found. Any Detailed Written Scheme of Investigation must include:</i></p> <ul style="list-style-type: none"> <li><i>(a) an assessment of significance and research questions</i></li> <li><i>(b) the programme of methodology of site investigation and recording</i></li> <li><i>(c) the programme for post-investigation assessment</i></li> <li><i>(d) provision to be made for analysis of the site investigation and recording</i></li> <li><i>(e) provision to be made for archive deposition of the analysis and records of the site investigation</i></li> <li><i>(f) nomination of a competent person or persons/organisation to undertake the works set out within the Detailed Written Scheme of Investigation</i></li> <li><i>(g) an implementation timetable.</i></li> </ul>	<p>and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049]. In response to SCC, the Applicant has also added a reference to the need to produce Detailed Written Scheme of Investigations within the REAC submitted at Deadline 4 (<b>document 7.5.2 (C)</b>).</p> <p>As the Outline Written Scheme of Investigation (<b>AS-001</b>) secures these points and now further reference has also been included in the REAC (<b>document 7.5.2 (C)</b>), the Applicant does not agree that the amendments to Requirement 6 proposed by the Council are necessary.</p>

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		<p>(4) Any archaeological works must be carried out in accordance with the approved Detailed Written Scheme of Investigation for that stage.</p> <p>(5) No later than three years from commencement of the authorised development, post-investigation assessment must be completed for all stages in accordance with the programme set out in the OWSI and the Detailed Written Schemes of Investigation, and provision made for analysis, publication and dissemination of results and archive deposition secured in accordance with a scheme-wide Updated Project Design and timetable that has been submitted to and approved by SCC.”</p> <p>It will be noted that this version of Requirement 6 is slightly different from the version included in the Local Impact Report: in paragraphs (2) and (5), references to “<b>relevant planning authority</b>” have been replaced with “SCC”. This is an appropriate change because SCC is responsible for archaeological services in Suffolk.</p> <p><b><u>Requirement 7 (Construction Hours)</u></b></p> <p><u>Paragraph 1: the core hours</u></p> <p>Paragraph (1) of Requirement 7 states –</p> <p><i>“Subject to sub-paragraphs (2) and (3), work 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 ‘<b>relevant planning authority</b>’”.</i></p> <p>While these core hours are included in other National Grid DCOs (for instance, Requirement 7 of both the National Grid (Richborough Connection Project) Development Consent Order 2017 (S.I.2017/817) and the National Grid (Hinkley Point C Connection Project) Order 2016 (S.I.2017/49)) no justification for their duration is provided in the Explanatory Memorandum [<b>APP-035</b>], which simply states: “Core construction hours are included at sub-paragraph (1)”.</p> <p>This approach is inconsistent with that required in Advice Note 15, which states –</p>	<p><b><u>Requirement 7 (Construction Hours)</u></b></p> <p><u>Paragraph 1: the core hours</u></p> <p>The Applicant refers by way of comment to the Justification for Construction Working Hours [<b>REP3-045</b>].</p> <p>The Applicant also refers to the Applicant's Written Summaries Of Oral Submissions to the Issue Specific Hearing 2 (<b>document 8.6.2.2</b>) and to the Applicant's Response to the November Hearings Action Points (<b>document 8.6.3</b>) – specifically the responses to AP1 and AP2 as set out in the Examining Authority's record of Action Points from Issue Specific Hearing 2 [<b>EV-045</b>]).</p> <p>Taking account of the above, the Applicant does not agree that the amendments to Requirement 7(1) proposed by the Council are necessary.</p>

Reference	Topic	Suffolk County Council Response	Applicant's Comments
		<p><i>"If a draft DCO includes wording derived from other made DCOs, this should be explained in the Explanatory Memorandum. The Explanatory Memorandum should explain why that particular wording is relevant to the proposed draft DCO ... the ExA and Secretary of State will need to understand why [the wording] is appropriate for the scheme applied for". [Paragraph 1.5].</i></p> <p>Owing to the lack of information in the Explanatory Memorandum, it is difficult for SCC to understand why these core hours have been chosen for this project.</p> <p>While SCC would prefer the weekday core hours to end at 1800 rather than 1900 (it will be remembered that, by Requirement 7(3), the core hours exclude start up and close down activities up to 1 hour either side of the core working hours, meaning activities could end at 2000), SCC is particularly concerned by the duration of core hours for weekends and Bank Holidays and their impact on public amenity and tourism. For instance, there are numerous residential and tourist facilities along the project route, including Polstead Heath village near to the Sealing End compound and Hintlesham Hall, which is a well-known wedding venue.</p> <p>In the light of its concerns, SCC considers Saturday hours should be between 0800 and 1300 and there should be no working on Sundays and Bank Holidays. The Secretary of State considered a similar approach appropriate in the East Anglia ONE North Offshore Wind Farm Order 2022 (S.I.2022/432). Requirement 24 of that Order states the core hours are "between 0700 hours and 1900 hours Monday to Friday and 0700 hours and 1300 hours on Saturdays, with no activity on Sundays or bank holidays", subject to certain exceptions listed in sub-paragraph (2).</p> <p>Absent justification from the Applicant – which takes account of the SCC's concerns – for (i) the need for Sunday and Bank Holiday working on this project and (ii) for weekend working to end at 1700, rather than at 1300, SCC considers paragraph (1) should be amended as follows –</p> <p><i>"Subject to sub-paragraphs (2) and (3), work may only take place between 0700 and 1900 Monday to Friday and between 0800 and</i></p>	

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		<p><del>1700</del> <b>1300</b> on Saturdays, <b>with no activity on</b> Sundays <b>and</b> or Bank Holidays (the core working hours), unless otherwise approved by the 'relevant planning authority'".</p> <p>[Deletions shown struck-through; amendments in bold].</p> <p>While the hours are shorter than sought by the Applicant, amended paragraph (1) would still allow the SCC to approve departures from the core hours, providing flexibility in the event it is required.</p> <p><u>Paragraph 2: exceptions to the core hours</u></p> <p>Paragraph (2) of Requirement 7 lists 10 operations which may take place outside the core working hours referred to in paragraph (1). While paragraph 4.3.22 of the Explanatory Memorandum states "...sub-paragraph (2) lists a number of activities which are not subject to the core working hours", it does not explain why each operation should be able to take place outside of core hours for this project.</p> <p>It is noted the list of operations is longer than in the equivalent provision of the Richborough and Hinkley Point C Connection Project Orders mentioned above.</p> <p>SCC would again welcome an explanation of why the operations should be able to take place outside the already extensive core hours. SCC does not consider an explanation is required in respect of exception (h): "activity necessary in the instance of an emergency where there is a risk to persons or property".</p> <p><b><u>Requirement 10 (implementation and maintenance of reinstatement planting scheme)</u></b></p> <p>Paragraph (3) states –</p> <p><i>"Any trees or hedgerows planted as part of an approved reinstatement planting scheme that, within a period of 5 years after planting, are removed, die or become in the opinion of the 'relevant planning authority' seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless otherwise approved by the 'relevant planning authority'".</i></p>	<p><u>Paragraph 2: exceptions to the core hours</u></p> <p>The Applicant refers to its comments at pages 109-110 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].</p> <p><b><u>Requirement 10 (Reinstatement Planting)</u></b></p> <p>The Applicant refers to its response to DC1.6.92 provided in the Applicant's Responses to First Written Questions [REP3-052].</p>

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		The reference to “5 years” should be changed to “10 years”, which would provide greater ecological improvements.	
DC1.6.104(j)	Schedule 4 (Discharge of Requirements)	<p><b><u>In Schedule 4, the timeframes for determining applications by SCC after consent is granted need to be extended and the fees proposed for determining application are woefully low and need to be increased.</u></b></p> <p>Please see the reply to DC1.6.102.</p>	The Applicant refers to its comments at pages 111-113 (inclusive) of the Applicant's Comments on Suffolk County and Babergh Mid Suffolk District Councils' Local Impact Report [REP3-049].

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