



Norwich To Tilbury

Nationally Significant Infrastructure Project (NSIP) (“the NSIP”)

Braintree District Council ([REDACTED])

Submissions:

- Response to Applicant's Comments on Local Impact Reports (REP2-030)

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Glossary of Abbreviations

ALC – Agricultural Land Classification
BDC – Braintree District Council
BMV – Best and Most Versatile (agricultural land)
BNG – Biodiversity Net Gain
BPM – Best Practicable Means
B2T – Bramford to Twinstead (National Grid DCO project)
CoCP / OCoCP – Code of Construction Practice / Outline Code of Construction Practice
CTMP – Construction Traffic Management Plan
DCO – Development Consent Order
DWSI – Detailed Written Scheme of Investigation
EACN – East Anglia Connection Node
ECC – Essex County Council
ECoW – Ecological Clerk of Works
EIA – Environmental Impact Assessment
ES – Environmental Statement
ExA – Examining Authority
LCA – Landscape Character Area
LEMP / OLEMP – Landscape and Ecological Management Plan / Outline Landscape and Ecological Management Plan
LIR – Local Impact Report
LoD / LOD – Limit(s) of Deviation
LPA – Local Planning Authority
LVIA – Landscape and Visual Impact Assessment
NSIP – Nationally Significant Infrastructure Project
NSR – Noise Sensitive Receptor
OAMS-OWSI – Outline Archaeological Mitigation Strategy – Outline Written Scheme of Investigation
PRF – Potential Roost Feature
PRoW – Public Right of Way
REP – Examination Library Representation
RR – Relevant Representation
SoCG – Statement of Common Ground
WSI – Written Scheme of Investigation

2 **Introduction**

2.1 **Purpose of Report**

2.1.1 This report comprises Braintree District Council's ("the Council") response to the Applicants Comments on Local Impact Reports (REP2-030).

2.2 **Format and Content of Response**

2.2.1 This report will focus on responding (as appropriate) to comments made by the Applicant in response to the Council's Local Impact Report (REP1-148).

2.2.2 It should be noted that the Council also responded to the Applicant's comments on our Relevant Representations. This response is contained within REP2-033.

2.2.3 Many of the responses previously submitted within REP2-033 remain relevant, as it appears that the Applicant's position has not materially changed on several issues.

2.2.4 In such circumstances, the Council will generally not repeat previous responses and will instead ensure that the SOCG submitted at deadline 4 reflects the latest position between the parties.

2.3 **General Comments on REP2-030 (Applicant Comments on LIR's)**

2.3.1 The Council is concerned with the Applicant's approach to responding to its Local Impact Report. The response is structured predominantly on a topic-by-topic basis rather than responding directly to each Local Authority's individual points. While the Council recognises that the Applicant has had to respond to multiple Local Impact Reports, this approach has made it more difficult to navigate and to clearly identify how Braintree District Council's specific concerns have been addressed. This is particularly the case where nuances within broader topic areas are unique to Braintree District, or where a single topic encompasses multiple distinct strands of concern.

2.3.2 That said, the Council acknowledges that within some topic areas the Applicant has sought to address specific comments raised by the Council. However, these responses are not consistently signposted, and in several instances it is unclear whether the Applicant is responding to Braintree-specific issues or making general statements applicable across multiple authorities. As a result, the Council considers that the Applicant's response would have benefited from clearer cross-referencing to individual Local Impact Reports to assist understanding and scrutiny by both the Council and the Examining Authority.

2.4 Summary

2.4.1 The Council respectfully requests that the ExA gives careful consideration to the responses contained within this document when determining how the examination should proceed and what matters should be taken into account.

3 Comments on REP2-030 (Applicants comments on LIR's)

3.1 Introduction

3.1.1 This section of the report reviews the Applicant's comments on the Local Impact Reports (LIRs).

3.1.2 It is separated by topic below for ease of navigation.

3.2 Noise and Vibration

3.2.1 Table 4.22 of REP2-030 covers specific responses on noise matters.

3.2.2 In its Local Impact Report (REP1-148), the Council raised concerns that (a) the Applicant's noise and vibration assessment did not reflect a credible worst-case scenario due to the flexibility allowed by the Limits of Deviation (LoD), and (b) the assessment relied on an assumed 10 dB reduction from Best Practicable Means (BPM) that may not be achievable in practice given the extensive working hours proposed, leading to a risk of under-predicting likely impacts on Noise Sensitive Receptors (NSRs).

Issue (a): Limits of Deviation and Worst-Case Assessment

3.2.3 In response to (a), the Applicant states that worst-case pylon positions were assessed based on limited movement available due to other constraints, and that further detailed assessments would be undertaken by the Main Works Contractor(s).

3.2.4 While the Council acknowledges that a proportionate approach must be taken when considering the LoD, the Applicant's response does not provide assurance that a true worst-case scenario has been assessed. The LoD allows movement of pylons and construction areas in all directions within the Order Limits, yet the Applicant has not identified what "other constraints" would practically limit this flexibility. In any case, should such constraints change during detailed design or contractor development, works could be positioned materially closer to NSRs than assumed,

resulting in higher noise levels than those reported in the ES—particularly in the rural context highlighted in the LIR.

- 3.2.5 The Council also notes the Applicant’s reference to a further review of potential pylon movement within the LoD; however, this analysis has not been provided to the Council for scrutiny and therefore cannot be relied upon as evidence that no significant adverse effects would arise.
- 3.2.6 The Applicant’s position that detailed assessments will be undertaken later by the Main Works Contractor(s) does not address the Council’s concern that the ES must already demonstrate a robust worst-case assessment at DCO stage. Deferring evidence and relying on BPM, without enforceable limits or confirmed mitigation feasibility, does not provide the necessary certainty for Local Authorities or affected communities.

Issue (b): BPM and the Assumed 10 dB Reduction

- 3.2.7 In response to (b), the Applicant argues that the Council has misunderstood the basis of the 10 dB BPM reduction, stating that the ES already presents a “reasonable worst case” using the noisiest plant, worst-case tasks, simultaneous activities, the nearest point within the LoD, and an unmitigated baseline. They categorise receptors into those below 65 dB and “hot-spots” between 65–75 dB where mitigation may be required, asserting that none exceed 75 dB and that actual levels are likely to be lower once contractor refinements, quieter plant, site layout, screening, or BPM measures are applied. They emphasise that the Main Works Contractor(s) will undertake detailed noise assessments at a later stage and apply temporal restrictions where necessary.
- 3.2.8 The Council does not agree that the Applicant has demonstrated a clear or robust worst-case assessment. The Applicant’s argument relies heavily on assumptions that future refinements, quieter plant, optimised layouts, non-simultaneous activities, screening, or alternative methods, will reduce noise, none of which are secured at DCO stage. The Council’s concern is

not about misunderstanding BPM but about the Applicant's reliance on optimistic assumptions rather than demonstrating that the ES has assessed the full range of noise levels permitted by the LoD. Furthermore, despite repeated references to additional analysis (including the wider LoD review and "hot-spot" evidence), none of this material has been shared with the Council. Without it, the Council cannot verify the Applicant's claims that no NSR would face significant effects or that mitigation would not require reductions of 10 dB or more.

- 3.2.9 The Council requested further evidence via email from the Applicant on 2 February 2026, including pylon construction compound area data and the list of receptors predicted to experience significant adverse effects without mitigation. This information is essential for the Council to understand the likely scale of impacts and whether additional mitigation or temporal restrictions would be required. To date, this information has not been provided, and no further technical discussions have taken place since 30 January 2026.
- 3.2.10 When the Council sought an update on potential temporal restrictions, the Applicant indicated that they are still "considering it", alongside multiple other information requests. In the absence of this evidence, the Council remains concerned that the ES underestimates the potential for significant adverse noise impacts and that the DCO does not secure adequate safeguards or enforceable controls to protect sensitive receptors during construction.
- 3.3 Archaeology
- 3.3.1 Historic Environment is included under section 4.9 and Table 4.16 provides the Applicants response to new matters and clarifications from the Local Impact Report [REP1-148].

Key Areas of Disagreement

- 3.3.2 The Council agrees with the statement (4.9.3) that for archaeology the key areas of disagreement remain around the archaeological evaluation and historic environment mitigation provisions within control documents and 3.1 Draft Development Consent Order [APP-056].
- 3.3.3 This is reflected in the Statement of Common Ground where two key matters remain not agreed, including:
- *mitigation measures and*
 - *draft DCO.*
- 3.3.4 More details are provided on these areas below.

Mitigation Measures

- 3.3.5 Many of the Applicants responses to points raised in the LIR [REP1-148] make reference to the Outline Archaeological Mitigation Strategy-Outline Written Scheme of Investigation (OAMS-OWSI) [APP-328]. This document will be a control document for any mitigation and is directly referenced in the DCO. At present, this document remains a draft, is unapproved, and does not demonstrate a clear, deliverable programme to evaluate and mitigate the development impacts. The Applicant has received comments from the relevant authorities and Historic England and has indicated that a revised version will be available for review by deadline 4. This document will need to be agreed and accepted by the relevant authorities to ensure timely discharge of Requirements following consent as archaeology is often dealt with early in the pre-construction process. It has been demonstrated on other National Grid NSIPs that failure to agree this document can lead to significant delays to the programme.

Schedule of Changes to the Draft DCO [REP2-005 & REP2-008]

- 3.3.6 The Council's LIR [REP1-148] requested amendments to 5(4) of the draft DCO [APP-056] to include the requirement for the submission of a detailed WSI for any pre-commencement operations. The Applicant considers that the outline management plans provide effective control over all pre-commencement works and operations, noting that the approach mirrors that adopted on other recent projects, including the Bramford to Twinstead project. This point is raised above and further considered in the response to Examining Authority's (ExA's) written questions (ExQ1 DCO1.58). The agreement of an appropriate OAMS-OWSI within the determination period is critical to the undertaking of appropriate and timely archaeological and geoarchaeological mitigation post consent.
- 3.3.7 An additional substage, 5(5), was also requested to secure provision of a post excavation report, publication and archive. The Applicant does not consider it necessary to amend Requirement 5 to include post-excavation works (Table 4.16 Point 10.9.1-2). They state the preparation of the Project archive, post excavation assessment and subsequent analysis and publication phases would be undertaken in accordance with the DWSI(s).
- 3.3.8 At present the DCO wording for Archaeology [REP2-005 and 008] does not secure timescales for delivery of the Post-Excavation Assessments. This will be required to ensure the post-excavation process can be tracked and monitored to ensure the timely production of fieldwork results and long-term storage where appropriate.
- 3.3.9 This is discussed further in the response to ExA's written questions ExQ1 DCO 1.S8.

Points which have been resolved

- 3.3.10 Revisions to the wording of H06 in 7.2 Outline Code of Construction Practice [APP-300] were requested in the LIR [REP1-148] to provide further

measures for mitigation to Protected Lanes. The Applicant addresses these points (10.5.28, 10.81 and 10.86) through the revision of H06 of 7.2 Outline Code of Construction Practice [Revision B] [REP2-015 & REP2-017] and 7.4 Outline Landscape and Ecological Management Plan [Revision C] [REP2-019].

- 3.3.11 While further measures have been included to mitigate harm to any Protected Lanes within the District there may remain impact to the setting and historic integrity of the lane. This is discussed further in the response to ExA's written questions ExQ1 HE 1.39.

3.4 Ecology

- 3.4.1 This matter is discussed at Table 4.10 of REP2-030.

- 3.4.2 The Council has reviewed the Applicant's latest responses on ecological matters and, while some progress is noted, a number of important concerns remain unresolved.

- 3.4.3 First, the Applicant continues to propose only a five-year management period for replacement planting outside the designated Environmental Areas. While the Council recognises that the Applicant has provided references suggesting five years represents a minimum industry standard, the Council remains concerned that—particularly given the scale of habitat loss, the sensitivity of affected receptors, and the rural landscape context—a five-year commitment is insufficient to ensure successful establishment, and is likely to result in a non-negligible rate of reinstatement failure. This is consistent with the Council's wider concerns in the LIR about restoration success and medium-term ecological impacts. The Council wish to see this period extended to at least 10 years.

- 3.4.4 Second, the Applicant has confirmed that mitigation for potential bat roost tree impacts would be addressed through a project-wide Natural England mitigation licence, including an agreed percentage of trees with potential

roost features (PRFs) assumed likely to support roosting bats, and a range of roost-specific compensation measures (e.g., bat boxes, veteranisation). While this is a step in the right direction, the Council considers that this approach requires further clarification. In particular, it would be preferable and more transparent for Local Planning Authorities to be able to review the draft Project-wide Bat Mitigation Licence prior to consent, given the scale of tree loss identified and the evidence gaps previously raised in the LIR regarding roost survey sufficiency.

- 3.4.5 Third, the Applicant agrees in principle to establishing an Ecology Working Group post-consent. While welcome, the proposed remit is currently too limited, focusing primarily on progress updates. The Council considers it essential that the Working Group be granted a wider and more meaningful role, including reviewing monitoring results, advising on necessary changes to mitigation, and undertaking site inspections where appropriate. This is necessary to ensure that ecological mitigation is being delivered and adapted effectively throughout the construction phase.
- 3.4.6 Fourth, the Applicant's commitments regarding the Ecological Clerk of Works (ECoW) remain weak. The response indicates only that details of individuals fulfilling this role will be made available post-consent through the final Landscape and Ecological Management Plans. Given the project's scale and its ecological sensitivities, the Council considers this approach inadequate. Clearer and firmer commitments are required now, particularly regarding ECoW qualifications, experience, independence, and supervisory authority, to provide assurance that ecological risks will be properly managed during construction.
- 3.4.7 Finally, the Applicant's position on Biodiversity Net Gain (BNG) remains unchanged. While the Council acknowledges that BNG is not yet mandatory for NSIPs, and recognises that no statutory NSIP BNG standard currently applies, the Council remains concerned that the Applicant's reliance on five-year management (see above) and the limited detail on

long-term habitat creation and enhancement means that the overall ecological compensation package is less robust than the scale of impacts warrants.

- 3.4.8 In summary, while some clarification has been provided, the Council maintains that greater certainty is required at Examination stage across several key ecological matters—including replacement planting success, bat roost compensation, the scope of the Ecology Working Group, and the adequacy of ECoW provision—in order to ensure that ecological impacts are fully and appropriately mitigated.

3.5 Agriculture and Soils

- 3.5.1 The Council's response on agriculture and soils is set out in Table 4.6 (pages 265–269 of REP2-030). Having reviewed the Applicant's responses to questions 12.4.11 to 12.6.4, the Council remains concerned that limitations in survey methodology and the reliance on predictive modelling introduce uncertainty into the assessment of baseline soils conditions, Best and Most Versatile (BMV) land take, and reinstatement outcomes.

Response to 12.4.11 and 12.4.12 (Table 4.6)

- 3.5.2 The Council notes the Applicant's position that, although the whole Study Area was not subject to a detailed Agricultural Land Classification (ALC) survey, most soil types are sensitive to handling and therefore the precise distribution of soil types is not critical to the assessment. While the Council accepts that soil sensitivity is an important factor in determining the overall significance of effects, this does not remove the need for a sufficiently robust understanding of baseline soil conditions across the entirety of the Order Limits.
- 3.5.3 The Council welcomes the Applicant's commitment, set out within ES Chapter 6 – Agriculture and Soils [APP-138] and the Outline Soil Resource Plan contained within the Outline Code of Construction Practice [APP-303],

to undertake post-consent / pre-construction soil surveys in areas where a detailed ALC survey was not carried out. However, the Council notes that the Outline Soil Resource Plan does not currently specify the scope, methodology, or survey density of those post-consent surveys. Although the Applicant refers to survey densities of one auger per hectare, or one auger per 100 metres for a linear scheme, this is not secured within the Outline Soil Resource Plan. The Council therefore considers that minimum survey density and methodology should be explicitly specified at outline stage to provide an enforceable framework for discharge of Requirements.

- 3.5.4 The Council also seeks clarification that the Applicant's commitment to post-consent surveys applies to all areas graded using predictive ALC methods, and not only areas partially investigated during the original survey programme. Predictive ALC grading is desk-based and does not constitute survey, and without confirmation that these areas will be included, uncertainty remains regarding baseline soil conditions across the Order Limits.

Response to 12.4.16 (Table 4.6)

- 3.5.5 The Council's soil specialist has reviewed the Applicant's explanation of soil pit excavation and does not consider that the methodology followed accords with best practice for a detailed ALC survey. The reduced excavation of soil pits, and reliance on auger data to infer deeper soil conditions, limits the ability to accurately determine soil structure, stone content, and horizon characteristics. Augering disturbs soil structure and cannot reliably distinguish key features relevant to wetness and droughtiness calculations, nor can it accurately assess stone content greater than approximately 6cm, which is a critical parameter for ALC grading. These limitations are particularly significant given that the ALC survey data has been used to inform predictive modelling across wider areas.

3.5.6 The Council's specialist also does not consider that the Applicant's reliance on methodologies used in the Natural England Natural Capital and Ecosystem Assessment to be relevant in this context. Those surveys did not seek to determine ALC grade and typically relied on shallow Visual Evaluation of Soil Structure (VESS) pits, which cannot provide the information required to calculate soil wetness and droughtiness. Applying a comparable approach to an ALC survey does not reflect established best practice.

Response to 12.4.17 (Table 4.6)

3.5.7 In relation to particle size distribution (PSD) sampling, the Council acknowledges that laboratory testing to verify field hand texturing, supported by reference materials and oversight from experienced soil scientists, represents good practice to an extent. However, given the scale and complexity of the survey area, the Council's specialist considers that the number of PSD samples taken is limited. Small changes in clay content can be difficult to detect through hand texturing alone and may result in soils moving between texture classes that carry different wetness and droughtiness limitations. Limited PSD sampling therefore reduces confidence that fine-scale variability has been fully captured, particularly where survey findings have been extrapolated beyond surveyed locations.

Response to 12.5.6 (Table 4.6)

3.5.8 The Council further notes that, while the overall effect on soils may be assessed as significant due to the scale of the Study Area, this does not remove the importance of accurately quantifying the extent and distribution of BMV land affected by the development. The Council's soil specialist advises that reliance on predictive ALC modelling introduces the potential for over- or under-estimation of BMV land take, particularly where field survey data are limited or have been adjusted by the predictive model.

Response to 12.6.4 (Table 4.6)

- 3.5.9 Finally, the Council has reviewed the Applicant's position on reinstatement and notes that, while baseline soil profile information is referenced, there is no explicit confirmation of the baseline against which reinstatement success will be measured. In particular, the Applicant does not confirm whether reinstatement is intended to return land to its baseline ALC grade. The Council considers this distinction important, especially where BMV land is affected, as soil physical characteristics alone do not equate to agricultural land quality.
- 3.5.10 Accordingly, the Council seeks clarification that reinstatement will restore land to its baseline ALC grade, and that this outcome will be secured through appropriate aftercare, monitoring, and remedial mechanisms where reinstatement is not initially successful. Without such confirmation, uncertainty remains as to how reinstatement success will ultimately be defined and enforced.
- 3.6 Draft DCO
- 3.6.1 The Applicant has responded to the Council's specific points on the draft DCO on in table 3.19, pages 129 – 140 of REP2-030.
- 3.6.2 Notwithstanding the Council's continued disagreement with the majority of the Applicant's responses in Table 3.19, the Council notes that in a limited number of instances the Applicant indicates that matters will be reviewed further, clarified at a later Examination deadline, or addressed post-consent through detailed design and management plans. The Council acknowledges these points where the Applicant has committed to further consideration; however, it remains important that such matters are not deferred to the extent that they remove certainty at Examination stage regarding the adequacy of control, mitigation, or enforceability through the draft DCO.

3.6.3 Owing to this, rather than listing all matters within this response, the Council will ensure that its position on each point is clearly set out within the relevant Statements of Common Ground, which are to be submitted at Deadline 4.

3.7 Other Topics

3.7.1 In respect of other topics including need, alternatives, landscape and visual impacts, arboricultural impacts, the historic environment (above ground), geology and hydrogeology, air quality and emissions, cumulative effects, socio-economics and community benefits, the Council has no further substantive comments to make at this stage beyond those set out in its Local Impact Report (REP1-148) and its Deadline 2 response (REP2-033).

3.7.2 It is apparent that a number of the matters raised by the Council are not agreed by the Applicant, and this position will be clearly reflected in the Statements of Common Ground to be submitted at Deadline 4.

3.7.3 The Council has also responded to a number of questions from the Examining Authority on these topics through its responses to the ExA's written questions, to be submitted at Deadline 3. The Council welcomes any further questions the Examining Authority may have on the matters raised, in order to assist with a proportionate and sound examination and decision-making process.

3.8 Summary

3.8.1 The Council has reviewed the Applicant's comments on the Local Impact Reports (REP2-030) and remains concerned that, across several topic areas, key matters raised by the Council have not been adequately resolved. In relation to noise and vibration, archaeology, ecology and soils in particular, the Council considers that the Applicant has not demonstrated robust worst-case assessments, sufficient certainty at DCO stage, or adequate control through draft requirements and management plans.

3.8.2 While some limited progress has been made, most notably on elements of historic environment mitigation and engagement structures, significant areas of disagreement remain, particularly where the Applicant relies on future contractor-led assessments or post-consent detail. These outstanding matters will be documented through the Statements of Common Ground to be submitted at Deadline 4, alongside further responses to the Examining Authority where appropriate.