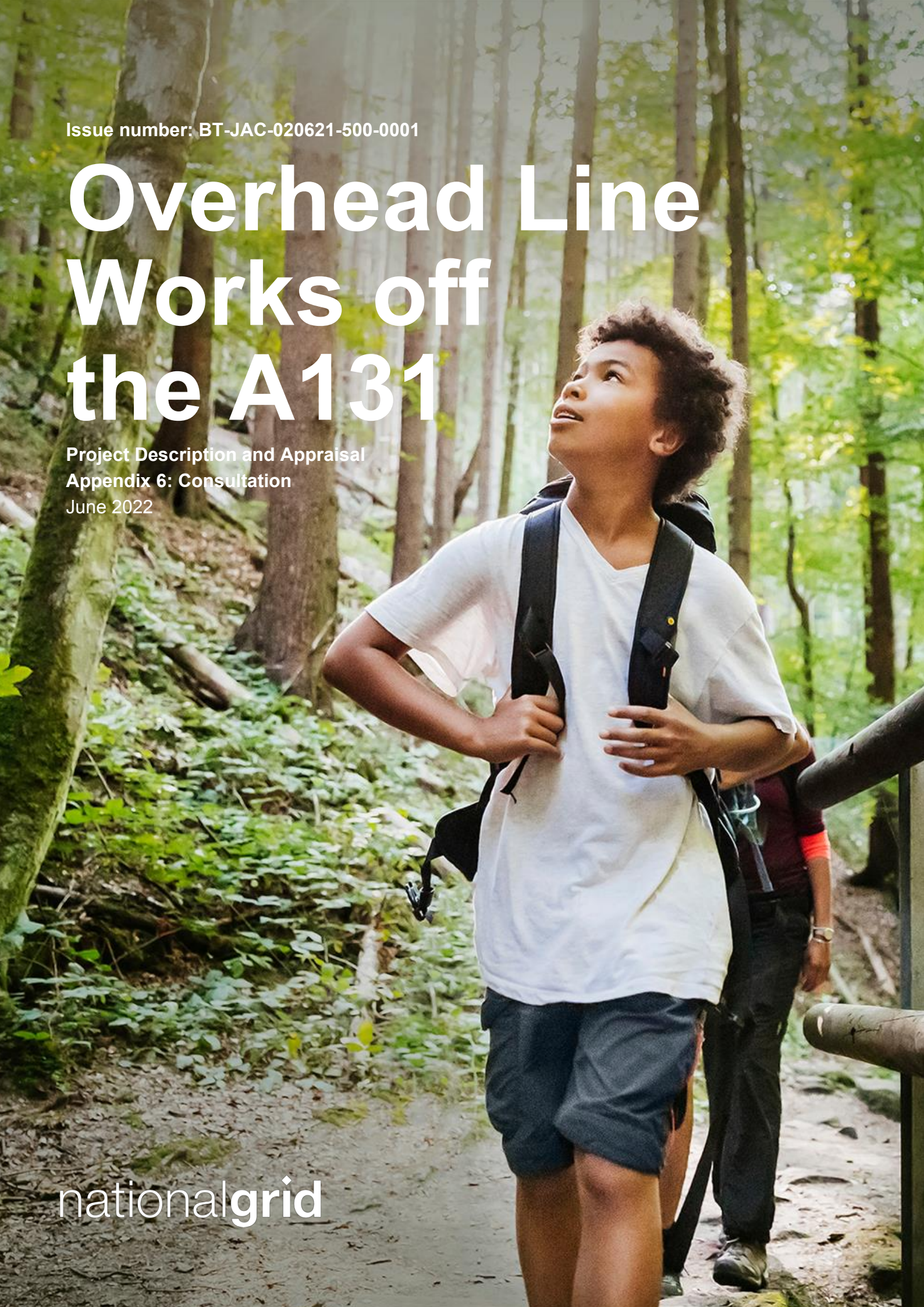


Issue number: BT-JAC-020621-500-0001

Overhead Line Works off the A131

Project Description and Appraisal
Appendix 6: Consultation
June 2022

nationalgrid



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Appendix 6: Consultation

1.1 Consultation Summary

1.1.1 The table below sets out a summary of the Consultation undertaken, and the enclosures sent to each Consultee. Each Consultee was sent a bespoke letter, which is set out in this Appendix, although many of the enclosures to the letters were the same. Where a response has been received from the Consultee, this is also contained in this Appendix.

Consultation Body	Type of Consultation	Consultation Enclosures
Braintree District Council Consulted on 14 April 2022	<i>Form B Part 2</i>	EIA Screening Annex
	<i>Form B Part 3</i>	Form B (Type II)
	<i>Form B Appendix A</i>	Annex B The Statutory Consents Regime for Overhead Power Lines in England and Wales Under Section 37 of the Electricity Act 1989 (July 2014) Request for an EIA Screening Opinion for the GSP (TCPA) and Braintree's Screening Opinion Figure 1 – Location Plan Figure 2 – Accompanying Works Consenting Plan Figure 3 – Constraints Plan
Essex County Council Consulted on 14 April 2022	<i>Form B Part 2</i>	EIA Screening Annex Form B (Type II) The Statutory Consents Regime for Overhead Power Lines in England and Wales Under Section 37 of the Electricity Act 1989 (July 2014) Request for an EIA Screening Opinion for the GSP (TCPA) and Braintree's Screening Opinion Figure 1 – Location Plan Figure 2 – Accompanying Working Consenting Plan Figure 3 – Constraints Plan
	<i>Standard Consultation and Screening</i>	Annex 1: Proposed Works Figure 1 – Location Plan Figure 2 – Accompanying Working Consenting Plan Figure 3 – Constraints Plan Request for an EIA Screening Opinion for the GSP (TCPA)

Natural England Consulted on 18 March 2022	<i>Standard Consultation and Screening</i>	Annex 1: Proposed Works Figure 1 – Location Plan Figure 2 – Accompanying Working Consenting Plan Figure 3 – Constraints Plan Request for an EIA Screening Opinion for the GSP (TCPA)
Environment Agency Consulted on 18 March 2022	<i>Standard Consultation and Screening</i>	Annex 1: Proposed Works Figure 1 – Location Plan Figure 2 – Accompanying Working Consenting Plan Figure 3 – Constraints Plan Request for an EIA Screening Opinion for the GSP (TCPA)

1.1.2 For the avoidance of repetition, as many of the enclosures to the Consultees were the same, the following enclosures can be viewed on Braintree District Councils website by searching for 22/01015/OHL on the Council’s planning application search function (see here: <https://www.braintree.gov.uk/planning-building-control/view-comment-planning-applications>):

- The Statutory Consents Regime for Overhead Power Lines in England and Wales Under Section 37 of the Electricity Act 1989 (July 2014) (Guidance Note)
- Request for an EIA Screening Opinion for the GSP (TCPA) and Braintree’s Screening Opinion
- Figure 1 – Location Plan
- Figure 2 – Accompanying Working Consenting Plan
- Figure 3 – Constraints Plan

2. Braintree District Council

2.1 Covering Letter dated 14 April 2022 (no response received yet)

Attention: Mathew Wilde & Juliet Kirkaldy
Braintree District Council
Causeway House
Bocking End
Braintree
CM7 9HB

By email only: [REDACTED]

Copied to: [REDACTED]

14 April 2022

Document Title: BT-NG-020627-560-0033 - Consultation Under Section 37 of the Electricity Act & The Overhead Lines Exemption Regulations

Your Reference:

Dear Mathew and Juliet,

OVERHEAD LINE WORKS ASSOCIATED WITH PROPOSED GRID SUPPLY POINT SUBSTATION AT BUTLER'S WOOD, CONSULTATION UNDER SECTION 37 OF THE ELECTRICITY ACT (1989), CONSULTATION UNDER THE OVERHEAD LINES (EXEMPTION) (ENGLAND AND WALES) REGULATIONS (2009)

National Grid Electricity Transmission plc ('NGET') intends to submit an application pursuant to Section 37 of the Electricity Act 1989 to the Department for Business, Energy and Industrial Strategy (BEIS) in respect of certain overhead line works which are required to facilitate the construction and operation of a proposed grid supply point (GSP) substation off the A131, in the parishes of Bulmer and Twinstead.

We are required to write to you to request written feedback on the overhead line works for which Section 37 consent is required, including the potential for those works to cause likely significant effects, and also to request the provision of any additional information which your Authority considers would be necessary to accompany NGET's intended application to the Secretary of State for Section 37 consent.

As part of the application process for Section 37 consent, NGET is consulting with the host local planning authorities, Braintree District Council and Essex County Council, and statutory bodies for the potential for likely significant effects. These views will then be submitted to BEIS to help inform the decision-making process on the application. This is known as the '**Form B**' process.

In addition, NGET are also required to seek your views on certain works such as replacement pylons and temporary diversion works, that may benefit from a Section 37 exemption as per the Overhead Lines (Exemption) (England and Wales) Regulations (2009) (hereafter referred to as 'the Exemption Regulations'). As part of this process, screening for likely significant environmental effects is required with the relevant local planning authority, and this is known as the '**Annex B**' process. Although, please note that Essex County Council and the statutory bodies are not party to the Annex B process.

The Wider Proposals

The overhead line works are required to facilitate the construction and operation of a proposed Grid Supply Point (GSP) substation in connection with the proposed reinforcement of the 400kV transmission network between Bramford Substation in Suffolk and Twinstead Tee in Essex. The role of the proposed GSP substation will be to facilitate the removal of approximately 25km of existing 132kV overhead line, which is proposed as part of the wider Bramford to Twinstead reinforcement project which is a Nationally Significant Infrastructure Project. A separate Town and Country Planning Act application will also be submitted to Braintree District Council in Spring 2022 for the proposed GSP substation. The location of the proposed works is shown in Figure 1.

Proposed Works under Section 37

NGET requires consent under Section 37 of the Electricity Act 1989 for the following works (the overhead line works are shown on Figure 2):

1. A temporary diversion of the existing 400kV overhead line between Butler's Wood and Waldegrave Wood, off the A131. The temporary diversion would be for the northern circuit only, be in place for up to a year and be approximately 700m long. It would cover two spans and include up to two temporary pylons with a height of between approximately 44m and 48m above ground level. The existing 400kV overhead line pylons are approximately 50m above ground level.

2. New air insulated conductors forming part of a new 132kV cable sealing end platform pylon (the new cable sealing end platform pylon itself replaces an existing tower and is exempt from the requirement for s37 consent). The air insulated conductors are similar to downloads and would be less than 15m in length.

Proposed Section 37 Consent Application

The Section 37 consent application to BEIS will be supported by the following documents as listed in the table below:

Application Document	Description
Site Location Plan	To identify the land in question.
Form B completed by Braintree District Council, Essex County Council, and the statutory bodies	To comply with the requirements of the Section 37 consents process.
Proposed layout of the 400kV overhead line diversion	To identify the proposed works pursuant to the Section 37 application.
Proposed works to the 132kV platform tower	To identify the proposed works pursuant to the Section 37 application.
Environmental Appraisal	An Environment appraisal of the proposed works.
Constraints Plan	To outline any environmental constraints surrounding the proposals.

Environmental Impact Assessment (to assist with the completion of Appendix A of Form B and Annex B)

NGET does not consider that the overhead line works have potential to cause likely significant effects for the reasons set out in Annex 1 (Environmental Impact Assessment (EIA) Screening) of this letter. As such, NGET does not consider the works comprise EIA development according to Electricity Works (EIA) (England and Wales) Regulations 2017.

It is instructive to note that a request for an EIA Screening Opinion for the proposed GSP substation pursuant to the Town and Country Planning (EIA) Regulations 2017 (as amended) also considered the proposed overhead line works which will be determined by BEIS in order to give a comprehensive understanding of the potential for likely significant cumulative effects resulting from the proposals as a whole. Therefore, in considering the requirement for the EIA for the proposed GSP substation, the screening assessment also had regard to the Electricity Works (EIA) (England and Wales) Regulations 2017 in relation to the proposed overhead line works.

It was concluded by Braintree District Council that there would be no likely significant effects for the proposed GSP substation either alone or in combination with the proposed overhead line works. In their

formal screening opinion, Braintree District council confirmed that a statutory EIA was not required for the proposed GSP substation. We enclose a copy of the Request for an EIA Screening Opinion with further baseline environmental information and Braintree District Council's subsequent Screening Opinion.

Request for Completion of Form B (Type II) and Appendix A (Screening)

The procedures for determining Section 37 consent applications are set out in a Guidance Note published by the Department of Energy and Climate Change¹ entitled '*The Statutory Consents Regime for Overhead Power Lines in England and Wales Under Section 37 Of the Electricity Act 1989 (July 2014)*', a copy of which is attached for your information. This Guidance Note provides an outline of the Section 37 consents process and in Section 4 provides guidance on the procedure for obtaining the views of the relevant Local Planning Authorities. However, we understand after speaking with BEIS, that despite being the most recent guidance, the note is yet to be updated to reflect current best practice and the new Form B (Type II). As such, there may be minor discrepancies between the guidance and the Form B. NGET are happy, therefore, to meet with your authority again on this matter to advise you on the process further and/or provide you with a contact at BEIS to speak with.

The Form B contains three parts:

1. Part One has been completed and signed by the Applicant (NGET).
2. Part Two and Three must be completed and signed by the relevant Local Planning Authority(s).
3. Appendix A also must be completed in respect to the relevant Local Planning Authority(s)' views under the Electricity Works (EIA) (England and Wales) Regulations 2017.

Enclosed with this covering letter are the following documents in relation to Form B (Type II) and Appendix A:

- Form B (Type II) notifying you of the application and requiring your Authority's position and observations on the proposed development. **Part Two and Three to be completed and returned within two months of receipt.**
- Appendix A of Form B requiring the Local Planning Authority's views under the Electricity Works (EIA) (England and Wales) Regulations 2017. **To be completed and returned within two months of receipt.**
- The Statutory Consents Regime for Overhead Power Lines in England and Wales Under Section 37 of the Electricity Act 1989 (July 2014) for guidance purposes only.

Procedural Matters (Form B)

- The Form B (Type II) and Appendix A requires completion by your Authority within two months of the date of receipt and should, therefore, be returned before 14 June 2022.
- Part Two of the Form B ('Certificate'), which will confirm whether or not your Authority wishes to object to the proposed development and Part Three of Form B ('Information and Observations') provides an opportunity for your Authority to propose conditions to be imposed on the proposed overhead line works pursuant to the Section 37 application.
- If your Authority objects to the proposed development, the Secretary of State (BEIS) may hold a public inquiry (Paragraph 2, Schedule 8, Electricity Act 1989).

¹ The Department of Energy & Climate Change became part of Department for Business, Energy & Industrial Strategy in July 2016

- Once you have completed the documents outlined above, please could your Authority send two copies directly to the contact details at the bottom of this letter (sebastian.stevens@nationalgrid.com). These will then be forwarded on to BEIS to enable the determination of the Section 37 application.
- When the application is made to BEIS, public notice of the application will be published in the newspapers that are available in the locality of the development. The public notice will state that copies of the full Section 37 consent application will be available for public inspection online and a hard copy will be available at the Council's offices.
- The documents should show a clear signature and an indication of the Authority on whose behalf the Form B Type II and Appendix A is signed. If provided in paper form the original signed copies should be sent to NGET, to be forwarded electronically to BEIS.

Proposed Works under the Exemption Regulations

NGET consider the following works exempt from Section 37 Consent under the Exemption Regulations:

1. Removal of an existing 132kV pylon (PCB98) and erection of a new 132kV cable sealing end platform pylon (PCB98A) in the same location (comprising a pylon with integrated cable sealing end platform). The proposed 132kV CSE platform pylon would be approximately 29.30m. The exact height of the existing pylon to be replaced is currently not known but the proposed 132kV CSE platform pylon is unlikely to be taller (relying upon an exemption set out in the Exemption Regulations (3(1)(e)).
2. 132kV cable connecting below ground electric line (to be delivered via permitted development rights) to the tower mounted cable sealing end unit. Cable attached to the base part of PCB98A for its entire length (relying upon an exemption set out in the Exemption Regulations (3(1)(a)).
3. Temporary diversion of the existing 132kV overhead line for approximately 650m (for approximately three months), with the lines being diverted either side of the existing tower on wooden pole structures or guyed steel structures, to facilitate installation of the new 132kV CSE platform pylon (relying upon an exemption set out in the Exemption Regulations (3(1)(c)).

Request for Completion of Annex B

The procedures for Local Planning Authorities engaged in the Annex B process are set out in a Guidance Note published by the Department of Energy and Climate Change entitled '*The Statutory Consents Regime for Overhead Power Lines in England and Wales Under Section 37 Of the Electricity Act 1989 (July 2014)*', a copy of which is attached for your information.

This form is used by Applicants to advise local planning authorities of proposed works to be undertaken within their designated area that are considered to be exempted under the Exemption Regulations. Local authorities have the right to invoke the full Section 37 process under the Electricity Act 1989 should it be considered necessary. NGET does not consider that the Annex B overhead line works have potential to cause likely significant environmental effects for the reasons set out in Annex 1 of this letter; as a consequence, it is considered that the development is exempt under the Exemption Regulations.

The Annex B Form contains two questions for completion by your authority, as follows:

- i. *(Objects/does not object for the proposed development detailed above to be undertaken under the exemptions laid down in The Overhead Lines (Exemption) (England and Wales) Regulations 2009.*

- ii. *Wishes/does not wish the Secretary of State to consider the application using the full section 37 process under the Electricity Act 1989.*

Procedural Matters (Annex B)

- **The Annex B requires completion by your Authority within six weeks of the date of receipt and should, therefore, be returned before 26 May 2022.**
- Once you have completed the documents outlined above, please could your Authority send two copies directly to the contact details at the bottom of this letter.
- The documents should show a clear signature and an indication of the Authority on whose behalf the Annex B is signed. If provided in paper form the original signed copies should be sent to NGET.

Summary

NGET would be most grateful if your Authority could please provide feedback on the proposed overhead line works via the completion of Form B Type II, Appendix A and Annex B. Please could you confirm receipt of this letter and if you need any further information or would like to arrange a meeting to discuss the requirements, please do not hesitate to make contact.

Host Authority Check List

1. Completion of Form B (Type II) Part 2, within two months.
2. Completion of Form B (Type II) Part 3 within two months.
3. Completion of Appendix A (Screening) within two months.
4. Completion of Annex B (Simplified Notification) within six weeks.
5. Send two copies of each form directly to the contact details at the bottom of this letter
([REDACTED])

Yours sincerely,

Seb Stevens
Consents Officer
New Infrastructure
[REDACTED]

National Grid Electricity Transmission
National Grid
Warwick Technology Park
Gallows Hill
Warwick
CV34 6DA

Enclosures:

1. EIA Screening Annex
2. Form B (Type II)
3. Annex B
4. The Statutory Consents Regime for Overhead Power Lines in England and Wales Under Section 37 of the Electricity Act 1989 (July 2014)
5. Request for an EIA Screening Opinion for the GSP (TCPA) and Braintree's Screening Opinion
6. Figure 1 – Location Plan
7. Figure 2 – Accompanying Works Consenting Plan
8. Figure 3 – Constraints Plan

EIA Screening Annex

NGET is seeking a screening decision from BEIS for the proposed overhead line works under the Electricity Works (EIA) (England and Wales) Regulations 2017, hereby referred to as the 'EIA Regulations.'

Development requiring an EIA in any event is set out in Schedule 1 of the EIA Regulations as follows:

1. *Development to provide any of the following:*
 - (a) *a nuclear generating station;*
 - (b) *a thermal generating station with a heat output of 300 megawatts or more;*
 - (c) *an electric line installed above ground with—*
 - (i) *a voltage of 220 kilovolts or more; and*
 - (ii) *a length of more than 15 kilometres.*
2. *Development to provide a change to or extension of a generating station, or an electric line, of a description set out in paragraph 1 where the change or extension in itself meets the thresholds, if any, or description set out in that paragraph.*

While part of the proposed overhead line works is to divert an existing 400kV overhead line, they are approximately 700m in length. Works to the existing 132kV overhead line do not meet the 220kV threshold. Therefore, none of the proposed overhead line works comprise Schedule 1 development.

Proposals may be deemed EIA development if they fall under in Schedule 2 of the EIA Regulations. Paragraph 2 of Schedule 2 states:

2. *Development to provide either of the following electric lines (other than an electric line of a description set out in paragraph 1 of Schedule 1)*
 - (a) *an electric line installed above ground with a voltage of 132 kilovolts or more;*
 - (b) *an electric line installed above ground in a sensitive area.*

Paragraph 4 of Schedule 2 states that a 'sensitive area' comprises 'any of the following:

- (a) *a site of special scientific interest within the meaning of Part 2 of the Wildlife and Countryside Act 1981;*
- (b) *a National Park within the meaning of the National Parks and Access to the Countryside Act 1949;*
- (c) *the Broads within the meaning of the Norfolk and Suffolk Broads Act 1988;*
- (d) *a site or other place or other thing which is cultural heritage or natural heritage within the meaning of the Convention concerning the Protection of the World Cultural and Natural Heritage adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation at Paris on 16th November 1972) and is included in the World Heritage List mentioned in Article 11 of that Convention;*
- (e) *a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979;*
- (f) *an area of outstanding natural beauty within the meaning of Part 4 of the Countryside and Rights of Way Act 2000;*
- (g) *a European site as defined in regulation 8(1) of the Conservation of Habitats and Species Regulations 2010;*
- (h) *a Ramsar site (that is to say, a wetland designated under paragraph 1 of Article 2 of the Ramsar Convention (as defined in section 37A of the Wildlife and Countryside Act 1981) for inclusion in the list of wetlands of international importance referred to in that Article). T*

As shown in Figure 3, the proposed overhead line works would not cross, and are not within any of the designations set out in Paragraph 4 of Schedule 2 of the EIA Regulations. However, the proposed overhead line works are Schedule 2 development as they involve electric lines installed above ground with a voltage of 132kV or more.

Schedule 3 of the EIA Regulations sets out the selection criteria for screening development and these are considered as follows:

Characteristics of the development

1. *The characteristics of the development must be considered, having regard in particular to—*
 - (a) the size and design of the whole development;*
 - (b) cumulation with other existing and approved developments;*
 - (c) the use of natural resources, in particular land, soil, water and biodiversity;*
 - (d) the production of waste;*
 - (e) pollution and nuisances;*
 - (f) the risk of major accidents and disasters that are relevant to the development, including those caused by climate change, in accordance with scientific knowledge;*
 - (g) the risks to human health (for example, due to water contamination or air pollution).*

The overhead line works comprise replacing an existing 132kV pylon with a 132kV cable sealing end platform pylon with downloads and temporary diversions of the 132kV and 400kV overhead lines.

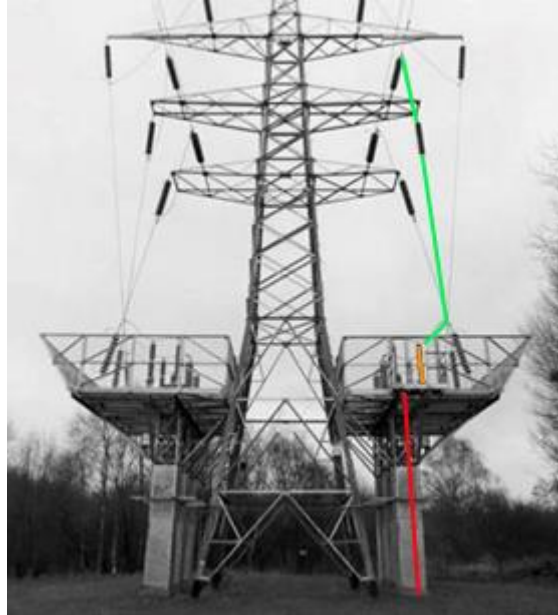
The proposed 132kV cable sealing end platform pylon would be between approximately 27m and 29.30m. The exact height of the existing pylon to be replaced is currently not known but the proposed 132kV cable sealing end platform pylon is unlikely to be taller. The downloads on the proposed 132kV cable sealing end platform pylon are likely to be less than 15m long.

The temporary diversion of the 400kV overhead line would be for approximately 700m and for up to a year while the temporary diversion of the 132kV overhead line would be for approximately 630m and be in place for approximately 3 months. The size and design will be consistent with the existing environment where the existing 132kV and 400kV overhead lines pass through. The proposed 400kV overhead line diversion will be for the northern circuit only and suspended on up to two temporary pylons, with a height of between approximately 44m and 48m above ground level. The existing 400kV overhead line pylons are approximately 50m above ground level. For the 132kV overhead line, temporary diversions of both the northern and southern circuits may be required. An example of a temporary 400kV single circuit overhead line diversion is shown in Image 1 below, while Image 2 shows an example of a 132kV cable sealing platform pylon and downloads.

Image 1: Example of a temporary single-circuit overhead line diversion



*Image 2: Example of a 132kV Cable Sealing Platform Pylon and Downloads (note that subject to final design, the cable sealing end platform pylon in question is likely to be a less massive structure than that shown, with less prominent platforms) **



**The red line indicates the 132kV cable which turns up out of the ground. This is connected to a platform mounted cable sealing end indicated in amber and this is in turn connected to air insulated download conductor in green which are likely to be less than 15m long.*

The cumulative effects of the overhead line works will not be significant given the nature of the works, their location in an environment of generally low sensitivity and the presence and proximity of the existing 400kV and 132kV overhead lines that will remain in place.

The overhead line works would result in the temporary loss of three arable fields while the downloads will be suspended on a new 132kV cable sealing end platform pylon in the location of an existing 132kV pylon. It is not expected that the overhead line works would result in extensive consumption of natural resources including land, soil, water, and biodiversity. Very little quantity of waste is anticipated. Where this is generated, particularly during decommissioning of the temporary diversion and existing pylons, the contractor and/or NGET would seek to reduce waste in the first instance and to implement appropriate measures to reuse and recycle materials where practicable.

Construction, temporary operation, and decommissioning will not give rise to pollution or nuisances with the nearest residential property being approximately 200m from the overhead line works and the nearest watercourse (a minor watercourse draining to the Belchamp Brook) approximately 130m south west of the 400kV temporary overhead line diversion. The greenfield land is also not identified as being contaminated.

The overhead line works would be designed, constructed, and operated in accordance with applicable health and safety legislation. It would comply with design safety standards. As the overhead line works would be managed under many existing health and safety and risk assessment regimes, it is therefore not expected to result in likely significant effects relating to major accidents and disasters. Given the nature of the proposed overhead line works and proximity to receptors, no risks to human health would be introduced by the proposed diversion.

Location of development

2. *The environmental sensitivity of geographical areas likely to be affected by the development must be considered, having regard in particular to—*
 - (a) *the existing and approved land use;*

(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;

(c) the absorption capacity of the natural environment, paying particular attention to the following areas—

(i) wetlands, riparian areas and river mouths;

(ii) coastal zones and the marine environment;

(iii) mountain and forest areas;

(iv) nature reserves and parks;

(v) areas classified or protected under domestic legislation or legislation of other EEA states;

(vi) European sites (as defined in regulation 8(1) of the Conservation of Habitats and Species Regulations 2010);

(vii) areas in which there has already been a failure to meet environmental quality standards that are set out in European Union legislation and are relevant to the development, or in which it is thought that there is such a failure;

(viii) densely populated areas;

(ix) landscapes and sites of historical, cultural or archaeological significance.

The location of the overhead line works is shown on Figure 1 while Figure 3 shows the overhead line works in relation to environmental designations and constraints. The existing (and approved) arable land use is predominantly classified as Grade 2 agricultural land (very good) while parts of the 132kV temporary overhead line diversion is within Grade 3 agricultural land (good to moderate). The loss of this land use resulting from the proposed overhead line works would be small in the context of the amount of such agricultural land in Braintree district. This land use is also commonly crossed by overhead lines, and they are generally compatible land uses.

The land does not comprise any of the areas identified in Schedule 3, Paragraph 2(c) of the EIA Regulations.

Type and characteristics of potential impact

3. The likely significant effect of the development on the environment must be considered in relation to the criteria set out in paragraphs 1 and 2, with regard to the impact of the development on the factors set out in regulation 7(2), taking into account—

(a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected);

(b) the nature of the impact;

(c) the transboundary nature of the impact;

(d) the intensity and complexity of the impact;

(e) the probability of the impact;

(f) the expected onset, duration, frequency and reversibility of the impact;

(g) the cumulation of the impact with the impact of other existing and approved developments;

(h) the possibility of effectively reducing the impact.

Taking account of the matters set out at Paragraph 3 of Schedule 3 of the Regulations, there would be temporary and local potential impacts, but these are not considered to be significant with reference to the EIA regulations. This primarily is because the overhead line works are over a short distance, are in an environment of generally low sensitivity and comprise development in the vicinity of existing overhead lines. The overhead line diversions are also temporary in nature.

There is no international boundary affected. The impacts are not considered to be of an intensity that results in significant environmental impacts, they are not complex and are of no more than local interest in the context of the EIA Regulations. With respect to probability, the impacts will occur if the development is granted consent and constructed. For the temporary overhead line diversions, the impacts will be temporary for the duration of the diversion and, following reinstatement and/or planting proposed as part of the proposed GSP substation, are reversible. For the replacement pylon including

the 132kV downloads, the very minor impacts will be permanent, but they will be at the location of an existing 132kV pylon and in a location of generally low sensitivity.

The Braintree District Council EIA Screening opinion for the proposed GSP substation confirmed that associated environmental effects are not likely to be significant either alone or in combination with 'accompanying works' which includes the proposed overhead line works. Other overhead line and underground cable works proposed in the area, shown on Figure 2, are assumed to take place under the existing permitted development rights and would comprise very minor works. The proposed overhead line works and the wider Bramford to Twinstead Reinforcement are also temporally separate developments. This is because the temporary overhead line diversion is required to facilitate the proposed GSP substation which, in turn, is required to facilitate the wider reinforcement project. As such, the construction programmes of the overhead line works, and the wider reinforcement works do not overlap.

Given the nature of other developments within 2km of the proposed overhead line works and the distance to them, the proposed overhead line works are not expected to result in likely significant inter-project cumulative effects.

Impacts would be reduced through the implementation of good practice measures which are either imposed through legislative requirements or represent standard sector good practices.

For the above reasons, NGET does not consider that the proposed overhead line works to comprise EIA development.

3. Essex County Council

3.1 Covering Letter dated 14 April 2022

Attention: Mark Woodger
Essex County Council
County Hall
Market Road
Chelmsford
CM1 1QH

By email only: [REDACTED]

14 April 2022

Document Title: BT-NG-020627-560-0034 - Consultation Under Section 37 of the Electricity Act (1989)

Your Reference:

Dear Mark,

OVERHEAD LINE WORKS AND GRID SUPPLY POINT SUBSTATION AT BUTLER'S WOOD, CONSULTATION UNDER SECTION 37 OF THE ELECTRICITY ACT (1989)

National Grid Electricity Transmission plc ('NGET') intends to submit an application pursuant to Section 37 of the Electricity Act 1989 to the Department for Business, Energy and Industrial Strategy (BEIS) in respect of certain overhead line works which are required to facilitate the construction and operation of a proposed grid supply point (GSP) substation off the A131, in the parishes of Bulmer and Twinstead.

We are required to write to you to request written feedback on the overhead line works for which Section 37 consent is required, to accompany NGET's intended application to the Secretary of State for Section 37 consent.

As part of the application process for Section 37 consent, NGET are consulting with the host local planning authorities, Braintree District Council and Essex County Council, and statutory bodies for the potential for likely significant effects. These views will then be submitted to BEIS to help inform the decision-making process on the application. This is known as the '**Form B**' process.

The Wider Proposals

The overhead line works are required to facilitate the construction and operation of a proposed Grid Supply Point (GSP) substation in connection with the proposed reinforcement of the 400kV transmission network between Bramford Substation in Suffolk and Twinstead Tee in Essex. The role of the proposed GSP substation will be to facilitate the removal of approximately 25km of existing 132kV overhead line, which is proposed as part of the wider Bramford to Twinstead reinforcement project which is a Nationally Significant Infrastructure Project. A separate Town and Country Planning Act application will also be submitted to Braintree District Council in Spring 2022 for the proposed GSP substation. The location of the proposed works is shown on Figure 1.

Proposed Works under Section 37

NGET requires consent under Section 37 of the Electricity Act 1989 for the following works (the overhead line works are shown on Figure 2):

1. A temporary diversion of the existing 400kV overhead line between Butler's Wood and Waldegrave Wood, off the A131. The temporary diversion would be for the northern circuit only, be in place for up to a year and be approximately 700m long. It would cover two spans and include up to two temporary pylons with a height of between approximately 44m and 48m above ground level. The existing 400kV overhead line pylons are approximately 50m above ground level.

2. New air insulated conductors forming part of a new 132kV cable sealing end platform pylon (the new cable sealing end platform pylon itself replaces an existing tower and is exempt from the requirement for Section 37 consent). The air insulated conductors are similar to downleads and would be less than 15m in length

The proposed works are set out in more detail at Annex 1 of this letter.

Proposed Section 37 Consent Application

The Section 37 consent application to BEIS will be supported by the following documents as listed in the table below:

Application Document	Description
Site Location Plan	To identify the land in question.
Form B completed by Braintree District Council, Essex County Council and the statutory bodies	To comply with the requirements of the Section 37 consents process.
Proposed layout of the 400kV overhead line diversion	To identify the proposed works pursuant to the Section 37 application.
Proposed works to the 132kV platform tower	To identify the proposed works pursuant to the Section 37 application.
Environmental Appraisal	An Environment appraisal of the proposed works.
Constraints Plan	To outline any environmental constraints surrounding the proposals.

Request for Completion of Form B (Part Two Only)

The procedures for determining Section 37 consent applications are set out in a Guidance Note published by the Department of Energy and Climate Change¹ entitled '*The Statutory Consents Regime for Overhead Power Lines in England and Wales Under Section 37 Of the Electricity Act 1989 (July 2014)*', a copy of which is attached for your information.

This Guidance Note provides an outline of the Section 37 consents process and in Section 4 provides guidance on the procedure for obtaining the views of the relevant Local Planning Authorities. However, we understand after speaking with BEIS, that despite being the most recent guidance, the note is yet to be updated to reflect current best practice and the new Form B (Type II). As such, there may be minor discrepancies between the guidance and the Form B.

Of relevance to your Authority, Footnote 1 to Form B states, '*If the proposal concerns a line of 132kV or more, the Part Two Certificate of the Form B must also be completed by the county council authority*', hence we are engaging your Authority in this process'

The Form B contains three parts:

1. Part One has been completed and signed by the Applicant (NGET).
2. Part Two must be completed and signed by Essex County Council and Braintree District Council.
3. Part Three must be completed and signed by Braintree District Council only.

¹ The Department of Energy & Climate Change became part of Department for Business, Energy & Industrial Strategy in July 2016

4. Appendix A must be completed and signed by Braintree District Council only.

Enclosed with this covering letter are the following documents in relation to Form B (Type II) and Appendix A:

- Form B (Type II) notifying you of the application and requiring your Authority's position on the proposed development. **To be completed and returned within two months of receipt.**
- The Statutory Consents Regime for Overhead Power Lines in England and Wales Under Section 37 of the Electricity Act 1989 (July 2014) for guidance purposes only.

Procedural Matters (Form B)

- The Form B (Type II) Part Two requires completion by your Authority within two months of the date of receipt and should, therefore, be returned before 14 June 2022.
- If your Authority objects to the proposed development, the Secretary of State (BEIS) may hold a public inquiry (Paragraph 2, Schedule 8, Electricity Act 1989).
- Once you have completed the documents outlined above, please could your Authority send two copies directly to the contact details at the bottom of this letter (sebastian.stevens@nationalgrid.com). These will then be forwarded on to BEIS to enable the determination of the Section 37 application.
- When the application is made to BEIS, public notice of the application will be published in the newspapers that are available in the locality of the development. The public notice will state that copies of the full Section 37 consent application will be available for public inspection online and a hard copy will be available at the Council's offices.
- The documents should show a clear signature and an indication of the Authority on whose behalf the Form B is signed. If provided in paper form the original signed copies should be sent to NGET, to be forwarded electronically to BEIS.

Summary

NGET would be most grateful if your Authority could please provide feedback on the proposed overhead line works via the completion of Form B Part Two. Please could you confirm receipt of this letter and if you need any further information or would like to arrange a meeting to discuss the requirements, please do not hesitate to make contact.

Host Authority Check List

1. Completion of Form B (Type II) Part Two, within two months.
2. Send two copies of each form directly to the contact details at the bottom of this letter

Yours sincerely,

Seb Stevens
Consents Officer
New Infrastructure

National Grid Electricity Transmission
National Grid

Warwick Technology Park
Gallows Hill
Warwick
CV34 6DA

Enclosures:

1. Annex 1: Proposed Works
2. Form B (Type II)
3. The Statutory Consents Regime for Overhead Power Lines in England and Wales Under Section 37 of the Electricity Act 1989 (July 2014)
4. Request for an EIA Screening Opinion for the GSP (TCPA) and Braintree's Screening Opinion
5. Figure 1 – Location Plan
6. Figure 2 – Accompanying Working Consenting Plan
7. Figure 3 – Constraints Plan

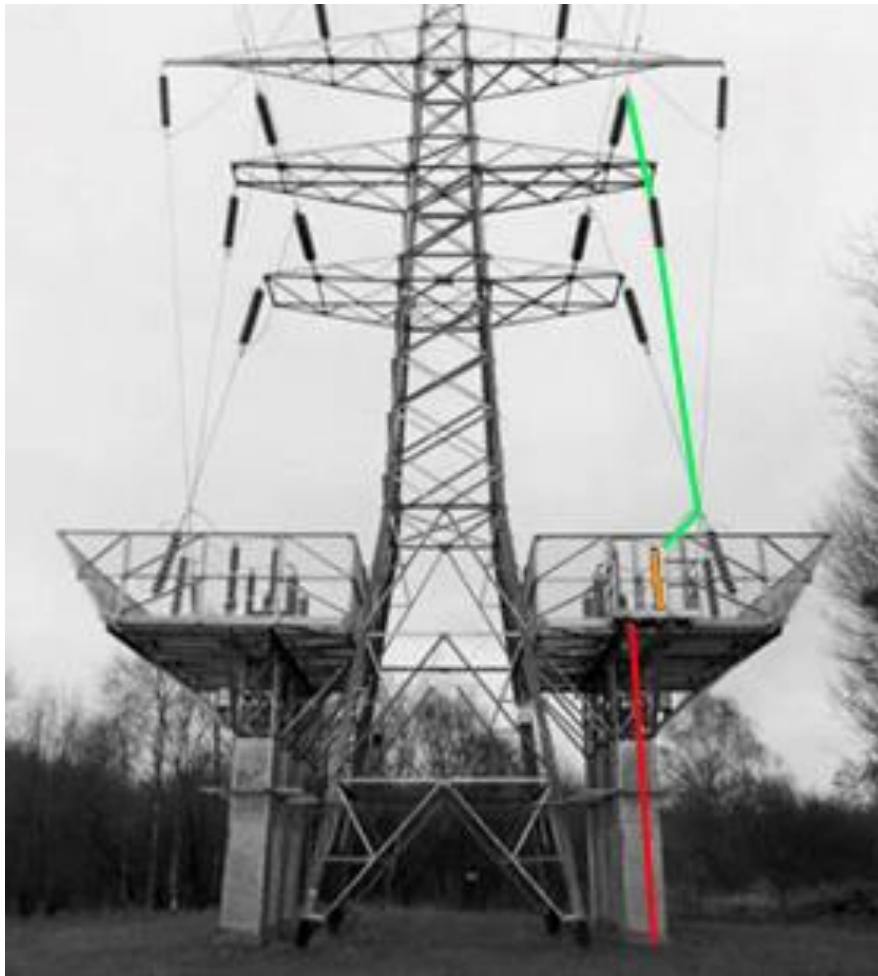
Annex 1: Proposed Works

The overhead line works comprise a temporary diversion of an existing 400kV overhead line for approximately 700m and for approximately 10 months in addition to downleads from a new 132kV cable sealing end platform tower. The size and design will be consistent with the existing environment where there is an adjacent existing 400kV overhead line and an existing 132kV overhead line. The proposed overhead line diversion will be suspended on up to two temporary pylons, with a height of between approximately 44m and 48m above ground level. The existing 400kV overhead line pylons are approximately 50m above ground level. An example of a temporary single circuit overhead line diversion is shown in Image 1 below, while Image 2 shows an example of downleads on a 132kV cable sealing platform pylon.

Image 1: Example of a temporary single-circuit overhead line diversion



*Image 2: Example of a 132kV Cable Sealing Platform Pylon and Downleads**



**The red line indicates the 132kV cable which turns up out of the ground. This is connected to a platform mounted cable sealing end indicated in amber and this is in turn connected to air insulated downlead conductor in green which are likely to be less than 15m long. Section 37 consent is required for the green element detailed above.*

3.2 Response to Form B received from Essex County Council



Form B

PART ONE

(To be completed and signed by the applicant before submitting to the relevant planning authority)

DETAILS OF THE APPLICANT

Name	Seb Stevens on behalf of National Grid Electricity Transmission plc ('NGET')
Address	National Grid Electricity Transmission, National Grid, Warwick Technology Park, Gallows Hill, Warwick, CV34 6DA
Tel.	07929828509
Email	[REDACTED]

Applicant's Reference:

BT-NG-020627-560-0034

DETAILS OF THE LOCAL PLANNING AUTHORITY

Local Planning Authority:

Essex County Council

Local Planning Authority Tel. Contact⁴:

0345 743 0430

Local Planning Authority Email Contact⁵:

[REDACTED]

Electricity Act 1989

Application is being made to the Secretary of State for Business, Energy and Industrial Strategy for consent to the development as described in Part One of this Form. The Secretary of State will at the same time be requested to direct that planning permission for this development shall be deemed to be granted. The consent and the direction may be given subject to conditions.

⁴ Please add contact details of the planning officer dealing with the application.

⁵ Please add contact details of the planning officer dealing with the application.



PARTICULARS OF PROPOSED DEVELOPMENT

(To be completed and signed by the applicant before submitting to the relevant planning authority)

Application is being made:

- a) for consent under section 37 of the Electricity Act 1989 to install or keep installed an electric line above ground;
- b) for a direction under section 90(2) of the Town and Country Planning Act 1990 that planning permission for the proposed development be deemed to be granted.

1. Description of the proposed development.⁶

A temporary diversion of the existing 400kV overhead line between Butler's Wood and Waldegrave Wood, off the A131. The temporary diversion would be for the northern circuit only, be in place for up to a year and be approximately 700m long. It would cover two spans and include up to two temporary pylons with a height of between approximately 44m and 48m above ground level. The existing 400kV overhead line pylons are approximately 50m above ground level.

2. New air insulated conductors forming part of a new 132kV cable sealing end platform pylon (the new cable sealing end platform pylon itself replaces an existing tower and is exempt from the requirement for s37 consent). The air insulated conductors are similar to downleads and would be less than 15m in length

2. Details of any representations or objections which have been received by the applicant prior to the submission of this form.

Natural England, Historic England and the Environment Agency have all been consulted

3. Details of the Applicant's compliance with their duty as specified under [paragraph 1 of Schedule 9 to the Electricity Act 1989](#).⁷

Please refer to the Covering Letter which includes an assessment of environmental protection and mitigation

For and on behalf of the applicant:

Date: 14/04/2022

Signed: 

⁶ These particulars should be accompanied by such plans as may be necessary to enable the local planning authority to identify the land affected by the proposals and to appreciate the nature and extent of the proposed development, and by a copy of the environmental statement if the applicant has prepared one.

⁷ Please provide a brief description of the measures adopted and reference the documents included in the application that will give complete information.



PART TWO

CERTIFICATE

(To be completed and signed by or on behalf of the local planning authority)

The local planning authority:

have no objection to make to the development described above in Part One of this Form;

do not request that a public inquiry be held pursuant to paragraph 2 of Schedule 8 to the Electricity Act 1989 before the Secretary of State reaches his decision on the application.

Dated 03/05/2022

Signed: Mark Woodger (signature)

Designation:

On behalf of the:

If the Local Planning Authority objects to the development, please provide details below:

4. Historic England

4.1 Covering Letter dated 18 March 2022

Attention: Lynette Fawkes
Historic England
24 Brooklands Avenue
Cambridge
CB2 8BU
By Email Only: [REDACTED]

18 March 2022

Document Reference: BT-NG-020627-560-0026

Document Title: Historic England Consultation for Proposed Overhead Line Works off the A131

Dear Lynette

REQUEST FOR WRITTEN FEEDBACK & PROVISION OF FURTHER INFORMATION

National Grid Electricity Transmission plc ('National Grid') intends to submit an application pursuant to Section 37 of the Electricity Act 1989 to the Department for Business, Energy and Industrial Strategy (BEIS) in respect of certain overhead line works which are required to facilitate construction and operation of a proposed grid supply point (GSP) substation off the A131, near Wickham Saint Paul.

We therefore write to request written feedback on the overhead line works for which Section 37 consent is required, including the potential for those works to cause likely significant effects, and also to request the provision of any additional information which Historic England considers would be necessary to accompany National Grid's intended application to the Secretary of State for Section 37 consent.

Background

The overhead line works are required to facilitate the construction and operation of a proposed GSP substation in connection with the proposed reinforcement of the 400kV transmission network between Bramford Substation in Suffolk and Twinstead Tee in Essex. The role of the proposed GSP substation will be to facilitate the removal of approximately 25km of existing 132kV overhead line, which is proposed as part of the wider Bramford to Twinstead reinforcement project (a Nationally Significant Infrastructure Project being progressed separately via the Development Consent Order (DCO) regime) which is currently going through statutory consultation and on which Historic England have been consulted. Although the DCO application will also include the proposed GSP substation and overhead line works for which Section 37 consent would otherwise be required (as 'associated development'), these are also being sought outside and in advance of the DCO, to allow commencement of the proposed GSP substation in advance of the DCO. As well as the application for Section 37 consent for the overhead line works, a separate Town and Country Planning Act application will be submitted to Braintree District Council in spring 2022 for the proposed GSP substation.

The location of the proposed GSP substation is shown in Figure 1. The overhead line works are shown on Figure 2 and consist of:

- A temporary diversion of the existing 400kV overhead line between Butler's Wood and Waldegrave Wood, off the A131. The temporary diversion would be for the northern circuit only, be in place for up to a year and be approximately 700m long. It would cover up to two spans and include up to two temporary pylons with a height of between approximately 44m and 48m above ground level. The existing 400kV overhead line pylons are approximately 50m above ground level.
- New downleads forming part of a new 132kV cable sealing end platform pylon will also require Section 37 consent. The new downleads would be less than 15m in length. The 132kV cable sealing end platform pylon would replace an existing 132kV pylon and a temporary diversion of the 132kV overhead line would be required to facilitate this. The 132kV cable sealing end platform pylon and temporary diversion of the 132kV overhead

line are considered to be permitted development and exempt from Section 37 consent, subject to a future negative EIA screening opinion from Braintree District Council.

As part of the application process for Section 37 consent, National Grid is consulting with the host local planning authority, Braintree District Council, and statutory bodies with responsibilities for environmental and heritage protection for feedback on the proposed overhead line works and the potential for likely significant effects.

Environmental Impact Assessment

National Grid does not consider that the overhead line works have potential to cause likely significant effects for reasons set out in Annex 1 (Environmental Impact Assessment (EIA) Screening) of this letter. As such, National Grid does not consider the works to comprise EIA development according to Electricity Works (EIA) (England and Wales) Regulations 2017 (hereby referred to as the 'EIA Regulations').

National Grid will submit a copy of Annex 1 (EIA Screening) of this letter to Braintree District Council and Essex County Council with a copy of the BEIS Form B that will be used to confirm whether the overhead line works requires an EIA and whether the council(s) wish to object to the proposals.

The Form B, completed by Braintree District Council and Essex County Council, and an Environmental Report, describing the environmental baseline and potential effects of the overhead line works, will then be submitted to BEIS to inform their determination and confirm that a statutory EIA is not required for the overhead line works.

Notwithstanding that Braintree District Council will not be the determining authority for the overhead line works, it is instructive to note that a request for an EIA Screening Opinion for the proposed GSP substation pursuant to the Town and Country Planning (EIA) Regulations 2017 (as amended) also considered the proposed overhead line works which will be determined by BEIS in order to give a comprehensive understanding of the potential for likely significant cumulative effects resulting from the proposals as a whole. Therefore, in considering the requirement for the EIA for the proposed GSP substation, the screening assessment also had regard to the Electricity Works (EIA) (England and Wales) Regulations 2017 in relation to the proposed overhead line works.

It was concluded that there would be no likely significant effects for the proposed GSP substation either alone or in combination with the proposed overhead line works. In their formal screening opinion, Braintree District Council confirmed that a statutory EIA was not required for the proposed GSP substation. We enclose a copy of the Request for an EIA Screening Opinion with further baseline environmental information.

Feedback on Proposals

All Section 37 applications are considered by the Secretary of State on a case-by-case basis and a decision is taken on the merits of each proposal.

National Grid is also required to seek the views of statutory bodies with responsibilities for environmental and heritage protection, such as Historic England.

All feedback and information provided by Historic England as part of this process will be included within the Section 37 application which National Grid is required to submit to the Secretary of State and will ultimately be used to inform the decision-making process on the application.

Therefore, we would be most grateful if you could please provide written feedback on the proposed overhead line works, including the potential for those works to cause likely significant effects, and provide any additional information which Historic England considers would be necessary to accompany the application for Section 37 consent.

We would be most grateful if you could please respond by 8th April 2022.

Please could you confirm receipt of this letter and if you need any further information or would like to discuss, please do not hesitate to contact me.

Yours sincerely,

Sebastian Stevens
National Grid Electricity Transmission
National Grid House
Warwick Technology Park
Gallows Hill
Warwick
CV34 6DA



Enclosed:

Figure 1 – Location Plan

Figure 2 – Emerging Layout

Figure 3 – Constraints Plan

Request for an EIA Screening Request for the proposed GSP substation

Annex 1: EIA Screening

National Grid is seeking a screening decision from BEIS for the proposed overhead line works under the Electricity Works (EIA) (England and Wales) Regulations 2017, hereby referred to as the 'EIA Regulations.'

Development requiring an EIA in any event is set out in Schedule 1 of the EIA Regulations as follows:

1. *Development to provide any of the following:*
 - (a) *a nuclear generating station;*
 - (b) *a thermal generating station with a heat output of 300 megawatts or more;*
 - (c) *an electric line installed above ground with—*
 - (i) *a voltage of 220 kilovolts or more; and*
 - (ii) *a length of more than 15 kilometres.*
2. *Development to provide a change to or extension of a generating station, or an electric line, of a description set out in paragraph 1 where the change or extension in itself meets the thresholds, if any, or description set out in that paragraph.*

While the proposed overhead line works divert an existing 400kV overhead line, they are approximately 700m in length and are therefore not Schedule 1 development. The downloads on the 132kV cable sealing end platform tower are likely to be less than 15m in length.

Proposals may be deemed EIA development if they fall under in Schedule 2 of the EIA Regulations. Paragraph 2 of Schedule 2 states:

2. *Development to provide either of the following electric lines (other than an electric line of a description set out in paragraph 1 of Schedule 1)*
 - (a) *an electric line installed above ground with a voltage of 132 kilovolts or more;*
 - (b) *an electric line installed above ground in a sensitive area.*

Paragraph 4 of Schedule 2 states that a 'sensitive area' comprises 'any of the following:

- (a) *a site of special scientific interest within the meaning of Part 2 of the Wildlife and Countryside Act 1981;*
- (b) *a National Park within the meaning of the National Parks and Access to the Countryside Act 1949;*
- (c) *the Broads within the meaning of the Norfolk and Suffolk Broads Act 1988;*
- (d) *a site or other place or other thing which is cultural heritage or natural heritage within the meaning of the Convention concerning the Protection of the World Cultural and Natural Heritage adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation at Paris on 16th November 1972) and is included in the World Heritage List mentioned in Article 11 of that Convention;*
- (e) *a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979;*
- (f) *an area of outstanding natural beauty within the meaning of Part 4 of the Countryside and Rights of Way Act 2000;*
- (g) *a European site as defined in regulation 8(1) of the Conservation of Habitats and Species Regulations 2010;*
- (h) *a Ramsar site (that is to say, a wetland designated under paragraph 1 of Article 2 of the Ramsar Convention (as defined in section 37A of the Wildlife and Countryside Act 1981) for inclusion in the list of wetlands of international importance referred to in that Article). T*

As shown in Figure 3, the proposed overhead line works would not cross, and are not within any of the designations set out in Paragraph 4 of Schedule 2 of the EIA Regulations. However, the proposed overhead line works are Schedule 2 development as they involve electric lines installed above ground with a voltage of 132kV or more.

Schedule 3 of the EIA Regulations sets out the selection criteria for screening development and these are considered as follows:

Characteristics of the development

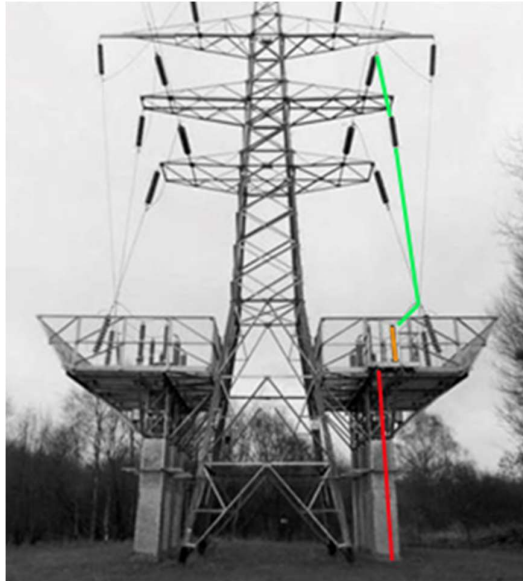
1. *The characteristics of the development must be considered, having regard in particular to—*
 - (a) *the size and design of the whole development;*
 - (b) *cumulation with other existing and approved developments;*
 - (c) *the use of natural resources, in particular land, soil, water and biodiversity;*
 - (d) *the production of waste;*
 - (e) *pollution and nuisances;*
 - (f) *the risk of major accidents and disasters that are relevant to the development, including those caused by climate change, in accordance with scientific knowledge;*
 - (g) *the risks to human health (for example, due to water contamination or air pollution).*

The overhead line works comprise a temporary diversion of an existing 400kV overhead line for approximately 700m and for approximately 10 months and downloads from a new 132kV cable sealing end platform tower. The size and design will be consistent with the existing environment where there is an adjacent existing 400kV overhead line and an existing 132kV overhead line. The proposed 400kV overhead line diversion will be for the northern circuit only and suspended on up to two temporary pylons, with a height of between approximately 44m and 48m above ground level. The existing 400kV overhead line pylons are approximately 50m above ground level. An example of a temporary single circuit overhead line diversion is shown in Image 1 below, while Image 2 shows an example of downloads on a 132kV cable sealing platform pylon.

Image 1: Example of a temporary single-circuit overhead line diversion



*Image 2: Example of a 132kV Cable Sealing Platform Pylon and Downloads**



**The red line indicates the 132kV cable which turns up out of the ground. This is connected to a platform mounted cable sealing end indicated in amber and this is in turn connected to air insulated downlead conductor in green which are likely to be less than 15m long.*

The cumulative effects of the overhead line works will not be significant given the nature of the works, their location in an environment of generally low sensitivity and the presence and proximity of the existing 400kV and 132kV overhead lines that will remain in place.

The overhead line works would result in the temporary loss of an area of an arable field while the downleads will be suspended on a new 132kV cable sealing end platform pylon in the location of an existing 132kV pylon. It is not expected that the development proposals would result in extensive consumption of natural resources including land, soil, water and biodiversity. Very little quantity of waste is anticipated. Where this is generated, particularly during decommissioning of the temporary diversion, the contractor and/or National Grid would seek to reduce waste in the first instance and to implement appropriate measures to reuse and recycle materials where practicable.

Construction, temporary operation and decommissioning will not give rise to pollution or nuisances with the nearest residential property being over 300m from the overhead line works and the nearest watercourse (a minor watercourse draining to the Belchamp Brook) approximately 130m south west of the 400kV temporary overhead line diversion. The greenfield land is also not identified as being contaminated.

The overhead line works would be designed, constructed and operated in accordance with applicable health and safety legislation. It would comply with design safety standards. As the overhead line works would be managed under many existing health and safety and risk assessment regimes, it is therefore not expected to result in likely significant effects relating to major accidents and disasters. Given the nature of the proposed overhead line works and proximity to receptors, no risks to human health would be introduced by the proposed diversion.

Location of development

2. *The environmental sensitivity of geographical areas likely to be affected by the development must be considered, having regard in particular to—*
 - (a) the existing and approved land use;*
 - (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;*
 - (c) the absorption capacity of the natural environment, paying particular attention to the following areas—*

- (i) wetlands, riparian areas and river mouths;*
- (ii) coastal zones and the marine environment;*
- (iii) mountain and forest areas;*
- (iv) nature reserves and parks;*
- (v) areas classified or protected under domestic legislation or legislation of other EEA states;*
- (vi) European sites (as defined in regulation 8(1) of the Conservation of Habitats and Species Regulations 2010);*
- (vii) areas in which there has already been a failure to meet environmental quality standards that are set out in European Union legislation and are relevant to the development, or in which it is thought that there is such a failure;*
- (viii) densely-populated areas;*
- (ix) landscapes and sites of historical, cultural or archaeological significance.*

The location of the overhead line works is shown on Figure 1 while Figure 3 shows the overhead line works in relation to environmental designations and constraints. The existing (and approved) arable land use is predominantly classified as Grade 2 agricultural land (very good) however the loss of this land use resulting from the proposed overhead line works would be small in the context of the amount of such agricultural land in Braintree district. This land use is also commonly crossed by overhead lines and they are generally compatible land uses.

The land does not comprise any of the areas identified in Schedule 3, Paragraph 2(c) of the EIA Regulations.

Type and characteristics of potential impact

- 3. The likely significant effect of the development on the environment must be considered in relation to the criteria set out in paragraphs 1 and 2, with regard to the impact of the development on the factors set out in regulation 7(2), taking into account—*
- (a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected);*
 - (b) the nature of the impact;*
 - (c) the transboundary nature of the impact;*
 - (d) the intensity and complexity of the impact;*
 - (e) the probability of the impact;*
 - (f) the expected onset, duration, frequency and reversibility of the impact;*
 - (g) the cumulation of the impact with the impact of other existing and approved developments;*
 - (h) the possibility of effectively reducing the impact.*

Taking account of the matters set out at Paragraph 3 of Schedule 3 of the Regulations, there would be temporary and local potential impacts but these are not considered to be significant with reference to the EIA regulations. This primarily is because the overhead line works are over a short distance, are in an environment of generally low sensitivity and comprise development in the vicinity of existing overhead lines. The 400kV overhead line diversion is also temporary in nature.

There is no international boundary affected. The impacts are not considered to be of an intensity that results in significant environmental impacts, they are not complex and are of no more than local interest in the context of the EIA Regulations. With respect to probability, the impacts will occur if the development is granted consent and constructed. For the 400kV overhead line diversion, the impacts will be temporary for the duration of the diversion and, following reinstatement and/or planting proposed as part of the proposed GSP substation, are reversible. For the 132kV downleads, the very minor impacts will be permanent but at the location of an existing 132kV pylon.

The Braintree District Council EIA Screening opinion for the proposed GSP substation confirmed that associated environmental effects are not likely to be significant either alone or in combination with 'accompanying works' which includes the proposed overhead line works. Other overhead line works

proposed in the area, shown on Figure 2, are assumed to take place under the existing permitted development rights and would comprise very minor works. The proposed overhead line works and the wider Bramford to Twinstead Reinforcement are also temporally separate developments. This is because the temporary overhead line diversion is required to facilitate the proposed GSP substation which, in turn, is required to facilitate the wider reinforcement project. As such, the construction programmes of the overhead line works and the wider reinforcement works do not overlap.

Given the nature of other developments within 2km of the proposed overhead line works and the distance to them, the proposed overhead line works are not expected to result in likely significant inter-project cumulative effects.

Impacts would be reduced through the implementation of good practice measures which are either imposed through legislative requirements or represent standard sector good practices.

For the above reasons, National Grid does not consider that the proposed overhead line works to comprise EIA development.

4.2 Written feedback to the proposed Section 37 Overhead Line Works off the A131, May 2022



[REDACTED]
Jacobs
[REDACTED]
[REDACTED]
[REDACTED]

Direct Dial: [REDACTED]

Our ref: PL00772103

20 May 2022

Dear [REDACTED]

SECTION 37 WORKS - Proposed Overhead Line Works off the A131

Thank you for your letter of 18th March 2022 requesting written feedback from us regarding the proposed works. We sincerely apologise for the late submission of this written feedback and hope that it can still prove useful to you in the development of the plans.

The Historic Buildings and Monuments Commission for England (HBMCE), is better known as Historic England, and we are the Government's adviser on all aspects of the historic environment in England - including historic buildings and areas, archaeology and historic landscape. We have a duty to promote conservation, public understanding and enjoyment of the historic environment. HBMCE are an executive Non-Departmental public body and we answer to Parliament through the Secretary of State for Digital Culture, Media and Sport.

In addition to our remit for the conservation of the historic environment the National Heritage Act (2002) gave HBMCE responsibility for maritime archaeology in the English area of the UK Territorial Sea.

In relation section 88 of the Planning Act 2008 (as amended) and the infrastructure planning (examination procedure) rules 2010 (as amended) we are a statutory consultee with responsibilities within the terrestrial landscape.

Our primary remit in relation to this application is to advise on the impact of the proposed development on grade I and II* listed buildings, registered parks and gardens and on scheduled monuments. We would not wish to comment on grade II listed buildings (unless their demolition is proposed) or individual undesignated heritage assets as these are outside the remit of Historic England. We are content to defer to the Local Planning Authority and their archaeological advisors on those matters and we refer the examining authority to their submissions as relevant.

Historic England Advice

We have reviewed the position of the GSP Substation in relation to our remit and we consider that the proposal has the potential to impact upon the grade II* listed Butlers Hall farmhouse. Although positioned between two areas of woodland, the lighting and access tracks required would impact upon its setting. Also, the position of the 400kv



single circuit sealing end enclosure, being outside of the woodland could have a visual impact upon the historic building.

We note the Screening opinion statement from November 2021 which states there would be an oblique view from Butlers Hill farmhouse, and we note the mitigation proposed takes the form of additional planting. Historic Maps indicate that there has not historically been a gap in the planting at this point therefore subject to detailed proposals this could be an acceptable form of mitigation. The county council would need to be content that the species used for mitigation are consistent with those which exist at present.

The visual impact of the downleads and the cable sealing end platforms need to be carefully considered. Nether House Farm is a grade II listed building that would have its setting affected by this larger form of pylon.

It is also noted that the section of cable between the GSP substation and the existing 132kv line is to be undergrounded in line with our discussions with National Grid. Proper consideration should be given to archaeological strategy and again we note the Screening Opinion statement from November 2021 which notes the undertaking of geophysical survey in the area affected. You should undertake consultation with the county archaeological service on this strategy and further invasive work may be anticipated.

Historic England consider that the impacts upon the highly graded heritage asset at Butlers Hill farmhouse have been considered in an appropriate fashion and subject to detailed landscaping plans, any residual harm caused should be able to be appropriately mitigated.

We hope these comments prove useful to you. Please do not hesitate to contact me should you wish to discuss this further.

Yours Sincerely

Lynette Fawkes

Inspector of Historic Buildings and Areas

Email: [REDACTED]@HistoricEngland.org.uk

5. Natural England

- 5.1 Covering Letter dated 18 March 2022 (Page 1 only, see Historic England Cover Letter at 4.1 for full contents)**

Attention: Anna Oliveri

By Email Only: [REDACTED]

18 March 2022

Document Reference: BT-NG-020627-560-0025

Document Title: Natural England Consultation for Proposed Overhead Line Works off the A131

Dear Anna,

REQUEST FOR WRITTEN FEEDBACK & PROVISION OF FURTHER INFORMATION

National Grid Electricity Transmission plc ('National Grid') intends to submit an application pursuant to Section 37 of the Electricity Act 1989 to the Department for Business, Energy and Industrial Strategy (BEIS) in respect of certain overhead line works which are required to facilitate construction and operation of a proposed grid supply point (GSP) substation off the A131, near Wickham Saint Paul.

We therefore write to request written feedback on the overhead line works for which Section 37 consent is required, including the potential for those works to cause likely significant effects, and also to request the provision of any additional information which Natural England considers would be necessary to accompany National Grid's intended application to the Secretary of State for Section 37 consent.

Background

The overhead line works are required to facilitate the construction and operation of a proposed GSP substation in connection with the proposed reinforcement of the 400kV transmission network between Bramford Substation in Suffolk and Twinstead Tee in Essex. The role of the proposed GSP substation will be to facilitate the removal of approximately 25km of existing 132kV overhead line, which is proposed as part of the wider Bramford to Twinstead reinforcement project (a Nationally Significant Infrastructure Project being progressed separately via the Development Consent Order (DCO) regime) which is currently going through statutory consultation and on which Natural England have been consulted. Although the DCO application will also include the proposed GSP substation and overhead line works for which Section 37 consent would otherwise be required (as 'associated development'), these are also being sought outside and in advance of the DCO, to allow commencement of the proposed GSP substation in advance of the DCO. As well as the application for Section 37 consent for the overhead line works, a separate Town and Country Planning Act application will be submitted to Braintree District Council in spring 2022 for the proposed GSP substation. We have also been liaising with Alex Jackson at Natural England with respect to a Great Crested Newt District Level Licence which is proposed to include the overhead line works.

The location of the proposed GSP substation is shown in Figure 1. The overhead line works are shown on Figure 2 and consist of:

- A temporary diversion of the existing 400kV overhead line between Butler's Wood and Waldegrave Wood, off the A131. The temporary diversion would be for the northern circuit only, be in place for up to a year and be approximately 700m long. It would cover up to two spans and include up to two temporary pylons with a height of between approximately 44m and 48m above ground level. The existing 400kV overhead line pylons are approximately 50m above ground level.
- New downleads forming part of a new 132kV cable sealing end platform pylon will also require Section 37 consent. The new downleads would be less than 15m in length. The 132kV cable sealing end platform pylon would replace an existing 132kV pylon and a

5.2 Written feedback to the proposed Section 37 Overhead Line Works off the A131, April 2022

Date: 05 April 2022
Our ref: 386673 BT_SLA01_16032022
Your ref: 21/60181/PREAPP & Section 37 EIA Screening
BT-NG-020627-560-0025



BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear [REDACTED],

Document Reference: BT-NG-020627-560-0025

Document Title: Natural England Consultation for Proposed Overhead Line Works off the A131

Planning consultation: 21/60181/PREAPP & Section 37 EIA Request for an EIA Screening Opinion & further information for proposed overhead line works associated with the proposed GSP substation off the A131

Location: Land north of Old Road and south of Butler's Wood, Wickham St Paul, Braintree, Essex

Thank you for your consultation on the above. This advice is being provided as part of Natural England's Service Level Agreement (SLA) with National Grid, ref: BT_SLA01_16032022, dated 16th March 2022. National Grid Electricity Transmission (NG) has asked Natural England to provide written feedback on the Bramford - Twinstead overhead line works south of Butler's Wood for which Section 37 consent is required, including the potential for those works to cause likely significant effects, and also to request the provision of any additional information which Natural England considers would be necessary to accompany National Grid's intended application to the Secretary of State for Section 37 consent.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

This letter is intended to provide early engagement advice on the proposals for overhead line works south of Butler's Wood as part of the additional electricity transmission network reinforcement between Bramford to Twinstead. The advice in this letter should be treated as preliminary advice which may be subject to change as more information is provided. The following advice is made based on information provided to date.

EIA Screening

Natural England notes the EIA Screening Opinion submission to Braintree District Council, as competent authority under the provisions of the Habitats Regulations, to check for the likelihood of significant effects.

Schedule 3(2) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires consideration of the selection criteria for Schedule 2 EIA development and identification of 'environmental sensitivity'.

¹ https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/37050/1942-national-policy-statement-electricity-networks.pdf

³ <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

The applicant has submitted a Screening Opinion Report to Natural England (Ref: BT-JAC-020631-550-0007, November 2021) which concludes that the proposal can be screened out from further stages of EIA assessment because significant effects are unlikely to occur from either the proposed GSPsubstation or accompanying works, either alone or in combination. There are no statutory designated sites for nature conservation or landscape within 2km of the site boundary and the site does not fall within any relevant Impact Risk Zones for designated sites. On the basis of the information provided with the consultation, Natural England concurs that there will be no likely significant effects on statutorily designated nature conservation sites or landscapes and an Environmental Impact Assessment is likely not required.

Irrespective as to whether an EIA is required, we advise that sufficient information on the potential impacts of this proposal on designated sites/areas, including protected species survey work undertaken to date and the LVIA report is submitted for a Development Consent Order (DCO) application or any other consenting route.

National Grid must also provide sufficient information for the Examining Authority/Secretary of State to assess whether protected species are likely to be effected and, if so, whether appropriate avoidance, mitigation, or compensation measures can be put in place.

Protected Species

Helpfully, we note that a programme of protected species surveys has been undertaken by National Grid in 2021 and that no protected species or notable species were identified within the proposal site's boundary, but desk study found great crested newt (GCN) (*Triturus cristatus*), badger (*Meles meles*) and breeding birds to be present within 1km, and also found habitat suitable to support reptiles and roosting bats is present within the 1km study area, associated with the adjacent woodland habitat.

Further investigation found the following:

- Presence of Great Crested Newt within 250m of the site and accompanying works
- Trees with the potential to support roosting bats were identified within 50m of the site boundary and accompanying works but no evidence of bats have been found to date during subsequent tree climbing or emergence/re-entry surveys.
- Badger setts were identified within 30m of the site boundary these were either disused or were outlier setts with entrances and tunnel directions heading into the woodland away from the site.

Following our non-statutory consultation response, we have continued to advise NG on protected species licensing. We note that NG are intending to submit draft EPS licences to Natural England for comment in late summer 2022, which they will then update based on Natural England comments. A final draft will then be submitted to Natural England in autumn 2022, with the intention that if acceptable Natural England can provide a Letter of No Impediment (LONI) which can be submitted with the application for development consent and other consenting routes. We consider that this approach aligns with best practice and will reduce uncertainty and risk of delay at the formal application stage. Further information on this approach to licensing can be found in our non-statutory DCO consultation response.

The Statement of Common Ground (SoCG) between National Grid and Natural England, agrees a District Level Licensing approach to Great Crested Newt (GCN) on the project and that this is proposed to include overhead line works. In effect, this means that Natural England is satisfied that there is no likely significant effect on GCN.

A guide on the effect of nationally significant infrastructure projects on protected species can be found [here](#)¹. Advice on the avoidance and mitigation in regard to and bird species in the context of

¹ https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/37050/1942-national-policy-statement-electricity-networks.pdf

³ <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

this project, can be found on pg. 11 section 2.7 of the [National Policy Statement for Electricity Networks Infrastructure \(NPS EN-5\)](#)².

Natural England has produced [standing advice](#)³ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Ancient woodland, ancient and veteran trees

The site location proposed for the GSP substation and associated section 37 works is located between Butler's Wood and Waldegrave Wood both of which are identified as ancient woodland. The Overarching National Policy Statement for Energy (EN-1) states that "*Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. The IPC should not grant development consent for any development that would result in its loss or deterioration unless the benefits (including need) of the development, in that location outweigh the loss of the woodland habitat*" (para 5.3.14, pg. 71).

We note that both Butler's Wood and Waldegrave Wood have a 1m deep ditch forming a boundary edge to the woodlands where it adjoins the proposed development site, and that the arboricultural consultant has advised that this will have the effect of preventing tree root spread towards the proposal site, which is reassuring in terms of minimising construction impacts within root protection area of the ancient woodland. However, we note that Butler's Wood and Waldegrave Wood Local Wildlife Sites (LWS) are designated for their ancient woodland habitats, and therefore every effort should be made to ensure that the 15m buffer proposed from these habitats, is adhered to and implemented. In the draft Code of Construction Practice (CoCP) measures are proposed to be implemented during construction to include deployment of protective fencing, dust suppression and dewatering controls to avoid any potential impact from construction activities on the adjacent LWSs, and delivery of these measures should be secured through Construction Environmental Management Plan (CEMP) secured through the appropriate planning conditions.

Impacts on ancient woodland and ancient and veteran trees should be considered in line with paragraph 180 of the NPPF. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. We recommend that this standing advice is applied to the further detailed design of the scheme. Since our non-statutory consultation response, this standing advice has been updated, particularly with regards to the effects of development, mitigation and compensation measures, and buffer zones. We've also revised the assessment guide, which can be used by planning authorities to help them record their decisions. Further advice regarding ancient woodland can be found on page 71 (para 5.3.14) of the [NPS EN-1](#).

Local sites and priority habitats and species

As previously mentioned, Butler's Wood and Waldegrave Wood, immediately adjacent to the site boundary, are both Local Wildlife Sites (LWS) (non-statutory designated sites) designated for their ancient woodland habitat.

Habitats and species listed under Section 41 of the NERC Act are of principle national importance for the purpose of conserving biodiversity. The avoidance-mitigation-compensation hierarchy should be clearly followed with respect to these habitats and species. A net gain in biodiversity cannot be achieved where development results in the loss of irreplaceable habitat, such as ancient woodland. Impacts on these habitats will need to be avoided, mitigated and compensated in accordance with the mitigation hierarchy.

¹ https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/37050/1942-national-policy-statement-electricity-networks.pdf

³ <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

Biodiversity Net Gain

We are very pleased that NG has committed to 10% biodiversity net gain (BNG) for this project, this is in-line with both the NPS for Energy (NPS EN – 1) and the upcoming revisions to the NPSs, the Government's 25 Year Environment Plan and the NPPF.

We note that the Butler's Wood GSP sub station has been identified as one of the potential locations where BNG measures could be delivered on this project. Natural England strongly support this proposal and are particularly supportive of the proposal to create an ecological link connecting Butler's Wood to the north with Waldegrave Wood to the south. This would re-connect two ancient woodlands which historical mapping shows were once joined. The detailed design of the BNG measures should include aim to create a structurally and biodiverse planting scheme, based on locally prevalent native tree, shrub and grassland and herb species which will be well adapted to the local climate and soil conditions.

Please note, we continue to advise that it is imperative that the project in its entirety avoids, mitigates and/or compensates for impacts on habitats and species of high biodiversity value including designated sites, protected species and ancient woodland. As a first principle, the project should therefore represent no 'biodiversity net loss' in these regards.

We also note that the long term success of the BNG initiatives will be dependent on appropriate establishment and long-term maintenance of these habitats. Therefore the establishment and maintenance regime for any BNG schemes delivered as part of this planning application should be secured by planning condition or obligation in a Landscape Ecological Management and Maintenance plan (LEMP).

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

We have previously provided advice about BMV impacts in our DCO statutory consultation. BMV soil impacts at this site should be considered in combination with BMV impacts across the entire project. If you consider the project as a whole has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Natural England understand the desirability of utilising an alternative consenting route for the section 37 works and GSP substation from NG's point of view, separate to the DCO process, as this could facilitate earlier commencement of the GSP construction phase in advance of the DCO consent being obtained. However, an issue that is of potential concern with this consenting route is that earlier approval of the GSP substation and section 37 works could commit NG to a fixed corridor route, in advance of the DCO application determination. We point out that earlier approval of the GSP substation and section 37 works should in no way determine any future changes that may be required to the Bramford - Twinstead route and should not influence determination of the DCO application in any way.

¹ https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/37050/1942-national-policy-statement-electricity-networks.pdf

³ <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

Our further general advice can be found in Annex A appended to this letter.

Senior adviser to QA letter and check box below

The advice provided in this letter has been through Natural England's Quality Assurance process.

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

If you have any queries relating to the advice in this letter, please contact me on 07341 502413.

Yours sincerely

Anna Oliveri
Lead Advisor - West Anglia Team

¹ https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/37050/1942-national-policy-statement-electricity-networks.pdf

³ <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

5.3 Annex A – Additional Advice

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the [National Planning Policy Framework](#) (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.0](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.0](#) and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to

¹ https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/37050/1942-national-policy-statement-electricity-networks.pdf

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work alongside [Biodiversity Metric 3.0](#) and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 100 and 174 of the NPPF highlight the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

¹ https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/37050/1942-national-policy-statement-electricity-networks.pdf

³ <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

6. Environment Agency

- 6.1 Covering Letter dated 18 March 2022 (Page 1 only, see Historic England Cover Letter at 4.1 for full contents)**

Attention: Liam Robson
The Environment Agency
Iceni House,
Cobham Road,
Ipswich, Suffolk,
IP3 9JD
By Email Only: [REDACTED]

18 March 2022

Document Reference: BT-NG-020627-560-0024

Document Title: Environment Agency Consultation for Proposed Overhead Line Works off the A131

Dear Liam

REQUEST FOR WRITTEN FEEDBACK & PROVISION OF FURTHER INFORMATION

National Grid Electricity Transmission plc ('National Grid') intends to submit an application pursuant to Section 37 of the Electricity Act 1989 to the Department for Business, Energy and Industrial Strategy (BEIS) in respect of certain overhead line works which are required to facilitate construction and operation of a proposed grid supply point (GSP) substation off the A131, near Wickham Saint Paul.

We therefore write to request written feedback on the overhead line works for which Section 37 consent is required, including the potential for those works to cause likely significant effects, and also to request the provision of any additional information which the Environment Agency considers would be necessary to accompany National Grid's intended application to the Secretary of State for Section 37 consent.

Background

The overhead line works are required to facilitate the construction and operation of a proposed GSP substation in connection with the proposed reinforcement of the 400kV transmission network between Bramford Substation in Suffolk and Twinstead Tee in Essex. The role of the proposed GSP substation will be to facilitate the removal of approximately 25km of existing 132kV overhead line, which is proposed as part of the wider Bramford to Twinstead reinforcement project (a Nationally Significant Infrastructure Project being progressed separately via the Development Consent Order (DCO) regime) which is currently going through statutory consultation and on which the Environment Agency have been consulted. Although the DCO application will also include the proposed GSP substation and overhead line works for which Section 37 consent would otherwise be required (as 'associated development'), these are also being sought outside and in advance of the DCO, to allow commencement of the proposed GSP substation in advance of the DCO. As well as the application for Section 37 consent for the overhead line works, a separate Town and Country Planning Act application will be submitted to Braintree District Council in spring 2022 for the proposed GSP substation.

The location of the proposed GSP substation is shown in Figure 1. The overhead line works are shown on Figure 2 and consist of:

- A temporary diversion of the existing 400kV overhead line between Butler's Wood and Waldegrave Wood, off the A131. The temporary diversion would be for the northern circuit only, be in place for up to a year and be approximately 700m long. It would cover up to two spans and include up to two temporary pylons with a height of between approximately 44m and 48m above ground level. The existing 400kV overhead line pylons are approximately 50m above ground level.
- New downloads forming part of a new 132kV cable sealing end platform pylon will also require Section 37 consent. The new downloads would be less than 15m in length. The 132kV cable sealing end platform pylon would replace an existing 132kV pylon and a

6.2 Written feedback to the proposed Section 37 Overhead Line Works off the A131, May 2022

[REDACTED]

From: Robson, Liam <[REDACTED]>
Sent: 13 May 2022 13:35
To: [REDACTED]
Subject: [EXTERNAL] RE: Request for Feedback for Proposed Overhead Line Works off the A131

Dear [REDACTED]

Sincere apologies for the delay in coming back to you on this.

In short – we do not have much to say as there are very few constraints within our remit in this location.

We do however have the following comments.

Foul Drainage

We note that “there would be no permanent discharges required but a waste/foul water system would be used on site, comprising short pipes from the two amenities buildings to two separate cesspools that would be periodically emptied as required” and that “waste-water generated would be very limited given the site would be unmanned during operation and the waste-water would only come from use of facilities in the amenity buildings”. We are therefore including the below information on foul drainage for your consideration and highlight the Environmental Permitting Regulations for your viewing.

Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within a Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply, spring or borehole.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Dewatering

In the event that any dewatering at rates greater than 20 m3/d for a period longer than 6 months is anticipated an abstraction licence will be required; early consultation with the Environment Agency is essential. Any dewatering for a significant period within close proximity of a shallow groundwater source or wetland may require an HIA, even if the water table is drawn down for less than 1.5 m.

Flood Risk

The site does not appear to be located in Flood Zones 2 or 3. Should stockpiling of materials be proposed in Flood zone 2 or 3 then please contact us again for further advice.

Hydrogeology

There appears to only be very limited use of underground cables as part of this proposal. The shallow depth of these excavations mean that they are unlikely to have a significant impact on the shallow aquifer, where present at the ground surface. A Hydrogeological Impact Assessment (HIA) and potentially mitigation may be required for any shallow abstraction identified within close proximity to the cable excavations.

I hope this is useful and once again apologies for the delay in responding.

Kind Regards

Liam

Liam Robson

Sustainable Places Planning Specialist – East Anglia Area (East)

Environment Agency | Iceni House, Cobham Road, Ipswich, Suffolk, IP3 9JD

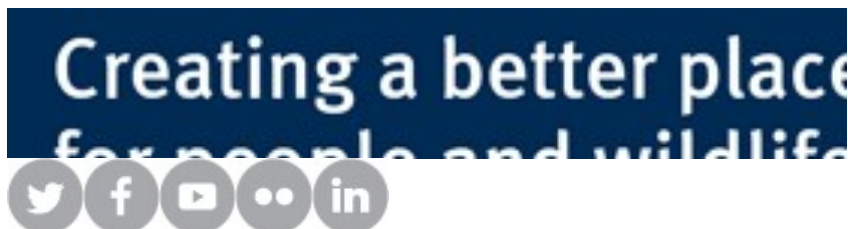
Please be aware that due to COVID-19 – any post will not be picked up. Please direct all correspondence electronically.



[Chat with me on Teams](#)



Normal working hours: 7am-3pm Mon-Fri



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