



Norfolk County Council

Local Impact Report

Norwich to Tilbury

(EN020027)

Deadline 1 – 26 February 2026

Contents

CONTENTS	2
1. GLOSSARY OF ACRONYMS	2
2. INDEX TABLES	3
INTRODUCTION	4
3. ABOUT NORFOLK COUNTY COUNCIL	4
4. EXECUTIVE SUMMARY	4
5. PURPOSE AND STRUCTURE OF THIS REPORT	5
IMPACTS BY ISSUE	7
6. ECOLOGY AND BIODIVERSITY	7
7. CONTAMINATED LAND, GEOLOGY AND HYDROGEOLOGY	12
8. HEALTH AND WELLBEING	16
9. HISTORIC ENVIRONMENT	17
10. HYDROLOGY, LAND DRAINAGE AND FLOOD RISK	20
11. LANDSCAPE AND VISUAL	24
12. SOCIO-ECONOMICS, RECREATION AND TOURISM	31
13. TRAFFIC AND TRANSPORT	33
APPENDIX A – REQUESTED CHANGES TO THE DRAFT DCO	36

1. Glossary of acronyms

AAT	Airfield Advisory Team	HGV	Heavy goods vehicle
AIA	Arboricultural impact assessment	LCA	Landscape character areas
AIL	Abnormal indivisible load	LHA	Local highway authority
BNG	Biodiversity net gain	LLFA	Lead local flood authority
CSE	Cable sealing end (compounds)	LIR	Local impact report
CAA	Civil Aviation Authority	LTP	Local transport plan
CNP	Critical national priority	LVIA	Landscape and visual impact assessment
CWS	County wildlife site	MSA	Minerals safeguarding area
DCO	Development consent order	NCC	Norfolk County Council
DESNZ	Department for Energy Security and Net Zero	NFRS	Norfolk Fire and Rescue Service
EIA	Environmental impact assessment	NSIP	Nationally significant infrastructure project
EN-1	Overarching national policy statement for energy infrastructure	PAR	Primary access route
EN-5	National policy statement for electricity networks infrastructure	SCC	Suffolk County Council
ES	Environmental statement	SoS	Secretary of State (for Energy Security and Net Zero)
ExA	Examining authority	SuDS	Sustainable drainage solutions
FRA	Flood risk assessment	TA	Transport assessment
GNLP	Greater Norwich Local Plan	VLA	Valued landscape assessment
HER	Historic environment record	WSI	Written scheme of investigation

2. Index tables

Boxes

Box 1: Policy MP10 of the NMWLP	13
Box 2: Policy MP11 of the NMWLP	14

Tables

Table 1: NCC proposed changes to the draft DCO in respect of requirement 5	18
Table 2: Amendment to the draft DCO to require a construction surface water drainage strategy .	23
Table 3: Amendment to the draft DCO to require an employment and skills plan	32
Table 4-A: Proposed substantive changes to articles and requirements.....	36
Table 5-A: Consequential changes as a result of disambiguating the referent of “relevant planning authorities”	45

Introduction

3. About Norfolk County Council

3.1. Norfolk County Council (“NCC”) is the upper-tier local government organisation for the county of Norfolk. We have a wide range of statutory and non-statutory responsibilities to provide services and discharge regulatory functions including, among other things, as:

- county planning authority;
- local highway authority (“LHA”);
- traffic authority;
- transport authority;
- street authority;
- lead local flood authority (“LLFA”);
- fire and rescue authority;
- local authority with public health responsibilities;
- library authority;
- provider of archaeological services; and
- maintainer of Norfolk’s historic environment record (“HER”).

3.2. NCC has considerable experience of nationally significant infrastructure projects (“NSIPs”). Ten projects with order limits within Norfolk have been consented to date. Five more are currently at a pre-application stage, and Norwich to Tilbury is, of course, presently being examined.

4. Executive summary

4.1. Norfolk County Council has prepared this Local Impact Report to assist the Examining Authority’s consideration of the likely impacts of the Norwich to Tilbury project within Norfolk. The report draws upon NCC’s statutory roles as county planning authority, local highway authority, lead local flood authority, minerals and waste planning authority, fire and rescue authority, and custodian of the historic environment record. It provides an assessment of the project’s compliance with relevant national policy statements, local planning policy, and technical standards, and identifies where impacts are acceptable, where further information is required, and where mitigation or obligations must be secured through the development consent order (“DCO”) or associated legal agreements. NCC’s position on individual impacts and the necessity of mitigation measures is notwithstanding the overarching objection set out in our relevant representation¹.

4.2. Across several topic areas, most notably landscape and visual, ecology and biodiversity, and traffic and transport, NCC identifies significant residual impacts arising from the scale, linear extent and technical design of the electricity transmission infrastructure proposed. In particular, the project would give rise to widespread and enduring adverse landscape and visual effects, including major significant impacts within the locally valued Waveney Valley,

¹ Examination library reference: [[RR-2753](#)] (accessed 21/01/2026)

for which NCC considers additional mitigation and landscape compensation essential. NCC also identifies substantial deficiencies and omissions in the Applicant's flood risk assessment and associated drainage documentation, such that NCC, as the LLFA, must maintain an objection pending further technical information and design detail.

- 4.3. In relation to ecology and biodiversity, NCC raises concerns about the scale of tree and woodland loss, especially at the Tas Valley crossing, and seeks stronger commitments on replacement planting and biodiversity net gain. In the transport context, NCC considers that reliance on primary access route 8 through Diss would exacerbate existing junction constraints and is likely to create safety risks. We therefore request routing and access controls consistent with EN-1.
- 4.4. NCC is content that certain other topic areas, such as minerals safeguarding, health and wellbeing, and archaeology, are acceptable in principle, subject to specific drafting amendments to DCO requirement 5 to clarify and secure appropriate roles for county and district planning authorities and Historic England. The Council also identifies opportunities for positive socio-economic outcomes, including local employment and skills development, but emphasises that these benefits must be secured through a DCO requirement. In addition, the Council identifies continuing concerns regarding impacts on general aviation operations at Tibenham and Priory Farm airfields, which remain unresolved. Overall, while recognising the national need for electricity network reinforcement, the Council concludes that a number of significant impacts must be addressed through further assessment, strengthened mitigation, and legally secured obligations if the project is to comply with the relevant policy requirements and to minimise adverse effects within Norfolk.

5. Purpose and structure of this report

- 5.1. A local impact report ("an LIR") is defined by section 60 of the Planning Act 2008 as 'a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)'. The national infrastructure planning guidance for the examination stage² says (at paragraph 006):

"The LIR is a written report submitted by an affected local authority detailing the likely impact of the proposed development on any part of the local authority's area and community. The LIR is based on the local authority's existing body of local knowledge and robust evidence of local issues, including an appraisal of the proposed development's compliance with local policy and guidance."

- 5.2. This LIR is submitted by NCC in relation to the Norwich to Tilbury proposed development. Unless otherwise stated, this LIR relies on the Applicant's description of the project in chapter

² Available at: <https://www.gov.uk/guidance/planning-act-2008-examination-stage-for-nationally-significant-infrastructure-projects> (accessed 19/01/2026)

4 of the environmental statement (“ES”). Where NCC disagrees with the ES’s findings on any topic, this LIR aims to be explicit as to the nature and extent of the disagreement.

- 5.3. This LIR is structured as follows. Sections 1 and 2 provide a glossary and index tables for reference and to assist the reader. Sections 3-5 deal with introductory matters and provide an executive summary. Sections 6-13 provide a detailed description of local impacts organised by topic. In each topic section we provide the relevant policy context, a description of the impacts, and an explanation of any requirements, obligations or other measures we consider necessary as a result of those impacts. Appendix A provides tables which collect NCC’s requests for changes to be made to the draft DCO text as set out in this LIR and also provide drafting proposals in relation to matters raised in NCC’s relevant representation where it is possible to do so.

Impacts by issue

6. Ecology and biodiversity

Summary

- 6.1. National policy in EN-1 requires application of the mitigation hierarchy, protection of ancient and veteran trees, avoidance of loss of irreplaceable habitats except in wholly exceptional circumstances, and delivery of wider environmental gains and biodiversity net gain. EN-5 highlights opportunities for linear infrastructure to reconnect fragmented habitats and create green corridors.
- 6.2. Within this context, the Council identifies extensive tree and woodland loss from the required 40 m construction/operation swathe and wider 100 m potential impact envelope, including removal or management of several high-value and veteran trees within the Tas Valley crossing. Additional sensitivities include proximity to Norton's Wood CWS, Brick Kiln Lane CWS, and the Meadow Wood candidate CWS.
- 6.3. To address these impacts, and consistent with the duties in EN-1 and EN-5, the Council seeks clearer and more granular assessment of woodland and veteran-tree losses at the Tas Valley crossing, improved transparency on alternatives considered, and tighter control of working areas at sensitive sites through demarcation under the OCoCP.
- 6.4. The Council also considers that a unilateral undertaking is insufficient for securing replacement tree planting and biodiversity net gain; instead, it supports a multi-authority planning obligation covering replacement planting, BNG delivery, and landscape compensation.

Policy context

- 6.5. This provides a non-exhaustive survey of policy which is relevant to the impacts and proposed mitigation measures presented in this section of the LIR.

Overarching national policy statement for energy (EN-1)

- 6.6. Paragraph 4.3.20 of EN-1 sets out that the SoS should have regard to the legally binding targets established under the Environment Act 2021, which include targets relating to tree and woodland cover.
- 6.7. Section 4.6 of EN-1 sets out the approach to environmental and biodiversity net gain, and paragraph 4.6.10 makes clear that biodiversity net gain must be applied only after the mitigation hierarchy has been followed, and that it does not change or replace existing environmental obligations. Paragraph 4.6.13 further indicates that wider environmental gains should also be considered, such as landscape enhancement, improved access to natural greenspace, and the expansion or provision of trees and woodlands.
- 6.8. Section 5.4 of EN-1 addresses biodiversity and geological conservation more broadly. Paragraphs 5.4.13 and 5.4.14 emphasise the importance of regional and local sites, while

paragraphs 5.4.15 and 5.4.16 provide specific protections for ancient woodland, ancient trees, veteran trees and other forms of irreplaceable habitat, with reference to the accompanying Keepers of Time policy document³.

- 6.9. Paragraph 5.4.33 stipulates that applicants should include measures to fully mitigate all direct and indirect impacts on ancient woodland, ancient and veteran trees and other irreplaceable habitats throughout both construction and operation. Paragraph 5.4.55 states that the Secretary of State should not grant development consent for any proposal that would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and ancient or veteran trees, unless wholly exceptional reasons can be demonstrated and a suitable compensation strategy is provided.

National policy statement for electricity networks infrastructure (EN-5)

- 6.10. The National Policy Statement for Electricity Networks Infrastructure (EN-5) is also relevant. Paragraph 2.5.1 explains that the linear nature of electricity networks infrastructure may provide opportunities to reconnect important habitats by creating green corridors, developing biodiversity stepping zones, and reinstating appropriate hedgerows. It also notes that such infrastructure can provide opportunities to improve public access to the environment, for example by enabling footpaths and cycleways to be delivered alongside associated environmental enhancements.

Impacts

Tree loss

- 6.11. Paragraphs 4.8.53 to 4.8.56 of chapter 4 of the ES⁴ set out the general approach to vegetation clearance for overhead lines. Trees and Hedgerows to be Removed and or Managed Plans – Section A⁵ shows that a considerable quantity of trees and woodland is expected to be lost as a direct impact of Norwich to Tilbury. For standard lattice pylons, a 40m wide swathe of vegetation will be removed to allow for construction, operation and maintenance of the overhead line. An additional 8m either side of this central swathe may need to be managed to allow for clearance from the conductor. A further 22m either side is potentially affected to account for allowances in design flexibility and lateral limits of deviation. This means that the total width of the “potentially affected” envelope is 100m.
- 6.12. Most trees and woodland lost as part of the project is accounted for as habitat in table 8.23⁶, which sets out the residual effects on ecology and receptors during construction. Some receptors are grouped together while others are named and provided individual entries. Low/local importance woodlands are grouped together across the project as one entry.

³ See: Keepers of Time: ancient and native woodland and trees policy in England. Available at: <https://www.gov.uk/government/publications/keepers-of-time-ancient-and-native-woodland-and-trees-policy-in-england/keepers-of-time-ancient-and-native-woodland-and-trees-policy-in-england> (accessed 19/01/2026)

⁴ Examination library reference: [APP-130] (accessed 19/01/2026)

⁵ Examination library reference: [APP-048] (accessed 19/01/2026)

⁶ Examination library reference: [APP-158] (accessed 20/01/2026)

Species-rich ‘important’ hedgerows of medium/county importance are grouped into another entry. Habitats of principal importance (“HPIs”) have one entry and are given medium/county importance. Ancient woodland has one entry in the table but it’s description lists specific areas, none of which are in Section A (i.e. within Norfolk).

- 6.13. It is not broken down by county, but the entry for low/local value habitats shows a temporary loss of 6.17 ha ‘other broadleaved woodland’ and 0.58 ha ‘other mixed woodland and a permanent loss of 3.9 ha ‘other broadleaved woodland’ and 0.14 ha ‘other mixed woodland’.
- 6.14. One CWS in Norfolk is specifically highlighted for potential habitat loss: Norton’s Wood CWS. In this case, the CWS is outside the order limits but within 2m of the temporary haul road near pylon RG019. The potential for accidental encroachment is proposed to be dealt with by demarcating the order limits in line with the outline code of construction practice (“OCoCP”). After mitigation there would be no significant residual effect on this woodland CWS.
- 6.15. There appears to be a gap in the ES as to the impact on woodlands affected by the change described in section 4.4 and figure 4.4 of the design development report⁷ (a previous change to the alignment being covered in paragraphs 5.4.24 to 5.4.28 and figure 5.4 of the 2024 design development report⁸). The current design development report explains that the realignment between RG046 and RG050 in the 2024 preferred alignment is no longer considered suitable due to effects on veteran trees. NCC will follow the design development report in referring to this section of the route as the Tas Valley crossing.
- 6.16. Sheet 8 of 13 of the Trees and Hedgerows to be Removed or Managed Plans – Section A⁹ shows the degree of tree loss associated with this specific alignment. The arboricultural impact assessment¹⁰ (“AIA”) provides (on pages 28 and 29 of Figure A12.6.1, the Landscape and Visual Arboricultural Impacts Plan, included as Annex D of the AIA) specific detail on the particular trees and groups affected. Individual trees and groups can be cross referenced against Annex C, the tree schedule of the AIA. This shows the high arboricultural value of some of these individuals to be removed or managed. For example, T107 is a mature English oak of category A1 which will need to be managed to accommodate electrical clearance from the conductor. T1181 is a mature English oak of category A2 which will need to be removed entirely. G402 to G409 are all groups in this area which need to be removed. Of these, VG404 and VG406 are veteran groups, and half of these groups are in category A3.
- 6.17. To the east of the Tas Valley crossing is the Brick Kiln Lane CWS, which would be directly oversailed by the proposal in the 2024 preferred alignment. To the west is the Meadow Wood

⁷ Examination library reference: [\[APP-122\]](#) (accessed 20/01/2026)

⁸ Examination library reference: [\[APP-359\]](#) (accessed 20/01/2026)

⁹ Examination library reference: [\[APP-048\]](#) (accessed 20/01/2026)

¹⁰ Examination library reference: [\[APP-236\]](#) (accessed 20/01/2026)

Nature Reserve candidate CWS, which Norfolk Wildlife Trust report in their relevant representation¹¹ will be put forward for designation as a CWS in the 2026 CWS update. The effects on trees in this area are not currently broken out of the general effects on habitats. NCC thinks it would be appropriate to consider the effects of the alternative options on both named sites.

- 6.18. Given the scale of tree loss and importance of habitats in the Tas Valley crossing, NCC consider it would be appropriate to require the Applicant to set out more explicitly, both in EIA terms and at a granular level, the balance of impacts on tree loss in this area for the various design alternatives which have been considered.

Great crested newt

- 6.19. It is not clear exactly the scope of the impact on great crested newt is in Norfolk because a detailed assessment of impacts was ruled out at scoping. According to table 8.23 of chapter 8 of the ES, 18 ponds would be functionally lost across the project. A district level licence is being used to provide 44 ponds as mitigation for this loss, resulting in no significant residual effect. NCC notes that according to paragraph 8.6.26 of chapter 8, Natural England has agreed to this approach.

Water voles

- 6.20. Table 8.23 of chapter 8 of the ES sets out the Applicant's impact assessment of residual effects on ecology and biodiversity receptors during construction. The water voles entry shows that there are eight watercourses in Norfolk (i.e. section A of the project) which would be affected by works causing a direct loss of habitat to water voles. The effects on water voles across the project is given as significant, falling to no significant residual effect after mitigation.
- 6.21. Mitigation takes the form of displacement under licence. There is an opportunity here to use a strategic licencing approach.

Requirements, obligations and other measures

Replacement tree planting

- 6.22. The Applicant has shown local authorities a draft unilateral undertaking aimed at securing replacement tree planting for individual trees which would not be included in biodiversity net gain ("BNG") metric calculations. On the basis that a unilateral undertaking does not provide any meaningful ability for host authorities to monitor or scrutinise the applicant's proposals, the councils are working on a counter proposal for a planning obligation to cover replacement tree planting, BNG and landscape compensation in the Waveney Valley.

¹¹ Examination library reference: [\[RR-2756\]](#) (accessed 20/01/2026)

- 6.23. Suffolk County Council (“SCC”) is leading on negotiations with the applicant on behalf of the host authorities. NCC expects that the host authorities will be able to provide updates on progress throughout the examination.

Ancient woodland

- 6.24. EN-1 requires the applicant to “include measures to mitigate fully the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both construction and operational phases”. The applicant has not done this in relation to the Meadow Wood ancient wood pasture and will need to provide proposals to do so. NCC would ask that the applicant engage with the landowner and the Norfolk Wildlife Trust in developing deliverable mitigation proposals.

Biodiversity net gain

- 6.25. The Applicant has shown local authorities a draft unilateral undertaking aimed at securing biodiversity net gain (“BNG”). On the basis that a unilateral undertaking does not provide any meaningful ability for local authorities to monitor or scrutinise BNG proposals, the councils are working on a counter proposal for a planning obligation to cover replacement tree planting, BNG and landscape compensation in the Waveney Valley.
- 6.26. It will be important for the BNG assessment and strategy to be underpinned by a robust evidence base including condition assessments for all the habitats affected. NCC understands that since the application documents were finalised, the coverage has increased to 97%, which is sufficient.

Outline code of construction practice

- 6.27. NCC is satisfied that the biodiversity elements of the OCoCP are written in line with the requirements of the model construction environmental management plan condition at D.4.1 of BS 42020:2013 (Biodiversity — Code of practice for planning and development).

7. Contaminated land, geology and hydrogeology

Summary

7.1. Reflecting the policy requirements and the low level of impact identified, the Council agrees with the conclusion that prior extraction of minerals is neither practicable nor feasible and therefore accepts that no mitigation is necessary. The Council is therefore satisfied that the proposal accords with the relevant provisions of EN-1 and the NMWLP and that no additional obligations or requirements are needed in relation to contaminated land, geology or hydrogeology.

Policy context

National Policy Statements

7.2. The overarching NPS for energy, EN-1, only deals with minerals safeguarding briefly. Paragraph 5.11.19 says:

“Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place.”

7.3. Later, paragraph 5.11.28 says that the SoS should ensure that appropriate mitigation measures are in place to safeguard mineral resources where a proposed development would have an impact on a mineral safeguarding area (“MSA”)

Norfolk Minerals and Waste Local Plan 2023-2038

7.4. NCC is the minerals planning authority for Norfolk and produced the Norfolk Minerals and Waste Local Plan 2023-2038¹² (“the NMWLP”). The NMWLP has two policies which concern the safeguarding of mineral resources and facilities.

7.5. Policy MP10 relates to the safeguarding of minerals handling and manufacturing facilities and is reproduced in full below at Box 1: Policy MP10 of the NMWLP. For specified types of facility, the policy requires applicants to produce a minerals infrastructure impact assessment. NCC will oppose development where the proposal would prevent or prejudice the use of safeguarded facilities.

7.6. Policy MP11 concerns the safeguarding of mineral resources which are included in the policies map as an MSA or a mineral consultation area (“MCA”). Policy MP11 is reproduced in full at Box 2. The policy sets out that existing, permitted and allocated mineral extraction sites are safeguarded, alongside Norfolk’s silica sand, Carstone and sand and gravel resources. Both extraction sites and mineral resources are included in the MSA. For extraction sites the MCA extends beyond the MSA by a buffer of 250m. For mineral resources the MCA has the same extent as the MSA. The policy requires investigations to assess whether any mineral resource has economic value and if so whether prior extraction would

¹² NMWLP available: <https://www.norfolk.gov.uk/article/39052/Norfolk-Minerals-and-Waste-Local-Plan> (accessed 27/01/2026)

be economical. Carstone has specific conservation uses which should be taken account of in any mineral resource assessment.

Box 1: Policy MP10 of the NMWLP

Policy MP10: safeguarding of port and rail facilities, and facilities for the manufacture of concrete, asphalt and recycled materials – STRATEGIC POLICY

The County Council will safeguard:

- (a) Existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handing and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, including recycled, secondary and marine-dredged materials; and
- (b) Existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.

Development proposals within 250 metres of the above minerals related facilities should demonstrate that they would not prevent or prejudice the use of those facilities, through the submission of a Minerals Infrastructure Impact Assessment, as set out in Appendix 9. The 'agent of change' principle will be applied to all such development.

The Mineral Planning Authority should be consulted on all development proposals within Mineral Consultation Areas, except for the excluded development types set out in Appendix 4.

The County Council will oppose development proposals which would prevent or prejudice the use of safeguarded sites for those purposes unless suitable alternative provision is made, or the applicant demonstrates that those sites no longer meet the needs of the aggregates industry.

Box 2: Policy MP11 of the NMWLP

Policy MP11: Mineral Safeguarding Areas and Mineral Consultation Areas – STRATEGIC POLICY

The County Council will safeguard existing, permitted and allocated mineral extraction sites from inappropriate development proposals. Mineral Consultation Areas are delineated on the Policies Map and extend to 250 metres from each safeguarded site. Development proposals within 250 metres of a safeguarded site should demonstrate that they would not prevent or prejudice the use of the safeguarded site for mineral extraction and the ‘agent of change’ principle will be applied in all such cases. The County Council will object to development proposals which would prevent or prejudice the use of safeguarded sites for mineral extraction.

The County Council will safeguard Norfolk’s silica sand, carstone, and sand and gravel mineral resources, within the Mineral Safeguarding Areas identified on the Policies Map, from inappropriate development proposals. For mineral resources the Mineral Consultation Area is the same defined area as the Mineral Safeguarding Area.

The Mineral Planning Authority should be consulted on all development proposals within Mineral Consultation Areas, except for the excluded development types set out in Appendix 4.

For relevant development proposals located within a Mineral Safeguarding Area the Mineral Planning Authority will expect to see appropriate investigations carried out to assess whether any mineral resource there is of economic value, and if so, whether the mineral could be economically extracted prior to the development taking place. This information should be provided through the submission of a Mineral Resource Assessment, as set out in Appendix 10.

The conservation benefits of carstone will be a consideration in safeguarding resources.

In line with the NPPF, the Mineral Planning Authority will object to development which would lead to the sterilisation of the mineral resource, and it would be for the relevant Local Planning Authority to decide whether there are compelling planning reasons for over-riding this safeguarding objection.

Impacts

7.7. The qualitative minerals resource and infrastructure assessment¹³ reports that within Norfolk, approximately 4% of the order limits falls within an MSA¹⁴. The assessment notes that the order limits are the maximum extent of the land potentially affected by the project and does not represent the actual area sterilised by development. Therefore, the assessment concludes minor, not significant effects.

¹³ See ES Appendix 9.2 – Qualitative Minerals Resource and Infrastructure Assessment, [[APP-183](#)] (accessed 16/01/2026)

¹⁴ See also ES Figure 9.3 – Minerals Safeguarding Areas, Minerals Consultation Areas and Minerals Infrastructure, [[APP-188](#)] (accessed 27/01/2026)

Requirements, obligations and other measures

7.8. NCC agrees with the applicant's mineral resource and infrastructure assessment, that prior extraction of mineral resources is not practical nor feasible¹⁵. We therefore also agree that no mitigation is required.

¹⁵ See paras 9.5.30-9.5.32, 9.5.36, 9.5.43 and 9.5.44 in [[APP-183](#)] (accessed 27/01/2026)

8. Health and wellbeing

Summary

- 8.1. NCC has a responsibility under section 2B of the National Health Service Act 2006 to improve the public health of people in Norfolk. As part of this role, we consider the effects of development proposals on public health when responding to planning applications and applications for development consent. NCC does not comment on matters such as noise or pollution which fall within the statutory duties of district councils.
- 8.2. NCC is satisfied that our comments throughout the consultation phases have been considered by the applicant and that with the proposed mitigation measures in place, the residual health impacts are assessed as being not significant.

Policy context

- 8.3. Although the EIA Regulations specifically refer to effects on human health, EN-1 considers health briefly and mainly from the perspective of environmental health considerations. Paragraph 4.1.7 of EN-1 makes clear that the CNP presumption does not apply where residual impacts present an unacceptable risk to human health. Section 4.4 of EN-1 briefly sets out that the ES should assess effects on health and identify measures to avoid, reduce or compensate impacts. It also makes clear that health issues which are not subject to separate regulation can be considered in setting requirements to mitigate health effects.

Impacts

- 8.4. NCC agrees with the conclusions of chapter 10 of the ES¹⁶, that there will be no significant effects on health.

Requirements, obligations and other measures

- 8.5. NCC have not identified any need for mitigation beyond that which is proposed by the applicant.

¹⁶ See ES Chapter 10 – Health and Wellbeing, [[APP-192](#)] (accessed 09/02/2026)

9. Historic environment

Summary

9.1. Subject to satisfactory revision of requirement 5 and the submission of updated outline archaeological control documents, NCC is content that the proposed development incorporates an appropriate strategy for archaeological mitigation. The Council will provide further comments on the updated outline archaeological mitigation strategy and outline WSI once submitted by the Applicant.

Policy context

- 9.2. An important feature of the historic environment policy in EN-1 is that policies applying to designated heritage assets also apply to non-designated heritage assets of archaeological interest where they are “demonstrably of equivalent significance to Scheduled Monuments”¹⁷. The lack of a designation cannot be taken as an indication of lower significance.
- 9.3. Paragraph 5.9.22 requires that the risk to undiscovered heritage assets is mitigated by requirements which secure the correct procedures for identifying and treating heritage assets.

Impacts

9.4. NCC agrees with the applicant’s assessment of impacts on archaeological heritage assets as presented in ES chapter 11 – Historic Environment¹⁸.

Requirements, obligations and other measures

- 9.5. Requirement 5 of the DCO¹⁹ deals with archaeological mitigation. Before any stage of the development commences, a preservation in situ management plan or a detailed written scheme of investigation (“WSI”) must be approved by the relevant planning authority and, if relevant, Historic England.
- 9.6. The meaning of “relevant planning authority” in the requirement is ambiguous. It is defined in article 2(1) as meaning “in any given provision of this Order, the local planning authority to which the provision relates”. “Local planning authority” is not defined in the draft DCO, so that term inherits its meaning from the Planning Act 2008. In turn section 235 of the Planning Act 2008 gives “local planning authority” the same meaning as in the Town and Country Planning Act 1990. Section 1 of the Town and Country Planning Act 1990 states that references in the planning Acts to a local planning authority in relation to a non-metropolitan county shall be construed, subject to any express provision to the contrary, as references to both the county planning authority and the district planning authorities.

¹⁷ See para 5.9.8 of EN-1

¹⁸ See [APP-208] (accessed 09/02/2026)

¹⁹ See pp. 106-107 of the Draft Development Consent Order, [APP-056] (accessed 09/02/2026)

- 9.7. Because there is no express provision to the contrary in either the Planning Act 2008²⁰ or the draft DCO, the term “relevant planning authority” refers to both types of planning authority. NCC considers that this ambiguity is unhelpful and that the draft DCO should specify which local planning authority is to discharge each application. Though there is not yet²¹ a statutory basis for it, in non-metropolitan areas it is county councils and not district councils which maintain the historic environment record for the area and which employ archaeologists to provide input into the planning system. If the applicant intends that the district planning authority should be the discharging authority for requirement 5 (with which NCC would be content), NCC would request that the approval is to be in consultation with the relevant county planning authority.
- 9.8. As written, the discharging authority for preservation in situ management plans or detailed WSIs can be Historic England “if relevant”. NCC considers that as presently drafted, this is imprecise and arguably unenforceable. NCC would ask the applicant to clarify in which circumstances Historic England would be relevant for the purposes of requirement 5. In any case, the least ambiguous drafting would be to make Historic England, if relevant, a consultee rather than, if relevant, a discharging authority. NCC therefore proposes changes to the text of requirement 5 as follows in Table 1.

Table 1: NCC proposed changes to the draft DCO in respect of requirement 5

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Tracked changes</i>
Delete in paragraph (1) of article 2	“relevant planning authority” means, in any given provision of this Order, the local planning authority for the area to which the provision relates;	“relevant planning authority” means, in any given provision of this Order, the local planning authority for the area to which the provision relates;
Insert after definition of “provisional advance authorisation”	—	<u>“relevant county planning authority” means, in any given provision of this Order, the county planning authority for the area to which the provision relates;</u> <u>“relevant district planning authority” means, in any given provision of this Order, the district planning authority for the area to which the provision relates;</u>
Amend paragraph (1) of requirement 5	(1) No stage of the authorised development may commence until either a preservation in situ	(1) No stage of the authorised development may commence until either a preservation in situ

²⁰ Note that there is a distinction between county and district planning authorities in section 173 of the Planning Act 2008, but that section only applies for the purposes of Part 8 of that act (i.e. in relation to enforcement).

²¹ Section 230 of the Levelling-up and Regeneration Act 2023 is not yet in force. It would require county councils to maintain an historic environment record.

(cont.)

management plan, or a detailed written scheme of investigation of areas of archaeological interest relevant to that stage (if any), as identified within the outline archaeological mitigation strategy and outline written scheme of investigation or identified through evaluation work as set out in the outline archaeological mitigation strategy and outline written scheme of investigation, has been submitted to and approved by the relevant planning authority and, if relevant, Historic England.

management plan, or a detailed written scheme of investigation of areas of archaeological interest relevant to that stage (if any), as identified within the outline archaeological mitigation strategy and outline written scheme of investigation or identified through evaluation work as set out in the outline archaeological mitigation strategy and outline written scheme of investigation, has been submitted to and approved by the relevant [district](#) planning authority [in consultation with the relevant county planning authority](#) and, if relevant, Historic England.

Amend paragraph (4) of requirement 5

(4) For the avoidance of doubt, all pre-commencement operations must be carried out in accordance with the outline archaeological mitigation strategy and outline written scheme of investigation, unless otherwise agreed with the relevant planning authority and, if relevant, Historic England.

(4) For the avoidance of doubt, all pre-commencement operations must be carried out in accordance with the outline archaeological mitigation strategy and outline written scheme of investigation, unless otherwise agreed with the relevant [district](#) planning authority [in consultation with the relevant county planning authority](#) and, if relevant, Historic England.

- 9.9. Because this amendment changes the way local planning authorities are defined, it will require consequential amendments as set out in Appendix A.
- 9.10. NCC has identified a number of deficiencies with the outline control documents in our relevant representation. We understand that the applicant intends to submit an update to the outline archaeological mitigation strategy and the outline WSI, so we will respond to updated documentation when it is provided in due course.

10. Hydrology, land drainage and flood risk

Summary

- 10.1. NCC is the lead local flood authority (“LLFA”) for Norfolk. NCC has identified extensive gaps, ambiguities and omissions in the Applicant’s ES, Flood Risk Assessment (“FRA”), and associated documents. These issues relate to the adequacy of the project description, the absence of key drainage design information, inconsistencies in the assessment methodology, insufficient consideration of surface water and construction-phase flood risk, and a lack of clarity regarding temporary and permanent works. NCC’s concerns are covered in substantial detail in our letter to the applicant dated 01 October 2025, which has been submitted as an appendix to our relevant representation²².
- 10.2. The LLFA cannot accept that the proposed development would avoid increasing flood risk on-site or elsewhere based on the information currently provided. Substantial further information and clarification are required across multiple chapters of the ES and FRA. Until this work is done, NCC must object on the basis of uncertainty about the flood risk. The applicant will need to take “all reasonable steps to agree ways in which the proposal might be amended, or additional information provided, which would satisfy the authority’s concerns” as required by EN-1²³.

Policy context

- 10.3. The key policy related to flood risk is contained in section 5.8 of EN-1. The requirements of EN-1 are largely aligned with provisions in the national planning policy framework, including the application of the sequential and exception tests, the requirement for an FRA, the requirement to use SuDS, and others.
- 10.4. Importantly, the application of CNP to flood risk policy is qualified by paragraph 5.8.42, which states:

Exceptionally, where an increase in flood risk elsewhere cannot be avoided or wholly mitigated, the Secretary of State may grant consent if they are satisfied that the increase in present and future flood risk can be mitigated to an acceptable and safe level and taking account of the benefits of, including the need for, nationally significant energy infrastructure as set out in Part 3 above. In any such case the Secretary of State should make clear how, in reaching their decision, they have weighed up the increased flood risk against the benefits of the project, taking account of the nature and degree of the risk, the future impacts on climate change, and advice provided by the EA or NRW and other relevant bodies.

- 10.5. Even where the CNP allows infrastructure “to be treated as if it has met any tests which [...] requires a clear outweighing of harm, exceptionality or very special circumstances”²⁴, it is

²² See NCC relevant representation: [\[RR-2753\]](#)

²³ See para 5.8.20 of EN-1

²⁴ See para 4.2.29 of EN-1

clear that flood risk must be mitigated to an acceptable and safe level. This is reinforced by paragraph 4.2.28 which explicitly states that there is an exception to the CNP presumption of consent for residual impacts which present an unacceptable risk to human health and public safety, as well as for residual impacts which present an unacceptable risk to, or unacceptable interference to flood risk. Where the CNP assumption is applied to flood risk issues, it is clear that the SoS must very carefully justify their decision and explicitly set out their reasoning.

- 10.6. It is worth noting that in the flood risk context, CNP only applies to the balancing of increased flood risk against benefits, and it does not justify deviation from the technical requirements of policy including the minimum requirements for FRA²⁵, the requirement to use SuDS (the only exception to which is where there is clear evidence that their use would be inappropriate) or the necessity for the drainage system to comply with National Standards under the Flood and Water Management Act 2010.
- 10.7. NCC, being the LLFA for Norfolk, is a flood risk management authority for the purposes of paragraphs 5.8.20 and 5.8.40²⁶. This means that if the SoS wishes to grant consent while NCC continues to object on flood risk grounds, the SoS will have to be satisfied that “all reasonable steps” have been taken to try to resolve the concerns.

Impacts

Watercourses – water quality and hydromorphology

- 10.8. In relation to temporary haul roads, NCC has not seen any information in relation to soil stabilisation in the cleared swathe to prevent the silting up (polluting) of the surface water drainage system and local watercourses. This may be in the OCoCP, however, there is no mention of the typical measures that would need to be in place to manage it. NCC therefore cannot agree with the applicant’s finding of a negligible significance of effect in relation to construction works near watercourses.

Construction flood risk

- 10.9. Temporary construction works, including haul roads, compounds, laydown areas, watercourse crossings and dewatering activities, are insufficiently defined in terms of location, scale, design, drainage arrangements and permanence. It is therefore not possible to assess the extent to which these works may increase impermeable area, alter drainage pathways or increase flood risk. NCC cannot agree with the applicant’s finding of negligible negative effects on the land drainage regime and rainfall infiltration and runoff patterns as set out in paragraph 12.8.24 of ES Chapter 12 – Hydrology Land drainage and Flood Risk²⁷.

²⁵ See para 5.8.15 of EN-1

²⁶ See GOV.UK page on risk management authorities: <https://www.gov.uk/government/collections/flood-and-coastal-erosion-risk-management-authorities#lead-local-flood-authorities> (accessed 02/02/2026)

²⁷ Examination library reference: [APP-221] (accessed 18/02/2026)

- 10.10. NCC is aware of a number of examples of serious flooding incidents in Norfolk as a result of poorly managed surface water during the construction of major projects, including NSIPs. During works for the Hornsea Three converter station near Swardeston, the failure of construction drainage measures flooded the B1113 which is a key transport link between Norwich and commuter village. The developer had to put in temporary drainage measures including tankering flood water away and constructing a temporary basin to accommodate flows. In a separate incident, sediment washed out of soils handled in the construction of Hornsea Three resulted in a category 1 pollution incident in the River Glaven which is an ecologically valuable chalk stream. This resulted from construction surface water management being built out correctly. In Attleborough, a major housing development caused flooding in 2023 due to interrupting the water flows with a temporary road built across a stream that was not part of the consented construction plans.
- 10.11. These examples indicate that temporary construction works have the potential to cause serious flooding and pollution incidents. For a project as geographically extensive as Norwich to Tilbury, NCC is not content to assume a negligible impact on the basis of 'standard' mitigation measures. Site specific assessment and tailored mitigation proposals are necessary to provide effective mitigation measures.

Operational flood risk

- 10.12. The operation phase of this project has a smaller footprint than the construction phase, which means that potential impacts on flood risk are less extensive than for construction. However, access tracks will be retained from construction throughout the operational phase for maintenance and, as for the construction phase, assessment and mitigation is seriously lacking. NCC is not content to agree that operational flood risk impacts will be negligible.

Requirements, obligations and other measures

Further assessment work and detailed mitigation design

- 10.13. NCC has serious concerns about the inconsistencies and omissions in the flood risk chapter of the ES and the FRA which lack site-specific modelling, detailed drainage design annexes, and consistent application of stated methodologies. NCC is concerned that the assessment asserts that mitigation measures will reduce impacts to negligible levels without providing supporting evidence.
- 10.14. At a minimum, NCC would need to be a consultee for applications to discharge requirement 4 in relation to the code of construction practice. NCC's proposals for redrafting requirement 4 set out at Table 5-A in Appendix A would achieve this in a way that applies to all LLFAs across the project. This is essential to ensure that LLFAs can have confidence in the application of mitigation measures which are relied on by the applicant but currently lack any detail.

Construction surface water drainage strategy

- 10.15. NCC considers it essential that the applicant commits to producing and implementing a construction surface water drainage strategy. This would allow the SoS and the LLFA to have confidence in the mitigation measures. The provision of a construction surface water drainage strategy (or functionally equivalent control document) is well precedented for NSIPs. In Norfolk, the A47/A11 Thickthorn Junction DCO 2022 contains a requirement for approval of a temporary surface water drainage strategy. In our experience, this has worked well and suitable measures have been put in place during the construction, which is ongoing.
- 10.16. NCC therefore proposes a new requirement, set out in Table 2 below, to secure a construction surface water management plan. This approach would require the applicant to produce an outline document before the end of the examination to be included in Schedule 19 as a certified document.

Table 2: Amendment to the draft DCO to require a construction surface water drainage strategy

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>
Insert new requirement 15. after requirement 14. in Schedule 3 (requirements)	—	<p style="text-align: center;"><u>15. Construction surface water drainage strategy</u></p> <p style="text-align: center;"><u>(1) No stage of the authorised development may commence until a construction surface water drainage strategy for that stage which accords with the outline construction surface water drainage strategy has been submitted to and approved in writing by the relevant district planning authority in consultation with the relevant county planning authority.</u></p> <p style="text-align: center;"><u>(2) All construction works for each stage of the authorised development must be carried out in accordance with the construction surface water drainage strategy for that stage unless otherwise agreed with the relevant district planning authority in consultation with the relevant county planning authority.</u></p> <p style="text-align: center;"><u>(3) For the avoidance of doubt, all pre-commencement operations must be carried out in accordance with the outline construction surface water drainage strategy unless otherwise agreed with the relevant district planning authority in consultation with the relevant county planning authority.</u></p>

11. Landscape and visual

Summary

- 11.1. The proposed development would introduce widespread, significant adverse landscape and visual effects across all landscape character areas directly affected by the route in Norfolk, extending up to 1.5 km from the overhead line. These include open plateau and tributary valley landscapes, the Waveney Valley (a locally valued landscape), and rural settlements with wide visibility and long horizons. Significant effects would occur during construction and would largely persist at Year 1 of operation, with some reduction by Year 15 as reinstated vegetation matures, though major adverse effects would remain for several character areas. Visual receptors across multiple receptor areas would also experience major or moderate significant effects at both construction and operational stages.
- 11.2. Given the scale and persistence of impacts, as well as clear policy requirements, NCC considers it necessary that mitigation and compensation measures be strengthened. This includes extending the proposed aftercare period for reinstatement planting to at least 10 years, with detailed monitoring commitments to ensure establishment and screening effectiveness. NCC also considers that the withdrawal of the 2km underground section known as the Waveney Valley Alternative leaves a significant gap in mitigation. In the absence of undergrounding, compliance with EN-1 and EN-5 will require additional compensatory measures, and NCC supports securing such measures through a planning obligation, including funding contributions to landscape-scale restoration projects within the Waveney Valley.

Policy context

- 11.3. The key policies governing the consideration of landscape and visual effects in this case can be found in section 5.10 (Landscape and Visual) of EN-1 and paragraphs 2.9.7 to 2.9.26 of EN-5. At a very high level, the NPSs acknowledge that landscape impacts are almost inevitable in the case of electricity infrastructure, but that in general this should not prevent projects from being consented. However, policy does make it clear that the mitigation hierarchy must be followed, including compensation for residual effects.
- 11.4. In addition to biodiversity net gain, EN-1 also makes clear that developments may deliver wider environmental gains and benefits, including most pertinently for landscape, the following examples given in paragraph 4.6.13 of EN-1:
- landscape enhancement
 - increased access to natural greenspace
 - the enhancement, expansion or provision of trees and woodlands.
- 11.5. Paragraph 5.10.6 of EN-1 requires projects to be designed carefully, with an aim of minimising harm to the landscape, providing reasonable mitigation where possible and appropriate.

- 11.6. The project does not pass through any nationally designated areas in Norfolk, but paragraph 5.10.12 does recognise that there are landscapes which are highly valued locally. In Norfolk the Waveney Valley is a locally valued landscape, as demonstrated by the VLA submitted as appendix C of our relevant representation. The paragraph goes on to say that locally valued landscapes should not be used in themselves to refuse consent. NCC's view is that though locally valued landscapes do not require refusal of an application, it would be appropriate for the applicant to take a proactive approach to mitigation and compensation in these areas.
- 11.7. Paragraph 5.10.14 sets out that the SoS will have to judge whether the visual effects on sensitive receptors outweigh the benefits of the project. Because the CNP presumption applies, it is unlikely that these effects would outweigh the benefits in the final analysis. This does not provide an exemption from application of the mitigation hierarchy.
- 11.8. Principles informing landscape and visual impact assessment ("LVIA") are dealt with in paragraphs 5.10.16 to 5.10.25 of EN-1. EN-5 adds, in paragraph 2.9.14, that:

Where the nature or proposed route of an overhead line will likely result in particularly significant landscape and visual impacts, as would be assessed through seascape, landscape and visual impact assessment (SLVIA), the applicant should demonstrate that they have given due consideration to the costs and benefits of feasible alternatives to the overhead line. This could include, where appropriate re-routing, underground or subsea cables and the feasibility e.g. in cost, engineering or environmental terms of these. Applicants should note the policy position for nationally designated landscapes at paragraph 2.9.21 below.

- 11.9. Paragraph 2.9.15 then sets out that the ES should set out details of this consideration, including the "rationale for eschewing feasible alternatives to the overhead line, and the mitigation cost-calculation methodology that this rationale may rely on".
- 11.10. Paragraphs 2.9.16 and 2.9.19 set out the Holford Rules and Horlock Rules, which are the principles that should be embodied in the design of the proposal.
- 11.11. The part of EN-5 which is relevant to the consideration of undergrounding outside nationally designated landscape is paragraphs 2.9.24 to 2.9.26. These set out that there are cases where, notwithstanding the general presumption of overhead lines outside of national landscapes, "a high potential for widespread and significant adverse landscape and/or visual impacts" may justify undergrounding for those particular segments. These paragraphs set out that the SoS should only grant development consent for underground lines where the benefits clearly outweigh the economic, social or environmental impacts of undergrounding, the mitigation hierarchy has been followed and any technical obstacles are surmountable. In addition to the relative environmental effects of the two options, the comparative cost of alternatives is emphasised.

Impacts

Landscape impacts

11.12. Within Norfolk the Norwich to Tilbury project comprises of a new 400kV overhead line extending south from Norwich Main Station, crossing agricultural plateau and tributary valley landscapes, together with cable sealing end compounds (“CSE”), temporary construction compounds and associated access tracks. Eighty-eight 50m pylons will be located in Norfolk, stretching from Norwich Main Substation to the Waveney Valley at the border of Norfolk and Suffolk. The ES concludes that there will be widespread significant adverse landscape effects, including in all landscape character areas directly affected by the cable route.

11.13. The section of the route within Norfolk (Section A) transitions through the following landscape character areas (“LCAs”):

- Tas Tributary Farmland – open, gently undulating to flat sloping landscape with shallow tributary valleys, large open arable fields and framed open views. Small blocks of woodland and scattered remnant hedgerow trees.
- Wymondham Settled Plateau Farmland – settled landscape with large edge of plateau towns, large expanses of flat landform with strong open horizons, large scale open arable fields, long views from plateau edge, poor hedgerows and sparse woodland.
- Ashwellthorpe Plateau Farmland – distinctive flat elevated landform, panoramic views and some framed views, large geometric fields, mature hedgerow and trees, peaceful rural character with presence of tall structures in some places.
- Great Moulton Plateau Farmland – flat elevated plateau, extensive arable farmland with large scale fields and notable absence of boundaries, isolated and infrequent woodland blocks, sparse hedgerows but hedgerow trees are an important feature.
- Waveney Tributary – Undulating landform to the south, whilst higher and flatter to the north, large open scale landscape with some distant views, pockets of enclosure and intimacy, narrow streams and drainage channels with scattered blocks of woodland and pockets of parkland, round tower and isolated churches are distinctive landmarks.
- Waveney Rural River Valley – flat wide floodplain with gently sloping valley sides, relatively large scale open valley landscape with some long distance views and more intimate enclosed areas along the river course, diverse land cover with discrete woodland blocks and strong market town character in places like Diss, mills and churches form distinctive landmark features and away from main roads a peaceful tranquil character is retained.

11.14. It is worth noting that while these are the character areas directly affected by the route, the wider Landscape and Visual Impact Assessment (“LVIA”) study area²⁸ does expand into other LCAs.

11.15. Many of these areas are sensitive to change due to their open skylines, rural character and visual connectivity. NCC broadly agrees with the LVIA baseline descriptions provided in the ES, however some of the tranquillity of the Waveney Valley is understated in the ES narrative. Although the Waveney Valley valued landscape assessment²⁹ (“VLA”) is cited as a data source and in the bibliography of this chapter of the ES, there is little evidence of engagement

²⁸ See ES Figure 13.1 – LVIA Study Area and Landscape Designations, [APP-237] (accessed 21/01/2026)

²⁹ Submitted as Appendix C to Norfolk County Council’s relevant representation, [RR-2753] (accessed 21/01/2026)

with the substance of the VLA. NCC consider that it would be helpful for the ES to present conclusions on the Waveney Valley in a similar manner to designated landscapes.

- 11.16. The sources of effect during construction are set out at paragraph 13.7.3 of chapter 13 of the ES³⁰. Significant adverse effects are predicted during construction for all LCAs and visual receptor areas directly affected by the project within the order limits. For LCAs outside the order limits, significant impacts are also predicted up to 1.5km from the project³¹.
- 11.17. The applicant has concluded that at Year 1 of operation there would be significant landscape effects for most of the LCAs directly impacted by the introduction of overhead lines and CSE compounds as well as the permanent loss of landscape features which are not reinstated after the construction period. These significant effects would also extend into the surrounding landscape by a distance of approximately 1.5km. The LVIA does conclude that by Year 15 of operation some of these effects would be reduced due to the maturing of reinstatement planting, but major significant effects would remain. The effects on particular LCAs can be summarised as follows:
- LCA D1: Wymondham Settled Plateau Farmland – moderate and significant (adverse) within 1.5 km;
 - LCA E1: Ashwellthorpe Plateau Farmland – moderate and significant (adverse) within 1.5 km;
 - LCA E2: Great Moulton Plateau Farmland – major and significant (adverse) within 1.5 km;
 - LCA B1: Tas Tributary Farmland – major and significant (adverse) within 0.5 km, reducing to moderate and significant (adverse) between 0.5 km and 1.5 km;
 - LCA B4: Waveney Tributary Farmland – major and significant (adverse) within 0.5 km, reducing to moderate and significant (adverse) between 0.5 km and 1.5 km;
 - LCA A5: Waveney Rural River Valley – major and significant (adverse) within 0.5 km, reducing to moderate and significant (adverse) between 0.5 km and 1.5 km.

Visual impacts

- 11.18. For assessment purposes, the LVIA study area has been broken into visual receptor areas, which can be seen for Norfolk in pages 1-3 of ES Figure 13.7 – Visual Receptors and Viewpoints³².
- 11.19. The sources of effect on visual receptors during construction are the same as for landscape impacts (set out at paragraph 13.7.3 of chapter 13 of the ES). Significant adverse effects are predicted during construction for all visual receptor areas directly affected by the project within the order limits. During construction the assessment almost uniformly predicts major significant adverse effects within 0.5km of the project, moderate significant effects between 0.5-1.5km and minor not significant effects beyond 1.5km³³.

³⁰ See ES Chapter 13 – Landscape and Visual, [APP-226] (accessed 21/01/2026)

³¹ See ES Appendix 13.2 – Landscape Baseline and Assessment, [APP-228] (accessed 21/01/2026)

³² Examination library reference: [APP-243] (accessed 21/01/2026)

³³ See: ES Appendix 13.3 – Visual Baseline and Assessment – Part 1, [APP-229] (accessed 21/01/2026)

- 11.20. The applicant has concluded that at Year 1 of operation there would be significant adverse visual effects on receptors within most of the VRAs that are directly affected by the project, these are predominantly related to the introduction of overhead lines or CSE compounds into close to medium distant views. By year 15 effects on some visual receptors located close to CSE compounds will reduce, however there will be no change to the effects in relation to the proposed overhead lines.
- 11.21. For all VLAs, the year 15 operational period effects remain major and significant within 0.5km with most reducing to moderate and significant between 0.5 and 1.5km. The only exception in Norfolk is VRAA12 Roydon and Diss, where the effects fall off to minor and not significant between 0.5 and 1.5 km.

Tas Valley crossing

- 11.22. In paragraphs 6.15 to 6.18 of this LIR, the effects on ecology and biodiversity of the project crossing the Tas Valley are discussed. In considering the loss of woodland under different scenarios, it is important to consider the value of woodlands for landscape and visual purposes as well as for biodiversity.

Requirements, obligations and other measures

Reinstatement planting

- 11.23. The applicant proposes in the Outline LEMP³⁴ to monitor and manage any reinstatement planting (woodland, trees and hedgerows) for a period of 5 years following construction to ensure successful establishment and regrowth. For a project with impacts of this magnitude, particularly given the slow establishment of native woodland and hedgerows, we consider this to be insufficient to secure successful integration and establishment in the landscape. Therefore, we would propose a minimum of a 10 year aftercare period and the inclusion of measures including annual survival rate targets, and the monitoring of plant growth and visual screening effectiveness through fixed point photography.

The Waveney Valley Alternative

- 11.24. At the time of the project's statutory consultation, a Waveney Valley Alternative ("WVA") was included which would have consisted of undergrounding a 2km stretch of the route through the Waveney Valley. NCC strongly supported this at the time because it would virtually have eliminated the landscape and visual impacts on the Waveney Rural River Valley which are now assessed to be major and significant. It is NCC's view that the WVA was, on its face, justified as being a case foreseen by paragraph 2.9.24 of EN-5 in which "a high potential for widespread and significant adverse landscape and/or visual impacts" justified undergrounding outside of a designated landscape.

³⁴ See: 7.4 Outline Landscape and Ecological Management Plan, [APP-321] (accessed 21/01/2026)

- 11.25. The WVA does not form part of the present application. National Grid’s rationale for rejecting the alternative is contained at the start of Table 3.17 of Environmental Statement Chapter 3 – Alternatives³⁵ and in paragraph 4.6.17 of the Design Development Report³⁶.
- 11.26. EN-5 imposes a requirement under paragraph 2.9.14 for the applicant to ‘demonstrate that they have given due consideration to the costs and benefits of feasible alternatives to the overhead line’. On this basis, NCC would ask that the applicant provide more detail to justify the statement at paragraph 4.6.16 of the Design Development Report that tunnelling (as opposed to horizontal directionless drilling or driven pipe methods) ‘would be possible but at a level of cost not considered to be compatible with National Grid’s duties to be economical’. This would bring the Applicant into compliance with the requirement of paragraph 2.9.14 of EN-5 by setting out the mitigation cost-calculation methodology relied on. NCC notes that some costings have been provided by the applicant most notably in the Strategic Options Backcheck and Review (“SOBR”)³⁷. However, no costings are provided in relation to site-specific alternative options despite the clear policy requirement.
- 11.27. NCC is deeply disappointed that the use of underground cables through the Waveney Valley cannot be achieved without environmentally disruptive, technically uncertain or disproportionately costly techniques. It is NCC’s strong view that the absence of an undergrounded alternative for the Waveney Valley leaves a hole in the project’s mitigation for landscape and visual effects which urgently needs to be filled. The assessed major and significant residual effects are of such magnitude that the applicant had, during the statutory consultation, seriously considered undergrounding outside a designated area to be an appropriate response.
- 11.28. NPS EN-1 is clear at paragraph 4.2.11 that ‘Applicants must apply the mitigation hierarchy and demonstrate that it has been applied [...] Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated’³⁸. The failure to find a feasible undergrounding option to avoid impacts does not absolve the applicant from the need to consider ways in which those impacts can be reduced, mitigated or compensated for.

Waveney Valley compensatory measures

- 11.29. The applicant’s own assessments acknowledge major and significant adverse impacts in Norfolk, including on the locally-valued landscape of the Waveney Valley, even after accounting for embedded mitigation.

³⁵ Examination library reference: [\[APP-127\]](#) (accessed 26/01/2026)

³⁶ Examination library reference: [\[APP-122\]](#) (accessed 26/01/2026)

³⁷ Examination library reference: [\[APP-355\]](#) (accessed 18/02/2026)

³⁸ The mitigation hierarchy is defined in the glossary of NPS EN-1 as: “A term to incorporate the avoid, reduce, mitigate, compensate process that applicants need to go through to protect the environment and biodiversity”.

- 11.30. Undergrounding the cable route in the most sensitive landscapes (and in particular the Waveney Valley) would have been the most comprehensive way to avoid operational landscape impacts of the cable route. If the ExA and the SoS agree with NGET that undergrounding is not practical, NCC argues that EN-5 requires proposals for additional mitigation beyond embodiment of good design principles.
- 11.31. NCC and SCC are in discussions with the applicant about a planning obligation which would provide funding for the Waveney & Little Ouse Recovery Project, which aims among other things to restore fen and woodland habitats in the Waveney Valley floor and to reverse previous human interventions to the course of the Waveney by reintroducing meanders.
- 11.32. SCC are leading on preparing heads of terms for this planning obligation which will be shared with the applicant in due course. NCC and SCC are optimistic that agreement can be reached before the end of the examination. Updates can be shared with the ExA as progress is made.

12. Socio-economics, recreation and tourism

Summary

12.1. The relevant national policy in EN-1 requires the Secretary of State to consider impacts on civil aviation and to ensure that proposals are designed to minimise adverse effects on aerodrome operation and safety. EN-1 also explains that development consent may include requirements for employment and skills plans to secure local economic benefits. Within this framework, the Council identifies two main socio-economic issues: impacts on local aviation businesses, and opportunities to secure positive employment and skills outcomes.

Policy context

12.2. The overarching NPS for energy, EN-1, sets out the relevant policy for impacts on civil aviation at section 5.5. Paragraph 5.5.52 requires the SoS to be satisfied that proposals are designed, where possible, to minimise adverse impacts on the operation and safety of aerodromes.

12.3. Paragraph 5.13.12 sets out that the SoS “may wish to include a requirement that specifies the approval by the local authority of an employment and skills plan detailing arrangements to promote local employment and skills development opportunities, including apprenticeships, education, engagement with local schools and colleges and training programmes to be enacted.”

Impacts

Aviation impacts

12.4. Following constructive dialogue between the Applicant and the Civil Aviation Authority (“CAA”) Airfield Advisory Team (“AAT”), the CAA AAT has since been disbanded. NCC has followed the lead of Suffolk County Council (“SCC”) in developing an understanding of the impacts of the project on aviation businesses and this section provides a summary of where NCC believes areas of disagreement remain in respect of Tibenham and Priory Farm Airfields in Norfolk.

12.5. National policy seeks to encourage general aviation and safeguard the operation of airfields including unlicensed airfields such as Tibenham and Priory Farm. NCC understands that the project would cause disruption to the flight paths of aircraft which would be compromised and obstructed by the proposed overhead lines.

12.6. SCC has submitted a copy of the CAA AAT’s response to the 2024 consultation as an appendix to its LIR, which includes a description of the impacts on Tibenham and Priory Farm airfields. This document sets out that power lines would act as a permanent vertical obstruction which would affect pilot decision making and safety outcomes and could seriously prejudice the ability of the aerodromes to operate.

Employment and skills

12.7. This project has the potential to have beneficial effects on employment and skills in Norfolk. NCC maintains that to properly weigh these benefits in decision-making, the applicant should secure them by the use of an employment and skills plan which would ensure clear, measurable commitments in accordance with EN-1.

Requirements, obligations and other measures

Mitigation to avoid aviation assets

12.8. NCC would ask that the applicant work collaboratively with relevant aerodrome operators in Norfolk to ensure that the project minimises adverse effects on aerodrome operation and safety.

Employment and skills plan

12.9. To comply with paragraph 5.13.12, a requirement to secure an employment and skills plan should be included in the next version of the draft DCO. NCC proposes text for a new requirement 16 in Table 3 below. The approach we propose would require that an outline employment and skills plan is prepared by the applicant, submitted as part of the examination process and added to Schedule 19 (certified documents) of the draft DCO. NCC considers that this is achievable within the examination timeframe.

Table 3: Amendment to the draft DCO to require an employment and skills plan

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>
Insert new requirement 16. at the end of Schedule 3 (requirements)	—	<p><u>16. Employment and skills plan</u> <u>(1) No stage of the authorised development may commence until an employment and skills plan for that stage which accords with the outline employment and skills plan has been submitted to and approved in writing by the relevant district planning authority in consultation with the relevant county planning authority.</u> <u>(2) The employment and skills plan must be implemented as approved.</u></p>

13. Traffic and transport

Summary

13.1. In light of the issues identified and consistent with EN-1, NCC requests several transport-related measures. These include updating the Applicant's transport baseline to reflect more recent traffic and collision data, amending construction working hours to limit peak-period traffic generation, and requiring a construction access strategy that prioritises haul roads over direct public highway access. NCC also seeks a commitment that all HGV traffic accessing the A1066 crossing point be routed via PAR 9, which both reduces safety risks and complies with EN-1's expectation that applicants reroute traffic to less-busy parts of the network where appropriate.

Policy context

13.2. The overarching NPS for energy, EN-1, sets clear requirements for assessment of traffic and transport effects in paragraphs 5.14.5 to 5.14.11.

13.3. Paragraph 5.14.12 makes it mandatory to consider demand management measures where mitigation is necessary, including identifying opportunities to:

- Reduce the need to travel by consolidating trips;
- Locate development in areas already accessible by active travel and public transport;
- Provide opportunities for shared mobility;
- Re-mode by shifting travel to a sustainable mode that is more beneficial to the network;
- Retime travel outside of the known peak times; and
- Reroute to use parts of the network that are less busy.

13.4. Paragraph 5.14.15 provides a framework for requirements which the SoS may attach to consents which would result in substantial HGV traffic. These requirements may:

- Control numbers of HGV movements to and from the site in a specified period during its construction and possibly on the routing of such movements;
- Make sufficient provision for HGV parking, and associated high quality drive facilities either on the site or at dedicated facilities elsewhere, to support driver welfare, avoid 'overspill' parking on public roads, prolonged queuing on approach roads and uncontrolled on-street HGV parking in normal operating conditions; and
- Ensure satisfactory arrangements for reasonably foreseeable abnormal disruption, in consultation with network providers and the responsible police force.

Impacts

Junction capacity in Diss

13.5. There are two primary access routes ("PARs") which the applicant proposes to use to access the project at the point where the route crosses the A1066 near the Norfolk/Suffolk border. A plan showing all PARs can be found in ES Figure 16.1 – Primary Access Routes³⁹ and PARs are characterised in written form in ES Appendix 16.2 – Traffic and Transport Baseline Conditions⁴⁰. PAR 8⁴¹ begins east of Diss at the junction of the A1066 and the A140 and

³⁹ Examination library reference: [APP-276] (accessed 11/02/2026)

⁴⁰ Examination library reference: [APP-273] (accessed 11/02/2026)

⁴¹ See p. 6 of [APP-276] (accessed 11/02/2026)

follows the A1066 westwards through Diss and Roydon to the site. PAR 9⁴² begins north of Thetford at the junction of the A11 and the A1066. It then follows the A1066 eastwards through Thetford and then relatively open country until reaching the site.

- 13.6. NCC is concerned that there could be safety and driver delay implications to the applicant's proposed use of PAR 8 for heavy goods vehicles ("HGVs"), as many of the junctions on that route are already over capacity. The applicant proposes that the split in HGV traffic between PAR 8 and PAR 9 is 50:50 at off-peak times and 100% via PAR 9 during PAR 8's network peak hours. In NCC's view PAR 9 is more suitable for HGV traffic at all times due to capacity constraints and also the more urban character of the A1066 through Diss.
- 13.7. Junction modelling is set out across a number of the applicant's submissions. Preliminary capacity assessment is contained in Transport Assessment ("TA") Appendix F – Junction Capacity Assessment⁴³, while more detailed modelling is contained in TA Appendix H – Junction Capacity Assessment Results⁴⁴. The overall list of junction sites is given across two tables in the TA⁴⁵. Table 4.2 lists sites on the strategic road network and major road network and Table 4.4 lists sites on the local road network. Sites 5 to 11 fall on PAR 8 and sites 12 to 15 fall on PAR 9.
- 13.8. The summaries of junction performance for sites 6 and 7⁴⁶ show serious capacity issues as well as poor level of service and queueing issues. Although these are to some extent pre-existing issues, they will clearly be exacerbated by the project's HGV traffic as demonstrated by the modelling. In comparison, junctions modelled on PAR 9 demonstrate more acceptable performance and capacity headroom.
- 13.9. NCC is concerned that the effect of exceeding junction capacity on PAR 8 will cause risks to road safety and worsen driver delay by a degree that is underestimated in the ES. Table A16.4.2 in ES Appendix 16.4 – Traffic and Transport Construction Effects shows an assessment that effects on driver delay for PAR 8 are not significant on the basis of magnitude of change. Where the comments in Table A16.4.2 indicate that effects on driver delay for PAR 9 have been adjusted down on the basis of detailed modelling, it is notable that a converse exercise has not been done for PAR 8. This is despite an acknowledged high receptor sensitivity and substantial effects on driver delay and capacity shown in the detailed modelling.

⁴² See pp. 6-9 of [APP-276] (accessed 11/02/2026)

⁴³ Examination library reference: [APP-339] (accessed 11/02/2026)

⁴⁴ Examination library reference: [APP-341] (accessed 11/02/2026)

⁴⁵ Examination library reference: [APP-333] (accessed 12/02/2026)

⁴⁶ PDF pages 228 and 296 respectively of [APP-341].

- 13.10. On the basis that directing HGVs through PAR 9 would be far less impactful than PAR 8, NCC would ask that the applicant commit to directing 100% of their HGV traffic bound for these accesses through PAR 9 rather than PAR 8.

Collisions and road safety

- 13.11. At B1134 Station Road/Long Row (PAR 7), additional traffic cannot be assumed to be acceptable until Network Rail confirms capacity at the level crossing. Pending that, increased HGV movements may pose a safety risk and cause delays.
- 13.12. Construction access taken directly from rural roads would increase conflict points, introduce turning movements at unsuitable locations, and elevate risks to vulnerable road users. Use of haul roads is therefore critical to minimising highway safety impacts. Otherwise, the result would be additional congestion, turning conflicts, and safety risks on minor roads across rural Norfolk.

Requirements, obligations and other measures

Baseline and modelling

- 13.13. NCC requires that the Applicant updates its transport baseline to use more recent and representative collision and traffic data rather than relying on pre-COVID datasets from 2019, which may no longer reflect current patterns of travel behaviour.

Construction working hours

- 13.14. NCC requires that the OCoCP is amended so that construction activities take place only between 07:00 and 19:00 on weekdays and between 07:00 and 13:00 on Saturdays, with no routine construction works permitted on Sundays or Bank Holidays, except where specific operations have been agreed with NCC in advance. NCC further requires that all start-up and shut-down activities associated with construction are confined within these permitted hours to avoid the generation of additional peak-period traffic on Norfolk's road network.

Access and routing strategy

- 13.15. NCC requires that the Applicant provides a construction access strategy that relies, wherever practicable, on the use of haul roads rather than multiple direct accesses from the public highway. This measure is necessary to reduce the number of new turning movements on rural roads and to minimise both congestion and safety risks to other road users.
- 13.16. Changing the routing strategy around Diss to avoid PAR 8 in favour of PAR 9 would be an opportunity to achieve compliance with paragraph 5.14.12 of EN-1 by rerouting to use parts of the network that are less busy.

Appendix A – Requested changes to the draft DCO

This appendix collects Norfolk County Council’s proposed changes to the draft development consent order. This covers changes proposed in both the LIR and the relevant representation, as well as any consequential changes rendered necessary as a result of substantive changes. NCC considers it likely that further issues requiring amendments to the draft DCO will emerge throughout the examination. NCC may therefore need to submit further requests for changes to the draft DCO at future deadlines.

Table 4-A: Proposed substantive changes to articles and requirements

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
Delete in paragraph (1) of article 2.	“relevant planning authority” means, in any given provision of this Order, the local planning authority for the area to which the provision relates;	“relevant planning authority” means, in any given provision of this Order, the local planning authority for the area to which the provision relates;	The meaning of “relevant planning authority” in the requirement is ambiguous. It is defined in article (1) as meaning “in any given provision of this Order, the local planning authority to which the provision relates”. Section 235 of the Planning Act 2008 gives “local planning authority” the same meaning as in the Town and Country Planning Act 1990. Section 1 of the Town and Country Planning Act 1990 states that references in the planning Acts to a local planning authority in relation to a non-metropolitan county shall be construed, subject to any express provision to the contrary, as references to both the county planning authority and the district planning authorities. Because there is no express provision to the contrary in either the Planning Act 2008 or the draft DCO, the term “relevant planning authority” refers to both types of planning authority. NCC considers that this is imprecise and unhelpful and that the draft DCO should specify which local planning authority is meant in each instance.
Insert after definition of “provisional advance authorisation” in paragraph (1) of article 2.	—	<u>“relevant county planning authority” means, in any given provision of this Order, the county planning authority for the area to which the provision relates;</u> <u>“relevant district planning authority” means, in any given provision of this Order, the district planning authority for the area to which the provision relates;</u>	

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
Amend paragraph (1) of article 11.	(1) The undertaker may, for the purposes of the authorised development, or for purposes ancillary to it, enter upon so much of any of the streets specified in column (2) of Schedule 5 (streets subject to street works) as is within the Order limits and may without the consent of the street authority— [...]	(1) The undertaker may, for the purposes of the authorised development, or for purposes ancillary to it, enter upon so much of any of the streets specified in column (2) of Schedule 5 (streets subject to street works) as is within the Order limits and may without subject to the consent of the street authority <u>which may attach reasonable conditions to any consent</u> — [...]	As set out in our relevant representation, without a suitable highways side agreement or protective provisions, article 11(1) should be subject to the consent of the street authority. NCC cannot accept the grant of powers to undertakers which could unilaterally interfere with our ability to perform our functions as street authority. The reference to the street authority's ability to attach reasonable conditions is proposed to make this implicit ability explicit, following the language of current article 16(5)(b).
Amend paragraph (2) of article 11.	(2) Without limiting the scope of the powers conferred by paragraph (1) but subject to the consent of the street authority, which consent must not be unreasonably withheld or delayed, the undertaker may, for the purposes of the authorised development, or for purposes ancillary to it, enter on so much of any other street whether or not within the Order limits, for the purposes set out at paragraph (1)(a) to (j) and paragraph (3) of article 8 (application of the 1990 Act) applies.	(2) Without limiting the scope of the powers conferred by paragraph (1) but subject to the consent of the street authority, which consent must not be unreasonably withheld or delayed <u>and to which consent the street authority may attach reasonable conditions</u> , the undertaker may, for the purposes of the authorised development, or for purposes ancillary to it, enter on so much of any other street whether or not within the Order limits, for the purposes set out at paragraph (1)(a) to (j) and paragraph (3) of article 8 (application of the 1990 Act) applies.	The reference to the street authority's ability to attach reasonable conditions is proposed to make this implicit ability explicit, following the language of current article 16(5)(b) but modified to fit the grammatical context.
Delete paragraphs (3), (4) and (5) of article 11.	(3) If a street authority that receives an application for consent under paragraph (2) fails to notify the undertaker of its decision within 28 days (or such other period agreed by the street authority and the undertaker) beginning with the date on which the application was received, that authority will be deemed to have granted consent.	(3) If a street authority that receives an application for consent under paragraph (2) fails to notify the undertaker of its decision within 28 days (or such other period agreed by the street authority and the undertaker) beginning with the date on which the application was received, that authority will be deemed to have granted consent.	As set out in our relevant representation, NCC resists deemed consent provisions in general. Subsequent paragraphs of this article would need renumbering.

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
<i>(cont.)</i>	<p>(4) Any application for consent under paragraph (2) must include a statement that the provisions of paragraph (3) apply to that application.</p> <p>(5) If an application for consent under paragraph (2) does not include the statement required under paragraph (4) then the provisions of paragraph (3) will not apply to that application.</p>	<p>(4) Any application for consent under paragraph (2) must include a statement that the provisions of paragraph (3) apply to that application.</p> <p>(5) If an application for consent under paragraph (2) does not include the statement required under paragraph (4) then the provisions of paragraph (3) will not apply to that application.</p>	
Or, in the alternative to the above, amend paragraphs (3), (4) and (5) of article 11.	<p>(3) If a street authority that receives an application for consent under paragraph (2) fails to notify the undertaker of its decision within 28 days (or such other period agreed by the street authority and the undertaker) beginning with the date on which the application was received, that authority will be deemed to have granted consent.</p> <p>(4) Any application for consent under paragraph (2) must include a statement that the provisions of paragraph (3) apply to that application.</p> <p>(5) If an application for consent under paragraph (2) does not include the statement required under paragraph (4) then the provisions of paragraph (3) will not apply to that application.</p>	<p>(3) If a street authority that receives an application for consent under paragraphs <u>s (1) or (2)</u> fails to notify the undertaker of its decision within <u>28/56</u> days (or such other period agreed by the street authority and the undertaker) beginning with the date on which the application was received, that authority will be deemed to have granted consent.</p> <p>(4) Any application for consent under paragraphs <u>s (1) or (2)</u> must include a statement that the provisions of paragraph (3) apply to that application.</p> <p>(5) If an application for consent under paragraphs <u>s (1) or (2)</u> does not include the statement required under paragraph (4) then the provisions of paragraph (3) will not apply to that application.</p>	<p>If the deletion of paragraphs (3), (4) and (5) is not carried forward, the insertion of "<u>s (1) or</u>" between "paragraph" and "(2)" is required as a consequence of the amendment to paragraph (1). NCC would request that if these paragraphs are not deleted, the time limit should be changed to 56 days to allow proper consideration of applications, given that NCC is already the street authority for seven consented DCOs and is expected to be for many further prospective NSIPs.</p>
Amend paragraph (4) of article 14.	<p>(4) The powers conferred by paragraph (2) may not be exercised without the consent of the street authority (such consent not to be unreasonably withheld or delayed).</p>	<p>(4) The powers conferred by paragraphs <u>s (1) and (2)</u> may not be exercised without the consent of the street authority, <u>which may attach reasonable conditions to any consent</u> (such consent not to be unreasonably withheld or delayed).</p>	<p>As set out in our relevant representation, without a suitable highways side agreement or protective provisions, article 14(1) should be subject to the consent of the street authority. NCC cannot accept the grant of powers to undertakers which could</p>

Insertion, deletion or amendment	Original text	Proposed change	Explanation of change
<i>(cont.)</i>			unilaterally interfere with our ability to perform our functions as street authority. The reference to the street authority's ability to attach reasonable conditions is proposed to make this implicit ability explicit, following the language of current article 16(5)(b).
Delete paragraphs (5), (6) and (7) of article 14.	<p>(5) If a street authority which receives an application for consent under paragraph (4) fails to notify the undertaker of its decision before the end of the period of 28 days (or such other period as agreed by the street authority and the undertaker) beginning with the date on which the application was made, it is deemed to have granted consent.</p> <p>(6) Any application for consent under paragraph (4) must include a statement that the provisions of paragraph (5) apply to that application.</p> <p>(7) If an application for consent under paragraph (4) does not include the statement required under paragraph (6) then the provisions of paragraph (5) will not apply to that application.</p>	<p>(5) If a street authority which receives an application for consent under paragraph (4) fails to notify the undertaker of its decision before the end of the period of 28 days (or such other period as agreed by the street authority and the undertaker) beginning with the date on which the application was made, it is deemed to have granted consent.</p> <p>(6) Any application for consent under paragraph (4) must include a statement that the provisions of paragraph (5) apply to that application.</p> <p>(7) If an application for consent under paragraph (4) does not include the statement required under paragraph (6) then the provisions of paragraph (5) will not apply to that application.</p>	As set out in our relevant representation, NCC resists deemed consent provisions in general.
Amend paragraph (5) of article 16.	<p>(5) The undertaker must not temporarily close, alter or divert—</p> <p>(a) any street or public right of way specified as mentioned in paragraph (4) without first consulting the street authority; or</p> <p>(b) any other street or public right of way without the consent of the street authority (such consent not to be unreasonably</p>	<p>(5) The undertaker must not temporarily close, alter or divert—</p> <p>(a) any street or public right of way specified as mentioned in paragraph (4) without first consulting the street authority; or</p> <p>(b) any other street or public right of way, without the consent of the street authority (such consent not to be unreasonably</p>	As set out in our relevant representation, without a suitable highways side agreement or protective provisions, article 16(5) should be subject to the consent of the street authority. NCC cannot accept the grant of powers to undertakers which could unilaterally interfere with our ability to perform our functions as street authority. This change would mean that both (a) and (b) are subject to consent of the street authority.

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
<i>(cont.)</i>	withheld or delayed) which may attach reasonable conditions to any consent.	withheld or delayed) which may attach reasonable conditions to any consent.	
Insert new paragraph (6A) in article 16.	—	<p><u>(6A) Where the undertaker provides a temporary diversion under paragraph (4), the temporary alternative route must—</u></p> <p><u>(a) be open for use; and</u></p> <p><u>(b) in the case of a street, be completed to the reasonable satisfaction of the street authority,</u></p> <p><u>before the corresponding street or public right of way in columns (1) and (2) of Part 1 or Part 3 of Schedule 8 (streets or public rights of way to be temporarily closed) is temporarily closed, altered or diverted.</u></p>	<p>As requested in NCC's LIR, this change would secure the correct sequencing of provision of temporary alternative routes. That is, that the alternative routes must be available before the closure of the corresponding street.</p> <p>The article as presently drafted is vague as to sequencing and does not guarantee that alternative streets are completed to a reasonable standard before closures take place. This would be in line with the approach taken by the applicant in paragraph (2) of article 15.</p> <p>The proposed paragraph numbering is intended to be temporary and paragraphs of this article should be renumbered in the made DCO.</p>
Delete paragraphs (8), (9) and (10) of article 16.	<p>(8) If a street authority which receives an application for consent under paragraph (2) or (5)(b) fails to notify the undertaker of its decision before the end of the period of 28 days (or such other period as agreed by the relevant street authority and the undertaker) beginning with the date on which the application was made, it is deemed to have granted consent.</p> <p>(9) Any application for consent under paragraph (2) or (5)(b) must include a statement that the provisions of paragraph (8) apply to that application.</p>	<p>(8) If a street authority which receives an application for consent under paragraph (2) or (5)(b) fails to notify the undertaker of its decision before the end of the period of 28 days (or such other period as agreed by the relevant street authority and the undertaker) beginning with the date on which the application was made, it is deemed to have granted consent.</p> <p>(9) Any application for consent under paragraph (2) or (5)(b) must include a statement that the provisions of paragraph (8) apply to that application.</p>	<p>As set out in our relevant representation, NCC resists deemed consent provisions in general.</p>

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
<i>(cont.)</i>	(10) If an application for consent under paragraph (2) or (5)(b) does not include the statement required under paragraph (9) then the provisions of paragraph (8) will not apply to that application.	(10) If an application for consent under paragraph (2) or (5)(b) does not include the statement required under paragraph (9) then the provisions of paragraph (8) will not apply to that application.	
Or, in the alternative to the above, amend paragraph (8) of article 16.	(8) If a street authority which receives an application for consent under paragraph (2) or (5)(b) fails to notify the undertaker of its decision before the end of the period of 28 days (or such other period as agreed by the relevant street authority and the undertaker) beginning with the date on which the application was made, it is deemed to have granted consent.	(8) If a street authority which receives an application for consent under paragraph (2) or (5)(b) fails to notify the undertaker of its decision before the end of the period of 28 <u>56</u> days (or such other period as agreed by the relevant street authority and the undertaker) beginning with the date on which the application was made, it is deemed to have granted consent.	NCC would request that if these paragraphs are not deleted, the time limit should be changed to 56 days to allow proper consideration of applications, given that NCC is already the street authority for seven consented DCOs and is expected to be for many further prospective NSIPs.
Amend paragraph (1) of article 17.	17.—(1) The undertaker may, for the purposes of the authorised development— (a) form and lay out means of access, or improve existing means of access, in the location specified in column (2) of Schedule 9 (access to works); and (b) with the consent of the relevant street authority (such consent not to be unreasonably withheld or delayed), form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.	17.—(1) The undertaker may, <u>with the consent of the street authority</u> , for the purposes of the authorised development— (a) form and lay out means of access, or improve existing means of access, in the location specified in column (2) of Schedule 9 (access to works); and (b) with the consent of the relevant street authority (such consent not to be unreasonably withheld or delayed) , form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.	As set out in our relevant representation, without a suitable highways side agreement or protective provisions, article 17(1) should be subject to the consent of the street authority. NCC cannot accept the grant of powers to undertakers which could unilaterally interfere with our ability to perform our functions as street authority.
Delete paragraphs (2),	(2) If a relevant street authority which receives an application for consent under paragraph (1)(b) fails to notify the	(2) If a relevant street authority which receives an application for consent under paragraph (1)(b) fails to notify the	As set out in our relevant representation, NCC resists deemed consent provisions in general.

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
(3) and (4) of article 17.	<p>undertaker of its decision before the end of the period of 28 days (or such other period as agreed by the relevant street authority and the undertaker) beginning with the date on which the application was made, it is deemed to have granted consent.</p> <p>(3) Any application for consent under paragraph (1)(b) must include a statement that the provisions of paragraph (2) apply to that application.</p> <p>(4) If an application for consent under paragraph (2) does not include the statement required under paragraph (3), then the provisions of paragraph (2) will not apply to that application.</p>	<p>undertaker of its decision before the end of the period of 28 days (or such other period as agreed by the relevant street authority and the undertaker) beginning with the date on which the application was made, it is deemed to have granted consent.</p> <p>–(3) Any application for consent under paragraph (1)(b) must include a statement that the provisions of paragraph (2) apply to that application.</p> <p>–(4) If an application for consent under paragraph (2) does not include the statement required under paragraph (3), then the provisions of paragraph (2) will not apply to that application.</p>	
Or, in the alternative to the above, amend paragraph (2) of article 17.	<p>(2) If a relevant street authority which receives an application for consent under paragraph (1)(b) fails to notify the undertaker of its decision before the end of the period of 28 days (or such other period as agreed by the relevant street authority and the undertaker) beginning with the date on which the application was made, it is deemed to have granted consent.</p>	<p>(2) If a relevant street authority which receives an application for consent under paragraph (1)(b) fails to notify the undertaker of its decision before the end of the period of <u>2856</u> days (or such other period as agreed by the relevant street authority and the undertaker) beginning with the date on which the application was made, it is deemed to have granted consent.</p>	NCC would request that if these paragraphs are not deleted, the time limit should be changed to 56 days to allow proper consideration of applications, given that NCC is already the street authority for seven consented DCOs and is expected to be for many further prospective NSIPs.
Amend paragraph 1(1) of Schedule 4 (discharge of requirements)	<p>1.—(1) Where an application has been made to a relevant authority for any consent, agreement or approval required by a Requirement (including consent, agreement or approval in respect of part of a Requirement), the relevant authority must give notice to the undertaker of its decision</p>	<p>1.—(1) Where an application has been made to a relevant authority for any consent, agreement or approval required by a Requirement (including consent, agreement or approval in respect of part of a Requirement), the relevant authority must give notice to the undertaker of its decision</p>	The timescales in schedule 4 are too short and should be changed so that they are at least no shorter than those set out in PINS' Advice Note Fifteen: drafting Development Consent Orders, which is 42 days or, preferably, 56 days accounting for the unusually high volume of NSIPs being handled in Norfolk.

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
<i>(cont.)</i>	on the application within a period of 28 days beginning with— [...]	on the application within a period of 28 ⁵⁶ days beginning with— [...]	NCC finds the justification for shorter timescales given in the draft Explanatory Memorandum (that ‘shorter time limits are necessary and proportionate in light of the immediate and pressing national need which the Project is intended to address’) to be unconvincing given that longer periods are well precedented for other projects which also meet an urgent need as defined by NPS EN-1. See, for example, paragraph 1 of part 2 of Schedule 2 of the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (56 days), paragraph 1(2) of Schedule 24 (procedure for approvals, consents and appeals) of the Sizewell C Nuclear Generating Station Order 2022 (eight weeks), and paragraph 2(2) of Schedule 16 (procedure for the discharge of requirements) of the Tillbridge Solar Order 2025 (ten weeks).
Insert new requirement 15. after requirement 14. in Schedule 3 (requirements)	—	<p><u>15. Construction surface water drainage strategy</u></p> <p><u>(1) No stage of the authorised development may commence until a construction surface water drainage strategy for that stage which accords with the outline construction surface water drainage strategy has been submitted to and approved in writing by the relevant district planning authority in consultation with the relevant county planning authority.</u></p> <p><u>(2) All construction works for each stage of the authorised development must be carried out in accordance with the construction surface water drainage strategy</u></p>	This change would implement NCC’s request to require an employment and skills plan as detailed in section 10 of the LIR. Note that this would require the applicant to produce an outline construction surface water drainage strategy before the end of the examination. A consequent amendment would need to be made to add the outline construction surface water drainage strategy to Schedule 19 (certified documents).

Insertion, deletion or amendment	Original text	Proposed change	Explanation of change
(cont.)		<p><u>for that stage unless otherwise agreed with the relevant district planning authority in consultation with the relevant county planning authority.</u></p> <p><u>(3) For the avoidance of doubt, all pre-commencement operations must be carried out in accordance with the outline construction surface water drainage strategy unless otherwise agreed with the relevant district planning authority in consultation with the relevant county planning authority.</u></p>	
<p>Insert new requirement 16. after new requirement 15. at the end of Schedule 3 (requirements)</p>	—	<p><u>16. Employment and skills plan</u></p> <p><u>(1) No stage of the authorised development may commence until an employment and skills plan for that stage which accords with the outline employment and skills plan has been submitted to and approved in writing by the relevant county planning authority.</u></p> <p><u>(2) The employment and skills plan must be implemented as approved.</u></p>	<p>This change would implement NCC's request to require an employment and skills plan as detailed in section 12 of the LIR. Note that this would require the applicant to produce an outline employment and skills plan before the end of the examination. A consequent amendment would need to be made to add the outline employment and skills plan to Schedule 19 (certified documents)</p>

Table 5-A: Consequential changes as a result of disambiguating the referent of “relevant planning authorities”

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
Amend paragraph (4) of article 5. (Limits of deviation)	(4) The maximum limits of vertical deviation specified in paragraphs (1)(b), (1)(d) and (3)(b) do not apply where it is demonstrated by the undertaker to the Secretary of State’s satisfaction and the Secretary of State, following consultation with the relevant planning authority and any other person the Secretary of State considers appropriate having regard to the proposed deviation in question and the statutory roles and responsibilities of such person, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement.	(4) The maximum limits of vertical deviation specified in paragraphs (1)(b), (1)(d) and (3)(b) do not apply where it is demonstrated by the undertaker to the Secretary of State’s satisfaction and the Secretary of State, following consultation with the relevant district planning authority and any other person the Secretary of State considers appropriate having regard to the proposed deviation in question and the statutory roles and responsibilities of such person, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement.	This change preserves the presumed intention of the provision, that is: for the district planning authority to be a mandatory consultee on departures from the vertical limits of deviation.
Amend paragraph (5) of article 7. (Consent to transfer benefit of order)	(5) Where a transfer or grant has been made in accordance with paragraph (1), the undertaker must notify the relevant planning authority of the same.	(5) Where a transfer or grant has been made in accordance with paragraph (1), the undertaker must notify the relevant district planning authority and the relevant county planning authority of the same.	NCC would request that county planning authorities are also notified of any transfer or grant of the benefit of the order.
Amend paragraph (4) of article 23. (Removal of human remains)	(4) As soon as reasonably practicable after the first publication of a notice under paragraph (3) the undertaker must send a copy of the notice to the relevant planning authority.	(4) As soon as reasonably practicable after the first publication of a notice under paragraph (3) the undertaker must send a copy of the notice to the relevant district planning authority.	This change preserves the presumed intention of the provision, that is: for the district planning authority to be sent a copy of the notice required to be published by paragraph (3).
Amend paragraph (11)(b) of article 23. (Removal of human remains)	(b) a copy of the certificate of re-interment or cremation and the record mentioned in paragraph (9) is to be sent by the undertaker to the relevant planning authority mentioned in paragraph (4).	(b) a copy of the certificate of re-interment or cremation and the record mentioned in paragraph (9) is to be sent by the undertaker to the relevant district	This change preserves the presumed intention of the provision, that is: for the district planning authority to be sent a copy of the certificate mentioned in paragraph (9).

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
<i>(cont.)</i>		planning authority mentioned in paragraph (4).	
Amend paragraph (3) of article 48. (Defence to proceedings in respect of statutory nuisance)	(3) Where a relevant planning authority is acting in accordance with section 60(4) and section 61(4) of the Control of Pollution Act 1974 in relation to the construction of the authorised development then the local authority must also have regard to the controls and measures relating to noise referred to in the code of construction practice approved under Schedule 3 (requirements).	(3) Where a relevant district planning authority is acting in accordance with section 60(4) and section 61(4) of the Control of Pollution Act 1974 in relation to the construction of the authorised development then the local authority must also have regard to the controls and measures relating to noise referred to in the code of construction practice approved under Schedule 3 (requirements).	This change preserves the intention of the provision. In non-metropolitan areas it is district councils which typically have powers under the mentioned provisions of the Control of Pollution Act 1974.
Amend paragraph (1) of article 55. (Procedure regarding certain approvals etc.)	55.—(1) Where an application or request is submitted to a relevant planning authority, a highway authority, a street authority or the owner of a watercourse, sewer or drain for any consent, agreement or approval required or contemplated by any of the provisions of this Order such consent, agreement or approval, if given, must be given in writing and must not be unreasonably withheld or delayed.	55.—(1) Where an application or request is submitted to a relevant district planning authority, a relevant county planning authority , a highway authority, a street authority or the owner of a watercourse, sewer or drain for any consent, agreement or approval required or contemplated by any of the provisions of this Order such consent, agreement or approval, if given, must be given in writing and must not be unreasonably withheld or delayed.	This provision must encompass both district and county planning authorities. Note that the reference to highway authorities is necessary to retain in addition to the new reference to county planning authorities because they are not always the same organisation. For example, National Highways is typically a highway authority in relation to the strategic road network while the county council is the county planning authority for that land.
Amend definition of “reinstatement planting” in subparagraph (1) of paragraph 1. (Interpretation) of Schedule 3 (requirements)	“reinstatement planting” includes, unless otherwise agreed with the relevant planning authority, embedded planting, reinstatement hedgerow or other planting and mitigation planting as each are described in the outline landscape and ecological management plan (or the final landscape and ecological management plan if approved pursuant to requirement 4)	“reinstatement planting” includes, unless otherwise agreed with the relevant district planning authority, embedded planting, reinstatement hedgerow or other planting and mitigation planting as each are described in the outline landscape and ecological management plan (or the final landscape and ecological management plan if approved pursuant to requirement 4)	This change preserves the presumed intention of the provision, that is: for the district planning authority to be able to agree replacement planting otherwise than as described in the outline (or final) landscape and ecological management plan.

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
Amend definition of “stage” in sub-paragraph (1) of paragraph 1. (Interpretation) of Schedule 3 (requirements)	“stage” means a defined stage of the authorised development, the extent of which is shown in a scheme submitted to the relevant planning authority pursuant to requirement 3;	“stage” means a defined stage of the authorised development, the extent of which is shown in a scheme submitted to the relevant <u>district</u> planning authority pursuant to requirement 3;	This change preserves the presumed intention of the provision, that is: for the district planning authority to be the discharging authority for requirement 3.
Amend sub-paragraph (2) of paragraph 1. (Interpretation) of Schedule 3 (requirements)	(2) Where under any of the requirements the approval or agreement of the relevant planning authority or the relevant highway authority is required, that approval or agreement must be given in writing.	(2) Where under any of the requirements the approval or agreement of the relevant <u>district</u> planning authority, <u>the relevant county planning authority</u> or the relevant highway authority is required, that approval or agreement must be given in writing.	This provision must encompass district and county planning authorities as well as highway authorities.
Amend sub-paragraph (3) of paragraph 1. (Interpretation) of Schedule 3 (requirements)	(3) Where any requirement requires the authorised development to be carried out in accordance or general accordance with matters including a plan, document, or details approved by the relevant planning authority or the relevant highway authority, those matters are to be taken to include any amendments that may subsequently be approved in writing by the relevant discharging authority.	(3) Where any requirement requires the authorised development to be carried out in accordance or general accordance with matters including a plan, document, or details approved by the relevant <u>district</u> planning authority, <u>the relevant county planning authority</u> or the relevant highway authority, those matters are to be taken to include any amendments that may subsequently be approved in writing by the relevant discharging authority.	This provision must encompass district and county planning authorities as well as highway authorities.
Amend sub-paragraph (4) of paragraph 1. (Interpretation) of Schedule 3 (requirements)	(4) Where an approval or agreement is required under the terms of any requirement or a document referred to in a requirement, or any requirement specifies “unless otherwise approved” or “unless otherwise agreed” by the relevant highway authority or the relevant planning authority, such approval or agreement may only be given	(4) Where an approval or agreement is required under the terms of any requirement or a document referred to in a requirement, or any requirement specifies “unless otherwise approved” or “unless otherwise agreed” by the relevant highway authority, or the relevant <u>district</u> planning authority <u>or the relevant county planning authority</u> , such	This provision must encompass district and county planning authorities as well as highway authorities.

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
<i>(cont.)</i>	where it has been demonstrated to the relevant highway authority or the relevant planning authority that the subject matter of the approval or agreement sought will not give rise to any materially new or materially different environmental effects from those identified in the Environmental Statement.	approval or agreement may only be given where it has been demonstrated to the relevant highway authority, or the relevant <u>district</u> planning authority <u>or the relevant county planning authority</u> that the subject matter of the approval or agreement sought will not give rise to any materially new or materially different environmental effects from those identified in the Environmental Statement.	
Amend requirement 3. (stages of authorised development) of Schedule 3 (requirements)	—	Substitute relevant district planning authority for <u>relevant planning authority</u> throughout requirement 3.	This change preserves the presumed intention of the provision, that is: for the district planning authority to be the discharging authority for requirement 3.
Amend requirement 4. (construction management plans) of Schedule 3 (requirements)	4. Construction Management Plans (1) No stage of the authorised development may commence until, for that stage, the following plans as relevant to that stage have been submitted to and approved by the relevant planning authority (in consultation with Natural England in the case of the landscape and ecological management plan) or other discharging authority as may be appropriate to the relevant plan concerned. The relevant plans are— (a) code of construction practice (which must be substantially in accordance with the outline code of construction practice); (b) construction traffic management plan (which must be substantially in accordance	4. Construction Management Plans (1) No stage of the authorised development may commence until, for that stage, the following plans as relevant to that stage have been submitted to and approved by the relevant <u>district</u> planning authority (in consultation with Natural England in the case of the landscape and ecological management plan) or other discharging authority as may be appropriate to the relevant plan concerned . The relevant plans are— (a) code of construction practice (which must be substantially in accordance with the outline code of construction practice;	This change resolves the ambiguity of which local planning authority is the “relevant planning authority” and further reduces ambiguity by removing references to any “other discharging authority as may be appropriate”. This is enabled by introducing a new paragraph which sets out a relevant consultee for each plan and reserving the role of discharging authority for the relevant district planning authority.

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
<i>(cont.)</i>	<p>with the outline construction traffic management plan);</p> <p>(c) landscape and ecological management plan (which must be substantially in accordance with the outline landscape and ecological management plan);</p> <p>(d) public rights of way management plan (which must be substantially in accordance with the outline public rights of way management plan);</p> <p>(2) All construction works for each stage of the authorised development must be carried out in accordance with the approved plans referred to in paragraph (1), unless otherwise agreed with the relevant planning authority or other discharging authority as may be appropriate to the relevant plan concerned.</p> <p>(3) For the avoidance of doubt, all pre-commencement operations must be carried out in accordance with the outline code of construction practice, the outline construction traffic management plan, the outline landscape and ecological management plan and the outline public rights of way management plan unless otherwise agreed with the relevant planning authority or other discharging authority as may be appropriate to the relevant plan concerned.</p>	<p>(b) construction traffic management plan (which must be substantially in accordance with the outline construction traffic management plan);</p> <p>(c) landscape and ecological management plan (which must be substantially in accordance with the outline landscape and ecological management plan);</p> <p>(d) public rights of way management plan (which must be substantially in accordance with the outline public rights of way management plan);</p> <p><u>(2) The approval of the discharging authority is to be given in consultation with the relevant consultee for that plan. The relevant consultees are—</u></p> <p><u>(a) the relevant county planning authority for the code of construction practice;</u></p> <p><u>(b) the relevant highway authority for the construction traffic management plan;</u></p> <p><u>(c) Natural England for the landscape and ecological management plan;</u></p> <p><u>(d) the relevant county planning authority for the public rights of way management plan.</u></p> <p>(23) All construction works for each stage of the authorised development must be carried out in accordance with the approved plans referred to in paragraph (1), unless otherwise agreed with the relevant <u>district</u> planning authority or other discharging authority as may be appropriate to the relevant plan concerned.</p>	

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
<i>(cont.)</i>		(34) For the avoidance of doubt, all pre-commencement operations must be carried out in accordance with the outline code of construction practice, the outline construction traffic management plan, the outline landscape and ecological management plan and the outline public rights of way management plan unless otherwise agreed with the relevant <u>district planning authority</u> or other discharging authority as may be appropriate to the relevant plan concerned.	
Amend paragraph (1) of requirement 5. of schedule 3 (requirements)	(1) No stage of the authorised development may commence until either a preservation in situ management plan, or a detailed written scheme of investigation of areas of archaeological interest relevant to that stage (if any), as identified within the outline archaeological mitigation strategy and outline written scheme of investigation or identified through evaluation work as set out in the outline archaeological mitigation strategy and outline written scheme of investigation, has been submitted to and approved by the relevant planning authority and, if relevant, Historic England.	(1) No stage of the authorised development may commence until either a preservation in situ management plan, or a detailed written scheme of investigation of areas of archaeological interest relevant to that stage (if any), as identified within the outline archaeological mitigation strategy and outline written scheme of investigation or identified through evaluation work as set out in the outline archaeological mitigation strategy and outline written scheme of investigation, has been submitted to and approved by the relevant <u>district planning authority in consultation with the relevant county planning authority</u> and, if relevant, Historic England.	This change would reduce ambiguity by making the relevant district planning authority the discharging authority in all cases, including those in which Historic England are relevant. The proposed drafting requires consultation with the relevant county planning authority, because county planning authorities host specialist archaeological officers and maintain the historic environment record. NCC presume that Historic England would be relevant in cases affecting scheduled ancient monuments, but this isn't clear on the face of the order. NCC would ask the applicant to consider whether this should be set out explicitly. NCC's proposed change would make Historic England a consultee rather than a discharging authority to simplify discharging arrangements. If the applicant would prefer to retain Historic England as a discharging authority in certain circumstances, NCC would request that the applicant propose an

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
<i>(cont.)</i>			amendment which would make clear the circumstances in which Historic England are the discharging authority and which makes county planning authorities mandatory consultees.
Amend paragraph (4) of requirement 5. of schedule 3 (requirements)	(4) For the avoidance of doubt, all pre-commencement operations must be carried out in accordance with the outline archaeological mitigation strategy and outline written scheme of investigation, unless otherwise agreed with the relevant planning authority and, if relevant, Historic England.	(4) For the avoidance of doubt, all pre-commencement operations must be carried out in accordance with the outline archaeological mitigation strategy and outline written scheme of investigation, unless otherwise agreed with the relevant <u>district</u> planning authority <u>in consultation with the relevant county planning authority</u> and, if relevant, Historic England.	This change is required as a consequence of the above proposed change.
Amend requirements 8. to 13. of schedule 3 (requirements)	—	<i>Substitute <u>relevant district planning authority</u> for relevant planning authority throughout requirements 8. to 13.</i>	This change preserves the presumed intention of the provision, that is: for the district planning authority to be the discharging authority for these requirements.
Amend paragraph 3. (Fees) of schedule 4 (Discharge of requirements)	3. —(1) Where an application is made to a relevant authority for any consent, agreement or approval required by a Requirement (including consent, agreement or approval in respect of part of a Requirement), a fee must be paid to the relevant authority as follows— (a) such fee as may be prescribed (under sections 303 and 333(2A) of the 1990 Act for the discharge of conditions attached to a planning permission); or (b) a fee of £145 per request unless a bespoke arrangement has been agreed	3. —(1) Where an application is made to a relevant authority for any consent, agreement or approval required by a Requirement (including consent, agreement or approval in respect of part of a Requirement), a fee must be paid to the relevant authority as follows— (a) such fee as may be prescribed (under sections 303 and 333(2A) of the 1990 Act for the discharge of conditions attached to a planning permission); or (b) a fee of £145 per request unless a bespoke arrangement has been agreed	In this case, the reference has been changed to “relevant authority” rather than “relevant district planning authority” because it must encompass all kinds of discharging authorities and not just planning authorities. Note that a mix of “relevant authority” and “discharging authority” is currently used in paragraph 3, with “relevant authority” predominating across Schedule 4 as a whole. NCC would ask the applicant to consider whether “relevant authority” needs defining in Schedule 4, and/or whether “discharging authority” as defined in Schedule 3 might be the more appropriate term.

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
<i>(cont.)</i>	<p>between the applicant and discharging authority and legally secured.</p> <p>(2) Any fee paid under this Schedule must be refunded to the undertaker within 28 days of—</p> <p>(a) the application being rejected as invalidly made; or</p> <p>(b) the relevant planning authority failing to determine the application within 28 days from the date on which it is received, unless within that period the undertaker agrees in writing that the fee may be retained by the relevant planning authority and credited in respect of a future application.</p>	<p>between the applicant and discharging authority and legally secured.</p> <p>(2) Any fee paid under this Schedule must be refunded to the undertaker within 28 days of—</p> <p>(a) the application being rejected as invalidly made; or</p> <p>(b) the relevant planning authority failing to determine the application within 28 days from the date on which it is received, unless within that period the undertaker agrees in writing that the fee may be retained by the relevant planning authority and credited in respect of a future application.</p>	