



# **Norwich To Tilbury**

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

Braintree District Council ( [REDACTED] )

### **Submissions:**

- Response to Interrelationship with Other Projects Report (REP1-134)
- Response to Applicant's Comments on Relevant Representations (REP1-132)
  - Response to Errata List (REP1-071)

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## **Glossary of Abbreviations**

**ALC** – Agricultural Land Classification  
**AIA** – Arboricultural Impact Assessment  
**BDC** – Braintree District Council  
**BMV** – Best and Most Versatile (agricultural land)  
**B2T** – Bramford to Twinstead (National Grid DCO Project)  
**CNP** – Critical National Priority (infrastructure) (*from EN-1*)  
**CoCP / OCoCP** – Code of Construction Practice / Outline Code of Construction Practice  
**CTMP** – Construction Traffic Management Plan  
**DCO** – Development Consent Order  
**DGPS** – Differential Global Positioning System  
**EA** – Environment Agency  
**EACN** – East Anglia Connection Node  
**ECC** – Essex County Council  
**EIA** – Environmental Impact Assessment  
**EMF** – Electric and Magnetic Fields  
**EOCW / ECoW** – Ecological Clerk of Works  
**EPS** – European Protected Species  
**ES** – Environmental Statement  
**ExA** – Examining Authority  
**GIS** – Geographic Information System  
**HRA** – Habitats Regulations Assessment  
**HVDC** – High Voltage Direct Current  
**HVAC** – High Voltage Alternating Current  
**LCA** – Landscape Character Area  
**LIR** – Local Impact Report  
**LLFA** – Lead Local Flood Authority  
**LOD** – Limit(s) of Deviation  
**LPA** – Local Planning Authority  
**LVIA** – Landscape and Visual Impact Assessment  
**NSIP** – Nationally Significant Infrastructure Project  
**NESO** – National Energy System Operator  
**NGET** – National Grid Electricity Transmission  
**NPS** – National Policy Statement  
**OLEMP** – Outline Landscape and Ecological Management Plan  
**PI** – Public Inquiry (*implied in planning process*)  
**PRoW** – Public Rights of Way  
**PRF-M** – Potential Roost Feature – Moderate  
**RAMS** – Risk Assessment and Method Statement  
**REP** – Examination Library “Representation” Document  
**RR** – Relevant Representation

**RVAA** – Residential Visual Amenity Assessment  
**SoCG** – Statement of Common Ground  
**SPA** – Special Protection Area  
**SuDS** – Sustainable Drainage Systems  
**TEC Register** – Transmission Entry Capacity Register  
**VRA** – Visual Receptor Area

## **2**      **Introduction**

### **2.1**      **Purpose of Report**

2.1.1      This report comprises Braintree District Council's ("the Council") response to various documents submitted at Deadline 1 including:

- *Response to Interrelationship with Other Projects Report (REP1-134)*
- *Response to Applicant's Comments on Relevant Representations (REP1-132)*
- *Response to Errata List (REP1-071)*

### **2.2**      **Format and Content of Response**

2.2.1      For ease of reference, this report separates the Council's responses to the documents listed above into three distinct sections.

2.2.2      The Council provides a response to each document as necessary. Specifically, in relation to the Applicant's Comments on Relevant Representations (REP1-132), the Council will primarily respond in detail to the Applicant's comments on its Local Impact Report. Where the Council has additional comments at this stage, these are set out within this document.

### **2.3**      **Summary**

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

### **3 Response to Interrelationship with Other Projects Report (REP1-134)**

#### **3.1 Introduction**

- 3.1.1 This section of the report reviews the submitted Interrelationship with Other Projects Report.
- 3.1.2 The Council recognises that this document has been provided at the request of the ExA and is intended to supplement Environmental Statement (ES) Chapter 17 – Cumulative Effects (APP-281). The Council submitted its own comments on ES Chapter 17 as part of its Local Impact Report (LIR) (REP1-148), and these are not repeated here.
- 3.1.3 Owing to the above, the response contained within this deadline 2 response should be read alongside the Councils LIR.

#### **3.2 Project List Coverage**

- 3.2.1 Table 2.1 (Summary of the expected timings of other projects) within REP1-134 sets out a list of projects within each Host Authority including a list of NSIPs.
- 3.2.2 Many of the projects listed within the Council's LIR appear in Table 2.1. However, the Council has identified the following omissions and clarifications.

#### **Application 17/01979/OUT**

- 3.2.3 Application 17/01979/OUT (reference B12, Page 21) is pending decision but is unlikely to be issued. However, application 23/00816/OUT, on the same site, was allowed on appeal for:

*“Outline planning application with all matters reserved, except access, for the erection of around 100 dwellings (including 40% social/affordable housing), associated open space and a rural business court of around 2500 square metres (Class E Use)”*

3.2.4 It is understood that the site is currently being marketed, although the Council is not aware of any recent updates.

3.2.5 In any case, owing to the above, it is requested that application 17/01979/OUT be changed to 23/00816/OUT and updated accordingly.

### **Kings Dene (Proposed Local Plan Allocation for circa 5000 homes)**

3.2.6 The Council's Local Impact Report highlights the location of "Kings Dene" to which this project will directly intersect within Figure B of Appendix 2 of (REP1-148).

3.2.7 The Council is currently updating its Local Plan, which has now entered the Regulation 18 stage, with Kings Dene included as a proposed allocation. While Regulation 18 carries limited weight in decision-making, the Council notes that by the time a decision is made on this DCO (late January 2027), the Local Plan will be further advanced and, assuming it is advanced, the proposed allocation will carry more weight.

3.2.8 Owing to the above, the Council request that the interrelationship document is updated to include this allocation and for it to be considered accordingly.

### **Feering Strategic Allocation**

3.2.9 Table 2.1 of REP1-134 identifies the Feering Strategic Allocation in table 2.1 (A1 – Page 34). The table however is incorrect as an application was submitted in January 2026 for the site, under planning application reference: 26/00119/OUT.

3.2.10 Moreover, the description of development mirrors the strategic allocation in the current Adopted Local Plan, which is for a higher number of dwellings than reported in Table 2.1. The description of development is as follows:

*"Outline application with all matters reserved except access for a mixed use development, in several phases, comprising: up to 835 homes including affordable and market housing (Use Class C3);*

*a new retirement / Care Home (Use Class C2/C3); a new mixed use centre comprising retail and commercial floorspace and civic public realm (Use Class (E(a),(b),(c),(d),(e),(g)(i),C3 and Sui Generis) and a mobility hub; a community-hub comprising a village hall (Use Class F), early-years nursery Use Class E (f), a mobility hub, and/or retail/commercial floorspace (Use Class E (a) and (b)); employment provision (Use Class B2, B8 and/or E(g)) and/or hotel (C1); sports pitches and new pavilion (Use Class F2(c)); a new 2FE primary school with early years provision; a burial ground; open space; play provision; landscape buffers; creation of two vehicular access points onto London Road, one vehicular access point on to Coggeshall Road and five vehicular access points onto Inworth Road and supporting infrastructure including sustainable drainage, and a new link road connection between Inworth Road and London Road. The application is subject to the submission of an Environmental Statement pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017”*

- 3.2.11 The Council request that the Applicants table be updated accordingly to reflect the above.

**Application 21/03579/OUT**

- 3.2.12 This application is correctly identified in Table 2.1 of REP1- 134 (B12 – Page 21).
- 3.2.13 It is anticipated that revised plans will be submitted shortly and the planning application is provisionally scheduled to be reported to the Council’s Planning Committee for consideration in June 2026.
- 3.2.14 Owing to the above, if the application is approved, the construction phase will likely overlap with the construction of Norwich to Tilbury. As such, this should be better reflected within Table 2.1 of REP1-134.

### 3.3 Clarifications and Consistency

3.3.1 The Council notes that although the Interrelationship with Other Projects Report supplements the projects included in Chapter 17 (cumulative effects), several inconsistencies remain.

3.3.2 For example, ES Chapter 17 (APP-281) broadly identifies significant cumulative effects in Braintree District relating to BMV land and multiple Landscape Character Areas (LCAs) and Visual Receptor Areas (VRAs). However, the Interrelationship Report tends to characterise interfaces as “manageable.”

3.3.3 To aid the Examination, the Council requests that the Applicant provide a short bridging note, reconciling the environmental significance with the delivery/interface narrative (Interrelationship Report), project by project. This way impacts can be better understood related to each project.

3.3.4 BDC further invites the ExA to consider targeted DCO Requirement refinements (construction hours, piling scope, PRoW/diversions, arboriculture protection, soil reinstatement, discharge timeframes) so that consented controls reflect the cumulative risk level identified locally. BDC remains willing to work with the Applicant on a brief addendum schedule (project list, reconciliation table, and any knock on Requirement wording) for a subsequent deadline if requested by the ExA.

### 3.4 Summary

3.4.1 The Council has reviewed the Interrelationship with Other Projects Report and identified several key omissions and inaccuracies in the project list, including updates needed to recognise planning applications, the inclusion of the proposed Kings Dene strategic allocation, and corrections to the Feering Strategic Allocation. BDC also notes inconsistencies between the cumulative effects identified in ES Chapter 17 and the “manageable” interfaces described in the Interrelationship Report.

- 3.4.2 Given the ExA's request for a factual report explaining how the proposed development overlaps with other major infrastructure, BDC requests that the Applicant supplement the Interrelationship Report to include these omitted schemes.
- 3.4.3 In addition, to support the Examination, BDC requests that the Applicant provide a bridging note reconciling environmental significance with the interface narrative on a project-by-project basis, and invites the ExA to consider targeted refinements to DCO Requirements to better reflect cumulative risks.

## **4 Response to Applicant's Comments on Relevant Representations (REP1-132)**

### **4.1 Introduction**

4.1.1 This section reviews the Applicant's comments (REP1-132) on the Council's Relevant Representations submission (RR-0383). The relevant section appears in Table E.1.1, starting at Page E1 (PDF Page 137).

4.1.2 The Council does not intend to repeat the substantive matters already raised in its Relevant Representations (RR-0383) or in its Local Impact Report (REP1-148). It is noted that the Applicant has not yet responded to the Local Impact Report, which provides further detail of the Council's concerns.

4.1.3 Owing to the above, the Council will likely defer any detailed responses until Deadline 3 once the Applicant has had an opportunity to comment on the Local Impact Report.

4.1.4 For ease of reference, this report separates the Applicant's comments into topic areas consistent with the structure of Table E.1.1.

### **4.2 Needs Case**

4.2.1 This matter is set out in Table E.1.1 from 2.2 – 2.6 (Pages E1-E2).

4.2.2 The Council notes that no further evidence is to be submitted by National Grid to support the need for the project. While the Council has regard to the Applicant's position, it remains extremely dissatisfied that no additional evidence will be provided.

4.2.3 As a result, the Council is unable to fully support the need case put forward by the Applicant, and this matter will remain not agreed.

### **4.3 Alternatives**

4.3.1 This matter is set out in Table E.1.1 from 2.7 (Page E2).

4.3.2 The Council notes that the Applicant does not intend to provide any further evidence in relation to alternatives, including updated sensitivity testing, reconsideration of offshore or HVDC options, or additional analysis addressing the conclusions of the Hiorns Report. The Council remains dissatisfied with this position, given the outstanding questions regarding the assumed timing of network reinforcement and the lack of transparency around contracted generation and connection readiness. In addition, the Council remains concerned that the substantial landscape and visual impacts of the proposed overhead line have not been weighed against credible alternative approaches that could materially reduce such harm.

4.3.3 In the absence of this further evidence, the Council is unable to agree that the Applicant has demonstrated that credible alternatives have been robustly assessed in accordance with NPS EN-1 and EN-5. The matter of alternatives therefore remains not agreed.

#### 4.4 Landscape and Visual

4.4.1 This matter is set out in Table E.1.1 from 4.1 - 4.12 (Pages E3-E4).

4.4.2 The Council has reviewed the Applicant's responses to the landscape and visual matters raised in its Relevant Representation. The Council is disappointed that many of the responses provided do little more than restate, summarise, or signpost back to material already contained within the Environmental Statement and associated LVIA documentation, rather than present meaningful responses or updated analysis to explore these matters further.

4.4.3 Specifically in relation to the Council's concerns around Residential Visual Amenity Assessments (RVAA), particularly at properties E7 and E8 where visual effects could be "unpleasantly encroaching" or "inescapably dominant" under realistic Limits of Deviation scenarios, the Applicant's responses again rely heavily on reiterating its original assessment and methodology. The Applicant provides generalised statements defending the

RVAA findings but does not meaningfully engage with the Council's specific concerns, including the potential for LOD-enabled movement of pylons to result in materially greater impacts than assessed. The Council does not consider the Applicant's reasoning persuasive and remains of the view that this matter requires further scrutiny during the examination process.

4.4.4 Owing to the above, the Council maintains its position that landscape and visual effects remain a key area of dispute, particularly in relation to mitigation and residential visual amenity.

#### 4.5 Ecology and Biodiversity

##### **Matters Focused on Arboriculture**

4.5.1 This matter is set out in Table E.1.1 from 5.1 – 5.11 (Pages E5-E7).

4.5.2 The Council has reviewed the Applicant's responses to the arboricultural issues raised within its Relevant Representation. The Council is concerned that, in many instances, the Applicant's responses do little more than restate information already contained within the Environmental Statement, in particular the Arboricultural Impact Assessment (APP-236), or rely on previously agreed scoping methodologies rather than providing the additional detail requested by the Council. This approach does not address the substantive gaps identified by the Council, including the need for clearer identification, categorisation and mapping of likely affected trees and hedgerows.

4.5.3 Of particular concern is the Applicant's reliance on statements that the exclusion of Category C trees from assessment is consistent with the scoping opinion, or that high and moderate-value surveyed trees have been adequately illustrated within Annex D of APP-236. The Council does not consider these points to have been meaningfully addressed, especially given the limited examples cited by the Applicant and the lack of comprehensive cross-referencing or labelling within the submitted figures.

The Council notes, for example, that reference is made to the treatment of T102, yet this does not resolve wider issues regarding the absence of clear, accessible information across the full arboricultural baseline.

4.5.4 In addition, the Council notes that the Applicant does not consider that Requirement 8 requires amendment, stating that the requested measures are included within the Outline Landscape and Ecological Management Plan (OLEMP). However, the Council contends that the Applicant will not be building out the scheme; this will instead be undertaken by a separate contractor. The Council therefore remains strongly of the view that Requirement 8 must be updated to ensure consistency with the OLEMP, so as to avoid any inconsistency or confusion in the contractor's approach. As currently drafted, Requirement 8 does not mandate the necessary information in relation to Arboricultural Method Statements or Tree Protection Plans (including root protection areas).

4.5.5 Overall, the Applicant's responses do not mitigate the Council's concerns that a thorough arboricultural impact assessment has been undertaken at this stage of the DCO process. The repeated assertion that further detail "will be provided during detailed design" is not considered acceptable for a project of this magnitude, where the scale of tree and hedgerow loss, should be more clearly evidenced at the outset. The Council therefore maintains its position that arboricultural matters remain a significant area of dispute, and that further clarification, detail and secured commitments will be required during the Examination if these issues are to be satisfactorily resolved.

#### **Matters more specific to Ecology and Biodiversity**

4.5.6 This matter is set out in Table E.1.1 from 6.1 – 6.8 (Pages E7-E8).

4.5.7 In relation to 6.2, the Council agrees that the 'Pathway to Effect and Significance of Effect' column in Table 8.23 of 6.8 Environmental Statement Chapter 8 – Ecology and Biodiversity [AS-026] does refer to short and

medium-term impact magnitude predictions in the absence of mitigation. However, the Residual Effect column of Table 8.23 does not clarify how long it is predicted to take for the magnitude of impact to reduce to a negligible level for the affected receptors. This information would provide useful transparency, as without it one may incorrectly infer that the application of mitigation alone results in a neutral outcome, without recognising that a period of recovery, potentially measurable in years, may still be required.

4.5.8 In relation to 6.4, it is Braintree District Council's position that the bat-roost impacts arising from tree clearance along the development route cannot be predicted with sufficient reliability prior to a DCO decision. Limiting mitigation to circumstances "where the presence of a roost is confirmed..." will under-represent the true scale of impact on bat populations. Given that the Applicant proposes a pre-construction survey approach—which deviates from standard survey requirements—a correspondingly more robust and extensive mitigation commitment is necessary to compensate for that uncertainty.

4.5.9 Natural England's mitigation licensing Policy 4 allows for reduced survey effort in cases where:

*1. the costs or delays associated with standard surveys would be disproportionate to the benefit of added certainty;*

*2. the ecological impacts can still be predicted with sufficient confidence; and*

*3. the proposed mitigation or compensation will ensure that the licensed activity does not adversely affect the conservation status of the local population of any EPS.*

4.5.10 The Council does not consider that the current approach satisfies these tests. Only PRF-M trees, identified through ground-level inspection alone,

are proposed for aerial inspection or emergence surveys prior to works. Of those PRF-M trees, only those in which roosts are confirmed through these limited surveys would be subject to compensation under the mitigation licence. The Council believes that this approach will significantly underestimate and under-mitigate the overall impact on bat-roost resources along the route. Research (e.g. BATS Research & Training, August 2023<sup>1</sup>) demonstrates that both ground-level inspections and three-visit emergence surveys (conducted within a limited survey window) are prone to high false-negative rates.

- 4.5.11 The Bat Conservation Trust's Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition) highlight the inherent limitations in identifying tree roosts and state that "*it is arguable that all trees with bat-roosting potential should be considered part of a roosting resource that will be used at one time or another by tree-roosting bats.*" This is an assumption that the Norwich to Tilbury project should adopt, and it should materially influence the scale and design of the mitigation package.
- 4.5.12 The Council also maintains that it is a flawed and inadequately supported assumption that Natural England derogation licensing can always be relied upon to maintain the favourable conservation status of affected species. The widespread absence of effective post-mitigation monitoring for bat licences does not provide a reliable evidence base for anticipating successful outcomes where derogations relate to non-minor impacts.
- 4.5.13 Furthermore, the Council considers that the potential impacts on the conservation status of "the local population of any EPS" (i.e. bat species other than barbastelle) have not been satisfactorily assessed. While a higher survey effort focused on barbastelle, the rarest species at risk along the route, is appropriate and the route-adjustment measures to avoid

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<sup>1</sup> <https://www.batlicence.co.uk/can-we-do-better/>

barbastelle impacts are welcomed, the impact assessments for other species rely on minimal survey data. A more generous and precautionary roost-tree compensation strategy is therefore required to address this limitation.

- 4.5.14 In relation to 6.6, the Council seeks a more detailed and specific explanation from the Applicant. In particular, the Council requests clarification on the basis for the stated “good practice”: namely, what recognised guidance underpins this assertion and which specific industry standards for Ecological Clerk of Works (ECoW) practice will be applied. The Council further seeks clarity on the level of conformity that will be required, as the term “based on” does not provide sufficient assurance regarding the degree of adherence to those established standards.
- 4.5.15 In summary, the Council’s outstanding concerns relate to insufficient clarity on ecological effect durations, significant uncertainty in predicting bat-roost impacts due to limited pre-construction survey methods, and the risk of under-mitigation for species other than barbastelle. The Council also considers that the current approach does not meet the tests of Natural England’s Policy 4 and requests clearer justification and defined standards for the Applicant’s proposed “good practice,” particularly regarding ECoW roles.

#### 4.6 Historic Environment

4.6.1 This matter is set out in Table E.1.1 from 7.1 – 8.10 (Pages E8-E12).

4.6.2 In relation to Archaeology, the Council have no further comments at this stage and will defer any comments to deadline 3 once the Applicant has had an opportunity to review the Councils Local Impact Report.

4.6.3 In relation to above-ground heritage, the Council concedes its point regarding 7.6 (non-designated heritage assets). Under the Applicant’s methodology, non-designated heritage assets are assessed as low value

and therefore do not meet the stated criteria for a settings assessment. While the Council is disappointed by this outcome, it acknowledges that it is a consequence of the scale and methodology of the application.

- 4.6.4 Regarding 7.7 (embedded and standard mitigation measures), the Council is satisfied with the clarification provided by the Applicant. However, the Council still considers that measure HO6 in the CoCP could be expanded, at least to signpost where further information is available to explain and support this commitment.
- 4.6.5 Regarding 7.8 (Mitigation measure HO7), the Council were raising general concerns for affected members of the public. It is acknowledged that no impacts are reported in Section E to do with heritage assets. The Council will leave this for the ExA to consider further.
- 4.6.6 Regarding 7.10 (embedded mitigation at specific receptors), the Council notes the Applicant's response and acknowledges that they are unwilling to revisit or amend the proposed mitigation measures for the identified heritage assets. While this position is noted, the Council maintains its view that opportunities for further embedded mitigation should be explored, particularly at those assets where potential harm has been identified. The Council continues to consider that additional refinement of mitigation at this stage would provide greater certainty and improved protection for the affected historic environment.
- 4.6.7 Regarding 7.11–7.13, the Council notes the Applicant's position and acknowledges that, given the scale and complexity of the project, a number of competing considerations appear to have resulted in the setting of certain heritage assets being given a lower priority within the overall assessment and mitigation strategy. While this is recognised, the Council remains concerned that the cumulative effect of such prioritisation may limit the level of protection afforded to these assets. The Council therefore maintains its view that the Applicant should further explore opportunities to

strengthen embedded mitigation measures in order to better safeguard the settings of the affected heritage assets.

4.6.8 Regarding 7.14 and Paragraph 11.6.10, the Council notes the Applicant's clarification that, in addition to the embedded and standard mitigation measures, asset-specific mitigation has been identified for certain heritage assets. While this clarification is welcomed, the Council remains concerned that the current drafting of 11.6.10 is ambiguous in a statutory context. To avoid misinterpretation, the Council proposes that 11.6.10 is revised to state explicitly that additional, asset-specific mitigation is required, and to identify the mechanism by which such measures will be secured and approved.

4.6.9 Wording suggested as follows:

*"The assessment presented in this ES, as defined in Section 11.7, concludes that the embedded and standard mitigation measures set out above will apply scheme-wide. Where the detailed design, asset-level assessment, or consented method statements identify a need for additional, asset-specific mitigation for historic buildings or historic landscapes, such measures will be secured through the relevant DCO Requirements and associated detailed documents (including the Heritage Mitigation Strategy and Written Schemes of Investigation)."*

4.6.10 In summary, the Council's remaining concerns centre on the limited consideration given to certain heritage assets, the Applicant's reluctance to refine embedded mitigation, and the lack of clear wording in Paragraph 11.6.10 to confirm and secure additional asset-specific mitigation.

4.7 Noise and Vibration

4.7.1 This matter is set out in Table E.1.1 from 9.1-9.12 (Pages E12-E16).

4.7.2 In respect of Noise and Vibration, the Council acknowledges the Applicant's responses received to date. Nevertheless, the Council will defer a substantive response pending the Applicant's further comments on the Local Impact Report. For clarity, no additional discussions on noise matters have taken place with the Applicant since the meeting held on 30 January 2026, as referred to within the Local Impact Report (REP-148).

4.7.3 The Council's overall position is that significant concerns still remain.

#### 4.8 Air Quality

4.8.1 This matter is set out in Table E.1.1 from 10.1-10.8 (Pages E16-17).

4.8.2 In respect of air quality, the Council have no further comments at this stage and will defer any comments to deadline 3 once the Applicant has had an opportunity to review the Council's Local Impact Report.

#### 4.9 Contaminated Land, Geology and Hydrogeology

4.9.1 This matter is set out in Table E.1.1 from 11.1-11.4 (Pages E17-E18).

4.9.2 In respect of Contaminated Land, Geology and Hydrogeology, the Council are content that the Applicant's responses address the questions raised and have no further comments at this stage.

#### 4.10 Agriculture and Soils

4.10.1 This matter is set out in Table E.1.1 from 12.1-12.9 (Pages E18-E20).

4.10.2 Regarding 12.2, the Council notes the Applicant's description of the Agricultural Land Classification (ALC) survey effort and the extent of predictive mapping used. However, the Council remains concerned that the predictive model has been applied across a significantly wider area than the 866 predictive assessment points referenced.

4.10.3 Paragraph 6.5.15 of the Soils and Agriculture ES chapter confirms that the percentage of Best and Most Versatile (BMV) land across the 3,755 ha

Order Limits has been derived using a combination of detailed survey data and predictive mapping. This indicates that predictive modelling has been used to classify the majority of the Order Limits rather than the 1,877 ha subject to detailed survey.

- 4.10.4 The updated ALC drawing (REP1-062) continues to show large areas where the mapped ALC grade differs from the grades recorded during the detailed survey, including instances where extensive surveyed areas have been overridden by predicted classifications. While the ALC guidance allows for interpolation of mapped areas using surrounding point data, the Council considers that the current mapping relies too heavily on the predictive model and not sufficiently on the more reliable surveyed data. The Council therefore maintains that the ALC mapping should more accurately reflect the detailed survey results to ensure a robust assessment of impacts on BMV land.
- 4.10.5 Regarding 12.4, the Council notes that a high-level assessment using provisional ALC data, together with any available post-1988 ALC survey information, could have been utilised at the optioneering stage. The Council considers that incorporating such data early in the route-selection process would have enabled clearer identification and avoidance of areas of provisional Grade 1 and Grade 2 agricultural land, which could reasonably have formed part of the route-selection criteria.
- 4.10.6 Regarding 12.5, in relation to the updated corrections set out in REP1-072 (8.1 Errata List, Final Issue A), the Council notes that only 12 soil pits were ultimately assessed. Given the scale of the Order Limits (3,755 ha), the presence of 35 soil associations, and the extensive variation in mapped ALC grades ranging from Grade 2 to Grade 4 along the route, the Council does not consider this number of pits sufficient to underpin a robust land-grade assessment. As this limited dataset is being used to inform a predictive model that is classifying the majority of the Order Limits, it is essential that the “ground-truthing” data is representative and reliable.

While the Council acknowledges that the predictive ALC modelling approach is generally robust and provides greater accuracy than reliance on provisional ALC data alone, it remains critical that the underpinning survey data is sufficiently comprehensive to ensure confidence in the resulting classification.

4.10.7 In summary, the Council remains concerned that the ALC assessment relies too heavily on predictive modelling across much of the 3,755 ha Order Limits, with notable discrepancies between mapped grades and the detailed survey results. The Council also considers that the limited number of soil pits and the lack of early use of provisional and post-1988 ALC data reduce confidence in the robustness of the land-grade classification and the assessment of impacts on Best and Most Versatile land.

#### 4.11 Cumulative Effects

4.11.1 This matter is set out in Table E.1.1 from 13.1-13.4 (Page E21).

4.11.2 The Council note the Applicants responses. The Council has provided an update on relevant projects as part of its response to Response to Interrelationship with Other Projects Report (REP1-134) in Section 3 of this report.

#### 4.12 Draft DCO

4.12.1 This matter is set out in Table E.1.1 from 14.1-14.24 (Pages E20 - E24).

4.12.2 The Council does not respond in detail to every point raised within the Applicant's comments on the Draft Development Consent Order at this stage. A number of matters will await the Applicants comments on the Council's LIR and will be addressed more fully in the Council's Deadline 3 submission. The paragraphs that follow therefore focus on those issues of particular note or concern to the Council and are provided to assist the Examining Authority's consideration of the appropriateness and adequacy of the current drafting.

- 4.12.3 Regarding 14.3 (pre-commencement operations definition), the Council notes that this definition was the subject of considerable debate prior to the confirmation of the Bramford to Twinstead (B2T) DCO, and that no substantive justification has been provided as to why it is appropriate, in the specific circumstances of the Norwich to Tilbury Project, to broaden the scope of “pre-commencement” beyond what was agreed for B2T. The Council is concerned that an unduly expansive definition would enable a wide range of impactful activities to proceed ahead of the Requirements being triggered, thereby reducing the effectiveness of the control framework intended to safeguard residents and the environment.
- 4.12.4 In the absence of a third-party control mechanism, of the kind proposed by the Council, there is limited assurance that the promoter will acknowledge, or seek approval for, pre-commencement activities that could give rise to materially new or different environmental effects and potentially unacceptable impacts.
- 4.12.5 Regarding 14.6 (Article 2 “Maintain”), the Council remains concerned that, without the incorporation of an appropriate third-party control mechanism of the kind previously suggested by the Council, the proposed definition would allow maintenance activities associated with the development to proceed without adequate scrutiny. In such circumstances, there is little incentive for the promoter to recognise or disclose where these works may give rise to materially new or different environmental effects, including the potential for unacceptable land-use impacts for residents. The Council therefore does not consider the Applicant’s response to be acceptable.
- 4.12.6 Regarding 14.7 (Article 4 – maintenance), the Council notes the Applicant’s response but remains concerned that the retention of obsolete equipment, even where it remains safe or technically functional, may nonetheless be visually intrusive for local residents and give rise to other adverse impacts, including increased vulnerability to trespass or unlawful interference. The Council therefore considers that such equipment should not remain in situ

indefinitely and that appropriate provisions should be included to secure its timely removal.

- 4.12.7 Regarding 14.8 (Article 5 – vertical limits of deviation), the Council notes that the Applicant has not provided a clear explanation as to why a 6-metre vertical limit of deviation is required in this instance, particularly when a 4-metre limit was considered acceptable and approved in the more recent Bramford to Twinstead (B2T) DCO, which is located within the same broad landscape and terrain as the Norwich to Tilbury proposals. Given the importance of visual impacts to local residents, the Council considers that any increase in vertical deviation must be robustly justified and treated with appropriate sensitivity.
- 4.12.8 Regarding 14.13 and 14.14 (Article 50 – tree and hedge works), the Council remain concerned that the use of the term “near” introduces unnecessary vagueness and uncertainty, particularly in circumstances where works may take place outside the Order Limits and beyond the areas assessed within the Environmental Statement.
- 4.12.9 The Council considers it essential that some form of third-party control mechanism is incorporated to ensure that tree and hedge works undertaken outside the authorised development boundaries are demonstrably limited to what is reasonably required. Once vegetation has been cut or removed, the resulting harm cannot be reversed, and appropriate safeguards are therefore necessary to prevent avoidable or disproportionate impacts.
- 4.12.10 Regarding 14.16 (Schedule 1 – authorised development), the Council is concerned that, without the incorporation of an appropriate third-party control mechanism, there is limited assurance that the scheme promoter will identify or acknowledge where associated, but currently unspecified, works may give rise to materially new or different environmental effects.

Such effects could, in turn, result in unacceptable land-use impacts for residents.

- 4.12.11 The Council also notes the need to correct the reference from “Braintree Borough Council” to “Braintree District Council”. Given the breadth of activities that may fall under the umbrella of “associated development”, the Council considers it necessary that it be notified of any such works in order to maintain a comprehensive understanding of the project as constructed.
- 4.12.12 Regarding 14.18 (Schedule 3, Paragraph 6), the Council acknowledges that the phrase “in substantial accordance with” represents a recognised drafting standard within Development Consent Orders. However, in the absence of an appropriate third-party control mechanism—as previously proposed by the Council—there remains limited assurance that the scheme promoter will identify or disclose where works may give rise to materially new or different environmental effects that fall outside the scope of the Environmental Statement. Such unacknowledged variations have the potential to lead to unacceptable land-use impacts for residents, and the Council therefore considers that additional safeguards are necessary to ensure appropriate oversight.
- 4.12.13 Regarding 14.19 (Schedule 3 – Paragraph 7 – Construction Hours), as per Section 4.7 above the Council will defer comments to Deadline 3.
- 4.12.14 Regarding 14.20 (Schedule 3 – Paragraph 12 – Design of Buildings), the Council’s response is as 4.12.12 above.
- 4.12.15 Regarding 14.21 (Schedule 4 – Discharge of Requirements – Paragraph 1), the Council maintain that 28 days is wholly insufficient for discharge of requirements. The Council defer to comments in its Local Impact Report (REP1-148) Paragraph 16.2.68 which draws on its practical experience of 35 days in relation to Norwich to Tilbury.

4.12.16 Regarding 14.22 (Schedule 4 Discharge of Requirements – Paragraph 2), the Council maintain that 5 days is wholly insufficient for discharge of requirements. Based on recent experience of Bramford to Twinstead (which is 7 days), this unrealistic timescale has caused issues and conflicts with the delivery team and the stretched Host Authority consultees.

4.12.17 In summary, the Council has highlighted several areas of concern within the Draft DCO, focusing particularly on provisions that lack sufficient safeguards or third-party controls and which could allow impactful works to proceed without appropriate oversight. The Council considers that greater clarity, tighter drafting, and enhanced notification or control mechanisms are required to ensure that environmentally or locally significant activities are not undertaken without scrutiny. A fuller response as appropriate will be provided at Deadline 3 following the Applicant's comments on the Council's Local Impact Report.

#### 4.13 Community Benefits

4.13.1 The Council notes the Applicant's position and reserves the right to provide further comment in due course. The Council also considers it important that the Applicant demonstrates, without reservation, its commitment to engaging in discussions on, and ultimately delivering, appropriate community benefits associated with the Scheme.

#### 4.14 Overall Summary

4.14.1 The Council welcomes the opportunity to review the Applicant's responses to its Relevant Representations; however, it is evident that a number of important matters remain unresolved. The Council respectfully invites the Examining Authority to explore these matters further as the Examination progresses.

## **5      Response to Errata List (REP1-071)**

### **5.1      General Comment**

5.1.1      The Council notes the Applicant's Errata List (REP1-071) and the associated revised materials submitted at Deadline 1, including ES Appendix 6.1 ALC Figure A6.1.1 (Rev B), ES Appendix 11.1 Figures A11.1.1 and A11.1.2 (Rev B), ES Appendix 13.6 AIA Figure A13.6.1 (Rev B), and ES Figure 13.7 Visual Receptors and Viewpoints (Rev B).

5.1.2      The Errata states that these amendments comprise minor, non-material corrections and that no assessment outcomes or conclusions are affected. The Council has reviewed the updated materials and, on that basis, has no substantive comments at this time, while reserving the right to comment should any further changes arise.