



# **Norwich To Tilbury**

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

Braintree District Council ( [REDACTED] )

### Submission:

- Responses to ExQ1

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## **1 Glossary of Abbreviations**

AC – Alternating Current  
ALC – Agricultural Land Classification  
APP – Application Document Reference  
AS – Additional Submission  
BAT – Best Available Technique  
BATNEEC – Best Available Techniques Not Entailing Excessive Cost  
BDC – Braintree District Council  
BMV – Best and Most Versatile (agricultural land)  
BNG – Biodiversity Net Gain  
BPM – Best Practicable Means  
BRE – Building Research Establishment  
B2T – Bramford to Twinstead  
CNP – Critical National Priority  
CoCP / OCoCP – Code of Construction Practice / Outline Code of Construction Practice  
CTMP – Construction Traffic Management Plan  
dDCO / DCO – draft Development Consent Order / Development Consent Order  
DESNZ – Department for Energy Security and Net Zero  
DWSI / WSI – Detailed Written Scheme of Investigation / Written Scheme of Investigation  
EA – Environment Agency  
ECC – Essex County Council  
ECoW – Ecological Clerk of Works  
EIA – Environmental Impact Assessment  
ES – Environmental Statement  
ESO / NESO – Energy System Operator / National Energy System Operator  
ExA – Examining Authority  
HRA – Habitats Regulations Assessment  
HVDC – High Voltage Direct Current  
IP – Interested Party  
LCAs – Landscape Character Areas  
LEMP / OLEMP – Landscape and Ecological Management Plan / Outline Landscape and Ecological Management Plan  
LIR – Local Impact Report  
LoD / LOD – Limit(s) of Deviation  
LPA – Local Planning Authority  
LVIA – Landscape and Visual Impact Assessment  
NDHA – Non-Designated Heritage Asset  
NPS – National Policy Statement  
NSIP – Nationally Significant Infrastructure Project  
NSR – Noise Sensitive Receptor

OAMS / OWSI – Outline Archaeological Mitigation Strategy / Outline  
Written Scheme of Investigation  
PEIR – Preliminary Environmental Information Report  
PPA – Planning Performance Agreement  
PRoW / PROW – Public Right of Way  
PSD – Particle Size Distribution  
REP – Examination Library Representation  
RR – Relevant Representation  
RPA – Root Protection Area  
SoCG – Statement of Common Ground  
SoR – Schedule of Requirements  
SRP – Soil Resource Plan  
VESS – Visual Evaluation of Soil Structure  
WR – Written Representation

## **2**      **Introduction**

### 2.1      **Purpose & Format of Report**

- 2.1.1      This report comprises Braintree District Council's ("the Council") response to relevant questions posed by the Examining Authority in respect to ExQ1.
- 2.1.2      The report format extracts the table from ExQ1 and inserts the Council's response. For ease of reference, the table includes only those questions that are directed specifically to the Council or those on which the Council wishes to comment at this stage.
- 2.1.3      Where a response is not provided to other questions, the Council reserves the right to submit comments on the Applicant's or other parties' responses at a future examination deadline.

**3      General and Cross Topic Questions**

<b>REF</b>	<b>ExA Question (summary)</b>	<b>Braintree District Council (BDC) - Response</b>
GEN 1.3	<p><b>National and local planning policy compliance tracker</b></p> <p>All relevant planning authorities are invited to make comment on the content of the compliance tracker. If you have already dealt with changes to policy in your local impact report (LIR) there is no need to provide a response.</p> <p>[REP1-133]</p>	<p>BDC has reviewed the Applicant’s compliance tracker in the context of the Adopted Braintree Local Plan (2013–2033) and the emerging Local Plan Review (Regulation 18, 2026). Several of the Adopted Local Plan policies referenced in the Council’s Local Impact Report have materially evolved within the Preferred Options draft, particularly in relation to design, Biodiversity Net Gain, green infrastructure, and the spatial strategy. This includes the “Kings Dene” allocation interface, which is discussed in Paragraph 3.2.6 of REP2-033.</p> <p>While the Adopted Plan remains the statutory development plan, the emerging Regulation 18 policies represent a clear direction of travel and are capable of being material considerations. The Council therefore invites the Applicant to update the compliance tracker to reflect that Braintree District Council has progressed the Local Plan Review to Regulation 18 stage (March 2025 consultation).</p> <p>A policy comparison table is appended at Annexe A, identifying where there are major changes between the Adopted Local Plan policies and their Regulation 18 counterparts.</p>

<p>GEN 1.4</p>	<p><b>Development plan documents and supplementary planning documents</b></p> <p>All local authorities are asked to review the listed development plan documents (DPD) and supplementary planning documents (SPD) (including masterplans) as currently set out in the planning statement [APP-085] (paragraph 2.5.12) and provide any updates, setting out which have been adopted, updated, or are emerging since production of the planning statement.</p>	<p>The Council have reviewed the list in Paragraph 2.5.12 relevant to its area and are generally content, subject to the following additions for completeness:</p> <ul style="list-style-type: none"> <li>- Steeple Bumpstead Neighbourhood Plan – Adopted June 2025</li> <li>- Earls Colne Neighbourhood Plan – Adopted July 2025</li> <li>- Braintree Preferred Options Local Plan Regulation 18 Consultation (March 2025)</li> </ul>
<p>GEN 1.6</p>	<p><b>Critical national priority</b></p> <p>... In particular the ExA requests all local authorities and the listed statutory consultees to provide comment on the policy tests on matters of human health and public safety, defence, irreplaceable habitats, flood risk, green belt, sites of special scientific interest, nationally designated landscapes and heritage assets, as well as the HRA.</p>	<p>Green Belt: No comment in respect of Green Belt.</p> <p>SSSIs: N2T’s strategic mitigation has resulted in a development route that avoids any predicted impacts on SSSIs.</p> <p>Designated landscapes: BDC refer to the submissions of the National Landscape team and the measures necessary for the SoS to discharge the statutory duty to further the purpose of the designation.</p> <p>Heritage assets:</p> <p>(a) The scheme results in less than substantial harm to affected built heritage assets. However, the proposals</p>

		<p>would not preserve the setting of those assets and therefore do not comply with Sections 66(1) or 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, Local Polices dictate the planning balance applies in these scenarios.</p> <p>(b) Section 7.2.57 states that the project has been carefully designed to avoid, reduce or mitigate potentially significant effects on cultural heritage and archaeology assets. The harm is considered necessary to achieve the substantial public benefit of delivering CNP infrastructure that outweighs the heritage impact. Based on our current knowledge of archaeological remains which may be impacted upon by the development there is agreement with the Applicant. However, clear outweighing of harm can only be demonstrated when an adequate level of information has been provided and the application has not submitted a sufficient level of information for this to be demonstrated with confidence.</p> <p>Human health and public safety: BDC defer to Essex County Council.</p> <p>Defence: Defer to the Ministry of Defence and other relevant bodies on the matter of defence.</p> <p>Irreplaceable habitats: The AIA should be used to inform the detailed design stage and micro-siting of all works, to further reduce impacts on trees, in particular irreplaceable habitats, such as veteran trees</p>
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		<p>Flood risk: BDC defer to Essex County Council.</p> <p>The HRA: No comment</p>
<p>GEN 1.17</p>	<p><b>Local impact reports – cumulative developments and the interrelationship report</b></p> <p>Each local authority is asked to review ES chapter 17 (cumulative effects) appendix 17.2 (long list and short list of other developments) [APP-283] and figure 17.2 [APP-286], and confirm if the details provided by the Applicant are accurate. Only those developments rated green in tables A17.2.2 to A17.2.14 (short listed developments) need to be checked.</p> <ul style="list-style-type: none"> <li>• All local authorities are asked to provide an update where relevant, which should include the current status of the application (whether and when consent has been granted and implemented). If any other major developments in your local authority area are not included, please provide details including planning reference, description, location, relevant dates, and current status (or development plan allocation details). Additionally a report on interrelationship with other infrastructure projects was submitted by the Applicant at deadline 1 [REP1-134].</li> <li>• All local authorities are also asked to review the non-NSIP projects listed in section 3.3 and table 6.1 of the report and confirm if the application reference details are correct and that the Applicant’s summary of interactions between each</li> </ul>	<p>The Council have reviewed ES Chapter 17 table A17.2.9. Updates for the applications rated green are set out in Annexe B.</p> <p>The Council reviewed the interrelationship document and this formed part of our submission for deadline 2 (REP2-033).</p> <p>This highlighted a number of omissions and or changes required in Section 3 of REP2-033 and will not be repeated here.</p>

	<p>project is reasonable, together with any other comments you wish to make on the report.</p>	
<p>GEN 1.21</p>	<p><b>Legal Agreements</b></p> <p>All local authorities are invited to provide a list of and their understanding of the current status of any agreements which it has requested, together with a timescale for completion of any agreements which require sign off by the local authority.</p>	<p>Norwich to Tilbury will have significant and lasting impact on Braintree District as a result of the projects construction and visual presence.</p> <p>BDC would therefore wish to see the Applicant engage positively with Local Authorities to secure and deliver an appropriate level of mitigation and/or compensation commensurate to the magnitude of impact.</p> <p>BDC though its Local Impact Report has identified a number of locally significant effects arising as a result of the construction and operation of the Project. BDC, in conjunction with other local Authorities has commenced discussions with the Applicant regarding the nature and level mitigation to be delivered through a s106 legal agreement. to cover the following:</p> <p><b>BNG</b></p> <p>To deliver a 10% biodiversity net gain together with appropriate management and monitoring for at least 30 years within Essex</p> <p><b>Tree Planting – Replacement / Mitigation/ Compensatory</b></p>

		<p>To secure the deliver an 'Off-Site Planting Delivery Scheme' prepared in accordance with the Reinstatement Planting Plan pursuant to Requirement 9 of the Development Consent Order. The Reinstatement Planting Plan to for offsite tree planting to also cover any additional mitigation planting or compensatory planting.</p> <p><b>Skills Supply Chain Employment and Training</b></p> <p>To secure an Employment, Education, Skills and Supply Chain strategy for the project together with appropriate funding through a Section 106 agreement.</p> <p><b>Other Matters</b></p> <p>Highways</p> <p>Wellbeing &amp; PROW</p> <p><b>Summary</b></p> <p>The above matters are under discussion with the Applicant and a draft s106 agreement being prepared with the intention of being finalised in time for Deadline 7. Updates will be reflected in the State of Common Ground to be submitted at Deadline 4.</p>
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**4**      **Design, parameters and other details of the proposed development**

<b>REF</b>	<b>ExA Question (summary)</b>	<b>Braintree District Council (BDC) - Response</b>
DES 1.9	Lighting of new and upgraded substations	<p>The Institution of Lighting Professionals (2023) Guidance Note 08/23: Bats and Artificial Lighting At Night should be a steering document for the substation's lighting design.</p> <p>In particular, lighting should only be sensor activated and not a permanent fixture in what generally speaking is an otherwise dark rural landscape.</p>

REF	ExA Question (summary)	Braintree District Council (BDC) - Response
ALT 1.1	<p><b>Reasonable Alternatives: Policy and Legislation</b></p> <p>The local authorities are invited to comment on their understanding of 'reasonable alternatives' in the context of NPS EN-1 paragraphs 4.3.22 to 4.3.19, and Regulation 14(2)(d) and paragraph 2 of schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). The local authorities are also requested to comment on paragraph 3.2.32 of ES chapter 3: 'Where options assessed do not meet the definition of 'reasonable alternatives' (such as certain offshore cable options that conflict with NPS policy preferences), these are included to address specific scoping requirements under Regulation 14(3) rather than as reasonable alternatives under Regulation 14(2)(d)'. The local authorities are asked, where they have suggested alternatives, if they would meet the definition of reasonable alternatives in the context of the policy and the EIA Regulations.</p>	<p>The policy context for reasonable alternatives is set out at paragraphs 4.3.22 to 4.3.29 of NPS EN-1. Taking each NPS EN-1 paragraph at a time:</p> <p>Para 4.3.22 is clear that the weight that can be given to those alternatives lies in the hands of the decision maker. The assessment of alternatives must be proportionate and only alternatives that meet the need objectives of the proposed development need to be considered. Whilst at 4.4.25 the Applicant notes the 2024 update to the Strategic Options Backcheck and Review considered the ESO's East Anglian Network Study of March 2024, it is BDC's opinion that the Applicant scoped out alternatives set out in that report which by definition could have met the objectives of the proposed development. Instead, it only contains the Offshore 1 option but makes little reference to it.</p> <p>Para 4.3.24 is only relevant to more discrete sites as it looks to retain them for future energy development.</p> <p>Para 4.3.25 serves to 'mop up' alternatives that the decision makers considers to be important and relevant and thus allows the decision maker to take into account the alternatives the Local Authorities and IP's have noted, namely those in the then Energy Systems Operator's (ESO's) East Anglian Network Study of March 2024, and</p>

	<p>the Offshore 1 option set out in the 2025 Strategic Options Backcheck and Review.</p> <p>Para 4.3.26 allows the decision maker to not take into consideration alternative schemes that would not comply with the relevant NPS. But that is not the case here as a number of the options in the aforementioned ESO report along with Offshore 1 could be delivered in a manner that meets the requirements of the NPS.</p> <p>Para 4.3.28 rules out vague and immature proposals. However, those noted in the ESO report of March 2023 were neither vague nor immature as by inclusion in that report they clearly are realistic options. The same is the case for Offshore 1.</p> <p>Para 4.3.29 sets out how it can be the responsibility of a third party to evidence the suitability of an alternative that is tabled once the application is made. That is not the case here as the Applicant was in possession of the ESO's March 2024 report at PEIR stage well before formal submission.</p> <p>Therefore, the reasonable alternatives that the local authorities and IP's cited from the ESO report and the Applicants Offshore 1 do meet the tests for reasonable alternatives as set out in NPS EN-1 and the EIA Regulation as they stemmed from the Energy Systems Operator of the day and the Applicant, and therefore by definition are reasonable.</p> <p>The ESO were careful to ensure that the number of alternatives they assessed were workable and deliverable and at Para 5 of that report (page 20) the ESO sets out the preliminary assessment of the</p>
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		<p>options in order to ensure they are workable. At Table 4 on Page 21 the Gate 1 assessment details this. Therefore, the alternatives listed in the ESO report would meet the definition of ‘reasonable alternatives’, as would the Applicant’s Offshore 1.</p>
<p>ALT 1.2</p>	<p><b>Approach to options appraisal</b></p> <p>The local authorities are invited to review section 3.3 of ES chapter 3 [APP-127] and appendices 3.1 [APP-128] and 3.2 [APP-129] in respect of the Applicant’s approach to options appraisal, including the hierarchical assessment. They should provide comments where they disagree with any part of the approach (not the individual options considered; the approach only). This could form part of the SoCG.</p>	<p>Paragraph 4.3.23 of NPS EN-1 (2023) states that the Secretary of State (the decision maker) should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security, climate change, and other environmental benefits) in the same timescale as the proposed development (which in this case is 2030-2031).</p> <p>Paragraph 4.3.28 of NPS EN-1 (2023) states alternative proposals which mean the necessary development could not proceed, for example because the alternative proposals are not commercially viable or alternative proposals for sites would not be physically suitable, can be excluded on the grounds that they are not important and relevant to the Secretary of State’s decision.</p> <p>Paragraph 4.3.28 of NPS EN-1 (2023) also states that alternative proposals which are vague or immature can be excluded on the grounds that they are not important and relevant to the Secretary of State’s decision.</p> <p>The application includes an ES chapter specifically on ‘alternatives’ (APP-127). This chapter does not consider an exhaustive list of every theoretical alternative but focuses on so called “reasonable”</p>

	<p>alternatives consistent with Paragraph 4.3.22 of NPS EN-1 2023. The chapter clarifies that reasonable alternatives exclude “options with substantially different capacities, delivery timelines, or those that do not meet the Project's strategic objectives are not considered reasonable alternatives for the purposes of this chapter.”</p> <p>Document APP-127 (Alternatives) sets out that all options are assessed against criteria including National Grid's statutory duties under the Electricity Act 1989 (including Section 9(2) duties to develop and maintain an efficient, co-ordinated and economical system of electricity transmission, and Section 38 and Schedule 9, duties to preserve natural beauty and mitigate environmental effects), the industry-standard Holford Rules for overhead line routing and Horlock Rules for substation siting, and the then-current policy framework including the 2011 versions of National Policy Statements EN-1 and EN-5.</p> <p>As part of the initial assessment of the routing, the Applicant reportedly considered other available options including inter alia increasing operating voltage, Alternating Current (AC) underground cable for the whole route, Direct Current (DC) underground cable and Offshore connections. However, these other options were discounted at an early stage for various reasons, but predominantly due to higher costs (relative to traditional pylons with targeted undergrounding as currently proposed).</p> <p>The Council acknowledges that, in accordance with NPS EN1, any alternative schemes would need to be delivered within a similar timescale to the proposed development. However, this must also be</p>
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		<p>considered against the timescale of the actual need for network reinforcement.</p> <p>The Council also recognises that there are cost options associated with the alternative schemes.</p> <p>The Council considers that alternative schemes to the proposed lattice pylons scheme, such as off-shore and High Voltage Direct Current (HVDC) undergrounding, should be explored in more detail to ascertain whether they would achieve better environmental outcomes overall than the current submitted scheme.</p> <p>The Council reiterate that its preferred strategic option for Norwich to Tilbury remains an integrated offshore technology that minimises onshore transmission infrastructure and does not include overhead lines and pylons. The Council recognises that this option would need to be delivered in a timely manner, and without risk to national net zero, renewable energy generation and decarbonisation targets and energy security</p> <p>The Council further notes that the approach undertaken regarding Options Appraisal is mainly based on the Applicants guidelines, rather than a specific Government based appraisal method.</p> <p>Preliminary Environmental Impact Report (PEIR) or other early environmental appraisal tools were not used to help to inform the acceptability of other alternative options.</p>
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		<p>The use of the Holford Rules raises concern. They are unadopted and out of date. They do not reflect up to date planning policy and do not allow for local distinctiveness.</p>
<p>ALT 1.3</p>	<p><b>Strategic Options: Offshore 1</b></p> <p>.. Could the local authorities please clarify if they have reviewed the strategic options appraisal and the 2025 updates to the Strategic Options Backcheck and Review (SOBR) (including Appendix B: 2024 version, section 14) [APP-355] in relation to ‘Offshore 1’. The ExA is aware of the local authorities’ assessment of cost and timing as set out in the Hiorns Report as appended to the RR from Norfolk CC [RR-2753].</p> <p>However the ExA seeks the views of local authorities in relation to the constraints (environmental, social and technical) which may affect the delivery of this option as set out in the SOBR (as set out in section 14 and summarised in table 15.2 of the SOBR). An update to this is provided in section 6 of the August 2025 SOBR [APP-355].</p> <p>Other IPs are also invited to provide comment should they wish to do so.</p>	<p>The Council has reviewed the SOBR 2024, Appendix B, the 2025 update, and the Applicant’s alternatives assessment in ES Chapter 3 and the DDR.</p> <p>While recognising the environmental, technical and delivery constraints identified for Offshore Option 1—including marine cable length, ecological sensitivities, and converter station siting challenges at Tilbury—BDC notes that these constraints have been assessed only at a strategic level. In contrast, the onshore overhead line would impose <i>major and moderate–major adverse impacts</i> on Braintree’s rural landscapes (LCAs B1, B4 and C6), as confirmed in the Local Impact Report (REP1-148), and would introduce permanent industrialising effects on sensitive landscape and heritage receptors including Cressing Temple Barns and Faulkbourne Hall. The Council considers that such extensive and irreversible localised harm necessitates a more robust alternatives appraisal than is currently presented.</p> <p>BDC also notes the findings of the Hiorns Report, which identify substantial uncertainty in the generation background, including the likelihood that many contracted projects may not come forward or may connect significantly later than ESO’s contracted dates, and conclude that the Norwich–Tilbury reinforcement could potentially be</p>

	<p>In doing so, could the local authorities and any other IPs provide any additional comments they may have in relation to the Applicant's reasoning for discounting Offshore 1 as a reasonable alternative....</p>	<p>deferred by up to five years without constraining offshore wind development.</p> <p>In light of this uncertainty, and given that offshore alternatives have not been examined beyond a high-level strategic screen, the Council does not consider that the Applicant has yet demonstrated that Offshore 1 is not a reasonable alternative. BDC therefore invites the Examining Authority to seek further justification from the Applicant and NESO, including updated need-case sensitivity analysis and more detailed assessment of offshore feasibility, before discounting options that could substantially reduce the impacts borne by communities and landscapes within the district.</p>
<p>ALT 1.9</p>	<p><b>Limits of Deviation (LoD)</b></p> <p>A number of the local authorities' LIRs refer to the limits of deviation and the potential for the OHLs and pylons to move closer to sensitive receptors and listed buildings.</p> <p>Paragraph 3.2.28 of ES chapter 3 [APP-127] refers to the limits of deviation, noting that they retain flexibility to allow for necessary adjustment during detailed design and construction phases. It is stated that minor variations in specific pylon positioning or precise alignment within these limits are not treated as separate alternatives, as the assessment</p>	<p>Braintree District Council (BDC) has reviewed paragraph 3.2.28 of ES Chapter 3 [APP-127], which states that:</p> <p><i>“As an NSIP, the DCO provides flexibility through Limits of Deviation (LoD)... minor variations in specific pylon positioning or precise alignment within these limits are not treated as separate alternatives, as the assessment considers a worst-case scenario within the established parameters.”</i></p> <p>BDC does not agree that the Environmental Statement (ES) demonstrates that a genuine worst-case scenario has in fact been assessed within those parameters. As set out in the Council's Local Impact Report (REP1-148), the ES assessments for landscape and visual amenity, heritage, noise and residential visual amenity are all based on fixed, indicative pylon locations, rather than modelling the</p>

	<p>considers a worst-case scenario within the established parameters.</p> <p>The local authorities are invited to comment on this paragraph.</p>	<p>full extent of the lateral, longitudinal and vertical movement permitted by the LoD. In several cases, the Applicant’s own documents confirm that alignment positions represent a “preferred draft alignment” or a “graduated swathe” rather than the outer limits of potential deviation.</p> <p>The dDCO allows for up to 50 m lateral deviation (owing to the relative size of the order limits) and up to 6 m vertical deviation in pylon siting. The LIR (Paragraphs 7.10.3 &amp; 7.10.4) identifies that such changes could materially alter the extent, magnitude and significance of impacts on sensitive receptors. For example, in landscape terms, BDC has already identified major and moderate–major adverse effects within LCAs B1, B4 and C6. These findings were reached on the basis of the illustrative alignment; any movement toward settlements, heritage assets or key viewpoints could increase dominance, extend theoretical visibility and intensify wirescape effects. The ES does not demonstrate that these potential outcomes, representing the true worst-case within the LoD, have been assessed.</p> <p>Similarly, for the historic environment, the ES identifies less-than-substantial harm to multiple listed buildings based on the indicative pylon locations. Under the LoD, pylons could be brought significantly closer and may be taller than assessed. The LIR (Paragraphs 10.5.4 – 10.5.8) notes that such changes could worsen the setting impacts on highly sensitive assets such as Crossing Temple Barns and Faulkbourne Hall, with no evidence that this scenario has been modelled or tested in the ES.</p>
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		<p>In relation to construction noise, the LIR highlights (Section 14.4) that assessments were based on the indicative pylon positions, despite the fact that construction areas for each pylon can extend substantially beyond the assessed location. This could place heavy plant and construction activity closer to sensitive receptors than assumed in the ES, increasing the risk of significant adverse effects. Again, no evidence is provided that worst-case LoD positions were used for modelling.</p> <p>For these reasons, BDC does not consider that paragraph 3.2.28 accurately reflects the level of environmental uncertainty introduced by the LoD. While the Applicant asserts that the ES has accounted for the worst-case within the LoD, this is not demonstrated in topic chapters and does not align with the evidence presented in the LIR. The Council therefore invites the Examining Authority to seek clarification on:</p> <ul style="list-style-type: none"><li>- how the Applicant has defined “worst-case” within the LoD in each assessment topic;</li><li>- whether the minimum receptor distances permitted by the LoD have been modelled; and</li><li>- what safeguards will be secured in the dDCO to prevent unassessed harm arising from the exercise of the LoD.</li></ul> <p>Until such clarification is provided, the Council remains concerned that the LoD create a material risk that the final constructed scheme could give rise to greater landscape, visual, heritage and noise impacts than those reported in the ES.</p>
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		<p>The Council supports other Council's in their suggestion of a requirement which would capture where LOD's are to be used at the detailed construction stage.</p>
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## 6

**Air Quality and Emissions**

REF	ExA Question (summary)	Braintree District Council (BDC) – Response
AQ 1.4	<p data-bbox="394 443 1043 531">Air Quality - Development Plan documents and adopted standards/ expectations related to air quality that exceed Government targets?</p> <p data-bbox="394 563 1043 651">ES Chapter 7 at paragraph 7.2.19 lists the names of the key regional and local plan documents relevant to each individual county and local authority area.</p> <p data-bbox="394 683 1043 916">Each local authority is asked whether their development plan documents contain any standards or expectations related to air quality that exceed government targets? If so the ExA would ask for the relevant authority to confirm what those standards are and what formal consultation/ adoption processes those air quality standards/ expectations have been subject to.</p>	<p data-bbox="1070 443 1753 512">The Council do not have any Development Plan documents which exceed Government targets.</p>

REF	ExA Question (summary)	Braintree District Council (BDC) – Response
DCO 1.A2	<p><b>Articles (general) – 2</b></p> <p>Throughout the articles contained in the draft DCO [APP-056] the Applicant has specified time periods within which a response is required from a determining body. That time period tends to be 28 days. A number of the local authorities have raised concerns in regard to the time period specified, but there does not appear to be a consensus as to an appropriate alternative time period. The ExA is also concerned as to such a short period being imposed, especially where a deemed consent is triggered where a determining body has failed to respond in the period specified.</p> <p>...</p> <p>All local authorities, relevant statutory undertaker and or other relevant determining body: provide a summary of any processes you are required to go through, including any time period in the number of days required to undertake that process.</p>	<p>Braintree District Council (BDC) welcomes the opportunity to clarify the internal processes and statutory or practical time periods relevant to discharging requirements under the draft DCO.</p> <p>At present, NSIP “Discharge of Requirement” submissions are received via email, as the Council’s planning portal is not configured to accommodate NSIP submissions. Initial administrative processing, logging, and distribution to internal consultees typically takes 1–3 working days.</p> <p>In terms of technical assessment, most Requirement submissions contain complex, discipline specific material. The Council therefore usually allows internal and external consultees 21 days to provide comments. This period can be extended by workload pressures, staff leave, involvement of multiple specialists, or the need to consult with external statutory bodies. It only takes one specialist being unavailable for decisions to be delayed.</p> <p>The Council’s experience is that, where issues arise with the adequacy or clarity of submitted information, a 28-day or 35-day determination period does not provide sufficient time to identify issues, request revisions, await further information, and then re-consult if necessary. Under these compressed timescales, the only options available would be repeatedly seeking extensions of time or refusing the submission to</p>

	<p>For example, any application validation process; any minimum consultation periods required with statutory or other bodies; any report writing periods; any committee or delegated cycles relevant; and any decision issuing periods that may apply.</p>	<p>avoid triggering deemed consent, neither of which is an efficient or proportionate outcome.</p> <p>Once all consultee comments have been received and any issues resolved, the Council's Conditions Officer prepares a report. This is then reviewed by the lead officer and passed to the team manager for final review and sign-off. Depending on officer availability, leave and other casework commitments, this stage alone can require at least one week.</p> <p>The Council notes that even under the 35-day period used in the Bramford to Twinstead DCO, supported by a Planning Performance Agreement that enabled pre-submission review, discharging requirements has been highly challenging, and has repeatedly placed pressure on both Applicants and the planning authority.</p> <p>As stated in the Council's Local Impact Report (REP1-148), BDC considers that a period of 56 days represents the minimum realistic and workable determination period. This timeframe:</p> <ul style="list-style-type: none"> <li>- accounts for submission validation and internal logging;</li> <li>- allows consultees adequate time to review often highly technical material;</li> <li>- provides capacity to resolve deficiencies in submissions;</li> <li>- enables re-consultation where needed; and</li> <li>- allows for internal reporting, checking, and sign-off.</li> </ul> <p>A 56-day period therefore provides a proportionate and reasonable balance: it protects Applicants from unnecessary delay while ensuring that the planning authority can undertake the process lawfully, robustly</p>
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		and without undue risk of deemed consent arising from procedural bottlenecks.
DCO 1.A7	<p><b>Article 2 (Interpretation) (order land)</b></p> <p>The definition of ‘Order land’ is not sufficiently clear to ensure that land not required/ intended to be subject to CA or TP is appropriately excluded from articles pursuant to CA (articles 24 and 25) and TP (articles 27, 28 and 29). The consequence of the definition being unclear could result in allowing for the acquisition or temporary use of such land unintentionally.</p> <p>Should ‘Class 8’ (Uncoloured (White) Land), as set out in the SoR [APP-059] at Table 5.1 (Powers related to land acquisition and use being sought by the Project) be specifically defined and excluded in these articles or through the definition of ‘Order land’?</p>	<p>BDC share the ExA’s concerns.</p> <p>BDC consider that the issue can be addressed by defining the “Order land” to exclude ‘Class 8’ – with relevant Articles in Part 5 of the dDCO referable in turn.</p>
DCO 1.A10	<p><b>Article 2 (Interpretation) (Relevant Planning Authority)</b></p>	The Council respond using the same sub-numbering:

	<p>Norfolk CC in its RR [RR-2753] and its LIR [REP1-173], as well as a number of other local authorities have raised concern over the definition of 'Relevant Planning Authority'. As the proposed development is a long linear scheme there will be multiple authorities involved. A number of requirements proposed use the phrase 'No stage of the authorised development may be commenced until... has been submitted to and approved by the relevant planning authority'. The ExA seeks greater clarity from both the Applicant and all local authorities on the following:</p> <p>a) What constitutes a 'stage' of the authorised development. The ExA in asking this question notes the 'Works' are defined in schedule 1 and the proposed development has been divided into Sections A to H, covering a geographical split. It also notes image 4.1 of [APP-130] provides an indicative construction programme for the various sub-elements and there are different stages of the proposed development (the definition of have construction, operation and (potentially) decommissioning). Would these</p>	<p>a) The definition of “stage” in Schedule 3, para 1 is circular in that it is referable to a scheme of works submitted by the Applicant to [x] relevant planning authority. Thus, the stages are set by details submitted by the Applicant. It is unclear how “stages” correlates with “Works”. It may be that each element of “Works” – i.e. “Work No. 1” is its own stage with the relevant planning authority/authorities referable in turn. The Applicant needs to clarify.</p> <p>b) The answer to this is predicated on what a “stage” is – see above. Where there is “deadlock” between parties this can be resolved by the use of “an appointed person” (see e.g. Art 55 dDCO and Schedule 4, paragraphs 4 and 5) or arbitration (see e.g. art 62 and Schedule 16, Part 4, paragraph 12).</p> <p>c) BDC consider that this would be preferable to the above, providing clarity/certainty if the Application is allowed.</p>
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	<p>adequately cover the definition of a 'stage'?</p> <p>b) Which local authorities would be the relevant planning authorities for a particular stage, bearing in mind the length and size of the proposed development at that stage? For example what happens if more than one authority (such as a County Council and a Local Authority) is involved in discharging a requirement/ plan/ scheme for a particular stage and they disagree that the submission is adequate to allow for the development to commence?</p> <p>c) Consider a requirement for a 'stages plan' to be submitted in writing prior to commencement, for the written approval of the relevant determining body (similar to the provisions set out on the Brechfa Forest Connection Project DCO, the Brechfa Forest West Wind Farm DCO and the Richborough connection Project DCO), to approve the staging plan prior to commencement of works.</p> <p>The ExA invites suggestions as to any alternative wording and/ or</p>	
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	solutions that would address the ExA's concerns in regard to the above-mentioned matters.	
DCO 1.A16	<p><b>Article 5 (Limits of deviation) - 2</b></p> <p>...</p> <p>In addition, the following wording has been used multiple times in this article "... to such extent the undertaker considers necessary or convenient", with two of those instances also including the word 'downwards'. In terms of precision and enforceability, the ExA raises concerns with the Applicant in regard to the wording used and ask it be reviewed and amended, as may be necessary.</p> <p>In regard to the above concerns, the local authorities are invited to submit their views on this matter and request they submit alternative wording for consideration, should they wish.</p>	BDC suggest that an obligation of reasonableness is required. Namely so that in each case the wording within Article 5 dDCO is worded: "...as the undertaker, acting reasonably, considers..."
DCO 1.A35	<b>Article 48 (Defence to proceedings in respect of statutory nuisance)</b>	The Council notes the Examining Authority's concerns regarding Article 48 in the absence of a finalised substation design.

	<p>The DASSI [APP-354] is noted, however, the ExA is concerned with regard to this article in the absence of any finalised design of the proposed substations, especially in the light of ES chapter 14 (noise and vibration). The ExA seeks certainty that the resultant noise impacts arising from the substations will be adequately mitigated within the design of those substations.</p> <p>Explain how that certainty can be provided in the absence of any finalised design of the substations.</p> <p>All local authorities are also invited to provide their views in relation to article 48.</p>	<p>The Council will wait to see the response of the Applicant prior to commenting on Art 48.</p>
DCO 1.41	<p><b>Article 56 (Safeguarding) - 2</b></p> <p>In your LIR [REP1-148] at paragraph 16.2.35 you refer to article 56 (Safeguarding) placing an obligation on you, as relevant planning authority, to consult the undertaker in relation to future proposed development within the Order land before granting any new planning permission, and to register such an obligation as a local land charge.</p>	<p>The Council were simply recording the obligations Article 56 places upon it, as understood by the Council.</p> <p>As per paragraph 16.2.36 of our LIR, the Council request that the ExA note its request for “business days” to be used in a consistent manner.”</p>

	<p>Please clarify the point you are making in regard to this article of the draft DCO.</p>	
<p>DCO 1.S5</p>	<p><b>Schedule 3 – Requirement 1 (Interpretation) – Terms “discharging authority” and “start-up and close down activities”</b></p> <p>a) “discharging authority”: There are multiple examples throughout the draft DCO where terms such as ‘discharging authority’, ‘relevant planning authority’ and ‘relevant highways authority’ appear to be used interchangeably. This could lead to confusion and would ask the Applicant and relevant local authorities for their views on this matter, including any suggestions, alternative wording or definitions within the interpretations section, that would prevent any such confusion.</p> <p>b) “start-up and close down activities”: Reference is made to the safety checking of plant and machinery, under (g), whilst reference to ‘safety checks’ is listed in (c). Are they not the same thing? Clarify and amend as necessary.</p>	<p>The Council respond using the same sub-numbering:</p> <p>a) The Council agree that confusion could be avoided. As the Council understands, the wording is used on the basis that information will be sent to one of highways/planning with a decision of approval/discharge of requirements coming from that body empowered to give it. Hence, in some cases, planning will be the discharging authority, and in others highways. The term “discharging authority” is defined at Schedule 3, paragraph 1 but this may benefit from an amendment to make clear that the “discharging authority” can include the relevant planning authority or the relevant highways authority. The effect of which will be, for example, simplified wording, for example:</p> <p>“Sch 3, 1.(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 (a discharging authority), those matters are to be taken to include any amendments that may subsequently be approved in writing by the relevant discharging authority.”</p>

		<p>and</p> <p>“(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 a discharging authority, such approval or agreement may only be given where it has been demonstrated to the relevant highway authority or the relevant planning authority discharging 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.”</p> <p>b) This is for the Applicant to confirm. However, the Council considers that the words “and safety checking of plant and machinery” at (g) could be deleted.</p>
DCO 1.S7	<p><b>Schedule 3 – Requirement 3 (stages of the authorised development)</b></p> <p>requirement 3(1) specifies “...written notice setting out the anticipated programme for the carrying out of pre-commencement operations must</p>	<p>The Council request that prior notice is not less than 10 days prior to commencement.</p> <p>The Council, as a relevant planning authority, would still reserve its right to take appropriate action in respect of any breach of Requirements and/or breach of planning control.</p>

	<p>be given to the relevant planning authority no less than seven days prior to the date on which those pre-commencement operations are first carried out..." The ExA would ask all local authorities, as well as any relevant discharging authorities whether seven days is an adequate period for such written notice and whether such written notice should be approved in writing by the relevant planning authority/ discharging authority?</p> <p>In addition to the above, should requirement 3(5) refer to sub-paragraph (2) and/ or (3)?</p>	<p>In respect of requirement 3(5) BDC say that the words "further to sub-paragraph (2) or (3)" can be deleted without causing prejudice to any party."</p>
DCO 1.S8	<p><b>Schedule 3 – Requirement 5 (archaeology)</b></p> <p>Braintree DC in its LIR [REP1-148] (section 10.9) has recommended changes to requirement 5, whilst Chelmsford City Council, Colchester City Council, and Essex CC in their LIR (LIRs [REP1-153]; LIR [REP1-156] and [REP1-161] respectively) all recommended amendments to the wording of requirement 5 and the inclusion of a new sub-paragraph.</p>	<p>Changes to Requirement 5(4) were requested to provide clarity between two stages of fieldwork. One stage requires the completion of the archaeological evaluation and geophysical survey which has been undertaken prior to and throughout the DCO application. This stage of works needs to be distinct from the programme of mitigation which would be devised following the completion of all archaeological and geoarchaeological evaluation which is covered by substage 5(1).</p> <p>A detailed WSI is requested for fieldwork carried out under Requirement 5(4) rather than carrying out the works under the Outline Archaeological Management Strategy (OAMS) and Outline written scheme of Investigation (OWSI).</p>

	<p>Additionally, Norfolk CC in its LIR [REP1-173] recommends amending the wording of requirement 5(1) and (4) and article 23 (Removal of human remains) so notification is required to be made to the relevant County/ Local Authority. In their joint LIR [REP1-178] Suffolk CC, Mid Suffolk DC and Babergh DC have recommended amendments to article 23 and to requirement 5 of the draft DCO.</p> <p>Historic England in its WR [REP1-191] has proposed an amendment to requirement 5 of the draft DCO and H04 of the outline CoCP to refer to consultation with Historic England.</p> <p>All local authorities, as well as the Applicant, are invited to comment on all of these proposed changes (amendment to article 23 and schedule 3, requirement 5 of the draft DCO and to H04 of the outline CoCP).</p> <p>In addition, the Applicant is requested to provide, for discussion purposes, a new draft of requirement 5 that, as far as possible, takes into account all of these requested changes and also is requested to provide a commentary on whether</p>	<p>The current OAMS/OWSI (APP-328) is not yet agreed, in addition it does not provide details on the location of fieldwork required to complete the evaluation stage which would be required following consent to ensure agreement on the coverage and locations of evaluation areas. Section 5.3.42 in the OAMS and OWSI makes reference to the provision of a detailed WSI, “the scope and location of additional trial trenching will be described in a DWSI.”</p> <p>The archaeological consultants for the Applicant have suggested that a revised version of the OAMS/OWSI may be available for deadline 4, this would then need to be reviewed by all authorities and Historic England. Final agreement on this control document cannot be assumed.</p> <p>The Applicant makes reference to the Bramford to Twinstead scheme as a basis of using the OAMS and OWSI for post consent pre-commencement work which is not correct. The OWSI for Bramford to Twinstead was not agreed by the relevant authorities prior to gaining consent. The document was not considered sufficient to discharge any requirements. The consequences of not gaining agreement on the control document are now being realised through extensive negotiations for fieldwork elements and lengthy delays in discharge of requirements. It is likely this has caused a significant time and cost implications for the project.</p> <p>Requirement 5(5) - An additional sub paragraph would enable full discharge of the requirement for each stage or sub-stage and provide more control over the timing and delivery of post excavation reports. As stated above the OAMS and OWSI are yet to be agreed and cannot be assumed to be agreed at consent, the addition of a separate requirement</p>
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	<p>any of these proposed amendments sought by the various organisations would be incompatible with each other.</p>	<p>to produce and submit a post excavation assessment for agreement between all parties will allow the document to be live and reflect any changes that may have happened since consent which could continue over a timescale of years. This would facilitate the consideration of any changes that may occur with current research aims, objectives, outreach and publication which could not be fully realised in the control document.</p>
<p>DCO 1.S11</p>	<p>In your RR [RR-0383] you state that the Bramford to Twinstead DCO wording has caused difficulties. Provide examples of such difficulties you have encountered and provide your preferred wording for R8 of the draft DCO in terms of the need for due diligence.</p>	<p>As outlined in the Council's Relevant Representations and Local Impact Report (REP1-148), the Council has experienced difficulties with the Requirement 8 wording used in the Bramford to Twinstead (B2T) DCO. Under B2T, the Requirement primarily secured a tree removal and retention plan, with key supporting information deferred to later stages. In practice, this approach did not provide sufficient information at discharge stage to enable a robust assessment of arboricultural impacts.</p> <p>The difficulties encountered included:</p> <ul style="list-style-type: none"> <li>• Insufficient evidence to justify tree removals, including Category A and B trees.</li> <li>• Limited ability to demonstrate avoidance or minimisation of impacts through design.</li> <li>• Uncertainty regarding the feasibility of proposed tree retention, particularly where works affected Root Protection Areas (RPAs).</li> <li>• A reactive discharge process, with repeated requests for further information and associated delays.</li> </ul>

		<ul style="list-style-type: none"><li>• Challenges in securing proportionate and appropriate mitigation/compensation, particularly where insufficient early information affected the robustness of LEMP-related provisions.</li></ul> <p>Based on this experience, the Council considers that if Requirement 8 for this DCO follows the B2T model and relies predominantly on removal/retention plans, similar issues may arise. This is of particular relevance to sensitive receptors such as ancient woodland, where early clarity on impacts and mitigation is essential.</p> <p>To provide the necessary due diligence and to ensure an effective discharge process, Requirement 8 should secure at the initial approval stage:</p> <ul style="list-style-type: none"><li>• An Arboricultural Impact Assessment,</li><li>• An outline Arboricultural Method Statement (AMS) sufficient to demonstrate the feasibility of working near retained trees and within RPAs, and</li><li>• A Tree Protection Plan.</li></ul> <p>This should be accompanied by a mechanism requiring detailed, site-specific AMS information to be submitted and approved prior to any construction works that may affect trees.</p> <p>Owing to the above, the Council suggest that Requirement 8 is updated similar to the below:</p>
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		<p><b>8.—(1)</b> <i>Unless otherwise agreed with the relevant planning authority, no stage of the authorised development may commence until, for that stage, the following arboricultural information has been submitted to and approved by the relevant planning authority—</i></p> <p><b>(a)</b> <i>a plan showing the trees, groups of trees, woodlands and hedgerows to be retained and/or removed;</i></p> <p><b>(b)</b> <i>an Arboricultural Impact Assessment for that stage;</i></p> <p><b>(c)</b> <i>an outline Arboricultural Method Statement demonstrating in principle how works in proximity to retained trees, including within Root Protection Areas, would be undertaken without unacceptable harm; and</i></p> <p><b>(d)</b> <i>a Tree Protection Plan.</i></p> <p><b>(2)</b> <i>The plan and supporting documents submitted under sub-paragraph (1) must include details of—</i></p> <p><b>(a)</b> <i>the location, species, category, dimensions and condition of the trees, groups of trees, woodlands and hedgerows to be removed and/or retained;</i></p> <p><b>(b)</b> <i>justification for proposed tree removals; and</i></p> <p><b>(c)</b> <i>the measures proposed to avoid or minimise impacts on retained trees and hedgerows.</i></p> <p><b>(3)</b> <i>The submissions under sub-paragraph (1) must be in accordance with the outline landscape and ecological management plan (or the final landscape and ecological management plan if approved pursuant to requirement 4) and the trees and hedgerows to be removed or managed plans.</i></p> <p><b>(4)</b> <i>No works affecting trees, groups of trees, woodlands, hedgerows or any Root Protection Area may commence until a detailed, stage-specific</i></p>
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		<p><i>Arboricultural Method Statement consistent with the outline Arboricultural Method Statement approved under sub-paragraph (1)(c) has been submitted to and approved by the relevant planning authority.</i></p> <p><i>(5) The authorised development for that stage must be carried out in accordance with the plans and documents approved under sub-paragraphs (1) and (4), unless otherwise agreed by the relevant planning authority.</i></p> <p>The proposed amendments to Requirement 8 are intended to ensure that sufficient arboricultural information is secured at the appropriate stage to allow a robust assessment of impacts and to avoid the practical difficulties experienced under the Bramford to Twinstead DCO. By requiring submission of an Arboricultural Impact Assessment, an outline Arboricultural Method Statement, and a Tree Protection Plan at the initial approval stage, the revised wording provides early certainty that impacts have been properly assessed, and that proposed tree retention is feasible in construction terms. The inclusion of a mechanism for stage-specific, detailed Arboricultural Method Statements prior to works affecting trees ensures that construction methodologies can evolve without compromising tree protection or the ability of the relevant planning authority to assess impacts effectively. This approach balances flexibility with due diligence and supports the delivery of proportionate and appropriate mitigation and compensation, particularly in relation to sensitive receptors such as ancient woodland.</p>
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<p>DCO 1.S19</p>	<p><b>Schedule 4 – (Discharge of requirements) - 1</b></p> <p>The government published its response to the Nuclear Regulatory Review 2025 on 13 March 2025, in its document ‘Building our nuclear nation: government response to the Nuclear Regulatory Review 2025’. The ExA draws attention to: i) it is seeking to accelerate “...efforts to ensure the planning system more effectively enables both low-carbon energy projects and infrastructure as a whole...”; and ii) its response to Recommendation 30, where it indicates this includes “...establishing a new unit within DESNZ to coordinate post-consent discharge functions for nuclear power and electricity network projects.”</p> <p>In the light of the above document and a clear statements from the government regarding its intention in related to post-consent discharge, the Applicant and discharging authorities are asked to:</p> <p>a) Provide comments on the above publication in respect of post-consent discharge functions.</p>	<p>The Council respond using the same sub-numbering:</p> <p>a) The Council note the 2025 Review. It is also noted that post-consent discharge functions will be “<i>in consultation with Local Authority Planning Departments</i>” with schemes of this sort identified as being within the initial focus. BDC would work with any new unit of DESNZ’s Infrastructure Planning Delivery (‘IDP’) team. BDC would expect a PPA to be agreed to cover Officer and consultee time to review any submitted information.</p> <p>b) Whilst a matter for the ExA, if post-consent discharge functions are to be dealt with by a new unit within the IPD, then the drafting within Schedule 2 of the Lower Thames Crossing DCO is preferred.”</p>
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	<p>b) Consider if the current drafting of schedule 4 in the draft DCO [APP-056] is an appropriate approach to the post-consent discharge of requirements, or whether schedule 4 of the draft DCO [APP-056] should take a similar approach to that set out in schedule 2, Part 2 of The A122 (Lower Thames Crossing) Development Consent Order 2025?</p>	
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<b>REF</b>	<b>ExA Question (summary)</b>	<b>Braintree District Council (BDC) - Response</b>
HE 1.9	<p>Applicant's assessments: ExQ1: 20 March 2026  Responses due by deadline 3: 10 April 2026 Page 39 of 72  ExQ1 Question to: Question: Unless you have provided agreement or otherwise in your LIR, for your area of jurisdiction please state whether you are in agreement with the Applicant's assessment of: a) Designated and Non-Designated Heritage Assets to be scoped out of further assessment as set out in ES Appendix 11.1 - Historic Environment Baseline Report [APP-209]. b) The levels of harm assessed, for the construction phase and the operation and maintenance phase, as described in ES Appendix 11.7 – Assessment of Harm to Designated Heritage Assets [APP-215]. c) The levels of harm assessed in relation to Non-Designated Heritage Assets (NDHA), as described in ES Chapter 11 [AS-068].</p>	<ol style="list-style-type: none"> <li>1. The Council are in agreement with the scoping of heritage assets based on the methodology provided.</li> <li>2. The Council are in agreement with the level of harm, on the assumption that this is based upon the route line given. The Applicant appears to be saying that rather than using the proposed pylon locations and overhead line alignment shown in document APP-133 (Proposed Project Design) and APP-134 (Proposed Project Design – Permanent Features) as the basis of their assessment of the impact on the setting and significance of heritage assets, they have made an assessment that takes into account the worst case pylon and overhead line positions based on the LoD parameters. We would request a more detailed explanation of the Applicant's assessment methodology. As per our response to question ALT 1.9, it does not appear that the worst case effect has been taken into account.</li> <li>3. It is our understanding that non-designated buildings were scoped out of full</li> </ol>

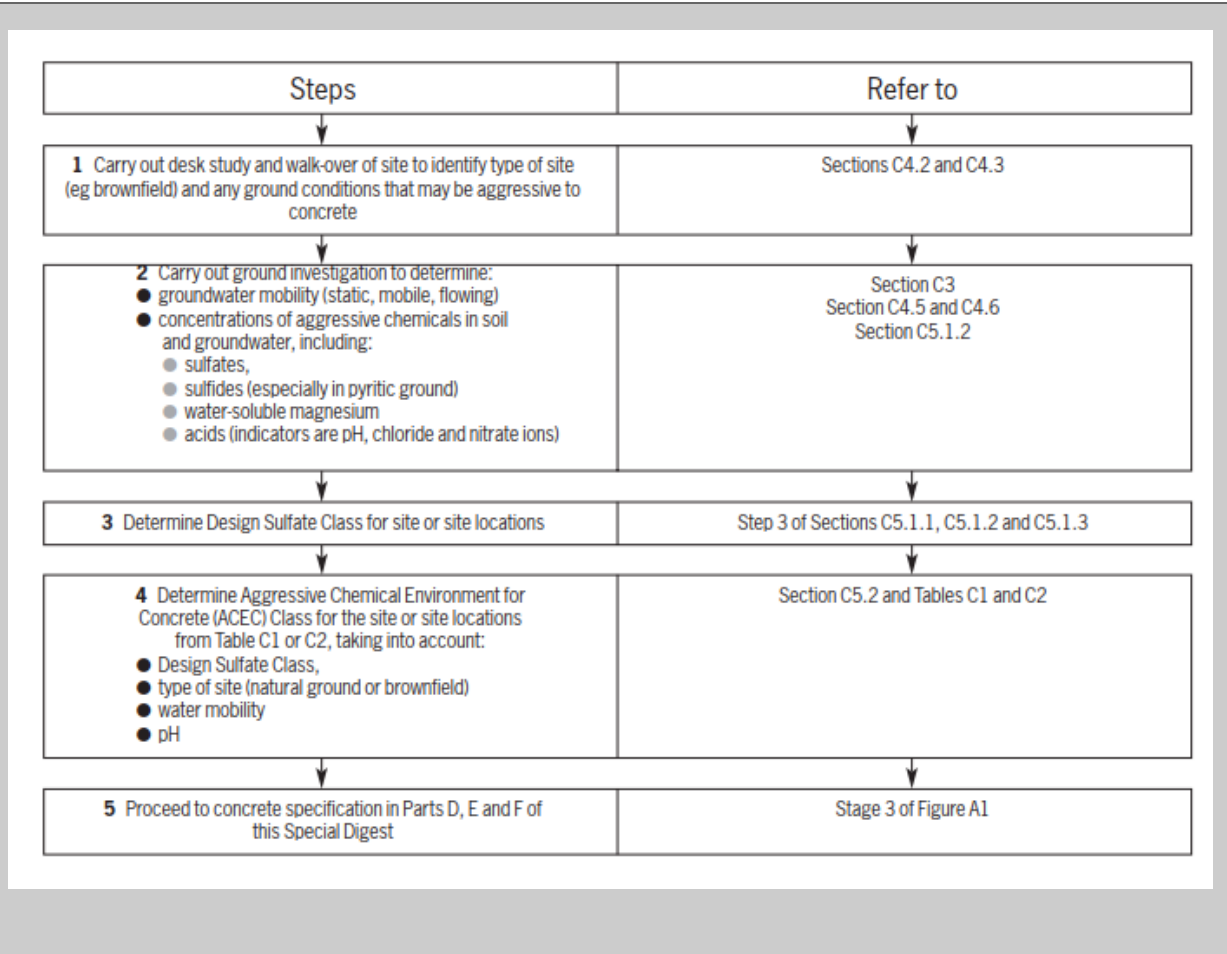
		assessment as they are classified as low value as part of the methodology.
HE 1.12	<p><b>Heritage visualisations - 1</b></p> <p>A range of heritage visualisations are provided [APP-350] and [APP-351]. All local authorities and Historic England are asked to confirm: a) Agreement with the viewpoints chosen to reflect any potential impacts on heritage assets. b) In your opinion are additional visualisations required, and if so from which assets and where should the visualisations be taken from?</p>	<p>A) The viewpoints were agreed as part of the pre-planning process.</p> <p>B) The Council have not requested any additional heritage visualisations at this stage. On the same basis as our response to Question HE1.9, the Council would request further clarification about the Heritage Viewpoint visualisations and the LVIA visualisations (some of which have been used to inform heritage impact assessments).</p>
HE 1.39	<p><b>Protected Lanes</b></p> <p>Please provide further evidence relating to the protected lanes in your respective administrative areas which would in your opinion be negatively impacted by the proposed development, including evidence over why they should be considered as NDHA.</p>	<p>The Protected Lanes within Essex were assessed by the Historic Environment Team of Place Services (Essex County Council) on behalf of Braintree District using a methodology which included desk-based research and field survey. The lanes were assigned a score based on diversity, historic integrity, archaeological potential and aesthetic value. Where a threshold score was achieved the lane was adopted as a Protected Lane. Protected Lanes are identified as non-designated heritage assets through the districts relevant Strategic Policies.</p>

		<p>Stage 1 of the criteria for a Protected Lane was to meet a threshold score for historic integrity, if a lane fails to score 2 for integrity it did not proceed to the next stage. A score of 2 related to “Moderate improvements or loss to historic fabric of the lane (excluding significant hedgerow loss)”</p> <p>Where there will be direct physical impact to the lane then the integrity of the lane may be impacted. Should the physical works required equate to moderate ‘improvements’ (in highways terms) or loss of historic fabric then the lane could fail to meet the threshold for historic integrity and not meet the criteria for a Protected Lane.</p> <p>Within Braintree District Protected Lanes may be impacted in the area of overhead lines due to groundworks associated with infrastructure for the new overhead line and pylons which could lower the score for other criteria such as aesthetic value, biodiversity (where hedgerows may need to be removed) as well as historic integrity where physical works may be required. Where the score may be reduced due to the installation and presence of the overhead lines and pylons in the vicinity of the lane the lane may no longer meet the criteria of a Protected Lane.</p> <p>The Protected Lanes in Braintree where overhead lines are proposed include:</p>
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		<p>BTELANE17 Pole Road, Fairstead and BTELANE18 Fairstead Lodge Road, Fairstead</p> <p>Further details of the lanes and their scores are available in “Braintree District Protected lanes Assessments, July 2013”</p> <p>To mitigate any loss and disruption to the Protected Lanes the Applicants include a section on Protected Lanes (Section 7.9) in the LEMP (Revision C- REP2-019) and have made changes, as requested in ECC’s Local Impact Report, to H06 in the Code of Construction Practice (Revision B – REP2-015). Where possible they aim to minimise disruption from physical works and maintain elements of the Protected Lane. Where removal of historic fabric and features is required this will have a direct impact on the historic integrity of the lane.</p>
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REF	ExA Question (summary)	Braintree District Council (BDC) - Response
LUS 1.2	<p><b>Best and most versatile agricultural land (BMV) and soils –</b></p> <p>1 It would appear from Paragraph 6.4.7 of the ES that detailed Agricultural Land Classification (ALC) survey was undertaken on approximately 1,011 ha (representing 54% of the proposed survey areas within the Order Limits). Predictive ALC grading was then carried out where it was not possible to undertake a detailed ALC survey. Given the coverage of actual survey work how much confidence can be placed on the Applicants response on acid soils in document 8.4.6 page 22 that 'the detailed surveys did not identify the presence of jarosite in the soil and in locations where desk-based information suggested a potential for acid sulphate soils some of the soils were found to be moderately calcareous. There is no evidence to indicate the presence of actual or potential sulphate soils within the surveyed areas'. As being a representative conclusion that can be</p>	<p>The ALC survey would not directly assess for acid sulphate soils, therefore there is no way of accurately determining whether acid sulphate soils are present using ALC data alone. A response from the Applicant has indicated that the surveyor would be looking for jarosite within the soil, however this would not be a usual requirement of the survey, and this may not be picked up by less experienced surveyors. The response has also indicated that "some" of the soils within the areas identified as being a potential for containing acid sulphate soils were calcareous. Without soil analysis of these soils where they were not identified as being calcareous, there is no other information obtained during the ALC survey that would conclusively determine whether acid sulphate soils are absent. The Council's soil specialist concludes that the ALC data collected is not robust enough to identify whether acid sulphate soils are present or not. A preliminary risk assessment should have picked up the likelihood of these soils being present, and where they have been identified further testing should be carried out. The requirements of this are listed within BRE SD1:2005.</p>

applied across the whole Order Limits as they are not all 'surveyed areas'.



LUS 1.4	BMV and soils - 3 To what extent are the mitigation measures proposed by the Applicant in the outline CoCP (measures GH02 and GH08) sufficiently robust to address issues should acid sulphate soils be encountered during construction.	The inclusion of GH01 more so than GH02 could ensure that further testing of identified soils that pose that risk as being acid sulphate soils is carried out, but only if the BRE SD1:2005 is followed as part of the ground investigations.
LUS 1.14	<b>Green infrastructure and open space</b> – 1 Appendices B1, B2 and B3 to the Applicant’s Planning Statement [APP-085] contain tables and assessment of the projects impact on open spaces. • Do the host local authorities agree with the assessment and conclusions reached in table B.1, if not explain your reasoning and justification for your conclusions. • Do Colchester City Council agree with the conclusions and assessment of fishing provision within Ardleigh and if not explain your reasoning and justification. • Do Thurrock Council agree with the Applicant’s assessment of the impacts of pylons in Maple Park and if not explain your reasoning and justification.	The Council has reviewed APP-085 Appendices B1,B2 and B3.  The Council agree that the impacts on the green infrastructure/open spaces would be temporary and impacts controlled via the necessary protection mechanisms (requirements).

10 Landscape and Visual

REF	ExA Question (summary)	Braintree District Council (BDC) - Response
LV 1.14	<p><b>ES Appendix 13.5 National Landscape assessment study - 2</b></p> <p>The study [APP-235] concludes that: "In conclusion, the Project would result in significant adverse effects on the special qualities of the Dedham Vale National Landscape during construction. However, during operation (and maintenance) the adverse effects on the special qualities of the National Landscape are judged to be minor and not significant (adverse)" (paragraph 13.3.8) The local authorities are asked whether they agree with this conclusion and provide reasoning if you do not.</p>	<p>The National Landscape does not fall within the remit of Braintree District Council, however, we support the views of the Council's that share a boundary with the National Landscape including the AONB Partnership group.</p>
LV 1.22	<p><b>Landscape visualisations – 1</b></p> <p>The local authorities are asked whether: • You agree with the viewpoints in the visualisations [APP-343] to [APP-349] chosen to reflect any potential impacts on landscape. • In your opinion are additional visualisations required, and if so from which assets and where should the visualisations be taken from?</p>	<p>The Council were content with the locations chosen for landscape visualisations. However, concerns still remains around the limits of deviation (as per question Alt 1.9) and whether these visualisations should include the reasonable worst case in their pylon positioning.</p>

<p>LV 1.34</p>	<p><b>ES Appendix 13.6 – arboricultural impact assessment – replacement planting</b></p> <p>Paragraph 13.5.13 of ES Appendix 13.6 [APP-236] states that National Grid has committed to a 3:1 tree replacement ratio for individual trees and small groups of trees. It further notes that you would prioritise such replanting within the Order limits, although offsite provision may be required. The outline LEMP [AS-046] states (paragraph 9.3.6) that discussion is ongoing with landowners and third parties regarding the provision of offsite tree planting and that an offsite planting delivery scheme will be provided to the relevant Local Planning Authorities for their information, which provides details of the offsite provision.</p> <ul style="list-style-type: none"> <li>• Applicant - What constraints are there to replanting within the Order limits and under what circumstances may the need for offsite provision be triggered?</li> <li>• All local authorities – Is the provision of an offsite planting delivery scheme document acceptable to you? Do you have any comments on what it should contain and/or when it should be provided to be most useful to you? How could such details be secured?</li> </ul>	<p>The Council is in principle comfortable with the concept of an offsite planting delivery scheme, recognising that constraints within the Order limits may limit opportunities for full onsite replacement. However, to ensure that the 3:1 replacement commitment is achieved in a meaningful and locally appropriate way, the Council would require early sight of proposed offsite locations together with an explanation of how these have been selected. This would need to include confirmation that the sites are suitable for long-term establishment, are deliverable, and provide an appropriate functional and landscape replacement for lost canopy cover.</p> <p>The Council would expect native species of local provenance to be prioritised, and the scheme should clearly set out planting specifications, maintenance and establishment requirements, long-term management arrangements, and mechanisms for securing the land for planting. It would be essential that the scheme demonstrates equivalence in ecological, landscape, and canopy value to the trees lost.</p> <p>A Unilateral Undertaking (S106) is currently being circulated prior to being sent to the Applicant to seek to progress securing the mechanism for how this will be delivered.</p> <p>Overall, the Council considers that an offsite planting delivery scheme is acceptable in principle, provided it is</p>
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		supported by sufficient detail on location, suitability, planting approach, and long-term management to ensure that compensatory planting is deliverable and proportionate to the impacts arising.
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11 **Noise and Vibration**

REF	ExA Question (summary)	Braintree District Council (BDC) - Response
NV 1.5	<p><b>Use of use of triple Araucaria conductors or alternative technology</b></p> <p>Throughout ES Chapter 14 [APP-256] reference is made to the use of triple Araucaria conductors (or alternative technology that performs to the same or better standard in relation to noise on standard lattice pylons). In the event of alternative technology being used, as opposed to the use of the use of triple Araucaria conductors on part or all of the route, should a mechanism be included to ensure that alternative technology is of the same or better standard in relation to noise on standard lattice pylons. In the event a mechanism should be used, what form should the mechanism take (i.e. should it be a requirement within the DCO), should there be a need to agree to the alternative technology and should there be a discharging and appeal authority?</p> <p>In addition to the above, the ExA notes ES Chapter 7 paragraph 7.9.4 Refers to pylons TB140 to TB142 (inclusive) to the south of River Chelmer being low height pylons. However, this paragraph also refers to feedback that was received during consultation in 2025 and certain technical details being refined. This paragraph states " as a result, flexibility has been retained to allow for the installation of standard lattice pylons in this area instead." However, the ExA notes ES Chapter 14 (Noise and vibration) states a low noise</p>	<p>The Council agree that, as a point of principle, any alternative should perform to the same, if not better, standard. Ideally the use of better/alternative technology would be secured by a Requirement – but viability/costs issues may arise (i.e. matters/issues for the Applicant).</p> <p>In terms of any variation to approved Works/details and/or use of alternative technology, BDC consider that this would caught by Paragraph 1(3) of Schedule 3 of the dDCO. Namely, there is a pre-existing route for any alternative technology to be authorised through Schedules 3 and 4 of the dDCO as currently drafted.</p>

	<p>conductor system will be used. Can the Applicant confirm, should the design change in relation to pylons TB140 to TB142 (inclusive) to standard lattice pylons, or any other form of pylon, be necessary the low noise conductor system will be used as part of those pylons?</p>	
<p>NV 1.7</p>	<p><b>Compaction activities and potential for damage due to construction vibration</b></p> <p>ES Chapter 14 [APP-256] paragraph 14.7.27 to 14.7.30 (inclusive) indicates there are five structures or buildings where there is potential for damage due to construction vibration from potential compaction activities. It also indicates: i) the identified locations will be reviewed by the main contractor in their specific detailed assessments, prior to the start of work with mitigation measures put in place, where required, to avoid potential significant effects; and ii) will review all works locations to determine whether any other buildings or structures may be affected by vibration from construction activities. However, no further details are provided.</p> <p>The ExA is concerned in regard to the absence of the further details in regard to both i) and ii) above and seeks the views of both the Applicant and Relevant County/ Local Authorities in this regard. Should there be a formal mechanism requiring the further details and mitigation to be submitted and approved. What form should such a mechanism take (ie should it be a requirement within the DCO)? Should there be a need to agree the additional mitigation measures to avoid potential significant effects.</p>	<p>The Council suggest that where risk from compaction activities is identified, then that should be tied to a phase/Works with sufficient details submitted, to include works of mitigation, as part of the Requirements for that phase/Works.</p> <p>Schedules 3 and 4 of the dDCO would then be engaged/relevant.</p> <p>It is noted however that no properties in Braintree District have been identified as being at higher risk of damage from construction vibration.</p>

NV 1.13	<p><b>EACN and Tilbury North Substations operational noise assessment</b></p> <p>ES Appendix 14.3 (EACN Substation Operational Noise Assessment) [APP-259] and ES Appendix 14.4 (Tilbury North Substation Operational Noise Assessment) [APP-260]. The ExA is concerned with the reference to ‘reasonably practicable’ (also referred to as Best Available Technique Not Entailing Excessive Cost (BATNEEC)) in both documents. This is due to ‘reasonably practicable’ and BATNEEC including an element of cost within the assessment. The ExA considers any mitigation used must achieve the outcome intended, as set out in tables a 14.3.8 and 14.4.8 respectively, and Best Available Technique (BAT), not BATNEEC, should be employed and secured within the DCO.</p> <p>The ExA seeks the views of both the Applicant and local authorities in this regard. Should there be a formal mechanism requiring BAT? What form should such a mechanism take (ie should it be a requirement within the DCO) and, if so, who should the details be submitted to and who is responsible for discharging those conditions?</p>	<p>The Council agree that BAT (not BATNEEC) should be employed. This on the basis that any mitigation is required to perform to the same, if not better, standard.</p> <p>The use of BAT should be secured as a Requirement.</p> <p>Upon submission of details for approval, Schedules 3 and 4 of the dDCO would then be engaged/relevant.</p>

12 Socio Economic

REF	ExA Question (summary)	Braintree District Council (BDC) - Response
SET 1.5	<p><b>Mitigation measures - 2</b></p> <p>The ExA notes the use of the term ‘where practicable’ in relation to proposed mitigation and is concerned as to the vagueness of this term.</p> <p>Applicant - justify the use of this term in each instance or amend the proposed mitigations accordingly.</p> <p>Relevant County and Local Authorities – The ExA seeks your views in regard to the use of this term and your suggestions in regard to any alternative forms of wording.</p>	<p>The Council agree that ‘where practicable’ is vague. Clarity will be secured by details of mitigation being confirmed by the Applicant and thereafter not varied/deviated nor subject to non-provision for reason of issues of ‘where practicable’.</p> <p>The Council suggest that the Applicant should confirm proposed mitigation – to be assessed by the ExA – with any reference to ‘where practicable’ deleted.”</p>

## 13 **Annexe A – Policy Comparison**

### 13.1 Introduction

13.1.1 This Annex sets out a comparison between the Adopted Local Plan policies (2013–2033) referenced in Braintree District Council’s Local Impact Report (LIR), and Emerging Regulation 18 policies (Local Plan Review 2041 Preferred Options). It focuses on those areas where there is a major policy shift and explains the implications for this NSIP project.

13.1.2 For ease of reference and owing to the limited timescales involved, Microsoft Co-Pilot was used to help generate the table below. For each policy, the table identifies:

- *Adopted policy summary*
- *Extracted adopted wording*
- *Regulation 18 equivalent policy*
- *Extracted Regulation 18 wording*
- *Commentary by the Council*

13.2 Policy Compliance Table – “Major” Policy Changes Only

Adopted Policy	Policy Summary	Reg 18 Policy	Reg 18 Summary	Commentary
SP3	Directs growth to sustainable settlements.	LPR1	Updated hierarchy & strategic allocations.	This is to reflect the new allocations for the next plan period. Kings Dene is one of those allocations which as set out in REP2-033, is materially impacted by the Norwich to Tilbury Pylon route.
LPP52	19 design criteria incl. biodiversity, lighting.	LPR62	Adds design codes, BNG, circular economy, overheating, green streets.	While this policy has had some major additions, none change the relevance relative to this NSIP project (compared to that set out in the Council’s LIR).
LPP63	Protect and enhance habitats, GI networks; address climate change.	LPR73	Expansion incl. LNRS, measurable GI standards.	This update reflects Legal Duties since imposed since the allocation of the Adopted Local Plan. However none of the additions change the relevance relative to this NSIP project (compared to that set out in the Council’s LIR).
LPP66	Avoid/mitigate/compensate biodiversity harm.	LPR76	Mandatory BNG; measurable units.	This update reflects the legal duties pressed onto the Council. It provides a stronger local basis to request that the Applicant secure 10% BNG, even though this is yet to be mandatory for NSIP’s.



## 14 Annexe B – Application List Updates

### 14.1 Introduction

14.1.1 Question GEN 1.17 asks the Council to review the list contained in the ES of projects scoped into the assessment, and whether there has been any updates.

14.1.2 This Annexe goes through each relevant application and provides an update (if any).

### 14.2 Table – Applications Rated “Green”

ID	App Ref	Project	Update?
<b>B8</b>	21/03735/FUL	Land West Of Park Road Rivenhall Essex.  Installation of solar farm and associated development	A S73 application was submitted to make changes to the S106 agreement (25/02463/VAR). This was approved.  Several Discharge of Condition applications have been submitted to discharge various pre-commencement conditions including archaeology. A number of these have been approved.  While no formal indication of timeframes have been submitted it is anticipated that construction will start in 2026.

<b>B12</b>	17/01979/OUT	Land Cranes Lane Kelvedon Essex.  Outline planning permission for up to 125 dwellings and up to 2000 m2 of employment floorspace (Class B1)	This application will not be proceeded with and should be removed from the list. However as noted in REP2-033, an application has been approved at this site. See Paragraph 3.2.3. The approved application 23/00816/OUT should instead be added to the list.
<b>B13</b>	21/03579/OUT	Land South West Of Coggeshall Road Kelvedon Essex  Outline planning application (with all matters reserved apart from access) for up to 600 dwellings, including up to 75 units sheltered housing accommodation, the proposed provision of a primary school, and provision of public open space including associated landscape planting with associated infrastructure, drainage measures, earthworks and provision of new footpath/cycleway route towards Coggeshall.	An update for this application is provided in Paragraph is 3.2.12-3.2.14 of REP2-033.
<b>B30</b>	21/00850/OUT	Land West Of Boars Tye Road Silver End Essex	A reserved Matters application (24/02576/REM) has been submitted and approved. Construction is now underway at the site.

		Outline planning permission with all matters reserved apart from access, for up to 94 dwellings and new landscaping, open space, access, land for allotments and associated infrastructure.	
<b>B42</b>	24/02673/FUL	Land South West Of Cressing Temple Witham Road Cressing.  Solar Farm with up to 13.8 MWac of export capacity...	Discharge of Condition applications have been received (and some approved) for pre-commencement conditions. It is anticipated that the developer will start development in 2026.
<b>B44</b>	24/02658/FUL	Proposed Solar Farm Land East Of Littlebury Coggeshall Road Feering  Solar Farm	This application has been approved but there have been no further submissions for discharge of conditions at the time of preparing this response. Construction times are unclear at this stage.