



NORWICH TO TILBURY

EN020027

Answers to Examining Authority Questions Round 1

Babergh District Council [REDACTED]

Mid Suffolk District Council [REDACTED]

Deadline 3

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Glossary of Acronyms

<i>DCO</i>	<i>Development Consent Order</i>
<i>ES</i>	<i>Environmental Statement</i>
<i>NSIP</i>	<i>Nationally Significant Infrastructure Project</i>
<i>PPA</i>	<i>Planning Performance Agreement</i>

“BDC” refers to Babergh District Council; “MSDC” refers to Mid Suffolk District Council; “BMSDC” refers to BDC and MSDC jointly; “SCC” refers to Suffolk County Council; and “the Councils” refers to BDC, MSDC, and SCC jointly.

Purpose of this Submission

The document has been prepared by Babergh and Mid Suffolk District Councils to answer to the Examining Authority’s First Round of Written Questions (“**ExQ1**”). The



response format is based on the template provided by the Planning Inspectorate case team. For ease of reference, questions which are not addressed to Babergh and Mid Suffolk District Councils have been deleted. Where another Local Authority is the lead authority, this has been attributed. Examination Library references are used throughout to assist readers.

Answers to Examining Authority’s First Round of Written Questions (ExQ1)

ExQ1	Question to:	Question:	BMSDC Response:
1 GEN General and cross-topic questions			
GEN 1.1	The applicant All interested parties	<p>Responses to submissions by Interested Parties</p> <p>It is essential for the successful delivery of the timetable of the examination that all parties are able to easily interpret the applicant’s responses to comments made by interested parties (IPs) in their submissions both in writing and orally.</p> <p>The ExA issued a Rule 17 letter on 3 March [PD-012] and responded to the applicant’s response to that letter on 6 March [PD-013]. The letters set out the ExA’s concerns relating to the lack of detail in the applicants response to relevant representations (RRs) [REP1-132], and there were similar issues with the applicants response to submissions to the open floor hearings (OFH) [REP1-140].</p> <p>The ExA accepts that a number of issues are common to a large number of IPs. Nonetheless, those responses which include specific locational detail (for example to a certain natural environment designation,</p>	Noted



ExQ1	Question to:	Question:	BMSDC Response:
		<p>landscape feature, heritage asset, affected business and so on) which is not common to other submissions should be specifically responded and not grouped with the issues which arise from the project as a whole. Submissions by all statutory consultees should also be responded to in appropriate detail. Statutory consultees include parish councils. Responses should not only refer to the relevant section of the Environmental Statement (ES) or other application document, but should also provide a brief summary so that the applicants response can be easily interpreted by all parties.</p> <p>The ExA expects this approach to be taken throughout the examination.</p> <p>In doing so, the applicant and other parties are advised to title issues as they are listed in the initial assessment of principal issues (IAPI) as set out in annex C of the Rule 6 letter [PD-009], and other issues as titled in the categories within these written questions.</p>	
GEN 1.2	The applicant All parties	Artificial Intelligence	Noted

ExQ1	Question to:	Question:	BMSDC Response:
		<p>The Planning Inspectorate issued updated guidance in relation to the use of artificial intelligence (AI) on 20 March 2026.</p> <p>All parties are asked to review the guidance carefully, and ensure that in any answers to ExQ1 or in other written submissions where AI has been used a short statement is provided. In particular, the ExA requests that you make checks on the submission and take responsibility for the factual accuracy of its content. All parties are directed to the ExA’s procedural decision in annex F(1) of the Rule 6 letter dated 13 January 2026 [PD-009]. The ExA’s position on this was also set out at the preliminary meeting on 10 February 2026 [EV3-001] to [EV3-005].</p>	
GEN 1.4	All local authorities	<p>Development plan documents and supplementary planning documents</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,</p>	Baylham Neighbourhood Plan and Copdock and Washbrook Neighbourhood Plan are both now fully adopted

ExQ1	Question to:	Question:	BMSDC Response:
		<p>or are emerging since production of the planning statement.</p>	
<p>GEN 1.6</p>	<p>All local authorities MOD Natural England Environment Agency Any IPs who wish to make comment</p>	<p>Critical national priority</p> <p>The planning statement [APP-085] references the need for the proposed development in the context of the urgent need for renewable energy generation within the UK, and in doing so, it refers to the presumption specifically in relation to critical national priority (CNP) infrastructure. Paragraph 4.2.7 of NPS EN-1 (2023) makes it clear that the CNP policy does not create an additional or cumulative need case or weighting for each type of energy infrastructure. The policy applies following the normal consideration of the need case, the impacts of the project, and the application of the mitigation hierarchy. It will be given consideration by the ExA when making its recommendation to the Secretary of State, who will apply the CNP policy in its decision making specifically in reference to any residual impacts that have been identified.</p> <p>NPS EN-1 paragraph 4.1.7 notes that for projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional</p>	<p>Green Belt: No comment in respect of Green Belt.</p> <p>SSSIs: BMSDC query the Medium judgment for Natural Heritage value when part of an SSSI and a Ramsar site are in the Wooded Valley Meadowlands LCT. Please refer to the SCC / BMSDC Joint LIR [REP1-178].</p> <p>Designated landscapes: BMSDC 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: BMSDC consider that further information to demonstrate how embedded mitigation informed final design choices, whether alternative alignments or pylon locations were fully explored and how the Applicant will guarantee that LoD will not result in operational impacts beyond those assessed is required.</p> <p>Human health and public safety: BMSDC maintain concerns regarding long term impacts on public health and safety, including mental health and wellbeing. Please refer to the SCC / BMSDC Joint LIR [REP1-178].</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</p>



ExQ1	Question to:	Question:	BMSDC Response:
		<p>cases. Paragraphs 7.2.7 to 7.2.28 of the planning statement [APP-085] sets out a summary of the potential residual impacts (non Habitats Regulations Assessment (HRA) impacts) which may remain after the mitigation hierarchy has been applied. These relate to the relevant exceptions listed in the CNP policy at NPS EN-1 paragraph 4.2.15: human health and public safety, defence, irreplaceable habitats, the achievement of Net Zero, and flood risk.</p> <p>Paragraph 4.2.17 of NPS EN-1 sets out that the Secretary of State will also take as a starting point that CNP infrastructure will meet a number of policy tests including in relation to green belt, sites of special scientific interest (SSSI), nationally designated landscapes and heritage assets.</p> <p>IPs are invited to review the applicant’s consideration of CNP in the planning statement [APP-085] (in particular paragraphs 7.2.52 to 7.2.257) and the policy compliance tracker [REP1-133] (tables 1.4 and 1.5), and state if they agree with its approach, including in respect of the updated NPS published in December 2025 (which the ExA considers to be</p>	<p>reduce impacts on trees, in particular irreplaceable habitats, such as veteran trees</p> <p>Flood risk: Please refer to the SCC / BMSDC Joint LIR [REP1-178].</p> <p>The HRA: No comment</p>



ExQ1	Question to:	Question:	BMSDC Response:
		<p>an important and relevant consideration in decision making)</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>GEN 1.16</p>	<p>Colchester City Council South Norfolk DC Suffolk CC Babergh DC Mid Suffolk DC</p>	<p>Local impact reports (LIR) – navigation</p> <p>Colchester City Council [REP1-156] and South Norfolk DC [REP1-176] are asked to provide a contents page for their LIRs, for easier navigation. This should include electronic page numbers against each section of the report and the list of appendices with corresponding page numbers.</p> <p>Suffolk CC/ Babergh DC/ Mid Suffolk DC are asked to insert page numbers against their list of annexes and appendices on pages 5 and 6 of their LIR [REP1-178].</p>	<p>Please refer to the response from SCC in respect of the joint SCC and BMSDC LIR document ref [REP1-178]</p>
<p>GEN 1.17</p>	<p>All local authorities</p>	<p>Local impact reports – cumulative developments and the interrelationship report</p>	<p>Update on short listed developments: Please see Appendix 1.</p>



ExQ1	Question to:	Question:	BMSDC Response:
		<p>The LIRs from each local authority include details of other developments in their area to varying degrees of detail.</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> <p>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).</p> <p>Additionally a report on interrelationship with other infrastructure projects was submitted by the applicant at deadline 1 [REP1-134].</p>	<p>Interrelationship report: Please refer to the BMSDC Comments on Submissions received at Deadline 1 document ref [REP 2-113]</p>



ExQ1	Question to:	Question:	BMSDC Response:
		<p>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 project is reasonable, together with any other comments you wish to make on the report.</p>	
<p>GEN 1.21</p>	<p>The applicant All local authorities</p>	<p>Legal Agreements</p> <p>A number of the LIRs refer to the need for legal agreements in order to secure a range of mitigation and compensation measures and packages in each local authority area.</p> <p>The applicant is asked to:</p> <p>Provide a summary document/ tracker of all requests for agreements with local authorities including the type of agreement, what it relates to and how each would meet the relevant tests.</p> <p>Justify its intended use of unilateral undertakings in the instances where a bilateral (section 106) agreement would be preferable.</p> <p>Consider whether one local authority’s request for a certain agreement would also be appropriate for the same to be applied in any (or all) of the other local authority areas.</p>	<p>Norwich to Tilbury will have significant and lasting impact on Babergh and Mid Suffolk as a result of the project’s construction and visual presence.</p> <p>BMSDC 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>BMSDC though its joint Local Impact Report with SCC [REP1-178] has identified a number of locally significant effects arising as a result of the construction and operation of the Project. BMSDC, 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>i) BNG</p>

ExQ1	Question to:	Question:	BMSDC Response:
		<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>	<ul style="list-style-type: none"> a. to deliver a 10% biodiversity net gain together with appropriate management and monitoring for at least 30 years. ii) Tree Planting – Replacement / Mitigation/ Compensatory <ul style="list-style-type: none"> a. 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. iii) Skills Supply Chain Employment and Training <ul style="list-style-type: none"> a. to secure an Employment, Education, Skills and Supply Chain strategy for the project together with appropriate funding through a Section 106 agreement. v) Highways <ul style="list-style-type: none"> a. to require the Applicant to enter into a Framework Highways Agreement, b. to require the Applicant to enter into a Developers Forum as a vehicle to coordinate construction activity associated with multiple development projects with the aim of minimising cumulative impacts.



ExQ1	Question to:	Question:	BMSDC Response:
			<p>c. to secure a financial contribution towards offsetting the additional “wear and tear” associated with the construction works</p> <p>vi) Wellbeing & PROW</p> <p>a. To secure a contribution towards improving the use of the PROW network</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>
<h2>2 DES Design, parameters and other details of the proposed development</h2>			
DES 1.9	<p>The applicant</p> <p>All local authorities</p>	<p>Lighting of new and upgraded substations</p> <p>The ExA notes the rural context of the proposed EACN substation and notes that there is limited detail in relation to operational lighting in relation to this and other upgraded substations in the Design Approach for Site Specific Infrastructure (DASSI) [APP-354].</p> <p>Provide additional detail in terms of the height and type of any lighting installations and light contour plans.</p>	<p>Light pollution impact complaints have previously been reported in relation to Bramford substation and so are likely to be of concern for the works to / around the substation as well as for the EACN.</p> <p>BMSDC have already raised concerns regarding the potential impact of the EACN on the setting of the National Landscape (please refer to the joint BMSDC SCC LIR document ref 1-178).</p> <p>It is noted that the Dedham Vale society is currently seeking Dark Sky Reserve status and that the National Landscape team have published lighting guidance for both the Dedham Vale and Coast & Heaths National Landscapes.</p>



ExQ1	Question to:	Question:	BMSDC Response:
		<p>Provide a night-time assessment of the effects of operational lighting on landscape character or visual amenity, and potential effects on ecology.</p> <p>If the applicant considers that an assessment is not required, provide a detailed explanation of your reasoning.</p> <p>Has consideration been given to allowing relevant planning authorities to approve details of operational lighting schemes? If not, why not?</p> <p>Affected Local Authorities may also like to comment.</p>	<p>BMSDC would expect to see further information regarding lighting proposals and impacts.</p> <p>The Institution of Lighting Professionals (2023) <i>Guidance Note 08/23: Bats and Artificial Lighting</i></p> <p><i>At Night</i> should be a guiding document for the substation’s lighting design.</p>
<p>DES 1.15</p>	<p>Babergh DC Mid Suffolk DC Suffolk CC</p>	<p>Effectiveness of mitigation - Bramford</p> <p>Are the relevant local authorities (Babergh DC, Mid Suffolk DC, Suffolk CC) satisfied that the applicant’s approach to mitigating the adverse effects of the Bramford Main substation extension in the wider landscape would be effective. If not, what further design opportunities should the applicant explore in order to achieve the best possible design outcome?</p>	<p>BMSDC are seeking a strategic approach to appropriate mitigation of the cumulative effects of the project, together with Bramford to Twinstead and other development in the area, enabled by these network capacity developments.</p> <p>This strategic approach should be based on a survey of the landscape surrounding Bramford substation (3km radius suggested), identifying existing and proposed planting from other developments to focus planting mitigation in the most effective and efficient locations.</p> <p>The strategic approach should be holistic in nature and include consideration of public safety, amenity, the resilience of the installations (including those of critical national</p>



ExQ1	Question to:	Question:	BMSDC Response:
		<p>In responding to this question, you may also wish to consider other matters that could potentially influence design.</p> <p>Other IPs are also invited to respond to this question, if they wish to contribute to this topic.</p>	<p>infrastructure) in terms of safety from incident and provision of secondary access in an emergency, biodiversity and heritage.</p> <p>BMSDC note the applicant’s commitment to work collaboratively with Bramford to Twinstead to deliver appropriate mitigation. The Councils look forward to engaging with the applicant and all other relevant stakeholders, including SCC, on this matter.</p>
<h3>3 ALT Alternatives</h3>			
ALT 1.1	All local authorities	<p>Reasonable alternatives: policy and legislation</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</p>	<p>BMSDC have suggested alternatives and believe these do meet the definition of ‘reasonable alternatives’ as they would be capable of delivering the same infrastructure capacity (including energy security, climate change, and other environmental benefits) in the same timescale as the proposed development.</p>

ExQ1	Question to:	Question:	BMSDC Response:
		<p>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. Other IPs are also invited to comment on their understanding of reasonable alternatives, if they wish to do so.</p>	
ALT 1.2	All local authorities	<p>Approach to options appraisal 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). 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>



ExQ1	Question to:	Question:	BMSDC Response:
			<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” 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</p>



ExQ1	Question to:	Question:	BMSDC Response:
			<p>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>BMSDC 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 considered against the timescale of the actual need for network reinforcement</p> <p>BMSDC also recognises that there are cost options associated with the alternative schemes.</p> <p>BMSDC considers that alternative schemes to the proposed lattice pylons scheme, such as 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>BMSDC 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>



ExQ1	Question to:	Question:	BMSDC Response:
			<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> <p>The reliance on national, as opposed to local designations, means that the proposals do not allow for local distinctiveness, nor consider the cumulative effects of the siting of a number of locally designated features within close proximity to each other.</p> <p>This approach goes against the grain of general planning policy where proposals are considered on a case by case basis according to the best fit for their location.</p> <p>Further commentary will be provided within the SoCG as required.</p>
ALT 1.3	<p>The applicant</p> <p>All local authorities</p>	<p>Strategic options: Offshore 1</p> <p>Many of the local authorities and a large number of IPs have expressed that they would prefer the offshore option as an alternative to OHL infrastructure between Norwich and Tilbury.</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</p>	<p><i>BMSDC confirms that it has reviewed the Strategic Options Backcheck and Review (SOBR) 2024, Appendix B, and the August 2025 update, alongside the applicant’s alternatives assessments within ES Chapter 3 and the Design Development Report.</i></p> <p><i>These documents identify a series of environmental, technical and socio-economic constraints associated with Offshore Option 1, including the requirement for a long offshore HVDC cable route, associated marine ecological considerations, and challenges relating to landfall and converter station siting at Tilbury amidst wider Freeport and port-related development pressures.</i></p>



ExQ1	Question to:	Question:	BMSDC Response:
		<p>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]. 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>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>The applicant is asked to provide an update on the constraints noted in section 6 of the SOBR since August 2025 relating to Offshore 1 and connection at Tilbury.</p>	<p><i>Whilst BMSDC recognises these strategic-level constraints, it also notes that the appraisal of Offshore 1 remains relatively high-level, particularly when compared to the scale and permanence of the impacts that the proposed onshore overhead line would generate within both districts, as set out in the joint SCC / BMSDC LIR REP1-178</i></p> <p><i>The Council further notes findings from the Hiorns Report indicating significant uncertainty in the generation background and suggesting that the need for reinforcement may be deferrable by up to five years without constraining offshore wind development, which raises questions over whether strategic offshore alternatives (including Offshore 1) have been explored with sufficient depth prior to dismissal.</i></p> <p><i>In light of this, and given the potential for offshore options to reduce or avoid extensive onshore environmental and community impacts, BMSDC considers that further justification and updated sensitivity testing should be provided before concluding that Offshore 1 is not a reasonable alternative. The Council therefore invites the Examining Authority to seek additional evidence from the applicant and the National Energy System Operator (NESO) regarding the need case, offshore feasibility and converter</i></p>

ExQ1	Question to:	Question:	BMSDC Response:
			<p><i>station siting, consistent with the proportionate alternatives requirements of EN-1 and EN-5.</i></p>
<p>ALT 1.7</p>	<p>Norfolk CC Suffolk CC South Norfolk Council Mid Suffolk Council Natural England The applicant</p>	<p>Waveney Valley alternative</p> <p>Reasonable alternatives considered in ES chapter 3 [APP-127] as part of the 2024 (table 3.16 p.89-90) and 2025 (table 3.17 p.106) preferred draft alignments set out the applicant’s reasoning for rejection of the use of an underground cable through the Waveney Valley instead of an OHL and pylons. This includes the presence of sensitive peat habitats and paleoenvironmental remains, and hydrological impacts on Wortham Ling SSSI.</p> <p>The local authorities are asked to provide comment, as these issues do not appear to have been covered in their LIRs.</p> <p>Natural England is asked to comment on the applicant’s ecological considerations in its reasoning for rejection of the Waveney Valley (underground) alternative as set out in ES chapter 3. This should include comment on whether potential effects on peaty soils would constitute irreplaceable habitat loss.</p>	<p>MSDC accepts the Applicant's reasoning for the rejection of the Waveney Valley Alternative (undergrounding the powerline through this sensitive valley), as noted in 6.3 ES Chapter 3 - Alternatives [APP-127]. The technical challenges of delivering undergrounding through the Waveney Valley, in particular because of the complex and difficult geology proved incompatible with the use of horizontal directional drilling, this has meant that this option could not, according to the Applicant, be delivered.</p> <p>MSDC was, however, disappointed by the subsequent position assumed by the Applicant (in its Comments on Relevant Representations [REP1-132]) that since there are no formal landscape designations, this landscape does not warrant additional measures for mitigation.</p> <p>MSDC and SCC have provided detailed comments on this matter in Annex B (Waveney Valley, Rationale for additional Matters) to its Joint LIR [REP1-178]. To summarise the position of the Councils, a brief version is included below:</p>



ExQ1	Question to:	Question:	BMSDC Response:
		<p>The applicant is asked to signpost the ExA to any pre-application consultation responses on such matters which led to its rejection of the Waveney Valley alternative.</p>	<p>MSDC considers, given that all parties have recognised and sought to work constructively together to respond to the additional sensitivities of the Waveney valley but have been unable to secure mitigation through either avoidance or embedded mitigation, that other options must be considered.</p> <p>MSDC considers that an appropriate package of measures to enhance landscape quality, improve access and amenity, and remove visual detractors, would be appropriate and proportionate given the sensitivity of the receiving landscape and the visual receptors who use it. As such, a package of costed measures is included in an emerging planning obligation with the Applicant. This would provide funding for the Waveney and Little Ouse Recovery (“WaLOR”) Project. This aims to, amongst other things, restore fen and woodland habitats across the Waveney Valley floor and to restore previous human interventions to the course of the River Waveney by reducing meanders.</p> <p>MSDC recognises that the Applicant is in discussion with the Waveney and Little Ouse Recovery (WaLOR) project to acquire biodiversity units (as noted in its Comments on Local Impact Reports [REP2-030]).</p>
ALT 1.9	All local authorities	Limits of Deviation (LoD)	BMSDC does not agree that the Environmental Statement (ES) demonstrates that a genuine worst-case scenario has in fact

ExQ1	Question to:	Question:	BMSDC Response:
		<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 considers a worst-case scenario within the established parameters.</p> <p>The local authorities are invited to comment on this paragraph.</p>	<p>been assessed within those parameters. 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 and up to 6 m vertical deviation in pylon siting. The LIR identifies that such changes could materially alter the extent, magnitude and significance of impacts on sensitive receptors. 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. 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 ES 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. BMSDC request a more detailed explanation of the applicant’s assessment methodology.</p> <p>In relation to construction noise, the LIR highlights that assessments were based on the indicative pylon positions,</p>



ExQ1	Question to:	Question:	BMSDC Response:
			<p>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, BMSDC 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 Councils therefore invite the ExA to seek clarification on:</p> <ul style="list-style-type: none"> a. how the Applicant has defined “worst-case” within the LoD in each assessment topic; b. whether the minimum receptor distances permitted by the LoD have been modelled; and c. what safeguards will be secured in the dDCO to prevent unassessed harm arising from the exercise of the LoD. <p>Until such clarification is provided, BMSDC 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>



ExQ1	Question to:	Question:	BMSDC Response:
			BMSDC support other Councils in their suggestion of a requirement which would capture where LOD's are to be used at the detailed construction stage.

4 AQ Air quality and emissions

AQ 1.4	All local authorities	<p>Air Quality - Development Plan documents and adopted standards/ expectations related to air quality that exceed Government targets?</p> <p>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. 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>	BMSDC confirm that there are no air quality standards or expectations in the development plan, the BMSDC Joint Local Plan.
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5 BIO Biodiversity, ecology and natural environment



ExQ1	Question to:	Question:	BMSDC Response:
<p>BIO 1.10</p>	<p>The applicant Babergh District Council Mid Suffolk District Council</p>	<p>Post-consent monitoring and assessment of effects</p> <p>Babergh DC in [RR-0314] and Mid Suffolk DC in [RR-2540] have questioned the assumption that post consent licences would ensure neutral or beneficial outcomes for protected species and consider that there would be limited post-mitigation monitoring to enable this to be assessed.</p> <p>To the applicant: Notwithstanding your response in [REP1-132], please respond to the concerns raised by Babergh DC and Mid Suffolk DC and explain how you have reached your assessment on this.</p> <p>To Babergh DC and Mid Suffolk DC: Explain why you consider that additional post-consent monitoring is needed beyond anything that might be specified in the protected species licensing process.</p>	<p>The BMSDC concern has been slightly misinterpreted. The concern is not for the level of post-licence monitoring, it is for the planned scope of protected species mitigation (most specifically the bat roost compensation).</p> <p>BMSDC holds that it is a flawed and insufficiently supported assumption that the Natural England derogation licensing process should be anticipated to always maintain the favourable conservation status of an affected species. This is partly because of a widespread lack of robust (i.e. long-term and replicated) post mitigation monitoring. The low level of follow-up scrutiny does not allow for a confident prediction of how successful various mitigation plans are in actual application (depending on the impacted bat species, roost type, location, etc.). That is not meant to portray the NE licensing process as ineffective per se, but it is a recognition of one of its practical limitations.</p> <p>In the case of the Norwich to Tilbury project, there should also be more recognition of the uncertainty of the predicted bat roost impact potential. Research has demonstrated that bat roost feature detection via ground-level inspection, aerial inspection, and via three roost emergence surveys (those conducted during a limit season) will have a high rate of false-negative determination (e.g. Andrews & Gardener, June 2015, CIEEM’s In Practice issue 88; BATS Research & Training presentation, August 2023, https://www.batlicence.co.uk/can-we-do-better/). The Bat</p>



ExQ1	Question to:	Question:	BMSDC Response:
			<p>Conservation Trust’s Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition) advise that because of the limitations inherent to the process of identifying bat roosts in trees, “... <i>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.</i>”</p> <p>Adding to this fundamental constraint to predicting the bat roosting impacts from large-scale tree loss is the fact that this project is following a non-standard survey protocol. This approach has meant that the Environmental Statement’s impact assessments for bat species other than barbastelle are based on minimal survey information.</p> <p>The Norwich to Tilbury Outline LEMP states that only PRF-M trees (as identified by ground-level assessment) are to be subject to a series of aerial inspections/ emergence surveys prior to works. Of the PRF-M trees to be felled, only those trees confirmed to support roosting bats by aerial inspections or emergence surveys will be compensated for under a Natural England mitigation licence. By following that approach, BMSDC believes that the overall impact on bat roost resources along the project route will be significantly under-estimated and under-mitigated.</p> <p>To be more suitably assured of the adequacy of the roost tree mitigation, BMSDC believes that the bat roost mitigation measures should be expanded. The losses of all PRF-I and PRF-M trees should be recognised as a loss of bat roosting resource, regardless of the results of a very limited number of</p>



ExQ1	Question to:	Question:	BMSDC Response:
			presence/absence surveys. The anticipated roosting resources loss should be countered via an agreed proportionate compensation comprising a mix of bat boxes and tree veteranisation (see Hinds & Davidson-Watts, Dec 2012, CIEEM’s In Practice issue 118).
BIO 1.49	Suffolk CC Babergh DC Mid Suffolk DC	BNG and mitigation for breeding birds In your joint LIR [REP1-178] Suffolk CC, Babergh DC and Mid Suffolk DC have commented that mitigation for impacts on breeding bird populations should be provided in addition to BNG habitat creation or enhancement. Further to the applicant’s response on page AB8 of the Applicant’s Comments on Relevant Representations [REP1-132], set out what, if any, additional mitigation you would wish to see in this regard?	Refer to [REP1-132]

6 DCO Draft Development Consent Order

Articles			
DCO 1.A2	The applicant Local Authorities	Articles (general) - 2 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	BMSDC are requesting a minimum of 35 days for determination of submissions for approval made pursuant to requirements. Whilst this is consistent with the Bramford to Twinstead DCO, our experience of supporting delivery of this



ExQ1	Question to:	Question:	BMSDC Response:
	<p>Relevant statutory undertaker</p> <p>Other relevant determining body</p>	<p>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>Applicant: Explain how you have reached the time period chosen (generally 28 days), including an explanation of your understanding of any processes the relevant determining bodies have to/ or are required go through. For example, your understanding of: any application validation period; any minimum consultation periods required with statutory or other bodies; any report writing periods; any committee or delegated cycles; and any decision issuing periods that may apply.</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,</p>	<p>project is that the 35 day deadline is often insufficient to enable appropriate determination in time.</p> <p>The BMSDC process and timeframe for submissions is as follows:</p> <p>Receipt, inputting and validation: Checking the application is complete and accurate on its face, creating an application record in our internal system. 1-2 days</p> <p>Initial check and instruction: Case officer checks the submission in detail to ensure all documents are received and all consultations are sent. Occurs within 5 days of valid application. 1 day.</p> <p>Consultations to technical advisers, statutory bodies and other affected authorities: 21 days</p> <p>Process management: It is often necessary to respond to consultee queries, provide more information, consider requests for an extension to the 21 day deadline or to chase for outstanding responses. Typically 1-2 days per submission.</p> <p>Review consultation advice: The case officer will review the advice received. This may necessitate communication with the applicant via email, phone / Teams call or a formal meeting between parties, to discuss and resolve issues arising. Up to 7 days.</p> <p>Recommendation: The case officer will prepare a written summary of their recommended LPA decision. 7 days.</p>



ExQ1	Question to:	Question:	BMSDC Response:
		<p>including any time period in the number of days required to undertake that process. 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>Decision: A second officer (not the case officer) will review the recommended decision, raise any issues of concern with the case officer and, if there are none or these issues are resolved, issue the decision 1-2 days.</p>
<p>DCO 1.A7</p>	<p>The applicant All local authorities APs and IPs</p>	<p>Article 2 (Interpretation) (order land) 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>Defer to the response from SCC</p>



ExQ1	Question to:	Question:	BMSDC Response:
<p>DCO 1.A10</p>	<p>The applicant All local authorities</p>	<p>Article 2 (Interpretation) (Relevant Planning Authority) 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: 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</p>	<p>BMSDC note that 'Stage' is defined in the dDCO, Rq3 (1) but, based on experience of similar projects such as Bramford to Twinstead, a stage is not necessarily defined by geographical area. For example, it is likely that the first stage would be the construction of the main and satellite construction compounds along the route, followed by access and temporary haul route works to enable delivery off the main highway network as soon and as much as possible. It may be appropriate for the applicant to subdivide a works type into geographically specific sub-stages to avoid any delay in delivery resulting from the need to secure approval from all discharging authorities hosting the works type. BMSDC note the references to, and definitions of 'planning authority' and discharging authority' in the dDCO, which, in some cases, may be the same party. BMSDC suggest that, with some minor clarification to the dDCO, such that works do not commence until approval from all the relevant discharging authorities for the stage or sub-stage are issued, similar to the procedure for determining a cross-boundary TCPA planning applications, thereby avoiding ambiguity and undue complexity. In our experience, BMSDC has worked collaboratively with SCC to discuss and resolve areas of concern, whilst respecting the 'lead' authority role of the council to who the primary function falls (e.g rights of way matters to the County and ecology matters to the Districts). This need not be unduly</p>



ExQ1	Question to:	Question:	BMSDC Response:
		<p>construction, operation and (potentially) decommissioning). Would these adequately cover the definition of a 'stage'?</p> <p>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>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 solutions that would address</p>	<p>onerous or complex provided communication is managed appropriately by all parties.</p> <p>BMSDC suggest that the DCO should be worded so as to allow for revised stages plan(s) throughout the delivery phase as necessary, to respond to the realistic practicability of delivery by the appointed contractor(s) and delivery schedule delays that may arise, such as unforeseen weather or seasonal windows.</p>

ExQ1	Question to:	Question:	BMSDC Response:
		<p>the ExA’s concerns in regard to the above-mentioned matters.</p>	
<p>DCO 1.A19</p>	<p>All local authorities statutory undertakers</p>	<p>Article 11 (Street Works); Article 12 (Application of the Permit Schemes); Article 13 (Application of the 1991 Act)</p> <p>The ExA notes the explanation provided by the applicant in its EM [APP-057] with regard to these articles but seeks whether the relevant Street/ Highway Authorities and/ or any statutory undertakers have any further comments, as relevant to these articles beyond the submissions in their RRs, WRs, LIRs and Deadline 1 submissions. In responding to this question, a relevant street/ highways authority or statutory undertaker should list any relevant examination library reference and paragraph numbering of their former submissions that responded to these articles.</p>	<p>Defer to the response from SCC</p>
<p>DCO 1.A35</p>	<p>The applicant All local authorities</p>	<p>Article 48 (Defence to proceedings in respect of statutory nuisance)</p> <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</p>	<p>Control and mitigation measures in respect of noise, vibration, dust and light can reduce the likelihood of a statutory nuisance however, they may not completely exclude the possibility of action being taken under the provisions of the Environmental Protection Act 1990. It is therefore not</p>



ExQ1	Question to:	Question:	BMSDC Response:
		<p>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>accepted that there should be a defence against proceedings in respect of statutory nuisance.</p>
DCO 1.A42	All local authorities, high way authorities and statutory undertakers	<p>Article 58 (Application, disapplication and modification of legislative provisions)</p> <p>The ExA would ask for comments in regard to the disapplication and modification of certain public general legislation (See provisions set out in article 58(1) and the public general legislation listed at schedule 17 of the draft DCO), especially in regard to the Highways Act 1980 and the Land Drainage Act 1991.</p>	Defer to the response from SCC
Schedules			
DCO 1.S5	The applicant All local authorities	<p>Schedule 3 – Requirement 1 (Interpretation) – Terms “discharging authority” and “start-up and close down activities”</p>	<p>Please refer to response to DCO 1.A10 above.</p> <p>It is critical for there to be consistency amongst the LPAs and LHAs in this respect. BMSDC suggest this matter is discussed</p>

ExQ1	Question to:	Question:	BMSDC Response:
		<p>“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>“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>between the LPA / LHAs and the applicant and further submissions made at a later deadline.</p>
DCO 1.S7	The applicant All local authorities	<p>Schedule 3 – Requirement 3 (stages of the authorised development)</p> <p>requirement 3(1) specifies “...written notice setting out the anticipated programme for the carrying out of pre-commencement operations must 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</p>	<p>BMSDC have concerns regarding the adequate and appropriate compliance monitoring and reporting of the development and the implications this may have on enforcement for the LPA. As such, BMSDC suggest that the pre-commencement works notifications should be subject to approval by the relevant LPAs, to allow time for the documents with which those works must be in compliance with to be checked and confirmed, and for any other matters arising to be alerted to the applicant.</p>



ExQ1	Question to:	Question:	BMSDC Response:
		<p>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>7 days is inadequate to allow this to happen and BMSDC suggest a period of 35 days, consistent with the request for time period for consideration of other submissions made pursuant to the DCO be imposed.</p>
<p>DCO 1.S8</p>	<p>The applicant All local authorities</p>	<p>Schedule 3 – Requirement 5 (archaeology)</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>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</p>	<p>Defer to the response from SCC</p>

ExQ1	Question to:	Question:	BMSDC Response:
		<p>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 any of these proposed amendments sought by the various organisations would be incompatible with each other.</p>	
DCO 1.S19	<p>The applicant</p> <p>All local authorities</p> <p>All discharging authorities</p>	<p>Schedule 4 – (Discharge of requirements) - 1</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’.</p>	<p><u>(a) post-consent discharge functions</u></p> <p>There is currently limited information relating to the proposed new unit will and what role local authorities will play in the discharging process. Without such clarity BMSDC have concerns that the transfer to the new unit and process may result in delays and increased risk of error.</p>

ExQ1	Question to:	Question:	BMSDC Response:
		<p>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>Provide comments on the above publication in respect of post-consent discharge functions.</p> <p>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>	<p>BMSDC suggest that the existing DCO wording is retained, and that the Secretary of State consider, prior to issuing a consent, to make any modifications to the process that they see fit in light of the emerging role, scope, and capacity of the new unit.</p> <p>The Council anticipates that it is reasonable to expect a period of engagement between local authorities, applicants, and DESNZ to take place prior to the formation of the new unit.</p> <p><u>(b) appropriate approach to the post-consent discharge of requirements</u></p> <p>BMSDC notes the construction of The A122 (Lower Thames Crossing) Development Consent Order 2025 in respect of the SoS’ role in determining discharge of requirement applications and the provisions for consultations with specified bodies by the undertaker.</p> <p>BMSDC considers the current drafting of the dDCO to be consistent with established practice for NSIP developments and, noting the response to a) above, reflects LPAs’ current expectations for carrying out discharge of requirements functions.</p>

ExQ1	Question to:	Question:	BMSDC Response:
7 HE Historic environment			
HE 1.9	All local authorities	<p>Applicant’s assessments:</p> <p>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:</p> <p>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].</p> <p>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].</p> <p>The levels of harm assessed in relation to Non-Designated Heritage Assets (NDHA), as described in ES Chapter 11 [AS-068].</p>	<p>A) BMSDC are in agreement with the scoping of heritage assets based on the methodology provided.</p> <p>B) Based on a desk based review of the applicant’s assessments for the Scheduled Monuments, the Conservation Areas and the Grade I and Grade II* listed buildings and some nearby Grade II listed buildings, the assessments of harm to significance are mostly agreed. Not all assessments for all Grade II listed buildings have as yet been reviewed and checked. With regard to the Grade II listed Hall Farm House (1181726) and Barn About 30 metres West of Hall Farm House (1032806), these assets are located on the northern edge of the Mellis Conservation Area and as such we would disagree with the assessment of no harm to their significance during the Operational phase of the project. We would suggest there will be a Low level of less than substantial harm to the significance of these buildings due to the change to their setting, in line with the effects on the Conservation Area. Where assessments are agreed, this is on the assumption that these are based upon the route alignment 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</p>



ExQ1	Question to:	Question:	BMSDC Response:
			<p>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.</p> <p>C) The levels of harm to identified non designated heritages primarily affect below ground archaeological assets, please refer to comments provided by the archaeological advisor. However, the impact on the setting of a number of farmsteads (in many cases associated with listed buildings) assessed by the applicant to be of Medium value have been carried out and appear to align with the assessments made for the associated listed buildings. Not all assessments have as yet been reviewed by the Council. No setting assessment was carried out by the applicant for other non-designated buildings assessed to be of low value as part of their methodology.</p>
HE 1.12	All local authorities Historic England	<p>Heritage visualisations - 1</p> <p>A range of heritage visualisations are provided [APP-350] and [APP-351].</p> <p>All local authorities and Historic England are asked to confirm:</p> <p>Agreement with the viewpoints chosen to reflect any potential impacts on heritage assets.</p>	<p>The viewpoints were agreed as part of pre-submission engagement.</p> <p>On the same basis as our response to Question ALT1.9, BMSDC request further clarification from the applicant about the Heritage Viewpoint visualisations. Are the visualisations based on the pylon locations and overhead line alignment shown in the relevant figures in documents APP-342 to APP-351 or do the visualisations show the worst-case pylon</p>



ExQ1	Question to:	Question:	BMSDC Response:
		<p>In your opinion are additional visualisations required, and if so from which assets and where should the visualisations be taken from?</p>	<p>locations and overhead line alignments based on the LoD parameters?</p> <p>B) No further visualisations are considered to be required.</p>
<h2>8 LUS Land use and soils, green infrastructure</h2>			
<p>LUS 1.2</p>	<p>The applicant Natural England Pylons East Anglia Limited All local authorities</p>	<p>Best and most versatile agricultural land (BMV) and soils - 1</p> <p>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</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 the soils are not acid sulphate soils. 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>



ExQ1	Question to:	Question:	BMSDC Response:
		<p>representative conclusion that can be applied across the whole Order Limits as they are not all 'surveyed areas'.</p>	
<p>LUS 1.4</p>	<p>Natural England All local authorities Pylons East Anglia Limited</p>	<p>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.</p>	<p>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.</p>
<p>LUS 1.14</p>	<p>All local authorities</p>	<p>Green infrastructure and open space - 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.</p>	<p>All BMSDC Neighbourhood Plan open space designations are accurate.</p>

ExQ1	Question to:	Question:	BMSDC Response:
		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.	
<h2>9 LV Landscape and visual</h2>			
LV 1.14	All local authorities	<p>ES Appendix 13.5 National Landscape assessment study - 2</p> <p>The study [APP-235] concludes that: <i>"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)"</i> (paragraph 13.3.8)</p> <p>The local authorities are asked whether they agree with this conclusion and provide reasoning if you do not.</p>	<p>BMSDC do not agree.</p> <p>The effect identified at construction on the special qualities of the National Landscape will remain extant at operational phase with permanent physical structures.</p> <p><u>See NPPE:</u></p> <p>15. Conserving and enhancing the natural environment Paragraphs 187 to 201</p> <p>189. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads 66. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively</p>



ExQ1	Question to:	Question:	BMSDC Response:
			<p>located and designed to avoid or minimise adverse impacts on the designated areas</p> <p>190. When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:</p> <ul style="list-style-type: none"> (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and (c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. <p><u>Section 85 of the CROW Act</u></p> <p>The s.85 duty to seek to further the purpose of conserving and enhancing the natural beauty of AONBs applies to the full range of development management decision-making, including considering applications for outline, full and reserved matters, listed building consent, applications for</p>

ExQ1	Question to:	Question:	BMSDC Response:
			works to protected trees, and prior notifications, along with enforcement work on planning breaches.
LV1.22	All local authorities	<p>Landscape visualisations – 1</p> <p>The local authorities are asked whether:</p> <p>You agree with the viewpoints in the visualisations [APP-343] to [APP-349] chosen to reflect any potential impacts on landscape.</p> <p>In your opinion are additional visualisations required, and if so from which assets and where should the visualisations be taken from?</p>	<p>Further visualisations have been requested from the most sensitive locations beyond the 3km study area where appropriate; particularly for example in areas identified within the ZTV where the visual envelope goes beyond the 3km area.</p> <p>In addition, to fully understand the effectiveness of mitigation, some sensitive locations, should be reviewed as a standalone LVIA. Furthermore, once the visual impact has been reviewed, an environmental colour assessment (ECA) should inform a comprehensive Design Code, addressing planting and materiality appropriately, specifically:</p> <ul style="list-style-type: none"> i. Waveney Valley/Wortham Ling and the alignment of proposed pylons (the route follows an acute alignment west to east, creating a very impactful visual intrusion. ii. Mellis Common and the impact on the Mellis Common nature reserve. (Consideration also with the EcoPower cumulative impact.) iii. Gipping Valley/Badley and the alignment of the pylon route. iv. Offton and the cumulative impact of the compound. v. Bramford and the cumulative impact (multiple NSIP junction point).



ExQ1	Question to:	Question:	BMSDC Response:
LV 1.26	Babergh DC Mid Suffolk DC Suffolk CC	<p>Babergh DC, Mid Suffolk DC and Suffolk CC’s Local impact report - 2</p> <p>Your LIR [REP1-178] states that there is only one viewpoint outside of 3km in Suffolk and that potential exists for more than this. Please provide further information over possible locations.</p>	<p>Area around Elmsett, FP W-233 018/0 (particularly with regards to the Substation)</p> <p>Area around Micksfield, FP E-495 002/0; E-495 038/0; BW W-555 055/0</p> <p>Area around Aldam Priory, FP W-318 002/0</p> <p>Area around Little Finborough, FP W-198 081/0</p>
LV 1.34	The applicant All local authorities	<p>ES Appendix 13.6 – arboricultural impact assessment – replacement planting</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.</p> <p>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>	<p>The submission of an offsite planting delivery scheme document is an agreed approach in principle. However, it is crucial that any offsite planting is agreed prior to the removal of any existing trees or commencement of any works which may undermine existing trees so that there is an already agreed approach to replacement planting. Details should be secured via a requirement on the DCO.</p> <p>We have several concerns regarding replacement planting such as:</p> <ul style="list-style-type: none"> i. A fixed ratio of 3:1 is not considered appropriate for all replacement planting and should respond to the specific details of planting lost. I.e a Veteran Oak would require far greater replacement than a smaller sapling. The replacement is also subject to stock availability in the UK. ii. Consideration should also include Landscape Character and ecological habitat creation.



ExQ1	Question to:	Question:	BMSDC Response:
		<p>Applicant - What constraints are there to replanting within the Order limits and under what circumstances may the need for offsite provision be triggered?</p> <p>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?</p>	<p>iii. With regards to Off-Site, there are constraints with land ownership, appropriate location and long-term retention and management.</p> <p>Monitoring programmes such as those undertaken for Minerals and Waste sites <i>could</i> secure this but difficult to manage.</p>

10 NV Noise and vibration

NV 1.7	<p>The applicant</p> <p>Relevant local authorities</p>	<p>Compaction activities and potential for damage due to construction vibration</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</p>	<p>The CMP shall have regard to BS 5228:2009 Code of Practice of Noise and Vibration Control on Construction and Open Sites in the CMP.</p> <p>In addition to the CMP, details of all monitoring to be undertaken for noise and vibration are to be submitted with web based functionality which monitors these parameters in real time.</p> <p>Details of all monitoring are to be submitted by the provision and use of a system with access provided to a web based function which monitors the above parameters in real time.</p> <p>The system is to be specific to the application site(s) and include satellite compounds, have regard to all noise sensitive receptors and e and shall have regard to proximity of the</p>
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ExQ1	Question to:	Question:	BMSDC Response:
		<p>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>nearest noise sensitive receptors, existing measured background noise level and be installed and monitored by a suitably qualified company or individual in acoustics and environmental monitoring.</p> <p>Limits proposed for noise and vibration to be submitted to and agreed in writing with the LPA and a warning level will be set which shall be communicated in real time to the designated officer from the LPA.</p> <p>Percussive piling has the potential to have the most significant impact by virtue of noise and vibration. This method should be avoided. If piling is required other methods should be employed and details provided within the noise and vibration assessment undertaken in accordance with BS5228 (or any subsequent revisions).</p> <p>The management plans will cover all satellite construction compounds.</p> <p>Even though vibration may not amount to a statutory nuisance, it may still pose a potential risk for structural damage.</p>
NV 1.13	The applicant All local authorities	<p>EACN and Tilbury North Substations operational noise assessment</p> <p>ES Appendix 14.3 (EACN Substation Operational Noise Assessment) [APP-259] and ES Appendix 14.4 (Tilbury North Substation Operational Noise</p>	No comment – no likely discernible impact on Babergh.

ExQ1	Question to:	Question:	BMSDC Response:
		<p>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.</p> <p>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>	
11 SET Socio-economics, tourism and recreation			
SET 1.5	The applicant Relevant local authorities	<p>Mitigation measures - 2</p> <p>The ExA notes the use of the term ‘where practicable’ in relation to proposed mitigation</p>	Defer to the response from SCC



ExQ1	Question to:	Question:	BMSDC Response:
		<p>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>	

Appendix A – BMSDC Planning Applications Long List

Application Reference	Decision
DC/21/02867	EIA Not Required
DC/20/05751	Granted
DC/21/05923	Granted
DC/21/06825	Refused but allowed at appeal
DC/17/06190	Granted
DC/17/03799	Granted
DC/19/02542	Granted
DC/18/05514	Granted
DC/21/03874	Granted
DC/19/02878	Granted
DC/20/01036	Granted
DC/22/01530	Refused but allowed at appeal
DC/20/03246	EIA Required
DC/22/02458	Refused
DC/17/03568	Granted
DC/21/02958	EIA Required
DC/22/00683	Withdrawn
DC/22/01530	Refused but allowed at appeal
DC/18/05621	Granted
DC/21/06605	Granted
DC/19/01690	Granted
DC/21/06273	Treated as Withdrawn
DC/20/02941	Formal Approval Not Required
DC/18/05606	EIA Not Required
DC/17/06058	Granted



DC/17/05687	Granted
DC/21/02671	Granted
DC/21/05110	Granted
DC/20/04147	EIA Not Required
DC/20/04125	EIA Required
DC/21/00060	Granted
DC/21/06672	EIA RqRequiredd
DC/21/04721	Raise No Objection
DC/21/03954	Withdrawn
DC/20/05590	Granted
DC/21/06346	Was Lawful
DC/21/06805	Granted
DC/22/05600	EIA Required
DC/22/06309	Granted
DC/19/04542	Withdrawn
DC/22/06200	Refused
DC/23/04729	Granted
DC/23/04644	Granted
DC/23/05426	Granted
DC/23/05819	Granted
DC/24/00496	Refused
DC/24/01153	Granted
DC/24/02708	Granted
DC/20/01058	Granted
DC/20/03704	Granted
DC/20/05024	Withdrawn
DC/20/05895	Refused but allowed at appeal
DC/21/00407	Granted
DC/21/03287	Granted
DC/21/0469	Granted



DC/21/04711	Granted
DC/21/05669	Granted
DC/21/06605	Granted
DC/22/00682	Granted
DC/22/00683	Withdrawn
DC/22/00828	Granted
DC/22/01243	Withdrawn
DC/22/02667	Granted
DC/22/03464	Granted
DC/22/05077	Granted
DC/20/00826	Withdrawn
DC/23/01385	EIA Not Required
DC/23/02118	Granted
DC/23/02362	EIA Required
DC/24/05090	Granted
DC/24/04668	Objection Raised
DC/24/02300	EIA Not Required
DC/24/01290	Refused
DC/21/03005	EIA Not Required
DC/22/06131	Granted
DC/22/01650	Granted
DC/21/05684	Granted
DC/25/00861	EIA Not Required
DC/24/04302	EIA Not Required
DC/24/05535	Granted
DC/25/00998	EIA Required
DC/21/04933	Granted
DC/22/02811	Granted
DC/20/01435	Granted
DC/25/01303	Granted



DC/21/02475	EIA Required
DC/25/00800	EIA Required
DC/24/04132	EIA Not Required
DC/22/04014	EIA Not Required
DC/22/06288	Granted
DC/22/01159	Granted
DC/21/05468	Granted
DC/23/05232	Granted
DC/20/01175	Granted
DC/21/01320	Granted