

**Appendix 2N on the revised draft DCO (REP2-004) in light of ECC's comments in the LIR (REP1-161) and Deadline 2 Submissions (REP2-036)**

1. ECC's DCO drafting comments are concentrated in section 5 of the LIR (REP1-161), covering the Articles, Requirements, discharge of requirements, protective provisions and certified documents, with the main additional DCO-related points in REP2-036 being the need to secure the drainage strategy in the dDCO and a design requirement for the EACN/substations to align with the Joint Substations Design Guide and colour palette. ECC has checked those points against the current Revision B tracked dDCO (REP2-004).
2. In broad terms, only a limited number of ECC's points have been picked up; a number have also been taken away for further consideration. The table below picks up ECC's suggestions, addresses various of the Applicant's responses and sets out why the dDCO should still be amended to reflect ECC's suggestions.

ECC recommendation	Source	Status in current draft	Where picked up / where it should be added
<p>Use “day” / “business day” / “working day” consistently, with periods of 7 days or less expressed as business days</p> <p>Use “business days” in Schedule 3</p>	REP1-161	Not yet picked up	<p>In REP2-030 the Applicant said it will consider the point and revert substantively at Deadline 3. Consideration will need to be given to Articles 11, 14, 16, 17, 20, 49 and Schedules 3 and 4.</p> <p>However, ECC notes that the Applicant has indicated it does not agree with the amendment of “days” to “business days” in Schedule 3 (REP2-030 pg 162).</p>
<p>Article 2: Narrow the definition of pre-commencement operations so extensive compound/laydown/bell-mouth works cannot proceed without proper control, or add a materially new/materially different effects safeguard</p>	REP1-161	Not picked up	<p>Article 2 still includes substantial compound/set-up works within pre-commencement operations. At the very least, the establishment of construction compounds should be removed. The suggested tailpiece should be added: <i>“excluding those operations which the relevant planning authority considers give rise to a materially new or different environmental effect beyond that considered in the Environmental Statement as notified to the Undertaker by the relevant planning authority.”</i></p>
<p>Article 2: Include listed building surveys within pre-commencement operations</p>	REP1-161	Picked up	<p>Article 2 definition of “pre-commencement operations”</p>
<p>Create a central repository / up-to-date public environmental information source</p>	REP1-161	Not picked up	<p>A new provision should be included</p>
<p>Articles 2 and 4: Qualify “maintain” so maintenance works cannot give</p>	REP1-161	Not picked up	<p>ECC’s suggested additional wording in REP1-161 §5.2.11 to give control to the relevant local planning</p>

rise to materially new/materially different environmental effects without control			authority has not been added, nor has Article 4 been amended to incorporate any mechanism for addressing materially new or different environmental effects from those assessed in the ES.  The Applicant's statutory duty to maintain a safe and efficient transmission network is obviously no answer to this as it would be a reason not to include any safeguards in the DCO.
Article 2: Define omitted outline management plans (for example CEMP, noise and vibration, dust)  Also Schedule 3 Requirement 4 re lack of CEMP  Article 48 Defence to proceedings in respect of statutory nuisance	REP1-161  Note CEMP also raised by Chelmsford	Not picked up	The Applicant relies on the reference in Schedule 3 Requirement 4 to the Code of Construction Practice, to which various documents are appended that it states include all the information typically found in a CEMP (REP2-030 pg 151). ECC reiterates it is not clear that the proposed Code of Construction Practice will provide the same sorts of protections as a CEMP. In order to avoid a chase through documents to identify the environmental controls on construction, which are key to the acceptability of the project, a CEMP should be required and secured in Requirement 4 (the B2T DCO requires such a plan.). The other plans could easily be referred to explicitly.  The need for a Noise and Vibration Management Plan is also justified by the extent of the Article 48 defence.
Article 2: Define "provisional advance authorisation"	REP1-161	Picked up	Article 2

<p>Article 3(1): make clear authorised development is to be carried out within the Order limits</p>	<p>REP1-161</p>	<p>Not picked up</p>	<p>The Applicant stated in REP2-023 of 289 that Article 3(7) makes clear that the authorised development must be constructed and installed in the lines and situations shown on the 2.3 Works Plans [APP-017 – APP-024], subject to article 5 (limits of deviation) and to the Requirements, so the Applicant does not consider any further clarification is required.</p> <p>The amendment prevents this kind of chase, and follows the drafting of previous DCOs (B2T; Yorkshire Green Energy). The amendment should be made.</p>
<p>Article 3(6): add a mechanism for assessing and controlling materially new/materially different environmental effects</p>	<p>REP1-161</p>	<p>Not yet picked up</p>	<p>The Applicant has noted ECC’s point on article 3(6) and will review and consider whether this can be included in a revised dDCO to be submitted at Deadline 3 (REP2-030 pg 152)</p>
<p>Article 4 / general DCO drafting should contain an in-principle obligation to decommission obsolete works</p>	<p>REP1-161</p>	<p>Not picked up</p>	<p>There is a decommissioning requirement in Schedule 3, but not the broader in-principle Article-level obligation ECC sought. That still belongs in Article 4 and/or a strengthened Requirement 13.</p> <p>The Applicant’s response (REP2-030 pg 153), that as a transmission licence holder, it has statutory duties to maintain its apparatus in order to ensure a safe, effective and efficient electricity transmission system, is no answer to the DCO to specify an obligation to decommission obsolete works.</p>
<p>Define “lines or situations” in Article 5</p>	<p>REP1-161</p>	<p>Not picked up</p>	<p>This still needs definition in Article 5 / Article 2.</p>

<p>Article 5: Tighten limits of deviation, especially pylon height, underground cable depth and sensitive area controls; require prior approval where exceeded</p>	<p>REP1-161</p>	<p>Not picked up</p>	<p>This still needs amendment in Article 5.</p> <p>The Applicant has not engaged with ECC's reasoning and just asserted that the justification is sufficient (REP2-030 pg 153), while repeating (at pg 144) the same justification given in the Explanatory Memorandum, which ECC explained in the LIR was not sufficient. The Applicant has not engaged at all with the detailed information and list of designated heritage assets at LIR §5.3.9 (REP1-161)</p>
<p>Clarify Article 11(2) process for works outside the Order limits</p>	<p>REP1-161</p>	<p>Explanation given in REP2-030</p>	<p>The Applicant's explanation, in REP2-030 pg 156 is: "Where that scenario occurs, the Applicant's expectation is that planning permission (and indeed any further ancillary consents) will be required where works to be undertaken within any part of the highway outside of the Order limits comprise development within the meaning of Section 55 of the Town and Country Planning Act 1990. However, it would not be appropriate for the draft Development Consent Order to attempt to address all such eventualities (especially those which are already controlled as a matter of general planning law) and, particularly, to prescribe steps to be taken in respect of operations outside of the Order limits."</p>
<p>Article 11(3): extend deemed consent / decision period from 28 to 35 days</p> <p>Article 14(5): extend period from 28 to 35 days</p>	<p>REP1-161 &amp; REP2-036</p>	<p>Not picked up</p>	<p>There is a clear difference of view between ECC and the Applicant on various time periods being extended, based on ECC's experience with other DCOs. The ExA will need to take a view on which approach is better.</p>

Article 17(2): extend period from 28 to 35 days			
Article 20(9): increase period to 42 days for discharge of water consents Article 49: extend TRO deemed consent periods to 42 days Article 50: extend felling/lopping deemed consent period to 42 days	REP1-161 & REP2-036	Not picked up	There is a clear difference of view between ECC and the Applicant on various time periods being extended, based on ECC's experience with other DCOs. The ExA will need to take a view on which approach is better.
Articles 12 and 16: TTRO/temporary closure periods too short; should reflect permit/PAA timing, specify closure duration, and revise bridleway diversion drafting	REP1-161 & REP2-036	Not picked up	Still needs amendment in Articles 12 and 16 so that TTRO timing/process is expressly aligned with the permit/PAA regime. The Applicant has "acknowledged" ECC's position, but still asserts there is no reason for a longer time period than 28 days (REP2.030 pg 156). ECC's response is given in its Deadline 3 Responses.
Article 18: make clear undertaker maintains non-adopted highway works until removal/restoration, and address shared infrastructure / collaboration arrangements	REP1-161	Not picked up	ECC's Deadline 3 Response gives its response to the Applicant's reasons for not making the amendments.
Articles 50 and 51: powers over vegetation are too wide; define	REP1-161	Not picked up	Articles 50 and 51 and any linked plans/definitions need to be amended.

“near” and “affected vegetation” or specify parameters			
Article 51: require advance notice and allow reasonable conditions	REP1-161	Not picked up	This should be added to Article 51.
Article 56(3)(b): 21-day period should begin five business days after notice, not two	REP1-161	Not picked up	Article 56(3)(b) should be amended. The Applicant does not engage with ECC’s point on adequate time being needed for all parties engaged in the process (REP2-030 pg 161)
Schedule 3: Add a Register of Requirements	REP1-161	Not picked up	This would need a new Schedule 3 requirement.
Schedule 3 definition of “reinstatement planting” should distinguish replacement planting from mitigation/compensation planting	REP1-161	Not picked up	Requirement 1 definition still rolls these concepts together.  The Applicant states (RAP2-030 pg 162) that the terms are explained in the Outline Landscape and Ecological Management Plan, but it is not clear that <a href="#">this</a> is so. AS-046 defines “compensation” and “landscape compensation” and “landscape mitigation”. To avoid chasing through the document, it would be sensible to include definitions in Schedule 3.
Schedule 3 Requirement 3: stage submissions should be for approval, not merely notification	REP1-161	Not picked up	The Applicant resists this on the basis of potential delay, specialist technical considerations and tight programming constraints (REP2-030 pg 163). The relevant LPA will have the technical ability to engage (hence the requirement to notify); the Applicant does not answer ECC’s point on the need

			for approval given the potential for cumulative impacts arising from the project.
Schedule 3 Requirement 3(a): clarify how far in advance any revisions to the written scheme should be submitted to the relevant planning authority	REP1-161	Not picked up	The only reason given by the Applicant is drafting in other DCOs. ECC considers it would be a helpful clarification in this dDCO.
Schedule 3 Requirement 4: broaden consultation, require written agreements, and record amendments	REP1-161	Partially picked up	It is helpful that the Applicant confirmed Requirement 1(2) applies to ensure written agreement is required. The other suggested amendments should be made, as references in other documents or other parts of the dDCO do not address the points raised.
Schedule 3 Requirement 5: archaeology drafting should better secure trenching/post-excavation programme and timings	REP1-161	Not picked up	Detailed suggested drafting for Requirement 5(5) should be added.
Schedule 3 Requirement 6: design/layout drafting should give the host authority stronger control over departures from “general accordance”	REP1-161	Not picked up	The need for the proposed changes is not countered by ensuring flexible design or by the ES having considered the limits of deviation (REP2-030 pg 164).
Schedule 3 Requirement 7: no working on Sundays/bank holidays; change “HGV deliveries” to “HGV movements”; add	REP1-161	Not picked up	Requirement 7 still permits Sunday/bank holiday working in some cases and does not adopt ECC’s broader wording changes.

communication/engagement controls			
Schedule 3 Requirement 7 Construction: no working on Sundays/bank holidays; change “HGV deliveries” to “HGV movements”; add communication/engagement controls	REP1-161  Note seven other LIRs rais concerns with this requirement	Not picked up	The Applicant addresses this requirement in REP2-030 from paragraph 3.18.17ff. On the hours, the Applicant’s response is that they give a maximum, which will not be used. That is not a good reason to allow them always to be used.  The communication/engagement controls in the Outline Code of Construction Practice could be cross-referred to in the requirement.  The control of HGV movements by the Outline Code of Construction Practice does not obviously answer the recommendation to amend “HGV deliveries” to “HGV movements”.
Schedule 3 Requirement 7, remove “percussive” from piling works outside of specified hours	REP1-161	Not yet picked up	The Applicant has indicated it is considering this request and will provide a response at a future deadline (paragraph 3.18.29).
Schedule 3 Requirement 7(4): variety of detailed drafting suggestions	REP1-161	Not picked up	No clear reasons given for refusing to make the amendments.
Schedule 3 Requirement 9: five year management for replacement planting outside of Environmental Areas	REP1-161	Not picked up	A longer period is justified, despite the Applicant’s commitment to the five year period being adaptive (though no drafting to capture this is proposed). These issues are addressed in detail in ECC’s Deadline 3 Response.

Schedule 3 Requirement 10: clarity around the phrase “former use” and reinstatement of land within 10m of underground cables	REP1-161	Not yet picked up	The Applicant will consider ECC’s proposed drafting in the revision of the draft Development Consent Order to be submitted at Deadline 3.
Schedule 3 Requirement 13 - strengthen decommissioning/restoration detail	REP1-161	Not picked up	No clarity given.
Schedule 3: a design requirement should be added so the EACN/substation design aligns with the Joint Substations Design Guide and the same approach/colour palette as North Falls and Five Estuaries	REP2-036 §3.36	Not picked up	Either a standard alone Requirement or Requirements 11 and 12 could include an express commitment to the Joint Substations Design Guide or co-ordination with the neighbouring projects. (Further justification on suggested approach in ECC’s response to ExQ1 DES 1.3
Schedule 3: Add further requirements for Developer’s Forum / similar implementation governance	REP1-161  Also raised by South Norfolk DC; Tendring DC & Colchester CC	Not yet picked up	The Applicant has committed to joining and engaging with the Developer’s Forum but has not yet proposed a new requirement.
Schedule 3: Add Employment, Education, Skills Strategy or an Employment and Skills Fund	REP1-161 & REP2-036	Not yet picked up	The Applicant has committed to preparing and submitting an Employment and Skills Plan and will consider the drafting of this requirement and add the wording into the Draft DCO in due course.

Schedule 3: Add Supply Chain Strategy requirement	REP1-161	Not picked up	The Applicant has referred to its delivery partner, the Great Grid Partnership (REP2-030 paragraph 3.18.56), but has not engaged on the need for a Supply chain strategy or a new requirement.
Schedule 3: Add health and wellbeing, and mental health, mitigation plans/strategies / inclusive communication related requirements	REP1-161 Also raised by Tendring DC	Not picked up	The Applicant effectively contends that no health and wellbeing significant effects are identified in the ES so no requirement(s) are needed. ECC contends for the reasons in the LIR that the current management plans are deficient and that mitigation plans are required.
Schedule 3: the Drainage Strategy (REP1-072) has been submitted. It should be secured in the dDCO, and the outline document may need further work before it is suitable	REP2-036	Not yet picked up	May fit in Schedule 3 or in Schedule 16 Part 3
Schedule 4 Discharge of requirements: extend determination period from 28 to 56 days  Paragraph 1(1)(b): period should run from day after receipt by the authority  Paragraph 2(2): at least seven business days  Paragraph 2(3): ten business days and revised backstop	REP1-161	Not picked up	There is a clear difference of view between ECC and the Applicant on various time periods being extended, based on ECC's experience with other DCOs. The ExA will need to take a view on which approach is better.

Schedule 4 notification of consultees	REP1-161	Not yet picked up	The Applicant will consider the point and will provide an update at Deadline 3.
Schedule 4 paragraph 3(b) Fees: extend determination/refund periods to 42 days, clarify 20% retention and index-linking of fees	REP1-161	Not picked up	There is a clear difference of view between ECC and the Applicant on various time periods being extended, based on ECC's experience with other DCOs. The ExA will need to take a view on which approach is better.
Schedule 16 Part 3: paras 3(1)(a) and 3(6)	REP1-161	Not yet picked up	The Applicant is considering whether the proposed drafting changes to Part 3 of Schedule 16 (protective provisions for the protection of drainage and flood authorities) can be included in the draft Development Consent Order at Deadline 3.
Schedule 16 Part 4: protection of highways authorities	REP1-161, also REP2-036	Agreement to move to a Framework Highways Agreement	<p>REP2-030 pg 168: The Applicant understood that the highways authorities were seeking a joint Framework Agreement. The Applicant shared a draft of this agreement in the week commencing 23 February 2026 (along with updated Protective Provisions to reflect ECC's comments in the LIR). In the absence of a Framework Agreement, the Applicant is considering the comments raised by the Council.</p> <p>REP2-036 §3.8: ECC confirmed its preferred approach it to have a Framework Highways Agreement rather than rely on Protective Provisions.</p>

Schedule 19 / certification: the dDCO should secure that certified documents remain readily available to host authorities during discharge of requirements	REP1-161	Not picked up	The fact that the documents to be certified will be available on the PINS website (REP2-030 pg 170) does not answer the need for the dDCO to secure this.
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Ends