

Norwich to Tilbury DCO

784-B075408

Thurrock Council Response to ExA's First Written Questions and comments on additional documents submitted by the Applicant.

Prepared on Behalf of Thurrock Council

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Table of Contents

Chapter	Content	Page
1.0	Introduction	1
2.0	Thurrock Council's ExQ1 Responses	2
GEN 1.3	National and local planning policy compliance tracker	2
GEN 1.4	Development plan documents and supplementary planning documents	2
GEN 1.5	Local government reorganisation	3
GEN 1.6	Critical national priority	3
GEN 1.17	Local impact reports – cumulative developments and the interrelationship report	5
GEN 1.21	Legal Agreements	6
DES 1.9	Lighting of new and upgraded substations	7
DES 1.13	Effectiveness of mitigation – Tilbury	8
ALT 1.1	Reasonable alternatives: policy and legislation	9
ALT 1.2	Approach to options appraisal	9
ALT 1.3	Strategic options: Offshore 1	9
ALT 1.9	Limits of Deviation (LoD)	10
AQ 1.4	Air Quality - Development Plan documents and adopted standards/ expectations related to air quality that exceed Government targets?	10
DCO1.A2	Articles (general) - 2	11
DCO 1.A7	Article 2 (Interpretation) (order land)	12
DCO 1A10	Article 2 (Interpretation) (Relevant Planning Authority)	12
DCO 1.A16	Article 5 (Limits of deviation) - 2	13
DCO 1.A19	Article 11 (Street Works); Article 12 (Application of the Permit Schemes); Article 13 (Application of the 1991 Act)	14
DCO 1.A35	Article 48 (Defence to proceedings in respect of statutory nuisance)	14
DCO 1.A42	Article 58 (Application, disapplication and modification of legislative provisions)	15
DCO 1.S5	Schedule 3 – Requirement 1 (Interpretation) – Terms “discharging authority” and “start-up and close down activities”	16
DCO 1.S7	Schedule 3 – Requirement 3 (stages of the authorised development)	16
DCO 1.S8	Schedule 3 – Requirement 5 (archaeology)	17

DCO 1.S19	Schedule 4 – (Discharge of requirements) - 1	17
HE 1.9	Applicant's assessments	19
HE 1.12	Heritage visualisations - 1	19
HE 1.39	Protected Lanes	20
LUS 1.2	Best and most versatile agricultural land (BMV) and soils - 1	20
LUS 1.4	BMV and soils - 3	20
LUS 1.12	Green Belt - 3	21
LUS 1.14	Green infrastructure and open space - 1	21
LV 1.14	ES Appendix 13.5 National Landscape assessment study - 2	22
LV 1.22	Landscape visualisations – 1	22
LV 1.34	ES Appendix 13.6 – arboricultural impact assessment – replacement planting	23
MW 1.1	Minerals safeguarding - 1	24
NV 1.13	EACN and Tilbury North Substations operational noise assessment	25
PRoW 1.1	PRoW general - 1	26
PRoW 1.2	PRoW general - 2	27
SET 1.5	Mitigation measures - 2	27
TT 1.20	Cumulative impacts	28
TT 1.28	Walking, cycling and horse-riding – 1	30
TT 1.36	Outline construction traffic management plan - 2	31
TT 1.38	Statements of common ground	32
3.0	Comments on Additional Documents Submitted by the Applicant	33
3.1	Outline Code of Construction Practice (OCoCP)	33
3.2	The Council's Comments on the Applicant's Response to the LIR	34
3.3	The Council's Comments on the Applicant's Response to Local Authority's Comments on the draft DCO	34

1.0 1.0 Introduction

- 1.1 This document is Thurrock Council's (the Council) response to the Examining Authority's (ExA) first written questions and request for information (ExQ1) issued on 20 March 2026. The document also includes the Council's response to the additional documents submitted by the Applicant at Deadline 2 on 12 March 2026.
- 1.2 Text in italics are the questions the ExA has asked as part of ExQ1.

2.0 2.0 Thurrock Council's ExQ1 Responses

2.1 GEN 1.3 - National and Local Planning Policy Compliance Tracker

Since the policy compliance document submitted with the application [APP-086] was produced (1 April 2025) a number of local and national planning policies have been updated or newly issued. This includes the energy suite of National Policy Statements (NPS) EN-1, EN-3 and EN-5 (Updated National Policy Statements). The transition provisions set out in section 1.6 of NPS EN-1 (December 2025) apply to the application as it was accepted prior to publication of the revised policy. The updated NPS are capable of being important and relevant considerations in the decision-making process.

The applicant submitted a policy compliance tracker [REP1-133] at deadline 1. It includes an assessment of the updated NPS alongside those which are designated, and a number of new insertions including the consultation draft National Planning Policy Framework (NPPF), local plan policies and neighbourhood plan policies.

The listed relevant planning authorities and Parish Councils (PC) who have a newly adopted or emerging local plan and neighbourhood plan are invited to confirm that the policy compliance tracker is an accurate representation of their newly designated and/ or emerging policies and provide any additional comments relating to the applicant's regard to those policies.

All relevant planning authorities are invited to make comment on the content of the compliance tracker. If you have already dealt with changes to policy in your local impact report (LIR) there is no need to provide a response.

Council Response

- 2.1.1 The Council confirm no new changes to policy. The Council have already addressed the stage the emerging local plan is at within the Local Impact Report.

2.2 GEN 1.4 - Development Plan Documents and Supplementary Planning Documents

All local authorities are asked to review the listed development plan documents (DPD) and supplementary planning documents (SPD) (including masterplans) as currently set out in the planning statement [APP-085] (paragraph 2.5.12) and provide any updates, setting out which have been adopted, updated, or are emerging since production of the planning statement.

Council Response

- 2.2.1 The listed development plan documents include all updated development plan documents.
- 2.2.2 The Council request the following planning document is added:

- Thurrock Design Guide – Design Strategy SPD (Adopted 2017).

2.3 GEN 1.5 - Local Government Reorganisation

Local elections are to take place in a number of the host local authorities on 7 May 2026, and many will be undergoing local government reorganisation and/ or devolution.

The listed local authorities are asked to set out:

- a) any implications for their continuing involvement in the examination and how a consistent approach to their responses can be assured*
- b) any implications for their role as a discharging authority post-consent, and whether any changes to the draft Development Consent Order (DCO) would be necessary*

The applicant: explain any changes to its ongoing dialogue with the affected local authorities and how it intends to deal with any changes in the draft DCO.

Council Response

2.3.1 The Council make the following responses:

a) At this stage, the Council does not anticipate that there will be any disruption to its involvement in the ongoing examination and the Council will continue to engage with the Applicant post elections. While the outcome of the May 2026 elections may involve a new administration the Council will continue to maintain its position as stated in its submitted Relevant Representations and Local Impact Report.

b) Should a Development Consent Order be granted, as a host authority, the Council has a duty to discharge requirements. It is expected that any local government re-organisation or devolution will alter the Council's functions or boundaries. Any successor authority would assume the relevant responsibility of discharging the requirements.

2.3.2 On that basis, the Council considers that the draft DCO should:

Include appropriate provisions to ensure that references to the "Relevant Authority" are to be read as including any successor body; and/or provide sufficient flexibility to enable functions to be exercised by any authority to whom those functions are transferred.

2.4 GEN 1.6 - Critical National Priority

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.

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 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.

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.

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 an important and relevant consideration in decision making)

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.

Council Response

- 2.4.1 The Council acknowledges the national policy position in NPS EN-1 (2023), including the urgent need for energy infrastructure and the potential for the Proposed Development to qualify as CNP infrastructure. However, as set out in NPS EN-1 paragraph 4.2.7, CNP policy is to be applied following the proper assessment of impacts and application of the mitigation hierarchy. The Council considers that the Applicant's reliance on CNP policy is premature, given that a number of impacts identified in the Council's Local Impact Report (LIR) remain insufficiently assessed, unresolved, or subject to outline mitigation.
- 2.4.2 The Council has identified concerns in respect of public health and public safety, cumulative effects, and ecology. The LIR (Sections 6.6 and 6.8.6) identifies the potential for significant adverse construction noise effects and highlights that cumulative health impacts, particularly in combination with other major developments such as the Lower Thames Crossing, have not been adequately assessed. Similarly, the LIR (Section 6.3) raises concerns regarding ecological mitigation, biodiversity net gain, and protected species, with the Applicant acknowledging that a number of these matters remain under discussion.
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The Council does not consider that sufficient certainty has been provided to demonstrate that residual impacts in these areas are acceptable.

In respect of other policy tests, including flood risk, Green Belt, SSSIs, landscape, and heritage, the Council considers that compliance is dependent on the resolution of outstanding matters and the securing of detailed mitigation. At present, a number of these measures remain at an outline stage, limiting the ability to conclude that impacts have been fully avoided, reduced, or mitigated in accordance with the mitigation hierarchy.

2.5 GEN 1.17 - Local Impact Reports – Cumulative Developments and the Interrelationship Report

The LIRs from each local authority include details of other developments in their area to varying degrees of detail.

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.

- *All local authorities are asked to provide an update where relevant, which should include the current status of the application (whether and when consent has been granted and implemented). If any other major developments in your local authority area are not included, please provide details including planning reference, description, location, relevant dates, and current status (or development plan allocation details).*

Additionally a report on interrelationship with other infrastructure projects was submitted by the applicant at deadline 1 [REP1-134].

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.

Council Response

2.5.1 The Council consider in regard to Environmental Statement Chapter 17 (cumulative effects):

- TH1 – 19/01524/SCR - Applicant – Icenii Projects
- TH12 – 21/01812/FUL - All Correct
- TH18 – 18/00549/SCO - All Correct
- TH22 – 19/01709/FUL - Application been refused – 27.03.2026 (also mentioned in the non-NISP section 3.3 in more detail)
- TH23 – 19/00052/CV - All Correct

- TH24 – 22/00812/SCR - All Correct
- TH30 – 23/00897/SCO - All Correct
- TH33 – 23/01321/SCO - All Correct
- TH35 – 23/01502/FUL - Application permitted – 24.01.2025
- TH37 – 24/01051/OUT - All Correct
- TH38 – 24/01023/SCO - Date of Application – 25.09.2024
- TH40 – 25/00333/SCO - All Correct

2.5.2 In terms of applications to be added. The Council considers that no new applications are required to be added.

2.5.3 Non-NSIP (Relating to Thurrock) Section 3.3

- TH1 - Langdon Hills Golf and Country Club Lower Dunton Road Bulphan Essex RM14 3TY

No changes required

- TH22 - Ingrebourne Valley Ltd - Orsett Quarry Buckingham Hill Road Linford Essex SS17 0PP

Status of this application is now Refused.

- TH30 - Clearbrook Group Plc - Land Adjacent Sandown Road Collingwood Farm Quarry and East Quarry Stanford Road Orsett Essex

No changes required

- TH40 - Bloor Homes - Land East of Chadwell St Mary Brentwood Road Chadwell St Mary Essex

No changes required

2.5.10 The Council note no mention of non-NSIP application relating to Thurrock in table 6.1.

2.6 Gen 1.21 - Legal Agreements

A number of the Local Impact Reports 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.

The applicant is asked to:

- 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.*
- Justify its intended use of unilateral undertakings in the instances where a bilateral (section 106) agreement would be preferable.*
- 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.*

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.

Council Response

2.6.1 The Council is currently working on the following draft documents:

Draft Highways Framework Agreement and Draft Highways Protective Provisions;

- Lead Local Flood Authority draft Protective Provisions; and
- Unilateral Undertaking / S106 agreement for Tree provision.

In relation to all the above, the Local Authorities are currently working jointly with the Applicant to produce final copies before the determination of the DCO.

2.6.2 National Grid have enquired about signing off the compulsory acquisition and a voluntary agreement to begin investigatory works. However, land plans have not been provided, and no communications have been received from National Grid's Lands Team after the request for further information.

2.7 DES 1.9 - Lighting of new and upgraded Substations

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].

- *Provide additional detail in terms of the height and type of any lighting installations and light contour plans.*
- *Provide a night-time assessment of the effects of operational lighting on landscape character or visual amenity, and potential effects on ecology.*

If the applicant considers that an assessment is not required, provide a detailed explanation of your reasoning.

Has consideration been given to allowing relevant planning authorities to approve details of operational lighting schemes? If not, why not?

Affected Local Authorities may also like to comment.

Council Response

2.7.1 Details of the proposed lighting have been proved in the Project Description (Environmental Statement Chapter 4) and indicated that lighting would not be on by default. A nighttime assessment of the effects of operational lighting on character or visual amenity may not be necessary if the lighting is only on infrequently, however this is required to be confirmed.

2.8 DES 1.13 - Effectiveness of Mitigation – Tilbury

Are you satisfied that the applicant's approach to mitigating the adverse effects of the Tilbury substation 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?

In responding to this question, you may also wish to consider other matters that could potentially influence design.

Other IPs are also invited to respond to this question, if they wish to contribute to this topic.

Council Response

- 2.8.1 The Council considers that the proposals are high level and the Council have been unable to find any supporting detailed text to explain the landscape strategy proposed other than the labels on the outline landscape proposals plan. Written text describing how the landscape proposals for both scenarios have been developed (in relation to the landscape character of the area and visual screening) is required to gain a clearer understanding of the reasoning behind the proposals shown.
- 2.8.2 The landscape proposals with Lower Thames Crossing do not include the ancient woodland compensation planting areas that could still go ahead. They do not show the planting proposals associated with the Lower Thames Crossing. The Council considers that these should be shown on the plan to illustrate how the Tilbury North Substation proposals work in conjunction with the Lower Thames Crossing proposals and illustrate how green linkages across both schemes have been considered so it is clear how, combined, they fit into the existing landscape pattern.
- 2.8.3 The woodland compensation planting associated with Lower Thames Crossing on the site of the Tilbury North Substation was described in the Lower Thames Crossing Environmental Statement – Chapter 7 – Landscape and Visual chapter as planting 'to replace lost features, aid visual screening and landscape integration'. The Council requires an explanation be provided to explain how the visual screening and landscape integration can still be achieved as intended for the Lower Thames Crossing if this woodland compensation planting is relocated.
- 2.8.4 The Lower Thames Crossing woodland compensation planting created a green corridor linking proposed and existing woodland. The siting of the Tilbury North Substation breaks up this corridor. The proposed landscape scheme should maintain green corridor links between the north and south of the site and this should be demonstrated with the proposed planting.
- 2.8.5 The Council would like the Applicant to explore the option of mitigation planting within the Order Limits to the south of the substation and pylons, in the space between High House Lane and Hoford Road. The visualisation from High House Lane (Viewpoint 8.05: PRoW east of Chadwell St Mary (No 78)) shows views towards the proposals and mitigation planting in this area could soften those views of both Tilbury North Substation and Lower Thames Crossing.
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2.8.6 A footpath runs along the northern boundary of the substation site. No mitigation planting is shown to soften the effect of the substation on the views from this footpath and its landscape context. The Council request that this should be considered.

2.9 ALT 1.1 - Reasonable Alternatives: Policy and Legislation

The local authorities are invited to comment on their understanding of 'reasonable alternatives' in the context of NPS EN-1 paragraphs 4.3.22 to 4.3.19, and Regulation 14(2)(d) and paragraph 2 of schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). The local authorities are also requested to comment on paragraph 3.2.32 of ES chapter 3: 'Where options assessed do not meet the definition of 'reasonable alternatives' (such as certain offshore cable options that conflict with NPS policy preferences), these are included to address specific scoping requirements under Regulation 14(3) rather than as reasonable alternatives under Regulation 14(2)(d)'.

The local authorities are asked, where they have suggested alternatives, if they would meet the definition of reasonable alternatives in the context of the policy and the EIA Regulations.

Other IPs are also invited to comment on their understanding of reasonable alternatives, if they wish to do so.

Council Response

2.9.4 N/A

2.10 ALT 1.2 - 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 Statement of Common Ground.

Council Response

2.10.1 N/A

2.11 ALT 1.3 - Strategic Options: Offshore 1

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.

Could the local authorities please clarify if they have reviewed the strategic options appraisal and the 2025 updates to the Strategic Options Backcheck and Review (SOBR) (including Appendix B: 2024 version, section 14) [APP-355] in relation to 'Offshore 1'. The ExA is aware of the local authorities' assessment of cost and timing as set out in the Hiorns Report as appended to the RR from Norfolk CC

[RR-2753]. 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].

Other IPs are also invited to provide comment should they wish to do so.

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.

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.

Council Response

2.11.6 N/A

2.12 ALT 1.9 - Limits of Deviation (LoD)

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.

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.

The local authorities are invited to comment on this paragraph.

Council Response

2.12.1 The Council believe 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 Environmental Statement 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. The Council requests a more detailed explanation of the Applicant's assessment methodology.

2.13 AQ 1.4 - Air Quality - Development Plan Documents and Adopted Standards/Expectations related to Air Quality that exceed Government targets?

Environmental Statement Chapter 7, 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.

Council Response

- 2.13.1 The Council responds to the question regarding standards/expectations above and beyond standard government targets, confirming that there are no such standards for air quality management in Thurrock. Statutory targets for air pollutants are adhered to in Thurrock's local policy and practice.

2.14 DCO 1.A2 - 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 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.

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.

All local authorities, relevant statutory undertaker and or other relevant determining body: provide a summary of any processes you are required to go through, including any time period in the number of days required to undertake that process. 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.

Council Response

- 2.14.1 The Council does not agree with the Applicant's proposed consultation period of 28 days. Following discussions with other Essex Local Planning Authorities, the Council considers that a period of 56 days would represent a more appropriate and reasonable timeframe for consultation.
- 2.14.2 Within Thurrock, the determination of major planning applications can take up to 10 weeks and where matters are referred to Planning Committee, this can extend up to 20 weeks. While the statutory minimum consultation period is 21 days this period is often extended for larger or more complex applications. Such extensions are often necessary to ensure consultees have sufficient time to provide a comprehensive response. Given the scale of the proposed development, the Council considers a longer consultation period essential for robust assessment and effective decision making.

2.15 DCO 1.A7 - 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.

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'?

Council Response

- 2.15.1 The use of CA or TP should be restricted to circumstances where it is absolutely necessary and meets the applicable policy requirements. Article 2 should not be drafted in a way that gives rise to uncertainty and CA/TP should not be applied unintentionally by the Applicant. It is a reasonable request for these powers to be subject to clear and precise drafting in the draft DCO.

2.16 DCO 1.A10 - Article 2 (Interpretation) (Relevant Planning Authority)

Norfolk County Council 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:

- a) *What constitutes a 'stage' of the authorised development. The ExA in asking this question notes the 'Works' are defined in schedule 1 and the proposed development has been divided into Sections A to H, covering a geographical split. It also notes image 4.1 of [APP-130] provides an indicative construction programme for the various sub-elements and there are different stages of the proposed development (the definition of have construction, operation and (potentially) decommissioning). Would these adequately cover the definition of a 'stage'?*
- b) *Which local authorities would be the relevant planning authorities for a particular stage, bearing in mind the length and size of the proposed development at that stage? For example what happens if more than one authority (such as a County Council and a Local Authority) is involved in discharging a requirement/ plan/ scheme for a particular stage and they disagree that the submission is adequate to allow for the development to commence?*
- c) *Consider a requirement for a 'stages plan' to be submitted in writing prior to commencement, for the written approval of the relevant determining body (similar to the provisions set out on the Brechfa Forest Connection Project DCO, the Brechfa Forest West Wind Farm DCO and the*

Richborough connection Project DCO), to approve the staging plan prior to commencement of works.

The ExA invites suggestions as to any alternative wording and/ or solutions that would address the ExA's concerns in regard to the above-mentioned matters.

Council Response

2.16.1 a) The Council believe the definition of construction, operation and de-commissioning covers the stages adequately.

2.16.2 b) A suggestion from the Council is that the Applicant should identify which local authorities are relevant for each stage and section.

The Applicant should also clarify if the Article 62 (Arbitration) process is to be followed in the event that there is a disagreement between Local Authorities on the discharge of a requirement(s). Article 62(1) (Arbitration) provides that it is subject to Article 55 (Procedure regarding certain approvals etc), which at paragraph (2) refers to Schedule 4 (discharge of Requirements). The Applicant should clarify if it is open to adding drafting to Article 55 that provides for a dispute process between Local Authorities.

2.16.3 c) A requirement for a "stages plan" would be considered helpful to the Council as it will provide further detail on the sequencing of Scheme works. Should the Applicant not believe this is required, they should explain why.

2.17 DCO 1.A16 - Article 5 (Limits of Deviation) - 2

Provide an update with regards to the potential for pylons TB140 to TB142 (inclusive) and TB238 to TB243 (inclusive) and whether an 18 metre vertical limit of deviation will be required, should a change from low height pylons to standard height pylons be required. The explanatory memorandum (EM) [APP-057] suggests the change will be known following consultation feedback and engagement with statutory stakeholders. Please provide an indication of when that consultation and engagement concludes and when a decision on these pylons being low height or standard height pylons will be finalised.

In addition, the following wording has been used multiple times in this article "... to such extent the undertaker considers necessary or convenient", with two of those instances also including the word 'downwards'. In terms of precision and enforceability, the ExA raises concerns with the applicant in regard to the wording used and ask it be reviewed and amended, as may be necessary. In regard to the above concerns, the local authorities are invited to submit their views on this matter and request they submit alternative wording for consideration, should they wish.

Council Response

2.17.1 The Council considers the wording "to such extent the undertaker considers necessary or convenient" to be concerning as this affords the Applicant discretion in imprecise terms. In Article 5(1)(b)(ii), where

the wording applies to downward deviation, this would not be a problem as it would result in lower visual effects.

2.17.2 The wording is also included in Article 5(1)(c) and Article 5(1)(3)(b) vertically and upwards respectively. The Council's concern here would be that the Applicant may gradually add in this wording throughout the Article to secure this discretion in its decision-making. Upwards and vertical changes to apparatus that forms part of the Scheme may give rise to new environmental effects. The Applicant's drafting grants decision-making power that is only mindful of commercial factors and does not account for environmental issues such as landscape and visual effects. Changes in the height of the Scheme apparatus that increase its height should only occur if there is no other reasonable alternative and the drafting should reflect this.

2.18 DCO 1.A19 - Article 11 (Street Works); Article 12 (Application of the Permit Schemes); Article 13 (Application of the 1991 Act)

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.

Council Response

2.18.1 The Council responded to Article 11 in its LIR in Appendix A. In addition, the Council has also commented on the draft highways Protective Provisions and draft Framework Highways agreement which are currently with the Applicant to review and respond.

2.19 DCO 1.A35 - Article 48 (Defence to proceedings in respect of statutory nuisance)

The DASSI [APP-354] is noted, however, the ExA is concerned with regard to this article in the absence of any finalised design of the proposed substations, especially in the light of ES chapter 14 (noise and vibration). The ExA seeks certainty that the resultant noise impacts arising from the substations will be adequately mitigated within the design of those substations.

Explain how that certainty can be provided in the absence of any finalised design of the substations.

All local authorities are also invited to provide their views in relation to article 48.

Council Response

2.19.1 The Council Environmental Health section notes that the detailed design of the substation, including plant specification and layout, has not yet been finalised, which does introduce some uncertainty as to the precise operational noise impacts that may arise.

- 2.19.2 Notwithstanding this, the Council acknowledges that the Applicant has undertaken an operational noise assessment based on reasonable assumptions. This assessment demonstrates that, with the incorporation of appropriate mitigation, it is feasible for operational noise levels from the Tilbury North Substation to be controlled such that the rating level does not exceed the representative background sound level, in accordance with BS 4142:2014+A1:2019. On this basis, the assessment indicates that significant adverse effects, and therefore the likelihood of statutory nuisance, would be unlikely if such levels are achieved in practice.
- 2.19.3 The Council therefore considers that the submitted assessment provides confidence that a suitable design solution is achievable. However, as the detailed design is not yet fixed, it is important that the ability to achieve these outcomes is secured through the DCO.
- 2.19.4 In this regard, the Council has considered the implications of Article 48, which provides a defence to proceedings in respect of statutory nuisance where operation is in accordance with the DCO and any approved details. As such, it is important to ensure that appropriate and enforceable controls are secured, as reliance on statutory nuisance powers may be limited where compliance with the DCO is demonstrated.
- 2.19.5 To ensure that the outcomes indicated within the Environmental Statement are realised in practice, the Council considers that the following measures should be secured:
- A Requirement for the submission and approval of a detailed operational noise assessment for the Tilbury North Substation prior to it being brought into operation (including a mechanism for assessing and mitigation low frequency noise). This assessment should be based on the final plant specification, layout, and operational characteristics.
 - The establishment of operational noise limits at identified noise-sensitive receptors, derived in accordance with BS 4142:2014+A1:2019 (or an agreed equivalent methodology), such that the rating level does not exceed the representative background sound level, unless otherwise agreed.
 - Confirmation that the assessment and compliance regime will take account of acoustic character corrections, including tonality where relevant.
 - A Requirement that the substation shall not be brought into operation until the Local Planning Authority has approved the detailed noise assessment and any necessary mitigation measures.
 - Provision for post-installation verification of noise levels, with a mechanism to secure further mitigation in the event that the approved limits are not achieved.
- 2.19.6 Subject to the above measures being secured within the DCO, the Council is satisfied that sufficient certainty can be achieved, notwithstanding the absence of a finalised design.

2.20 DCO 1.A42 - Article 58 (Application, disapplication and modification of legislative provisions)

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.

Council Response

2.20.1 Thurrock Council notes the proposed disapplication and modification of provisions of the Highways Act 1980 and Land Drainage Act 1991 under Article 58(1) and Schedule 17 of the draft DCO. Whilst the Council recognises the need to avoid duplication between statutory regimes and the DCO framework, it is not currently satisfied that sufficient justification has been provided for the breadth of the disapplications, nor that the implications for the Council's statutory functions as local highway authority and lead local flood authority have been fully addressed.

2.21 DCO 1.S5 - Schedule 3 – Requirement 1 (Interpretation) – Terms “discharging authority” and “start-up and close down activities”

a) *“discharging authority”:*

There are multiple examples throughout the draft DCO where terms such as ‘discharging authority’, ‘relevant planning authority’ and ‘relevant highways authority’ appear to be used interchangeably. This could lead to confusion and would ask the applicant and relevant local authorities for their views on this matter, including any suggestions, alternative wording or definitions within the interpretations section, that would prevent any such confusion.

b) *“start-up and close down activities”:*

Reference is made to the safety checking of plant and machinery, under (g), whilst reference to ‘safety checks’ is listed in (c). Are they not the same thing? Clarify and amend as necessary.

Council Response

2.21.1 The Council would request that draft DCO should clearly distinguish between ‘discharging authority’, ‘relevant planning authority’ and ‘relevant highway authority’, with each term defined separately and used consistently.

2.22 DCO 1.S7 - Schedule 3 – Requirement 3 (stages of the authorised development)

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 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?

In addition to the above, should requirement 3(5) refer to sub-paragraph (2) and/ or (3)?

Council Response

2.22.1 The Council re-iterates its comment in the LIR Appendix A page 6:

"The Council also notes that seven days' notice is insufficient for meaningful review and there is no express mechanism preventing works from proceeding where concerns are raised within the notice period. The Council request that the seven-day notice period is extended or replaced with a prior approval mechanism."

2.23 DCO 1.S8 - Schedule 3 – Requirement 5 (archaeology)

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.

Additionally, Norfolk CC in its LIR [REP1-173] recommends amending the wording of requirement 5(1) and (4) and article 23 (Removal of human remains) so notification is required to be made to the relevant County/ Local Authority. In their joint LIR [REP1-178] Suffolk CC, Mid Suffolk DC and Babergh DC have recommended amendments to article 23 and to requirement 5 of the draft DCO.

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.

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).

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.

Council Response

2.23.1 The Council does not see any issue with the addition of these amendments to requirement 5. The Council would request that where the Council and Historic England work to agree a solution that protects the significance of the new discovery, the Council's environment team are able to meaningfully contribute to the agreement with the Applicant and its views are not superseded by Historic England's.

2.24 DCO 1.S19 - Schedule 4 – (Discharge of requirements) - 1

The government published its response to the Nuclear Regulatory Review 2025 on 13 March 2025, in its document 'Building our nuclear nation: government response to the Nuclear Regulatory Review 2025'. The ExA draws attention to: i) it is seeking to accelerate "...efforts to ensure the planning system more effectively enables both low-carbon energy projects and infrastructure as a whole..."; and ii) its response to Recommendation 30, where it indicates this includes "...establishing a new unit within

DESNZ to coordinate post-consent discharge functions for nuclear power and electricity network projects." In the light of the above document and a clear statement from the government regarding its intention in related to post-consent discharge, the applicant and discharging authorities are asked to:

- a) *Provide comments on the above publication in respect of post-consent discharge functions.*
- b) *Consider if the current drafting of schedule 4 in the draft DCO [APP-056] is an appropriate approach to the post-consent discharge of requirements, or whether schedule 4 of the draft DCO [APP-056] should take a similar approach to that set out in schedule 2, Part 2 of [The A122 \(Lower Thames Crossing\) Development Consent Order 2025](#)?*

Council Response

- 2.24.1 a) The Council acknowledges the government's intention, as set out in the Nuclear Regulatory Review 2025, to accelerate post-consent decision-making, and notes that Recommendation 30 confirms that DESNZ will "consolidate and deliver post-consent discharge functions in consultation with Local Authority Planning Departments." The Council supports a consolidated approach to post-consent processes, working collaboratively with DESNZ and the Applicant, while retaining its role as a statutory local planning authority. This is important given the scale of the proposed project and its potential for significant environmental effects and local impacts. Therefore, the Council considers it essential that it continues to play a meaningful role in post-consent discharge if the DCO is granted.
- 2.24.2 b) The Council has considered the draft schedule 4 of the draft DCO and is concerned that it seems to afford the Applicant greater control over the post-consent process in comparison to the approach adopted in the Lower Thames Crossing (LTC) DCO. There are several differences the Council notes between the two.

First, the period where the Secretary of State must give notice to the undertaker of a decision on an application for consent, agreement or approval required by a requirement in the DCO is 28 days compared to the 8-week period in the LTC DCO. This would reduce the time available for effective consideration of submissions.

Second, the Council notes the absence in the draft DCO of a detailed consultation process like that in paragraph 23 of the LTC DCO, which sets out a clear consultation process, a minimum consultation period of 28 days and an obligation on the undertaker to give due consideration to representations received about the proposed application.

Additionally, there is no register of requirements, which enables the public to electronically inspect requirements in the DCO and their status. This provides more transparency and accountability in the post-consent process which is important for a project of this scale.

Therefore, the Council requests the Applicant to explain why the proposed project has a more limited consultation and oversight framework and to consider amending the draft DCO to be more inclusive in the post-consent discharge of requirements.

2.25 HE 1.9 - Applicant's assessments:

Unless you have provided agreement or otherwise in your LIR, for your area of jurisdiction please state whether you are in agreement with the applicant's assessment of:

- a) *Designated and Non-Designated Heritage Assets to be scoped out of further assessment as set out in ES Appendix 11.1 - Historic Environment Baseline Report [APP-209].*
- b) *The levels of harm assessed, for the construction phase and the operation and maintenance phase, as described in ES Appendix 11.7 – Assessment of Harm to Designated Heritage Assets [APP-215].*
- c) *The levels of harm assessed in relation to Non-Designated Heritage Assets (NDHA), as described in ES Chapter 11 [AS-068].*

Council Response

The Council are in agreement with the scoping of heritage assets based on the methodology provided.

- a) The Council agree with the level of harm, on the assumption that this is 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 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.
- b) The levels of harm to identify non designated heritages primarily affect below ground archaeological assets. It is the Council's understanding that non-designated buildings were scoped out of full (setting) assessment as they are classified as low value as part of the methodology.

2.26 HE 1.12 - Heritage visualisations - 1

A range of heritage visualisations are provided [APP-350] and [APP-351].

All local authorities and Historic England are asked to confirm:

1. *Agreement with the viewpoints chosen to reflect any potential impacts on heritage assets.*
2. *In your opinion are additional visualisations required, and if so from which assets and where should the visualisations be taken from?*

Council Response

2.26.1 The Council consider that the viewpoints were agreed as part of the pre-planning process.

2.26.2 On the same basis as the Council's response to Question ALT1.9, the Council would 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 locations and overhead line alignments based on the LoD parameters.

2.26.3 The Council considers that no further visualisations are considered to be required.

2.27 HE 1.39 - Protected Lanes

Please provide further evidence relating to the protected lanes in your respective administrative areas which would in your opinion be negatively impacted by the proposed development, including evidence over why they should be considered as NDHA.

Council Response

2.27.1 No protected lanes within Thurrock appear to be impacted by the proposed development.

2.28 LUS 1.2 - Best and most versatile agricultural land (BMV) and soils - 1

It would appear from Paragraph 6.4.7 of the Environmental Statement that detailed Agricultural Land Classification (ALC) survey was undertaken on approximately 1,011 ha (representing 54% of the proposed survey areas within the Order Limits). Predictive ALC grading was then carried out where it was not possible to undertake a detailed ALC survey. Given the coverage of actual survey work how much confidence can be placed on the applicants response on acid soils in document 8.4.6 page 22 that 'the detailed surveys did not identify the presence of jarosite in the soil and in locations where desk-based information suggested a potential for acid sulphate soils some of the soils were found to be moderately calcareous. There is no evidence to indicate the presence of actual or potential sulphate soils within the surveyed areas'. As being a representative conclusion that can be applied across the whole Order Limits as they are not all 'surveyed areas'.

Council Response

2.28.1 N/A

2.29 LUS 1.4 - BMV and soils - 3

To what extent are the mitigation measures proposed by the applicant in the outline CoCP (measures GH02 and GH08) sufficiently robust to address issues should acid sulphate soils be encountered during construction.

Council Response

2.29.1 N/A

2.30 LUS 1.12 - Green Belt - 3

Comment on the applicant's position with regard to lines and pylons being not inappropriate development in the Green Belt and whether you disagree with the proposition and why.

Council Response

- 2.30.1 The Council disagree with the Applicant's position with regard to pylons and overhead lines being not inappropriate development in the Green Belt. The Council consider that the pylons and overhead lines are structures, which do not fall within any of the exemption categories set out in paragraph 154 of the National Planning Policy Framework. Therefore, the Council considers them to be inappropriate development in the Green Belt, which is harmful by definition, and very special circumstances will need to be demonstrated for the project to proceed.
- 2.30.2 The structures are considered to have both a spatial and visual element which would result in a loss of the openness of the Green Belt. New structures, pylons 45-50m tall, would be introduced into some Green Belt areas where none exist at present, whilst in other Green Belt areas of the borough, additional pylons and overhead lines will increase the amount of structures located in the Green Belt; both of these actions would result in the development having a greater impact on the Green Belt than exists at present. The routing would reduce the spatial and visual openness of the Green Belt across a significant area of the borough.

2.31 LUS 1.14 - 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.*

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.

Council Response

- 2.31.1 The Council does not agree with the Applicant's assessment of the impacts of pylons within Maple Park.
- 2.31.2 From the Council's Recreation and Leisure perspective, Maple Park is an important local green space that supports informal recreation, walking, community wellbeing, and provides accessible natural open space within a residential area. The assessment does not fully recognise the following:
- The loss of recreational quality and user experience caused by the visual dominance of pylons within a valued open space.
 - The impact on public perception of safety, which may deter community use, particularly for families and young people.
 - The fragmentation of open space, reducing the functionality of the park for leisure and informal play.

- Insufficient mitigation, with limited proposals to offset reductions in amenity, landscape character, and recreational enjoyment.

2.31.3 For these reasons, the Council considers the assessment to be incomplete and under-represents the recreational, social, and wellbeing impacts associated with locating pylons within Maple Park. Meaningful mitigation, such as enhanced landscaping, improved recreational infrastructure, and long-term management commitments would be required to maintain the Maple Park's role as an important local leisure asset.

2.32 LV 1.14 - ES Appendix 13.5 National Landscape assessment study - 2

The study [APP-235] concludes that: "In conclusion, the Project would result in significant adverse effects on the special qualities of the Dedham Vale National Landscape during construction. However, during operation (and maintenance) the adverse effects on the special qualities of the National Landscape are judged to be minor and not significant (adverse)" (paragraph 13.3.8)

The local authorities are asked whether they agree with this conclusion and provide reasoning if you do not.

Council Response

2.32.1 N/A.

2.33 LV 1.22 - Landscape visualisations – 1

The local authorities are asked whether:

- *You agree with the viewpoints in the visualisations [APP-343] to [APP-349] chosen to reflect any potential impacts on landscape.*

In your opinion are additional visualisations required, and if so from which assets and where should the visualisations be taken from?

Council Response

2.33.1 The Council consider that there are limited public viewpoints close to the route, meaning that visual effects will be limited along much of the route.

2.33.2 A visualisation is provided from the footpath running through the golf course (Viewpoint 8.11: PRoW near Southfields (No 42)), however, this is at some distance from the Order Limits. This path (footpath 45 at this point) also runs along the northern boundary of the Order Limits at the Tilbury North Substation. A visualisation from this path closer to the Order Limits / Tilbury North Substation location is required.

2.33.3 No cumulative visualisations have been provided. In the case of the Tilbury North Substation and Lower Thames Crossing they will be seen in conjunction with each other and cumulative visualisations should be provided.

2.34 LV 1.34 - ES Appendix 13.6 – arboricultural impact assessment – replacement planting

Paragraph 13.5.13 of ES Appendix 13.6 [APP-236] states that National Grid has committed to a 3:1 tree replacement ratio for individual trees and small groups of trees. It further notes that you would prioritise such replanting within the Order limits, although offsite provision may be required.

The outline LEMP [AS-046] states (paragraph 9.3.6) that discussion is ongoing with landowners and third parties regarding the provision of offsite tree planting and that an offsite planting delivery scheme will be provided to the relevant Local Planning Authorities for their information, which provides details of the offsite provision.

- *Applicant - What constraints are there to replanting within the Order limits and under what circumstances may the need for offsite provision be triggered?*
- *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?*

Council Response

2.34.1 After discussions with other local planning authorities, the Council shares some concerns regarding replacement planting, such as:

- A fixed ratio of 3:1 is not considered appropriate for all replacement planting and should respond to the specific details of planting lost. For instance, a Veteran Oak would require greater replacement than a smaller sapling. The replacement is also subject to stock availability in the UK.
- Consideration should also include Landscape Character and ecological habitat creation.
- With regards to Off-Site planting, there are constraints with land ownership, appropriate location and long-term retention and management. Monitoring and management programmes such as those undertaken for minerals and waste sites could secure this but would need to be carefully managed to ensure they are successful.

2.34.2 In respect of green infrastructure, the Council supports the principle of an Offsite Planting Delivery Scheme (OPDS) to accompany the applicant's 3:1 replacement ratio as set out in ES Appendix 13.6 and the Outline LEMP. However, whilst the OPDS is acceptable in principle, the Council stresses its usefulness is dependent on early provision and strategic alignment with wider environmental priorities.

2.34.3 1) Timing

The OPDS should be submitted prior to commencement of main works so that LPAs can meaningfully influence site selection and ensure alignment with local and county-wide GI priorities.

2) Content Requirements

The Council expects the OPDS to include:

- A clear summary of onsite planting capacity and the resulting offsite requirement.
- Site selection criteria aligned with the Essex Local Nature Recovery Strategy (LNRS) and the Essex Green Infrastructure Strategy, demonstrating contributions to ecological connectivity, canopy cover and climate resilience.
- Mapping of proposed offsite locations and their relationship to priority habitats, GI networks and landscape character.
- Species selection principles based on local provenance and resilience.
- Aftercare, monitoring and reporting arrangements

3) Securing the Details

The OPDS should be secured via Requirement 4 (LEMP) or a dedicated DCO Requirement, with offsite planting on third-party land supported by a legal agreement to ensure delivery and long-term management.

2.35 MW 1.1 - Minerals safeguarding - 1

Taking account of the impact of the project on existing and proposed mineral sites, do you consider:

- *the proposed development has sufficiently taken account of the need to safeguard mineral resources*
- *the proposed development complies with your current and/ or emerging plans. If not, what further mitigation measures do you consider are required.*

Council Response

2.35.1 Thurrock Council consider further mitigation measures should be considered in respect of minerals safeguarding. The applicant included a Qualitative Minerals Resource and Infrastructure Assessment (Ref.AENC-ARC-ENV-REP-0158, August 2025) as part of the submission. The report was included as an Appendix to Chapter 9 of the Environmental Statement, 'Contaminated Land, Geology and Hydrogeology'.

2.35.2 Minerals policy is discussed in section 9.2 of the Qualitative Minerals Resource and Infrastructure Assessment, and this includes references to mineral safeguarding policies.

2.35.3 Thurrock Council have reviewed the submitted information and have considered the impacts on minerals and minerals infrastructure safeguarding on land within the Unitary Authority area (Section H).

2.35.4 As described in the draft Statement of Common Ground (SoCG) issued in February 2026, Thurrock Council feel that an incidental extraction scheme should be considered (or at least not completely discounted at this stage) in respect of resources that may underly the new substation in Section H. National Grid have not issued an updated SoCG, since the draft was issued, and it is possible our previous comments are still being reviewed.

- 2.35.5 As described in the draft SoCG, this area of the Order Limit (where the substation is proposed) appears to coincide with a Mineral Safeguarding Area (MSA) for sand and gravel. It is understood that the substation would be 300m x 340m, so 102,000m² (10.2 hectares).
- 2.35.6 The Qualitative Minerals Resource and Infrastructure Assessment (that is appended to ES chapter 9) states an incidental extraction scheme is not viable. There are references made (in paragraphs 9.5.28, 9.5.30, 9.5.34, 9.5.40, 9.5.43, 9.5.44, and 9.5.46 & 9.6.4) that incidental extraction would lead to engineering requirements, additional cost, storage of significant overburden, and increased timescales. The Council consider incidental extraction to be when minerals are incidentally encountered during construction works and are recovered and put to beneficial use either on or off site. These materials would be encountered and need to be managed anyway, whether they contain minerals or not, and whether they are recovered for beneficial use (mineral) or removed from site as muckaway (non-mineral).
- 2.35.7 No additional amount of material would be generated in an incidental scheme to a standard development with no underlying minerals, so there would be no increased storage requirement. Likewise, material would only be encountered that requires removal/ management anyway so there would be no increased engineering requirement. There would be no notable increase in cost or timescales. Thurrock Council consider that the implementation (or at least further consideration, pending site investigation work) of an incidental extraction scheme, for the land that coincides with the new substation, would help to mitigate the impact on mineral resources/ Mineral Safeguarding Areas, and is not an unreasonable request.
- 2.35.8 It is considered that this would be a more sustainable approach, and indeed one which is a fairly standard practice, and is not onerous to the developer.

2.36 NV 1.13 - EACN and Tilbury North Substations Operational Noise Assessment

ES Appendix 14.3 (EACN Substation Operational Noise Assessment) [APP-259] and ES Appendix 14.4 (Tilbury North Substation Operational Noise Assessment) [APP-260]. The ExA is concerned with the reference to 'reasonably practicable' (also referred to as Best Available Technique Not Entailing Excessive Cost (BATNEEC)) in both documents. This is due to 'reasonably practicable' and BATNEEC including an element of cost within the assessment. The ExA considers any mitigation used must achieve the outcome intended, as set out in tables a 14.3.8 and 14.4.8 respectively, and Best Available Technique (BAT), not BATNEEC, should be employed and secured within the DCO.

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?

Council Response

- 2.36.1 The Council's Environmental Protection team have reviewed the use of "reasonably practicable" and the Council acknowledges the ExA's concern that BATNEEC introduces a cost-based qualifier which may not guarantee that the mitigation implemented will achieve the noise outcomes identified in the Environmental Statement. The submitted assessments demonstrate that it is feasible to achieve rating levels in accordance with BS 4142, such that significant adverse effects are unlikely, and the Council considers it essential that these outcomes are secured in practice.
- 2.36.2 The Council also notes that paragraph 14.8.3 identifies that, whilst a rating level of approximately 35 dB L_{Ar,T} would avoid significant adverse effects, further mitigation of up to 20 dB would be required to achieve a sound level below background, which is identified as the preferred aim where feasible. This indicates that enhanced mitigation is both recognised and achievable.
- 2.36.3 The Council agrees that reliance on BATNEEC alone would not provide sufficient certainty. Mitigation should be outcome-led and must ensure that the specified noise limits at sensitive receptors are achieved.
- 2.36.4 The Council does not consider that a standalone requirement for Best Available Techniques (BAT) is strictly necessary, provided that robust operational noise limits and a mechanism for approval are secured within the DCO. If such limits are enforceable, the undertaker will be required to implement appropriate mitigation to achieve compliance.
- 2.36.5 However, if the ExA considers it necessary, a requirement could include a reference to BAT in the design and operation of the substations to provide additional clarity.
- 2.36.6 The Council considers that the most effective approach is to secure:
- enforceable operational noise limits (based on BS 4142 or equivalent); and a requirement for a detailed noise assessment prior to operation demonstrating compliance with those limits. (See above response).
- 2.36.7 Any such requirement should be discharged by the relevant planning authority.

2.37 P_{RoW} 1.1 - P_{RoW} general - 1

Please provide a schedule of proposed amendments to the outline P_{RoW} Management Plan, highlighting matters that you consider are not acceptable and require amending and what you consider those amendments should be.

Council Response

- 2.37.1 In paragraph 6.5.1 of the Outline Public Rights of Way (P_{RoW}) Management Plan it states "any P_{RoW} that is affected by construction works, that has been confirmed as requiring reinstatement with the LHA, will be reinstated prior to reopening to the reasonable satisfaction of the LHA P_{RoW} Officer." However, the Council requests that this should read as "any P_{RoW} that is affected by construction works will be reinstated prior to reopening, to the reasonable satisfaction of the LHA P_{RoW} Officer." This would

ensure a clear commitment from National Grid in reinstating all PRowWs affected by construction works thus providing certainty for users and the Local Highway Authority.

2.38 PRow 1.2 - PRow general - 2

ES Chapter 16 [APP-039] paragraph 16.4.15 details the PRow user surveys carried out. Confirm that these baseline surveys are accepted and if not, why not.

Council Response

2.38.1 The user surveys were carried out during cold weather potentially resulting in reduced recorded usage and thus not showing an accurate representation of all PRow users. The Outline PRow Management Plan commits to keeping all PRowWs open for use, as far as reasonably practicable, and this is demonstrated throughout the plan. The surveys and the management plan seem to contradict each other. The surveys emphasise the reduced usage identified but this seems to be superseded by the overarching commitment to maintain PRow availability. The Council questions this inconsistency therefore the Council accepts the baseline surveys but with reservations.

2.39 SET 1.5 - Mitigation measures - 2

The ExA notes the use of the term 'where practicable' in relation to proposed mitigation and is concerned as to the vagueness of this term.

Applicant - justify the use of this term in each instance or amend the proposed mitigations accordingly.

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.

Council Response

2.39.1 The Council agrees that the term “where practicable” may give rise to imprecise discretion for the Application. The use of the term should be justified in each instance. The Council suggests some alternative forms of wording. One option for suggested drafting may be that “where practicable” is “subject to” consultation with the local planning authority; for example, “where practicable, subject to prior approval by the Local Planning Authority.” Alternatively, the drafting could also be so that “where practicable” is “subject to” consultation with the LPA, or prior notice to the LPA. These alternatives ensure that “practicable” mitigation measures have appropriate oversight and is focused primarily on addressing environmental effects and, following that, have regard to the efficiency of the project.

2.40 TT 1.20 - Cumulative impacts

Are there any specific impacts from other projects which you consider could cause additional impacts and risk to the proposed development and do you consider these have these been addressed adequately by the applicant?

Council Response

2.40.1 The Council has assessed the Applicant's study of projects that may cause impacts to the proposed development. First, the Council identifies those developments the Applicant chose to exclude from the assessment before explaining the Council's assessment of the Applicant's approach to the cumulative impacts of the LTC DCO.

Excluded Schemes

2.40.2 Two-tier increase in demand has been considered in the study, comprising annual TEMPRO growth rates being incorporated into the traffic modelling and impact assessment, and the inclusion of committed developments. This is generally considered robust and a standard practice.

2.40.3 A total of 29 committed developments within Thurrock were considered as potentially likely to impact the National Grid scheme in terms of background traffic levels. Of those, 12 developments were selected for further analysis of cumulative impact and for modelling as part of the Transport Assessment. The remaining 17 schemes were excluded from the assessment. The key reasons given for exclusion of schemes were:

- Sites not adjoining the PAR network
- Unclear whether programme of construction/operational demand will coincide with the National Grid construction movements
- Lack of demand distribution data available for a scheme

2.40.4 Of the excluded schemes, of particular note are the following schemes:

Development	Impact
Ref 15/00205/OUT to the east of Corringham, 750-units residential-led mixed use scheme	5km west of PAR64-65 with construction and operational demand likely to rely on the A13. Potential for impact on Norwich to Tilbury unless National Grid construction is completed prior to residential scheme construction start.
Ref 19/01524/SCR Golf club redevelopment scheme on Lower Dunton Road	Significant scale of development directly on the National Grid corridor although not on a Primary Access Route (PAR)
Ref 23/00897/SCO 775-units residential-led mixed use scheme at Sandown Road, excluded as no details of demand distribution / programme are available at this stage.	Site adjacent to SRA and PARs 64, 65, 66 and 67. Significant scale of development, likely to impact traffic levels at A13 if construction or operational demand coincide with NG construction phases
Ref 25/00333/SCO 1,500-unit residential scheme east of Chadwell St Mary, excluded as no details of demand distribution / programme are available at this stage.	Site adjacent to National Grid terminus at Tilbury, impacting PAR 70 and 71. Potentially significant impact on NG construction traffic movements, should works commence simultaneously.

2.40.5 Accepting that there is a degree of uncertainty regarding the level of impact of the background demand schemes during NG construction, the schemes identified above, which have not been considered in the assessment, do have the potential to impact traffic levels and the road network during the NG works, through both their location in direct proximity to the scheme route/PAR and the significant scale of the proposals, with impact extending throughout construction and onto operational phases. Therefore, in a robust 'worst-case' assessment of impact, it would be recommended that those are included.

2.40.6 It is noted that TEMPRO growth has been applied as part of the NG assessment, to address overall background traffic demand growth from 2023 to 2027 (6%) and 2031 (10%). This is considered a robust approach. The committed developments, which have been considered as part of the assessment were included using data presented in their respective Transport Impact Assessments which have undergone the planning approval process and are therefore deemed to be adequately considered.

Lower Thames Crossing DCO 2025

2.40.7 The LTC DCO was granted consent in 2025. In the Council's LIR, the Council notes significant impact from the LTC from the following perspective:

- Traffic and Transport – in Section 6.1, Highways and Transport of the Council's LIR it is mentioned that concurrent construction with both schemes would lead to an impact on the highway and local roads.
- Health and Wellbeing - Paragraph 6.8.6 of the Council's LIR "The impacts of more than one development may affect people simultaneously, so the applicant should consider the cumulative impact on health in the ES where appropriate. In response, the Council comment that while the applicant has undertaken a Cumulative Assessment the information from this has not been drawn through into the ES 'Chapter 10 – Health and Wellbeing' (Document 6.10) and this needs to be addressed to understand the potential cumulative impacts fully, particularly in relation to LTC."
- Cumulative impact on noise and dust which could have an impact on local residents.
- Surface Water and flooding - Paragraph 6.9.57 of the Council's LIR "The proposed Tilbury Substation is located in proximity to, and partially intersects with, the Order Limits of the LTC development. This area is identified as being highly susceptible to surface water flooding and is influenced by established overland flow paths. The combined effects of these major infrastructure could alter existing drainage patterns and increase runoff volumes if not carefully co-ordinated."

2.40.8 The Applicant has assessed the cumulative impact in the ES - Applicant response – Chapter 4.8 page 330 of Applicant's response to LIR.

"The Cumulative Effects chapter has assessed the potential inter-project cumulative effects. The detailed assessment of the Project with other developments can be found in 6.17.A1 Appendix 17.1 – Inter-Project Cumulative Effects [APP-282]. The assessment of clusters of other developments on

common receptors can be found in 6.17 Environmental Statement Chapter 17 - Cumulative Effects [APP-281]. No significant cumulative impacts relating to health and wellbeing have been identified.”

2.40.9 The Applicant's response to the cumulative effects issue raised in paragraph 6.11.20 of Thurrock Council's LIR is helpful but does not fully respond to the request to consider the national programme of development. The Applicant has stated they will monitor the emissions of this project and their overall corporate emissions however this does not encompass the full consideration of the 'in-combination' emissions of development across the country. For reference,

Paragraph 6.11.20 of Thurrock Council's Local Impact Report:

“As with all projects of this scale, the GHG assessment concludes that the Project's emissions are not material in isolation. However, the Council remains concerned about the cumulative effect of multiple similar scale projects across the country. NPS EN-1 recognises that clustering and “in-combination” effects should be considered. The Council would therefore welcome consideration of how this Project interfaces with the wider national programme of infrastructure developments in terms of cumulative embodied emissions and the monitoring of cumulative outcomes over time.”

National Grid's response, in 8.8.2 Applicant's Comments on Local Impact Reports:

"The Applicant acknowledges that it progresses a programme of projects which will include embedded carbon emissions from the construction of its projects. At a national level, the Applicant monitors its Scope 3 emissions (which includes Construction and Maintenance of its energy infrastructure). Within our Climate Transition Plan 2023/202489 the Applicant has set commitments to reduce embedded carbon by driving efficiencies in the design phase of projects and working collaboratively with strategic suppliers to identify and trial innovative solutions to reduce construction impacts to net zero by 2050/51. In addition, the Applicant has committed to reducing greenhouse gas emissions which will be monitored as described in 7.2 Outline Code of Construction Practice Appendix H - Greenhouse Gas Reduction Strategy [APP-308]."

As a result, the Council considers the potential cumulative impacts of the national programme of infrastructure development remain insufficiently addressed but recognise National Grid's commitment to monitor emissions of the proposed project.

2.40.10 Overall the Council does not believe the Applicant's response is adequate as it fails to represent the impact of the LTC on the proposed DCO and in some cases states that there are no impacts when the Council believes there are.

2.40.11 The Council notes that there are ongoing conversations with National Highways to overcome some of the impacts however it would be helpful if the Council were provided with a summary of how these conversations are progressing and outcomes to issues raised.

2.41 TT 1.28 - Walking, cycling and horse-riding – 1

Please confirm if you consider there are any outstanding parts of your highway network that require a Walking, Cycling and Horse-riding assessment review. If so, please list these and give the status of discussions with the applicant regarding this.

Council Response

2.41.1 The Council consider that it does not appear that any WCHARs (Walking, Cycling & Horse Riding Assessments) have been carried out on routes traversing the National Grid works or for works for access arrangements. If this is the case, then it is recommended that these are carried out for the following PROWs:

- 178 (Bridleway)
- 91 (Footpath)
- 10 (Footpath)
- 102 (Footpath)
- 11 (Footpath)
- 12 (Footpath)
- 224 (Footpath)
- 41 (Footpath)
- 42 (Footpath)
- 45 (Footpath)
- 46 (Footpath)
- 105 (Footpath)
- 61 (Footpath)
- 63 (Bridleway – Cycleway)
- 66 (Footpath)
- 67 (Footpath)
- 69 (Footpath)
- 70 (Footpath)
- 71 (Footpath)
- 97 (Footpath)
- 223 (Bridleway)

2.41.3 And the following cycle routes

- Hoford Road
- Muckingford Road
- Church Road

2.41.4 The standard for WCHARs are set out in the Design Manual for Roads and Bridges (DMRB) document GG142 and the principles could be applied to the DCO scheme to formalise the assessment and identify milestones for subsequent review based on the works programme within Thurrock.

2.42 TT 1.36 - Outline construction traffic management plan - 2

For the avoidance of doubt, please detail any matters in the outline CTMP [APP-309] which you consider requires amending and your proposed amendment. This could be in the form of a schedule or tracked changed version of the outline CTMP.

Council Response

2.42.1 The Council will respond with amendments and comments to the Outline CTMP separately and will submit this after deadline 3 with the approval from the ExA.

2.43 TT 1.38 - Statements of common ground

In the Statement of Common Ground with National Highways [REP1-048] a number of statements suggest that you are awaiting further information following requests to allow you to further consider the applicant submission. Please can you state if this additional information is now available to you and if not, what timescales you require to ensure an adequate response to any outstanding matters or concerns. Please can all local highway authorities address this same question.

Council Response

2.43.2 The Council is in ongoing conversations with the Applicant and whilst some requests for information have been provided, there are still outstanding matters. We will require the requested information by the latest Deadline 4 in order to address outstanding matters.

3.0 3.0 Comments on Additional Documents Submitted by the Applicant at Deadline 2

3.1 Outline Code of Construction Practice (OCoCP)

3.1.1 Overall, it is considered by the Council that the OCoCP demonstrates that standard industry mitigation principles have been incorporated, particularly in relation to construction noise and vibration control. However, while the document aligns with good practice at a high level, and some effort has been made to address previous points, the OCoCP is still lacking in places:

3.1.2 The OCoCP includes a basic complaints management process, such as provision of contact details and a requirement to log complaints. However, the Council considers that the procedure is not sufficiently robust or transparent, and does not include:

- Defined response times,
- Escalation procedures for unresolved complaints,
- Requirements for ongoing communication with complainants,
- Clear accountability for resolution, or
- A commitment to provide complaint records to the LPA on request.

3.1.3 The OCoCP makes reference to environmental monitoring and site inspections; however, it does not establish a clear or structured monitoring regime for noise and vibration. In particular:

- A commitment to routine or periodic monitoring,
- Use of informal checks (e.g. listening tests) as a baseline control,
- Defined triggers for attended monitoring (e.g. complaints or exceedances),
- Thresholds or criteria for action, and
- Requirements for recording and reporting results to the LPA.

3.1.4 Given the scale and potential sensitivity of the project/works, the Council consider that the absence of a defined monitoring strategy reduces confidence that impacts will be effectively managed.

3.1.5 The OCoCP does not include any mechanism to address situations where final infrastructure locations (e.g. pylons) are positioned closer to sensitive receptors than assumed in the Environmental Statement.

3.1.6 Specifically, there is:

- No requirement to reassess noise and vibration impacts where design changes occur within the Limits of Deviation,

- No trigger for identifying when impacts may increase in magnitude or significance, and
- No commitment to implement additional mitigation where reassessment identifies greater effects.

3.2 The Council's Comments on the Applicant's Response to the LIR

3.2.1 The Council has reviewed the Applicant's response to the LIR, whilst some responses are helpful the technical issues which the Council raised in its Relevant Representation (RR) are still not resolved, with technical matters addressed as "under discussion" by the Applicant. The Council maintains its position as stated in the LIR paragraph 2.5 which is:

"that of opposition to the application unless the technical issues identified within the submitted RR submission are addressed and satisfied."

3.2.2 The Council has raised issues regarding Traffic and Transport in section 6.1 of the LIR. While the Applicant has noted some of the comments raised and responded to all issues, the Council maintains that there are still significant traffic impacts arising from construction. The Council is in discussion with the Applicant, and it hopes to resolve these issues prior to the determination of the DCO.

3.2.3 Through the SoCG and LIR the Council have raised Health and Wellbeing matters which remain as "under consideration". The Public Health team will continue to engage with the Applicant but matters raised such as "an assessment of the potential impacts on healthcare infrastructure....Further information is required from the applicant about what health infrastructure and welfare facilities will be provided for construction workers within each of the Construction Compounds in Thurrock." (LIR 6.8.10) have not been addressed in the Applicant's response.

3.2.4 Regarding socio-economic impacts, the Applicant states that it will be producing an Employment and Skills Plan at Deadline 5 (paragraph 3.16.7-3.16.9). The Council welcomes this plan in order to assess how it meets the comments raised in its LIR.

3.3 The Council's Comments on the Applicant's Response to Local Authority's Comments on the draft DCO

3.3.1 Article 2 (Interpretation) – definition of "pre-commencement operations"

The Council acknowledges the Applicant's position that such operations would be undertaken in accordance with outline management plans and subject to a minimum seven-day notification period under Requirement 3(1).

3.3.2 The Council maintains that the current drafting would permit the undertaker to carry out a wide range of investigations and surveys, including intrusive works, without the need for prior agreement with the relevant authority. The reliance on outline management plans and a notification procedure does not, in

the Council's view, provide sufficient control or assurance, particularly where works may give rise to local impacts or affect sensitive land.

3.3.3 The Council reiterates that, as a minimum, a Licence Agreement and full details of the proposed investigations and/or surveys should be agreed with the relevant planning authority prior to the commencement of such operations. This is necessary to ensure appropriate oversight, co-ordination, and protection of local interests.

3.3.4 The inclusion of "demolition of existing buildings" within the definition of pre-commencement operations is of significant concern. While the Applicant states that no demolition is currently anticipated, the Council considers that the absence of a requirement for prior approval introduces unnecessary risk. The Council therefore maintains that any demolition works should be subject to the prior written approval of the relevant planning authority or at the very least liaise with the Council's Building Control department before demolition of any building occurs.

3.3.5 Article 5 – Limits of Deviation, Article 14 – Power to alter layout, etc. of streets, Article 56(6) – Safeguarding, Article 59(2)(a) – Amendment of local legislation

The Council notes the Applicants response.

3.3.6 Article 11 – Street Works, Article 16 – Temporary closure of streets and public rights of way, Article 17 – Access to works

The Council has provided its comments on the draft Protective Provisions and draft Highways Framework Agreement to the Applicant, and it awaits a response.

3.3.7 Article 49 – Traffic regulation

Whilst the Council notes that there has been precedence set by other DCOs, the Council maintains that the draft DCO should be updated so that Article 49 powers are available to the undertaker **in consultation** with the relevant planning/highway authority.

3.3.8 Requirement 3 – Stages of an authorised development

The Council has addressed this in response to ExQ1 DCO 1.S7 and in paragraph 3.1 above.

3.3.9 Requirement 6 – Design and layout plans, Requirement 9 – Reinstatement planting plan, Requirement 9(3) – Reinstatement planting plan

The Council notes the Applicant's response.

3.3.10 Requirement 10

The Council notes the Applicant's response but would request that the wording amended to:

“within 21 months or as soon as is reasonably practicable of completion.”

3.3.11 Schedule 4(1)(1) – Discharge of Requirements and Schedule 4(2)(2) – Discharge of Requirements

The Council maintains that aligning the timeframe with an agreed post-consent Planning Performance Agreement would provide a more flexible and realistic mechanism for decision-making, reflecting the complexity of applications while still supporting the Project's timely progression. Whilst the Council understands the Applicant's need to deliver the Project within a reasonable timeframe, it maintains that calculating the period in working days would provide a more realistic and consistent timeframe for proper consideration.