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# Norwich to Tilbury

**Volume 8: Examination Documents**

**Document: 8.9.1 Applicant's Responses to First Written Questions**

**Final Issue A**

**April 2026**

**Planning Inspectorate Reference: EN020027**

**nationalgrid**

# 8. Draft Development Consent Order

## 8.1 Schedules

Reference	Question	Applicant's Response
DCO 1.S8	<p>Schedule 3 – Requirement 5 (archaeology) Braintree DC in its LIR <b>[REP1-148]</b> (section 10.9) has recommended changes to requirement 5, whilst Chelmsford City Council, Colchester City Council, and Essex CC in their LIR (LIRs <b>[REP1-153]</b>; LIR <b>[REP1-156]</b> and <b>[REP1-161]</b> respectively) all recommended amendments to the wording of requirement 5 and the inclusion of a new sub-paragraph.</p> <p>Additionally, Norfolk CC in its LIR <b>[REP1-173]</b> 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 <b>[REP1-178]</b> 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 <b>[REP1-191]</b> has proposed an amendment to requirement 5 of the draft DCO and H04 of the outline CoCP to refer to consultation with Historic England.</p> <p>All local authorities, as well as the applicant, are invited to comment on all of these proposed changes (amendment to article 23 and schedule 3, requirement 5 of the draft DCO and to H04 of the outline CoCP). In addition, the applicant is requested to provide, for discussion purposes,</p>	<p>The Applicant has prepared a discussion draft of Requirement 5 (Archaeology) as it would look if all of the proposed amendments of the host authorities and Historic England were accepted. This discussion draft is set out in tabular format, with the Applicant's comments on each proposed change set out alongside the proposed revisions.</p> <p>The Applicant is particularly concerned about the proposed restriction on 'intrusive site preparation works' and considers that this has real potential to significantly impact the delivery programme by restricting what would ordinarily be standard pre-commencement works until such a time as the relevant planning authority agrees an archaeological or geoarchaeological written scheme of investigation. Whilst such a restriction may be appropriate and proportionate for a single site project, the Applicant's position is that it would be wholly disproportionate for a project that spans a route of approximately 180 km and passes through 13 host authorities. The pre-commencement works have already been assessed in the Environmental Statement and the Applicant had proposed a suitable, and precedented, control by requiring all pre-commencement works to be carried out in accordance with the <b>7.5 Outline Archaeological Mitigation Strategy and Outline Written Scheme of Investigation [APP-328]</b> (OAMS and OWSI).</p> <p>Evaluation trial trenching has been agreed directly with the archaeological advisors to the host authorities. For the priority/first phase of work, this comprised an overarching WSI (which set out scope and methodology), supported by site specific WSIs (which contained the relevant archaeological background, site specific methodology and trench plans). For the Phase 2 element of the evaluation archaeological trial trenching, the Applicant is</p>

Reference	Question	Applicant's Response
	<p>a new draft of requirement 5 that, as far as possible, takes into account all of these requested changes and also is requested to provide a commentary on whether any of these proposed amendments sought by the various organisations would be incompatible with each other.</p>	<p>seeking to agree the details and the overarching scope will be contained in a future revision of <b>7.5 Outline AMS-OWSI</b> and again supported by site specific WSIs. The approach to agreement for the Phase 2 element has been discussed and agreed with the stakeholders in regular meetings.</p> <p>The Applicant further explains its position in the table below and does not repeat that here.</p> <p>Commitment H04 in <b>7.2 Outline Code of Construction Practice [REP2-014]</b>, issued at Deadline 2 was updated to address the comments provided in Local Impact Reports and Historic England's Written Representation (updated text in red):</p> <p><i>'Where a previously unknown heritage asset has been discovered, or a known heritage asset has proven to be more significant than foreseen at the time of application, the Project will inform the LPA <b>and Historic England</b> and agree a solution that protects the significance of the new discovery, through preservation or excavation and recording, whichever is practicable within the Project construction requirements. <b>The Main Works Contractor(s) will be responsible for making sure staff are aware of what to do in the event of an unexpected heritage asset. This will include toolbox talks within site inductions.</b></i></p> <p>Please refer to the Applicant's response to question DCO 1.A28 in relation to any proposed amendments to Article 23 (removal of human remains).</p>

**Appendix A.  
Supplement 1 – 1.S8  
Draft Development  
Consent Order**

## Draft Requirement 5 (archaeology) - PRODUCED FOR DISCUSSION PURPOSES ONLY

### DRAFT PRODUCED FOR DISCUSSION PURPOSES ONLY

#### Requirement 5 (incorporating comments from host authorities and stakeholders)

#### Applicant's comments

(1) Prior to the submission of any detailed written scheme of investigation for approval, the undertaker must carry out archaeological evaluation works in accordance with the outline archaeological mitigation strategy and outline written scheme of investigation, unless otherwise agreed with the relevant planning authority following consultation with the relevant county planning authority and, if relevant, Historic England.

This drafting relates to host authority relevant representations to which the Applicant responded on pages 148, 213, 230, 331, 487 and 581 of the **8.4.1 Applicant's Responses to Relevant Representations** at Deadline 1 (with a revised version issued at Deadline 2) **[REP2-023]**, which request explicit reference to a separate evaluation stage of archaeological work, before securing a detailed investigations stage as mitigation.

For the purpose of the discussion draft, the Applicant has added a new paragraph (1) at the beginning of Requirement 5 (Archaeology). It expressly provides that the Applicant must carry out evaluation works in accordance with the OAMS and OWSI, unless otherwise agreed with the relevant authority in consultation with Historic England, where relevant. The Applicant is satisfied that this aligns with its proposed approach.

(2) No stage of the authorised development may commence until either a preservation in situ management plan, or detailed written schemes of investigation of areas of archaeological interest relevant to that stage (if any), as identified within the outline archaeological mitigation strategy and outline written scheme of investigation or identified through evaluation work as set out in the outline archaeological mitigation strategy and outline written scheme of investigation, has been submitted to and approved by the relevant ~~discharging planning~~ authority ~~in following~~ consultation with the relevant county planning authority and, if relevant, Historic England.

This drafting relates to comments in host authority local impact reports to which the Applicant responded on pages 183–185 and 192 of **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**.

In response at Deadline 3, the Applicant has revised its definition of 'relevant planning authority' and has added a definition of 'relevant county planning authority'. The Applicant has also accepted Suffolk County Council and Babergh and Mid Suffolk's request to make reference to the 'written scheme of investigation' plural and this was incorporated into the 3.1 Draft Development Consent Order [REP2-004] at Deadline 2.

Requirement 5 is now drafted such that approval of details is the responsibility of 'the relevant planning authority following consultation with the relevant county planning authority and, if relevant, Historic England'.

**DRAFT PRODUCED FOR DISCUSSION PURPOSES ONLY**

**Requirement 5 (incorporating comments from host authorities and stakeholders)**

**Applicant's comments**

(3) Any detailed archaeological works must be carried out in accordance with the approved detailed written scheme of investigation for that stage.

No changes proposed.

(4) Each detailed written scheme of investigation must be substantially in accordance with the outline archaeological mitigation strategy and outline written scheme of investigation and must identify areas where archaeological works are required and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found and must include—

- (a) an assessment of significance and research questions;
- (b) the programme and methodology of site investigation and reporting;
- (c) the programme for post-investigation assessment;
- (d) proposals for providing for the analysis of site investigation and recording;
- (e) proposals for providing archive deposition of the analysis and records of the site investigation;
- (f) nomination of a competent person or persons/organisation to undertake the works set out within the detailed written scheme of investigation; and
- (g) an implementation timetable.

The Applicant has accepted Suffolk County Council and Babergh and Mid Suffolk's request to make begin this paragraph with the word 'Each' instead of 'The'. This was incorporated into the **3.1 Draft Development Consent Order [REP2-004]** at Deadline 2 and no further changes to this paragraph are proposed.

(5) Intrusive site preparation works must not take place until an archaeological or geoarchaeological written scheme(s) of investigation in accordance with the outline written scheme(s) of investigation as appropriate has been submitted to and approved by the relevant planning authority following consultation with the relevant county planning authority and, if relevant, Historic England. The archaeological or

This drafting is proposed by Braintree District Council and Chelmsford City Council and also addresses a request raised by Essex County Council in its Local Impact Report **[REP1-161]** that the original Requirement 5(4) is replaced by wording that requires intrusive site preparation works to be carried out in accordance with an archaeological or geoarchaeological written scheme of investigation to be approved by the relevant authority. The Applicant has updated references to the relevant planning authority and consultation with the relevant county

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**Applicant's comments**

geoarchaeological written scheme(s) of investigation required under this sub-paragraph must be implemented as approved.

planning authority and Historic England to be consistent with **3.1 Draft Development Consent Order [Revision C]**.

The inclusion of a provision such as this is of great concern to the Applicant. It significantly and unacceptably limits the scope of pre-commencement operations that can be carried out prior to commencement of the authorised development, despite those pre-commencement operations having been assessed in the Environmental Statement. Furthermore, the OAMS and OWSI, together with the original Requirement 5(4) (pre-commencement works to be carried out in accordance with the OWMS and OWSI), sufficiently control these works. In the context of a Project of critical national priority, the ability to carry out pre-commencement operations which include ground investigations, is imperative to ensure that specified preparatory works can be carried out in parallel to the discharge of the pre-commencement Requirements. The restriction proposed by Essex County Council risks severely delaying the carrying out of preparatory works ahead of commencement of the authorised development. As the Applicant has noted previously, Annex 2 of the NESO Clean Power 2030 Report<sup>1</sup> identifies that if the Applicant delivers the Project by the end of 2031 instead of by the end of 2030, the consumer would be exposed to additional constraints costs in excess of £2.5 billion. This equates to £7 million for every day that the energisation of the Project is delayed into 2031.

(6) Unless otherwise agreed with the local planning authority—  
(a) No later than one year following the completion of the fieldwork specified in each site-specific written scheme of investigation, a site-specific post excavation assessment (PXA) for that site must be completed in accordance with the detailed written scheme of investigation and submitted to the local planning authority for approval.

This drafting has been proposed by Braintree District Council in its Local Impact Report **[REP1-148]**.

As noted above, the Applicant considers that the Requirement as included in **3.1 Draft Development Consent Order [Revision C]** sufficiently addresses these concerns by virtue of any detailed WSI needing to be substantially in accordance with the OAMS and OWSI.

<sup>1</sup> National Energy System Operator (NESO) (2024) *Clean Power 2030. Annex 2: Networks, connections and network access analysis*

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**Requirement 5 (incorporating comments from host authorities and stakeholders)**

**Applicant's comments**

- (b) No later than one year following the approval of the final site specific post excavation assessment, an archaeological updated Project design for all applicable sites, must be submitted to the local planning authority for approval. The archaeological updated Project design must be produced in general accordance with the detailed written scheme of investigation for each stage, include details of the scope of post-excavation analysis and publication and have regard to the site-specific research agendas set out in the site-specific written schemes of investigation.
- (c) Post-excavation analysis and publication must be carried out in accordance with the approved archaeological updated Project design and provision made for the full archive to be submitted to the appropriate museum.

The Applicant notes that the existing drafting is consistent with that contained in the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

However, should the Examining Authority consider that further clarity is required, then the Applicant's position is that the inclusion of paragraph (6)(a) of this discussion draft, together with paragraph (7) of this discussion draft, would be the clearest approach to adopt. The Applicant would note that the use of paragraph (6) and (7) together in their entirety would include some duplication, however, both provisions are included in this table for completeness.

- (7) No later than two years after the completion of the construction phase of work, an Updated Project Design must be submitted to and approved by the Local Planning Authority. The Updated Project Design must be in general accordance with the approved Outline Archaeological Mitigation Strategy and Outline Written Scheme of Investigation, and relevant Detailed Written Schemes of Investigation, and set out scope for full post excavation analysis, publication, and address the site-specific research agendas. Post-excavation analysis and publication must be carried out in accordance with the approved Updated Project Design.

The Applicant notes that this provision, requested by Suffolk County Council and Babergh and Mid Suffolk in their combined Local Impact Report [REP1-178] is very similar to that proposed as parts (b) and (c) of paragraph (6) of this discussion draft. The two would not need to coexist and, as noted above, the Applicant would suggest that the drafting could reasonably and appropriately include paragraph (6)(a) and paragraph (7), with the timings for compliance being brought into alignment.

- (8) The full archaeological archive, both physical and digital, must be deposited to the relevant archaeological archive repository, for that County, in accordance with the approved archaeological Updated Project Design.

The Applicant is content for this amendment to be included in a future draft of the **3.1 Draft Development Consent Order** as this is standard practice.

**DRAFT PRODUCED FOR DISCUSSION PURPOSES ONLY**

**Requirement 5 (incorporating comments from host authorities and stakeholders)**

~~(4) All pre-commencement operations must be carried out in accordance with the outline archaeological mitigation strategy and outline written scheme of investigation, unless otherwise agreed with the relevant discharging authority in consultation with Historic England.~~

**Applicant's comments**

The Applicant is greatly concerned about the potential impact the proposed replacement of this provision (Requirement 5(4) in the **3.1 Draft Development Consent Order [Revision C]**) with the text at new paragraph (5) of this discussion draft would have on the delivery of the Project.

As noted above, the proposed replacement wording significantly and unacceptably limits the scope of pre-commencement operations that can be carried out prior to commencement of the authorised development, despite those pre-commencement operations having been assessed in the Environmental Statement. Furthermore, the OAMS and OWSI, together with the original Requirement 5(4) (shown deleted here for the purposes of this discussion draft), sufficiently control these works.

In the context of a Project of critical national priority, the ability to carry out pre-commencement operations which include ground investigations, is imperative to ensure that specified preparatory works can be carried out in parallel to the discharge of the pre-commencement Requirements. The restriction proposed by Essex County Council risks severely delaying the carrying out of preparatory works ahead of commencement of the authorised development. As the Applicant has noted previously, Annex 2 of the NESO Clean Power 2030 Report identifies that if the Applicant delivers the Project by the end of 2031 instead of by the end of 2030, the consumer would be exposed to additional constraints costs in excess of £2.5 billion. This equates to £7 million for every day that the energisation of the Project is delayed into 2031.

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