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Your ref: EN020027  
My ref: 24/00001/NSIP  
Telephone: [REDACTED]  
Date: 12<sup>th</sup> May 2026

Dear Ms Hunt

**Application by National Grid Electricity Transmission (NGET) for a Development Consent Order (DCO) for the proposed Norwich to Tilbury Project (Application Reference: EN020027)**

**Norwich to Tilbury Project - Procedural Deadline 4 Response from Chelmsford City Council (CCC) Host Authority reference [REDACTED]**

Following the receipt of the Examining Authority Action Points to Issue Specific Hearing 2, please see the comments raised by Michael Hurst, Principal Conservation Officer:

It is noted that heritage was deferred from the hearings due to lack of time and further questions will be raised by the ExA.

There was some discussion about the Waltham gap under landscape. The inspector asked the question as to if the National Grid amendment to go for full height pylons and reduce to 2 pylons at TB140-TB142, would overcome the City Council's concerns.

The proposed amendment to the south of Great Waltham indicates that TB141 could be omitted and TB140 and TB142 would move closer together and revert to full height (c.50m high) with the alignment of TB140-TB136 moving to the northwest.

The City Council identifies significant harms to designated heritage assets including Langleys Registered Park and Garden, Little and Great Waltham Conservation Areas, grade II listed buildings on Chelmsford Road. the grade II Balls Farmhouse and the grade I Church of St Mary and St Lawrence Great Waltham (as set out in Chelmsford City Councils Local Impact Report), as well as low levels of harm to other designated heritage assets in Great Waltham and Little Waltham.

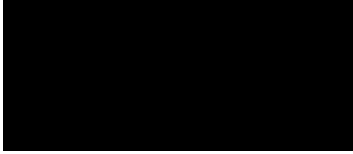
There are also significant harms to non-designated heritage assets (again, as set out in CCC's Local Impact Report REP1 -153). The amendment would result a reduction in harm to the setting of Windmill House, by moving the pylons away, reducing the level harm from high to moderate, for a non-designated heritage asset of local value. However, all other harms would be within the ranges identified. The amendment therefore fails to notably reduce the heritage harms and address the City Council's concerns, although it would appear to deal with the concerns relating to the amenity impact upon Windmill House.

The points raised in the City Councils Local Impact Report (REP1-153) remain - that harm to designated and non-designated heritage assets is underestimated, and the mitigation proposed is inadequate.

This concludes Michael Hurst's comments.

If you have any queries, please contact me.

Yours sincerely,



Senior Planning Officer  
Chelmsford City Council NSIP Lead

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Following the receipt of the Examining Authority Action Points to Issue Specific Hearing 2, CCC has the following comments.

**Day One: Tuesday 28<sup>th</sup> April: Agenda Item 2: Use of the term 'where practicable'**

*Provide a response to the applicant's answer to first written question (ExQ1) NV1.6 and follow up to hearing discussion regarding use of the term 'where practicable' and whether commitment NV23 in the outline code of construction practice (CoCP) would be adequate*

CCC consider that the use of the term 'where practicable' or other similar phraseology in the DCO and in any control documents is unacceptable.

The phrasing lacks precision and is unenforceable. It is not possible for the enforcing authority to take action where the test is 'where practicable' as the response from the applicants or their contractors will be 'in that instance compliance was not practicable in our opinion'. What happens if there is disagreement between the enforcing authority and their contractors as to whether something is 'practical' or not?

Terms with ambiguity undermine the relevant section of the DCO or control document, rendering the document unenforceable.

NV23 states that 'For the construction of pylon foundations, non-percussive piling methods will be used 'where practicable'. As above, this is unacceptable and could result in percussive piling being used in all foundations for all pylons if the applicants decided this was the most practical option for them. This is not a satisfactory solution and does not provide LPAs the certainty they need to protect the amenity of their residents.

CCC understand that Essex County Council (ECC) has undertaken a review of the use of the term 'where practicable' in the DCO and refers the ExA to ECC's submission.

**Day One: Tuesday 28<sup>th</sup> April: Agenda Item 10: Discharge period**

*Local authorities to provide additional justification for their request, including reasons for continuing to request additional days for discharge (with reference to experiences relating to Sea Link and Bramford to Twinstead) and provide a response to the suggestion of a validation checklist being secured in the DCO.*

***Requesting additional days for discharge***

CCC has previously set out its detailed justification for an extended determination period within its response to ExQ1 DCO 1.A2 (REP3-075), including a breakdown of the stages involved in discharging Requirements and the practical constraints encountered. To avoid repetition, those points are summarised and supplemented below.

CCC's position is informed by direct experience of discharging Requirements under the Longfield Solar Farm DCO and parts of the A12 Chelmsford – Colchester Widening DCO. CCC has also had regard to the experience of other Host Authorities regarding the Bramford to Twinstead and Sea Link DCO's.

The Longfield Solar Farm DCO provides a 10-week determination period. Whilst many decisions have been issued in time, others have had to be extended due to the need to obtain the technically complex further information necessary to enable the requirement to be acceptably discharged. From experience, delays occur when there is a need to obtain advice from external stakeholders, where the processes of consultation, Applicants response to consultation, and re-consultation have led to delays in the discharge process.

Whilst CCC could have refused requirements in those circumstances, we do not consider this to be best practice as this involves unnecessary duplication of processes. In those cases, we have taken a collaborative approach working with the Applicant, keeping the requirement open to enable further negotiation and consultation to take place.

On Bramford to Twinstead DCO, it is understood the Order provides for a 35-day determination period, supported by a Planning Performance Agreement, including provision for pre-application engagement.

We are aware that our colleagues within Braintree District Council have found that the timeframe is consistently challenging to achieve in practice. The reason for this is that the experience has demonstrated that the statutory processes of validation, consultation, technical review, and internal sign-off cannot, in all cases, be undertaken robustly within a shortened determination period without placing undue pressure on the Local Planning Authority, its consultees, and the Applicant's project team (including contractors).

In practice, the inclusion of a deemed consent mechanism has led to repeated requests for extensions of time in order to resolve matters that cannot reasonably be addressed within the prescribed 35-day period. This approach reduces procedural efficiency and introduces uncertainty for all parties, particularly where extensions are not agreed.

At ISH 2, Host Authorities raised similar concerns, noting that the scale, technical complexity, and volume of documentation associated with NSIPs necessitate realistic determination periods in order to ensure lawful, robust and defensible decision-making.

With regard to the Applicant's reference to the Hinkley Point C DCO as a precedent, it is noted that the Hinkley DCO provides for materially longer determination periods, allowing up to 8 weeks for more

complex submissions and 5 weeks for less complex cases. This demonstrates that extended timescales are both reasonable and established practice for projects of this scale and complexity.

Whilst the Applicant's need to secure the timely delivery of nationally significant energy infrastructure is noted, this must be balanced against the need for proportionate scrutiny, meaningful consultation, and sound decision-making. Unrealistic determination periods risk undermining the quality and robustness of decisions and may increase the likelihood of refusals where matters cannot be adequately resolved within the prescribed timeframe. This is not within anyone's best interests.

CCC maintain our position that a minimum 56-day determination period with flexibility to extend where necessary, is appropriate and justified.

### ***Validation Checklist in DCO***

CCC supports the inclusion of a validation checklist within the DCO. Yet it is cautioned that, whilst this may improve efficiency in the determination process and reduce the need for subsequent information requests, it will be dependent upon the quality and technical complexity of the information submitted.

Ideally, all requirements should be considered and consulted on at pre-application stage first.

### **Day One: Tuesday 28<sup>th</sup> April: Agenda Item 11: DCO 1.A6 and 'maintain'**

*Local authorities to comment on the applicant's position in its response to the question.*

Whilst the Applicants statutory duties are acknowledged, it is a matter of opinion whether the activities would give rise to materially new or materially different effects, and it is important that those effects are assessed appropriately.

The introduction of the Local Planning Authority safeguard is considered to present the best possible means of assessing these impacts, and the Applicant, through its considerable and extensive experience planning and programming of maintenance schedules, should be able to timetable in Local Planning Authority involvement as required.

### **Day One: Tuesday 28<sup>th</sup> April: Agenda Item 16: Schedule 3 – Requirements (interpretations)**

*Schedule 3 - Requirements 1 (Interpretations) Local authorities to comment on the applicants response to ExQ1 DCO 1.S5 regarding the discharging authority and the revised wording, including in relation to local government reform as set out in the Devolution and Community Empowerment Bill 2025. Both the applicant and local authorities to provide further comments on the definition of 'stage'.*

CCC has no objections to the revised wording relating to Local Government reform. Similar wording exists within other DCO's such as Longfield, which enable continuity planning.

CCC has provided comments on the use of the word stage within its first response to written questions (REP3-075) refers.

CCC considers that the term stage should be clearly defined. It currently lacks ambiguity and appears that it could be used by the Applicant according to where they see fit. The Applicants response is set out at DCO1 A10.

Whilst CCC is empathetic to the scale of the project, CCC disagrees with the Applicant's assertion that *it is not appropriate or proportionate for the Applicant to seek each authority's consent to the written scheme setting out the stages of the authorised development.*

To enable the necessary programming and efficient discharging of the requirements, details of the staging of the proposal should be submitted to each discharging Authority.

From experience, it is extremely helpful as part of their programming, for discharging Authorities to receive a phasing plan from the Applicant which sets out the phases and stages of the development. It is suggested that an outline scheme of the stages of the development is submitted at requirement level, with further detail to follow.

**Day One: Tuesday 28<sup>th</sup> April: Agenda Item 17: Schedule 3 Requirement 5 (archaeology)**

*Local authorities to provide comments on the applicant's answer to ExQ1 DCO 1.S8 and the document now provided [AS-090]*

CCC refers to Section 2 of this letter regarding ECC's comments on the additional submission accepted by the ExA from the Applicant regarding Archaeology - Document: 8.9.1 Applicant's Responses to First Written Questions (Additional Submission).

In so doing, Place Services (Archaeology) on behalf of ECC has commented on the current drafting Requirement 5 and recommended alternate wording for consideration and discussion with the Applicant.

**Day One: Tuesday 28<sup>th</sup> April: Agenda Item 18: Schedule 3 requirement 9: Reinstatement planting plan**

*Provide a response to the ExA question regarding interpretation of what exactly the applicant is proposing as 'mitigation', 'enhancement', 'compensation' or 'biodiversity net gain' (BNG) as separate entities. Signpost to where, in the submitted application documentation, it specifically explains what elements of the proposed development will constitute 'mitigation', 'enhancement', 'compensation' and 'BNG' and where these different elements are shown in their own right on the submitted plans.*

CCC defers to Essex County Council Place Services regarding this matter.

**Day Two: Wednesday 29<sup>th</sup> April: Agenda Item 19: Discharge of requirements**

*The applicant and local authorities are both to provide a response to the ExA questions and comments including an update by deadline 5 (Wednesday 10 June) regarding post-discharge functions and the involvement of the Department of Energy Security and Net Zero (DESNZ), following the related submissions at the final deadline of the Sea Link examination. Enquiries are to be made whether DESNZ has been consulted or provided comments regarding the draft wording of the relevant schedule in the Sea Link draft DCO.*

A full response will be provided by deadline 5, Wednesday 10<sup>th</sup> June.

There was a discussion about Recommendation 30 of the Fingleton Review and specifically the proposal to establish a new unit within DESNZ to co-ordinate and deliver post consent discharge functions for electricity networks projects. The ExA referred to the approach taken to this in the drafting of the DCO for the Sealink project and flagged some concerns about this. CCC understands that the Applicant will provide

more detail on its evolving approach to this issue at Deadline 4 and continue discussions with local authorities.

CCC will await the Applicant's comments and make any further representations at Deadline 5.

**Day Two: Wednesday 29<sup>th</sup> April: Agenda Item 20: Article 60 and Schedule 19**

*Local authorities to respond to the points made at the hearing.*

This matter seeks to ascertain whether the Applicant's response to ExQ DCO 1.G3 addresses concerns regarding the list of documents to be certified by the dDCO (as provided in Schedule 19 and secured by Article 60).

ExQ DCO 1.G3 requested that the Applicant:

*Explain why the outline Code of Construction Practice (oCoCP), outline Construction Traffic Management Plan (CTMP), outline Landscape and Ecological Management Plan (LEMP), outline Materials and Waste Management Plan, outline Public Rights of Way (PRoW) Management Plan, and outline Written Scheme of Investigation (WSI) are not identified as certified control documents, as is the case in the made Bramford to Twinstead DCO. It also sought justification for the absence of a Construction Environmental Management Plan (CEMP), Materials Management Plan, and Waste Management Plan within the Norwich to Tilbury dDCO.*

CCC has had regard to the Applicant's response to ExQ DCO 1.G3 (REP3-075).

For the avoidance of doubt, and from CCC's experience of dealing with requirements on the Longfield Solar Farm, CCC recommends that all documents should be listed as Certified plans and documents. This would enable them to be amended / replaced if required during the discharge of requirement procedure.

CCC remains concerned regarding the absence of a standalone CEMP. For a project of this scale and size, CCC considers that a CEMP should be submitted as standard and queries why the Applicant is 'going against the grain' regarding the submission of a common practice planning document. There is a key differentiation between CEMP's and oCoCP, with the former having a typically higher emphasis on environmental matters, practices and controls.

In reaching this view, it is noted that the Applicant has set out that the oCoCP, together with its appendices, incorporates the measures typically contained within a CEMP. Yet for the avoidance of doubt, and to enable ease and familiarity during at discharge of requirement, which the Applicant repeatedly insists is timebound, CCC's preference is for a CEMP to be provided, or at least form part of an appendices to the oCoCP.

CCC defers to Essex County Council regarding the omission of a Materials and Waste Management Plan.

**Day Two: Wednesday 29<sup>th</sup> April: Agenda Item 22: ExQ1 GEN 1.21 and Appendix E**

*The local authorities, highway authorities, police forces and statutory undertakers named in the Appendix E of [REP3-074] are to provide further response to ExQ1 GEN 1.21 and Appendix E, having regard to the criteria set out in s122(2) of the Community Infrastructure Levy Regulations 2010.*

This Action Point requires the local authorities, highway authorities, police forces and statutory undertakers named in Appendix E of [REP3-074] to provide a further response to ExQ1 GEN 1.21 and Appendix E, having regard to the criteria set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 provides that a planning obligation (including a section 106 agreement) may only constitute a reason for granting development consent if it meets all of the following tests:

- (a) Necessary to make the development acceptable in planning terms
- (b) Directly related to the development
- (c) Fairly and reasonably related in scale and kind to the development

These statutory tests are reinforced in national policy and guidance, which make clear that planning obligations must mitigate the impacts of development and should not be used to secure general benefits or wider aspirations.

CCC are mentioned a number of times in Appendix E and comment as follows:

### **Tree Planting**

The Applicant's vision is that tree planting would be likely be captured under a S106 Unilateral Undertaking to secure the necessary finance to deliver the agreed planting.

CCC's view is the project would lead to the loss of a significant number of trees, as set out within its Local Impact Report REP1-0153, including preserved trees, trees in in Conservation Area or Registered Park and Gardens and preserved and ancient woodlands.

Trees and Woodlands provide a vital benefit to improve the wellbeing of the public and the environment. Such benefits including the provision of shelter and shade, stabilisation of soil, filtering air pollution, reducing noise, improving and softening the landscape and creating and connecting wildlife habitats. As landscape features in the countryside, they play a role in shaping the character and appearance of a area. These benefits include, but are not limited to trees, hedgerows, woodlands, meadows, field margins and water features that may not benefit from international, national or local designations.

Their replacement and replanting is considered necessary to make the development acceptable (although their removal does not override the Councils objection to the proposal, directly related to the development, which would remove trees affected by the proposal and at a standard 3:1 replacement in principle, would be fairly and reasonably related in scale and in kind.

Following the application of the mitigation hierarchy, the replacement of these trees at the ratio provided is considered to meet all of the tests set out in set out in s122(2) of the Community Infrastructure Levy Regulations 2010.

### **Landscape and visual compensation scheme**

CCC's position on the need for compensatory planting is outlined within its Local Impact Report (REP1-153) and response to ExQ1 (REP3-075). CCC is currently in discussion with the Applicant regarding the scope of any such planting but envisages this would likely be captured under a S106 Unilateral Undertaking to secure the necessary finance to deliver the agreed planting.

CCC's view is the project will leave a significant landscape and visual impact on the landscape of Chelmsford and its environs and as such, following the application of the mitigation hierarchy, reasonable

compensatory planting should be delivered as part of the Project prior to the application of the projects CNP to the overall planning balance to determine the recommendation.

CCC considers the issue of landscape compensation would fulfil, the tests set out in set out in s122(2) of the Community Infrastructure Levy Regulations 2010

### **Employment, Skills, Education and Supply Chain Strategy - to secure an employment, education, skills and supply chain strategy and appropriate funding**

CCC's position on the need for an Employment, Skills, Education and Supply Chain Strategy is outlined in its LIR [REP1-173] and response to ExQ1 REP3-075. CCC is currently in discussion with the Applicant regarding the scope, content and delivery of an Employment and Skills Plan.

CCC considers that there is an impact on local business as a result of Norwich to Tilbury being implemented and that there is a need for this impact to be mitigated. CCC is of the opinion such an obligation would fulfil the tests set out in s122(2) of the Community Infrastructure Levy Regulations 2010.

### **Historic Compensation**

CCC's view is set out within its Local Impact Report (REP1-153) and response to written questions ExQ1 (REP3-075). The proposal is considered to lead to substantial harm to heritage features and compensation should be provided to protect existing them and, providing opportunities to repair and restore features to ensure their longevity and conservation. This would be in accordance Policy DM13, where they would provide public benefit. Combined with landscape, there is potential to integrate these features, through additional planting restoration and landscaping at sensitive heritage hotspots such as The Walthams.

CCC considers that compensation is considered necessary to make the development acceptable (although it does not override the Councils objection to the proposal), directly related to the development, which has demonstrated that there would be harm to heritage features and assets by virtue of effects to their setting. Applicant has refused to offer any form of compensation, including additional planting and screening nor the undertaking of a bespoke assessment of compensation for assets such as Grade One Listed Langley's House and Garden. CCC compensation including that would safeguard the health and future longevity of such features could be fairly and reasonably related in scale and in kind given the number of heritage assets affected and the wider cumulative impacts upon them.

### **Unilateral Undertakings**

CCC will take legal advice regarding the use of Unilateral Undertakings to deliver these benefits and will report back to the ExA at deadline 5.

### **Day Two: Wednesday 29<sup>th</sup> April: Agenda Item 25: Limits of Deviation 1**

*Local authorities to identify the most sensitive locations and specific viewpoints that they would like to see additional visuals of pylons within the limits of deviation (so as to further illustrate the worst case scenario). The list of viewpoints is to be agreed as soon as possible with the applicant, and submitted by the applicant at deadline 4 (Tuesday 12 May). The applicant is to submit the agreed visuals by deadline 5 (Wednesday 10 June).*

CCC defers to the Applicant on this matter.

**Update on SoCG**

CCC has provided the Applicant with comments on the latest iteration of the SoCG which the Applicant intends to submit for Deadline 4.

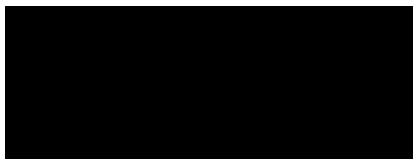
Due to the limited time given to CCC to review the document, it was not possible to undertake a comprehensive review of all sections.

CCC will be working with the Applicant to consolidate the outstanding issues and move matters to Agreed / Not Agreed where possible ahead of Deadline 5.

CCC welcomes the opportunity to submit this Deadline 4 response. CCC will continue to engage proactively with the applicant and the Examining Authority as this application progress through Examination.

If you have any queries, please contact me.

Yours sincerely,



Senior Planning Officer  
Chelmsford City Council NSIP Lead