



Norfolk County Council

ISH2 post-hearing submission

Norwich to Tilbury (EN020027)

Deadline 4 – 12 May 2026

Table 1: NCC's post hearing summary of oral submissions at ISH2

| Issue | NCC comment |
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| 5 Aviation safety | <p>NCC did not contribute orally to the discussion of aviation safety because NCC has no capacity to provide specialist advice on this issue.</p> <p>In para. 12.2 of our LIR [REP1-173], NCC identified a policy need in EN-1 for proposals [to be] designed, where possible, to minimise adverse impacts on the operation and safety of aerodromes. As a result, NCC supports Tibenham Airfield and Priory Farm Airfield in their discussions with the applicant.</p> |
| 6 DCO | <p><u>6.1 Articles and Schedules of the draft DCO</u></p> <p><u>Definition of discharging authorities</u></p> <p>NCC welcomes the applicant's change to introduce a new definition for 'relevant county planning authority'. We understand why the definition of 'relevant planning authority' has been amended but not replaced with 'relevant district planning authority'. We also consider the applicant's removal of the term 'discharging authority' from schedules 3 and 4 is helpful.</p> <p><u>6.2 Schedules 3 and 4 of the draft DCO – (Schedule 3 – Requirements and Schedule 4 (Discharge of requirements))</u></p> <p><u>Schedule 3: Additional requirements</u></p> <p>NCC has requested an employment and skills plan to be secured through a requirement of the DCO. We understand that the applicant intends to submit a plan at deadline 5. We will provide comments when we have had an opportunity to review the plan and the language of the draft DCO proposed to secure it.</p> <p>NCC also requested a requirement to secure a construction surface water management plan. The applicant has indicated that the Outline Code of Construction Practice [REP2-014] secures that the main works contractor will produce a surface water management plan to be in substantially in accordance with the drainage strategy [REP1-072]. This method of securing the production of a surface water management plan is not robust enough because it does not provide for approval by the local planning authority in consultation with the lead local flood authority. NCC would seek for the construction surface water management plan to either be the subject of its own requirement or to be listed as a 'relevant plan' under requirement 4 (construction management plans). This post-consent scrutiny is essential given the current distance between the applicant</p> |

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| | <p>and NCC on the quality and suitability of the drainage strategy, and the importance given to flood risk in NPS EN-1.</p> |
| | <p><u>Schedule 4: Time periods for discharge of requirements</u></p> <p>The general experience of discharging authorities, as noted at the hearing, is that shorter time periods for the discharge of requirements do not equate to faster decision-making. Indeed, where timescales do not allow for sufficient review of the submitted information, a discharging authority may be forced to issue a refusal (to preserve their position), thus leading to the possibility of an appeal.</p> <p>It is therefore important to strike an appropriate balance between the acknowledged need to deliver projects swiftly and the critical need to ensure that details of a project are robustly scrutinised to avoid undue adverse impacts. A 56-day period (i.e. 40 business day period) strikes this balance.</p> <p>This aligns with the 8 week statutory time limits for applications made to discharge a planning condition under The Town and Country Planning (Development Management Procedure) (England) Order 2015. Version C of the draft DCO has been amended to consistently use business days rather than days.</p> <p>NCC finds the justification for shorter timescales given in the draft Explanatory Memorandum (that ‘shorter time limits are necessary and proportionate in light of the immediate and pressing national need which the Project is intended to address’) to be unconvincing given that longer periods are well precedented for other projects which also meet an urgent need as defined by NPS EN-1. See, for example, paragraph 1 of part 2 of Schedule 2 of the <i>Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024</i> (56 days), paragraph 1(2) of Schedule 24 (procedure for approvals, consents and appeals) of the <i>Sizewell C Nuclear Generating Station Order 2022</i> (eight weeks), and paragraph 2(2) of Schedule 16 (procedure for the discharge of requirements) of the <i>Tillbridge Solar Order 2025</i> (ten weeks).</p> <p>The applicant’s Final Issue C of the draft DCO changes the notification of decision period in paragraph 1(1) of schedule 4 (discharge of requirements) from 28 days to 25 business days. This increase from effectively 4 weeks to 5 weeks is welcome but is not sufficient.</p> |
| <p>8 Landscape and visual effects</p> | <p><u>8.1 Methodology</u></p> <p>NCC is not raising any methodological issues relating to landscape and visual effects</p> <p><u>8.2 Landscape and visual effects – general issues, including limits of deviation.</u></p> <p>NCC has reviewed paragraph 3.2.28 of ES Chapter 3 [APP-127], which states that: “As an NSIP, the DCO provides flexibility through Limits of Deviation (LoD)... minor variations in specific pylon positioning or</p> |

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| | <p>precise alignment within these limits are not treated as separate alternatives, as the assessment considers a worst case scenario within the established parameters.”</p> <p>NCC’s concern, raised at paragraphs 6.11 to 6.18 of our LIR [REP1-173], in relation to the limits of deviation is that there is considerable variation to the amount of harm done to, for example, veteran trees and ancient woodlands within the lateral limits. For example, a number of alternatives are in fact discussed by the applicant in relation to the crossing of the Tas Valley in section 4.4 of the design development report [APP-122]. The decision-making between alternatives within the LoD is obscure. Despite the acknowledgement in the design development report that the options trade off harms against particular veteran trees, there is no explicit evaluation of these harms in a readily comparable way.</p> <p><u>8.3 Consideration of the Waveney Valley</u></p> <p>NCC maintains its position on the need for additional compensation and landscape led restoration projects within the Waveney Valley.</p> <p>The starting point, in policy terms, is that the mitigation hierarchy applies in relation to adverse impacts affecting the environment or biodiversity. This requires both the applicant and decision-maker to consider any measures to avoid, reduce, mitigate or compensate for such adverse impacts – see EN-1 paragraphs 4.1.5, 4.2.23, 4.2.24, 4.2.25, 4.3.4; and EN-5 paragraphs 2.1.1, 2.1.6,</p> <p>In particular:</p> <ul style="list-style-type: none"> • Paragraph 4.2.24 of EN-1 states in terms that “<i>Applicants must apply the mitigation hierarchy and <u>demonstrate that it has been applied</u></i>” (emphasis added); and this is echoed at paragraph 2.1.6 of EN-5. • Paragraph 4.2.25 of EN-1 further clarifies that “<i>applicants should set out how residual impacts will be compensated for <u>as far as possible</u></i>” (emphasis added). • The mitigation hierarchy is further emphasised in the context of environmental effects (paragraph 4.3.4 of EN-1). <p>The policy imperative to follow the mitigation hierarchy, including compensating for adverse effects as far as possible, is clear. At the ISH2 hearings, the Applicant sought to argue that the need to compensate only arises in those specific instances where the NPS requires it – such as paragraph 5.4.43 of EN-1 which specifies the need for “appropriate compensation” (section on biodiversity and geological conservation). That argument is not well founded. It ignores the general application of the mitigation hierarchy in section 4.2 as well as the specific application of the hierarchy in the context of EIAs and environmental considerations at section 4.3. Nothing in the specific references to compensation in other</p> |

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| | <p>sections of the NPS waters down or otherwise dilutes the general application of the mitigation hierarchy, which necessarily includes compensation.</p> <p>While there is clearly a general duty to apply the mitigation hierarchy, NCC acknowledges that how it is applied in each case (including in terms of compensation and the extent of it) will naturally vary.</p> <p>In the specific instance of the Waveney Valley, the question of appropriate and proportionate compensation must be understood against the following factors:</p> <ul style="list-style-type: none"> • First, this was a case in which undergrounding was specifically considered for a section of the Waveney Valley. As per paragraph 2.9.24 of EN-5, the Applicant plainly recognised the “<i>high potential for widespread and significant adverse landscape and/or visual impacts</i>” along the Waveney Valley. • Second, it is common ground that (such undergrounding not being pursued) there are significant residual effects in landscape and visual terms. <p>As such, this is a clear case in which it is incumbent on the Applicant to provide compensation beyond standard measures. There is a robust policy basis as well as compelling site-specific justification for the additional compensation which has been requested by the local authorities.</p> <p><u>8.4 Cumulative effects</u></p> <p>NCC did not raise any issues in relation to cumulative effects.</p> <p><u>8.5 Mitigation</u></p> <p>NCC’s points on mitigation are covered in our post-hearing submissions on 8.3.</p> <p><u>8.6 Any other landscape and visual matters</u></p> <p>NCC did not raise any issues in relation to any other landscape and visual matters.</p> |
| 9 Historic environment | NCC did not raise any issues relating to historic environment matters. |
| 11 Traffic and transport | <p><u>11.1 Baseline, modelling and future monitoring</u></p> <p>Under the agenda point concerning junction modelling, the ExA raised an issue relating to the split of traffic for Thetford and Diss. NCC still has concerns regarding the split of traffic and movements going through Diss. The applicant has committed to providing further modelling to allow us to examine the impact in greater detail but we have not received any further information to date. NCC has a meeting with</p> |

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| 12 Public Rights of Way | <p>the applicant on Wednesday 13 May to discuss highway matters in detail. A further update will therefore follow in the next update to the statement of common ground (“SoCG”).</p> <p>NCC did not raise any concerns relating to modelling and junctions but we have previously made comments requesting more up to date traffic and collision data. We have received updated information from the applicant, we are currently awaiting 2025 data which has not been released yet, but as it stands NCC consider the matter can be resolved through the SoCG for the next deadline.</p> <p>NCC did not raise any further issues relating to traffic and transport.</p> |

Table 2: NCC's response to the ISH2 action points.

| Action Point | NCC comment |
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| <p>2</p> <p>Use of term 'where practicable'</p> <p>All local authorities: 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.</p> | <p>Norfolk County Council defers to South Norfolk District Council on matters relating to noise and vibration.</p> |
| <p>10</p> <p>Discharge period</p> <ul style="list-style-type: none"> • Provide a full response in writing to the local authorities' request to further extend the period for discharge to 40 working days/ 56 calendar days. • 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). • Provide a response to the suggestion of a validation checklist being secured in the DCO. | <p>Norfolk County Council has provided justification for a longer period at paragraphs 3.9 and 3.10 of our relevant representation [RR-2753]. In the relevant representation we note that the model provisions set out in PINS Advice note Fifteen: drafting Development Consent Orders provide for a discharge period of 42 days (equivalent to 30 business days or 6 weeks, in contrast to 25 business days or 5 weeks provided for in revision C of the draft DCO).</p> <p>We also provide examples of other energy projects which are subject to the same policy imperative (i.e. an urgent need for significant amounts of new large-scale energy infrastructure) showing that 8 weeks has been found to be acceptable and not to represent an undue delay. NCC is clear that 8 weeks is the standard period for discharge of requirements for energy NSIPs and that this does not represent further delay.</p> |
| <p>11</p> <p>ExQ1 DCO 1.A7 and 'maintain'</p> <p>Local authorities to comment on the applicant's position in its response to the question.</p> | <p>Norfolk County Council has no comments to make on the applicant's answer to ExQ1 DCO 1.A7.</p> |

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| <p>16 Schedule 3 - Requirements 1 (Interpretations)</p> <p>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.</p> <p>Both the applicant and local authorities to provide further comments on the definition of 'stage'.</p> | <p>The English Devolution and Community Empowerment Act 2026 concerns, among other things, the creation of a new tier of strategic authorities. We do not understand it to have any bearing on the applicant's answer to ExQ1 DCO 1.S5, unless the applicant wishes the new strategic authorities to have a formal role in discharging requirements.</p> <p>NCC finds the applicant's revised wording acceptable. Under the Local Government and Public Involvement in Health Act 2007 (under which powers local government reorganisation will be carried out) the method for creating a single tier of local government in an area which currently has two tiers is usually the creation of one of the following:</p> <ul style="list-style-type: none"> • a metropolitan borough council; • a district council with the functions of a county council; or • a county council with the functions of a district council. <p>NCC accepts that the applicant's wording will deal with any of these scenarios, while our proposed solution (see Table 4-A of [REP1-173]) would only have dealt with the most likely scenario of the creation of district councils with the functions of a county council.</p> |
| <p>17 Schedule 3 – Requirement 5 (Archaeology)</p> <p>Local authorities to provide comments on the applicant's answer to ExQ1 DCO 1.S8 and the document now provided [AS-090].</p> | <p>NCC agrees generally with the proposed changes to requirement 5 contained in [AS-090]. However, the applicant has still not provided any information about which discharges of requirement Historic England will be 'relevant'.</p> |
| <p>19 Schedule 4 Discharge of requirements</p> <p>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</p> | <p>NCC will provide an update by deadline 5 as required.</p> <p>In the meantime, NCC notes that 8 weeks is the standard period for discharge in all examples we have seen of transport DCOs where the secretary of state for transport is the discharging authority. The applicant should be clear whether the secretary of state has</p> |

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| <p>Energy Security and Net Zero (DESNZ), following the related submissions at the final deadline of the Sea Link examination.</p> <p>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.</p> | <p>indicated his consent for a shorter period if the applicant decides to produce drafting for the DESNZ unit discharge model.</p> <p>NCC invites the applicant and the ExA to consider whether the period for discharge of requirements should be consistent whether the discharging authority is the secretary of state or a local authority.</p> |
| <p>20 Article 60 and Schedule 19</p> <p>Local authorities to respond to the points made at the hearing.</p> | <p>NCC has no comments to make about article 60 and schedule 19.</p> |
| <p>22 ExQ1 GEN 1.21 and Appendix E</p> <p>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.</p> <p>Rosie Pearson for Pylons East Anglia and Charles Micklem to provide in writing their comments regarding clauses in agreements relating to objections to planning applications and projects.</p> | <p>At the request of the applicant, NCC and SCC are working on a note justifying our request for landscape compensation by reference to regulation 122 of the Community Infrastructure Levy Regulations 2010. This note is intended to be for the purposes of discussion with the applicant, who we understand intends to provide further detail to the ExA at deadline 5.</p> |
| <p>25 Limits of Deviation 1</p> <p>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).</p> | <p>NCC has not made any requests for further visualisations from the applicant.</p> |

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| <p>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).</p> <p>The applicant is to submit the agreed visuals by deadline 5 (Wednesday 10 June).</p> | |
| <p>28</p> <p>Waveney Valley</p> <p>Provide more information on the technical reasons for other pylon types being discounted.</p> <p>Local authorities to provide further comments in writing in response to the discussion regarding the setting of St Remigius Church.</p> | <p>NCC defers to South Norfolk District Council on matters relating to above-ground heritage assets because we do not have in-house expertise or a statutory role in relation to them.</p> |
| <p>38</p> <p>Diss to Thetford (PARs 8 and 9)</p> <p>Norfolk County Council to provide further comments and an update on discussions.</p> | <p>In Table 4.26 of their response to local impact reports [REP2-030] the applicant claims that there is no 'step change' in the performance of junctions on PAR 8. Nevertheless, their junction modelling does show deterioration in performance by overloading junctions past their capacity. The applicant has committed to providing further modelling to allow us to examine the impact in greater detail but we have not received any further information to date</p> <p>NCC has a meeting with the applicant on Wednesday 13 May to discuss highway matters in detail. A further update will therefore follow in the next update to the statement of common ground.</p> |
| <p>43</p> <p>Abnormal Indivisible Loads: cumulative impacts</p> <p>Applicant and local highway authorities to provide in writing an update on cumulative impacts of AIL routing and progress with route assessments, including structural assessment.</p> | <p>NCC's understanding is that the project does not require AILs to travel through Norfolk. On this matter therefore, NCC defers to the local highways authorities which are affected by AILs.</p> |