



# **Norwich To Tilbury**

## **Nationally Significant Infrastructure Project (NSIP) (“the NSIP”)**

Braintree District Council ( [REDACTED] )

### Submission:

Responses to ExQ2

## Contents Page

1	Glossary of Abbreviations .....	4
2	Introduction .....	5
	<b>Purpose &amp; Format of Report</b> .....	5
3	General and Cross Topic Questions .....	6
	GEN 2.2 .....	6
	GEN 2.4 .....	7
4	Design, parameters and other details of the proposed development .....	8
	DES 2.5 .....	8
5	Biodiversity, ecology and natural environment .....	9
	BIO 2.1 .....	9
	BIO 2.8 .....	10
6	DCO – Draft Development Consent Order .....	12
	DCO 2.G2 .....	12
	DCO 2.S3 .....	17
	DCO 2.S6 .....	19
	DCO 2.S10 .....	21
	DCO 2.S11 .....	23
	DCO 2.S12 .....	25
	DCO 2.S13 .....	28
	DCO 2.S16 .....	29

7	Historic Environment.....	30
	HE 2.13.....	30
8	Land Use and Soils.....	33
	LUS 2.4.....	33
9	Noise and Virbration .....	34
	NV 2.2.....	34
10	Landscape and Visual.....	35
	LV 2.16 .....	35

## **1 Glossary of Abbreviations**

AMS - Arboricultural Method Statement  
AS - Additional Submission  
BDC - Braintree District Council  
BS - British Standard (e.g. BS 5228 for noise)  
CIL - Community Infrastructure Levy  
CNP - Critical National Priority  
CoCP - Code of Construction Practice  
DCO - Development Consent Order  
ECC - Essex County Council  
ES - Environmental Statement  
ExA - Examining Authority  
ExQ1 - Examination Questions Round 1  
ExQ2 - Examination Questions Round 2  
GI - Ground Investigation  
HRA - Habitats Regulations Assessment  
IP - Interested Party  
IPs - Interested Parties  
ISH2 - Issue Specific Hearing 2  
ISH3 - Issue Specific Hearing 3  
LAeq - Equivalent Continuous Sound Level  
LEMP - Landscape and Ecological Management Plan  
LoD - Limits of Deviation  
LPA - Local Planning Authority  
LIR - Local Impact Report  
NESO - National Energy System Operator  
NPS - National Policy Statement  
NPS-EN1 - National Policy Statement for Energy (Overarching)  
NPS-EN5 - National Policy Statement for Electricity Networks Infrastructure  
NSIP - Nationally Significant Infrastructure Project  
NSR - Noise Sensitive Receptor  
OAMS - Outline Archaeological Mitigation Strategy  
OCoCP - Outline Code of Construction Practice  
OLEMP - Outline Landscape and Ecological Management Plan  
OWSI - Outline Written Scheme of Investigation  
PD - Procedural Deadline document reference  
PRoW - Public Right of Way  
RPAs - Root Protection Areas  
SoCG - Statement of Common Ground  
SoS - Secretary of State  
TCPA - Town and Country Planning Act  
WSI - Written Scheme of Investigation

## **2**      **Introduction**

### **Purpose & Format of Report**

- 2.1.1      This report comprises Braintree District Council's ("the Council") response to relevant questions posed by the Examining Authority in respect to ExQ2.
- 2.1.2      The report format extracts the table from ExQ2 and inserts the Council's response. For ease of reference, the table includes only those questions that are directed specifically to the Council or those on which the Council wishes to comment at this stage.
- 2.1.3      Where a response is not provided to other questions, the Council reserves the right to submit comments on the Applicant's or other parties' responses at a future examination deadline.

**3      General and Cross Topic Questions**

<b>REF</b>	<b>ExA Question (summary)</b>	<b>Braintree District Council (BDC) - Response</b>
<p><b>GEN 2.2</b></p>	<p><b>Legal Agreements</b></p> <p>Further to first written question (ExQ1) GEN 1.21, the applicant provided a table (appendix E [REP3-074]) outlining the legal agreements requested to date by local authorities and setting out its comments, including on whether (or not) such an agreement would meet the relevant tests.</p> <p>All local authorities are invited to provide:</p> <p>further comments on appendix E [REP3-074], or if already done this, to signpost to the ExA where in the examination library your comments on such matters can be found. In particular, the ExA seeks comments from the local authorities on how they consider each of its requests would meet the relevant policy tests (including regulation 122 of the Community Infrastructure Levy Regulations 2010).</p>	<p>Braintree District Council responded to Appendix E, including matters of CIL compliance within its Deadline 4 response (REP4-323), Section 3.9.</p>

<p><b>GEN 2.4</b></p>	<p><b>Interrelationship Report</b></p> <p>Report on interrelationship with other infrastructure projects The ExA notes that the latest cut-off date for other existing and approved developments in the cumulative assessment is currently 31 January 2026 (Environmental Statement (ES) Chapter 17 - Cumulative Effects - Response Update [REP4-163], see also question GEN 2.5 below). However, the final version of the interrelationship report [REP4-296] should include, as far as possible, the most up-to-date position relating to the progress of other approved and pending development proposals in a summary ‘at a glance’ document.</p> <p>All local authorities, and IPs who are listed in the interrelationship report, are asked to: Review the interrelationship report [REP4-296] and confirm if the updated position on approved and proposed developments is, to the best of your knowledge, accurate and to provide any further comments if you wish</p>	<p>The Council have reviewed the updated interrelationship report document (REP4-296).</p> <p>The Council notes that many of the updates provided by the Council in its deadline 2 response (REP2-033). However, the Council consider that the updated interrelationship report is still omitting key sites/applications.</p> <p>The first is Application Reference 23/00816/OUT which was allowed on appeal 1<sup>st</sup> August 2025. This is not mentioned anywhere within the Interrelationship Report despite specifically referring to it in our Deadline 2 Response (Paragraph 3.2.3). This should be included as it is before the cut-off point.</p> <p>The second is the Council’s proposed ‘Kings Dene’ strategic allocation of 5000 homes. This will directly intersect with the project and can be found on Figure B of Appendix 2 of (REP1-148). While not an application nor a fully adopted allocation (now currently post Regulation 18), the Council consider that it should at least be acknowledged within the Interrelationship Report. Reference is made to application 21/03279/OUT which is still being considered by the Council, as set out in paragraph 3.3.32 of ‘8.4.3 Report on Interrelationship with Other Infrastructure Projects Final Issue – Revision B, May 2026, Planning Inspectorate Reference: EN020027’.</p>
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4 **Design, parameters and other details of the proposed development**

REF	ExA Question (summary)	Braintree District Council (BDC) - Response
DES 2.5	<p><b>Approach to scenarios</b></p> <p>The ExA notes the updates to the progress of a number of alternative design scenarios as noted in [REP4-310], and that a number of revised plans and documents are expected to be submitted at deadline 5, however it remains unclear when a number of the other alternative scenarios are likely to be confirmed for a number of reasons, including the progress of third party planning applications.</p> <p>The local authorities are asked to review the Approach to Scenarios document [REP4-310], clarify their understanding of the scenarios which are reliant on third party planning applications, and to make other comments on the document where relevant to their area.</p>	<p>The Council has reviewed the Applicant’s Approach to Scenarios document [REP4-310] and considers that the only design scenario of direct relevance to land within the Braintree District is Table 2.5 (Mineral extraction site north-west of Kelvedon), which relates to potential interactions with a future minerals allocation. This scenario is understood to be dependent on the progression of third-party minerals planning decisions and the Essex Minerals Local Plan process. In this respect, the Council considers that Essex County Council, in its capacity as Minerals and Waste Planning Authority, is best placed to provide detailed and substantive comments on this matter, and the Council therefore defers to ECC on issues relating to mineral safeguarding and the acceptability of the proposed approach.</p>

5 Biodiversity, ecology and natural environment

REF	ExA Question (summary)	Braintree District Council (BDC) - Response
BIO 2.1	<p><b>Assessment of biodiversity deficit</b></p> <p>In response to ExQ1 BIO 1.4 the applicant has stated that replacement planting and habitat creation is identified as embedded/ standard mitigation within the outline Landscape and Ecological Management Plan (outline LEMP). The applicant considers that with this in place there would be no 'biodiversity deficit'</p> <p>To all local authorities and Wildlife Trusts: Set out your views on the potential for there to be biodiversity deficit and whether you consider this has been properly assessed in ES Chapter 8 and mitigated for by the applicant. Explain any outstanding concerns and what (if any) additional measures you would wish to see the applicant implement.</p>	<p>Braintree DC has previously expressed a wariness about the persistent assumption throughout the ES Chapter 8 that the planned reinstatement of impacted habitats will lead to an inevitable long-term negligible effect – both for the habitats and the species associated with them. Two problems with that assumption are:</p> <ol style="list-style-type: none"> <li>1. It assumes that there will always be successful habitat reinstatement to an equivalent (or better) type and condition of habitat. New vegetation planting, be it trees, shrubs or grass mix, can have problems and setbacks. The 5-year management period proposed for the vegetation reinstatement efforts does not leave much scope for any failures that would need correction and care to assure safe establishment.</li> <li>2. The impact assessments within the ES Chapter 8 are not transparent with respect to predicted residual impacts in the short and medium term. As Braintree DC has stated before, within the ES Chapter 8, Table 8.23 (the Residual Effect column), does not ever clarify how long it is predicted to take for the magnitude of impact to degrade to a negligible level for the affected receptors. One could interpret from Table 8.23 that the application of</li> </ol>

		<p>mitigation will ultimately bring about a neutral outcome, but miss recognising that there is a necessary period of recovery time which may be measurable in years. Providing transparency about the short – medium term impacts predictable for receptor species displaced from or otherwise denied previous resources, would enable a more inference-based examination of those assessments. That further clarity of argument would enable reviewers of the ES Chapter 8 to more informatively judge whether or not certain long-term impact assessments do seem reasonable to assess as neutral.</p>
<p><b>BIO 2.8</b></p>	<p><b>Monitoring the effects on birds</b></p> <p>In response to ExQ1 BIO 1.13 regarding the use of bird diverters the applicant in [REP3-074] states that ES Chapter 8 [AS-026] and the Habitat Regulations Assessment (HRA) Report [APP-082] predict no significant adverse effects on birds during operation of the proposed development either with or without mitigation and therefore additional monitoring or adaptive management is not considered necessary or proportionate.</p> <p>Do you agree with the applicant’s comments in this regard, if not then please explain why and set out what additional monitoring and (if</p>	<p>The Council has reviewed the Applicant’s response to ExQ1 BIO 1.13 regarding the use of bird diverters and associated monitoring. The Council’s Ecological Advisor has considered the relevant Environmental Statement chapter and supporting HRA and notes that no significant concerns were previously raised in relation to bird strike risk within Braintree District. On this basis, and having regard to the survey effort undertaken and the conclusions presented, the Council agrees that the assessment reasonably concludes that the risk to birds during the operational phase would be negligible, both with and without mitigation. Accordingly, the Council does not consider that additional monitoring or adaptive management measures are necessary or proportionate in this instance.</p>

	necessary) adaptive management you would wish to see secured.	
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REF	ExA Question (summary)	Braintree District Council (BDC) - Response
DCO 2.G2	<p><b>DCO General 2</b></p> <p>In light of the applicant's response to ExQ1 [REP3-074], question SET 1.5, and the Secretary of State's decision letter for The North Falls Offshore Wind Farm Project dated 14 May 2026, especially paragraphs 4.192 to 4.194 (inclusive), do you have any further comment in regard to the use of the term "where practicable" or any variant of that term.</p>	<p>The Council has reviewed the Applicant's response to ExQ1 (REP3-074, SET 1.5) together with the Secretary of State's decision letter for the North Falls Offshore Wind Farm Project (14 May 2026), in particular Paragraphs 4.192–4.194. The Council notes that the Secretary of State accepted the use of the term "where practicable" in that case where it was supported by a clear justification table and where the assessment was based on a robust worst-case scenario, including instances where mitigation may not be delivered in full.</p> <p>The Council also notes the approach taken in the Sizewell C decision, which clarifies that "where practicable" requires mitigation to be delivered in almost all circumstances, with departure from such measures only justified where there would be no significant impact and the associated risks are low.</p> <p>As such, despite previous issues raised about the lack of precision of the term "where practicable", the Council does not object in principle to the use of the wording, recognising that a degree of flexibility is often necessary in the detailed design and construction of nationally significant infrastructure projects.</p>

		<p>However, the Council considers that such wording must be applied in a tightly controlled and justified manner. In this regard, the Council accepts the use of “where practicable” only in those specific instances where the Applicant has provided a clear and reasoned justification (as set out in the table within REP3-074). The Council does not consider it appropriate for this term to be used more broadly across the DCO or its control documents without equivalent justification.</p> <p>In terms of some detailed comments on some of the provisions set out in Table 1 Justification for the use of ‘practicable’</p> <ul style="list-style-type: none"><li>- GG08 –<ul style="list-style-type: none"><li>○ While the Council recognises that a degree of flexibility may be necessary during construction, it notes that a number of the features referenced within GG8 (including trees, hedgerows, watercourses and archaeological assets) are already subject to more detailed and enforceable control through other certified documents and DCO Requirements.</li><li>○ For example, the protection of trees and vegetation would ordinarily be secured through approved Landscape Ecological Management Plans and associated arboricultural method statements, while archaeological are controlled through Requirement 5 requiring the submission and approval of a Written Scheme of Investigation. In this context, the use of the</li></ul></li></ul>
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		<p>phrase “where practicable” within GG8 risks creating ambiguity as to whether these protections are subject to a lesser standard than that secured elsewhere within the DCO framework.</p> <ul style="list-style-type: none"><li>○ The Council therefore considers that, where such overarching commitments are included within the Outline Code of Construction Practice, they should clearly cross-refer to and be consistent with the relevant approved plans and requirements which secure detailed mitigation. This would ensure that flexibility is appropriately framed within an enforceable hierarchy of controls, and does not inadvertently dilute the level of protection afforded to important environmental and heritage receptors.</li></ul> <p>- LV04 –</p> <ul style="list-style-type: none"><li>○ The Council has also reviewed commitment LV04 within the Outline Code of Construction Practice in relation to the retention and replacement of landscape features. While the Council recognises that it may not be practicable to retain all existing landscape elements during construction, it notes that Requirement 9 of the draft DCO requires the submission and approval of a reinstatement planting plan, which provides a clear and enforceable mechanism for landscape replacement and mitigation.</li><li>○ In this context, the Council considers that the use of the phrase “where practicable” in LV04 risks creating ambiguity as to whether replacement planting is a</li></ul>
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		<p>mandatory requirement or subject to discretion. The Council's understanding is that reinstatement planting is secured through Requirement 9 and should therefore be delivered in accordance with the approved details, rather than being qualified by a general practicability test.</p> <ul style="list-style-type: none"><li>○ The Council therefore considers that LV04 should clearly cross-refer to Requirement 9 and the approved reinstatement planting plan, in order to ensure consistency within the DCO framework and to confirm that the delivery of landscape mitigation is not diluted. This would ensure that any necessary flexibility in retaining existing features is appropriately balanced by a firm and enforceable commitment to replacement planting.</li></ul> <p>- NV11</p> <ul style="list-style-type: none"><li>○ The Council has also reviewed commitment NV11 relating to the enclosure of continuous noisy plant. While the Council recognises that detailed design has not yet been finalised and that some flexibility is necessary, it notes that this measure forms a key component of construction noise mitigation, particularly in relation to identified noise-sensitive receptors within the District.</li><li>○ In this context, the use of the wording "where practicable and efficacious" introduces a significant degree of flexibility, which when combined with reliance on Best Practicable Means, risks creating</li></ul>
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		<p>uncertainty as to whether this mitigation will be consistently implemented. The Council’s Local Impact Report (REP1-148) has already highlighted concerns that the repeated use of such qualifying language may result in variable application of mitigation measures, with potential consequences for nearby receptors.</p> <ul style="list-style-type: none"> <li>○ The Council therefore considers that, for primary mitigation measures such as noise control, greater certainty is required. In particular, it should be demonstrated that the relevant construction noise limits can be achieved irrespective of whether acoustic enclosures are ultimately employed, and that reliance on practicability does not result in exceedances of assessed impacts.</li> <li>○ Without such clarification, the Council remains concerned that the current wording could allow key mitigation to be reduced or omitted, thereby undermining confidence that the assessed worst-case noise impacts have been appropriately controlled.</li> </ul> <p>Furthermore, the Council emphasises the importance of ensuring that, in all cases where mitigation is subject to a “where practicable” qualification, the Environmental Statement has assessed a robust worst-case scenario, including the potential for mitigation not to be delivered in full. The Council therefore seeks confirmation that such worst-case assumptions have been consistently applied across the Outline Landscape and Ecological Management Plan, Outline Code of Construction Practice, Outline Traffic Management Plan, Public Rights of Way Management Plan, and Outline Archaeological</p>
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		<p>Mitigation Strategy. Where this cannot be demonstrated, the Council considers that additional clarification or assessment may be required to ensure the full extent of potential impacts has been properly examined.</p>
<p><b>DCO 2.S3</b></p>	<p>Schedules 3, Requirement 4 (Construction Management Plans) 1 Complaints procedure under the Outline CoCP secured by Requirement 4 Thurrock Council in its deadline 4 submission [REP4-339], as well as a number of other County/ Local Authorities raises concerns in regard to the complaints management process. It considers the current complaints management process, as detailed in the updated outline CoCP [REP3-025] to be "...too basic." It highlights that although it includes contact details and requires complaints to be logged, it is lacking in significant areas. These include, but are not limited to defined response times; defined escalation procedures, requirements related to ongoing communication with complainants; identifying persons/parties with clear responsibility for resolving issues; and transparency through shared recording with the local authorities.</p> <p>The ExA requests: The local authorities are to provide draft wording for a complaints management process it/they would be satisfied with</p>	<p>The Council considers that the complaints management process secured through the Outline Code of Construction Practice should be strengthened to provide a clear, structured and enforceable mechanism for managing community concerns during construction. The following draft wording is provided to address the concerns raised:</p> <ul style="list-style-type: none"> <li>- A detailed Complaints Management Procedure must be submitted to and approved by the relevant planning authority as part of the Construction Environmental Management Plan (pursuant to Requirement 4) prior to commencement of any authorised development. The approved procedure must include as a minimum: <ul style="list-style-type: none"> <li>o a) Clear contact arrangements, including a 24-hour telephone helpline, email address and online reporting mechanism;</li> <li>o b) A requirement to acknowledge receipt of all complaints within 3 (or similar) working days;</li> <li>o c) A requirement to provide a substantive response within 5 working days, or where this is not possible, an interim update explaining the actions being taken and anticipated timescales for resolution;</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ d) Identification of a named Community Liaison Officer or similar role responsible for managing complaints and acting as the primary point of contact;</li><li>○ e) A clear escalation procedure, including escalation to senior project management and notification to the relevant Local Planning Authority where complaints are not resolved within agreed timescales or are of a significant or recurring nature;</li><li>○ f) Ongoing communication requirements with complainants, including updates on investigation findings and actions taken, until the complaint is formally closed;</li><li>○ g) Maintenance of a complaints register recording the nature of the complaint, date received, actions taken, outcome, and date of closure;</li><li>○ h) A requirement to share the complaints register with the relevant Local Planning Authority at regular intervals (to be agreed), and to make records available upon request;</li><li>○ i) Clear links between complaints and mitigation measures, including triggers for site inspections, monitoring (including noise and vibration where relevant), and implementation of additional mitigation where necessary;</li><li>○ j) A requirement to review complaints periodically to identify trends or recurring issues, and to implement corrective actions where appropriate.</li></ul>
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		<p>The Council considers that this level of detail is necessary to ensure that complaints are managed consistently and effectively, and to provide confidence that the mitigation measures relied upon in the Environmental Statement will be delivered in practice.</p>
<p><b>DCO 2.S6</b></p>	<p><b>Schedules 3, Requirement 4 (Construction Management Plan) 4</b></p> <p>Noise and Vibration Thurrock Council in its deadline 4 submission [REP4-347], along with other County/ Local Authorities, raises concerns in regard to the applicant's approach to noise and vibration monitoring, alleging it is not sufficiently developed and there is no clear or structured strategy for dealing with such matters. The Council highlights: there is no commitment to routine monitoring; no use of simple baseline checks like listening tests; no clear triggers for more detailed monitoring; and no defined thresholds for action or reporting requirements. The ExA requests the applicant to address these concerns raised and updates the outline CoCP to set out a clear and structured strategy regarding noise and vibration monitoring and complaints procedure. Local authorities are asked to collaborate and provide and agreed draft wording for the outline CoCP to set out a clear and structured strategy</p>	<p>The Council provide some wording below which could be added to the CoCP to address the inadequacies highlighted by Thurrock:</p> <p><i>Monitoring of any noise complaints and reporting to the contractor for immediate investigation. Letters should be sent to sensitive receptors prior to undertaking of works to allow a route for complaints to be made, this will allow the contractor to act as soon as a concern is raised.</i></p> <p><i>On receipt of a complaint, noise monitoring will be undertaken. Relevant noise monitoring equipment and measures will be implemented, which would be placed adjacent to the site boundary closest to the complainant's property. The action value/ threshold will be set in line with limits described in BS5228-1</i></p> <p><i>Noise threshold Limits</i></p> <ul style="list-style-type: none"> <li>• <i>Category A threshold LAeq,T Weekday Daytime (0700 – 1900) and Saturdays (0700 – 1300) - 65dB.</i></li> <li>• <i>Category A threshold Evening and Weekends – 55dB</i></li> <li>• <i>Night-time (2300 – 0700) – 45 dB</i></li> </ul>

regarding noise and vibration monitoring and complaints procedure

**Noise Trigger Levels**

*In order to ensure the works being undertaken are not adversely affecting nearby receptors, the trigger levels set out below will be implemented to notify the site team on the potential noise limit exceedances of the works:*

<b><i>Trigger Level</i></b>	<b><i>Actions</i></b>
<i>Below threshold</i>	<i>None</i>
<i>Equals threshold level or within less than 5 dB above the threshold</i>	<i>Review BPM currently used, implement temporary mitigation measures if not already in use.</i>
<i>Greater than or equal to 5dB above threshold.</i>	<i>Stop works and review primary cause of trigger, review and adjust mitigation.</i>

<p><b>DCO 2.S10</b></p>	<p><b>Schedules 3, Requirement 7 (Construction Hours)</b></p> <p>The local authorities are maintaining their concerns in regard to this requirement, especially in terms of the core working hours of 07:00–19:00 on weekdays and 07:00–17:00 on Saturdays, Sundays and bank holidays, together with additional start-up and close-down activities outside these hours.</p> <p>The ExA notes the applicant’s extensive response to ExQ1 [REP3-074] at question DCO 1.S10, especially at pages 210 and 211, where it states in relation to just removing Sundays or bank holidays/ other public holidays “Should these scenarios be modelled, it is anticipated that the energisation date on the baseline construction programme would remain largely unchanged.” The ExA has noted all the justifications put forward by the applicant, as well as the applicant’s final sentence in this question where it states “...removal of Sundays and/or bank holidays and public holidays from the core working hours would not represent a neutral change; rather, it would reduce flexibility and introduce unnecessary risk on the timely delivery of the project.” ...</p> <p>The ExA asks the local authorities to collaborate and provide a single form of</p>	<p>The Council maintains its position that the proposed construction hours are overly extensive and do not provide sufficient protection for nearby sensitive receptors, particularly in relation to weekend and extended working. As set out in the Local Impact Report (REP1-148), the acceptability of the scheme relies on the effective and consistent implementation of mitigation measures to control construction noise impacts. However, the proposed hours, including working on Sundays, Bank Holidays and extended Saturday periods, combined with start-up and close-down activities outside core periods, would materially increase the duration and intensity of disturbance experienced by residents.</p> <p>The Council’s Noise Consultant has advised that, in the absence of clear and robust evidence demonstrating that noise effects outside standard construction hours would not give rise to significant adverse impacts, works should be restricted to “normal” construction hours as identified in BS 5228-1 <b>(07:00–19:00 Monday to Friday, 07:00–13:00 on Saturdays, with no working on Sundays or Bank Holidays)</b>. These hours reflect established good practice in balancing construction activity with the protection of residential amenity and align with the application of the ABC assessment methodology. In this context, the Council considers that the position put forward represents a reasonable and proportionate approach, particularly given that more restrictive hours are often applied to other forms of development.</p> <p>Furthermore, BS 5228-1 identifies increased sensitivity during evenings, weekends and other non-standard working periods,</p>
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	<p>wording for this requirement that they consider to be a reasonable compromise that collectively satisfies the concerns being raised in regard to this requirement, so this can assist in informing a discussion at ISH3 into the draft DCO. The wording submitted should include, but not be limited to, the core construction hours specified, start and close down activities and the operations that may take place outside of those core working hours.</p>	<p>which is consistent with wider health-based guidance, including that published by the World Health Organisation, emphasising the importance of reduced noise exposure during periods of rest and recuperation. The Council therefore considers that the proposed extension of working into these more sensitive periods would be likely to increase the risk of significant adverse effects, particularly where reliance is placed on Best Practicable Means, which are not fixed or guaranteed at the DCO stage (see response to ExQ2 NV2.2).</p> <p>The Council also notes an inconsistency within the Applicant's justification. It is stated that the removal of Sunday and Bank Holiday working would be unlikely to materially affect the energisation date, whilst also suggesting that such restrictions would introduce a risk to delivery. In the absence of clear, quantified and robust evidence to support extended working hours, the Council considers that a precautionary approach should be adopted.</p> <p>In this regard, the Council has reviewed the justification for extended construction hours in the Bramford to Twinstead DCO and notes that the acceptance of Sunday and Bank Holiday working in that instance was based on clear and specific evidence demonstrating that such working formed a necessary part of the critical path for delivery of the project. The Examining Authority identified that certain construction activities were sequential and could not reasonably be interrupted, and that removing Sunday working would result in measurable delays to the programme, with implications for network delivery and compliance requirements.</p>
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		<p>The Council does not consider that a comparable justification has been provided for the Norwich to Tilbury project. Unlike Bramford to Twinstead, there is no clear evidence that extended working is necessary to avoid material delay, nor has the Applicant quantified the programme consequences of restricting working hours. As such, the Council considers that the approach taken in the Bramford to Twinstead DCO should be regarded as project-specific, reflecting particular construction and programme constraints, rather than establishing a general precedent for extended working hours.</p> <p>On this basis, the Council considers that construction hours should align with standard BS 5228-1 working periods.</p> <p>Notwithstanding the Council's concerns, should the Examining Authority (ExA) be minded to allow additional flexibility to the Applicant to reduce risk, it may be appropriate to require a site-specific prior approval process facilitated through Requirements. Any prior approval shall be supported by a robust, site-specific noise assessment demonstrating that relevant thresholds at sensitive receptors would not be exceeded at these extended periods, thereby providing justification for any proposed departure.</p>
<p><b>DCO 2.S11</b></p>	<p>Schedule 3 – Requirements 8 (Retention and removal of trees, woodland and hedgerows) The ExA asked in ExQ1 DCO 1.S12 [PD-014] why arboricultural protection measures, such as arboricultural method statements, tree protection plans</p>	<p>The Council has reviewed the Applicant's response in relation to the securing of arboricultural protection measures through the Outline Landscape and Ecological Management Plan (LEMP) and Requirement 4. While the Council acknowledges that an Arboricultural Method Statement (AMS) can appropriately form part</p>

	<p>and root protection areas are not clearly defined and being secured prior to construction as part of this requirement. The applicant responded [REP3-074] “...The submission of an Arboricultural Method Statement is secured through the outline LEMP and requirement 4 of the draft DCO. The outline LEMP states ‘All construction elements likely to impact on retained trees will be addressed within an Arboricultural Method Statement to be produced following detailed design and agreed with the relevant Local Planning Authorities prior to construction activity commencing. The Arboricultural Method Statement will include protection measures including tree protection fencing, as discussed in Section 7.3. and illustrated in a Tree Protection Plan’. Therefore, whilst the Arboricultural Method Statement is not secured through requirement 8, it is secured through requirement 4 and full details will be provided within the final LEMP(s) prior to the stage of works commencing.”. The ExA seeks comments from the local authorities on the applicant’s reply or, if you have already responded to this matter, signpost where you have provided a response on this matter.</p>	<p>of the LEMP and be secured through that mechanism, it does not consider that this approach fully addresses the concerns raised.</p> <p>In particular, the Council considers that there remains a lack of clear alignment between Requirement 8 (which governs the retention and removal of trees, woodland and hedgerows) and the LEMP/Requirement 4 process (which in part is proposed to govern how retained trees are to be protected during construction).</p> <p>These elements are intrinsically linked and should be read together to ensure that decisions regarding tree retention, removal, and protection are coherent, deliverable and enforceable. As currently drafted, the separation of these controls risks a situation whereby tree retention is approved under Requirement 8 without sufficient certainty at Examination stage that such retention is feasible or can be implemented without unacceptable impacts during construction.</p> <p>As the Council set out in its response to ExQ1 DCO 1.S11 [REP3-091], the Bramford to Twinstead NSIP protect has had repeated issues when seeking to discharge its retention and removal requirement for the above reasons.</p> <p>Owing to the above, the Council’s position remains as set out in its response to ExQ1 DCO 1.S11 [REP3-091].</p> <p>The Council would also take this opportunity to remind the ExA that we consider that the current level of arboricultural information submitted with the application is inadequate as set out in our Local Impact Report (REP1-148) Section 9.</p>
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<p><b>DCO 2.S12</b></p>	<p><b>Schedule 3 – Requirements 13 (Decommissioning)</b></p> <p>Braintree DC, in its response to ISH2 Action Points [REP4-323], considers the DCO should include ‘...a clear obligation on the undertaker... to remove any equipment or infrastructure that becomes obsolete, in order to avoid unnecessary long-term impacts on landscape, heritage and residential amenity.’”</p> <p>The ExA would seek clarification from Braintree DC or any local authority:</p> <p>i) how the relevant planning authority would determine equipment/ infrastructure has become obsolete;</p> <p>ii) whether the removal of such equipment/ infrastructure should be within a specified/ fixed period of time from it becoming obsolete, for example 6 months; and</p> <p>iii) whether some form of control over the decommissioning of such obsolete equipment/ infrastructure, such as a written scheme of decommissioning to be submitted to the relevant planning authority for its approval, should be included within the requirement.</p>	<p>The Council has reviewed Requirement 13 (Decommissioning) and maintains its position, as previously set out in its submissions, that the current drafting does not provide sufficient certainty that obsolete infrastructure will be removed in a timely or consistent manner.</p> <p>In response to the Examining Authority’s specific questions:</p> <p>i) The Council does not consider that it would be appropriate or practicable for the relevant planning authority to determine when equipment or infrastructure has become operationally obsolete. This is a matter which sits entirely within the control and knowledge of the undertaker. The responsibility for identifying obsolete infrastructure should therefore rest with the undertaker and be secured through a clear and enforceable obligation within the DCO (as per the Council’s LIR REP1-148 (Paragraphs 16.2.11 and 16.2.13).</p> <p>ii) The Council considers that the removal of obsolete equipment should be subject to a defined timeframe, in order to ensure that redundant infrastructure does not give rise to unnecessary long-term impacts on landscape character, heritage assets and residential amenity. A fixed period is considered appropriate, and the Council considers that a period of up to 12 months from the point at which the relevant part of the authorised development becomes operational, or from the point at which specific infrastructure becomes obsolete, would be reasonable and</p>

	<p>The ExA also asks the applicant to comment on this matter.</p>	<p>consistent with other DCO precedents such as Requirement 13 of Sizewell.</p> <p>iii) The Council considers that the decommissioning of obsolete infrastructure should be controlled through the submission and approval of a written scheme of decommissioning and land restoration. This should include details of the infrastructure to be removed, the timing of removal, restoration measures, and aftercare arrangements. Such a scheme should be submitted to the relevant planning authority for approval prior to the commencement of decommissioning works.</p> <p>More fundamentally, the Council considers that the current drafting of Requirement 13 is reactive and discretionary, in that it provides a mechanism for decommissioning but does not impose a clear obligation to remove infrastructure which is no longer required.</p> <p>The Council therefore considers that an additional or revised requirement should be included within the DCO to secure the following:</p> <ul style="list-style-type: none"><li>○ A mandatory obligation on the undertaker to identify and remove any pre-existing equipment within the Order Limits which is not required to enable, facilitate or support the authorised development, or any other ongoing operational use by the undertaker;</li><li>○ A requirement for such equipment to be removed within a defined period (for example, within 12 months of completion of the relevant part of the authorised development), in accordance with an approved land restoration scheme;</li></ul>
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<p><b>DCO 2.S13</b></p>	<p><b>Schedule 4 – (Discharge of Requirements) Schedule 4(3) - Fees</b></p> <p>The ExA notes the applicant’s responses to ExQ1 [REP3-074], question DCO1.S20 related to fees and asks the local authorities if they wish to raise anything in regard to this matter, especially: a) paragraph 3(1)(a) of Schedule 4 (discharge of requirements) to the Draft DCO already providing for the application fee for the discharge of conditions to be such fee as is prescribed under the relevant regulations and the drafting in paragraph 3(1)(b) providing for an alternative figure or arrangement that would apply in the absence of there being a prescribed fee b) the term "per request" having the same meaning as in the Town and Country Planning regime, meaning that the fee would be per application for consent (i.e. more than one consent could be sought in one application) and not for each individual discharge of requirement or consent contained in an application for approval. It is noted the applicant has used the term ‘per request’, which as far as the ExA can see is not used in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012. The term ‘Each Request’ is used. The ExA invites all local authorities to comment on this should they wish.</p>	<p>The Council has reviewed the Applicant’s approach to fees under Schedule 4 and notes that whilst the proposed wording seeks to align with the Town and Country Planning (Fees) Regulations, the discharge of requirements under a DCO is materially different from the discharge of planning conditions under the TCPA regime. In particular, the Council does not consider it appropriate to apply a “per request” approach where a single application may cover multiple discharge items. Given the scale, complexity and resource implications associated with discharging DCO Requirements, each consent sought often requires separate and detailed technical assessment, regardless of whether they are submitted within a single application or across multiple submissions.</p> <p>The use of a “per request” formulation therefore risks under-recovering the true cost of assessment and placing an unreasonable burden on local planning authority resources, particularly in the context of statutory timescales for determination. The Council therefore considers that fees should be calculated by reference to the number of individual discharge items or consents being sought, rather than on the basis of a single application covering multiple matters. This would better reflect the level of work involved and ensure that the discharge of requirements process is adequately resourced and deliverable.</p>
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<p><b>DCO 2.S16</b></p>	<p><b>Schedule 19 - Certified Documents</b></p> <p>The applicant responded at ExQ1 [REP3-074] at DCO 1.S25 to Braintree DC's request to include supplemental environmental statements to the list of certified documents where it advises '...the definition of environmental statement in Article 2 (interpretation) includes any supplemental or additional information and any environmental statement submitted for the purposes of complying with and/or discharging the requirements...' As such the applicant's position is that the proposed change is not necessary.</p> <p>Braintree DC is asked to respond and advise whether it is now satisfied with regard to this matter.</p>	<p>The Council notes the Applicant's clarification that the definition of "environmental statement" within Article 2 encompasses any supplemental or additional environmental information, including material submitted for the purposes of complying with or discharging requirements. This provides a degree of reassurance and addresses, in part, the Council's earlier concern.</p> <p>However, the Council considers that it remains important to ensure, through the DCO mechanism, that all such post-examination environmental information is formally captured within the suite of certified documents. This would provide greater clarity and certainty for regulators, contractors and the public as to the status of environmental information relied upon in the delivery of the scheme.</p> <p>On this basis, while the Council acknowledges the Applicant's position, it considers that an explicit mechanism or confirmation should be secured to ensure that any subsequent environmental information is appropriately certified and readily identifiable.</p>
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7 **Historic Environment**

REF	ExA Question (summary)	Braintree District Council (BDC) - Response
HE 2.13	<p>Updated version of the outline AMS/ outline WSI The ExA is aware that, as referenced by the applicant in [REP4-298] an updated version of the outline AMS/ outline WSI [APP-328] is due to be submitted at deadline 5. However, the applicant has indicated that this updated document would be shared with the local authorities for review at deadline 4. Please provide any initial views (and without prejudice to any formal comments you may wish to make on the submitted version at deadline 6) on the updated version of the outline AMS/ outline WSI that you might have.</p>	<p>The response from the Archaeological Officer is as follows:</p> <p>Comments from ECC on behalf of Braintree regarding the revised OAMS/OWSI have been provided directly to the Applicant (as requested) to enable them to make the required changes before the document is submitted at deadline 6. The main issues are summarised here:</p> <p>A main point of disagreement is with the sudden inclusion of mitigation areas within the revised OWSI. The agreement of mitigation areas cannot be concluded until full reporting has been completed on all evaluation areas and the full reports reviewed by the local authority. This is not the case for many of the sites that have been listed as requiring mitigation and only interim reports are available to review, this is not sufficient evidence on which to determine mitigation. Details of archaeological mitigation areas should be provided post consent in the Detailed Written Schemes of Investigations and agreed with the local planning authority and Historic England where relevant.</p> <p>It was requested that the areas that remain to be evaluated are clearly illustrated within the OWSI as a</p>

		<p>figure. Figure 1 includes the locations of completed geophysical survey and archaeological trial trenching along the whole route. Figure 1 was requested to identify the location of the geophysical and archaeological trial trenching areas that need to be completed in order to provide a comprehensive evaluation of the areas where there may be impact on archaeological remains. An indicative trial trench plan should have been included and it should also indicate areas where geoarchaeological evaluation may be required to complete the geoarchaeological and paleoenvironmental assessment of the scheme.</p> <p>Previous comments have not been fully addressed on the sections covering geoarchaeological and paleoenvironmental assessment:</p> <p>5.3.22 Geoarchaeological and palaeoenvironmental assessment. This section fails to make it clear if there is potential for any other areas of the route that have not undergone GI monitoring to have an impact on geoarchaeological or paleoenvironmental deposits. This will not just be restricted to river valleys. The GI monitoring (Appendix 11.6) covered all river valleys and an area of Tilbury in its assessment. However, Tendring and Colchester also contain sediments of high geoarchaeological potential. Tendring contains former Thames terrace sediments which could include Palaeolithic archaeological remains and Pleistocene floral</p>
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		<p>and faunal remains of high significance due to age and rarity. In Braintree District lacustrine sediments of high geoarchaeological potential are recorded near Kelvedon/Feering. Similar deposits recorded at Marks Tey in Colchester have been identified as having high potential for containing palaeoenvironmental information. In Kelvedon these deposits have been recorded at depths of 1.2m which means they may be impacted by pylon bases.</p> <p>The sections covering geoarchaeological assessment still lack clear understanding of what will actually be carried out as part of the geoarchaeological assessment. A clear statement on what further evaluation will take place is required including evaluation in areas of impact that have not yet been assessed. At present the only method proposed for mitigation of geoarchaeological and palaeoenvironmental remains are boreholes. It is possible that there may be more appropriate mitigation strategies, such as test pits or trenches, specifically in areas where early prehistoric remains may also be present.</p>
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8 **Land Use and Soils**

REF	ExA Question (summary)	Braintree District Council (BDC) - Response
LUS 2.4	<p><b>Green Belt - 3</b></p> <p>With reference to paragraph 5.11.38 of NPS-EN1 can the applicant and local authorities identify any Local Green Spaces that have been designated in Local Plans that would enjoy the same protection as Green Belt through which the proposed development would pass, and confirm whether these areas should be given the same protection as green belt in the consideration of this application. If not please explain your reasoning.</p>	<p>The Council do not have any land which enjoys the same protection as Green Belt through which the proposed development would pass.</p>

<b>REF</b>	<b>ExA Question (summary)</b>	<b>Braintree District Council (BDC) - Response</b>
NV 2.2	<p>Noise &amp; Vibration 2 Explain how you have reached your conclusions, as set out in ES Chapter 14 (Noise and Vibration) regarding construction noise and impacts on NSRs, bearing in mind the degrees of variation that would be permitted by the Limits of Deviation as currently sought in the draft DCO? For example NSRs on Old Mill Lane could in theory be 50 metres away from a pylon placed on the edge of the Order limits. How has the ES has considered the worst case scenario for construction noise impacts on these NSR and how can the ExA be certain the level of effect will not be higher than those set out in the ES.”</p>	<p>While the Council acknowledge that this is directed at the Applicant, it has representations to make on this question.</p> <p>For the example quoted in NV2.2, due to the proximity of the likely pylon location to the NSR, even without considering any deviation due to LoD or the size of the construction compound surrounding the location, the Council consider there are likely to be significant noise effects potentially during weekday daytime periods and for the more sensitive periods at the weekend. This example, would rely heavily on the assumed 10dB reduction for implementation of BPM, which we consider to not represent a worst-case prediction.</p>

REF	ExA Question (summary)	Braintree District Council (BDC) - Response
LV 2.16	<p><b>Mitigation and compensation - 1</b></p> <p>Point 8.2e [REP4-302] states that the applicant considers it has provided sufficient mitigation and that the residual impacts are vastly and substantially outweighed by the public benefits of the proposed development, and that consequently further compensation for landscape and visual effects would be disproportionate.</p> <p>The local authorities, particularly Suffolk County Council, are asked to provide views on this statement, referring to the Bramford to Twinstead examination report where relevant.</p> <p>Any other IP may also respond if they wish.</p>	<p>While acknowledging the Bramford to Twinstead examination report, ECC would refer to the 2024 version of NPS EN-1, which is the version against which this project falls to be assessed, which makes clear that Applicants for CNP infrastructure should “demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated” and that they should “set out how residual impacts will be compensated for as far as possible” (Paragraph 4.2.11-12). That is reinforced by Paragraph 4.3.4 which again requires the Applicant to “show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for”. The same points are reiterated in paragraph 2.1.6 of EN-5. It is considered therefore that compensation is an inherent part of the mitigation hierarchy which needs to be applied to the Project.</p> <p>The Council acknowledges that Paragraph 4.2.25 of the 2025 version of EN-1 (which is a material consideration) states that “compensation, by definition, does not reduce an adverse effect resulting from a development”, but it does still go on to confirm that “applicants should set out how residual impacts will be compensated for as far as</p>

		<p>possible”, so there is no significant shift from the position under the 2024 version of EN-1.</p> <p>It is accepted that the presence of the projects overhead powerlines cannot be fully mitigated, and there will be a residual impact (which will fall to be weighed in the overall planning balance against the public benefits of the project). However, as set out in Paragraph 4.10.43 of ECC’s Local Impact Report [REP1-161], a case exists for a strategic landscape compensation package to offset harm as far as possible in line with the mitigation hierarchy consistent with NPS-EN1.</p> <p>To this end, ECC on behalf of Essex authorities, have been in discussion with the Applicant looking at ways in which this landscape and visual compensation could be linked to the adopted Local Nature Recovery Strategy and delivered at a strategic level in addition to any replacement or mitigation planting. This approach is the subject of ongoing discussions with the Applicant and progress will be reflected in the Council’s Statement of Common Ground.</p>
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