

Basildon Council

ExQ2: 20 March 2026 Responses due by deadline 5: 10 June 2026

Interested Party Reference number: [REDACTED]

ExQ2	Question to:	Question:	Response:
GEN General and cross-topic questions			
GEN 2.1	The applicant All interested parties	Final deadlines and statements of common ground (SoCG) The scale of the proposed development and volume of documentation submitted into the examination by all parties is considerable. The applicant and all interested parties (IPs) are reminded of the four remaining deadlines in the examination timetable and are referred to the Rule 8 letter dated 17 February 2026 [PD-011] which sets out what the ExA expects to receive at each deadline. • deadline 5: 10 June (the additional deadline 5A on 17 June is limited to certain responses only) • deadline 6: 7 July • deadline 7: 21 July • deadline 8: 4 August All parties are reminded that there is no need to resubmit comments which have already been made in earlier deadlines. If an IP continues to be dissatisfied with the unchanged response from the applicant, they should set out clearly those points in summary form in their final comments at deadline 7; there is no requirement to respond at every deadline unless new information has arisen which they wish to comment on. Cross-reference should be made to the examination library references where possible in all submissions. The ExA also reminds all parties of the importance of setting out matters	With regard to the following matters: i. Biodiversity Net Gain ii. Tree Replacement Planting Programme iii. National Landscape Duty (section 85) iv. Location-specific Compensatory Measures v. Abnormal Indivisible Loads Basildon proposes that these requests should form a bilateral or multi-party S106 agreement or S111 agreement, or other such hybrid agreement known as a Deed of Obligation. The Council considers that section 122(2) of the Community Infrastructure Levy Regulations 2010 and at paragraph 58 of the National Planning Policy Framework are the relevant policy tests, as below:

Interested Party Reference number: [REDACTED]

Basildon Council

		<p>which the parties agree on, and which they continue to disagree on. This can be set out in SoCGs or written summaries at the final deadline 8 (by 4 August 2026). The ExA expects SoCGs to be signed by bot</p>	<ul style="list-style-type: none"> • necessary to make the development acceptable in planning terms; • directly related to the development; and • fairly and reasonably related in scale and kind to the development.
EN 2.2	The applicant All local authorities	<p>Legal Agreements 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. All local authorities are invited to provide: • 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). The applicant is asked to provide: • an update to the table of the requests • a summary of any ongoing agreements with local authorities which are being progressed, with expected time periods for completion • an update to the document ‘Consents and licences required under other legislation’ as necessary to include such other forms of agreement • updates to SoCG with local authorities as necessary to</p>	No response at this time

Interested Party Reference numbers: [REDACTED]

Basildon Council

		reflect agreement or non-agreement on the need for such agreements	
GEN 2.4	The applicant All local authorities All IPs listed within the Report on interrelationship with other infrastructure projects	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. The applicant is asked to: <ul style="list-style-type: none"> • ensure its final interrelationship report to be submitted at deadline 7 is consistent with ES chapter 17 and [REP4-163] • include an indication of the location of Tasway Energy Park (DCO 17) in table 2.1 of the next version of the report (the ExA notes that this proposal is not included in the plans due to the infancy of its design development) and, if available, an indication of its submission date to the Planning Inspectorate. All local authorities, and IPs who are listed in the interrelationship report, are asked to: <ul style="list-style-type: none"> • 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. 	No response at this time
DES Design, parameters and other details of the proposed development			
DES 2.5	The applicant All local authorities Approach to scenarios	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	No response at this time

Interested Party Reference number: [REDACTED]

Basildon Council

		<p>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> <ul style="list-style-type: none"> • The applicant is asked to ensure that by deadline 7 those outstanding alternative scenarios which remain are fully reasoned and timescales given wherever possible for such matters to be resolved. • 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. 	
--	--	---	--

BIO Biodiversity, ecology and natural environment

BIO 2.1	<p>The applicant All local authorities Norfolk Wildlife Trust Suffolk Wildlife Trust Essex Wildlife Trust</p>	<p>Assessment of biodiversity deficit 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’. To applicant: However, the ExA notes that as indicated in image 4.1 of ES Chapter 4 [APP-130] the overall construction programme, for example, for the Dedham Vale National Landscape the enabling works through to the initial energisation would take almost 4 years. Using this as an example and noting that up to a 120 metre (m) swathe of vegetation would need to be removed for the proposed underground cabling (and with a further 50m either side being “potentially affected”) set out the worst-case scenario in time period from vegetation being removed to</p>	<p><u>Ecology</u></p> <p>There is a 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"> 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-
---------	---	--	--

Interested Party Reference numbers: [REDACTED]

Basildon Council

		<p>when you consider the replanted vegetation would reach a similar degree of maturity. Also, the applicant is requested to further explain its statement in response to BIO 1.4 that ES Chapter 8 [AS 026] has taken into account any short term temporary effects on ecological receptors – explain this with worked through examples, such as for hedgerow species and also for bats, to demonstrate how impacts on biodiversity have been assessed for this intervening period. 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>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.</p> <p>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 ECC 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 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</p>
--	--	---	---

Interested Party Reference numbers: [REDACTED]

Basildon Council

			<p>judge whether or not certain long-term impact assessments do seem reasonable to assess as neutral</p> <p><u>Green Infrastructure</u> We support the concerns set out above and adds the following.</p> <p>We consider that insufficient regard has been given to the temporal gap between habitat loss recovery and reinstatement, particularly in relation to ecological function and species use of habitats. While mitigation may deliver comparable habitats in the long term, the ES does not adequately assess the short-to medium-term deficit arising during establishment.</p> <p>In practice, habitats such as hedgerows and tree lines are unlikely to provide equivalent ecological function (e.g. for commuting bats, nesting birds, and invertebrates) for a number of years, and in some cases decades. The ES does not clearly demonstrate how these interim effects on ecological receptors have been assessed or how significance has been attributed over this period.</p>
--	--	--	--

Interested Party Reference numbers: [REDACTED]

Basildon Council

			<p>It is reasonable to expect a minimum of 10+ years before hedgerows and tree lines begin to provide comparable structure and connectivity, with longer timescales required to reach mature condition.</p> <p>We also note that the linear and extensive nature of the works increases the likelihood of cumulative temporary disruption to habitat connectivity, particularly in sensitive landscapes. For example, the loss of linear features may fragment bat commuting routes and reduce foraging opportunities over multiple seasons; the ES does not clearly assess these interim effects or their significance. More widely, species reliant on habitat continuity may experience displacement, reduced resources, and increased predation during recovery.</p> <p>We therefore considers that a short- to medium-term biodiversity deficit is likely, and that this has not been fully or transparently assessed within ES Chapter 8. Further clarity is required on recovery timescales, interim impacts on species, and measures to reduce temporal losses such as advanced</p>
--	--	--	---

Interested Party Reference numbers: [REDACTED]

Basildon Council

			<p>planting, retention of key features where feasible, and longer-term management commitments. The proposed mitigation and management approach does not fully address the duration or extent of these interim effects.</p> <p>While we acknowledge that long-term reinstatement may reduce impacts, the current assessment does not fully demonstrate that a biodiversity deficit would be avoided over the lifetime of the project when temporal effects are taken into account.</p>
BIO 2.8	All local authorities Norfolk Wildlife Trust Suffolk Wildlife Trust	Monitoring the effects on birds 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. 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 necessary) adaptive management you would wish to see secured.	We acknowledge that the submitted ES Chapter 8 considered the issue with appropriate survey effort and reasonably concluded a negligible risk to the effect on birds. With respect to the route through Essex, We do not disagree with the NG/Arcadis assessment or their conclusions.
DCO Draft Development Consent Order			

Interested Party Reference numbers: [REDACTED]

Basildon Council

DCO 2.G2	All local authorities	<p>DCO General 2 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>Regarding ‘where practicable’ we would echo ECC’s consideration and make the following comments:</p> <p>First, the Applicant relies on a definition of “where practicable” accepted in the Sizewell C examination: that the action “should be done unless the degree of risk in a particular situation cannot be balanced against the time, trouble, cost and physical difficulty of taking measures to avoid the risk”, and that “it would only be acceptable not to take the relevant step if there would not be a significant impact as a result, and therefore the risk would be low”.</p> <p>We consider that even taken at face value, that test would require, before each departure from a mitigation measure, an evidenced balancing exercise tied to the risk of a significant impact, and a record of that exercise. Nothing in the dDCO or in the OCoCP secures any such balancing exercise, evidences it, or makes it auditable. If the Applicant therefore wishes to rely on the Sizewell C definition, then the Sizewell C definition needs to be (a) written into Article 2 of the dDCO as a defined term, and (b) accompanied by an</p>
----------	-----------------------	--	---

Interested Party Reference numbers: [REDACTED]

Basildon Council

			<p>enforceable procedural mechanism that delivers what the definition promises. Second, the Applicant's explanations show that "where practicable" is doing different work in different places, which is itself the problem. Within the same response, "where practicable" is variously said to mean:</p> <ul style="list-style-type: none">a. "it may not be physically possible" (a technical-impossibility test);b. "we will look at whether it is appropriate or feasible" (an Applicant-judged discretion);c. "the landowner may have requirements/ask for something unreasonable" (a third party-driven exception);d. "key aspect is H&S" (a safety override);e. "detailed design has not occurred and therefore specific plant has not been identified" (an information-deficit point that should be resolved before discharge, not preserved as a permanent discretion); andf. "Project critical activities needing to take place" (a programme-priority override). <p>If a single phrase is being asked to carry six different meanings, it is by definition</p>
--	--	--	--

Interested Party Reference numbers: [REDACTED]

Basildon Council

			<p>imprecise. Instead, a more precise phrase is needed for each situation. Third, the Applicant's repeated formula "the rest of the paragraph explains what will happen if this is not possible" undermines the need for the phrase. If the surrounding text already specifies what happens when the measure is not possible, then either (i) "where practicable" is redundant (because the consequence is already secured) and should be deleted, leaving the measure as an unqualified obligation with a defined fallback, or (ii) "where practicable" is doing extra work over and above the specified fallback, in which case the Applicant should explain what that work is, and the LPA should have a role in policing it. We believe the Applicant cannot have it both ways.</p>
--	--	--	---

Schedules

DCO 2.S3	The applicant All local authorities	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	We are aware of Appendix E of the Outline OCoCP "Community Engagement and Public Information" which provides a section on the Complaints Procedure and outlines what the Complaints Procedure Plan will look to include once developed by the Mains Contractors. This would presumably take
----------	-------------------------------------	--	---

Interested Party Reference number: [REDACTED]

Basildon Council

		<p>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. The ExA requests: i) the applicant addresses these concerns raised and updates the complaints management process by incorporating them into a revised/updated complaints management process. The local authorities are to provide draft wording for a complaints management process it/they would be satisfied with.</p>	<p>place either if the DCO is granted consent or as part of the final version of the OCoCP. The content of this document provides further detail on the elements we would expect to see including:</p> <ul style="list-style-type: none"> · Where (e.g. dedicated telephone line and project website) and how to log a complaint and to whom · Timeframe for response to complaints · Potential solutions / remedies available to address complaints · Who to contact in the event that the complainant is not satisfied with the outcome. <p>It also highlights that minor issues will be handled primarily by the Mains Works Contractors and that escalations for major issues will be dealt with by National Grid.</p> <p>We would encourage the Applicant to mirror the complaints procedure detailed in the Lower Thames Crossing DCO. It is the Council's view that this procedure has worked well within the borough. It includes the provision of a Highways England Customer Contact Centre which consists of a phone line, email and website contact facility. The Contact Centre also endeavours to provide a</p>
--	--	--	---

Interested Party Reference numbers: [REDACTED]

Basildon Council

			<p>response to enquiries and complaints within 10 working days.</p> <p>Subject to the provision of the information outlined above, and provided that development, delivery, appropriate communication to residents about the Complaints Process, and ongoing monitoring of the effectiveness of this Complaints Procedure Plan are secured through the DCO processes, we are satisfied with the arrangements. We are also satisfied that these measures will be delivered to a satisfactory level, with agreement from the relevant departments within the Council. On this basis, we are assured that there will be clear mechanisms for residents to raise concerns and have them addressed in a timely manner.</p> <p>Given the above, we do not consider it necessary to provide any draft wording for the contents of a Complaints Process Plan at this time.</p>
DCO 2.S6	The applicant All local authorities	Schedules 3, Requirement 4 (Construction Management Plan) 4 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	The revised NVMP includes a more detailed monitoring procedure; however, routine noise monitoring is still not proposed. Monitoring is only identified in response to complaints or where specific requirements are secured through a Section 61 consent. Given the scale and

Interested Party Reference numbers: [REDACTED]

Basildon Council

		<p>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 regarding noise and vibration monitoring and complaints procedure.</p>	<p>duration of the proposed works, the Council considers that a proactive monitoring strategy is necessary in addition to any complaint-led monitoring. Further clarification is also required regarding the circumstances and types of activities for which Section 61 prior consent applications are anticipated, as this is currently unclear. The general monitoring methodology is broadly acceptable. However, Section 4.6.7 states: "If the location is free-field, then the levels will be corrected to façade by the addition of 3 dB." This appears to be incorrect. Free-field measurements would not normally require correction where the intention is to report free-field noise levels. The Council considers that routine noise monitoring should be undertaken throughout key construction phases. As a minimum, a permanent monitoring location should be established within the construction site boundary and, where reasonably practicable, at the nearest representative noise-sensitive receptor(s). Whilst the Council recognises that installation at a receptor may not always be possible due to access, security or ownership</p>
--	--	---	---

Interested Party Reference numbers: [REDACTED]

Basildon Council

			<p>constraints, alternative arrangements should be agreed with the relevant local authority. The use of both on-site and receptor-based monitoring would assist in identifying whether elevated noise levels are attributable to construction activities associated with the Proposed Development or arise from other external sources, such as road traffic or unrelated industrial activities. Monitoring should be undertaken and managed by a suitably qualified and competent acoustic specialist. The outline CoCP/NVMP should also specify: the proposed monitoring locations; trigger levels for further investigation; corrective actions to be implemented where exceedances are identified; and reporting arrangements to the relevant local authority. All monitoring data, exceedances, investigations, complaints, and corrective actions should be recorded and retained in an auditable log. Records should be made available to the relevant local authority upon request and periodic monitoring reports should be provided at an agreed frequency throughout the construction period.</p>
DCO 2.S10	The applicant All local authorities	Schedules 3, Requirement 7 (Construction Hours) The local authorities are maintaining their concerns in regard to this	The proposed construction hours are overly extensive and do not provide

Interested Party Reference number: [REDACTED]

Basildon Council

		<p>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.] 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.” The applicant is asked to model the scenarios of removing: a) just Sundays b) just bank and other public holidays c) Sundays and bank and other public holidays and then confirm whether the energisation date on the baseline construction programme would remain largely unchanged in relation to each of those scenarios. The ExA asks the local authorities to collaborate and provide a single form of 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</p>	<p>sufficient respite for local residents and communities and any other sensitive receptors, particularly in relation to weekend and extended working.</p> <p>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. 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 including piling and deliveries should be restricted to “normal” construction hours as identified in BS 5228-1 (07:00–19:00 Monday to Friday, 07:00–13:00 on Saturdays, with no working on Sundays or Bank Holidays).</p> <p>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</p>
--	--	--	---

Interested Party Reference numbers: [REDACTED]

Basildon Council

		<p>specified, start and close down activities and the operations that may take place outside of those core working hours.</p>	<p>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, 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</p>
--	--	---	---

Interested Party Reference numbers: [REDACTED]

Basildon Council

			<p>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> <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</p>
--	--	--	--

Interested Party Reference numbers: [REDACTED]

Basildon Council

			<p>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, with any departures from these hours subject to prior approval and supported by a robust, site-specific noise assessment demonstrating that relevant thresholds would not be exceeded at sensitive receptors. This would provide an appropriate and proportionate balance between project delivery and the protection of residential amenity.</p> <p>In light of the above, Basildon supports ECC's suggested wording which has been informed by precedent DCOs:</p> <p><i>Construction hours</i></p>
--	--	--	---

Interested Party Reference numbers: [REDACTED]

Basildon Council

			<p><i>(1) Subject to sub-paragraphs (2) - (5) work may only take place between the hours of 07.00 and 19.00 Monday to Friday and 08.00 and 13.00 on Saturdays, and may not occur on Sundays, bank holidays and other public holidays (the core working hours), unless otherwise approved by the relevant planning authority</i></p> <p><i>(2) No piling operations may take place outside of the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday with no piling operations taking place on Sunday and Bank Holidays.</i></p> <p><i>(3) Subject to sub-paragraph (5), unless otherwise agreed with the local highway authority, no HGV deliveries may be made to site outside of the hours of 0700 to 1900 Monday to Friday and 0800 to 1300 on Saturdays.</i></p> <p><i>(4) The following operations may take place outside the core working hours—</i></p> <p><i>(a) trenchless crossing operations including at landfalls and beneath highways, railway lines, woodlands, nature reserves, Sites of Special Scientific Interest or watercourses;</i></p>
--	--	--	--

Interested Party Reference numbers: [REDACTED]

Basildon Council

			<p><i>(b) the installation and removal of conductors, pilot wires and associated protective netting across highways, railway lines or watercourses;</i></p> <p><i>(c) the jointing of underground cables excluding cable cutting;</i></p> <p><i>(d) the continuation of any work activity commenced during the core working hours to a point where they can securely and or safely be paused;</i></p> <p><i>(e) any highway works requested by the highway authority to be undertaken on a Saturday or Sunday or outside the core working hours;</i></p> <p><i>(f) the testing or commissioning of any electrical plant installed as part of the authorised development including undertaking of any identified corrective activities;</i></p> <p><i>(g) the completion of works delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities that the undertaker and its contractor agree forms the critical path for the accepted construction programme. In such cases, the undertaker must, as soon as practicable, notify the relevant planning authority of the disruption or interruption and explain why that work could not be</i></p>
--	--	--	--

Interested Party Reference numbers: [REDACTED]

Basildon Council

			<p><i>completed within the core working hours referred to in sub-paragraph (1);</i></p> <p><i>(h) activity necessary in the instance of an emergency where there is a risk to persons or property;</i></p> <p><i>(i) security monitoring;</i></p> <p><i>(j) non-intrusive surveys;</i></p> <p><i>(k) intrusive surveys;</i></p> <p><i>(l) oil processing of transformers or reactors in substation sites;</i></p> <p><i>(m) delivery to the transmission works of abnormal loads and any highway works requested by the highway authority to be undertaken outside the core working hours; and</i></p> <p><i>(n) mechanical and electrical installation works within buildings once erected and enclosed</i></p> <p><i>(5) Works outside core working hours are subject to a 50dBA noise limit will apply at the nearest noise-sensitive receptors for start-up and close down activities up to one hour either side of the core working hours.</i></p> <p><i>(6) The core working hours exclude:</i></p> <p><i>(a) start up and close down activities up to 1 hour either side of the core working hours</i></p>
--	--	--	---

Interested Party Reference numbers: [REDACTED]

Basildon Council

			<p><i>(b) administrative and clerical activities up to 1 hours either side of the core working hours.</i></p> <p><i>(7) The severe weather conditions referred to in sub-paragraph 3(g) means any weather which prevents work from taking place during the core working hours referred to in sub-paragraph (1) by reason of physical incapacity (whether for reasons of visibility, ground conditions, power availability, site access or otherwise) or being contrary to safe working practices.</i></p> <p>Start UP / Close Down start-up and close down activities” means general works that will not create an audible disturbance to local residents including but not restricted to—</p> <ul style="list-style-type: none"> (a) arrival and departure of workforce and staff at site and movement to and from places of work; (b) general refuelling of plant; (c) site inspections and safety checks; (d) site meetings inspections and walkovers; (e) site clean-up (site housekeeping that does not require the use of plant); (f) general site maintenance; and
--	--	--	--

Interested Party Reference numbers: [REDACTED]

Basildon Council

			(g) low key maintenance and safety checking of plant and machinery.
DCO 2.S11	All local authorities	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 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.	No response at this time
DCO 2.S12	All local authorities The applicant	Schedule 3 – Requirements 13 (Decommissioning) Braintree DC, in its response to ISH2 Action Points [REP4-	Requirement 13 (Decommissioning) has been reviewed and maintains its

Interested Party Reference number: [REDACTED]

Basildon Council

		<p>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.’ The ExA would seek clarification from Braintree DC or any local authority: i) how the relevant planning authority would determine equipment/ infrastructure has become obsolete; 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 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. The ExA also asks the applicant to comment on this matter.</p>	<p>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 XXXX LIR REP1- XXX].</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</p>
--	--	--	--

Interested Party Reference numbers: [REDACTED]

Basildon Council

			<p>considered appropriate, and it is considered 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 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. The Council is of the opinion that 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</p>
--	--	--	--

Interested Party Reference numbers: [REDACTED]

Basildon Council

			<p>mechanism for decommissioning but does not impose a clear obligation to remove infrastructure which is no longer required. 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">o 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;o 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;o A mandatory obligation on the undertaker to notify the relevant planning authority as and when any part of the authorised development or associated infrastructure becomes obsolete; ando A requirement for decommissioning and restoration of such obsolete infrastructure to be
--	--	--	--

Interested Party Reference numbers: [REDACTED]

Basildon Council

			<p>carried out in accordance with Requirement 13 (or equivalent), following approval of a written scheme.</p> <p>The Council also considers it important that the Applicant clearly identifies, at this stage, any existing undertaker equipment within the Order Limits that is not required as part of the proposed scheme but is intended to remain, together with justification for its retention. This would assist the Examination in understanding the extent of potential residual infrastructure and ensuring that unnecessary impacts are avoided.</p> <p>Overall, the Council considers that without these additional safeguards, there remains a risk that obsolete infrastructure could persist within the landscape for an extended period, contrary to the principles of good design, environmental protection and effective land restoration.</p>
DCO 2.S13	All local authorities	Schedule 4 – (Discharge of Requirements) Schedule 4(3) - Fees 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	No response at this time

Interested Party Reference numbers: [REDACTED]

Basildon Council

		(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.	
--	--	---	--

Historic Environment

HE 2.13	All local authorities	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.	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
---------	-----------------------	---	---

Interested Party Reference number: [REDACTED]

Basildon Council

			<p>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 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>
--	--	--	---

Interested Party Reference numbers: [REDACTED]

Basildon Council

			<p>Previous comments from ECC have not been fully addressed on the sections covering geoarchaeological and palaeoenvironmental 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 palaeoenvironmental 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 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</p>
--	--	--	--

Interested Party Reference numbers: [REDACTED]

Basildon Council

			<p>palaeolenvironmental 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 palaeolenvironmental 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>
LUS Land use and soils, green infrastructure			
LUS 2.4	The applicant All local authorities	Green Belt - 3 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	No response at this time

Interested Party Reference number: [REDACTED]

Basildon Council

		protection as green belt in the consideration of this application. If not please explain your reasoning.	
LV Landscape and visual			
LV 2.16	All local authorities	Mitigation and compensation - 1 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. 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. Any other IP may also respond if they wish.	No response at this time

Interested Party Reference numbers: [REDACTED]

Basildon Council