

Brentwood Borough Council – Response to ExQ2

IP Number: [REDACTED]

Deadline 5 – 10/6/2026

Ref.	Question	BBC Response
GEN 2.1	<p>Final deadlines and statements of common ground (SoCG)</p> <p>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.</p> <ul style="list-style-type: none">• 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 <p>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</p>	<p>BBC notes the four remaining Examination Deadlines and the expectations of each of them. BBC also acknowledges the importance of its SoCG and is continuing to progress this through regular constructive liaison with NG.</p>

	<p>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.</p> <p>The ExA also reminds all parties of the importance of setting out matters 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 both parties involved in each SoCG and urges the relevant IPs to engage in these so that their comments are accurately reflected within the documents.</p>	
<p>GEN 2.2</p>	<p>Legal Agreements</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> <ul style="list-style-type: none"> • 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 	<p>BBC defers to any further comment made by Essex County Council on securing a legal agreement for a landscape and visual compensation scheme.</p>

	<p>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>The applicant is asked to provide:</p> <ul style="list-style-type: none"> • 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 reflect agreement or non-agreement on the need for such agreements 	
<p>GEN 2.4</p>	<p>Report on interrelationship with other infrastructure projects</p> <p>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-</p>	<p>BBC can confirm that with respect to the interrelationship with other infrastructure projects, the updated position on approved and proposed developments relevant to the borough is accurate.</p>

	<p>to-date position relating to the progress of other approved and pending development proposals in a summary ‘at a glance’ document.</p> <p>The applicant is asked to:</p> <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. <p>All local authorities, and IPs who are listed in the interrelationship report, are asked to:</p> <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. 	
<p>BIO 2.1</p>	<p>Assessment of biodiversity deficit</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</p>	<p>BBC notes that 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

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 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

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.

2. The impact assessments within the ES Chapter 8 are not transparent with respect to predicted residual impacts in the short and medium term. 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 that does not recognise 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.

In addition to these above concerns, BBC would also like to add that it considers 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. 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 even 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. 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.

BBC also notes 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

	<p>measures you would wish to see the applicant implement.</p>	<p>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>BBC 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 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 BBC acknowledges 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>
<p>BIO 2.8</p>	<p>Monitoring the effects on birds</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. 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.</p>	<p>BBC acknowledges that the submitted ES Chapter 8 considered the relevant issue with appropriate survey effort and reasonably concluded a negligible risk to the effect on birds. With respect to the route through Essex, BBC does not disagree with the NG/Arcadis assessment or their conclusions.</p>
<p>DCO 2.G2</p>	<p>DCO General 2</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</p>	<p>BBC 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. BBC notes that the Secretary of State accepted the use of the term “where practicable” in that case where it was supported by a clear</p>

	<p>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>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>BBC 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”, BBC does not object <i>in principle</i> 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, BBC considers that such wording must be applied in a tightly controlled and justified manner. In this regard, BBC accepts the use of “where practicable” only in those <i>specific</i> instances where the Applicant has provided a clear and reasoned justification (as set out in the table within REP3-074). BBC 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>Furthermore, BBC 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. BBC 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 Mitigation Strategy. Where this cannot be demonstrated, BBC considers that additional clarification or assessment may be required to ensure the full extent of potential impacts has been properly examined.</p>
DCO 2.S3	<p>Schedules 3, Requirement 4 (Construction Management Plans) 1 <u>Complaints procedure under the Outline CoCP secured by Requirement 4</u></p>	<p>BBC understands that since a recent meeting (May 13th) between Thurrock District Council and National Grid on this matter, Appendix E of the OCoCP has advanced to now provide a more developed section on the Complaints Procedure and outline what the Complaints Procedure Plan will seek to include once developed by the Main Contractors, which</p>

	<p>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:</p> <p>i) the applicant addresses these concerns raised and updates the complaints management process by incorporating them into a revised/updated complaints management process.</p> <p>The local authorities are to provide draft wording for a complaints management process it/they would be satisfied with.</p>	<p>would presumably take place either if the DCO is granted consent or as part of the final version of the OCoCP.</p> <p>BBC supports the ECC position in encouraging the Applicant to more closely mirror the complaints procedure detailed in the Lower Thames Crossing DCO, one that has been found to work well and that 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 response to enquiries and complaints within 10 working days.</p> <p>BBC considers that subject to the provision of the relevant information set out in the OCoCP 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, it would be satisfied with the proposed arrangements and comfortable that there will be clear mechanisms for residents to raise concerns and have them addressed in a timely manner. BBC therefore does not independently or collaboratively propose any draft wording for the contents of a Complaints Process Plan.</p>
DCO 2.56	<p>Schedules 3, Requirement 4 (Construction Management Plan) 4 <u>Noise and Vibration</u></p> <p>Thurrock Council in its deadline 4 submission [REP4-347], along with other County/ Local Authorities, raises concerns in regard to the</p>	<p>BBC acknowledges that the revised Noise and Vibration Management Plan (NVMP) includes a more detailed monitoring procedure, but that 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 duration of</p>

<p>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.</p> <p>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.</p> <p>Local authorities are asked to collaborate and provide an 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>the proposed works, BBC considers that a proactive monitoring strategy is necessary in addition to any complaint-led monitoring.</p> <p>In conjunction with Thurrock and other Essex LPA's, BBC considers that routine noise monitoring should therefore 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 BBC recognises that installation at a receptor may not always be possible due to access, security or ownership constraints, alternative arrangements should be agreed with the relevant local authority.</p> <p>BBC considers that 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.</p> <p>BBC considers that 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 whether they 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:</p> <ul style="list-style-type: none">i) the proposed monitoring locations;ii) trigger levels for further investigation;iii) corrective actions to be implemented where exceedances are identified; andiv) reporting arrangements to the relevant local authority. <p>BBC also considers that 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> <p>BBC supports the wording below proposed by ECC in collaboration with other Essex authorities and which could be added to the CoCP to address the inadequacies highlighted by Thurrock:</p>
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“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.

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

Noise threshold Limits

- Category A threshold LAeq,T Weekday Daytime (0700 – 1900) and Saturdays (0700 – 1300) - 65dB.
- Category A threshold Evening and Weekends – 55dB
- Night-time (2300 – 0700) – 45 dB

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:

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

<p>DCO 2.S10</p>	<p>Schedules 3, Requirement 7 (Construction Hours)</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.”</p> <p>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 applicant is asked to model the scenarios of removing:</p> <ul style="list-style-type: none"> a) just Sundays b) just bank and other public holidays c) Sundays and bank and other public holidays 	<p>BBC maintains its position that the proposed construction hours are overly extensive and do not provide 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, BBC 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. Where the applicant considers that works outside these core hours are necessary, these should be managed through the Section 61 prior consent process under the Control of Pollution Act 1974. This would enable out-of-hours activities to be justified on a case-by-case basis and require the applicant to demonstrate that Best Practicable Means (BPM) will be employed to minimise noise and disturbance. The Section 61 process would also provide BBC with an appropriate level of oversight and allows any necessary controls, restrictions or mitigation measures to be tailored to the specific works proposed.</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. BBC 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.</p>
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<p>and then confirm whether the energisation date on the baseline construction programme would remain largely unchanged in relation to each of those scenarios.</p> <p>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 specified, start and close down activities and the operations that may take place outside of those core working hours.</p>	<p>BBC further 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 a definite need for extended working hours, BBC considers that a precautionary approach that favours residential amenity should be adopted.</p> <p>In this regard, BBC 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>BBC 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, BBC 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 any kind of general precedent for extended working hours.</p> <p>On this basis, BBC 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, BBC would suggest the following wording:</p> <p><i>Construction hours</i></p>
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DCO 2.S11	<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</p>	<p>BBC considers that the removal and retention of trees and hedgerows as a result of this Project being implemented is a sensitive issue given the open landscape and rural areas through which it will pass. BBC therefore supports the ECC position that an Arboricultural Method Statement (AMS) is a critically important document providing reassurance on the detail regarding the trees and hedgerows to be removed, the trees and hedgerows to be</p>

	<p>plans and root protection areas are not clearly defined and being secured prior to construction as part of this requirement.</p> <p>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."</p> <p>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>retained and, for those trees/hedgerows being retained, the necessary tree/hedgerow protection measures.</p> <p>BBC recognises that the AMS forms part of and is secured through the OLEMP in the current draft of the DCO, but given the breadth of the OLEMP, BBC is supportive of the ECC view that the current drafting does not provide sufficient clarity around whether the AMS is to be discharged under Requirement 4 or Requirement 8, nor does the current approach make it easy to monitor and track progress around discharge.</p> <p>BBC therefore considers that the discharge route for the AMS needs to be clarified and that it should be approved pursuant to Requirement 8, which relates to the retention and removal of trees, woodland and hedgerows. BBC is of the view that the ExA give consideration to including reference at Part iii) of Requirement 8 to the need for the AMS to form part of any submission pursuant to Requirement 8.</p>
<p>DCO 2.S13</p>	<p>Schedule 4 – (Discharge of Requirements) Schedule 4(3) - Fees</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:</p>	<p>BBC notes that dDCO paragraph 3(1)(a) of Schedule 4 (discharge of requirements) provides 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. BBC also notes that the fee for any application to discharge a requirement of the DCO must be updated annually to reflect the basic costs of the discharging authority and ensure any fee</p>

	<p>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</p> <p>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.</p> <p>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>payable remains in line with aforementioned fee Regulations or the latest planning fee guidance at the time of submission, and so has no further comment to make on this matter.</p> <p>With respect to the use of the term "per request", BBC understands that this term has been used in previous DCO examples, but considers the use of the term 'each application' would be clearer, more precise and more consistent with the wording of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, although this may not inhibit the seeking of discharge of multiple requirements with the use of either term.</p> <p>In light of the above and with the aim of securing the most efficient processing of requirement discharge from the limited resources of the local authority, BBC would prefer for requirements to be discharged singularly, as this makes it more viable to consider and determine efficiently. BBC recognises that the Applicant is aware of the resources context of local authorities and burden being placed upon them, and is currently engaging with BBC and other Councils along the route to discuss future funding to support the post-consent discharge of requirements processes, but any agreed PPA agreed will sit outside of the DCO.</p>
HE 2.13	<p>Updated version of the outline AMS/ outline WSI</p> <p>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</p>	<p>BBC understands that a main point of disagreement is with the sudden inclusion of mitigation areas within the revised OWSI, despite the agreement of mitigation areas not being able to 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, which is not sufficient evidence on which to determine mitigation. Details of archaeological mitigation areas should be provided post consent in the Detailed Written</p>

	<p>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>Schemes of Investigation and agreed with the local planning authority and Historic England where relevant.</p> <p>BBC also understands that it was requested that the areas that remain to be evaluated be 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> <p>BBC has been informed that previous comments provided by ECC as set out below 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 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>BBC therefore supports the ECC view that 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</p>
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		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.
LUS 2.4	<p>Green Belt - 3</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>	BBC can confirm that there are no Local Green Spaces enjoying the same protection as Green Belt through which the proposed development would pass.
LV 2.16	<p>Mitigation and compensation - 1</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>	BBC defers to the Essex County Council (ECC) response to this question.