



Norwich To Tilbury

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

Braintree District Council



Submission:

- ISH3 & ISH4 - Post Hearing Submissions including Action Points and Rule 17 letter

Contents Page

1	Glossary of Abbreviations	4
2	Introduction	5
	2.1 Purpose of Report	5
	2.2 Format and Content of Response	5
	2.3 Summary	5
3	Comments on Action Points from ISH3	6
	3.1 Introduction	6
	3.2 Action Point 9 (Schedule 4 Discharge of Requirements)	6
4	Comments on Action Points from ISH4	8
	4.1 Introduction	8
	4.2 Action Point 1 – Mitigation and Compensation – S106 Agreement	8
5	Post Hearing Submissions from ISH3 and ISH4	9
	5.1 Introduction	9
	5.2 ISH4 – Item 5.3 (Limits of Deviation)	9
	5.3 ISH4 – Item 6.3 (NVMP)	11
6	Other Submissions Including Rule 17 Letter	13
	6.1 Introduction	13
	6.2 Rule 17 letter – Employment and Skills Plan	13
	6.3 ISH 3 – 5.2 – Construction Hours	14
	6.4 Rule 17 letter & ISH 3 – 5.2, Schedule 4 – validation checklist	14

6.5 Action Point 22 – Noise and Vibration.....	15
--	----

Glossary of Abbreviations

BDC – Braintree District Council
BMSDC – Babergh Mid Suffolk District Council
BNG – Biodiversity Net Gain
B2T – Bramford to Twinstead
CoCP – Code of Construction Practice
dDCO – Draft Development Consent Order
ECC – Essex County Council
ESP – Employment and Skills Plan
ES – Environmental Statement
ExA – Examining Authority
ExQ – Examining Authority Question
ISH – Issue Specific Hearing
LOD – Limits of Deviation
LPA – Local Planning Authority
MWC – Main Works Contractor
NSIP – Nationally Significant Infrastructure Project
NSR – Noise Sensitive Receptor
NVMP – Noise and Vibration Management Plan
RVAA – Residential Visual Amenity Assessment
SoCG – Statement of Common Ground
TB – Tower Reference

2 Introduction

2.1 Purpose of Report

- 2.1.1 This report comprises Braintree District Council's ("the Council") post hearing submissions for ISH3 and ISH4 including the Action Points listed by the ExA.

2.2 Format and Content of Response

- 2.2.1 This report will respond (as appropriate) to comments made by the Applicant and the ExA in hearings across ISH3 and ISH4.
- 2.2.2 The report will respond to the relevant Action Points to assist the ExA, while also providing any comments on other matters discussed at the hearings.

2.3 Summary

- 2.3.1 The Council hope that the post hearing submissions are useful to the ExA. The Council respectfully requests that the ExA gives careful consideration to the responses contained within this document when determining how the examination should proceed and what matters should be taken into account.

3 Comments on Action Points from ISH3

3.1 Introduction

- 3.1.1 This section of the report specifically reviews each relevant action point in turn and provides a response.

3.2 Action Point 9 (Schedule 4 Discharge of Requirements)

- 3.2.1 This action point asked:

as referred to by Suffolk CC, noting its response to the Sea Link DCO (Sea Link examination library reference [REP7-366]), the applicant and all local authorities are to provide a revised draft of Schedule 4 (Discharge of Requirements). This must include provisions enabling the secretary of state to call in any submissions made to a relevant discharging authority which seek to discharge requirements either in whole or in part.

it would assist the examining authority if a collaborative approach could be undertaken by all local authorities with a view to providing a single preferred set of revised wording to Schedule 4 for deadline 6.

- 3.2.2 The Council supports the position set out by Suffolk County Council regarding the proposed amendments to Schedule 4 (Discharge of Requirements). The Council agrees that, whilst provision should be made for the future involvement of the proposed DESNZ Requirement Discharge Unit, the current lack of detail regarding its operation, governance and decision-making processes means that it would be premature to transfer discharge functions away from local authorities as the default position.
- 3.2.3 The Council therefore supports an approach whereby the relevant local authority remains the default discharging authority, with provision for the Secretary of State/DESNZ Unit to recover or call in individual applications for the discharge of requirements where considered appropriate. This

would retain the benefits of local knowledge and accountability whilst providing flexibility for national oversight where required.

- 3.2.4 The Council has had sight of Suffolk County Council's proposed DCO wording to be included and is satisfied with their approach. The Council does not support a mechanism that would allow the Applicant to determine, on a case-by-case basis, which authority should determine an application for the discharge of requirements.

4 Comments on Action Points from ISH4

4.1 Introduction

- 4.1.1 This section of the report specifically reviews each relevant action point in turn and provides a response.

4.2 Action Point 1 – Mitigation and Compensation – S106 Agreement

- 4.2.1 This action point asked:

Provide an update on the progress of the draft section 106 agreement regarding landscape enhancement (a response is sought from both the applicant and all local authorities)

- 4.2.2 In this case, the Council defers to Essex County Council's (ECC) response regarding progress on the landscape enhancement elements (landscape compensation) of the draft Section 106 Agreement, as ECC is leading negotiations on behalf of the Essex authorities in this area. The Council remains engaged in ongoing discussions regarding other legal agreement matters relevant to the District, including replacement tree planting and Biodiversity Net Gain provisions.

5 Post Hearing Submissions from ISH3 and ISH4

5.1 Introduction

- 5.1.1 This section of the report provides written summaries of the oral representations it made at the hearing.

5.2 ISH4 - Item 5.3 (Limits of Deviation)

- 5.2.1 The Council welcomes National Grid's updated wireline visualisations for RVAA receptors E7 (West Ford Farm Cottage) and E8 (Whiteheads Farm), which now reflect the lateral deviation element of the Limit of Deviation (LOD). However, the visualisations do not illustrate the full extent of the LOD available within the Order Limits, including the potential for pylon locations to move longitudinally within the red line boundary. This could result in pylons being positioned closer to these properties than shown in the submitted visualisations.
- 5.2.2 Notwithstanding this omission, the Council considers that the revised visualisations further reinforce its concerns regarding the effects of the Proposed Development on receptors E7 and E8. In the Council's view, the proposed towers would appear both "unpleasantly encroaching" and "inescapably dominant" from these properties. These are two of the criteria identified within the Applicant's Residential Visual Amenity Assessment (RVAA) methodology as indicators that the threshold for a breach of residential visual amenity may be reached.
- 5.2.3 Furthermore, as the application of the LOD could result in pylons being located even closer to the receptors than currently illustrated, there is potential for the RVAA effects at receptors E7 and E8 to be further exacerbated.
- 5.2.4 In light of these concerns, the Council requests that commitment GG34 within the Code of Construction Practice (CoCP) be amended to fix the route alignment in the vicinity of receptors E7 and E8. For receptor E7, this

would require towers TB93 and TB94 to be fixed. For receptor E8, this would require towers TB97 and TB98 to be fixed.

- 5.2.5 While the Council maintains its position that the Residential Visual Amenity threshold is breached at these properties, fixing the location of these towers would provide greater certainty and reduce the potential for visual impacts to worsen through the exercise of the authorised LOD.
- 5.2.6 During ISH4, the Applicant referred to the assessment of Residential Visual Amenity being undertaken "in the round", a phrase which is also referred to within the Applicant's Residential Visual Amenity Assessment (RVAA) methodology. The Council seeks clarification from the Applicant as to how this concept is applied in practice and how it informs conclusions on residential visual amenity effects.
- 5.2.7 In particular, the Council seeks clarification as to whether the Applicant considers that a residential receptor would need to be surrounded by development on all sides, or experience effects from multiple directions, before a breach of Residential Visual Amenity could occur. The Council's understanding is that significant residential visual effects can arise where development is experienced as unpleasantly encroaching, overbearing or inescapably dominant from principal views or key areas of a property, even where those effects are not experienced in all directions. Clarification on the Applicant's interpretation and application of the "in the round" assessment would therefore assist the ExA in understanding the basis of the Applicant's conclusions.
- 5.2.8 Overall, the Council considers that the proposed pylons would result in unacceptable residential visual amenity impacts at receptors E7 and E8, and therefore seeks amendments to GG34 of the CoCP to fix the locations of towers TB93, TB94, TB97 and TB98 and prevent those impacts being exacerbated further through the exercise of the Limits of Deviation.

5.3 ISH4 – Item 6.3 (NVMP)

- 5.3.1 Item 6.3 of ISH4 asked: *Noise and vibration management plan (NV05 in the outline code of construction practice [REP5-139]). How will the need for any ongoing consultation/ authorisation be undertaken once it has initially been discharged by the relevant planning authorities?*
- 5.3.2 The Council has reviewed the latest Code of Construction Practice (CoCP) and the Noise and Vibration Management Plan (NVMP) contained within Appendix F. As discussed at the hearing, the Council acknowledges that the Applicant has strengthened the CoCP by including commitments for the Main Works Contractor (MWC) to prepare detailed noise and vibration assessments and mitigation measures once the design and construction methodology are more fully developed.
- 5.3.3 Notwithstanding the Council's wider concerns regarding the robustness of the Environmental Statement assessment and the level of flexibility afforded by the Limits of Deviation, the Council accepts in principle that the preparation of detailed noise and vibration assessments by the MWC is an appropriate approach. However, the Council considers that NV05 should be amended to ensure consistency with Requirement 4 and to secure the submission of those assessments and any associated mitigation measures to the relevant Local Planning Authority for approval prior to the commencement of the relevant works.
- 5.3.4 As currently drafted, NV05 relies upon the MWC identifying where there is potential for significant noise and vibration effects and does not provide a clear mechanism for independent review or approval by the Local Planning Authority. The Council is concerned that this places sole reliance on the contractor's assessment and limits the LPA's ability to exercise effective oversight of the identification, assessment and mitigation of impacts on Noise Sensitive Receptors. The Council therefore considers that NV05 should be amended to require the submission and approval of the relevant

detailed assessments and mitigation proposals as part of the stage-specific NVMP process.

- 5.3.5 Until such amendments are secured, the Council remains concerned that the CoCP and NVMP do not provide an adequate approval role for the Local Planning Authority in relation to detailed noise and vibration assessments. Whilst the Council is content with the principle of contractor-led assessment and mitigation design, it considers that appropriate oversight and approval by the Local Planning Authority is required to ensure the effectiveness of the proposed controls and to provide confidence that potentially significant effects will be appropriately identified and mitigated.

6 Other Submissions Including Rule 17 Letter

6.1 Introduction

- 6.1.1 This section provides the Council's comments on matters arising from the examination, beyond the specific action points identified by the Examining Authority (ExA). It also contains the Council's response to the Rule 17 letter dated 30 June 2026.

6.2 Rule 17 letter – Employment and Skills Plan

- 6.2.1 The Rule 17 letter follows the hearing and asks (for Local Authorities):

(a) The ExA asks all local authorities for their comments on the outline ESP [REP5-215], including whether they consider the applicant has adequately addressed the matter of supply chains within the document bearing in mind the number of other Nationally Significant Infrastructure Projects consented in the vicinity of the proposed development. If not, do they suggest any measures the applicant could consider, if any, to address any concerns raised.

And

(B) Views are sought from the applicant, as well as all local authorities, as to whether approval of the submitted document should be secured within the wording of the new requirement (requirement 15) in schedule 3 of the draft DCO [REP5-060] relating to the ESP.

- 6.2.2 In respect of part (a), the Council defers to Essex County Council (ECC), which is leading on employment, skills and supply chain matters on behalf of the Essex authorities. The Council has engaged with ECC throughout the examination on these matters and supports ECC taking the lead in responding to the ExA's questions.

6.2.3 In respect of part (b), the Council also defers to ECC's detailed response. However, the Council considers that any Employment and Skills Plan secured through the DCO should be subject to approval by the relevant County Council or Unitary Authority, as the authority with responsibility for strategic skills and employment functions.

6.3 ISH 3 – 5.2 - Construction Hours

6.3.1 The Council wishes to comment on the Applicant's post-hearing submission responding to the ExA's questions and action points relating to construction hours.

6.3.2 The Council notes and supports the concerns raised by the ExA in the hearings and, in particular, Action Point 7. The Council will review the Applicant's Deadline 6 submission and reserves the right to provide further comments should this be necessary.

6.4 Rule 17 letter & ISH 3 - 5.2, Schedule 4 – validation checklist

6.4.1 The Council note the contents of the Rule 17 letter which states:

At issue specific hearing 2 the applicant referred to the possible use of development validation checklists with the relevant local authorities and/ or other bodies for the discharge of their requirement submissions. The applicant is asked to provide an update on discussions regarding such a checklist.

6.4.2 While this question is aimed at the Applicant, the Council would like to take this opportunity to respond.

6.4.3 The Council can confirm that discussions are ongoing with the Applicant regarding the potential use of a validation checklist for the submission of applications to discharge requirements. A draft checklist has been prepared following discussions between lead officers from Braintree District Council, Babergh Mid Suffolk District Council, Suffolk County Council and Essex County Council. The matters currently proposed for inclusion are:

- *a clear and accurate description of the application and the requirement being discharged;*
- *accurate plans and drawings and, where reliance is placed on previously approved plans, full references to those approved documents, together with links or copies where appropriate;*
- *a comprehensive audit trail setting out the relevant approved outline and final management plans, drawings, requirements and other DCO provisions that support the submission, including document references, page numbers and paragraph references where available;*
- *a summary of any pre-submission engagement undertaken and details of how comments received on draft submissions have been addressed within the final application; and*
- *details of any relevant licences, permits, approvals or other agreements associated with the submission.*

6.4.4 The Council considers that the use of a validation checklist has the potential to improve the quality and consistency of discharge of requirement submissions and assist in ensuring that applications are capable of efficient determination. Discussions with the Applicant regarding the scope and operation of such a checklist remain ongoing.

6.5 Action Point 22 - Noise and Vibration

6.5.1 The Council note that the ExA has asked the Applicant to respond to points made by Braintree District Council and Babergh and Mid-Suffolk District Council to do with compliance around noise and vibration.

6.5.2 The Council wishes to take this opportunity to highlight and support the concerns raised by Babergh and Mid Suffolk District Council regarding the practical operation of compliance monitoring, reporting and enforcement

arrangements more generally. Whilst the Outline Code of Construction Practice sets out processes for monitoring compliance and responding to complaints, the Council considers that greater clarity is required regarding the interface between the Applicant's internal compliance processes and the role of local planning authorities as the enforcing authorities under the Planning Act 2008.

- 6.5.3 The Council agrees that effective compliance monitoring and reporting arrangements are an important component of maintaining public confidence in the planning system, ensuring transparency throughout the construction process and enabling potential issues to be identified and resolved at an early stage. In the Council's view, a clear and agreed compliance framework would assist both the Applicant and the relevant local authorities by providing certainty regarding reporting, investigation, communication and resolution procedures.
- 6.5.4 In particular, the Council considers that an agreed framework for compliance reporting, investigation of non-compliance, record keeping and ongoing liaison with enforcing authorities would assist in ensuring a transparent, consistent and proportionate approach to compliance management throughout the construction phase, whilst facilitating the timely resolution of issues where they arise.
- 6.5.5 The Council therefore supports the principle that compliance arrangements should include appropriate mechanisms for ongoing liaison between the Applicant and the relevant enforcing authorities, proportionate reporting of identified non-compliances, maintenance of a clear audit trail of approved documents and plans, and appropriate opportunities for local authorities to undertake compliance and enforcement functions where necessary.
- 6.5.6 The Council notes that Babergh and Mid Suffolk District Council will be providing more detailed comments on these matters at Deadline 6 and supports the general approach set out within those submissions.