



NORWICH TO TILBURY

EN020027

Post-Hearing Submission for Issue Specific Hearing 3 / 4

Babergh District Council [REDACTED]

Mid Suffolk District Council [REDACTED]

Deadline 6
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Glossary of Acronyms

<i>DCO</i>	<i>Development Consent Order</i>
<i>ES</i>	<i>Environmental Statement</i>
<i>NSIP</i>	<i>Nationally Significant Infrastructure Project</i>
<i>PPA</i>	<i>Planning Performance Agreement</i>

“BDC” refers to Babergh District Council; “MSDC” refers to Mid Suffolk District Council; “BMSDC” refers to BDC and MSDC jointly; “SCC” refers to Suffolk County Council; and “the Councils” refers to BDC, MSDC, and SCC jointly.

Purpose of this Submission

The document has been prepared by Babergh and Mid Suffolk District Councils to provide a written summary of the representations made by the Councils at Issue Specific Hearing 3 and 4 held across 24, 25 and 26 June 2026. Examination Library references are used throughout to assist readers.

Written Summary of Representations made at Issue Specific Hearing 3 (“ISH3”)

Item	Title of Matter and BMSDC's Written Summary of Representation	References
1	Welcome, Examining Authority (ExA) introductions and arrangements for the hearing	
	Babergh and Mid Suffolk District Councils were represented by the following team virtually: - [REDACTED], joined by colleagues from the environmental protection team.	
2	Purpose of the issue specific hearing and ExA opening remarks	
	Babergh and Mid Suffolk District Councils did not provide commentary on this item.	
3	Introduction of participants	
	[REDACTED] spoke on behalf of Babergh and Mid Suffolk District Councils, joined by colleagues from the environmental protection team.	
4	Change Requests as relevant to ISH3	
	In accordance with Regulation 14(2) of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, the ExA will give an opportunity for any additional interested party or additional affected person, as a result of the accepted change requests [PD-016] to make oral representations on the matters previously discussed at ISH1 and ISH2. Babergh and Mid Suffolk District Councils did not provide commentary on this item.	
5	The development consent order	
	The ExA will be examining the following broad headings:	

Item	Title of Matter and BMSDC's Written Summary of Representation	References
5.1	Articles and Schedules of the draft DCO, specifically:	
5.1.a	Use of the term 'unreasonably withheld or delayed'	
5.1.b	Article 10 (Planning permissions and other consents)	
5.1.b.i	<i>Within this article, what differentiates the DCO being sought from other DCOs</i>	
5.1.b.ii	<i>The need for an additional sub-paragraph required making it clear nothing in the article prevents any enforcement action under the Town and Country Planning Act 1990 or the Planning Act 2008 from being taken in relation to any breach of that permission or consent where that breach is not an inconsistency for the purposes of Article 10(2)</i>	
5.1.c	Part 5 (Acquisition and Possession of Land) Articles 24 to 46 – Work Plans and Book of Reference – Class 8 land that is not subject to powers of acquisition nor temporary use	
5.1.d	Article 48 (Defence to proceedings in respect of statutory nuisance) and whether Schedule 3, requirement 14 needs to be accounted for within drafting	
5.1.e	Article 50 (Felling and Lopping)/ Article 51 (Trees subject to Tree Preservation Orders) – In the light of the Ancient Woodland Technical Note should a sub-paragraph be inserted in these articles specifying paragraph (1) does not apply to any trees identified as ancient or veteran unless they have previously been agreed to be removed or are agreed to be dead, dying or dangerous by the relevant planning authority and there is no alternative to their removal	
5.1.f	Article 56 (Safeguarding) and whether there has been any discussion with the Department for Energy Security and Net Zero concerning the issuing of a safeguarding direction	
5.1.g	Schedule 16 Protective Provisions – Update on parties seeking protective provisions and when these are to be included within the draft DCO	
5.2	Schedules 3 and 4 of the draft DCO (Requirements and discharge of requirements)	

5.2.a Schedule 3 (Requirements)

- 5.2.a.i *Requirement 5 (Archaeology): i) Restricting pre-commencement works and the applicant's comments [REP5-201], especially on responses to question DCO 1.S8 Schedule 3 – Requirement 5 (archaeology) on pages 23 and 24 of that document; and ii) Revised wording in the draft DCO [REP5-060] and the meaning of the wording 'the relevant land'*
- 5.2.a.ii *Requirement 7 (Construction hours), including start-up and close down periods*
- 5.2.a.iii *Requirement 12 (Design of permanent buildings) – Question why this is limited to permanent buildings only, and views on a sub-paragraph being imposed requiring details of all above ground works at substations being submitted to and agreed with the relevant planning authority prior to works commencing*
- 5.2.a.iv *Requirements related to: i) Management Plans and Commitments, including in relation to the Employment and Skills Plan; ii) Management plans to be approved; iii) mitigation of intra-project cumulative effects; and iv) the provision of as built details to relevant local authorities, especially in relation to underground cable corridors*

5.2.b Schedule 4 (Discharge of requirements)

- 5.2.b.i *The applicant will be asked to talk the ExA through its 'Proposed Approach to Adopting the DESNZ Requirement Discharge Units for Norwich to Tilbury', as set out in appendix A of its 'Comments on Post-Hearing Submissions and Interested Party Action Points' [REP5-194]*
- 5.2.b.ii *The applicant will also be asked for timescales for consideration of responses to its proposed revisions and for incorporation into the draft DCO*
- 5.2.b.iii *Relevant local authorities and other relevant interested parties will be asked for their views on the applicant's proposed approach*

██████████, on behalf of Babergh District Council and Mid Suffolk District Council, endorsed ██████████ for Suffolk County Council and added further considerations relevant to the drafting of the DCO. additional points of consideration of relevance in DCO.

Bearing in mind the previously discussed loss of oversight and inconsistency, and the risk this poses to compliance with delivery and to the local authorities' role as enforcing authorities during ongoing delivery, the Councils drew on experience from comparable projects, including Bramford to Twinstead, where a number of iterations of approved documents have arisen – whether through purposeful revision or as a result of reported non-compliance, be that voluntary reporting by the developer or an alleged non-compliance to which the Councils must respond.

Item	Title of Matter and BMSDC's Written Summary of Representation	References
	The Councils stressed the importance of maintaining a full and clear library of the documents that are approved and relied upon, with access granted as quickly and easily as possible, so that an iterative dialogue can be maintained with the developer throughout delivery. This would allow non-compliance to be managed as a continuous process rather than dealt with reactively. The Councils consider that the potential for inconsistency and lack of responsiveness, where there is scope to pick and choose between documents, represents a real risk, and one that is likely to build in delay later in the process.	
5.2.c	Update regarding validation checklists for submissions	
5.3	Article 60 and Schedule 19 of the draft DCO – Certification of plans	
5.3.a	Update on plans and/ or documents to be certified	
5.4	Consents, licences and other agreements	
5.4.a	Update on consents, licences and other agreements (including planning obligations and side agreements), including an update of progress and timescales for completion	
6	Review of actions arising and close	
CLOSED		

Written Summary of Representations made at Issue Specific Hearing 4 (“ISH4”)

Item	Title of Matter and BMSDC's Written Summary of Representation
7	Welcome, ExA introductions, opening remarks and resumption of the hearing
	Babergh and Mid Suffolk District Councils were represented by the following team virtually: 1.1 [REDACTED] joined by a number of technical officers to be introduced as and when needed.
8	Purpose of the issue specific hearing and ExA opening remarks
	Babergh and Mid Suffolk District Councils did not provide commentary on this item.
9	Introduction of participants
10	Change Requests
	In accordance with Regulation 14(2) of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, the ExA will give an opportunity for any additional interested party or additional affected person as a result of the accepted change requests [PD-016], to make oral representations on the matters previously discussed at ISH1 and ISH2.
11	Noise and vibration
	11.1 Update concerning Primary Access Route 30 (Bentley Road) and the magnitude of impact on noise sensitive receptors (both noise and vibration impacts) and mitigations proposed

Item	Title of Matter and BMSDC's Written Summary of Representation
11.2	East Anglia Connection Node (EACN) Substation

Item	Title of Matter and BMSDC's Written Summary of Representation
11.2.a	Operational Noise Assessment – Cumulative figures in Table A14.3.10 indicate this will be 35 dB LAr,Tr for all Noise Sensitive Receptors. The applicant will be asked to confirm these figures are correct
11.2.b	The applicant will be asked to explain how the ExA can be satisfied the ‘Potential Mitigation Options’ [APP-259] at Table A14.3.7 (Indicative Mitigation Options) will be adequately secured and delivered to the satisfaction of the relevant local authorities
11.2.c	Requirement 14 of the draft DCO set the noise rating level for standard operations at the EACN. The applicant will be asked: i) What does dB LAr, Tr actually represent ((LA - Level Audible), (r -reference), (Tr – Time reference). This includes: <i>11.2.c.i a) What is r? Is it LA90 (background), LAeq (energy level) or other?</i> <i>11.2.c.ii b) What is the time reference (Tr)?</i> <i>11.2.c.iii c) Bearing in mind BS4142:2014+A1:2019 has been referenced elsewhere in the requirement is Tr nighttime or daytime? ii) Why have the levels in the requirement been set as they have, given with mitigation you indicate dB LAeq (with mitigation) would achieve better than dB LA90 (nighttime)? iii) why are only 6 properties referenced in requirement 14 when 13 are identified in [APP-259]</i>
11.3	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?

Item	Title of Matter and BMSDC's Written Summary of Representation
	██████████ reiterated the general point made at ISH3 regarding compliance, monitoring, reporting, and enforcement. The Councils are in discussion with the Applicant, in its capacity as developer for Bramford and Twinstead, about agreeing a compliance, monitoring, and reporting process. The Applicant has indicated that, for Bramford and Twinstead, this matter needs to be discussed with the Norwich to Tilbury and Sealink teams, as it will set a precedent for the delivery of those DCOs; the Councils confirmed they remain in dialogue with National Grid on this point. The Councils feel strongly that this matter is not yet sufficiently covered or agreed. While the management plans set out steps for reporting non-compliance identified by the contractor or the Applicant, it remains unclear what process will apply where a third-party complain is received. Such complaints are made to the Councils regularly, in their capacity as enforcing authorities, and need to be dealt with appropriately; an agreed process is therefore required. The Councils are working on behalf of the lead authorities for Bramford to Twinstead with the Applicant to find a workable approach that does not delay delivery of the project, and are hopeful that this can be achieved, but noted that a resolution has not yet been reached for any of the relevant projects.
11.4	Any other matters related to noise and vibration arising from deadline 5 submissions
12	Aviation safety

Item	Title of Matter and BMSDC's Written Summary of Representation
12.1	Policy issues, including:
12.1.a	Critical National Priority (CNP)
12.1.b	General matters of aviation safety and risk
12.2	Latest updates and discussion arising from deadline 5 submissions on:
12.2.a	Wattisham Station
12.2.b	Tibenham Aerodrome and Priory Farm
12.2.c	Raydon Winds
12.2.d	Chase Farm
12.3	Any other aviation related issues.
13	Landscape and visual effects

Item	Title of Matter and BMSDC's Written Summary of Representation
13.1	Mitigation, including:
13.1.a	Compensation and the mitigation hierarchy
13.1.b	Masterplans [REP5-199] (and reference to specific areas covered by the masterplans)
13.1.c	Offsite planting delivery schemes
13.1.d	Monitoring
13.2	The Colne Valley, including discussion on the following documents:
13.2.a	The Planscape Landscape and Visual Technical Note [REP5- 277]
13.2.b	The Landscape Partnership Landscape Sensitivity Appraisal [REP5-226]
13.3	Limits of Deviation (including in relation to heritage assets), including:
13.3.a	New and amended viewpoints
13.3.b	The provisions of Commitment GG34 of the Outline Code of Construction Practice [REP5-139]
13.3.c	Decision making and approval mechanism
13.4	Any other landscape and visual matters, including:

Item	Title of Matter and BMSDC's Written Summary of Representation
13.4.a ██████████ confirmed that the Examining Authority has concluded discussion of item 5.3 and the decision-making and approval mechanism. In relation to link pillars and dark skies, the Councils confirmed that any further comments would be raised in writing. 13.4.b ██████████ reminded the Examining Authority that, as set out in previous representations during examination, the matters under discussion in relation to the section 106 agreement that are relevant to Babergh and Mid Suffolk include mitigation for the Waveney Valley, the Dedham Vale, and the Bramford substation, and that these comprise a number of distinct mitigation items of equal value to the communities, environment, and landscape of those areas. This is of particular importance around the Bramford substation, where there is a high likelihood of reasonably foreseeable significant development; the Applicant itself acknowledges in the Inter-Relationship Report that it has yet to assess the impacts of the alchemy and battery developments coming forward in that area. The Councils consider that the communities and environments in that area are already significantly impacted and are likely to be affected significantly further. The Councils emphasised the importance of fulfilling their role in securing the most optimum, effective, and efficient mitigation for all of these areas, and confirmed they will continue discussions with the Applicant on this basis. The Councils noted a reservation that landscape mitigation may be overtaken by the policy basis for decision-making, and raised a further concern as to what would happen if a mutually agreed position is not reached within an appropriate timeframe. 13.4.c 13.4.d	Link pillars and dark skies in the Dedham Vale Cumulative effects Residential Visual Amenity Assessment ([REP5-126] to [REP5-135]) Veteran trees
14	Socio-economics

Item	Title of Matter and BMSDC's Written Summary of Representation
14.1	The outline Employment and Skills Plan (ESP) [REP5-215]:
14.1.a	Initial views of the local authorities and other interested parties will be sought
14.1.b	Supply Chains – Does the outline ESP adequately respond to the matter of supply chains, including in relation to implications arising from the number of other nationally significant infrastructure projects taking place in the vicinity of the proposed development and how, if any are arising, the applicant is addressing those implications
14.1.c	Inclusion of Requirement 15 into Schedule 3 of the draft DCO [REP5-060]. Local authorities will be asked for their views, including whether approval of the submitted document should be secured within the wording
14.1.d	Consultation on community benefit funding. Whilst it is appreciated such benefits are to be delivered outside the development consent process, the ExA would like a clearer understanding of the consultation process, including:
14.1.d.i	<i>i) timings for consultation</i>
14.1.d.ii	<i>ii) methods used for consultation</i>
14.1.d.iii	<i>iii) how will the applicant decide what is to be included within the community benefit strategy</i>
14.1.e	Any other matters arising out of the Employment and Skills Plan
15	Any other matters The ExA may ask other questions of the applicant and interested parties on a limited range of other matters not included in the above topics. The ExA will seek updates on forthcoming submissions of any outstanding matters including finalised statements of common ground and responses to recent Rule 17 letters.
16	Review of actions arising and close

Item	Title of Matter and BMSDC's Written Summary of Representation
CLOSED	