

NORWICH TO TILBURY

EN020027

Post-Hearing Submission for Issue Specific Hearing 3 / 4

Suffolk County Council [REDACTED]

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Glossary of Acronyms

<i>CSEC</i>	<i>Cable Sealing End Compounds</i>
<i>(d)DCO</i>	<i>(draft) Development Consent Order</i>
<i>DESNZ</i>	<i>Department for Energy Security and Net Zero</i>
<i>ES</i>	<i>Environmental Statement</i>
<i>ExA</i>	<i>Examining Authority</i>
<i>ExQ1</i>	<i>Examining Authority’s First Written Questions</i>
<i>GAAC</i>	<i>General Aviation Awareness Council</i>
<i>HDD</i>	<i>Horizontal Directional Drilling</i>
<i>ISH</i>	<i>Issue Specific Hearing</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 Suffolk County Council to provide a written summary of the representations made by the Council 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 SCC's Written Summary of Representation	References
1	Welcome, Examining Authority (ExA) introductions and arrangements for the hearing	
	Suffolk County Council were represented by the following team in person: - [REDACTED] KC, Barrister, Cornerstone Barristers - [REDACTED], Senior Planning Officer, Suffolk County Council - [REDACTED], National Infrastructure Planning Manager, Suffolk County Council Attending colleagues were supported by the following team virtually: - [REDACTED], Partner and Parliamentary Agent, [REDACTED]	
2	Purpose of the issue specific hearing and ExA opening remarks	
	SCC did not comment on this item.	
3	Introduction of participants	
	SCC did not comment on this item.	
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.	
	SCC did not comment on this item.	

Item	Title of Matter and SCC's Written Summary of Representation	References
5	The development consent order The ExA will be examining the following broad headings:	
5.1	Articles and Schedules of the draft DCO, specifically:	
5.1.a	Use of the term ‘unreasonably withheld or delayed’ SCC made its detailed representations on “unreasonably withheld or delayed” at agenda item 6 of its Written Summary of Representations made at ISH2, which is included in its document Comments on any further information or submissions received by deadline 3; post-hearing submission and response to action points from Issue Specific Hearing 2 [REP4-336]. SCC did not repeat those representations at ISH3 but made additional points which it had not made before, namely – First, by section 161(1)(b) of the Planning Act 2008 it is an offence, without reasonable excuse, for a person to fail to comply with the terms of a DCO. By section 161(4)(a) a person guilty of an offence under section 161 is liable, on summary conviction, to a fine not exceeding £50,000. Is it reasonable for these words to be included in the Order in the light of the sanctions could arise because of a breach of a DCO? It is conceivable that somebody could say that if a discharging authority, subject to the provision as currently drafted, acts unreasonably in withholding or delaying their actions, they are committing a criminal offence. And that is a very good reason why this provision should not be included. SCC is not persuaded by the need for an additional criminal sanction to regulate local authority behaviour and is unaware of evidence of dilatory behaviour by local authorities in dealing with applications for consent arising from DCOs. Local authorities understand there is a public interest in expeditious decision making and their good sense and understanding can be relied on. The words are not necessary. Second, the issue throws up another practical point. Since the relevant local planning authority would be responsible for enforcement (see sections 167 to 173 of the Planning Act 2008), potentially resulting in a convoluted situation where the authority has to prosecute itself or prosecute another local authority for the way in which it has gone about discharging consents and requirements. The words are unnecessary: the deeming provision and appeal provision are entirely adequate. Nothing else is needed.	
5.1.b	Article 10 (Planning permissions and other consents)	

Item	Title of Matter and SCC's Written Summary of Representation	References
	<i>5.1.b.i Within this article, what differentiates the DCO being sought from other DCOs</i> SCC stated the only point to note is a slight difference in the drafting of the equivalent provision in the Sea Link DCO which came about because that Order come into the Planning Act regime via a section 35 direction, thus necessitating slightly different wording to describe the project. It was explained the Applicant is aware of that and so the wording used in the Sea Link provision does not need to be followed here. <i>5.1.b.ii 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> During ISH3, the Applicant confirmed it would bring the drafting of article 10 into line with the drafting of the equivalent provision of the Sea Link draft DCO [REP7-003]. SCC agrees consistency between the two Orders would be appropriate in this regard. Post-hearing note: SCC understands paragraph (4) of article 10 (planning permission and other consents) of the Sea Link draft DCO [REP7-003] will be included in the next version of the instant draft Order. Paragraph (4) states – “(4) Where any development to which this article relates is carried out or used pursuant to a planning permission granted under the 1990 Act or development consent granted under the 2008 Act, nothing in this article prevents any enforcement action under the 1990 Act or the 2008 Act being taken in relation to any breach of that permission or consent where that breach is not an inconsistency for the purposes of paragraph (2)”. 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 In ExQ1 (at question DCO 1.A7) the ExA asked whether Class 8 (Uncoloured (White) Land), should be specifically defined in (and excluded from) certain articles or through the definition of “Order land”. SCC replied in its Responses to ExQ1 [REP3-086] and that reply was not dissimilar to the Applicant’s, as set out in their Responses to First Written Questions (Final Issue A) [REP3-074]. It was explained during ISH3 that, while SCC and the Applicant are aligned on this point, having looked at some DCOs made in 2025 and 2026, SCC has identified two commonplace definitions of “Order land” which are slightly different from that proposed in SCC’s reply in its Responses to ExQ1 [REP3-086].	

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	As agreed during ISH3, SCC provided details of the work it has undertaken comparing differing approaches across different DCOs regarding to the drafting of "Order land". SCC notes the applicant will provide its comments in its Deadline 6 response and SCC will consider those comments in due course.	
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	
	During the hearing the Applicant explained that article 48 should refer to requirement 14 and the Applicant will update the drafting at Deadline 6. Post-hearing note: SCC will consider the amended drafting in due course.	
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	
	During the hearing the Applicant explained that it agreed with the point being made by the ExA and that the Applicant will update the drafting of article 50 at Deadline 6. SCC said it would consider the amended drafting in due course. SCC also stated that it had raised wider points regarding article 50 in its Comments on Submissions received at Deadline 3 [REP4-335] (paragraph 2.3: page 10 of 100) and its <i>Post-hearing submission for Issue Specific Hearing 2</i> [REP4-336] (page 15 of 43). SCC maintains its position as set out in those documents.	
5.1.f	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	
	SCC did not comment on this item.	
5.1.g	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	

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	SCC did not comment on this item. 5.1.h Schedule 16 Protective Provisions – Update on parties seeking protective provisions and when these are to be included within the draft DCO <u>Highways protective provisions (Part 4 of Schedule 16)</u> It was explained that SCC, ECC, and NCC are seeking to agree between them an amended form of the highways protective provisions (“HPP”) which have been included in the draft Order. <u>Post-hearing note:</u> the HPP, as amended and agreed by SCC, ECC and NCC were sent to the Applicant on 3 July 2026 and their comments on the same are awaited. <u>Drainage and Flood Authorities protective provisions (Part 3 of Schedule 16)</u> During the hearing, it was explained that section 150 of the Planning Act 2008 provides a mechanism for including certain additional prescribed consents and authorisations within a DCO, where the “relevant body” that would otherwise be required to grant the prescribed consent or authorisation has consented to the inclusion. The consents are prescribed in the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015. Part 1 of Schedule 2 lists the prescribed consents which apply to England, and this includes section 23 of the Land Drainage Act 1991 (“LDA 1991”). It is possible for a DCO to disapply section 23 of the LDA 1991 provided the relevant drainage authority has consented to that disapplication. Where disapplied, the relevant drainage authority and the undertaker agree protective provisions (“PPs”) which will provide a consenting regime instead of that under section 23 of the LDA 1991. It was explained during the hearing that such consent was not likely to be forthcoming during the examination if what was offered by way of PPA for the drainage authorities remains as currently drafted. One of the main differences between the regime for determining applications under section 23 of the LDA 1991 and under PPs is that the deadlines for determination under the PPs are usually shorter. Under section 23 of the LDA, SCC has 2 months (so, up to 62 days) to determine an application. Under the PPs, that timeframe is reduced to 28 days.	

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	It was explained that this is a particular concern for SCC and the applicant was urged to modify this approach because without acceptable PPs, the authorities will not agree to the disapplication of section 23. Post-hearing note: on 3 July 2026, the Applicant shared its updated PPs with the authorities. These are being considered and a common response will be made to the applicant as soon as possible.	
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 <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'</i> It was explained that SCC set out its position in respect of the exclusion of pre-commencement operations from the need for any archaeological evaluation or investigation in some detail in [REP4-335] (table 10, item 10.2). The matter was also considered during the Sea Link examination where the Sea Link ExA – in its <i>Schedule of ExA's recommended amendments to the applicant's dDCO submitted at deadline 6 [REP6-004]</i> [PD-024] – recommended the inclusion of pre-commencement works in the equivalent provision – requirement 14 of that DCO. (See item 17, page 38 to 42 of [PD-024]). The Sea Link applicant acceded to that recommendation and the final version of the Sea Link draft DCO [REP7-003] reflects this. Since the Sea Link and instant applicants are the same body, albeit promoting two different projects, SCC do not consider there is any meaningful difference in terms of the below ground sensitivity of parts of Suffolk which would be impacted by the projects, and therefore SCC would suggest that the same degree of safeguarding is needed to ensure that the pre commencement works are the subject of some prior evaluation or investigation, in order to ensure that something is irretrievably damaged, something which ought not to be irretrievably damaged. Post-hearing note: SCCAS would comment as follows on requirement 5 (archaeology) – <u>SCCAS comments on Requirement 5 Archaeology:</u>	

Item	Title of Matter and SCC's Written Summary of Representation	References
	Requirement 5(1) currently refers to “<i>No archaeological evaluation...</i>”. This is not sufficient, as the requirement needs to control commencement of the authorised development itself. As drafted, there is a potential scenario in which construction or other archaeologically damaging activities could commence before archaeological evaluation and any necessary mitigation have been carried out. Paragraph (1) should therefore be amended so that no stage of the authorised development may commence, including pre-commencement operations involving intrusive groundworks, until an appropriate detailed Written Scheme of Investigation for archaeological evaluation has been submitted to and approved. SCCAS suggested wording: <u>“(1) No stage of the authorised development may commence, including any pre-commencement operations that involve intrusive groundworks, which for the avoidance of doubt includes vegetation removal where that removal involves intrusive groundworks, until a detailed</u> <i>Written Scheme of Investigation for archaeological evaluation works for that stage or relevant part of the authorised development has been submitted to and approved by the relevant planning authority, following consultation with the relevant county planning authority’s archaeological or historic environment service and, if relevant, Historic England.”</i> Paragraph (2) should also be amended to include pre-commencement operations involving intrusive groundworks. It should secure the subsequent mitigation strategy, whether preservation in situ or preservation by record, and ensure that this is informed by the archaeological evaluation carried out under Part 1 and by the archaeological evaluation that has been completed prior to submission. SCCAS suggested wording: <u>“(2) No stage of the authorised development may commence, including any pre-commencement operations that involve intrusive groundworks which for the avoidance of doubt, includes any vegetation removal, where this removal includes intrusive groundworks until for that stage either a preservation in situ Management Plan or a detailed written scheme of investigation, which accords with the Outline Archaeological Mitigation Strategy and Outline Written Scheme of Investigation and is informed by the pre-commencement archaeological evaluation under part (1) and the works that have been completed prior to submission, has been submitted to and approved by the relevant planning authority, in consultation with the relevant county planning authority’s archaeological or historic environment service and, if relevant Historic England.”</u>	

Item	Title of Matter and SCCAS Written Summary of Representation	References
	With these amendments, Paragraph (3) could be removed, as SCCAS amended Paragraphs (1) and (2) would clearly set out the process for archaeological evaluation and subsequent mitigation. Paragraphs (4) and (5) are acceptable. Paragraph 6(a) is acceptable. Paragraph 6(b) should be amended to provide a fixed timeframe for submission of the archaeological Updated Project Design. As currently worded, linking the timeframe to approval of the final site-specific post-excavation assessment is problematic. If the final assessment is delayed or not approved, this could prevent submission of the Updated Project Design in a timely manner. The discharging authority also requires a fixed point from which to monitor compliance. SCCAS suggested wording: “No later than two years following completion of construction, an archaeological updated project design must be submitted to, and approved by, the relevant planning authority following consultation with the county planning authority’s archaeological or historic environment service or, if relevant, Historic England. The archaeological updated project design must be in general accordance with the outline archaeological mitigation strategy and outline written scheme of investigation and set out scope for full post-excavation analysis and publication.” The sentence “...and have regard to the site-specific research agendas set out in the detailed written schemes of investigation.” should be removed. The Updated Project Design should be informed by the results of the archaeological fieldwork and define the research agendas appropriate to the archaeology identified during the fieldwork. In effect, the Updated Project Design is an updated detailed Written Scheme of Investigation for post-excavation analysis, publication and archiving. Paragraphs 6(c) and 6(d) are acceptable. Paragraph (7) should be removed, as the matters it seeks to address would be properly controlled through SCCAS amended Paragraphs (1) and (2). As currently drafted, Paragraph (7) is not acceptable because it creates a circular and potentially ineffective control mechanism. The Outline Archaeological Mitigation Strategy and Outline Written Scheme of Investigation are process documents and do not contain the necessary site-specific detail to determine, approve or secure the archaeological works required in advance of intrusive pre-commencement operations.	

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	This is particularly problematic because pre-commencement operations may include intrusive groundworks. Such works have the potential to affect archaeological remains before evaluation has been completed and before appropriate mitigation has been agreed. It is therefore necessary to secure archaeological evaluation in advance, in order to inform appropriate mitigation, whether through preservation in situ or preservation by record. Any such mitigation must be implemented in accordance with a detailed Written Scheme of Investigation or preservation in situ management plan that has first been submitted to and approved by the relevant planning authority, following consultation with the relevant archaeological adviser and, where relevant, Historic England. It is SCCAS's position that Requirement 5 should expressly include pre-commencement operations involving intrusive groundworks within paragraphs 5(1) and 5(2). This approach is reflected in the SeaLINK DCO requirement wording, which provides that no stage of the authorised development may commence, including pre-commencement operations involving intrusive groundworks, until either a preservation in situ Historic Environment Management Plan or a site-specific Written Scheme of Investigation has been submitted to and approved. Draft Sea Link DCO requirement 14 paragraph (2): “(2) No stage of the authorised development may commence, including any pre-commencement operations that involve intrusive groundworks which for the avoidance of doubt, includes any vegetation removal, where this removal includes intrusive groundworks until for that stage either a preservation in situ Historic Environment Management Plan or a site-specific written scheme of investigation, which accords with the relevant Overarching Written Scheme of Investigation and is informed by the pre-commencement archaeological surveys, has been submitted to and approved by the relevant planning authority, in consultation with Historic England.” On this basis, archaeological Requirement 5 should be amended to ensure that intrusive pre-commencement operations cannot commence until the archaeological work has been completed under a detailed written scheme of investigation or the parcel of land has been released back to the developer by the relevant archaeological or historic environment service, following completion of the archaeological evaluation. 5.2.a.ii <i>Requirement 7 (Construction hours), including start-up and close down periods</i> SCC did not comment on this item. 5.2.a.iii <i>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</i>	

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	SCC did not comment on this item. 5.2.a.iv <i>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</i>	
	SCC did not comment on this item (which will be dealt with in a Rule 17 letter). 5.2.b Schedule 4 (Discharge of requirements) 5.2.b.i <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]</i> SCC explained it would not be helpful to the objective of the Fingleton review for all discharge of requirements to be left to the new unit and it was noted this view was shared by the Applicant, who recognised the important role of local authorities in the discharge of requirements. SCC explained it had been concerned by the prospect of an applicant – not necessarily the Applicant, but any applicant – choosing who to apply to for discharge, because this would be inappropriate. The answer to that, and to allow for (i) oversight by the new unit and (ii) maintaining the role of local authorities was to have effectively a mirror of calling-in powers that exists under section 77 of the Town and Country Planning Act 1990. By this regime, the default position is that requirements would be discharged at the local level by the relevant local authority, but the Secretary of State would have the power in either any case or any class of case, to make a direction that the power to discharge should instead be exercised by the Secretary of State, either of his or her own volition, or because it's requested by the applicant, or it's requested by the local authorities, or indeed it's requested by any other party (such as the Environment Agency or Natural England etc.) that the matter is dealt with at Secretary of State level, rather than at local level. It was explained that having the default position of having the requirement discharged by the local planning authority was SCC's preference, and it was suspected that, for many cases, this would likely be the Applicant's preference also because of the local planning authority's knowledge of the project and knowledge of the local area.	

Item	Title of Matter and SCC's Written Summary of Representation	References
	It was explained that SCC had submitted the wording of a suggested provision during the Sea Link examination (<i>Comments on Document 9.154: Approach to Adopting DESNZ Requirement Discharge Unit for Sea Link [AS167] [REP7-366]</i>) and that similar wording would likely be submitted during the instant examination. Finally, it was explained that if the ExA was not minded to adopt that sort of a hybrid approach and were of the view that all matters should go to the Secretary of State for discharge, then it would be absolutely critical to build in proper arrangements for not only consultation with the local authorities (with set timelines that they're allowed for consultation responses) but there would also need to be a requirement for the applicant to then reflect upon those consultation responses in the application. It was explained there is a useful precedent for such a provision in requirement 23 (details of consultation) of the A122 (Lower Thames Crossing) Development Consent Order 2025 (SI 2025/462). It was noted this is a useful precedent because Lower Thames is scheme promoted by National Highways whose requirements are always discharged by the Secretary of State's bespoke unit. <u>Post-hearing note 1:</u> SCC 's proposed drafting for a new article is include its reply to Action Pint 9. <u>Post-hearing note 2:</u> requirement 23 (details of consultation) of the A122 (Lower Thames Crossing) Development Consent Order 2025 states – Details of consultation 23.—(1) Where any paragraph in this Schedule requires the undertaker to consult with any person or body, the undertaker must— (a) notify the person or body of the effect of paragraph 21(3) (applications made to the Secretary of State under Part 1) of this Schedule; (b) subject to sub-paragraph (2), provide that person or body with not less than 28 days from the provision of any documents being consulted upon for any response to the consultation; (c) give due consideration to any representations made by that person or body about the proposed application; and (d) include with its application to the Secretary of State copies of any representations made by that person or body about the proposed application, and a written account of how any such representations have been taken into account in the submitted application. (2) The undertaker may consent, such consent not to be unreasonably withheld, to an extension of period in sub-paragraph (1)(a) so that a person or body has not less than 42 days from provision of any documents being consulted upon to provide a response to the consultation following a request made by a person or body no later than 21 days from receipt of any documents being consulted upon.	

Item	Title of Matter and SCC's Written Summary of Representation	References
	(3) Where sub-paragraph (2) applies a person or body must provide a response to the consultation as soon as reasonably practicable. 5.2.b.ii <i>The applicant will also be asked for timescales for consideration of responses to its proposed revisions and for incorporation into the draft DCO</i> SCC did not comment on this item. 5.2.b.iii <i>Relevant local authorities and other relevant interested parties will be asked for their views on the applicant's proposed approach</i> It was agreed that the Applicant would include its proposed provision at Deadline 6, allowing the local authorities to comment on it at Deadline 7. 5.2.c Update regarding validation checklists for submissions This will be the subject to a Rule 17 letter question.	
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	
	SCC did not comment on this item.	
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	
	SCC did not comment on this item. <u>Post-hearing note:</u> SCC and the Applicant have largely agreed the content of a s.106 agreement which seeks to address the duty, pursuant to section 245 of Levelling-up and Regeneration Act 2023 and section 85 of Countryside and Rights of Way Act 2000, to seek to further the purposes of the Dedham Vale National Landscape. Under the agreement, the Applicant will not commence the authorised development within the Dedham Vale National Landscape until a Compensation Fund – of slightly more than £2.4m – has been paid to SCC. SCC will hold the Fund as	

Item	Title of Matter and SCC's Written Summary of Representation	References
	agent on behalf of Dedham Vale National Landscape and Stour Valley Partnership and it must be spent in accordance with the terms of the agreement.	
6	Review of actions arising and close	
	AP2 Part 5 (Acquisition and Possession of Land) Articles 24 to 46 Suffolk CC to provide details of work it has undertaken comparing different approaches across different DCOs in regard to ‘white land’ to the applicant as soon as possible. The applicant is to provide its comments in response (at deadline 6). On 24 June 2026, SCC provided details of the work it has undertaken comparing differing approaches across different DCOs regarding to the drafting of “Order land”. SCC notes the Applicant will provide its comments in response at D6 and SCC will consider those comments in due course. AP9 Schedule 4 (discharge of requirements) 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. On reflection, SCC considers the provision which enables the Secretary of State to call in any submission made to a discharging authority which seeks to discharge a requirement should be included in an article, rather than in a Schedule to the draft DCO. The main reason for this is that articles provide the main legal provisions for a DCO, while Schedules function as appendices, setting out technical information and procedural matters. In the light of this, it seems to SCC that the proposed provision is more akin to the former, not the latter. It will be remembered that SCC’s proposed drafting based on section 77 (reference of applications to Secretary of State) of the Town and Country Planning Act 1990 which was obviously included in a section of that Act and not in a Schedule to it.	

Item	Title of Matter and SCC's Written Summary of Representation	References
	Since article 55 sets out the procedure regarding approvals, it would seem sensible if SCC's proposed new requirement followed it. The proposed drafting is set out below (as coordinated with other Host Local Authorities), followed by SCC's proposed amendments to Schedule 4 in Appendix A. Regarding SCC's proposed amendments to Schedule 4 (APPENDIX A), deletions are shown in bold, red and struck-through and additions are shown in bold, black and underlined. Comments in the side bar cross-refer to SCC's previous examination documents which justified the proposed amendments. <u>Reference of applications to the DESNZ post-consent unit</u> 55A.—(1) Subject to paragraphs (7) and (8), the DESNZ post-consent unit may give directions requiring an application for any consent, agreement or approval required by a Requirement to be referred to them instead of being dealt with by the authority mentioned in that requirement. (2) A direction under this article may relate to a particular Requirement, or to any Requirement. (3) Any application in respect of which a direction under this article has effect must be referred to the DESNZ post-consent unit accordingly. (4) Subject to paragraph (5), where an application to which this paragraph applies is referred to the DESNZ post-consent unit, Schedule 3 (requirements) applies, with any necessary modifications, as it applies where such an application is to be determined by the relevant planning authority or relevant highway authority. (5) Before determining an application to which this article applies the DESNZ post-consent unit must consult – (a) the relevant planning authority or the relevant highway authority in the Requirement; and (b) any person named in that Requirement as a consultee¹. (6) Notwithstanding the provisions of this article, the undertaker must provide the relevant planning authority with the written notice mentioned in Requirement 3 (stages of the authorised development) in accordance with the provisions of that Requirement.	

¹ A consequence of this drafting would be if the DESNZ post-consent unit were to determine (say) requirement 4 (construction management plans), per requirement 4(1)(a), "the relevant planning authority" would be consulted (as the discharging authority mentioned in that provision). The following would also be consulted because they are named in requirement 4(1)(a) as consultees: Natural England (in the case of the landscape and ecological management plan), the Environment Agency (in the case of the code of construction practice) and the relevant highway authority (in the context of the operation of the local and strategic road network).

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	(7) The power of the DESNZ post-consent unit under this paragraph cannot first be exercised until they have served notice on the relevant planning authority and the relevant highway authority confirming – (a) they have been established by the Secretary of State; (b) they are capable of determining an application to which this paragraph applies; and (c) the date from which they are so capable. (8) In this paragraph, “DESNZ post-consent unit” means a unit established within the Department for Energy Security and Net Zero by or on behalf of the Secretary of State for the purpose of determining any application for consent, agreement or approval required by a Requirement contained in a development consent order.	
CLOSED		

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

Item	Title of Matter and SCC's Written Summary of Representation
1	Welcome, ExA introductions, opening remarks and resumption of the hearing
	Suffolk County Council were represented by the following team in person: - [REDACTED] Barrister, Cornerstone Barristers - [REDACTED], Senior Planning Officer, Suffolk County Council - [REDACTED], National Infrastructure Planning Manager, Suffolk County Council Attending colleagues were supported by the following team virtually: - [REDACTED], Landscape Officer, Suffolk County Council - [REDACTED], Ecologist, Suffolk County Council - [REDACTED], Skills for Infrastructure Strategic Lead, Suffolk County Council - [REDACTED] Economic Development Manager, Suffolk County Council
2	Purpose of the issue specific hearing and ExA opening remarks
	SCC did not comment on this item.
3	Introduction of participants
	SCC did not comment on this item.
4	Change Requests

Item	Title of Matter and SCC's Written Summary of Representation
	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.
	SCC did not comment on this item.
5	Landscape and visual effects
5.1	Mitigation, including:
5.1.a	Compensation and the mitigation hierarchy Regarding the principle of compensation, SCC has previously outlined its position in Item 8.2 of SCC's Post-Hearing Submission for ISH2 [REP4-336] and in answer to ExQ2 LV2.16 [REP5-271]. There, SCC has outlined that the ExA's judgement on respect of the Bramford to Twinstead DCO was a case-specific judgement and that each case is decided on its own merits. It is therefore SCC's view that the ExA on that project were not setting out a general statement of principle but a planning judgement on the facts of that case. SCC's view is that the available evidence shows that there are adverse residual impacts, particularly on landscape, heritage, and public rights of way for which there is no practical mitigation or further mitigation possible. In making this point, SCC are using 'mitigation' in the narrow sense (of something which goes to reduce the actual adverse impact) and not using 'mitigation' in the wide sense (of all the components of the Mitigation Hierarchy as defined in the glossary of EN-1), which has a broad umbrella of potential tools for dealing with impacts, one of which is mitigation in the narrow sense and another is compensation. SCC considers that there is an element of inconsistency in the Applicant's position as articulated at ISH4 because the Applicant states that there is no requirement for landscape harm to be necessarily offset or compensation (there is an important qualifier in that formulation) and then, in rather more strident terms, that landscape harm is not required to be offset or compensated and if it were implied then it would say so in EN-1 or EN-5. SCC promotes that the proper position is in EN-1 paragraph 4.2.12, stating that the Applicant should set out how residual impact will be compensation for as far as possible. That is not written in a way which excludes from its ambit Landscape impacts, nor is it written in a way which excludes impacts arising from overhead powerlines. EN-5 sits within the umbrella of EN-1, and SCC considers that if EN-5 was intended to carve out from the approach in EN-1 a special provision that either for landscape or overhead powerlines, such that EN-1 paragraph 4.2.12 did not apply to overhead powerlines causing landscape impacts that EN-5 would have said so.

Item	Title of Matter and SCC's Written Summary of Representation
	Further, SCC considers that the full context of issue of necessity to be important. The Applicant utilised EN-1 paragraph 4.1.8, which deals with planning obligations, where the full phrase is “<i>necessary to make the proposed development acceptable in planning terms</i>”. SCC states that this clarifies the purpose or function of the necessary or necessity test, i.e. what you need to do to make the development acceptable in planning terms and that inevitably entails the formulation of a planning judgement about what is (and what is not) an “acceptable” planning outcome, which will be case- and site-specific. It will be a planning judgement formed against the backdrop of any legal requirements and of policy guidance, and take into account any factors which the ExA and SoS consider are important and relevant considerations but nevertheless, it is still at its heart a planning judgement on what is needed to make the development “acceptable in planning terms”. SCC’s position is, therefore, that there is an undoubted case for there being residual adverse impacts but that in this case those residual impacts are capable in a meaningful sense of being offset. This is not a case where, given the nature of the residual impacts that there is nothing that could be meaningfully done in the locality or the vicinity to offset or compensate for them because perhaps the landscape, heritage, or public rights of way network does not lend itself towards that. The constraints and opportunities plans submitted very easily highlight that there are landscape and nature conservation matters that can be meaningfully delivered. They are all within the geographic compass of the impacts and many of them are of a linear nature which relate to the landscape and to nature conservation measures which can be enhanced in a way which can be seen as compensating or offsetting for these residual impacts. 5.1.b Masterplans [REP5-199] (and reference to specific areas covered by the masterplans) The most important issue is the substantive measures themselves, with the mechanism(s) for their delivery being a secondary matter. SCC agrees that the dialogue has been constructive and appreciates the works that the Applicant has put into producing the masterplans with input from the Local Authorities. SCC welcomes the provided draft Constraints Plans and draft Opportunities Plans as starting points for further discussions. SCC considers that the enhancement schemes are a justifiable and proportionate response (as further explained with SCC’s answer to ExQ2 GEN 2.2 [REP5-271]) to the widespread residual long-term significant landscape and visual effects, including, but not limited to, the sensitive areas for which these plans have now been prepared. SCC welcomes that the Suffolk LNRS provides the backbone for the proposals. SCC considers that the options that they present do offer a reasonable suite of measures and those opportunities could provide proportionate offsetting for the residual impacts.

Item	Title of Matter and SCC's Written Summary of Representation
	As to how these measures are best delivered, there is ongoing dialogue in relation to using the vehicle of a Section 106 agreement that has some merit in terms of allowing for flexibility in due course for what may or may not be the measures that are provided – SCC does not rule out this mechanisms at the stage. It could also be done in terms of a requirement, calling for a scheme to be submitted and approved but that might have a degree less flexibility. It may need to specify more parameters of what can or cannot be the subject of those subsequent measures. It may be that the way that it is currently being suggested is the best way. SCC does not exclude this mechanism either. SCC queried whether, whilst not wishing to intrude on the ExA's thinking, the ExA is minded to provide clarity on their approach to whether these measures are necessary. This would be beneficial to crystallise this matter for the parties. If there were to be a very clear expectation from the ExA that (having heard all these arguments), for the reasons outlined, there ought to be an offsetting or compensation package then, all parties would know that this is a matter that must be delivered within the remainder of the examination. Regardless, the Council is keen to carry on working with the Applicant to resolve and define the relevant measures clearly and to secure them in a deliverable mechanism. The Applicant identified the options available, all parties are aware of the time limits and all parties will be working to come up with a practical mechanism by the close of the examination. SCC would wish to emphasise that the fact that a measure amounts to an enhancement does not mean that it cannot be compensation of offsetting, rather enhancement can be one type of compensating and offsetting for an impact that you cannot directly mitigate, reduce or avoid. SCC is very content to continue the dialogue with the Applicant to work up more meaningful constraints and opportunities plans so that they are a series of deliverable measures that can therefore be incorporated in one way or another into the controls of the DCO. <i>Waveney Valley</i> SCC considers that the constraints plan accurately demonstrates how sensitive this area is, where the alignment proposes to cross the Waveney Valley. SCC welcomes that the opportunities plan envisages to support enhancement works proposed by the WALOR Project. In this location, to compensate for the effects of the proposed development, the Council considers that a focus of opportunities on landscape and nature conservation would enhance the geography and that substantive consideration of public rights of way and accessibility improvements would enhance the visual amenity and appeal of the area for the local community. <i>Gipping Valley</i>

Item	Title of Matter and SCC's Written Summary of Representation
	SCC retains its position that the alignment would have been less harmful further west (rather than in the more intact landscape the scheme proposes to traverse) and that the undergrounding of other powerlines should have gone further around Stowmarket. SCC considers that the alignment is too close to Grade II* Listed Creeping Hall. Bearing this in mind, SCC welcomes opportunities identified for watercourses and riparian enhancement along the River Gipping and for better connected green infrastructure north-west of Needham Market. <i>Burstall and Bramford</i> SCC and BMSDC, on 1 July 2026, invited the relevant Town and Parish Councils to a meeting to discuss these constraints opportunities plans. Burstall Parish Council expressed that it would seek to submit an alternative opportunities plan, to include local knowledge and landowner deliverability into the proposals, which SCC supports in principle. SCC has long called for a strategic landscape masterplan that is proportionate to the strategic electricity network hub in this location. SCC does not accept the argument that Environmental Areas cannot be delivered due to other projects in the locale. SCC considers that this is exactly what a masterplan should and could address. SCC therefore welcomes the opportunities plan on which further engagement can be based. 5.1.c Offsite planting delivery schemes SCC retains its position as to the principle of why this is required, as set out last in its answer to ExQ2 GEN2.2 [REP5-271]. In terms of the mechanisms, SCC has concerns as to whether it will prove effective in its current form – a matter for dialogue. The Councils understand the point that the amount that is left over to be offsite planting cannot be settled until it is resolved how much can be achieved within the red line boundary. Nevertheless, SCC does not wish for the residue that becomes a matter for the offsite planting to be left so much at large that it is not subject to tangible measures to ensure that it is delivered. The Councils do not wish for there to be nothing more than a pot of money that the Local Authorities are left with but without any commitments from the Applicant to identify deliverable schemes where planting could take place, rather the Councils would prefer clear commitments by the Applicant on the mechanisms to ensure that it leads to the outcome desired which is the replacement planting at 3:1. 5.1.d Monitoring SCC's position on monitoring remains unchanged from the LIR [REP1-178].

Item	Title of Matter and SCC's Written Summary of Representation
	Regarding adaptive management, the Council considers that there needs to be a period greater than 5 years and more adaptive to the particular location and conditions for the reasons referred to in the LIR. SCC is of the view that the Applicant needs to be more flexible on its approach to this, rather than promoting a chronological cut-off.
5.2	The Colne Valley, including discussion on the following documents:
5.2.a	The Planscape Landscape and Visual Technical Note [REP5- 277] SCC did not comment on this item.
5.2.b	The Landscape Partnership Landscape Sensitivity Appraisal [REP5-226] SCC did not comment on this item.
5.3	Limits of Deviation (including in relation to heritage assets), including:
5.3.a	New and amended viewpoints/LoD visualisations SCC welcomes the LoD visualisations (although noting that not all suggestions were taken forward) and considers that they demonstrate overall very well that, if full use was to be made of LoD the landscape and visual effects would in sensitive locations be considerably worse than has been shown in the earlier visualisations or in many cases by the locations for the pylons as shown on the Works Plans (which SCC understands are not intended to be fixed). A clear example is the Angles Way in the Waveney Valley in regard to pylons RG86 and RG87 (Figure 7.12.F208_HE2(i)g(ii) in [REP5-196], where the LoD along the promoted route could have increased adverse effects on existing trees and the hedgerow along the PRoW, as well as on the PRoW itself, which would be unacceptable. This is contrasted by the differences in the Gipping Valley which appear to be less pronounced (Figure: 7.12.F49_VP2.28b in [REP5-195]). In conclusion, SCC considers that given the potential different impacts that could arise, depending on the ultimate siting and height that is permissible within the parameters set by the LoD, and the sensitivity of many parts of the route to the precise siting/height of pylons within LoD, there are several locations where there is a need for micro-siting, where either the extent of the LoD should be reduced to a narrower range or in some cases the details of the pylon location and its height should be fully assessed and agreed with the relevant local authority. These locations, and the types of controls sought, are shown in SCC's response to AP7.

Item	Title of Matter and SCC's Written Summary of Representation
	SCC therefore takes a different view than the Applicant on the outputs of the new visualisations, considering that the adverse impacts meaningfully differ depending on the precise siting of the pylons within the Limits of Deviation and on the height of the pylons. The Council does not consider then that the worst case has been assessed in relation to landscape and heritage effects. 5.3.b The provisions of Commitment GG34 of the Outline Code of Construction Practice [REP5-139] SCC laid out its position in ISH2 Post-Hearing Submission [REP4-336]. SCC still considers that GG34 does not go far enough in restricting the LoD in sensitive areas. Firstly, it does not address all of the sensitive locations. SCC proposes micro-siting of the following pylons as set out in its response to AP7. 5.3.c Decision making and approval mechanism Secondly, SCC considers that commitment GG34 has a number of slightly woolly caveats about minimising and restricting the location of pylons in particular location so far as or if reasonably practical, it does not have an approval mechanism either. The Council considers that this is not sufficient. SCC considers that there needs to be an approval mechanism for the micro-siting of pylons in sensitive locations to ensure that impacts are minimised, these should be agreed with the relevant local authority.
5.4	Any other landscape and visual matters, including:
	5.4.a Link pillars and dark skies in the Dedham Vale SCC maintains its position that link pillars should be embedded into their surroundings with appropriate screen planting, as set in our answer to ExQ2 LV2.4 [REP5-271]. This also outlines the proposed requirement that the Council would wish to see included in the DCO. SCC are not seeking to control the siting of link pillars but where they are operationally required then there would be control of the above ground appearance. 5.4.b Cumulative effects SCC did not comment on this item. 5.4.c Residential Visual Amenity Assessment ([REP5-126] to [REP5-135]) SCC did not comment on this item.

Item	Title of Matter and SCC's Written Summary of Representation
5.4.d	Veteran trees SCC did not comment on this item.
6	Noise and vibration
6.1	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 SCC did not comment on this item.
6.2	East Anglia Connection Node (EACN) Substation
6.2.a	Operational Noise Assessment – Cumulative figures in Table A14.3.10 indicate this will be 35 dB L_{Ar,Tr} for all Noise Sensitive Receptors. The applicant will be asked to confirm these figures are correct SCC did not comment on this item.
6.2.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 SCC did not comment on this item.
6.2.c	Requirement 14 of the draft DCO set the noise rating level for standard operations at the EACN. The applicant will be asked: 6.2.c.i <i>What does dB L_{Ar, Tr} actually represent ((LA - Level Audible), (r -reference), (Tr – Time reference). This includes:</i> <i>(a) What is r? Is it LA90 (background), LAeq (energy level) or other?</i> <i>(b) What is the time reference (Tr)?</i> <i>(c) Bearing in mind BS4142:2014+A1:2019 has been referenced elsewhere in the requirement is Tr nighttime or daytime?</i> SCC did not comment on this item.

Item	Title of Matter and SCC's Written Summary of Representation
6.2.c.ii	<i>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)?</i> SCC did not comment on this item.
6.2.c.iii	<i>Why are only 6 properties referenced in requirement 14 when 13 are identified in [APP-259]</i> SCC did not comment on this item.
6.3	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? SCC did not comment on this item.
6.4	Any other matters related to noise and vibration arising from deadline 5 submissions SCC did not comment on this item.
7	Aviation safety
7.1	Policy issues, including:
7.1.a	Critical National Priority (CNP) SCC did not comment on this item.
7.1.b	General matters of aviation safety and risk SCC did not comment on this item.
7.2	Latest updates and discussion arising from deadline 5 submissions on:

Item	Title of Matter and SCC's Written Summary of Representation
7.2.a	Wattisham Station
	SCC did not comment on this item.
7.2.b	Tibenham Aerodrome and Priory Farm
	SCC did not comment on this item.
7.2.c	Raydon Winds [sic]
	SCC did not comment on this item.
7.2.d	Chase Farm
	SCC did not comment on this item.
7.3	Any other aviation related issues
	SCC did not comment on this item.
8	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.
	SCC did not comment on this item.
9	Review of actions arising and close
	AP1 Landscape and Visual Effects (mitigation and compensation)

Item	Title of Matter and SCC's Written Summary of Representation
	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). SCC, in coordination with all other Host Local Authorities, sent a multi-party section 106 legal agreement for the Applicant to consider on 18 June 2026. Discussions regarding opportunities, associated funds, and delivery mechanisms have continued since. On 7 July 2026, the Applicant has provided the Local Authorities with a draft Article to the DCO. The Local Authorities continue to review the detail contained within the draft Article, however, SCC confirms that this approach (an Article to the DCO) would be an agreeable mechanism to secure the commitment and obligations, should the Secretary of State consider it necessary as per the Council's answer to ExQ2 GEN2.2 [REP5-271]. AP2 Landscape and Visual Effects (mitigation and compensation) Provide a draft requirement (agreed where possible with all local authorities) relating to submission of a scheme for landscape enhancement in the event that a completed (signed and dated) legal agreement is not submitted before the end of the examination. As mentioned in response to AP1 (above), the Applicant has provided the Local Authorities with a draft Article to the DCO. The Local Authorities continue to review the detail contained. SCC considers that agreement amongst the parties is achievable, prior to the close of Examination. AP7 Limits of deviation Suffolk CC to provide to the applicant as soon as possible a list of further sensitive locations it wishes to see included in commitment GG34 of the outline code of construction practice and the applicant is to respond at deadline 6. The additional visualisations that were provided at Deadline 5 [REP5-194 to REP5-198] clearly demonstrate that the LoD as proposed by the Applicant are too liberal, with potential detrimental effects, which could result in greater adverse effects than the submission documents suggest (despite falling into the same assessment category of severity). SCC considers that in no location is it acceptable to increase the tower height by 6m without full justification and without approval by the relevant local authority.

Item	Title of Matter and SCC's Written Summary of Representation							
As stated in the LIR (paragraph 13.18) [REP1-178] , SCC and BMSDC request that the pylon positions in key locations will be as shown on consented plans, unless otherwise agreed with the relevant planning authority and, where applicable, Historic England.								
This applies in particular to pylon towers crossing the Waveney Valley, at Wortham Ling, around Mellis Common, north of Gisletham, at Wickham Skeith, through the Gipping Valley and Bramford/Burstall. Any changes and deviation required as part of micro-siting should only be made in agreement with the relevant local planning authority and, where applicable, Historic England.								
Table 1: SCC identified key sensitive locations, where it considers that any required micro-siting of tower locations will need to be agreed with the relevant local authorities and, where applicable, Historic England.								
Location Reference		Potential increased effects resulting from LoD				SCC proposals for maximum LoD for these Pylon towers		
Pylon Tower	Related view-point	Longitudinal	Lateral	Tower height	Comments	Longitudinal	Lateral	Tower height
RG 81 – RG 89	1.22, HE2i, HE2ii	✓	✓	✓	Waveney Valley AS the additional visualisations [REP5-196 and REP5-197] demonstrate any deviation from the alignment shown on the works plans has the potential to exacerbate the adverse effects in this sensitive landscape. SCC therefore considers that ANY deviation from the plans should be agreed with the relevant discharging authorities.	5m	5m	0m
RG82			✓	✓	Located in South Norfolk but included for completeness: The lateral LoD as proposed	5m	5m	0m

Item	Title of Matter and SCC's Written Summary of Representation							
					by the Applicant could exacerbate the adverse visual effects on <i>Russet Lodge</i> to the extent of becoming overbearing. Changes along the longitudinal axis could reduce the adverse visual effects, but resulting effects on other receptors would need to be assessed.			
RG 86	1.22, HE2i, HE2ii	✓	✓	✓	Located in South Norfolk but included for completeness: The LoD as proposed by the Applicant could exacerbate the adverse visual effects on the <i>Angles Way</i> to the extent of becoming overbearing [REP5-196 and REP5 - 197] .	5m	5m	0m
RG 89-RG 91		✓	✓	✓	<i>Wortham Ling</i> SCC would not support the towers to be located any closer to Wortham Ling that shown on the works plans. SCC considers any changes should be agreed with the relevant discharging authorities, in particular for RG 89, the longitudinal LoD for RG 90 appears to be less crucial.	5m	5m	0m

Item	Title of Matter and SCC's Written Summary of Representation							
RG 93, 94	2.22	✓	✓	✓	Resulting effects could be considerably worse for the <i>residential property on Lion Road</i> (not the one in the viewpoint), if pylon was moved east and/or south. Effects could also be worse for property shown in VP if tower was moved west. Likewise, effects could be made worse for <i>properties around St Johns House and Cottages</i> and for Goodrich Park. LoD may also affect archaeology.	5m	5m	0m
RG 103 – RG 106	--		✓	✓	<i>North of Mellis Common</i> Here, SCC considers that LoD should be minimised, as it is considered that one of the mitigation measures of the scheme is to use the footprint of the powerline that will be removed. The benefits could be greatly reduced, if the LoD were fully applied. SCC has also asked for additional visualisations with a reduced tower height around Mellis Common. This was not pursued. SCC would not be able to support an increase in tower height from that shown in the submission documents.	5m	5m	0m

Item	Title of Matter and SCC's Written Summary of Representation							
RG 106, 107	--	✓	✓	✓	<i>Furze Way</i> Towers are positioned between residential properties, and any lateral movement could potentially result in greater adverse effects for some of the properties. Limited longitudinal changes along the alignment could bring benefits, if aligned more closely with field boundaries, but potential adverse effects would need to be assessed/ therefore agreement with discharging authority would be required.	5m	5m	0m
RG 112-116	--		✓	✓	This is an occasion where SCC would potentially cautiously welcome a lateral deviation to the north-east to avoid the vegetation along the <i>Green Lane</i> . However, adverse effects, such as on Mellis Common would need to be considered and therefore any changes should be fully assessed agreed with the relevant local authority.	5m	5m	0m
RG 125-126/130	--		✓	✓	Here, SCC would potentially cautiously welcome a slight longitudinal and lateral deviation (bringing RG125 approx. 20-25m further south-west and then realigning to RG130) to avoid the vegetation along PRow and crossing over the PRow twice, thereby	5m	5m	0m

Item		Title of Matter and SCC's Written Summary of Representation						
					reducing the adverse effects. However, other resulting adverse effects, would need to be considered and therefore any changes should be agreed.			
RG 161-163	2.28, HE35	✓	✓	✓	<i>Hill Farm; Creeting Hall; Gipping Valley</i> Visual amenity could be further compromised by lateral movement, which should be avoided. Longitudinal changes could potentially reduce the adverse effects on Creeting Hall, but resulting adverse effects would need to be fully assessed and agreed with the relevant local authority.	5m	5m	0m
RG 168 -172	2.16		✓	✓	<i>Badley Hall cluster</i> While the proposed alignment is not visible from this location, assurance is sought that this remains the case, should taller towers need to be installed closer to this location. SCC considers that the alignment must not be moved further west and that taller towers must not be used in this location. <i>Great Newton Wood and Lodgefield Row;</i> these woodlands could be impacted by lateral deviation.	5m	5m	0m

Item	Title of Matter and SCC's Written Summary of Representation							
RG 175	--	✓	✓	✓	Heritage Asset near <i>Gibbons Farm</i> could be compromised.	0m	0m	0m
JC 11, 12	3.02 (?)	✓	✓	✓	<i>Burstall Lane</i> Tower location could potentially be located adjacent to residential property (visual amenity)	5m	5m	0m

In addition to these key locations, SCC requests LoD to be significantly reduced, where adverse effects on Listed Buildings and other Cultural Heritage Assets, Ancient Woodlands, residential amenity and promoted routes could increase, if the LoD were applied as proposed.

Table 2: SCC identified further sensitive locations, with tower-specific proposals for restrictions of LoD

Location Reference		Potential increased effects resulting from LoD				SCC proposals for maximum LoD for these Pylon towers		
Pylon Tower	Related view-point	Longitudinal	Lateral	Tower height	Comments	Longitudinal	Lateral	Tower height
RG 134 - 136	2.34e	✓	✓	✓	<i>Potter's Lane, Potter's Farm, Wicks Fram;</i> Visual amenity could be further compromised through LoD.	50m to south, 5m north	5m	0m
RG174	--	✓	✓	✓	<i>Laurel Cottage;</i> Visual amenity could be further compromised.	5m	5m	0m

Item	Title of Matter and SCC's Written Summary of Representation							
RG 185	2.38	✓			<i>Ringshall House</i> Visual amenity could be further compromised.	75m	20m	0m
RG 188,189	--		✓		<i>Middle Wood</i> SCC would not support deviation to the east, as this could adversely affect the woodland.	100m	5m	0m
RG 192	2.19(?)	✓	✓		<i>Court Farm</i> Visual amenity could be further compromised.	100m	5m	0m
RG 193-194	--		✓		<i>Hill Farm</i> Visual amenity could be further compromised.	50m	20m	0m
RG 197, 200	--	✓	✓	✓	<i>Blood Hill: The Clamps</i> (potential additional vegetation loss) and <i>Bleak Hall</i> (visual amenity)	10m	5m	0m
RG 201, 202	--		✓		<i>Somersham Park</i> Ancient woodland could be adversely affected by lateral LoD	50m	5m	0m
JC 09,10	--		✓		<i>Burstall Long Wood</i>	50m	5m	6m

Item	Title of Matter and SCC's Written Summary of Representation							
					Ancient woodland could be affected; bringing the alignment closer to the woodland would not be supported by SCC			
JC 14, 15, 16	3.02	✓	✓	✓	<i>Hurdle Makers Hill (A1071): Guest House, Home Farm,</i> Heritage Asset could be further affected by LoD.	20m	5m	0m
It should be noted that these tables do not take full account of issues other than Landscape, such as Archaeology, Cultural Heritage, Ecology and Public Rights of Way, which would also need to be fully assessed if pylon towers were to deviate from the submitted preferred route.								
CLOSED								

NORWICH TO TILBURY

EN020027

Appendix A (SCC's proposed amendments to Schedule 4)

Suffolk County Council



SCHEDULE 4

Article 55

DISCHARGE OF REQUIREMENTS

Applications made under requirements

1.—(1) Where an application is made to a relevant authority for any consent, agreement or approval required by a requirement (including consent, agreement or approval in respect of part of a requirement), the undertaker must concurrently issue a copy of that application to the relevant requirement **consultee**.

(2) Where an application has been made to a relevant authority for any consent, agreement or approval required by a requirement (including consent, agreement or approval in respect of part of a requirement), the relevant authority must give notice to the undertaker of its decision on the application within a period of ~~25~~ **40** business days beginning with—

- (a) where no further information is requested under paragraph 2, the day immediately following that on which the application is received by the authority;
- (b) where further information is requested under paragraph 2, the day immediately following that on which further information has been supplied by the undertaker;
- or
- (c) such longer period as may be agreed in writing by the undertaker and the relevant authority.

(3) Subject to sub-paragraph (4), in the event that the relevant authority does not determine an application within the period set out in sub-paragraph (2), the relevant authority is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(4) Where—

- (a) an application has been made to the relevant authority for any consent, agreement or approval required by a requirement included in this Order;
- (b) the relevant authority does not determine such application within the period set out in subparagraph (2); and
- (c) the application is accompanied by a report that considers it likely that the subject matter of the application is to give rise to any materially new or materially different environmental effects to those identified in the environmental statement,

Commented [ET1]: Paragraphs 14.69 to 14.72 of SCC's LIR [REP1-178] explain that the period for discharging requirements in paragraph 1(2) is too short and needs to be increased to 56 days. That explanation is not repeated here. Since Schedule 4 now refers to "business days" and not "days" SCC has adopted that approach in its amendment, seeking an increase from 25 business days to 40 business days. (The explanation in the LIR applies in the same way, regardless of whether "days" or "business days" are used).

then the application is taken to have been refused by the relevant authority at the end of that period.

Further information

2.—(1) Where an application has been made under paragraph 1 the relevant authority may request such reasonable further information from the undertaker as it considers is necessary to enable it to consider the application.

(2) If the relevant authority considers further information is necessary and the requirement does not specify that consultation with a requirement consultee is required, the relevant authority must, within ~~5~~ **15** business days of receipt of the application, notify the undertaker in writing specifying the further information required.

(3) If the requirement specifies that consultation with a requirement consultee is required, the relevant authority must notify the undertaker in writing specifying any further information requested by the requirement consultee within 5 business days of receipt of such a request and in any event within 15 business days of receipt of the application.

(4) If the relevant authority does not give the notification mentioned in sub-paragraphs (2) or (3) it is deemed to have sufficient information to consider the application and is not thereafter entitled to request further information without the prior agreement of the undertaker.

(5) Where further information is requested under this paragraph in relation to part only of an application, that part is treated as separate from the remainder of the application for the purposes of calculating the time periods referred to in paragraph 1 and in this paragraph.

Fees

3.—(1) ~~Where~~ an application is made to a relevant authority for any consent, agreement or approval required by ~~an article or a~~ requirement (including consent, agreement or approval in respect of part of a requirement), ~~unless a bespoke arrangement has been agreed between the applicant and relevant authority and legally secured~~ a fee must be paid to the relevant authority as follows—

(a) such fee as may be prescribed (under sections 303 and 333(2A) of the 1990 Act for the discharge of conditions attached to a planning permission); or

(b) a fee of £298 per request ~~unless a bespoke arrangement has been agreed between the applicant and relevant authority and legally secured.~~

~~(2) Any fee paid under this Schedule must be refunded to the undertaker within 25 business days of—~~

Commented [ET2]: Paragraph 14.73 of SCC's LIR [REP1-178] explains that the period for requesting further information in paragraph 2(2) is too short and needs to be increased to 21 days. SCC does not repeat the explanation here. Since Schedule 4 now refers to "business days" and not "days", SCC has adopted that approach in its amendment, seeking an increase from 5 business days to 15 business days

Commented [ET3]: Paragraphs 14.74 to 14.80 of SCC's LIR [REP1-178] and the answer to question DCO2.S13 in SCC's Responses to ExQ2 [REP5-271] explain its concerns with paragraph 3. SCC does not repeat those concerns here.

~~(a) the application being rejected as invalidly made; or~~

~~(b) the relevant authority failing to determine the application within 25 business days from the date on which it is received;~~

~~unless within that period the undertaker agrees in writing that the fee may be retained by the relevant authority and credited in respect of a future application.~~

Appeals

4.—(1) The undertaker may appeal if—

(a) the relevant authority refuses an application for—

(i) any consent, agreement or approval required by a requirement or any document referred to in any requirement; or

(ii) (except as provided in article 55(4)) any other consent, agreement or approval required under this Order,

or grants it subject to conditions to which the undertaker objects;

(b) the relevant authority does not give notice of its decision to the undertaker within the period specified in paragraph 1(2);

(c) having received a request for further information under paragraph 1(4) the undertaker considers that either the whole or part of the specified information requested by the relevant authority is not necessary for consideration of the application; or

(d) having received any further information requested, the relevant authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.

(2) The procedure for appeals is as follows—

(a) the undertaker must within six weeks of the date of the notice of the decision or determination, or (where no determination has been made, expiry of the decision period under paragraph 1(2), submit to the Secretary of State a copy of the application submitted to the relevant authority and any supporting documents which the undertaker may wish to provide (“the appeal documents”);

(b) the undertaker must on the same day provide copies of the appeal documents to the relevant authority and the requirement consultee (if applicable);

(c) as soon as is practicable after receiving the appeals documents the Secretary of State must appoint a person to determine the appeal (“the appointed person”)

and notify the appeal parties of the identity of the appointed person and the address to which all correspondence for the appointed person must be sent;

(d) the relevant authority and the requirement consultee (if applicable) may submit any written representations in respect of the appeal to the appointed person within 10 business days beginning with the first day immediately following the date on which the appeal parties are notified of the appointment of the appointed person and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;

(e) the appeal parties may make any counter-submissions to the appointed person within 10 business days beginning with the first day immediately following the date of receipt of written representations pursuant to sub-paragraph (d) above; and

(f) the appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.

(3) If the appointed person considers that further information is necessary to consider the appeal, the appointed person must as soon as practicable notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information must be submitted.

(4) Any further information required pursuant to sub-paragraph (3) must be provided by the party from whom the information is sought to the appointed person and to the other appeal parties by the date specified by the appointed person.

(5) The appeal parties may submit written representations to the appointed person concerning matters contained in the further information.

(6) Any such representations must be submitted to the appointed person and made available to all appeal parties within 10 business days of the date mentioned in sub-paragraph (3).

Outcome of appeals

5.—(1) On an appeal under paragraph 4, the appointed person may—

(a) allow or dismiss the appeal; or

(b) reverse or vary any part of the decision of the relevant authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to the appointed person in the first instance.

(2) The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the time limits prescribed or set by the appointed person under this paragraph.

(3) The appointed person may proceed to a decision even though no written representations have been made within those time limits if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.

(4) The decision of the appointed person on an appeal is final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

(5) Any consent, agreement or approval given by the appointed person pursuant to this Schedule is deemed to be an approval for the purpose of Schedule 3 (requirements) or the relevant other consent, agreement or approval required under this Order as if it had been given by the relevant authority.

(6) The relevant authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) does not affect or invalidate the effect of the appointed person's determination.

(7) Except where a direction is given pursuant to sub-paragraph (8) requiring the costs of the appointed person to be paid by the relevant authority, the reasonable costs of the appointed person must be met by the undertaker.

(8) On application by the relevant authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid.

(9) In considering whether to make any such direction as to the costs of the appeal parties and the terms on which it is made, the appointed person must have regard to the Planning Practice Guidance published by the Department for Communities and Local Government (6th March 2014) or any circular or guidance which may from time to time replace it.

Interpretation of Schedule 4

6. In this Schedule—

“the appeal parties” means the relevant authority, the requirement consultee and the undertaker;

“relevant authority” means the person or body responsible for giving any consent, agreement or approval required by a requirement, or any document referred to in any requirement, under this Order or (except as provided in article 55(4) any other consent, agreement or approval required under this Order (including the relevant

owner of a watercourse, sewer or drain as may be appropriate to the consent, agreement or approval sought); and

“requirement consultee” means any body named in a requirement as a body to be consulted by the relevant authority in discharging that requirement.