



Norwich To Tilbury

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

Braintree District Council [REDACTED])

Submission:

Response to Rule 17 letter
Dated 14th July 2026 &
Other D6 Documents

Contents Page

1	Glossary of Abbreviations	4
2	Introduction	5
	2.1 Purpose of Report	5
	2.2 Format and Content of Response	5
	2.3 Summary	5
3	Responses to Rule 17 Letter	6
	3.1 Introduction	6
	3.2 1.1 - Requirement 11: Biodiversity Net Gain	6
	3.3 1.3 - Validation checklists for discharge of requirement submissions/ requirement 15 of Schedule 3 ((Employment and Skills Plan)	8
	3.4 1.4 - Outline Code of Construction Practice Appendix E (Community Engagement and Public Information) and Appendix F (Outline Noise and Vibration Management).....	11
	3.5 3.1 - Assessment of impacts on bat species and proposed mitigation	14
	3.6 6.2 – Masterplans.....	15
	3.7 6.4 – Good Design	15
	3.8 6.1 - Residential Visual Amenity Assessment (RVAA)	16
	3.9 6.6 - Offsite planting	16
4	Comments on Other Submissions/Documents	19
	4.1 Introduction	19

4.2 REP6-075 - 7.2 Outline Code of Construction Practice Appendix C - Outline Soil Resource Plan (Tracked) (Final Issue C).....	19
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Glossary of Abbreviations

BDC – Braintree District Council
BMSDC – Babergh Mid Suffolk District Council
BNG – Biodiversity Net Gain
B2T – Bramford to Twinstead
CoCP – Code of Construction Practice
DAS – Design and Access Statement
dDCO – Draft Development Consent Order
DASSI – Design Approach for Site Specific Infrastructure
DRP – Design Review Panel
ECC – Essex County Council
ESP – Employment and Skills Plan
ES – Environmental Statement
ExA – Examining Authority
ExQ – Examining Authority Question
ISH – Issue Specific Hearing
LEMP – Landscape and Ecological Management Plan
LOD – Limits of Deviation
LPA – Local Planning Authority
MWC – Main Works Contractor
NSIP – Nationally Significant Infrastructure Project
NSR – Noise Sensitive Receptor
NVMP – Noise and Vibration Management Plan
oCoCP – Outline Code of Construction Practice
OPDS – Offsite Planting Delivery Scheme
oSRP – Outline Soil Resource Plan
PRF – Potential Roost Feature
RVAA – Residential Visual Amenity Assessment
SoCG – Statement of Common Ground
SRS – Soil Resource Survey
TB – Tower Reference
VESS – Visual Evaluation of Soil Structure

2 Introduction

2.1 Purpose of Report

- 2.1.1 This report comprises Braintree District Council's ("the Council") response to questions posed in the Rule 17 letter dated 14th July 2026. It also comments on other aspects submitted as part of Deadline 6.

2.2 Format and Content of Response

- 2.2.1 The report will firstly focus on the Rule 17 letter with questions given their own headings.

- 2.2.2 It will then comment on other Deadline 6 documents as necessary.

2.3 Summary

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

3 Responses to Rule 17 Letter

3.1 Introduction

3.1.1 This section of the report specifically reviews each question posed to Braintree District Council on 14th July 2026.

3.2 1.1 - Requirement 11: Biodiversity Net Gain

3.2.1 This question asked:

At deadline 6 the applicant submitted a revised draft Development Consent Order (DCO) [REP6- 030]. In Schedule 3 of [REP6-030] a new requirement 11 on biodiversity net gain has been included. Comments are sought on this additional requirement, including any alterations to any of the wording that you would recommend.

3.2.2 The Council note that the dDCO (REP6-031) has been updated to include a Biodiversity Net Gain Condition, as well as an updated wording in the “interpretation” section of Schedule 3.

3.2.3 The Council welcomes the inclusion of a biodiversity net gain requirement within the draft DCO. However, while the Council does not object to the Applicant's "interim/final assessment" approach, which appears pragmatic for a project of this scale, the Council is concerned that Requirement 11 does not provide any mechanism for review, approval or agreement by the relevant planning authority. As currently drafted, compliance with the requirement is capable of being determined solely by the undertaker through submission of the relevant assessments.

3.2.4 Given that biodiversity metric calculations require professional judgement regarding habitat classification, habitat condition, distinctiveness, temporal risk and post-development outcomes, the Council considers that the interim biodiversity net gain assessment, final biodiversity net gain assessment and any biodiversity offsetting scheme should be subject to approval by the

relevant planning authority, following consultation with relevant ecological advisors where appropriate.

3.2.5 Without an approval mechanism, there is no means by which concerns regarding the methodology, assumptions or conclusions of the biodiversity net gain assessments can be formally addressed. Furthermore, the Council considers that the proposed drafting provides limited ability for the relevant planning authority to verify that the biodiversity net gain calculations have been undertaken appropriately prior to any determination that the 10% target has been achieved. The Council considers that an approval mechanism would provide greater certainty, transparency and enforceability.

3.2.6 The Council therefore recommends that Requirement 11 be amended so that:

the interim biodiversity net gain assessment is submitted to and approved by the relevant planning authority;

the final biodiversity net gain assessment is submitted to and approved by the relevant planning authority;

where a biodiversity offsetting scheme is required, the scheme is submitted to and approved by the relevant planning authority before implementation; and

no part of Requirement 11 is discharged solely through submission of information.

3.2.7 Owing to the above, the Council consider that the requirement wording would be better suited to say:

"(1) Prior to commencement of the authorised development, an interim biodiversity net gain assessment must be submitted to and approved in writing by the relevant planning authority.

(2) Within six months of the end of the construction period, a final biodiversity net gain assessment must be submitted to and approved in writing by the relevant planning authority.

(3) If the approved final biodiversity net gain assessment demonstrates that less than 10% biodiversity net gain has been achieved overall across the Order land, a biodiversity offsetting scheme must be submitted to and approved in writing by the relevant planning authority.

(4) The approved biodiversity offsetting scheme must be implemented in accordance with the approved details.

3.2.8 The Council therefore considers that, whilst the principle of the proposed requirement is supported, amendments are necessary to ensure that the achievement of biodiversity net gain is subject to appropriate scrutiny and approval by the relevant planning authority

3.3 1.3 - Validation checklists for discharge of requirement submissions/ requirement 15 of Schedule 3 ((Employment and Skills Plan)

3.3.1 This question asks:

The ExA draws the attention of all relevant local authorities to the applicant's response to questions 1c and 2b of [REP6-132].

Question 1c relates to the possible use of development validation checklists for the discharge of requirement submissions.

The applicant previously responded on this matter in [REP4-303], acknowledging such check lists could be helpful, noted it would be appropriate for drafting to be proposed by the host authorities for its consideration. The applicant advises "No drafting has yet been proposed however the applicant will continue discussions

on this matter with the host authorities as it progresses ways of working for the discharge of requirements.”

All local authorities are asked to signpost where such drafting has been previously provided in examinations submissions or to enter such drafting into the examination.

Question 2b concerned the Employment and Skills Plan (ESP) and whether requirement 15 of schedule 3 of the draft DCO should be worded to require the document submitted pursuant to that requirement to be approved by the relevant discharging authorities. In the light of the applicant’s comments on this matter, as set out in [REP6-132], the ExA seeks the views of all relevant local authorities on this matter, especially in relation to the tests of necessity, relevance to planning, relevance to the development sought, enforceability, precision and reasonableness in all other respects.

- 3.3.2 The first part of this question relates to Local Validation Checklists and requests signposting to any submissions previously made by the Council on this matter.
- 3.3.3 The Council can confirm that it made submissions regarding the proposed Local Validation Checklist at Deadline 6 (REP6-139). The Examining Authority's attention is drawn to Section 6.4 of the Council's Deadline 6 submission, which sets out the Council's position and suggested content.
- 3.3.4 The list compiled in REP6-139 was discussed with other host authorities and was predominantly led by Babergh and Mid Suffolk District Councils, reflecting our ongoing involvement in the Bramford to Twinstead NSIP and experience of discharge of requirements processes on nationally significant infrastructure projects.

- 3.3.5 At the time of writing, the Council is not aware of the Applicant's position regarding the suggested Local Validation Checklist. However, the Council continues to consider that the checklist set out in REP6-139 is clear, comprehensive and proportionate, and would assist in ensuring that discharge of requirement applications are submitted with sufficient information to enable their efficient determination.
- 3.3.6 The second part of the question relates to the Applicants response to Question 2b in REP6-132 relating to Requirement 15 (Employment and Skills plan).
- 3.3.7 The Applicant's position is that the Employment and Skills Plan (ESP) is a benefit-led document intended to maximise positive socio-economic outcomes rather than mitigate any identified adverse effects of the Project. As the ESP is not relied upon within the Environmental Statement to make the development acceptable in planning terms, the Applicant considers that it is neither necessary nor proportionate for it to be subject to formal approval by the relevant authorities. Instead, the Applicant considers that submission of the final ESP for information, coupled with a requirement for the Project to be delivered in general accordance with that Plan, provides an appropriate mechanism that ensures transparency and engagement without imposing regulatory controls that are ordinarily reserved for mitigation measures.
- 3.3.8 In REP6-139, Section 6.2, the Council considered that any ESP secured through the DCO should be subject to approval by the relevant County Council or Unitary Authority, but ultimately deferred to the expertise of Essex County Council who have been leading on these matters.
- 3.3.9 Despite the comments from the Applicant, the Council maintains its view that any Employment and Skills Plan secured through the DCO should be submitted for approval by the relevant County Council or Unitary Authority, or alternatively be prepared in consultation and agreement with those

authorities. Whilst the Council acknowledges the Applicant's position that the ESP is intended to secure positive socio-economic benefits rather than mitigate identified adverse effects, the Council considers that some form of approval or collaboration mechanism is necessary to ensure that the measures proposed appropriately reflect local employment, skills and training priorities and can be effectively monitored throughout delivery of the Project. Without such a mechanism, the role of the relevant authority would be limited to receipt of information, with little opportunity to influence or verify delivery of the intended benefits.

- 3.3.10 Overall, whilst the Council continues to defer to Essex County Council as the lead authority on employment and skills matters, it remains concerned that the absence of an approval or agreed collaboration mechanism would significantly reduce the effectiveness and accountability of Requirement 15.

3.4 1.4 - Outline Code of Construction Practice Appendix E (Community Engagement and Public Information) and Appendix F (Outline Noise and Vibration Management)

- 3.4.1 This question asks:

The applicant responded to ExQ2 questions DCO 2.S3 and DCO 2.S6 in [REP6-115]. Revisions were made to the 'Outline Code of Construction Practise Appendix E - Community Engagement and Public Information' [REP6-078] and the 'Outline Code of Construction Practise Appendix F Outline Noise and Vibration Management' [REP6-080].

The ExA seeks a response from all local authorities who responded to ExQ2 [PD-023] DCO 2.S3 and DCO 2.S6, regarding the adequacy of the revisions submitted, bearing in mind their previous responses to ExQ2 submitted at deadline 5.

- 3.4.2 The Council again note that the question is in two parts; one related to Appendix E and one related to Appendix F. This response splits out the two questions for ease of reference.

Appendix E - Community Engagement and Public Information

- 3.4.3 The Council acknowledges that the revisions made to Appendix E substantially address a number of the concerns previously raised, including provision of a complaints register, dedicated community relations arrangements, complaint investigation procedures, escalation routes and review of recurring issues.
- 3.4.4 However, the Council notes that the revised drafting does not include all of the measures previously requested, particularly in relation to approval of the subsequent detailed complaints procedure, defined acknowledgement timescales, provision of complaints data to the relevant planning authority and identification of a named responsible officer. Whilst the revisions represent a significant improvement on the previous drafting, the Council considers that further amendments (as outlined above) could strengthen transparency and oversight during the construction phase.

Appendix F - Outline Noise and Vibration Management Plan

- 3.4.5 The Council responded at Deadline 5 (REP5-232) to ExQ DCO 2.S6. In summary, the Council considered that the CoCP should include a clear noise complaints and monitoring procedure requiring notification of sensitive receptors, investigation and noise monitoring following complaints, application of BS5228 noise thresholds, and implementation of defined trigger levels requiring mitigation measures or cessation of works where specified exceedances occur.
- 3.4.6 The Applicant acknowledged the Council's suggested noise monitoring and trigger level approach but considers that the detailed monitoring arrangements, thresholds and associated response measures should be

agreed with the relevant local planning authorities through the detailed Noise and Vibration Management Plan secured under Requirement 4 of the draft DCO, rather than being prescribed within the Outline CoCP itself.

- 3.4.7 The Council continues to hold some residual concerns regarding whether the Environmental Statement has fully assessed the reasonable worst-case noise and vibration effects arising from the Project. However, the Council acknowledges that the Applicant has made a number of substantive amendments to both the Outline NVMP (REP6-080) and the Outline CoCP (REP6-072) in response to concerns raised by local authorities during the Examination.
- 3.4.8 In particular, the revised Outline NVMP now provides for monitoring proposals, monitoring locations, thresholds, trigger levels, reporting arrangements and exceedance actions to be developed and agreed with the relevant local planning authority through the detailed NVMP. The revised document also provides for complaint-led monitoring, investigation of exceedances, implementation of remedial measures and reporting of monitoring outcomes to the relevant local planning authority. The Council considers that these amendments substantially address the concerns previously raised in relation to monitoring and enforcement mechanisms.
- 3.4.9 Furthermore, through amendments to commitment NV05 and the operation of Requirement 4, the Applicant has confirmed that the detailed NVMP will be submitted to the relevant local planning authority for approval prior to commencement of the relevant stage of development. The Council considers this to be a significant improvement to the control framework, as it provides the relevant authority with direct oversight of the detailed noise and vibration mitigation, monitoring and management measures that will be implemented during construction. This addresses one of the Council's longstanding concerns that sufficient control and approval mechanisms were not previously secured through the DCO documentation.

3.4.10 On balance, whilst the Council maintains its position that some uncertainty remains regarding the assessment of worst-case effects, it considers that the revisions made to the Outline NVMP and the associated approval mechanism secured through Requirement 4 have substantially addressed the concerns previously raised in relation to the management, monitoring and control of construction noise and vibration impacts.

3.4.11 Whilst acknowledging the progress on the matter of noise and vibration compliance, the Council wish to take this opportunity to reiterate their request, set out in REP6-139 for a comprehensive strategy, to be in the form of an appendix to the CoCP, for ongoing and regular proactive compliance monitoring and reporting, plus enforcement and regularisation procedures for all reported complaints and identified non-compliance. This is necessary for all matters in the delivery of the development and is not solely limited to noise and vibration management.

3.5 3.1 - Assessment of impacts on bat species and proposed mitigation

3.5.1 This question asks of Local Authorities:

Comment on whether the amendments made to the revised outline LEMP [REP6-084] now satisfy your concerns in relation to the assessment of impacts on bats and proposed mitigation. This should include whether you think the 10% figure, as proposed in paragraph 6.1.12, would be sufficient. If you have any remaining concerns then please set these out, including what specific actions you consider should be undertaken by the applicant to resolve your concerns.

3.5.2 The Council notes that, following discussions with the Applicant and its ecological advisors, agreement has been reached regarding the approach to bat roost compensation. The Council welcomes the Applicant's commitment to provide compensation not only for confirmed bat roosts but also for the loss of trees containing potential roost features (PRF-I and

PRF-M), through the provision of bat boxes and/or veteranisation of retained trees.

- 3.5.3 As this has been included within the Deadline 6 Outline Landscape and Ecological Management Plan (REP6-084), including a commitment to provide compensation features equivalent to 10% of the total number of trees with potential roost features to be removed, the Council considers this matter to be addressed.

3.6 6.2 – Masterplans

- 3.6.1 This question asks Local Authorities:

Provide your views on the potential mechanism provided by the applicant to provide funding for provision of landscape compensation (as contained in Annex of [REP6-118]).

- 3.6.2 The Council note that Essex County Council (ECC) have been leading on discussions regarding landscape compensation. As such, the Council in this case defer to ECC for a substantive response on this question.

3.7 6.4 – Good Design

- 3.7.1 This question asks Local Authorities:

Provide your views on the DRP proposals and any other final comments you wish to make on the subject of good design.

- 3.7.2 The Council has reviewed the Design Review Panel (DRP) proposals contained within the Design and Access Statement (REP6-090) and welcomes the detail provided regarding the proposed governance arrangements, membership, scope and review stages. In particular, the Council supports the inclusion of local planning authorities and other relevant stakeholders within the review process where appropriate.

- 3.7.3 However, the Council notes that the DRP is advisory in nature and that responsibility for final design decisions remains with the Design Executive.

Whilst the Council accepts that operational, engineering, safety and security requirements will inevitably limit the degree of design flexibility available for electricity transmission infrastructure, the effectiveness of the DRP will ultimately depend upon the extent to which its recommendations are genuinely reflected within the final detailed design.

- 3.7.4 Overall, the Council welcomes the proposed DRP arrangements as a positive addition, although its powers are ultimately advisory in nature. The Council has no further substantive comments on the DRP proposals.

3.8 6.1 - Residential Visual Amenity Assessment (RVAA)

- 3.8.1 This question is not directed at the Local Authorities. However, the Council would take this opportunity to signpost the ExA to our Deadline 6 response (REP6-139) in section 5.2, where it is requested that GG34 in the oCoCP is updated to fix the position of pylons TB93-94 and TB97-98 to limit the potential for additional RVAA effects arising from the use of Limits of Deviation.

3.9 6.6 - Offsite planting

- 3.9.1 This question is not directed at the Local Authorities. However, as the 3:1 replacement planting scheme has been moved from a proposed legal agreement to updating Requirement 9, alongside the Outline Offsite Planting Delivery Scheme, the Council wish to take this opportunity to comment.
- 3.9.2 The Council welcomes the Applicant's commitment to provide replacement tree planting at a ratio of 3:1 and acknowledges that the Outline Offsite Planting Delivery Scheme (OPDS) establishes a broadly reasonable framework for delivering replacement planting where the required mitigation cannot be accommodated within the Order Limits. The Council also notes that the document generally accords with recognised arboricultural good practices.

- 3.9.3 The Council supports the Applicant's intention to prioritise replacement planting within the Order Limits before considering off-site provision and welcomes the inclusion of site selection criteria which seek to promote landscape, biodiversity and green infrastructure benefits. The Council also notes the Applicant's commitment to align replacement planting opportunities with relevant Local Nature Recovery Strategies and wider landscape objectives.
- 3.9.4 Notwithstanding the above, the Council has reservations regarding the operation of the revised Requirement 9 and the level of oversight afforded to the relevant planning authority. Whilst Requirement 9(1) requires approval of the reinstatement planting plan, the off-site planting delivery scheme is only required to be submitted to the relevant planning authority and is not subject to approval. As currently drafted, the relevant planning authority would have limited ability to review or influence the proposed off-site planting arrangements before the relevant stage is brought into operation.
- 3.9.5 The Council notes that the OPDS confirms that the final quantum of replacement planting, the amount capable of being accommodated within the Order Limits and the resulting off-site planting requirement will only be known following detailed design and discharge of Requirements 8 and 9. The Council considers that, once these details are known, there should be an opportunity for the relevant planning authority to review and approve the proposed off-site planting arrangements, including the proposed locations, delivery mechanism, species selection, planting specification and implementation programme.
- 3.9.6 The Council is also concerned that whilst the OPDS identifies broad planting principles and site selection criteria, it does not establish clear parameters regarding species suitability, climate resilience, resistance to pests and diseases, or implementation timescales beyond requiring proposed timings to be identified at a later stage. The Council considers

that these matters are important to ensuring that replacement planting delivers a resilient and successful long-term outcome.

- 3.9.7 The Council also notes that the OPDS relies upon a five-year aftercare period and that the Applicant will only use "reasonable endeavours" to secure appropriate establishment, management and maintenance arrangements for replacement planting. Whilst the Council acknowledges that a five-year establishment period is supported by recognised arboricultural guidance, it considers that the document should provide greater certainty regarding the long-term management and maintenance of replacement planting, particularly where planting is delivered through third-party organisations, funding mechanisms or voluntary agreements with landowners. The Council would also welcome clearer alignment between the aftercare provisions contained within the OPDS and the adaptive aftercare approach now incorporated within the Outline Landscape and Ecological Management Plan.
- 3.9.8 The Council therefore considers that the principle of the OPDS is acceptable. However, additional controls are required to ensure that the relevant planning authority has an appropriate role in reviewing and approving the final off-site planting proposals and confirming that the replacement planting commitment is delivered in a manner consistent with the objectives of the OPDS.

4 Comments on Other Submissions/Documents

4.1 Introduction

4.1.1 This section provides commentary on other documents not included within the Rule 17 letter questioning.

4.2 REP6-075 - 7.2 Outline Code of Construction Practice Appendix C - Outline Soil Resource Plan (Tracked) (Final Issue C)

4.2.1 The Council would like to take this opportunity to comment on the Outline Soil Resource Plan (REP6-075) submitted at deadline 6.

4.2.2 Whilst the Council acknowledges that the updated Outline Soil Resources Plan (oSRP) represents an improvement and reflects ongoing engagement during the Examination, a number of points remain unclear in relation to the proposed soil survey methodology, baseline assessment and restoration objectives.

4.2.3 In particular, the Council is concerned that Paragraph 1.9.3 appears to conflate a Soil Resource Survey (SRS) with soil sampling and laboratory analysis. The surveys described within the document are understood to comprise soil sampling and analysis in accordance with Natural England Technical Information Notes TIN035 and TIN036. However, these activities do not in themselves constitute a Soil Resource Survey. A Soil Resource Survey would ordinarily identify soil types, profiles, structure, distribution and available soil volumes, and is typically undertaken using methodologies broadly consistent with Defra guidance. The Council considers that the oSRP should more clearly explain how Soil Resource Surveys will be undertaken and how the results of the Agricultural Land Classification surveys will be used to inform this process.

4.2.4 The Council also considers that the distinction between a Soil Resource Survey and a Soil Health Assessment is currently insufficiently clear. Paragraph 1.9.3 refers to the use of the Visual Evaluation of Soil Structure

(VESS) methodology and the assessment of nutrients, organic matter and pH. Whilst these measures may assist in establishing baseline soil health conditions, they do not provide the information necessary to identify and quantify soil resources present on site. The Council therefore considers that the document should clearly separate Soil Resource Survey requirements from any Soil Health Assessment and explain how the various survey outputs will be used.

- 4.2.5 Furthermore, whilst the document proposes a baseline assessment of soil structure and condition, it remains unclear whether these parameters will form part of the success criteria against which reinstated land will be assessed following construction. The Council considers that the oSRP should clearly identify the baseline conditions to be established prior to construction and confirm how these will be used to demonstrate successful soil restoration and reinstatement.
- 4.2.6 Finally, the Council considers that the aftercare objectives should explicitly require reinstated land to be returned to its pre-construction condition, including restoration of the pre-construction Agricultural Land Classification grade where applicable, together with the condition required to support the intended future land use. The Council would welcome amendments to the oSRP to provide this additional clarity.
- 4.2.7 Subject to the above matters being addressed, the Council considers that the underlying principles of the oSRP are generally appropriate; however, further clarification is required to ensure that soil resources are adequately characterised, protected and restored throughout the lifecycle of the Project.