

Brentwood Borough Council

Response to Rule 17 Letter (14 July 2026)

On July 14 2026, the ExA issued the Rule 17 letter Request for further information relating to: the Development Consent Order; compulsory acquisition and temporary possession of land and rights; biodiversity, ecology and the natural environment; the historic environment; land use, soils and green infrastructure; landscape and visual effects; safety and security; socio economics, recreation and tourism; and the water environment.

Ref	Question	BBC Response
1.1	Requirement 11: Biodiversity Net Gain 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.	BBC notes that the draft DCO (REP6-031) has been updated to include a Biodiversity Net Gain Requirement, as well as relevant updated wording in Schedule 3, Part 1: Interpretation. BBC supports the inclusion of this within the draft DCO but remains 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. Given that biodiversity metric calculations require professional judgement regarding habitat classification, habitat condition, distinctiveness, temporal risk and post-development outcomes, BBC 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. Without such an approval mechanism, there are no means by which concerns regarding the assumptions, methodology or conclusions of the biodiversity net gain assessments can be formally addressed and/or resolved. Furthermore, BBC 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. BBC considers that an approval mechanism would provide greater certainty, transparency and enforceability and therefore recommends that Requirement 11 be amended so that: • <i>the interim biodiversity net gain assessment is submitted <u>for approval</u> to the relevant planning authority;</i> • <i>the final biodiversity net gain assessment is submitted <u>for approval</u> to the relevant planning authority;</i> • <i>where a biodiversity offsetting scheme is required, the scheme is submitted <u>for approval</u> to the relevant planning authority before implementation; and</i> • <i>no part of Requirement 11 is discharged solely through submission of information.</i> In light of the above, BBC considers that the requirement wording would be better suited to say: <i>(1) Prior to the commencement of the authorised development, an interim biodiversity net gain assessment must be submitted to and approved in writing by each relevant planning authority.</i> <i>(2) Within six months of the date on which the construction period ends for the authorised development, a final biodiversity net gain assessment must be submitted to and approved in writing by each relevant planning authority.</i> <i>(3) In the event that the approved final biodiversity net gain assessment demonstrates that less than 10% biodiversity net gain has been achieved overall across the Order land following construction of the authorised development, a biodiversity offsetting scheme shall be submitted to and approved in writing by each relevant planning authority.</i>
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1.3	Validation checklists for discharge of requirement submissions/ requirement 15 of Schedule 3 (Employment and Skills Plan) 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.	With respect to the response to Question 1c, BBC recognises that authorities that it currently collaborates with on the Norwich to Tilbury DCO Project have been and remain in discussion with National Grid on a similar validation checklist for the Bramford to Twinstead Project. BBC further understands and also supports that the following points, in summary from the Bramford to Twinstead proposal, should equally apply to a validation checklist for the Norwich to Tilbury DCO: • Accurate description. • Accurate plans and, where relying on plans already approved, full citation of these plans with link to/attached (living library of current approved plans also under discussion for compliance/enforcement). • Full context/trail of relevant approved outline/final management plans, drawings and DCO provisions that underpin/support. To include doc ref, page numbers, para numbers for as much detail as possible. • Full context of response to draft DOR submission and comments/decision • Details of any relevant licensing or other agreement. With respect to Question 2b on the Employment and Skills Plan (ESP), BBC defers to the ECC response on this as the relevant authority.
3.1	Assessment of impacts on bat species and proposed mitigation	BBC defers to the ECC response on this matter as the relevant authority.

	In paragraphs 6.1.11 to 6.1.14 of the revised version of the outline LEMP [REP6-084], the applicant has included further details of mitigation measures for bat species. To the applicant: For the sake of consistency clarify whether the references made within [REP6 084] to “preliminary roost features” are the same as the “potential roost features” references that are stated in the Bat Roost Report [AS-034] and amend accordingly. Furthermore, confirm that all trees that have currently been classified “further assessment required” as per [AS-034] would be assessed in order to determine the presence or absence of potential roost features. Also, justify why the use of a 10% figure for bat boxes and/ or tree veteranisation for trees with potential roost features that you have cited in paragraph 6.1.12 of [REP6-084] would provide an adequate level of mitigation. To all local authorities and Natural England: 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.	
6.4	Good design The ExA notes the design review panel (DRP) proposals contained within the DAS [REP6-090] and DASSI [REP6-092] and the provisions for local planning authorities, Dedham Vale National Landscape officials, wildlife trust representatives and North Falls and Five Estuaries project representatives to be invited to meetings where relevant. To the applicant:	BBC recognises that references in the Design and Access Statement (DAS) [REP6-090] to NPS EN-1 set out that there may be limited opportunities to amend the physical appearance of some energy infrastructure and in NPS EN-5 that electricity networks infrastructure must in the first instance be safe and secure, but these are balanced against NPS EN-1 setting out that applying good design to energy projects should produce sustainable infrastructure sensitive to place, including impacts on heritage, efficient in the use of natural resources,

a) How often is the DRP likely to meet and at what stages of the process will the DRP have input into the design? b) Notwithstanding issues of safety regulation and security, what powers or control or influence will the DRP have and how will this be secured? c) The more formal inclusion of the environmental areas around the cable sealing ends for DRP review would seem useful. A similar table to table 6.1 of the DASSI should be provided in this regard to provide more certainty than currently exists within the DASSI. To all local authorities and the Wildlife Trusts: d) Provide your views on the DRP proposals and any other final comments you wish to make on the subject of good design.	including land-use, and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. As the local authority responsible for all development in its geographical area and with a detailed understanding of what is appropriate and sensitive to place, BBC seeks to secure similarly optimum design outcomes for all development types at all scales and therefore considers it has considerable expertise and track record of delivering this. In this context, BBC 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, but in particular supports the inclusion of local planning authorities and other relevant stakeholders within the review process. BBC remains concerned, however, on the phrasing of Para 5.6.48 on the inclusion of local authorities on the panel 'where relevant' and would seek further clarity on this. Should this be a geographical reference, then it should be clearly set out. If it is relevance to the panel in any other sense, then BBC is of the view that local authority officers with detailed design expertise built up over many years will always be relevant to a panel determining design matters for their authority area. Clarity on this would be helpful. BBC has further concerns that the DAS refers to this as a GGP-led DRP, that the Design Development Champion is also a "senior figure from National Grid", and that the Design Executive is the design team at the delivery stage. This raises an issue as to the impartiality of the design processes around the project; for a design review process to be robust, the panel should be properly independent, balancing the need for functionality and security, whilst delivering the best local design and environmental outcomes for the project. In addition to this, BBC also notes that the DRP is advisory in
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		nature and that responsibility for final design decisions remains with the Design Executive, but any genuine effectiveness of a DRP will ultimately depend upon the extent to which its recommendations can properly be reflected in the final detailed design. Whilst BBC welcomes the proposed DRP arrangements as a positive addition, it remains concerned as to whether this mechanism as currently proposed will deliver on the outcomes being sought. BBC therefore considers that further clarity on DRP involvement and potential for influence on design outcomes would be helpful.
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