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Date: 21 July 2026
Sent Via Email:
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Dear Ms Hunt,

Application by National Grid Electricity Transmission (NGET) for a Development Consent Order (DCO) for the proposed Norwich to Tilbury Project (Application Reference: EN020027).

Essex County Council (ECC) Norwich to Tilbury Deadline 7 Submission.

- i. The purpose of this submission is to provide a response the Rule 17 letter (14 July 2026) together with comments on any further information or submissions made at Deadline 6.

1. Comments on any further information or submissions received by Deadline 6

Highways and Transportation

DCO Draft [REP6-031]

- 1.1 ECC needs to highlight that the Traffic Regulation Orders (TRO) referred to in Article 49 of the DCO, and set out in Schedule 13, have not been agreed; and the road closures referred to in Article 16 of the DCO, and set out in Schedule 8, have not been agreed.
- 1.2 At Deadline 5 [REP5-243], ECC set out its concerns on the processing of TRO's which are summarised below for ease of reference:
 - At Para 2.4.2 of the outline Construction Traffic Management Plan (CTMP), the Applicant commits to use the existing Permit Scheme operated by Norfolk CC,

Suffolk CC, Essex CC and Thurrock, in order to best coordinate the street works required for the Project. Use of the Permit Scheme is predicated on the availability of certain information and detail for the Council as Local Highway Authority, (LHA) to be able to assess the request. However, there is presently a lack of detail compared to what would normally be provided during standard TRO discussions as part of the Permit Scheme. This has made it difficult to fully engage on the acceptability of the TRO's through the examination process. To assist, ECC would refer to Appendix 1 of - its response to Examining Authority's Written Questions 1 (ExQ1) [REP3-078] and paragraph TT 1.38 for details normally requested by the County Council.

- In ECC's Responses to ExQ1 Comments on the Applicant's draft itinerary for the ASI & comments on any further information or submissions received by Deadline 2) [REP3-077 and REP3-078], the information normally required to support any proposed TRO (that is to be subject to the standard ECC Permit Scheme process) are set out.
- Without the required information, ECC respectfully suggests it would be difficult for the ExA to determine the impact and therefore, recommend the acceptability of the proposed TROs. ECC accepts the provisions of Article 12 of the draft DCO; and therefore recommends that the TROs within Schedule 13 should not be included if they are to form part of the Permit Process.
- In relation to the final point in REP4-298 made by the Applicant on mirroring the TRO wording in the Bramford to Twinstead DCO, it should be noted that each application is considered on its own merits. Both Norwich to Tilbury and Bramford to Twinstead are very different projects in terms of scale and impact on highway users with Norwich to Tilbury affecting lots of areas of the county (including cumulative impacts in certain locations and varying road types). Through experience, ECC have become more aware of issues relating to NSIPs. It is not therefore considered unreasonable for ECC to learn from and adapt its response where previous actions or processes do not serve Essex well and do not deliver the best outcomes for the County's residents. Consequently, if ECC is unable to agree the TROs through the examination process (due to lack of standard information being made available) then ECC's interests as highway authority will be severely compromised in terms of ensuring highway safety. On the basis of highway safety alone the DCO wording should be altered to allow for a full review of the TROs if they cannot be agreed with ECC during the Examination.

- Notwithstanding the above, discussions and review of TRO's will be required as part of the Permit Scheme as both parties will need to take account of road conditions and circumstances at the time of the works. As a result, there may need to flexibility in the response to ensure that the proposed TRO is safe and suitable for all highway users.

1.3 The following points review the wording of the DCO on the basis of the high level issues identified above. Note that ECC's terminology of TRO above relates to both Articles 16 and 49. There are two main points to consider in the drafting – TROs that are defined in Schedules 8 and 13 of the DCO and TROs that are not defined in the aforementioned schedules.

Temporary Closures and Diversions (Article 16)

1.4 Article 16(5) of the DCO provides that the undertaker must not temporarily close, alter or divert:

- any street or public right of way specified under paragraph (4) without first consulting the street authority; or
- any other street or public right of way without obtaining the consent of the street authority, such consent not to be unreasonably withheld or delayed and subject to any reasonable conditions imposed by that authority.

1.5 ECC's understanding is that temporary closures identified in Schedule 8 require consultation with the Highway Authority, whereas any closures not included within Schedule 8 require the Highway Authority's consent.

1.6 Article 16(8) further provides that where consent is required under Article 16(5)(b), it will be deemed granted if the street authority does not notify the undertaker of its decision within 25 business days, or such other period as may be agreed between the parties.

1.7 ECC has significant concerns regarding this provision. The 25-business-day period does not reflect the requirements of ECC's established Permit Scheme process, which includes the consideration of temporary road closures and associated Traffic Regulation Orders (TROs). The standard process requires up to 12 weeks to allow for statutory procedures, public consultation, consideration of representations, and technical assessment. As drafted, the DCO timescales are insufficient to enable these activities to be undertaken properly. ECC therefore considers that the implementation

of any closure requiring consent should be subject to timescales agreed through the standard Permit Scheme process rather than relying on the default 25-business-day period.

Traffic Regulation Orders (Article 49)

1.8 Article 49 provides powers for the undertaker in relation to TROs, including:

- powers to implement TROs identified in Schedule 13 (Article 49(1));
- a requirement to obtain the traffic authority's consent for TROs not included in Schedule 13 (Article 49(2));
- powers to implement permanent TROs identified in Schedule 13 (Article 49(3));
- notification and advertisement requirements, including a minimum four-week notice period, for proposals under Articles 49(1)–(3) at (Article 49(4)); and
- consultation with the chief officer of police and the traffic authority in relation to permanent TROs under Article 49(3) at (Article 49(8)).

1.9 Article 49(10) provides that where consent is required under Article 49(2), it will be deemed granted if the traffic authority does not provide a decision within 25 business days, or such other period as agreed between the parties.

1.10 ECC's interpretation is that temporary TROs, whether or not included in Schedule 13, are only subject to notification and advertisement requirements, while permanent TROs identified in Schedule 13 require consultation. ECC considers that Article 49(8) may contain a drafting error and should instead refer to Article 49(2), where the traffic authority's consent is required for TROs not included in Schedule 13.

1.11 Notwithstanding this drafting point, ECC's principal concern remains the overall approach to TROs within the DCO. ECC considers that TROs should be submitted and assessed through the established Permit Scheme process rather than being dealt with solely through notification or consultation requirements set out in the Order.

1.12 Under the Permit Scheme process, full details of the proposed TROs are provided for assessment alongside the associated works. This enables appropriate consideration of highway and traffic conditions at the time the works are proposed, informed public consultation, and a detailed technical review based on the information available at that stage. The process typically requires up to 12 weeks and runs alongside the permit application process.

1.13 ECC therefore seeks an approach that aligns with its existing Permit Scheme requirements, including the established timescales for TRO assessment and approval. Given that the applicant has already accepted the Permit Scheme process and associated timescales, ECC does not consider that adopting the standard TRO process would result in additional programme delay, whilst providing greater certainty and ensuring that proposals are assessed on the basis of detailed and up-to-date information.

Construction Management Plan (Rev E) [REP6-082]

1.14 The following points have not been included in the latest CTMP (Rev E) which ECC requested in its responses at Deadline 3 (REP3-078) to Inspector's Questions (TT 1.36) and in the comparison table provided at Deadline 5 (REP5-243) in Appendix 3A:

CTMP Ref	ECC Comments
Paragraph 2.3.5	ECC require a commitment to undertake site observations on the PARs where there is school activity and agree outcomes with ECC prior to the use of the PARs; and any agreement following the site observations to be included in the Detailed CTMP. Further discussions are ongoing on this point, and the matter is considered within the SoCG.
Paragraph 6.6.2	The Applicant has committed to the Developer's Forum. However, we required high level principles to be included as follows: • The Developer's Forum would be a regular monthly online meeting beginning as soon as the DCO is granted. It would be chaired by ECC with key members of the other NSIP Teams invited as well as other Strategic Site Teams, alongside relevant members of the Local Highway Authority and Planning Authority • The Forum would be attended by National Grid as scheme promoter alongside their Main Contractor(s) constructing the scheme • At critical times where programmes overlap National Grid and the Main Contractor(s) will attend more regular weekly or bi-weekly meetings for urgent discussions on collaboration • Funding will be provided for the time spent by ECC in organising and chairing the meetings over the life of the construction period of

	Norwich to Tilbury capped at £45,360 (based on monthly meetings) with any additional meetings charged at £105 per person • Commitment to provide flexibility to adapt to changing conditions as identified during the Developers Forum ECC comments on the Applicants current position in respect of the Developers Forum are set out in the submitted SoCG in Appendix A at ID 13.
Paragraph 5.2.2	ECC requests extra text to be included to require the review of structures on the PARs and diversion routes in addition to the AIL / HGV routes, to ensure all routes are still appropriate for the intensification of use proposed during the construction phase. It is anticipated the focus would be on the rural network. ECC acknowledge that highway structures have been checked for the AIL routes proposed but ECC also require checks for the standard routes as there may be weak bridges that are being monitored or braced that the Applicant is not aware of. Further discussions are ongoing on this point, and the matter is considered within the SoCG.
Paragraph 5.4.20	ECC require the information should be provided every three months at all times to the LHA and a discussion undertaken to agree whether there is a material impact and if so what corrective action should be taken (rather than National Grid's EnvCoW determining whether there is a material effect and discussing with the LHA). Further discussions are ongoing on this point, and the matter is considered within the SoCG
Paragraph 5.4.11	ECC requested that the wording "or other external factors" be included as this would cover things like emergency works that would not be covered by planned works. ECC also requested that a final sentence is included as follows: "In this way, the Contractor is providing a flexible approach to respond to changes in conditions." It is felt this last sentence provides context and shows there needs to be a flexible approach when needed.
Section 2.3	ECC required a commitment that staff will be unable to access the on site parking areas during specified hours to prevent arrivals/departures during peak hours. Discussions through the SoCG include monitoring / mitigation

	to control arrivals / departures during the peak hours which may require updating of this section.
Section 5.4	In this section, ECC requested wording to effectively take baseline conditions and monitor areas along or within close proximity to the PARs, to determine any potential HGV parking issues and agreed mitigation. Further discussions are ongoing on this point and the matter is considered within the SoCG.
Paragraph 5.5.5	ECC requested wording be inserted after paragraph 5.5.5 to the effect that access design approvals should include details of car parking supply and demand for compounds along with cycle parking. In addition, text should be included on what solutions will be implemented if overspill parking occurs. Further discussions are ongoing on this point, and the matter is considered within the SoCG.
Paragraph 5.8.5	ECC need more surety that any impact on the access to the Depot (including on the wider network affected by the works) will be minimised. The wording in this paragraph needs to emphasise the importance that delays must be minimised to reduce impacts on ECC's response to emergency incidents. Road closures and traffic management measures therefore need to be discussed and agreed with ECC to minimise impacts (rather than just "notified"). As it stands, the TROs in schedules of the DCO are not agreed and are notifiable (Schedule 13) only (on the basis of the current DCO wording). Therefore, there would be no way of influencing the TROs unless the DCO wording were updated) hence ECC requirement for there to be engagement/agreement on this point for the Depot.
Table 6.1	The table should be updated to include monitoring of construction workers in terms of arrival/departure times. Further discussions are ongoing on this point, and the matter is considered within the SoCG.
Paragraph 6.3.4	ECC recommends examples of corrective actions (sanctions) should be included in the outline CTMP as a starting point for discussions with the Contractor rather than, suggesting the actions are agreed subsequently with the Contractor through the Detailed CTMP as currently proposed . Examples given previously in ECC's post hearing submissions to ISH2 [REP4-328], Appendix F, reference P55) were: • extending the programme of works to reduce the impact of traffic; • warnings given to drivers who do not adhere to the routing strategy or those waiting or parking at inappropriate locations in the vicinity

	of the site; and further disciplinary actions as necessary for repeated incidents • closure of compounds/on site parking to prevent staff arriving/departing during peak hours on the local highway network; or • implementing additional shuttle buses to reduce worker traffic. Further discussions are ongoing on this point, and the matter is considered within the SoCG.
Section 6.4.1	The list of non-compliance should include workers arrivals/departures times during peak hours. Further discussions are ongoing on this point, and the matter is considered within the SoCG.

Archaeology

1.15 A number of new or revised reports have been submitted at Deadline 6 which are relevant to the Historic Environment and archaeology.

These include:

- REP6-031- 3.1 Draft DCO (Tracked)(Final Issue F)
- REP6-060 - 6.11 Environmental Statement Chapter 11- Historic Environment (Tracked) (Final Issue C)
- REP6-062 - 6.11.A1 Historic Environment Baseline Report (Tracked) (Final Issue B)
- REP6-064 - 6.11.A2 Environmental Statement Appendix 11.2 - Historic Environment Assessment Tables (Tracked) (Final Issue C)
- REP6-065 - 6.11.A8 Environmental Statement Appendix 11.8 - Phase 2 Geophysical Survey (Final Issue A)
- REP6-067 - 6.11.F3 Environmental Statement Figure 11.3 - Non-Designated Heritage Assets Assessed in the ES Chapter (Tracked) (Final Issue D)
- REP6-069 - 6.11.F4 Environmental Statement Figure 11.4 - Phase 1 and 2 Geophysical Survey Areas and Archaeological Trial Trenching Priority Areas (Tracked) (Final Issue C)

Draft DCO (3.1 Draft DCO (Tracked) (Final Issue F) [REP6-031]

- 1.16 Archaeology is included in Requirement 5(1)-(7)
- 1.17 Only minor amendments have been made to Requirement 5 at Deadline 6. It is acknowledged that the Applicant has previously incorporated some of the changes requested by ECC within the re-wording of the requirements.
- 1.18 While there is no objection to the content of the DCO for Requirement 5, it is recommended that the wording provided by Suffolk County Council Archaeological Services for Hearing ISH4 be adopted. This would result in more concise wording, fewer subsections and ensure greater clarity for the discharge of conditions. The proposed wording is set out in Table 1 of SCC's submission [REP6-167] which ECC supports.

6.11 Environmental Statement Chapter 11- Historic Environment (Tracked) (Final Issue C) [REP6-060]

- 1.19 The Environmental Statement (ES) has been updated following further fieldwork results. Geophysical survey for the Priority areas is now reported as complete, and c.80% of Phase 2 geophysical survey has been undertaken and are contained in Appendix 11.8: Geophysical Survey (Phase 2) Report [REP6-065]. The level of fieldwork completed for the Priority Areas along the route, which are identified due to potentially having greater constraints, is now considered acceptable for decision making. There is agreement with the conclusions of the ES for archaeological remains that have been identified through the Historic Environment Record, geophysical survey and trial trench evaluation and listed in ES Appendix 2 [REP6-064]. The following reports have all been updated to reflect further fieldwork results:
- 6.11.A1 Historic Environment Baseline Report Final Issue B) [REP6-062]
 - 6.11.A2 Environmental Statement Appendix 11.2 - Historic Environment Assessment Tables (Final Issue C) [REP6-064].
 - 6.11.F3 Environmental Statement Figure 11.3 - Non-Designated Heritage Assets Assessed in the ES Chapter (Final Issue D) [REP6-067]
 - 6.11.F4 Environmental Statement Figure 11.4 - Phase 1 and 2 Geophysical Survey Areas and Archaeological Trial Trenching Priority Areas (Final Issue C) [REP6-069]
- 1.20 There are no comments on these reports.

Outline Archaeological Mitigation Strategy/Outline Written Scheme of Investigation (OAMS/OWSI)

- 1.21 A revised version of the outline archaeological mitigation strategy and outline written scheme of investigation (OAMS/OWSI) was provided at Deadline 5 (7.5 Outline Archaeological Mitigation Strategy and Outline Written Scheme of Investigation (Tracked)(Final issue B) [REP5-161].
- 1.22 A small number of outstanding issues had not been resolved in the revised version which relate to the geoarchaeological investigations, the trial trench proposals and proposed mitigation and this is reflected in the Statement of Common Ground.
- 1.23 The sections on Geoarchaeological deposit modelling and Geoarchaeological and Palaeoenvironmental Investigation have been revised in line with our recommendations and are now considered approved. This has been reflected in the updating of 3.7.25 in ECC's Statement of Common Ground which is now Agreed.
- 1.24 The principles and scope of the Phase 2 trial trench evaluation methodology have been agreed previously in discussion with the archaeological consultants. The location of the proposed trenches has been provided directly as digital data and is currently under review. The results of the review will be reported back to the archaeological consultant directly.
- 1.25 The proposals for mitigation will be confirmed post consent following discussions with the applicants archaeological advisors.
- 1.26 It is noted the revised OAMS/OWSI will need to be submitted at Deadline 8 for formal approval.
- 2. **Rule 17 Letter dated 14 July 2026 - 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**

1. Development Consent Order (Draft)

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.

- 2.1 ECC welcomes the inclusion of Requirement 11 relating to Biodiversity Net Gain (BNG), including the commitment to achieve a minimum 10% BNG, provisions for assessment and offsetting where required, and the securing of land for BNG purposes for a minimum period of 30 years. ECC considers that these provisions substantially address its earlier concerns regarding the absence of explicit DCO mechanisms to secure BNG delivery. ECC also welcomes an updated wording in the “interpretation” section of Schedule 3.
- 2.2 ECC notes the Examining Authority's comments regarding approval and implementation of the BNG assessments and any biodiversity offsetting scheme. While ECC 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.
- 2.3 ECC considers that any assessment or offsetting scheme submitted pursuant to Requirement 11 should be approved by the relevant planning authority and subsequently implemented as approved, to provide certainty regarding delivery and enforcement. This is because biodiversity metric calculations require professional judgement regarding habitat classification, habitat condition, distinctiveness, temporal risk and post-development outcomes.
- 2.4 ECC would also question whether any additional management plan such as Habitat Management and Monitoring Plan provisions is necessary or whether satisfactory to be part of Outline Landscape and Ecological Management Plan (LEMP)
- 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, ECC 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. ECC is therefore of the opinion that an approval mechanism would provide greater certainty, transparency and enforceability.

2.6 ECC 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.*

2.7 Owing to the above, ECC 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.

2.8 This has been communicated to the Applicant, and a response was provided. Concerningly, the Applicant does not agree that the Interim or the final Biodiversity Net Gain Assessment, nor the Biodiversity Offsetting Scheme should be subject to approval. Furthermore, ECC would also continue to echo the need for the delivery of BNG to be subject to spatial parameters to ensure the environment impacted by the development is benefited through BNG in the local area.

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.

ECC would support the inclusion of validation checklists alongside a comprehensive approach to pre application engagement by the Applicant, to provide certainty over the scope of information to be provided in support of the discharge of requirements.

ECC welcomes the early engagement proposed by the Applicant in the Draft Discharge of Requirements Strategy and Written Scheme of Stages document they have produced. This sets out a commitment to pre application engagement on the discharge of requirement

As a minimum , it is considered that any checklist should cover:

- 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

This approach is currently under discussion in connection with the discharge of requirements for Bramford to Twinstead.

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.

- 2.9 ECC sees no reason why a requirement for the final Employment and Skills Plan to be approved by the relevant local planning authorities would fail to satisfy the tests of necessity, relevance to planning, relevance to the development, enforceability, precision, and reasonableness.
- 2.10 ECC's position on this matter reflects the importance of employment and skills outcomes to host communities across Essex and reinforces the need for proactive engagement with local authorities, which possess considerable experience and expertise in securing socio-economic benefits from major infrastructure projects.
- 2.11 ECC is therefore of the opinion that local authorities are best placed to understand local labour market conditions, skills gaps, training provision, and the socio-economic needs of the communities affected by the development. ECC also have established relationships with employers, education providers, training organisations and community groups.
- 2.12 This is considered even more important given the uncertainty surrounding the applicants proposal to fund Employment and Skills through the Community Benefit Fund and the arrangements for this especially in the absence of any link to the development itself.
- 2.13 Relevant authority approval, in this case the County Council, would therefore provide assurance that the Plan aligns with local economic development priorities and responds appropriately to the specific opportunities and challenges arising from the project. ECC believes it would also ensure that the measures proposed are deliverable and capable of being monitored throughout the construction period to maximise local employment, skills and supply chain opportunities for Essex residents and businesses.
- 2.14 As set out in its Local Impact Report [REP1-161] and other submissions, including those at Deadline 6, ECC considers that the project has the potential to give rise to significant, albeit temporary, impacts on businesses along the proposed route. This includes, in particular, wedding venues, educational facilities, and equestrian centres, as well as wider effects arising from increased traffic movements at key locations on the network., ECC therefore considers it important that appropriate mitigation measures are secured for affected businesses.

- 2.15 ECC maintains that the scale and nature of the development, when considered alongside other concurrent infrastructure projects, could result in disruption to the local economy. Potential effects could include increased pressure on local services and highways, and the displacement of existing business activity.
- 2.16 Paragraph 5.13.9 of NPS EN-1 states that the Secretary of State should have regard to the potential socio-economic impacts of new energy infrastructure identified by the applicant and by any other sources considered relevant and important to the decision. Furthermore, paragraph 5.13.12 states that the Secretary of State may wish to include a requirement for local authority approval of an Employment and Skills Plan. Such a plan should set out measures to promote local employment and skills development opportunities, including apprenticeships, engagement with schools and colleges, educational initiatives, and training programmes.
- 2.17 ECC would contend that its position is consistent with this advice and is a reasonable response to ensure opportunities for employment and skills are maximised

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

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.

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

- 2.18 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.

- 2.19 However, the Council notes that the revised drafting does not include all of the measures previously requested, particularly in relation to the 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, ECC considers that further amendments (as outlined above) could strengthen transparency and oversight during the construction phase.

Appendix F - Outline Noise and Vibration Management Plan

- 2.20 ECC 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.
- 2.21 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.
- 2.22 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.
- 2.23 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.

- 2.24 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. ECC 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.
- 2.25 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.
- 2.26 Whilst acknowledging the progress on the matter of noise and vibration compliance, ECC 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, not solely limited to noise and vibration management.

1.5 Outline Landscape and Ecological Management Plan and ecological working group

In its response to ExQ2 DCO 2.55, Suffolk Wildlife Trust advised it was happy to support the wording, including in relation to the wording of a requirement, for an ecological working group, as proposed and submitted by Suffolk CC [REP5-270]. The applicant has amended the outline Landscape and Ecological Management Plan (LEMP) [REP6-084] to confirm the remit of the ecological working group broadly aligns with the text suggested by Suffolk Wildlife Trust [REP1 278].

The establishment of such a working group is supported by Essex CC ([REP5-241], [REP5-243]), who also request the expansion of the scope of the group to include landscape matters, which is reflected in the outline LEMP [REP6-084].

To Suffolk Wildlife Trust, Suffolk CC and Essex CC:

c) Advise whether you are satisfied in regard to the applicant's wording, as set out in the applicant's outline LEMP [REP6-084], which it advises broadly aligns with Suffolk

Wildlife Trust's suggested text, as contained in its deadline 1 submission [REP1-278] at paragraph 2.3. d) Provide examples of the types of landscape matters that you consider should fall within the remit of this working group.

- 2.27 ECC welcomes the amendments made to the revised Outline Landscape and Ecological Management Plan (OLEMP) to establish an Ecology and Landscape Working Group and broaden its remit beyond purely ecological matters.
- 2.28 ECC is broadly satisfied that the proposed wording provides an appropriate mechanism for engagement between the Applicant, local authorities and environmental stakeholders during implementation of the Project.
- 2.29 ECC supports the inclusion of landscape matters within the remit of the Working Group and does not consider that its role should be limited solely to ecological matters. Many of the Project's outcomes, including Biodiversity Net Gain (BNG), habitat creation, Environmental Areas, Green Infrastructure (GI), habitat connectivity and Local Nature Recovery Strategy (LNRS) objectives, are closely interrelated. This applies not only to onsite and offsite BNG delivery, but also to the wider mitigation, compensation and enhancement measures proposed across the Project. ECC therefore supports their integrated consideration through a single forum.
- 2.30 ECC considers the Working Group has the potential to provide an effective resource to support the delivery of the project and aid through discussion, the resolution of ecological and landscape matters should they arise during implementation.
- 2.31 Examples of matters that ECC considers should fall within the scope of the Working Group include landscape and habitat establishment as well as advising on the implementation of the Offsite Planting Delivery Scheme , long-term management of Environmental Areas, habitat connectivity, integration of landscape mitigation and BNG delivery, alignment with LNRS priorities, and adaptive management where intended environmental outcomes are not being achieved.
- 2.32 This matter is covered within ECC's SoCG being submitted at Deadline 7.

1.7 Protective Provisions (2)

A number of preferred PPs having been submitted into the examination. If you have not submitted a preferred PP into the examination, the listed interested parties are asked to do so. If you have already submitted your preferred PP into the examination, please signpost the reference where it can be located in the Examination Library.

- 2.33 ECC as Lead Local Flood Authority considers that it could withdraw its objection to the disapplication of section 23. Commentary has been provided on the latest draft of the Protective Provisions to the Applicant.
- 2.34 ECC is liaising with SCC and NCC on the drafting of Protective Provisions for the Highway Authority alongside discussions on finalising the Framework Highways Agreement. ECC understand that SCC have submitted the draft Protective Provisions to National Grid's Solicitors which take account of comments from ECC, NCC and SCC.

2. Compulsory acquisition and temporary possession of land and rights

2.7 Compulsory acquisition of operational highway

Notwithstanding your reply to question 1.7 above, please confirm if the applicants submitted PPs, (or other mechanisms secured in the draft DCO) ensure that if compulsory acquisition powers are approved the highway authority will be able to ensure operation of the public highway.

- 2.35 ECC is not aware of any land that may be subject to compulsory acquisition powers that would affect the operation of the public highway

3. Biodiversity, ecology and the natural environment

3.1 Assessment of impacts on bat species and proposed mitigation

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 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.

- 2.36 ECC notes that following extensive discussions, the Applicant has agreed a bat box compensation strategy to resolve concerns regarding the loss of trees providing bat roosting habitat first outlined in the Council's LIR [REP1-161]. In particular, ECC welcomes the commitment to provide bat boxes and/or veteranisation of retained trees, equating to 10% of the total number of trees with potential roost features to be removed, across the Project as set out in Paragraph 6.1.12 of the Outline Landscape

and Ecological Management [Revision G] submitted at Deadline 6 [REP6-084]. This agreement is reflected in the SoCG as submitted at Deadline 7.

6. Landscape and visual

6.2 Masterplans

A number of IPs have made representations at deadline 6 concerning the Masterplans [REP5 199]. The ExA acknowledge that these plans have been produced in consultation with local authorities, their draft status, and that such plans are illustrative in nature. The ExA also note the applicant's point of view, as made in ISH4 and restated in [REP6-118] that the provisions within the masterplans are not necessary to make the application acceptable in planning terms.

To all local authorities: a) 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]).

- 2.37 ECC's previous comments regarding the masterplans remain applicable. In particular, whilst the inclusion of references to the Local Nature Recovery Strategy (LNRS) is welcomed, ECC considers that the masterplans are illustrative in nature and do not demonstrate the consistent use of LNRS mapping as a core strategic evidence layer to inform the identification and spatial alignment of mitigation, compensation and enhancement opportunities across the Project. ECC also notes that many opportunities identified remain subject to further landowner engagement and agreement, resulting in uncertainty regarding delivery.
- 2.38 Whilst recognising that the detailed operation, administration and governance of the proposed funding mechanism may require input from several teams, including Finance, the Applicants recommendation that this should be discussed further with the relevant local planning authorities is agreed. ECC considers that, in principle, the funding mechanism set out in Annex A of REP6-118 could provide an appropriate framework for enabling the delivery of locally targeted GI, landscape and environmental enhancement measures, should the Secretary of State conclude that landscape compensation is justified and necessary.
- 2.39 The proposed provision for contributions to be held separately, applied to defined landscape compensation, enhancement and offsetting measures, and administered through the relevant authority is potentially viable. It potentially provides a clearer and potentially more deliverable framework than the illustrative masterplans alone. The inclusion of measures relating to woodland creation, hedgerow restoration, habitat

connectivity, public rights of way improvements and wider GI enhancement is particularly welcomed.

- 2.40 ECC considers that, where practicable, the selection and delivery of compensation, enhancement and offsetting measures should be informed by relevant LNRS priorities, GI objectives and opportunities to strengthen ecological connectivity, habitat networks and landscape-scale nature recovery. The inclusion of explicit reference to LNRS priorities within the mechanism would provide greater confidence that funding is being directed towards strategically targeted environmental outcomes.
- 2.41 ECC recognises that the landscape compensation is proposed to be secured by a Requirement. ECC provided commentary to the Applicant on this matter, and the Applicant has provided a response which is currently being reviewed. ECC is supportive of the Applicant's offer for landscape compensation, however there are concerns with regards to the lack of commitment from the Applicant on this important need for landscape compensation which has been raised repeatedly by the County Council throughout its engagement with the Applicant. This matter is discussed further within ECC's SoCG and will be included within ECC's Closing Statement.

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 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.

- 2.42 ECC would wish to refer to part 3.2.7 regarding design within its SoCG.
- 2.43 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. However, there are concerns that the DAS [REP6-090] refers to this as a GGP-led design review panel, additionally the Design Development Champion is also a "senior figure from National Grid", and the Design Executive is the design team at the delivery stage.

This raises a question as to the impartiality of the design processes around the project; for the design review process to be robust, the design panel must be independent balancing the need for functionality and security, whilst delivering the best local design and environmental outcomes for the project.

- 2.44 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.
- 2.45 ECC would also refer to its response to ExQ1 question DES 1.3 from [REP3-078], including the need for the project to undergo independent design review, and the need for this to be secured appropriately through the DCO.
- 2.46 Overall, the Council welcomes the proposed DRP arrangements as a positive addition but remains cautious as to whether this mechanism will deliver on the outcomes being sought by the County Council. The Council has no further additional substantive comments on the DRP proposals other than those previously raised within ECC submissions.

6.6 Offsite planting

The outline Offsite Planting Delivery Scheme (OPDS) [REP6-128] includes a section on management and maintenance. Separately the outline LEMP [REP6-084] has been updated to include a number of adaptive aftercare measures.

a) The outline LEMP refers to the outline OPDS but do the documents need to be more interlinked?

b) Do the adaptive aftercare measures within the outline LEMP also need to be included in the outline OPDS? If not, please explain why not.

- 2.47 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.

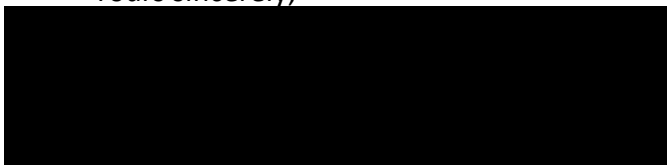
- 2.48 The Council welcomes the Applicant's commitment to provide replacement tree planting at a ratio of 3:1 and acknowledges that the Outline Offsite Planting Delivery Scheme (OPDS) establishes a broadly reasonable framework for delivering replacement planting where the required mitigation cannot be accommodated within the Order Limits. The Council also notes that the document generally accords with recognised arboricultural good practices.
- 2.49 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. It would however welcome a stronger commitment as part of its sequential approach, to prioritising replacement planting within the Parish Council boundaries of the host communities affected by the proposal before considering alternatives more distant from the project.
- 2.50 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.
- 2.51 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.
- 2.52 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.

- 2.53 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.
- 2.54 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."

ECC welcomes the opportunity to submit this Deadline 7 response. ECC will continue to engage proactively with the applicant and the Examining Authority as this application progress through Examination.

Yours sincerely,



Graham Thomas

Head of Planning and Sustainable Development