

**Basildon Council**

**Request for further information under rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010**

**Responses due by deadline 7: 21 July 2026**

**Interested Party Reference number:** [REDACTED]

| Ref:                                      | Question to:                                                                                                         | Question:                                                                                                                                                                                                                                                                                                                                                                     | Response:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <b>1. Draft Development Consent Order</b> |                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 1.1                                       | All local authorities<br>Norfolk Wildlife Trust<br>Suffolk Wildlife Trust<br>Essex Wildlife Trust<br>Natural England | <b>Requirement 11: Biodiversity Net Gain</b><br>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. | <p>Along with ECC we welcome 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. We also welcome an updated wording in the “interpretation” section of Schedule 3.</p> <p>We note the Examining Authority's comments regarding approval and implementation of the BNG assessments and any biodiversity offsetting scheme. Whilst we do 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</p> |

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|  |  |  | <p>requirement is capable of being determined solely by the undertaker through submission of the relevant assessments.</p> <p>In accord with ECC we consider 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.</p> <p>We 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).</p> <p>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, we consider 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. We are therefore of the opinion that an approval mechanism would provide greater certainty, transparency and enforceability.</p> |
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|  |  |  | <p>We therefore recommends that Requirement 11 be amended so that:</p> <ul style="list-style-type: none"> <li>- the interim biodiversity net gain assessment is submitted to and approved by the relevant planning authority;</li> <li>- the final biodiversity net gain assessment is submitted to and approved by the relevant planning authority;</li> <li>- where a biodiversity offsetting scheme is required, the scheme is submitted to and approved by the relevant planning authority before implementation; and</li> <li>- no part of Requirement 11 is discharged solely through submission of information.</li> </ul> <p>Owing to the above, We consider, alongside ECC that the requirement wording would be better suited to say:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(4) The approved biodiversity offsetting scheme must be implemented in accordance with the approved details</p> |
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| 1.3 | All local authorities | <p><b>Validation checklists for discharge of requirement submissions/ requirement 15 of Schedule 3 (Employment and Skills Plan)</b></p> <p>The ExA draws the attention of all relevant local authorities to the applicant's response to questions 1c and 2b of [REP6-132].</p> <p>Question 1c relates to the possible use of development validation checklists for the discharge of requirement submissions.</p> <p>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."</p> | <p>Alongside ECC, we 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.</p> <p>We welcome 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.</p> <p>As a minimum , it is considered that any DOR validation checklist should include:</p> <ul style="list-style-type: none"> <li>• Accurate description</li> <li>• 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)</li> <li>• 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.</li> <li>• Full context of response to draft DOR submission and comments / decision</li> <li>• Details of any relevant licensing or other agreement</li> </ul> |
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|     |                                                                                                  | <p>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.</p> <p>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.</p> |                                                                                                                                                                                                                                                                                                                                                                                         |
| 1.4 | <p>All local authorities who replied to second written question (ExQ2) [PD-023]<br/>DCO 2.S3</p> | <p><b>Outline Code of Construction Practice Appendix E (Community Engagement and Public Information) and Appendix F (Outline Noise and Vibration Management)</b></p> <p>The applicant responded to ExQ2 questions DCO 2.S3 and DCO 2.S6 in [REP6-115]. Revisions were made to the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>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.</p> <p><b>Appendix E - Community Engagement and Public Information</b></p> <p>The Council acknowledges that the revisions made to Appendix E substantially address a number of the concerns</p> |

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|  |  | <p>‘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].</p> <p>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.</p> | <p>previously raised, including provision of a complaints register, dedicated community relations arrangements, complaint investigation procedures, escalation routes and review of recurring issues.</p> <p>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.</p> <p><b>Appendix F - Outline Noise and Vibration Management Plan</b><br/> Alongside previous responses at Deadline 5, in summary, the Council considers 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.</p> <p>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</p> |
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|  |  |  | <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p> |
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|  |  |  | <p>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.</p> <p>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.</p> <p>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, not solely limited to noise and vibration management.</p> |
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