



Norfolk County Council

NCC response to request for further information under rule 17

Norwich to Tilbury

(EN020027)

Deadline 7 – 21 July 2026

Norfolk County Council (NCC) have prepared the below responses to the Norwich to Tilbury Examination Rule 17 letter requesting further information, received on 14 July. NCC have used the table provided by the examining authority to prepare and submit our response; an additional column has been added providing NCC's response. Where questions have not been directed to NCC, these questions have been removed from the table for brevity.

Ref	Question to	Question	NCC response
1. Draft Development Consent Order			
1.1	All local authorities Norfolk Wildlife Trust Suffolk Wildlife Trust Essex Wildlife Trust Natural England	Requirement 11: Biodiversity Net Gain At deadline 6 the applicant submitted a revised draft Development Consent Order (DCO) [REP6030]. 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.	Norfolk County Council has discussed this requirement with the other host authorities and we agree with Braintree District Council that the interim and final biodiversity net gain assessments and any biodiversity offsetting scheme should be subject to approval by the relevant LPA. It should be noted that approval of the offsetting scheme by the LPA does not hold up the applicant's construction programme. The LPAs are incentivised to make a speedy decision to enable the commencement of the offsetting scheme, with no risk to the implementation of the authorised development.
1.3	All local authorities	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	In relation to the drafting of a requirement validation checklist, NCC defers to the authorities which have been pursuing that approach. In relation to the employment and skills plan (ESP), NCC considers that Requirement 15 can satisfy the tests, including necessity. Paragraph 5.13.12 of EN-1 expressly envisages the inclusion of a requirement providing for local authority approval of an Employment and Skills Plan. This demonstrates that Government policy recognises employment and skills

Ref	Question to	Question	NCC response
		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.	outcomes as matters capable of being secured through the DCO notwithstanding that they may not be relied upon to mitigate a significant adverse effect. In the present case, the applicant has advanced employment, skills and supply-chain benefits as socio-economic benefits arising from the proposed development. To the extent that those benefits form part of the overall planning balance and are capable of attracting weight in decision-making, it is necessary that an appropriate mechanism exists to secure their delivery. Requirement 15 performs that function.

Ref	Question to	Question	NCC response
1.4	All local authorities who replied to second written question (ExQ2) [PD-023] DCO 2.S3	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.	NCC did not respond to DCO 2.S3 or DCO 2.S6.
1.7	All relevant local highway authorities and lead local flood authorities (including the Water Management Alliance) [etc.]	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.	NCC has agreed PPs for flood authorities with the applicant which have been incorporated into the draft DCO [REP6-030]. Negotiations are ongoing with regard to PPs for highway authorities. We are working closely with Suffolk County Council on PPs, and we can confirm that the version of the highways PPs submitted by SCC in response to this question is also NCC's preferred version.

Ref	Question to	Question	NCC response
2. Compulsory acquisition and temporary possession of land and rights			
2.7	National Highways All local highway authorities: Norfolk County Council Suffolk County Council Essex County Council Thurrock Council	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.	NCC is content that the protective provisions submitted by Suffolk County Council in response to 1.7 would be sufficient to ensure operation of the public highway. In general, NCC's right to operate and maintain highways land is on a statutory footing and independent of land ownership. It is rare that holds a freehold interest in highways land.
3. Biodiversity, ecology and the natural environment			
3.1	Applicant All local authorities Natural England	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 the applicant: For the sake of consistency clarify whether the references made within [REP6084] 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	NCC defers to Natural England and the local authorities which have raised issues relating to bats.

Ref	Question to	Question	NCC response
		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. Landscape and visual			
6.2	Applicant All local authorities	Masterplans A number of IPs have made representations at deadline 6 concerning the Masterplans [REP5199]. 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 the applicant:	NCC is broadly content with the mechanism and we consider that it is capable of meeting the tests in 4.1.16 and 4.1.18 of EN-1 (2024), notwithstanding that this mechanism is, strictly speaking, not either a requirement or a development consent obligation as defined in footnotes 96 and 97, respectively, of EN-1. NCC and Suffolk County Council have jointly submitted some suggested drafting amendments for schedule 20 to the applicant. In general, these relate to practical issues with the way relevant

Ref	Question to	Question	NCC response
		a) While accepting the illustrative nature of the plans, some information submitted from IPs could be usefully incorporated within the masterplans. For instance (but not limited to), Aldham Parish Council [REP6-175] identify a number of veteran trees and notable trees from the Woodland Trust Ancient Tree Inventory that do not appear on the constraints plans. Consider whether the plans should be updated and resubmit if necessary. b) The ExA would appreciate further information on the preferred method of the applicant to deal with the matter via an article in the DCO and how this was dealt with in the London Luton DCO (noting the applicant caveat that compensation for residual landscape and visual effects is not required pursuant to the legal and policy framework). 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]).	authorities are defined, how monies are handled and accounted for, and how the “unspent contributions” mechanism works. We have made suggestions for how to define areas in column (1), suggested the relevant authorities to be listed in column (2) and provided our preferred figures for inclusion in column (3). We do not expect these matters to be controversial and expect that the next version of proposed schedule 20 should account for our suggestions.

Ref	Question to	Question	NCC response
6.4	Applicant All local authorities Norfolk Wildlife Trust Suffolk Wildlife Trust Essex Wildlife Trust	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: 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: Provide your views on the DRP proposals and any other final comments you wish to make on the subject of good design.	NCC consider a DRP process to be good practice, albeit usually at a more formative stage of project development. We do not have any more specific comments to make about good design.