



Norfolk County Council

NCC response to request for further information under rule 17

Norwich to Tilbury

(EN020027)

Deadline 8 – 04 August 2026

1. Norfolk County Council (NCC) has prepared this response to the ExA's rule 17 letter dated 27 July 2026.

a) Will the funds be available for any suitable projects within the designated landscape compensation, offsetting and enhancement areas, or just within the 2 or 3km buffer areas?

2. The contribution would be available for eligible measures anywhere within the Waveney Valley landscape compensation, offsetting and enhancement area defined in Schedule 20 and shown on the corresponding area plan; it would not be restricted to land within the 2 km buffer. The buffer was a starting point for identifying the area affected by the authorised development, after which parish boundaries were used to provide a clear, practical and locally meaningful boundary.

b) How would such areas or projects relate to landscape character areas or visual receptors which may be affected by the proposed development?

3. In relation to the Waveney Valley, the defined area has a direct spatial and functional relationship with the landscape character areas and visual receptors affected by the authorised development. It includes the most impacted parts of the Waveney Tributary Farmland and Waveney Rural River Valley landscape character areas, within which the Environmental Statement identifies major and significant adverse effects within 0.5 km and moderate and significant adverse effects between 0.5 km and 1.5 km¹.
4. The parish-based compensation area does not replicate the boundaries of the affected landscape character areas. Rather, it provides a clear administrative envelope around the parts of the Waveney Tributary Farmland and Waveney Rural River Valley landscape character areas crossed by, or lying close to, the authorised development. It also encompasses receptors affected by the overhead-line crossing, including users of the public rights of way network, the Angles Way, communities around Diss and Roydon, and heritage receptors including the Grade I listed Church of St Remigius.
5. Measures would respond to those effects by, for example, strengthening characteristic woodland and hedgerow structure, creating locally appropriate planting, softening views where reasonably achievable, improving integration of the authorised development, or enhancing affected public rights of way and public amenity. Schedule 20 requires every project to fall within the defined area and satisfy its eligibility criteria, thereby retaining a clear causal and spatial connection to the affected landscape and receptors. The measures would not

¹ See: Environmental Statement Chapter 13 – Landscape and Visual, para 13.7.11 [[APP-226](#)]

remove the residual effects of the overhead line, but would provide proportionate compensation, offsetting and enhancement within the landscape in which those effects would be experienced.

c) Provide your succinct views on how the masterplans would meet (or otherwise) the relevant tests for requirements and obligations set out in paragraphs 4.1.16 to 4.1.18 of NPS EN-1 (November 2023).

6. NCC considers that Schedule 20 meets both the requirement tests in paragraph 4.1.16 and the development consent obligation tests in paragraph 4.1.18 of EN-1, having regard also to the guidance identified in paragraph 4.1.17. NCC considers that the relevant test in the present context is that set out at paragraph 4.1.18, but addresses 4.1.16 too for completeness.
7. For paragraph 4.1.16, Schedule 20 is necessary, relevant to planning and relevant to the development because it secures compensation for significant residual landscape and visual effects arising from the authorised development which cannot be adequately addressed within the Order limits. It is enforceable and precise because it identifies the fixed contribution, relevant authority, payment trigger, defined area, permitted measures, administration cap, accounting and reporting duties, treatment of unspent funds and dispute mechanism. The duty placed on the applicant is unambiguous, and failure to meet it could be determined on an objective basis. Those controls are proportionate and reasonable in all other respects.
8. For paragraph 4.1.18, the contribution is relevant to planning and necessary to make the development acceptable because EN-1 requires application of the mitigation hierarchy and compensation for residual impacts as far as possible. In the Waveney Valley, undergrounding was considered but not pursued and major significant residual landscape and visual effects would remain. The contribution is directly related to the development because expenditure is confined to the affected Waveney Valley area and to measures responding to landscape character, views, landscape structure, public rights of way and public amenity.
9. The £820,000 contribution is fairly and reasonably related in scale and kind to the magnitude, extent and duration of those effects and the realistic cost of meaningful compensatory measures. Schedule 20 also provides a transparent and proportionate implementation mechanism. The County Council therefore considers that Schedule 20 satisfies the relevant EN-1 tests and should be retained in the DCO.
10. This constitutes our succinct view, as requested in c) of the rule 17 letter. We also provide, as an appendix to this response, a fuller statement on the compliance of Schedule 20 with the CIL tests. This collates and sets out in full our previously expressed positions in one place for convenience.

Appendix: Waveney Valley Landscape Compensation Measures

CIL tests compliance statement

Norwich to Tilbury

EN020027

4 August 2026

Introduction

- A.1. This statement has been prepared by Norfolk County Council (“NCC”) to explain how the Waveney Valley landscape compensation measures (“the measures”) secured by proposed article 63 and Schedule 20 to the draft development consent order (“the DCO”) comply with the tests contained in regulation 122(2) of the Community Infrastructure Levy Regulations 2010² (as amended) (“the CIL Regulations”), paragraph 58 of the National Planning Policy Framework³ (“the NPPF”), and paragraph 4.1.18 of the 2024 Overarching National Policy Statement for Energy⁴ (“EN-1”). This statement addresses only the Waveney Valley contribution for which NCC is the relevant authority; it does not comment on measures relating to other locations.
- A.2. These tests are that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- Necessary to make the development acceptable in planning terms
 - Directly related to the development
 - Fairly and reasonably related in scale and kind to the development.
- A.3. Paragraph 4.1.18 of EN-1 is formulated slightly differently from the CIL Regulations and the NPPF, adding that development consent obligations must be relevant to planning, and reasonable in all other respects, in addition to the above tests.
- A.4. Schedule 20 secures payment by National Grid to NCC of an index-linked contribution of £820,000 before commencement of the authorised development within the Waveney Valley landscape compensation, offsetting and enhancement area. It prescribes the geographical area and permitted purposes for expenditure, allows NCC to deliver measures itself or fund third

² See: [The Community Infrastructure Levy Regulations 2010](#)

³ See: [National Planning Policy Framework](#)

⁴ See: [Overarching National Policy Statement for Energy \(EN-1\) \(2024\)](#)

parties, and provides for accounting, annual reporting, treatment of unspent funds and dispute resolution.

- A.5. The remainder of this statement explains why the Waveney Valley contribution is necessary, directly related to the development, and fairly and reasonably related in scale and kind, before addressing how the safeguards in Schedule 20 maintain compliance with the tests during implementation.
- A.6. NCC recognises that the Applicant disputes both the necessity of landscape compensation in principle and the inclusion of Schedule 20 within the DCO. This statement explains why the Secretary of State should retain Schedule 20 as a lawful, justified and policy-compliant development consent obligation.

The Waveney Valley landscape compensation measures are necessary

- A.7. The case for compensating the landscape impacts of the Norwich to Tilbury project on the Waveney Valley is set out in NCC's relevant representation⁵ at paragraphs 4.4-4.6, 10.16-10.17 and 10.19-10.21; NCC's local impact report⁶ at paragraphs 11.24-11.32; NCC's response to ExQ2 GEN 2.2⁷; and SCC's local impact report⁸ at Annex B.
- A.8. In summary, there is a clear policy imperative to provide compensatory measures. This arises from the general application of the mitigation hierarchy in EN-1, but also from the more specific context of landscape impacts on the Waveney Valley.
- A.9. The starting point, in policy terms, is that the mitigation hierarchy applies in relation to adverse impacts affecting the environment or biodiversity. This requires both the applicant and decision-maker to consider any measures to avoid, reduce, mitigate or compensate for such adverse impacts. See EN-1⁹ paragraphs 4.1.5, 4.2.10, 4.2.11, 4.2.12, 4.3.4; and EN-5¹⁰ paragraphs 2.1.1 and 2.1.6, in particular:
- Paragraph 4.2.11 of EN-1 states in terms that "Applicants must apply the mitigation hierarchy and **demonstrate that it has been applied**" (emphasis added) and this is echoed at paragraph 2.1.6 of EN-5
 - Paragraph 4.2.12 of EN-1 further clarifies that "applicants should set out how residual impacts will be compensated for **as far as possible**" (emphasis added)

⁵ See: [\[RR-2753\]](#)

⁶ See: [\[REP1-173\]](#)

⁷ See: [\[REP5-256\]](#)

⁸ See: [\[REP1-178\]](#)

⁹ See: [Overarching National Policy Statement for Energy \(EN-1\) \(2024\)](#)

¹⁰ See: [National Policy Statement for Electricity Networks Infrastructure \(EN-5\) \(2024\)](#)

- The mitigation hierarchy is further emphasised in the context of environmental effects (paragraph 4.3.4 of EN-1).
- A.10. Section 104 of the Planning Act 2008 requires the Secretary of State to decide an application in accordance with any relevant National Policy Statement, unless one of the statutory exceptions applies. The question is therefore not whether there is a freestanding legal rule requiring landscape compensation in every case. Rather, the question is whether the relevant National Policy Statements, read in the context of the particular impacts of this project, require compensation to be secured as part of the application of the mitigation hierarchy. If they do, the provision of compensation becomes necessary because compliance with the National Policy Statement framework is itself mandatory under section 104.
- A.11. NCC does not contend that EN-5 establishes a universal requirement to compensate all overhead-line landscape effects. Rather, EN-5 must be read alongside EN-1. EN-1 expressly requires application of the mitigation hierarchy and specifically contemplates compensation of residual impacts as far as possible. Nothing in EN-5 disapplies or limits those obligations. The absence of a prescriptive methodology for landscape compensation does not indicate that compensation is impermissible or unjustified; it leaves the appropriate response to planning judgement on the facts of the individual project.
- A.12. While there is clearly a general duty to apply the mitigation hierarchy, NCC acknowledges that how it is applied in each case (including in terms of compensation and the extent of it) will naturally vary. In the specific instance of the Waveney Valley, the question of appropriate and proportionate compensation must be understood against the following factors:
- First, this was a case in which undergrounding was specifically considered for a section of the Waveney Valley. As per paragraph 2.9.23 of EN-5, the Applicant plainly recognised the “high potential for widespread and significant adverse landscape and/or visual impacts” along the Waveney Valley.
 - Second, it is common ground that (such undergrounding not being pursued) there are major significant residual effects in landscape and visual terms.
- A.13. As such, this is a clear case in which it is incumbent on the Applicant to provide compensation beyond standard mitigation measures. There is a robust policy basis as well as compelling site-specific justification for the additional compensation which has been requested by the local authorities.
- A.14. The specific form of an obligation secured through the DCO is necessary because sufficient mitigation or compensation cannot be delivered within the

development footprint. Schedule 20 therefore provides a practical and enforceable means of applying an identified contribution to off-site measures within the affected landscape.

- A.15. Without compensatory measures for the Waveney Valley, the project's significant residual adverse landscape and visual effects would not be compensated for, in conflict with the mitigation hierarchy and the National Policy Statements. The contribution is therefore necessary to make the development acceptable in planning terms.

There is a direct relationship between the measures and the development

- A.16. The contribution is restricted to interventions within the Waveney Valley landscape compensation, offsetting and enhancement area defined in Schedule 20. The area encompasses the parish council administrative areas of Bressingham, Burgate, Diss, Heywood, Palgrave, Roydon, Shelfanger, Thrandeston and Wortham and is also shown on the corresponding area plan. Parish boundaries are unambiguous and well understood. The specified parishes have been agreed with the Applicant as a reasonable geographic limit that relates closely to the landscape and visual effects of the project in and around the Waveney Valley. It therefore bears a direct geographic and functional relationship to the impacts which the contribution is intended to address.
- A.17. The direct relationship is reinforced by the permitted purposes in paragraph 4(2) of Schedule 20. Expenditure must improve landscape character, soften views of the authorised development, strengthen landscape structure and habitats, integrate the development through locally characteristic planting, improve public rights of way or public amenity, or otherwise reasonably contribute to landscape compensation, enhancement or offsetting within the defined area.
- A.18. The overhead line crossing will significantly affect landscape character, visual and recreational amenity, local heritage receptors including the Grade I listed Church of St Remigius, and public rights of way including the Angles Way. Those effects were among the reasons why the Applicant considered the Waveney Valley Alternative at statutory consultation. Although that alternative was not pursued, the Applicant's assessment continues to identify significant effects from overhead line infrastructure in this location.
- A.19. The Waveney Valley also provides access to high-quality natural greenspace on the edge of Diss and is experienced by users of the local public rights of way network. Measures that enhance landscape quality and structure, improve access and amenity, and screen or soften visual detractors will therefore benefit the landscape and receptors affected by the development.

Schedule 20's combined geographic and purpose-based controls ensure that funded measures retain this causal and spatial connection.

The measures are fairly and reasonably related in scale and kind

- A.20. Whether a contribution is fairly and reasonably related in scale and kind is a matter of planning judgement informed by the nature, extent and duration of the residual effects and the measures capable of responding to them. Schedule 20 specifies an index-linked contribution of £820,000 for the Waveney Valley. NCC considers that amount sufficient to support a meaningful package of landscape, planting, green-infrastructure, access and amenity measures, while remaining proportionate to the significant residual effects identified in the Environmental Statement.
- A.21. There is no formulaic relationship between the capital cost of the development and the appropriate level of landscape compensation. The contribution has instead been assessed against the scale and significance of the Waveney Valley effects and the realistic cost of measures falling within paragraph 4(2) of Schedule 20. The controls on geography and purpose prevent the contribution from being used for unrelated projects or as a general environmental fund.
- A.22. Neither the CIL Regulations nor the National Policy Statements require a formulaic calculation methodology. Planning obligations are routinely assessed through planning judgement, having regard to the nature of the harm, the purposes of the obligation and the safeguards controlling expenditure. The absence of a precise mathematical formula does not prevent the decision-maker reaching a reasoned conclusion on proportionality.
- A.23. The Waveney Valley Alternative described in paragraphs 5.4.47–5.4.58 of the 2024 Design Development Report would have undergrounded approximately 2 km of the route. The materially greater cost of undergrounding provides context for the judgement that a substantially smaller off-site contribution is not excessive where the overhead line option leaves significant residual landscape and visual effects.
- A.24. NCC does not suggest that compensation should replicate the cost of undergrounding or be calculated as a share of the saving achieved by selecting the overhead line. The comparison is relevant only as contextual evidence that the £820,000 contribution is modest when considered alongside an alternative means of avoiding the effects. Proportionality ultimately rests on the extent of the identified harm and the scope and likely cost of suitable measures.
- A.25. Chapter 13 of the Environmental Statement identifies major and significant adverse effects within 0.5 km, reducing to moderate and significant adverse

effects between 0.5 km and 1.5 km, for the Waveney Tributary Farmland and Waveney Rural River Valley landscape character areas in Norfolk (see page 43 of [APP-226]). The amount and permitted uses of the contribution are commensurate with effects of that scale and in light of the sensitivity of the affected landscape.

Schedule 20 provides a proportionate implementation mechanism

- A.26. Schedule 20 translates the justification above into a defined implementation framework. It fixes the contribution, identifies the relevant authority and payment trigger, confines expenditure to the defined Waveney Valley area and specified purposes, and establishes financial management, reporting and long-stop arrangements.
- A.27. Those controls are material to CIL compliance. In combination, the parish-based geography and paragraph 4(2) criteria ensure that every funded measure must respond to the affected landscape and fall within an agreed area connected to the project's impacts.
- A.28. The contribution may be applied by NCC directly or through third-party funding. That flexibility does not dilute the relationship with the development because the same geographic and purpose restrictions apply in either case. The 15% cap on reasonable administrative expenses also preserves the substantial majority of the fund for delivery, maintenance and monitoring.
- A.29. The parish council administrative areas used in Schedule 20 provide a clear and objective boundary for eligibility. They avoid uncertainty at the project-selection stage, while the separate area plan and the requirement that measures satisfy paragraph 4(2) provide an additional check that expenditure remains focused on the Waveney Valley landscape affected by the authorised development.
- A.30. The general approach of defining an environmental or landscape fund by reference to specified purposes and controls is precedented. For example, the Sizewell C Deed of Obligation used eligibility criteria for natural-environment funding, and the Lower Thames Crossing examination included a unilateral undertaking providing a compensatory enhancement fund for the Kent Downs landscape. Those examples support the use of a controlled contribution for landscape measures.
- A.31. The absence of previous overhead-line DCOs requiring equivalent non-mitigatory landscape compensation does not establish that such measures are unlawful, unjustified or unnecessary. Each DCO application must be determined on its own facts and in accordance with the applicable National Policy Statement framework. The relevant question is whether compensation is justified for the particular residual effects of this project and whether the

proposed obligation satisfies the statutory and policy tests (as addressed above).

- A.32. Schedule 20 also requires NCC to hold the contribution in an interest-bearing account, maintain accounting records and provide annual reports describing measures, expenditure, the remaining balance and proposed expenditure for the following year. These provisions promote transparent application of the fund to its authorised purposes without prescribing projects before land, delivery partners and detailed designs have been identified.
- A.33. Payment of a landscape contribution to a local authority for administration subject to defined controls is also precededented: the Lower Thames Crossing undertaking contemplated a compensatory enhancement fund managed and administered for the Kent Downs landscape. Schedule 20 adopts the same general proposition that a public authority may administer a ring-fenced landscape fund, while using its own DCO-based provisions for payment, expenditure, reporting and repayment.
- A.34. For these reasons, the Waveney Valley contribution secured by Schedule 20 is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. The defined area, permitted measures and financial safeguards provide a proportionate and workable means of ensuring that the £820,000 contribution is applied to compensation, offsetting and enhancement of the Waveney Valley landscape affected by the project.
- A.35. The fact that NCC and the Applicant disagree on the underlying policy requirement for landscape compensation does not affect the operation of Schedule 20 or its compliance with the CIL tests. If the Secretary of State concludes, as NCC submits, that the mitigation hierarchy and the National Policy Statement framework justify compensatory measures for the Waveney Valley, Schedule 20 provides an appropriate, proportionate and legally compliant mechanism through which those measures may be secured. In those circumstances there would be no basis for omitting or setting aside Schedule 20 when determining the application.