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Norwich to Tilbury

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Final Issue A

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nationalgrid

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Executive summary

Introduction

Purpose and Status of the Closing Statement

This Closing Statement is submitted by National Grid Electricity Transmission plc (the Applicant) to summarise its position on the main issues addressed during the Examination of the application for development consent for Norwich to Tilbury (the Project). It introduces no new material, drawing together the Applicant's position by cross-reference to documents already in the Examination, and focusses on the issues of most importance to the Examining Authority (ExA), Interested Parties and Affected Parties. It reiterates the clear and pressing need for the Project, its alignment with the National Policy Statements (NPSs), and the evidence relevant to section 104 of the Planning Act 2008.

The Project is among the largest and most complex electricity infrastructure projects to date to have progressed under the Planning Act 2008. It is critical to the nation for reasons summarised in this Closing Statement.

The Project

The Project is a new 400 kilovolt (kV) electricity transmission connection of approximately 180 km overall length from Norwich Main Substation to Tilbury Substation via Bramford Substation, a new East Anglia Connection Node (EACN) Substation and a new Tilbury North Substation, including:

- Approximately 159 km of new overhead line supported on approximately 509 pylons, either standard steel lattice pylons (approximately 50 m in height) or low height steel lattice pylons (approximately 40 m in height) and some of which would be gantries (typically up to 15 m in height) within proposed Cable Sealing End (CSE) compounds or existing or proposed substations
- Approximately 21 km of 400 kV underground cabling, some of which would be located through the Dedham Vale National Landscape (an Area of Outstanding Natural Beauty (AONB))¹.

The full Project description is provided at Section 1.4 in **5.6 Planning Statement [REP7-090]**.

Structure of the Document

This Closing Statement addresses each Initial Assessment of Principal Issue (IAPI) identified by the ExA. It covers the section 104 decision-making process and NPS compliance, the need case, alternatives considered, project benefits, residual effects and the resulting planning balance, matters agreed and not agreed with Interested Parties, the case for compulsory acquisition and temporary possession, the draft DCO, and a concluding position.

¹ National Landscape is the rebranded name of an Area of Outstanding Natural Beauty (AONB) from 22 November 2023.

This overview identifies the main determinative issues, without displacing the IAPI addressed in the main chapters of the Closing Statement. It explains how the Project fits the national needs anticipated by the relevant suite of NPSs. Emphasising these structural matters here does not diminish the importance of the many development control matters requiring adequate treatment in the statutory process; it sets them in their wider national context.

Decision Making (Section 104 / NPS Compliance)

Section 104 Framework and NPS Compliance

The Planning Act 2008 requires that, where an NPS has effect, the Secretary of State must decide an application for energy infrastructure in accordance with the relevant NPSs unless a named exception applies. None applies here. The proposal accords with NPS EN-1 (2024) and NPS EN-5 (2024) read as a whole, an accordance reinforced by the increased emphasis on reducing greenhouse gases and the Clean Power 2030 Action Plan in the 2026 suite of NPSs, which the ExA has correctly identified as relevant and important.

Section 104(3) requires the Secretary of State to decide an application in accordance with any relevant NPS. The exception in section 104(7), which applies “if the adverse impact of the proposed development would outweigh its benefits”, is not engaged on the evidence, for the reasons set out below and elsewhere in this Closing Statement.

The specific needs set out below, which will as a matter of evidence be met by this Project, reflect the need for electricity network enhancements set out in NPS EN-1 (2024) and strengthened by NPS EN-1 (2026).

For the purposes of Closing, the Applicant asks the ExA to pay particular attention to:

- The reliability and resilience of the high voltage electricity transmission network, which will be enhanced by this Project
- The transition from fossil fuel generation to new renewable domestic energy production, which will provide Britain with greater energy security, which has become increasingly critical following recent world events
- The forecast rise in demand for electricity
- The need to connect to more affordable sources of electricity generation
- The importance of combating climate change by connecting to greener and cleaner forms of electricity generation.

For assessment: there is a presumption in favour of granting Energy NSIPs; residual adverse effects remaining after mitigation should be weighed against the Project’s benefits; and for projects of critical national priority (CNP), the need case is likely to outweigh residual effects that mitigation cannot address.

For CNP: it applies to all OHL within the scope of NPS EN-5; it is relevant to any residual impacts identified; the urgency of the need means residual impacts remaining after mitigation are unlikely to outweigh it; and consent should not be refused on that basis save in the most exceptional cases.

Need, Alternatives, Benefits and Residual Effects

National Need - Policy Embedding / Government Strategy

The need to expand and reinforce the transmission network is well established and supported by the evidence. It is embedded in the NPSs for Energy, the Connections Action Plan, the Electricity Networks: Transmission Acceleration Action Plan, the Clean Power 2030 Action Plan, and National Grid's and Government's Great Grid Upgrade programme. NESO has indicated relevant agencies should seek to accelerate delivery of the Project to 2030. Ofgem has authorised advanced expenditure of 23.7% of the updated total project cost as Early Construction Funding, pointing to potential system constraint costs of up to £2.8 billion, and confirming it would be *'in the consumers' interest for these works to progress at pace'*.

National Need - Pillar 1: National Energy Security

Over the last 20 years, successive governments have sought UK energy security by diversifying the generation mix, including growth in offshore wind. Many arrays in the North Sea and off the East Coast of England and Scotland have been consented as part of national policy and further offshore generation development is expected. Hornsea 3, currently the world's largest offshore windfarm, is now under construction and contracted to connect to the national transmission network at Norwich substation. This generation is required to meet forecast demand growth and reduce UK reliance on non-domestic energy sources.

The need for national security of supply, already significant following the 2022 Ukraine invasion, has been further underscored during this Examination by instability in the Persian Gulf and its consequences for energy security and supply.

UK energy policy recognises the need for national energy security. This Project, as part of The Great Grid Upgrade, will increase network capacity at the earliest achievable date - a public benefit of the highest order.

National Need - Pillar 2: A Resilient and Reliable Network

The existing electricity infrastructure in East Anglia is not sufficient or resilient enough to carry the nationally important quantities of electricity that are, and will be, generated, including from offshore sources - a technical fact set out in the application's supporting technical documents.

Resilience and reliability of electricity supply are as fundamental to modern society as energy security, and regional demand is expected to increase. Unexpected loss of power is disruptive, dangerous and unacceptable, so network enhancements are essential.

The Project's proposed infrastructure will meet the region's electricity-carrying needs, including offshore wind generation. As Ofgem, the statutory regulator, has put it: "The capacity provided will allow the system to operate in an economic and efficient manner and is crucial for the safe, resilient and efficient transmission of electricity through the energy system".

This provision of a safe, resilient and efficient network is also a public benefit of the highest order.

National Need - Pillar 3: Economical and Efficient Electricity Supply

The Government, and the Applicant through its statutory duties under the Electricity Act 1989, must deliver an economical and efficient electricity supply so that homes, businesses and public services can operate efficiently. Geopolitical instability from the pre-application stage through

this Examination has significantly increased energy costs for consumers and industry, alongside other cost drivers including international competition for energy, tariffs, and rising extraction costs. This price volatility has a significant impact on the cost of living and economic competitiveness, with the UK facing some of the highest energy costs in recent times.

Domestic North Sea wind energy is among the cheapest to produce, and reliance on substantial amounts of it is a significant economic advantage. This Project facilitates delivery of that energy into the UK national grid, consistent with government policy on reducing the cost of living.

This impact on cost and efficiency of electricity supply is also a public benefit of the highest order.

National Need - Pillar 4: Decarbonisation, Climate Change and Constraint Cost Avoidance

The UK Government is legally committed to reducing greenhouse gas emissions under the Climate Change Act 2008, which sets five-year enforceable carbon budgets, and the Clean Power 2030 Action Plan, which requires clean sources such as wind power to produce at least 95% of Great Britain's electricity generation by 2030. This Project will facilitate those aims and accords with the emphasis on such matters in the suite of NPSs. Delay in the delivery of the Project would impact consumers through significant constraint payments.

The Project's contribution to decarbonising the grid, and the avoidance of constraint payments through early delivery, are also public benefits which flow from consent.

National Need - Summary

The need for national energy security, a resilient and reliable network, more affordable electricity, and decarbonisation while eliminating avoidable constraint payments is of critical national importance and urgent. Each of these needs, in its own right, supports a compelling case for consent.

Alternatives Considered

On the evidence, the Project meets the identified needs within a timeframe that maximises the benefits. No other project capable of meeting these needs, at all or within the necessary timescale, is before the Secretary of State.

The Project's design and proposed method of delivery are the result of an iterative process involving extensive consultation with local residents, landowners, interested parties, statutory and non-statutory consultees, and all relevant local planning authorities, in accordance with Section 50 statutory guidance on pre-application processes in place at the time.

The Applicant looked at many alternatives and consulted on those which the Applicant considered, on technical, socio-economic and environmental grounds, were capable of potentially meeting the need case, and the Applicant has undertaken several back-checks to inform the Project's evolution. The detail of that stage of the Project's history is set out in the examination library. The Applicant recognises that there have been subsequent challenges from Interested Parties, set out in their various responses during the Examination, as to whether there was still time to re-consider offshore or fully underground alternatives further before granting this network upgrade. Having carefully weighed that question, and despite the many reasons why an offshore or fully underground alternative is not the right solution, the Applicant's evidence does not support deferral, whether on the benefits versus disbenefits of

that technology or on timing: the needs met by this Project are pressing now and do not allow further delay without risking those needs.

The Applicant's consideration of alternatives has been thorough – they carry their own very significant technical, socio-economic, environmental and economic disadvantages and as such they would not be consistent with the Applicant's licence obligations and nor would they be consistent with statutory policy and guidance.

The Project's meeting of the needs set out above should be given significant weight.

Benefits

The Project results in clear and significant economic, social and environmental benefits:

- Contributing to the delivery of a robust, efficient, coordinated and economic system of electricity transmission, in accordance with National Grid's statutory duties and licence obligations (macro economic and social benefit)
- Supporting the security of the UK's energy supply. There is a clear, long-term economic benefit to reinforcing this part of the network with the cost of reinforcement being significantly outweighed by the constraint costs that would otherwise be incurred if the project was not to proceed (macro economic and social benefit)
- Enabling a large number of low and zero carbon generators to connect to the transmission network. The project is fundamental to achieving the present, and previous Government's, ambition to connect up to 50GW of offshore wind by 2030, and reach net zero by 2050 (macro economic and environmental benefit)
- Furthering the purposes in the National Landscape (environmental benefit)
- Delivering at least 10% Biodiversity Net Gain (BNG). This is a benefit National Grid has committed to, despite pre-dating the mandatory introduction of this requirement (economic and environmental benefit).

If consent were not granted, further delay would create a materially less sustainable and more costly energy position, with adverse consequences for electricity consumers.

Residual Effects

Those who oppose the Project have, for the most part, raised understandable concerns about the method of meeting that need - particularly the choice of technology and route - rather than whether the need for the Project itself exists.

This Closing Statement considers the residual harms associated with the construction of a long and mostly overhead line project. National Policy is clear that such impacts do not undermine the need for the Project and, save in exceptional circumstances, do not justify refusing an overhead line project; instead, they are to be mitigated.

Policy sets a strong starting presumption, binding on the Applicant, that overhead line is the preferred technology for meeting the needs set out earlier. That presumption is reversed in favour of undergrounding only in nationally designated landscapes and has been given effect accordingly in this Project.

There is no evidence before the Examination sufficient to rebut the strong presumption that the urgent need should be met by overhead line outside protected designated landscapes. Outside such landscapes, some landscape and visual impact from overhead line structures is inevitable,

which Government must be taken to have judged compatible with the Applicant's duties, including its duties on landscape and visual matters and on economical and efficient electricity delivery.

Away from designated landscapes, the overhead line presumption can only be displaced where the Secretary of State finds a high potential for widespread and significant adverse landscape or visual impacts along particular route sections, and that undergrounding's benefits there clearly outweigh its substantial additional costs. The Applicant does not consider any further non-designated areas meet that test and has explained why.

The Applicant has applied the mitigation hierarchy, seeking to avoid and reduce adverse impacts where practicable. This includes optioneering, routing, design, mitigation measures, and amendments to management plans and DCO requirements, all informed by two rounds of non-statutory consultation, statutory consultation and further targeted consultation on design changes. Measures include undergrounding in the most highly valued landscapes, reduced working areas and trenchless construction to avoid key environmental features, and mitigation planting, all secured through appropriate development control measures.

In developing the Project, the Applicant has made professional judgments in good faith, on the evidence available, with independent expert guidance and due regard to the NPSs. The Secretary of State or the ExA might not have made every judgment the same way, but that is not the test: the question is whether the Project's residual harms are outweighed by the public benefits secured by its delivery. The Applicant has sought to address remaining matters and considers the application, including all its management plans, to represent a policy-compliant project that is well mitigated.

Overall Planning Balance

Under section 104(3), an application may be determined otherwise than in accordance with the relevant NPS only where the development's adverse impact would outweigh its benefits.

Refusing a CNP project for its residual harms ordinarily requires exceptional circumstances. Here, the very great weight due to any CNP project is magnified by the scale of this Project's contribution to the national needs set out above, and the public benefits identified, are so substantial that the residual impacts fall substantially short of establishing the exceptional circumstances that could justify refusal.

Proactive Working to Resolve Issues / Consultation

Consultation History

In accordance with the Planning Act 2008, and informed by stakeholder input on engagement methods, the Applicant undertook several rounds of multi-stage pre-application consultation. Feedback throughout influenced the Project's design evolution, resulting in changes that further improved a proposal already compliant with relevant policy.

The Applicant recognises the Project will have real effects on those living and working near it. Considerable work has gone into avoiding and reducing those effects through the mitigation hierarchy, and the Applicant's assessment is that the residual adverse effects remaining are outweighed by the Project's need and benefits.

Support from Consultees / Matters Agreed and Not Agreed

Throughout the Examination, the Applicant has proactively and carefully engaged with all Interested Parties and Affected Persons, considered all representations and responded substantively. This has led to many design changes across the suite of control documents and where a change was not made, the reasons are explained.

The Applicant progressed Statements of Common Ground (SoCG) with a large number of Prescribed Consultees and other Interested Parties, using them to further discussions and narrow issues towards agreement.

The Applicant has engaged carefully with host authorities' concerns and recognises their legitimate interest in how construction is controlled within their areas. In the Applicant's view, most unresolved matters concern the detail of construction control rather than the Project's principles. The Applicant's proposals are proportionate, evidence-based, and consistent with precedent; further control beyond this would go further than necessary or proportionate given the Project and the Applicant's licence obligations.

Compulsory Acquisition

The needs of the Project meet the thresholds which justify the compulsory acquisition of land to secure the delivery of the Project in the public interest. The delivery of this infrastructure means that the justification for compulsory acquisition is clear and well evidenced.

The compulsory acquisition powers sought are proportionate and necessary to ensure that, in the event that the requisite land interests ultimately cannot be acquired voluntarily, the Applicant will still be able to deliver the Project in a timely and effective manner.

Draft DCO / Requirements

Meeting the urgent needs identified above should not be delayed by requirements that are not necessary on the evidence, not directly related to the development, or not fairly and reasonably related in scale and kind - the burden of establishing that lies on those seeking to impose them. Delay-related harms should be weighed heavily, and the evidence does not support project-wide restrictions on timely delivery. The aim should be to accelerate delivery while remaining responsive to specific, evidenced concerns.

The proposed DCO draws on the Applicant's considerable experience delivering transmission infrastructure under the Planning Act 2008 and other consenting regimes. It has evolved throughout the Examination in response to engagement with Interested Parties.

The draft DCO is substantially in the form of previous electricity transmission line DCOs.

Overall Summary Conclusion

DCO applications should be determined in accordance with the relevant NPSs unless an exception applies; none applies here, and the Project complies with the relevant NPSs.

For the principal reasons set out in this Closing Statement, the proposal accords with the relevant provisions of both the 2024 and 2026 suites of NPSs, read as a whole, meeting section 104 of the Planning Act 2008.

Other documents that the Secretary of State may consider relevant, in the Applicant's view, provide further support for the Project's need and the case for timely delivery, particularly its designation as CNP infrastructure in the NPSs.

The Applicant thanks all Interested Parties and Affected Persons for their contributions to the Examination and prior consultation, and confirms it has reviewed all representations and, where appropriate, made changes to the draft DCO and supporting documents in response.

The Applicant considers that it has submitted an evidence-based case as to why the DCO should be made as proposed, to ensure this critical NSIP can proceed in a timely manner.

For the reasons set out in this Closing Statement and in the evidence generally, the DCO should be made.

1. Introduction

1.1 Purpose of This Document

- 1.1.1 This document has been produced by National Grid Electricity Transmission plc (National Grid) (the Applicant) to provide a summary of its position on the main issues that have been addressed in the course of the examination of its application for development consent for Norwich to Tilbury (the Project) together with a summary of the main areas of disagreement. This document was requested by the Examining Authority (ExA) in its Rule 8 letter **[PD-011]** and revised timetable **[PD-022]**. This document is also provided to ensure that the ExA and the Secretary of State are clear on the Applicant's position in respect of important matters.
- 1.1.2 The document is structured around the main issues in the examination. Chapter 3 reflects the ExA's initial assessment of principal issues from Annex C of the Rule 6 letter **[PD-009]**.

1.2 The Project Description

- 1.2.1 The Project is a new 400 kilovolt (kV) electricity transmission connection of approximately 180 km overall length from Norwich Main Substation to Tilbury Substation via Bramford Substation, a new East Anglia Connection Node (EACN) Substation and a new Tilbury North Substation, including:
- Approximately 159 km of new overhead line supported on approximately 509 pylons, either standard steel lattice pylons (approximately 50 m in height) or low height steel lattice pylons (approximately 40 m in height) and some of which would be gantries (typically up to 15 m in height) within proposed Cable Sealing End (CSE) compounds or existing or proposed substations
 - Approximately 21 km of 400 kV underground cabling, some of which would be located through the Dedham Vale National Landscape (an Area of Outstanding Natural Beauty (AONB²))
- 1.2.2 The full Project description is provided in Section 1.4 of **5.6 Planning Statement [REP7-090]**.

1.3 The Application and Examination

- 1.3.1 The application for development consent was submitted to the Planning Inspectorate on 29 August 2025 and accepted for examination under s55 of the Planning Act 2008 (PA 2008) on 26 September 2025 **[PD-003]**. The legislative tests around the pre-application procedure were considered in the decision to accept the application in accordance with s55 of the PA 2008, and a completed Section 55 Checklist **[PD-002]** was published which provides the evidence for this. The Section 55 Checklist also

² National Landscape is the rebranded name of an Area of Outstanding Natural Beauty (AONB) from 22 November 2023

records that the Project is a Nationally Significant Infrastructure Project (NSIP) and satisfies s14 and s16(1)(a) of the PA 2008.

- 1.3.2 On 29 September 2025 the ExA were appointed **[PD-004]**.
- 1.3.3 On 13 January 2026 the ExA issued a Rule 6 letter **[PD-009]** which among other matters included at Annex C the initial assessment of principle issues. The preliminary meeting took place on 10 February 2026 **[EV3-005]**. The examination commenced at the close of the preliminary meeting and the Rule 8 letter **[PD-011]** explains that the ExA is under a duty to complete the examination of the application by the end of the period of six months beginning after the close of the preliminary meeting, which is 10 August 2026.

1.4 Proposed Changes

- 1.4.1 On 12 December 2025 the Applicant notified the ExA of two proposed changes to the application for development consent at Bulphan **[AS-049]** and Little Bromley **[AS-050]**. The Applicant consulted on the proposed changes between 19 January 2026 and 23 February 2026. The targeted consultations included prescribed consultees, relevant local authorities and parish councils, persons with an interest in land affected and nearby properties which are likely to be affected by the proposed changes. The formal change requests were made on 27 March 2026 (see **[CR1-001]** to **[CR1-017]** in relation to Change Request 1 (Bulphan) and see **[CR2-001]** to **[CR2-017]** in relation to Change Request 2 (Little Bromley)) and the ExA made a procedural decision to accept them into the examination on 31 March 2026 **[PD-016]**.
- 1.4.2 The description of the proposed changes considered by the ExA were:
- 1.4.3 **Bulphan:** Changes to third party access and works (Change Request 1): an increase in the Order Limits to facilitate works required for the protection of the existing Thames to Buncefield Multifuel Pipeline, west of Langdon Hills Golf Club
- 1.4.4 **Little Bromley:** Change to the EACN access (Change Request 2): an amendment to the Order Limits in order to support a small modification to the route of the Applicant's construction access (for use when a third-party access is not available) and a further small modification to the route for the private permanent abnormal indivisible load access route.
- 1.4.5 A relevant representation period opened between 9 April 2026 and 15 May 2026 in response to the accepted change requests. The representation period provided the opportunity for affected parties to submit a response relating to the Applicant's proposed changes. The Applicant's comments on the relevant representations relating to the change requests were submitted at Deadline 5A (see **[REP5A-002]**). Following publicity undertaken in accordance with the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, the ExA confirmed that the change requests would be examined by written representations and by holding further hearings **[PD-022]**. Written Representations were invited by Deadline 5A. No written representations were received at Deadline 5A. The changes were on the agendas for Open Floor Hearing 4 (OFH4) **[EV2-008]**, Compulsory Acquisition Hearing 3 (CAH3) **[EV2-009]**, Issue Specific Hearing 3 (ISH3) **[EV2-010]** and Issue Specific Hearing 4 (ISH4) **[EV2-011]**.

1.5 Obligations, Agreements and Other Consents

- 1.5.1 The Applicant has submitted a completed agreement with Suffolk County Council pursuant to s106 of the Town and Country Planning Act 1990 securing a 'Furthering the Purposes Compensation Fund' in respect of the Dedham Vale National Landscape (**8.25 National Landscape - Agreement pursuant to section 106 of the Town and Country Planning Act 1990 [Revision D]**).
- 1.5.2 Private agreements have been entered into with various parties regarding the protection of their assets and interests. These agreements are private and therefore not before the examination.
- 1.5.3 The Applicant has prepared a document regarding the other consents and licences required under other legislation and has updated it throughout the examination. The final version was submitted at Deadline 7 **[REP7-088]**. These other consents present no impediment to the implementation of the Project.
- 1.5.4 Negotiations between the Applicant and the relevant highway authorities on a Framework Highways Agreement have progressed during the Examination and are expected to be completed shortly after the close of the Examination. Pending completion, and to further reassure the ExA and the relevant highway authorities, the Applicant has included in Schedule 16 to **3.1 Draft Development Consent Order [Revision H]** (draft DCO) an updated set of protective provisions for the protection of the highway authorities, which incorporate comments from the highway authorities on the draft Framework Highways Agreement.
- 1.5.5 The Applicant has applied the necessity test when considering planning obligations as set out under CIL Regulation 122:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development;
 - c) fairly and reasonably related in scale and kind to the development;
 - d) reasonable in all other respects (under paragraph 4.1.18 in NPS EN-1 (2024))
- 1.5.6 The above has been central to the Applicants consideration of planning obligations for landscape compensation – see Section 3.9 of this Closing Statement.
- 1.5.7 The Applicant also does not consider that a section 106 agreement is necessary or appropriate in relation to the funding of non-core policing services. Such matters are already addressed through the existing statutory framework under the Police Act 1996 and associated NPCC guidance on charging and cost recovery.

2. Legal and Planning Policy Context

Statutory and Policy Framework

- 2.1.1 The following provides an overview of the relevant statutory and policy framework context for the Project. For further information on the statutory framework and other relevant legislation, please refer to Section 2 of the **5.6 Planning Statement [REP7-090]**.

Planning Act 2008

- 2.1.2 The PA 2008 provides the legislative basis for decision-making for a NSIP.
- 2.1.3 The Project is defined as a NSIP under s14(1)(b) and s16 of the PA 2008, and as amended by the Planning Act 2008 (Nationally Significant Infrastructure Projects) (Electric Lines) Order 2013, as it involves the installation of a new electric line above ground of more than 2 km, which would operate at 400 kV in England.
- 2.1.4 The application for development consent must be determined in accordance with s104(2) of the PA 2008, which involves consideration of relevant National Policy Statements (NPSs). For the Project these comprise the Overarching National Policy Statement for Energy (EN-1) (NPS EN-1) (Department for Energy Security and Net Zero (DESNZ), 2024a) and the National Policy Statement for Electricity Networks Infrastructure (EN-5) (NPS EN-5) (DESNZ, 2024b). The National Policy Statement for Renewable Energy Infrastructure (EN-3) (NPS EN-3) (DESNZ, 2024c) is also relevant in so far as the NPS includes support for the onshore infrastructure required to deliver new offshore wind developments.
- 2.1.5 In addition, s104(2) of the PA 2008 also requires the Secretary of State to have regard to the following in deciding an application for development consent:
- Any national policy statement which has effect
 - The appropriate marine policy documents (noting that this is not applicable for the Project)
 - Local impact reports
 - Prescribed matters
 - Any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.
- 2.1.6 The prescribed matters referred to in s104(2)(c) of the PA 2008 are set out in the Infrastructure Planning (Decisions) Regulations 2010 (as amended) (the Decisions Regulations). The Decisions Regulations that are of relevance to the Project are:
- Regulation 3 – Having regard to the desirability of preserving listed buildings, conservation areas and scheduled monuments and their settings where a development would affect these matters
 - Regulation 7 – Having regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992 which is a legally binding international treaty that aims to conserve biodiversity, promote the sustainable use of its

components, and ensure the fair and equitable sharing of benefits from genetic resources. It was adopted at the 1992 Earth Summit in Rio de Janeiro and has been ratified by the UK.

- 2.1.7 S104(3) of the PA 2008 requires the Secretary of State to decide the application in accordance with any relevant NPS that has effect in relation to this application, subject to certain exceptions, as set out in s104(4) to s104(8):
- Deciding the application in accordance with any relevant NPS would lead to the UK being in breach of any of its international obligations
 - Deciding the application in accordance with any relevant NPS would lead to the Secretary of State being in breach of any duty imposed on the Secretary of State by or under any enactment
 - Deciding the application in accordance with any relevant NPS would be unlawful by virtue of any enactment
 - The adverse impact of the proposed development would outweigh its benefits
 - Any condition prescribed for deciding an application otherwise than in accordance with a NPS is met.
- 2.1.8 The Environment Act 2021 amended s104(3) of the PA 2008 by inserting the following:
- ‘In particular, if a relevant national policy statement contains a biodiversity gain statement under Schedule 2A in relation to development of the description to which the application relates, the Secretary of State may not grant the application unless satisfied that the biodiversity gain objective contained in the statement is met in relation to the development to which the application relates.’
- 2.1.9 Whilst the Biodiversity Gain Statement for Energy NSIPs was published in June 2026 (Department for Environment, Food and Rural Affairs (Defra), 2026) the mandatory NSIP Biodiversity Net Gain (BNG) only applies to applications submitted on or after 2 November 2026. Accordingly, the Biodiversity Gain Statement does not impose the s104(3A) duty on the Secretary of State when determining the Project’s application for development consent.
- 2.1.10 In deciding the application in accordance with s104(3) of the PA 2008, the Secretary of State must be satisfied that s104(7) does not apply: *‘the adverse impacts of the proposed development would outweigh its benefits’*. To determine this, a balance of the Project’s adverse impacts against its benefits must be carried out.

National Policy Statements (2024)

- 2.1.11 NPSs set out UK government policy on national infrastructure development and form the primary policy context for the examination of an application for a Development Consent Order (DCO) under the PA 2008. The following NPSs published in November 2023 and designated in January 2024 (referred to in the rest of this document as the 2024 NPSs) have effect, and the issues contained within will be an integral part of the examination:
- The Overarching National Policy Statement for Energy (EN-1) (NPS EN-1), including matters relating to the need case for nationally significant electricity infrastructure and in particular the critical national priority (CNP) status of the

Project, the consideration of alternatives, assessment principles and generic impacts as relevant.

- The National Policy Statement for Electricity Networks Infrastructure (EN-5) (NPS EN-5), specific to transmission networks. Including assessment of technology-specific impacts and factors influencing site selection and design.
- The National Policy Statement for Renewable Energy Infrastructure (EN-3) (NPS EN-3) is important and relevant in relation to the relationship of the transmission infrastructure to the delivery of energy generation projects which are proposed to connect to the proposed development.

NPS EN-1 (2024)

- 2.1.12 NPS EN-1 sets out the government's overarching policy about the development of NSIPs in the energy sector. It emphasises the need for new energy projects to contribute to a secure, diverse, and affordable energy supply.
- 2.1.13 NPS EN-1 establishes the policy context for projects of Critical National Priority (CNP), highlighting the government's commitment to fully decarbonise national energy systems by 2035 and enhance energy independence, resilience and security. The Project is CNP infrastructure.
- 2.1.14 When assessing nationally significant low carbon infrastructure, the starting point is that the overarching need has been demonstrated by the government, which should be given substantial weight as set out in paragraphs 3.2.6 to 3.2.8 in NPS EN-1. It is considered that the urgent need for the Project outweighs the negative impacts identified following the application of the mitigation hierarchy.
- 2.1.15 Reflecting the level and urgency of need for energy infrastructure, paragraph 4.1.3 of NPS EN-1 states that the Secretary of State should start with a presumption in favour of granting consent to applications for energy NSIPs. The presumption applies unless any more specific and relevant policies set out in relevant NPSs clearly indicate that consent should be refused, subject to the provisions of the PA 2008.
- 2.1.16 The further presumption in favour of consent for CNP infrastructure as described at Paragraph 4.1.7 of NPS EN-1 sets out that for CNP Infrastructure that '... the need case will outweigh residual effects in all but the most exceptional circumstances.'
- 2.1.17 National policy is therefore clear that in general CNP infrastructure is urgent and there is a strong presumption in favour of development consent being granted for those projects.

NPS EN-5 (2024)

- 2.1.18 NPS EN-5 sets out the government's policy for nationally significant electricity transmission networks and, together with NPS EN-1, identifies the information that should be provided alongside any application for development consent to satisfy their requirements.
- 2.1.19 Paragraph 2.1.5 of NPS EN-5 notes that, as identified in NPS EN-1, the government has concluded that there is a CNP for the provision of nationally significant low carbon infrastructure:

'As stated in Section 4.2 of EN-1, to support the urgent need for new low carbon infrastructure, all power lines in scope of EN-5 including network reinforcement and

upgrade works, and associated infrastructure such as substations, are considered to be CNP infrastructure’.

NPS EN-3 (2024)

- 2.1.20 NPS EN-3 includes support for the onshore infrastructure required to deliver new offshore wind developments.

National Policy Statements (2026)

- 2.1.21 As noted within the Rule 6 Letter **[PD-009]** (dated 13 January 2026), the November 2023 versions of the NPS (which came into force in January 2024) are those which are designated for this application.
- 2.1.22 At the time of submission of the application on 29 August 2025, the government had concluded its consultation on proposed changes to NPS EN-1, NPS EN-3 and NPS EN-5. The energy suite of NPSs were updated, coming into force in January 2026. The transitional provisions set out in Section 1.6 of NPS EN-1 (2026) apply to the application as it was accepted prior to publication of the revised policy. The Applicant considers the updated NPSs are important and relevant considerations in the decision-making process. The updated NPSs were referred to during the examination where relevant.
- 2.1.23 The 2026 NPS updates to the revised NPS EN-1, NPS EN-3 and NPS EN-5 further reiterate the government’s commitment to ‘Clean Power 2030 Action Plan’, which aims for at least 95% of the UK’s electricity generation to come from clean sources by 2030. They emphasise the urgency and CNP of developing low-carbon infrastructure, such as the Project, to be delivered as soon as possible and for a variety of reasons including energy security, thereby further supporting the urgent need case established for the Project contained in the 2024 version of the NPS EN-1.

Compliance with National Policy Statements

- 2.1.24 The Applicant has assessed policy compliance during the pre-application, application and examination stages and demonstrated how the Project complies with relevant policy in **5.7 Policy Compliance Document [APP-085]**, Policy Compliance Trackers submitted at Deadline 1 **[REP1-133]**, Deadline 4 **[REP4-294]** and Deadline 7 **[REP7-476]**. The Project can demonstrate that it is in accordance with the 2024 NPSs and the revisions to the 2026 NPSs.

Other Relevant Policy and Documents Considered to be Important

Clean Power 2030

- 2.1.25 In November 2024 the UK’s National Energy System Operator (NESO) published its independent analysis on how DESNZ can achieve its ambitious Clean Power 2030 goal. In the Clean Power 2030 report, NESO lays out pathways for how Great Britain can reach a clean power system by 2030. The report identifies that offshore wind will provide over half of Great Britain’s generation, with onshore wind and solar providing another 29%. New dispatchable low carbon technologies, such as using carbon capture and storage (CCS) or hydrogen, add significant value to the system, with even relatively small levels of operational capacity materially reducing the overall challenge for the rest of the programme.

- 2.1.26 Associated with the new energy generation, the report identifies the need for a major network expansion, in line with published plans for the transmission network and with further strengthening at distribution level.
- 2.1.27 The report identifies the Project as critical to delivering a network which supports the clean power pathways, but at present has a delivery date after 2030. Support is therefore needed to bring the Project forward for 2030 delivery. The report also states that the Project (AENC and ATNC – the Network Options Assessment (NOA) codes for the Norwich to Tilbury Project) and Sea Link are critical for connecting offshore wind in the North Sea and supporting the flow of clean power.
- 2.1.28 In December 2024 the government published the Clean Power 2030 Action Plan. The plan sets out infrastructure deployment pathways and generation capacity ranges that will ensure by 2030 clean sources produce at least 95% of Great Britain's generation, meeting the Sixth Carbon Budget advice and pushing the country towards net zero by 2050.
- 2.1.29 The Action Plan identifies a series of challenges which need to be addressed to secure the 2030 targets and in particular the need for construction of generation and transmission projects to commence by 2026 if they are to be operational by 2030. The Action Plan notes that around twice as much new transmission infrastructure will be needed in the nation's grid by 2030 as has been built in the past decade.
- 2.1.30 The 2026 NPS EN-1 and NPS EN-5 now set out the government's commitment to the Clean Power Action Plan 2030, which aims for at least 95% of the UK's electricity generation to come from clean sources by 2030 and emphasises the urgency and CNP of developing low-carbon infrastructure, thereby supporting the need case set out in Section 3.1 of **5.6 Planning Statement [REP7-090]**.
- 2.1.31 Given the specific circumstances of the Project identified in the Clean Power 2030 report (NESO, 2024b) as critical to delivering the Clean Power 2030 pathways and the incorporation of Clean Power 2030 into the updated 2026 NPSs, then great material weight and importance should be applied in the decision-making process, The Applicant considers that there should be no doubt that the Clean Power 2030 Action Plan is both relevant and important to the Secretary of State's decision in respect of the application for the Project, in accordance with s104(2)(d) of the PA 2008.

National Climate and Energy Legislation and Policy Context

- 2.1.32 The Climate Change Act 2008 forms the basis for the UK's approach to tackling and responding to climate change. It requires that emissions of carbon dioxide and other greenhouse gases are reduced and that climate change risks are adapted to. The Climate Change Act 2008 also establishes the framework to deliver on these requirements.
- 2.1.33 Through the Climate Change Act 2008, the UK government set a target to significantly reduce UK greenhouse gas emissions by 2050 and a path to get there. The Climate Change Act 2008 also established the Committee on Climate Change (CCC, now the Climate Change Committee) to ensure that emissions targets are evidence-based and independently assessed. In addition, the Climate Change Act 2008 requires the government to assess the risks and opportunities from climate change for the UK, and to adapt to them. The CCC's Adaptation Committee advises on these climate change risks and assesses progress towards tackling them.

- 2.1.34 The Climate Change Act 2008 originally committed the UK to reducing its greenhouse gas emissions by 80% by 2050, compared to 1990 levels. However, in 2019 this was changed to a target to reduce greenhouse gas emissions by 100% by 2050, compared to 1990 levels; this is commonly known as 'net zero'.
- 2.1.35 In recent years there have been a succession of reports, strategies, policy and statements released by the government aiming to support the realisation of the 2050 net zero target and enable the transition to clean, green and home-grown energy. The Project would contribute to fulfilling the aims of these strategies, demonstrating its national importance and need. The technical need case for the Project has received further support by strategic policy developed through successive UK governments. These include:
- **November 2000:** The Countryside and Rights of Way Act 2000: this act contains measures to improve public access to the open countryside and registered common land and provides a basis for the conservation of biological diversity and for better management of Areas of Outstanding Natural Beauty (AONBs)
 - **January 2018:** A Green Future: Our 25 Year Plan to Improve the Environment (HM Government, 2018) is the government's long-term strategy, first published in January 2018 and updated in February 2023, the plan sets out ambitious goals across air, water, land biodiversity and waste
 - **March 2020:** Net Zero: Opportunities for the Power Sector (2020) (National Infrastructure Commission, 2020): this paper sets out updated evidence and analysis of the electricity system in the context of the 2050 net zero greenhouse gas emissions target
 - **November 2020:** The Ten Point Plan for a Green Industrial Revolution (HM Government, 2020) is a £12 billion government backed drive aiming to help create up to 250,000 green jobs and accelerate the UK's transition to net zero. Measures included in the plan include advancing offshore wind, promote electric vehicles and boost green transport
 - **November 2020:** National Infrastructure Strategy (2020) (HM Treasury, 2020): this paper sets out the government's plan to deliver on its ambition to '*deliver an infrastructure revolution: a radical improvement in the quality of the UK's infrastructure to help level up the country [...] and put the UK on the path to net zero emissions by 2050*'
 - **December 2020:** Energy White Paper: Powering our Net Zero Future (BEIS, 2020) outlines the government's plan to support the UK in becoming a net zero greenhouse gas emitting country by 2050
 - **October 2021:** Net Zero Strategy: Build Back Greener (HM Government, 2021) this strategy sets out policies and proposals for decarbonising all sectors of the UK economy to meet our net zero target by 2050
 - **April 2022:** British Energy Security Strategy (HM Government, 2022). This document is built on the Net Zero Strategy and was published in response to the Russian invasion of Ukraine and the 2022 energy price crisis. The Strategy sets out the key actions to accelerate delivery of clean energy, recognising the importance in delivering our climate goals whilst simultaneously providing energy security and securing greater energy independence

- **September 2022:** The Growth Plan (HM Treasury, 2022) included measures to support energy market and supply reform and price relief to stabilise bills, strengthen energy security and support sustainable economic growth
- **January 2023:** Mission Zero – the Skidmore Review (January 2023) (DESNZ, 2023): this independent review considered how the net zero target could maximise economic growth while also increasing energy security and affordability for consumers and businesses
- **February 2023:** Environmental Improvement Plan 2023 (HM Government, 2023): this plan is the government’s first revision of the 25 Year Environment Plan, and it provides a comprehensive delivery plan for the government’s approach to halting and then reversing the decline in nature
- **March 2023:** Powering Up Britain (HM Government, 2023a) and Powering Up Britain: Energy Security Plan (HM Government, 2023b). These documents provide an update of the strategy for secure, clean and affordable British energy for the long-term future.
- **June 2023:** Progress in Reducing Emissions, 2023 Report to Parliament (Climate Change Committee, 2023): this statutory report provides a comprehensive overview of the UK government’s progress to date in reducing greenhouse gas emissions
- **October 2023:** The Energy Act 2023 established the Independent System Operator and Planner, now named National Energy System Operator (NESO), to oversee system planning and integrate net zero objectives into energy operations. NESO is tasked with strategic planning across electricity and gas systems, co-ordinating transmission projects, planning system expansion and embedding net-zero objectives into network development
- **October 2023:** S245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 amends s85 of the Countryside and Rights of Way Act 2000 (CRoW Act) in relation to the duty placed on relevant authorities in respect of their functions which affect land in National Landscapes in England This duty is now to ‘seek to further’ the purpose of the AONBs and replaces the former duty to ‘have regard’ to the purpose of AONBs. The purpose of AONBs is to conserve and enhance the natural beauty of the AONB
- **January 2024:** DESNZ designated revised NPSs for energy. The two most relevant NPSs are:
 - Overarching National Policy Statement for Energy (NPS EN-1)
 - National Policy Statement for Electricity Networks Infrastructure (NPS EN-5)
- **March 2024:** Beyond 2030: A national blueprint for a decarbonised electricity system in Great Britain (ESO, 2024). This transitional plan is a stepping-stone before NESO develops the fully Centralised Strategic Network Plan which will be published in 2026
- **July 2024:** Future Energy Scenario: ESO Pathways to Net Zero (NESO, 2024a)
- **November 2024:** NESO Clean Power 2030: Advice on achieving clean power for Great Britain by 2030 (NESO, 2024b). This identifies Norwich to Tilbury (AENC and ATNC – the NOA code for Norwich to Tilbury) and Sea Link as critical to

delivering a network which supports the clean power pathways, but at present have delivery dates after 2030

- **December 2024:** Clean Power 2030 Action Plan: A new era of clean electricity (UK Government, 2025). This report provides the strategic initiative aimed at transitioning to cleaner energy sources and reducing carbon emissions and was issued following NESO's Clean Power 2030: Advice on achieving clean power for Great Britain by 2030 publication
- **June 2025:** The UK's Modern Industrial Strategy (Department for Business and Trade) provides a ten-year roadmap to unlock £25.6 billion in British Business Bank Funding. It identifies eight high growth sectors including clean energy. The Strategy also identifies that high electricity prices and grid connection delays are a barrier to electrification in the UK's energy-intensive industries and to the delivery of net zero commitments. The Industrial Strategy references new powers in the Planning and Infrastructure Bill, currently before Parliament, to amend regulatory processes and accelerate connections for strategically important projects. This will include a power to 'designate' government strategic documents, including the Industrial Strategy, to inform allocation of connections, enabling the government to reserve future capacity on the grid, reducing waiting times for businesses with major investments in Great Britain
- **January 2026:** The 2026 NPS EN-1 and NPS EN-5 now set out the government's commitment to the Clean Power Action Plan 2030, which aims for at least 95% of the UK's electricity generation to come from clean sources by 2030 and emphasises the urgency and CNP of developing low-carbon infrastructure, thereby supporting the need case set out in Section 3.1 of **5.6 Planning Statement [REP7-090]**.

National Planning Policy Framework

- 2.1.36 Paragraph 5 makes it clear that the National Planning Policy Framework (NPPF) (Ministry of Housing, Communities and Local Government, 2025) does not contain specific policies for developments requiring development consent and that applications in relation to developments requiring development consent are to be determined in accordance with the decision-making framework set out in the PA 2008.
- 2.1.37 While the NPSs remain the primary decision-making documents, regard must also be had to any other matters of importance and relevance, which may include relevant policies in the NPPF.
- 2.1.38 On 16 December 2025, the government published a consultation seeking views on the revised version of the NPPF. An amended version of the NPPF is still awaiting publication. The consultation draft represents the most significant rewrite of the NPPF in over a decade, moving toward a clearer, more structured and rules-based framework. Of particular note is proposed Policy W3: Renewable and Low Carbon Energy Development and Electricity Network Infrastructure which sets out that:
- Substantial weight should be given to proposals for renewable/low carbon energy and electricity network infrastructure, strengthening the planning balance in favour of such infrastructure
 - Applicants are not required to demonstrate the need for renewable and low carbon energy development and electricity networks infrastructure proposals

- Electricity networks provide wider economic and energy-security benefits (beyond carbon reduction) as substantial weight factors.

2.1.39 This policy context helps to align with the positions set out in the 2024 and 2026 NPS EN-1 and NPS EN-5.

2.1.40 The Applicant noted that the revised NPPF will not be published ahead of the close of the Norwich to Tilbury Examination. At a Westminster Hall debate on 16 July, Matthew Pennycook, Minister for Housing and Planning, set out that whilst it was not possible to issue the revised NPPF ahead of the Parliamentary recess, the intention remains to publish 'in due course'.

A Green Future: Our 25 Year Plan to Improve the Environment (2018)

2.1.41 A Green Future: Our 25 Year Plan highlights the previous government's support for the reduction in the UK's carbon footprint. The Project is critical to the rapid decarbonisation of the National Grid and the principle of the Project is therefore supported by the Plan.

2.1.42 The Plan provides the government's plan to improve the environment.

2.1.43 The Applicant considers that the Project is compliant with the Plan insofar as it is relevant to the Project. The Plan sets out 10 goals which include the achievement of: clean air; clean and plentiful water; thriving plants and wildlife; reduced risk of harm from environmental hazards like flooding and drought; the more sustainable and efficient use of resources from nature; enhanced beauty, heritage and engagement with the natural environment; mitigation and adaption to climate change; minimisation of waste; management of exposure to chemicals; and enhanced biosecurity. Where relevant to the Project, all these topics are covered in full in the Environmental Statement (ES). Policy on these topics is provided in the NPSs, which provide policy directly relevant to the development of NSIPs. Under s104 of the PA 2008, the Secretary of State must have regard to the relevant NPSs.

Local Planning Policy

2.1.44 Although the relevant NPSs provide the primary policy against which NSIP proposals should be decided, regional and local policy documents may also be considered important and relevant to decision-making. The weight attached to them is likely to depend on their consistency with NPS policies given the national significance of the infrastructure.

2.1.45 Following submission of the application, Colchester City Council, Tendring District Council, Basildon Borough Council and Braintree District Council published their respective Regulation 18 Local Plan for consultation.

2.1.46 Chelmsford City Council published their Regulation 19 Local Plan in February 2025 and submitted their Local Plan for Examination in June 2026.

2.1.47 The Project was assessed against relevant updated local planning policies including those consulted on at Regulations 18 and 19 and this was reported on in **5.7 Policy Compliance Document [APP-086]**, **8.4.2 Policy Compliance Tracker [REP4-294]** and **8.4.2.1 Policy Compliance Tracker [REP7-476]**.

Local Impact Reports

- 2.1.48 Ten Local Impact Reports (LIRs) were submitted into the Examination at Deadline 1 (Suffolk County Council, Babergh District Council and Mid Suffolk District Council submitted a joint LIR). South Norfolk District Council submitted an updated LIR at Deadline 3.
- Braintree District Council **[REP1-148]**
 - Brentwood Borough Council **[REP1-150]**
 - Chelmsford City Council **[REP1-153]**
 - Colchester City Council **[REP1-156]**
 - Essex County Council **[REP1-161]**
 - Norfolk County Council **[REP1-173]**
 - South Norfolk District Council **[REP1-176]** updated at Deadline 3 **[REP3-093]**
 - Suffolk County Council, Babergh District Council and Mid Suffolk District Council **[REP1-178]** and appendices **[REP1-179]**
 - Tendring District Council **[REP1-182]**
 - Thurrock Council **[REP1-187]**.
- 2.1.49 The Applicant responded to the matters raised within the LIRs in **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**. The Applicant did not respond to **[REP3-093]** which is an updated LIR submitted by South Norfolk District Council, in which the Applicant understood changes were made to the presentation of the document only at the request of the ExA.

Environmental Impact Assessment

- 2.1.50 The Project involves the construction of more than 15 km of overhead electrical power lines with a voltage of 220 kV or more. It therefore falls within Schedule 1, paragraph 20 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the Environmental Impact Assessment (EIA) Regulations) and is development for which an EIA is required (EIA development).
- 2.1.51 On 4 November 2022, the Applicant submitted a Scoping Report to the Secretary of State under Regulation 10 of the EIA Regulations to request an opinion about the scope of the ES to be prepared (a Scoping Opinion) **[APP-288 to APP-296]**. The Applicant also provided notification under Regulation 8(1)(b) of the EIA Regulations that it proposed to provide an ES in respect of the Project.
- 2.1.52 The **6.20 EIA Scoping Opinion [APP-297]** was prepared by the Planning Inspectorate on behalf of the Secretary of State, after consulting the prescribed bodies and was received on 10 December 2022. The Applicant published a response to the Scoping Opinion, set out at **6.5.A1 Environmental Statement Appendix 5.1 – National Grid's response to the EIA Scoping Opinion [REP7-168]**.
- 2.1.53 The EIA Scoping Opinion has informed the environmental topics and aspects that have been scoped into the ES (Volume 6 of the DCO application) in accordance with Regulation 14(3)(a) of the EIA Regulations.

- 2.1.54 The ES (Volume 6 of the DCO application) presents the likely significant effects that would result if the Project was implemented, and any proposed mitigation measures. The ES (Volume 6 of the DCO application) will be taken into account by the decision-making body when determining whether to grant development consent. In general, the assessment in the ES (Volume 6 of the DCO application) follows a receptor-based assessment approach unless specific environmental topic guidance suggests otherwise. Receptors are aspects of the environment which may be sensitive to change as a result of the Project. When deciding on which receptors to include within the ES, consideration has been given to Regulation 5(2) and Schedule 4 paragraph 4 of the EIA Regulations. All assessment work has applied a precautionary principle and assessed a reasonable worst-case scenario. Further details on the EIA Approach and Method can be found in Chapter 5 of the ES with further details on aspect specific chapters found in Chapters 6 to 17 of the ES (Volume 6 of the DCO application).
- 2.1.55 The 2026 NPS EN-1 and NPS EN-5 maintain the assessment principles and generic impact considerations outlined in the 2024 NPS EN-1 and NPS EN-5, ensuring continuity in evaluating environmental effects. They also introduce enhanced guidance on biodiversity, flood risk, and climate resilience and the mitigation hierarchy. The ES is in compliance with these 2026 NPSs.
- 2.1.56 On the 3 December 2025, the Applicant provided the Planning Inspectorate with certificates confirming that s56 [OD-005] and s59 [OD-004] of the PA 2008 and Regulation 16 of the EIA Regulations [OD-003] had been complied with.

Habitats Regulations Assessment

- 2.1.57 The Project is development for which a Habitats Regulations Assessment (HRA) Report has been provided (**5.3 Habitats Regulations Assessment Report [APP-082]**). The Secretary of State is the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) and will make the definitive assessment. The Applicant considers that there is sufficient information before the Secretary of State to enable them to undertake an appropriate assessment in order to fulfil its duty under the requirements of the Habitats Regulations.
- 2.1.58 The **Report on Implications for European Sites (RIES) [PD-030]** has been reviewed and the Applicant agrees with the content of Table A1: Applicant's conclusion on likely significant effects and adverse effects on integrity and the position of Natural England. The technical information within **5.3 Habitats Regulations Assessment Report [APP-082]** and the additional information provided in response to the RIES document are considered sufficient to inform the Secretary of State appropriate assessment under the requirements of the Habitats Regulations. The Applicant considers there to be no outstanding issues following the response to the RIES document, and Natural England agree with the conclusions provided within **5.3 Habitats Regulations Assessment Report [APP-082]**.

Levelling-up and Regeneration Act 2023 and Countryside and Rights of Way Act 2000

- 2.1.59 Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA) places a duty on relevant authorities, which in this context includes National Grid as a statutory undertaker, who must now seek to further the statutory purpose of Protected Landscapes (referred to as the 'seek to further' duty). In relation to National

Landscapes, this requirement has been incorporated into section 85(A1) of the CRow Act, which states: *‘In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty’*. This duty strengthens the previous version of section 85 of the CRow Act which required relevant authorities to ‘have regard’ to the statutory purpose of National Landscapes.

Transboundary Effects

- 2.1.60 A transboundary screening under Regulation 32 of the EIA Regulations was undertaken on behalf of the Secretary of State on 14 April 2023 following the Applicant’s request for an EIA Scoping Opinion. A second transboundary screening was completed on 13 January 2026 following acceptance of the application. The Planning Inspectorate concluded that the Project is not likely to have a significant effect on the environment in a European Economic Area state.
- 2.1.61 It is noted that the Secretary of State’s duty under Regulation 32 of the EIA Regulations continues throughout the application process.

Water Framework Directive

- 2.1.62 The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (as amended) implemented the Water Framework Directive (WFD) in England and Wales. Under s2 of the European Union (Withdrawal) Act 2018, the 2017 Regulations continue to have effect in domestic law following the UK’s withdrawal from the European Union. The purpose of the WFD is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwaters. The Directive aims to prevent further deterioration in, and enhance, water quality, and promote sustainable water use.
- 2.1.63 The **7.10 WFD Assessment Report [APP-332]** concluded that the residual effects of construction activities on the screened-in waterbodies would be negligible. There would be no deterioration at the waterbody scale and the Project would not prevent implementation of any planned measures set out in the relevant River Basin Management Plans. It also demonstrates that there would be no new or different effects allowing for flexibility within the Limits of Deviation (LoD). This assessment concludes that the Project is compliant with the objectives of the WFD and on this basis, no further assessment is proposed and a derogation is not required.

3. Assessment of the Planning Issues

3.1 Need for the Project

- 3.1.1 Consistent with the government's net zero and Clean Power 2030 target, there has been, and continues to be, growth in the volume of renewable and zero carbon generation that is seeking to connect to the electricity transmission system in the East Anglia and South East regions. UK government policy clearly sets out the critical requirement for significant reinforcement of the transmission system to facilitate the connection of renewable energy sources and to transport electricity to where it is used.
- 3.1.2 The technical need case for the reinforcement of the East Anglia and South East Transmission System is fully set out in 7.17 Strategic Options Backcheck and Review [APP-355].
- 3.1.3 The need case for the Project is much more than meeting capacity requirements and our regulatory duties to customers.
- 3.1.4 NPS EN-1 identifies an urgent national need for electricity infrastructure, which is required in the national interest to be delivered as soon as possible. Electricity infrastructure of the type proposed is CNP Infrastructure, which is so urgent and important it should be progressed as quickly as possible. NPS EN-1 confirms that CNP Infrastructure is required to ensure the UK can achieve our energy objectives, together with the national security, economic, commercial, and net zero benefits of providing a secure, reliable, and affordable supply of energy, while also meeting our decarbonisation targets:
- The need for security of supply (energy independence due to geo-political instability is critical during heightened security-of-supply exposure post-Russian invasion of Ukraine)
 - The need to meet a net zero and clean energy commitment of which this Project is a critical pathfinder
 - The need to meet the decarbonisation challenge in the UK (aside from the main net zero policy)

NPS EN-1 Presumption

- 3.1.5 Section 4.2 of NPS EN-1 (2024) sets out the urgent need for low carbon infrastructure. This section of policy recognises that ensuring the UK is more energy independent, resilient and secure requires a smooth transition to abundant, low carbon energy.
- 3.1.6 Paragraph 4.2.4 of NPS EN-1 confirms there is a CNP for the provision of nationally significant low carbon infrastructure. The types of projects considered as low carbon infrastructure are defined at paragraph 4.2.5 and in Section 6: Glossary of NPS EN-1.
- 3.1.7 The Project qualifies as CNP under paragraphs 4.2.4 and 4.2.5 of NPS EN-1.

- 3.1.8 NPS EN-1 identifies an unambiguous, real pressing and urgent need for electricity infrastructure of the type described in paragraph 4.2.5.
- 3.1.9 Section 3 of NPS EN-1 confirms there is an urgent need for new electricity network infrastructure to be brought forward at pace to meet our energy objectives with paragraph 3.2.6 stating that:
- ‘3.2.6 The Secretary of State should assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure, which is urgent, as described for each of them in this Part.’
- 3.1.10 Pursuant to 3.2.7 of NPS EN-1, ‘*substantial weight*’ should be given to the need for energy infrastructure when considering applications for development consent.
- 3.1.11 Paragraphs 3.3.65 to 3.3.66 of NPS EN-1 further state (emphasis added):
- ‘3.3.65 There is an urgent need for new electricity network infrastructure to be **brought forward at pace** to meet our energy objectives.’
- ‘3.3.66 The security and reliability of the UK’s current and future energy supply is highly dependent on having an electricity network which will enable new renewable electricity generation, storage, and interconnection infrastructure that our country needs to meet the rapid increase in electricity demand required to transition to net zero while maintaining energy security. The delivery of this important infrastructure also needs to balance cost to consumers, accelerated timelines for delivery and the minimisation of community and environmental impacts.’
- 3.1.12 Paragraph 4.2.6 of NPS EN-1 reiterates the substantial weight to be given to the need for energy infrastructure (emphasis added):
- ‘4.2.6 The overarching need case for each type of energy infrastructure and the **substantial weight** which should be given to this need in assessing applications, as set out in paragraphs 3.2.6 to 3.2.8 of EN-1, is the starting point for all assessments of energy infrastructure applications.’
- 3.1.13 Paragraph 4.1.3 of NPS EN-1 sets out a presumption in favour of granting consent for energy NSIPs (emphasis added):
- ‘4.1.3 Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the Secretary of State will start with **a presumption in favour of granting consent** to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused.’
- 3.1.14 In determining the application, there remains an overall planning balance that must be considered. Paragraph 4.1.5 of NPS EN-1 provides:
- ‘4.1.5 In considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account:
- *its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, reduction of geographical disparities, environmental enhancements, and any long-term or wider benefits*
 - *its potential adverse impacts, including on the environment, and including any long-term and cumulative adverse impacts, as well as any measures to avoid,*

reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy'

- 3.1.15 The CNP policies (detailed below) **contain a further presumption** for CNP infrastructure which address how residual effects remaining after the application of the mitigation hierarchy are to be considered in the planning balance.
- 3.1.16 Paragraph 3.3.63 of NPS EN-1 confirms (emphasis added):
'3.3.63 ...the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. **Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible.'**
- 3.1.17 Paragraph 3.3.1 of NPS EN-1 acknowledges how electricity meets significant proportion of our overall energy needs and that our reliance on it will increase as we transition our energy system to deliver the net zero target. Paragraph 3.3.2 highlights the need for a resilient system which is able to deal with unexpected events and able to protect businesses and consumers (including vulnerable households) from volatile prices or interruptions to supply.
- 3.1.18 NPS EN-1 specifically references the conflict in Ukraine (paragraph 2.4.5) and the consequences that has for national security of supply and for loss of energy and for the urgency of ensuring that that national security of energy can be restored. The more recent Iranian conflict emphasises the lack of geopolitical stability and strengthens the need to accelerate the ability to rely on domestic production and transmission. As noted in Paragraph 2.5.6 of NPS EN-1, The British Energy Security Strategy emphasises the importance of addressing our underlying vulnerability to international energy prices and ensuring that we have the necessary network infrastructure to ensure a domestic supply of clean, affordable and secure power as we transition to net zero.
- 3.1.19 Under the section on new electricity networks in NPS EN-1, paragraph 3.3.68 specifically recognises that over the next decade the onshore and offshore transmission network will require **'... substantial reinforcement in East Anglia to handle increased power flows from offshore wind generation** (this may also require additional offshore connections coming to land in England)'.
(this may also require additional offshore connections coming to land in England)'
- 3.1.20 Paragraph 3.3.83 of NPS EN-1 states: *'Given the urgent need for new electricity infrastructure and the time it takes for electricity NSIPs to move from design conception to operation, there is an urgent need for new (and particularly low carbon) electricity NSIPs to be brought forward as soon as possible, given the crucial role of electricity as the UK decarbonises its economy.'*
- 3.1.21 The Project is identified as critical to delivering a network which supports the clean power pathways for 2030. There is a need to avoid inevitable greater constraint payments. Annex 2 of the NESO Clean Power 2030 Report identifies that if the Applicant delivers the Project by the end of 2031 instead of by the end of 2030, the consumer would be exposed to additional constraints costs in excess of £2.5 billion. This equates to £7 million for every day that the energisation of the Project is delayed into 2031. Consequently, there is a need for the Project to be delivered at pace to achieve the Clean Power 2030 target for the significant benefits to be realised. At the Issue Specific Hearing on 24 June 2026, Russell Harris KC, Counsel for National Grid, reiterated the above point, highlighting that NESO have identified that the

delivery of the Project as being 'mission critical' and 'urgent'. If the Project cannot be accelerated, then the above constraint costs would need to be paid. Ultimately, that cost would be borne by the billpayer through increased electricity bills.

3.1.22 Some Host Authorities have said that the NESO Clean Power contains out of date information but so far as the Applicant is aware it remains the best evidence available to the Examination.

3.1.23 Within their Beyond 2030 – Electricity Transmission Update (NESO, 2026), NESO reiterate the urgent need for network reinforcement and predicted future rise in constraint costs:

Timely strengthening of the network is needed to minimise the constraint costs which are incurred when the transmission capacity meets a bottleneck. To prevent the system from being overloaded, NESO needs to pay those generators to stop producing often in areas of high renewables and pay generators outside the bottleneck to produce more to meet high usage elsewhere. If transmission infrastructure is not delivered when needed, constraint costs rise, and the available clean power is wasted, requiring gas generation to be turned up in its place, leaving bill payers facing additional cost.

Without reinforcement the constraint costs from balancing the system increase by three times between 2031 and 2035. At the same time, limited capacity would delay new connections for homes, businesses and clean generation, holding back economic growth.

This reinforces the need to accelerate delivery through full implementation of the Transmission Acceleration Action Plan and coordinated action across industry and government, particularly on planning and consenting. Delays increase costs and reduce system benefits.'

3.1.24 Given the Project is urgent and critical in the national interest, this leads into the requirement on decision makers in relation to the acceptance of need (emphasis as shown in NPS EN-1, paragraphs 3.2.6 to 3.2.8):

'3.2.6 The Secretary of State should assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure which is urgent, as described for each of them in this Part.'

'3.2.7 In addition, the Secretary of State has determined that substantial weight should be given to this need when considering applications for development consent under the Planning Act 2008.'

'3.2.8 The Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying to need established in the NPS.'

3.1.25 Reflecting the level and urgency of need for energy infrastructure, paragraph 4.1.3 of NPS EN-1 states that the Secretary of State should start with a presumption in favour of granting consent to applications for energy NSIPs. The presumption applies unless any more specific and relevant policies set out in relevant NPSs clearly indicate that consent should be refused, subject to the provisions of the PA 2008.

3.1.26 National policy is therefore clear that the need for energy infrastructure is urgent and should be given substantial weight and the further CNP presumption strongly supports development consent being granted for those projects. The Project team

have applied the mitigation hierarchy to minimise residual impacts and the need for the Project strongly outweighs those impacts. In addition, the need for reinforcement in East Anglia is specifically referenced in NPS EN-1 (paragraph 3.3.68).

- 3.1.27 Whilst the transmission system in East Anglia has been sufficient until today, it will soon exceed its current capability. This includes its thermal boundary capability (the physical capacity of the circuits to carry power) and transient stability (the ability to accommodate faults without damaging generators or the network). Increased transmission capability is therefore required in the East Anglia region, to allow National Grid to maintain a robust network, to remain in accordance with its licence obligations, and to allow new sources of electricity generation to connect. This is vital to facilitate the ambitious targets set by the Government, for secure, clean and affordable energy for the long term.
- 3.1.28 Given the PA 2008 requirements set out in s104, the clear statements in the NPS (which are reinforced in the versions of NPS EN-1 and NPS EN-5 which came into force in 2026) weigh strongly in favour of granting development consent for all energy projects in general and highlights the urgent need for new electricity transmission projects, and that need has been established.
- 3.1.29 The 2026 NPS EN-1 and NPS EN-5 set out the government's commitment to the Clean Power Action Plan 2030, which aims for at least 95% of the UK's electricity generation to come from clean sources by 2030 and emphasises the urgency and CNP of developing low-carbon infrastructure, thereby supporting the need case set out in Section 3.1 of **5.6 Planning Statement [REP7-090]**.
- 3.1.30 In summary, NPS EN-1 identifies an urgent national need for electricity infrastructure of this nature, which is required in the national interest to be delivered as soon as possible. Therefore, the timing and need for the Project set out Section 3: Need Case, pages 20-38, of 7.17 Strategic Options Backcheck and Review [APP-355] remains urgent within the requirements of NPS EN-1 and NPS EN-5, alongside the Electricity Act 1989 and Transmission Owner Licence requirements recognised within the NPSs and the Applicant's obligations.
- 3.1.31 The Project will help deliver secure, cleaner, and more affordable energy from where it is generated to where it is needed. Furthermore, the Project will boost energy security, support economic growth across East Anglia and beyond, and lower electricity bills in the long-term.
- 3.1.32 It is therefore concluded that the overall need case carries Very Substantial positive weight in favour of the grant of development consent. Indeed, there are significant public benefits in accelerating delivery in accordance with advice from NESO and avoiding delay.

Application of CNP Policy

- 3.1.33 As set out above, the Project is CNP Infrastructure.
- 3.1.34 Paragraph 4.2.8 of NPS EN-1 makes it clear that CNP policy will influence how non-HRA and non-MCZ residual impacts are considered in the planning balance. It creates a strong presumption of consent being granted for CNP projects.
- 3.1.35 Paragraph 4.2.15 of NPS EN-1 sets out the nature of the presumption. It provides that where residual non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied (applicants should demonstrate that all residual impacts

are those that cannot be avoided, reduced or mitigated), then these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure.

- 3.1.36 It is the residual impacts which are required to be avoided, reduced or mitigated.
- 3.1.37 Paragraph 4.2.15 goes on to state that ‘in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts’. The exception to this presumption of consent is impacts which give rise to unacceptable risk to human health or defence, irreplaceable habitats or risk to achievement of net zero. This is the CNP presumption of consent. It will only be rebutted in the most exceptional of circumstances.
- 3.1.38 There was disagreement with some stakeholders during the Examination regarding the application of the CNP policies. Within LIRs and responses to ExQ GEN 1.6 a number of local authorities challenged the Applicant’s conclusions with regard to the exceptions which apply to the CNP policy. The Applicant has been able to demonstrate that none of the exceptions to the operation of the presumption apply to the Project as summarised below.
- 3.1.39 The Applicant has responded to the matters raised by local authorities on CNP in response to ExQ GEN 1.6 presented in 8.4.10 Applicant’s Comments on Responses to ExQ1 [REP7-479]. Pylons East Anglia submitted a legal opinion alongside their response to ExQ GEN1.6. The Applicant has previously addressed comments on CNP raised by Pylons East Anglia at:
- **8.4.6 Applicant’s comments on submissions received at Procedural Deadline A [REP1-136], Table 4.1**
 - **8.5.3 Applicant’s Written Summary of Oral Submission and Response to Action Points for Issue Specific Hearing 1 [REP1-139]**
 - **8.4.8 Applicant’s Comments on any Further Information or Submissions Received by Deadline 2 [REP3-070] (from page 190)**
 - **8.4.10.1 Applicant’s Comments on Pylons East Anglia Response to ExQ1 (Appendix A) Russell Harris KC Opinion – Response to PEA [REP4-300].**
- 3.1.40 The Applicant has demonstrated that it has correctly interpreted CNP policy.
- 3.1.41 The Applicant has applied the mitigation hierarchy to the Project as set out in 6.5 Environmental Statement Chapter 5 – EIA Approach and Method [REP7-166], 5.6 Planning Statement [REP7-090], 8.8.2 Applicant’s Comments on Local Impact Reports [REP2-030] and during Issue Specific Hearings 1, 2 and 4.
- 3.1.42 In relation to the exceptions to the application of CNP policy in paragraph 4.2.15, the Applicant’s position as to why the exceptions do not apply is summarised below. The Project will not present an unacceptable risk to, or interference with:
- Human health: **6.10 Environmental Statement Chapter 10 – Health and Wellbeing [REP7-236]** provides an assessment of the Project’s likely effects on physical and mental health and wellbeing for both construction and operation (and maintenance) phases of the Project. The Applicant has concluded that the Project will not result in any significant effects on health and wellbeing.
 - Defence: Following the MOD’s completion of its technical assessments, the Applicant has implemented design changes to mitigate identified impacts on Defence interests, secured by provisions within Article 5 (Limits of Deviation, (5)) and Schedule 3 (Requirements 18, 19 and 20) of the **3.1 Draft DCO [Revision H]**

to ensure Project infrastructure is within defined limits. The Applicant's agreement of mitigation measures to enable accurate navigational charting and appropriate notification of construction works has also been secured via Schedule 3 (Requirements 16, 17 and 21) (see also **8.3.39 Signed Statement of Common Ground – MOD DIO [REP7-439]**). The MOD has withdrawn its statutory safeguarding objection to the Project (see **DIO Comments on any further information/submissions received by Deadline 6 [REP7-550]**)

- Irreplaceable habitats: Through the ongoing application of the mitigation hierarchy in the form of careful routing direct impacts and indirect effects on irreplaceable habitat has been avoided as far as practicable. This is demonstrated by the reduction in the loss of veteran trees achieved during the development of the Project. During Examination the Applicant confirmed that the number of veteran trees to be removed by the Project has been reduced from four veteran trees to one veteran tree, as reported in the **6.13.A6 Environmental Statement Appendix 13.6 - Arboricultural Impact Assessment [REP7-274 to REP7-280]**. This reduction illustrates the considerable effort taken to avoid impacts to these highly valued and irreplaceable features and demonstrates the effectiveness of the Applicant's iterative application of the mitigation hierarchy throughout the design process. It is anticipated that impacts to veteran trees will be further reduced through refinement in design at detailed design and using appropriate construction methods that minimise impacts to trees in accordance with the **7.4 Outline Landscape and Ecological Management Plan Appendix B - Ancient Woodland and Veteran Tree Strategy [REP7-346]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**
- Achievement of net zero: The Project would make a significant contribution to net zero by providing significant reinforcements to the transmission system which will facilitate the connection of future sources of renewable and low carbon power generation along the coast and therefore will facilitate the achievement of net zero. The Project would not impact any other net zero project(s) of any significance.

- 3.1.43 As demonstrated within the **5.6 Planning Statement [REP7-090]** none of the exceptions to the presumption in paragraph 4.1.7 of NPS EN-1 apply to the Project. The need for the Project is clear and urgent and effects have been mitigated through the mitigation hierarchy.
- 3.1.44 Paragraphs 4.2.16 and 4.2.17 makes it clear that if the exceptions do not apply, the Secretary of State will take as the starting point for decision-making that such infrastructure is to be treated as if it has met any tests which are set out within the NPSs or any other planning policy, which requires a clear outweighing of harm exceptionality or very special circumstances.
- 3.1.45 The Applicant has demonstrated that the Project is in accordance with the relevant NPSs and the recently adopted 2026 NPSs and other national and local policy considered to be important and relevant and that very substantial weight should be given to the critical and urgent national need for the Project when considering the application for development consent under the PA 2008. Given the above, there is a clear and compelling case for the application to be approved and the National Grid (Norwich to Tilbury) DCO to be made.
- 3.1.46 Based on the above, it is established that in the case of the Project, the tests set out in paragraphs 4.2.16 and 4.2.17 of NPS EN-1 (2024) have been met. The Applicant has set out in Section 7 of **5.6 Planning Statement [REP7-090]** that the benefits of

the Project clearly and demonstrably outweigh residual adverse effects after the implementation of mitigation measures. The Project is in accordance with the Energy NPSs and the CNP presumption in favour of consent is clearly engaged.

Hiorns Independent Review

- 3.1.47 The Applicant carefully considered the independent review carried out by Hiorns Smart Energy Networks and published its response in April 2024, which is available on the Project website. The Applicant concluded that it does not agree with the report's conclusions that a delay to 2035 would be possible. The requirement for energy security independence and net zero are to be achieved as soon as possible. The NESO Clean Power 2030 Report, Annex 2: Networks, Connections and network access analysis, Section 2.4: Securing Works for a 2030 delivery, states that the requirements indicate that the Project should be delivered sooner than 2031 if possible, and that a delay would have significant consequences to consumers of constraint costs and would impact the Applicant's obligations under the planning requirements and its transmission licence.
- 3.1.48 Paragraph 2.8.5 of NPS EN-5 (2024) makes it clear that the Applicant, as a transmission company, is required to facilitate generation, and this is reflected in its transmission licence obligation D2, an obligation to provide transmission services when requested. The delay to any investment would incur the cost of £2.7 billion, as set out in Annex 2 of the NESO Clean Power 2030 report.

3.2 Alternatives

Legal and Policy Background

EIA Regulations 2017

- 3.2.1 This assessment of alternatives studied in connection with the design development of the Project has been undertaken in accordance with Regulation 14(2)(d) and paragraph 2 of Schedule 4 of the EIA Regulations, which requires:

‘...a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment’.

Electricity Act 1989

- 3.2.2 S9(2) of the Electricity Act 1989 places general duties on National Grid as a licence holder ‘*to develop and maintain an efficient, co-ordinated and economical system of electricity transmission...*’. In addition, s38 and Schedule 9 of the Electricity Act 1989 require National Grid, when formulating proposals for new lines and other works, to:

‘...have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and shall do what [it] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects’.

Countryside and Rights of Way Act 2000 (as amended by the Levelling Up and Regeneration Act 2023)

- 3.2.3 Areas of Outstanding Natural Beauty (rebranded as National Landscapes in November 2023) are designated under section 82 of the Countryside and Rights of Way Act 2000 to secure their permanent protection against development that would damage their special qualities. In November 2023, following a review, all AONBs were renamed as 'National Landscapes', although the legal designation remains as AONBs.
- 3.2.4 National Grid, as a statutory undertaker, has a duty under section 85 of the Countryside and Rights of Way Act 2000, as amended by section 245 of the Levelling Up and Regeneration Act 2023, which states that 'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'. This amendment, which came into force on 26 December 2023, overrides and strengthens the previous duty to 'have regard' to the purposes of conserving and enhancing the natural beauty of an AONB.
- 3.2.5 The strengthened duty came into force in October 2023, after the Applicant had undertaken the **7.18 2022 - Corridor Preliminary Routeing and Siting Study [APP-356]** and two non-statutory consultations but in advance of the statutory consultation undertaken in 2024. Since the introduction of this strengthened duty, the Applicant has considered how this duty applies to the Project's route selection and has concluded that the original decision to route through the Dedham Vale National Landscape (an AONB) using underground cable technology remains appropriate and consistent with the duty. The Project design was subject to iterative review, informed by environmental information, technical constraints and consultation feedback, with the aim of reducing effects on the National Landscape and its special qualities as far as practicable. The seek to further the purposes duty was considered as part of the reviews undertaken after the 2023 non-statutory consultation, detailed in Chapter 4 of **7.21 2024 - Design Development Report for the Project [APP-359]** and in Section 2.2 of **5.15 Design Development Report [REP7-150]**. It was concluded that the National Landscapes (Dedham Vale and Suffolk and Essex Coast and Heaths National Landscapes) were appropriately considered within **7.18 2022 – Corridor and Preliminary Routeing and Siting Study [APP-356]** and the introduction of the seek to further the purposes duty would not have, and does not, affect the conclusions reached.
- 3.2.6 Consideration of the duty to seek to further the purposes of the National Landscape has been embedded throughout the evolution of the Project. Through the application of the mitigation hierarchy, the Applicant has sought to avoid, reduce and minimise effects on the National Landscape through routeing, siting and design decisions.

National Policy Statements

- 3.2.7 When preparing the **7.18 2022 - Corridor Preliminary Routeing and Siting Study [APP-356]**, the routeing and siting decisions were informed by the then-current versions of NPS EN-1 and NPS EN-5, which formed the primary regulatory framework for NSIPs, alongside National Grid's statutory duties under the Electricity Act 1989.

NPS EN-1

- 3.2.8 NPS EN-1 (2024) identifies an urgent national need for electricity infrastructure of this nature, which is required in the national interest to be delivered as soon as possible. In terms of the consideration of alternatives as part of the examination of the substantive case, NPS EN-1 indicates, first, that the consideration of alternatives should be carried out in a proportionate manner, and second, that only alternatives that can meet the objectives of the proposed development need to be considered. Paragraph 4.3.9 of NPS EN-1 sets out that there is no overarching policy requirement for applicants to consider alternatives or to establish whether the proposal represents the best option from a policy perspective. Paragraph 4.3.23 is also relevant *‘The Secretary of State should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security, climate change, and other environmental benefits) in the same timescale as the proposed development’.*

NPS EN-5

- 3.2.9 The Project has been developed to be consistent with NPS EN-5 (2024b) which is clear that the use of overhead lines is the strong starting presumption for electricity networks development. At each stage of the Project, a consistent level of information has been used to support decision making between alternatives, leading to the selection of the preferred option.
- 3.2.10 NPS EN-5 (2024b) Paragraph 2.9.7 sets out that *‘While the government does not believe that the development of overhead lines is incompatible in principle with applicants’ statutory duty under Schedule 9 to the Electricity Act 1989, to have regard to visual and landscape amenity and to reasonably mitigate possible impacts thereon, in practice new overhead lines can give rise to adverse landscape and visual impacts.’*
- 3.2.11 NPS EN-5 Paragraph 2.9.14 sets out that *‘Where the nature or proposed route of an overhead line will likely result in particularly significant landscape and visual impacts, as would be assessed through landscape, seascape and visual impact assessment, the applicant should demonstrate that they have given due consideration to the costs and benefits of feasible alternatives to the overhead line. This could include – where appropriate – re-routing, underground or subsea cables and the feasibility e.g. in cost, engineering or environmental terms of these.’*

Holford Rules

- 3.2.12 Paragraph 2.9.16 of NPS EN-5 recognises the importance of the guidelines provided in the Holford Rules. These guidelines, ‘intended as a common-sense approach to overhead line design, were reviewed and updated by the industry in the 1990s and they should be embodied in the applicants’ proposals for new overhead lines’, including avoiding, if possible, areas of highest amenity value or scientific interest. A summary of the Holford Rules and how these have been considered on the Project are included in **6.2 Environmental Statement Chapter 2 - Key Legislation and Planning Policy Context [REP7-156]** and **5.6 Planning Statement [REP7-090]**.

Horlock Rules

- 3.2.13 The Horlock Rules (guidelines for the design and siting of substations) were devised by National Grid in 2003 and updated in 2006 in pursuance of its duties under

Schedule 9 of the Electricity Act 1989. Paragraph 2.9.18 of NPS EN-5 refers to the Horlock Rules, setting out that, '*These principles should be embodied in applicants' proposals for the infrastructure associated with new overhead lines*', including considering environmental issues from the earliest stage to balance the technical benefits and capital cost requirements.

The Approach Taken in the Application

- 3.2.14 As explained in the Need for the Project section earlier in Section 3.1 of this document, the Project is required to meet the urgent need identified in NPS EN-1 (2024) for CNP infrastructure. It will support a large number of home-grown renewable energy sources contracted to connect in East Anglia. This includes both consented and planned offshore wind and solar projects, several of which are already under construction. This urgent need has informed the consideration of strategic alternatives throughout the development of the Project, as alternatives that would not meet the identified need case could not reasonably be taken forward. This includes alternatives that would not comply with the policy framework set out NPS EN-1, NPS EN-3 and NPS EN-5, would not satisfy the requirements placed upon the Applicant under its duties under the Electricity Act 1989 and its transmission licence obligations, or would not be capable of delivery within the timescales required to address the identified network need.
- 3.2.15 The Applicant has therefore considered alternatives and developed the Project in accordance with its statutory duties and relevant NPSs. Collectively this policy context defines certain standards (referred to as Security and Quality of Supply Standard (SQSS)) that the design of the Project must meet, requires the Applicant to act in an economical and efficient manner, and establishes the basis for decision making on the selection of transmission technology (e.g. the use of overhead line or underground cable, alternating or direct current transmission, and Air Insulated Switchgear (AIS) or Gas Insulated Switchgear (GIS) substation type) and the routing, siting and positioning of the necessary Project elements, having regard to the guidance of the Holford and Horlock Rules.
- 3.2.16 The Applicant has set out its consideration of strategic alternatives in 7.17 Strategic Options Backcheck and Review [APP-355] and been clear in its reasons for rejecting options that do not meet the design requirements or would result in a level of cost or environmental impact that cannot be justified. Decision making has been guided by NPS EN-5 (2024), which contains a strong presumption in favour of overhead lines, noting this is reversed in nationally designated landscapes and in certain other circumstances.
- 3.2.17 There remains disagreement between the Applicant and third parties over the overall form of the Project and the technology to be adopted, both across the Project overall and in specific locations. The Applicant's position is that this disagreement arises because the third parties are responding without full regard to the policy, regulatory and statutory framework within which the Applicant must develop transmission projects.

Consultation and Mitigation

- 3.2.18 Commencing with the 2022 non-statutory consultation, the Applicant has presented information on how the Project was evolving from the evaluation of strategic options to a preliminary preferred graduated swathe within which new infrastructure (pylons

and underground cables) could be located as well as a proposed new substation site on the Tendring Peninsula. Following the conclusion of this consultation, the Applicant analysed the feedback received, and along with further technical studies and design work, developed the Project design ahead of the 2023 non-statutory consultation.

- 3.2.19 At the 2023 non-statutory consultation, the Applicant presented a preferred draft alignment showing indicative pylon positions, routes of underground cables, and potential locations of CSE compounds and connection substations. The feedback received at this consultation was considered alongside the findings of the Applicant's ongoing environmental assessments and technical studies to help identify the proposals presented at statutory consultation.
- 3.2.20 At the 2024 statutory consultation the Applicant presented a preferred draft alignment showing indicative pylon positions, routes of underground cables, new CSE compound locations and new connection substations. The feedback received at this consultation was considered alongside the findings of environmental and engineering studies to help identify the proposals presented at targeted consultation and ultimately forming the DCO Project. The statutory consultation was followed by a series of targeted consultations in 2025 prior to the submission of the DCO application. The Local Planning Authorities (LPAs) confirmed the adequacy of the consultation prior to submission as reported in the 5.1 Consultation Report [REP7-084].
- 3.2.21 The Applicant has followed a systematic approach to routeing and siting guided by the Holford and Horlock Rules, the findings from environmental, technical and socio-economic studies and responding to feedback from multiple stages of consultation.
- 3.2.22 Alternative routes, sites and infrastructure positions have all been carefully considered with decision making, set out in the 2023, 2024 and 2025 Design Development Reports [APP-358, APP-359, REP7-150], 5.1 Consultation Report [REP7-084] and 6.3 Environmental Statement Chapter 3 – Alternatives [REP7-158]. Specific restrictions to pylon positions along with preferential changes within the scope of LoD are also set out in 7.2 Outline Code of Construction Practice [Revision H], secured via Requirement 4 of **3.1 Draft DCO [Revision H]**, and the Additional Detailed Design Report (Appendix B of 8.4.16 Applicant's Comments on any Further Information or Submissions Received by Deadline 6 [REP7-481]). The Applicant has proactively considered and responded pro-actively to the feedback over this period, making changes where justified and appropriate to do so. These changes have included:
- Taking forward alignments outside the original corridor consulted upon
 - Taking forward alignments outside the graduated swathe but within the consultation corridor
 - Changes to take forwards the use of underground cables or alternative low height lattice pylon designs
 - Changing the arrangements for the means of connection to Tilbury Substation by the introduction of Tilbury North Substation
 - Adjustments to localised sections of the alignment (both permanent infrastructure and temporary works)

- Adjustments to the position of individual elements of infrastructure such as CSE compounds
- Modifications to construction techniques.

3.2.23 The Applicant's role is to carefully consider the most feasible options and present proposals for public consultation. It cannot present plans for consultation that would not meet the requirements placed on it by the government and its regulator, the Office of Gas and Electricity Markets (Ofgem). The proposals that the Applicant has consulted on and developed are the ones which meet its statutory duties, including the duties imposed on it by national policy (NPS EN-1 (2024) and NPS EN-5 (2024)).

Main Issues of Disagreement

3.2.24 There remains disagreement with a number of parties on specific aspects of decision making, strategic alternatives or specific infrastructure positioning. The main issues of disagreement are as follows:

- Third party preference for a predominantly high voltage direct current (HVDC) offshore solution
- Third party preference for onshore HVDC cable (Option 8 in the NESO East Anglia Network Study)
- Suggestion that the existing network should be upgraded using High Temperature Low Sag (HTLS) Conductors
- Disagreement over routeing through the Dedham Vale National Landscape
- Third party preference for the integration of the mitigation hierarchy including considering change to pylon types (low height lattice or T-pylons) or adoption of underground cable in specific locations
- Disagreement over routeing at the Colne Valley
- A perception that the Project was predetermined, a lack of engagement and willingness to change
- Failure to comply with specific Holford or Horlock Rules
- Incorrect application of the mitigation hierarchy
- Third party preference for an alternative positioning of the EACN substation to the west
- Third party preference for an alternative route to avoid the Walthams by diverting to the west or passing to the east of Chelmsford
- Concerns with the proposed LoD.

HVDC Offshore

3.2.25 An equivalent offshore scheme would be over four times the cost of an onshore overhead line project (**7.17 Strategic Options Backcheck and Review [APP-355]**), would not meet the need case, or the requirements of SQSS (as it would not be able to deliver the necessary scale of connection to the same timescale).

3.2.26 **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**, paragraphs 3.3.19 to 3.3.25, pages 37 to 38, sets out the alternatives that were assessed by the

Applicant. Paragraphs 3.3.23 to 3.3.25 are set out below to show the scale of difference between the proposal and an offshore alternative:

'3.3.23 Paragraph 14.4.6 of **7.19 2023 - Strategic Options Backcheck and Review [APP-357]**, page 111] referenced in the table above, states:

"14.4.6 Should this circuit at full 6000 MW capacity made multiterminal to provide the same system flexibility as the AC circuit options. There would be a need for an additional three sets of HVDC convertor stations and three sets of 50km HVDC cable to connect to Bramford, to make multi-terminal HVDC links. This would add an additional £1,265.1m of capital cost and increase circuit lifetime cost by £1,587m. This would give overall capital costs of £ 5361.1m (£4,096.5m + £1,265.1m), and overall lifetime cost of £6,248m (£4,661m + £1,587m)."

'3.3.24 The cost of a wholly overhead line, without any regard to any landscapes or any other environment constraints is presented as part of the initial appraisal. There is also a second cost, which includes the post-consultation view of the requirements to mitigate the landscape impacts, i.e. the cost with the underground cable of £1.6 billion. In comparison, the cost of a wholly four-ended HVDC option is £5.8 billion.'

'3.3.25 The Offshore 1 - suboptimal 2-ended HVDC option between Norwich and Tilbury would cost £4 billion. The reason it is suboptimal is because it does not have the connection with Bramford Substation and therefore would not facilitate the connection of generation customers or give the same transmission capabilities as are provided in the proposed connection.'

3.2.27 The Applicant also set out in **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**, paragraphs 3.3.27 and 3.3.28, page 38, the technical constraints associated with the HVDC offshore alternative:

'3.3.27 The Applicant also notes constraints in the HVDC market, which are likely to make a HVDC alternative a deliverability risk even if there was a delay of five years. Where the Applicant is currently delivering HVDC projects, it is delivering 2 GW solutions. Norwich to Tilbury would require a 6 GW solution. Not only would there be constraints in delivering the cables, but also in the converter market and the specialist requirements that are needed as part of a HVDC installation, including access to cable-laying ships and equipment to do it. These are under extreme worldwide pressure with a number of companies seeking to use the limited HVDC resources that are available.'

'3.3.28 The availability of HVDC circuit breakers is another technical limitation at the current time. This restricts any generation connecting to a HVDC network to 1,800 MW because, without the circuit breakers, the whole network would be lost. This would result in widescale transmission system problems and would be a breach of the National Electricity Transmission System Security and Quality of Supply Standards, which is a requirement in the Applicant's licence, Condition D3: Transmission system security standard and quality of service.'

3.2.28 Further detail summarising the alternative methods of electricity transmission was presented at Page 3 of Annex A: Applicant's Slides Presented During ISH1 of **8.5.3 Applicant's Written Summary of Oral Submission and Response to Action Points for Issue Specific Hearing 1 [REP1-139]**.

3.2.29 Finally, in **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**, paragraphs 3.3.46 to 3.3.48, pages 43 to 44, the Applicant sets out the NESO evaluation of the Applicant's proposal. Paragraph 3.3.48 states:

The NESO evaluations are reflected in **7.17 Strategic Options Backcheck and Review [APP-355]**, pages 44-46 and Clean Power 2030 Report, Annex 2: Networks, Connections and network access analysis, Section 2.4: Securing Works for a 2030 delivery, page 8. The NESO published information within these documents and set out above represents the latest impact upon system constraints and associated costs. These robust and independent assessments and reports support the urgent Need for the Transmission System reinforcement as set out in NPS EN-1. They independently support both the technical and policy need for transmission infrastructure, preferably by 2030, in the interest of electricity consumers and reduction in constraint costs for the system.'

- 3.2.30 Based upon the rationale and evidence set out above, it is the Applicant's continued position that there is an irrefutable policy led and duty based rationale to progress with an onshore project. Pages 23 to 32 of **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]** sets out the Applicant's need case and timing which determined the preference for an onshore predominantly overhead line-based project.

Third party preference for onshore HVDC cable (Option 8 in the NESO East Anglia Network Study)

- 3.2.31 This was preferred by third parties on the basis that it would be cheaper and quicker and would require a reduced cable swathe compared with an AC underground cable swathe.
- 3.2.32 In respect of the claim of an onshore HVDC solution being cheaper and quicker, this is a claim which ignores the latest comparators on cost from the Institution of Engineering and Technology (IET) (IET and Mott MacDonald, 2025) which states that HVDC underground cable is at least double the cost of an overhead line, ignores licence requirements and contractual commitments to meet defined connection dates, as it would only be possible to deliver by 2034, and takes no account of the constraint costs estimated at £7m per day if the connection programme is not met.
- 3.2.33 Similarly to the above statements regarding a predominantly offshore HVDC cable solution, an onshore HVDC cable solution would encounter the same commercial and relevant supply chain constraints.
- 3.2.34 The Project has been developed to be consistent with NPS EN-5 (2024) which is clear that the use of overhead lines is the strong starting presumption for electricity networks development. The Applicant has set out its consideration of strategic alternatives in **7.17 Strategic Options Backcheck and Review [APP-355]** and been clear in its reasons for rejecting options that do not meet the design requirements or would result in a level of cost that cannot be justified.
- 3.2.35 As set out in 8.4.10.1 Applicant's Comments on Pylons East Anglia Response to ExQ1 [REP4-300], pages 29-30, the Applicant has provided evidence on its position regarding this matter for a HVDC cable solution:

7.18 2022 - Corridor and Preliminary Routeing and Siting Study [APP-356] states that 'HVDC onshore cables have advantages over AC cables having significantly less land take, and therefore somewhat lower environmental impact.' (paragraph 1.3.11). However, this comment only applies where HVDC onshore cables are used over a long distance, which is their typical use. The benefit in terms of land take of HVDC onshore cables as opposed to high voltage alternating current (HVAC) onshore cables is the potential reduction in construction swathe due to the

lower number of cables required. For a comparable 6 GW HVDC ... [t]he reduction in temporary land take of the construction swathe for an HVDC installation is therefore 3.5 ha per km less than the equivalent HVAC installation.

Due to the transmission network within the UK being an HVAC system, any HVDC connection would require converter stations to be constructed at either end of the HVDC onshore cable section. Based on 2 GW converter stations currently proposed on HVDC projects within the UK, a typical footprint for the 2 GW converter compound would be 8.75 ha. Three 2 GW converter stations would be required at each end of the cable section to accommodate the 6 GW capacity required. Therefore, a typical footprint for a 6 GW system would be 26.25 ha at each end. In addition to this compound area (fenced compound) for the converter stations, additional land take is required for drainage, landscaping, access and construction enabling works such as a construction compound. Given these additional land take requirements, a total typical area of 45 ha is considered suitable at each end of the cable section, in assessing the land take needs for a 6 GW group of converter stations. Therefore, the total additional land take required for an HVDC onshore cable project, in comparison to an HVAC onshore cable project, is 90 ha. The additional land take required for HVDC converter stations is only balanced in land take terms with a Project length of 25.7 km. However, given that the majority of the HVDC additional land take is permanent and the majority of the reduction in land take is temporary use only, in reality a much longer cable section would be required to balance the environmental impacts.'

- 3.2.36 Third party dispute of the HVAC and HVDC land take comparison assessment, contending that the excavation slope angles could be increased and, subsequently, the width of the illustrative cross sections reduced. The assessment of land take for the cable circuits is founded on the typical defining technical constraint for each cross section, which is the required separation between circuits, regardless of the slope angle of the trenches. Therefore, the width of the cross sections illustrated in **2.6.1 Design and Layout Plans - Subs & Cables [REP6-020]** (AENC-MMAC-ENG-DWG-0085-01) and in **8.5.3 Applicant's Written Summary of Oral Submission and Response to Action Points for Issue Specific Hearing 1 [REP1-139]**, which were used in the HVAC and HVDC land take comparison, would only be subject to a minimal change if steeper excavation slope angles were adopted. As such, the Applicant considers that this would not result in materially different outcomes from the assessment presented above.
- 3.2.37 Regarding HVDC and HVDC costings and cable ploughing, the Applicant has set out the relative costs of meeting the Project need case by different technologies, including onshore HVDC, within its response to CA1.19 in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**. This is the appropriate comparison to make as costing any other scheme, such as that proposed by the respondent that does not meet the need case, would not be taken forward as it does not fulfil the necessary connection requirement.
- 3.2.38 The above responses set out differences between offshore and onshore HVDC cabling. The Applicant utilises cable ploughing offshore extensively for the evident reason set out below. The issues associated with onshore HVDC cables apply to AC onshore cables along with achieving the high thermal capacity which is required by these cables. It should also not be assumed that cable ploughing resolves all issues as numerous utilities pipes and cables need to be crossed along with multiple hedgerows and other features along with the challenges of installing each cable at greater separation than is achieved in trenching.

- 3.2.39 The Applicant's recent cost updates have shown for a 25/26 price base that onshore HVDC cable costs 1.6x more than offshore cabling for the following reasons, including factors not considered in the Ramboll Report:
- Offshore HVDC:
 - Up to 100 km of single cable or 50 km of bi-pole pair cables can be carried on an ocean-going vessel per laying campaign.
 - Jointing of the cables is only required every 100 km for single cable lay or 2 joints every 50 km for cable pair.
 - Cables ploughed uninterrupted for long distances without obstruction on cable crossings lower than on land.
 - Onshore HVDC and AC underground cables:
 - Only circa 1 km of single cable can be delivered within road limitation, weight and height for road transport.
 - Jointing of the cables is required every 1 km for every cable.
 - Cables buried ploughed only 1 km requiring joint pit every 1km. Multiple, road, rail, river, hedgerow, ditch boundaries, protected woodlands require management and consideration of other installation techniques.
 - A haul road would still be required to get the cable to the installation section, as only circa 1km of a single cable can be transported on a cable drum.
 - Techniques for deploying thermal backfill as part of ploughing process need to be tested to ensure cable ratings can be maintained. The circuit rating of 3,465 MW or 5,000 A is the highest 400 kV IEC rating circuits operating worldwide. Thermal separation between the cables phases in the trench system cannot be maintained with ploughing so cables need to be spread wider.
 - There will be a need for pre-ploughing or ripping hard ground and it cannot be used if the area where the topography is largely rock, especially areas of granite rock with no substrate soil.
- 3.2.40 Many of the issues listed above have not been tested or demonstrated at scale. Circuits achieving 5,000 A have some of the hardest thermal management issues proven with existing installation and not in ploughed installations.
- 3.2.41 In terms of cost, please refer to Pages 33 – 49 of **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]** which sets out the Applicant's alternatives considered. The analysis set out within these documents does not change regardless of cable ploughing which can only affect in proportion the installation cost of HVDC and AC cables.
- 3.2.42 The Applicant's costs set out in Appendix D: Economic Appraisal of **7.19 2023 - Strategic Options Backcheck and Review [APP-357]** pages D1-D14, present the costs based on a transparent economic appraisal. These costs benchmark to the IET report and remain representative and aligned with the comments in the Ramboll Report with respect to the differential in cost of overhead line and cable technology regardless of installation method. All of these references show that cost parity with overhead lines is not possible, as even when removing installation cost completely, the cost of undergrounding is higher than the cost of installing overhead lines, with

the Ramboll Report stating this to be 5 times higher when comparing medium capacity circuits.

- 3.2.43 Treasury Green Book^{4.1}With regards to transmission faults, permanent failure rates of both overhead electrical equipment and underground electrical equipment at transmission level worldwide is statistically very low. This is because transmission pylons are designed to the highest wind and ice loadings combined, and are very structurally strong, more so than wood pole distribution circuits. It is true to say, at distribution level, undergrounding prevents weather related risk because wood poles and small conductors are more susceptible weather effects, but this is not true at transmission level.
- 3.2.44 The more important issue is return to service (RTS) times for equipment. The RTS on overhead lines is hours to days, even for pylon loss; temporary pylons can be erected quickly and the circuit can return to service.
- 3.2.45 RTS on cables, cable joints and cable sealing ends are weeks to months. This is because the fault needs to be detected, excavated, the spare cable delivered, then specialised jointing work undertaken. In the case of sealing ends or joint bay failure, a complete civil re-build of joint bay or sealing end requires full construction work.
- 3.2.46 Third party damage of overhead lines therefore is quickly repaired, whereas damage to cable infrastructure and civil infrastructure associated with cables takes longer to repair.
- 3.2.47 It is the Applicant's position that there is an irrefutable evidence based rationale to progress with a predominantly overhead line based project, as the Project need case requires the connection by 2031, not 2034. Pages 23 to 32 of **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]** set out the Applicant's need case and timing. Recent innovation in terms of the possible use of onshore cable ploughing does not alter this conclusion.

Suggestion that the existing network should be upgraded using High Temperature Low Sag (HTLS) Conductors

- 3.2.48 The Applicant addressed the issues associated with the use of High Temperature Low Sag Conductor (HTLS) and the fact the system has been upgraded to the highest 5,000 A capacity in the area in Issue Specific Hearing 1 and in more detail in **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**. The respondent has not commented on that evidence. Set out below is detail on the consistent evaluation of HTLS technology.
- 3.2.49 The Applicant has for 20 years used HTLS conductors on routes where older pylons cannot achieve the highest ratings due to the limitations to the number of conductors that the pylon can carry. The TS conductor is just one type of HTLS conductor from one manufacturer. The Applicant has been using the MATTHEW GZTACSR conductor for 20 years, for example, to maximise capacity on old routes.
- 3.2.50 These HTLS conductors operate at higher temperatures (typically 150–250 °C), allowing greater losses without breaching sag limits. This reflects the constraints of older pylons, which must use smaller conductor bundles to remain within structural weight limits. The only way heat is generated in the conductor is through power losses, so HTLS conductors are designed not to sag when they heat up from higher losses due to smaller conductors. Where newer, structurally stronger pylons are available, the highest network ratings can be achieved more efficiently using

standard conductors operating below 90 °C. These lower-cost conductors are installed in bundles to minimise electrical losses while maximising capacity, delivering better value to consumers.

3.2.51 Newer structures therefore achieve maximum ratings with standard conductors and lower losses. In East Anglia, both the existing and proposed network can reach the highest required ratings using these lower-loss, standard conductor solutions.

3.2.52 As stated in paragraph 3.2.9 to 3.2.12, page 25, of **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**:

'3.2.9 There are limitations as to what a circuit can carry, defined by the International Electrotechnical Commission (IEC), which sets ratings for 420 kilovolt transmission, of 5,000 amperes, *being* the highest available equipment. This equates to:

- *A capacity on a single circuit of 3,465 megavolt-ampere (MVA)*
- *A double circuit of 6,930 MVA*
- *Where there are four circuits remaining crossing a boundary after a fault, 13,860 MVA.*

3.2.10 The current post-fault capacities of:

- *EC5N – 2031 post fault capability 6,652 MVA, leaves a deficit of -7,520 MW*
- *EC5 – 2031 post fault capability 13,552 MVA, leaves a deficit of -9,928 MW.*

3.2.11 These circuits are operating within about 300 MW of the maximum capability, and therefore, new infrastructure is required to meet the deficits.

3.2.12 Given the system indicated above is operating within 300 MW of maximum capability, a range of suggested network enhancement measures that have been considered and rejected, is set out in **8.5.3 Applicant's Written Summary of Oral Submission and Response to Action Points for Issue Specific Hearing 1 [REP1-139]**:

- *LineVision Dynamic Line Rating (DLR) — enables real-time ambient conditions circuit ratings*
- *TS Conductor (and other manufacturers) — High Temperature Low Sag (HTLS) conductor*
- *Super Conductors — low maturity transmission at level Liquid Nitrogen cooled conductors*
- *Power Flow Control and Transmission Switching — moves power around the network to maximise utilisation*
- *EC5 Constraint Management Intertrip — system to generator intertrips, only used during planned outages*
- *Interconnector Operation — interconnectors between the UK and Europe are commercially independent systems. As the existing system is meeting the IEC 5000 Ampere (A), existing enhancement is not possible and new circuit infrastructure required.'*

3.2.53 The Applicant made it clear the existing network cannot be enhanced further as it is maximised to the 5,000 A rating currently. Therefore, reconductoring in East Anglia has been maximised to 5,000 A rating; where reconductoring is being done on the

Applicant's system, it is to improve circuits to meet this maximum 5,000 A rating limitation. Where circuits are operating below this limit, reconductoring is always considered, including using HTLS conductors where the pylons cannot meet the 5,000 A rating with standard conductors.

- 3.2.54 The triple Araucaria conductor, which is a 700 mm² conductor carried in a three-wire formation, operating at 75 °C, can meet the 5,000 A year-round rating. Where the Applicant uses HTLS conductors in double formation with conductor sizes below 700 mm², the resistivity of the conductor, which is proportional to the total cross-sectional area of the conductor bundle, increases. This means that 5,000 A cannot be achieved without conductor operating temperatures closer to 200 °C. This gives rise to higher system losses, which impact consumers. Therefore, using HTLS has to be a balance of system need, transmission infrastructure and cost to consumer. Where the system can accommodate the maximum 5,000 A rating with traditional conductors, they are chosen to minimise electrical losses while maximising capacity, delivering better value to consumers.
- 3.2.55 As set out above, the Applicant has provided a clear and detailed response, here and in previous submissions, on the use of conductor technologies and how they are best applied to meet the maximum 5,000 A circuit rating. This takes into account the best way to achieve the maximum possible 5,000 A circuit rating at the lowest possible electrical losses, delivering value to consumers and delivering a more efficient and operable transmission system for the future.

Disagreement over routeing through the Dedham Vale National Landscape

- 3.2.56 Some third parties suggest that the Holford Rules and NPS EN-5 imply that such areas must be avoided. NPS EN-5 sets out clearly that where routeing through such areas cannot be avoided then the strong starting presumption in favour of overhead lines is reversed. The Applicant is clear that it has applied the presumption and reversal appropriately having first considered the alternatives of routeing around or through the area and being clear that routeing through the area but with underground cable was preferred. Alternatives both through and around the Dedham Vale National Landscape were assessed and a detailed response as to why the National Landscape could not be avoided was provided to ExQ1 LV 1.15 c) in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**, alongside different technology and construction options. The Project design was subject to iterative review, informed by environmental information, technical constraints and consultation feedback, with the aim of reducing effects on the National Landscape and its special qualities as far as practicable. The routeing and siting of the Project through and in the vicinity of the National Landscape is detailed in **7.21 2024 - Design Development Report for the Project [APP-359]** and in **5.15 Design Development Report [REP7-150]**. The Dedham Vale National Landscape is also discussed within the Landscape and Visual section later in Section 3.9 of this document.

Third party preference for the integration of the mitigation hierarchy including considering change to pylon types (low height lattice or T-pylons) or adoption of underground cable in specific locations

- 3.2.57 None of the locations (such as the Waveney Valley and the Colne Valley) which have been raised by third parties are assessed to meet the decision making criteria of leading to widespread and significant effects (see NPS EN-5 at paragraph 2.9.23) in order to lead to consideration of other pylon types or underground cable. Even if they

did lead to such effects, the Applicant's position is that the additional cost for a change to underground cable is not justified. The Applicant's Project design has applied the mitigation hierarchy to minimise residual impacts, and the need for the Project strongly outweighs those impacts. The mitigation hierarchy has been applied throughout development of the Project as part of the iterative EIA process which has informed the routeing and siting process. The Project has been designed to avoid, reduce, compensate or mitigate potentially significant adverse residual effects. The mitigation hierarchy has been applied at locations such as the Walthams by adding a section of low height lattice pylons where effects were such that this change was justified. Whilst there may be some locations (for examples see Appendix A of **5.15 Design Development Report [REP7-150]**) where there may be a design option for the use of T-pylons, the need to mitigate unacceptable effects from lattice pylons is not engaged. The use of T-pylons is not the standard starting point for National Grid, reflecting the additional constraints they introduce, including higher construction costs and greater access requirements for maintenance which in some cases require the need for additional permanent land take. The latest independent report, 'A Comparison of Electricity Transmission Technologies: Costs and Characteristics' (IET and Mott MacDonald, 2025), confirms that whilst T-pylons may in certain locations provide an alternative to conventional overhead lines with potential benefits in visual impact and reduced land-take, this comes at a higher cost. The build cost is approximately 2 to 2.5 times that of an equivalently rated conventional overhead line, and the lifetime costs are around 1.6 to 1.7 times higher. On this basis, T-pylons are not proposed for the Project. The application for development consent is supported by an Environmental Statement **[REP7-152 to REP7-319]** which demonstrates that the mitigation hierarchy has been applied throughout the design and development of the Project.

Disagreement over routeing at the Colne Valley

- 3.2.58 Third parties disagree with the routeing in the Colne Valley and have suggested alternative routes and the use of underground cable (as discussed above). These alternatives have been considered and were not taken forward as described in the **2023, 2024 and 2025 Design Development Reports [APP-358, APP-359 and REP7-150]**. During ISH 2 the Applicant responded to concerns regarding routeing of the Project in the Colne Valley, as summarised against action number 8.3p of **8.5.7 Applicant's Written Summary of Oral Submissions to Issue Specific Hearing 2 [REP4-302]**. During ISH4 the Applicant provided responses to questions from the ExA and comments from Colchester City Council, Pylons East Anglia and Villages Against Pylons as summarised in items 5.2a to 5.2f of **8.5.12 Applicant's Written Summary of Oral Submissions and Response to Action Points for Issue Specific Hearing 4 [REP6-118]**. The Applicant is confident that it has followed a comprehensive process to routeing and siting at the Colne Valley, in accordance with the Holford and Horlock Rules and in accordance with the mitigation hierarchy. The Colne Valley is also discussed within the Landscape and Visual section later in Section 3.9 of this document.

A perception that the Project was predetermined, a lack of engagement and willingness to change

- 3.2.59 The Applicant's view is that this seems to be stated because of requested changes not being accepted. In many cases this was due to the changes requested simply resulting in a transfer of effect from one party to another. The Applicant however would highlight the extensive list of changes made that is reported in each of the

Design Development Reports (DDRs). These changes include: an increase of approximately 15 km in the length of underground cable; a change to low height lattice pylons in two locations; around 70% of the pylon positions first published in 2023 having moved following consultation feedback with just over 60% of these changes being raised by third parties (landowners, affected parties, stakeholders, members of the public). All changes have been considered and the rationale for the decision, whether to change or not, captured and reported in **5.1 Consultation Report [REP7-084]**. The Applicant's view is that this demonstrates an open and receptive approach to engagement and a willingness to accommodate change where justified.

Failure to comply with specific Holford or Horlock Rules

- 3.2.60 The Applicant understands that this is stated based on perceived non-compliance with one or another rule. The Applicant is clear that the Holford and Horlock Rules cannot all be complied with at the same time and decision making typically involves balancing alternative solutions which can present conflicting rule compliance. For example, routing over relatively high ground rather than in an adjacent valley may conflict with Holford Rules 4 and 5 but may be appropriate if the valley contains extensive areas of unavoidable ancient woodland, effects on which would conflict with Holford Rule 2. Throughout routeing and siting, the application of the rules required a careful balance of the competing constraints and the opportunities to identify what, on balance, is the preferred solution. The Applicant is confident that it has followed a comprehensive process to routeing and siting, in accordance with the Holford and Horlock Rules.

Incorrect application of the mitigation hierarchy

- 3.2.61 There has been some third-party preference for alternative technology. The Applicant understands that this principally relates to requests for the use of additional underground cable and low height pylons or the use of T-pylons and was discussed in an earlier bullet point above. The Applicant's application of the mitigation hierarchy is set out further below.

Third party preference for an alternative positioning of the EACN substation to the west

- 3.2.62 This appears to be based on disagreeing with the Applicant about the potential risks to the delivery of the Project. This difference arises because the Applicant is clear that a change of location for the EACN substation, such as further to the west, to the former RAF Boxted, and different requirements for connections through the same corridor present different risks. The Applicant's position is that the alternative sites to the west (removing the need for the Project to pass Ardleigh or Little Bromley) introduce additional and unacceptable risks to Project delivery. These risks could only be addressed by introducing an additional construction corridor given that three connections would need to be routed in place of the 400 kV connection, which would therefore increase effects. The more western location would also lead to reduced future flexibility (with very restricted potential to connect any other generation sources). Any change at this stage would also have implications and delay the Project programme, adversely affecting an inherent and essential element of the need case.

Third party preference for an alternative route to avoid the Walthams by diverting to the west or passing to the east of Chelmsford

- 3.2.63 Whilst routes to the east and south of Chelmsford are conceptually possible in certain sections, there are also locations where there is no reasonable solution to secure a route for either 400 kV underground cable or overhead line. Rationalisation to adopt the alignment of the existing 132 kV overhead line would not resolve the constraint due to the corridor required for a 132 kV overhead line being smaller than a 400 kV overhead line. Even if these were overcome, the onward connection would either have to reconnect to the Project alignment or continue alongside an existing connection. The former may address the perceived concern at the Waltham Gap but would transfer the effects to other similar receptors, and the latter encounters multiple other blocked parts of the possible corridor. Alternative routes to the west of the Waltham Gap or the use of underground cable are also preferred by third parties. During ISH 2 the Applicant responded to concerns regarding routeing of the Project in a number of areas to the west and south-west of Chelmsford, and preferred routes to the east. Responses to key matters were provided during the examination with a summary response provided in **8.4.16 Applicant's Comments on Any Further Information or Submissions Received by Deadline 6 [REP7-481]**.
- 3.2.64 The Applicant's position is that alternative routes have been carefully considered; they provide a different balance of effects but are longer routes. With the DCO alignment not unacceptable in policy terms and adoption of alternative routes potentially causing programme delays of around two years with implications for constraint costs, a change is not justified. Similarly, the effects arising from standard lattice pylons do not engage with a need to step up the mitigation hierarchy (noting the use of four low height lattice pylons for heritage reasons) nor with the tests in paragraph 2.9.23 of NPS EN-5 (2024) to consider a change to underground cable. Great and Little Waltham is also discussed within the Landscape and Visual section later in Section 3.9 of this document.

Concerns with the proposed LoD

- 3.2.65 Issues relating to LoD during the Examination included the extent of the upwards vertical LoD, the unlimited downwards vertical LoD for underground cables, the unlimited longitudinal LoD, the risk of worsened harm bands to heritage assets, matters relating to effects on veteran trees, irreplaceable habitats and ancient woodland, and governance controls.
- 3.2.66 Vertical upwards LoD: The Applicant's position is that 6 metres vertical upwards LoD is needed to allow two standard pylon extensions, which are typically in 3 metre increments, which is not achievable with the 4 metre LoD preferred by the Councils. There is precedent for a 6 metre vertical LoD in the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 and the A122 (Lower Thames Crossing) Development Consent Order 2025. The Applicant submits that in the context of a scheme whose route length incorporates approximately 160 km of overhead electric line, varied landforms and other unknowns, together with a need for coordination with third-party developments along the route, a 6 metre vertical upwards LoD is proportionate.
- 3.2.67 Vertical downwards LoD: The vertical downward deviation of the underground cables, being 'to such extent as the undertaker considers necessary or convenient', is well precedented in electricity transmission, pipeline and tunnel DCOs. The Applicant's position is that this flexibility is essential, as it allows for localised changes in

landform, geology or agricultural practices to be taken into account during construction, and also allows the Applicant to ensure that a safe distance can be maintained relative to any existing buried utility apparatus.

- 3.2.68 Longitudinal LoD: The Applicant's position is that LoD exist to enable micro-siting to avoid local constraints (e.g. poor ground conditions, archaeological finds) and that longitudinal movement is practically restricted span-by-span by route direction changes and engineering requirements for electrical clearances and conductor swing, which vary by topography, land use/cover and span length. Regulatory, safety and security constraints, and an internal governance and assurance process, would manage any change to ensure DCO compliance and that any changes would not result in any materially new or materially different environmental effects.
- 3.2.69 Harm bands for Heritage assessment: The Applicant has undertaken 'sensitivity testing' to determine if changes to the design within the LoD would affect the assessment. Theoretically, alternative locations could change the assessment for the historic environment in relation to physical impacts and impacts through change to setting that affect the value of a heritage asset. While alternative locations within the LoD have been considered and some restriction on change captured within **7.2 Outline Code of Construction Practice [Revision H]** (see further commentary on this below), the ES assessment comprehensively accounts for the reasonable worst-case physical and setting impacts on heritage assets. Therefore, the Applicant submits that no significant effects beyond those reported in the residual effects section of the ES are anticipated due to alternative pylon locations or adjustments within the LoD.
- 3.2.70 The Project has been through extensive design iterations to remove or reduce effects on heritage assets. However, given the density of designated heritage assets within this region it is not possible to avoid impacts to all designated heritage assets. Because the assessment considered the reasonable worst case scenario and has concluded either less than substantial harm or no harm to designated heritage assets following sensitivity testing regarding the LoD, the Applicant submits that no further reductions to the LoD are necessary. Options have already been considered, and where relevant taken, to reduce the LoD to the required level.
- 3.2.71 Relevant national planning policy requires the Project to give considerable importance and weight to the desirability of preserving heritage assets and any harm or loss of significance of a designated heritage asset should require clear and convincing justification. The policy also states that substantial harm or loss of significance to designated heritage assets should be exceptional (in the case of Grade II Listed Buildings) or wholly exceptional (in the case of assets of the highest significance) (NPS EN-1 paragraphs 5.9.29 – 5.9.32). The assessment demonstrates the Project would not result in substantial harm. Having applied the mitigation hierarchy, the Applicant is satisfied there is no requirement to further reduce the LoD.
- 3.2.72 Effects on veteran trees, ancient woodland and irreplaceable habitats: In response to concerns about trees and hedgerows, the Applicant explains that features shown as 'potentially affected' reflect the flexibility afforded by the LoD. If the alignment shifts within the LoD, then removal or management could move to those features instead of (not in addition to) the features shown as 'removed/affected managed', to avoid double-counting and overestimating effects. The Applicant's position is that LoD changes should not increase the overall amount of tree and hedgerow loss, as where typical LoD movement would have introduced a significant effect (e.g. to ancient woodland), the LoD has been reduced and/or commitments made to avoid impacts.

- 3.2.73 Governance controls: The ES applies assumptions to assess worst-case scenarios and assesses the LoD within the 'sensitivity testing' section of each environmental topic chapter, ensuring that the Project and all its possible permutations have been assessed and no re-assessment is required should the LoD be used during detailed design.
- 3.2.74 The Project has a robust internal governance and assurance process to ensure compliance with the DCO, and to secure mitigation where relevant, as it has done on its previous projects. The Applicant considers that it is not proportionate to require prior approval, notification or consultation for any movement within the LoD since such deviation is already robustly assessed.
- 3.2.75 Where the Applicant has identified that specific locations require LoD restriction, it has done so through commitment GG34 of the **7.2 Outline Code of Construction Practice [Revision H]** rather than through a blanket prior approval mechanism. There are some site-specific prescriptive LoD commitments in the **7.2 Outline Code of Construction Practice [Revision H]**, notably commitment GG34, which details 21 locations where there is prescriptive detail regarding moving or not moving pylons in certain directions due to known sensitive receptors.
- 3.2.76 In addition, the Applicant is also bound by regulatory, safety and security constraints inherent in the technical design as practical limits on movement within the LoD. As detailed design progresses, Main Works Contractors can refine layouts, construction methods and working practices to avoid or reduce impacts identified during assessment, provided they remain compliant with the controls in the approved Order and control documents.
- 3.2.77 The ES assesses the LoD and appropriate mitigation is secured where necessary. The Applicant maintains that the proposed flexibility is necessary and proportionate in a scheme of this nature and scale.

Conclusion

- 3.2.78 In conclusion, the Applicant has undertaken a reasonable, proportionate, iterative and robust process of options appraisal, followed by an extensive process of routing and siting. This process has been undertaken in the context of the urgent need for the Project, as required by NPS EN-1. The assessment of alternatives studied in connection with the design development of the Project has been undertaken in accordance with Regulation 14(2)(d) and paragraph 2 of Schedule 4 of the EIA Regulations, which requires *'a description of the reasonable alternatives studied by the Applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment'*.
- 3.2.79 NPS EN-1 identifies an urgent national need for electricity infrastructure of this nature, which is required in the national interest to be delivered as soon as possible. Therefore, the timing and need for the Project set out Section 3: Need Case, pages 20-38, of **7.17 Strategic Options Backcheck and Review [APP-355]** remains urgent within the requirements of NPS EN-1 and NPS EN-5, alongside the Electricity Act 1989 and Transmission Owner Licence requirements recognised within the NPSs and the Applicant's obligations. As set out in NPS EN-1 paragraphs 4.3.22 and 4.3.23, the consideration of alternatives needs to be proportionate and only alternatives that can meet the objectives of the proposed development need to be

considered. Therefore, any alternatives not capable of meeting the need case, including programme and capacity requirements, cannot be taken forwards.

- 3.2.80 **7.19 2023 – Strategic Options Backcheck and Review [APP-357]**, Section 5 Options assessment process, pages 47-49, sets out how the Applicant evaluated the options, taking into account the environmental assessment, socioeconomic aspects, technical benefits and the capital lifetime costs. This concluded that the need case was met by the onshore AC solution, in line with NPS EN-1 and the Electricity Act 1989. It also integrates new customer connections within the Norwich to Tilbury Project, in line with the transmission licence obligations. Therefore, other alternatives such as offshore and HVDC onshore were not taken forwards as they would not meet the need case.
- 3.2.81 Whilst seeking to meet the required programme for network reinforcement and the connection of generation and customer demand, the Applicant continued to refine the Project through engagement and environmental assessment. This has included making changes suggested in consultation feedback and through discussions with landowners. Approximately 70% of all pylons have moved due to feedback throughout consultations, with approximately 60% of all changes made to the Project having followed engagement with third parties. Landowner specific queries resulted in some 22% of those pylon changes, showing that the Applicant has actively engaged throughout.
- 3.2.82 Furthermore, the Applicant is confident that the LoD applied for, and which during the Examination have been adjusted further at the request of certain interested parties, have been suitably and robustly assessed and are proportionate for this Project. When each of the LoD for the overhead electric line works and the underground electric line works are viewed as a whole, the overall flexibility is more limited because the combination of these LoD restricts each of the individual LoD. The Applicant submits that there are adequate controls within the 3.1 Draft DCO [Revision H] and the accompanying management plans to ensure that any use of the LoD takes into account sensitive receptors.
- 3.2.83 The Applicant acknowledges that there are remaining areas of disagreement but considers that differences of priorities and responsibilities underlie many of the differences. The Applicant does not consider that the matters raised demonstrate that the Project has been incorrectly designed or assessed. Nor does the Applicant consider that any of the differences are so clear cut as to support a conclusion that Project decision making is wrong to the extent that it would justify a delay to meeting the identified needs. The Applicant is confident that the Project as proposed has applied the correct methods, in accordance with NPS EN-5 and is also confident that the routing and siting of the Project has been undertaken in a way that has tried to minimise environmental and social impacts as far as practicable.

3.3 Air Quality and Emissions

Introduction

- 3.3.1 This section sets out the Applicant's approach to the assessment of the Project's effects on Air Quality.

Planning Policy Context

NPS EN-1 (2024)

- 3.3.2 Paragraphs 5.2.1–5.2.9 of NPS EN-1 establish that applicants must undertake a proportionate assessment of air quality effects, demonstrating existing baseline conditions, the scale of change, and the significance of effects across construction and operation. In particular, paragraph 5.2.9 requires the ES to identify existing concentrations, predicted changes and absolute concentrations post-mitigation, assess significant effects, including from project-generated traffic, and identify mitigation and any residual effects, as well as potential eutrophication impacts. Paragraphs 5.2.10–5.2.12 emphasise the requirement for compliance with relevant legislation and engagement with authorities to identify mitigation methods.
- 3.3.3 Paragraph 5.2.13 places a clear expectation on the Secretary of State to consider whether additional mitigation is required beyond that embedded in the scheme, including through mechanisms such as a construction management plan. Paragraphs 5.2.14–5.2.19 set out decision-making criteria, requiring the Secretary of State to weigh the significance of impacts and effectiveness of mitigation.

NPS EN-1 (2026)

- 3.3.4 The Applicant notes that there are no changes to the assessment or Secretary of State decision-making criteria on air quality within NPS EN-1.

The Approach Taken in the Application

- 3.3.5 The Applicant's assessment of air quality matters is primarily set out in **6.7 Environmental Statement Chapter 7 - Air Quality [REP7-178]** and supporting figures and appendices. This follows the approach outlined in **6.19 Scoping Report [APP-288 – APP-296]** and takes into consideration **6.20 Scoping Opinion [APP-297]**.

Construction Dust

- 3.3.6 The construction dust assessment for the Project followed the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction (IAQM, 2024). The assessment identified sensitive human receptors within 250 m of the Order Limits and sensitive ecological receptors within 50 m of the Order Limits in line with IAQM guidance (IAQM, 2024).
- 3.3.7 Due to the scale of the Project, the magnitude of dust generation from activities was classified as having a large dust emission magnitude.
- 3.3.8 Mitigation was developed using the high-risk mitigation measures set out in IAQM guidance (IAQM, 2024) as a basis. The assessment assumed that with the effective

implementation of mitigation within **7.2 Outline Code of Construction Practice [Revision H]** and **7.2 Outline Code of Construction Practice Appendix D - Outline Dust Management Plan [REP7-328]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, the residual effects of construction dust would be negligible and not significant.

- 3.3.9 The assessment recognised that there is limited construction activity information available to tailor mitigation to the local context of each Project section or work package owing the stage the Project is at. **7.2 Outline Code of Construction Practice Appendix D - Outline Dust Management Plan [REP7-328]** (secured via Requirement 4 of **3.1 Draft DCO [Revision H]**) therefore requires an updated construction dust assessment to be carried out by the Main Works Contractor(s) prior to the commencement of each work package.

Construction Traffic

- 3.3.10 The construction traffic assessment considered whether traffic generated during construction of the Project could adversely affect local air quality, and whether any resulting effects would be significant. The assessment was a quantitative modelling assessment following IAQM Land Use Planning and Development Control: Planning For Air Quality guidance (IAQM, 2017).
- 3.3.11 The assessment showed that there are sites where results exceeded the relevant screening criteria and they were considered further by an ecologist. It was concluded that because this change was still small and only temporary that this change would not be significant.
- 3.3.12 Specific mitigation was not proposed as a result of the construction traffic assessment, however there were commitments made that would control emissions standards of construction related traffic (excluding construction personnel's own vehicles) in **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**.

Plant Emissions

- 3.3.13 According to the guidance from Local Air Quality Management – Technical Guidance (TG22) (Defra, 2025a), the use of construction Non-Road Mobile Machinery (NRMM) and generators is unlikely to result in significant effects on local air quality. The guidance states that:
- ‘Experience of assessing the exhaust emissions from on-site plant (NRMM) and site traffic suggests that, with suitable controls and site management, they are unlikely to make a significant impact on local air quality.’*
- 3.3.14 Therefore, emissions from NRMM and generators were considered with a qualitative assessment, proportionate to the established low risk of air quality impacts.
- 3.3.15 The assessment concluded that impacts from generators and NRMM would be not significant.

Issues Arising During the Examination and Final Position

Construction Dust

- 3.3.16 During the examination stage interested parties were broadly accepting of the method, conclusions and mitigation associated with the construction dust assessment, based on the level of detail at this stage.
- 3.3.17 Several interested parties considered that the mitigation set out in **7.2 Outline Code of Construction Practice [Revision H]** was not detailed enough to determine whether localised dust impacts would be negligible after the application of mitigation.
- 3.3.18 Additionally for some interested parties, no agreement was reached on this aspect as the localised mitigation that would be specified following a work package construction dust assessment could not be defined during the examination phase. This is because the level of detail interested parties required on local and tailored mitigation measures would only be available during detailed design.
- 3.3.19 The Applicant highlighted that construction activities and details will be developed in the future by the Main Works Contractor(s) and that to accommodate this further development, **7.2 Outline Code of Construction Practice [Revision H]** and **7.2 Outline Code of Construction Practice Appendix D - Outline Dust Management Plan [REP7-328]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, require a construction dust assessment prior to the commencement of each work package. This is so that localised potential dust impacts can be characterised and the mitigation measures available in the **7.2 Outline Code of Construction Practice Appendix D - Outline Dust Management Plan [REP7-328]** can be tailored to the local context of each work package.

Construction Traffic

- 3.3.20 There were no air quality related construction traffic issues raised during the examination phase.

Plant Emissions

- 3.3.21 During the examination stage several interested parties considered there was not enough information on the size, type or exact location of temporary generators, limiting the ability to independently verify localised impacts.
- 3.3.22 The Applicant strengthened commitments in **7.2 Outline Code of Construction Practice [Revision H]** and **7.2 Outline Code of Construction Practice Appendix D - Outline Dust Management Plan [REP7-328]** that related to emission standards, operation of plant and the siting of generators within each construction compound to avoid, reduce or mitigate any potential air quality impacts from plant emissions. For example commitment AQ02 was strengthened to not just consider release heights of emissions, but also relocating generators or using abatement technology where practicable.

Conclusions and Areas of Disagreement

- 3.3.23 The air quality assessment considered the impact of construction dust, construction traffic emissions and generator emissions associated with construction, on air quality. The assessments showed that with mitigation of construction dust emissions, each

air quality aspect considered would have no likely significant effect on sensitive receptors.

- 3.3.24 NPS EN-1 directs the Secretary of State to give substantial weight to air quality considerations as part of decision making. It has been demonstrated that there would be no likely significant adverse effects upon air quality during the construction (and operational) phase of the Project and effects can be managed to acceptable levels. The Project therefore accords with Section 5.2 of NPS EN-1.

Main Areas of Disagreement

- 3.3.25 The main area of disagreement with regard to air quality can be summarised as follows:
- Mitigation measures in **7.2 Outline Code of Construction Practice [Revision H]** and **7.2 Outline Code of Construction Practice Appendix D - Outline Dust Management Plan [REP7-328]** are by their nature outline and cannot be tailored to each local context until detailed design and construction information is available. Therefore, some interested parties did not feel they were able to agree to the efficacy of the mitigation at this stage, despite worst-case mitigation being outlined in **7.2 Outline Code of Construction Practice [Revision H]** and **7.2 Outline Code of Construction Practice Appendix D - Outline Dust Management Plan [REP7-328]** and it being necessary for the Applicant, before works can commence to submit a final Dust Management Plan (substantially in accordance with the outline) for discharge under Requirement 4 of **3.1 Draft DCO [Revision H]** detailing mitigation to be implemented.

Planning Weight

- 3.3.26 The Applicant considers that Air Quality should be afforded a neutral weighting in the planning balance.

3.4 Biodiversity, Ecology and Nature Conservation

Introduction

- 3.4.1 This section sets out the Applicant's approach to the assessment of the Project's effects on Ecology and Biodiversity.

Planning Policy Context

NPS EN-1 (2024)

- 3.4.2 NPS EN-1 establishes that ecological effects should be addressed through the mitigation hierarchy set out in paragraph 5.4.42, requiring applicants to avoid significant harm to biodiversity where possible and otherwise reduce and compensate residual effects. Paragraphs 5.4.17 and 5.4.19 further require applications to be supported by a robust assessment of effects on protected species and priority habitats, and to demonstrate how opportunities for conservation and enhancement have been embedded within the design.

- 3.4.3 The policy applies particularly strong protection to irreplaceable habitats. Paragraph 5.4.53 states that development resulting in the loss or deterioration of ancient woodland and ancient or veteran trees should not be consented except in wholly exceptional circumstances and where a suitable compensation strategy is secured, establishing a clear expectation that such features should be avoided through routeing and design in the first instance.
- 3.4.4 In relation to protected species, paragraph 5.4.55 provides that consent should not be granted where harm would result unless the relevant legal tests are met, including demonstrating overriding public interest and securing appropriate mitigation through licensing where required. Alongside this, paragraphs 4.6.6 to 4.6.7 encourage applicants to deliver biodiversity net gain and wider environmental enhancements, reinforcing the expectation that schemes should not only minimise harm to ecological receptors but also contribute to measurable improvements in biodiversity.

NPS EN-5 (2024)

- 3.4.5 NPS EN-5 requires applicants to consider the potential effects of electricity transmission infrastructure on bird species, with paragraph 2.9.3 identifying collision and perching risks, and paragraph 2.9.4 advising that appropriate mitigation, such as bird flappers and diverters, should be incorporated to improve line visibility. Paragraph 2.9.6 further emphasises the need to consider ecologically sensitive areas including feeding and breeding grounds and migration corridors, particularly where these are functionally linked to designated sites. The policy goes on to highlight the importance of careful routeing and design, with paragraphs 2.10.2 to 2.10.4 setting out measures to reduce collision and electrocution risks, including avoiding key flight paths where possible and incorporating design features to discourage perching on energised infrastructure, thereby establishing that impacts on bird populations should be addressed through embedded mitigation and design.

NPS EN-1 (2026)

- 3.4.6 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on biodiversity and geological conservation within NPS EN-1.

NPS EN-5 (2026)

- 3.4.7 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on biodiversity and geological conservation within NPS EN-5.

The Approach Taken in the Application

- 3.4.8 The Applicant's assessment of Ecology and Biodiversity matters is primarily set out in **6.8 Environmental Statement Chapter 8 – Ecology and Biodiversity [REP7-186]** and supporting figures and appendices. This follows the approach outlined in **6.19 Scoping Report [APP-288 – APP-296]** and takes into consideration **6.20 Scoping Opinion [APP-297]**.

Statutory and Non-Statutory Designations

- 3.4.9 19 statutory designated sites and 34 non-statutory designated sites had the potential to be affected by the Project, with 54 non-statutory designated sites supporting ground water dependent terrestrial ecosystems that could be affected by the Project.
- 3.4.10 Prior to the submission for development consent, Norfolk Wildlife Trust identified that a private nature reserve was likely to be formally designated in the near future as a County Wildlife Site (CWS) (a non-statutory designation). This area was therefore included in the ecological impact assessment as a candidate CWS under the future baseline section of **6.8 Environmental Statement Chapter 8 – Ecology and Biodiversity [REP7-186]**, referred to as ‘an area of land near Bunwell Hill’. Through careful routeing, the undergrounding of two existing UK Power Networks lines, the newly proposed 400 kV pylons and associated temporary haul road and other construction working areas completely avoid any impacts to the CWS. The 400 kV overhead line oversails only the southeastern corner of the CWS, which is predominantly grassland, and mitigation has been included within **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, for the individual trees and small area of woodland to be affected due to electrical clearances. Post-submission, this site was formally designated and named Meadow Wood Nature Reserve CWS.
- 3.4.11 Direct impacts to most designated sites were avoided through careful routeing with 15 m buffer zones applied adjacent to ancient woodland to avoid impacts to this habitat. Mitigation measures for designated sites are delivered through **7.2 Outline Code of Construction Practice [Revision H]** and **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, ensuring that no significant residual impacts to designated sites, including Meadow Wood Nature Reserve CWS, are predicted as a result of the Project.
- 3.4.12 The arboricultural desk study recorded 54 statutory Tree Preservation Orders (TPOs) within the arboricultural Study Area (Order Limits plus 30 m) with 26 potentially impacted by the Project and listed within Schedule 14 of **3.1 Draft DCO [Revision H]**. Statutory conservation areas are reported within **6.13 Environmental Statement Chapter 13 - Landscape and Visual [REP7-260]**.

Protected Species

- 3.4.13 Desk studies and surveys confirmed the presence of legally protected species and species of conservation concern within the Order Limits. These included terrestrial invertebrates, aquatic macro-invertebrates, fish, amphibians, reptiles, birds (breeding and wintering), bats (potential roost features in trees with commuting and foraging routes alongside hedgerows, woodlands and streams), hazel dormouse, otter, water vole and badger. Direct impacts to habitats and features of value to protected species were avoided, as far as practicable, through careful routeing and siting. Mitigation measures to protect the environment and avoid/minimise impacts to protected species would be delivered through **7.2 Outline Code of Construction Practice [Revision H]** and **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, so that no significant residual impacts to protected species are predicted because of the Project. This includes mitigation for short-term impacts, such as the installation of temporary bat flyways to avoid fragmentation effects during construction. Ecological supervision, pre-construction surveys, micro-siting and, where appropriate, licensing are to be

employed for legal compliance and to avoid negative effects on protected species during construction. Refugia and other structures/features are to be installed/created in retained habitats to mitigate for the loss of roosting/resting/nesting sites during construction with replacement planting provided to ensure no long-term impacts associated with habitat loss or fragmentation.

Licensing

- 3.4.14 Mitigation for great crested newts is to be provided by District Level Licensing, and an Impact Assessment and Conservation Payment Certificate has been obtained from Natural England for this purpose (see **5.9.13 Signed Statement of Common Ground – Natural England [REP7-118]**). Draft licences for hazel dormouse, water vole and badger were submitted to Natural England setting out appropriate mitigation for impacts to these species. Natural England agreed to the measures set out in the draft licences and Letters of No Impediment for hazel dormouse, water vole and badger were issued for the Project (see **5.9.13 Signed Statement of Common Ground – Natural England [REP7-118]**) and provided to the ExA at **8.9.1.1 Addendum to ExQ1 BIO 1.6 - Advice Letter on bats and letters of no impediment from Natural England [REP4-307]**.
- 3.4.15 No confirmed bat roosts have been recorded within the Order Limits that would need to be removed by the Project. Pre-construction surveys and monitoring will be undertaken to ensure that bats are not disturbed or confirmed roosts destroyed without appropriate mitigation and, if necessary, licensing in place. A licensable approach for bats has been agreed with Natural England (see **5.9.13 Signed Statement of Common Ground – Natural England [REP7-118]**).
- 3.4.16 No confirmed otter holts have been recorded within the Order Limits that would need to be removed by the Project. Surveys and monitoring will be undertaken during construction to ensure that otters are not disturbed or holts destroyed without appropriate mitigation and, if necessary, licensing in place.

Other Habitats and Species

- 3.4.17 Desk studies and surveys confirmed the presence of Habitats of Principal Importance for the conservation of biodiversity (HPIs) and Species of Principal Importance for the conservation of biodiversity (SPI) within the Order Limits. Direct impacts to HPI and habitats and features of value to SPI were avoided, as far as practicable, through careful routeing and siting. Mitigation measures would be delivered through **7.2 Outline Code of Construction Practice [Revision H]** and **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, so that no significant residual effects on these habitats and species are predicted because of the Project. Replacement planting would ensure no long-term impacts associated with habitat loss or fragmentation.

Ancient Woodland and Veteran Trees

- 3.4.18 At the time of the development consent application submission, using a combination of desk study and field survey information, six ancient woodlands were identified as being within the Order Limits, with a further 34 ancient woodlands within 15 m of the Order Limits.
- 3.4.19 The approach taken by the Applicant for reporting on existing trees included field surveys to record information on BS 5837:2012 Category A (high), Category B

(moderate) trees and potential veteran trees within the Order Limits and 30 m buffer. Data was recorded and reported as either individual trees or groups of trees with Category C (low) value trees reported on using the remote sensing available on the Project (aerial imagery – APEM 2022). The surveying methodology is detailed within Annex A of **6.13.A6 Environmental Statement Appendix 13.6 - Arboricultural Impact Assessment [REP7-274 to REP7-280]**, and aligns with Appendix J of **6.19 Scoping Report [APP-296]** and **6.20 Scoping Opinion [APP-297]**.

- 3.4.20 The arboricultural desk study of the Ancient Tree Inventory identified 37 veteran trees within the arboricultural Study Area, with only 23 trees located during the field-based surveys. Overall, 112 individual veteran trees and four veteran tree groups were identified during the field-based surveys, with one tree reported as requiring removal (subject to on-going detailed design) and 17 trees requiring crown management to facilitate the Project.
- 3.4.21 Through careful routeing, direct impacts and indirect effects on ancient woodland and veteran trees have been avoided as far as practicable. Where impacts have been predicted, **7.4 Outline Landscape and Ecological Management Plan Appendix B - Ancient Woodland and Veteran Tree Strategy [REP7-346]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, identifies the mitigation measures that would be used to avoid or minimise the effects on these irreplaceable habitats. For example, following initial crown management, the veteran trees will be monitored for a period of 30 years with the first monitoring visit to occur in year five. Depending on overall tree condition, additional management may be specified, for example soil decompaction and mulching.

Biodiversity Net Gain (BNG) and Environmental Mitigation Areas

- 3.4.22 As recommended in planning policy, the Applicant has committed to delivering 10% BNG despite it only being mandatory for NSIPs submitted after 2 November 2026 and therefore not mandatory for this Project. Full details on the Project's BNG approach are detailed within **7.1 Biodiversity Net Gain Report [REP7-320]** and secured via Requirement 11 of **3.1 Draft DCO [Revision H]**. Replacement planting, new planting within the Environmental Areas, and habitat enhancements to retained habitats would ensure that there would be no net loss to biodiversity within the Order Limits. Offsite biodiversity units are to be purchased from third party providers to deliver any BNG deficit to ensure delivery of 10% BNG. Off-site land and land within the Environmental Areas on-site, is to be managed for the benefit of biodiversity for 30 years to deliver this net gain in biodiversity.

Issues Arising During the Examination and Final Position

Regulatory, Planning Policy Context and Guidance, and Mitigation Measures

- 3.4.23 There is agreement with all stakeholders that within **6.8 Environmental Statement Chapter 8 – Ecology and Biodiversity [REP7-186]** the policy context, legislation, guidance, Study Area, data sources, assessment methodology and survey methodology, are appropriate as recorded in the signed Statements of Common Ground (SoCGs) **[REP7-094 to REP7-129]**. The assessment of potential construction and operational impacts on ecological receptors are agreed with all stakeholders. The stakeholders have also agreed that the mitigation hierarchy has been correctly applied and that most of the mitigation measures set out in the **7.2 Outline Code of Construction Practice [Revision H]** and **7.4 Outline Landscape**

and Ecological Management Plan [REP7-342], secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, are suitable and sufficient except for the matters not agreed as identified below. Note: With the exception of Basildon Borough Council who have not participated in engagement on these matters.

- 3.4.24 During the examination, it was identified by Norfolk County Council, South Norfolk District Council, Norfolk Wildlife Trust and Suffolk Wildlife Trust that impacts to Meadow Wood Nature Reserve CWS had not been assessed because it was designated post-submission. However, as identified above, potential impacts to the candidate CWS were identified and assessed in the future baseline in **6.8 Environmental Statement Chapter 8 – Ecology and Biodiversity [REP7-186]**. The Suffolk and Norfolk Wildlife Trusts, Norfolk County Council and South Norfolk District Council have since agreed that the mitigation measures identified in **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, are appropriate and sufficient to mitigate impacts to this newly designated CWS as shown in the signed SoCGs **[REP7-094, REP7-102, REP7-124 and REP7-126]**.
- 3.4.25 During the consultation and examination process there has been disagreement between the Applicant and a number of stakeholders (Norfolk County Council, Suffolk County Council, Babergh and Mid Suffolk District Councils, Braintree District Council, Chelmsford City Council, Colchester City Council, Essex County Council, South Norfolk District Council, Brentwood Borough Council and Tendring District Council) on an appropriate aftercare period for replacement planting. The Applicant has committed to a five-year monitoring and management period for all hedgerow and tree planting on site, with a commitment to maintain the habitats in the Environmental Areas for a period of 30-years. This commitment is secured within **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, which is to be submitted to and approved by the relevant Local Planning Authorities under Requirement 4 of **3.1 Draft DCO [Revision H]**. The Applicant also further commits to the aftercare being adaptive, allowing adaptations to be made in light of monitoring results. The Applicant maintains its position that a five-year aftercare period for replacement planting (outside Environmental Areas) is sufficient to ensure successful planting establishment across the Project. The Applicant provided a comprehensive justification for the aftercare period at Item No. 5.1d in **8.5.12 Applicant's Written Summary of Oral Submissions and Response to Action Points for Issue Specific Hearing 4 [REP6-118]**. This matter is also discussed within Landscape and Visual section later in Section 3.9 of this document.
- 3.4.26 During the examination, a number of Local Planning Authorities and Wildlife Trusts have requested minor wording amendments to **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, most of which have been accepted by the Applicant and addressed within the final version of the document. Suffolk Wildlife Trust has requested that the wording in **7.4 Outline Landscape and Ecological Management Plan [REP7-342]** be amended to identify a preference for use of green hay to reinstate the grassland on CWSs. The Applicant agrees to the potential use of green hay as part of the reinstatement strategy and has added suitable wording to **7.4 Outline Landscape and Ecological Management Plan [REP7-342]** within the designated site section. However, due to the need to maintain flexibility in delivery, use of green hay has been added as a reinstatement option rather than a preference.
- 3.4.27 During the examination, a number of stakeholders requested the establishment of an Ecology Working Group for the construction phase of the Project. The Applicant

accepted this request, and the commitment was included within earlier versions of **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**.

Subsequently, during discussions regarding the group's remit, Essex County Council and Suffolk County Council proposed that landscape matters should also be incorporated, recognising the substantial overlap between ecological and landscape considerations. The Applicant agreed to this amendment, and the commitment to establish and facilitate an Ecology and Landscape Working Group, together with its proposed remit, is now set out within **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**. The wording on the remit of the working group has been broadly agreed with relevant stakeholders and is reflected in **8.31 Response to Rule 17 Letter Received 14 July 2026 [REP7-533]**.

Protected Species

- 3.4.28 The impact assessment and proposed mitigation measures for protected species as set out within **6.8 Environmental Statement Chapter 8 – Ecology and Biodiversity [REP7-186]** and **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, are agreed with all stakeholders, including Natural England, as recorded in the signed SoCGs **[REP7-094 to REP7-129]**.
- 3.4.29 During the examination a number of Local Planning Authorities identified that the loss of trees with potential bat roosting features (not confirmed bat roosts) would affect the short-term availability of roosting resources in the locality. The Applicant has agreed with these stakeholders that providing artificial bat roost features in the form of bat boxes and veteranisation of retained trees, will provide suitable mitigation for the loss of potential roost features. Most of these stakeholders have agreed that replacement on a 10% basis, i.e. one box or feature to be installed for every ten trees with potential roosting features that are removed, is sufficient to ensure no residual effect on bats. The Applicant has agreed to providing artificial roost features on a 10% basis and the agreed wording has been added to **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**. South Norfolk District Council does not consider 10% to be sufficient and have requested that the ratio of artificial features be increased to 20-30%. Thurrock Council has also indicated that a higher ratio of 4:1 replacement be used. However, the Applicant deems the suggested increase of bat boxes to be unnecessary and not supported by a clear ecological driver. The Applicant therefore maintains its position that a provision of bat boxes/veteranisation equating to 10% of the potential roosting features lost is sufficient given the amount of other available roosting habitat in the wider area, as previously justified within **8.31 Response to Rule 17 Letter Received 14 July 2026 [REP7-533]**. Following extensive consultation, this matter remains unagreed with South Norfolk District Council and Thurrock Council, but agreed with all other relevant stakeholders.

Other Habitats and Species

- 3.4.30 During the examination, concern was raised regarding the potential for a short-term biodiversity deficit, arising from the time lag between habitat reinstatement and the maturation of replanted vegetation with potential fragmentation effects. The Applicant has clearly set out how potential short-term effects had been assessed in **6.8 Environmental Statement Chapter 8 – Ecology and Biodiversity [REP7-186]**, with mitigation proposed where necessary as justified in **8.9.2 Applicant's**

Response to Second Written Questions [REP5-211]. It was agreed with stakeholders that mitigation included in **7.2 Outline Code of Construction Practice [Revision H]** and **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, was suitable and sufficient to avoid any negative effects from habitat loss and fragmentation, as identified within the signed SoCGs **[REP7-094 to REP7-129]**.

- 3.4.31 During the examination it was identified by Pylons for East Anglia that birds may be at risk of electrocution and collision with overhead lines. The Applicant has provided several comprehensive responses to these issues and demonstrated that the risk is low and not significant in an Ecological Impact Assessment context. The most comprehensive of these responses is set out in **8.4.13.1 Applicant's Response to Pylons East Anglia's Comments on its ExQ1 Responses [REP5-202]**, which also references other responses on collision risk and electrocution. A detailed response specifically related to electrocution is provided in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]** which demonstrates electrocution is not a significant impact pathway for the Project. As set out in **6.8 Environmental Statement Chapter 8 – Ecology and Biodiversity [REP7-186]** bird diverters are to be installed on a precautionary basis on the 400 kV overhead line above Ardleigh reservoir and between pylons RG87 and RG88 affected by the Waveney and Little Ouse Recovery (WaLOR) project, as secured via Requirement 4 of **3.1 Draft DCO [Revision H]**. Suffolk Wildlife Trust agrees that this is acceptable precautionary mitigation for the birds attracted to the area by the WaLOR project as shown in paragraph 5.3 of **5.9.18 Signed Statement of Common Ground - Suffolk Wildlife Trust [REP7-126]**. Suffolk Wildlife Trust has subsequently requested that additional bird diverters be placed on the overhead line south of pylon RG88 between the pylon and Ling Road (situated to the south of the River Waveney corridor). The Applicant does not propose to install bird diverters in this additional location because the pylon and established woodland would limit regular flight activity across the overhead line and therefore there is not a clear ecological need, as set out in paragraph 6.1 of **5.9.18 Signed Statement of Common Ground - Suffolk Wildlife Trust [REP7-126]**.

Ancient Woodland and Veteran Trees

- 3.4.32 Natural England's Ancient Woodland Inventory was updated post-submission, which resulted in changes to the classification of a small number of woodlands and boundary changes to some ancient woodland areas.
- 3.4.33 **8.10.1 Ancient Woodland Technical Note [REP3-058 to REP3-062]** was produced during the examination which identified the boundary changes and the effect they would have on the impact assessment. Slight modifications were required to the detail of the mitigation measures, but no material change was identified, and following the implementation of mitigation measures, the Project would have no significant residual effects on ancient woodland. **7.4 Outline Landscape and Ecological Management Plan Appendix B - Ancient Woodland and Veteran Tree Strategy [REP7-346]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, was updated to take account of these changes. All stakeholders, including Natural England, have agreed that the mitigation measures in this ancient woodland strategy document are suitable and sufficient as shown in the signed SoCGs **[REP7-094 to REP7-129]**.
- 3.4.34 During Issue Specific Hearing 4, the ExA asked how many veteran trees were reported as requiring removal. Through the ongoing application of the mitigation

hierarchy in the form of careful routing direct impacts and indirect effects on irreplaceable habitat has been avoided as far as practicable. The Applicant confirmed that the number of veteran trees to be removed by the Project has been reduced from four veteran trees to one veteran tree, as reported in the **6.13.A6 Environmental Statement Appendix 13.6 - Arboricultural Impact Assessment [REP7-274 to REP7-280]**. This reduction illustrates the emphasis placed on avoiding impacts to these highly valued and irreplaceable features through the design process. It is anticipated that impacts to veteran trees will be further reduced through refinement in design at detailed design and using appropriate construction methods that minimise impacts to trees in accordance with the **7.4 Outline Landscape and Ecological Management Plan Appendix B - Ancient Woodland and Veteran Tree Strategy [REP7-346]**.

- 3.4.35 During the examination, concerns were raised regarding the loss of veteran trees. As set out above, the number of veteran trees proposed for removal has been reduced from four to one. The Applicant acknowledges paragraph 5.4.53 of NPS EN-1 (2024), which requires there to be ‘wholly exceptional’ reasons for the loss or deterioration of any irreplaceable habitats, in addition to a suitable compensation strategy. The Applicant provided a summary of the ‘wholly exceptional’ reasons in response to ExQ1 LV 1.31 in **8.9.1 Applicant’s Responses to First Written Questions [REP3-074]**. NPS EN-1 (2024) further clarifies that ‘wholly exceptional’ reasons may arise ‘*where the public benefits (including need) of the nationally significant energy infrastructure would clearly outweigh the loss or deterioration of the habitat*’. The Applicant considered that the compelling need for the Project and its substantial public benefits, as detailed in the Need for the Project section earlier in Section 3.1 of this document, satisfy this test.
- 3.4.36 Whilst three of the four veteran trees originally identified for removal have been retained through the refinement of the design, one veteran tree remains identified for removal due to its location within the working swathe for the underground cable works and a working area for UK Power Networks. Notwithstanding this, the Applicant will continue to seek opportunities to retain the tree post-examination and post-consent in accordance with commitment GG14 within **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**. In response to comments from the ExA, the Applicant has also amended Article 50 (felling or lopping) and Article 51 (trees subject to tree preservation orders) of **3.1 Draft DCO [Revision H]** to include a provision that the powers contained in these articles do not apply to any tree identified as ancient or veteran unless it has previously been agreed to be removed or managed or is agreed to be dead, dying or dangerous by the relevant planning authority and there is no alternative to its removal or management.
- 3.4.37 Paragraph 5.4.53 of NPS EN-1 (2024) also requires that a ‘*suitable compensation strategy exists*’. **7.4 Outline Landscape and Ecological Management Plan Appendix B - Ancient Woodland and Veteran Tree Strategy [REP7-346]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, sets out the proposed compensation measures for veteran trees. The Applicant’s SoCG with Natural England (**5.9.13 Signed Statement of Common Ground - Natural England [REP7-118]**) confirms their agreement to **7.4 Outline Landscape and Ecological Management Plan Appendix B - Ancient Woodland and Veteran Tree Strategy [REP7-346]**, subject to updates which were undertaken at Deadline 7. The Applicant therefore considers that the requirements of paragraph 5.4.53 of NPS EN-1 (2024) have been satisfied.

- 3.4.38 An interested party at ISH4 queried the definition of veteran trees and the age that would be considered veteran. The Applicant's response was that the tree needs to be old relative to others of the same species and that the methodology of assessment followed the NPPF definition for veteran trees. Annex 2: Glossary of the NPPF (Ministry of Housing, Communities and Local Government, 2025) states that a veteran tree is *'A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species.'*

Arboriculture

- 3.4.39 During the examination, most of the arboricultural queries related to securing Arboricultural Method Statements and Tree Protection Plans to ensure appropriate protection and working methods are applied during the construction stages. Arboricultural Method Statements and Tree Protection Plans will be secured in the final Landscape and Ecological Management Plan(s) and agreed with the Local Planning Authorities prior to construction activities commencing. The Applicant provides commitments within the **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, to protecting trees during construction through the implementation of Construction Exclusion Zones and supervision by Arboricultural Clerk of Works where works are within Root Protection Areas. These commitments are also included within **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**.
- 3.4.40 Whilst some authorities agreed with **6.13.A6 Environmental Statement Appendix 13.6 – Arboricultural Impact Assessment [REP7-274, REP7-276, REP7-278, REP7-280]** in their SoCGs (Suffolk County Council **[REP7-096]**, Babergh and Mid Suffolk District Councils **[REP7-104]**, Brentwood Borough Council **[REP7-114]** and Thurrock Council **[REP7-100]**), some authorities raised concerns with the assessment in their SoCG and this matter remained disagreed (South Norfolk District Council **[REP7-102]**, Tendring District Council **[REP7-106]**, Colchester City Council **[REP7-108]**, Braintree District Council **[REP7-110]** and Chelmsford City Council **[REP7-112]**), principally on the basis that in their view it does not provide sufficient detail at the DCO stage to fully understand the Project's impacts on trees.
- 3.4.41 Specific concerns raised include the extent of tree survey data provided, the identification and assessment of certain trees (including Tree Preservation Order and veteran trees), the application of BS 5837:2012, the extent to which opportunities to avoid impacts have been demonstrated through the design process, and reliance on post-consent surveys and management measures. Some authorities also consider that further survey work is required to provide greater certainty regarding the extent of tree loss and the deliverability of mitigation measures. The Applicant has responded to these matters during the Examination and particularly in the response provided to EXQ1 LV 1.36 in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**.
- 3.4.42 The Applicant does not agree that the **6.13.A6 Environmental Statement Appendix 13.6 – Arboricultural Impact Assessment [REP7-274, REP7-276, REP7-278, REP7-280]** is inadequate or that it fails to provide a sufficient basis for assessment. In respect of concerns regarding survey scope, methodology and compliance with BS 5837:2012, the Applicant notes that BS 5837:2012 is guidance rather than a mandatory requirement and that the methodology adopted for the assessment,

including the approach to lower value (Category C) trees, was clearly set out within **6.19 Scoping Report [APP-296]** and has been applied consistently throughout the assessment.

- 3.4.43 Concerns have also been raised regarding the identification of particular trees, including TPO trees, the reporting of tree losses at a local authority level and the completeness of the baseline dataset. The Applicant considers that the baseline information presented is proportionate and appropriate for a project at the DCO stage, has been informed by site survey data and information available from local authorities and public sources, and provides a robust basis for assessing likely significant effects.
- 3.4.44 In relation to the mitigation hierarchy and avoidance of impacts, the Applicant has demonstrated through the iterative design process that impacts to trees, including veteran trees, have been avoided or reduced wherever practicable. This includes design refinements which have reduced the number of veteran trees requiring removal from four to one. The Applicant will continue to seek opportunities to further reduce impacts through detailed design in accordance with secured commitments. For example, commitment GG14 of **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, requires further arboricultural surveys to be undertaken following detailed design and prior to construction, specifically to identify opportunities to further avoid and reduce impacts on trees and hedgerows, where practicable. In addition, the preparation of Arboricultural Method Statements and associated tree protection measures are secured through **7.4 Outline Landscape and Ecological Management Plan [Revision H]** and Requirement 4 of **3.1 Draft DCO [Revision H]**.
- 3.4.45 The Applicant therefore considers that a robust assessment of likely significant effects has been carried out, demonstrating compliance with relevant policy requirements.

BNG and Environmental Mitigation Areas

- 3.4.46 The Applicant's commitment to deliver a minimum of 10% BNG is being provided on a voluntary basis. There is currently no statutory requirement for NSIPs to secure 10% BNG. Most stakeholders have agreed that the Applicant's approach to BNG is appropriate, with the exception of the matters below.
- 3.4.47 Tendring District Council and Colchester City Council have indicated they would like to see a higher target of 20% BNG. This request is above any current or future statutory guidance on BNG for NSIPs and not accepted by the Applicant.
- 3.4.48 Essex County Council, Chelmsford City Council and Colchester City Council do not consider five years sufficient time to confirm the success of replacement planting and consider that this impacts the BNG calculation. Babergh and Mid Suffolk District Councils have concerns regarding the success of the replacement planting and its role in the BNG calculation. The Applicant maintains its position that five years is a suitable timeframe in which to establish the success of new planting and to undertake remedial measures for any planting failures.
- 3.4.49 The Applicant's approach to replacement planting and justification for its inclusion within the BNG metric including maintenance period has been set out in paragraphs 3.5.2 to 3.5.7 in **7.1 Biodiversity Net Gain Report [REP7-320]**, in addition to other responses including ExQ1 1.S13 in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**, in response to Essex County Council and Braintree District

Council in **8.4.9 Applicant's Comments on any Further Information or Submissions Received by Deadline 3 [REP4-298]**, and in response to Suffolk County Council in item no. 8.5d of **8.4.12 Applicant's Comments on Post-Hearing Submissions and Interested Party Action Points [REP5-194]** and 5.21 in **8.4.11 Applicant's Comments on Further Information or Submissions Received by Deadline 4 [REP5-192]**. Following the release of the government's response to the consultation on BNG for NSIPs in April 2026, the feedback infers that future BNG NSIP guidance will align with the Applicant's approach to management and monitoring. The consultation response states: *'Retained habitats or habitats which have been temporarily impacted and reinstated are considered non-significant. They can be included in metric calculations to contribute to the post-development biodiversity value but do not have to be secured. A habitat is considered reinstated if it will be replaced with the same habitat type and condition as was lost.'* This therefore removes any obligation to secure the management and monitoring of habitats subject to reinstatement, while still being able to include within the BNG metric. Therefore, the currently proposed five-year management and monitoring period for all replacement planting goes above and beyond that expected to be required within the NSIP BNG guidelines. This validates the approach that the Project has taken with respect to management and monitoring and BNG and this matter remains not agreed with the above mentioned stakeholders.

- 3.4.50 The Applicant originally intended to secure offsite BNG via a s106 unilateral agreement, but following review and feedback from Local Planning Authorities the approach was changed to utilise a requirement instead. Braintree District Council, Brentwood Borough Council, Chelmsford City Council, Colchester City Council, Essex County Council, Suffolk County Council, Thurrock Council and Tendring District Council are seeking approval over the selection, location and the future management of sites used to deliver offsite BNG and request an approval mechanism within the wording of Requirement 11 of **3.1 Draft DCO [Revision H]**. While it is agreed that the Interim Biodiversity Net Gain Assessment, Final Biodiversity Net Gain Assessment or Biodiversity Offsetting Scheme will be shared with the relevant Local Planning Authorities, the Applicant does not agree that approval by the Local Planning Authorities is necessary or proportionate for this voluntary commitment, and this matter therefore remains not agreed with stakeholders. Reference 1.2 in Section 1 of **8.31 Response to Rule 17 Letter Received 14 July 2026 [REP7-533]** clearly sets out the Applicant's position on this matter and the justification for the specific wording of Requirement 11 of **3.1 Draft DCO [Revision H]**. In relation to the future management, offsite BNG will involve the purchasing of units from third party providers. Responsibility for the long-term monitoring and enforcement of the offsite BNG agreements will sit with the Responsible Body for the specific BNG sites.
- 3.4.51 The Applicant has also responded to comments received on the matters above at Deadline 8 in **8.4.18 Applicant's Comments on any Further Information or Submissions Received by Deadline 7 [Revision A]** and **8.4.19 Applicant's Comments on Responses to 14 July Rule 17 Letter [Revision A]**.
- 3.4.52 The Applicant's approach to BNG and absence of assessment of ecosystem services was raised by Pylons East Anglia during the Examination. The Applicant has provided various responses including to ExQ1 BIO 1.48 in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]** and **8.4.13.1 Applicant's Response to Pylons East Anglia's Comments on its ExQ1 Responses [REP5-202]**.

- 3.4.53 The Applicant has had regard to NPS EN-1 paragraphs 4.6.12, 4.6.15 and 4.6.16 in considering opportunities to deliver wider environmental net gains, ecosystem service benefits and natural capital enhancements. Whilst a detailed quantitative ecosystem services or natural capital assessment has not been undertaken, the Applicant's assessment has focused on securing a minimum of 10 % BNG, which provides a measurable, evidence-based assessment of habitat improvement. By its nature, BNG seeks to ensure that habitats are left in a measurably better state than before development. As set out in **7.4 Outline Landscape and Ecological Management Plan [REP7-342]** and **7.1 Biodiversity Net Gain Report [REP7-320]**, the Applicant's strategy is not only to secure at least 10% BNG but also to deliver wider environmental and societal benefits. The Applicant has previously explained during the Examination, that these benefits may include enhanced habitat connectivity, ecosystem service outcomes, climate resilience and other environmental gains. Consequently, whilst a spatially explicit ecosystem services assessment has not been presented, the Applicant considers that the delivery of measurable biodiversity gains provides a robust and proportionate proxy for improved ecosystem service provision overall.
- 3.4.54 The Applicant also recognises that certain ecosystem services, particularly cultural services such as landscape amenity and wellbeing, are inherently difficult to quantify in a consistent and meaningful manner. Nevertheless, the proposed habitat enhancements and wider environmental net gain measures could support positive outcomes in these areas. The Applicant therefore considers that sufficient regard has been given to ecosystem services and natural capital considerations and that the qualitative approach adopted is proportionate and consistent with the objectives of NPS EN-1 paragraph 4.6.16. In addition, whilst it is not possible to quantify the additional environmental and societal value associated with offsite BNG delivery at this stage, details of the offsite solution and associated wider benefits would be reported post consent. This approach is consistent with paragraph 4.6.12 of NPS EN-1, which encourages offsite BNG delivery to contribute to wider strategic outcomes, including enhanced ecosystem service provision.

Interactions with other Projects or Plans

- 3.4.55 The Project would affect land that Suffolk Wildlife Trust plans to enhance as part of the WaLOR project. Suffolk Wildlife Trust has agreed that the Project can be delivered in a manner compatible with the WaLOR project as evidenced in **5.9.18 Signed Statement of Common Ground - Suffolk Wildlife Trust [REP7-126]**. During the examination process, the Project's commitment to ongoing engagement through detailed design between National Grid, UK Power Networks and WaLOR was included within the **Outline Landscape and Ecological Management Plan [REP7-342]** to ensure collaboration and successful delivery of both projects.
- 3.4.56 The Project would affect environmental mitigation land identified by the Lower Thames Crossing project for nitrogen deposition and ancient woodland compensation. Through the examination process Natural England has confirmed it has no objection to the proposal to relocate this mitigation planting to land in the control of the Applicant. This is confirmed in matter 3.2.38 in **5.9.13 Signed Statement of Common Ground - Natural England [REP7-118]**. This approach has also been agreed with the Lower Thames Crossing, as detailed in matters 3.2.26, 3.2.27 and 3.2.28 in **8.3.4 Signed Statement of Common Ground - Lower Thames Crossing [REP7-384]**.

Conclusions and Areas of Disagreement

- 3.4.57 In accordance with the NPS EN-1 requirements, the **6.8 Environmental Statement Chapter 8 – Ecology and Biodiversity [REP7-186]** provides an assessment of the Project's likely significant effects on ecology and biodiversity receptors. The ecology assessment has not materially changed since submission and stakeholders have agreed with the ecological assessment findings and conclusions as set out within **6.8 Environmental Statement Chapter 8 – Ecology and Biodiversity [REP7-186]**.
- 3.4.58 The Applicant has sought to avoid and minimise impacts on irreplaceable habitats through an iterative design process and the implementation of secured mitigation measures. In relation to ancient woodland, the Applicant has demonstrated that, following mitigation, no significant residual effects are predicted and that the proposed mitigation strategy has been agreed by Natural England and other relevant stakeholders. In relation to veteran trees, the number of trees requiring removal has been reduced from four to one, the Applicant has demonstrated the wholly exceptional reasons required by paragraph 5.4.53 of NPS EN-1 (2024), and a suitable compensation strategy has been secured. The Applicant therefore considers that the Project's effects on ancient woodland and veteran trees are appropriately addressed and compliant with the relevant policy requirements for irreplaceable habitats.
- 3.4.59 The Project is acceptable in terms of policy, and with the implementation of the mitigation measures included in the **7.2 Outline Code of Construction Practice [Revision H]** and **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, the Project would have no significant residual effect on ecology and biodiversity. The Applicant's commitment to deliver a minimum of 10% BNG is being provided on a voluntary basis. There is currently no statutory requirement for NSIPs to secure 10% BNG. In accordance with the conclusions presented in the **5.6 Planning Statement [REP7-090]** it is concluded that the Project is in accordance with the requirements of Sections 4.6 and 5.4 of NPS EN-1 and Sections 2.9 and 2.10 of NPS EN-5.

Main Areas of Disagreement

- 3.4.60 Agreement has been reached on most of the ecological matters raised during the examination process with stakeholders. The only key matters that remain disagreed relating to ecology and biodiversity can be summarised as follows:
- The adequacy of the proposed five-year aftercare period for management and monitoring of replacement planting (outside of the Environmental Areas), which the Applicant has determined to be appropriate and in line with other recent NSIPs. This aftercare period is detailed within the **7.4 Outline Landscape and Ecological Management Plan [REP7-342]** and secured under Requirement 4 of **3.1 Draft DCO [Revision H]**.
 - The suitability of a provision of bat boxes / veteranisation, equating to 10% of the potential roosting features to be lost, which is agreed with all relevant stakeholders except for South Norfolk District Council and Thurrock Council. While South Norfolk District Council and Thurrock Council both agree to the principle of the proposed mitigation, they have expressed the need for a higher percentage, despite 10% being agreed by all other Local Planning Authorities. The 10% proposed by the Applicant is deemed to be appropriate, given this is short-term mitigation for potential roosts only (not confirmed bat roosts) and there

is significant other available potential roosting habitat in the wider area. This mitigation is detailed within the **7.4 Outline Landscape and Ecological Management Plan [REP7-342]** and secured by Requirement 4 of **3.1 Draft DCO [Revision H]**.

- The role of the Local Planning Authorities in the decision-making/approval process for determining suitable offsite BNG locations and associated wording within Requirement 11 of the **3.1 Draft DCO [Revision H]**. The Applicant does not agree that Requirement 11 should be amended to require approval from each relevant Local Planning Authority for BNG assessments or any Biodiversity Offsetting Scheme and has provided reasoning for this in response to question 1.2 in the Rule 17 letter, see **8.31 Response to Rule 17 Letter Received 14 July 2026 [REP7-533]**.
- Whether sufficient arboricultural information and certainty have been provided at the DCO stage to demonstrate that impacts on trees have been fully assessed, avoided where practicable and appropriately mitigated. The Applicant considers that sufficient information has been provided to robustly assess the likely significant effects of the Project. The Applicant provided a detailed response to this matter in EXQ1 LV 1.36 in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**.

Planning Weight

- 3.4.61 The Applicant concludes that the Project will not result in any significant negative impacts to local ecology in both EIA or HRA terms and will deliver a BNG of 10%. As such, the Applicant considers that the Project is compliant in terms of any relevant policies which may reduce or prevent the Project progression through the DCO process. Accordingly, the Applicant considers that Little Positive weight should be afforded in the planning balance and this is primarily due to the significant levels of voluntary BNG secured.

3.5 Cumulative Effects

Introduction

- 3.5.1 This section sets out the Applicant's approach to the assessment of the Project's Cumulative Effects.

Planning Policy Context

NPS EN-1 (2024)

- 3.5.2 NPS EN-1 requires the Secretary of State to consider the full extent of a project's adverse effects, including long-term and cumulative impacts, and the extent to which these have been addressed through the mitigation hierarchy, as set out in paragraph 4.1.5. It further establishes that the assessment should consider the cumulative impacts of multiple developments with residual effects (paragraph 4.2.12), alongside the range of direct and indirect, secondary and cumulative effects over all project stages required under paragraph 4.3.3.

- 3.5.3 The policy also emphasises that decision-making should take account of the accumulation and interrelationship of effects, recognising that impacts may be acceptable individually but significant when considered together, as set out in paragraph 4.3.19. In addition, paragraph 4.4.5 highlights that cumulative effects may extend to receptors such as human health, requiring consideration of how multiple developments may affect people simultaneously.

NPS EN-5 (2024)

- 3.5.4 NPS EN-5 identifies in paragraph 2.13.20 that the assessment of cumulative effects should follow the approach set out in NPS EN-1, including the consideration of environmental impacts and cumulative effects, as well as the application of policy across onshore receptors. Therefore, NPS EN-5 reiterates that cumulative effects are to be assessed in accordance with the overarching NPS EN-1 framework.

NPS EN-1 (2026)

- 3.5.5 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on cumulative effects within NPS EN-1.

NPS EN-5 (2026)

- 3.5.6 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on cumulative effects within NPS EN-5.

National Guidance

- 3.5.7 Relevant guidance, specific to Cumulative Effects, that has informed the ES (Volume 6 of the DCO application), comprises:
- The Planning Inspectorate Advice Note: Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment (Planning Inspectorate, 2024)
 - The Institute of Environmental Management and Assessment (IEMA) Special Report – The State of Environmental Impact Assessment Practice in the UK (IEMA, 2011)
 - The IEMA Demystifying Cumulative Effects, Thought Pieces from UK Practice. Impact Assessment Outlook Journal, Volume 7: July 2020.

The Approach Taken in the Application

- 3.5.8 The Applicant's assessment of cumulative effects matters is primarily set out in **6.17 Environmental Statement Chapter 17 – Cumulative Effects [REP7-312]** and supporting figures and appendices. This follows the approach outlined in **6.19 Scoping Report [APP-288 – APP-296]** (including the Planning Inspectorates' guidance and experience on other linear projects) and takes into consideration **6.20 Scoping Opinion [APP-297]**.
- 3.5.9 Two categories of cumulative effects were considered in the assessment: 'intra-project' and 'inter-project' effects.
- 3.5.10 The inter-project effects presented in ES Chapter 17 were updated during the examination period at Deadline 4 and Deadline 7 to reflect changes to the developments originally identified, and to include newly identified developments. The

findings are presented in **6.17.1 Environmental Statement Chapter 17 - Cumulative Effects – Response Update [REP7-314]**.

Cumulative Effects on all Principal Issues

Intra-Project Cumulative Effects Assessment

- 3.5.11 Only the following common receptors were identified as having potential to give rise to significant intra-project cumulative effects, and were therefore included in the assessment:
- Community and land assets (construction phase only)
 - Development land and businesses (construction phase only)
 - Pedestrians, cyclists and horse riders (construction phase only).
- 3.5.12 A summary of the residual intra-project cumulative effects during construction are presented in Table 17.3 of **6.17 Environmental Statement Chapter 17 – Cumulative Effects [REP7-312]**. A full assessment is presented in **6.17.A1 Environmental Statement Appendix 17.1 - Intra-Project Cumulative Effects [APP-282]**. Significant intra-project cumulative effects were predicted on pedestrians, cyclists and horse riders and on development land and businesses during construction. However, the significant intra-project cumulative effects identified were no greater than effects reported in the respective environmental topic chapters, and no additional mitigation was considered to be needed. No significant intra-project cumulative effects were predicted on community and land assets.
- 3.5.13 No effects on common receptors during operation (and maintenance) of the Project were identified.

Inter-Project Cumulative Effects Assessment

- 3.5.14 Only the following topics were identified as having the potential to give rise to significant inter-project cumulative effects:
- Agriculture and soils
 - Historic environment
 - Landscape and visual.
- 3.5.15 Inter-project cumulative effects on agriculture and soils receptors were assessed to be significant during construction and operation (and maintenance) with all shortlisted other developments. The Project already predicts a major adverse effect on its own due to permanent loss of Best and Most Versatile (BMV) land, therefore any further loss of BMV land associated with the shortlisted other developments would be cumulatively significant. There are no additional mitigation measures that could be adopted to reduce effects other than those already committed to. Temporary disruption to farming operations during construction would be reduced through good practice (commitments AS03, AS04, and AS05 within **7.2 Outline Code of Construction Practice [Revision H]**), secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, and all land required temporarily would be reinstated and compensation agreed with landowners, as stated in **6.6 Environmental Statement Chapter 6 - Agriculture and Soils [REP7-172]**.

- 3.5.16 **6.17 Environmental Statement Chapter 17 - Cumulative Effects [REP7-312]** submitted in August 2025 identified three other developments that would result in significant adverse cumulative effects with the Project on the historic environment.
- 3.5.17 Significant inter-project cumulative effects during construction and operation (and maintenance) were predicted on Venta Icenorum: Roman town and associated prehistoric, Anglo-Saxon and medieval remains Scheduled Monument and Dunton Hills and Kenningham Hall Grade II listed buildings with DCO1 (Hornsea Project Three Offshore Windfarm), BR2 (Dunton Hills Garden Village) and SN3 (Solar Farm) respectively and the Project. These heritage assets would experience moderate adverse and significant inter-project cumulative effects during construction and operation (and maintenance) on their setting. These heritage assets were predicted to experience moderate adverse and significant effects as a result of the Project in isolation in **6.11 Environmental Statement Chapter 11 – Historic Environment [REP7-240]**. No additional mitigation measures were proposed to reduce effects other than those already committed to.
- 3.5.18 **6.17.1 Environmental Statement Chapter 17 - Cumulative Effects – Response Update [REP7-314]** submitted in May 2026 and July 2026, identified five other developments / emerging allocations that were predicted to result in significant adverse cumulative effects with the Project and a number of heritage assets:
- DCO16 (EcoPower Suffolk Solar) and DCO17 (Tasway Energy Park) have the potential to result in significant inter-project cumulative effects with the Project on the setting of a number of designated heritage assets during construction and operation (and maintenance). There would be no additional significant effects to heritage assets already predicted to experience a significant effect with the Project in isolation. No additional mitigation measures were proposed to reduce effects other than those already committed to.
 - EA4 (BA) is an emerging allocation for approximately 1,880 – 2,000 homes proposed by Basildon Borough Council. Given the large scale of the EA4 (BA) allocation and its proximity to the Project and Sudbury's Farmhouse (1170946) significant inter-project cumulative effects during construction and operation (and maintenance) on the setting of the heritage asset could not be ruled out. No additional mitigation measures were proposed to reduce effects other than those already committed to
 - EA10 (BA) is an emerging allocation for approximately 1,600 – 1,800 homes proposed by Basildon Borough Council. Given the large scale of the allocation, its proximity to the Project and the Church of St Mary (1122253) and Dunton Hall (1338380) significant inter-project cumulative effects during construction and operation (and maintenance) on the setting of these heritage assets could not be ruled out. No additional mitigation measures were proposed to reduce effects other than those already committed to
 - EA11 (BA) is an emerging allocation for employment proposed by Basildon Borough Council. The Project has assessed significant inter-project cumulative effects on Wayletts (1121459) Grade II listed building during construction, and not significant during operation (and maintenance) in isolation. If there is overlap of the construction periods for the Project and development within the emerging allocation there would likely be significant cumulative effects on Wayletts (1121459) Grade II listed building. However, this would likely reduce to not significant effects during operation (and maintenance). No additional mitigation measures were proposed to reduce effects other than those already committed to.

- 3.5.19 The inter-project cumulative effects assessment predicted 47 other developments would result in significant effects with the Project on landscape and visual receptors (including Landscape Character Types (LCT), Landscape Character Areas (LCA) and Visual Receptors Areas (VRA)) during construction, and 34 other developments) during operation (and maintenance) in Section 17.5 of the **6.17 Environmental Statement Chapter 17 – Cumulative Effects [REP7-312]** and in Section 2.1 and Appendix B of **6.17.1 Environmental Statement Chapter 17 - Cumulative Effects – Response Update [REP7-314]**. All significant effects predicted are already identified in isolation in **6.13 Environmental Statement Chapter 13 - Landscape and Visual [REP7-260]**.
- 3.5.20 The other developments included:
- DCO2 (Bramford to Twinstead) – predicted to result in significant inter-project effects on both landscape and visual receptors with the Project during construction and operation (and maintenance). No additional mitigation measures were proposed to reduce effects other than those already committed to
 - DCO3 (Lower Thames Crossing) – predicted to result in significant inter-project effects on both landscape and visual receptors north of the River Thames during the construction and operation (and maintenance) of the Project. No additional mitigation measures were proposed to reduce effects other than those already committed to
 - CH17 (The Chelmsford North East Bypass) – predicted to result in significant inter-project effects on both landscape and visual receptors during construction and operation (and maintenance) of the Project. No additional mitigation measures were proposed to reduce effects other than those already committed to
- 3.5.21 **6.17.1 Environmental Statement Chapter 17 - Cumulative Effects – Response Update [REP7-314]** submitted in May 2026 and July 2026 identified 18 other developments that would result in significant inter-project cumulative effects with the Project on landscape and visual receptors during construction and operation (and maintenance). These developments included:
- DCO15 (Tarchon Interconnector Project)
 - DCO16 (EcoPower Suffolk Solar)
 - DCO17 (Tasway Energy Park)
 - EA1 (CO) (Policy PP18 - 1,000 homes)
 - EA2 (CO) (Policy PP37 - 900 homes)
 - EA14 (CO) (Policy PP32 - 250 homes)
 - EA2 (CH) (Site Policy 19 - 200 homes)
 - EA10 (BA) (Policy H11 - 1600 - 1800 homes)
 - EA12 (BA) (Policy E5 - 21 ha of employment land)
 - BMS81 (Proposed Solar Farm)
 - ECC43 (low carbon greenhouse and solar renewable energy generation)
 - T34 (Erection of an asphalt plant and ancillary facilities)
 - CO44 (Outline application for the erection of up to 250 homes)

- B48 (835 homes and commercial development)
- SN66 (Solar Farm)
- ECC45 (Processing and Batching plant and restoration works)
- BMS114 (EIA Scoping Opinion for a Battery Energy Storage System)
- ECC47 (EIA Scoping Opinion for extending the existing Crown Quarry).

3.5.22 Effects were predicted on LCT, LCA and VRA during construction and operation. Full details are provided in Section 2.1 and Appendix B of **6.17.1 Environmental Statement Chapter 17 - Cumulative Effects – Response Update [REP7-314]**. Although significant effects have been identified, it is not practicable to mitigate these through landscape mitigation measures, predominantly due to the scale of the works and the heights of the pylons. All effects anticipated to be significant for Landscape and Visual are no worse than already identified in **6.13 Environmental Statement Chapter 13 - Landscape and Visual [REP7-260]**.

Issues Arising During the Examination and Final Position

3.5.23 There was a general suggestion with comments received from Burstall Parish Council, Basildon Borough Council, Tendring District Council, Braintree District Council, Babergh District Council and Mid Suffolk District Council, Thurrock Council and some comments from the general public during the Examination that cumulative impacts have been understated with under reporting of effects. The Applicant disagrees with any suggestions that effects are underreported and maintains that the assessment undertaken is robust, proportionate and typical of other similar infrastructure projects.

Intra-Project Cumulative Effects

3.5.24 During the examination phase, a number of comments have been raised in relation to the intra-project cumulative effects assessment undertaken for the Project. Some comments received stated that there was concern that no intra-project cumulative effects were identified during construction or operation for agricultural and soil, landscape and visual, ecology and historic environment receptors. However, this was not correct, detail was provided as to why intra-project cumulative effects are intrinsic in the assessments. Therefore, the Applicant can confirm that intra-project cumulative effects are identified at the construction and operation (and maintenance) stage for agricultural and soil, landscape and visual, ecology and historic environment receptors and are considered within Section 17.4 of the **6.17 Environmental Statement Chapter 17 – Cumulative Effects [REP7-312]**.

3.5.25 Comments also queried the requirement for additional mitigation (e.g. for cumulative effects on Public Rights of Way (PRoWs)). The Applicant has set out how the mitigation hierarchy has been applied to the Project in **6.5 Environmental Statement Chapter 5 - EIA Approach and Method [REP7-167]** and other application documents including **5.6 Planning Statement [REP7-090]**. NPS EN-1 (2024) and NPS EN-5 (2024) do not state that all residual effects must be compensated for or that any compensation measure proposed must be accepted if there are residual effects. Responses to the intra-project cumulative effects assessment are detailed in **Applicant's Comments on Written Representations [REP2-029]**, **8.9.1 Applicant's Responses to First Written Questions [REP3-074]** and **8.9.2 Applicant's Response to Second Written Questions [REP5-211]**.

- 3.5.26 No updates to the conclusions of the ES topic chapters that would affect the intra-project cumulative assessment or any changes to the intra-project cumulative effects assessment were required during the Examination, therefore intra-project cumulative effects were not considered further in **6.17.1 Environmental Statement Chapter 17 - Cumulative Effects - Response Update [REP7-314]**.

Inter-Project Cumulative Effects

- 3.5.27 During the examination phase, a number of comments were raised in relation to the inter-project cumulative effects assessment. The key comments raised through the Examination included additional developments for the Applicant to consider, concerns with the assessment methodology (including significance criteria), the similarities and differences in approach taken for the Project compared to other linear NSIPs, and how good practice has been applied when undertaking the assessment as well as assessment conclusions. A summary of these key comments, and how the Project has addressed these through examination to reach agreement, are outlined in the paragraphs that follow.

Other Developments Including Nationally Significant Infrastructure Projects

- 3.5.28 The **Rule 6 Letter [PD-009]** received from the ExA in January 2026 stated that an interrelationships report should be provided at Deadlines 1, 4 and 7, summarising any changes to the ES necessary as a result of the progress of other developments. The Planning Inspectorate's Advice Note Nationally Significant Infrastructure Projects: Advice on Cumulative Effects (2024) also states: '*Applicants should state the assessment cut-off date in the Environmental Statement. Where new other existing and, or approved development comes forward following the cut-off date, the Examining Authority may request additional information during the examination in relation to effects arising. The applicant may need to conduct additional assessments to reduce delays and questions during examination.*' In response to the Planning Inspectorate guidance and the ExA **Rule 6 Letter [PD-009]**, the Applicant has provided two updates to the cumulative effects assessment at Deadline 4 and Deadline 7 to accompany **8.4.3 Report on Interrelationships with Other Infrastructure Projects [REP7-477]** and capture other existing and/or approved developments that have been identified since the 1 April 2025 cut-off date for the ES, and provide any updates as a result of progress of other developments originally considered within the cumulative effects assessment which have potential to alter the conclusions of the ES.
- 3.5.29 **6.17.1 Environmental Statement Chapter 17 - Cumulative Effects - Response Update [REP4-163]** was submitted at Deadline 4 to provide an update to the inter-project cumulative effects assessment including other existing and/or approved developments that have been identified since the ES cut-off date of 1 April 2025 and up to and including 31 January 2026. As per the **Rule 6 Letter [PD-009]**, this report was updated again at Deadline 7. Question GEN 2.5 in **Examining Authority's Written Questions 2 (ExQ2) [PD-023]** requested a further response update at Deadline 6, however the Applicant responded to say there was insufficient time. An update however, was provided at Deadline 7 capturing other existing and/or approved developments identified between 1 February 2026 and 8 May 2026.
- 3.5.30 A number of other existing and/or approved developments were raised throughout the examination process, within LIRs and through engagement with Local Authorities for consideration within the cumulative effects assessment. In most cases these other existing and/or approved developments met the criteria for the long list of other

developments (as detailed in **6.17 Environmental Statement Chapter 17 - Cumulative Effects [REP7-312]**) but no information was available prior to the cut-off date for the ES of 1 April 2025, and have therefore been captured within **6.17.1 Environmental Statement Chapter 17 - Cumulative Effects - Response Update** issued at Deadline 4 **[REP4-163]** and Deadline 7 **[REP7-314]**. In some cases, other existing and/or approved developments that were identified through examination did not meet the criteria for the long list and were therefore not considered further. The Applicant has responded to individual stakeholders, providing justification where this is the case.

Assessment Methodology

- 3.5.31 During examination, the ExA raised several questions relating to the methodology that had been used when undertaking the inter-project cumulative effects assessment.
- 3.5.32 Question GEN 2.3 in **Examining Authority's Written Questions 2 (ExQ2) [PD-023]** requested further clarification on the methodology used to assess whether a cumulative effect would be significant, including clarification on the meaning of 'significant magnification'. The ExA also requested clarity on whether localised effects could also be major (significant), if the receptor or resource is particularly susceptible to change or highly valued, or whether only wide-ranging effects could be major (significant). The Applicant outlined in **8.9.2 Applicant's Response to Second Written Questions [REP5-211]** that professional judgement has been used to determine whether a predicted effect is deemed to be a significant magnification of effects already predicted to occur (as a result of the Project alone), with such effects described as moderate (significant) or major (significant) depending on whether the effect described is relatively localised or relatively wide-ranging. Where an effect was judged to be a localised (not significant) magnification, the cumulative effect was judged to fall below the threshold of significance, i.e. minor (not significant) or negligible. This was discussed further in Issue Specific Hearing 4 (ISH4) and written examples of major (significant), moderate (significant) and minor (not significant) cumulative effects on landscape and visual receptors were provided to the ExA in **8.5.12 Applicant's Written Summary of Oral Submissions and Response to Action Points for Issue Specific Hearing 4 [REP6-118]**.
- 3.5.33 Within question GEN 2.3 in **Examining Authority's Written Questions 2 (ExQ2) [PD-023]**, the ExA also requested the Applicant to provide specific examples of where the inter-project cumulative effects assessment undertaken was similar to assessments undertaken for other linear NSIPs and to identify any similarities or differences between the projects and the approach taken. In addition, the ExA requested the Applicant explain how the number and scale of other nearby projects that have been or are yet to be constructed at certain sites such as the proposed new EACN and Tilbury North Substations compares with those for other linear projects. Within question GEN 2.3 in **Examining Authority's Written Questions 2 (ExQ2) [PD-023]**, the ExA also requested the Applicant provide a table which summarises how good practice guidance has been applied by the Applicant in determining cumulative effects for each environmental topic. The Applicant's responses to these questions are provided in **8.9.2 Applicant's Response to Second Written Questions [REP5-211]**. No further correspondence has been received on these matters. The Applicant has addressed all matters raised by the ExA throughout the Examination.

Cumulative Effects on all Principal Issues

- 3.5.34 Throughout examination, a number of comments specific to environmental topics were raised. Rather than repeating here, these are discussed where relevant under environmental topic headings in this Closing Statement.

Conclusions and Areas of Disagreement

Main Areas of Disagreement

- 3.5.35 The main areas of disagreement with regards to cumulative effects can be summarised as follows:
- As identified within the submitted LIRs, a key area of disagreement remains around the conclusions of the cumulative effects assessment as many LPAs believe cumulative effects have been underreported. However, as previously stated the Applicant maintains that the assessment undertaken is robust, proportionate and typical of other similar infrastructure projects.
 - Another disagreement relates to LPAs and IPs believing additional mitigation measures are required to mitigate residual significant effects. However, as previously stated policy does not require all significant effects to be mitigated and owing to the nature and of some of the residual effects such as those on landscape receptors it would not be proportionate or possible to provide mitigation that would reduce significant effects.
- 3.5.36 The matters above have been responded to through the SoCG process and the Applicant has continued engagement with the host authorities to reach further areas of agreement where possible.

Planning Weight

- 3.5.37 The inter-project and intra-project cumulative effects assessments have been undertaken in accordance with a structured methodology. It is considered that the cumulative effects should be afforded a little negative weighting.

3.6 Good Design

Introduction

- 3.6.1 The Applicant has demonstrated a clear and sustained commitment to achieving good design in accordance with NPS EN-1 (2024) and NPS EN-5 (2024), which recognise that the form and appearance of electricity transmission infrastructure are heavily influenced by functional, safety and security requirements with opportunities for good design primarily arising through routeing, siting, landscape integration and mitigation.

Planning Policy Context

National Policy

NPS EN-1 (2024)

- 3.6.2 Section 4.7 of NPS EN-1 (2024) provides the criteria for good design for energy infrastructure referring specifically to functionality, sustainability, and good aesthetics as far as possible. It is acknowledged that the nature of energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area. Paragraph 4.7.1 states *‘The visual appearance of a building, structure, or piece of infrastructure, and how it relates to the landscape it sits within, is sometimes considered to be the most important factor in good design. But high quality and inclusive design goes far beyond aesthetic considerations. The functionality of an object – be it a building or other type of infrastructure – including fitness for purpose and sustainability, is equally important’*. NPS EN-1 also places emphasis on the benefits of good design in mitigating the adverse impacts of a project during the early-stages of the project lifecycle.
- 3.6.3 NPS EN-1 also refers to design reviews, design champions and design principles to ensure good design is embedded in the project development and secured at later stages. NPS EN-1 reinforces the expectation that good design should be applied throughout all stages of the project and into the post-consent stage – a point reinforced in the Planning Inspectorate’s Advice on Good Design.

NPS EN-5 (2024)

- 3.6.4 NPS EN-5 expands on the above setting out at Paragraph 2.4.3 that *‘...the Secretary of State should bear in mind that electricity networks infrastructure must in the first instance be safe and secure, and that the functional design constraints of safety and security may limit an applicant’s ability to influence the aesthetic appearance of that infrastructure.’* NPS EN-5 makes it clear that the government considers overhead lines should be the strong starting presumption for electricity networks developments in general, although this presumption is reversed when developments will cross part of a nationally designated landscape (paragraph 2.9.20).

NPS EN-1 (2026)

- 3.6.5 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision making criteria on Good Design within the 2026 NPS EN-1.

NPS EN-5 (2026)

- 3.6.6 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision making criteria on Good Design within the 2026 NPS EN-5. The Applicant notes that paragraph 2.4.2 introduces a reference to the Electricity Transmission Design Principles (ETDP). This is discussed below.

Relevant Guidance and Design Principles

Planning Inspectorate's Advice on Good Design

- 3.6.7 In October 2024, new guidance for NSIPs was published by the Planning Inspectorate. The Applicant has responded to this guidance to ensure that the Project is able to demonstrate that it adheres to good design through both process and outcomes. The Applicant notes that the ExA needs to be satisfied that there is evidence that applicants have engaged in and are committed to a process that can deliver good design outcomes, which are specific and proportionate to the type of infrastructure proposed. The need to be secured by the DCO through requirements, management plans or certified documents.

National Infrastructure Commission Design Principles

- 3.6.8 The NIC Design Guidance recommends that National Infrastructure should explain how they respond to the four design principles of climate, people, place and value. It was published in 2020 by the National Infrastructure Commission (NIC), now known as National Infrastructure and Service Transformation Authority (NISTA)). The Design Principles are based on four core pillars. It should be noted this guidance was added into NPS EN-1 (2024) as a footnote. A summary of each principle is set out below:
- Climate: mitigate greenhouse gases and adapt to climate change, enable decarbonisation
 - People: reflect what society wants, improve quality of life and health/wellbeing as well as take into account the views of affected communities
 - Places: create a sense of identity and improve the environment, provide a positive contribution to the local landscape, protect and enhance biodiversity and achieve biodiversity net gain
 - Value: achieve multiple benefits and solve problems, seek opportunity to add value and solve multiple problems with one solution.

Holford Rules

- 3.6.9 Broad principles for overhead transmission line routeing were formulated by the late Lord Holford and published in 1959 by the Royal Society of Arts. These rules, known as the 'Holford Rules', were reviewed by National Grid in 1992 and have become accepted within the electricity transmission industry as providing the guidelines for overhead transmission line routeing. Paragraph 2.9.16 of NPS EN-5 states that the Holford Rules should be embodied in applicants' proposals for new overhead lines.
- 3.6.10 In overview, the Holford Rules seek to reduce any adverse impacts associated with new overhead lines through the adoption of a series of 'common sense' rules. The seven rules and supplementary notes which are identified in Chapter 5 of the **7.15 Design and Access Statement [REP7-371]** seek to inform the routeing of overhead lines by guiding them away from areas which are considered to be of the highest

amenity value and maintain as direct and straight an alignment as possible. It is clear from the caveats within the wording of different Rules, however, that balanced decision making judgements are required on a case-by-case basis, informed by the unique circumstances of a location.

Horlock Rules

- 3.6.11 National Grid devised the Horlock Rules which provide guidelines for the siting and design of new substations, or substation extensions, to avoid or reduce the environmental effects of such developments. They also concern the siting of CSE compounds and line entries. In summary, like the Holford Rules, they facilitate the consideration of environmental factors and amenity within the design and siting of new substation infrastructure. Paragraph 2.9.18 of NPS EN-5 states that the Horlock Rules should be embodied in applicants' proposals for the infrastructure associated with new substation (and similar) infrastructure sites.

Electricity Transmission Design Principles

- 3.6.12 NESO published the ETDP on 30 June 2026. It is the Applicant's clear view that the ETDP do not apply to the Project, since the Project went through the strategic planning stage long before the publication of the Design Principles. They are not expected to apply to projects currently in development, in particular those already in examination. This approach is set out in NPS EN-5 (2026) and the ETDP itself. The **7.15 Design and Access Statement [REP7-371]** sets out at paragraphs 5.3.15 to 5.3.41 (inclusive) the design principles adopted by the Project, including the Holford and Horlock Rules.

Regulatory and Other Constraints (Such as Operational, Safety and Security Requirements)

- 3.6.13 Given the nature of electricity transmission infrastructure compared to other types of infrastructure projects, the Project design is governed by statutory duties and obligations set out under the following regulations and legislation:
- The Electricity Act 1989 – efficient, co-ordinated and economical
 - Section 64 of the Electricity Act 1989 – provides a clear distinction on what amounts to 'electrical circulatory equipment'
 - Transmission licence obligations – connections and security of supply
 - National Electricity Transmission System Security and Quality of Supply Standard (NETS SQSS) – design safety standards
 - The Construction (Design and Management) Regulations 2015
 - Health and Safety Legislation.
- 3.6.14 The above regulation and legislation provided the framework to decision making when identifying the most appropriate strategic option. The primary design requirement for electricity infrastructure is that it must be safe and secure. These functional constraints, particularly around safety and operational reliability, can significantly limit National Grid's ability to adapt the aesthetic appearance of its infrastructure.

The Approach Taken in the Application

- 3.6.15 Good design of electricity transmission infrastructure is achieved by application of the Holford and Horlock Rules, alongside an iterative design approach informed by stakeholder engagement, relevant sections of national policy (NPS EN-1 and NPS EN-5) and the embedded environmental design mitigation as part of the EIA process. Such good design principles are then intertwined with the technical design requirements alongside the regulatory and other constraints such as operational, safety and security requirements for new electricity transmission infrastructure.
- 3.6.16 **7.15 Design and Access Statement [REP7-371]** sets out how the Project reflected the four principles of good design in the Planning Inspectorate's Advice on Good Design.
- 3.6.17 The iterative design process has been informed by extensive stakeholder engagement, engineering and environmental surveys, technical assessments and refinement.
- 3.6.18 The Design Development Reports (DDRs) have been prepared to explain the reasons for taking forward certain changes regarding the routing and siting of infrastructure and why other changes have not been progressed. DDRs provide an overview of the main changes to route alignment, infrastructure siting and technology for the Project arising from feedback received during the consultations undertaken at the pre-application stage. Professional judgement was applied to determine which changes were considered to be the main ones and therefore covered in these reports, with the remainder addressed in the **5.1 Consultation Report [REP7-084]**. The Applicant has given due consideration to the costs and benefits of feasible alternatives to the overhead line in accordance with paragraph 2.9.14 of NPS EN-5. Furthermore, the Applicant has continued to review and refine its proposal.
- 3.6.19 After taking into consideration the socio-economic, environmental, technical and cost factors, the proposal that best meets the need case set out above is an onshore reinforcement between Norwich Main Substation and Tilbury Substation via Bramford Substation, a new EACN substation and a new Tilbury North Substation. It is concluded in **5.6 Planning Statement [REP7-090]**, **7.15 Design and Access Statement [REP7-371]** and **7.16 Design Approach for Site Specific Infrastructure [REP7-373]** that the Project satisfies the good design criteria identified within NPS EN-1 (2024) and NPS EN-5 (2024). The **7.15 Design and Access Statement [REP7-371]** and **7.16 Design Approach for Site Specific Infrastructure [REP7-373]** both demonstrate how the Planning Inspectorate's Advice on Good Design and NIC Design Principles for National Infrastructure have been given due regard during the development of the Project.
- 3.6.20 In accordance with NPS EN-1 and NPS EN-5 policy, the Applicant has applied the strong presumption of overhead lines in the correct places, and reversed that presumption in the circumstances of a designated National Landscape. The Project has included undergrounding in locations outside the National Landscape, at Great Horkesley having correctly applied the NPS EN-5 policies at paragraphs 2.9.20 to 2.9.24 (inclusive). Similarly to the Advice on Good Design, the Design Principles for National Infrastructure have been given due regard during the development of the Project.
- 3.6.21 The Applicant's position is that, through the application of the Holford Rules, Horlock Rules and the undergrounding policy, alongside an iterative process of design development, consultation and environmental assessment, the principles of good

design have been fully integrated into the Project. The Applicant therefore considers that the Project satisfies the good design requirements of NPS EN-1 and NPS EN-5.

Issues Arising During the Examination and Final Position

- 3.6.22 A number of references to good design included a request to consider alternative technology options and/or routing and siting of infrastructure. Furthermore, a number of interested parties submitted representations expressing a view that the Project was in contravention with the Holford and Horlock Rules. This is considered further within the Alternatives section earlier in Section 3.2 of this document.

Appointment of a Design Champion

- 3.6.23 When submitting the application for development consent, the Applicant set out in the **7.15 Design and Access Statement [REP7-371]** that a design champion would be appointed to provide independent oversight and advocacy for ongoing good design in finalising the design and delivery of the Project. The design champion would act as a critical friend, ensuring the design principles secured through the DCO are upheld during detailed design development and implementation. The appointment of a design champion is supported by NPS EN-1, NIC Design Principles and the Planning Inspectorate Advice on Good Design.
- 3.6.24 In their LIR, Suffolk County Council, Babergh District Council and Mid Suffolk District Council **[REP1-178]** expressed support for the appointment of a design champion to oversee the design process, primarily within highly sensitive landscapes and around substation and CSE compounds, where positive placemaking will be essential.
- 3.6.25 An updated version of the **7.15 Design and Access Statement** (Revision B) was submitted at Deadline 2 **[REP2-020]**. This confirmed the appointment of two Design Champions for the Project: the Development Design Champion (DDC) and the Delivery and Detail Design Champion (DDDC). Additional context was also provided on their respective roles and responsibilities.
- 3.6.26 In their first written questions the ExA sought clarification, under ExQ1 DES 1.4, on the role of the Design Champion(s) and their ability to provide independent oversight. The Applicant addressed this within **8.9.1 Applicant's Response to First Written Questions [REP3-074]** and through updates to the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]** submitted at Deadlines 4, 5, 6 and 7. Within Table 6.5 (Design Commitments (Governance)) within the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]** the Applicant has confirmed that the Development Design Champion will:
- 'provide 'internal' oversight and advocacy for ongoing good design through design development and into implementation (with support from a further Design Champion, see below). The DDC is already acting as a critical friend, ensuring that the design principles (based on climate, people, place, and value) seeking to be secured through the DCO and examination process will be upheld through later stages.'*
- 3.6.27 The same table confirms that the Delivery and Detailed Design Champion will:
- 'provide an Executive Board-level layer of design governance. The DDDC will be nominated from the Arup–AECOM Joint Venture (AAJV) under the Design Consenting & Environmental Partner of the GGP. This will be a senior member of the GGP, with a minimum of twenty years of experience in significant design and infrastructure projects, recognised across the sector. The appointment of the DDDC*

from the GGP / AAJV provides 'independent' design quality assurance outside the internal National Grid project team, complementary to the DDC.'

- 3.6.28 The Development Design Champion will be part of the Design Review Panel and will ensure design continuity, independent from the Great Grid Partnership (GGP). The Delivery and Detailed Design Champion will work with the Design Executive to help implement, as far as reasonable and practicable the findings of the Design Review Panel and the advice and recommendations contained within the Design Review Panel Report.
- 3.6.29 The Applicant notes that at Deadline 7, Essex County Council **[REP7-553]** and Brentwood Borough Council **[REP7-546]** raised concerns that the Design Champion would be a senior figure from within National Grid and intentionally chosen from the existing project team for their significant experience and knowledge of the project development to date. Notably, the DDC will be separate to the GGP. The Applicant has previously responded to this matter at **8.9.1 Applicant's Response to First Written Questions [REP3-074]** noting that the Development Design Champion (DDC) is drawn from within National Grid's existing design governance structure. The role of the DDC is to ensure a consistent design language in line with NPS EN 1 (2024), NPS EN 5 (2024), the Holford and Horlock Rules, and other relevant guidance will be followed through in post-consent decisions.

Principle of Independent Design Review

- 3.6.30 Concerns regarding the 'independence' of design review were raised by LPAs including Colchester City Council and Chelmsford City Council, in their LIRs. The ExQ DES 1.3 asked whether an independent design review was required. In Pylons East Anglia's (PEA's) response to the ExQ1 DES 1.3 **[REP3-131]** and **[REP3-132]** and accompanying appendix they set out their views on the need for an Independent Design Review and the timing of Design Reviews.
- 3.6.31 The Applicant highlighted that an Internal Design Review was undertaken prior to the submission of the application for development consent. This is reported in Appendix B of the **7.15 Design and Access Statement [REP7-371]**. The Internal Design Review concluded that the Project meets good design through the DCO application process.
- 3.6.32 NPS EN-1 and NPS EN-5 (2024) do not impose a requirement for applicants to undertake a design review by an independent design review panel. The Applicant also notes that the Planning Inspectorate's Good Design Advice Note does not mandate independent design review panels for NSIPs; rather, it identifies a range of mechanisms through which good design outcomes may be achieved. Independent design review is one such mechanism, but not a requirement, and the choice of mechanisms should be proportionate to the type of infrastructure and the scope for design influence. The NIC design principles for National Infrastructure does not require independent design review to produce infrastructure which provides good value and works well for climate, people and places. Such guidance only refers to design review and design review panels, the same as what is proposed by the Project.
- 3.6.33 As set out above, the Applicant has appointed two Design Champions and committed to establishing a Design Review Panel that will operate independently of the Project's Executive Design team. The Applicant has demonstrated a clear and sustained commitment to achieving good design in accordance with NPS EN-1, particularly Section 4.7, and NPS EN-5. These policies recognise that the form and appearance

of electricity transmission infrastructure are heavily influenced by functional, safety and security requirements, with opportunities for good design primarily arising through routing, siting, landscape integration and mitigation. The Project's approach to good design is embedded within a comprehensive and mature design framework, including the **7.15 Design and Access Statement [REP7-371]**, the DDR(s), and the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]**. Together, these documents provide a clear narrative of the Project's iterative design evolution and define the design principles, parameters and LoD that will govern the detailed design.

- 3.6.34 It was noted in the Applicant's response to ExQ DES 2.2 that the recommendation report for the Yorkshire GREEN project (EN020024) recognised at paragraphs 3.13.5 and 3.13.52 that National Grid did not undertake independent design review, but it did prepare a Design Approach for Site Specific Infrastructure (DASSI) which set out the design principles to be applied. The ExA for Yorkshire GREEN was content that the DASSI would guide detail design development for the CSE compounds as well as the substations. The ExA also confirmed that the DASSI guides selection of aggregate colour to be explored to assist in reducing the overall mass of all the substations.
- 3.6.35 The Applicant's position is that a separately appointed fully independent design review panel is not necessary for the Norwich to Tilbury Project. The combination of the established design governance framework, the appointment of two Design Champions, the commitment to a Design Review Panel, and the design principles secured through the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]** provides an appropriate and proportionate mechanism for achieving good design.
- 3.6.36 PEA also maintain independent design reviews should have been used early in the Project, citing the NIC Design Guidance (2020) that design review panels should be set up for every NSIP; and cites s51 advice referencing the NIC Design Guidance.
- 3.6.37 The Applicant has addressed this point by confirming the design development of the Project commenced prior to the publication of the Planning Inspectorate's Advice on Good Design and design champions and design principles taking into account the Design Principles for National Infrastructure that was published by the National Infrastructure Commission but was only added as a footnote in NPS EN-1 in 2024 as recommended guidance. As such, the design of the Project was not shaped by the above guidance from the outset. However, the Applicant has demonstrated in **7.15 Design and Access Statement [REP7-371]** how the Project design aligns with the principles and expectations set out in the Planning Inspectorate's Advice on Good Design and NIC Design Guidance.

Design Review Panel

- 3.6.38 The Applicant has committed to establish a Design Review Panel. Acknowledging a holistic approach to good design, the Applicant has identified a series of Design Principles that define the scope of works which will be considered by the Design Review Panel in informing the Detailed Design of the Project. The Design Principles identify the detailed design matters on which the Design Review Panel will be able to comment and influence the development of the detailed design.
- 3.6.39 The Design Review Panel may provide comments and recommendations on certain design aspects of the EACN, Bramford and Tilbury North substations, with any

subsequent design changes being considered by the Design Executive in accordance with the agreed design governance arrangements:

- Environment Areas
- Colour and materials finish of buildings, including:
 - GIS Buildings (and extensions)
 - Central control building
 - Amenities building
 - PRR buildings
 - Dynamic Reactive Compensator (DRC) buildings
 - DNO Building.
- Colour and materials finish of acoustic enclosures (if required).

3.6.40 For the CSE compounds the Design Review Panel will be able to comment upon the Environment Areas.

3.6.41 Requirement 12 of **3.1 Draft DCO [Revision H]** ensures that the final appearance of the above permanent buildings and link pillars is consistent with the approved design principles in the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]**, which will be certified under Schedule 19. It provides a mechanism for enforceable design-led detailing post consent, ensuring matters agreed during examination are delivered throughout construction whilst still allowing flexibility for innovation at detailed design stage and consideration through the design review panel. In submitting details in accordance with Requirement 12(5) and (6) the Applicant will include a copy of the Design Panel Report and feedback from the Design Executive setting out how it has had due regard to feedback and recommendations from the Design Review Panel.

3.6.42 It will not be possible to collaborate on design matters related to the configuration and/or design of operational electricity infrastructure. National Grid designs its substations according to a set of safety instructions, policies, standards and guidance notes based on international standards. A substation layout is designed to protect staff working within, the wider public, local community and environment, protect the equipment in the substation and allow safe access to install, maintain, or remove all or part of the substation.

3.6.43 The Design Review Panel will also be able to provide comments and recommendations on the following aspects of the link pillars, with any subsequent design changes being considered by the Design Executive in accordance with the agreed design governance arrangements:

- External colour of the link pillar control cabinet
- Fencing appearance
- Ground surface treatment, typically this will be reinstated soil, seeded with grass, other surfacing may be considered where appropriate.

3.6.44 The influence of the Design Review Panel is secured through both the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]** and Requirement 12 of the **3.1 Draft DCO [Revision H]**. The Design Review Panel is also embedded in **7.4**

Outline Landscape and Ecological Management Plan [REP7-342] which requires discharge under Requirement 4 (1) (c) of the **3.1 Draft DCO [Revision H]**. Requirement 4(2) requires compliance with the Landscape and Ecological Management Plan (LEMP) approved under 4(1)(c). The Final LEMP submitted for approval under Requirement 4 will include a statement demonstrating:

- How regard has been had to the relevant **7.16 Design Approach for Site Specific Infrastructure [REP7-373]** design principles during the development of the detailed design
- How recommendations arising from the Design Review process have been taken into account, where appropriate, in the final details submitted for approval.

- 3.6.45 Together, these provisions require the Applicant to undertake the design review process before submitting details for approval under Requirement 12 and Requirement 4 to the relevant local authority.
- 3.6.46 In submitting details in accordance with Requirement 12(5) and (6) the Applicant will include a copy of the Design Panel Report and feedback from the Design Executive setting out how it has had due regard to that feedback. This provides a clear and auditable mechanism demonstrating how Design Review Panel recommendations have been considered and embedded within the detailed design process at the discharge of requirement stage.
- 3.6.47 The Applicant has therefore carefully considered the mechanisms through which design outcomes will be scrutinised, assessed and developed during the post-consent design process, and how the influence of the Design Review Panel is secured through requirements and commitments contained in the certified documents.
- 3.6.48 The Applicant notes the feedback from Babergh and Mid Suffolk District Council in their Rule 17 Response **[REP7-541]** welcoming the revisions to Requirement 12 and the involvement of the local authorities and National Landscape Partnership team in the Design Review Panel.
- 3.6.49 The Applicant notes that Braintree District Council in their SoCG *‘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, the Council notes that the DRP is advisory in nature and that responsibility for final design decisions remains with the Design Executive.’*
- 3.6.50 The Applicant would reiterate that, whilst the Design Review Panel will not be the decision-maker, the Design Executive will be required to respond to the Design Panel Report, identifying which recommendations have been adopted. Where a recommendation is not adopted, the Design Executive will be required to set out their reasons. This response will be included within the Design Review Panel Report and submitted to the relevant LPA alongside the details of development required to discharge Requirement 12.

Design Co-ordination with North Falls and Five Estuaries

- 3.6.51 The ExA in their second written questions (DES 2.1) sought to better understand the relationship and co-ordination on design matters between National Grid and the North Falls and Five Estuaries Offshore Wind Farms. The Applicant responded in **8.92 Applicant’s Responses to Second Written Questions [REP5-211]** noting that

whilst the EACN does not form part of the North Falls and Five Estuaries Joint Substations Design Guide all three parties are closely aligned and will remain co-ordinated through the detailed design stage. The Applicant has committed within the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]** to inviting North Falls and Five Estuaries representatives to participate in the Norwich to Tilbury Design Review Panel. Furthermore, design teams across all three projects will continue to liaise regularly to coordinate key design matters in relation to the EACN and respective AIS substations proposed by North Falls and Five Estuaries.

Refinement of the Design Principles

- 3.6.52 The Applicant acknowledges that NPS EN-1 adopts a holistic approach to good design, recognising that good design extends beyond matters of appearance and encompasses functionality, sustainability, place sensitivity and the mitigation of environmental effects. The Applicant has identified in Section 5 of the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]** a series of Design Principles which define the scope of works which will be considered by the Design Review Panel to inform the Detailed Design of the Project.
- 3.6.53 It is anticipated that the Design Review Process will undertake design reviews with reference to Section 5 Design Principles and Scope for Variation in Developing the Detailed Design and in accordance with Section 6 Approach to Detailed Design and Approval Process in the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]**.

Defining and Refining Requirement 12

- 3.6.54 During Examination and, in particular, in response to the Issue Specific Hearing on 25 June 2026, the Applicant actively reviewed and updated the terms of Requirement 12. At the point of submission of the application for development consent, Requirement 11 provided the control for the final colour of the GIS hall at Tilbury North Substation. Requirement 12 set out that any buildings forming part of the authorised development must be in general accordance with the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]**.
- 3.6.55 In the Applicant's Response to ExQ DES 2.3, the Applicant sought to clarify that Requirement 12 was always intended to apply to buildings in the traditional sense of that word, i.e. structures with walls and roofs, and not electrical circulatory equipment and structures such as gantries and related or associated electrical equipment that must meet certain performance and safety standards that drive their form and function as recognised in the NPS EN-1 (2024) on fitness for purpose and functionality (paragraph 4.7.1 and 4.7.11) and NPS EN-5 (paragraph 2.4.3 and 2.4.4). Accordingly, the Applicant updated Requirement 12 to:
- Incorporate Tilbury North Substation GIS which was subject to Requirement 11
 - Identify the specific buildings subject to control under Requirement 12.
- 3.6.56 At the Issue Specific Hearing on 25 June 2026, the ExA highlighted that Essex County Council, Suffolk County Council and Colchester City Council had sought a requirement to ensure that the detailed design of the link pillars is submitted and approved prior to commencement. Suffolk County Council confirmed during the Examination that it did not envisage that any requirement would be necessary to control the siting of link pillars but rather their above ground appearance. The

Applicant revised Requirement 12 and the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]** at Deadline 6 to include controls relating to link pillars.

- 3.6.57 Only the permanent buildings identified in Requirement 12 are required to be in general accordance with the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]**. Electrical plant and machinery, electrical lines and associated apparatus works do not fall within the scope of Requirement 12.

Design Approach for Site Specific Infrastructure and Design Review Panel Further Refinement

- 3.6.58 On 14 July 2026, the Planning Inspectorate issued a request for further information under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010. The ExA sought clarification over the Applicant's approach to complying with the Dedham Vale Lighting Design Guide when designing substation lighting. The Applicant confirmed that, under normal operation, National Grid substations are typically unmanned. Consequently, the use of lighting on substation buildings during the evening or night is limited to fault response activities undertaken by call out engineers or security responses involving the security team or police. In all other circumstances, the substation lighting is off. Notwithstanding this, the Applicant updated the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]** at Deadline 7 to state that lighting will be designed and operated substantially in accordance with Dedham Vale National Landscape Lighting Design Guide. The Applicant also confirmed that commitment GG26 in the **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, was updated at Deadline 7, following engagement with Suffolk County Council, to secure that, where the Project is '*within and in proximity to Dedham Vale National Landscape, lighting will be designed and operated substantially in accordance with Dedham Vale National Landscape Lighting Design Guide*'.
- 3.6.59 Within the same Rule 17 response, and as set out in the response to DES 1.9 (**8.9.1 Applicant's Responses to First Written Questions [REP3-074]**), the Applicant explained why a Requirement for lighting was not required. The Applicant does not consider such a Requirement to be necessary to make the development acceptable in planning terms. The Applicant considers that the level of control secured through the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]** (certified document) and the **7.2 Outline Code of Construction Practice [Revision H]** (secured by Requirement 4 of the **3.1 Draft DCO [Revision H]**), is sufficient. The Applicant also highlighted that this approach is consistent with that adopted for the Bramford to Twinstead DCO (EN020002).
- 3.6.60 In the Rule 17 Letter, the ExA sought further clarification regarding the role of the Design Review Panel. The establishment of a Design Review Panel is an innovative approach by the Applicant to facilitate local stakeholder engagement in the detailed design of identified buildings and link pillars. Whilst the role of the Design Review Panel is advisory rather than decision-making, it will provide independent scrutiny and expert design challenge throughout the detailed design process. To facilitate meaningful participation and maximise the effectiveness of the design review process, the Applicant will liaise with relevant Design Review Panel members and invited stakeholders in advance of each review stage to agree suitable meeting dates, attendance arrangements and any supporting information required to enable constructive and informed engagement. As set out in the Applicant's response to ExQ DES 2.1, representatives from the North Falls and Five Estuaries projects will be invited to participate in the Norwich to Tilbury Design Review Panel, and designers

across all three projects will continue to liaise regularly to coordinate key design matters.

- 3.6.61 Prior to the commencement of the formal design review process, the Applicant will hold an introductory workshop following the close of the Examination for Design Review Panel members and other external participants. The purpose of the workshop will be to provide further information on the design review process, governance arrangements, review protocols and Terms of Reference, ensuring that all participants have a clear understanding of the scope and operation of the Design Review Panel. The workshop will also include a presentation on the proposed approach to the detailed design of link pillars, as discussed at Issue Specific Hearing 4 on 25 June 2026. In advance of each subsequent review stage, the Applicant will engage with Design Review Panel members and invited stakeholders to agree meeting dates, circulate relevant design information and supporting materials, identify key matters for discussion, and ensure participants have sufficient opportunity to review and consider the proposals prior to each review meeting.
- 3.6.62 The Applicant notes the feedback from Babergh and Mid Suffolk District Council, in their Rule 17 Response **[REP7-541]**, welcoming the revisions to Requirement 12 and the involvement of the local authorities and Dedham Vale National Landscape and Stour Valley Partnership team to be part of the Design Review Panel.

Conclusions and Areas of Disagreement

- 3.6.63 NPS EN-1 recognises that, in considering ‘good design’, the concept extends beyond matters of visual appearance alone.
- 3.6.64 National Grid has extensive experience in the design, siting, engineering and delivery of the type of electricity transmission infrastructure proposed. It also has established internal design governance processes covering transmission design, landscape integration, environmental mitigation and project delivery. The Great Grid Partnership enterprise delivery model also has a clear vision to drive sustainability outcomes.
- 3.6.65 The Applicant has demonstrated a clear and sustained commitment to achieving good design in accordance with NPS EN-1 (2024), particularly Section 4.7, and NPS EN-5 (2024). These policies recognise that the form and appearance of electricity transmission infrastructure are heavily influenced by functional, safety and security requirements, with opportunities for good design primarily arising through routeing, siting, landscape integration and mitigation.
- 3.6.66 Throughout the Examination, the Applicant has refined and strengthened the Project's design governance arrangements. This has included updates to the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]** and Requirement 12, the appointment of Development and Delivery and Detail Design Champions, and the commitment to establish a Design Review Panel.
- 3.6.67 The Applicant has confirmed through the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]** and Requirement 12 that post-consent design development will be subject to robust governance and design scrutiny. The Design Review Panel will provide impartial design challenge and include representatives from LPAs, the Dedham Vale National Landscape and Stour Valley Partnership, local Wildlife Trusts and the North Falls and Five Estuaries Offshore Wind Farm projects. Together with the Design Champions and the Design Executive, these arrangements provide a structured and proportionate mechanism for reviewing, challenging and

influencing detailed design outcomes in accordance with the Project's secured design principles and consistent with the Planning Inspectorate's Advice on Good Design.

- 3.6.68 Through the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]**, Requirement 12, the appointment of Design Champions and the establishment of the Design Review Panel, the Project secures an appropriate and proportionate framework for achieving good design during detailed design and delivery. The Applicant therefore submits that the Project fully accords with the good design objectives of NPS EN-1 and NPS EN-5.

Main Areas of Disagreement

- 3.6.69 The main areas of disagreement with regard to good design can be summarised as follows:
- The independence of the Design Review Panel and Design Champions
 - The level of decision-making powers afforded to the Design Review Panel
 - The timing of design reviews (earlier in the Project).
- 3.6.70 The Applicant has onboarded the GGP in a design review capacity separate to the internal National Grid project team (See **7.15 Design and Access Statement [REP7-371]**). The GGP offers the benefit of separation or 'informed independence' to National Grid, with an established design governance, technical and assurance structure. The Applicant has also intentionally selected the Design Development Champion from within the existing Project team for their significant experience and knowledge of the Project development to date. Notably, the Design Development Champion will be separate to the GGP. The Applicant would emphasise that the effectiveness of a Design Champion does not depend on separation from the Project, but on their ability to provide objective challenge throughout the design process. This enables the Design Development Champion to act as an informed and effective critical friend, providing challenge where necessary whilst ensuring that the Project's design principles (climate, people, place and value) are embedded within the Project and continue to be applied through the detailed design stage. The Applicant therefore considers that the Design Development Champion's detailed understanding of the Project enhances, rather than diminishes, their ability to provide effective challenge and promote good design outcomes.
- 3.6.71 The Applicant notes the concerns regarding the advisory nature of the Design Review Panel and the role of the Design Executive in making final detailed design decisions. The Applicant would emphasise that this arrangement is consistent with the role typically undertaken by independent design review panels, whose function is to provide scrutiny, expert advice and design challenge rather than to act as the decision-maker. Responsibility for detailed design decisions must ultimately remain with the body accountable for the delivery of the Project and compliance with operational, engineering, safety and security requirements.
- 3.6.72 The Applicant would stress that the effectiveness of the Design Review Panel should not be measured by whether it possesses decision-making powers, but by the extent to which its recommendations are formally considered and responded to through the design governance process. As secured through the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]** the Design Executive will be required to have regard to and respond to the recommendations of the Design Review Panel,

identifying which recommendations have been adopted and, where recommendations are not taken forward, setting out the reasons for that decision.

- 3.6.73 This process will be overseen by the Delivery and Detail Design Champion, who will work with the Design Executive to support the implementation, where reasonable and practicable, of the recommendations of the Design Review Panel and the advice contained within the Design Review Panel Report.
- 3.6.74 Furthermore, the design review process comprises a two-stage review. The Design Executive will utilise the second review meeting to provide feedback directly to the Design Review Panel on the recommendations arising from the first review, enabling a transparent discussion regarding how those recommendations have influenced the developing design. This provides a clear and auditable mechanism through which the Design Review Panel can influence detailed design outcomes whilst ensuring that final decisions remain with the Design Executive, consistent with the design governance arrangements.
- 3.6.75 Such commitments to ensure the Design Review Panel is representative of the views expressed by external participants, such as local authority representatives on the panel, are secured through **7.16 Design Approach for Site Specific Infrastructure [REP7-373]** as a certified document under Schedule 19 of **3.1 Draft DCO [Revision H]**. The Applicant's concluding view is that the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]**, Section 1.3.6 to 1.3.8 of **7.4 Outline Landscape and Ecological Management Plan [REP7-342]** (where the Final LEMP requires discharge under Requirement 4) and the drafting of existing Requirement 12 represent the most appropriate vehicle through which to take account of the general matters raised regarding independence beyond the GGP structure. This adequately secures the Applicant's commitment to wider representation within the Design Review Panel and addresses the points raised regarding independence. Further detail is provided in the Applicant's Deadline 8 response.

Planning Weight

- 3.6.76 The Applicant considers that a neutral weighting should be afforded in the planning balance to Good Design.

3.7 Historic Environment

Introduction

- 3.7.1 This section sets out the Applicant's approach to the assessment of the Project's effects on the Historic Environment. The Applicant has provided a robust assessment of the Historic Environment in accordance with appropriate legislation, policy and guidance and asserts that the Project would not result in substantial harm to any designated heritage assets. The SoCGs [REP7-094 to REP7-129] signed by the statutory stakeholders identify a small number of matters not agreed but it is important to note that even resolution of these matters of disagreement in favour of the relevant stakeholder and contrary to the Applicant's position would not result in the proposal occasioning substantial harm to any designated heritage assets.

Planning Policy Context

National Policy

NPS EN-1 (2024)

- 3.7.2 NPS EN-1 requires applicants to assess impacts on heritage assets having regard to their significance, including through appropriate desk-based and field evaluation where archaeological interest may be present, and the use of visualisations where setting is affected (paragraph 5.9.11). It further establishes that decision-making should give great weight to the asset's conservation, the more important the asset the greater weight which should be applied (paragraph 5.9.27). Substantial harm or loss of significance of assets of the highest significance is only justified in wholly exceptional circumstances (paragraph 5.9.30).
- 3.7.3 Where the proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm to, or loss of, significance is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraph 5.9.31). Where the less than substantial harm arises, paragraphs 5.9.32 require this to be weighed against the public benefits of the proposal. For non-designated assets a balanced judgement is required, having regard to the scale of any harm or loss of significance (paragraph 5.9.33). This is set within a wider policy context which gives substantial weight to the urgent need for nationally significant energy infrastructure (paragraphs 3.2.6 to 3.2.7) and indicates that, subject to legal requirements, this need may outweigh residual impacts not capable of being mitigated (paragraph 3.3.63), with decision-making proceeding on the basis that such infrastructure meets certain policy tests, including where substantial harm to or loss of significance to heritage assets should be exceptional or wholly exceptional. (paragraph 4.2.16).

NPS EN-5 (2024)

- 3.7.4 NPS EN-5 provides limited but targeted guidance on heritage, with paragraph 2.9.19 (reflecting the Horlock Rules) requiring applicants to seek to avoid designated areas of high cultural value, including heritage assets, through routeing and design. It further indicates in paragraph 2.9.25 that decisions on undergrounding should consider potential effects on designated heritage assets and their settings, alongside

the disruptive effects on archaeological and heritage sites. This is supplemented by statutory requirements which require decision-makers to have special regard to the preservation of listed buildings, conservation areas and scheduled monuments, reinforcing that heritage impacts should be avoided or minimised and given appropriate weight in decision-making.

NPS EN-1 (2026)

- 3.7.5 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on Historic Environment within NPS EN-1.

NPS EN-5 (2026)

- 3.7.6 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on Historic Environment within NPS EN-5.

National Planning Policy Framework (2025)

- 3.7.7 The NPPF recognises the conservation and enhancement of the Historic Environment as an important component of sustainable development, with paragraphs 8(c) and 11 identifying the protection and enhancement of the environment, including heritage assets, as a key objective of the planning system. Section 16, particularly paragraphs 200–214, sets out the national policy framework for conserving and enhancing the Historic Environment. The NPPF requires planning decisions to identify and assess the significance of designated and non-designated heritage assets that may be affected by development (paragraph 205), taking account of the desirability of sustaining and enhancing their significance and putting them to viable uses consistent with their conservation (paragraph 206). Great weight should be given to the conservation of designated heritage assets (paragraph 207), irrespective of the level of potential harm, with any harm or loss requiring clear and convincing justification (paragraph 208). Where development would lead to less than substantial harm, this should be weighed against the public benefits of the proposal (paragraph 212), while substantial harm or the total loss of significance should only be permitted in exceptional or wholly exceptional circumstances, depending on the significance of the asset (paragraphs 209–211).

The Approach Taken in the Application

- 3.7.8 The Applicant's assessment of the historic environment is primarily set out in **6.11 Environmental Statement Chapter 11 – Historic Environment [REP7-240]** and supporting figures and appendices. This follows the approach outlined in **6.19 Scoping Report [APP-288 – APP-296]** and takes into consideration **6.20 Scoping Opinion [APP-297]**.
- 3.7.9 **6.11 Environmental Statement Chapter 11- Historic Environment [REP7-240]** assessed the impact of the Project on the following designated heritage assets: 13 scheduled monuments, 479 listed buildings, 12 conservation areas, and one registered park and garden. The chapter also assessed the impact of the Project on 1,347 non-designated heritage assets.
- 3.7.10 The assessment of designated and non-designated heritage assets takes account of the embedded mitigation included in the Project design. Embedded mitigation seeks to avoid or reduce the potential for the Project to physically impact below ground archaeological remains and to impact the settings of heritage assets. Embedded

mitigation measures may include: sensitive routeing and siting; use of low height pylons; underground cable; and restriction of the LoD within the Order Limits (GG34 in **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**).

- 3.7.11 For construction phase effects standard mitigation would comprise management activities and techniques designed to limit the effects of the Project on the Historic Environment. Standard mitigation measures are recorded in **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, and include: plant/vehicle noise control (NV05); dust control (AQ01); construction vibration monitoring/control (H07); where practicable, the retention of landscape features such as vegetation, hedgerows, walls, boundary banks and ditches (H06); and the temporary fencing off of sensitive receptors to avoid physical impact (H08).
- 3.7.12 For operation (and maintenance) effects standard mitigation recorded within **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, comprises reinstatement of vegetation and where practicable walls, and boundary banks and ditches (H06), and noise mitigation (NV21).
- 3.7.13 For construction phase effects on archaeological remains standard and additional mitigation would ensure avoidance or archaeological investigation and recording of below ground archaeological remains at risk of physical impact from the Project. **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, contains relevant standard/good practice measures relating to the Historic Environment comprising: H01 – methodologies and processes for further archaeological evaluation and mitigation specified in the **7.5 Outline Archaeological Mitigation Strategy and Outline Written Scheme of Investigation [Revision D]**, secured by Requirement 5 of **3.1 Draft DCO [Revision H]**; H02 – detailed WSIs shall set out the arrangements and responsibilities for implementing, monitoring and auditing the mitigation measures; H03 – fencing to ensure preservation in situ and avoid accidental damage; and H06 – where practicable, the retention of landscape features such as vegetation, hedgerows, walls, boundary banks and ditches.
- 3.7.14 **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, includes measures to protect and reinstate historic landscape features including protected lanes, in addition to the commitment set out in H06 of **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**.
- 3.7.15 A total of 157 designated heritage assets are predicted to experience a medium or high adverse magnitude of impact resulting in a temporary moderate adverse significance of effect (significant) due to changes in their settings that affect their value during the construction phase of the Project.
- 3.7.16 A total of 309 designated heritage are assessed to experience a negligible/low adverse magnitude of impact resulting in a temporary minor/negligible adverse residual significance of effect (not significant) due to changes in their setting that affect their values during the construction phase of the Project.
- 3.7.17 One Grade II listed building would experience a low beneficial impact resulting in a temporary minor beneficial residual significance of effect (not significant) due to changes in setting that affect its value during the construction phase of the Project.

- 3.7.18 A total of 79 high or medium value non-designated assets are predicted to experience a medium adverse magnitude of impact resulting in a moderate adverse significance of effect (significant) due to changes in their settings that affect their values or due to physical impacts during the construction phase of the Project.
- 3.7.19 A total of 126 high or medium value non-designated heritage assets are expected to experience a negligible/low adverse magnitude of impact resulting in a temporary minor/negligible adverse residual significance of effect (not significant) due to changes in their setting that affect their values or due to physical impacts during the construction phase of the Project.
- 3.7.20 As detailed in **6.11.A2 Environmental Statement Appendix 11.2 - Historic Environment Assessment Tables [REP7-244]** there are other non-designated assets of negligible or low value that would experience permanent residual not significant effects due to physical impacts.
- 3.7.21 A total of 42 designated heritage assets are predicted to experience a medium adverse magnitude of impact resulting in a permanent moderate adverse significance of effect (significant) due to changes in their settings that affect their values during the operation (and maintenance) phase of the Project.
- 3.7.22 A total of 384 designated heritage assets are expected to experience a negligible/low adverse magnitude of impact resulting in a permanent minor/negligible adverse residual significance of effect (not significant) due to changes in their settings that affect their values during the operation (and maintenance) phase of the Project.
- 3.7.23 Low beneficial impacts resulting in a permanent minor beneficial residual significance of effect (not significant) are predicted at the following assets due to changes in their settings that affect their values during the operation (and maintenance) phase of the Project:
- One high value Grade I listed building, five medium value Grade II listed buildings (located in Section B of the Project)
 - Two medium value Grade II listed buildings (located in Section E of the Project).
- 3.7.24 A total of 29 high or medium value non-designated assets are predicted to experience a medium adverse magnitude of impact resulting in a permanent moderate adverse significance of effect (significant) due to changes in their settings that affect their values during the operation (and maintenance) phase of the Project.
- 3.7.25 A total of 133 high or medium value non-designated heritage assets are expected to experience a negligible/low adverse magnitude of impact resulting in a permanent minor/negligible adverse residual significance of effect, which is not significant, due to changes in their settings that affect their values during the operation (and maintenance) phase of the Project.
- 3.7.26 Low beneficial impacts resulting in a permanent minor beneficial residual significance of effect (not significant) are predicted at the following assets due to changes in setting their settings that affect their values during the operation (and maintenance) phase of the Project:
- Three medium value Suffolk Historic Environment Record (HER) assets (located in Section B of the Project)
 - Two medium value Suffolk HER assets (located in Section C of the Project).

- 3.7.27 An assessment of harm to designated assets (during construction and operation (and maintenance)), in line with the relevant national policies in NPS EN-1, in particular paragraphs 5.9.29-30 and 5.9.32 and Planning Practice Guidance (Ministry of Housing, Communities and Local Government, 2019), was undertaken in **6.11.A7 Environmental Statement Appendix 11.7 - Assessment of Harm to Heritage Designated Assets [REP7-254]** to complement the assessment of Historic Environment assets conducted as part of the EIA.
- 3.7.28 Impacts affecting the value of heritage assets are considered in terms of harm, and there is a requirement to determine whether the level of harm amounts to 'substantial harm' or 'less than substantial harm'.
- 3.7.29 Of the 467 designated assets included in the assessment of harm, none would experience 'substantial harm' or 'upper less than substantial harm'. A total 152 assets would experience 'mid less than substantial harm' whilst 314 assets would experience 'lower less than substantial harm' during the construction phase of the Project. During the operation (and maintenance) phase 43 assets would experience 'mid less than substantial harm' and 323 assets would experience 'lower less than substantial harm'.

Issues Arising During the Examination and Final Position

Designated Assets

- 3.7.30 The examination process has identified some key issues where statutory stakeholders and the Applicant were in disagreement or where further clarification was required. These issues include: the level of less than substantial harm experienced by designated heritage assets; movement of the Project within the LoD and its impact on the Historic Environment; vibration effects on listed buildings; the mitigation hierarchy; and the approach to assessment of groups of heritage assets. Each of these issues is addressed below.

Assessment of Harm

- 3.7.31 There is agreement between the Applicant and Historic England and the LPAs that the Project does not result in substantial harm to any designated heritage assets and agreement of the methodology for the assessment of designated heritage assets (SoCGs **[REP7-094 to REP7-129]**). There has, however, been some areas of disagreement in professional opinion between stakeholders and the Applicant, and these are described here.
- 3.7.32 As noted above, it is agreed with stakeholders that no heritage assets will experience substantial harm; however, disagreements on the level of less than substantial harm (e.g. low, mid and high LTSH) have been raised, sometimes in conjunction with comments on the LoD (see LIRs from South Norfolk District Council **[REP1-176]**, Chelmsford City Council **[REP1-153]**, Brentwood Borough Council **[REP1-150]**, Essex County Council **[REP1-161]**, Colchester City Council **[REP1-156]**, Historic England Written Representation **[REP1-191]**). Questions were also asked on this issue in **Examining Authority's Written Questions 1 (ExQ1) [PD-014]** and **Examining Authority's Written Questions 2 (ExQ2) [PD-023]**.
- 3.7.33 The Applicant has provided responses to the stakeholders' concerns in documents **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**, **Applicant's Comments on Written Representations [REP2-029]**, **8.9.1 Applicant's**

Responses to First Written Questions [REP3-074] and 8.9.2 Applicant's Response to Second Written Questions [REP5-211].

- 3.7.34 As set out in the SoCGs [REP7-094 to REP7-129], agreement on the level of harm has been reached between the Applicant and the LPAs with the exception of South Norfolk District Council [REP1-176] and Chelmsford City Council [REP1-153]. South Norfolk District Council has agreed to disagree on the level of less than substantial harm experienced by six of the 44 listed buildings assessed in the ES chapter and within the South Norfolk District. Chelmsford City Council maintains that the Applicant's assessment of the Project's impact on designated assets has been underestimated. Historic England [REP1-191] agree with the majority of the conclusions regarding the level of harm assessed for 452 designated heritage assets; however, there is a difference of professional opinion on the level of less than substantial harm assessed for 15 designated heritage assets across the Project, which include the Church of St Remigius, Great Waltham and Little Waltham Conservation Areas. It is agreed that the Project would not result in any substantial harm to designated heritage assets and consequently, even accounting for Historic England's assessment, this would not add sufficient weight to change decision making on Project design.
- 3.7.35 The Applicant is confident that, given the agreement of the other statutory stakeholders including Historic England, the assessment of the level of harm experienced by heritage assets within the Study Area is appropriate and proportionate within the DCO framework.

Assessment of the LoD

- 3.7.36 During the examination there had been disagreement between some stakeholders and the Applicant regarding assessment of the LoD (see LIRs from Suffolk County Council, Babergh District Council and Mid Suffolk District Council [REP1-178], Essex County Council [REP1-161], Thurrock Council [REP1-187], Tendring District Council [REP1-182], Colchester City Council [REP1-156], Braintree District Council [REP1-148] and questions on this were raised in **Examining Authority's Written Questions 1 (ExQ1) [PD-014]**, and **Examining Authority's Written Questions 2 (ExQ2) [PD-023]**).
- 3.7.37 The Applicant has provided responses to the stakeholders' concerns in documents **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**, **8.17 Response to Rule 17 Letter - Historic Environment [REP4-318]**, **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**, **8.9.2 Applicant's Response to Second Written Questions [REP5-211]**, and **8.17 Response to Rule 17 Letter - Historic Environment [REP4-318]**.
- 3.7.38 As set out in the SoCGs [REP7-094 to REP7-129], all the statutory stakeholders and the Applicant are now in agreement regarding the assessment of the LoD for the Historic Environment. Agreement is supported by commitment GG34 in **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, which restricts the movement of a number of pylons within the Order Limits so as not to increase impacts on heritage assets.
- 3.7.39 This assessment concluded that movement within the LoD, except in the locations identified in commitment GG34 of **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, would not alter the conclusions of the assessment and in particular would not result in an increase in harm to heritage assets. For the vast majority of heritage assets

assessed for this Project, the nature and extents of their settings are not so clearly defined that the amount of movement that would be possible within the LoD would alter how those pylons interact with the asset's setting and therefore would not make an appreciable difference to the conclusion of assessment, i.e. an assessment of mid less than substantial harm would still be within this category should the alignment move within the LoD. Therefore, the LoD were correctly incorporated into the assessment of the Historic Environment and the assessment is appropriate and proportionate within the DCO framework.

Vibration Effects on Listed Buildings

- 3.7.40 During the examination there had been disagreement between some stakeholders and the Applicant regarding the impact of vibration on listed buildings (see LIRs from Essex County Council **[REP1-161]**, Thurrock Council **[REP1-187]**, Braintree District Council **[REP1-148]** and questions raised on this in **Examining Authority's Written Questions 1 (ExQ1) [PD-014]**, **Examining Authority's Written Questions 2 (ExQ2) [PD-023]**, and **Gillian Ann Whittle [REP2-076]**).
- 3.7.41 The Applicant has provided responses to the stakeholders' concerns in documents **8.4.1 Applicant's Comments on Relevant Representations [REP2-023]**, **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**, **8.9.2 Applicant's Response to Second Written Questions [REP5-211]**, **8.4.8 Applicant's Comments on any Further Information or Submissions Received by Deadline 2 [REP3-070]**.
- 3.7.42 The vibration assessment included listed buildings within the relevant Study Area and concluded there is no evidence to suggest that any of the listed buildings, apart from Little Bromley War Memorial (1493299) as set out in **6.11 Environmental Statement Chapter 11 – Historic Environment [REP7-240]**, would be at risk of vibration-related damage even without mitigation. A number of commitments in **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, (NV01, NV02, NV03, NV04, NV05, NV06, NV07, NV13, NV16, NV17, NV18, NV20, and NV23) provide measures to prevent potential vibration related damage to buildings and structures, including those that are listed.
- 3.7.43 As set out in the SoCGs **[REP7-094 to REP7-129]**, agreement has now been reached on the assessment of the impact of vibration on the Historic Environment and the commitments in **7.2 Outline Code of Construction Practice [Revision H]** with the statutory stakeholders.
- 3.7.44 The Applicant is confident that the impact of vibration on the Historic Environment has been correctly incorporated into the assessment and, therefore, that the assessment is appropriate and proportionate within the DCO framework.

Mitigation Hierarchy

- 3.7.45 During the examination there had also been disagreement between some stakeholders and the Applicant or requests for further clarification regarding the mitigation hierarchy (see **Examining Authority's Written Questions 1 (ExQ1) [PD-014]**, **Examining Authority's Written Questions 2 (ExQ2) [PD-023]**, and **Rule 17 - Request for further Information [PD-020]**).

- 3.7.46 The Applicant has provided responses to the stakeholders' concerns in documents **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**, **8.9.2 Applicant's Response to Second Written Questions [REP5-211]**, and **8.17 Response to Rule 17 Letter - Historic Environment [REP4-318]**.
- 3.7.47 As set out in the SoCGs **[REP7-094 to REP7-129]**, all the statutory stakeholders and the Applicant are now in agreement regarding the mitigation hierarchy.
- 3.7.48 The Applicant approached the design development of the Project and the assessment of the historic environment sequentially in order to appropriately apply the mitigation hierarchy, with effects at a lower level on the hierarchy having to be considered unacceptable in order to progress to consider the next level up the hierarchy. This is evidenced in **5.15 Design Development Report [REP7-150]** and demonstrated by decisions such as the use of low-height pylons north of the River Chelmer between Great and Little Waltham. The historic environment was a key consideration in this process, although decisions had to be balanced taking account of engineering and other environmental considerations. The Applicant is confident that the assessment of the historic environment was undertaken in accordance with the mitigation hierarchy and, therefore, that the assessment is appropriate and proportionate within the DCO framework.

Assessment of groups of heritage assets

- 3.7.49 Questions have been raised during examination on the approach to the assessment of groups of heritage assets and assessment across multiple heritage assets (see **Examining Authority's Written Questions 1 (ExQ1) [PD-014]**, **Examining Authority's Written Questions 2 (ExQ2) [PD-023]**, and **Rule 17 - Request for further Information [PD-020]**). The Applicant has responded to these requests in documents **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**, **8.9.2 Applicant's Response to Second Written Questions [REP5-211]**, and **8.17 Response to Rule 17 Letter - Historic Environment [REP4-318]**.
- 3.7.50 The Applicant has been clear that it is not appropriate or in accordance with usual methodology for historic environment assessment to add up less than substantial harms to multiple heritage assets incrementally to create a category of cumulative or aggregated harm. The fact that there are multiple impacts to heritage assets through change to their settings along the 180 km route is acknowledged in the assessment and reflects the length of the Project. Given the nature of the overhead transmission such multiple impacts as a result of change to setting are inevitable if the clearly established need for this CNP infrastructure with the strong NPS EN-5 presumption that overhead transmission is to be preferred (save in National Landscapes) is to be met. The fact that there are multiple heritage impacts across the length of the Project is, however, a material consideration to be weighed in the planning balance by the decision maker.
- 3.7.51 Further to this the Applicant set out that the assessment has considered relationships between heritage assets where these are clearly evidenced and contribute to their significance, including functional, historical or designed associations, in accordance with the guidance provided in The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) (Historic England, 2017). These relationships are captured within the assessment of significance and setting on an asset-by-asset basis, rather than through the definition of separate or wider groupings. The contribution that assets make to one another is understood as part of their setting, and setting is one component of an asset's overall significance.

- 3.7.52 The Applicant therefore considers that any effects of the Project on relationships between assets would be experienced through changes to setting, already assessed on an asset-by-asset basis, and would not give rise to additional effects at a wider group level.

Other Matters

- 3.7.53 There have been several issues raised in written representations or captured during Open Floor and Issue Specific Hearings by interested parties including parish councils, home owners, landowners, local heritage-based clubs/societies and campaign groups. The representations address issues regarding assessment methodology, including the use of a 'matrix-driven' approach, assessment conclusions, level of assigned harm, settings assessment, viewpoint selection and vibration. The Applicant has responded to these representations in **8.4.1 Applicant's Comments on Relevant Representations [REP2-023]**, **8.4.1.2 Addendum to Applicant's Comments on Relevant Representations - Part 2 [REP7-474]**, **8.4.7 Applicant's Comments on any Further Information or Submissions Received by Deadline 1 [REP2-027]**, **8.4.8 Applicant's Comments on any Further Information or Submissions Received by Deadline 2 [REP3-070]**, **8.4.9 Applicant's Comments on any Further Information or Submissions Received by Deadline 3 [REP4-298]**, **8.4.10.1 Applicant's Comments on Pylons East Anglia Response to ExQ1 [REP4-300]**, **8.4.11 Applicant's Comments on any Further Information or Submissions Received by Deadline 4 [REP5-192]**, **8.4.12 Applicants Comments on Post-Hearing Submissions and Interested Party Action Points [REP5-194]**, **8.4.14 Applicant's Comments on any Further Information or Submissions Received by Deadline 5 [REP6-114]**, **8.5.7 Applicant's Written Summary of Oral Submissions to Issue Specific Hearing 2 [REP4-302]**, and **8.8.1 Applicant's Comments on Written Representations [REP2-029]** and maintains the position presented there. The key issues raised by interested parties regarding methodology, assessment conclusions, including levels of harm and setting assessment, viewpoint selection and vibration are addressed above and/or agreed with Historic England and Local Planning Authorities (SoCGs **[REP7-094 to REP7-129]**).

Non-Designated Assets

Setting Assessment of Non-Designated Heritage Assets

- 3.7.54 The examination process identified some of the statutory stakeholders and the Applicant were in disagreement regarding the methodology for the setting assessment of non-designated heritage assets (NDHA) (see LIRs for Essex County Council **[REP1-161]**, Tendring District Council **[REP1-182]**, Chelmsford City Council **[REP1-153]**, Brentwood Borough Council **[REP1-150]**, **Examining Authority's Written Questions 1 (ExQ1) [PD-014]**, **Examining Authority's Written Questions 2 (ExQ2) [PD-023]**, **Representation by Babergh District Council [RR-0314]**, **Representation by Mid Suffolk District Council [RR-2540]**, and **Rule 17 - Request for further Information [PD-020]**).
- 3.7.55 The Applicant has provided responses to the stakeholders' concerns in documents **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**, **8.9.2 Applicant's Response to Second Written Questions [REP5-211]**, **8.4.1 Applicant's Comments on Relevant Representations [REP2-023]**, **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**, and **8.17 Response to Rule 17 Letter - Historic Environment [REP4-318]**.

- 3.7.56 The Applicant's position is that all non-designated heritage assets located within the 250 m Study Area have been assessed to determine their value. Following this an assessment was made that identified there was no chance of significant effects arising only from changes within the setting of low or negligible value non-designated heritage assets outside the Order Limits, where there is no potential for physical impact. As set out in Table 11.5 of **6.11 Environmental Statement Chapter 11 - Historic Environment [REP7-240]** negligible value assets cannot experience a moderate or major effect and low value assets could only experience a moderate effect if a high magnitude of impact was concluded. As the nature of permanent change within setting for this Project arises from the presence of overhead line this allows rural/agricultural activity around and underneath it. This ability to continue the existing (and in many areas historic) land use means that the setting of heritage assets is not completely altered or industrialised and does not sever existing relationships between assets which share a setting or which inform each other's setting. Therefore, it would not be reasonable to conclude a high magnitude of impact and, in line with NPS EN-1, the proportionate approach meant that detailed setting assessment would not be undertaken in these cases.
- 3.7.57 As set out in the SoCGs **[REP7-094 to REP7-129]**, the Applicant and the statutory stakeholders, with the exception of Chelmsford City Council **[REP7-112]**, are now in agreement regarding the methodology and conclusions of assessment for the setting assessment of non-designated heritage assets.
- 3.7.58 The Applicant is confident that, given the agreement of the other statutory stakeholders, the assessment of the level of harm experienced by heritage assets within the Project Study Area is appropriate and proportionate within the DCO framework.

Other Matters

- 3.7.59 There have been several representations in writing and captured during public hearings by interested parties comprising parish councils, and campaign groups (see **Pylons East Anglia Ltd [REP1-267]**, **Pylons East Anglia Ltd [REP2-060]**, **Pylons East Anglia Ltd [REP5-265]**, and **Report on Proposed Route Alignment and EACN Substation Siting in Ardleigh [AS-065]**).
- 3.7.60 The Applicant has provided responses to the concerns in documents **8.4.7 Applicant's Comments on any Further Information or Submissions Received by Deadline 1 [REP2-027]**, **8.4.8 Applicant's Comments on any Further Information or Submissions Received by Deadline 2 [REP3-070]**, and **8.4.14 Applicant's Comments on any Further Information or Submissions Received by Deadline 5 [REP6-114]**.

Archaeology

- 3.7.61 The examination process had identified some key issues where statutory stakeholders and the Applicant were in disagreement or where further clarification was required. These issues included: the amount of fieldwork results (geophysical survey and archaeological trial trenching) available to inform the examination; the adequacy of parts of the archaeological assessment regarding residual effects; and the adequacy of parts of the **7.5 Outline Archaeological Mitigation Strategy and Outline Written Scheme of Investigation [Revision D]** (OAMS-OWSI).

Adequacy of Archaeological Evaluation

- 3.7.62 During the examination there were disagreement between some stakeholders and the Applicant regarding the amount of fieldwork results available to inform examination (see LIRs for Braintree District Council **[REP1-148]**, Chelmsford City Council **[REP1-153]**, Colchester City Council **[REP1-156]**, Essex County Council **[REP1-161]**, Suffolk County Council, Mid Suffolk District Council and Babergh District Council **[REP1-178]**, **Historic England Written Representation [REP1-191]**, and **Examining Authority's Written Questions 1 (ExQ1) [PD-014]**).
- 3.7.63 The Applicant has provided responses to the stakeholders' concerns in documents **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**, **Applicant's Comments on Written Representations [REP2-029]**, and **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**.
- 3.7.64 The Applicant considers that it has provided proportionate and suitable archaeological evaluation for the Project, in accordance with paragraphs 5.9.11 and 5.9.12 of NPS EN-1. The fieldwork undertaken to date comprises a more comprehensive approach to evaluation than many other NSIPs have completed and has been considered sufficient to determine consent by the decision maker. Geophysical survey had been undertaken across 96% of priority areas and 30% of phase 2 areas, at the point of submission in January 2026 of the Supplementary Environmental Information **[AS-068 to AS-083]**. This represents a combined total of 74% of the overall geophysical survey area and the area of intrusive impact for the Project. At Deadline 6 the results of the Phase 2 geophysical survey were submitted (**6.11.A8 Environmental Statement Appendix 11.8 - Phase 2 Geophysical Survey [REP6-065]**), taking the combined total 92% of the overall area of intrusive impact for the Project. Archaeological trial trenching had been completed for 89% of priority areas at the point of submission of Supplementary Environmental Information **[AS-068 to AS-083]** with fieldwork in early 2026 taking the total completed to 96% of the priority areas.
- 3.7.65 The fieldwork provided further detail on areas of archaeology that were already known from desk-based sources and identified new areas of archaeology, all of which have been included in the baseline and assessment for the EIA. These include Romano-British farmsteads, for example at the Great Horksley (Tilbury side) CSE Compound, Medieval farmsteads, near Bramford Substation, and numerous other sites.
- 3.7.66 As set out in the SoCGs **[REP7-094 to REP7-129]**, the statutory stakeholders and Applicant are now in agreement that the amount of completed fieldwork (geophysical survey and archaeological trial trenching) is sufficient to inform examination.
- 3.7.67 The Applicant is, therefore, confident that, given the agreement of the statutory stakeholders, the amount of completed fieldwork (geophysical survey and archaeological trial trenching) is sufficient to inform examination within the DCO framework.

Residual Effects on Archaeology

- 3.7.68 During the examination requests were made of the Applicant to provide further information on the assessment of residual effects on archaeological remains (see **Examining Authority's Written Questions 1 (ExQ1) [PD-014]** and **Examining Authority's Written Questions 2 (ExQ2) [PD-023]**).

- 3.7.69 The Applicant has provided responses to the requests in documents **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**, and **8.9.2 Applicant's Response to Second Written Questions [REP5-211]**.
- 3.7.70 As set out in the SoCGs **[REP7-094 to REP7-129]**, the Applicant and the statutory stakeholders are now in agreement regarding the adequacy of the archaeological assessment and the assessed residual effects on archaeological remains.
- 3.7.71 The Applicant is, therefore, confident that, given the agreement of the statutory stakeholders, the assessed residual effects on the archaeological remains potentially impacted by the Project are appropriate and proportionate within the DCO framework.

Outline Archaeological Mitigation Strategy and Outline WSI

- 3.7.72 During the examination document **7.5 Outline Archaeological Mitigation Strategy and Outline Written Scheme of Investigation [Revision D]**, secured by Requirement 5 of **3.1 Draft DCO [Revision H]**, has been discussed at length with the statutory stakeholders (see LIRs from Suffolk County Council, Babergh District Council, Mid Suffolk District Council **[REP1-178]**, **Historic England Written Representation [REP1-191]**, **Examining Authority's Written Questions 1 (ExQ1) [PD-014]**, **Examining Authority's Written Questions 2 (ExQ2) [PD-023]**, Suffolk County Council **[REP2-040]**, Essex County Council **[REP3-077]**, Suffolk County Council **[REP3-085]**, Braintree District Council **[REP3-090]**, Historic England **[REP5-250]**, Suffolk County Council **[REP5-270]**).
- 3.7.73 The Applicant has provided responses to the stakeholders' concerns in documents **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**, **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**, **8.9.2 Applicant's Response to Second Written Questions [REP5-211]**, **8.4.11 Applicant's Comments on any Further Information or Submissions Received by Deadline 4 [REP5-192]**, **8.4.14 Applicant's Comments on any Further Information or Submissions Received by Deadline 5 [REP6-114]** and **8.31 Response to Rule 17 Letter Received 14 July 2026 [REP7-533]** and provided an updated version of the OAMS-OWSI at Deadline 5 **[REP5-161]**.
- 3.7.74 At Deadline 6 comments were mainly from Suffolk County Council with a small number of comments from Essex County Council, and they have been responded to by the Applicant in **8.4.16 Applicant's Comments on any Further Information or Submissions Received by Deadline 6 [REP7-481]**, which was submitted at Deadline 7. Actions arising from the comments were incorporated into **7.5 Outline Archaeological Mitigation Strategy and Outline Written Scheme of Investigation [REP7-352]**, which was also submitted to the Inspectorate at Deadline 7. Since Deadline 7 Suffolk County Council have directly shared a small number of comments on the OAMS-OWSI with the Applicant. An update to the OAMS-OWSI has been made and Revision D of the document was submitted at Deadline 8. A small number of other comments are responded to in **8.4.18 Applicant's Comments on any Further Information or Submissions Received by Deadline 7 [Revision A]**. The Applicant does not consider that any major areas of disagreement remain with Suffolk County Council regarding **7.5 Outline Archaeological Mitigation Strategy and Outline Written Scheme of Investigation [Revision D]**, secured by Requirement 5 of **3.1 Draft DCO [Revision H]**.

Requirement 5 (Archaeology)

- 3.7.75 The drafting of Requirement 5 (archaeology) has been scrutinised during the Examination. The ExA, in its first written questions, asked the Applicant to prepare a discussion draft of Requirement 5 (archaeology) that compiled all of the comments received by the relevant planning authorities on that requirement.
- 3.7.76 The Applicant produced that discussion draft and has since substantially updated Requirement 5 in accordance with comments raised by the authorities, with the exception of the proposed blanket prohibition on any ground-intrusive work before a detailed written scheme of investigation has been approved by the relevant planning authority. Updates to Requirement 5 have included the addition of explicit reference to a separate evaluation stage of archaeological work, the inclusion of an additional mechanism to secure the provision of a post-excavation report, publication and archive and a timescale for the delivery of post-excavation assessments.
- 3.7.77 The main area of disagreement relates to the control of pre-commencement operations. The authorities requested that the part of the requirement that dealt with the control of pre-commencement operations, is amended so that intrusive site preparation works cannot take place until an archaeological or geoarchaeological written scheme of investigation has been submitted to and approved by the relevant planning authority.
- 3.7.78 The Applicant's position is that the outline management plans provide effective control over all pre-commencement works and operations, and that this approach mirrors that adopted on other recent projects, including the National Grid Bramford to Twinstead Reinforcement project.
- 3.7.79 The Applicant does not consider it necessary to change the pre-commencement operations provision of Requirement 5 in the manner requested by the Councils. The Applicant maintains that a blanket requirement, where risk to archaeology is not consistent across the board, is neither reasonable nor proportionate. The drafting proposed by the Councils would mean that any breaking of ground – however minor – would be caught by such a requirement.
- 3.7.80 Whilst the Councils relied upon the position put forward by National Grid on the Sea Link project as a reason for including their proposed restrictions, the Applicant's position is that Sea Link is different: it is geographically separate from Norwich to Tilbury and has specifically different archaeological potential, including the shoreline which was referred to in that project's hearings. Norwich to Tilbury has a very different profile in respect of scale and delivery programme. The position faced by the Sea Link project in respect of archaeology is very different to the position faced by the Norwich to Tilbury Project and, therefore, it is neither appropriate nor proportionate in this case to apply a blanket restriction on pre-commencement works that involve breaking ground.
- 3.7.81 Pre-commencement activities with potential to result in impacts to archaeology are already included in the scope of archaeological evaluation, which has either been completed or is planned, with mitigation determined where relevant following evaluation. Requirement 5 therefore ensures that appropriate archaeological protections are in place for pre-commencement works that may be reasonably expected to impact archaeology, and no further amendment to the wording is necessary.
- 3.7.82 In addition, certain pre-commencement works (those with a small, defined construction impact where potential for archaeological remains is low) could be

mitigated through archaeological monitoring and recording, which would ensure the works would be undertaken under the supervision of an archaeologist who has the right and the ability to stop the works if archaeology is found during any intrusive activities. Written schemes of investigation would be agreed for these activities as set out in the **7.5 Outline Archaeological Mitigation Strategy and Outline Written Scheme of Investigation [Revision D]**.

- 3.7.83 The Applicant submits that Historic England has confirmed that it is satisfied with both the Applicant's revised Requirement 5 drafting and the revised **7.5 Outline Archaeological Mitigation Strategy and Outline Written Scheme of Investigation submitted at Deadline 5 [REP5-161]**. The drafting of Requirement 5 is also agreed with Norfolk County Council (**5.9.1 Signed Statement of Common Ground - Norfolk County Council (NCC) (incl LLFA and Highways) [REP7-094]**).
- 3.7.84 The Applicant's position is that insufficient justification has been provided to warrant a blanket restriction on pre-commencement operations that involve breaking ground.

Other Matters

- 3.7.85 There have been some issues raised in written representations or captured during Open Floor and Issue Specific Hearings by interested parties including parish councils, homeowners, landowners, local heritage-based clubs/societies and campaign groups. These issues include concerns over the completed fieldwork (geophysical survey and archaeological trial trenching) being sufficient to inform the examination (**Report on Proposed Route Alignment and EACN Substation Siting in Ardleigh [AS-065]**) and concerns over the Project's physical impact on known archaeological remains (see Fordham Parish Council **[REP1-164]**, Brumfelda **[REP1-215]**, Faith Marchal **[REP1-343]**, Caroline Homewood **[REP2-068]**, Fordham Parish Council **[REP4-329]**, Brumfelda **[REP4-352]**, Caroline Homewood **[REP4-386]**, Pylons East Anglia Ltd **[REP4-369]**, Penny Lang **[REP5-307]**, and **8.5.8 Applicant's Response to Issue Specific Hearing 2 Action Points [REP4-303]**).
- 3.7.86 The Applicant has provided responses to the interested parties' concerns in documents **8.4.7 Applicant's Comments on any Further Information or Submissions Received by Deadline 1 [REP2-027]**, **8.8.1 Applicant's Comments on Written Representations [REP2-029]**, **8.4.8 Applicant's Comments on any Further Information or Submissions Received by Deadline 2 [REP3-070]**, **8.4.11 Applicant's Comments on any Further Information or Submissions Received by Deadline 4 [REP5-192]**, **8.4.14 Applicant's Comments on any Further Information or Submissions Received by Deadline 5 [REP6-114]**, and **8.4.13.1 Applicant's Response to Pylons East Anglia's Comments on its ExQ1 Responses [REP5-202]**, and, as agreed with statutory stakeholders, considers these matters adequately addressed.

Conclusions and Areas of Disagreement

- 3.7.87 **6.11 Environmental Statement Chapter 11- Historic Environment [REP7-240]** provides an assessment of the Project's likely significant effects on designated and non-designated heritage assets. The Applicant asserts that the Project will not result in any substantial harm to designated heritage assets and this is agreed with Historic England and LPAs.
- 3.7.88 Paragraph 7.2.57 of **5.6 Planning Statement [REP7-090]** addresses the policy consideration of heritage impacts. The Project has been carefully designed to avoid,

reduce or mitigate potentially significant effects on heritage assets. Pursuant to the statutory requirement outlined in the Infrastructure Planning (Decisions) Regulations 2010, the Secretary of State, when making a decision, is duty-bound to have regard to whether a scheme preserves or affects heritage assets, with this being afforded great weight against the Project due to this statutory duty and the NPSs. Given that **6.11.A7 Environmental Statement Appendix 11.7 - Assessment of Harm to Designated Heritage Assets [REP7-254]** demonstrates that the Project results in less than substantial harm, this is afforded moderate negative weight in the planning balance. Whilst the Project will not result in substantial harm to designated heritage assets it will result in the loss of significance to heritage assets due to the introduction of temporary and/or permanent plant, machinery and infrastructure into the setting.

- 3.7.89 Paragraphs 5.9.28 to 5.9.30 of NPS EN-1 provide the loss of significance to designated heritage assets of highest significance should be 'wholly exceptional' and for Grade II listed buildings and registered park and gardens should be 'exceptional'. In considering the loss of significance, it is necessary for applicants to comply with the tests in Paragraph 5.9.31 to demonstrate to the Secretary of State that the *'...loss of, significance is necessary to achieve substantial public benefits that outweigh that harm or loss...'*
- 3.7.90 The substantial public benefits and need for the Project, as set out in Chapter 3 of the **5.6 Planning Statement [REP7-090]**, including contribution towards meeting national energy security objectives, clearly and demonstrably outweigh the less than substantial harm, at the medium and lower end of the spectrum, to the designated heritage assets. The potential for harm or loss of significance upon non-designated heritage assets affected by the Project is also clearly outweighed by the substantial public benefits and need for the Project providing the judgement required under paragraph 5.9.33 of NPS EN-1.
- 3.7.91 The Project does constitute CNP infrastructure, accordingly, paragraphs 4.2.16 and 4.2.17 of NPS EN-1 provides that the Secretary of State will take as a starting point that CNP infrastructure meets any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances. Paragraph 4.2.17 provides that this includes the test where substantial harm to or loss of significance to heritage assets should be exceptional or wholly exceptional. Such a test applies to designated heritage assets such as listed buildings and their settings and conservation areas as well as to designated archaeological remains and is as a result of NPS EN-1, subject to the mitigation hierarchy having been met, to be taken as met. It follows that the test for less than substantial harm to such assets should also (subject to the same caveat) be met.
- 3.7.92 The substantial public benefits and need for the Project, including contribution towards meeting national energy security objectives, clearly and demonstrably outweigh the less than substantial harm, at the medium and lower end of the spectrum, to the designated heritage assets. The potential for harm or loss of significance upon non-designated heritage assets affected by the Project is also clearly outweighed by the substantial public benefits and need for the Project providing the judgement required under paragraph 5.9.33 of NPS EN-1.
- 3.7.93 Overall, the Project has followed the mitigation hierarchy in seeking to protect and conserve heritage assets where practicable, and the public benefits of the Project outweigh the less than substantial harm identified, in line with national policy. The loss of significance of heritage assets is acknowledged as being contrary to the

NPPF and relevant local policies. The Applicant has clearly demonstrated the public benefits of the proposal which outweigh any adverse effect on heritage assets.

- 3.7.94 The Applicant's position remains that the drafting proposed in Requirement 5 of Schedule 3 to **3.1 Draft DCO [Revision H]** provides necessary and appropriate protections for archaeology and that the inclusion of a blanket prohibition on ground-intrusive activities would be disproportionate, unduly restrictive and detrimental to the delivery of the Project.

Main Areas of Disagreement

- 3.7.95 With reference to the SoCGs (**[REP7-094 to REP7-129]**), the statutory stakeholders are in agreement with the Applicant's assessment that the Project would not result in substantial harm to any designated heritage assets.
- 3.7.96 The main areas of disagreement with regard to the historic environment can be summarised as follows:
- South Norfolk District Council, continues to dispute the level of less than substantial harm experienced by six listed buildings
 - Historic England have disputed the level of less than substantial harm experienced by 15 listed buildings. Historic England, however, agree that, even with the difference of professional opinion for this small number of assets, the Project would not result in any substantial harm to designated heritage assets
 - Chelmsford City Council maintain that the assessment has underestimated the impacts the Project would have on designated heritage assets; that the agreed data sources used to identify built and parkland non-designated heritage assets are not adequate; and that it disagrees with the scoping out of non-designated heritage assets from setting assessment based on low value.
 - The Applicant disagrees with Suffolk and Essex Councils' position that a blanket prohibition on any pre-commencement operations that would involve any degree of ground being broken is necessary.

Planning Weight

- 3.7.97 Where there is a harm, the Secretary of State must give that harm considerable importance and weight. This should be afforded moderate negative weight in the planning balance. This harm should be weighed against the public benefits of the proposed development as stated in paragraph 5.9.32 of 2024 NPS EN-1.

3.8 Health and Wellbeing

Introduction

- 3.8.1 This section sets out the assessment of the Project's effects on Health and Wellbeing.

Planning Policy Context

NPS EN-1 (2024)

- 3.8.2 NPS EN-1 recognises that energy infrastructure can affect health and wellbeing both directly and indirectly. Paragraphs 4.4.1 and 4.4.3 identify potential effects arising from environmental changes such as traffic, noise, air quality and access to services, transport, open space and recreation. Paragraph 4.4.4 requires applicants to assess health effects through the ES and identify measures to avoid, reduce or compensate for adverse effects, whilst paragraph 4.4.5 requires consideration of cumulative health impacts where multiple developments may affect people simultaneously. Paragraph 4.4.6 further encourages opportunities to promote health and wellbeing, including consideration of vulnerable groups and people with protected characteristics under the Equality Act 2010.

NPS EN-5 (2024)

- 3.8.3 NPS EN-5 sets out the policy framework for electric and magnetic fields (EMFs) associated with electricity network infrastructure. It recognises that power-frequency EMFs arise from electricity generation, transmission, distribution and use, and that these fields can have both direct and indirect effects on human health. Paragraph 2.9.48 identifies the International Commission on Non-Ionizing Radiation Protection (ICNIRP) health protection guidelines as the relevant framework for managing EMF exposure.
- 3.8.4 For overhead lines, NPS EN-5 (paragraph 2.11.10) requires the Secretary of State to be satisfied that the proposal accords with the relevant public exposure guidelines and with the policy on optimum phasing. NPS EN-5 also makes clear that where a Project is shown to comply with current public exposure guidelines and the policy on phasing, no further mitigation should be necessary (paragraph 2.11.10).
- 3.8.5 Indirect effects associated with electric fields from overhead lines, including microshocks, are addressed in paragraph 2.9.50. Policy guidance identifies a range of mitigation measures that may be applied where appropriate, as set out in the Department of Energy and Climate Change (DECC) Power Lines: Control of Microshocks and Other Indirect Effects of Public Exposure to Electric Fields – A Voluntary Code of Practice. This Code of Practice provides a structured framework for the assessment and management of indirect electric field effects, with particular reference to the prevention and mitigation of microshocks

NPS EN-1 (2026)

- 3.8.6 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on Health and Wellbeing within NPS EN-1 (2026) when compared with NPS EN-1 (2024).

NPS EN-5 (2026)

- 3.8.7 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on health and wellbeing within NPS EN-5 (2026) when compared with NPS EN-5 (2024).

National Planning Policy Framework (2025)

- 3.8.8 The NPPF (2025) seeks to create healthy, inclusive and safe communities. Paragraph 96 requires planning decisions to promote social interaction, create safe and accessible places, and support healthy lifestyles through access to green infrastructure, recreation and active travel opportunities. Paragraphs 98–104 further recognise the importance of community facilities, open space, recreation and green infrastructure in supporting physical and mental wellbeing and reducing health inequalities.

The Approach Taken in the Application

Health and Wellbeing

- 3.8.9 The Applicant's assessment of health and wellbeing matters is primarily set out in **6.10 Environmental Statement Chapter 10 – Health and Wellbeing [REP7-236]** and supporting figures and appendices. This follows the approach outlined in **6.19 Scoping Report [APP-288 – APP-296]** and takes into consideration **6.20 Scoping Opinion [APP-297]**.
- 3.8.10 The Health and Wellbeing assessment draws heavily on the assessment outcomes from other ES chapters and related documents, identifying the interrelationships and cumulative effects on identified population groups. This includes the following documents:
- **7.2 Outline Code of Construction Practice [Revision H], secured by Requirement 4 of 3.1 Draft DCO [Revision H]**
 - **7.3 Outline Construction Traffic Management Plan [Revision G], secured by Requirement 4 of 3.1 Draft DCO [Revision H]**
 - **7.6 Outline Public Rights of Way Management Plan [REP7-354], secured by Requirement 4 of 3.1 Draft DCO [Revision H]**
 - Other ES Chapters including **6.6 Environmental Statement Chapter 6 - Agriculture and Soils [REP7-172]**, **6.7 Environmental Statement Chapter 7 - Air Quality [REP7-178]**, **6.13 Environmental Statement Chapter 13 - Landscape and Visual [REP7-260]**, **6.14 Environmental Statement Chapter 14 - Noise and Vibration [REP7-284]**, **6.15 Environmental Statement Chapter 15 - Socio-economics, Recreation and Tourism [REP7-296]** and **6.16 Environmental Statement Chapter 16 - Traffic and Transport [REP7-302]**
 - **7.8 Electric and Magnetic Field Compliance Report [REP3-034]**
 - **7.11 Transport Assessment and 7.11.1 Transport Assessment Addendum [REP7-356 and REP5-165].**
- 3.8.11 The Health and Wellbeing assessment adopts a proportionate approach based on the identification of health determinants, population vulnerability and evidence-based impact pathways. The assessment draws together findings from other environmental

topics, including air quality, noise, landscape and visual effects, traffic and transport, socio-economics, recreation and tourism, and EMFs, and assesses how environmental changes may influence both physical and mental health outcomes. For each determinant, the methodology identifies a source–pathway–receptor relationship, reviews the relevant public health evidence base, considers likely impacts during construction and operation, and evaluates effects on both the general population and vulnerable groups.

- 3.8.12 The assessment explicitly considers mental health and wellbeing through a holistic review of protective factors drawn from the National Mental Health Development Unit toolkit, examining how the Project may influence control, resilience, participation and social inclusion. Residual effects are then assessed after taking account of embedded mitigation and standard construction management measures in accordance with IEMA guidance on determining significance for human health in EIA.
- 3.8.13 No significant health and wellbeing impacts were identified in **6.10 Environmental Statement Chapter 10 – Health and Wellbeing [REP7-236]**.

EMF

- 3.8.14 Compliance with the EMF policies as set out in NPS EN-5 is demonstrated in **7.8 Electric and Magnetic Field Compliance Report [REP3-034]**. The report assesses the EMFs produced by the Project against the requirements of NPS EN-5 and the relevant Codes of Practice. It demonstrates that the Project is compliant with the relevant UK government policies on EMFs, including compliance with public exposure limits and the policy on optimum phasing.
- 3.8.15 The Project has been designed to comply with the ICNIRP 1998 public exposure limits, demonstrated using the principles within the DECC Power Lines: Demonstrating compliance with EMF public exposure guidelines – A Voluntary Code of Practice. The overhead line has also been designed in accordance with the policy on optimum phasing, in order to minimise magnetic fields to the sides of the line.
- 3.8.16 NPS EN-5, paragraph 2.10.12 states '*Where it can be shown that the line will comply with the current public exposure guidelines and the policy on phasing, no further mitigation should be necessary*'
- 3.8.17 The potential for indirect effects associated with electric fields, including microshocks, has also been considered as part of the Project design. As a precautionary measure, the Applicant has applied the principles contained within the DECC Code of Practice Power Lines: Control of microshocks and other indirect effects of exposure to electric fields: A voluntary Code of Practice. Consideration of these effects was embedded into the design process and, specifically, the mitigation measures described in paragraph 2.9.6 of the **7.8 Electric and Magnetic Field Compliance Report [REP3-034]** have been incorporated to reduce electric field strengths to below 5 kV/m across the land uses identified within the Code of Practice, specifically homes, other land in residential use, their curtilage, or schools to ensure microshocks are adequately mitigated in line with government guidance.

Issues Arising During the Examination and Final Position

Health and Wellbeing

- 3.8.18 Health and Wellbeing was not a topic selected for oral examination at any of the hearings. However, the Examination process identified a number of key issues where stakeholders and the Applicant were in disagreement or where further clarification was required and these are described below.

Health and Wellbeing Baseline and Assessment Methodology

- 3.8.19 A number of LPAs (e.g. Essex County Council, Tendring District Council) were concerned that the Health and Wellbeing assessment relied on the 2019 Index of Multiple Deprivation (IMD) rather than the more recent 2025 IMD (which had been published post-submission). Stakeholders considered there to be a possibility that localised deprivation and associated poor health outcomes may have been underestimated. The ExA requested further information relevant to IMD data in their **Rule 17 letter – Request for further information relating to ancient woodlands, the approach to scenarios, environmental statement updates and bats [PD-019]**.
- 3.8.20 The Applicant subsequently prepared **8.16 Health and Wellbeing and Socio economics, Recreation and Tourism Technical Note [REP4-317]** which compared and presented technical analysis of 2019 and 2025 IMD data at Local Planning Authority (including county authority) and Lower-layer Super Output Area (LSOA) level along the Project alignment, for both the IMD and health deprivation and disability domain datasets. Whilst incorporating these updated datasets into the assessment of baseline conditions enabled reflection of more recent socio-economic shifts, changes in health outcomes, and updates to relevant indicators, the overall pattern of deprivation along the Project has remained broadly consistent between 2019 and 2025 and the updated IMD data was not considered to materially alter the overall conclusions of **6.10 Environmental Chapter 10 – Health and Wellbeing [APP-192]**. An updated ES chapter was submitted into the Examination at Deadline 6 (**6.10 Environmental Statement Chapter 10 – Health and Wellbeing [REP6-053]**).

Impacts on Mental Health and Wellbeing

- 3.8.21 Stakeholders have raised concern during the Examination about community anxiety and associated impacts on mental health and wellbeing. Community anxiety has been highlighted in relation to a number of areas, including uncertainty about timescales for construction activities, environmental change during construction (e.g. anxiety about noise, air quality and visual impacts), environmental change during operation (e.g. anxiety derived from perceptions about adverse effects of EMFs as well as anxiety associated with visual impacts of the Project) and cumulative impacts associated with multiple NSIPs within a local area. The ExA referenced aspects of this in First Written Question HW 1.3 (in relation to perceptions of EMFs specifically).
- 3.8.22 In response to stakeholder comments, the Applicant has provided greater certainty with respect to community liaison and communication during the pre-commencement and construction phases through the inclusion of additional commitments relating to preparation of a detailed Communications Strategy and a comprehensive complaints procedure in **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**.

- 3.8.23 Specific stakeholders raising issues in relation to impacts on mental health and wellbeing include Pylons East Anglia (PEA). The Applicant has responded to assertions made by PEA in relation to the potential impact of the Project on mental health and wellbeing in **8.4.13.1 Applicant's Response to Pylons East Anglia's Comments on its ExQ1 Responses [REP5-202]**. PEA argue non-compliance with NPS EN-1 due to the 'level of harm to human health' and that the Applicant must actively consider, and document, how its decisions affect people with mental health conditions as a protected group. This duty has been linked with land engagement, the Compulsory Purchase Order (CPO) process and the stress placed on landowners as a result.
- 3.8.24 The Applicant acknowledges that mental health and wellbeing is individual and may be influenced by a wide variety of factors, many of which are beyond the Applicant's control. The Applicant has sought to reduce concern or uncertainty about the proposals through inclusive and transparent engagement with affected landowners, residents, communities and stakeholders throughout the development of the Project, as set out in **5.1 Consultation Report [REP7-084]**. Impacts on protected characteristics are documented in **7.14 Equality Impact Assessment [APP-352]**.
- 3.8.25 As set out in **8.4.13.1 Applicant's Response to Pylons East Anglia's Comments on its ExQ1 Responses [REP5-202]**, every landowner is encouraged to appoint a professional representative, normally a RICS qualified land agent to advise them during the Examination and in negotiations of voluntary agreements. The Applicant meets the reasonable cost of this professional representation. As part of the Applicant's diligence, the Applicant has continued to consider the nature of the persons with an interest in land with whom it is engaging, and has sought to implement appropriate measures (including where protected characteristics have been disclosed).
- 3.8.26 The Applicant maintains that the Project would not present an unacceptable risk to human health and public safety and remains committed to engaging with stakeholders through the delivery of this CNP infrastructure project.

[Request for a Health and Wellbeing Monitoring Framework](#)

- 3.8.27 Several stakeholders, including Essex County Council, Suffolk County Council and Colchester City Council, highlighted in their LIRs (**[REP1-161]**, **[REP1-178]** and **[REP1-156]** respectively) a need for a robust health and wellbeing monitoring framework to be provided, given the scale and duration of construction and the socio-economic characteristics of affected communities. This subsequently formed the basis for two of the ExA's First Written Questions, HW 1.9 and HW 1.13, which requested further information about the Applicant's position in relation to development of a mental health monitoring plan with appropriate thresholds and potential mitigations.
- 3.8.28 As set out in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]** and **8.4.1 Applicant's Comments on Relevant Representations [REP2-023]**, no significant health and wellbeing impacts were identified in **6.10 Environmental Statement Chapter 10 – Health and Wellbeing [REP7-236]** and as such there is no requirement for monitoring measures. The Applicant acknowledges that NSIPs have the potential to impact people's mental health and wellbeing through factors such as uncertainty, perceived loss of control, and cumulative pressures.
- 3.8.29 Within their signed SoCG submitted at Deadline 7 **[REP7-096]**, Suffolk County Council highlight concerns relating to disproportionate mental health and wellbeing

impacts on protected and vulnerable groups, particularly in the context of cumulative and prolonged exposure arising from construction activities and interaction with other NSIPs in the area. It is Suffolk County Council's view that a proportionate, post consent mental health and wellbeing monitoring plan is necessary to ensure that equality-related mental health impacts are identified, understood and addressed in practice over the lifetime of the Project.

- 3.8.30 The Applicant's position as set out in **8.4.14 Applicant's Comments on any Further Information or Submissions Received by Deadline 5 [REP6-114]** is that a range of good practice measures have already been identified in **6.10 Environmental Statement Chapter 10 – Health and Wellbeing [REP7-236]** and associated documents such as **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, and are considered sufficient to address potential impacts on mental health and wellbeing identified, which are not significant (for example include preparation of a detailed communication strategy to inform communities of construction activities and the preparation of a detailed complaints procedure which includes indicative response times and an escalation procedure). The Applicant therefore maintains that a formal, standalone health and wellbeing monitoring plan or framework which includes thresholds for potential mitigation carries notable methodological, ethical and practical limitations, and risks being disproportionate to likely impacts anticipated for the Project.

Regard to Protected Characteristics

- 3.8.31 In the ExA's First Written Questions, HW 1.8 related to the Applicant's approach to additional measures proposed to minimise disturbance on individuals with protected characteristics and complex sensory needs and HW 1.9 related to the Applicant's approach to inclusive engagement. These questions were responded to through additional commitments in **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, in relation to preparation of a detailed Communications Strategy and a comprehensive complaints procedure. Further information about the Applicant's approach to protected characteristics and meeting the Public Sector Equality Duty can be found in the Land Rights and Related Matters section in Section 7 of this document.

EMF

- 3.8.32 The ExA asked a number of questions relating to EMF at ExQ1 and Q2. The Applicant set out their response at **8.9.1 Applicant's Responses to First Written Questions [REP3-074]** and **8.4.11.1 Applicant's Response to ARU Writtle [REP4-348]** and **HW 2.22.1 and HW 2.2 [REP5-193]**. The Applicant provided clarity on why it does not consider that the matters raised throughout the hearing provide any material basis for departing from the government's adopted policy position set out in NPS EN-5. The Applicant also provided further evidence of the Project's compliance with the EMF requirements of NPS EN-5 at the nearest residential receptors and clarified the mechanisms through which the relevant mitigation measures will be secured. Specific questions were raised by both the ExA and ARU Writtle regarding the potential for microshocks, the measures incorporated within the Project to minimise any such risks, and how those measures are secured through the **3.1 Draft DCO [Revision H]**.
- 3.8.33 In accordance with the government's established approach to managing indirect effects of electric fields, the Applicant has applied the principles set out within the

Code of Practice on Microshocks as a precautionary design measure. Consideration of microshock risk was undertaken during the design phase of the Project and informed the embedded mitigation measures described in paragraph 2.9.6 of the **7.8 Electric and Magnetic Field Compliance Report [REP3-034]**. These measures ensure that electric field levels are reduced to below 5 kV/m over homes, other land in residential use, residential curtilage and schools. As a result, the voluntary design mitigation incorporated into the overhead line design has reduced electric field strengths to levels below those at which perceptible microshocks would typically be expected and below the levels identified within the government-endorsed Code of Practice. Accordingly, the Project has been designed in a manner consistent with the established policy framework for the management of potential microshock effects.

Conclusions and Areas of Disagreement

Health and Wellbeing

- 3.8.34 **6.10 Environmental Statement Chapter 10 – Health and Wellbeing [REP7-236]** provides an assessment of the Project's likely effects on physical and mental health and wellbeing for both construction and operation (and maintenance) phases of the Project. The Applicant has concluded that the Project will not result in any significant effects on health and wellbeing. The Project is therefore compliant with national planning policy as set out in Section 4.4 of NPS EN-1 with regard to the acceptability of health and wellbeing impacts.
- 3.8.35 Paragraph 8.2.93 of **5.6 Planning Statement [REP7-090]** confirms that there will be no significant residual adverse effects on Health and Wellbeing during construction and operation of the Project and that therefore these matters should be afforded limited weight in the planning balance. The Project is also in full accordance with government policy on EMF incorporated into the decision-making process for development consent in NPS EN-5.

Main Issues of Disagreement

- 3.8.36 With reference to SoCGs, matters relevant to Health and Wellbeing are all agreed for Norfolk County Council **[REP7-094]**, Brentwood Borough Council **[REP7-114]**, Essex County Council **[REP7-098]**, Thurrock County Council **[Revision F]** and Colchester City Council **[REP7-108]**. For South Norfolk District Council and Babergh and Mid Suffolk District Council, matters relating to Health and Wellbeing have been deferred to County level (Norfolk and Suffolk County Councils respectively).
- 3.8.37 A number of matters in SoCGs remain not agreed for Chelmsford City Council **[REP7-112]**, Suffolk County Council **[REP7-096]** and Tendring District Council **[REP7-106]**.
- 3.8.38 The main areas of disagreement with regard to good design can be summarised as follows:
- Construction effects, particularly in relation to the impact of construction noise and working hours on local populations. The assessment provided in **6.14 Environmental Statement Chapter 14 – Noise and Vibration [REP7-284]** uses appropriate methodologies and applies standard significance criteria. The approach is proportionate to the nature and scale of the Project and accords with the requirements of NPS EN-1 and NPS EN-5. Through examination, commitments securing the control of construction noise have been further

strengthened and the Applicant considers there to be a robust and enforceable framework for managing noise and vibration effects. Further information relevant to noise and vibration can be found in the Noise and Vibration section later in Section 3 of this document

- Cumulative health and wellbeing impacts and the Applicant's position relating to health and wellbeing monitoring, particularly in relation to vulnerable populations. The Applicant considers that a range of good practice measures have been identified which are appropriate to address potential impacts on mental health and wellbeing, including cumulative impacts
- Tendring District Council further maintains that the ES has under-represented effects on local populations in relation to health and wellbeing. The Applicant maintains that the Health and Wellbeing assessment presented in **6.10 Environmental Statement Chapter 10 – Health and Wellbeing [REP7-236]** follows appropriate methodologies and guidance and is proportionate to a project of this nature.

Planning Weight

- 3.8.39 Paragraph 8.2.93 of **5.6 Planning Statement [REP7-090]** confirms that there will be no significant residual adverse effects on Health and Wellbeing during construction and operation of the Project and that therefore these matters should be afforded neutral weight in the planning balance.

EMF

- 3.8.40 NPS EN-5 provides a clear and established policy framework for the assessment and management of EMFs associated with electricity infrastructure. The relevant policy requirements are compliance with the ICNIRP 1998 public exposure guidelines, application of the policy on optimum phasing, and appropriate consideration of indirect electric field effects, including microshocks.
- 3.8.41 The Applicant has demonstrated compliance with these requirements through **7.8 Electric and Magnetic Field Compliance Report [REP3-034]**. The assessment confirms that the maximum EMFs produced by the Project remain below the relevant public exposure limits and that the overhead line design has been developed in accordance with the policy on optimum phasing. NPS EN-5 is clear that where compliance with the public exposure guidelines and the policy on phasing can be demonstrated, no further mitigation should be necessary.
- 3.8.42 Indirect effects associated with electric fields, including microshocks, have also been considered through application of the DECC Power Lines: Control of Microshocks and Other Indirect Effects of Public Exposure to Electric Fields – A Voluntary Code of Practice. Consistent with that Code, the Applicant has adopted a precautionary approach to the management of indirect electric field effects through embedded design measures, including increased conductor clearances where appropriate, to reduce electric field strengths below 5 kV/m across the land uses identified within the Code of Practice.
- 3.8.43 The relevant EMF commitments are secured through the **7.2 Code of Construction Practice [Revision H]** at Table 6.1 Mitigation measures / environmental commitments, commitment reference GG02. The Applicant therefore considers that the Project fully complies with the EMF requirements of NPS EN-5, including those

relating to indirect electric field effects. EMF considerations, including microshocks, have been appropriately assessed, mitigated and secured.

- 3.8.44 Paragraph 7.2.101 of **5.6 Planning Statement [REP7-090]** confirms that the weight of evidence is against there being any health risks of EMFs below the guideline limits.

Planning Weight

- 3.8.45 Where there is a harm, the Secretary of State must give that harm considerable importance and weight. Paragraph 7.2.101 of **5.6 Planning Statement [REP7-090]** confirms that the weight of evidence is against there being any health risks of EMFs below the guideline limits. Accordingly, this should be afforded neutral weight in the planning balance.

3.9 Landscape and Visual

Introduction

- 3.9.1 This section sets out the Applicant's approach to the assessment of the Project's Landscape and Visual effects including effects on landscape character and valued landscape characteristics, and effects on views and visual amenity from sensitive receptors. The representativeness of the viewpoints which informed the landscape and visual assessment is also considered. Part of the Project crosses Dedham Vale National Landscape and as such effects on the special qualities of the National Landscape are also considered in this section in addition to the furthering the purposes duty.

Planning Policy Context

Levelling-up and Regeneration Act 2023 and Countryside and Rights of Way Act 2000

- 3.9.2 Section 245 of the Levelling-up and Regeneration Act 2023 (LURA) amended section 85(1) of the Countryside and Rights of Way (CROW) Act 2000 to require relevant authorities to seek to further the statutory purpose of Protected Landscapes.

NPS EN-1 (2024)

- 3.9.3 NPS EN-1 (2024) recognises that landscape and visual effects will arise from most NSIPs and that schemes should therefore be designed to minimise harm where possible. As CNP infrastructure, the Project must continue to demonstrate compliance with the requirements of NPS EN-1 and apply the mitigation hierarchy (paragraphs 3.3.62 and 4.2.10). NPS EN-1 also incorporates the statutory duty relating to Protected Landscapes and requires the Secretary of State to be satisfied that measures to further the purposes of National Landscapes are sufficient, appropriate and proportionate (paragraphs 5.10.7-5.10.8 and 5.10.33-5.10.34).
- i. For CNP Infrastructure, NPS EN-1 confirms in paragraph 4.2.17, that paragraph 3.3.63 means '*the Secretary of State will take as a starting point that CNP Infrastructure will meet the following, non-exhaustive, list of tests*', which includes '*where development in nationally designated landscapes requires exceptional circumstances to be demonstrated*'.

NPS EN-5 (2024)

- 3.9.4 NPS EN-5 recognises that overhead lines can give rise to adverse landscape and visual effects (paragraphs 2.9.7 and 2.9.11), whilst also acknowledging that this does not negate the need for such infrastructure where required to support the electricity network. The policy also recognises that landscape and visual benefits may arise through the reconfiguration, rationalisation or undergrounding of existing infrastructure, although full mitigation may not always be achievable. Paragraphs 2.9.20, 2.9.21 and 2.9.23 establish a strong presumption in favour of overhead lines generally. Where development would cross a National Landscape, however, paragraph 2.9.20 establishes a strong presumption in favour of undergrounding, unless this is not feasible or where the harm it causes is not outweighed by its corresponding landscape, visual amenity and natural beauty benefits (paragraph 2.9.22). Paragraphs 2.2.11 and 2.9.22 also reflect the statutory duty under section 85 of the CROW Act 2000 (as amended).
- 3.9.5 Outside designated landscapes and without setting aside the strong presumption in favour of overhead lines, NPS EN-5 (paragraph 2.9.23) recognises that cases may arise, where high potential for widespread and significant adverse and/or visual impacts along certain sections, may result in recommendations for undergrounding which then requires the consideration of paragraphs 2.9.24 to 2.9.25 when undergrounding should only be consented where its benefits are shown on the evidence to clearly outweigh its extra economic social or environmental impacts.

NPS EN-1 and EN-5 (2026)

- 3.9.6 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on landscape and visual impact within NPS EN-1 or NPS EN-5.

National Planning Policy Framework (2025)

- 3.9.7 The NPPF supports the conservation and enhancement of landscape character and affords great weight to the protection of National Landscapes. The NPPF also promotes high quality design that responds positively to local landscape character. However, for NSIPs, the National Policy Statements remain the primary policy documents for decision-making. Relevant considerations regarding good design are addressed in the Good Design section earlier in Section 3 of this document, with reference to Section 4.7 of NPS EN-1.

The Approach Taken in the Application

- 3.9.8 The Applicant's assessment of landscape and visual amenity matters is primarily set out in **6.13 Environmental Statement Chapter 13 - Landscape and Visual [REP7-260]** and supporting appendices (the LVIA). This follows the approach outlined in **6.19 Scoping Report [APP-288 – APP-296]** and takes into consideration **6.20 Scoping Opinion [APP-297]**.
- 3.9.9 The LVIA follows a robust and consistent methodology, with clear, transparent criteria and assessment grades (level and significance of effects) set out in **6.13.A1 Environmental Statement Appendix 13.1 - Landscape and Visual Methodology [REP7-262]**. This is in line with relevant professional guidance including the Landscape Institute/ IEMA Guidelines for Landscape and Visual Impact Assessment (GLVIA3) and Clarification Notes. The document also includes methodologies for the

assessment of effects on the special qualities of the National Landscape, and production of the Zone of Theoretical Visibility (ZTV) mapping, visualisations and baseline photography. The methodology and data used to inform the production of ZTV mapping and visualisation is detailed in Section 13.6 of **6.13.A1 Environmental Statement Appendix 13.1 - Landscape and Visual Methodology [REP7-262]**. The methodology and data used to inform the baseline photography, and the production of visualisations is detailed in Section 13.7 of **6.13.A1 Environmental Statement Appendix 13.1 - Landscape and Visual Methodology [REP7-262]**.

- 3.9.10 The LVIA approach and methodology were presented to and discussed with statutory consultees between July 2022 and April 2025 as outlined in Table 13.1 of **6.13 Environmental Statement Chapter 13 - Landscape and Visual [REP7-260]**. The LVIA judgements were informed by detailed desk and field studies undertaken along the entire Project, in all seasons between 2022 and 2025. The baseline information and assessment findings are supported by detailed explanations within **6.13.A2 Environmental Statement Appendix 13.2 - Landscape Baseline and Assessment [REP7-264]** together with detailed explanations and visualisations in **6.13.A3 Environmental Statement Appendix 13.3 - Visual Baseline and Assessment [REP7-266]**. Landscape character area information is shown on **6.13.F5 Environmental Statement Figure 13.5 - National Character Areas and East of England Typology [APP-241]** and **6.13.F6 Environmental Statement Figure 13.6 - Landscape Character Types and Landscape Character Areas [REP7-282]**. Visual receptors and viewpoint locations are identified on **6.13.F7 Environmental Statement Figure 13.7 - Visual Receptors and Viewpoints [REP7-283]**. ZTV information is provided in **Figures 13.8 to 13.19 [APP-244 to APP-255]**.

Landscape Character and Quality

- 3.9.11 For the purposes of this assessment, landscape receptors were based on published landscape character area assessments as shown on **6.13.F6 Environmental Statement Figure 13.6: Landscape Character Types and Landscape Character Areas [REP7-282]**.

Summary of Landscape Effects

- 3.9.12 Findings and judgements of the effects on landscape receptors out to 3 km from the Project, and their findings and judgements are set out in an objective and consistent manner. Following the implementation of embedded and standard mitigation, a full summary of residual effects on LCAs and LCTs during construction and operation (and maintenance) is provided in **6.13 Environmental Statement Chapter 13 - Landscape and Visual [REP7-260]** with detail set out in **6.13.A2 Environmental Statement Appendix 13.2 - Landscape Baseline and Assessment [REP7-264]**.
- During construction, significant adverse landscape effects are predicted for all of the LCAs and LCTs which would be directly affected by construction activity within the Order Limits of the Project. Effects are related to the introduction of construction activity and equipment, and the temporary and permanent loss of landscape features including field boundary vegetation. Significant effects are also anticipated for some LCAs and LCTs outside of the Order Limits, up to a distance of approximately 1.5 km. These effects are related to the perception of construction activity and the effect this has on identified key characteristics of the landscape

- During operation (and maintenance), there would be significant landscape effects for most of the LCAs and LCTs directly affected by the introduction of an overhead line, CSE compound or substation/substation extension. Significant effects would also extend to the surrounding landscape, up to a distance of approximately 1.5 km
- There would also initially be significant landscape effects on LCAs and LCTs along the route of the sections of underground cable, where construction activity occurs and reinstated vegetation would be immature. Above ground infrastructure is minimal in areas with sections of undergrounding and by Year 15, effects would reduce due to maturing of reinstatement planting, integrating areas previously used for construction, into the landscape (noting that trees would not be replanted over the cable route).
- Levels of significance vary within each LCA. Not all locations within each LCA will be subject to significant landscape effects, since each LCA will be influenced by its own site-specific factors, such as topographical variations and landscape features that provide screening or filtering. More detail about the geographical extent of effects is provided in the assessment text in **6.13.A2 Environmental Statement Appendix 13.2 - Landscape Baseline and Assessment [REP7-264]**.

Summary of Effects on Nationally Designated Landscapes

3.9.13 Effects on nationally designated landscapes are considered in **6.13.A5 Environmental Statement Appendix 13.5 - National Landscape Assessment Study [REP7-272]**, which presents the assessment of effects of the Project on the special qualities of Dedham Vale National Landscape. Section 13.5 of **6.13.A1 Environmental Statement Appendix 13.1 - Landscape and Visual Methodology [REP7-262]** sets out the approach to assessing effects of the Project on Dedham Vale National Landscape. The assessment was undertaken with reference to NatureScot's (2025) Special Landscape Qualities Guidance on assessing effects, the principles of which can be applied to developments outside of Scotland. The findings are summarised below:

- During construction, the Project would result in significant adverse effects on some of the special qualities of the Dedham Vale National Landscape due to direct effects resulting from construction works.
- During operation (and maintenance), the adverse effects on the special qualities of the National Landscape are judged to be not significant once the underground cables are covered over and land use and landcover reinstated as far as practicable.

Views

3.9.14 For the purposes of this assessment, visual receptors were arranged into VRAs as shown on **6.13.F7 Environmental Statement Figure 13.7 - Visual Receptors and Viewpoints [REP7-283]**. VRAs were identified based on geographical location, shared landscape characteristics and a similarity in the anticipated nature of views towards the Project. The assessment was supported by representative viewpoints which are discussed in the 'Viewpoints, Photomontages and Wireframes' section below.

- 3.9.15 GLVIA3 requires evaluation of the value attached to the view or visual amenity and relates this to planning designations and cultural associations (GLVIA3, Paragraph 6.37, Page 114). Table A13.1.9 of **6.13.A1 Environmental Statement Appendix 13.1 - Landscape and Visual Methodology [REP7-262]** sets out how the value of views and visual amenity has been assessed.
- 3.9.16 The susceptibility of visual receptors to changes in views/visual amenity is a function of the occupation or activity of people experiencing the view and the extent to which their attention is focused on views (GLVIA 3, paragraph 6.32). Table A13.1.8 of **6.13.A1 Environmental Statement Appendix 13.1 - Landscape and Visual Methodology [REP7-262]** sets out how the susceptibility of visual receptors has been assessed.

Summary of Visual Effects

- 3.9.17 The assessment team has thoroughly explored potential effects on visual receptors out to 3 km from the Project, and their findings and judgements are set out in an objective and consistent manner. Following the implementation of embedded and standard mitigation, a full summary of residual effects on visual receptors during construction and operation (and maintenance) is provided in **6.13 Environmental Statement Chapter 13 - Landscape and Visual [REP7-260]** with detail set out in **6.13.A3 Environmental Statement Appendix 13.3 - Visual Baseline and Assessment [REP7-266]**.
- During construction, significant adverse residual effects are anticipated on visual receptors who experience close to medium distance views of construction works within all of the VRAs that would be directly affected by construction activity within the Order Limits, along the full length of the Project. VRAs are shown on **6.13.F7 Environmental Statement Figure 13.7 - Visual Receptors and Viewpoints [REP7-283]**. Significant effects are related to the introduction of construction activity into close to medium distance views from residential and recreational receptors and road users. Significant effects are expected to extend up to approximately 1.5 km in some instances, for example where there are open, elevated and/or wide views towards construction activity. In some VRAs significant effects would be more contained, for example where views of construction activity are filtered and screened by vegetation or topography. At year 1 during operation (and maintenance) there would be significant adverse visual effects on visual receptors within most of the VRAs which are directly affected by the Project, along the length of the Project. Significant effects are related to the introduction of the proposed overhead line, CSE compounds, substations or substation extensions into close to medium distance views. By Year 15 of operation (and maintenance), effects on some visual receptors in proximity to CSE compounds, substations and substation extensions would reduce as a result of landscape mitigation within Environmental Areas, although effects in relation to the proposed overhead line would remain. For visual receptors within VRAs along the proposed underground cable alignment, there would also be significant adverse effects at Year 1 relating to the loss of vegetation. By Year 15 of operation (and maintenance), effects on visual receptors along the proposed underground cable would reduce to not significant, as reinstated planting would restore views to be similar to baseline levels (noting that trees would not be replanted over the cable route)
 - The Applicant notes that levels of significance vary within each VRA. The majority of effects occur within 1.5 km, with a small number of viewpoint assessments

identifying significant effects up to approximately 2 km. However, not all locations within each VRA will be subject to significant visual effects, since each VRA will be influenced by its own site-specific factors, such as topographical variations and features that provide screening or filtering of views. More detail about the geographical extent of effects is provided in the assessment text in **6.13.A3 Environmental Statement Appendix 13.3 - Visual Baseline and Assessment [REP7-266]**.

Residential Visual Amenity Assessment

- 3.9.18 **6.19 Scoping Report [APP-288 – APP-296]** sought to scope out effects on residential properties, which was agreed within the **6.20 Scoping Opinion [APP-297]**. The RVAA was undertaken at the request of the LPAs as part of the Project engagement. The Applicant's Residential Visual Amenity Assessment (RVAA) is set out in **6.13.A4 Environmental Statement Appendix 13.4 - Residential Visual Amenity Assessment [REP7-268 and REP7-270]** and **6.13.A4.1 Environmental Statement Appendix 13.4.1 - Addendum to the Residential Visual Amenity Assessment [REP7-270]**. The assessment follows the principles outlined within GLVIA3, and LI TGN 2/19 Residential Visual Amenity Assessment (RVAA) (Landscape Institute, 2019a).

Viewpoints, Photomontages and Wireframes

- 3.9.19 The LVIA includes a representative selection of 206 viewpoints from publicly accessible locations along the Project, capturing a range of receptors and a variety of distances and viewing directions. The approach to selecting viewpoints is set out in paragraphs 13.2.39 to 13.2.41 of **6.13.A3 Environmental Statement Appendix 13.3 - Visual Baseline and Assessment Parts 1 to 4 [REP7-266]**. The locations of all viewpoints are shown on **6.13.F7 Environmental Statement Figure 13.7 - Visual Receptors and Viewpoints [REP7-283]**.
- 3.9.20 An assessment of effects on people at representative viewpoints is provided in **6.13.A3 Environmental Statement Appendix 13.3 - Visual Baseline and Assessment [REP7-266]** along with effects on visual receptors within the main settlements, on the main road routes and using recreational resources within each VRA.
- 3.9.21 The production of visualisations (both photomontages and wireframes) was guided by LI TGN 06/19 (Landscape Institute, 2019b) as set out in **6.13.A1 Environmental Statement Appendix 13.1 - Landscape and Visual Methodology [REP7-262]**. Indicative wirelines were also produced to support the RVAA.

Cumulative Landscape and Visual Assessment

- 3.9.22 An assessment of intra-project effects, and also inter-project cumulative effects including landscape and visual effects, was undertaken in 2025, further detail is provided in the Cumulative Effects section earlier in Section 3 of this document.

Landscape and Visual Mitigation

- 3.9.23 The Project has been designed as far as practicable to avoid, reduce and mitigate landscape and visual effects taking into consideration other constraints and National Grid's statutory duties. This has been achieved through the choice of route corridor as set out in **7.18 2022 - Corridor Preliminary Routeing and Siting Study**

(CPRSS) [APP-356] and through consideration of the Holford and Horlock Rules that have guided the final route alignment. The Applicant has also detailed in **7.20 2023 - Design Development Report for the Project [APP-358]**, **7.21 2024 - Design Development Report for the Project [APP-359]**, **7.22 2025 - Design Development Report Addendum for Proposed Changes to Connection at Tilbury [APP-360]** and **5.15 Design Development Report [REP7-150]** design changes/variations considered in response to consultation feedback. The submitted alignment has been reached following careful consideration and balancing of environmental and socio-economic constraints and opportunities, engineering feasibility and cost, and planning policy.

- 3.9.24 Embedded landscape and visual mitigation measures that are intrinsic to and built into the design of the Project, are presented in Table 4.2 in **6.4 Environmental Statement Chapter 4 - Project Description [REP7-160]** and also paragraphs 13.6.2 to 13.6.4 in Section 13.6 of **6.13 Environmental Statement Chapter 13 - Landscape and Visual [REP7-260]**. These include:
- Sensitive routeing and siting of the alignment and Order Limits
 - Underground cable
 - Narrowing and clipping the Order Limits and LoDs
 - Use of full tension gantries
 - Rationalisation of existing lower voltage infrastructure
 - Environmental Areas (LEMP)
 - Replacement planting
 - Sensitive use of materials for above ground infrastructure.
- 3.9.25 The detail of construction stage planting plans (species, locations, sizes and specification) for the Environmental Areas is to be provided in the Final LEMP(s) in accordance with Requirement 4 of **3.1 Draft DCO [Revision H]**. The Final LEMP(s) will be approved by the relevant LPAs.
- 3.9.26 Details of on-site reinstatement planting will be provided in accordance with the Reinstatement Planting Plan secured under Requirement 9 of **3.1 Draft DCO [Revision H]**. This will be done once the detail design of the Project is known.
- 3.9.27 The Applicant has made a commitment to 3:1 replacement tree planting for individual trees and individual trees within small group removed during construction of the Project. This comprises both landscape reinstatement/mitigation planting where the replanting is onsite, and landscape compensation where offsite planting is required.
- 3.9.28 Standard landscape and visual mitigation measures comprise management activities and techniques which would be implemented during the construction of the Project to limit effects through adherence to good site practices and achieving legal compliance. These are summarised in Section 13.6 of **6.13 Environmental Statement Chapter 13 - Landscape and Visual [REP7-260]** and **7.2 Outline Code of Construction Practice [Revision H]** (secured by Requirement 4 of **3.1 Draft DCO [Revision H]**).

Management and Maintenance (aftercare)

- 3.9.29 The Applicant has committed to a five-year monitoring and management period for all hedgerow and tree planting on site, with a commitment to maintain the habitats in the Environmental Areas for a period of 30-years. This commitment is secured within **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**. The Applicant also further commits to the aftercare being adaptive, allowing adaptations to be made in light of monitoring results. The five-year monitoring period for replacement planting (outside the Environmental Areas) is considered sufficient to ensure successful plant establishment.
- 3.9.30 The five-year aftercare commitment is also in line with other previously consented National Grid NSIPs such as The National Grid (Bramford to Twinstead Reinforcement) Order 2024 and The National Grid (Yorkshire Green Energy Enablement Project) DCO 2024.
- 3.9.31 Requirement 9 (reinstatement planting plan) of **3.1 Draft DCO [Revision H]** secures the replacement of any trees or hedgerows planted as part of an approved reinstatement planting plan that, within a period of five years after planting, are removed, die or become seriously damaged or diseased. The aftercare period including adaptive measures, in addition to the commitment to replace any failed planting within the first five years represents a proportionate and established approach to securing the establishment of replacement planting. It provides sufficient time for plants to become established and resilient to normal environmental conditions, while recognising that planting is located on third-party land and is intended to become self-sustaining thereafter.

Furthering the Purposes

- 3.9.32 The Applicant's approach to the duty to seek to further the purposes of the Dedham Vale National Landscape is set out in **5.10 National Landscapes – Duty to Seek to Further the Purposes Report (s85 Countryside and Rights of Way Act 2000) [APP-120]**. The approach has been guided by relevant national policy and Defra guidance (Defra, 2024a), which emphasise the importance of taking reasonable and proportionate steps to avoid harm, embed mitigation through design and explore opportunities to further the purposes of Protected Landscapes.
- 3.9.33 Whilst the strengthened duty did not come into force until December 2023, consideration of the National Landscape began at the strategic options appraisal stage (at which time the previous s85 duty applied) and continued through corridor routeing, siting and design development. Alternatives through and around the Dedham Vale National Landscape were assessed, as detailed in response to ExQ1 LV 1.15 c) in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**, alongside different technology and construction options. The Project design was subject to iterative review, informed by environmental information, technical constraints and consultation feedback, with the aim of reducing effects on the National Landscape and its special qualities as far as practicable. The seek to further duty was considered as part of the reviews undertaken after the 2023 non-statutory consultation, detailed in Chapter 4 of **7.21 2024 - Design Development Report for the Project [APP-359]** and in Section 2.2 of **5.15 Design Development Report [REP7-150]**. It was concluded that the National Landscapes (Dedham Vale and Suffolk and Essex Coast and Heaths National Landscapes) were appropriately considered within **7.18 2022 – Corridor and Preliminary Routeing and Siting**

Study [APP-356] and the introduction of the seek to further duty would not have, and does not, affect the conclusions reached.

- 3.9.34 Consideration of the duty to seek to further the purposes of the National Landscape (and prior to the strengthened duty coming into force, the previous duty) has been applied to the Project. Through the application of the mitigation hierarchy, the Applicant has sought to avoid, reduce and minimise effects on the National Landscape through routeing, siting and design decisions. A key Project commitment was to provide approximately 5.7 km of underground cable through the Dedham Vale National Landscape, together with further undergrounding within its setting. The Applicant also refined the route alignment avoiding the most sensitive locations within the National Landscape, revised the siting of infrastructure, adopted trenchless crossing techniques at sensitive locations including the River Stour, and incorporated landscape, ecological and heritage mitigation measures through the design process. These measures were developed in accordance with the mitigation hierarchy and embedded into the Project before assessment of residual effects was undertaken. The design changes following consultation are detailed in Section 4.6 of **5.10 National Landscapes – Duty to Seek to Further the Purposes Report (s85 Countryside and Rights of Way Act 2000) [APP-120]**.
- 3.9.35 In terms of trenchless crossing techniques, the options appraisal process set out in the **7.18 2022 - Corridor Preliminary Routeing and Siting Study [APP-356]** and summarised in **6.3 Environmental Statement Chapter 3 - Alternatives [REP7-158]** determined that open cut trenches would be used for most underground cable installation. This is the case except in a small number of locations where it is not technically feasible or where environmental constraints, such as crossing of the River Stour, require an alternative approach. Following careful consideration, trenchless techniques have been selected and are to be implemented at certain locations. Table 3.18 Underground cable installation techniques, of **6.3 Environmental Statement Chapter 3 - Alternatives [REP7-158]** compares the environmental effects of the two underground cable installation techniques.
- 3.9.36 The Applicant has sought to minimise effects from above-ground infrastructure associated with underground cable sections. Within in the National Landscape, Order Limits were restricted where practicable to minimise vegetation loss, replacement planting is proposed at the earliest suitable opportunity, and also careful consideration given to the appearance of the link pillars. Link pillar compounds have been reduced to the minimum practicable size consistent with operational, maintenance and safety requirements. These measures form part of the Applicant's wider design-led approach to reducing effects on the special qualities of the Dedham Vale National Landscape and are detailed in **7.16 Design Approach for Site Specific Infrastructure [REP7-373]**.
- 3.9.37 The Applicant prepared **5.10 National Landscapes – Duty to Seek to Further the Purposes Report (s85 Countryside and Rights of Way Act 2000) [APP-120]**, which explains how the duty has informed the Project and identifies additional measures proposed to seek to further the purposes of the Dedham Vale National Landscape beyond mitigation. The Applicant worked collaboratively with the Dedham Vale National Landscape and Stour Valley Partnership (hereafter known as 'the National Landscape Partnership') and relevant local authorities, in addition to engaging Natural England, to identify sufficient, appropriate and proportionate measures. These measures are secured through a s.106 agreement submitted in draft at various deadlines during the Examination with the final signed and dated

Agreement at Deadline 8 in 8.25 National Landscape – Agreement pursuant to section 106 of the Town and Country Planning Act 1990 [Revision D].

- 3.9.38 The legal agreement secures a Furthering the Purposes Compensation Fund of £2,426,752 (indexed from 1 July 2025), payable to Suffolk County Council in a single payment, who will hold the fund as agent on behalf of the National Landscape Partnership. The fund will be spent on measures agreed with the Partnership and Suffolk County Council, listed in Table 1 of Schedule 3 of the Agreement, in accordance with a programme provided by the National Partnership. Alternatively, the fund may be applied towards measures of a similar nature approved by the Project Delivery Panel. In each case, the measures must further the statutory purposes of “conserving and enhancing the natural beauty” of the Dedham Vale National Landscape pursuant to section 245 of LURA 2023 and section 85 of CRoW 2000 and accord with the Dedham Vale Management Plan and any successor plans. A minimum of 85 % of the fund shall be applied towards the Dedham Vale National Landscape and up to 15 % towards its setting.
- 3.9.39 The legal agreement also secures preparation of an initial feasibility study to assess feasibility for the potential PJ Line removal (including a review of the technical solution, funding, consenting, land ownership, operational requirements, programme and delivery options) in the longer term. This would be limited to a feasibility exercise and any steps beyond that regarding potential planning for the removal of the PJ Line would be for future consideration with relevant stakeholders (including UK Power Networks and Ofgem from a funding perspective) entirely outside of the Project and DCO.
- 3.9.40 The Applicant considers that the proposed additional measures comply with national policy as they constitute an appropriate, reasonable and proportionate package of enhancements that seeks to further the statutory purpose of conserving and enhancing the natural beauty of the Dedham Vale National Landscape, consistent with section 85 of the CRoW Act, Defra guidance (Defra, 2024a) and the requirements of NPS EN-1 and NPS EN-5. Developed with the National Landscape Partnership, the measures are aligned with the National Landscape’s statutory purpose and Management Plan objectives, deliver tangible and lasting enhancements within the designed landscape and setting, and are commensurate with the scale and effects of the Project following application of the mitigation hierarchy.
- 3.9.41 Taken together, the mitigation measures, including design-led avoidance, undergrounding through the National Landscape, reinstatement planting, and the additional measures comprising the National Landscape Fund and the PJ Line feasibility study, demonstrate that the Applicant has actively sought to further the statutory purpose of conserving and enhancing natural beauty. The approach extends beyond the avoidance and minimisation of harm and proposes positive outcomes for the National Landscape through the delivery of proportionate and management plan-led measures that are fully aligned with national policy and Defra guidance on the furthering the purposes duty (Defra, 2024a).

Issues Arising During the Examination and Final Position

- 3.9.42 The examination process has identified a number of key issues where stakeholders and the Applicant were in disagreement or where further clarification was required.

Landscape Character and Quality

- 3.9.43 A number of LPAs including Chelmsford City Council and Colchester City Council were concerned that local landscape value had not been fully recognised and as such landscape harm was not being minimised. The approach to making judgements of landscape value was questioned together with matters related to the absence of local landscape designations, which are now extant. The North-West and South-West of Chelmsford Parishes Group also raised concerns about valued landscapes to the west of Chelmsford, emphasising the importance of referencing neighbourhood plans and other local evidence base reports when establishing landscape value. These concerns link to how landscape value was factored into routeing and the implications on assessment conclusions. The Applicant provided responses to ExQ1 LV 1.19 and LV 1.21 addressing these concerns in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]** and more recently at Deadline 7 in **8.4.16 Applicant's Comments on Any Further Information or Submissions Received by Deadline 6 [REP7-481]** and in **8.4.17 Applicant's Comments on Post-Hearing Submissions and Interested Party Action Points [REP7-482]**. The Applicant's assessment has been prepared by chartered landscape architects with significant experience in the preparation of landscape and visual impact assessments, including for electricity infrastructure and NSIPs. Their approach has followed relevant professional guidance including GLVIA3 and Landscape Institute Technical Guidance Note (LI TGN) 02/21 Assessing Landscape Value Outside National Designations (Landscape Institute, 2019a).
- 3.9.44 The pre-2025 neighbourhood plans and local landscape appraisals and character studies raised in the concerns, were referenced during desk-top studies, used to inform the baseline studies and referenced in the ES. Documents submitted post DCO-application have also been considered in light of any additional material that would alter the assessment. The concerns raised do not provide an alternative assessment of the significance of effects, and the additional material provided does not alter the Applicant's assessment. The Applicant is confident the approach is transparent, thorough and appropriate to the scale of the Project, and that the resulting assessment and reporting of the significance of effects is proportionate and consistent across the length of the Study Area.
- 3.9.45 The approach to making judgements on the value of landscape receptors is set out in paragraph 13.4.25 to Table A13.1.4 of **6.13.A1 Environmental Statement Appendix 13.1 - Landscape and Visual Methodology [REP7-262]**. The Landscape Value Assessment presented in Annex A of **6.13.A2 Environmental Statement Appendix 13.2 - Landscape Baseline and Assessment [REP7-264]** sets out a consistent approach to assessing landscape value across the Study Area, taking into account site observations and desk top research. The technical guidance note (LI TGN 02/21) defines landscape value as 'the relative value or importance attached to different landscapes by society on account of their landscape qualities' (page 3). The guidance indicates that landscape value can be assessed at different stages of the planning process, including as part of LVIA. Each LCA or LCT has been systematically assessed against the value factors presented in Annex A and has informed the sensitivity judgement in the landscape assessments. This approach avoids the potential for downplaying specific qualities in areas that are not designated ensuring local landscape value has been sufficiently represented within the assessments despite the absence of local designations.
- 3.9.46 The Applicant's approach to the consideration of the Holford Rules was queried during the Examination. The Applicant responded to ExQ1 LV 1.20 which raised

concerns regarding consideration of Holford Rule 6 and risk to spread of effects in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]** at DES 1.6 and LV1.20. The Iteratives section earlier in Section 3 of this document discusses the approach to routeing and consideration of the Holford Rules. The Applicant would note that application of the Holford Rules typically involves judging alternative solutions which can present conflicting Holford Rule compliance. For example, routeing over relatively higher ground rather than in an adjacent valley may conflict with Rules 4 and 5 but may be appropriate if the valley contains extensive areas of unavoidable ancient woodland, effects on which would conflict with Rule 2. To manage the potential for conflicting application of the Holford Rules and apply a balanced approach to routeing, the Applicant has considered corridors and locations on a case-by-case basis informed by consultation feedback and engagement, location specific constraints and also using environmental appraisal to inform the balance and define the proposals that the Applicant takes forward.

- 3.9.47 A number of LPAs and other stakeholders disagreed with the extent and in some cases the levels of significant effects reported in the LVIA. The Applicant considers these concerns to be a matter of difference in opinion and notes that no substantive evidence was provided by stakeholders to challenge the assessment. The Applicant stands by the assessment as explained in numerous responses throughout the examination. The assessment methodology and professional judgements are appropriate and applied consistently across the Study Area. The Applicant does not agree that significant operational or construction effects extend beyond those reported in the LVIA.
- 3.9.48 There was a focus on specific locations that stakeholders, considered to be highly affected by the Project. Both in terms of landscape and visual effects and also effects on heritage assets in some locations. These areas are discussed further under sub headings below.
- 3.9.49 Concerns raised relating to vegetation loss, including ancient woodland and veteran trees are discussed in Biodiversity, Ecology and Nature Conservation section earlier in Section 3 of this document.
- 3.9.50 A number of queries and concerns were raised during the Examination, relating to construction and operational lighting. The ExA requested a response to ExQ1 LV 1.30, which sought more detail on nighttime working in relation to the LEMP. The Applicant provided clarification in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**. During ISH4 Pylons East Anglia raised concerns about the impact of lighting along the Project to which the Applicant responded to against item 5.4e in **8.5.12 Applicant's Written Summary of Oral Submissions and Response [REP6-118]**. Suffolk County Council also raised concerns which were addressed as reflected in the signed SoCG. Taken together, the Operational Lighting Management Strategy and the construction lighting commitments within **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, provide a robust framework for managing lighting throughout both the construction and operational phases of the Project.

Dedham Vale National Landscape

- 3.9.51 The examination process identified a number of key issues where some stakeholders and the Applicant were in disagreement, or where further clarification was required, in relation to Dedham Vale National Landscape and its setting.

- 3.9.52 Natural England's SoCG confirmed agreement of landscape and visual matters and raised no concerns in terms of the assessment of effects on the National Landscape and its setting, nor did they raise any concerns in relation to the identification of setting in the context of the Project. Dedham Vale National Landscape & Stour Valley Partnership's SoCG confirms agreement of the majority of matters. A matter of disagreement relates to embedded mitigation and requests for more trenchless crossings, to which the Applicant has responded.
- 3.9.53 The National Landscape Partnership requested that undergrounding be achieved through Horizontal Directional Drilling (HDD) (or similar) within the National Landscape, or at least where trenching would deliver an unnatural straight-line amenity impact on above ground vegetation. The Applicant carefully considered the request for HDD but concluded that the circumstances raised by the National Landscape Partnership to justify trenchless techniques are not generally encountered.
- 3.9.54 Much of the route of the underground cable within the Dedham Vale National Landscape is through grassland or arable cropping. Whilst some hedgerows will require replacement, the interaction with any area where an unnaturally straight-line amenity impact might occur is limited as they have either been avoided or are already proposed to utilise a trenchless technique. These techniques require cables to be installed at greater depths with the excavation of large launch and receive pits and are higher cost techniques. The additional depth affects the design; cables would need to be installed with greater separation requiring increased temporary construction widths and permanent easements. Trenchless techniques also take longer to set-up, complete and demobilise from the site than equivalent open trenching, this means the surface areas affected, principally at the compounds are affected for longer. So, whilst trenchless technology has benefits, there are also constraints and limitations which must be balanced during decision-making. Trenchless techniques are proposed for areas of particular archaeological and ecological interest, crossing the River Stour, and where crossing the A12 and railway to minimise disruption. The Applicant's and National Landscape Partnership's positions have been reflected in the National Landscape Partnership's signed SoCG [REP7-377].
- 3.9.55 Babergh and Mid Suffolk District Councils [REP4-321, REP4-322] raised concerns that Thorington Street (within the Dedham Vale National Landscape) had been recently designated as a dark sky community. The Applicant responded to such concerns against item 8.3c in **8.4.12 Applicant's Comments on Post-Hearing Submissions and Interested Party Action Points [REP5-194]**, to ExQ2 LV2.1 and also items 5.4c and 5.4d in **8.5.12 Applicant's Written Summary of Oral Submissions and Response to Action Points for Issue Specific Hearing 4 [REP6-118]**. There would be no implications of lighting on this community during construction or operation. The closest element of the Project is related to undergrounding in the National Landscape; approximately 2 km away from this community. Consequently, any construction lighting associated with undergrounding works is unlikely to be perceptible. The use of operational lighting associated with the substations would be limited to fault response activities or security call outs, and the default position would be for lighting to be off. Furthermore, both operational and construction lighting are appropriately controlled through the application documentation and secured commitments the nearest substation would be approximately 8 km away.

- 3.9.56 The ExA posed several questions at ISH2, ExQ1 and ISH4, regarding the proposed above ground link pillars required along underground sections of the Project. Of specific interest were those proposed within Dedham Vale National Landscape. The Applicant's response at ISH2 was summarised against action point 8.3h in **8.5.8 Applicant's Response to Issue Specific Hearing 2 Action Points [REP4-303]** and the response at ISH4 was summarised against items 5.4a and 5.4b in **8.5.12 Applicant's Written Summary of Oral Submissions and Response to Action Points for Issue Specific Hearing 4 [REP6-118]**. The Applicant also responded to ExQ2 LV 2.2, LV 2.3, LV 2.4 and LV 2.5 in **8.9.2 Applicant's Response to Second Written Questions [REP5-211]**.
- 3.9.57 The Applicant has committed to providing an early in-person workshop with relevant LPAs and the National Landscape Partnership to discuss location (cable system design restrictions), layout and appearance of the link pillars to inform detailed design as early as possible before the Design Review by the Design Review Panel. This commitment is reflected in Section 5.6 of **7.16 Design Approach for Site Specific Infrastructure [REP7-373]**. Requirement 12 of **3.1 Draft DCO [Revision H]** was also updated to include approval of specific details of the link pillars by the LPAs including, the colour of the control cabinets, ground surface treatment within the compound areas and the appearance of the fencing. Siting, access arrangements or compound sizes have not been included for approval as these are dictated by technical and operational requirements.
- 3.9.58 Through this process the Applicant has sought to ensure that the appearance of link pillars and associated infrastructure responds, as far as practicable, to the character and qualities of the National Landscape. Whilst operational requirements necessarily constrain certain aspects of the design, the Applicant considers that the commitments secured through the DCO requirements and design review process represent a reasonable and proportionate approach to minimising the landscape effects of these permanent features.

Furthering the Purposes

- 3.9.59 During the Examination the Applicant provided responses to ExQ1 LV 1.15 (**8.9.1 Applicant's Responses to First Written Questions [REP3-074]**) which sought clarification on the relevance of the Manningtree Judicial Review, routeing and crossing choices, construction corridor widths, the status of the River Stour crossing, and the role of the PJ Line feasibility study. The Applicant also responded to ExQ1 LV 1.16 providing an explanation as to how the fund sum had been calculated, agreeing the fund should be subject to indexation and confirming the fund did not provide mitigation. The ExA also asked Essex County Council and Suffolk County Council in ExQ1 LV 1.17 whether they agreed that the mitigation hierarchy had been applied in accordance with national policy. Suffolk County Council deferred to the National Landscape Partnership and Essex County Council stated that '*high level mitigation has been applied to an extent in accordance with national policy*'. The National Landscape Partnership acknowledged that the '*detailed design of the scheme, method of undergrounding, seeking to minimise impacts during construction demonstrates attempts to comply with the mitigation hierarchy but notes that this cannot be fully met as the scheme is not avoiding the National Landscape*'.
- 3.9.60 During ISH2 the Applicant provided an update in relation to the furthering the purposes duty as summarised in 8.3k of **8.5.7 Applicant's Written Summary of Oral Submissions to Issue Specific Hearing 2 [REP4-302]**. This update detailed

the advanced the position the Applicant was in regarding agreeing terms of a legal agreement to secure the additional measures proposed to meet the duty.

- 3.9.61 Dedham Vale Society argued during ISH2 and within their subsequent written submission **[REP4-358]** that the strengthened section 85 duty requires a more proactive approach to conserving and enhancing the National Landscape than was applied by the Applicant. They contend that the duty extends to the setting of the National Landscape, including views into and out of it, and requires careful consideration of alternative routes, technologies and designs that could further reduce harm. The Society is concerned that National Grid's alternatives assessment was largely undertaken before the strengthened duty came into force and was not revisited in light of that change. They also argue that financial contributions and enhancement measures cannot, on their own, satisfy the obligation to seek to further the purposes of the National Landscape.
- 3.9.62 The Applicant disagrees with the comments provided by the Dedham Vale Society and responded to these in Table 3.11 of **8.4.12 Applicant's Comments on Post Hearing Submissions and Interested Party Action Points [REP5-194]**.
- 3.9.63 The Applicant fully recognises and has applied the strengthened duty under section 85 of the CRow Act 2000. However, neither the legislation, government guidance nor the recent Campaign for the Protection of Rural England (CPRE) v Secretary of State for Housing, Communities and Local Government [2025] judgment support the proposition that all harm to a National Landscape must be avoided. The High Court has confirmed that section 85 does not prohibit development which results in some harm, nor does it displace the statutory decision-making framework. Rather, it requires decision-makers to actively seek to further the purposes of the National Landscape when exercising their functions.
- 3.9.64 The Applicant has done exactly that. Through routeing, siting, technology selection and the application of the mitigation hierarchy, the Project has sought, as far as practicable, to avoid, reduce and mitigate impacts on the Dedham Vale National Landscape and its setting. Section 4.5 of **5.10 National Landscapes – Duty to Seek to Further the Purposes Report (s85 Countryside and Rights of Way Act 2000) [APP-120]** explains how the Project design process incorporated regular reviews both before and after the coming strengthen duty came into force.
- 3.9.65 The Applicant has also considered effects on the setting of the National Landscape, including views from and towards the designated area, and has committed to undergrounding within the Dedham Vale National Landscape and in areas of its setting where significant effects on its special qualities could otherwise arise.
- 3.9.66 Importantly, the proposed Furthering the Purposes Compensation Fund and feasibility study are not relied upon as a substitute for avoidance or mitigation. They are additional measures which will further the purposes of the National Landscape alongside the embedded design and mitigation measures within the Project.
- 3.9.67 Whilst it is understood that the Dedham Vale Society's concerns remain, the National Landscape Partnership and Suffolk County Council have confirmed during the Examination that they are satisfied the duty has been properly applied. The Applicant has evidenced how it has demonstrably sought to further the purposes of the National Landscape while delivering nationally significant electricity infrastructure. Agreement as to the Applicant's approach and measures proposed to meet the duty is also evidenced within the National Landscape Partnership's signed SoCG **[REP7-**

377], Suffolk County Council's signed SoCG **[REP7-096]** and Natural England's signed SoCG **[REP7-118]** where this matter has been agreed.

Specific Locations

- 3.9.68 During the Examination the following locations were raised by stakeholders, and in turn the ExA, as they considered them to be highly affected by the Project:
- Waveney Valley (including Snow Street, Roydon, Roydon Fen and Wortham Ling)
 - Gipping Valley
 - Burstall and Bramford
 - Ardleigh and Little Bromley
 - Colne Valley (including Fordham, Ford Street, Aldham)
 - Great and Little Waltham
 - Ingatestone and Buttsbury
 - Hutton/ Mountnessing/ Havering's Grove.
- 3.9.69 The ExA raised questions regarding the position of compensation measures for residual effects on these specified locations as set out in ExA ExQ1 LV 1.28, in response to LPA representations. The Applicant has worked constructively with LPAs to develop co-ordinated masterplans for all the above areas and also Tilbury North Substation. These are explained in the 'Landscape Compensation' section of this Closing Statement. Concerns raised in relation to other landscape and visual matters are discussed for each area in turn, below.

Waveney Valley

- 3.9.70 During ISH2 a number of matters were raised and responded to regarding the Waveney Valley. These included consideration of lower height pylons and queries regarding the drivers for previously considering underground cables. The Applicant's responses are summarised against action points 8.3a - 8.3f of **8.5.7 Applicant's Written Summary of Oral Submissions to Issue Specific Hearing 2 [REP4-302]**.
- 3.9.71 The Applicant explained that low-height pylons and T-pylons had been considered at this location. These were discounted because of technical constraints together with landscape and visual considerations. Low height lattice pylons are a shorter, squatter structure than the standard lattice pylons and therefore have different effects. For example, more frequent low height pylons may be required, compared to standard height pylons, to maintain sufficient height clearance for the conductors. In addition, the Applicant also considered the consequences of swapping between different pylon types within this landscape and preferred consistency to present a simpler visual composition. T-pylons also require large foundations and permanent roads for maintenance, so from a landscape and visual perspective, they were not considered appropriate in the Waveney Valley.
- 3.9.72 The potential deployment of an underground cable design together with an overhead line design was taken forward on a precautionary basis at this location during statutory consultation. At that time, the Applicant was concluding assessments and investigating other potential impacts that needed to be factored into the decision-making, such as impacts on peat and technical and design implications based on the

geology. There were also objections from Natural England and the Wildlife Trust relating to the impacts of undergrounding on the unique peat soils together with concerns raised in relation to the fact that undergrounding would be fundamentally inconsistent with the objectives of the government-backed, fully funded, WaLOR project.

Gipping Valley

- 3.9.73 Suffolk County Council expressed concern through REP4-336 and other submissions that an alternative alignment could have reduced landscape harm and expresses concern that this had not been adequately explored. The Applicant responded to this concern and directed the LPA to paragraphs 5.4.3 to 5.4.6 of **5.15 Design Development Report [REP7-150]** which demonstrate that alternative alignments were considered. This is further discussed later in this section under the Landscape and Visual Mitigation heading.

Burstall and Bramford

- 3.9.74 During ISH2 a number of matters were raised and responded to in relation to mitigation of the Project in the vicinity of Burstall and Bramford, including additional rationalisation of lower voltage overhead lines, as discussed in later in this section. Stakeholders including Babergh and Mid Suffolk District Councils [**REP4-321, REP4-322**], Suffolk County Council [**REP4-336**] and Burstall Parish Council [**REP4-419**] raised concerns including cumulative effects around Bramford. The Applicant confirmed that the Project would work collaboratively with the Bramford to Twinstead Project delivery team to coordinate matters and ensure that timings of the construction works do not conflict.

Ardleigh and Little Bromley

- 3.9.75 Suffolk County Council, Babergh District Council and Mid Suffolk District Council, Essex County Council, Tendring District Council and Colchester City Council raised concerns about routeing, siting and effects of the Project in the vicinity of Ardleigh as set out in Section 3.6 of **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**. In response to concerns over the acceptability of the overhead line routeing at Ardleigh the Applicant explained that a double overhead line was originally considered north of Ardleigh. Following an iterative design and assessment process the Project was changed to incorporate a continuation of the underground cable through Dedham Vale National Landscape through to the EACN substation.
- 3.9.76 The LPAs inferred that the proposed overhead line is unacceptable around Ardleigh. The Applicant's position, on balance, does not consider this to be the case. The overhead line is not within the National Landscape and the level of effect experienced within the National Landscape as a result of the overhead line during operation is not significant and as such minimises adverse effects in accordance with NPS EN-1 paragraph 5.10.34. This is set out in the **5.15 Design Development Report [REP7-150]**, from paragraph 6.5.24. The Applicant also notes that NPS EN-1 paragraph 5.10.34 states '*The fact that a proposed project will be visible from a designated area should not in itself be a reason for the Secretary of State to refuse consent.*' Notwithstanding the Applicant's position that there is no policy basis to consider overhead line unacceptable, the use of additional undergrounding was explored. The Applicant demonstrated that in addition to there being no policy basis, additional underground cables could not be justified. This was based on technical

constraints and cost, estimated at between £80m and £135m, as set out in **5.15 Design Development Report [REP7-150]**. Cumulative concerns were raised in relation to the Project, including the EACN substation near Ardleigh and Little Bromley as discussed under the Cumulative sub-heading below.

- 3.9.77 Matters related to requests for additional viewpoints and visualisations in the vicinity of Ardleigh, were raised during ISH2 as set out against 8.3n in **8.5.7 Applicant's Written Summary of Oral Submissions to Issue Specific Hearing 2 [REP4-302]**. In relation to ISH2 Action Point 32, ALBA submitted a list of requests for additional viewpoints and visualisations **[REP4-319]**. Notwithstanding the Applicant's position that the conclusions of the LVIA would not change, the Applicant produced additional photomontages to help ALBA understand the effects of the Project on landscape, visual and historic environment receptors at specific locations.

Colne Valley

- 3.9.78 During Examination, stakeholders raised concerns about the landscape and visual effects of the Project within the Colne Valley. Colchester City Council submitted comments in their Relevant Representations **[RR-0676]**, LIR **[REP1-156]** and responses to various deadlines. Local Parish Councils and interested parties such as Pylons East Anglia and Villages Against Pylons have also raised concerns. At ISH2 the Applicant responded to concerns regarding routeing of the Project in the Colne Valley, as summarised against action number 8.3p of **8.5.7 Applicant's Written Summary of Oral Submissions to Issue Specific Hearing 2 [REP4-302]**. During ISH4 the Applicant provided responses to questions from the ExA and comments from Colchester City Council, Pylons East Anglia and Villages Against Pylons as summarised in items 5.2a - 5.2f of **8.5.12 Applicant's Written Summary of Oral Submissions and Response to Action Points for Issue Specific Hearing 4 [REP6-118]**.
- 3.9.79 Two landscape reports, related to the Colne Valley, were submitted by Villages Against Pylons **[REP5-278]** and Pylons East Anglia **[REP5-265]** at Deadline 5. The Applicant responded at Deadline 6 as set out in Appendix D2 of **8.4.14 Applicant's Comments on any Further Information or Submissions Received by Deadline 5 [REP6-114]**, Appendix B of **8.4.15 Applicant's Comments on Responses to ExQ2 [REP6-115]**, and **8.4.12 Applicant's Comments on Post-Hearing Submissions and Interested Party Action Points [REP5-194]**.
- 3.9.80 Key matters, raised by stakeholders, in relation to the Colne Valley include the following:
- Stakeholders raised concerns about extant local landscape designations and judgements relating to landscape value. Stakeholders suggested the Applicant has underplayed landscape value. In response, the Applicant explained recognition of the local value of the Colne Valley and the fact that local designations have previously covered parts of the valley. The Applicant has undertaken a landscape value assessment as set out in the response to ID 12.133 in **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**. The Applicant stands by the landscape value judgements reported in the LVIA. These recognise the relatively higher value of the Colne Valley in the context of the overall Study Area for the Project. Further information relating to this concern is set out in an earlier paragraph within this section of this document. The Applicant's position is that an increase in value judgement would not change the

overall judgement of high sensitivity which takes into consideration medium-high value and high susceptibility

- Stakeholders have suggested links between the Colne Valley and Dedham Vale National Landscape, in terms of setting and similarities in landscape value and character. The Applicant stands firmly by its professional judgement that the Colne Valley is not considered to form a part of Dedham Vale National Landscape setting. The Applicant disagrees with the assertion that the Colne Valley contributes to the setting of the Dedham Valley National Landscape, as set out against item 5.2a in **8.5.12 Applicant's Written Summary of Oral Submissions and Response to Points for Issue Specific Hearing 4 [REP6-118]** (page 33-35). The Applicant has also responded to the assertion there are similarities between the Colne Valley and the National Landscape. The Applicant notes the Colne Valley has not previously been put forward in any historic or current proposals to extend Dedham Vale National Landscape or as a National Landscape in its own right. The Applicant considers that although locally valued, the Colne Valley is not comparable to Dedham Vale National Landscape as it fails to meet the natural beauty criteria required of nationally designated landscape. The justification for this is set out in Appendix B of **8.4.15 Applicant's Comments on Responses to ExQ2 8.4.15 [REP6-115]** (page B7) and within Appendix E of **8.4.16 Applicant's Comments on any Further Information or Submissions Received by Deadline 6 [REP7-481]**
- Stakeholders raised concerns about views from the National Landscape to the Project in the Colne Valley. The Applicant does not judge the visual relationship between the Colne River valley and Dedham Vale National Landscape to be strong. This is because these valley landscapes are physically separated by distance and plateau landform. Views from the valleys are typically contained and inward looking. Views of the valleys themselves are typically not appreciated until the viewer is approaching the edge of the adjacent plateau at the top of the valley slopes. The Applicant responded to concerns about the visibility of the Project from Dedham Vale including within the Applicant's comment on responses to ExQ1 LV 1.14 in **8.4.10 Applicant's Comments on Responses to ExQ1 [REP4-299]**, pages 262 to 281. As also explained in Appendix B of **8.4.15 Applicant's Comments on Responses to ExQ2 [REP6-115]** (page B6) the fact that the Project will be distantly visible from parts of the Dedham Vale National Landscape was not disputed. The Applicant's position is that the long-term adverse effects on the Special Qualities of the National Landscape will not be significant, as set out in **6.13.A5 Environmental Statement Appendix 13.5 - National Landscape Assessment Study [REP7-272]**. In terms of effects, the potential for effects on the Special Qualities of the Dedham Vale National Landscape was considered when siting the CSE compounds and routeing of the overhead line
- Stakeholders raised concerns over significant landscape and visual impacts in the Colne Valley. The Applicant has transparently reported there will be significant effects on landscape and visual receptors at locations along the length of the Project, including the Colne Valley, and extending to typically 1.5 km from it, as explained within the assessment presented in **6.13 Environmental Statement Chapter 13 - Landscape and Visual [APP-226]**. The effects on landscape character and visual receptors will affect a sequence of places and people along the length of the line. The Applicant has acknowledged there will be significant landscape and visual effects, as would be expected for any project of this size and nature

- Stakeholders suggested alternative locations for the Great Horkesley (Tilbury Side) CSE compound and re-routeing of the overhead line to the north and west of Fordham or extended undergrounding. The Applicant has given due consideration to the route alignment in this location (as has been done across the Project) based on consultation feedback and as part of the iterative design and assessment process. Regarding consideration of extending undergrounding, despite being valued locally and of high sensitivity, the Applicant does not consider the impacts on this landscape to warrant consideration of an underground cable solution pursuant to the NPS policy tests. The Applicant has explained that duties under the Electricity Act 1989 require the Applicant to operate in an efficient, coordinated, and economical way. NPS EN-5 inherently supports the Electricity Act duty with the position that an overhead line is the strong starting presumption for electricity network developments in general and this is reflected in the National Policy Statement (NPS) policy context. Having regard to this duty, the strong starting position is only reversed for nationally designated landscapes. In accordance with NPS EN-1 (2024) and NPS EN-5 (2024) policy, the Applicant has applied the strong presumption for overhead lines in the correct places and reversed that presumption in the circumstances of a designated National Landscape. The Project has included undergrounding in locations outside the National Landscape, having applied the NPS EN-5 (2024) policies. Details are set out in **5.15 Design Development Report [APP-122]** and **5.6 Planning Statement [REP7-090]**. The Project has therefore complied with the relevant NPS EN-5 (2024) policies on undergrounding. The Applicant recognises that others may take a different view and consider that pursuant to paragraph 2.9.23 NPS EN-5 there should be consideration of the use of underground cables for the Colne Valley. Whilst the Applicant disagrees with the need for this, we have, to aid the Examination, reviewed what such an alternative undergrounding option might entail against the further policy tests in paragraphs 2.9.24 and 2.9.25 of NPS EN-5. This is set out in Appendix D2 of **8.4.14 Applicant's Comments on any Further Information or Submissions Received by Deadline 5 [REP6-114]**
- Concerns were raised about the potential for 'particularly significant' (NPS EN-5 paragraph 2.9.23) and/ or 'widespread and significant' (NPS EN-5 paragraph 2.9.14) effects within the Colne Valley. The Applicant does not consider that the NPS EN-5 Policy threshold to consider undergrounding at Colne Valley is engaged. The Applicant's position is that the findings of the LVIA demonstrates that there is not a high potential for widespread and significant adverse landscape and/or visual impacts at the Colne Valley; albeit significant adverse landscape and visual effects are reported within approximately 1.5 km. Whilst there are locations where views of the Project extend into more elevated surrounding rural areas in the vicinity of the Colne Valley near Fordham Place, and into neighbouring lower-lying farmland near Aldham, intervening landform and vegetation filters views of parts of this section of the overhead line and typically limits more distant views. Effects within the lower-lying River Colne valley areas are generally contained by intervening topography on the valley sides along the meandering course of the river, combined with layers of mature and maturing vegetation, both of which filter or screen views from parts of the surrounding landscape. Landscape and visual effects, beyond approximately 1.5 km, are therefore judged to be not significant (noting some significant visual effects up to approximately 2 km).

Great and Little Waltham

- 3.9.81 During the examination, points have been raised in relation to Great and Little Waltham, including in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]** and in ISH2, with points summarised against action point 8.3r of **8.5.7 Applicant's Written Summary of Oral Submissions to Issue Specific Hearing 2 [REP4-302]**. Wider matters have included consideration of alternative routes including a route to the west of the Walthams and to the east of Chelmsford, compliance (or otherwise) with the Holford Rules, alternative technologies including low height pylons, T-pylons and undergrounding. Heritage concerns have been raised including issues relating to Langleys Registered Park and Garden (RPG) and the conservation areas, implications on views relating to the landowner's rotational cropping of cricket bat willows along the River Chelmer, local landscape evidence relating to independent reports including at the Waltham Gap which included concerns relating to Langley's and the setting of nearby churches. Disagreements relating to number of viewpoints, the extent of effects and approaches to assessment such as landscape value were raised, and comments relating to landscape mitigation. During ISH2 the Applicant responded to concerns regarding routeing of the Project in a number of areas to the west and south-west of Chelmsford, and preferred routes to the east. The North-West and South-West of Chelmsford Parishes Group raised concerns about routeing and asked the Applicant to respond to the evidence base presented in local landscape reports. Responses to key matters were provided during the examination period with a summary response provided in **8.4.16 Applicant's Comments on Any Further Information or Submissions Received by Deadline 6 [REP7-481]**.
- 3.9.82 Responses have been provided at various points, including in the above documents, and more recently at Deadline 7 in **8.4.16 Applicant's Comments on Any Further Information or Submissions Received by Deadline 6 [REP7-481]** and in **8.4.17 Applicant's Comments on Post-Hearing Submissions and Interested Party Action Points [REP7-482]**. A summary of these is set out below.
- 3.9.83 Alternative routes have been proposed and the Applicant supplied reasoning as to why these are less preferred or not feasible and not taken forward based on balanced decision making considering all material factors including environmental, socio economics, technical and cost (see the Alternatives section earlier in Section 3 of this document).
- 3.9.84 Alternative technologies, including T-pylons, have been proposed and the Applicant supplied reasoning as to why these are less preferred or not feasible and not taken forward (see the Alternatives section earlier in Section 3 of this document). The extent of low height pylons was re-considered prior to commencement of the Examination, and three were replaced with standard height pylons to minimise potential visual effects on receptors in close proximity to the alignment near Chelmsford Road. This is because low-height pylons have a wider stature, use thicker steel lattice sections and therefore have a bulkier appearance especially in closer view. Proposed low-height pylons have been retained where their shorter height mitigates effects on views from listed Langleys House. There is no reversal of the strong starting presumption for an overhead line in this area, since it is not a nationally designated landscape, and the effects arising from overhead lattice pylons (including some low height pylons) do not engage the tests in paragraph 2.9.23 of NPS EN-5 (2024) to consider a change to underground cable, since significant widespread landscape and visual effects are not reported. Whilst significant adverse landscape and visual effects are anticipated in the shallow river valley area between Little Waltham and

Great Waltham and their associated conservation areas and Langleys RPG, these are not considered to be 'widespread'. Effects are localised due to filtering and screening from existing vegetation and the shallow valley setting.

- 3.9.85 Compliance with the Holford Rules has been discussed earlier in this section of this document.
- 3.9.86 The Applicant has noted its approach to disagreements relating to the level and extent of reported effects, and to the methodologies used to assess criteria such as landscape value as set out earlier in this section of this document. Consideration has been given to local landscape evidence both prior to and during the examination, as noted earlier in this section of this document, and has informed the baseline assessment of effects. The Applicant remains satisfied that there would be no change to the significance of effects reported in the assessment.
- 3.9.87 The Applicant's consideration of additional viewpoints is set out earlier in this section of this document.
- 3.9.88 The cropping of cricket bat willows was raised during examination noting the potential to open up views of the Project from Langleys RPG. The Applicant notes that, taking into account (i) the rotational cropping of the cricket bat willows along the watercourse, (ii) the presence of other existing and retained vegetation which will continue to provide screening even with an increase in height to standard lattice pylons, and (iii) the distance from the Project, the assessment of effects would not be substantively altered and minor-moderate and not significant visual effects remain. Further heritage matters are covered in the Historic Environment section earlier in Section 3 of this document.

[Ingatestone and Buttsbury](#)

- 3.9.89 During the Examination matters relating to the Project as it passes close to Ingatestone and Buttsbury, including the Wid Valley and Mountnessing, were raised. These included concerns about the landscape and visual impact of the pylons on rural views and the sensitivity of the landscape, concerns about heritage matters, preferences for alternative routes with references to local landscape evidence, alternative technologies such as T-pylons and undergrounding, compliance (or otherwise) with the Holford Rules, and landscape mitigation. Concerns were raised by Brentwood Borough Council [REP1-150], Chelmsford City Council [REP1-153], Mountnessing Village Council [RR-2559], Ingatestone and Fryerning Parish Council [RR-1485] and by North-West and South-West of Chelmsford Parishes Group [RR-2765] and in other representations. Responses have been provided including in **8.4.1.2 Addendum to Applicant's Comments on Relevant Representations - Part 2 [REP7-474]** and more recently at Deadline 7 in **8.4.16 Applicant's Comments on Any Further Information or Submissions Received by Deadline 6 [REP7-481]** and in **8.4.17 Applicant's Comments on Post-Hearing Submissions and Interested Party Action Points [REP7-482]**.
- 3.9.90 Through the approach taken to routeing and siting, the Applicant has sought to reduce (as far as practicable) the potential landscape and visual impacts of the Project, including in the Wid Valley. Whilst the rural landscape will remain in place beneath and around the proposed overhead line, it is nevertheless recognised by the Applicant that significant effects on landscape character and visual amenity will occur. NPS EN-5 (2024) recognises that it is not possible to fully mitigate the landscape and visual effects of electricity transmission infrastructure. Alternative routes, to the east and west of Chelmsford, enabled by the undergrounding of

existing 132 kV overhead lines have been proposed by the above parties. The Applicant supplied reasoning as to why these are less preferred or not feasible and not taken forward based on balanced decision making considering all material factors including environmental, socio economics, technical and cost (see the Alternatives section earlier in Section 3 of this document).

- 3.9.91 Alternative technologies, including T-pylons, have been proposed and the Applicant supplied reasoning as to why these are less preferred or not feasible and not taken forward including in DES 1.10 in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]** (also see the Alternatives section earlier in Section 3 of this document). With regard to undergrounding, there is no reversal of the strong starting presumption for an overhead line in this area, since it is not a nationally designated landscape, and the effects arising from overhead lattice pylons (including some low height pylons) do not engage the tests in paragraph 2.9.23 of NPS EN-5 (2024) to consider a change to underground cable, since significant widespread landscape and visual effects are not reported. Whilst significant adverse landscape and visual effects are anticipated along parts of the Wid Valley these are not considered to be 'widespread'. Effects are more localised due to the containment provided by the broad shallow valley and the undulating valley sides in the west, the filtering and screening effect of existing vegetation within the valley, and the backclothing provided by the rising valley sides. Landscape and visual effects beyond approximately 1.5 km are generally judged to be not significant. A photomontage was submitted in place of a wireframe for Viewpoint 7.12 (Ingatestone Road near White Tyrrells) **[REP3-052]** to assist with the examination in **7.12 Visualisations [APP-343 to APP-351]** at Deadline 3.
- 3.9.92 Heritage matters are covered in the Historic Environment section earlier in Section 3 of this document.
- 3.9.93 Compliance with the Holford Rules has been discussed earlier in this section of this document.

[Hutton/ Mountnessing/ Havering's Grove](#)

- 3.9.94 Matters were raised relating to landscape and visual effects resulting from the Project by Brentwood Borough Council in their LIR, noting the potential for perceived industrialisation of the landscape. Transmission infrastructure (including overhead lines) is found throughout rural landscapes across England. This includes existing overhead lines which fall within the LVIA Study Area, as illustrated on **6.13.F4 Environmental Statement Figure 13.4 - Settlements and Infrastructure [APP-240]**. Whilst the rural landscape will remain in place beneath and around the proposed overhead line, it is nevertheless recognised by the Applicant that significant effects on landscape character and visual amenity will occur.
- 3.9.95 Brentwood Borough Council acknowledged that proposals to rationalise (underground) existing 132 kV overhead lines were welcome. Concerns were raised about the routing and 'severing' of the settlements at Havering's Grove and Hutton. The Applicant noted that the Project will not create a physical barrier between these settlements but recognises that there will be significant effects on landscape and visual receptors.

Tilbury North Substation

- 3.9.96 During Examination matters were raised regarding landscape and visual effects in the vicinity of Tilbury North substation including mitigation and cumulative effects with Lower Thames Crossing. These are discussed further under the Landscape and Visual Mitigation below and the overarching Cumulative Effects section above. The Applicant also responded to requests for an additional photomontage as discussed under the Viewpoint, Photomontages and Wireframes subheading.

Views

- 3.9.97 Several LPAs disagreed with the assessment of effects on visual receptors within VRAs and at representative viewpoints. The Applicant considers these concerns to be a matter of difference in opinion and notes that no substantive evidence was provided by stakeholders to challenge the assessment. The Applicant stands by the assessment as explained in numerous responses throughout the examination. The assessment methodology and professional judgements are appropriate and applied consistently across the Study Area. The Applicant does not agree that significant operational or construction effects extend beyond those reported in the LVIA.
- 3.9.98 The Applicant's approach to determining the value of the view was queried. During the Examination the Applicant responded to ExQ1 LV 1.6 in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]** which questioned whether neighbourhood plans or conservation areas had been considered. The Applicant confirmed the sources has been considered and provided examples and relevant references. A further response was provided in LV 2.15 in **8.9.2 Applicant's Response to Second Written Questions [REP5-211]** and an additional visualisation provided in Appendix G LV 2.15. The approach to the value of the view taken in the assessment has been discussed earlier in this section of this document.
- 3.9.99 The Applicant's approach to determining effects on routes (sequential assessment) was queried. The Applicant responded to ExQ1 LV 1.7 in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]** and provided a tabular summary of the assessment of long-distance walking and cycle routes, a rationale for inclusion of viewpoints on long distance walking and cycle routes and summary of effects, a summary of assessment findings for St Edmund's Way and National Cycle Network Route 50, and an updated **6.13.F7 Environmental Statement Figure 13.7 - Visual Receptors and Viewpoints [REP7-283]** indicating routes assessed.

Residential Visual Amenity Assessment

- 3.9.100 The key matters raised in regard to the **6.13.A4 Environmental Statement Appendix 13.4 - Residential Visual Amenity Assessment - Parts 1 to 5 [REP7-268, REP7-270, REP5-130, REP5-132 and REP5-134]** (RVAA) were in relation to the effects of pylons on the residential amenity of properties and the worsening of the effects as a result of lateral movement within the Projects LoD. In summary the interested parties providing comment on this considered the magnitude of effect to be greater than was being reported in the RVAA and as such disputed the conclusion that no property would breach the RVAT. This was a constant theme throughout the hearing and deadline submissions. It should be noted that at no time in the proceedings did any interested part undertake their own RVAA and relied solely on the findings of the Applicant's RVAA, and their individual observations.

- 3.9.101 Other matters of concern related to the accuracy of the visualisations provided in the RVAA, the timing and data collection of the field survey work undertaken, the accuracy in relation to where the measurement of properties was taken.
- 3.9.102 These concerns were raised by Braintree District Council, Chelmsford City Council, Essex County Council, parish councils and private individuals. By way of examples Braintree District Council raised concerns about the effects of pylons TB93 and TB98 in relation to the residential amenity of West Ford Farm Cottage and Whiteheads Farm when taking account of the LoD. Chelmsford City Council identified pylon TB141 would have a harmful and unacceptable impact on the occupant's amenity at Windmill House (F10). Essex County Council raised concerns regarding visualisations, along with Chelmsford City Council, who said they were 'useful' but offered very little in terms of representing appropriate views. Suffolk County Council noted that changes within the LoD could affect residential properties, and could make matters worse, even if they are within the same assessment bracket. Thurrock Council commented on the field surveys for properties in the RVAA Step 4 assessment and sort clarification on whether site visits had been conducted inside these properties. The parish councils of Bunwell, Coggeshall, Colne Valley, Fordsham, Talconeston, Terling and Fairstead suggested that properties in their areas would experience effects that are greater than those assessed in the RVAA. Palgrave Parish Council commented on the concern of pylons 'sited dangerously close to residential properties' with resulting 'unacceptable' impacts.
- 3.9.103 There were several comments raised by Pylons East Anglia **[REP6-229]** highlighting measurements from specific properties and more generally to curtilages.
- 3.9.104 There were also private individuals commenting on the residential amenity effects of their properties and adjoining properties. These included but not exhaustively, relating to properties at Hungerdown **[REP1-394]** not included in the RVAA, Whiteheads Farm **[REP1-394, REP3-159, REP4-405, REP5-301, REP5-275, REP6-212]**, Northfield House **[REP1-432]**, High Hopes **[REP4-409]**, Cottages Nos 70, 71 and High Hopes, Flordon Road not assessed in the RVAA **[REP6-218 and REP6-218]**, Handley Green Barn which would experience a '*severe and permanent impact*', Highfields Farmhouse **[REP6-209]** not included in the RVAA assessment.
- 3.9.105 The Applicant's responses to these comments reconfirmed the findings of the RVAA **(6.13.A4 Environmental Statement Appendix 13.4 - Residential Visual Amenity Assessment [REP7-268 to REP7-271])** and the addendum submitted at Deadline 7 **(6.13.A4.1 Environmental Statement Appendix 13.4.1 - Addendum to the Residential Visual Amenity Assessment [REP7-270])**. The RVAA found that the Project would cause a high magnitude of visual effect on a number of properties within the 200 m study area, but none would be in breach of the RVAT. The Applicant confirmed matters of measurement, the identification of the curtilage and or the centre-line of the dwelling, the data obtained from the fieldwork and the supporting visualisations were proportional and appropriate to inform the RVAA.
- 3.9.106 The ExA, in relation to the RVAA raised Written Questions at Deadline 3, Deadline 5, Deadline 6 and Deadline 7 along with responses to the Oral Hearing (ISH2) and the S17 letter at Deadline 5A. The Deadline 3 questions raised were on the movement of the Project within the LoD, particularly where the movement could trigger a Step 4 assessment (LV 1.8), clarification on the Step 4 assessment (LV 1.9) and visualisations (LV 1.10), cross referencing heritage assets (LV 1.11) and further assessment work (LV 1.12). The Deadline 5 question (LV 2.13) focused on a change in the outcome for some properties as part of the work undertaken in response to

earlier an earlier question (LV 1.12). Other questions included alteration to vegetation along the route and how this affects decisions made on magnitude of effect (Q2 ISH2). The Deadline 6 and Deadline 7 questions were specifically focused on clarity in the RVAA based on IP concerns raised.

- 3.9.107 At Deadline 4 the Applicant provided an update to the RVAA (**6.13.A4 Environmental Statement Appendix 13.4 - Residential Visual Amenity Assessment - Parts 1 to 5 [REP4-148 to REP4-156]**) in line with the Written Questions. The Applicant's response to the Deadline 5 comments (Q2) are set out in **8.4.15 Applicant's Comments on Responses to ExQ2 [REP6-115]**. The Applicant's response to Deadline 6 and Deadline 7 questions are set out in the RVAA Revision D and the addendum to the RVAA submitted at Deadline 7 [**REP7-268, REP7-270, REP5-130, REP5-132 and REP5-134**]. The Applicant confirmed the findings of the current RVAA are still valid, i.e. no breach of the RVAT has been identified.

Viewpoints, Photomontages and Wireframes

- 3.9.108 Several LPAs raised concerns regarding the number of representative viewpoints within their local authority, particularly regarding a perceived lack of viewpoints beyond 1.5 km from the Project to demonstrate that effects would not be significant at this distance. This matter was also raised in ExA question LV1.24. The Applicant provided a response to LPAs in **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**.
- 3.9.109 GLVIA3 advocates a proportionate approach to identifying viewpoints, stating that *'The emphasis must always be on proportionality in relation to the scale and nature of the development proposal and its likely significant effects, and on agreement with the competent authority and consultation bodies'* (GLVIA3, paragraph 6.21). The number of viewpoints assessed in the LVIA (206) is considered to be proportionate and appropriate in relation to the scale of the Project. In addition, there are a further 47 viewpoints and accompanying visualisations that support the historic environment assessment.
- 3.9.110 The Applicant does not consider that further viewpoints are necessary. The existing suite provides robust and sufficient coverage to understand the likely significant effects of the Project, including within landscapes of higher value. The LVIA is not reliant solely on fixed viewpoints, but is underpinned by extensive fieldwork and professional assessment across the Study Area.
- 3.9.111 Fully rendered photomontages (illustrating the scale, appearance, context, form, and extent of development) were provided from the majority of the LVIA viewpoints. Photomontages illustrated the removal of third party infrastructure from views, where relevant. Proposed landscape mitigation around the permanent assets was also shown in relevant visualisations, at Years 1 and 15.
- 3.9.112 In response to ExA question LV1.23 the Applicant also updated a number of visualisations from wireline to photomontage. Additional photomontages were also provided during the Examination from the following locations:
- Diss, in response to LV2.15 in **8.9.2 Applicant's Response to Second Written Questions [REP5-211]**

- At Ardleigh and Little Bromley, in response to ISH Action Point 32 in **8.4.12 Applicant's Comments on Post-Hearing Submissions and Interested Party Action Points [REP5-194]**
- At Tilbury North Substation (in response to the SoCG with Thurrock Council).

3.9.113 These visualisations, together with the written reporting, ZTVs and other graphic material, are considered proportionate and compliant with best practice. In addition to this, the current viewpoint coverage is sufficient to enable the decision maker to make a well-informed judgement about the landscape and visual effects of the Project. The conclusions of the LVIA would not change as a result of adding new viewpoints or visualisations.

Cumulative Landscape and Visual Assessment

- 3.9.114 This section focuses on specific issues arising in relation to inter-project cumulative landscape and visual effects. The methodology for undertaking the cumulative assessment and consideration of intra-project cumulative effects is set out in the Cumulative Effects section earlier in Section 3.5 of this document.
- 3.9.115 The cumulative assessment is set out in **6.17.A3 Environmental Statement Appendix 17.3 - Inter-Project Cumulative Effects [APP-284]** and updates submitted at Deadline 4 in **6.17.1 Environmental Statement Chapter 17 - Cumulative Effects - Response Update [REP4-163]** and Deadline 7 in **[REP7-314]**.
- 3.9.116 In response to ExA question LV1.13, the Applicant has concluded that there are no cumulative effects on the National Landscape or its setting that would give rise to significant effects on the special qualities of the National Landscape as a result of the Project (including the proposed new EACN Substation) and other projects in the vicinity of Ardleigh (including North Falls, Five Estuaries and Tarchon).
- 3.9.117 The provision of cumulative photomontages was discussed at ISH2 and ExQ2 LV 2.10 further queried the consideration of cumulative photomontages in relation to the proposed new EACN substation between Ardleigh and Little Bromley. The Applicant provided links to cumulative photomontages for Five Estuaries and North Falls examinations which illustrate the projects together and confirmed although baseline photography was several years old the baseline landscape remains the same. The ExA asked for clarification regarding how the significance criteria had been determined, taking into account GLVIA3. The Applicant provided a response in ExA question LV 2.6 in **8.9.2 Applicant's Response to Second Written Questions [REP5-211]**. The Applicant also provided clarification as to why all effects anticipated to be significant for Landscape and Visual are no worse than already identified in **6.13 Environmental Statement Chapter 13 - Landscape and Visual [REP7-260]**, in ExA question LV 2.7.
- 3.9.118 The Applicant's response to ExA question LV 2.8 explains why and where significant cumulative effects as a result of clusters of development would result in some changes to the key characteristics of the landscape. The response also clarifies that the effects resulting from the Project would not result in a change in any landscape character types. In further response to ExA question LV 2.8, figures **8.9.2 Applicant's responses to second Written Questions – LV2.8 Cumulative Effects on Landscape Character Areas and Types Overview (E1)** and **8.9.2 Applicant's responses to second Written Questions – LV2.8 Cumulative Effects on Visual Receptor Areas Overview (E2)** were provided in Appendix E of **8.9.2 Applicant's Response to Second Written Questions [REP5-211]**.

- 3.9.119 The ExA raised some questions relating to the methodology for the cumulative visual assessment in ExA question LV 2.9, with the Applicant clarifying that cumulative ZTVs are not considered particularly useful and informative, with a preference for interrogating information from the assessments prepared for other developments alongside information from the Project and its ZTV.
- 3.9.120 The Applicant also considered the potential for significant sequential cumulative effects on important linear routes in response to ExA question LV 2.9. Significant sequential cumulative effects we identified from parts of the Essex Way and NCN Route 50. A further response was provided by the Applicant in **8.5.12 Applicant's Written Summary of Oral Submissions and Response to Action Points for Issue Specific Hearing 4 [REP6-118]** identifying the proportion of the Essex Way and NCN 50 likely to experience cumulative effects and responding to the appropriateness of landscape mitigation measures along these routes.
- 3.9.121 Some stakeholders raised concerns regarding the lack of mitigation of cumulative effects. Although significant cumulative landscape and visual effects were identified, it is not practicable to mitigate these through landscape mitigation measures, predominantly due to the scale of the works and the heights of the pylons. The Applicant also notes that landscape mitigation may not be appropriate or desirable, for example along long-distance walking and cycling routes, as it may filter and screen open views which contribute to the enjoyment of the route.
- 3.9.122 The Applicant provided background information clarifying the validity of the existing cumulative photomontages in the area close to the North falls and Five Estuaries Offshore Windfarm substations near the proposed new EACN substation near in ExA question LV 2.10, and included relevant photomontages and figures in Appendix A, B and C of **8.5.8 Applicant's Response to Issue Specific Hearing 2 Action Points [REP4-303]**.
- 3.9.123 The Applicant confirmed that no additional mitigation, beyond the embedded mitigation set out, is proposed in relation to significant cumulative construction effects on Dedham Vale National Landscape resulting from the Project and Bramford to Twinstead and sets out the reasoning in response to ExA question LV 2.11. A further response is provided on page 72 of document **8.4.14 Applicant's Comments on any Further Information or Submissions Received by Deadline 5 [REP6-114]**.
- 3.9.124 The Applicant responded to concerns raised by parish councils and individuals relating to cumulative effects resulting from the Project and other developments in **8.4.14 Applicant's Comments on any Further Information or Submissions Received by Deadline 5 [REP6-114]** including at Bramford, Ardleigh and Little Bromley, and the Colne Valley, noting that opportunities to reduce cumulative effects have been explored, and no additional mitigation has been identified beyond that already identified. Appendix A of the document provides a detailed response to Appendix B of Ardleigh Parish Council and Little Bromley Parish Council Deadline 5 submission **[REP5-227]** – Combined Cumulative Impact Ardleigh and Little Bromley (ALBA), and identifies where significant cumulative, inter-project landscape and visual effects are identified as a result of the Project with North Falls and Five Estuaries Substations and Tarchon Interconnector. The Applicant notes that it has sought to reduce effects on landscape and visual receptors through embedded mitigation measures, including the proposed Environmental Area around the proposed new EACN substation, and has engaged with the North Falls and Five Estuaries projects on matters of design.

- 3.9.125 The Applicant provided clarification on points raised by a number of stakeholders and individuals relating to perceived ‘cumulative’ effects resulting from the Project itself in **8.4.15 Applicant’s Comments on Responses to ExQ2 [REP6-115]**. The Applicant clarified that the Project, as described in **6.4 Environmental Statement Chapter 4 - Project Description [REP7-160]** is assessed as a whole, and is not split into different components. Landscape and visual effects will not typically be experienced as a whole, but the total effect on landscape character and visual receptors can be understood from the LVIA, by looking at all of its component parts, each of which is set out in detail. It is noted that overall, these effects will be significant, as would be expected for any project of this size and nature. Cumulative effects relate to either intra-project or inter-project effects are set out in **6.17.1 Environmental Statement Chapter 17 - Cumulative Effects - Response Update [REP7-314]**.

Landscape and Visual Mitigation

- 3.9.126 During Examination the Applicant provided a response to ExQ1 LV 1.2 which queried the proposed undergrounding of existing 132 kV overhead lines north of Flowton and Mellis instead of the 400 kV connection. The Applicant responded in **8.9.1 Applicant’s Responses to First Written Questions [REP3-074]**, explaining the impacts of installing the 400 kV connection as underground cable would be greater than undergrounding the 132 kV and would be significantly more expensive, therefore this was not considered appropriate.
- 3.9.127 The Babergh and Mid Suffolk District Councils’ and Suffolk County Council’s joint LIR **[REP1-178]** suggested additional embedded mitigation such as lower height pylons near Mellis and re-routing and underground cables in the Gipping Valley. The Applicant responded against ExQ1 LV 1.25 in **8.9.1 Applicant’s Responses to First Written Questions [REP3-074]**. In relation to consideration of low height pylons near Mellis the Applicant noted technical limitations of low height pylons in terms of changes in direction, additional pylons being required and an increase in tree removal where the Project follows the route of the existing 132 kV which would be undergrounded. The Applicant concluded that an extension of the proposed undergrounding of existing lower voltage overhead line (rationalisation) in the Gipping Valley was not necessary. The Applicant also confirmed that route alternative had been considered for the overhead alignment in the Gipping Valley. These were not preferred due to an increase in heritage effects.
- 3.9.128 During ISH2 the Applicant responded to additional questions regarding mitigation in the vicinity of Bramford Substation as set out against 8.3l and 8.3m in **8.5.7 Applicant’s Written Summary of Oral Submissions to Issue Specific Hearing 2 [REP4-302]**. In response to concerns about wirescape the Applicant sought to explain that this had been minimised through proposals to rationalise existing 132 kV overhead lines, including approximately 8 km of 132 kV overhead line to be replaced by underground cable to the north of Bramford Substation as well as replacement of two other 132 kV overhead lines to the south. With regard to questions as to why the 400 kV connection could not be put underground instead the reasoning was the same as explained above relating to the Project near Mellis.
- 3.9.129 Concerns and queries have been raised in relation to the **7.4 Outline Landscape and Ecological Management Plan [REP7-342]** and vegetation retention, protection and mitigation throughout the Examination. The Applicant has responded to these including against ExQ1 LV 1.30 in **8.9.1 Applicant’s Responses to First Written Questions [REP3-074]**. This is dealt with further in the Biodiversity, Ecology and

Nature Conservation section earlier in Section 3.4 of this document, which also considers ancient woodland and veteran tree mitigation.

- 3.9.130 A number of concerns relating to potential tree loss and queries about the Applicant's commitment to 3:1 tree replacement ratio were raised and discussed throughout Examination. The Applicant answered queries about where offsite provision for reinstatement planting will be required and how it will be secured against ExQ1 LV 1.1 in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**. During ISH 2 the Applicant answered questions relating to the size and age of replacement tree planting as set out in 8.5a in **8.5.7 Applicant's Written Summary of Oral Submissions to Issue Specific Hearing 2 [REP4-302]**. ExQ1 questions LV 1.34 and LV 1.35 questioned the constraints to replanting within the Order Limits, when might offsite planting be required, how would that be secured and the outline specification of the proposed planting. The Applicant responded in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**. Similar questions were also raised in ISH4 relating to the locations of replacement planting, how the offsite planting delivery scheme will be engaged and enforced and the provenance of native species. The Applicant's responses are set out against Items 5.1i, 5.1m, 5.1n and 5.1o in **8.5.12 Applicant's Written Summary of Oral Submissions and Response to Action Points for Issue Specific Hearing 4 [REP6-118]**.
- 3.9.131 The Applicant explained that constraints on tree planting within the Order Limits are primarily related to the restrictions below the overhead line and directly on top of the underground cables. Therefore, offsite provision to deliver the 3:1 commitment may be necessary. The commitment to a 3:1 replacement planting for individual trees and small groups of individual trees is secured by Requirement 4 within **3.1 Draft DCO [Revision H]**.
- 3.9.132 Details of on-site tree replacement will be provided in accordance with the Reinstatement Planting Plan secured under a separate requirement of **3.1 Draft DCO [Revision H]**. The Applicant explained that the 3:1 replacement ratio planting will include appropriate native or locally characteristic species and planting in locations that contribute to landscape character and green infrastructure connectivity. In terms of the provenance of native species, the Applicant has made a commitment to use locally appropriate species, and this will be included in an Outline Offsite Planting Delivery Scheme (OPDS).
- 3.9.133 Whilst initially the Applicant proposed to secure the delivery of any offsite replacement tree planting resulting from the 3:1 commitment in a s106 unilateral agreement, following review and receipt of feedback, the Applicant amended its approach and updated Requirement 9 of **3.1 Draft DCO [Revision H]**. In addition to this, to address queries raised regarding the approach to delivering the offsite tree planting, the Applicant prepared **8.28 Outline Offsite Planting Delivery Scheme [Revision B]**. The final OPDS is to be substantially in accordance with the Outline OPDS and will be submitted to and approved by the LPAs.
- 3.9.134 Concerns about the landscape and visual impacts of the Project have been raised by LPAs, other statutory and non-statutory stakeholders and through public consultation. Statutory consultees recognise it is not possible to mitigate the landscape and visual effects of electricity transmission infrastructure through additional planting. This is because additional planting would not reduce the significance of those effects and may indeed give rise to other effects. Regarding concerns raised in relation to the dismissal of alternatives such as routeing and technology choice, this is discussed in the Alternatives section earlier in Section 3.2 of this document.

- 3.9.135 Suffolk County Council raised concerns relating to the outline landscape proposals within Wenham Grove CSE compound Environmental Area. Constructive conversations between the Applicant and Suffolk County Council resulted in agreement to update the proposals as submitted at Deadline 7 in **7.4 Outline Landscape and Ecological Management Plan Appendix D - Outline Landscape Proposals [REP7-350]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**. The Applicant also updated the **7.4 Outline Landscape and Ecological Management Plan [REP7-342]** in response to Thurrock Council's request for a hedgerow between Tilbury North Substation and a public right of way.
- 3.9.136 Queries have also been raised in relation to the LoD in terms of whether additional restrictions are required. This is discussed further under the LoD subheading below.

Management and Maintenance (Aftercare)

- 3.9.137 A number of LPAs (Norfolk County Council, South Norfolk District Council, Suffolk County Council, Babergh and Mid Suffolk District Councils, Essex County Council, Tendring District Council, Colchester City Council, Chelmsford City Council, Braintree Borough Council, Brentwood Borough Council) commented in their submissions during the Examination (including their LIRs, responses to written questions and during the hearings) that the five-year planting aftercare period proposed (for planting outside the Environmental Areas) is insufficient. They either seek a longer ten-year aftercare period, a planting failure percentage, or an adaptive/dynamic aftercare period, with ongoing monitoring, replacement planting, and extensions where necessary. The requirement to maintain any planting included within the BNG metric for 30-years has also been raised.
- 3.9.138 The Applicant provided justification for the five-year aftercare period for trees and hedgerows in response to ExQ1 LV 1.4 and LV 1.18 in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]** and also orally during ISH4 and in written submissions afterwards at item numbers 5.1p and 5.1q in **8.5.12 Applicant's Written Summary of Oral Submissions and Response to Action Points for Issue Specific Hearing 4 [REP6-118]**. In response to these concerns the Applicant has strengthened Section 10 of **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**. The Applicant considers that five-years of adaptive aftercare is sufficient because it reflects British Standards, government and industry guidance, established NSIP precedent and arboricultural research showing that successful establishment is largely determined by planting quality and early maintenance rather than prolonged aftercare.
- 3.9.139 The failure rate for planting tends to fall off rapidly after the first c. two to three years, at which point most plants tend to be becoming well established, following recovery from the disturbance associated with their movement from the nursery and replanting at the site. The five-year period captures this initial establishment risk and by year five, the success rates which have been achieved provide a realistic picture of long-term success.
- 3.9.140 The Applicant has supported the length of the aftercare period with research from the Hadley Wood Hedgerow Trial, Forestry Commission research and other infrastructure projects to demonstrate that most establishment risks occur within the first few years and that well-designed planting schemes can become successfully established within a five-year period.

- 3.9.141 Replacement planting is intended to restore the pre-existing baseline and, once it has been successfully established through five-years of aftercare, its purpose has been fulfilled. Responsibility for ongoing management on temporarily acquired land then reverts to the landowner, to manage as they do currently, and there is no justification for imposing long-term maintenance obligations on the Applicant or requiring permanent land control.
- 3.9.142 The request for a planting failure rate is not considered necessary as Requirement 9 of **3.1 Draft DCO [Revision H]** secures replacement of any planting which fails in the first five years.
- 3.9.143 The Applicant's approach to replacement planting and justification for its inclusion within the BNG metric including maintenance period has been set out in paragraphs 3.5.2 to 3.5.7 in **7.1 Biodiversity Net Gain Report [REP7-320]**. This has been subject of disagreement during the Examination and has been addressed in the Biodiversity, Ecology and Nature Conservation section earlier in Section 3.4 of this document.

Landscape Compensation

- 3.9.144 All the LPAs raised comments during the Examination in relation to landscape and visual compensation. In their LIR, Babergh and Mid Suffolk District Councils and Suffolk County Council **[REP1-178]** also requested coordinated masterplans be produced for areas they considered to be highly affected. The Applicant addressed the need for landscape compensation in its submissions throughout the Examination, including within:
- Section 3.10 of **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**
 - Response to ExQ1 LV 1.18 and LV 1.28 provided in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**
 - During ISH2 detailed in 8.2e of **8.5.7 Applicant's Written Summary of Oral Submissions to Issue Specific Hearing 2 [REP4-302]**
 - Response to ExQ2 LV 2.17 of **8.9.2 Applicant's Response to Second Written Questions [REP5-211]**
 - **8.4.12.2 Response to ISH2 Action Point 27 – Masterplans [REP5-199]**
 - During ISH4 detailed in 5.1a-f of **8.5.12 Applicant's Written Summary of Oral Submissions and Response to Action Points for Issue Specific Hearing 4 [REP6-118]**.
- 3.9.145 The Examination considered in some depth whether the legal and NPS policy framework requires the provision of compensation/offsetting/enhancement for residual landscape and visual effects, particularly at ISH 2 and ISH4. Suffolk County Council and other councils promoted the position that NPS EN-1 (2024) paragraph 4.2.12 provides a broad-brush basis for the Secretary of State to require the provision of compensation in respect of residual landscape and visual effects. Some councils made similar claims for heritage residual effects. The Applicant's position is that when NPS EN-1 and NPS EN-5 (2024 and 2026) are read as a whole, there is certainly no requirement that residual landscape and visual effects (nor heritage) should be compensated in order for the Project to be consentable. The position was considered by the Examining Authority and Secretary of State in the Bramford to

Twinstead DCO who decided in favour of National Grid's position. The Panel considered submissions as to the principle and clearly found that compensation was to be treated differently to mitigation because it could not as a matter of definition reduce residual impact as a result of the application of the mitigation hierarchy, the main decision-making metric.

- 3.9.146 At the outset of the Examination, a number of councils maintained the position that all residual landscape and visual impacts from the Project after mitigation should be fully compensated or offset as a result of the provisions of NPS EN-1. This is patently not the position on any reading of NPS EN-1, NPS EN-5 or other decisions of the Secretary of State. In the later stages of the Examination, including at ISH4, it appeared the local authorities were no longer asserting that all residual effects should be compensated or offset. The issue at stake therefore became whether, according to policy, the DCO should make provision for delivery of some form of compensation for residual landscape and visual effects in proximity to the locations specified by the ExA (initially put forward in ExQ1 LV1.28). If so, the further questions are (i) the lawful basis for imposing any such provision (including application of the tests in paragraphs 4.1.16 and 4.1.18 NPS EN-1 (2024)), and (ii) if there was such a requirement how that 'benefit' could be calculated given that such measures are not mitigation.
- 3.9.147 Suffolk County Council acknowledges that the available evidence before the Examination demonstrates that whilst there are adverse residual effects on landscape, heritage and public rights of way, there is no further mitigation possible (Section 5.1(a) of **Suffolk County Council Written post-hearing submissions; summaries of and responses to oral submissions made at hearings held during week commencing 22 June 2026 [REP6-166]**). Suffolk County Council and other councils also accepted that any requirement for compensation would have to pass the tests of necessity, direct relationship to the development, proportionality and reasonableness. Suffolk County Council jointly with Norfolk County Council sought to do so by the provision of a CIL justification compliance statement.

Why compensation is different

- 3.9.148 On the question of what policy requires, NPS EN-1 and NPS EN-5 must be read as a whole. NPS EN-1 and NPS EN-5 (2024 and 2026) acknowledge that there are likely to be significant adverse impacts including landscape and visual impacts due to large energy infrastructure projects. Electricity networks infrastructure is the subject of a bespoke NPS (EN-5) which at its heart has a strong presumption in favour of electricity network development being provided through overhead lines.
- 3.9.149 NPS EN-1 and NPS EN-5 also state that the residual impacts are likely to be outweighed by the public need for CNP, including, for example, in circumstances where harm is occasioned to National Landscapes. Compensation occupies a different position within the mitigation hierarchy because, by definition, it does not reduce the residual impacts arising from a proposal. That sentence, although it is not expressly stated in the existing NPS EN-1 (2024), was deliberately added at paragraph 4.2.25 of the adopted NPS EN-1 (2026). The Applicant considers that this clarification has potentially come about as a result of the submissions that have been going on in this case and in the Bramford to Twinstead DCO, and in other cases across the country.
- 3.9.150 The mitigation hierarchy does not require the Applicant to remove all harmful effects of infrastructure. Indeed, the energy NPS suite proceeds on the basis that there is an

expectation of significant residual effects after the application of the mitigation hierarchy. Paragraph 3.1.2 of NPS EN-1 (2024) states 'It will not be possible to develop the necessary amount of new large-scale energy infrastructure without some significant adverse impacts'. It follows that government cannot take the view that all impacts of a proposal are required to be mitigated or offset.

- 3.9.151 Offsetting cannot reduce that level of unmitigated harm. Rather it is a benefit elsewhere which by definition has no, and can have no, impact on the identified residual harm. It is the residual harm arising from the development which forms part of the planning balance between the benefits of a CNP proposal and that residual harm. This is a matter of principle. In order for compensatory or offsetting measures to be secured by a requirement or other mechanism, or to be taken into account, such an offset benefit would have to be shown to be truly necessary, relevant to planning, proportionate, directly related to the development and reasonable in all respects.
- 3.9.152 This issue of compensation being a different consideration in the mitigation hierarchy was grappled with by the Bramford to Twinstead DCO Examining Authority (see the Planning Inspectorate (2024) Bramford to Twinstead Reinforcement Examining Authority's Report of Findings and Conclusions and Recommendation to the Secretary of State for Energy Security and Net Zero). The conclusion was that they agreed with the position advanced by National Grid, that compensation was different and there is and can be no necessary requirement for full compensation of all residual effects.
- 3.9.153 The local authorities rely on NPS EN-1 (2024) paragraph 4.2.11. It sits in the section of NPS EN-1 labelled 'Applicant's Assessment' and not in the decision-making section. It provides that Applicants should 'demonstrate that all residual impacts are those which cannot be avoided, reduced or mitigated'. That is how residual landscape impact is to be understood. And as the new NPS EN-1 (2026) points out, compensation as a matter of fact and law cannot reduce an adverse effect resulting from a development (paragraph 4.2.25). Paragraph 4.2.12 NPS EN-1 (2024) does require applicants to set out how residual impacts generally will be compensated for 'as far as possible'. This, in the section called 'Advice to the Applicant', must mean as far as possible including as far as legally possible, including in accordance with s120 of the PA 2008. No part of NPS EN-1 or NPS EN-5 states that all or indeed some residual landscape impacts need to be compensated for or offset. If that was the test, the policy would have expressly said so, as it does in relation to certain other residual effects and indeed in relation to other required statutory compensation.
- 3.9.154 For example, NPS EN-1 (2024) includes express provisions for compensation in respect of habitats, woodland and National Landscapes where the relevant statutes expressly state that compensation or going further than mitigation is required. No equivalent provision exists for residual landscape and visual effects arising from electricity transmission infrastructure.
- 3.9.155 Further the absence of guidance on the concept of landscape compensation, in circumstances where the principal effects of overhead lines are landscape related, is significant. No guidance is provided on what metric, or approach should be applied for consideration of landscape compensation. That is because it is not, in practice, possible meaningfully to assess what landscape enhancement, (undertaken away from the location of the direct impact) would actually offset a different residual landscape effect elsewhere. Much less is it possible to determine the extent to which that compensation is required before the decision-maker could conclude such

compensation is necessary to the grant of consent, such that consent should otherwise be refused.

- 3.9.156 This position is materially different to habitat compensation which is statutorily required (but only in relation to statutorily identified areas (where HRAs are required) and not generally), and where there is a specific metric to allow the decision-maker to ensure statutory compliance. The same can be said of woodland cover where there is a legally binding target to increase woodland cover by 2050 and a consequential requirement via the Environment Act 2021 and the Environmental Improvement Plan, for compensatory woodland planting where the development results in woodland loss. See NPS EN-1 (2026) paragraph 5.11.27. In these cases, compensation is both clearly legally required and it is also possible meaningfully to assess what extent of compensation is required.
- 3.9.157 Finally, even if, contrary to these submissions, it was to be legally and practically possible to frame a type of landscape compensation regime, the weight which should be given to such schemes in any event would be very limited. This is because the central planning judgement remains whether the residual harms are outweighed by the benefits of the proposal. And in all but the most exceptional cases involving CNP infrastructure, for the reasons set out in NPS EN-1, the benefits of provision of the infrastructure will almost always outweigh those residual harms. Compensation cannot in such circumstances alter either of the main components of the key balance. If relevant at all, it would be a further benefit of the proposal unlikely to affect the direction of the overall balance set by the energy NPSs at all.
- 3.9.158 There is no overhead line DCO made to date that has ever required the offsetting of unmitigated landscape impacts beyond direct mitigation or softening of residual impacts. Some applicants have made voluntary payments and agreed to impact-softening planting (clearly a form of mitigation) with little weight being given to either by ExAs or Ministers.
- 3.9.159 It would be an incredible precedent to find as a matter of principle that offsetting of landscape harm was necessarily required in this case. NPS EN-5 (2024) makes it clear that meeting the needs of the nation by the provision of overhead lines is not inconsistent with the statutory duties of the undertakers and requiring landscape compensation would potentially run to millions of pounds project by project, a cost which would need to be met inevitably by the consumer.
- 3.9.160 If compensation or offset of landscape impact were required, it is inconceivable that the energy NPS suite of policies would not say so expressly and give guidance on its calculation or operation. The main environmental effect of a line of pylons is of course its landscape impact. Paragraph 2.9.7 of NPS EN-5 (2024) recognises this. NPS EN-5 deals with these impacts and their mitigation. NPS EN-5 identifies and addresses the principal forms of mitigation for landscape and visual effects associated with overhead lines. It does not establish any separate compensatory or offsetting obligation in respect of residual landscape harm. It cannot be that NPS EN-5, which is dealing specifically with the visual impact of overhead lines and its mitigation, would be completely silent as to the requirement for the main harm from pylons (in accordance with the NPS starting presumption for overhead lines) to be offset by taking action (which by definition does not and cannot reduce impact) if such off-site provision of benefits was to be required to offset landscape harm.
- 3.9.161 Further and separately, even if the Secretary of State satisfies itself that in principle compensation or offsetting for landscape and visual effects could be required either by way of a requirement, s106 agreement or other DCO mechanism, the Applicant

and the decision-maker would need to consider the nature and extent of the offsetting provision that could lawfully be offered or required and the weight to be given to it in circumstances where the benefits of the proposal substantially outweigh the true residual harms without that compensation.

- 3.9.162 NPS EN-1 makes it clear that requirements or s106 provisions to secure offsetting or anything else should pass the equivalent tests required of planning conditions (that applies in the Town and Country Planning Act 1990 system) as set out in paragraphs 4.1.16 to 4.1.18 NPS EN-1 (2024). The Applicant has at the request of the ExA, worked up with the relevant local authorities compensation plans which are precautionary and could be required in the event that the Secretary of State believes that they are necessary to the grant of planning permission. As explained, such provisions will only come into effect as part of the Order in the event that the Secretary of State believes they pass the relevant tests. They (and the cost to the consumer) would not be part of the Order in the event that the Secretary of State believes that they are not necessary to the grant of permission.
- 3.9.163 These tests include the test of necessity. The test of necessity has been part of the law for decades. It dictates that a planning condition should not be imposed unless its absence would by itself justify refusing planning permission entirely (*Newbury District Council v Secretary of State* [1981] AC 578). The Applicant is clear that its Application is clearly consentable without substantial offsite landscape compensation, which by definition cannot reduce the identified residual effects of the Project assessed in the Environmental Statement and relied upon in the planning balance.
- 3.9.164 For the above reasons set out in Evidence and Closing, the Applicant does not consider that compensation/offsetting is necessary in the sense that it is required and without it consent would be refused. If the Secretary of State determines otherwise, the Applicant, without prejudice to its principal position, has agreed with the relevant councils a mechanism in the DCO for the provision of funds for compensation, offsetting, enhancement which could be fit for purpose. This mechanism is proposed on a 'blue pencil basis' in Schedule 20 in **3.1 Draft DCO [Revision H]** and footnotes to it.

Does the precautionary compensation package meet the relevant tests?

- 3.9.165 The Applicant's response, without prejudice to its overall position on whether landscape compensation is required, on the proposed mechanism considered against the 4.1.16 and 4.1.18 tests is below (and also in the **8.36 Applicant's response to Rule 17 letter received 27 July 2026 [Revision A]**):
- Relevant to planning – the Applicant accepts that the measures relate to landscape and visual matters arising from the Project and seek to deliver environmental outcomes connected with those effects and to that extent are relevant to planning
 - Necessary to make the development acceptable in planning terms – the Applicant maintains that such measures are self-evidently not necessary as stated in its principal submissions on this matter to the Examination and this Closing Statement. However, if the Secretary of State reaches a different conclusion, they would have to take the view that (i) the residual harm was such that the benefits did not outweigh that harm but for the compensation and (ii) that all of the other tests were met. The framework agreed with the authorities provides a mechanism through which compensation found to be necessary could be secured

- Directly related to the proposed development – the fund areas have been derived from locations identified by the Examining Authority and from landscapes experiencing residual effects associated with the Project. Eligibility criteria further ensure as close a relationship as possible between funded projects and those effects. The Applicant has sought to assist by providing the eligibility criteria and identification of the locations for the compensation, offsetting and enhancement areas on the associated DCO plans, if compensation is considered to pass the necessity test, the Secretary of State would ultimately have to make their own judgement on a case-by-case basis, as to direct relevance.
- Fairly and reasonably related in scale and kind to the proposed development – the location-specific approach, defined geographic areas, agreed governance arrangements and proposed fund allocations provide a framework linked to the scale and nature of the effects identified. Again, the Secretary of State will ultimately have to make a judgment on a case-by-case basis, but the Applicant considers a proportionate response has been provided should compensation be deemed necessary
- Reasonable in all other respects – the Applicant has engaged with the ExA's requests and with the LPAs in a reasonable and proactive manner. The proposed approach allows the relevant authorities flexibility to identify, develop and deliver locally appropriate projects through established partnerships with landowners and other responsible organisations while maintaining accountability through the DCO mechanism. The aim has been to ensure that if the Secretary of State takes a different view to the Applicant, then the parties have done all that is reasonable to allow the Secretary of State legally to ensure that weight can be given to the landscape compensation provisions.

3.9.166 Therefore, whilst this matter remains either not agreed or under discussion with the LPAs which is reflected in their SoCGs, without prejudice to the Applicant's position, the wording of Schedule 20 has been updated reflecting feedback received and agreed with the relevant LPAs, and inserted on a blue pencil basis.

Limits of Deviation

- 3.9.167 A number of stakeholders queried matters related to the LoD including Norfolk County Council **[REP4-332]**, Suffolk County Council **[REP4-336]**. During Examination the Applicant provided a response to ExQ1 LV 1.5 which queried the potential implications of the LoD. The environmental assessment took the approach of assessing a reasonable worst-case scenario, essentially the Rochdale Envelope. It was based on the pylon positions in the current design in accordance with the Works Plans, which is considered the most likely route to come forward and further undertook sensitivity testing in relation to the LoD (as allowed by the draft DCO) as part of the assessment. This is set out in Section 13.9 Sensitivity Testing, in **6.13 Environmental Statement Chapter 13 - Landscape and Visual [REP7-260]**. The sensitivity testing considered the potential for changes to the longitudinal, lateral and vertical LoD, using professional judgement. This testing did not identify any change to the level or significance of effects reported in the ES, except at two viewpoints where the level of effect was increased, but there would be no change to significance.
- 3.9.168 The landscape and heritage visualisations were based on the pylon positions in the current design in accordance with the Works Plans, which is considered the most likely route to come forward. Otherwise, there would theoretically be multiple positions where the pylons could move to within the LoD, because if one pylon

moved laterally or longitudinally it could affect the position of the surrounding pylons. The Applicant also notes that although a pylon may move closer in one view, it may be further away in a different view, and overall, the effects would be likely to balance out in most cases.

- 3.9.169 During the Examination the Applicant engaged collaboratively with LPAs to identify a short list of landscape, historic environment and residential locations from which to provide 'worst case' LoD visualisations. These were provided in **8.4.12.1 Response to ISH2 Action Point 25 - LoD visualisations – Parts 1 to 4 [REP5-195 to REP5-198]**. The Applicant concluded that the judgements in Section 13.9 of **6.13 Environmental Statement Chapter 13 - Landscape and Visual [REP7-260]** remain fair and reasonable.
- 3.9.170 Discussion of the LoD in relation to commitment GG34 of the **7.2 Outline Code of Construction Practice [Revision H]** took place at ISH4 as summarised against items 5.3a to 5.3d of **8.5.12 Applicant's Written Summary of Oral Submissions and Response to Action Points for Issue Specific Hearing 4 [REP6-118]**. In response to ISH4 Action Point 7, the Applicant reviewed locations where Suffolk County Council wishes to restrict movement in the LoD as set out in REP6-166. The Applicant concluded that movement within the LoD would not alter the conclusions of the environmental assessments and there is no reasonable cause to use commitment GG34 to restrict the LoD in these locations.
- 3.9.171 The Applicant also gave further consideration to restricting the LoD near Aldham, in response to ISH4 Action Point 6. The Applicant considers that there is a unique set of circumstances at Aldham which justifies a restriction on the LoD at pylons TB54 and TB55. Further detail is provided in **8.4.17 Applicant's Comments on Post-Hearing Submissions and Interested Party Action Points [REP7-482]**. The Applicant has therefore made a commitment to restrict the movement of pylons TB54 and TB55 in commitment GG34 of the **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**.
- 3.9.172 The Applicant disagrees with Suffolk County Council's view that a further approval mechanism is required in the sensitive locations such as an approval regime of micro-siting for pylon locations. Any further approvals would risk delay to delivery, and this would be unacceptable for a Project that qualifies as CNP infrastructure and Clean Power 2030. A detailed response that forms the Applicant's final position is detailed in **8.4.17 Applicant's Comments on Post-Hearing Submissions and Interested Party Action Points [REP7-482]** (see pages 12–15). No further approvals are necessary under the DCO to utilise the LoDs because the ES has assessed the LoDs (against a reasonable worst case) and additional mitigation has been applied where appropriate. The approach adopted by the Project on LoDs is consistent with other National Grid Overhead Line DCOs (Richborough and Yorkshire GREEN) that have been approved and we believe is consistent with many other DCOs.
- 3.9.173 From an RVAA perspective there were a number of ExA questions and IP comments made in relation to the LoD. The Applicant's response in regard to movement of the Project within the LoD is provided in a number of documents including **8.4.1 Applicants Comments on Relevant Representations [REP2-023]**, Deadline 3 response to ExQ1 LV 1.8, LV 1.9, LV 1.12, **8.5.12 Applicant's Written Summary of Oral Submissions and Response to Action Points for Issue Specific Hearing 4 [REP6-118]**, **8.4.14 Applicants Comments on any Further Information or Submissions Received by Deadline 5 [REP6-114]**, **8.4.15 Applicant's Comments**

on Responses to ExQ2 [REP6-115], 8.4.16 Applicant's comments on any Further Information or Submissions Received by Deadline 6 [REP7-481] and Response to Rule 17 Letter (various responses to IP comments).

Conclusions and Areas of Disagreement

- 3.9.174 NPS EN-5 (2024) establishes a strong presumption for overhead lines (which is only reversed in nationally designated landscapes) and recognises that full mitigation may always not be achievable. The Applicant has applied the strong starting presumption of overhead lines in the correct places and has incorporated mitigation within the Project to minimise landscape and visual effects.
- 3.9.175 Both NPS EN-1 and NPS EN-5 (2024) recognise that landscape and visual impacts will arise from nationally significant energy infrastructure projects, such as the Project. NPS EN-1 requires these to be assessed and reported within a LVIA. Guided by NPS EN-1, the Applicant has considered landscape and visual matters from early stages and throughout the duration of the Project as part of an iterative design and assessment process. These considerations have been necessarily balanced against others such as technical, environmental, socioeconomic, programme and cost considerations. A robust LVIA, undertaken in line with professional guidance, is included within the ES.
- 3.9.176 The Applicant considers that the Project complies with the requirements of section 85 of the Countryside and Rights of Way Act 2000 (as amended), Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes (Defra, 2024a) and the relevant provisions of NPS EN-1 and NPS EN-5. Consideration of the Dedham Vale National Landscape and its setting has been embedded throughout the development of the Project, informing routeing, siting, technology selection and the application of the mitigation hierarchy. This has resulted in design changes and embedded mitigation measures, including undergrounding through the National Landscape and parts of its setting, alongside additional measures specifically intended to further the statutory purposes of the designation. The Applicant's position is supported by the National Landscape Partnership, Suffolk County Council and Natural England, all of whom have confirmed through the Examination process that they are satisfied the duty has been properly applied.
- 3.9.177 In accordance with NPS EN-1 and NPS EN-5, the Applicant has considered the potential for widespread and significant adverse and/or visual impacts along the Project, including specific areas of concern as raised by statutory and non-statutory stakeholders. The linear nature of the Project means that landscape and visual effects will be experienced as a result of localised sections of the Project, but never as a result of the whole length of Project. The Project will traverse a long length but its influence, to either side of the proposed 400 kV overhead lines, will be relatively limited, generally affecting local landscape and visual receptors in that area. Steel lattice pylons are designed to be visually permeable, to still be able to still see landscapes through and around them, and not to be widely visible, to disappear over distance.
- 3.9.178 Throughout the Examination, the Applicant has responded comprehensively to concerns relating to landscape value, visual effects, residential visual amenity, cumulative effects, the Dedham Vale National Landscape, mitigation, compensation, tree loss, aftercare and the LoD. Whilst differences of professional opinion remain on certain matters, particularly regarding the extent of effects and the need for additional undergrounding, compensation or restrictions on flexibility, the Applicant considers

that the assessment methodology is robust, proportionate and consistent with national policy and recognised professional guidance.

- 3.9.179 NPS EN-1 and NPS EN-5 (2024) recognise that landscape and visual effects are an inevitable consequence of major electricity transmission infrastructure and do not require such effects to be eliminated. Rather, they require effects to be appropriately assessed and reduced through the application of the mitigation hierarchy whilst balancing those effects against the substantial benefits of the proposed development. The Applicant has demonstrated that the Project has been designed and assessed in accordance with those requirements and that all reasonable opportunities to avoid, reduce and mitigate effects have been explored. Compensatory measures in the form of offsite provision associated with the 3:1 tree planting commitment for individual trees, and furtherance measures in relation to the s85 duty have also been provided. In addition to this, a commitment to funding for landscape compensation, offsetting and enhancement has been proposed on a 'blue pencil' basis should it be deemed necessary by the Secretary of State.

Main Areas of Disagreement

Landscape and Visual

- 3.9.180 The main areas of disagreement relating to Landscape and Visual matters can be summarised as follows:
- The extent of proposed **undergrounding** and/or **rationalisation of existing infrastructure** are matters of disagreement raised by stakeholders including Norfolk County Council, Suffolk County Council, Essex County Council, South Norfolk District Council, Babergh and Mid Suffolk District Councils, Tendring District Council, Colchester City Council, Braintree District Council, Chelmsford City Council, Brentwood Borough Council and other stakeholders and interested parties, including parish councils. A number of specific locations were raised and discussed including Waveney Valley, Gipping Valley, Burstall and Bramford, Ardleigh and Little Bromley, Colne Valley (including Fordham, Ford Street, Aldham), Great and Little Waltham, Ingatestone and Buttsbury, and Hutton/ Mountnessing/ Havering's Grove. The Applicant does not consider additional undergrounding or rationalisation is necessary or justified in the context of NPS EN-1 and NPS EN-5.
 - The issue of **aftercare** is an area of disagreement raised by stakeholders including Suffolk County Council, South Norfolk District Council, Tendring District Council and Essex County Council. The Applicant has provided extensive justification for the five-year aftercare commitment for tree and hedgerow reinstatement planting outside the Environmental Areas. The commitment is considered compliant with national policy and will ensure the successful establishment of the reinstatement/mitigation planting
 - The principle of whether the legal and policy framework requires provision for **landscape compensation** is a theme of disagreement which has been raised by stakeholders including Suffolk County Council, Essex County Council, Tendring District Council, Colchester City Council, Chelmsford City Council and Brentwood Borough Council and is still under discussion with Norfolk County Council, Thurrock Council and Babergh and Mid Suffolk District Council. The Applicant does not consider further landscape compensation necessary and neither NPS EN-1 nor NPS EN-5 (2024) imposes an explicit requirement for landscape

compensation or offsetting. Without prejudice to the Applicant's position, the Applicant has itself explored potential compensation measures with the relevant LPAs. The Applicant has agreed funding location specific compensation measures and secured these on a 'blue pencil' basis within the DCO provisions. Should the Secretary of State, contrary to the Applicant's view, consider the measures meet the relevant tests, the Applicant has provided a mechanism in the DCO, agreed with the councils, by which these can be secured.

- The number and locations of landscape and visual **viewpoints** and visualisations are matters of disagreement between the Applicant and stakeholders including Suffolk County Council, Essex County Council, Babergh and Mid Suffolk District Councils, Colchester City Council, Chelmsford City Council and other stakeholders, including parish councils. The Applicant considers the number of viewpoints assessed in the LVIA (total of 206 viewpoints) to be proportionate and appropriate in relation to the scale of the Project. The number of viewpoints has increased since scoping, taking on board stakeholder feedback during and after thematic meetings held prior to the DCO application. The existing suite provides robust and sufficient coverage to understand the likely significant effects of the Project, including within landscapes of higher value. Additional viewpoints would not change the assessment. The LVIA is not reliant solely on fixed viewpoints, but is underpinned by extensive fieldwork and professional assessment across the wider Study Area.
- Some of the judgements related to the **baseline value** of landscape receptors and views and consequent assessment of the **extent of significant landscape and visual effects** are matters of disagreement raised by stakeholders including Suffolk County Council, Essex County Council, Babergh and Mid Suffolk District Councils, Colchester City Council, Tendring District Council, Brentwood Borough Council and Chelmsford City Council. The Applicant considers these concerns to be a matter of difference in opinion and notes that no substantive evidence was provided by stakeholders to challenge the assessment. The Applicant stands by the assessment as explained in numerous responses throughout the examination. The assessment methodology and professional judgements are appropriate and applied consistently across the Study Area. The Applicant does not agree that significant operational or construction effects extend beyond those reported in the LVIA.
- It is Suffolk County Council's view that a further approval mechanism is required in sensitive locations to approve the micro-siting of pylons within the LoD. The Applicant disagrees with this as the ES has assessed the LoDs (against a reasonable worst case) and additional mitigation has been applied where appropriate. The approach adopted by the Project on LoDs is consistent with other National Grid Overhead Line DCOs (Richborough and Yorkshire GREEN) that have been approved and we believe is consistent with many other DCOs.

Residential Visual Amenity

3.9.181 The main areas of disagreement relating to the effects on Residential Visual Amenity are summarised as:

- The appropriateness and value of the collected field survey data, and not property focussed
- The accuracy and value of the supporting wireline visualisations

- Assessment of the worst-case scenario and the underestimate of properties where the RVAT would be breached.

3.9.182 The Applicant considers these points of disagreement to be based on personal judgement rather than one based on the methodology set out in the RVAA. The Applicant stands by the assessment and the associated supporting work undertaken. The field survey data collections and visualisations presented are considered to be proportionate to the task required. The Applicant stands by the findings of **6.13.A4 Environmental Statement Appendix 13.4 - Residential Visual Amenity Assessment [REP7-268 – REP7-271]** and the addendum submitted at Deadline 7 (**6.13.A4.1 Environmental Statement Appendix 13.4.1 - Addendum to the Residential Visual Amenity Assessment [REP7-270]**), which concludes the Project, including movement of it within the LoD, would not breach the RVAT for any residential property along the route.

Planning Weight

- 3.9.183 The significant residual landscape and visual effects identified in the LVIA weigh against the Project. The Applicant has afforded this a moderate to great negative weight in the planning balance. However, these effects are not unexpected for a project of this type, scale and nature and remain after the application of extensive avoidance, reduction and mitigation measures in accordance with NPS EN-1 and NPS EN-5.
- 3.9.184 With regard to the furthering the purposes duty and the identification of measures summarised above, it is considered that this should be afforded a Little Positive weighting in the planning balance.

3.10 Land Use

Introduction

- 3.10.1 This section sets out the Applicant's approach to the assessment of the Project's effects on Land Use, including Agriculture and Soils, Minerals, Green Infrastructure and Green Belt.

Planning Policy Context

Agriculture and Soils

NPS EN-1 (2024)

- 3.10.2 NPS EN-1 recognises the importance of protecting agricultural land and soil resources. Paragraphs 5.11.12 to 5.11.14 require applicants to seek to minimise impacts on BMV agricultural land, protect and improve soil quality, and consider the use of Soil Management Plans to support the sustainable handling, reuse and management of soils. Paragraph 5.11.34 further requires applicants to justify the use of BMV land where its development is necessary and confirms that, where agricultural land is required, poorer quality land should be preferred to higher quality land wherever possible.

NPS EN-5 (2024)

- 3.10.3 NPS EN-5 contains limited policy relating to agriculture and soils. Paragraph 2.9.25 requires applicants considering undergrounding to take account of potential effects on agricultural land and soils, including BMV agricultural land, and to commit to appropriate soil handling, reinstatement and restoration measures to ensure land is returned to its baseline Agricultural Land Classification (ALC). The policy also requires consideration of soil and agricultural land surveys and good practice guidance relating to the sustainable use and management of soils during construction. In addition, paragraph 2.9.58 states that there is little evidence that exposure of crops, farm animals or natural ecosystems to EMFs associated with transmission infrastructure has agriculturally significant consequences.

NPS EN-1 (2026)

- 3.10.4 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on agriculture and soil impacts within NPS EN-1.

NPS EN-5 (2026)

- 3.10.5 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on agriculture and soil impacts within NPS EN-5.

National Planning Policy Framework (2025)

- 3.10.6 The NPPF recognises agricultural land and soils as important natural resources. Paragraph 187 requires planning policies and decisions to contribute to and enhance the natural and local environment, including by recognising the wider economic and other benefits of BMV agricultural land. Footnote 65 to paragraph 188 further states that, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Minerals

NPS EN-1 (2024)

- 3.10.7 Paragraph 5.11.19 of NPS EN-1 (2024) highlights the need to consider minerals safeguarding issues, stating that *'applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place'*.

Green Infrastructure

NPS EN-1 (2024)

- 3.10.8 NPS EN-1 recognises that energy infrastructure projects may affect green and blue infrastructure networks and requires such effects to be identified and assessed as part of the development process. Section 5.11 recognises that green infrastructure provides a wide range of environmental, economic, health and wellbeing benefits for nature, climate and communities, and supports a multifunctional network of natural features across both urban and rural areas. The NPS therefore seeks to ensure that

the effects of nationally significant energy infrastructure on green infrastructure assets and functions are properly understood and taken into account through project design, assessment and mitigation.

NPS EN-5 (2024)

- 3.10.9 NPS EN-5 contains no specific policy relating to green infrastructure. However, paragraph 2.5.1 recognises that the linear nature of electricity networks infrastructure can provide opportunities to reconnect habitats, establish ecological corridors and deliver wider environmental enhancements, including improved access through footpaths and cycleways. The principal policy framework relating to green infrastructure is therefore contained within NPS EN-1.

NPS EN-1 (2026)

- 3.10.10 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on green infrastructure impact within NPS EN-1.

NPS EN-5 (2026)

- 3.10.11 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on green infrastructure impact within NPS EN-5.

National Planning Policy Framework (2025)

- 3.10.12 The NPPF recognises the important role of green infrastructure in supporting environmental enhancement, biodiversity, natural capital and wider community benefits. Paragraph 188 requires planning policies to take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure, and to plan for the enhancement of natural capital at a catchment and landscape scale across local authority boundaries. The Framework also supports the protection, restoration and enhancement of ecological networks and habitats as part of conserving and enhancing the natural environment.

Green Belt

NPS EN-1 (2024)

- 3.10.13 Paragraph 5.11.20 of NPS EN-1 sets out that within the Green Belt there is a general presumption against inappropriate development unless there are very special circumstances to justify that development being consented. Paragraph 5.11.37 sets out that *‘very special circumstances are not defined in national planning policy as it is for the individual decision maker to assess each case on its merits and give relevant circumstances their due weight. However, when considering any planning application affecting Green Belt land, the Secretary of State should ensure that substantial weight is given to any harm to the Green Belt when considering any application for such development, while taking account, in relation to renewable and linear infrastructure, of the extent to which its physical characteristics are such that it has limited or no impact on the fundamental purposes of Green Belt designation. Very special circumstances may include the wider environmental benefits associated with increased production of energy from renewables and other low carbon sources’*.

- 3.10.14 Paragraph 4.2.29 sets out that where a project is CNP infrastructure the Secretary of State will take as a starting point for decision making that such infrastructure is to be treated as if it has met any tests which are set out within the NPPs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances. Paragraph 4.2.30 identifies that this assumption includes where development is within a Green Belt and requires very special circumstances to justify development.

National Planning Policy Framework (2025)

- 3.10.15 Paragraph 143 of the NPPF (Ministry of Housing, Communities and Local Government, 2025) identifies the five purposes of the Green Belt. These are:
- *‘To check the unrestricted sprawl of large built-up areas*
 - *To prevent neighbouring towns merging into one another*
 - *To assist in safeguarding the countryside from encroachment*
 - *To preserve the setting and special character of historic towns*
 - *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.’*
- 3.10.16 Paragraph 153 of the NPPF (Ministry of Housing, Communities and Local Government, 2025) identifies that local authorities should ensure that substantial weight is given to any harm to the Green Belt when considering planning applications. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 3.10.17 Paragraph 154 notes that development is inappropriate in the Green Belt unless an exemption applies. Subsection 154 (h)(ii) notes that engineering operations may be appropriate development provided that the proposal preserves the openness does not conflict with the purposes of including land in the Green Belt.
- 3.10.18 Paragraph 155 of the NPPF sets out the criteria whereby development within the Green Belt should not be regarded as inappropriate. Criterion ‘a’ sets out that development would not be regarded as inappropriate if: *‘The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.’*
- 3.10.19 The NPPF defines ‘Grey Belt’ land as *‘For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.’*

Draft National Planning Policy Framework (2025)

- 3.10.20 The consultation draft NPPF (December 2025) and proposed Policy GB7: Development which is not inappropriate in the Green Belt states that *‘the following categories of development are not inappropriate in the Green Belt, and therefore*

should not be regarded as harmful to the Green Belt or required to demonstrate very special circumstances:...(f) certain other forms of development provided the impact on the openness of the Green Belt is minimised, and there would not be a significant conflict with the Green Belt purposes. These are: (iii) ...electricity network...required in a Green Belt location'.

The Approach Taken in the Application

Agriculture and Soils

- 3.10.21 The Applicant's assessment of agriculture and soils matters is primarily set out in **6.6 Environmental Statement Chapter 6 – Agriculture and Soils [REP7-172]** and supporting figures and appendices. This follows the approach outlined in **6.19 Scoping Report [APP-288 – APP-296]** and takes into consideration **6.20 Scoping Opinion [APP-297]**. The scope has also been informed through consultation and engagement with relevant consultees.
- 3.10.22 The following receptors were identified for inclusion in the assessment:
- Soils: Impacts on soil quality and associated ecosystem services
 - Agricultural land (including BMV land)
 - Agricultural landholdings.
- 3.10.23 A high-level summary of the assessment for these aspects is set out below. This includes the identification of specific aspects which sit within these topics which were a focus during the examination and a summary of the key mitigation measure (soil management).

Soils (Including Potentially Acid Sulphate Soils)

- 3.10.24 The baseline in relation to the soil types present within the Order Limits is set out, based on available published data and the results of the detailed ALC surveys and peat surveys undertaken (**6.6.A1 Environmental Statement Appendix 6.1 - Agricultural Land Classification Report [REP7-174]**). The main objective of the ALC surveys was to determine the land grade (in accordance with the ALC system); to do so the surveys collected information on key soil properties (such as soil texture, soil structure and topsoil/subsoil thickness) which are important for the characterisation of soil quality and the soil ecosystem services provided. The Study Area and approach to the surveys was agreed with Natural England (**5.9.13 Signed Statement of Common Ground - Natural England [REP7-118]**).
- 3.10.25 In areas where detailed ALC surveys could not be undertaken due to land access constraints, predictive ALC grading was applied based on available published data and adjacent survey information, with the approach and outcome agreed and accepted by Natural England in consultation meetings. Further post-consent, pre-construction surveys will be undertaken where soils are expected to be disturbed to confirm baseline soil conditions and characteristics. The findings of these surveys will be incorporated into the Soil Resource Plan (SRP), building upon **7.2 Outline Code of Construction Practice Appendix C - Outline Soil Resource Plan [REP7-326]**, to inform soil handling, reuse, reinstatement and soil management measures during construction.

- 3.10.26 There would be disturbance to soils from the construction of temporary facilities and for the working areas and footprints related to pylon, underground cabling and CSE compounds and substation sites.
- 3.10.27 These impacts have the potential to occur on land within the Order Limits, adversely affecting the ecosystem services the soils provide over an area of up to approximately 3,755 ha. The impacts could include, for example, soil compaction due to the movement of plant across the soil surface or poor restoration of disturbed soils resulting in mixing of the soil horizons and compaction.
- 3.10.28 As set out in **6.6 Environmental Statement Chapter 6 - Agriculture and Soils [REP7-172]**, there would be a temporary large magnitude impact on very high / high and medium sensitivity soils (in terms of soil function and associated ecosystem services), which is assessed as a major adverse effect, which is significant.
- 3.10.29 In accordance with good practice commitment AS02 in **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, land required temporarily for construction would be reinstated where practicable to its pre-construction agricultural use or condition (or as agreed with the landowner). This would include removing all infrastructure required during construction and the reuse, where practicable, of soil resources stripped from the footprints of permanent infrastructure as part of landscaping proposals within the Order Limits.
- 3.10.30 The Outline SRP included within **7.2 Outline Code of Construction Practice Appendix C - Outline Soil Resource Plan [REP7-326]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, contains the good practice measures that would be implemented for soil handling, storage, and reinstatement to reduce the detrimental effects on soil function and would mean that the reinstated soils are able to provide their associated ecosystem services following reinstatement/re-use. There will be a requirement for an aftercare period where soils are being reinstated to ensure they are returned to their previous condition, or the condition required for their end-use.
- 3.10.31 The assessment of effects on soils during operation (and maintenance) was scoped out, in accordance with **6.20 Scoping Opinion [APP-297]**, as site-won soils would be reused on site for landscaping and ecological habitats.
- 3.10.32 No potentially acid sulphate soils were identified within the Waveney Valley, only organic-rich (peaty) soils. Should any evidence of acid sulphate soils arise during construction, appropriate investigation (based on the BRE SD1:200511 requirements) and mitigation measures would be implemented in accordance with good practice and commitments within **7.2 Outline Code of Construction Practice [Revision H]** (secured by Requirement 4 of **3.1 Draft DCO [Revision H]**), specifically commitment GH08, which provides protocol to deal with unexpected contamination. To ensure the aspects of potentially acid sulphate soils are specifically set out, the final Soil Resource Plan will include a section detailing the measures which will be put in place based on the locations and depths of actual works so that any investigations and supervision can be targeted. Acid sulphate soils could be identified as unexpected contamination, triggering investigation and response. Toolbox talks on acid sulphate soils will be developed by the Soil Scientist to ensure the Main Works Contractor(s) are aware of the risks and identification methods.
- 3.10.33 In areas such as the Waveney Valley, where potential acid sulphate soils may be encountered, the Soil Scientist will be on-site to oversee works and provide guidance

on the identification and isolation of affected areas and appropriate treatment or off-site disposal of acidic materials. This approach ensures proactive risk management, specialist oversight, and compliance with industry best practice to minimise potential harm to human health and ecosystems.

- 3.10.34 The Environment Agency are satisfied with the inclusion of commitment GH08 in the **7.2 Outline Code of Construction Practice [Revision H]** in relation to covering the inclusion of a protocol for dealing with unexpected contamination (as set out in **5.9.15 Signed Statement of Common Ground - Environment Agency [REP6-049]**).

Agricultural Land (Including BMV Land and Food Security)

- 3.10.35 Based on the ALC surveys referenced above, the grade of agricultural land has been assessed as set out in **6.6 Environmental Statement Chapter 6 - Agriculture and Soils [REP7-172]**. During construction there would be a temporary loss of BMV land (ALC Grades 1, 2 and 3a) from agricultural productivity. Of the 3,461 ha of agricultural land within the Order Limits which would be temporarily removed from agricultural production during construction, 2,923 ha (84.4%) are mapped as Grades 1, 2 and 3a and, as such, the temporary removal is considered to have a temporary negative effect which would be of major significance.
- 3.10.36 As detailed above, in accordance with good practice commitment AS02 in **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, land required temporarily for construction would be reinstated where practicable to its pre-construction agricultural use or condition (or as agreed with the landowner). The Outline SRP included within **7.2 Outline Code of Construction Practice Appendix C - Outline Soil Resource Plan [REP7-326]** contains the good practice measures that would be implemented for soil handling, storage, and reinstatement to reduce the detrimental effects on soil function and would mean that the reinstated soils are able to provide their associated ecosystem services following reinstatement/re-use, including agricultural productivity and ALC grade. There will be a requirement for an aftercare period where soils are being reinstated to ensure they are returned to their previous condition, or the condition required for their end-use.
- 3.10.37 **6.6 Environmental Statement Chapter 6 - Agriculture and Soils [REP7-172]** sets out the extent of land required permanently for pylon foundations, substations, cable sealing end compounds and permanent access roads, equating to 203.1 ha of agricultural land, of which 172.7 ha (73.7%) comprises BMV land. This has been identified as a major adverse effect, which is significant.
- 3.10.38 The total extent of BMV land required permanently comprises approximately 0.002% of the total BMV land in England. It is not considered this would have an effect in relation to food security. A range of factors influence food prices, including climate change, geopolitical events, supply chain disruptions, etc. The Defra (2024b) UK Food Security report states that the impacts of climate change, both at home and abroad, remains a pressing risk to food security. The Project is a vital part of the transition to net zero and is critical to delivering a network which supports clean power pathways by 2030, in efforts to tackle climate change and significantly reduce carbon emissions. The Project itself is therefore responding to a major threat to food security.
- 3.10.39 Whilst the Applicant has sought to minimise impacts on BMV land (including the proposed implementation of mitigation measures to protect soil resources as set out above), **5.6 Planning Statement [REP7-090]** recognises this as an adverse impacts

of the Project, but in terms of the planning balance highlights the substantial benefits of the Project in terms of its contribution to the transition to net zero, leading to a balance in favour granting development consent for the Project. In terms of s104(7) of the PA 2008, it is considered that the benefits of the Project clearly outweigh its adverse impact on BMV land.

Agricultural Landholdings

- 3.10.40 During route optioneering the impacts on agricultural land, including on agricultural land-take and on agricultural activities / operations, as far as was understood based on the data available at the time, were a consideration in the route selection process, as outlined in **6.3 Environmental Statement Chapter 3 - Alternatives [REP7-158]**.
- 3.10.41 The Applicant has sought to minimise impacts on BMV land and proposes to implement mitigation measures to protect soil resources (**5.6 Planning Statement [REP7-090]**). Temporary disruption to farming operations during construction would be reduced through good practice, such as maintaining/providing alternative access and water supplies, reinstating land drains, and communicating with landowners to support ongoing operations (commitments AS03, AS04, and AS05 within the **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**). All land required temporarily would be reinstated and compensation agreements would be available to landowners for loss of income due to the Project, as stated in **6.6 Environmental Statement Chapter 6 - Agriculture and Soils [REP7-172]**.

Soil Management Measures

- 3.10.42 **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, also includes an Outline SRP, which would need to be updated by the Main Works Contractor(s) prior to commencement of construction.
- 3.10.43 The Outline SRP provides a strategy, guidance, and methodology, and provides details of the approach to soil stripping, stockpiling, and reuse (where appropriate). The Outline SRP also considers temporary and permanent design, detailed construction approaches and Project programme. Implementation of the SRP would minimise the potential risk of damage to soil quality and enable full restoration and re-use of soil resources.

Minerals

- 3.10.44 The DCO submission included the following documents relevant to minerals;
- **6.9 Environmental Statement Chapter 9 - Contaminated Land Geology and Hydrogeology [REP7-228]**
 - **6.9.A2 Environmental Statement Appendix 9.2 - Qualitative Minerals Resource and Infrastructure Assessment [REP7-232]**.
- 3.10.45 The documents identify that the Project crosses a number of Mineral Safeguarded Areas and Mineral Consultation Areas, and a limited number of existing or candidate minerals infrastructure sites.
- 3.10.46 Where practicable the Project has avoided placing Project infrastructure within the boundary of minerals infrastructure sites and has developed design scenarios to enable flexibility within the Project for candidate sites that may become allocated.

Where this has not been possible, the Applicant has engaged directly with the affected operators to determine and agree any mitigation that might be required.

- 3.10.47 The assessment in **6.9.A2 Environmental Statement Appendix 9.2 - Qualitative Minerals Resource and Infrastructure Assessment [REP7-232]** explored the potential for prior or incidental extraction of any safeguarded minerals that the Project might sterilise but concluded that this was generally not viable and that the extent of any sterilised areas was very small compared to the overall safeguarded area and therefore this would result in a minor effect which would be not significant.

Green Infrastructure

- 3.10.48 The **5.6 Planning Statement [REP7-090]** paragraph 7.3.436 and 7.3.437 sets out the policy position in relation to green infrastructure. The Project is able to demonstrate it has applied the mitigation hierarchy to avoid adverse impacts on open space (including green infrastructure) and therefore no further mitigation or compensation is required to fulfil paragraph 5.11.25 of NPS EN-1 (2024).
- 3.10.49 The Applicant recognises green infrastructure is also expressly referred to at paragraphs 4.6.12 and 4.6.13 of NPS EN-1 (2024) as an appropriate part of the applicant's assessment of environmental and biodiversity net gain. To achieve the wider strategic outcomes under environmental and biodiversity net gain reference should be made, if published, to the relevant Local Nature Recovery Strategy (LNRS).
- 3.10.50 The Essex LNRS was published in July 2025, just before the development consent application was submitted. The Norfolk and Suffolk LNRSs were both published after the submission of the application in October 2025. However, the draft Essex, Norfolk and Suffolk LNRSs were available prior to submission of the application and were reviewed and taken into consideration. The Applicant considers that the LNRSs have been embedded within the Project's mitigation, compensation and enhancement strategies through both the design of the Project and the commitments secured through **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, **8.28 Outline Offsite Planting Delivery Scheme [Revision B]** and **7.1 Biodiversity Net Gain Report [REP7-320]** and compensation Article wording included in **3.1 Draft DCO [Revision H]**. The approach taken by the Applicant is in accordance with NPS EN-1.

Green Belt

- 3.10.51 The Project falls within the Metropolitan Green Belt. The primary purpose of the Green Belt is to prevent urban sprawl by keeping land permanently open around major urban areas. The Green Belt encompasses host authorities for the Project including Chelmsford City Council, Brentwood Borough Council, Basildon Borough Council and Thurrock Council.
- 3.10.52 The **5.6 Planning Statement [REP7-090]** (paragraphs 7.3.520 to 7.3.522) sets out that the Applicant's position is that new pylons, overhead lines and reconductoring works to existing overhead lines are an engineering operation and should not be regarded as inappropriate development in the Green Belt. Notwithstanding, should the ExA or Secretary of State consider overhead lines to be inappropriate development, there are very special circumstances that support the proposed development set out at paragraph 7.3.530 in **5.6 Planning Statement [REP7-090]**.

- 3.10.53 The **5.6 Planning Statement [REP7-090]** (paragraph 7.3.523) sets out the Applicant's position that the proposed substations and CSE compound works may be considered inappropriate development as they would not preserve the openness of the Green Belt. Very special circumstances would be required to justify their acceptability as set out at paragraph 7.3.530 in **5.6 Planning Statement [REP7-090]**.

Issues Arising During the Examination and Final Position

Agriculture and Soils

Food Production/Security

- 3.10.54 Food security, linked to the loss of agricultural land, was raised in some written representations (for example as set out in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**). **6.6 Environmental Statement Chapter 6 - Agriculture and Soils [REP7-172]** sets out the extent of land required permanently for pylon foundations, substations, CSE compounds and permanent access roads, equating to 203.1 ha of agricultural land, of which 172.7 ha (73.7%) comprises BMV land. This has been identified as a major adverse effect, which is significant.
- 3.10.55 Whilst the Applicant has sought to minimise impacts on BMV land (including the proposed implementation of mitigation measures to protect soil resources as set out above), **5.6 Planning Statement [REP7-090]** recognises this as an adverse impact of the Project, but in terms of the planning balance highlights the substantial benefits of the Project in terms of its contribution to the transition to net zero, leading to a balance in favour of granting development consent for the Project. In terms of s104(7) of the PA 2008, it is considered that the benefits of the Project clearly outweigh its adverse impact on BMV land.
- 3.10.56 The total extent of BMV land required permanently comprises approximately 0.002% of the total BMV land in England. It is not considered this would have an effect in relation to food security. A range of factors influence food prices, including climate change, geopolitical events, supply chain disruptions etc. The Defra (2024b) UK Food Security report states that the impacts of climate change, both at home and abroad, remains a pressing risk to food security. The Project is a vital part of the transition to net zero and is critical to delivering a network which supports clean power pathways by 2030, in efforts to tackle climate change and significantly reduce carbon emissions. The Project itself is therefore responding to a major threat to food security.

Agricultural Land and Farming Practices

- 3.10.57 The impact of the Project on agricultural land and associated farming practices and businesses was raised in some written representations (for example as set out in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**).
- 3.10.58 During route optioneering the impacts on agricultural land, including on agricultural land-take and on agricultural activities / operations, as far as was understood based on the data available at the time, were a consideration in the route selection process, as outlined in **6.3 Environmental Statement Chapter 3 - Alternatives [REP7-158]**.
- 3.10.59 Temporary disruption to farming operations during construction would be reduced through good practice (commitments AS03, AS04, and AS05 within the **7.2 Outline**

Code of Construction Practice [Revision H], secured by Requirement 4 of **3.1 Draft DCO [Revision H]**) and all land required temporarily would be reinstated and compensation agreements would be available to landowners for loss of income due to the Project, as stated in **6.6 Environmental Statement Chapter 6 - Agriculture and Soils [REP7-172]**. Delivery of the Project will require some permanent loss of agricultural land. The Project is a vital part of the transition to net zero and is critical to delivering a network which supports clean power pathways by 2030, in efforts to tackle climate change and significantly reduce carbon emissions. The Project itself is therefore responding to a major threat to food security and as stated in **5.6 Planning Statement [REP7-090]** the benefits clearly outweigh this loss of agricultural land.

ALC and Soil Resources (including BMV)

- 3.10.60 The impact of the Project on agricultural land, in particular BMV land, was raised in some written representations (for example as set out in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**).
- 3.10.61 Land required temporarily would be reinstated where practicable to its pre-construction agricultural use or condition (or as agreed with the landowner), with soil handling undertaken in accordance with published good practice as set out in the **7.2 Outline Code of Construction Practice Appendix C - Outline Soil Resource Plan [REP7-326]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**. During examination, the Outline SRP was updated following consultation meetings with Braintree District Council to cover the following points:
- Reference to reinstatement to previous condition now includes specific reference to the preconstruction condition including the preconstruction ALC grade, ensuring that no downgrading of land upon reinstatement will occur
 - Addition of specific details of the post-submission / preconstruction surveys which will be undertaken, ensuring that there is clarity and agreement on what these surveys will cover and the survey methodology which will be used
 - Addition of clarity that the existing ALC maps will be updated with the preconstruction survey data to ensure the Project has a full ALC dataset.
- 3.10.62 These changes provide clarity on the commitments already given and detail how future surveys will be undertaken (above and beyond simple references to published guidance) to give further detail on the commitment already given. These changes have enabled the SoCG with Braintree District Council (**5.9.9 Signed Statement of Common Ground - Braintree District Council [REP7-110]**) to be updated and, whilst some issues remain under discussion, Braintree District Council welcome the changes made and considers the remaining issues can be addressed through further clarification and refinement of the survey methodology.
- 3.10.63 Whilst the Applicant has sought to minimise impacts on BMV land (including the proposed implementation of mitigation measures to protect soil resources as set out above), **5.6 Planning Statement [REP7-090]** recognises this as an adverse impact of the Project, but in terms of the planning balance highlights the substantial benefits of the Project in terms of its contribution to the transition to net zero, leading to a balance in favour granting development consent for the Project. In terms of s104(7) of the PA 2008, it is considered that the benefits of the Project clearly outweigh its adverse impact on BMV land.

- 3.10.64 Delivery of the Project will require some permanent loss of agricultural land; this loss comprises approximately 0.002% of the total BMV land in England. The Project is a vital part of the transition to net zero and is critical to delivering a network which supports clean power pathways by 2030, in efforts to tackle climate change and significantly reduce carbon emissions. The Project itself is therefore responding to a major threat to food security and as stated in **5.6 Planning Statement [REP7-090]** the benefits clearly outweigh this loss of BMV land.

Soil Management Measures

- 3.10.65 The impact on soil resources, and their ability to continue to be productively utilised for agriculture, was raised in some written representations (for example as set out in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**).
- 3.10.66 **7.2 Outline Code of Construction Practice [Revision H]** includes an Outline SRP (**7.2 Outline Code of Construction Practice Appendix C - Outline Soil Resource Plan [REP7-326]**), secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, which would need to be updated by the Main Works Contractor(s) prior to commencement of construction.
- 3.10.67 The Outline SRP provides a strategy, guidance, and methodology, and provides details of the approach to soil stripping, stockpiling, and reuse (where appropriate), all in line with published good practice guidance. The Outline SRP also considers temporary and permanent design, detailed construction approaches and Project programme. Implementation of the SRP would minimise the potential risk of damage to soil quality and enable full restoration and re-use of soil resources.
- 3.10.68 Land required temporarily would be reinstated where practicable to its pre-construction agricultural use or condition (or as agreed with the landowner), with all soil handling undertaken in accordance with the Outline SRP.
- 3.10.69 During examination, the Outline Soil Resource Plan was updated following consultation meetings with Braintree District Council to cover the following points:
- Reference to reinstatement to previous condition now includes specific reference to the preconstruction condition including the preconstruction ALC grade, ensuring that no downgrading of land upon reinstatement will occur
 - Addition of specific details of the preconstruction surveys which will be undertaken, ensuring that there is clarity on what these surveys will cover and the survey methodology which will be used
 - Addition of clarity that the existing ALC maps will be updated with the preconstruction survey data to ensure the Project has a full ALC dataset.
- 3.10.70 These changes provide clarity on the commitments already given and detail on how future surveys will be undertaken (above and beyond simple references to published guidance) to give further detail on the commitment already given. These changes have enabled the SoCG with Braintree District Council (**5.9.9 Signed Statement of Common Ground - Braintree District Council [REP7-110]**) to be updated and, whilst some issues remain under discussion, Braintree District Council welcome the changes made and considers the remaining issues can be addressed through further clarification and refinement of the survey methodology.

Soils/Acidic Soils

- 3.10.71 The potential issues which could arise should potentially acid sulphate soils be disturbed were raised in some written representations (for example as set out in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**).
- 3.10.72 No potentially acid sulphate soils were identified within the Waveney Valley, only organic-rich (peaty) soils. Should any evidence of acid sulphate soils arise during construction, appropriate investigation (based on the BRE SD1:200511 requirements) and mitigation measures would be implemented in accordance with good practice and commitments within **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, specifically commitment GH08, which provides protocol to deal with unexpected contamination. The Environment Agency are satisfied with the inclusion of commitment GH08 as set out in **5.9.15 Signed Statement of Common Ground - Environment Agency [REP6-049]**.
- 3.10.73 To ensure the aspects of potentially acid sulphate soils are specifically set out, the final Soil Resource Plan will include a section detailing the measures which will be put in place based on the locations and depths of actual works so that any investigations and supervision can be targeted. Acid sulphate soils could be identified as unexpected contamination, triggering investigation and response. Toolbox talks on acid sulphate soils will be developed by the Soil Scientist to ensure the Main Works Contractor(s) are aware of the risks and identification methods.
- 3.10.74 In areas such as the Waveney Valley, where potential acid sulphate soils may be encountered, the Soil Scientist will be on-site to oversee works and provide guidance on the identification and isolation of affected areas and appropriate treatment or off-site disposal of acidic materials. This approach ensures proactive risk management, specialist oversight, and compliance with industry best practice to minimise potential harm to human health and ecosystems.
- 3.10.75 During examination, **7.2 Outline Code of Construction Practice Appendix C - Outline Soil Resource Plan [REP7-326]** was updated in response to stakeholder comments, and specific additional commitment was made to undertake further surveys in relation to potentially acid sulphate soils, with the sampling design and methods to be agreed in consultation with Natural England Council.
- 3.10.76 In **Comments on any further information or submissions received by deadline 5 and 5A, including from the applicant, any interested party, and any additional affected person or additional interested party made pursuant to change requests 1 or 2 relating to the 'proposed provisions' [REP6-229]** Pylons East Anglia has reaffirmed its concerns regarding the potential presence of these soils. Their concerns have focused on survey data; with the strengthening of the commitment to undertake further surveys specifically for these soils, the limited potential geographical extent of these soils, along with the existing control measures, the Applicant considers that there are sufficient controls in place to manage the risk of any associated unexpected contamination, as supported by the Environment Agency.

Minerals

- 3.10.77 Responses were made in respect of Minerals in response to ExQ1 MW 1.2 – 1.6 in the **8.9.1 Applicant's Response to First Written Questions [REP3-074]** and ExQ2 MW 2.2 and 2.3 in the **8.9.2 Applicant's Response to Second Written Questions**

[REP5-211]. The Applicant has sought to avoid direct interactions with existing minerals sites, where possible. The approach taken to coordinate between projects and interaction with other projects is contained within **8.4.3 Report on Interrelationships with Other Infrastructure Projects [REP7-477]**.

3.10.78 In response to ExQ2 MW 1.1 in **8.4.10 Applicant's Comments on Responses to ExQ1 [REP7-479]** Essex County Council and Norfolk County Council confirmed that they were satisfied with the Applicant's engagement and assessment in relation to minerals safeguarding. Ongoing discussions through detailed design are required with Thurrock Council and Essex County Council in relation to safeguarding of mineral resources as detailed in **5.9.4 Final Statement of Common Ground - Thurrock Council (TC) (incl LLFA and Highways) [REP7-100]** and **5.9.3 Signed Statement of Common Ground - Essex County Council (ECC) (incl LLFA) [REP7-098]**.

3.10.79 During the examination, the Application developed an alternative scenario which minimised interactions with minerals sites and to reduce the sterilisation of the mineral extraction areas; this is confirmed within **8.11 Approach to Scenarios [REP7-486]**. The Applicant has SoCGs with the developers associated with the minerals sites; the SoCGs detail the agreed positions and whether engagement will continue through detailed design. The SoCGs in respect of minerals sites are the following:

- **8.3.27 Signed Statement of Common Ground - Blackwater Aggregates (Bradwell Quarry) [REP7-425]**
- **8.3.28 Signed Statement of Common Ground - SRC Group (Martells Mineral Site A85 & A86) [REP6-099]**
- **8.3.29 Signed Statement of Common Ground - SRC Group (Crown Quarry mineral site A79) [REP6-101]**
- **8.3.30 Signed Statement of Common Ground - Ingrebourne Valley Limited [REP7-427]**
- **8.3.31 Signed Statement of Common Ground - SRC Group (Sheepcote Quarry) [REP6-103]**
- **8.3.32 Signed Statement of Common Ground - Tritton Farming Partnership and Brett Aggregates (Lowleys Farm Mineral Site) [REP7-429]**.

Bradwell Quarry

3.10.80 At Deadline 6 the Applicant confirmed the decision to proceed with a hybrid of option A and option B at this site, as well as continuing engagement with landowner / developers which is detailed within the **8.3.27 Signed Statement of Common Ground - Blackwater Aggregates (Bradwell Quarry) [REP7-425]**. The latest position on scenario 5 is provided in Table 2.5 in **8.11 Approach to Scenarios [REP7-486]**.

Martells Mineral Site (A85 & A86)

3.10.81 The latest position is that the LoD and Order Limits have been widened in this area to allow flexibility to facilitate a swap of the overhead line and underground cable north or south of Little Bromley Road, subject to the progression of the silica sands minerals site. The Applicant proposed an alternative scenario to cover a potential

change to the planning status of the sites that seeks to reduce effects to the extent possible. The **8.3.28 Signed Statement of Common Ground - SRC Group (Martells Mineral Site A85 & A86) [REP6-099]** confirms that engagement is to continue during detailed design.

Crown Quarry

- 3.10.82 The Applicant has engaged with the developer in respect of interactions with this project at this site and engagement will continue through detailed design as set out in **8.3.29 Signed Statement of Common Ground - SRC Group (Crown Quarry mineral site A79) [REP6-101]**. Through examination the Applicant committed to moving the position of pylon TB20, which had been situated in the existing quarry site. The **8.4.3 Report on Interrelationships with Other Infrastructure Projects [REP7-477]** also confirms the agreed position in paragraphs 3.3.30 – 3.3.32.

Orsett Quarry

- 3.10.83 The Project proposes to use Orsett Quarry's existing access as a temporary construction access and part of the site for crossing protection during conductor stringing activities. There will be slight interaction between the temporary construction access and the proposed quarry development's north-west boundary. Engagement will continue through detailed design as detailed within the **8.3.30 Signed Statement of Common Ground - Ingrebourne Valley Limited [REP7-427]**.

Sheepcote Quarry

- 3.10.84 The quarry is within the Order Limits; however, the parts of the Sheepcotes site that are within the Order Limits only comprise existing access roads. Engagement will continue through detailed design to ensure the quarry access is maintained, as detailed in **8.3.31 Signed Statement of Common Ground - SRC Group (Sheepcote Quarry) [REP6-103]**.

Lowleys Farm Mineral Site

- 3.10.85 The LoD and Order Limits have been widened between TB128 and TB133 to allow flexibility to change the alignment to reduce effects on the Lions Hall Minerals Site should it be progressed. Through examination, the Applicant progressed with Scenario B which would reduce the sterilisation of the mineral extraction area. This is set out within **8.11 Approach to Scenarios [REP7-486]** and discussions will continue through detailed design stage as detailed within **8.3.32 Signed Statement of Common Ground - Tritton Farming Partnership and Brett Aggregates (Lowleys Farm Mineral Site) [REP7-429]**.

Green Infrastructure

- 3.10.86 Responses were made in respect of green infrastructure in response to the LIRs in **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]** at paragraphs 3.13.21 – 3.13.2 and 3.18.58. The Applicant supports the delivery of Environmental Net Gain (ENG) including green infrastructure which relates to both multi-functional green and blue spaces in addition to other natural features. This includes the commitment to deliver 10% BNG and includes the delivery of wider environmental and societal benefits which includes green infrastructure.

- 3.10.87 In response to ExQ1 LUS 1.15 in the **8.9.1 Applicant's Response to First Written Questions [REP3-074]** the Applicant drew attention to the relevant section of NPS EN-1, Section 4.6 Environmental and Biodiversity Net Gain, which is the primary planning policy for NSIPs that considers green infrastructure. The Applicant then set out its interpretation of policy that green infrastructure is seen as a net benefit where securing delivery is cross cutting and not strictly required individually but may be part of a wider holistic approach to delivering biodiversity and environmental net gain.
- 3.10.88 During the Examination the Applicant clarified on-site (within the Order Limits) measures will be secured through **7.4 Outline Landscape and Ecological Management Plan [REP7-342]** and Requirement 4 of **3.1 Draft DCO [Revision H]**. The Final LEMP, which would be approved by the Local Planning Authority prior to commencement will include habitat monitoring and management plans for each of the Environmental Areas. Off-site BNG will be secured by legal agreement and managed by third-party providers in accordance with the habitat management and monitoring plan prepared for the off-site location. Natural England is in agreement with the approach taken by the Project which is reflected in **5.9.13 Signed Statement of Common Ground – Natural England [REP7-118]**.
- 3.10.89 The Applicant responded to Essex County Council **[REP6-147]** in both the **8.4.16 Applicant's Comments on any Further Information or Submissions Received by Deadline 6 [REP7-481]** and the Rule 17 letter in Appendix B of **8.31 Response to Rule 17 Letter Received 14 July 2026 [REP7-533]**; the Applicant's response references the LNRs and how they have been fully integrated in the identification of mitigation to ensure multifunctional environmental outcomes. It includes detailed examples of how the LNRs have been considered in relation to mitigation, compensation and enhancement measures provided by the Project, including:

Mitigation (Section B.2)

- Reinstatement planting – as detailed within paragraph 9.4.2 of **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**
- Environmental Areas – in response to ExQ1 BIO 1.38 in the **8.9.1 Applicant's Response to First Written Questions [REP3-074]**, and details how the LNRs have been considered in relation to each of the Environmental Areas. They were reviewed against the draft LNRs as detailed in **7.1 Biodiversity Net Gain Report [REP7-320]**. Landscape proposals will be provided in the Final LEMP, considering the LNRs, to be submitted to and approved in writing by the relevant Local Planning Authority pursuant to Requirement 4 of **3.1 Draft DCO [Revision H]**. The **7.16 Design Approach for Site Specific Infrastructure [REP7-373]** also establishes a Design Review Panel for the Environmental Areas.

Compensation (Section B.3)

- Tree Replanting – the Applicant has committed to a 3:1 replacement ratio for individual trees and individual trees within groups. Off-site provision may be required which is considered to comprise compensatory planting. The Applicant has committed to taking the relevant LNRs into consideration as part of the site selection criteria
- Landscape and visual compensation – the Applicant has progressed indicative landscape and visual compensatory measures in specific locations in **8.4.12.2**

Response to ISH2 Action Point 27 – Masterplans [REP5-199]. The Applicant's position in relation to these measures has been clearly set out in this **[REP5-199]** and also during ISH4, as summarised in **8.5.12 Applicant's Written Summary of Oral Submissions and Response to Action Points for Issue Specific Hearing 4 [REP6-118]**.

Enhancement (Section B.4)

- LNRSs will be considered as part of the BNG site selection process, where sites are available and appropriate to the Project. The Applicant is also currently in advanced negotiations with Suffolk Wildlife Trust on the WaLOR project regarding the potential delivery of off-site biodiversity units within the scheme. The Applicant has therefore used the Suffolk LNRS to steer BNG discussions on off-site selection process.

3.10.90 The main principal document **7.4 Outline Landscape and Ecological Management Plan [REP7-342]** (secured by Requirement 4 of **3.1 Draft DCO [Revision H]**) establishes an Ecology and Landscape Working Group to provide a long-term interactive and sustainable vehicle for discussing biodiversity and landscape matters. Essex County Council supported the inclusion of this as set out in their response to the Rule 17 letter dated 14 July 2026 and comments on any further information/submissions received by Deadline 6 **[REP7-553]**. This matter is also covered within the **5.9.3 Signed Statement of Common Ground – Essex County Council (ECC) (incl LLFA) [REP7-098]**.

Green Belt

3.10.91 The Applicant considers that the pylons and overhead lines do not harm four of the five purposes of the Green Belt (as set out in Paragraph 143 of the NPPF); this is set out in Table 10.1.1 of **8.9.1 Applicant's Response to First Written Questions [REP3-074]** and Table 3.14 of **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**. The Applicant considers that the substations and CSE compound works do not harm four of the five purposes of the Green Belt (as set out in Paragraph 143 of the NPPF); this is set out in Table 10.1.2 of **8.9.1 Applicant's Response to First Written Questions [REP3-074]** and Table 3.14 of **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**.

3.10.92 Responses were made in respect of Green Belt in response to the LIRs in **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]** and summarised in Table 10.1.4 of **8.9.1 Applicant's Response to First Written Questions [REP3-074]**. In response to LUS 2.2 in the **8.9.2 Applicant's Response to Second Written Questions [REP5-211]**, the Applicant confirmed that we are content for the ExA and the Secretary of State to proceed on the basis that all new development forming part of the Project in the Green Belt is inappropriate, without needing to reach any view as to why that is the case. Should the ExA conclude that the Project constitutes inappropriate development in the Green Belt, there are very special circumstances to justify development.

3.10.93 In paragraphs 3.14.23 to 3.14.25 of **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]** and in response to LUS 1.13 in the **8.9.1 Applicant's Response to First Written Questions [REP3-074]**, the Applicant set out that Tilbury North Substation and the two 400 kV CSE compounds at Tilbury North are sited on Grey Belt land, and should not be considered inappropriate development in the Green Belt. This is in compliance with the relevant criteria (a, b and d) in Paragraph

155 of the NPPF. Thurrock Council provided a response to LUS 2.3 of **8.9.2 Applicant's Response to Second Written Questions [REP5-211]** in their **Responses to ExQ2, notification of a wish to attend hearings and comments on any further information or submissions received by deadline 4 [REP5-275]** whereby they did not agree the land should be treated as Grey Belt as under the adopted Development Plan, the land remains designated as Green Belt. If the ExA is not minded to agree with the Applicant, then it is considered that very special circumstances apply, as permitted in paragraph 160 of the NPPF.

Conclusions and Areas of Disagreement

Agriculture and Soils

- 3.10.94 Policy in relation to Agriculture and Soils recognises the importance of agricultural land and soil resources and requires the minimisation of impacts on BMV land and the sustainable management of soil resources and the justification of where the use of BMV land is required.
- 3.10.95 The Project has sought to minimise impacts on BMV land. During route optioneering the impacts on agricultural land, including on agricultural land-take and on agricultural activities / operations, as far as was understood based on the data available at the time, were a consideration in the route selection process, as outlined in **6.3 Environmental Statement Chapter 3 - Alternatives [REP7-158]**.
- 3.10.96 The Project has undertaken detailed ALC surveys and assessments (an approach supported by Natural England) to assess and quantify the extent of BMV land which would be affected both temporarily and permanently, and this is clearly set out in **6.6 Environmental Statement Chapter 6 - Agriculture and Soils [REP7-172]** and formed the basis for the assessment. The total extent of BMV land required permanently (172.7 ha) comprises just 0.002% of BMV land in England. Details of the further survey proposed to be undertaken pre-construction to complete the baseline have also been clearly set out. The Applicant notes the Secretary of State decision making at paragraph 5.11.34 of NPS EN-1 (regarding avoiding siting a scheme on BMV land). The Project has sought to minimise impacts on BMV agricultural land as far as practicable and includes mitigation measures to reduce impacts on the soil resource. Given the predominance of BMV agricultural land within East Anglia, it has not been possible to avoid both temporary and permanent effects on this resource. The permanent loss of BMV land is considered necessary on the basis that there is urgent need for CNP Infrastructure such as the Project. The routeing and siting selection process confirms that there are no other suitable sites of poorer agricultural quality that can accommodate the Project.
- 3.10.97 It is acknowledged that the Project will result in a loss of BMV land and therefore the Secretary of State requires justification for its loss in accordance with NPS EN-1 paragraph 5.11.34. The extent of BMV land across Norfolk, Suffolk and Essex significantly constrains the ability to avoid this resource. However, the Applicant considers that the significant benefits arising from this CNP Infrastructure justify the permanent loss of 172.7 hectares of BMV agricultural land.
- 3.10.98 In terms of the planning balance the substantial benefits of the Project in terms of its contribution to the transition to net zero and its role in responding to the climate change crisis (which in itself is part of the solution to future food security), leads to a balance in favour granting development consent for the Project. In terms of s104(7)

of the PA 2008, it is considered that the benefits of the Project clearly outweigh its adverse impact on BMV land.

- 3.10.99 In accordance with **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, land required temporarily for construction would be reinstated, removing all infrastructure required during construction and the reuse, where practicable, of soil resources stripped from the footprints of permanent infrastructure as part of landscaping proposals within the Order Limits. The good practice measures which will be used in the sustainable management of soil resources are set out in **7.2 Outline Code of Construction Practice Appendix C - Outline Soil Resource Plan [REP7-326]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, (which was updated during the examination to take account of consultation responses) to reduce the detrimental effects on soil function and would mean that the reinstated soils are able to provide their associated ecosystem services following reinstatement/re-use. There will be a requirement for an aftercare period where soils are being reinstated to ensure they are returned to their previous condition, or the condition required for their end-use.

Main Areas of Disagreement

- 3.10.100 The main areas of disagreement with regard to agriculture and soils can be summarised as follows:
- Impact on food security resulting from the loss of agricultural land
 - Loss of BMV land (and detail of further surveys proposed)
 - Impact on farming operations and productivity
 - Ability of the Project to implement sustainable soil management practices
 - Potentially acid sulphate soils.

Minerals

- 3.10.101 The principal areas of disagreement relate to the extent to which the Project could sterilise existing and future mineral resources, the suitability of the proposed alignment and pylon locations, and whether alternative designs or route adjustments should be progressed to reduce impacts on mineral extraction activities, in compliance with Paragraph 5.11.19 of NPS EN-1. Outstanding concerns also remain regarding the extent of the Order Limits, the practical effect of easements and access rights on future quarry operations, the scale of any operational restrictions arising from the presence of transmission infrastructure, and whether the mitigation and commercial arrangements proposed provide sufficient certainty for future mineral working. In addition, some parties continue to seek greater clarity regarding the progression of negotiations and the resolution of outstanding matters. While a number of matters remain under discussion, engagement between the parties has been constructive and has assisted in narrowing the issues in dispute. Negotiations continue with a view to achieving agreement where possible, and the remaining areas of disagreement are clearly identified.

Main Areas of Disagreement

3.10.102 The main areas of disagreement with regard to Minerals can be summarised as follows:

- Extent to which the Project could sterilise existing and future mineral resources.

Green Infrastructure

3.10.103 NPS EN-1 in relation to green infrastructure as a net benefit is that securing delivery is not required but may also be part of a wider holistic approach to delivery ENG. The Applicant is committed to achieving wider strategic outcomes through mitigation, compensation and enhancement this includes contribution towards the aims LNRSS as appropriate, going beyond the requirements of NPS EN-1. The Project is therefore in accordance with NPS EN-1, paragraphs 4.6.12 and 4.6.13.

Main Areas of Disagreement

3.10.104 The main areas of disagreement with regard to green infrastructure can be summarised as follows:

- Essex County Council consider that the LNRSSs should be embedded more fully into the Project.

3.10.105 The Applicant considers that green infrastructure has been addressed as a cross-cutting matter throughout the route, and that the Project will make a proportionate contribution to the objectives of the relevant LNRSSs and the delivery of larger, better and more joined-up ecological networks. The Applicant has aligned the Project with the Essex, Norfolk and Suffolk LNRSSs through reinstatement planting, Environmental Areas, compensatory planting measures, BNG delivery and commitments requiring ongoing consideration of the LNRSSs during detailed design.

3.10.106 The Applicant's commitment to the delivery of 10% BNG forms part of ENG and includes the delivery of wider environmental and societal benefits which includes green infrastructure. The Environmental Areas will align with the goals and opportunities set out in the LNRSSs. Any Environmental Areas located on land to be acquired by the Applicant and habitats included within the BNG onsite mitigation will be monitored and managed by the Application for 30 years, in compliance with NPS EN-1.

Green Belt

3.10.107 Whilst the need case justifies the Project's very special circumstances, the current position as set out in NPS EN-1 (2024), is that CNP infrastructure, subject to the application of the mitigation hierarchy, meets the test in relation to requiring very special circumstances to justify development and the Green Belt tests have been met. Paragraph 4.2.17 of NPS EN-1 (2024) also confirms that '*...the Secretary of State will take as a starting point that critical national priority infrastructure will meet the following, non-exhaustive, list of tests: where development within a Green Belt requires very special circumstances to justify development*'.

Main Areas of Disagreement

3.10.108 The main areas of disagreement with regard to Green Belt can be summarised as follows:

- The relevant local authorities consider that all new development forming part of the Project in the Green Belt is inappropriate is a general theme of disagreement
- Thurrock Council does not consider that the siting of the Tilbury North Substation and the two associated CSE compounds constitutes grey belt land

- 3.10.109 Notwithstanding the Applicant's case on grey belt, the Applicant is content for the ExA and the Secretary of State to proceed on the basis that all new development forming part of the Project in the Green Belt is inappropriate, without needing to reach any view as to why that is the case.
- 3.10.110 In respect of grey belt, in Thurrock Council's response to ExQ2 **[REP5-275]**, the Council do not agree that the land should be treated as grey belt land. If the ExA is not minded to agree with the Applicant, then it is considered that very special circumstances apply, as permitted in paragraph 160 of the NPPF.
- 3.10.111 The Applicant considers that should the ExA conclude that the Project constitutes inappropriate development in the Green Belt there are very special circumstances to justify development. These circumstances are underpinned by the fact that the Project is CNP infrastructure, as established in NPS EN-1.

Planning Weight

- 3.10.112 It is acknowledged that the Project would result in a loss of BMV land and is therefore contrary to NPS EN-1 (2024) paragraph 5.11.12, as well as the NPPF and relevant local planning policy. The extent of BMV land across Norfolk, Suffolk and Essex significantly constrains the ability to avoid this resource. The Applicant has set out its justification for routeing and siting on areas of BMV land and identified effects and sought to minimise impacts on soil quality. Accordingly, it is considered that little negative weighting should be afforded to the loss of BMV land.
- 3.10.113 The Applicant considers that matters of Minerals and Green Infrastructure should be afforded a neutral weighting in the planning balance.
- 3.10.114 The Applicant has concluded that there are Very Special Circumstances to justify development in the Green Belt. However, any potential harm is necessary to achieve the substantial public benefit of delivering CNP infrastructure that outweighs the any potential impact on the Green Belt. The Applicant considers that impact on Green Belt should be afforded a neutral weighting in the planning balance.

3.11 Noise and Vibration

Introduction

- 3.11.1 This section sets out the Applicant's approach to the assessment of the Project's effects on Noise and Vibration.

Planning Policy Context

NPS EN-1 (2024)

- 3.11.2 Paragraphs 5.12.1 to 5.12.8 of NPS EN-1 recognise that excessive noise and vibration can adversely affect human health, quality of life and the environment, including impacts relating to annoyance, sleep disturbance, mental health and the enjoyment of valued landscapes and quiet areas. The policy requires applicants to assess likely changes to the noise environment during construction and operation, consider effects on noise-sensitive receptors and ecological receptors, and identify all reasonable measures to avoid, reduce or minimise adverse effects.
- 3.11.3 Paragraphs 5.12.7, 5.12.8 and 5.12.16 further require noise assessments to be proportionate to the likely impacts, consider ancillary activities such as traffic movements, and demonstrate compliance with statutory requirements, the Noise Policy Statement for England, the NPPF and relevant planning guidance on noise.

NPS EN-5 (2024)

- 3.11.4 Paragraphs 2.9.26 to 2.9.43 of NPS EN-5 recognise that high voltage transmission infrastructure has the potential to generate noise, including corona noise associated with overhead lines and operational noise from substation equipment. The policy acknowledges that noise levels can vary depending on operating and weather conditions and requires noise arising from overhead lines, substations and associated infrastructure to be appropriately assessed, with particular regard to effects on noise-sensitive receptors. For overhead lines, applicants are required to assess noise in both dry and wet weather conditions using an appropriate and robust methodology. Paragraph 2.9.43 confirms that the Secretary of State is likely to regard as acceptable any methodology that demonstrably addresses these requirements.
- 3.11.5 Paragraph 2.10.9 further requires applicants to consider appropriate mitigation measures, including the selection of quieter cost-effective plant and equipment where practicable, to reduce potential noise effects arising from the development.

NPS EN-1 (2026)

- 3.11.6 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on noise and vibration impact within NPS EN-1.

NPS EN-5 (2026)

- 3.11.7 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on noise and vibration impact within NPS EN-5.

National Planning Policy Framework (2025)

- 3.11.8 The NPPF recognises noise as a form of pollution that can affect human health, quality of life and the natural environment. Paragraph 187 requires planning decisions to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution, whilst also seeking opportunities to improve environmental conditions. Paragraph 198 further requires planning decisions to ensure that development is appropriate for its location, taking account of the likely effects of noise on health, living conditions and the natural environment, including cumulative effects. This paragraph goes on to require potential adverse impacts arising from noise to be mitigated and reduced to a minimum, significant adverse effects on health and quality of life to be avoided, and tranquil areas valued for their recreational and amenity benefits to be identified and protected.

The Approach Taken in the Application

- 3.11.9 The Applicant's assessment of noise and vibration matters is primarily set out in **6.14 Environmental Statement Chapter 14 – Noise and Vibration [REP7-284]** and supporting figures and appendices. This follows the approach outlined in **6.19 Scoping Report [APP-288 – APP-296]** and takes into consideration **6.20 Scoping Opinion [APP-297]**.

Construction Noise and Vibration

- 3.11.10 The assessment uses the same approach to assessment as adopted for similar projects. The assessment uses BS 5228-1/2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise, and Part 2: Vibration (BS 5228-1 and BS 5228-2) and Design Manual for Roads and Bridges LA 111 Noise and vibration (DMRB LA 111) for the methodology and the thresholds for significance.
- 3.11.11 The construction noise and vibration assessments are based on reasonable worst-case assumptions, such as assuming worst-case noisiest methodologies and plant, and do not include mitigation in the calculations. This is so that locations where mitigation is required to avoid potential significant adverse effects can be identified. The assessment then goes on to conclude that with standard mitigation measures, significant adverse effects can be avoided. Outline mitigation is secured by commitments detailed in **7.2 Outline Code of Construction Practice [Revision H]**, with the key aspects being set out in **7.2 Outline Code of Construction Practice Appendix F - Outline Noise and Vibration Management Plan [REP7-332]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**. Best practicable means (BPM) will be used to minimise impacts and will be determined by the Main Works Contractor(s) following their detailed assessments. These assessments, together with details of proposed mitigation, monitoring and reporting will be submitted for approval to the relevant Local Planning Authority prior to the start of works. Should future re-assessment show potentially significant effects, specific mitigation measures will be identified, including the use of temporal restrictions, and Section 61 applications would be made through consultation with the relevant Local Planning Authority. The overall potential impacts have been minimised through the Project's route alignment away from residential areas.
- 3.11.12 The assessment shows that noise and vibration impacts from construction activities are not significant with appropriate control measures in place.

Construction Traffic Noise

- 3.11.13 The construction traffic noise assessment is based on reasonable worst-case assumptions for construction traffic flows on the public highway.
- 3.11.14 The assessment has identified only one route where, on the balance of professional judgement, potential significant effects may be expected; namely Bentley Road off the A120 in the Tendring District (Section C of the Project). Existing traffic flows on Bentley Road are low. Although a large change in traffic noise is predicted, traffic flows along Bentley Road would still be relatively low even with construction traffic (including that from the North Falls and Five Estuaries projects, which was included in the assessment).
- 3.11.15 Although the resultant traffic noise levels are not particularly high, on balance, it was considered that there are potential significant adverse effects at nearby properties. One property in particular (Jasmine Cottage) is located in close proximity to the carriageway (approximately 1 m) and as such mitigation options (such as localised screening) were deemed to not be viable. Mitigation options may be viable at other properties along Bentley Road, and the viability of these options will be reviewed by the Main Works Contractor(s) as part of the detailed design works.
- 3.11.16 Bespoke noise mitigation plans will be developed at properties along Bentley Road where such measures are deemed to not be viable for avoiding significant adverse effects. The bespoke noise mitigation plans would include consideration of sound insulation proposals (such as enhanced or secondary glazing), alternative means of ventilation, and localised external screening, such that suitable acoustic conditions are achieved at affected properties.

Operational Noise and Vibration

Operational Noise from Overhead Lines

- 3.11.17 Operational noise from overhead lines was scoped out of the assessment on the basis that a low noise conductor is proposed. Adverse noise effects from such a conductor are not expected, even directly underneath the overhead line. Although scoped out of the assessment, further information on operational noise from the proposed overhead line is provided in **6.14.A5 Environmental Statement Appendix 14.5 - Operational Noise from Overhead Lines (Informative) [REP7-294]**.

Operational Noise from Substations

- 3.11.18 Two new substations are proposed are part of the Project; namely, the EACN substation in Tendring, and Tilbury North Substation at Tilbury. Operational noise assessments for these substations are provided in **6.14.A3 Environmental Statement Appendix 14.3 - EACN Substation Operational Noise Assessment [REP7-290]** and **6.14.A4 Environmental Statement Appendix 14.4 - Tilbury North Substation Operational Noise Assessment [REP7-292]**, respectively.
- 3.11.19 The assessment uses the same approach to assessment as adopted for similar projects. The assessment uses BS ISO 9613-2:2024 Acoustics. Attenuation of sound during propagation outdoors. Engineering method for the prediction of sound pressure levels outdoors, and BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound, for the methodology and the thresholds for significance. The assessments are based on reasonable worst-case assumptions including the use of National Grid specification noise data.

- 3.11.20 The assessments show that with appropriate standard mitigation measures, significant adverse effects can be readily avoided. With regards to the EACN substation, this included the potential cumulative noise effects of the nearby proposed North Falls and Five Estuaries substations.
- 3.11.21 Mitigation is secured for substations in **7.2 Outline Code of Construction Practice [Revision H]**, together with provision of detailed operational noise assessment for submission and approval by the relevant Local Planning Authorities, and a scheme for post-commissioning noise compliance monitoring. Appropriate noise controls for the substations are secured by Requirement 14 of **3.1 Draft DCO [Revision H]**.

Issues Arising During the Examination and Final Position

Construction Noise and Vibration Control Measures

- 3.11.22 During the examination, a number of issues relating to construction noise and vibration were raised by the ExA, host Local Planning Authorities and other interested parties. The principal matters related to the assessment of construction noise under the worst-case LoD, the potential for significant effects at properties located close to construction activities, the suitability of proposed construction working hours, and the extent to which mitigation measures and controls were secured through **3.1 Draft DCO [Revision H]**, **7.2 Outline Code of Construction Practice [Revision H]** and **7.2 Outline Code of Construction Practice Appendix F - Outline Noise and Vibration Management Plan [REP7-332]**. These matters were raised through written questions, relevant representations and discussions at issue specific hearings, particularly by Braintree District Council and other local authorities.
- 3.11.23 The Applicant responded to these concerns throughout the examination. In particular, further explanation was provided regarding the assessment of LoD, how the ES had assessed reasonably foreseeable worst-case scenarios, and how significant adverse effects can be avoided with standard mitigation measures. Additional information was also provided on the framework for the future control and management of construction noise and vibration through the Outline Noise and Vibration Management Plan. The Applicant updated **7.2 Outline Code of Construction Practice Appendix F - Outline Noise and Vibration Management Plan [REP7-332]** and **7.2 Outline Code of Construction Practice [Revision H]** during examination to reflect commitments made in response to written questions and points raised during hearings, and clarified the process by which detailed construction noise assessments, BPM measures, any location-specific mitigation, and monitoring and reporting would be developed by the Main Works Contractor(s) prior to construction and submitted to the relevant Local Planning Authority for approval prior to the start of works.
- 3.11.24 While substantial progress was made during examination and several updates were made to the **7.2 Outline Code of Construction Practice Appendix F - Outline Noise and Vibration Management Plan [REP7-332]** (secured by Requirement 4 of **3.1 Draft DCO [Revision H]**) and associated commitments in response to stakeholder feedback, some local authorities continued to express concerns regarding matters such as construction working hours, the potential for noise impacts at the closest receptors, and the degree of flexibility afforded by the LoD. The Applicant sought to address these concerns through technical explanations, sensitivity testing, additional commitments and revisions to the management plans. However, complete agreement was not reached on all matters, with some authorities

maintaining a preference for more restrictive controls than those proposed by the Applicant. Nevertheless, the Applicant considers that the examination process resulted in a strengthened package of construction noise and vibration controls which provides an appropriate framework for avoiding significant adverse effects and managing construction impacts.

Construction Working Hours

- 3.11.25 Throughout the examination, queries have been raised around the temporal extent of the construction working hours proposed within Requirement 7 of **3.1 Draft DCO [Revision H]**. The matters considered are summarised below as follows:

Community Respite and Weekend Working

- 3.11.26 Host authorities have challenged whether the construction working hours proposed within Requirement 7 of **3.1 Draft DCO [Revision H]** provide sufficient respite for local communities. Particular attention was given to the inclusion of Saturday afternoon, Sunday and bank holiday working, with host authorities seeking more restrictive controls to secure regular periods free from construction activity. The examination therefore considered whether the proposed working hours represented an appropriate balance between community amenity and the delivery requirements of the Project.

Necessity and Proportionality of the Proposed Working Hours

- 3.11.27 The examination considered whether the proposed construction working hours were reasonably necessary for the construction of the Project. The ExA sought clarification on the justification for the proposed hours and explored whether alternative approaches could provide greater periods of respite for local communities whilst still enabling the Project to be delivered. A key issue was whether additional restrictions on working hours would be proportionate in the context of the Project's target energisation date.

Environmental Assessment of Construction Working Hours

- 3.11.28 The examination also considered the extent to which construction effects associated with the proposed working hours had been assessed through the EIA process. Discussion focused on the relationship between the working hours secured through Requirement 7 and the assessment of construction effects, particularly noise and vibration impacts. Consideration was also given to the role of mitigation measures secured through the **7.2 Outline Code of Construction Practice [Revision H]** and the Noise and Vibration Management Plan framework in managing construction-related effects.

Programme and Construction Delivery Implications

- 3.11.29 A further area of examination concerned the practical consequences of imposing more restrictive working hour controls. The ExA requested additional evidence regarding the potential effects of removing Sunday and public holiday working from the construction programme and sought clarification on the role of specialist contractors and shift patterns. The examination considered the extent to which activities such as conductor installation, horizontal directional drilling, cable installation and cable jointing depend upon specialist transmission construction workforces and highly sequenced construction programmes, and how restrictions on

weekend and public holiday working could affect construction efficiency and programme resilience.

Duration of Construction Effects

- 3.11.30 The examination also considered whether restrictions intended to provide additional respite would necessarily reduce impacts experienced by local communities. Discussion focused on the nature of construction activity across the Project, including the extent to which works would move progressively along the 180 km route and occur in discrete phases at individual locations rather than continuously throughout the construction period.

National Policy Objectives and Residential Amenity

- 3.11.31 Finally, the examination considered the relationship between construction working hours and wider national energy policy objectives. This included consideration of the Project's status as CNP infrastructure, the need to facilitate the timely delivery of strategic electricity transmission infrastructure, alongside the importance of protecting residential amenity. The examination therefore considered the extent to which the proposed Requirement 7 strikes an appropriate balance between enabling the delivery of nationally significant infrastructure and safeguarding communities from construction-related effects.

Assessment

Community Respite and Weekend Working

- 3.11.32 The evidence before the Examination demonstrated a clear difference of opinion regarding the extent to which construction working hours should provide periods of 'respite' for local communities. Host authorities raised concerns regarding the inclusion of Saturday afternoon, Sunday and bank holiday working within Requirement 7 of **3.1 Draft DCO [Revision H]**, arguing that more regular and predictable periods free from construction activity should be secured through the DCO. The Applicant maintained that the hours proposed reflected the operational requirements of constructing a project of this scale and complexity and formed the basis of the assessments undertaken as part of the ES.
- 3.11.33 In support of its position, the Applicant explained that the concept of respite must be considered in the context of the Project's characteristics as a large-scale linear infrastructure scheme extending approximately 180 kilometres. Construction activity will not occur continuously at any individual location throughout the overall construction period. Rather, works will progress along the route in discrete phases, with activity moving between work fronts, compounds, pylon locations and cable sections. Evidence submitted during the Examination demonstrated that even at locations experiencing the greatest level of activity, construction would typically occur for relatively limited periods interspersed with substantial periods of inactivity arising from activities such as programme sequencing, curing periods, logistics, resource allocation and wider route coordination. The Applicant therefore presented that communities would not experience continuous construction activity for the duration of the four-year programme and that the nature of the Project itself inherently provides periods free from construction activity at individual locations.
- 3.11.34 Whilst the parties agreed on the importance of minimising impacts on local communities, disagreement remained as to whether additional restrictions on

weekend and public holiday working were necessary or justified. The Applicant has always stated that no substantial evidence has been submitted into the examination that would counter the information submitted by the Applicant.

Necessity and Proportionality of the Proposed Working Hours

- 3.11.35 A significant theme throughout the Examination was whether the construction working hours proposed within Requirement 7 of **3.1 Draft DCO [Revision H]** were reasonably necessary for delivery of the Project and whether alternative working arrangements could be accommodated. Evidence submitted by the Applicant demonstrated that the proposed working hours are not a matter of convenience but form an integral part of the delivery model for a major linear electricity transmission project. This position was supported by the Applicant's evidence explaining established industry practices, the need for specialist workforce deployment, programme sequencing and the need to maintain resilience against weather, outage constraints, land access restriction and unforeseen events.
- 3.11.36 The Applicant explained that key activities, including conductor stringing, horizontal directional drilling, cable installation and cable jointing, often rely upon process continuity, specialist resources operating on rotational working patterns and fixed third-party access windows, such that blanket restrictions on Sunday or bank holiday working would materially reduce programme flexibility and increase delivery risk. The evidence indicated that restricting Sunday working alone could result in a delay to energisation in the order of 6 to 12 months, with associated consequences for programme certainty, missed outage opportunities and the timely delivery of a project identified by government policy as CNP infrastructure.
- 3.11.37 The Examination also considered the suggestion from Suffolk County Council that weekend or out-of-hours working should only be permitted by exception, subject to prior agreement with the relevant LPA. The Applicant does not consider this approach to be justified or proportionate. It maintains that such a regime would create a significant administrative burden for both the Applicant and local authorities, requiring repeated approvals for activities that had already been assessed through the ES and controlled through Requirements 4 and 7. The Applicant further submitted that requiring case-by-case approvals would reduce programme flexibility, introduce uncertainty into construction planning and inhibit the ability of contractors to respond promptly to operational requirements, weather events, access constraints, outage opportunities and other unforeseen circumstances. In the absence of evidence demonstrating that the proposed working hours would give rise to unacceptable effects, the Applicant considered that such an approval mechanism would create an unnecessary risk of delay to the timely delivery of the Project without delivering a corresponding planning benefit.
- 3.11.38 The Applicant's position is that the proposed hours represent the minimum flexibility required to deliver the Project efficiently and that more restrictive controls could prejudice delivery. Whilst there was broad agreement that some flexibility would be required for certain activities, disagreement remains regarding the extent of that flexibility and whether the balance struck in Requirement 7 appropriately reflects community interests.

Environmental Assessment of Construction Working Hours

- 3.11.39 The Examination considered whether the ES had appropriately assessed the effects arising from the construction working hours secured through Requirement 7.

Evidence was presented regarding the noise and vibration assessment methodology, the assumptions underpinning that assessment, and the mitigation secured through the **7.2 Outline Code of Construction Practice [Revision H]** and the Noise and Vibration Management Plan framework. The Applicant's position was that the assessment had been undertaken on the basis of the working hours proposed and that the resulting effects had been fully assessed and mitigated through the DCO framework. No substantive technical evidence was presented by any party raising concern over the proposed working hours to demonstrate that the assessed working hours would give rise to unacceptable significant effects. Consequently, the principal disagreement was not over the validity of the assessment itself, but whether more restrictive controls should nevertheless be imposed to provide additional reassurance and respite to communities.

Programme and Construction Delivery Implications

- 3.11.40 Considerable evidence was presented regarding the practical implications of restrictions on construction working hours. The Examination explored the extent to which specialist contractors, rotational workforces and highly sequenced construction activities depend upon a degree of flexibility, particularly in relation to weekend and public holiday working. Evidence was also provided regarding the potential consequences of removing such flexibility, including effects on programme efficiency, construction sequencing and overall delivery risk showing delays of up to 6-12 months at a cost to the consumer of £7m per day (£1.28bn - £2.56bn).³ The Applicant maintained that limitations on weekend and bank holiday working could adversely affect construction productivity and programme resilience. Whilst local authorities acknowledged the need to facilitate construction of the Project, disagreement remained regarding the weight that should be afforded to programme considerations relative to the benefits of increased respite for local communities.

Duration of Construction Effects

- 3.11.41 The Examination also considered whether additional restrictions on working hours would result in a meaningful reduction in impacts experienced by local communities. Evidence was provided regarding the linear nature of the Project, the movement of construction activities along the route and the phased nature of works within individual locations. The Applicant's position was that restrictions intended to provide short-term respite could, in some circumstances, have the effect of extending the duration of construction activities at particular locations. Local authorities placed greater emphasis on securing predictable periods free from construction activity. Disagreement remained regarding whether additional restrictions would ultimately improve or worsen the experience of affected communities.

National Policy Objectives and Residential Amenity

- 3.11.42 The Examination considered the relationship between construction working hours and the wider policy imperative to deliver nationally significant electricity transmission infrastructure in NPS EN-1. Evidence before the Examination highlighted both the critical national need for the Project and the importance of protecting residential amenity during construction. The Applicant evidenced that the proposed

³ National Energy System Operator (2024), *Clean Power 2030: Advice on achieving clean power for Great Britain by 2030*, Annex 2: *Networks, Connections and Network Access Analysis*, Section 2.4, Table 1, "Impact of key projects for delivery in 2031 if not accelerated".

Requirement 7 achieved an appropriate balance between facilitating delivery of CNP infrastructure and safeguarding communities through the mitigation and controls secured elsewhere in the DCO. Local authorities remained concerned that the balance should be adjusted further in favour of community respite. The principal area of remaining disagreement therefore relates to where that balance should properly be struck, rather than the importance of either objective itself.

Conclusion on this Matter

- 3.11.43 Having regard to the evidence before the Examination as a whole, the Applicant submits that there is no evidential basis for imposing further restrictions on the construction working hours secured through Requirement 7 of **3.1 Draft DCO [Revision H]**. Whilst concerns have been raised regarding community respite and the desirability of more restrictive working hours, no technical evidence has been presented during the Examination demonstrating that the proposed working hours are inappropriate, that the ES has inadequately assessed the effects arising from those hours, or that the mitigation secured through the DCO framework is insufficient to manage those effects.
- 3.11.44 The evidence before the Examination demonstrates that the EIA was undertaken on the basis of the construction working hours now secured through Requirement 7 of Schedule 3 to the **3.1 Draft DCO [Revision H]**. The resulting assessments, including the assessment of noise and vibration effects, informed the suite of mitigation measures secured through the **7.2 Outline Code of Construction Practice [Revision H]** and the Noise and Vibration Management Plan framework. The Examination has not identified any substantive technical evidence to suggest that the assumptions underpinning those assessments are unsound or that the assessed effects would be unacceptable. In those circumstances, imposing more restrictive working hours would effectively substitute the assessed and examined construction scenario with an alternative approach that has not been subject to equivalent evidential scrutiny.
- 3.11.45 The Applicant further submits that reducing the flexibility available under Requirement 7 without evidence that the proposed working hours are inappropriate risks undermining the integrity of the assessment process itself. The purpose of the EIA process is to assess the likely significant effects of a realistically deliverable construction programme and to identify appropriate mitigation. Where that assessment demonstrates that effects can be appropriately managed, and where no contrary technical evidence has been advanced, it would be inconsistent with the evidence-led approach that underpins the DCO regime to impose additional restrictions based solely on a preference for a different balance to be struck.
- 3.11.46 The Examination has also been provided substantial evidence regarding the importance of maintaining flexibility for specialist transmission construction activities, including conductor installation, horizontal directional drilling, cable installation and cable jointing. The Applicant's evidence demonstrates the importance of construction efficiency, programme resilience and the ability to deploy specialist workforces in accordance with established industry practices. It remains the Applicant's position that the Project cannot be delivered to the same programme, with the same level of certainty and resilience, under the more restrictive working hour regimes.
- 3.11.47 This issue is particularly important in the context of a Project that forms part of nationally significant and CNP electricity transmission infrastructure. Delays to the completion and energisation of Norwich to Tilbury would not simply affect the

Applicant; they would have wider consequences for the efficient delivery of the electricity transmission network and ultimately impose costs on electricity consumers. The evidence before the Examination has highlighted that delays to energisation could have significant consumer cost implications. Against that background, restrictions which have the potential to reduce construction productivity, constrain programme flexibility or delay delivery should only be imposed where supported by clear and compelling evidence that they are necessary to avoid unacceptable impacts.

- 3.11.48 The Applicant therefore submits that the evidence before the Examination supports the retention of Requirement 7 of Schedule 3 to the **3.1 Draft DCO [Revision H]** as drafted. The proposed construction working hours have been assessed through the EIA process, the associated effects have been examined in detail, and a comprehensive framework of mitigation and control has been secured through the DCO. Whilst a difference of opinion remains regarding the extent of community respite that ought to be provided, no evidence has been submitted demonstrating that the Applicant's proposed working hours are inappropriate or that the mitigation secured through the DCO is incapable of managing the resulting effects. In those circumstances, the Applicant considers that additional restrictions would be neither necessary nor proportionate and would introduce a material risk to the timely delivery and energisation of this nationally important Project.

Construction Traffic Noise on Bentley Road

- 3.11.49 During the examination, Tendring District Council raised concerns regarding the potential effects of construction traffic noise on Bentley Road, noting that the issue was not limited to a single property (Jasmine Cottage) but could also affect other residential properties along the route. The Applicant agrees that consideration should extend beyond Jasmine Cottage, but indicated that this property was highlighted in particular due to its proximity to Bentley Road (approximately 1 m) and the subsequent lack of viable standard mitigation options available. Potential standard mitigation options had not, however, been ruled out at other properties along Bentley Road.
- 3.11.50 In response to these concerns, the Applicant introduced a commitment in **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, to review the feasibility and effectiveness of standard mitigation measures for affected properties, including options such as localised acoustic screening. Where such measures are not considered practicable or effective, the commitment requires the development of bespoke property-specific mitigation strategies. These strategies would include consideration of measures such as sound insulation and alternative means of ventilation where appropriate.
- 3.11.51 The Applicant considers that this approach provides a proportionate and flexible mechanism to address any significant construction traffic noise effects that may arise. To provide additional assurance, any bespoke mitigation strategy would be submitted to the relevant Local Planning Authority for approval prior to implementation. Whilst concerns remained regarding the potential effects of construction traffic noise on Bentley Road, the Applicant considers that the additional commitment introduced during examination appropriately addresses the issue.

Operational Noise Requirements and Commitments

- 3.11.52 During the examination, Local Planning Authorities and other interested parties raised concerns regarding the potential operational noise effects associated with the proposed EACN and Tilbury North substations. In particular, stakeholders sought assurance that appropriate noise mitigation would be secured through the detailed design process and that operational noise impacts would continue to be controlled following commissioning.
- 3.11.53 In response, the Applicant strengthened the commitments secured through **7.2 Outline Code of Construction Practice [Revision H]** and **3.1 Draft DCO [Revision H]**. These include requirements for detailed operational noise assessments to be undertaken at the detailed design stage, with any necessary mitigation measures incorporated into the final design of the substations. Such measures may include the selection and specification of plant, acoustic enclosures, screening and other mitigation as required to control operational noise.
- 3.11.54 The detailed operational noise assessments, together with any proposed mitigation measures, would be submitted to the relevant Local Planning Authority for approval prior to operation. In addition, a programme of post-commissioning noise monitoring would be undertaken to demonstrate compliance with the approved noise limits and confirm the effectiveness of the mitigation measures implemented.
- 3.11.55 Importantly, operational noise limits are secured through **3.1 Draft DCO [Revision H]**, providing a clear and enforceable mechanism for the control of operational noise. Through **7.2 Outline Code of Construction Practice [Revision H]** the Applicant has committed to undertaking detailed operational noise assessments at the detailed design stage, incorporating any necessary mitigation into the final design, submitting the assessments to the relevant Local Planning Authority for approval, and undertaking post-commissioning compliance monitoring. Taken together, these measures provide a comprehensive framework to ensure that operational noise effects from the proposed substations are appropriately controlled and that the approved noise limits are achieved.

Conclusions and Areas of Disagreement

- 3.11.56 **6.14 Environmental Statement Chapter 14 - Noise and Vibration [REP7-284]**, details the likely significant effects associated with construction noise and vibration, construction traffic noise, operational noise from the proposed EACN and Tilbury North Substations and operational vibration. Operational traffic noise and operational noise from overhead lines and underground cables have not been assessed due to the likely low level noise generation from these aspects of the Project.
- 3.11.57 As set out during the Issue Specific Hearings the assessment is indicative for the purpose of demonstrating that significant adverse effects can be avoided. The assessment is based on early design information and standard noise mitigation measures. Further detailed design would be undertaken by the contractors, including consideration of specific noise mitigation measures.
- 3.11.58 With the mitigation measures proposed and good design implemented, the three aims of paragraph 5.12.17 of NPS EN-1 (namely: avoid significant adverse impacts on health and quality of life from noise; mitigate and minimise other adverse impacts on health and quality of life from noise and where possible, contribute to improvements to health and quality of life through the effective management and control of noise) are met along with relevant policies of NPS EN-5.

- 3.11.59 Overall, the Project has demonstrated its accordance with national and local policies with regard to the acceptability of noise and vibration impacts.

Main Areas of Disagreement

- 3.11.60 The main areas of disagreement between the interested parties with regards to noise and vibration can be summarised as follows:
- The level of detail regarding construction noise and vibration, and construction traffic noise mitigation at ES stage, although it is generally agreed that the commitments that have been put in place address this appropriately at detailed design stage prior to the start of works.
- 3.11.61 The assessment has been undertaken using established and recognised methodologies and applies standard significance criteria. The approach is proportionate to the nature and scale of the Project and accords with the requirements of NPS EN-1 and NPS EN-5.
- 3.11.62 The examination has further strengthened the commitments securing the control of both construction and operational noise. Detailed reassessment at the design stage, secured mitigation, compliance with operational noise limits, local authority oversight and post-commissioning monitoring together provide a robust and enforceable framework for managing noise and vibration effects.

Planning Weight

- 3.11.63 The Applicant considers that Noise and Vibration should be afforded a neutral weighting in the planning balance.

3.12 Safety and Security

Introduction

- 3.12.1 This section sets out the Applicant's approach to Safety and Security, and Major Accidents and Disasters.

Safety and Security

Planning Policy Context

NPS EN-1 (2024)

- 3.12.2 NPS EN-1 (2024) recognises that safety and security are fundamental considerations in the delivery of nationally significant energy infrastructure. Section 4.13 sets out policy requirements relating to safety where the HSE is the independent regulator responsible for enforcing a range of health and safety legislation relevant to the construction, operation and decommissioning of energy infrastructure. NPS EN-1 requires applicants to consult with the HSE on matters relating to safety. Paragraph 4.13.6 also requires applicants to discuss their project with the Competent Authority if their proposals are subject to the Control of Major Accident Hazards Regulations 2015.

- 3.12.3 NPS EN-1 further contains a dedicated section on security considerations, recognising the need to protect critical energy infrastructure from physical and cyber security threats at Section 4.16. The policy requires applicants to consider security as part of scheme design and, where appropriate, engage with relevant security specialists and government bodies as stated below.

NPS EN-5 (2024)

- 3.12.4 NPS EN-5 recognises at paragraph 2.4.3 that *'the Secretary of State should bear in mind that electricity networks infrastructure must in the first instance be safe and secure, and that the functional design constraints of safety and security may limit an applicant's ability to influence the aesthetic appearance of that infrastructure'*. At paragraph 2.4.4, NPS EN-5 goes on to state that *'the functional performance of the infrastructure in respect of security of supply and public and occupational safety must not thereby be threatened'*.

NPS EN-1 (2026)

- 3.12.5 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria in relation to safety and security within NPS EN-1.

NPS EN-5 (2026)

- 3.12.6 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria in relation to safety and security within NPS EN-5.

The Approach Taken in the Application

- 3.12.7 The Applicant has considered safety and security as part of scheme design.
- 3.12.8 The Project is designed to comply with design safety standards including the NETS SQSS and the suite of National Grid policies and processes which contain details on design standards required to be met when designing, constructing, and operating its projects.
- 3.12.9 Existing National Grid processes are designed to identify potential safety risks during construction and operation (and maintenance) (including major accidents and disasters) and to design these out at each stage of Project development. This informs a suite of National Grid policies and processes, which contain details on design standards required to be met when designing, constructing, and operating assets such as proposed on the Project.
- 3.12.10 The HSE has been consulted throughout the development of the Project. The Applicant acknowledges the need to adhere to the relevant legislation, guidelines, codes of practice, and international standards for the Project.
- 3.12.11 The Applicant has also engaged with the site operators identified by the HSE. Necessary precautions have been taken, and these are addressed comprehensively throughout the planning and execution phases of the Project. Specifically:
- HSE Guidance GS6 (Overhead Power Lines) and HSG47 (Underground Services): A thorough survey identifying and mapping all overhead power lines and underground services was undertaken. Safe working distances were

maintained by the proposed design and will be strictly enforced during construction

- The Pipeline Safety Regulations 1996: This Project is aware of the requirement not to cause any damage to pipelines that could cause the release of dangerous fluids. Where we have not been able to mitigate potential damage by routing, we will be looking to install other active mitigation measures. National Grid has also contacted all relevant pipeline operators for information and have worked with them to develop adequate mitigations for long term and temporary construction risks
- Management of Health and Safety Regulations 1999: National Grid operates a comprehensive health and safety management system, compliant with the 1999 regulations. This includes detailed risk assessments, method statements, and ongoing monitoring of safety performance. All National Grid's contractors are expected to be appropriately trained and supplied with personal protective equipment.
- British Standards BS EN 50122-1: National Grid are working with Network Rail to ensure that the electrical design and installation of the Project will adhere to BS EN 50122-1, ensuring electrical safety, proper earthing, and a safe return circuit and mitigating any risk of induced voltages in their assets
- BS EN ISO 18086: Consultation between National Grid and the relevant utility provider will confirm the requirement for installed mitigation, based on the final 400 kV design arrangements, which will be implemented by the relevant utility provider under their existing utility operation and maintenance provisions
- It is considered that the Project is in full compliance with all relevant regulations and standards and meets the safety requirements set out in Section 4.13 of NPS EN-1.

3.12.12 Security considerations have been taken into account throughout the development of the Project, including through the application of established security design principles, consideration of physical and operations resilience, and engagement with relevant security stakeholders where appropriate. Existing National Grid processes are designed to identify potential security risks during construction and operation (and maintenance) (including major accidents and disasters) and to design these out at each stage of Project development. This informs a suite of National Grid policies and processes, which contain details on design standards required to be met when designing, constructing, and operating assets such as proposed on the Project.

3.12.13 System resilience, security, and continuity of electricity supply are a fundamental part of network design principles. These are set out in the SQSS, which work in combination with the other applicable engineering and operational standards to provide a robust, resilient network from the outset. The SQSS is a critical framework that outlines the requirements for ensuring the reliability and quality of electricity supply across the National Electricity Transmission System (NETS). It is designed to guide transmission licensees in their planning and operational activities, ensuring that the electricity supply meets the demands of consumers while maintaining system security.

Issues Arising During the Examination and Final Position

Engagement with Relevant Consultees, Third Parties and Advisory Bodies

- 3.12.14 The Relevant Representation submitted by HSE **[RR-1365]** was responded to by the Applicant in Section 2.7 of **8.4.1.1 Addendum to Applicant's Comments on Relevant Representations [REP2-025]** and no further submissions by HSE have been made in Examination. The Applicant is aware of its obligations under the Pipeline Safety Regulations 1996 and has engaged with gas pipeline owners with affected apparatus. The project team have had significant engagement with both operators Asset Protection teams and, in addition to the detailed engineering interaction discussions held, the Applicant has also supplied GIS shapefiles of the Project making each entity further aware of the proposed interactions. Furthermore, each operator has been provided Retained Apparatus Protection within bespoke Protective Provisions secured within Schedule 16 of the **3.1 Draft DCO [Revision H]**.
- 3.12.15 The commercial terms between the Applicant and Cadent have now been agreed, and that these have now been formalised by way of a completed agreement. There is, therefore, now no disagreement regarding the Protective Provisions benefitting Cadent as detailed in **3.1 Draft DCO [Revision H]** submitted at Deadline 7. A letter of confirmation has been received **[AS-094]** that confirms Cadent's formal notice of the withdrawal of their existing representations regarding the Application **[REP1-217, REP1-218]**.
- 3.12.16 With regards to security matters the Applicant confirmed the Project has been undertaken in accordance with established government guidance and through engagement processes with relevant security and advisory bodies, including the National Protective Security Authority and associated stakeholders where appropriate.

Security and Resilience of Bramford Substation and Wider Development

- 3.12.17 The first round of written questions acknowledged the representations received from Burstall Parish Council **[REP1-151]** and William Petersen **[REP1-494]** that included detailed resilience, security and continuity concerns over the scale and size of the Bramford Substation given the concentration of nationally critical energy infrastructure at the site. The ExA also noted the full range of security issues highlighted as possible risks by a number of interested parties.
- 3.12.18 The Applicant acknowledged the concerns raised regarding the scale of the infrastructure at Bramford Substation and the concentration of nationally significant energy assets. In response to such concerns the Applicant set out the embedded design measures that are integral to Project development see **8.9.1 Applicant's Responses to First Written Questions [REP3-074]** and summarised below under the main headings provided in the response:
- **Strategic network planning** – The assessment of the proposed development has not been undertaken in isolation, but as part of wider and coordinated network planning, using power system studies that consider a range of operating conditions, system behaviours and outage scenarios in line with established industry practices and regulatory oversight. Bramford has been designed as part of the wider transmission network and designed to operate as a robust node, with resilience embedded through compliance with the SQSS and all other applicable engineering and operational standards. The network has been designed so that

Bramford does not represent a single point of failure. As a key node within the transmission network, its role and configuration are designed to ensure that the wider system remains operable and resilient including under fault conditions. The design process ensures no single asset or location gives rise to unacceptable levels of system risk

- **Design, construction and operation** – The Applicant notes the concerns raised in relation to the application of Security and Quality of Supply. The suggestion that the SQSS represents only a minimum baseline for system design is incorrect. The SQSS forms part of a wider framework to ensure system resilience. The Project is compliant with the SQSS
- **Physical and cyber security** – Bramford Substation along with all electricity substations across the National Energy Transmission System complies with the Electricity Safety, Quality and Continuity Regulations 2002 to ensure quality and continuity of supplies are maintained delivering safe, efficient and economic supplies for our customers. Bramford Substation is protected using the latest physical and cyber security technologies including, perimeter security, CCTV and access control as standard across National Grid.

- 3.12.19 Further questions were raised by the ExA in the second round of written questions acknowledging Burstall Parish Council continued to make repeated submissions **[REP2-032, REP3-098, REP4-325, REP5-235 and REP6-143]** setting out its concerns relating to the security and resilience of Bramford Substation (which were responded to at Deadlines 2, 3, 4, 5 and 6).
- 3.12.20 The ExA noted such concerns could also be applicable to the other existing and proposed substations, as well as the pylons and overhead lines. The Applicant was asked to respond to the further detailed comments made by Burstall Parish Council and provide a high-level summary of its consultation with the National Protective Security Authority (NPSA) and any other relevant authorities.
- 3.12.21 The Applicant responded to confirm concentration of transmission infrastructure at strategic connection locations is not unique to Bramford and is not the result of unplanned or piecemeal development. Such arrangements form part of the established design and operation of the national electricity transmission system and are intended to support secure and resilient network operation. The Applicant also responded to confirm the other generation and storage developments referenced in representations, including offshore wind, solar and battery storage projects, are promoted and operated by independent third parties. Such developments are subject to their own regulatory, operational, resilience and security obligations in accordance with the relevant legislative and industry standards.
- 3.12.22 The Applicant has provided further context throughout the Examination in relation to network resilience, infrastructure clustering and engagement with relevant security bodies. This included making cross-references to the approach taken to Major Accidents and Disasters (see the Major Accidents and Disasters section below). The Applicant maintains that with existing regulations and policy in place there are no concerns regarding security and resilience.

Further Clarifications

- 3.12.23 Burstall Parish Council continued to raise concerns over security and resilience matters and considered the Applicant should provide evidence **[REP6-143]**. Pylons

East Anglia expressed similar views that there is no evidence in front of the panel that the NPSA has addressed the security issues raised [REP6-229].

- 3.12.24 The Applicant is not able for security purposes to provide details of assessments carried out when there are no guarantees the handling of such information will remain confidential. However, to help provide further clarification the Applicant expanded on its response to confirm National Grid engages with the NPSA to understand the controls required at all National Infrastructure sites. National Grid produces technical specifications and site-specific operational requirements that meet these criteria and site-specific designs, aligned to any local threat and impact. It was explained that we follow the various guidance from the NPSA and DESNZ process to ensure that we are protecting sites in line with their expectations against any threat.
- 3.12.25 It was also confirmed that National Grid engages independent specialists through the Register of Security Engineers and Specialists (RSES), as an independent auditor to ensure designs meet such specified criteria. This process that sits outside the DCO consenting regime provides the necessary assurance and validation of National Grid plans and procedures to security threats.
- 3.12.26 Proportionate controls for current and future threats, in line with DESNZ expectations, following NPSA's advice and guidance is in place. It is a general principle that the planning system should not duplicate controls exercised by other mechanisms.

Consultation and Engagement

- 3.12.27 The Applicant's approach to Project development is detailed in the Alternatives section earlier in Section 3.2 of this document. Commencing with the 2022 non-statutory consultation, the Applicant presented information on how the Project was evolving from the evaluation of strategic options to a preliminary preferred graduated swathe within which new infrastructure (pylons and underground cables) could be located as well as a proposed new substation site on the Tendring Peninsula, as described within the **7.18 2022 – Corridor and Preliminary Routeing and Siting Study [APP-356]**. Aviation and defence were considered for inclusion as sub-topics within the options appraisal, and the potential for interactions with assets within or close to the corridor was identified, but it was recognised that determination of material effects was dependent on detailed routeing and siting and the outcomes of subsequent engagement with relevant stakeholders on a site-specific basis. This approach is consistent with NPS EN-1 paragraph 5.5.13 which recognises the extent and nature of safeguarding is particular to an individual aerodrome. The presence of aerodromes was not considered to be an automatic barrier to, or determinative for, route corridor selection and a generic constraint buffer was not applied to avoid potential effects due to the potential for this to result in disproportionate and unnecessary separation from sites.
- 3.12.28 Since the 2022 non-statutory consultation, the Applicant has engaged aviation stakeholders (predominantly General Aviation aerodrome operators) to understand site-specific operations and the extent of any safeguarding concerns, informing impact assessment and collaborative mitigation development (including via integral design changes). A summary of aerodrome consultation (with assessment conclusions) is within Table A15.2.4 of **6.15.A2 Environmental Statement Appendix 15.2 - Review of Aviation Impact [REP7-300]** and demonstrates agreement of potential impacts of the Project in the majority of cases, as well as ongoing engagement relating to the acceptability of the Project proposals and potential mitigation of residual effects at the time of DCO submission.

- 3.12.29 Paragraphs 15.3.14 to 15.3.17 of **6.15.A2 Environmental Statement Appendix 15.2 - Review of Aviation Impact [REP7-300]** describe the Applicant's approach to engagement with relevant aviation bodies, including the Civil Aviation Authority's Airfields Advisory Team (CAA AAT). It is recognised that Project engagement with the non-statutory advisory body from August 2023 to their disbandment in March 2025 informed development of the Impact Assessment Study Area, emphasised the importance of the nuanced site-specific and multi-factorial approach to assessment already being pursued by the Applicant, and verified assessment conclusions for the majority of civil aerodromes in scope. Furthermore, National Grid has been engaging with the British Gliding Association (BGA) to develop general guidance relevant to electricity transmission development and the importance of aerodrome operator engagement therein.

Conclusions and Areas of Disagreement

- 3.12.30 Safety risks are managed throughout the lifecycle of the Project through a comprehensive framework of statutory duties, industry standards and National Grid management systems. These requirements apply from project development, through construction and commissioning, and into the operational life of the asset, ensuring that hazards are identified, assessed and controlled using recognised good practice and proportionate risk management measures.
- 3.12.31 The Project will be delivered in accordance with the relevant legislative and regulatory framework, including the Health and Safety at Work etc. Act 1974, the Construction (Design and Management) Regulations 2015, the Electricity at Work Regulations 1989, the Electricity Safety, Quality and Continuity Regulations 2002 (ESQCR), together with the relevant provisions of NPS EN-1. These requirements are supported by National Grid's established engineering, governance, assurance and operational management systems, which collectively provide the framework for the planning, design, construction, operation and maintenance of the electricity transmission network.
- 3.12.32 As set out in responses throughout the Examination, security and resilience considerations are not limited to compliance with the NETS SQSS. The development of critical national infrastructure is supported by a wider framework of engineering standards, operational procedures, security design principles and engagement with relevant government and security stakeholders where appropriate. These established processes consider the resilience and continuity of the transmission system throughout the design, construction and operational life of the asset, including consideration of credible operational disruption scenarios.
- 3.12.33 NPS EN-1 (2024) does not expressly state that evidence should be provided. Paragraph 4.16.7 states *'the applicant should only include sufficient information in the application as is necessary to enable the Secretary of State to examine the development consent issues and make a properly informed decision on the application'*. The Applicant maintains sufficient information has been provided that explains the wider processes and procedures in place to safeguard existing and proposed new assets from security threats.
- 3.12.34 Safety, security and resilience are top priorities for National Grid. The Applicant has extensive experience in safety and security given the critical importance of the infrastructure. The network is one of the most reliable in the world and we have security measures in place across all our operations which follow the guidance set out by NESO, government, relevant consultees, independent specialists and the

security agencies. The Examination process has enabled matters raised by interested parties and the ExA to be clarified where appropriate, ensuring that the Secretary of State is able to reach a fully informed decision in accordance with NPS EN-1.

- 3.12.35 Consistent with responses provided in the Examination, detailed security assessments are not appropriate for publication due to the sensitive nature of critical national infrastructure. The Applicant nevertheless considers that sufficient information including further clarifications have been provided throughout the Examination that demonstrates safety, security and resilience has been appropriately considered in the development of the Project.

Main Areas of Disagreement

- 3.12.36 The main areas of disagreement between the interested parties with regards to safety and security can be summarised as follows:
- Concentration and clustering of nationally critical energy infrastructure causes unacceptable risks to safety and security, as raised by Burstall Parish Council, William Petersen and Ardleigh and Little Bromley Parish Councils
 - Need to provide detailed information to demonstrate compliance with security considerations raised by Burstall Parish Council and Pylons East Anglia Limited.

Planning Weight

- 3.12.37 The Applicant considers that matters of safety and security should be afforded a neutral weighting in the planning balance.

Major Accidents and Disasters

- 3.12.38 Note: Safety and Security is a consideration that is part of Major Accidents and Disasters. Therefore, there is some overlap with previous paragraphs. However, cross referencing is provided to avoid repetition and duplication where appropriate.

Planning Policy Context

- 3.12.39 Paragraphs 4.13.5 to 4.13.7 of NPS EN-1 (2024), which are relevant to Major Accidents and Disasters, state:

‘4.13.5 Applicants should consult with the HSE on matters relating to safety.

4.13.6 Applicants seeking to develop infrastructure subject to the COMAH regulations should make early contact with the Competent Authority.

4.13.7 If a safety report is required it is important to discuss with the Competent Authority the type of information that should be provided at the design and development stage, and what form this should take. This will enable the Competent Authority to review as much information as possible before construction begins, in order to assess whether the inherent features of the design are sufficient to prevent, control and mitigate major accidents’.

- 3.12.40 There is no specific reference to major accidents and disasters within NPS EN-3 (2024) NPS EN-5 (2024).

- 3.12.41 NPS EN-1 also requires applications for development consent to provide information that is sufficient to meet the requirements of the EIA Regulations to assess the expected significant effects deriving from the vulnerability of the proposed development to risks of major accidents or disasters that are relevant to the proposed development.

The Approach Taken in the Application

- 3.12.42 **6.19 Scoping Report [APP-288]** stated that issues relating to Major Accidents and Disasters would be covered within individual environmental topic chapters in the ES in preference to a standalone chapter, recognising that the net result is the same. Subsequently **6.20 Scoping Opinion [APP-297]** published by the Planning Inspectorate agreed that a standalone Major Accidents and Disasters chapter in the ES was not required.
- 3.12.43 The requirements of the Control of Major Accident Hazards (COMAH) Regulations do not apply to high voltage electricity substations of the type proposed as part of the Project.
- 3.12.44 With embedded mitigation in place including the application of existing standards and policy there would not be any likely significant effects on Major Accidents and Disasters as a result of the Project during construction or operation (or maintenance).

Issues Arising During the Examination and Final Position

- 3.12.45 Braintree District Council suggested at Deadline 1 that further information on unexploded ordnance (UXO) threat was needed. However, the Applicant responded in **8.4.1 Applicant's Comments on Relevant Representations [REP2-023]** that specific 'UXO Threat Assessment' reports have been completed for the Project and they have informed the outline design in accordance with embedded mitigation measures. The Applicant's assessment of levels of UXO risk across the Project (Low to Medium) is based on historical bombing records and ground conditions, with mitigation measures tailored to each risk zone. The mitigation measures proposed within these reports would be followed during construction activities by the Main Works Contractor(s) – the Construction (Design Management) Regulations 2015, Health and Safety at Work Act and CIRA Guidance would ensure health and safety is managed on site including UXO risk. Nothing further was raised during the examination phase.
- 3.12.46 British Pipeline Agency (BPA) were concerned that the Applicant may not be able to deliver the rights required for the proposed mitigation for their asset due to their specific circumstances. In response to this concern, on the 27 March 2025 Change Request 1 (Bulphan) was submitted to the Planning Inspectorate that included larger Order Limits around the existing Thames to Buncefield Multifuel Pipeline / BPA pipeline which would secure the rights to facilitate required mitigation. In addition, the Applicant also confirmed at Deadline 2 in **8.4.1 Applicant's Comments on Relevant Representations [REP2-023]** that the Project would be designed to comply with design safety standards including NETS SQSS and the suite of National Grid Policies and processes which contain details on design standards required to be met which would ensure no significant effects on the pipeline. A side legal agreement with BPA has removed all of the BPA's objections to the Project. There are also Protective Provisions within Schedule 16 of **3.1 Draft DCO [Revision H]** with all other third party pipeline asset owners. There would be no effects on these assets as a result of a major accident or disaster.

- 3.12.47 Pylons East Anglia, Burstall Parish Council, William Petersen and Ardleigh Parish Council and Little Bromley Parish Council (ALBA) also raised concerns relating to Major Accidents and Disasters which were specific to safety, security and resilience, including the clustering of infrastructure at Bramford Substation and the EACN substation. Key submissions that raised these matters early in Examination include Relevant and Written Representations by Burstall Parish Council **[RR-0423, REP1-151]** and William Petersen **[RR-3840, REP1-494]**, at Procedural Deadline A by Pylons East Anglia **[PDA-016]** and prior to Deadline 1 by ALBA **[AS-064/65]**. The Applicant responded to these points in detail at early deadlines (for example see **REP1-136, REP2-023, REP2-027, REP2-029**) and continued to respond in writing to further iterations of similar points raised by these parties during the Examination. Further detail on this is provided in earlier paragraphs.
- 3.12.48 The Applicant maintains that with appropriate mitigation in place such as relevant regulations, standards and policy as noted in the Safety and Security section earlier in Section 3 of this document, there would be no significant effects as a result of construction and operation (and maintenance) of the Project on Major Accidents and Disasters. However, it is assumed that safety, security and resilience remains an area of disagreement for these interested parties.

Conclusions and Areas of Disagreement

- 3.12.49 Major Accidents and Disasters risks are managed throughout the lifecycle of the Project through a comprehensive framework of statutory duties, industry standards and National Grid management systems. These requirements apply from project development, through construction and commissioning, and into the operational life of the asset, ensuring that hazards are identified, assessed and controlled using recognised good practice and proportionate risk management measures.

Main Areas of Disagreement

- 3.12.50 The main areas of disagreement with regard to Major Accidents and Disasters are related to safety, security and resilience (including the clustering of infrastructure at Bramford Substation and the EACN substation) which are covered in earlier paragraphs.

Planning Weight

- 3.12.51 The Applicant considers that matters of Major Accidents and Disasters should be afforded a neutral weighting in the planning balance.

3.13 Aviation and Defence

- 3.13.1 This section considers the effects of the Project on aviation and defence, including civil and military aerodromes and technical defence assets. The Project is not in the vicinity of officially safeguarded, certified or licensed civil aerodromes; statutorily safeguarded defence assets and unlicensed and non-officially safeguarded General Aviation aerodromes are therefore the predominant focus.

Planning Policy Context and Regulatory Considerations

NPS EN-1 (2024)

- 3.13.2 Section 5.5 of NPS EN-1 places emphasis on collaboration and co-existence between aviation, defence and energy industry stakeholders to ensure that neither is unduly compromised by new energy development (paragraph 5.5.2). The requirement for new energy infrastructure to be developed collaboratively is reinforced by paragraph 5.5.5, which recognises the potential for aviation safety, operations and capability impacts, and further states the need for an effective balance to be achieved between the potential economic and social benefits of aerodromes, particularly at a local and regional level, and those of urgently needed new energy developments.
- 3.13.3 Paragraphs 5.5.8 to 5.5.20 reflect on the differing safeguarding systems applicable to aviation determined by the relative importance of sites to the national transport system, as well as defence. The policy explains Obstacle Limitation Surfaces (OLS) and their relevance to safeguarding plans, recognising best practice for all aerodrome (both licensed and unlicensed) plans depicting the OLS to be shared with the LPA to ensure developer awareness of the extent and nature of safeguarding relevant to a particular aerodrome.
- 3.13.4 NPS EN-1 defines applicant responsibilities to consult relevant stakeholders, including aerodrome operators, to inform its assessment of potential effects (paragraphs 5.5.39 and 5.5.49). The policy also requires the applicant to include appropriate mitigation as an integral part of the Project design, where possible, to minimise adverse impacts on the operation and safety of aerodromes (paragraphs 5.5.43 and 5.5.50). There is no requirement for the applicant to entirely avoid impacts on aerodromes.
- 3.13.5 Paragraphs 5.5.7 and 5.5.44 establish expectation that mitigation of aviation safety impacts can be achieved by measures including notification in Aeronautical Information Service publications and changes to operational procedures, with paragraph 5.5.50 explicitly stating *'it is incumbent on Operators of aerodromes to regularly review the possibility of agreeing to make reasonable changes to operational procedures'*. Furthermore, paragraph 5.5.51 makes clear Secretary of State decision making should be informed by the necessary provision of information regarding any demonstrable risks or harm of such changes.
- 3.13.6 In addition to military aviation, NPS EN-1 has particular regard to other defence interests, recognising safe and efficient defence operations are dependent on communications, navigation and surveillance (CNS) infrastructure (paragraph 5.5.21), and emphasising the importance of ensuring that new energy infrastructure does not unacceptably impede or compromise defence assets or operations (paragraph 5.5.35). Paragraph 5.5.51 makes clear Secretary of State decision

making in the case of military aerodromes should have regard to the interests of defence and national security, with 5.5.53 placing expectation on collaboration to resolve conflicts between national energy and military interests.

- 3.13.7 Paragraph 5.5.59 establishes criteria for consideration within Secretary of State decision-making regarding post-mitigation impacts on national security and defence, as well as impacts resulting from the loss of licensed aerodromes, or causing harm to broad aviation network training or emergency service needs. Paragraph 5.5.60 concludes Section 5.5 by emphasising energy development will be consented provided national security and physical safety risks, if present, are appropriately mitigated or mitigations are secured. This is relevant to broader policy requirements within NPS EN-1 Section 4.2 regarding exceptions to the CNP presumption where unacceptable risk to, or unacceptable interference within, human health and public safety, and defence, is present.

NPS EN-5 (2024)

- 3.13.8 NPS EN-5 further recognises the need to avoid unacceptable effects on aviation infrastructure. Paragraph 2.11.14 states that, when considering applications for electricity networks infrastructure, the Secretary of State should take account of statutory technical safeguarding zones in order to avoid unacceptable adverse impacts on aviation interests arising from EMFs.

Aviation-Specific Legislation and Regulation

- 3.13.9 The Air Navigation Order 2016 (as amended) is the statutory instrument that establishes UK regulations for civil aviation matters. Relevant provisions include Articles 240 and 241 (a person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in and aircraft, or cause or permit an aircraft to endanger any person or property).
- 3.13.10 UK Standardised European Rules of the Air (SERA) supplemented by Rules of the Air Regulations (ROAR) 2015 and the Official Record Series 4 (ORS4) form the regulatory framework for aircraft operations and associated safety requirements. Of relevance to the Project are:
- SERA.3101 Negligent or reckless operation of aircraft
 - SERA.3105 Minimum heights
 - SERA.5005 Visual flight rules specifying minimum heights (generally 150 m or 500ft above the ground)
 - ORS4 No. 1496 defining exceptions to the SERA minimum height requirements when necessary for landing or take-off, practising approaches to landing or forced landing, and flying in accordance with notified procedures.
- 3.13.11 The Civil Aviation Authority's CAP 168 Licensing of Aerodromes publication establishes the minimum standards required at licensed aerodromes. Chapter 4 relates to the assessment and treatment of obstacles. It describes establishing defined OLS as the method for assessing the significance of any proposed object in the vicinity of an aerodrome (paragraph 4.4).
- 3.13.12 The UK Ministry of Defence (MOD) and Military Aviation Authority's Regulatory Article (RA) 3512 details regulations relating to safe operations in the presence of obstacles, describing the definition of OLS therein.

- 3.13.13 The International Civil Aviation Organisation's (ICAO) adopted Amendment 18 of Annex 14 within the International Standards and Recommended Practices of Aerodromes implements a new, modernised OLS framework, to be applied to UK (civil and military) aviation regulation and practices from November 2030. The new framework presents a significant change from existing practices to a performance-focused, risk-based, evidence-led model for aviation obstacle assessment and treatment, to ensure an appropriate balance between aviation and land use needs without compromising aviation safety. It reflects the enhanced navigational and aeronautic capabilities of aviation as well as the realities of development constraints, and results in a less prescriptive relationship between aerodromes and potential obstacles. The CAA is supporting UK implementation, holding seminars about its use in 2026, and recognising the need for all existing safeguarding plans to be revised in readiness.

The Approach Taken in Application

- 3.13.14 The Applicant's technical assessment of aviation impacts is within **6.15.A2 Environmental Statement Appendix 15.2 - Review of Aviation Impact [REP7-300]** which, together with **6.15.A1 Environmental Statement Appendix 15.1 - Built and Other Assets within the 3 km Study Area [REP7-298]**, supports **6.15 Environmental Statement Chapter 15 – Socio-economics Recreation and Tourism [REP7-296]** to assess impacts on aviation safety and other effects resulting from Project construction and operation. **6.15.A2 Environmental Statement Appendix 15.2 - Review of Aviation Impact [REP7-300]** presents the conclusions of Alan Stratford and Associates Ltd (ASA), the Applicant's appointed aviation specialists, with substantial expertise in civil aviation (and particularly General Aviation) obstacle evaluation. Technical assessments of Project impacts on military aviation and defence assets have been undertaken by MOD subject matter experts due to the complexity and sensitivity of defence capabilities.

Impact Assessment Methodology

- 3.13.15 The absence of regulation or authoritative guidance applicable to unlicensed aerodromes as impacted by the Project created the need for the Applicant to establish a methodology to objectively quantify risk associated with the presence of the Project as an obstacle, to inform both design development decision-making as well as operator consideration of risk acceptability and appropriate mitigation measures. The methodology is described in detail from paragraphs 15.3.22 to 15.3.48 of **6.15.A2 Environmental Statement Appendix 15.2 - Review of Aviation Impact [REP7-300]**. Reasonable operational assumptions and conservative design parameters have been applied, drawn from relevant regulation, best practice and case studies, and evidenced through expert reasoning, to ensure safety risks are appropriately but proportionately determined and addressed. This includes consideration of whether the Project alignment infringes OLS as defined under CAP 168 regulations for licensed aerodromes, introducing a standardised measure albeit not a regulatory requirement for unlicensed aerodromes.
- 3.13.16 A key element of the Applicant's impact assessment methodology is consideration of appropriate obstacle clearance margins for aircraft overflying or manoeuvring to avoid the Project overhead line on take-off and approach, including when flying circuits and during forced landing scenarios. The Applicant's approach considers aircraft performance as well as established operational procedures and surrounding context (existing obstacles, topography) within site-specific assessments, applying

conservative minimum clearance parameters which account for variable flying conditions.

- 3.13.17 This methodology has been accepted as appropriate by the majority of aerodrome stakeholders.

Mitigation

- 3.13.18 Paragraphs 15.3.49 to 15.3.53 of **6.15.A2 Environmental Statement Appendix 15.2 - Review of Aviation Impact [REP7-300]** recognise the range of mitigation measures that can be considered to address adverse effects, including the incorporation of Project design-based measures. The Applicant has a strong record of implementing design changes in response to operator feedback, where appropriately justified by evidence of detrimental Project impacts on aerodrome operations (see the examples of Brook Farm, Chase Farm and Thurrock within the Specific Aerodrome Assessment Conclusions from paragraphs 15.4.2 to 15.4.8 and 15.4.19 to 15.4.21 of **6.15.A2 Environmental Statement Appendix 15.2 - Review of Aviation Impact [REP7-300]** and as described within SS 2.3 and SS 2.7 of **8.9.2 Applicant's Response to Second Written Questions [REP5-211]** as well as relevant SoCGs). The ES Appendix 15.2 also describes operational mitigations to reduce residual effects, including changes to aerodrome procedures to avoid direct overflight of the overhead line, to increase clearance margins, or to enhance pilot awareness of obstacles. Recognising operator responsibilities for aerodrome safeguarding, the Applicant has sought operator agreement of the acceptability of the Project proposals, or where recommended, the potential for operational changes considered to be reasonable. The response to SS 2.3 within **8.9.2 Applicant's Response to Second Written Questions [REP5-211]** lists the examples of Barnards Farm, Brook Farm, Chase Farm, South Norfolk Model Flying Club and Thurrock where acceptable solutions have been agreed between the Applicant and the aerodrome operator, with further detail provided in the relevant SoCGs.

Issues Arising During the Examination and Final Position

Defence Interests

- 3.13.19 The matter of Project impacts on military aviation and defence assets is addressed separately to civil aviation, recognising the distinct and substantial focus of NPS EN-1 (2024) on the importance of ensuring that new energy infrastructure does not unacceptably impede or compromise defence interests. Whilst the Applicant had consulted and engaged required and relevant defence stakeholders throughout the pre-application period, making available sufficient information regarding the Project design (see Appendix L of **8.4.1 Applicant's Comments on Relevant Representation [REP2-023]**), final MOD impact assessments were not progressed until the examination, resulting in an objection to the proposals (**Defence Infrastructure Organisation Relevant Representation [RR-0895]**).
- 3.13.20 MOD subject matter expert assessments subsequently undertaken confirmed Project infringements of the statutorily safeguarded East2WAM Network CNS capability, with the MOD maintaining its objection on grounds of unacceptable impact on the provision of air traffic control services. A requirement for further technical assessments was identified to confirm impacts on the East2WAM as well as the statutorily safeguarded Wattisham Station aerodrome (see **Defence Infrastructure Organisation Written Representation [REP1-189]**). The Applicant collaborated

closely and urgently with the DIO, providing supplementary technical information and clarifying Project design parameters, including the overhead line LoD, to inform technical evaluation (see **8.8.1 Applicant's Comments on Written Representation [REP2-029]** (pages 65 to 68) and SS 1.7 in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**).

- 3.13.21 Following the MOD's completion of its technical assessments, the Applicant has implemented design changes to mitigate identified impacts on Defence interests, secured by provisions within the **3.1 Draft DCO [Revision H]** to ensure Project infrastructure is within defined limits. The Applicant's agreement of mitigation measures to enable accurate navigational charting and appropriate notification of construction works has also been secured (**8.3.39 Signed Statement of Common Ground – MOD DIO [REP7-439]**). Engagement with the DIO has been an exemplar in terms of collaboration, conflict resolution and co-existence in accordance with NPS EN-1 (2024) paragraphs 5.5.2, 5.5.5, 5.5.19 and 5.5.35, resulting in proportionate mitigation via a combination of design-based and operational measures, including MOD risk acceptance in some areas. This is confirmed by the MOD's withdrawal of its statutory safeguarding objection to the Project (see **DIO Comments on any further information/submissions received by Deadline 6 [REP7-550]**).

General Aviation Consultation and Engagement

- 3.13.22 An examination issue raised by some objectors is that the Applicant failed to consider aviation impacts and engage stakeholders at a sufficiently early stage, before the route was determined. Representations of relevance include those of Norfolk Gliding Club [**REP4-366, REP5-259**], Raydon Wings [**RR-0915, REP1-268, REP4-370**] and the General Aviation Awareness Council (GAAC) [**REP2-050, REP3-123, REP4-361, REP6-149**] which have restated this matter throughout the examination period.
- 3.13.23 The Applicant has repeatedly responded to the issue raised, including within **8.8.1 Applicant's Comments on Written Representations [REP2-029]** (page 264), **8.4.8 Applicant's Comments on any Further Information or Submissions Received by Deadline 2 [REP3-070]** (page 153), and particularly SS 2.3 within **8.9.2 Applicant's Response to Second Written Questions [REP5-211]**, as well as relevant SoCGs (Matter 7.2 of **8.3.35 Final Statement of Common Ground – Raydon Wings Aerodrome [REP7-433]** and **8.3.37 Final Statement of Common Ground – Norfolk Gliding Club (Tibenham Aerodrome) [REP7-437]**). The Applicant's position is that the 2022 non-statutory consultation gave the earliest opportunity for stakeholders to access sufficient detail regarding the Preferred Route Corridor to enable informed consideration at a formative stage of design development. The non-statutory consultation process also afforded stakeholders appropriate time to review consultation materials and submit feedback to influence proposals. Subsequent evolution of the Project's design during the pre-application stage (also informed by the 2023 non-statutory consultation, the 2024 statutory consultation, and the 2025 targeted consultations, with related direct aviation stakeholder engagement) demonstrates the proposals were not pre-determined by the defined corridor, responding to consultation feedback including from aviation stakeholders to result in the proposed alignment. This approach was therefore in accordance with the **5.1 Consultation Report – Appendix E: Statement of Community Consultation [APP-071]** and the Gunning Principles as well as NPS EN-1 (2024) requirements for consultation with operators at an early stage (paragraph 5.5.44 refers).
- 3.13.24 A principal issue raised by the operators of Priory Farm [**RR-2969**], Raydon Wings [**REP1-268, REP4-370**] and Tibenham aerodromes [**RR-2754, REP3-126, REP5-**

259] was that the Applicant had failed to meaningfully engage as was perceived not to act on concerns raised and therefore not give substantive effect to feedback.

- 3.13.25 The Applicant position is that the absence of implementation of substantive Project design changes in specific cases is not proof of inadequate consultation or a flawed engagement approach but rather a demonstration of insufficient justification for changes to be made, including as a result of no or insufficient operational information being provided by operators to challenge impact assessments. Evidence has been provided to demonstrate responsiveness to feedback from an early stage, including in the case of Chase Farm, where extensive collaboration with the operator recognised impacts on the continued operation of the aerodrome and enabled exploration of mitigation options, including Project design changes as well as the reorientation or relocation of the runway (see SS 2.3 of **8.9.2 Applicant's Response to Second Written Questions [REP5-211]**). Further evidence of collaborative engagement is cited within the response in relation to Brook Farm and Thurrock aerodromes, which provide evidence of the Applicant's and operators' collaboration to implement design changes (including realignment of the overhead line and reductions to pylons heights) to minimise impacts. The same response also reminds that Raydon Wings operator feedback to the 2023 non-statutory consultation led to a significant change to the 2023 draft alignment to minimise aviation impacts, despite the operator's representation **[REP4-370]** that the Applicant had refused to consider any changes to the position of the overhead line.
- 3.13.26 Paragraph 5.5.5 of NPS EN-1 (2024) emphasises the importance of reciprocal collaboration to ensure the needs of aerodromes are appropriately balanced with the urgent need for new energy development. The Applicant has sought constructive collaboration with operators, including those with whom agreement has not been reached, such as requesting operator input to inform impact assessment methodology and conclusions, as well as the potential to agree acceptable mitigation measures. Reference 7.1 in Section 7 of **8.31 Response to Rule 17 Letter Received 14 July 2026 [REP7-533]** recognises where, in the cases of Priory Farm, Raydon Wings and Tibenham aerodromes, stakeholder refusal to engage or stipulation of prohibitive conditions has prevented the resolution of contested matters and the signing of SoCGs, contrary to NPS EN-1.
- 3.13.27 In relation to engagement with aviation bodies, the disbandment of the CAA AAT has rendered their March 2025 Position Statement to be open to interpretation by various parties (without author validation of these interpretations), with heavy inference being incorrectly drawn from the advice offered, to suggest flaws with the Applicant's approach (see Raydon Wings **[REP1-256 and REP4-370]**, Norfolk Gliding Club **[REP3-126/REP3-128 and REP5-259]**, and GAAC **[REP4-361 and REP6-149]**).
- 3.13.28 The Applicant has recognised the Position Statement to be extant, albeit untested and now succeeded by direct in-depth engagement with operators and other bodies (see **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**) as well as the new more evidence-based approach to OLS explained above. Its stated intention was to offer an advisory summary of potential impacts to aerodromes to assist understanding and should not therefore be weighted as a determinative position. The Statement provides subjective comment rather than objective assessment and is therefore not equivalent to the Applicant's in-depth impact assessment. A full analysis of the CAA AAT's advice regarding Raydon Wings, Priory Farm and Tibenham aerodromes is provided within **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]** (page 110 to 114), supplemented by a 'line by line' commentary as relevant to Tibenham (see Action No. 05 (first bullet) within **8.5.8**

Applicant's Response to Issue Specific Hearing Action Points [REP4-303]).

Furthermore, the CAA's overarching position on key matters including aircraft performance focus within obstacle assessment has since been consolidated by its issuing of national direction on the updated ICAO regulatory standards, with which the Applicant's approach is aligned. The Applicant's position is that regard should be had to this direction on safeguarding to ensure appropriate co-existence between aviation assets and CNP infrastructure can be achieved, in accordance with NPS EN-1 paragraph 5.5.2.

- 3.13.29 In response to limited progression of key matters with the operator of Tibenham aerodrome, the Applicant sought in-depth technical engagement with the BGA in relation to gliding-specific operational parameters to inform impact assessments and mitigation consideration (see reference 7.1 in Section 7 of **8.31 Response to Rule 17 Letter Received 14 July 2026 [REP7-533]**). This has resulted in the validation of the Applicant's assessment methodology and key conclusions. It has also affirmed the potential for the operator to consider reasonable changes to aerodrome operational procedures. Section 7 of **8.3.89 Signed Statement of Common Ground – British Gliding Association [REP7-465]** recognises dependencies on operator risk acceptance and consideration of reasonable mitigation measures, with these Matters Not Agreed being beyond the remit of the BGA.

Impact Assessment Methodology

- 3.13.30 A theme of some of the objections of the examination has been to reject a principal component of the Applicant's method, evaluation of obstacle infringement of aerodrome-specific OLS, proposing reliance instead on the application of a generic guidance measure within the Civil Aviation Authority's CAP 793 guidance, applicable to aerodrome runway design and the avoidance of obstacles in the vicinity. Representations from the **GAAC [REP2-050]** and Norfolk Gliding Club **[REP1-256]**, and Matter 6.3 within **8.3.36 Final Statement of Common Ground – Priory Farm Airfield [REP7-435]** refer.
- 3.13.31 The Applicant maintains its position the application of the CAP 793 measure creates disproportionate and inappropriate mitigation (see **8.4.8 Applicant's Comments on any Further Information or Submissions Received by Deadline 2 [REP3-070]**). The Applicant's approach, considering the extent of OLS infringement derived from CAP 168 regulation for licensed aerodromes, is consistent with the approach used by the Ministry of Defence for the assessment of Project impacts on Wattisham aerodrome, has been accepted as appropriate by the majority of civil aerodrome operators within scope (including the independent aviation advisor to Tibenham aerodrome), and is aligned with the modernised ICAO international standard to be implemented in the UK by the CAA before 2030 as well as NPS EN-1 safeguarding considerations. The approach enables risk to be tolerated, subject to evaluation as appropriate, and is realistic, recognising the importance of achieving an appropriate balance between aerodrome operation and new development need in accordance with NPS EN-1 (2024) paragraph 5.5.5.
- 3.13.32 Despite objector assertions to the contrary, the multi-factorial evaluation approach has been consistently implemented by the Applicant (see rebuttal to GAAC **[REP4-361]** within SS 2.3 of **8.9.2 Applicant's Response to Second Written Questions [REP5-194]** (page 204)). Stakeholder input has been sought to test and validate or challenge assumptions and conclusions, demonstrated to good effect with the operator of Brook Farm aerodrome (**5.9.32 Signed Statement of Common Ground – Brook Farm Aerodrome [REP1-060]**), and more recently, the BGA (see Matters

7.1 and 7.2 within **8.3.89 Signed Statement of Common Ground – British Gliding Association [REP7-465]**). Where collaboration has not been achieved and stakeholders continue to disagree with conclusions or state an alternative approach is required, objective information to justify a counter position has not been provided, against NPS EN-1 (2024) paragraph 5.5.5.

- 3.13.33 The Applicant's responsibility for determining safety impacts, and the expertise of its appointed aviation specialists, has also been challenged by stakeholders who have not agreed the conclusions of their analysis. Relevant representations include those of the GAAC [**REP2-050** and **REP6-149**], Norfolk Gliding Club [**REP3-126/REP3-128** and **REP7-437**], and Raydon Wings [**RR-0915**, **REP1-268**, and **REP4-370**]
- 3.13.34 The Applicant is clear that NPS EN-1 paragraph 5.5.39 requires its preparation of an impact assessment, informed by consultation with relevant stakeholders including aerodrome operators. It has recognised operator responsibilities for safeguarding, as stated within NPS EN-1 paragraph 5.5.16, as well as their knowledge of site-specific operations (see Matter 7.4 of **Final Statement of Common Ground – Raydon Wings Aerodrome [REP7-433]** and Matter 7.1 of **Final Statement of Common Ground – Norfolk Gliding Club (Tibenham Aerodrome) [REP7-437]**). The Applicant has detailed the remit (and considerable expertise) of its appointed aviation specialists to support development of the Project design as well as operators' risk assessments and mitigation consideration (see SS 2.6 within **8.9.2 Applicant's Response to Second Written Questions [REP5-211]** and 7.1c within **8.5.12 Applicant's Written Summary of Oral Submissions and Response to Action Points for Issue Specific Hearing 4 [REP6-118]**).

Mitigation

- 3.13.35 An issue evident in the examination has been the position of some stakeholders with whom matters are not resolved is that no tolerance of adverse impacts from the Project can be accepted (see **8.3.36 Final Statement of Common Ground – Priory Farm Airfield [REP7-435]** and **8.3.37 Final Statement of Common Ground – Norfolk Gliding Club (Tibenham Aerodrome) [REP7-437]**). There is also disagreement regarding the burden of responsibility for mitigation being placed on both the Applicant and operators, with the NPPF's 'Agent of Change' principle cited as justification for the Applicant being solely responsible for mitigation implementation, and route and design change as the expected primary mitigation mechanism. Responses to the ExA's Second Written Question SS 2.4 are relevant, including from the GAAC [**REP5-247**], Norfolk Gliding Club [**REP5-259**] and Suffolk County Council [**REP5-271**].
- 3.13.36 The Applicant position is that an approach of zero risk tolerance is counter to established aviation risk management practice (see page 17 of **8.4.1 Applicant's Comments on Relevant Representations [REP2-023]**), and that the possibility of operator-led mitigation is clearly intended and indeed required by paragraphs 5.5.7 and 5.5.44 of the NPS EN-1 (2024). The Applicant has explained within its response to SS 2.4 of **8.9.2 Applicant's Response to Second Written Questions [REP5-211]** how the 'Agent of Change' principle which deals with the juxtaposition between new development and existing businesses should apply in the particular circumstances of the relationship between CNP electricity infrastructure is comprehensively addressed by NPS EN-1. NPS EN-1 makes it clear that it has taken into account the contents of the NPPF. The very specific guidance on the relationship between applicants for CNP infrastructure and aerodromes in NPS EN-1 is a comprehensive and topic-specific approach which should be followed by the ExA.

Furthermore, the Applicant has emphasised that, as a regulated business, its costs are strictly constrained, requiring strong evidence to justify substantive design mitigations such as potentially lengthy overhead line diversion or undergrounding which, in the contested cases of Priory Farm, Raydon Wings and Tibenham aerodromes, has not been made available, despite repeated requests to provide this. The Applicant position is that alternative operational mitigations exist to the design mitigations proposed by operators in order to address residual risk (see reference 7.1 in Section 7 of **8.31 Response to Rule 17 Letter Received 14 July 2026 [REP7-533]**). These operators have not demonstrated compliance with paragraph 5.5.50 of NPS EN-1 (2024) under which operators are expected to review the possibility of agreeing to make reasonable changes to operational procedures, nor have they put forward evidence of demonstrable risk or harm of undertaking such changes, against paragraph 5.5.51 of NPS EN-1 (2024).

- 3.13.37 Objectors have interpreted the NPS EN-1 (2024) CNP exemption on grounds of unacceptable risk to, or unacceptable interference with, human health and public safety (paragraph 4.2.15 refers) to apply to aviation safety risks arising from unlicensed aerodrome operations, with the associated assertion of an unacceptable risk being present. Representations include those of the GAAC **[REP3-123]** Norfolk Gliding Club **[REP5-259]** and Pylons East Anglia **[REP6-229]**.
- 3.13.38 The Applicant has made clear at the Issue Specific Hearing 4 that there can be no prospect of the Project creating an unacceptable risk to public safety or human health in relation to aviation (see 7.1a within **8.5.12 Applicant's Written Summary of Oral Submissions and Response to Action Point for Issue Specific Hearing 4 [REP6-118]**). This follows the Applicant's own response to SS 2.5 within **8.9.2 Applicant's Response to Second Written Questions [REP5-211]**, **8.4.10 Applicant's Comments on Responses to ExQ1 [REP4-299]** (pages 34 to 37) and **8.5.7 Applicant's Written Summary of Oral Submission to Issue Specific Hearing 2 [REP4-302]** (pages 9 to 11). Unacceptable risk to human health or public safety resulting from aviation safety is not evidenced and has no prospect of arising in any case, as it would be unlawful for an unlicensed aerodrome operator to maintain existing aviation operations or for a pilot to take off or land if they considered (and had stated) that safety risks would be unacceptable for one or more of its runways post-mitigation. Such would be contrary to the Air Navigation Order 2016 provisions.
- 3.13.39 The Applicant takes the clear view that the operational loss of an unlicensed aerodrome is not necessary as a consequence of the Project. Residual effects, including from temporary disruption during construction (Raydon Wings), runway re-design (Chase Farm) or from the implementation of operational procedure changes (Priory Farm and Tibenham) mean that safe flying can continue and any reduction on capacity should be considered within the planning balance, albeit weighted according to NPS EN-1 requirements within paragraph 5.5.59 which makes it clear that different priorities are likely to exist depending on the licensed or officially safeguarded status of an aerodrome. Decision makers are specifically mandated to have regard to the consequences of the loss of operational capacity at licensed aerodromes. The same is not true of unlicensed aerodromes. As a matter of fact no aerodrome is formally stating it will close as a result of unacceptable safety reasons.

Conclusion and Areas of Disagreement

Main Areas of Disagreement

- 3.13.40 The Applicant's approach has been in accordance with policy, and is proportionate, objective and evidenced. Agreement has been reached with the majority of operators of aerodromes potentially impacted by the Project that the proposals are acceptable, following appropriate consultation, impact assessment and mitigation (including via changes to the Project design, where possible and where justified). Remaining areas of disagreement exist where operators suggest impacts are unacceptable, but have not evidenced their positions, nor collaborated with the Applicant to inform impact assessment or explore reasonable mitigation options. The operator-sought mitigation requirements for these contested aerodromes (insofar as they can be understood) are disproportionate, unrealistic, unnecessary and are not in accordance with NPS EN-1 expectations. The Applicant position remains that mitigation options exist to mitigate residual risk and enable operator acceptance of the Project.
- 3.13.41 Following the successful resolution of all matters outstanding regarding impacts on military aviation and defence assets, the MOD has withdrawn its objection to the Project, recognising no unacceptable risk to, or unacceptable interference within defence is present. Furthermore, unacceptable risk to human health or public safety resulting from civil aerodrome aviation safety is not evidenced and has no prospect of arising in any case. The CNP presumption is therefore not disapplied for aviation or defence.
- 3.13.42 In reaching a decision on an application, paragraph 5.5.60 of NPS EN-1 requires that the Secretary of State be satisfied that the impacts of proposed energy developments do not present risks to national security and physical safety. It is considered that the assessment undertaken by the Applicant demonstrates that this requirement has been satisfied.

Planning Weight

- 3.13.43 The Applicant considers that matters of Aviation and Defence should be afforded a neutral weighting in the planning balance.

3.14 Socio-Economics, Recreation and Tourism

Introduction

- 3.14.1 This section sets out the Applicant's approach to the assessment of the Project's effects on Socio-Economics, Recreation and Tourism.

Planning Policy Context

NPS EN-1 (2024)

- 3.14.2 NPS EN-1 recognises that nationally significant energy infrastructure may give rise to socio-economic, recreation and tourism effects. Paragraph 5.13.5 requires applicants to describe existing socio-economic conditions and assess impacts in the context of local planning policy. Paragraphs 5.13.9 to 5.13.11 require the Secretary of State to consider both the positive and negative socio-economic effects of a proposal, whilst recognising that unsupported assertions should be afforded limited weight. The NPS also requires consideration of mitigation measures, legacy benefits and opportunities to manage effects through project design and delivery. In addition, NPS EN-1 recognises that energy infrastructure can deliver wider social and economic benefits and that such benefits should be balanced against any competing interests.

NPS EN-5 (2024)

- 3.14.3 NPS EN-5 sets out the application of the Holford Rules to the routeing and design of electricity transmission infrastructure. Paragraph 2.9.17 states that route alignments should, where practicable, approach urban areas through industrial zones and, where residential or recreational land lies between an overhead line and a substation, applicants should give careful consideration to the comparative merits of undergrounding. This reflects the broader objective of avoiding or reducing adverse effects on communities, recreation resources and visual amenity through route selection and design.

NPS EN-1 (2026)

- 3.14.4 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on socio-economics, recreation and tourism impact within NPS EN-1.

NPS EN-5 (2026)

- 3.14.5 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on socio-economics, recreation and tourism impact within NPS EN-5.

National Planning Policy Framework (2025)

- 3.14.6 The NPPF recognises the important role that open space, sport and recreation facilities play in supporting healthy and inclusive communities. Paragraphs 102–104 seek to protect existing open space and recreational assets, support the provision of high-quality recreation opportunities, and ensure that any loss of such facilities is appropriately justified or mitigated through suitable replacement provision.

The Approach Taken in the Application

- 3.14.7 The Applicant's assessment of socio-economics, recreation and tourism matters is primarily set out in **6.15 Environmental Statement Chapter 15 – Socio-economics, Recreation and Tourism [REP7-296]** and supporting figures and appendices. This follows the approach outlined in **6.19 Scoping Report [APP-288 – APP-296]** and takes into consideration **6.20 Scoping Opinion [APP-297]**.
- 3.14.8 The Socio-economics, Recreation and Tourism assessment draws on findings from the following ES chapters and related documents:
- **6.7 Environmental Statement Chapter 7 – Air Quality [REP7-178]**
 - **6.10 Environmental Statement Chapter 10 - Health and Wellbeing [REP7-236]**
 - **6.13 Environmental Statement Chapter 13 - Landscape and Visual [REP7-260]**
 - **6.14 Environmental Statement Chapter 14 - Noise and Vibration [REP7-284]**
 - **6.16 Environmental Statement Chapter 16 - Traffic and Transport [REP7-302]**.
- 3.14.9 The approach taken in the application for Socio-economics, Recreation and Tourism is based on a proportionate EIA methodology that establishes the existing and future baseline, and assesses likely effects for the topics scoped into the assessment in line with the Scoping Report and Scoping Opinion. The assessment assumes that embedded design measures, standard practice and any additional mitigation are already in place before effects are evaluated, consistent with Institute of Sustainability and Environmental Professionals (ISEP) (formerly IEMA) guidance and the Project's wider EIA approach. Study Areas were defined using professional judgement, engagement with Local Planning Authorities, and experience from similar major projects, with a Local Study Area for community facilities, recreational assets and routes, a 3 km buffer for visually influenced economic effects, and a Wider Study Area for local economy, employment and visitor accommodation.

National/Regional/Local Economy

- 3.14.10 The scope of the assessment focused upon local economic effects although these are qualified through consideration at the regional and national level. The Wider Study Area which includes the Local Planning Authority areas through which the Project passes together with Norwich City Council, West Suffolk Council and Ipswich Borough Council.
- 3.14.11 Quantitative and qualitative desk-based assessment have been undertaken informed by the Applicant's experience on other, similar projects. The Project's contribution to the national, regional and local economy during construction could be in the region of £116.2 million at the national level although until contracts are let it is less certain how large the spend will be in the local economy. Paragraph 15.7.6 of **6.15 Environmental Statement Chapter 15 – Socio-economics, Recreation and Tourism [REP7-296]** notes that much of the construction spend is anticipated to go to specialist contractors, who may not be based in the local area and therefore scope for local direct employment is limited. The linear and rolling nature of the Project also means that the construction workforce would not be concentrated in one area for a significant amount of time.
- 3.14.12 Similarly indirect effects are difficult to quantify. Induced effects are those generated through an increase in spending power within the local economy. The assessment estimates that for the main construction period the Project would generate

approximately £100,620 per day to the local economy, or £26.2 million per year. Overall, the assessment concludes that the potential effects upon the local economy would be negligible to minor beneficial and not significant. Effects upon local employment, based upon a total job demand of approximately 480 jobs locally would be negligible beneficial and not significant.

Local Businesses

- 3.14.13 During the construction stage, the assessment identified that local businesses may experience temporary disruption arising from construction traffic, noise, dust, visual change and, in some locations, effects on access and amenity, which could influence trading conditions, particularly for tourism- and visitor-related businesses. Because the Project is linear, these effects are generally expected to be short-term and localised. Standard mitigation set out in **7.2 Outline Code of Construction Practice [Revision H]** and **7.3 Outline Construction Traffic Management Plan [Revision G]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, is expected to reduce most air quality, noise, traffic and transport effects. The assessment also noted that some indirect economic effects may occur in relation to individual businesses, such as loss of trade to visitor accommodation providers or as a result of temporary or permanent land-take, although these are being addressed separately through discussions with landowners rather than through the EIA. During the operation and maintenance stage, business impacts are expected to be more limited than during construction, with the assessment scope focusing mainly on any ongoing disruption to access and effects associated with Project infrastructure, while wider visual effects are considered separately in the landscape and visual assessment.

Public Rights of Way and Other Recreational Routes

- 3.14.14 **6.15 Environmental Statement Chapter 15 - Socio-economics, Recreation and Tourism [REP7-296]** contains an assessment of potential impacts on PRoWs and other recreational routes during the construction and operation (and maintenance) phase. Further detail relating to the management regime for individual PRoWs and durations of temporary or permanent closure periods is provided in **7.6 Outline Public Rights of Way Management Plan [REP7-354]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**.

Tourism and Recreation

- 3.14.15 Potential impacts on the tourism economy are expected to arise mainly during the construction phase, when temporary changes such as construction activity, traffic, noise, visual disturbance and changes to access could affect the attractiveness and convenience of tourism destinations and visitor-facing businesses. These effects are assessed in **6.15 Environmental Statement Chapter 15 – Socio-economics, Recreation and Tourism [REP7-296]** as most likely to be localised and short term, particularly where recreational or tourism assets experience temporary disruption or diverted access. The assessment also recognised that tourism-related effects have been considered alongside business, recreational and tourism assets, while more subjective issues such as wider changes in the perception of the area are not readily quantifiable in EIA terms. During operation, impacts on the tourism economy are generally expected to be more limited, with access maintained where practicable and temporary diversions provided where needed during construction.

Issues Arising During the Examination and Final Position

Baseline Conditions and Methodology

- 3.14.16 A number of Local Planning Authorities (e.g. Essex County Council, Tendring District Council) were concerned that the Socio-economics, Recreation and Tourism assessment relied on the 2019 Index of Multiple Deprivation (IMD) rather than the more recent 2025 IMD (which had been published post-submission). The ExA requested further information relevant to IMD data in their **Rule 17 letter – Request for further information relating to ancient woodlands, the approach to scenarios, environmental statement updates and bats [PD-019]**. The Applicant subsequently prepared **8.16 Health and Wellbeing and Socio economics, Recreation and Tourism Technical Note [REP4-317]** which compared and presented technical analysis of 2019 and 2025 IMD data at Local Planning Authority (including county authority) and Lower-layer Super Output Area (LSOA) level along the Project alignment. Whilst incorporating these updated datasets into the assessment of baseline conditions enabled reflection of more recent socio-economic shifts and updates to relevant indicators, the overall pattern of deprivation along the Project has remained broadly consistent between 2019 and 2025 and the updated IMD data was not considered to materially alter the overall conclusions of **6.15 Environmental Chapter 15 – Socio-economics, Recreation and Tourism [APP-271]**. An updated ES chapter was submitted into the Examination at Deadline 6 (**6.15 Environmental Statement Chapter 15 – Socio-economics, Recreation and Tourism [REP6-070]**).

National/Regional/Local Economy

- 3.14.17 Regional and local economic matters including the potential for adverse effects upon business and the workforce were raised by local authorities during examination. Local authorities requested further information including assessments to understand the potential for effects upon supply chains, workforce and local businesses both as a result of the Project in isolation and cumulatively. For example, at Deadline 1 Suffolk County Council (**Post hearing submission for Issue Specific Hearing 1 [REP1-177]** and **Joint LIR with Babergh and Mid Suffolk [REP1-178]**) raised concern over the potential for negative effects including those arising from the large number of energy projects proposed in the county requesting that the Applicant prepare an Employment and Skills Plan to provide positive provisions as mitigation and to secure the delivery of legacy benefits. Essex County Council **LIR [REP1-161]** similarly required that the Project make a significant and lasting contribution through a S106 agreement to support Essex skills and employment by assisting and encouraging local people to access apprenticeships and training. The County's stance was supported by Colchester City Council (**LIR [REP1-156]**), Braintree District Council (**LIR [REP1-148]**), Brentwood Borough Council (**LIR [REP1-150]**), and Tendring District Council (**LIR [REP1-182]**).
- 3.14.18 Thurrock Council's **LIR [REP1-187]** sought a local procurement and skills framework recognising along with Chelmsford City Council **LIR [REP1-153]** that an employment and skills plan had not been submitted with the application.
- 3.14.19 Norfolk County Council's **LIR [REP1-173]** supported by South Norfolk District **LIR [REP1-176]** sought amendments to the DCO to include for an Employment and Skills Plan wishing to see opportunities to secure positive employment and skills outcomes in accordance with NPS EN-1.

- 3.14.20 The Applicant submitted **8.13 Outline Employment and Skills Plan [REP5-215]** (OESP) at Deadline 5. The plan included an employment and skills profile, identified key skills, supply chain and employment challenges and strengths and provided a review of relevant economic policy and strategy. It set out the existing programmes operated by the Applicant, future actions around its intentions to support skills, employment and supply chain and set out how the Applicant saw delivery of the plan. An additional Requirement 15 was included within **3.1 Draft DCO [Revision H]** requiring that a Final Employment and Skills Plan be prepared and submitted to the relevant county council and Thurrock Council.
- 3.14.21 Whilst Councils broadly welcomed preparation of the OESP, Deadline 6 comments were uniform in wishing to see DCO Requirement 15 amended to make the Final ESP subject to approval by the relevant planning authorities. Furthermore, whilst Norfolk County Council **[REP6-158]** was content with the OESP some Councils also sought more information on impacts and delivery including monitoring. The Applicant maintains its position that **6.15 Environmental Statement Chapter 15 – Socio-economics Recreation and Tourism [REP7-296]** does not identify significant negative effects in relation to the local economy and employment and that as such the purpose of the OESP is to secure positive economic benefits; it is not one of mitigation. This is also an Outline ESP, which includes commitments to provide additional information in the final document (see Matters of Disagreement below). Notwithstanding, the OESP was updated in response to comments received from Essex County Council, Thurrock and Suffolk County Council. Updates for Deadline 7 included expansion on some of the outline measures proposed to encourage local supply chain engagement as well as additional clarity on the make-up and role of the proposed steering group. In addition, Requirement 15 of **3.1 Draft DCO [Revision H]** was amended to require the prior approval of the Final Employment and Skills Plan.

Local Businesses

- 3.14.22 Issues have been raised by individual businesses in relation to impacts associated with temporary or permanent land-take or perceived impacts on the day-to-day operation of businesses during both construction and operational phases. Separate discussions have continued with landowners / site operators on a case by case basis to reach agreements; it is noted that compensation falls outside of the EIA process. SoCGs have been signed with a number of individual businesses and operators, including Orsett Golf Club **[REP7-391]** and Essex International Scouts and Guides Jamboree **[REP7-389]** including whether agreement has/ has not been reached. Discussions with other operators (for example ARU Writtle) are ongoing. ARU Writtle raised concern in an early representation about the way in which potential impacts on the asset have been assessed. The Applicant was able to confirm in **8.4.11.1 Applicant's Response to ARU Writtle [REP4-348] and ExQ2 CA 2.1 and HW 2.2 [REP5-193]** that the asset has been assessed as an educational facility and that residual construction effects on the asset would be temporary, short-term, minor adverse and not significant, because access to operational buildings would be retained throughout construction.
- 3.14.23 Although access to business premises would be maintained at all times, a number of businesses and stakeholders have expressed concern about the reduced attractiveness of some areas for potential customers during construction works and / or delays resulting from traffic management and road crossings. These concerns have been addressed in **7.3 Outline Construction Traffic Management Plan [Revision G]**.

- 3.14.24 Impacts on agricultural businesses specifically are discussed in the Agriculture and Soils section earlier in Section 3 of this document.

Public Rights of Way and Other Recreational Routes

- 3.14.25 A primary issue is the temporary closure, diversion and management of footpaths, bridleways and other public rights of way during construction. Concerns raised during examination have included the length of time routes may be unavailable, cumulative effects where multiple routes are temporarily closed within the same locality, potential loss of connectivity between settlements, countryside destinations and recreational assets, availability and suitability of diversion routes and whether diversions would be accessible for all users, including mobility-impaired users, cyclists and equestrians. The Applicant has updated **7.6 Outline Public Rights of Way Management Plan [REP7-354]** during the Examination. Further detail has been added in relation to timings for specific aspects (for example the length of time PRow users may have to wait under the 'short period closures' management regime, or the length of the advance notice period given to stakeholders).
- 3.14.26 Through an iterative process of routeing and siting, the Applicant has sought to minimise, as far as practicable, impacts and disruption to all forms of PRow. The overall strategy, as set out in **7.6 Outline Public Rights of Way Management Plan [REP7-354]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, is to maintain access along PRow at all times during construction, either through managed access on their existing alignment, or through provision of appropriate diversions. As a result, no PRow would be closed without a diversion in place, and no severance of the overall network is anticipated.
- 3.14.27 A recurring concern is interaction between construction activity and PRow users. Key considerations include crossing points between PRow and haul roads, safety of walkers, cyclists and horse riders where routes intersect construction traffic and temporary traffic management measures. **7.3 Outline Construction Traffic Management Plan [Revision G]** has been updated throughout the Examination to reflect concerns raised. Examples include the provisional of additional information within **7.3 Outline Construction Traffic Management Plan [REP5-149]** at Deadline 5 relating to content of a Driver Information Pack for HGV drivers, specific to each Primary Access Route (PAR) and containing detail about where individuals could be walking/cycling and details of school routes where there could be increased walking and cycling activity; location-specific amendments include further information relating to the implementation of appropriate traffic management measures at the ARU Writtle Equine Facility crossing point to enable the safe crossing of students and horses, which was submitted at Deadline 6 (**7.3 Outline Construction Traffic Management Plan [REP6-082]**).

Tourism and Recreation

- 3.14.28 Issues raised by stakeholders have included potential impacts on recreation and tourism assets and the wider impact this may have on the visitor economy. Key concerns raised in a number of LIRs relate to visitor perceptions of construction activity, effects on countryside destinations (notably on protected landscapes such as the Dedham Vale National Landscape) and associated impacts on local businesses. Examples include South Norfolk District Council's LIR **[REP1-176]** which cites disruption during construction and changes to landscape character which could affect hospitality, retail and cultural sectors, particularly in areas such as the Waveney Valley. Although it is noted in **[REP3-02]** that South Norfolk District Council accepts

the Applicant's reasoning for the rejection of the Waveney Valley Alternative (undergrounding the powerline through this sensitive valley), the impact of construction effects on this receptor remain an area not agreed in the final SoCG with South Norfolk District Council **[REP7-102]**. Similarly, Colchester City Council raise concerns in their LIR **[REP1-156]** about significant disruption to local businesses, residents and the tourism sector during the construction phase of the Project, and potential harm to the landscape and views of rural areas during the operation phase which may discourage people from visiting and thereby reduce spending with local businesses and use of the PRoW network. Further representations have been received during the examination from parish councils (e.g. Fordham Parish Council **[REP6-148]** and Great Horkesley Parish Council **[REP6-150]**) relevant to potential impacts on tourism by virtue of changes in landscape character in areas such as the Dedham Vale National Landscape and adjacent Colne Valley.

- 3.14.29 **6.15 Environmental Statement Chapter 15 – Socio-economics, Tourism and Recreation [REP7-296]** concludes that there would be no significant effects on the tourism economy within the Wider Study Area. The Applicant is, however, committed to providing a coordinated local and regional approach to community benefits. This would be delivered outside the development consent process, since it is not a material consideration in the decision on the Project or a matter to be secured as part of the DCO, as per the Community Funds for Transmission Infrastructure: Guidance (DESNZ, 2025).

Community Benefits

- 3.14.30 If Norwich to Tilbury is granted planning consent, a dedicated Community Fund worth more than £30 million will be unlocked when construction begins. Community Funds are intended to recognise the role communities play in hosting new electricity transmission infrastructure. They are designed to deliver positive, long term benefits for those areas. The Norwich to Tilbury Community Fund is being developed in line with government guidance and would be invested in two ways: a Local Fund, with grants available for grass-roots projects and a Strategic Fund, supporting bigger, longer-term projects.
- 3.14.31 The Applicant started to consult with the local community and stakeholders from 7 July 2026 to hear their views on what is important locally and how the fund could make a difference to where they live. Engagement will continue after the close of Examination, allowing the Applicant to first start gathering broad input, and then test and develop this with communities and stakeholders in more detail. This approach builds on delivery from other projects, such as Bramford to Twinstead, and will remain flexible, adapting based on what information is gathered through the process.
- 3.14.32 To assist interested parties to gain a better understanding of why such funding falls outside of the development consent process the Applicant provided a further explanation in response to **8.30 Response to Rule 17 Letter received 30 June 2026 [REP6-132]**.

Conclusions and Areas of Disagreement

- 3.14.33 In accordance with paragraph 5.13.8 of NPS EN-1 the Project has been developed in accordance with the mitigation hierarchy to mitigate potential adverse socio-economic (and recreational) effects during construction and operation of the Project. **6.15 Environmental Statement Chapter 15 - Socio-economics, Recreation and Tourism [REP7-296]** considers how the Project might potentially impact a range of

receptors including the local and tourism economy, local businesses, community facilities, PRoWs and recreational routes. Mitigation measures are identified where appropriate to reduce negative impacts. Significant effects have been identified in relation to a number of local businesses as a result of the temporary acquisition of land during construction and effects during operation; effects would be managed through compensation agreements (which lie outside of the EIA process). Signed SoCGs have been submitted to the Examination for a number of these businesses (e.g. Orsett Golf Club, Essex International Jamboree) and discussions are ongoing with remaining businesses / operators. Significant effects have also been identified in relation to a number of PRoWs / recreational routes; the significance of effect is primarily driven by the length of diversion route required (over 500 m) rather than impacts relating to closures. Impacts relating to airfields are presented in the Aviation and Defence section earlier in Section 3 of this document.

- 3.14.34 The Applicant's socio-economic assessment reported in **6.15 Environmental Statement Chapter 15 - Socio-economics, Recreation and Tourism [REP7-296]** did not identify significant effects upon employment and skills and therefore, mitigation is not required. However, the Applicant recognises that the Project's construction represents an opportunity to deliver positive economic benefits. Consistent with policy advice contained within NPS EN-1 (2024) paragraph 5.13.12 and in response to comments made in LIRs and subsequent examination submissions the Applicant prepared **8.13 Outline Employment and Skills Plan [REP7-489]**. This document was issued to the relevant Local Planning Authorities for comment prior to submission at Deadline 5. It was then updated at Deadline 7 following additional responses received. The aim of the document is to maximise economic benefits through a series of actions and initiatives.
- 3.14.35 Deadline 6 comments received from some relevant Local Planning Authorities sought amendments to DCO Requirement 15 such that the preparation of the Final Employment and Skills Plan is to be approved by the relevant Local Planning Authorities prior to commencement of the authorised development. The Applicant amended the wording of the requirement to accommodate this request at Deadline 7 in **3.1 Draft DCO [Revision H]**.

Main Areas of Disagreement

- 3.14.36 The main area of disagreement with regard to Socio-economics, Recreation and Tourism relates to coverage of employment and skills, and specifically concern about the level of information included within **8.13 Outline Employment and Skills Plan [REP7-489]**. Whilst Norfolk County Council is content with the document (see **REP6-158**) some other Local Planning Authorities including Suffolk and Essex County Councils seek further information, including further detail on the number, type and phasing of jobs, an assessment of impacts upon supply chains and the inclusion of specific targets against which the Plan can be monitored.
- 3.14.37 The Applicant's position is that the Outline Employment and Skills Plan is an outline document which sets the framework within which the Final Employment and Skills Plan will be prepared pursuant to DCO Requirement 15. The Outline Employment and Skills Plan is not intended to be an assessment of impacts (that is the purpose of **6.15 Environmental Statement Chapter 15 - Socio-economics, Recreation and Tourism [REP7-296]**), instead it is intended to maximise the economic benefits arising from the construction of the Project. This is consistent with NPS EN-1 (2024) paragraph 5.13.12 which references the preparation of a plan detailing arrangements to promote local employment and skills development opportunities. Nevertheless, the

Outline Employment and Skills Plan does provide commitments to the types of information sought by the Councils concerning the number, type and duration of jobs, together with the relevant skills and experience sought as well as a commitment to monitoring and review. This information will be included in the Final Employment and Skills Plan and will be made available to the Regional Skills Co-ordination Function and equivalent organisations operating in the Study Area.

3.14.38 With the exception of Brentwood Borough Council and Thurrock Council, areas of disagreement remain in relation to Socio-economics, Recreation and Tourism for all Local Planning Authorities.

3.14.39 The main areas of disagreement with regards to Socio-economics, Recreation and Tourism can be summarised as follows:

- Lack of detailed baseline data, including the provision of labour and workforce detail and supply chain information. The Applicant considers that an appropriate level of information has been provided in **6.15 Environmental Statement Chapter 15 - Socio-economics, Recreation and Tourism [REP7-296]** and the **8.13 Outline Employment and Skills Plan [REP7-489]**
- In the case of Tendring District Council, the approach to mitigation is not considered to be sufficiently targeted; in the case of Braintree Borough Council, Essex County Council and Suffolk County Council, the area of disagreement relates to the mitigation of cumulative effects. Mitigation measures set out in **6.15 Environmental Statement Chapter 15 - Socio-economics, Recreation and Tourism [REP7-296]** and management plans such as **7.2 Outline Code of Construction Practice [Revision H]** and **7.3 Outline Construction Traffic Management Plan [Revision G]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, are appropriate to the impacts that have been identified
- South Norfolk District Council remains in disagreement about mitigation relating to the Waveney Valley area from a tourism perspective. The assessment presented in **6.15 Environmental Statement Chapter 15 - Socio-economics, Recreation and Tourism [REP7-296]** concludes that there would be no significant effects on the tourism economy within the Wider Study Area and no additional mitigation would be required beyond that set out in management plans such as **7.2 Outline Code of Construction Practice [Revision H]** and **7.3 Outline Construction Traffic Management Plan [Revision G]**.

Planning Weight

3.14.40 The Applicant considers that a little beneficial weighting should be afforded in the planning balance to the local economic benefits arising from direct and indirect spend into the local economy during construction, enhanced by the Applicant's commitment to delivering employment and skills initiatives via a Final Employment and Skills Strategy.

3.15 Traffic and Transport

Introduction

- 3.15.1 This section sets out the assessment of the Project's effects on Traffic and Transport.

Planning Policy Context

NPS EN-1 (2024)

- 3.15.2 Paragraphs 5.14.1 to 5.14.6 of NPS EN-1 recognise that the transport of materials, goods and personnel for energy infrastructure can create economic, social and environmental effects, including congestion and disruption to surrounding networks. NPS EN-1 paragraph 5.14.7 requires the Applicant to engage with National Highways and relevant highway authorities to assess and mitigate these impacts as part of sustainable development. Paragraphs 5.14.11 to 5.14.21 recognise a mitigation-led approach, prioritising demand management, sustainable travel, modal shift, and other measures to reduce highway impacts before new transport infrastructure is considered, and states that the Secretary of State should only refuse development on transport grounds where there would be unacceptable highway safety risks, severe residual cumulative impacts on the road network, or inadequate consideration of active, public, or shared transport provision.

NPS EN-5 (2024)

- 3.15.3 Paragraph 2.5.1 (part ii) of NPS EN-5 recognises that the linear nature of electricity networks infrastructure can provide opportunities to enhance connectivity, including through the delivery of footpaths and cycleways alongside environmental improvements. The policy therefore supports the integration of active travel and wider environmental enhancements, where appropriate, as part of electricity transmission projects.

NPS EN-1 (2026)

- 3.15.4 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on traffic and transport impact within NPS EN-1.

NPS EN-5 (2026)

- 3.15.5 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on traffic and transport impact within NPS EN-5.

National Planning Policy Framework (2025)

- 3.15.6 The NPPF promotes sustainable transport and seeks to ensure that transport issues are considered from the earliest stages of plan-making and development. Paragraphs 109–117 support opportunities to promote walking, wheeling, cycling and public transport, reduce reliance on the private car where possible, and secure safe, suitable and accessible access for all users. The NPPF also requires development to make effective use of sustainable transport modes and to mitigate any significant transport impacts arising from development.

- 3.15.7 The NPPF further requires planning decisions to ensure that development does not give rise to unacceptable highway safety impacts and that any residual cumulative impacts on the transport network are not severe. In this context, transport assessments should identify likely effects on the transport network and appropriate mitigation measures, with the overall aim of supporting sustainable growth whilst maintaining a safe and efficient transport system.

The Approach Taken in The Application

- 3.15.8 The Applicant's assessment of traffic and transport matters is primarily set out in **6.16 Environmental Statement Chapter 16 – Traffic and Transport [REP7-302]** and supporting figures and appendices. This follows the approach outlined in **6.19 Scoping Report [APP-288 – APP-296]** and takes into consideration **6.20 Scoping Opinion [APP-297]**.

Assessment of Traffic and Transport Effects

- 3.15.9 **6.16 Environmental Statement Chapter 16 - Traffic and Transport [REP7-302]** and **7.11 Transport Assessment [REP7-356]** assessed the traffic and transport construction effects of the Project, including effects on delay, severance, amenity, fear and intimidation, collisions and road safety, and parking and loading in line with guidance set out within IEMA Guidelines: Environmental Assessment of Traffic and Movement (2023). **6.16 Environmental Statement Chapter 16 - Traffic and Transport [REP7-302]** concludes that with mitigation in place there would be no significant residual effects.
- 3.15.10 Overall, the Applicant considers that the traffic and transport assessment is robust, that the proposed mitigation and monitoring framework is appropriate, and that the remaining matters are capable of being resolved through the mechanisms secured in the DCO and associated control documents. Traffic and transport matters therefore do not weigh against the making of the DCO

Environmental Statement

- 3.15.11 The traffic and transport assessment methodology was informed by the EIA Scoping Report and Scoping Opinion, with agreement sought through extensive engagement with Norfolk County Council, Suffolk County Council, Essex County Council, Thurrock Council and National Highways. Supporting documents to ES Chapter 16 include the **7.11 Transport Assessment [REP7-356]**, the **7.3 Outline Construction Traffic Management Plan [Revision G]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, and the **7.6 Outline Public Rights of Way Management Plan [REP7-354]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**.
- 3.15.12 The Applicant assessed the likely residual construction effects on the PARs connecting the Project to the Strategic Road Network (SRN), including cumulative and inter-project effects where sufficient information was available.
- 3.15.13 As set out in **Environmental Statement Appendix 16.4 - Traffic and Transport Construction Effects [APP-275]** the majority of effects were assessed as minor adverse or negligible and not significant once mitigation, as set out in **7.3 Outline Construction Traffic Management Plan [Revision G]**, was taken into account. Significant effects were limited to certain cases involving, temporary PRoW diversions greater than 500 m, and where notable temporary increases in HGV movements affected driver delay, amenity and fear and intimidation; however, these

effects would be temporary, generally short in duration, and in some cases less materially adverse where affected PRowWs are primarily leisure routes.

Transport Assessment, Junction Modelling and Mitigation

- 3.15.14 During the pre-application stage, the Applicant engaged extensively with Essex County Council, Suffolk County Council, Norfolk County Council, Thurrock Council and National Highways on the matter of junction modelling and mitigation for temporary impacts. The junction modelling approach and scope, use of peak and longer-duration construction traffic scenarios, consideration of cumulative developments and the principle of proportionate mitigation for temporary construction impacts have been presented and discussed with the relevant authorities. Following the scoping/sifting stage, the Applicant commissioned traffic surveys to supplement existing traffic data and modelled 68 junctions in total.
- 3.15.15 The Applicant has adopted a proportionate approach to junction mitigation. This is important because the traffic impacts associated with the Project are temporary and, in many locations, relate to short-duration peak construction periods. At most of the junctions where the Project would have a temporary impact, the primary cause of predicted future congestion is shown to be a combination of background traffic growth and traffic from committed developments. Physical junction mitigation was only proposed where it was considered necessary and proportionate. In other cases, the Applicant considered that the following measures, put forward in the **7.3 Outline Construction Traffic Management Plan [Revision G]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, would provide an appropriate and proportionate response: management measures such as routeing controls, monitoring, temporary signage/driver information, traffic signal optimisation, and retiming construction vehicle movements outside of peak times.

Public Rights of Way

- 3.15.16 The Applicant has developed an **7.6 Outline Public Rights of Way Management Plan [REP7-354]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, which outlines how the Project will interact with PRowWs during the lifetime of the Project. The proposed management regimes aim to minimise the impacts of construction on affected PRowWs, by maintaining access along them where possible, or by providing temporary diversions to bypass any temporary PRowW closures necessary during construction. LHA PRowW officers have been consulted with throughout the development of the PRowW Management Plan, with their feedback and comments informing the proposed mitigation and wording within the document. The Project will not result in any permanent closures of PRowWs.

Construction Routeing Strategy

- 3.15.17 The construction routeing strategy, including use of haul roads, to construct The Project is detailed within **7.3 Outline Construction Traffic Management Plan [Revision G]**. Interested parties have not raised substantive concerns regarding the Applicant's construction routeing strategy. Relevant matters have been agreed and documented within the respective SoCGs, with the exception of Thurrock Council, where the concerns are not fundamental to the strategy, instead relating to additional assessment data. The use of dedicated Haul Roads, which forms a key component of the Applicant's construction routeing strategy, reduces reliance and impacts on local and rural roads, and, where practicable, avoids sensitive areas. It has also

helped to minimise the need to widen narrow rural roads and minimise any associated vegetation loss. Consequently, potential effects on the surrounding communities and the wider public highway network are reduced.

Accesses and Highway Mitigation

- 3.15.18 The preliminary designs for highway accesses and highway mitigation measures have been developed in accordance with the relevant design standards and guidance, including Design Manual for Roads and Bridges CD123. Proportionate and consistent proposals for traffic management have been utilised to manage locations where site specific constraints restrict the deployment of potentially onerous typical solutions. As is appropriate for this stage of design, Stage 1 Road Safety Audit have been undertaken on the proposed highway access and highway mitigation designs. These are summarised in **7.11 Transport Assessment - Appendix A - Norwich to Tilbury RSA Strategy [APP-334]**.
- 3.15.19 As is industry standard procedure, elements of design will be subject to further development at detailed design stage. The Applicant is intending to reach agreement during the detailed design stage on outstanding design matters recorded with each authority.
- 3.15.20 The Protective Provisions Parts 4 and 5, in Schedule 16 to **3.1 Draft DCO [Revision H]**, secure and set out the process for the technical approval by the relevant highway authorities of the highway works (and associated designs) listed in Schedules 5 to 9 and Schedule 13 of **3.1 Draft DCO [Revision H]** and any other works for which the consent of the relevant highway authority is required pursuant to the Order.
- 3.15.21 The Applicant considers that the Protective Provisions and articles in Part 3 streets of **3.1 Draft DCO [Revision H]** provide an appropriate and robust framework to manage the detailed design and post-DCO technical approvals.

Traffic Regulation Orders including for Road Closures

- 3.15.22 The **3.1 Draft DCO [Revision H]** contains proposed Traffic Regulation Orders (TROs), including reductions in posted speed limits, road closures, parking restrictions and no overtaking orders. The TRO powers sought through the **3.1 Draft DCO [Revision H]** are intended to enable the Applicant to construct the Project safely and with minimal disruption to the public. They are considered a worst-case scenario to provide flexibility given the stage of the Project. This is consistent with the approach on previous National Grid made DCOs, including the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

Construction Traffic Management Plan

- 3.15.23 The Applicant has demonstrated a clear commitment to minimising the effects of construction traffic through the proposed control documents, including **7.3 Outline Construction Traffic Management Plan [Revision G]**. This includes measures to manage HGV routing, reduce impacts on the local highway network, and minimise disruption arising from temporary traffic management. Where specific local sensitivities have been identified, the Applicant has committed to targeted controls in line with NPS EN-1 5.14.12, including restrictions on construction vehicle movements during school arrival/departure periods and, where appropriate, during peak traffic periods on the most constrained parts of the network. The **7.3 Outline Construction**

Traffic Management Plan [Revision G] is secured by Requirement 4 of the **3.1 Draft DCO [Revision H]**.

- 3.15.24 Consistent with NPS EN-1 1 paragraph 5.14.4, the Applicant and its Main Works Contractor(s) will continue to identify and, where feasible and practicable, utilise alternative modes of transport to delivery materials and/or heavy items.
- 3.15.25 In accordance with NPS EN-1 paragraph 5.14.8. the Applicant has developed **7.3 Outline Construction Traffic Management Plan Appendix B - Outline Construction Worker Travel Plan [REP7-340]** (Outline CWTP) to reduce parking demand, support transport decarbonisation and promote sustainable travel choices. In recognition of concurrent NSIP construction activities, and following discussions with Local Highway Authorities, the Main Works Contractor(s) will explore the feasibility of a mini-bus service to site, consistent with NPS EN-1 paragraph 5.14.12.

AILs

- 3.15.26 An appropriate level of assessment and engagement was undertaken at pre-application stage by the Applicant to identify potential routes, with the approach broadly agreed in principle with all relevant highway authorities, National Highways and Network Rail. Detailed structural assessments for assets along the proposed AILs Routes were started early (during the pre-application stage) and are nearing completion with a handful still to be agreed. All AIL routes and deliveries will be secured through the formal ESDAL process.
- 3.15.27 Cable Drum and Transformer delivery routes have been assessed from coastal ports and are proposed in line with the Water Preferred Policy Guidelines as per NPS EN-1 paragraph 5.14.16. The origin of Large Mobile Crane movements is a detail to be confirmed post-consent therefore such routes have been assessed from the SRN/MRN, the suitability of which have been confirmed by National Highways.

Issues Arising During the Examination and Final Position

- 3.15.28 The Applicant recognises that a limited number of matters remain under discussion with the highway authorities. These relate principally to the form of mitigation or monitoring at a small number of junctions; the detail of Construction Traffic Management Plan (CTMP) and CWTP monitoring including vehicle caps and corrective actions; the level of detail provided on proposed TROs; site-specific access and road safety matters; AIL route confirmation; and PRow management measures. The Applicant is proposing robust monitoring and reporting mechanisms for HGV vehicle numbers, with the relevant highway authority to be made aware of each predicted instance of exceedance. The CTMP has been updated throughout examination to include additional enforcement information, with additional detailed sanctions to be included in the final CTMP.
- 3.15.29 Further targeted engagement is also ongoing with the relevant highway authorities, National Highways, AECOM and the contractor on selected locations, including construction traffic timing controls, additional modelling review and proportionate operational measures where these would avoid or reduce peak-period impacts. These matters are not matters of principle. They are capable of resolution through secured control documents, detailed design, Road Safety Audit, further technical engagement and post-consent approval processes.

Transport Assessment, Junction Modelling and Mitigation

- 3.15.30 Following the application for development consent and before the start of the DCO examination, the Applicant undertook further targeted surveys and traffic modelling to provide further assurance to the highway authorities. During the examination, engagement continued with the highway authorities about junction modelling and mitigation, which has resulted in a substantial narrowing of issues.
- 3.15.31 Only a limited number of junction-related matters are still under discussion with Norfolk County Council, Essex County Council and National Highways. These matters are set out below.

Norfolk County Council

- 3.15.32 The matter still under discussion with Norfolk County Council is the Applicant's proposal to route construction traffic on the A1066 through Diss, which Norfolk County Council disagrees with. The Applicant's position is that the proposed mitigation in the **7.3 Outline Construction Traffic Management Plan [Revision G]**, whereby the Project's HGVs would avoid the A1066 through Diss between the hours of 0700 to 1000 and 1500 to 1900, is appropriate and proportionate. The Applicant has considered alternative routes and has committed in the **7.3 Outline Construction Traffic Management Plan [Revision G]** that HGVs will use an alternative but considerably longer route during the above hours, to avoid using the A1066 through Diss at more sensitive times of day, which times were suggested by Norfolk County Council. With the proposed mitigation, the Applicant considers that there would be no unacceptable impact on highway safety and no severe impacts on the road network in Diss.

Essex County Council

- 3.15.33 Essex County Council is seeking peak hour restrictions on construction traffic flows at an additional four junctions on its highway network (site 69 A1060 Roxwell Road/Lordship Road, site 82 A129 London Road/Mountnessing Road, site 58 A131 Great Notley Bypass / Main Road and site 63 A414 Three Mile Hill / A1114 London Rd roundabout), plus three junctions (site 38 A120 Ardleigh Crown Interchange, site 47 A120 Coggleshall Road/Great Tey Road and site 48 A120 Braintree Bypass/B1018 Braintree Road) which are also partly on the SRN.
- 3.15.34 As part of ongoing discussions, the Applicant has explained to Essex County Council that the ability to utilise these junctions is critical to the efficient delivery of the Project. Imposing peak-hour restrictions or vehicle caps would have a disproportionate effect on the construction programme, resulting in delays of up to several months at certain locations and increasing with the number of affected junctions. Such restrictions would be particularly impactful where multiple PARs or extensive lengths of the Project alignment rely on the same junction.
- 3.15.35 The Applicant further considers that it would be premature to impose restrictions on these junctions at this stage. The construction traffic forecasts represent a reasonable worst case; actual traffic flows are expected to be lower and further opportunities to reduce vehicle movements are actively being explored with the Main Works Contractors. In these circumstances, the Applicant's proposed monitoring and management/mitigation framework, to be developed through the final CTMP, provides a more proportionate and flexible approach, enabling construction traffic to be monitored and appropriate mitigation measures (already outlined in **7.3 Outline Construction Traffic Management Plan [Revision G]**) to be implemented (and

targeted as specific junction arms rather than the whole junction if appropriate) based on agreed trigger points.

- 3.15.36 The traffic modelling undertaken by the Applicant demonstrates that the Project's temporary effects on the operation of site 69, site 82, site 58 and site 63 would result in only marginal changes in junction capacity when compared with the Future Base plus Committed Development scenario, and that there would be no step change in junction performance or severe traffic impacts. In particular, the modelling indicates that forecast queues would not affect upstream junctions. The Applicant has committed to including these junctions in its monitoring and management/mitigation framework and considers that a monitor and manage approach is more appropriate than imposing peak hour restrictions at this stage of project development.
- 3.15.37 However, the Applicant notes from discussions and its **Local Impact Report [REP1-161]** that Essex County Council has particular concerns about sites 58 and 63, given their location and that they are already congested in the network peak hours. Without prejudice to its overall position, the Applicant considers that the parties are well placed to reach agreement on restricting construction traffic flows at sites 58 and 63 in the AM peak hour during the peak construction period, with the details to be confirmed in the final CTMP.
- 3.15.38 As stated above, site 38, site 47 and site 48 are also partly on the SRN. The Applicant considers that once National Highways has agreed the future year traffic models of these junctions, agreement can be reached, with Essex County Council and National Highways, on appropriate mitigation, with the details to be confirmed in the final CTMP. The mitigation measures would draw upon the suite of measures in the monitoring and management/mitigation framework in the final CTMP.

National Highways

- 3.15.39 The principal matters still under discussion with National Highways are trip distribution and assignment and consequent traffic impact; junction modelling of the A120 Galleys Corner roundabout and the A12 junction 25; and mitigation of potential temporary traffic impacts at SRN junctions.
- 3.15.40 Discussions regarding the trip distribution and assignment of construction traffic, and the consequent traffic impact and future year modelling, remain ongoing. Prior to Deadline 7, the Applicant provided National Highways with a more detailed explanation of the trip distribution/assignment methodology and underlying data. The Applicant considers that it has addressed the points raised by National Highways and anticipates that the parties will be able to conclude discussions and reach agreement on these matters promptly.
- 3.15.41 National Highways has agreed the base models for 14 of the 16 junctions assessed. For Sites 46 and 48, the Applicant provided the information requested by National Highways prior to the close of examination and expects that the parties will be able to conclude discussions and agree the base models promptly.
- 3.15.42 The Applicant considers that junction modelling of the A120 Galleys Corner roundabout and the A12 junction 25 can be resolved through the traffic modelling work agreed with National Highways, expected to be completed by early November 2026.
- 3.15.43 The Mitigation of potential temporary traffic impacts at SRN junction has not yet been agreed. The Applicant confirmed in **8.9.1 Applicant's Responses to First Written**

Questions [REP3-074] its proposals for securing any necessary mitigation at junctions where discussions with the highway authorities were ongoing, comprising a monitoring and management/mitigation framework to be developed through and secured as part of the final CTMP. National Highways, in its response to the Rule 17 letter **[REP7-561]**, welcomes this approach in principle.

3.15.44 The Applicant welcomes in principle National Highways' alternative approach for dealing with the potential construction impacts at identified sensitive SRN junctions, set out in Appendix 3 to its response to the Rule 17 letter **[REP7-561]**. However, the Applicant notes the following:

- The Applicant's own list of junctions requiring mitigation, set out in **7.3 Outline Construction Traffic Management Plan [Revision G]**, does not include site 62 A12 Junction 15 (South Roundabout), site 89 A1089 / Thurrock Park Way / Dock Road (ASDA Roundabout) and site 90 M25 junction 30, for which National Highways considers that mitigation would potentially be required. However, the Applicant proposes to add these junctions to its monitoring and management/mitigation framework to be developed as part of the final CTMP.
- The Applicant set out in **8.9.2 Applicant's Response to Second Written Questions [REP5-211]** why it considers that a project-wide vehicle cap is neither necessary nor practicable for Norwich to Tilbury. However, National Highways is proposing vehicle caps for individual junctions set at the level forecast by the Applicant, which the Applicant is reviewing and will discuss with National Highways once the modelling has been agreed.

3.15.45 National Highways' response to the Rule 17 letter **[REP7-561]** also refers to a Road Safety Audit brief for the proposed changes at Copdock Roundabout (A14 Junction 55) that has not yet been provided. The Applicant will issue the Road Safety Audit brief to National Highways by the close of the Examination. The Applicant anticipates that the proposed mitigation at the A14 junction 55 Copdock Interchange, consisting in changes to lane designation markings and signage, can be agreed following completion by the end of September 2026 of a Stage 1 Road Safety Audit.

Environmental Statement

3.15.46 The examination process for the assessment of traffic and transport has identified the following key issues that remain under discussion between Essex County Council and the Applicant:

- In its LIR **[REP1-161]** and its response to ExQ1 **[REP3-078]**, Essex County Council requested that the Applicant undertake further site observations around five schools located close to a PAR, and for which the Applicant has not proposed to have restrictions on construction traffic at certain times of the school day. The Applicant undertook a review of the school locations and interactions with the PARs and considers that the findings of **6.16 Environmental Statement Chapter 16 - Traffic and Transport [APP-271]** remain valid. The Applicant's position is summarised in item ID 3.11.21 in **5.9.3 Signed Statement of Common Ground - Essex County Council (ECC) (incl LLFA) [REP7-098]**.
- Essex County Council suggested enhancement to mitigation detailed within **6.16 Environmental Statement Chapter 16 - Traffic and Transport [REP7-302]** for pedestrians, cyclists and horse-riders along PARs including potential safety schemes and LCWIP schemes. The Applicant found that although the schemes would provide a benefit to cyclists in terms of enhanced facilities, the duration of

the construction works would be notably longer than the temporary and short-term significant effects of the Project. The Applicant considers that the measures already proposed within the ES are appropriate and proportionate and would be enhanced by the commitment in the **Outline Construction Traffic Management Plan [Revision G]** to undertake a drive through survey along the PARs.

Construction Routeing Strategy

- 3.15.47 The use of Non-PARs will be monitored throughout the construction programme, with the associated activities listed within **7.3 Outline Construction Traffic Management Plan [Revision G]**. The Applicant has provided additional information and clarity on the purpose and scale of these trips within **7.3 Outline Construction Traffic Management Plan [Revision G]**, to remove concerns that any trips associated with the Project would use these routes at an intense scale. The Applicant and the Main Works Contractor(s) will continue to liaise with the interested parties to monitor traffic volumes and routes associated with these activities.

Accesses and Highway Mitigation

- 3.15.48 During the Examination, the access strategy for affected land at Writtle College was revised, removing the need for access through the college and allowing for the effect land to become class 8. Essex County Council confirmed the revised arrangement was acceptable during CAH3.
- 3.15.49 At Deadline 7 the Applicant was able to confirm the update for access arrangements associated with Scenario 4 (Flying Trade Group and Crown Quarry east and west of the A12). These arrangements include the use of the Flying Trade Group's access, under construction in 2026, with some works anticipated for use by the Project's construction vehicles.
- 3.15.50 At Deadlines 4 and 5 the Applicant confirmed the adoption of Scenario B for the Lower Thames Crossing south of the proposed new Tilbury North Substation. These updates also captured the outcomes from coordination with the Lower Thames Crossing project, following a strategy to enable the projects to flexibly adapt and coordinate as they both develop through to and during construction. Section 1.4 includes details of Change Application 2 EACN Access which was submitted during examination and resulted in amendments to the access serving the proposed EACN substation.

Traffic Regulation Order including for Road Closures

- 3.15.51 During the examination, the Applicant received a number of queries from interested parties, including the Local Highway Authorities (LHA), local residents and businesses relating to the purpose, intended duration and impacts of the proposed TROs, road closures and diversions. The Applicant has sought to answer these queries through examination responses and development of SoCGs.
- 3.15.52 There are two principal areas of remaining disagreement in relation to TROs, both of which are between the Applicant and ECC:
- The level of detail that the Applicant has provided on TROs; and
 - How the TRO powers in Article 49 of **3.1 Draft DCO [Revision H]** would operate alongside ECC's permit scheme.

- 3.15.53 On the first point, ECC states in its response to the Rule 17 Letter **[REP7-553]** that there is not the required information to determine the acceptability of the TROs. The Applicant, in June 2026, provided ECC with a technical note in response to information that it had requested. The technical note set out the purpose, justification and anticipated durations of the TROs contained within Schedule 13 to **3.1 Draft DCO [Revision H]**. Whilst the Applicant was not able to provide all of the information requested, it provided as much information as it reasonably could considering the stage of project development. The Applicant's view is that the information requested by ECC is typically provided nearer to the time when a TRO is needed, rather than at the application for development consent stage. The Applicant sought feedback on the technical note from ECC but has not yet received specific feedback.
- 3.15.54 The Applicant's position is that the TRO powers sought through **3.1 Draft DCO [Revision H]** are intended to enable it to construct the scheme safely and with minimal disruption to the public. They are considered a worst-case scenario to provide flexibility given the stage of the Project. The Applicant considers that it has provided sufficient information in the application for development consent (together with greater detail provided in the technical note) to justify inclusion of the TRO powers in Article 49(1) and the TROs listed in Schedule 13 to **3.1 Draft DCO [Revision H]**.
- 3.15.55 The purpose of the TROs, the types of restriction that may be required, and their anticipated duration have been identified and assessed to a level proportionate to the stage of project development. Whilst additional detail will become available during detailed design, this is inherent in the delivery of a nationally significant infrastructure project and does not, in the Applicant's view, prevent the Secretary of State from being satisfied that the TRO powers and specific TROs are justified in principle.
- 3.15.56 The Applicant acknowledges that the TRO process provided for in **3.1 Draft DCO [Revision H]** differs from the processes ordinarily applied by ECC and other host highway authorities, and is committed to working collaboratively with the relevant highway authorities to ensure the effective implementation of the TRO process under the DCO. To that end, the Applicant has confirmed through the **Outline Construction Traffic Management Plan [Revision G]** that, during detailed design, the Main Works Contractor will engage with the relevant highway authority to agree the form, content and timing of the TRO-specific information to be provided. Where it becomes necessary to amend a TRO contained in Schedule 13, the Applicant would utilise the variation power contained in Article 49(6) of **3.1 Draft DCO [Revision H]**.
- 3.15.57 On the second point, the Applicant considers that the inclusion of DCO traffic regulation powers is consistent with the purpose of the PA 2008 regime, which is to provide a single, comprehensive consent for nationally significant infrastructure projects. Such TRO powers have been accepted in the National Grid (Bramford to Twinstead Reinforcement) Order 2024 and other linear infrastructure DCOs to provide a proportionate mechanism for implementing traffic restrictions required for construction, operation and maintenance of authorised developments. Reliance solely on the standard TRO process would introduce additional regulatory uncertainty and potential programme risk through the need for future standalone approvals.
- 3.15.58 Minor outstanding issues also remain with:
- Suffolk County Council, which has not agreed to all proposed traffic diversion routes. The Applicant considers that these can be agreed through the detailed design process.

- National Highways, whose position **[REP7-130]** is that whilst the Protective Provisions would provide sufficient safeguarding in relation to TROs, these remain under discussion with the Applicant.

Parking Restrictions

- 3.15.59 At Deadline 7, to provide Essex County Council with further assurance, the Applicant updated the **7.3 Outline Construction Traffic Management Plan [REP7-338]** to include an enhanced commitment to engage with local residents, emergency services, the relevant highway authorities and other appropriate stakeholders in relation to the implementation of temporary parking restrictions.

Construction Traffic Management Plans

- 3.15.60 In response to concerns raised by interested parties regarding construction vehicle numbers, the Applicant has committed to a robust programme of monitoring and reporting against the traffic levels assessed in the Transport Assessment and ES. In the event that monitored traffic levels exceed those assessed, the Applicant has committed to engaging with the relevant Local Highway Authority to investigate and agree any necessary mitigation and/or corrective measures.
- 3.15.61 Essex County Council has raised concerns regarding the availability of suitable HGV parking and welfare facilities, noting existing pressures. The Applicant will provide suitable HGV parking and welfare facilities at site compounds and will monitor the parking of HGVs, with information included in the driver management pack on suitable rest locations.

Emergency Services

- 3.15.62 The Applicant has engaged with the Joint Police Forces and other emergency services throughout the pre-application and examination phases to gain an understanding of their concerns, with a view to agreeing any necessary mitigation. SoCGs have been developed and signed with Essex Police, Suffolk Constabulary and the East of England Ambulance Service.
- 3.15.63 The Joint Police Forces' principal concern has been to understand when the number, origin and routing of AIL movements will be confirmed, given their requirement for a minimum 18-month lead-in period to recruit and train additional police resources, and how funding for those resources will be secured.
- 3.15.64 The Applicant committed in **7.3 Outline Construction Traffic Management Plan [REP7-338]** at Deadline 7 to setting up and maintaining, during the construction phase, a Transport, Community Safety and Cohesion Working Group, and a Security Partnership Working Group, to be attended by the Police Forces and other emergency services. The Applicant also committed in **7.2 Outline Code of Construction Practice [REP7-322]** to preparing an Incident Response and Management Plan (IRMP) as an appendix to the Final CoCP.
- 3.15.65 The Applicant has committed to meeting all reasonable and proportionate costs incurred by the Police where they relate to non-core policing activities that are justified and necessary for the Project (noting National Grid's duty to act economically and efficiently), including AIL Police escort services. The Applicant has also committed to proactively engage with the Joint Police Forces to provide them with the necessary information to undertake resource modelling and operational planning.

- 3.15.66 The Applicant and the Joint Police Forces are negotiating a legal agreement concerning the arrangements for the delivery of services by the Joint Forces relating to abnormal indivisible loads ("AILs"). Whilst it has not been possible to reach agreement prior to the close of the Examination, all parties remain committed to concluding that agreement as expeditiously as possible.
- 3.15.67 The legal agreement will not, in and of itself, secure the provision of funding in respect of additional costs reasonably incurred by the Joint Forces in providing more than one AIL Police escort per week, including the costs of planning, coordination, operational readiness and training, as well as deployment of those specialist resources. The parties are proceeding on the assumption that a further agreement, to be entered into in the event that development consent for the Project is granted by the Secretary of State, will be necessary in order to address matters of future funding.
- 3.15.68 Whilst the Applicant is aware of a similar commitment to funding having been secured in the context of the Sizewell C Project, and indeed has no in principle objection to the provision of funding in respect of those elements of the required AIL services which cannot otherwise lawfully be carried out, the Applicant is also cognisant of the novelty of the situation and the need to ensure that it acts in a manner which is commensurate with its statutory duty to act economically and efficiently.
- 3.15.69 As a consequence, the Applicant respectfully requests that the Examining Authority takes account of these matters in its Recommendation Report and, further, that the Secretary of State confirms in its decision, if it is minded to grant development consent for the Project, that costs associated with the required AIL services including and above the one AIL movement a week in order to meet the Applicant's programme (including costs associated with planning, coordination, operational readiness and training, as well as deployment of those specialist resources) are reasonable costs to be borne by the Applicant.

AILs

- 3.15.70 The Applicant will secure all AIL routes through the formal ESDAL process, liaising with the LHAs, Police Forces and other relevant parties during the detailed design and construction stages.
- 3.15.71 This includes agreeing any required mitigation, including in relation to affected structures, escorting requirements and securing any necessary permits through established statutory processes. The ongoing nature of these matters has been accepted by the relevant the LHAs, National Highways and Constabularies.

Conclusions and Areas of Disagreement

- 3.15.72 **6.16 Environmental Statement Chapter 16 - Traffic and Transport [REP7-302]** provides an assessment of the Project's likely significant effects on traffic and transport. Although significant effects have been identified they do not give rise to unacceptable effects on the surrounding transport network and sensitive receptors, given their temporary and short-term nature.
- 3.15.73 Having regard to the mitigation measures proposed by the Applicant and the monitoring and management/mitigation framework to be implemented through the final CTMP, the Applicant considers that the Project's construction traffic impacts can be effectively managed and that the Project would not have an unacceptable impact

on highway safety or result in severe residual cumulative impacts on the SRN or local road network.

- 3.15.74 Effects resulting from the diversion of a limited number of PRowS during construction and operation will be managed appropriately in accordance with the **7.6 Outline Public Rights of Way Management Plan [REP7-354]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**.
- 3.15.75 The Project also includes measures in the **7.3 Outline Construction Traffic Management Plan [Revision G]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, to encourage sustainable transportation for the workforce, in a way which reduces both environmental and social impacts on the local area.
- 3.15.76 The Examination has resulted in a substantial narrowing of transport-related issues, with the majority of matters either agreed or capable of resolution through ongoing discussions; detailed design; the Protective Provisions for the highway authorities and the Protective Provisions for National Highways; established approval processes; and the final CTMP. The control measures in **7.3 Outline Construction Traffic Management Plan [Revision G]** have been significantly strengthened following feedback from the highway authorities.
- 3.15.77 Updated Protective Provisions for the highway authorities and Protective Provisions for National Highways, considering comments received, have been included in **3.1 Draft DCO [Revision H]**. In parallel, the Applicant is negotiating a Framework Highways Agreement with the Local Highway Authorities. The Applicant is also negotiating a legal agreement with Essex Police and Suffolk Constabulary concerning the funding of ALL Police escorts.
- 3.15.78 SoCGs have been signed with all the host highway authorities, National Highways, Essex Police, Suffolk Constabulary and the East of England Ambulance Service.
- 3.15.79 Paragraph 5.14.21 sets out that the Secretary of State should only consider refusing development on highways grounds '*if there would be an unacceptable impact on highway safety, residual cumulative impacts on the road network would be severe, or it does not show how consideration has been given to the provision of adequate active public or shared transport access and provision*'. The Project will not generate any of these adverse effects during operation. The Project is therefore in accordance with the transport and access policies of NPS EN-1 and NPS EN-5.

Main Areas of Disagreement

- 3.15.80 The main areas of disagreement with regard to traffic and transport can be summarised as follows:
- **Peak-hour traffic restrictions in Essex:** Essex County Council is seeking peak-hour restrictions on construction traffic at seven additional junctions. The Applicant considers that restrictions are warranted at three of these junctions and proposes that the remaining four junctions be managed through the monitoring and management/mitigation framework to be secured in the final CTMP. Essex County Council has also suggested the delivery of sustainable transport measures and road safety schemes along certain PARs; however, the Applicant's assessment is that the scale and nature of the Project's impacts (for which mitigation is already proposed) would not justify the implementation of the proposed schemes.

- **SRN junction modelling and mitigation:** Discussions with National Highways remain ongoing regarding trip distribution and assignment and the resultant traffic impacts and junction modelling and mitigation, although the Applicant anticipates that all these matters can be resolved by early November 2026.
- **Construction traffic routing through Diss:** Norfolk County Council objects to the proposed use of the A1066 through Diss by the Project's construction traffic. The Applicant considers that the proposed CTMP mitigation, including time-based restrictions on HGV movements through Diss, is appropriate and proportionate.
- **Traffic Regulation Orders:** Essex Council maintains concerns regarding the level of detail provided in support of the proposed TROs; and how the DCO TRO powers would operate alongside ECC's permit scheme. The Applicant considers that sufficient information has been provided at the current stage of design and that the DCO approach is appropriate

Planning Weight

- 3.15.81 The Applicant considers that matters of Traffic and Transport should be afforded a neutral weighting in the planning balance.

3.16 Water Environment

Introduction

- 3.16.1 This section sets out the Applicant's approach to the assessment of the Project's effects on the Water Environment, inclusive of flood risk and land drainage.
- 3.16.2 These assessments were prepared and informed by a detailed programme of engagement with the Environment Agency, the Lead Local Flood Authorities and the Water Management Alliance Internal Drainage Boards.

Planning Policy Context

NPS EN-1 (2024)

- 3.16.3 Paragraphs 5.8.13 to 5.8.15 of NPS EN-1 require a Flood Risk Assessment (FRA) to be undertaken for energy projects where there is potential flood risk, including sites within Flood Zones 2 and 3 and certain developments within Flood Zone 1. The policy requires FRAs to identify and assess all sources of flood risk to and from the development, taking climate change into account and demonstrating how those risks will be managed.
- 3.16.4 Paragraphs 5.8.14 and 5.8.15 further require FRAs to be proportionate to the scale, nature and location of the Project, considering both the risk of flooding to the development and the risk arising from it. Assessments should account for all forms of flooding, including cumulative effects where relevant, identify opportunities to reduce flood risk, and demonstrate that any residual risks can be managed safely throughout the lifetime of the development.
- 3.16.5 Paragraphs 5.8.24 to 5.8.29 set out the requirements for surface water drainage and future drainage management. The policy requires the development of drainage systems to mitigate the risk of adverse impacts to third parties, encouraging the use of sustainable drainage systems (SuDS) to achieve the requirement.

NPS EN-5 (2024)

- 3.16.6 Paragraphs 2.3.2 and 2.3.3 of NPS EN-5 require applicants to consider the resilience of electricity networks infrastructure to climate change, including the potential effects of flooding. In particular, applicants should identify the extent to which infrastructure may be vulnerable to flooding and demonstrate how resilience has been incorporated into the design, particularly for substations that are important to the operation of the electricity network.
- 3.16.7 Paragraph 2.3.3 further requires the resilience of the Project to climate change to be assessed, with future flood risk considered through the FRA. The policy therefore promotes a risk-based approach that seeks to ensure electricity network infrastructure remains resilient to the effects of climate change throughout its operational lifetime.

NPS EN-1 (2026)

- 3.16.8 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on water environment impact within NPS EN-1.

NPS EN-5 (2026)

- 3.16.9 The Applicant notes that there are no substantive changes to the assessment or Secretary of State decision-making criteria on water environment impact within NPS EN-5.

National Planning Policy Framework (2025)

- 3.16.10 The NPPF adopts a risk-based approach to flood risk and seeks to avoid inappropriate development in areas at highest risk of flooding. Paragraph 170 requires development to be directed away from areas at greatest flood risk where possible, whilst paragraph 175 requires the application of the Sequential Test, taking account of all sources of flooding and future climate change effects. The NPPF further requires development to be safe for its lifetime, not increase flood risk elsewhere, and where possible reduce flood risk overall. Paragraph 178 establishes the Exception Test for development in areas at risk of flooding, requiring wider sustainability benefits to outweigh flood risk and demonstrating that flood risks can be appropriately managed.

The Approach Taken in the Application

- 3.16.11 The Applicant's assessment of hydrology, land drainage and flood risk matters is primarily set out in **6.12 Environmental Statement Chapter 12 – Hydrology, Land Drainage and Flood Risk [REP7-257]** and supporting figures and appendices. This follows the approach outlined in **6.19 Scoping Report [APP-288 – APP-296]** and takes into consideration **6.20 Scoping Opinion [APP-297]**.
- 3.16.12 Effects have been avoided where practicable, for example, through the placement of new pylons outside of the floodplains of watercourses, situating the proposed new substations in areas of low flood risk and maintaining buffers between watercourses and construction activities with the potential to cause pollution.
- 3.16.13 In addition, a suite of good practice measures has been identified to reduce effects. These are set out in the **7.2 Outline Code of Construction Practice [Revision H]**,

secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, and several have been shaped following engagement with key water environment regulators.

- 3.16.14 The assessments conclude that, through design and with the good practice measures in place there would be no significant residual effects on the water environment, inclusive of flood risk and drainage.

Water Framework Directive Compliance

- 3.16.15 A Water Framework Directive (WFD) screening assessment (**7.10 Water Framework Directive Assessment [APP-332]**) was undertaken for the proposed reinforcement. The assessment followed a staged approach, and each stage was shared with the Environment Agency. In stage 1 the Projects Zone of Influence was defined and in Stage 2, 39 surface waterbodies (including one transitional waterbody) and five groundwater bodies were screened into the assessment.
- 3.16.16 Stage 3 of the assessment concluded the potential for negative effects on surface waterbodies linked to Project activities such as watercourse crossings for construction access and installation of the cables, as well as general construction and construction waste handling/treatment.
- 3.16.17 Stage 4 concluded that the residual effects of the screened in activities on the screened in waterbodies would be negligible following implementation of the embedded and standard mitigation measures outlined. There would be no deterioration at the waterbody scale, and the Project would not prevent implementation of any planned measures set out in the relevant River Basin Management Plans. It also demonstrated that there would be no new or different effects allowing for flexibility within the LoD. The assessment concluded that the Project is compliant with the objectives of the WFD.
- 3.16.18 The Environment Agency have confirmed broad satisfaction with these conclusions.

Surface Water Drainage and Future Management

- 3.16.19 **8.2 Drainage Strategy DCO [REP7-375]** has been prepared that provides the outline proposals for drainage required for the construction and operation (and maintenance) of the Project. The outline strategy reflects the current design maturity of the Project, with a commitment securing the preparation of a more detailed drainage plan by the appointed Main Works Contractor(s).
- 3.16.20 **8.2 Drainage Strategy DCO [REP7-375]** was prepared in accordance with the National standards for sustainable drainage systems (Defra, 2025b) and local Lead Local Flood Authority (LLFA) guidance. It sets out how surface water runoff would be managed in terms of both water quality and water quantity, by providing a range of SuDS within the Order Limits.
- 3.16.21 With robust drainage systems in place, secured by **8.2 Drainage Strategy DCO [REP7-375]** and requirement GG22 of **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, that are maintained over the lifetime of the development, there would be no impact on existing land drainage regimes, water quality nor surface water flood risk.

Water Resources (Including Water Quality)

- 3.16.22 Impacts on water resources, including water quality, during operation of the Project where scoped out, as agreed by the Inspectorate within **6.20 Scoping Opinion [APP-297]**.
- 3.16.23 During construction of the Project a range of standard mitigations are described in **7.2 Outline Code of Construction Practice [Revision H]** and secured by Requirement 4 of the **3.1 Draft DCO [Revision H]** to protect water quality and to driver water resource use efficiency. As a consequence, no significant residual effects on water resources have been concluded.

Main Rivers/Ordinary Watercourses/Drainage Systems

- 3.16.24 The Project would cross numerous main rivers and ordinary watercourses (using bridges and culverts) and has the potential to interact with existing land drainage systems. These were identified as receptors within **6.12 Environmental Statement Chapter 12 – Hydrology, Land Drainage and Flood Risk [REP7-257]**, and the potential for effects on the integrity of these receptors, in terms of their hydromorphology, water quality and flood regimes were assessed.
- 3.16.25 The assessments concluded that, with a range of standard and additional mitigation measures in place, described within **7.2 Outline Code of Construction Practice [Revision H]** and secured by Requirement 4 of the **3.1 Draft DCO [Revision H]**, effects on main rivers, ordinary watercourses and drainage systems would be negligible and not significant.

Dewatering/Abstraction/Discharging and Licencing

- 3.16.26 **6.9.A3 Environmental Statement Appendix 9.3 - Groundwater Baseline and Qualitative Groundwater Risk Assessment [REP7-234]** has assessed the potential impacts from dewatering.
- 3.16.27 Large-scale dewatering (where groundwater is actively lowered below a specific pre-planned level) is not anticipated to be required and consequently changes to groundwater levels and flows is not anticipated. Following completion of ground investigation and the detailed design of the Project, if dewatering is proposed for any locations, a Hydrogeological Risk Assessment in accordance with commitment GH11 within **7.2 Outline Code of Construction Practice [Revision H]** (secured by Requirement 4 of **3.1 Draft DCO [Revision H]**) will be undertaken. Also, commitment GH07 secures that any temporary dewatering activities during construction will be undertaken in accordance with Environment Agency guidance including appropriate assessment undertaken as required by the guidance, and if required, an Abstraction Licence and Environmental Permit (for the discharge) will be obtained, and the works will be limited to the depth and time required to facilitate construction activities.

Sequential Test and Exception Test

- 3.16.28 In line with the requirements of the Sequential Test, most of the Project lies within Flood Zone 1 and in zones that are at low risk of flooding from other sources. This has been achieved through an iterative process of design informed by detailed routeing and siting studies and stakeholder feedback.
- 3.16.29 However, given the linear nature of the Project and its large geographical scale, avoidance of all areas of fluvial floodplain and areas at risk of surface water flooding

is not practicable. Works in these areas however are largely temporary, associated with construction of the Project.

- 3.16.30 The Exception Test is therefore triggered. The first part of the test is satisfied as the Project is a NSIP that would play an important role in delivering renewable electricity efficiently, reliably and safely and will support the UK's move towards net zero. Through a detailed FRA (**7.9 Flood Risk Assessment [APP-331]**) it has also been demonstrated that the Project would not result in an increase in flood risk elsewhere and has been designed to be resilient to flooding throughout its lifetime, thereby satisfying the second part of the test.

Flood Risk Resilience

- 3.16.31 The effects of climate change on rainfall intensity are included for in the operational drainage design in accordance with the upper end allowances for the 2050s epoch for each management catchment. LLFA guidance for applying climate change allowances to temporary drainage designs has also been considered in the **8.2 Drainage Strategy DCO [REP7-375]** in line with commitment W08 in **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**.
- 3.16.32 Where cables cross beneath watercourses, commitments to burial depths and set-backs would reduce the risk that flood events and erosion expose underground cables in the future.
- 3.16.33 The pylon and overhead line elements of the Project are inherently flood resilient by their design and flood resilience for the new and proposed extensions to substations has been embedded into the design of the Project by siting these in areas that are at low risk of flooding now and in the future.

Issues Arising During the Examination and Final Position

- 3.16.34 The water environment was not a topic selected for oral examination at any of the hearings.
- 3.16.35 Through written questions, the focus issues were flood risk and drainage matters, as summarised below.
- 3.16.36 Disapplication of section 23 of the Land Drainage Act was also a topic on which the Applicant engaged with the Lead Local Flood Authorities and the Water Management Alliance during the examination. These bodies have accepted the offered protection provisions, which mirror the statutory two-month period for determination of approvals for qualifying works and have confirmed their consent to the disapplication of section 23 of the Land Drainage Act 1991. 3.16.41

Water Framework Directive Compliance

- 3.16.37 No issues linked to Water Framework Directive compliance were raised by the Environment Agency, who are the statutory consultee, during examination.

Surface Water Drainage and Future Management

- 3.16.38 In question WE 1.7 in **Examining Authority's Written Questions 1 (ExQ1) [PD-014]** the ExA requested confirmation if all surface water runoff from construction sites and permanent works will be managed in line with SuDS. The Applicant confirmed in

8.9.1 Applicant's Responses to First Written Questions [REP3-074] this to be the case and that surface water drainage systems will be designed to ensure there is no impact on third party land and downstream catchments.

- 3.16.39 In question WE 1.8 in **Examining Authority's Written Questions 1 (ExQ1) [PD-014]** the Applicant was requested to respond to the residual concerns of several of the LLFAs about the management of surface water. The Applicant acknowledged these concerns in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]** and continued to engage and work with the LLFAs to resolve them. This resulted in several further iterations of **8.2 Drainage Strategy DCO [REP7-375]**, as well as updates to the wording of a number of relevant commitments within **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**.
- 3.16.40 Significant progress has been made, as detailed in the SoCGs between the Applicant and the LLFAs, with all matters being at agreed status with Thurrock and Suffolk LLFAs (**5.9.2 Signed Statement of Common Ground - Suffolk County Council (SCC) (incl LLFA and Highways) [REP7-096]** and **5.9.4 Final Statement of Common Ground - Thurrock Council (TC) (incl LLFA and Highways) [REP7-100]**), and a positive position reached with Essex LLFA (**5.9.3 Signed Statement of Common Ground - Essex County Council (ECC) (incl LLFA) [REP7-098]**), who acknowledge that the further detail sought will be provided at the next design stage of the Project.
- 3.16.41 Despite the revisions to **8.2 Drainage Strategy DCO [REP7-375]**, there are matters not agreed with Norfolk LLFA which primarily relate to drainage. The LLFA consider that a lack of detailed ground investigation data to characterise infiltration rates across the whole Project means that there is not sufficient information to be able to judge the sufficiency of mitigation. The Applicant's position on this matter, is that infiltration potential has been determined through desk study, and where appropriate, space is provided within the Order Limits to accommodate alternative solutions (in accordance with the discharge hierarchy) if at the detailed design stage, the Main Works Contractor(s) proves that infiltration-based drainage features would not be viable. Similar matters are still not agreed with Essex LLFA.

Water Resources

- 3.16.42 Question WE 1.12 in **Examining Authority's Written Questions 1 (ExQ1) [PD-014]** was linked to commitment W04 in **7.2 Outline Code of Construction Practice [Revision H]**, that secures protections for active private water supplies during construction of the Project. A reworded commitment was requested that gives greater assurance of intervention and protection of private water supplies.
- 3.16.43 This commitment was updated and the Applicant also highlighted the protections secured by commitment GH11 in **7.2 Outline Code of Construction Practice [Revision H]** which stipulates that a Hydrogeological Risk Assessment will be undertaken to assess the specific risks to any private water supplies identified as potentially vulnerable and identify any additional mitigation or remediation that may be required, which will be agreed with the Environment Agency or other stakeholders as appropriate.

Sequential Test and Exception Test

- 3.16.44 Question WE 1.11 in **Examining Authority's Written Questions 1 (ExQ1) [PD-014]** was linked to commitment W07 in **7.2 Outline Code of Construction Practice**

[Revision H] that states that in Flood Zone 3 work will be laid out in accordance with the sequential test. An explanation as to what this means was requested, alongside a reworded commitment to ensure clarity.

- 3.16.45 The Applicant clarified that the intention of commitment W07 in **7.2 Outline Code of Construction Practice [Revision H]** is to ensure that construction work sites in areas at higher risk of flooding are laid out in accordance with the sequential approach. This means that where there is a varying degree of flood risk across a work site, the most vulnerable components would be placed in the areas at lowest risk.
- 3.16.46 An amendment to commitment W07 was included in the next iteration of **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, to resolve this matter.

Flood Risk Resilience

- 3.16.47 Several queries were raised by Pylons East Anglia following an independent technical examination of the **7.9 Flood Risk Assessment [APP-331]**, which the ExA requested responses to in question WE 1.3 in **Examining Authority's Written Questions 1 (ExQ1) [PD-014]**.
- 3.16.48 Full responses were provided to each of the queries in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**. Robust justification was provided as to why velocity modelling, scour assessments and blockage scenario modelling have not been undertaken. Commitment W07 in **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, was revised to address the request raised. Clarification was also provided as to the climate change allowances adopted within the design for Essex.
- 3.16.49 In question WE 1.5 in **Examining Authority's Written Questions 1 (ExQ1) [PD-014]** the ExA highlighted the number of individual Relevant Representations from property owners highlight a concern regarding increased risk of flooding. The Applicant provided site-specific responses to the concerns raised in **8.9.1 Applicant's Responses to First Written Questions [REP3-074]**.
- 3.16.50 No other matters were raised on any other items listed within the initial assessment of principal issues within the ExA's **Rule 6 Letter [PD-009]**.

Conclusions and Areas of Disagreement

- 3.16.51 **6.12 Environmental Statement Chapter 12 – Hydrology, Land Drainage and Flood Risk [REP7-257]** provides an assessment of the Projects likely significant effects on the water environment, including land drainage and flood risk. No effects deemed significant have been identified on sensitive receptors including watercourses and their floodplains, existing development and infrastructure. Temporary and short-term effects associated with construction of the Project, would be managed and controlled through adoption of standard and additional mitigation measures, including robust surface water runoff and land drainage management systems.
- 3.16.52 The Applicant has submitted a Sequential and Exception Test as part of the FRA in accordance with paragraphs 5.89 to 5.8.11 of NPS EN-1. The FRA demonstrates that the requirements of NPS EN-1, NPS EN-5 and the NPPF and its associated PPG and relevant local plan policies with respect to flood risk have been met.

- 3.16.53 The assessment presented in **6.12 Environmental Statement Chapter 12 - Hydrology, Land Drainage and Flood Risk [REP7-257]** has concluded that with mitigation measures (set out in the **7.2 Outline Code of Construction Practice [Revision H]**) in place there are no likely long term significant residual effects in relation to water environment receptors during the construction of the Project. This is deemed compliant with NPS EN-1 and NPS EN-5.

Main Areas of Disagreement

- 3.16.54 The primary area of disagreement with regard to the water environment is related to the level of detail provided within the **8.2 Drainage Strategy DCO [REP7-375]**, which Norfolk LLFA and Essex LLFA consider is not sufficient to demonstrate the sufficiency of mitigation to manage rainfall runoff and surface water flood risk during construction of the Project.
- 3.16.55 The Applicant considers the **8.2 Drainage Strategy DCO [REP7-375]** reflects the current design maturity of the Project. Commitment GG22 within **7.2 Outline Code of Construction Practice [Revision H]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**, provides for the Main Works Contractor(s) to prepare a detailed Surface Water Management Plan to inform discharge of the DCO Requirement 4. The Plan will be substantially in accordance with **8.2 Drainage Strategy DCO [REP7-375]**.

Planning Weight

- 3.16.56 The Applicant considers that the Water Environment should be afforded neutral weighting in the planning balance.

4. Other Matters

4.1 Treasury Green Book

Policy and Legal Framework

- 4.1.1 PEA has raised compliance with the Treasury Green Book as a material planning consideration.
- 4.1.2 The Treasury Green Book (both the 2023 version current at the time of the DCO application and the 2026 version) is and has always been a tool for use by Ministers and public servants when government policy is being formulated. It is clear from the Green Book itself that it constitutes guidance to public servants advising Ministers on policy options, including those relating to projects, that involve the use of public resources, and is mandatory for UK government departments. That is the Green Book's purpose and its proper domain, and is confirmed not merely by its own terms but by settled legal authority.
- 4.1.3 For the Green Book to constitute a mandatory material consideration capable of having a bearing on a DCO determination, PEA must satisfy the test established by the Court of Appeal in *DLA Delivery Ltd v Baroness Cumberlege of Newick* [2018] EWCA Civ 1305, under which a consideration is material either because statute makes it so, or because it is so obviously material to a decision that regard must be had to it. The PA 2008 says nothing about any requirement to have regard to Green Book guidance, and no DCO decision made to date has factored in Green Book guidance as a material consideration, nor has any judicial review challenge been brought on that basis in respect of any DCO decision.

Approach Taken by the Applicant

- 4.1.4 The Applicant's position, maintained without deviation from the pre-application stage and throughout the Examination, is that the Green Book provides guidance on the interpretation by public servants of public spending, assets and resources, that it is not relevant to the Applicant as an Ofgem-regulated business, and that there is no requirement under the PA 2008 to include a Green Book assessment in a DCO application.
- 4.1.5 Consideration of project costs and the regulatory funding settlement is the subject of a separate Ofgem regulatory process, and it is neither a legal requirement nor appropriate for the Planning Inspectorate, the ExA, or the Secretary of State to seek to duplicate that separate regime.
- 4.1.6 A full and transparent cost model underpinning the options appraisal has been available throughout the Examination in the **7.17 Strategic Options Backcheck and Review [APP-355]** and its Appendix D, setting out in auditable detail how option appraisal costs were evaluated across all relevant technology types, and that methodology has been tried and tested through numerous previous projects, formal examination processes, and decisions by the relevant Secretary of State.

Issues Arising During the Examination

- 4.1.7 PEA has maintained throughout the Examination that the Green Book applies to and constitutes a mandatory consideration in the Secretary of State's determination of this DCO application, relying on the legal opinion of Charles Banner KC.
- 4.1.8 PEA's contentions are that: where the relevant NPSs engage matters to which the Green Book relates, the use of the Green Book and its supplementary business case guidance must be applied; the Green Book is a material consideration in the section 104(7) planning balance; and that a failure by the ExA or the Secretary of State to have regard to it would constitute an error of law.
- 4.1.9 At Deadline 6, PEA advanced additional arguments based on subsequent legal and policy developments. PEA's position is that the Environmental Principles Policy Statement (EPPS) binds the making and revising of policy; that NPS EN-1 and NPS EN-5 are the relevant policies for this Project; that those policies contain the appropriate natural capital, ENCA, and Environment Act references; and that therefore the Project decision must properly apply those NPS requirements. PEA further relies upon the updated Green Book of February 2026, which PEA says instructs practitioners to note the statutory duties around the EPPS and biodiversity so that consideration of the natural environment is embedded in proposals from the outset. PEA also provided a report re-emphasising its position that Green Book methodologies should be applied to the appraisal and evaluation of alternatives for this Project and other electricity infrastructure projects, relying on examples as evidence of Green Book use in planning decisions. The Applicant noted that none of those examples included a DCO decision.

Assessment

- 4.1.10 The Green Book does not apply to DCO decisions as a matter of law. The Applicant's position is set out below.
- 4.1.11 In *R (People and Planet) v HM Treasury* [2009] EWHC 3020 (Admin), which arose from the government's intervention in Royal Bank of Scotland, Sales J held that policy-makers retain a large measure of discretion as to what considerations they may take into account or leave out of account when conducting an assessment in accordance with the Green Book in formulating policies and taking decisions, and confirmed that the Green Book left HM Treasury a wide discretion to decide what investigations it thought were required. That analysis, properly read in its context, concerned the formulation of government policy regarding UKFI⁴. There is nothing in that judgment to suggest any requirement to apply the Green Book when a Secretary of State is determining an individual DCO application brought by a privately regulated business under the PA 2008.
- 4.1.12 To the extent that the Green Book has any relevance to matters before this Examination, that relevance is to the formulation of government policy, not to the taking of individual DCO decisions or the application of adopted policy to those decisions. If a Green Book-based challenge to the consideration of alternatives were ever to be mounted, it should properly have been directed at the designation of the relevant NPS and not at this Examination.

⁴ According to Gov.UK, UK Financial Investments Limited (UKFI) manages the government's investments in the Royal Bank of Scotland (RBS), Lloyds Banking Group (Lloyds) and UK Asset Resolution Ltd (UKAR).

The DLA Delivery test is not met on either limb

- 4.1.13 On the second limb of the DLA Delivery Ltd v Baroness Cumberlege of Newick [2018] EWCA Civ 1305 test, the ‘so obviously material’ criterion cannot be met when the guidance itself and every case that has considered it confine the Green Book’s relevance to the making of government policy and not to individual decision-taking. The proposition that guidance which courts have consistently treated as a policy-making instrument for government ministers is somehow so obviously material to the determination of a private developer’s DCO application that non-compliance constitutes a legal error is unsustainable.

The subsequent legal developments relied upon by PEA do not alter the analysis

- 4.1.14 The EPPS point is disposed of by reference to section 17(2) of the Environment Act 2021, which provides in unambiguous terms that a policy statement on environmental principles is a statement explaining how the environmental principles should be interpreted and proportionately applied by Ministers of the Crown when making policy: the duty attaches to Ministers making policy, not to private project promoters and not to the Secretary of State when exercising a quasi-judicial function in determining an individual DCO application.
- 4.1.15 PEA relies on the Court of Appeal’s decision in R (Rights: Community: Action Ltd) v Secretary of State [2025] EWCA Civ 990, in which the court confirmed that the EPPS duty to have due regard applies throughout the stages of making a policy. That case does not assist PEA: it concerned a Ministerial Statement about government policy, and Holgate LJ’s analysis throughout is directed at the obligations of Ministers engaged in the making of policy. Holgate LJ made clear that the duty to have due regard to the EPPS applies when a policy is being developed and not simply at the point when it is adopted. The Applicant is not a Minister; it is not making policy; the EPPS duty does not attach to it, and nor does it attach to the Secretary of State when performing the quasi-judicial function of determining an individual application under the PA 2008.
- 4.1.16 PEA’s argument that the Green Book’s reference to infrastructure with ‘societal impact’ extends its scope to all privately promoted infrastructure is incorrect: that supplementary guidance is addressed to government practitioners appraising public expenditure decisions, and the reference to societal impact contextualises the breadth of costs and benefits to be considered within that public expenditure appraisal framework; it is not an extension of that framework to all privately promoted infrastructure. On PEA’s reading, virtually every significant infrastructure project in the country would be subject to mandatory Green Book compliance, a conclusion that finds no support in statute, policy, or authority.

The Charles Banner KC⁵ opinion does not establish legal defect

- 4.1.17 Charles Banner KC maintains that the Green Book is a material consideration for the section 104(7) planning balance and that non-application constitutes an error of law. That opinion has been comprehensively answered throughout this Examination. Even accepting, for the sake of argument, that the Green Book could in principle be a material consideration in a DCO determination – which is firmly denied – People and Planet establishes that even those to whom the Green Book properly applies retain a

⁵ ISH 1 Panel: how should we identify you in this process? Charles Banner KC: During this process, Charles Banner KC

large measure of discretion as to what considerations they may take into account or leave out of account. Guidance which confers a wide discretion even upon those it properly binds should not be read as imposing a strict obligation upon a private project promoter who is outside its proper scope altogether.

PEA's cost evidence and alternatives argument do not advance its case

- 4.1.18 The Applicant does not agree with PEA's assertion that the Green Book is the only mechanism by which landscape and visual impacts, socio-economic effects, ecological impacts, and land impacts can be assessed: all of those matters have been assessed throughout this Examination through the established EIA and NPS assessment framework, and the Secretary of State is not required to monetise these impacts within a Green Book framework. PEA's own characterisation of the Green Book's most compelling use as providing a balanced analysis of alternatives for best outcomes suggests that its underlying concern relates to the outcome of the alternatives appraisal, rather than any identifiable legal defect in the process. A disagreement with outcome is not of itself a legal error. The Applicant has produced a transparent, auditable, and comprehensive alternatives appraisal covering all relevant technology options, set out in the **7.17 Strategic Options Backcheck and Review [APP-355]**, which has been available to all parties throughout this Examination and tested rigorously throughout. The Applicant submits that PEA's disagreement with the conclusions of that appraisal reflects a difference in judgment as the outcome, rather than a legal argument or a legal error.

Conclusion

- 4.1.19 The Secretary of State is entitled and required to determine this application on the basis of the statutory framework, the relevant NPSs, and the evidence before the Examination, and not on the basis of a methodology that has no legal basis in this context and whose quantitative outputs have been produced by an interested party and have not been subject to independent verification.
- 4.1.20 The Green Book compliance argument should attract neutral against the making of the Order.

4.2 Interrelationship with Other Projects

Introduction

- 4.2.1 This section sets out how the Applicant has coordinated the Project with other projects in terms of considering physical interfaces between the Project and other projects – for example where the Project Order Limits overlap with other project order limits / red line boundaries.

Report on Interrelationship with Other Infrastructure Projects

- 4.2.2 In response to the ExA's request in their **Rule 6 letter - Notification of the Preliminary Meeting and matters to be discussed [PD-009]**, the Applicant provided a standalone report on the Project's interrelationship with other infrastructure projects at Deadlines 1, 4 and 7 of the examination. The final update of this report was provided by **8.4.3 Report on Interrelationship with Other Infrastructure Projects [REP7-477]** at deadline 7.

- 4.2.3 As requested by the ExA (through the Rule 6 Letter, Issue Specific Hearing 1 on Friday 13 February 2026 and written questions GEN 1.10 and GEN 2.4), **8.4.3 Report on Interrelationship with Other Infrastructure Projects [REP7-477]**, considers 14 other NSIPs and the additional developments assessed in the ES inter-project cumulative effects assessment (as provided in **6.17.1 Environmental Statement Chapter 17 - Cumulative Effects - Response Update [REP7-314]**).
- 4.2.4 The list of developments included in **8.4.3 Report on Interrelationship with Other Infrastructure Projects [REP7-477]** and **6.17.1 Environmental Statement Chapter 17 - Cumulative Effects - Response Update [REP7-314]**, along with details relating to their progress, was informed by local authorities' and developers' responses to ExA questions GEN 1.9, GEN 1.17 and GEN 2.4 [**PD-014 and PD-023**].
- 4.2.5 **8.4.3 Report on Interrelationship with Other Infrastructure Projects [REP7-477]** does not aim to replicate the detailed information and conclusions in **6.17.1 Environmental Statement Chapter 17 - Cumulative Effects - Response Update [REP7-314]**. Rather, as requested by the ExA, it starts from the same set of projects identified in the Environmental Statement Chapter 17 short list and provides information about their progress, the Applicant's design solutions and the outcomes from engagement, focusing on the developments with which the Project has a physical interface.
- 4.2.6 As stated in Section 3.1 of **8.4.3 Report on Interrelationship with Other Infrastructure Projects [REP7-477]**, the Applicant's approach to coordination between projects has been and continues to be based on the following considerations:
- The Environmental Statement Chapter 17 short list
 - Whether there is a physical interface and, if so, the degree of complexity of that interface. The Applicant is fully committed to an enhanced level of engagement where there could be construction overlaps and strong interface management requirements; an example is the Project's interface with the Lower Thames Crossing project
 - Using SoCGs to report dialogue and continued cooperation with other projects through pre-application, pre-examination and examination stages, as well as formalising cooperation through agreements where appropriate. The Applicant entered into 28 SoCGs with parties referenced in **8.4.3 Report on Interrelationship with Other Infrastructure Projects [REP7-477]**, as listed in Table 11.1 of that report; 22 of these were submitted as fully signed documents by Deadline 7 of the examination.
 - Demonstrating compliance with the relevant NPSs (NPS EN-1 and NPS EN-5), on the criteria for good design.
- 4.2.7 Section 4.6 and Table 4.4 of **6.4 Environmental Statement Chapter 4 - Project Description [REP7-160]** summarised 19 elements of the Project design where different design options within the Order Limits remained under consideration at the point of the application. These options provided flexibility to respond to ongoing discussions and detailed design between the Project and stakeholders, including developers of other projects. These are referred to as 'scenarios'. Each scenario contains two or more options. The Applicant continued to engage with stakeholders throughout the examination to agree a position on the preferred scenario, and for some design scenarios has confirmed to the ExA where design flexibility needs to be

maintained. The outcome of this engagement is reported in **8.11 Approach to Scenarios [REP7-486]**.

- 4.2.8 In later paragraphs in this section, the Applicant identifies the developments that were of most interest to local authorities, as noted in their examination submissions.

Planning Policy Context

NPS EN-1 (2024)

- 4.2.9 NPS EN-1 recognises an energy infrastructure project will have a direct effect on the existing use of the proposed site and may have indirect effects on the use, or planned use, of land in the vicinity for other types of development.

- 4.2.10 Paragraph 5.11.23 of NPS EN-1 reinforces the expectation that good design should be applied throughout project development, specifically with reference to an energy NSIP's interface with existing or planned uses near the site. It states (emphasis added):

‘Although in the case of most energy infrastructure there may be little that can be done to mitigate the direct effects of an energy project on the existing use of the proposed site (assuming that some of that use can still be retained post project construction) applicants should nevertheless seek to minimise these effects and the effects on existing or **planned uses** near the site by the application of **good design principles**, including the **layout of the project** and the protection of soils during construction’.

NPS EN-1 (2026)

- 4.2.11 Paragraph 5.11.23 has remained unchanged.

Five Estuaries Offshore Wind Farm and North Falls Offshore Wind Farm

- 4.2.12 The onshore components of the Five Estuaries Offshore Wind Farm and the North Falls Offshore Wind Farm, as well as the Project's proposed new EACN substation, are located in the area of Tendring District Council. The proposed new EACN substation provides both offshore wind farm projects a point of connection to the national electricity transmission system.

- 4.2.13 The design teams for the Project, the Five Estuaries Offshore Wind Farm and the North Falls Offshore Wind Farm have worked collaboratively since the announcement of the grid connection points in 2022 with the objective of minimising the cumulative impacts associated with the projects. This has focussed on three key topics in the vicinity of the substation:

- Traffic and transport, particularly construction traffic
- Landscape screening, and
- Operational noise

- 4.2.14 The Project has held regular meetings with the Five Estuaries Offshore Wind Farm and North Falls Offshore Wind Farm project teams. The three project teams have prepared and agreed two tripartite documents – a Tripartite Position Statement and

an Outline Protocol (Onshore substations operational noise and the outline noise complaints protocol). A collaborative approach between the three projects also is evidenced by the Project's responses to the consultations on the North Falls and Five Estuaries' Joint Substations Design Guide. The Applicant's first (September 2025) and most recent (March 2026) consultation responses to the North Falls and Five Estuaries' Joint Substations Design Guide are provided in Appendix B of **8.4.3 Report on Interrelationship with Other Infrastructure Projects [REP7-477]**, along with the two agreed tripartite documents, the Tripartite Position Statement and Outline Protocol.

- 4.2.15 All three projects agreed to include a DCO requirement within their respective DCOs in relation to the control of noise during the operational stage. The wording is detailed in the Outline Protocol (see Appendix B of **8.4.3 Report on Interrelationship with Other Infrastructure Projects [REP7-477]**). As noted in **[REP7-477]**, the Project has amended the wording of its requirement (requirement 14) in **3.1 Draft DCO [Revision H]** to ensure it aligns with the wording proposed by the Secretary of State when granting the Five Estuaries Offshore Wind Farm Order 2025 and the North Falls Offshore Wind Farm Order 2026.
- 4.2.16 Schedule 16, Parts 6 and 7 of **3.1 Draft DCO [Revision H]** contain agreed protective provisions for the benefit of Five Estuaries Offshore Wind Farm and North Falls Offshore Wind Farm respectively. The Applicant was engaged during the development of the protective provisions for the benefit of National Grid Electricity Transmission for both offshore wind farm projects.
- 4.2.17 Engagement between the three projects will continue post-examination.

Lower Thames Crossing

- 4.2.18 The Project Order Limits interact with the Order Limits for National Highways' consented A122 Lower Thames Crossing project (Lower Thames Crossing) from north of Orsett Heath Academy and east of Chadwell St Mary, in the area of Thurrock Council. Whilst the Project necessarily interacts with the Lower Thames Crossing to reach Tilbury, the Applicant considers that the two projects are able to coexist. Construction of the Lower Thames Crossing started in early 2026.
- 4.2.19 The Applicant engaged with Lower Thames Crossing prior to the application for development consent, and held very regular meetings with the Lower Thames Crossing throughout the examination, as documented in Table 2.1 of **8.3.4 Signed Statement of Common Ground - Lower Thames Crossing [REP7-383]**. Meetings took place not only to discuss progress with the SoCG, side agreement and protective provisions, but also to identify solutions to resolve specific inter-project interfaces, including identifying alternative sites for the nitrogen deposition mitigation areas and ancient woodland area that the Project interacts with.
- 4.2.20 The majority of matters in **8.3.4 Signed Statement of Common Ground - Lower Thames Crossing [REP7-383]** either were confirmed as agreed or resolved satisfactorily for both parties, or were expected to be agreed or resolved satisfactorily, subject to the completion of a side agreement between the parties that covered that matter.
- 4.2.21 Further information on land rights is covered in Chapter 7 of this Closing Statement.
- 4.2.22 The Protective Provisions detailed within Schedule 16, Part 17 of the **3.1 Draft DCO [Revision H]**, are agreed between the parties.

- 4.2.23 Engagement regarding the side agreement between the parties is ongoing, including through fortnightly meetings between the parties, fortnightly meetings between the respective legal teams, and fortnightly meetings between the Project Directors.

Bloor Homes

- 4.2.24 The boundary of Bloor Homes' proposed development overlaps with the Project's Order Limits. The boundary of the site would sit outside, but immediately west, of the Tilbury North Cable Sealing End and immediately south of Tilbury North Substation.
- 4.2.25 The Applicant has been engaging extensively with Bloor Homes Ltd, and is confident that the projects can coexist. All matters in **8.3.13 Signed Statement of Common Ground - Bloor Homes [REP7-399]** were confirmed as agreed, subject to the completion of a side agreement between the parties. The draft side agreement between the parties is well progressed and the Applicant anticipates it being agreed shortly.

Dunton Hills Garden Village

- 4.2.26 Essex County Council and Brentwood Borough Council raised concern about the Project's impact on Dunton Hills Garden Village (DHGV). There were a number of elements to that concern; however, through discussion and the provision of additional information by the Applicant during the pre-application and examination stages, only two of those elements remain not agreed.

Routeing and Viability

- 4.2.27 It is the Applicant's position that due to its decision to route the Project within an existing gas pipeline safety corridor alongside DHGV, the total quantum of housing, or any other approved land use within DHGV, will not be affected by the proposed overhead line. Neither will the proposed overhead line affect the overall viability and delivery of DHGV. Further detail on this position is provided in Section 3.8 of **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**. In addition, the Applicant provided a response to this matter at Deadline 1 in **8.4.1 Applicant's Comments on Relevant Representations [REP2-023]**, at Deadline 3 in response to ExA Question GEN 1.23 within **8.9.1 Applicant's Responses to First Written Questions [REP3-074]** and at Deadline 4 under GEN 1.23, GEN 1.24 and GEN 1.25 in **8.4.10 Applicant's Comments on Responses to ExQ1 [REP4-299]**.
- 4.2.28 Essex County Council now acknowledge that it is possible for new residential developments to co-exist in proximity to overhead powerlines and they also agree that the use of underground cabling along the eastern edge of DHGV is not feasible without having an impact on the housing numbers to be delivered on the site.
- 4.2.29 They further agree that the Project will not directly affect the location of the Local Equipment Area for Play (LEAP) as the potential exists to relocate it, if necessary, as well as acknowledging that the Project should not affect the quantum of development proposed at DHGV.
- 4.2.30 Essex County Council however remain concerned about the impact on viability and the ability to deliver policy compliant affordable housing and they rely on the Savills Report **[REP4-328 Appendix B]** to support this position. In assessing viability, Savills has made no allowance for the removal of an existing 132 kV line, something that is

required to deliver the number of units identified and which, in the absence of the Project, LIH as the developer would need to fund.

- 4.2.31 The Applicant notes that the Savills Report concludes that a more certain way to proceed would be to pursue the option of undergrounding the power lines across the DHGV site or other forms of mitigation be agreed with the planning authority.
- 4.2.32 Given that, as confirmed above, Essex County Council has agreed that undergrounding would have an impact on the housing numbers to be delivered on the DHGV site, the conclusion of the Savills Report in this regard cannot be relied upon.

Design Principles and Visual Impact

- 4.2.33 In addition, Essex County Council set out in its LIR **[REP1-161]** that, in the absence of any agreed mitigation, the Project would degrade the design principles of DHGV. The Applicant can confirm that it is in ongoing discussions with Essex County Council (as well as Brentwood Council and the landowner, LIH) with regard to providing tree planting to the eastern side of DHGV through the commitment to provide 3 for 1 tree replacement planting for individual trees. This commitment is contained within the signed SoCGs with Essex County Council (**5.9.3 Signed Statement of Common Ground - Essex County Council (ECC) (incl LLFA) [REP7-098]**), Brentwood Borough Council (**5.9.11 Signed Statement of Common Ground - Brentwood Borough Council [REP7-114]**) and LIH (**8.3.12 Signed Statement of Common Ground - LIH Dunton Hills Limited [REP7-397]**), and within the updated **8.28 Outline Offsite Planting Delivery Scheme [Revision B]** submitted at Deadline 8.
- 4.2.34 Furthermore, LIH has recently purchased the DHGV site in the knowledge of the Project and has recently completed the section 106 agreement relating to the planning permission for the development with the Council. The completion of the section 106 agreement confirms that the Council is happy that the DHGV development will provide an appropriate amount of affordable housing, in addition to all the other infrastructure and community facilities included in the agreement.
- 4.2.35 Having regard to the above, it is clear that the Applicant's position that the Project will not impact the delivery of DHGV is correct.

Conclusion (and Summary of Areas of Disagreement)

Five Estuaries Offshore Wind Farm and North Falls Offshore Wind Farm

- 4.2.36 There are no areas of disagreement with regard to Five Estuaries Offshore Wind Farm and North Falls Offshore Wind Farm. No objections were raised in the relevant representations submitted by Five Estuaries Offshore Wind Farm **[RR-1133]** and North Falls Offshore Wind Farm **[RR-2763]**. Reciprocal protective provisions have been agreed and all three projects will continue to engage post-examination.

Lower Thames Crossing

- 4.2.37 The only remaining area of disagreement within **8.3.4 Signed Statement of Common Ground - Lower Thames Crossing [REP7-383]** has subsequently been resolved between the parties.
- 4.2.38 The Protective Provisions detailed within Schedule 16, Part 17 of the **3.1 Draft DCO [Revision H]** are agreed between the parties.

- 4.2.39 Engagement regarding the side agreement between the parties is ongoing, including through fortnightly meetings between the parties, fortnightly meetings between the respective legal teams, and fortnightly meetings between Project Directors.

Bloor Homes

- 4.2.40 All matters in **8.3.13 Signed Statement of Common Ground - Bloor Homes [REP7-399]** were confirmed as agreed, subject to the completion of a side agreement between the parties. The draft side agreement between the parties is well progressed and the Applicant anticipates it being agreed shortly.

Dunton Hills Garden Village

- 4.2.41 The main areas of disagreement with regard to DHGV as set out in the signed SoCGs with Essex County Council (**5.9.3 Signed Statement of Common Ground - Essex County Council (ECC) (incl LLFA) [REP7-098]**) and Brentwood Borough Council (**5.9.11 Signed Statement of Common Ground - Brentwood Borough Council [REP7-114]**) can be summarised as follows:
- 4.2.42 Brentwood Borough Council and Essex County Council consider that the Project could undermine the garden community principles and design quality of the housing development, and requests that planting measures are secured to ensure that the principles remain central to future development. The Applicant can confirm, as set out above, that it has committed to providing tree planting to the eastern side of DHGV through the updated **8.28 Outline Offsite Planting Delivery Scheme [Revision B]** submitted at Deadline 8.
- 4.2.43 Essex County Council go further to suggest that the visual presence of the Project might degrade the principles of the garden village to the extent that there will be a detrimental effect on viability and deliverability of housing, affordable housing and infrastructure. It is agreed between the Councils and the Applicant that the Project should not affect the quantum of development proposed at DHGV, therefore the area of disagreement relates to the visual effect only. Essex County Council considers that the use of T-pylons instead of conventional overhead lines in this location would have had visual benefits. For the reasons summarised above, the Applicant is of the strong view that the visual effect of the proposed overhead line would not affect the overall viability and delivery of DHGV, a view shared by the landowner, LIH, as set out in the signed SoCG **8.3.12 Signed Statement of Common Ground - LIH Dunton Hills Limited [REP7-397]** and demonstrated by recently completed section 106 agreement for the site. In relation to the suggested use of T-pylons, **5.15 Design Development Report [REP7-150]** sets out that in this location the need to mitigate for unacceptable effects from lattice pylons is not considered to be engaged and, accordingly, there is no justification for T-pylons to be used.

5. Habitats Regulations Assessment

Introduction

- 5.1.1 This section sets out the Applicant's approach to the Habitats Regulations Assessment (HRA).

The Approach Taken in the Application

- 5.1.2 **5.3 Habitats Regulations Assessment Report [APP-082]** has been produced to provide the competent authority (the Secretary of State as advised by the Planning Inspectorate as the ExA in the context of the DCO application), with the information needed to undertake the necessary assessments under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).
- 5.1.3 A suite of wintering and passage bird surveys were completed to inform the HRA, the scope of which was agreed by Natural England in 2022. As required by the Planning Inspectorate's Advice Page on HRA, and good practice, the HRA Report and its emerging findings were shared with Natural England on a regular basis during 2024 and 2025. This was through a combination of meetings and document sharing. In July 2025, a draft copy of the HRA Report was shared with Natural England prior to submission as part of the DCO application.
- 5.1.4 Likely Significant Effects (LSE) identified at Stage 1 Screening, could not be ruled out for Norfolk Valley Fens Special Area of Conservation (SAC), Stour and Orwell Estuaries Special Protection Area (SPA) and Stour and Orwell Estuaries Ramsar site. The Stage 2 Appropriate Assessment, does identify that following the implementation of water pollution mitigation measures there would be no adverse effect on the integrity of the European Sites from the Project (either alone or in-combination with other plans or projects), their qualifying features or their conservation objectives. Natural England have confirmed they agree with the scope, mitigation measures and conclusions in **5.3 Habitats Regulations Assessment Report [APP-082]**.

Issues Arising During the Examination and Final Position

- 5.1.5 As summarised in the **Report on Implications for European Sites [PD-030]**, South Norfolk District Council **[RR-3417]** raised concern regarding indirect impacts to the Norfolk Valley Fens SAC as a result of water degradation from pollution, changes in ground water, and deposition of dust potentially arising from construction activities, including during pre-commencement works. The Applicant responded **[REP4-299]** that the SoCG with Natural England **[REP4-081]**, confirmed that Natural England accepted that with mitigation measures in place to protect water quality, there would be no adverse effects on the integrity of Norfolk Valley Fens SAC. In addition, it was confirmed that no development will take place until all plans are submitted and approved by the Local Planning Authorities including the **7.2 Outline Code of Construction Practice [Revision H]** which outlines environmental protection measures. The Code of Construction Practice will be secured through Requirement 4 of **3.1 Draft DCO [Revision H]**.

- 5.1.6 This matter was not raised again by South Norfolk District Council during the examination period. In addition, within **5.9.5 Signed Statement of Common Ground - South Norfolk District Council [REP7-102]**, South Norfolk District Council has agreed the position in **7.2 Outline Code of Construction Practice [Revision H]**. The Applicant therefore considers this issue resolved.
- 5.1.7 Essex Wildlife Trust **[RR-1090]** raised concerns regarding the adequacy of the HRA relating to functionally linked land (FLL) for qualifying features of the Stour and Orwell Estuaries SPA and the Thames Estuary and Marshes SPA. The Applicant has summarised the approach taken in the assessment of FLL and relevant mitigation measures to be implemented **[REP1-132]**. The Applicant has demonstrated no adverse effects on the integrity of the Stour and Orwell Estuaries SPA and Thames Estuary and Marshes SPA, and this has been agreed with Natural England **[RR-2658]**.
- 5.1.8 Within the **5.9.19 Signed Statement of Common Ground - Essex Wildlife Trust [REP7-129]**, Essex Wildlife Trust agreed on 29 June 2026, that matters relating to designated sites (including European Sites covered by the HRA Report), have been agreed. It is stated **5.3 Habitats Regulations Assessment Report [APP-082]** provides a comprehensive evaluation of all potential impact pathways between the Project and internationally designated sites. The Applicant therefore considers this issue resolved.
- 5.1.9 The Applicant acknowledges the publication by the ExA of its RIES and agrees with its conclusions, with additional information provided on LSE and Adverse Effects on Integrity (AEoI) by the Applicant at paragraph 1.1.2 within **8.33 Comments on the RIES and Responses to any Associated Questions [REP7-534]**, as the conclusions in the RIES did not cover all qualifying features considered in **5.3 Habitats Regulations Assessment Report [APP-082]**. This document also provides the Applicant's responses to questions raised by the ExA within the RIES. The Applicant considers there to be no outstanding issues following the response to the RIES document.

Conclusion

- 5.1.10 The technical information within the HRA and the additional information provided in response to the RIES document, is considered sufficient to inform the Secretary of State appropriate assessment under the requirements of the Habitats Regulations. The Applicant considers there to be no outstanding issues following the response to the RIES document, and Natural England are in agreement with the conclusions provided within **5.3 Habitats Regulations Assessment Report [APP-082]**.

6. Conclusions on the Case for Development Consent

6.1 Introduction

- 6.1.1 This chapter describes the Project's benefits and its significant adverse effects during construction and operation. The chapter then considers the overall planning balance, in view of the relevant NPSs against which the application for development consent will be determined.
- 6.1.2 Section 104(3) of the PA 2008 provides that the Application '*must be decided in accordance with any relevant national policy statement, except to the extent that one or more of subsections (4) to (8) applies*'.
- 6.1.3 The stated exceptions are:
- (4) this subsection applies if the Secretary of State is satisfied that deciding the application in accordance with any relevant national policy statement would lead to the UK being in breach of any of its international obligations
 - (5) this subsection applies if the Secretary of State is satisfied that deciding the application in accordance with any relevant national policy statement would lead to the Secretary of State being in breach of any duty imposed on the Secretary of State by or under any enactment
 - (6) this subsection applies if the Secretary of State is satisfied that deciding the application in accordance with any relevant national policy statement would be unlawful by virtue of any enactment
 - (7) this subsection applies if the Secretary of State is satisfied that the adverse impact of the proposed development would outweigh its benefits
 - (8) this subsection applies if the Secretary of State is satisfied that any condition prescribed for deciding an application otherwise than in accordance with a national policy statement is met.
- 6.1.4 Pursuant to Section 104(3) of the Planning Act 2008 ('PA 2008'), the Application must be decided in accordance the relevant National Policy Statement(s) ('NPS') except to the extent that one or more of the subsections (4) to (8) applies. The relevant NPSs to the Project for the purposes of Section 104(3) are NPS EN-1, NPS EN-3 and NPS EN-5 (January 2024). The recently adopted updated NPS EN-1, NPS EN-3 and NPS EN-5 (January 2026) are important and material considerations. Section 104(2) states that in deciding an application for development consent the Secretary of State must have regard to:
- Any relevant National Policy Statement
 - The appropriate marine policy documents (noting that this is not applicable for the Project)
 - Local impact reports
 - Prescribed matters

- Any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.
- 6.1.5 In deciding the Application in accordance with Section 104(3) of the PA 2008 the Secretary of State must be satisfied that Section 104(7), which is that 'the adverse impacts of the proposed development would outweigh its benefits' does not apply. To determine this, a balance of the Project's adverse impacts against its benefits must be carried out.
- 6.1.6 Section 7 of **5.6 Planning Statement [REP7-090]** details the Project's compliance with the NPSs. The **5.7 Policy Compliance Document [APP-086]**, **8.4.2 Policy Compliance Trackers [REP1-133]**, **[REP4-294]** and **[REP7-476]** demonstrate that the Project is in accordance with these NPSs. Policy compliance is also included within Section 2 and 3 of this Closing Statement.

6.2 Application of the Mitigation Hierarchy

- 6.2.1 The mitigation hierarchy has been systematically applied throughout the design of the Project. This is set out in **6.3 Environmental Statement Chapter 3 – Alternatives [REP7-158]**, **6.4 Environmental Statement Chapter 4 - Project Description [REP7-160]**, **6.5 Environmental Statement Chapter 5 – EIA Approach and Method [REP7-167]** and **5.6 Planning Statement [REP7-090]**.
- 6.2.2 The mitigation hierarchy is a stepped process that helps development projects to address potentially adverse effects on the environment. Paragraph 4.3.4 of NPS EN-1 (2024) states: '*... the applicant must set out information on the likely significant environmental, social and economic effects of the development, and show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy*'. The EIA Regulations (14(2)(c)) also require an ES to include '*a description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment*'.
- 6.2.3 The mitigation hierarchy has been applied to the Project throughout the iterative design process and with the following considered:
- Avoid – the first step of the mitigation hierarchy comprises mitigation measures taken to avoid creating effects from the outset, such as careful spatial placement of infrastructure away from receptors, or timing construction sensitively to avoid their disturbance
 - Prevent – these include measures to remove the effect at source or disrupt the impact pathway – such as adopting standard pollution prevention techniques in line with good practice to prevent watercourses becoming polluted
 - Reduce – these are measures taken to reduce the duration, intensity and/or extent of effects that cannot be completely avoided for example landscape planting around the permanent assets such as at the CSE compounds and the proposed new EACN Substation and Tilbury North Substation
 - Offset (sometimes referred to as compensate) – where relevant and appropriate to the specific effect, these measures aim to compensate for any residual, adverse effects after full implementation of the previous three steps of the mitigation hierarchy an example is individual tree replacement at a 3:1 ratio with

some inside the Order Limits where space allows and some outside of the Order Limits.

- 6.2.4 Each topic chapter of the ES has identified proposed mitigation measures (which could fall under 'Avoid', 'Prevent' or 'Reduce') that are required to address potential significant adverse effects of the Project, following the mitigation hierarchy. Mitigation is categorised as follows:
- Embedded Mitigation Measures: are those that are intrinsic to and built into the design of the Project
 - Standard Mitigation Measures: comprising management activities and techniques that would be implemented throughout construction of the Project to limit effects through adherence to good site practices. These are included, for example, in the **7.2 Outline Code of Construction Practice [Revision H]** secured by Requirement 4 in **3.1 Draft DCO [Revision H]**
 - Additional Mitigation Measures: mitigation measures over and above embedded and standard mitigation measures to reduce environmental effects. This includes, but is not limited to, mitigation required for protected species.
- 6.2.5 Mitigation measures have been defined within each environmental topic chapter of the Environmental Statement (Volume 6 of the DCO Application) and where relevant to construction and post-construction are detailed in:
- **7.2 Outline Code of Construction Practice [Revision H]** secured by Requirement 4 of **3.1 Draft DCO [Revision H]**
 - **7.3 Outline Construction Traffic Management Plan [Revision G]** secured by Requirement 4 of **3.1 Draft DCO [Revision H]**
 - **7.6 Outline Public Rights of Way Management Plan [REP7-354]** secured by Requirement 4 of **3.1 Draft DCO [Revision H]**
 - **7.5 Outline Archaeological Mitigation Strategy and Outline Written Scheme of Investigation [Revision D]** secured by Requirement 5 of **3.1 Draft DCO [Revision H]**
- 6.2.6 Environmental mitigation that relates to the permanent assets (such as conductors etc) is detailed in **7.2 Outline Code of Construction Practice [Revision H]** and **7.4 Outline Landscape and Ecological Management Plan [REP7-342]** both secured by Requirement 4 of **3.1 Draft DCO [Revision H]**.
- 6.2.7 'Residual effects' are those significant environmental effects that remain following the implementation of mitigation secured through the draft DCO and its Requirements.
- 6.2.8 The Applicant has continued to show how their application meets the requirements for CNP in NPS EN-1 throughout the examination. The Applicant has applied the mitigation hierarchy and demonstrated that it has been applied reaching agreement with the following statutory environmental bodies and statutory consultees:
- **Historic England** has confirmed within the signed **5.9.14 Statement of Common Ground [REP7-120]** that the mitigation hierarchy has been applied to the Project throughout the iterative design process considered in Section 11.6 of **6.11 Environmental Statement Chapter 11 - Historic Environment [REP7-240]** of the ES. The use of the mitigation hierarchy to avoid and minimise effects to heritage assets is considered adequate. Where effects to heritage assets would be unavoidable, appropriate mitigation measures would mitigate these impacts

- **Natural England** has raised no concerns relating to the mitigation hierarchy and this matter was agreed in the signed **5.9.13 Statement of Common Ground [REP7-118]** – see ID 3.2.18. Natural England has also agreed the embedded, standard and additional mitigation measures that form the mitigation hierarchy – see ID 3.2.15 to 3.2.17 (inclusive).
- **Environment Agency** has confirmed in the signed **5.9.15 Statement of Common Ground [REP6-049]** that it agrees with the application of embedded, standard and additional mitigation on matters relating to hydrology, land drainage and flood risk and contaminated land, geology and hydrogeology.

- 6.2.9 The Applicant has demonstrated that the mitigation hierarchy has been applied through its responses to ExQ (mitigation hierarchy formed part of the response to 19 first written questions and five second written questions). The topic of mitigation hierarchy was also examined during Issue Specific Hearings 1, 2 and 4.
- 6.2.10 The Applicant has set out its position on compensation for residual effects in **8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]**. The NPS position in relation to compensation is also consistent with the EIA Regulations. There is no requirement under the EIA Regulations for all residual effects to be compensated.
- 6.2.11 The commitments in the bullet points below provide an appropriate package of compensation and enhancement/furtherance measures to be delivered by the Project:
- Biodiversity Net Gain (BNG) – the Project is committed to delivering at least 10% BNG – further detail can be found within the **7.1 Biodiversity Net Gain Report [REP7-320]** (Note: enhancement relates to the 10% net gain with wider environmental and societal benefits only)
 - The Applicant has also committed to a 3:1 replacement ratio for individual trees
 - Environmental measures contributing towards the natural beauty, special qualities, and key characteristics of Protected Landscapes – further detail can be found within **5.10 National Landscapes – Duty to Seek to Further the Purposes Report (s85 Countryside and Rights of Way Act 2000) [APP-120]**.
 - The Applicant has agreed to provide funding for location specific landscape compensation measures and proposes these on a 'blue pencil' basis within the **3.1 Draft DCO [Revision H]**. Should the Secretary of State, contrary to the Applicant's view, consider the measures are necessary, proportionate and directly related to the development, the Applicant has provided a mechanism by which these can be secured.

6.3 Adverse Impacts

- 6.3.1 **6.18 Environmental Statement Chapter 18 – Summary [REP7-316]** identifies which environmental topics have significant residual effects following the application of mitigation measures.
- 6.3.2 Table 6.1 provides a summary showing that significant residual effects are limited to seven topic areas: Landscape and Visual, Historic Environment, Agriculture and Soils, Socio-economics (specific sites), Noise (construction phase only), Traffic (construction phase only) and Cumulative Effects. Five topics have no significant residual effects, following the application of the mitigation hierarchy. It is important to note that for those topics where, after application of the mitigation hierarchy, some

residual effects remain, the application of the mitigation hierarchy has still led to effective mitigation.

Table 6.1 Summary of Adverse Significant Residual Effects

Environmental Topic	Nature of Effect
Air Quality	Construction: No significant residual effects Operation: No significant residual effects
Ecology and Biodiversity	Construction: No significant residual effects Operation: No significant residual effects
Contaminated Land, Geology and Hydrogeology	Construction: No significant residual effects Operation: No significant residual effects
Health and Wellbeing	Construction: No significant residual effects Operation: No significant residual effects
Hydrology, Land Drainage and Flood Risk	Construction: No significant residual effects Operation: No significant residual effects
Noise and Vibration	Construction: Significant residual effects Operation: No significant residual effects
Landscape and Visual	Construction: Significant residual effects Operation: Significant residual effects
Historic Environment	Construction: Significant residual effects Operation: Significant residual effects
Agriculture and Soils	Construction: Significant residual effects Operation: Significant residual effects
Traffic and Transport	Construction: Significant residual effects Operation: No significant residual effects
Socio-economics, Recreation and Tourism	Construction: Significant residual effects Operation: Significant residual effects
Cumulative Effects	Construction: Significant residual effects Operation: Significant residual effects

6.3.3 The above significant adverse effects have been weighted accordingly in the planning balance.

6.4 NPS Policy Framework - Planning Balance

6.4.1 Section 104(3) of the Planning Act 2008 provides that the Secretary of State must decide the application in accordance with the relevant National Policy Statement unless one of the statutory exceptions applies. In this case, none of those exceptions arises. The Secretary of State must be satisfied that Section 104(7) does not apply: *'the adverse impacts of the proposed development would outweigh its benefits'*. To determine this, a balance of the Project's adverse impacts against its benefits must

be carried out. This is addressed in Section 8 of **5.6 Planning Statement [REP7-090]** (in particular see Section 8.2).

- 6.4.2 The Applicant considers that the evidence demonstrates the substantial benefits of the Proposed Development clearly outweigh its adverse impacts. The attribution of weight to any given material consideration is a matter exclusively for the Secretary of State as the decision maker. In weighing factors in the planning balance, the Applicant has made suggestions to the Secretary of State and in so doing has applied the following scale to attribute a weight to each benefit (positive) and harm (negative):
- 6.4.3 Neutral (would not weigh for or against the Project)
- Little
 - Moderate
 - Great
 - Substantial.
- 6.4.4 'Neutral weight' is not necessarily the same as no weight. In the planning context, the concept of neutral weight is appropriate to a situation in which the decision maker identifies factors which tell both in favour of and against the grant of development consent. There may be significant harmful residual effects but, given the Project's overall compliance with applicable planning policy, the judgment that overall, those harmful effects of the Project should weigh neither for nor against the grant of development consent, is a reasonable and rational conclusion to reach.
- 6.4.5 Issues which weigh in favour of the Project comprise:
- Need Case (Substantial)
 - Ecology (Little)
 - Further the Purposes (Little)
 - Socio-economics (Little) (reference here is to the local socio-economics not the macro/national socio-economic benefits of resilience of supply and so on as set out in the section on Benefits and meeting the need).
- 6.4.6 Topics the Applicant considered, which following mitigation as secured in the **3.1 Draft DCO [Revision H]**, and which may be significant in other contexts but are neutral (limited) in the overall planning balance and application of section 104 of the Act and therefore do not materially weigh for or against the Order being made are:
- Air Quality
 - Good design
 - EMF
 - Health and Wellbeing
 - Noise and Vibration
 - Safety and Security
 - Major Accidents and Disasters
 - Land Use (Green Belt, Green Infrastructure and Minerals)
 - Aviation and Defence
 - Traffic and Transport

- Water Environment.

6.4.7 The Applicant has identified that the following matters would weigh against the Project in the planning balance.

- Landscape and Visual (Moderate to Great)
- Historic Environment (Moderate)
- Cumulative Effects (Little)
- Land Use (Agriculture) (Little).

6.4.8 The Applicant's suggested weighting of factors to be considered in the planning balance is below.

Positive Impacts

Need Case

- 6.4.9 Consistent with the government's net zero and Clean Power 2030 target, there has been, and continues to be, growth in the volume of renewable and zero carbon generation that is seeking to connect to the electricity transmission system in the East Anglia and South East regions. UK government policy clearly sets out the critical requirement for significant reinforcement of the transmission system to facilitate the connection of renewable energy sources and to transport electricity to where it is used.
- 6.4.10 The technical need case for the reinforcement of the East Anglia and South East Transmission System is fully set out in **7.17 Strategic Options Backcheck and Review [APP-355]**.
- 6.4.11 The need case for the Project is much more than meeting capacity requirements and our regulatory duties to customers.
- 6.4.12 NPS EN-1 identifies an urgent national need for electricity infrastructure, which is required in the national interest to be delivered as soon as possible. Electricity infrastructure of the type proposed is CNP Infrastructure, which is so urgent and important it should be progressed as quickly as possible. NESO has indicated relevant agencies should seek to accelerate delivery of the Project to 2030. Ofgem has authorised advanced expenditure of 23.7% of the updated total project cost as Early Construction Funding, pointing to potential system constraint costs of up to £2.8 billion, and confirming it would be '*in the consumers' interest for these works to progress at pace*'.
- 6.4.13 NPS EN-1 confirms that CNP Infrastructure is required to ensure the UK can achieve our energy objectives, together with the national security, economic, commercial, and net zero benefits of providing a secure, reliable, and affordable supply of energy, while also meeting our decarbonisation targets:
- The need for security of supply (energy independence due to geo-political instability is critical during heightened security-of-supply exposure post-Russian invasion of Ukraine). Geopolitical instability from the pre-application stage through this Examination has significantly increased energy costs for consumers and industry, alongside other cost drivers including international competition for energy, tariffs, and rising extraction costs. This price volatility has a significant

impact on the cost of living and economic competitiveness, with the UK facing some of the highest energy costs in recent times.

- The existing electricity infrastructure in East Anglia is not sufficient or resilient enough to carry the nationally important quantities of electricity that are, and will be, generated, including from offshore sources. The Project's proposed infrastructure will meet the region's electricity-carrying needs, including offshore wind generation.
- The UK Government is legally committed to reducing greenhouse gas emissions under the Climate Change Act 2008, which sets five-year enforceable carbon budgets, and the Clean Power 2030 Action Plan, which requires clean sources such as wind power to produce at least 95% of Great Britain's electricity generation by 2030. The Project's contribution to decarbonising the grid, and the avoidance of constraint payments through early delivery, are also public benefits which flow from consent.

6.4.14 The newly adopted NPS EN-1 (2026) provides a further strengthening of the CNP case for development. Clean Power 2030 is first and foremost in the revised CNP policy section with the opening paragraph now stating, 'Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure to meet the Clean Power 2030 Mission and net zero'.

6.4.15 Given the specific circumstances of the Project being identified in the Clean Power 2030 report (NESO, 2024) as critical to delivering the Clean Power 2030 pathways, the Applicant considers very substantial weight, and importance should be applied to the need case in the decision-making process.

Ecology and BNG

6.4.16 Agreement has largely been reached on matters related to ecology which were raised during the examination process.

6.4.17 **6.8 Environmental Statement Chapter 6.8 - Ecology and Biodiversity [REP7-186]** concludes that following the application of mitigation measures there will be no residual significant adverse effects during construction or operation (and maintenance) on international, national, local (statutory and non-statutory) sites of biodiversity importance. Furthermore, no significant residual effects were identified for Habitats of Principal Importance.

6.4.18 No significant residual impacts have been found on protected species or species of conservation concern (including, aquatic macro-invertebrates, terrestrial invertebrates, fish, reptiles, birds (general, Schedule 1 birds and wintering / passage), bats (both foraging and commuting and roosting), hazel dormouse, otter, water vole, badger, species of principal importance and great crested newt).

6.4.19 Through the ongoing application of the mitigation hierarchy in the form of careful routeing direct impacts and indirect effects on irreplaceable habitat has been avoided as far as practicable. This is demonstrated by the reduction in the loss of veteran trees achieved during the development of the Project. During Examination the Applicant confirmed that the number of veteran trees to be removed by the Project has been reduced from four veteran trees to one veteran tree, as reported in the **6.13.A6 Environmental Statement Appendix 13.6 - Arboricultural Impact Assessment [REP7-274 to REP7-280]**. This reduction illustrates the considerable effort taken to avoid impacts to these highly valued and irreplaceable features and

demonstrates the effectiveness of the Applicant's iterative application of the mitigation hierarchy throughout the design process. It is anticipated that impacts to veteran trees will be further reduced through refinement in design at detailed design and using appropriate construction methods that minimise impacts to trees in accordance with the **7.4 Outline Landscape and Ecological Management Plan Appendix B - Ancient Woodland and Veteran Tree Strategy [REP7-346]**, secured by Requirement 4 of **3.1 Draft DCO [Revision H]**

- 6.4.20 The avoidance of residual significance effects has been achieved through the application of the mitigation hierarchy to avoid significant harm to biodiversity.
- 6.4.21 In terms of prescribed matters, it has been demonstrated that a decision to grant a DCO for the Project would have regard to the matters prescribed by Regulation 7 of the Infrastructure Planning (Decisions) Regulations 2010 (as amended).

Biodiversity Net Gain

- 6.4.22 The Applicant has committed to delivering 10 % BNG despite it not being mandatory for the Project. Full details on the Project's BNG approach is detailed within **7.1 Biodiversity Net Gain Report [REP7-320]**. Replacement planting, new planting within the Environmental Areas, and habitat enhancements to retained habitats would ensure that there would be no net loss to biodiversity within the Order Limits. Offsite biodiversity units are to be purchased from third party providers to deliver any BNG deficit to ensure delivery of 10 % BNG. Offsite land and land within the Environmental Areas on-site, is to be managed for the benefit of biodiversity for 30 years to deliver this net gain in biodiversity.
- 6.4.23 The Applicant concludes that the Project will not result in any significant negative impacts to local ecology in both EIA or HRA and will deliver a Biodiversity Net Gain of 10%. As such, the Applicant considers that the Project is compliant in terms with. Accordingly, the Applicant considers that little positive weight should be afforded in the planning balance and this is primarily due to the significant levels of voluntary BNG secured.

Socio-Economics, Recreation and Tourism

- 6.4.24 The Applicant's socio-economic assessment reported in **6.15 ES Chapter 15 Socio-economics, Recreation and Tourism [REP7-296]** did not identify significant effects upon employment and skills. Therefore, mitigation is not required. However, the Applicant recognises that the Project's construction represents an opportunity to deliver positive economic benefits.
- 6.4.25 It is estimated that around 4,800 construction jobs will be supported over the construction period, with a peak daily workforce of approximately 1,720 full-time equivalent (FTE) employees.
- 6.4.26 Consistent with policy advice contained within NPS EN-1 paragraph 5.13.12 and in response to comments made in Local Impact Reports and subsequent Examination submissions the Applicant prepared **8.13 Outline Employment and Skills Plan [REP7-489]**. The aim of the document is to maximise economic benefits through a series of actions and initiatives. The Final Employment and Skills Plan is to be approved by the relevant Local Planning Authorities prior to commencement of the authorised development through discharge of Requirement 15.

- 6.4.27 The Applicant considers that a little beneficial weighting should be afforded in the planning balance to the Applicant's commitment to delivering employment and skills initiatives in substantial accordance with the Outline Employment and Skills Plan. This commitment is further reinforced by the fact that the Employment and Skills Plan will now be subject to approval and discharge by the host county councils, providing an appropriate mechanism to oversee its implementation and ensure the delivery of the proposed employment and skills outcomes.
- 6.4.28 The Applicant acknowledges that outside of employment and skills benefits there are a number of significant adverse effects in relation to specific receptors and these are detailed in **6.15 Environmental Statement Chapter 15 – Socio-economics, Recreation and Tourism [REP7-296]**. These include sites / businesses that may be affected by the temporary or permanent acquisition of land.

Further the Purposes

- 6.4.29 The Applicant considers that the Project complies with the requirements of section 85 of the Countryside and Rights of Way Act 2000 (as amended), Defra guidance and the relevant provisions of NPS EN-1 and NPS EN-5. Consideration of the Dedham Vale National Landscape and its setting has been embedded throughout the development of the Project, informing routeing, siting, technology selection and the application of the mitigation hierarchy. This has resulted in design changes and embedded mitigation measures, including undergrounding through the National Landscape and parts of its setting, alongside additional measures specifically intended to further the statutory purposes of the designation.
- 6.4.30 In addition to undergrounding and sensitive siting and routeing of the alignment, the Order Limits in the National Landscape were restricted in places to minimise vegetation loss. Commitments have also been made to provide replacement planting at the earliest opportunity given the right planting season, where practicable, and also careful consideration given to the appearance of the link pillars within the National Landscape.
- 6.4.31 A legal agreement secures a Furthering the Purposes Compensation Fund of £2,426,752 (indexed) to further the statutory purposes of "conserving and enhancing the natural beauty" of the Dedham Vale National Landscape pursuant to section 245 of LURA 2023 and section 85 of CROW 2000 and accord with the Dedham Vale Management Plan and any successor plans.
- 6.4.32 The Applicant's position is supported by the National Landscape Partnership, Suffolk County Council and Natural England, all of whom have confirmed through the Examination process that they are satisfied the duty has been properly applied.
- 6.4.33 Taken together, the embedded and standard mitigation measures, including designed avoidance, undergrounding through the National Landscape, reinstatement planting, and the additional measures comprising the National Landscape Fund and the PJ Line feasibility study should be afforded little positive weight.

Weighting Against

Landscape and Visual

- 6.4.34 **6.13 Environmental Statement Chapter 13 - Landscape and Visual [REP7-260]** reports significant adverse landscape effects during construction for all LCTs and

LCAs directly affected by construction activity within the Order Limits of the Project. These significant effects are related to the introduction of construction activity and equipment and the temporary and permanent loss of some landscape features, including field boundary vegetation. Significant effects are also anticipated for some LCAs and LCTs outside of the Order Limits, up to a distance of approximately 1.5 km. These significant effects are related to the perception of construction activity and the effect this has on identified key characteristics of the landscape.

- 6.4.35 Significant adverse visual effects during construction are predicted for visual receptors within the Visual Receptor Areas (VRAs) directly affected by construction activity within the Order Limits. These significant effects are related to the introduction of construction activity into close to medium distance views from residential, recreational receptors and road users. Significant effects are expected to extend up to approximately 1.5 km in some instances, for example where there are open, elevated and/or wide views towards construction activity. A small number of viewpoint assessments identify significant visual effects up to 2 km. In some VRAs significant effects would be more contained, for example where views of construction activity are filtered and screened by vegetation or topography.
- 6.4.36 During construction, direct significant impacts on the special qualities of the Dedham Vale National Landscape have been identified.
- 6.4.37 During Operation (including maintenance) at Year 1 of operation, there would be significant landscape effects for most of the LCAs and LCTs directly affected by the introduction of a 400 kV overhead line, CSE compound or substation/substation extension. Significant effects would also extend to the surrounding landscape, up to a distance of approximately 1.5 km. There would also be significant landscape effects along the route of the sections of underground cable, where reinstated vegetation would still be immature. These effects would reduce due to restoration of the underground cable corridor and maturing of the reinstatement planting by Year 15.
- 6.4.38 At Year 1 of operation, there would be significant adverse visual effects related to the introduction of the proposed overhead line, CSE compounds, substations or substation extensions in close to medium distance views on visual receptors within most of the VRAs directly affected by the Project. By Year 15 of operation (and maintenance), effects on some visual receptors in proximity to CSE compounds, substations and substation extensions would reduce as a result of landscape mitigation within Environmental Areas, although effects in relation to the proposed overhead line would remain. For visual receptors within VRAs along the proposed underground cable alignment, by Year 15 of operation, effects would reduce to not significant, as a result of reinstated planting. The Applicant notes that levels of significance vary within each VRA. The majority of effects occur within 1.5 km, with a small number of viewpoint assessments identifying significant effects up to approximately 2 km. However, not all locations within each VRA will be subject to significant visual effects, since each VRA is influenced by its own site-specific factors, such as topographical variations and features that provide screening or filtering of views.
- 6.4.39 Embedded and standard mitigation has sought to minimise landscape effects as far as practicable. The impact upon landscape character and visual amenity is an inevitable consequence of the land-use change resulting from the Project. Paragraph 5.10.5 of NPS EN-1 acknowledges that '*virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape*' and paragraph 5.10.13, that '*all proposed energy infrastructure is likely to have visual effects for*

many receptors around proposed sites. For CNP infrastructure, *'the need case will outweigh the residual effects in all but the most exceptional cases'* (paragraph 4.1.7 of NPS EN-1). As explained in paragraphs 7.2.2 - 7.2.58 of the Planning Statement, the presumption in favour of consent is engaged.

- 6.4.40 As demonstrated through the Examination, the Project has been designed carefully and incorporates measures to mitigate harm to landscape and visual receptors, having regard to National Grid's statutory duty under Schedule 9 of the Electricity Act 1989 (in line with paragraph 2.2.10 of NPS EN-5) NPS EN-1 and NPS EN-5 recognise that landscape and visual effects are an inevitable consequence of major electricity transmission infrastructure and do not require such effects to be eliminated. Rather, they require effects to be appropriately assessed and reduced through the application of the mitigation hierarchy whilst balancing those effects against the substantial benefits of the proposed development. The Applicant has demonstrated that the Project has been designed and assessed in accordance with those requirements and that all reasonable opportunities to avoid, reduce and mitigate effects have been explored. The landscape and visual impacts weigh against the Project and should be afforded moderate to great negative weight in the planning balance. It is considered that these impacts are not sufficient to outweigh the need for the Project as CNP low carbon infrastructure in accordance with 4.2.15 of EN-1.
- 6.4.41 Paragraph 5.10.32 in NPS EN-1 advises that the SoS should give 'substantial weight' to the conservation and enhancement of National Landscapes' natural beauty and adds that the SoS may give development consent in nationally designated landscapes in exceptional circumstances. It is considered that the Project meets the tests set out in paragraph 5.10.32 of the NPS and paragraph 187 of the NPPF (need for the development, cost of and scope for developing elsewhere and any detrimental effect on the environment, landscape and recreational opportunities). As set out within this Closing Statement, exceptional circumstances exist to justify the Project in Dedham Vale National Landscape on the basis that the Project is critical to the delivery of clean power, and therefore in the public interest. Notwithstanding this, the Project comprises CNP infrastructure and the starting point for the SoS's decision-making in this case is that exceptional circumstances to justify the Project's location in the National Landscape are demonstrated as per paragraph 4.2.17 of NPS EN-1.

Land Use: Agriculture

- 6.4.42 The Project has sought to minimise impacts on BMV land. During route optioneering the impacts on agricultural land, including on agricultural land-take and on agricultural activities / operations, as far as was understood based on the data available at the time, were a consideration in the route selection process, as outlined in 6.3 Environmental Statement Chapter 3 - Alternatives [REP7-158].
- 6.4.43 **6.6 Environmental Statement Chapter 6 – Agriculture and Soils [REP7-172]** assessed significant adverse effects during construction and operation (and maintenance) of the Project on agricultural land. However, the total extent of BMV land required permanently (172.7 ha) comprises just 0.002% of BMV land in England. The loss of any BMV agricultural land is discouraged but not precluded by national or local policy and requires justification.
- 6.4.44 In terms of the planning balance the substantial benefits of the Project in terms of its contribution to the transition to net zero and its role in responding to the climate change crisis, leads to a balance in favour granting development consent for the Project. In terms of s104(7) of the PA 2008, it is considered that the benefits of the

Project clearly outweigh its adverse impact on BMV land. The Applicant considers that a little negative weight should be afforded to Agriculture and Soils in the planning balance.

- 6.4.45 In accordance with **7.2 Outline Code of Construction Practice [Revision H]**, land required temporarily for construction would be reinstated, removing all infrastructure required during construction and the reuse, where practicable, of soil resources stripped from the footprints of permanent infrastructure as part of landscaping proposals within the Order Limits.

Cumulative Effects

- 6.4.46 A number of significant Inter-Project and Intra-Project Cumulative Effects have been identified and reported in **6.17 Environmental Statement Chapter 17 - Cumulative Effects [REP7-312]** and **6.17.1 Document: 6.17.1 Environmental Statement Chapter 17 - Cumulative Effects Response Update [REP7-314]**.

Intra-Project Cumulative Effects

- 6.4.47 A number of PRoWs, cycle routes and minor roads across all sections of the Project would be affected during construction, in terms of access / severance of routes, delay in journey time, noise and visual effects, fear and intimidation. Owing to the significance of visual effects within 500 m of the Order Limits, and as further mitigation is unlikely to be practicable, it is anticipated that the residual cumulative effect of visual and noise amenity effects with access and delay effects would lead to a significant intra-project cumulative effect on pedestrians, cyclists and horse riders.
- 6.4.48 No Intra-Project cumulative effects have been reported during the operation (and maintenance) of the Project.

Inter-Project Cumulative Effects

- 6.4.49 No Inter-Project Effects have been reported during construction or operation (and maintenance) for:
- Air Quality
 - Ecology and Biodiversity
 - Contaminated Land, Geology and Hydrogeology
 - Health and Wellbeing
 - Hydrology, Land Drainage and Flood Risk
 - Noise and Vibration
 - Socio-Economics, Recreation and Tourism.
- 6.4.50 **6.6 Environmental Statement Chapter 6 – Agriculture and Soils [REP7-172]** concludes significant adverse effects as a result of the Project in isolation due to permanent loss of BMV land. Therefore, any further loss of BMV land associated with shortlisted other developments would be cumulatively significant. As effects relate to the permanent loss of agricultural land there are no additional mitigation measures that could be adopted to reduce effects.
- 6.4.51 The Historic Environment cumulative effects assessment has identified three other developments that would result in significant adverse cumulative effects with the

Project on heritage assets. These assets include a scheduled monument, and two grade II listed buildings, which would experience moderate adverse and significant cumulative effects during construction and operation (and maintenance).

- 6.4.52 The Inter-Project Cumulative Effects arising from the Project and the construction and operation of the Bramford to Twinstead Reinforcement, LTC, Chelmsford North East Bypass along with a further 47 shortlisted projects (reducing to 29 during operation) identified in **6.13 Environmental Statement Chapter 13 - Landscape and Visual [REP7-260]** have the potential to contribute to significant inter-project effects on landscape and visual receptors during construction.
- 6.4.53 The inter-project and intra-project cumulative effects assessments have been undertaken in accordance with a structured and proportionate methodology. It is considered that the cumulative effects should be afforded a little negative weighting.

Historic Environment

- 6.4.54 The Applicant has appropriately and adequately assessed the significance of the heritage assets affected by the Project, as well as its assessment of the likely impact on significance. In this regard the application meets the requirements of the 2024 NPS EN-1.
- 6.4.55 **6.11 Environmental Statement Chapter 11- Historic Environment [REP7-240]** provides an assessment of the Projects likely significant effects on designated and non-designated heritage assets. The Project will not result in any substantial harm to designated heritage assets.
- 6.4.56 Paragraph 7.2.57 of **5.6 Planning Statement [REP7-090]** addresses the policy consideration of heritage impacts. The Project has been carefully designed to avoid, reduce or mitigate potentially significant effects on heritage assets. Pursuant to the statutory requirement outlined in the Infrastructure Planning (Decisions) Regulations 2010, the SoS, when making a decision, is duty-bound to have regard to whether a scheme preserves or affects heritage assets, with this being afforded great weight against the Project due to this statutory duty and the NPSs. Given that **6.11.A7 Environmental Statement Appendix 11.7 - Assessment of Harm to Designated Heritage Assets [APP-215]** demonstrates that the Project results in less than substantial harm.
- 6.4.57 While the Project will not result in substantial harm to designated heritage assets it will result in the loss of significance to heritage assets due to the introduction of temporary and / or permanent plant, machinery and infrastructure into the setting. However, this harm is necessary to achieve the substantial public benefit of delivering CNP infrastructure that outweighs the heritage impact.
- 6.4.58 This is supported by paragraphs 4.2.16 and 4.2.17 of NPS EN-1 which provides that the Secretary of State will take as a starting point that CNP infrastructure meet any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances. Para 4.2.17 provides that this includes a test where substantial harm to or loss of significance to heritage assets should be exceptional or wholly exceptional.
- 6.4.59 Where there is a harm, the SoS must give that harm considerable importance and weight. This should be afforded moderate negative weight in the planning balance. This harm should be weighed against the public benefits of the Proposed Development as stated in paragraph 5.9.32 of 2024 NPS EN-1. The Applicant

asserts that the Project will not result in any substantial harm to designated heritage assets and this is agreed with Historic England and Local Planning Authorities.

- 6.4.60 Paragraphs 5.9.28 to 5.9.30 of NPS EN-1 provide the loss of significance to designated heritage assets of highest significance should be ‘wholly exceptional’ and for Grade II listed buildings and registered park and gardens should be ‘exceptional’. In considering the loss of significance, it is necessary for applicants to comply with the tests in Paragraph 5.9.31 to demonstrate to the SoS that the ‘...loss of, significance is necessary to achieve substantial public benefits that outweigh that harm or loss....’
- 6.4.61 The substantial public benefits and need for the Project, as set out in both this Closing Statement and the **5.6 Planning Statement [REP7-090]**, including contribution towards meeting national energy security objectives, clearly and demonstrably outweigh the less than substantial harm, at the medium and lower end of the spectrum, to the designated heritage assets. The potential for harm or loss of significance upon non-designated heritage assets affected by the Project is also clearly outweighed by the substantial public benefits and need for the Project providing the judgement required under paragraph 5.9.33 of NPS EN-1.
- 6.4.62 The Project has been carefully designed to avoid, reduce or mitigate potentially significant effects on cultural heritage and archaeology assets. Pursuant to the statutory requirement in Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010, the SoS, when making a decision, is duty-bound to have regard to whether a scheme preserves or affects heritage assets, with this being afforded great weight against the Project due to this statutory duty and the NPSs.
- 6.4.63 In relation to Regulation 3, the Project has regard to preserving heritage assets and their setting as set out in paragraph 7.3.320 of the **5.6 Planning Statement [REP7-090]** and **6.11 Environmental Statement Chapter 11 - Historic Environment [REP7-240]**.

Neutral Impacts

Air Quality

- 6.4.64 **6.7 Environmental Statement Chapter 7 – Air Quality [REP7-178]** provides an assessment of the Projects likely significant effects of construction dust, construction traffic emissions and generator emissions associated with construction, on air quality. The assessments conclude that with mitigation in place such as mitigation for construction dust emissions there would be no residual significant effects on sensitive receptors.
- 6.4.65 The Applicant considers that Air Quality should be afforded a neutral weighting in the planning balance.

Aviation and Defence

- 6.4.66 The Applicant’s approach has been in accordance with policy, and is proportionate, objective and evidenced. Agreement has been reached with the majority of operators of aerodromes potentially impacted by the Project that the proposals are acceptable, following appropriate consultation, impact assessment and mitigation (including via changes to the Project design, where possible and where justified). Remaining areas of disagreement exist where operators suggest impacts are unacceptable, but have

not evidenced their positions, nor collaborated with the Applicant to inform impact assessment or explore reasonable mitigation options. The operator mitigation requirements for these contested aerodromes are therefore disproportionate, unrealistic and are not in accordance with NPS EN-1 expectations. The Applicant position remains that alternative mitigation options exist to mitigate residual risk and enable operator acceptance of the Project.

- 6.4.67 Following the successful resolution of all matters outstanding regarding impacts on military aviation and defence assets, the MOD has withdrawn its objection to the Project, recognising no unacceptable risk to, or unacceptable interference within defence is present. Furthermore, unacceptable risk to human or public safety resulting from civil aerodrome aviation safety is not evidenced and has no prospect of arising in any case. The CNP presumption is therefore not disapplied for aviation or defence.
- 6.4.68 The Applicant considers that matters of Aviation and Defence should be afforded a neutral weighting in the planning balance.

EMF

- 6.4.69 The Applicant has demonstrated compliance with these requirements through **7.8 Electric and Magnetic Field Compliance Report [REP3-034]**. The assessment confirms that the maximum electric and magnetic fields produced by the Project remain below the relevant public exposure limits and that the overhead line design has been developed in accordance with the policy on optimum phasing.
- 6.4.70 The relevant EMF commitments are secured through the **7.2 Code of Construction Practice (CoCP) [REP6-073]** at Table 6.1 Mitigation measures / environmental commitments, commitment reference GG02. The Applicant therefore considers that the Project fully complies with the EMF requirements of NPS EN-5, including those relating to indirect electric field effects. EMF considerations, including microshocks, have been appropriately assessed, mitigated and secured.
- 6.4.71 Where there is a harm, the Secretary of State must give that harm considerable importance and weight. Paragraph 7.2.101 of **5.6 Planning Statement [REP7-090]** confirms that the weight of evidence is against there being any health risks of EMFs below the guideline limits. Accordingly, this should be afforded neutral weight in the planning balance.

Good Design

- 6.4.72 The Applicant has demonstrated a clear and sustained commitment to achieving good design in accordance with NPS EN-1 (2024) and NPS EN-5 (2024), which recognise that the form and appearance of electricity transmission infrastructure are heavily influenced by functional, safety and security requirements with opportunities for good design primarily arising through routeing, siting, landscape integration and mitigation.
- 6.4.73 The Applicant has confirmed within the **7.16 Design Approach for Site Specific Infrastructure [REP7-373]** and through Requirement 12 that post-consent design reviews will be overseen through the Applicant's established governance structures, including the Delivery and Detail Design Champion. The appointment of Design Champions and creation of a Design Review Panel including external stakeholders including representatives from local planning authorities, Dedham Vale National Landscape Partnership, local Wildlife Trusts and representatives of the North Falls

and Five Estuaries Offshore Wind Farm projects provides a structured and impartial design-challenge function consistent with the Planning Inspectorate's Advice on Good Design and responds positively to the matters raised during examination.

- 6.4.74 The Applicant considers that a neutral weighting should be afforded in the planning balance to Good Design.

Health and Wellbeing

- 6.4.75 **6.10 Environmental Statement Chapter 10 – Health and Wellbeing [REP7-236]** provides an assessment of the Project's likely effects on physical and mental health and wellbeing for both construction and operation (and maintenance) phases of the Project. The Applicant has concluded that the Project will not result in any significant effects on health and wellbeing.
- 6.4.76 Paragraph 8.2.93 of **5.6 Planning Statement [REP7-090]** confirms that there will be no significant residual adverse effects on Health and Wellbeing during construction and operation of the Project and that therefore these matters should be afforded neutral weight in the planning balance.

Land Use

Green Belt

- 6.4.77 The Applicant concludes that the pylons and overhead line works do not conflict with Green Belt purposes and preserve openness and as such benefit from exception h) ii in paragraph 154 of the NPPF. The Applicant acknowledges that local authorities have challenged this position. In **8.9.2 Applicant's Response to Second Written Questions [REP5-211]** we are content for the ExA and the Secretary of State to proceed on the basis that all new development forming part of the Project in the Green Belt is inappropriate, without needing to reach any view as to why that is the case.
- 6.4.78 The Applicant considers that should the ExA conclude that the Project constitutes inappropriate development in the Green Belt there are very special circumstances (VSC) to justify development. The VSC were outlined in the **5.6 Planning Statement [REP7-090]** and include:
- The UK government policy requires significant reinforcement of the transmission system to facilitate the connection of renewable energy sources to transport electricity to where it is used
 - The British Energy Security Strategy sets targets for the connection of up to 50 GW of offshore wind by the 2030s as a key part of a strategy for secure, clean and affordable British energy for the long term
 - New connections for offshore wind and nuclear power generation projects, and for interconnectors, are expected into East Anglia by 2030. These connections are being constructed or expected to connect into substations at Necton, Norwich Main, Bramford, Friston and Sizewell
 - Without reinforcement, the capacity of the East Anglia existing network is insufficient to accommodate the connection of the proposed new power sources. Therefore, reinforcement of the network is required

- The requirement to meet net zero by 2050, to replace the fossil fuels that once powered the economy to low-carbon electricity
- By reinforcing the capacity of East Anglia, the Project will address the need to be able to accommodate the connection of the proposed new power sources, namely offshore wind and nuclear power generation projects, as required by 2030.

- 6.4.79 Whilst the need case justifies the Project's VSC, the current position as set out in NPS EN-1 (2024), is that critical national priority (CNP) Infrastructure, subject to the application of the mitigation hierarchy, meets the test in relation to requiring VSC to justify development and the Green Belt tests have been met. Paragraph 4.2.17 of NPS EN-1 (2024) also confirms that '...the Secretary of State will take as a starting point that critical national priority infrastructure will meet the following, non-exhaustive, list of tests: where development within a Green Belt requires very special circumstances to justify development'.
- 6.4.80 The Applicant considers that impact on Green Belt should be afforded a neutral weighting in the planning balance.

Green Infrastructure

- 6.4.81 The Applicant is committed to achieving wider strategic outcomes through mitigation, compensation and enhancement this includes contribution towards the aims LNRs as appropriate, going beyond the requirements of NPS EN-1. The Project is therefore in accordance with NPS EN-1, paragraphs 4.6.12 and 4.6.13.

Minerals

- 6.4.82 The Project has sought to avoid direct interactions with existing minerals sites, where possible. Consideration has been given to prior or incidental extraction of minerals as part of the Project construction programme. However, this has shown that the increase in cost associated with the extraction would increase the overall cost of the entire Project and may conflict with National Grid's duty to be economic and efficient. The additional time that would need to be added to the construction schedule would mean that National Grid could miss the Project's intended delivery date, which could also risk the meeting of the government target of a net-zero electricity system by 2050. Therefore, it is considered that in the context of the additional cost and time required and the unproven economic value of the small amount of mineral that could be realised, prior extraction in these areas is not viable.
- 6.4.83 In addition, any potential mineral sterilisation can be considered to be temporary, as access to the underlying mineral could be restored if parts or all of the infrastructure are decommissioned.
- 6.4.84 The Applicant considers that the topics of Green Belt, Green Infrastructure and Minerals should be afforded a neutral weighting in the planning balance.

Major Accidents and Disasters

- 6.4.85 The Applicant has consulted the HSE on matters relating to health and safety, refer to Section 3 for further detail. The Relevant Representation submitted by HSE [RR-1365] was responded to by the Applicant in section 2.7 of **8.4.1.1 Addendum to Applicant's Comments on Relevant Representations [REP2-025]** and no further submissions by HSE have been made in Examination. The requirements of the

Control of Major Accident Hazards (COMAH) Regulations do not apply to high voltage electricity substations of the type proposed as part of the Project.

- 6.4.86 With embedded mitigation in place there would be no likely significant effects on Major Accidents and Disasters as a result of the Project during construction or operation (or maintenance).
- 6.4.87 Major Accidents and Disaster risks are managed throughout the lifecycle of the Project through a comprehensive framework of statutory duties, industry standards and National Grid management systems. These requirements apply from project development, through construction and commissioning, and into the operational life of the asset, ensuring that hazards are identified, assessed and controlled using recognised good practice and proportionate risk management measures.
- 6.4.88 The Applicant considers that matters of Major Accidents and Disasters should be afforded a neutral weighting in the planning balance.

Noise and Vibration

- 6.4.89 **6.14 Environmental Statement Chapter 14 – Noise and Vibration [REP7-284]** provides an assessment of likely significant construction noise, construction vibration, construction traffic noise and operational noise effects from new substations on noise sensitive receptors as a result of the Project
- 6.4.90 The assessment follows standard methodologies and uses a standard approach for significance. The methodology is proportionate to the expected effects, and in line with NPS-EN1 and NPS-EN5. The assessment shows that there are no significant effects except for construction traffic impacts on Bentley Road, affecting Jasmine Cottage.
- 6.4.91 The Project is committed to re-assessing noise and vibration as the design develops and as a Main Works Contractor is appointed. **7.2 Outline Code of Construction Practice Appendix F - Outline Noise and Vibration Management Plan [REP7-332]** includes sufficient controls and commitments to ensure that outcomes are no worse during construction, than shown in the assessment in the ES. The Project also includes sufficient controls to ensure that operational noise is appropriately minimised through Requirement 14 of **3.1 Draft DCO [Revision H]**.
- 6.4.92 The Applicant considers that Noise and Vibration should be afforded a neutral weighting in the planning balance.

Safety and Security

- 6.4.93 The Project has been designed to comply with design safety standards including NETS SQSS and the suite of National Grid policies and processes which contain details on design standards required to be met when designing, constructing, and operating its projects. Existing National Grid processes are designed to identify potential safety risks during construction and operation (and maintenance) (including major accidents and disasters) and to design these out at each stage of Project development.
- 6.4.94 National Grid has engaged with the HSE and acknowledges the need to adhere to the relevant legislation, guidelines, codes of practice, and international standards for the Project. Necessary precautions have been taken, and these have been addressed comprehensively throughout the development of the Project to date. It is

considered that the Project is in full compliance with all relevant regulations and standards and meets the safety requirements set out in Section 4.13 of NPS EN-1.

- 6.4.95 The Applicant considers that matters of safety and security should be afforded a neutral weighting in the planning balance.

Traffic and Transport

- 6.4.96 **6.16 Environmental Statement Chapter 16 - Traffic and Transport [REP7-302]** provides an assessment of the Projects likely significant effects on traffic and transport during construction (operational effects were scoped out of the assessment). Although significant effects have been identified during construction, they do not give rise to unacceptable effects on the surrounding transport network and sensitive receptors, given they would be temporary and short-term in nature. This is deemed compliant with NPS EN-1 and NPS EN-5. The Applicant is committed to continue discussions with LHAs outside of the DCO process in respect of any additional mitigation measures or scheme contributions/funding currently being discussed.
- 6.4.97 The Applicant considers that matters of Traffic and Transport should be afforded a neutral weighting in the planning balance.

Water Environment

- 6.4.98 **6.12 Environmental Statement Chapter 12 – Hydrology, Land Drainage and Flood Risk [REP7-256]** provides an assessment of the Projects likely significant effects on the water environment, including on land drainage and flood risk. No significant effects have been identified on sensitive receptors including watercourses and their floodplains, existing development and infrastructure. Temporary and short-term effects associated with construction of the Project, would be managed and controlled through adoption of standard and additional mitigation measures, including robust surface water runoff and land drainage management systems. The Project is deemed compliant with NPS EN-1 and NPS EN-5. The Applicant considers that the Water Environment should be afforded a neutral weighting in the planning balance.

Figure 6.1 Planning Balance

Weighing Against				Does not affect the balance	Weighing For			
Substantial	Great	Moderate	Little	Neutral	Little	Moderate	Great	Substantial
		Heritage	Land use (agricultural)	Air quality	Ecology			Need
		← Landscape & visual →	Cumulative	Aviation & defence	Further the purposes			
				EMF	Local socio-economics			
				Good design				
				Health & wellbeing				
				Land use (green infrastructure, green belt and minerals)				
				Major accidents & disasters				
				Noise and vibration				
				Safety & security				
				Traffic & transport				
				Water environment				

6.5 Conclusion

- 6.5.1 This Closing Statement has demonstrated that the Project is in accordance with NPS EN-1, NPS EN-3 and NPS EN-5. Paragraph 4.1.3 of NPS EN-1 sets out a presumption in favour of granting consent for energy NSIPs. There is also a presumption that the urgent need for CNP infrastructure, such as the Project, will *‘in general outweigh any other residual impacts not being addressed by the application of the mitigation hierarchy’* (paragraph 3.3.63). The Project will help meet the urgent need for CNP infrastructure to meet ‘energy objectives, together with the national security, economic, commercial, and net zero benefits’ (Paragraph 3.3.63 of NPS EN-1).
- 6.5.2 Given the specific circumstances of the Project identified in the Clean Power 2030 report (NESO, 2024) as critical to delivering the Clean Power 2030 pathways then very substantial weight and importance should be applied in the decision-making process.
- 6.5.3 The Project results in clear and significant economic, social and environmental benefits:
- Contributing to the delivery of a robust, efficient, coordinated and economic system of electricity transmission, in accordance with National Grid’s statutory duties and licence obligations (economic and social benefit);
 - Supporting the security of the UK’s energy supply. There is a clear, long-term economic benefit to reinforcing this part of the network with the cost of reinforcement being significantly outweighed by the constraint costs that would otherwise be incurred if the project was not to proceed (economic and social benefit);
 - Enabling a large number of low and zero carbon generators to connect to the transmission network. The project is fundamental to achieving the present, and previous Government’s, ambition to connect up to 50GW of offshore wind by 2030, and reach net zero by 2050 (economic and environmental benefit); and
 - Delivering at least 10% Biodiversity Net Gain (BNG). This is a benefit National Grid has committed to, despite pre-dating the mandatory introduction of this requirement (environmental benefit).
- 6.5.4 If consent were not granted, further delay would create a materially less sustainable and more costly energy position, with adverse consequences for electricity consumers.
- 6.5.5 None of the exceptions in section 104(4)-(8) of the PA 2008 apply to the decision to be made by the SoS to grant development consent for the Project. In relation to s104(7), the adverse impacts that should be afforded weight against the Project relate to Landscape and Visual, Historic Environment, Agriculture and Soils, Socio-economics (specific sites), Noise (construction phase only), Traffic (construction phase only) and Cumulative Effects. These impacts are significantly outweighed by the very substantial public interest benefits of the Project.
- 6.5.6 Refusing a CNP project for its residual harms ordinarily requires exceptional circumstances. Here, the very great weight due to any CNP project is magnified by the scale of this Project’s contribution to the national needs set out above, and the public benefits identified, are so substantial that the residual impacts come nowhere close to exceptional circumstances justifying refusal.

- 6.5.7 As identified in national policy and the Government's energy strategy there is an urgent and critical need to bring forward low carbon infrastructure to meet targets for decarbonisation and net zero. The Project will contribute to the delivery of these policy aims, by improving the existing electricity transmission network to accommodate the connection of proposed new power sources in East Anglia.
- 6.5.8 It is clear that there is a compelling case and established need for the Project and that it will deliver national economic, social and environmental benefits in line with the Government's clear objectives of delivering sustainable development.
- 6.5.9 The Project will also deliver other more localised socio-economic and environmental benefits. These include significant ecological enhancements and employment generation during construction.
- 6.5.10 The analysis of planning policy compliance demonstrates that the need for the Project is supported by national planning policy and other national energy and environmental policy, and that the Project addresses relevant national and local planning policies through its design, avoiding sensitive areas and limiting adverse impacts where practicable.
- 6.5.11 In terms of the overall planning balance, the clear and substantial benefits of the Project clearly outweigh any adverse impacts. The presumption in favour of consent in as described at Paragraph 4.1.7 of NPS EN-1 sets out that for CNP Infrastructure that '... the need case will outweigh residual effects in all but the most exceptional circumstances'. It considered that the residual effects reported in the ES do not outweigh the urgent need for this type of infrastructure and that any tests set out in the NPS or other planning policy are to be treated as if they have been met.
- 6.5.12 The balance is significantly in favour of the grant (as the NPSs anticipates likely) and it would remain in favour of the grant even if the assessment of the number and levels of harm is increased above that attributed by the Applicant. Thus, if the decision maker takes a different view overall of the existence and scale of harm on a number of matters, on any reasonable view, the balance would remain very firmly in favour of the grant. This is because of the nationally important need which the project meets and the utmost weight which should be given to that fact.
- 6.5.13 When the evidence in this case is considered against these provisions and the relevant NPS when read as a whole, the proposal not only meets the pressing national needs but does so substantially in the manner anticipated by the national policy statements and in a way where the benefits identified by the proposal substantially outweigh any harms occasioned.
- 6.5.14 As a result the decision maker should grant the DCO in accordance with s 104 of the PA 2008.

7. Land Rights and Related Matters

7.1 Introduction to CA and TP Powers Sought

- 7.1.1 As part of the application, the Applicant seeks compulsory acquisition (CA) and temporary possession (TP) powers in respect of certain land interests. Those powers are sought to enable delivery of the Project in the event that the requisite land interests cannot be acquired voluntarily.
- 7.1.2 The physical extent of the land in respect of which CA / TP powers are sought is set out in full in **4.3 Book of Reference [Revision G]** and shown on **2.2 Land Plans [Revision G]**. CA / TP powers are sought in relation to approximately 7,780 parcels of land. Each part of **4.3 Book of Reference [Revision G]** sets out the respective interest, right or power to be acquired, extinguished or used in relation to each parcel of land.
- 7.1.3 The Applicant has engaged with Affected Persons (APs) to seek to acquire the land and rights that are needed for the Project voluntarily. It will continue that engagement after the close of the Examination. However, the inclusion of CA and TP powers in the DCO is necessary to ensure that ultimately, the Applicant will be able to deliver the Project in a manner that (i) responds effectively to the urgent, critical need for the Project and (ii) is consistent with the Applicant's statutory and regulatory duties.
- 7.1.4 In this context, it merits noting that there is an inherent relationship between urgency and the scope for negotiated acquisition. The more pressing the public need for the scheme, the less time is available to progress land interests through what can often be lengthy and iterative negotiations. Accordingly, where a project is required to proceed within an accelerated timetable, it would be unrealistic to expect the same volume of concluded private treaty agreements as might be achievable for a less time-critical scheme.
- 7.1.5 At the close of the Examination, the Applicant remains satisfied that:
- All of the land interests identified for CA / TP are required to ensure that the Project will be able to proceed
 - The approach to CA and TP powers is proportionate. In particular, it is important to note at the outset that the Applicant is not seeking permanent acquisition of land / rights over the full extent of the land that falls within the Order Limits. Where possible, the Applicant is seeking only TP powers. Permanent rights are only sought in order to ensure that post-construction, the Applicant will be able to operate, access and maintain the Project, over a corridor within the LoD
 - All applicable statutory requirements have been met. In particular, any interference with rights protected by the European Convention on Human Rights (ECHR) and the Human Rights Act 1998 is legitimate, necessary, proportionate and justified
 - The approach to CA and TP powers accords with government guidance. In particular, there is a compelling case in the public interest for the CA and TP powers sought.

- 7.1.6 This chapter considers the following matters in respect of compulsory acquisition:
- The justification for the powers sought
 - The approach to engagement / attempts to acquire voluntarily
 - The response to individual objections from APs
 - The approach to landowner commitments
 - The Human Rights Act 1998 and the Equality Act 2010
 - Crown Land
 - Special Category Land
 - Statutory Undertakers
 - Funding
 - Conclusions.
- 7.1.7 In addition to CA / TP powers that will be exercisable by the Applicant, the Applicant also seeks to include CA / TP powers in the DCO that will be exercisable by UK Power Networks. The Section below on engagement addresses that undertaken by both (i) the Applicant and (ii) UK Power Networks.

7.2 Justification for CA and TP Powers Sought

Statutory Requirements and Government Guidance

- 7.2.1 S122(1) of the PA 2008 requires the Secretary of State to be satisfied that the conditions in s122(2) and (3) are met, before provisions authorising the compulsory acquisition of land may be included in a DCO:
- S122(2) requires the land to be (a) required for the development to which the development consent relates; or (b) required to facilitate, or incidental to, that development. (S122(2)(c) relates to “replacement land” and is not relevant here.)
 - S122(3) requires there to be a “compelling case in the public interest” for the land to be acquired compulsorily.
- 7.2.2 S123 of the PA 2008 is satisfied because the application for the DCO included a request for compulsory acquisition of the land to be authorised (see s123(1)-(2)).
- 7.2.3 There is published government guidance, ‘Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land’ (Department for Communities and Local Government, 2013) (‘the Guidance’). Paragraph 7 of the Guidance explains that paragraphs 8 to 19 ‘*set out some of the factors which the Secretary of State will have regard to in deciding whether or not to include a provision authorising the compulsory acquisition of land in a [DCO]*’. The following points emerge from paragraphs 8 to 19 (and are addressed below in the order that they appear here):
- The Secretary of State must be satisfied that there is a compelling case in the public interest for the land to be acquired compulsorily (paragraphs 12-16). Paragraph 19 states that ‘*[i]t would be helpful for applicants to be able to demonstrate that their application is firmly rooted in any relevant [NPS]*’.

- The applicant must have a clear idea of how they intend to use the land (paragraph 9)
- The applicant should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored (paragraph 8)
- The applicant will need to demonstrate that the proposed interference with the rights of APs is for a legitimate purpose; and that it is necessary and proportionate (paragraphs 8 and 11)
- Regard must be given to the provisions of Art. 1 of the First Protocol to the ECHR, and (in the case of acquisition of a dwelling) Art. 8 of the ECHR
- The applicant should be able to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available (paragraphs 9, 17 and 18). The resource implications of both acquiring the land and implementing the project should be considered. The timing of the availability of the funding is also likely to be a relevant factor; the applicant should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the order being made
- Finally, the applicant will need to be able to demonstrate that:
 - any potential risks or impediments to implementation of the scheme have been properly managed
 - they have taken account of any other physical and legal matters pertaining to the application, including the programming of any necessary infrastructure accommodation works and the need to obtain any operational and other consents which may apply to the type of development for which they seek development consent (paragraph 19).

7.2.4 Paragraph 25 of the Guidance explains that:

‘Applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail. Where proposals would entail the compulsory acquisition of many separate plots of land (such as for long, linear schemes) it may not always be practicable to acquire by agreement each plot of land. Where this is the case it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset⁶’ (emphasis added).

7.2.5 Paragraph 26 of the Guidance states that applicants *‘should consider at what point the land they are seeking to acquire will be needed and, as a contingency measure, should plan for compulsory acquisition at the same time as conducting negotiations’.*

7.2.6 Section 2.6 of NPS EN-5 also discusses compulsory acquisition; the approach aligns with the Guidance.

⁶ It should be noted that in some cases it may be preferable, or necessary, to acquire compulsorily rather than by agreement. In the case of land belonging to and held inalienably by the National Trust, because the Trust has no power to dispose of land so held, the compulsory acquisition of Trust land must be authorised in an order even if the Trust is minded not to oppose the proposals.

The Compelling Case in the Public Interest

- 7.2.7 Paragraph 13 of the Guidance (Department for Communities and Local Government, 2013) explains that:

“For this condition to be met, the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. Parliament has always taken the view that land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss”.

- 7.2.8 There is clear, compelling evidence that the public benefit of compulsory acquisition will outweigh the private loss. The need case for the Project has been set out above (and is not repeated here). The application is “firmly rooted” in NPS EN-1 and NPS EN-5; see the Need for the Project section earlier in Section 3.1 of this document.
- 7.2.9 In strategic terms, the public benefits will strongly outweigh the generality of the public loss. The Project is infrastructure for which the government has concluded that there is a CNP (NPS EN-1, paragraph 3.3.62); further, that delivery should be progressed as quickly as possible because there is an urgent need for it to be brought forward at pace (NPS EN-1, paragraphs 3.3.63 and 3.3.65). Substantial weight is to be given to the need for the infrastructure (NPS EN-1, paragraph 3.2.7).
- 7.2.10 As to the private loss, the interference with private rights has been minimised as far as possible. The general operation of the Holford Rules and the adherence to the clear policy set out in NPS EN-5 ensures at a strategic level that the interference with private rights is removed or mitigated, such that the strategic need for the proposals is compelling.
- 7.2.11 At the more granular level, interference with private land interests has been minimised commensurately with the stage of project design that the Project has reached. In other words: at this stage of project design, the LoD remain necessary to allow for adjustment to the final positioning of Project features (e.g. to avoid localised constraints; or to address unforeseeable issues). However, interference with private land interests has been minimised to the extent possible whilst also safeguarding the ability ultimately to deliver the Project effectively.

A Clear Idea of How the Land Will Be Used

- 7.2.12 The Applicant has a clear idea of how the land will be used. **4.3 Book of Reference [Revision G]** identifies, on a plot-by-plot basis, the land in respect of which CA / TP powers are sought and the nature of the interest / right sought. The Book of Reference expressly cross-references to **2.2 Land Plans [Revision G]** (and **2.14 Special Category and Crown Land Plans [Revision G]**). **4.1 Statement of Reasons [Revision E]** then explains why those land interests / rights are required (namely, to construct, operate and maintain the Project). The Statement of Reasons is explicitly intended to be read alongside the Book of Reference, the Land Plans and other application documents, including **2.3 Works Plans [REP7-014, REP6-014, REP7-016, REP7-018, APP-021, REP6-016, REP5-021, REP6-018]**.

Reasonable Alternatives to Compulsory Acquisition and Negotiations

7.2.13 The Applicant has addressed the following reasonable alternatives to compulsory acquisition:

- The potential for voluntary acquisition
- The potential for compulsory acquisition to be avoided / reduced by pursuing alternative strategic options
- The potential for compulsory acquisition to be avoided / reduced at the more granular, plot-specific level by making modifications to the Project.

The Potential for Voluntary Acquisition

7.2.14 The Applicant's approach to engagement (with a view to acquiring the necessary land interests voluntarily) is addressed in more detail below. By way of overview:

- It must be recognised that neither statute nor policy / guidance requires an applicant to negotiate successfully (i.e. so as to culminate in the withdrawal of the objection) with all APs before CA / TP powers may be granted. Such a requirement would entirely negate the utility of the statutory provisions that enable CA / TP powers to be sought – if an applicant were required to acquire all necessary land interests voluntarily (through negotiation), there would be no need for CA / TP powers.
- Nor indeed is there any requirement in statute, policy or guidance for an applicant to have negotiated successfully with any AP, before CA / TP powers may be granted.
- Rather, the requirement (in the Guidance (Department for Communities and Local Government, 2013)) is for the applicant to seek to acquire land by negotiation, wherever practicable.
- The Applicant notes that paragraph 25 of the Guidance expressly recognises that where (as here) proposals would entail the compulsory acquisition of many separate plots of land, it may not always be practicable to acquire each plot of land by agreement. The paragraph expressly identifies “long, linear schemes” (a description that plainly applies to the Project) as the “example” of such a situation. This point is important: were the position otherwise, an applicant would be unable to ensure that parcels of land in series, critical to the delivery of a long linear project, would be available (and still less that they would be available in the pressing timescales that government policy and the national interest require). For such linear schemes, the absence of certainty over the ability to deliver even one / a small number of them has an entirely disproportionate effect on scheme delivery.
- The ExA on the Bramford to Twinstead DCO application stated as follows in its report:

‘6.6.13 Without the powers of acquisition being compulsorily, there would be a risk that the urgent national need for the project could not be met because the land and rights required in the Order land may not be assembled.

6.6.14 This approach to making the application for the dDCO in parallel to conducting negotiations to acquire rights in land by agreement wherever practicable, is in accordance with paragraph 25 of the CA Guidance'

The same logic applies to Norwich to Tilbury, except that Norwich to Tilbury is more critical.

- In accordance with the Guidance (and indeed with its own preference, which is always for voluntary acquisition), the Applicant has sought to acquire land by negotiation, so far as practicable. This is detailed below.
- The Applicant adds that what is practicable here falls to be considered in the context of the urgent need to deliver this Project of CNP, which has been identified in national policy (above). The Project is the longest NSIP of its kind (at 180 km) and involves c. 7,780 parcels of land in respect of which it is necessary to seek CA / TP powers; and 4,800 plots which contain a statutory undertaker interest. Were the Applicant required (contrary to what is said in the Guidance) to complete negotiations prior to being granted CA / TP powers, that would potentially stymie the meeting of a national need.

Alternative Strategic Options

- 7.2.15 Representations made to the ExA suggest that there are other strategic options for the Project that would invariably represent an alternative from a compulsory acquisition perspective. That suggestion is not accepted. The delivery of any alternative solution would also inevitably require the acquisition of land and rights in the ownership of parties other than the Applicant.
- 7.2.16 For example, an increased extent of undergrounding would invariably require the authorisation of powers of compulsory acquisition over a larger extent of land, noting that the Order Limits for underground cable swathes are typically wider than those required for overhead line.
- 7.2.17 Similarly, the Applicant's view, with reference to its very recent experience in the context of the Sea Link project, is that it is by no means easier or quicker to obtain, whether by compulsion or otherwise, the rights associated with subsea routeing options. Those subsea routeing options would likely interface with utilities infrastructure, including gas pipelines and telecommunications equipment. Crown licences would also be required.

Modifications as Potential Reasonable Alternatives

- 7.2.18 Whilst the Order Limits have not been modified during the Examination (save as a result of the two change requests), the Project has evolved in a number of ways that have enabled the extent of CP / TA powers sought to be reduced:
- First, Section 4.6 of **6.4 Environmental Statement Chapter 4 – Project Description [REP7-160]** identifies 19 elements of the Project design in respect of which different design options within the Order Limits are under consideration (referred to as “Scenarios”). During the Examination, the Applicant has sought to rationalise, where possible, the number of design Scenarios, so as to leave only those that are essential to provide necessary engineering flexibility. The progress that the Applicant has made on this point is described in **8.11 Approach to Scenarios [REP7-486]**.

- Secondly, during the Examination it has proved possible (as a result of progressing work on the Scenarios, as described above; and additionally through continued engagement with APs) to reclassify 477 of the Appendix A, Appendix B and DLRT plots as “Class 8” “white land”. These are shown in **4.4 Land Rights Tracker [Revision H]**. As is explained in Section 2.8 and Table 2.1 in **4.3 Book of Reference [Revision G]** the Applicant has made provision for a “Class 8” designation to operate for land within the Order Limits in respect of which no CA / TP powers are sought. Class 8 land is left unshaded on **2.2 Land Plans [Revision G]** and so is informally described as “white land”.

- 7.2.19 Additionally, through ongoing engagement with APs, a number of potential design refinements (113 in total) have been identified for further consideration as part of the Project’s detailed design development. These are set out in Appendix B (Additional Detailed Design Requests) to **8.4.16 Applicant’s Comments on any Further Information or Submissions Received by Deadline 6 [REP7-481]**.
- 7.2.20 As that document explains, the potential design refinements should not be treated as embedded, proposed or secured mitigation within the mitigation hierarchy; nor should they be relied upon as commitments. Nevertheless, they demonstrate a constructive approach to engagement on the part of the Applicant; and a willingness to consider opportunities to accommodate local preferences where permitted and where reasonably practicable.
- 7.2.21 Importantly as regards discussion of alternatives, the identification of these potential design refinements does not alter the extent of the plots in respect of which CA / TP powers are required (so as to ensure that ultimately it will be possible to deliver the Project effectively). However, it does show that the Applicant has considered potential opportunities further to minimise the impact of the CA / TP powers that it seeks, as the design of the Project progresses.
- 7.2.22 Finally, the Applicant’s response to points made by APs on alternatives at the more granular, plot-specific level can be found in **8.27 Response to Category 1 and 2 Affected Persons Objections [REP7-516]**.

A Legitimate Purpose; Necessity and Proportionality

- 7.2.23 Paragraph 11 of the Guidance (Department for Communities and Local Government, 2013) explains that for s122(2)(a) of the PA 2008 to be met (land ‘required for the development to which the development consent relates’), the Secretary of State ‘*will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development*’.
- 7.2.24 The Applicant has recognised throughout the Examination that compulsory acquisition powers should be relied upon only as a last resort. The Applicant is not seeking CA / TP powers over more land than is reasonably required for the purposes of the Project. It has utilised LoD to ensure that the extent of land and rights required on a permanent basis is minimised wherever practicable, whilst also providing reasonable flexibility to address unforeseeable constraints encountered ‘on the ground’ in due course (without the need for changes to the DCO).
- 7.2.25 The Applicant has also ensured that the CA / TP powers that it seeks are proportionate by relying on TP powers rather than CA powers, wherever practicable. In order to determine the appropriate type of power sought, the Applicant began by identifying for each plot whether the works proposed would give rise to a permanent change of use of land as a result of the installation of apparatus; and/or whether

exclusive occupation / control was required by the Applicant. In either case, the plot was identified for permanent acquisition. Plots that were required solely for construction of the Project were identified as requiring only TP powers (not permanent acquisition).

- 7.2.26 Where permanent acquisition is sought in respect of a plot, the Applicant has refined / narrowed the class of right(s) sought, i.e. the nature of the right sought has been identified more precisely, beyond simply being described as “rights” over the plot. Thus, in addition to Class 1 (compulsory acquisition of land), there are six classes of compulsory acquisition of rights (Classes 2, 3, 4, 4a, 5 and 6); see **4.3 Book of Reference [Revision G]**, Table 2.1. By way of example, overhead line rights (Class 2) and underground cable rights (Class 3) have different impositions on the land and are defined separately, as are rights for access routes (Class 5) and drainage (Class 6) alone.
- 7.2.27 The Applicant proposes a sequential approach to the acquisition of land / rights. It is important to appreciate that the TP power is not one of compulsory acquisition, but simply a power to enter on and take temporary possession of land. The TP powers sought will enable the Applicant to occupy land to construct the Project, without having to acquire permanently land / rights that are only required for construction. As a result, the Applicant will be able ultimately to acquire compulsorily rights to retain, operate and maintain the Project over an area of land that matches the final footprint of the Project. This approach provides flexibility to the Applicant and, for APs, minimises the area of land required for the compulsory acquisition of land or rights, lessening the impact on APs.

ECHR Rights

- 7.2.28 For the reasons given above, any interference with ECHR rights is legitimate, necessary, proportionate and justified. More detailed explanation of the way in which the requirements of the Human Rights Act 1998 (and also of the Equality Act 2010) have been met is provided in the Human Rights section later in Section 7.7 of this document.

Funding

- 7.2.29 The requirements of the Guidance (Department for Communities and Local Government, 2013) as regards funding are met. Funding is explained in more detail in the Funding section later in Section 7.11 of this document.

Potential Risks / Impediments and Other Physical / Legal Matters

- 7.2.30 There are no known impediments to the delivery of the Project. Detail of ‘other consents’ that will be required is provided in **5.5 Consents and Licences Required Under Other Legislation [REP7-088]** and **5.6 Planning Statement [REP7-090]** (Section 2.8).

7.3 Approach to Engagement and Attempts to Acquire

- 7.3.1 The Applicant's approach to engagement and the voluntary acquisition of land and rights has been, and remains, an iterative process. It should not be viewed as a single point-in-time exercise, or as a process which ceases at the close of the Examination. Rather, the Applicant has progressed engagement in stages: identifying and categorising interests through land referencing; consulting Affected Persons (APs); issuing engagement material and Heads of Terms (HoTs) where appropriate; meeting APs and their agents; refining the HoTs in light of feedback; and continuing discussions to seek voluntary agreements wherever reasonably practicable.
- 7.3.2 This approach is reflected in the Detailed Land Rights Tracker (DLRT) preface (**4.4 Land Rights Tracker [Revision H]**), which explains that the DLRT is intended to provide a structured, proportionate and auditable record of land rights and engagement activity, including how interests have been identified, categorised, engaged with and recorded. It also confirms that the DLRT is not merely a negotiation tracker, but forms part of the wider evidential framework demonstrating how land engagement is managed and recorded across the Project.
- 7.3.3 The Applicant has adopted a differentiated approach depending on the nature of the relevant interest. For Category 1 Persons with an Interest in Land, the process began with early HoT engagement letters, followed by the circulation of template HoTs and then, where land referencing, design development and engagement confirmed that a voluntary land transaction was appropriate, populated HoTs tailored to the individual plot and interest. The Applicant has explained, in the DLTR preface (**4.4 Land Rights Tracker [Revision H]**), that populated HoTs are progressed where a voluntary agreement would secure the requisite land or rights from the freeholder or superior interest holder, and that issuing such documents to every recorded interest holder would risk duplication, confusion and unnecessary parallel negotiations.
- 7.3.4 The absence of a populated HoTs document should therefore not be read as an absence of engagement. The DLRT preface (**4.4 Land Rights Tracker [Revision H]**) expressly explains that HoTs are used where the Applicant is seeking to acquire land or land rights by voluntary agreement, and that their absence does not imply a lack of consultation or engagement. Category 2 persons have been identified and consulted in accordance with the statutory requirements, but do not typically receive populated HoTs because the land rights required for the Project are normally secured through engagement with the relevant Category 1 interest holder. Category 3 persons are subject to a proportionate, information-led engagement approach, involving notification, access to project information and clear channels for communication, rather than negotiation-based engagement because no land transaction is required.
- 7.3.5 In practical terms, the Applicant has pursued engagement through a combination of written correspondence, direct meetings, land agent meetings, telephone calls, email correspondence, clarification letters, working groups and continued dialogue through its appointed land agents. The DLRT records this engagement activity and has been updated through successive Examination deadlines to reflect the evolving status of engagement and negotiations.
- 7.3.6 The Applicant's Version 2 populated HoTs were issued on a phased basis: Sections C and D on 26 March 2026, Sections E and F on 2 April 2026, and Sections A, B, G and H on 9 April 2026. Since 31 March 2026, the Applicant's appointed land agents, Fisher German, have been making contact with Category 1 freehold APs who received populated version 2 HoTs, offering meetings to discuss the terms and

practical matters relating to the rights sought over their land. In addition, the Applicant and Fisher German have engaged extensively with land agents representing APs across the Order Limits, including through individual meetings, ongoing correspondence, and a series of county-based land agent working groups established to facilitate discussion of HoTs, land rights, construction requirements and other associated matters. Further detail regarding the Applicant's engagement with APs, landowners and their representatives, and the issues raised by land agents on behalf of affected persons, is provided in **8.4.18 Applicant's Comments on any Further Information or Submissions Received by Deadline 7 [Revision A]**.

- 7.3.7 The Applicant has also sought to address common themes arising through engagement. This has included issuing a clarification letter to Category 1 freeholders during the week of 13 April 2026 to explain the Applicant's position on matters not dealt with through HoT negotiations, and to provide reassurance on the status, scope and limitations of the HoTs. The Applicant has also continued engagement on agricultural land drainage and soil management, accommodation works, incentive arrangements, compensation, and the mechanism by which landowner-specific commitments may be secured.
- 7.3.8 The Applicant's continuing engagement is not limited to those parties already actively responding. Where there has been no or limited engagement from APs, the Applicant and Fisher German have continued to undertake a range of steps to unlock engagement, including telephone calls, emails, written correspondence and door knocking, with those efforts recorded and logged. The Applicant has also continued to refine the HoTs in response to engagement, including through meetings with agents and APs, inviting feedback, incorporating amendments where appropriate, and progressing both generic and site-specific issues in parallel.
- 7.3.9 The Applicant's position is therefore that engagement and attempts to acquire land and rights voluntarily have been substantial, structured and ongoing. In Annex B of **8.5.10 Applicant's Written Summary of Oral Submissions and Response to Action Points for Compulsory Acquisition Hearing 3 [REP6-116]** the Applicant described its negotiation strategy as involving engagement with land agents on behalf of 801 APs across 545 HoTs, including direct negotiations, engagement with representative agents, consideration of accommodation works requests, ongoing review of land rights requirements, and progression of HoTs towards binding legal agreements. The Applicant will continue to engage beyond the Examination where necessary, because the purpose of seeking compulsory acquisition and temporary possession powers is to provide a necessary backstop where voluntary agreement cannot be reached within the programme required to deliver the Project, not to displace the Applicant's preference for voluntary agreement.
- 7.3.10 The Applicant recognises that land rights required for the UK Power Networks works have been a particular focus of the Examination, including at CAH3. The Applicant has therefore taken steps to ensure that the UK Power Networks position is clearly understood, that UK Power Networks' engagement is recorded in a way that can be reviewed by the ExA, and that the Applicant and UK Power Networks continue to co-ordinate their respective approaches where APs are affected by both the Applicant's and UK Power Networks' works.
- 7.3.11 The Deadline 6 DLRT preface (**4.4 Land Rights Tracker [REP6-044]**) recorded that a new UK Power Networks tab was inserted into the DLRT, providing high-level engagement metrics reflective of UK Power Networks engagement, including direct meetings, land agent meetings, and how many APs have been represented or not yet met. The same section explains that the UK Power Networks tab includes cross-

referencing features to aid comparison between the Applicant and UK Power Networks engagement, including the Applicant's PIL reference, the UK Power Networks equivalent reference, and the respective AP names used by the Applicant and UK Power Networks.

- 7.3.12 The DLRT demonstrates that UK Power Networks' engagement has developed materially since the concerns first raised earlier in the Examination. It is also consistent with the position explained in the CAH3 material that UK Power Networks' engagement and negotiation strategy does not follow precisely the same sequencing as the Applicant's approach, with UK Power Networks' HoTs generally coming later in its process. This difference in sequencing does not alter the underlying objective: UK Power Networks is pursuing voluntary agreements while compulsory acquisition powers are sought as a necessary backstop if voluntary agreement cannot be secured. That 'twin-track' position was also addressed in subsequent legal review of the ARU Writtle response, which recorded that UK Power Networks was working to achieve voluntary agreements while seeking compulsory powers as a necessary backstop of last resort.
- 7.3.13 The Applicant has also taken active steps to facilitate and improve co-ordination with UK Power Networks. Internal and external correspondence shows that the Applicant sought UK Power Networks' engagement strategy, programme and evidence of landowner engagement for the purposes of reporting to the ExA at Deadline 5 and CAH3. The Applicant also sought to establish a joined-up approach between the Applicant and UK Power Networks, including alignment of HoTs where possible, consistent negotiation principles, co-ordination of engagement with APs, and practical steps to avoid duplication or additional uncertainty for APs. Since CAH3, co-ordination has continued through regular engagement between the Applicant and UK Power Networks, carrying out internal meetings to discuss lands, planning and consent matters, and continuing to carry out joint meetings with APs.
- 7.3.14 Moving forward, the Applicant and UK Power Networks will continue to progress engagement and voluntary acquisition in parallel with the close of the Examination and beyond. In relation to UK Power Networks, this will include continuing engagement with Affected Persons and their appointed agents; progressing technical and legal discussions on the rights required for UK Power Networks works; reviewing and refining HoTs or other agreement documentation where appropriate; co-ordinating engagement with the Applicant where Affected Persons are affected by both the Applicant's and UK Power Networks' works; recording further engagement in the DLRT, UK Power Networks engagement records or any successor records; and continuing to seek voluntary agreements wherever practicable.
- 7.3.15 The Applicant will also continue to facilitate co-ordination with UK Power Networks and ensure, so far as within its control, that the Secretary of State is provided with a clear and up-to-date account of both the Applicant's and UK Power Networks' engagement.
- 7.3.16 The Applicant's position remains that compulsory acquisition and temporary possession powers are sought as a necessary backstop and measure of last resort where voluntary agreement cannot be secured within the programme required to deliver the Project. The ongoing programme of engagement, negotiation and co-ordination demonstrates that land and rights continue to be pursued by voluntary agreement wherever practicable, while maintaining the powers required to ensure that the delivery of the Project is not frustrated.

7.4 Concluding Remarks in Response to AP Objections

- 7.4.1 The Project impacts approximately 5,062 Affected Persons (APs) of whom 306 (6%), submitted a Relevant Representation or a Written Representation containing an objection to the Applicant's request for authorisation of CA and/or TP powers to the ExA. This is a comparatively small number of representations and objections to compulsory acquisition considering the volume of interests sought to be acquired and the scale of the Project relative to other DCO applications. It demonstrates the wide-reaching level of engagement the Applicant has undertaken with APs and the successful focus on resolving matters of concern in relation to the compulsory acquisition or temporary possession of land.
- 7.4.2 For context, within the Order Limits there are 8,257 plots. Of these plots, 2,919 (approximately 35%) are Class 7 (temporary possession) or Class 8 (no rights are sought).
- 7.4.3 Three Compulsory Acquisition Hearings (CAHs) were held during examination, attended by 40 APs (or groups of Affected Persons) and five statutory parties, which account for less than 1% of all APs and less than 15% of APs who submitted a Relevant Representation and/or Written Representation containing an objection to the Applicant's request for authorisation of CA and/or TP powers. Excluding local authorities, six parties that attended CAHs agreed final SoCGs with the Applicant by Deadline 7, and a further four parties have agreed final SoCGs by Deadline 8.
- 7.4.4 A summary of the progress made with the 306 APs whose Relevant Representations and/or Written Representations contained an objection to the Applicant's request for authorisation of CA and/or TP powers to the Project is captured in 8.14 Schedule of Affected Persons objecting to CA or TP of their land or rights [REP7-491]. Further detailed responses are included in 8.27 Response to Category 1 and 2 Affected Persons Objections [REP7-516] and 8.31 Response to Rule 17 Letter Received 14 July 2026 [REP7-533].
- 7.4.5 It is important to note that in 8.27 Response to Category 1 and 2 Affected Persons Objections [REP7-516] the Applicant also addressed comments received at Deadline 5A from a further 122 APs who had not previously submitted a Written Representation or Relevant Representation objecting to the Applicant's request for authorisation of CA and/or TP powers. The Applicant has considered and responded to those comments in full.
- 7.4.6 The Applicant is continuing to progress a significant volume of voluntary negotiations as set out in 4.4 Land Rights Tracker [Revision H]. The agreement rates for HoTs are considered broadly comparable with linear projects at a similar stage in the Examination process and discussions will continue post Examination.
- 7.4.7 The Applicant has also continued to engage with APs who did not attend CAHs. These are also summarised in 4.4 Land Rights Tracker [Revision H].
- 7.4.8 As detailed earlier in this Section, a strong programme of engagement and feedback consideration from APs has been shown. Further to the detailed engagement approach set out in 8.5.10 Applicant's Written Summary of Oral Submissions and Response to Action Points for Compulsory Acquisition Hearing 3 [REP6-116], Annex B Section 1.2 and since CAH3 (24 June 2026), further meetings have been held or booked with APs and/or their representatives.

- 7.4.9 This includes a number of agent meetings to discuss the version 3 HoTs held on 14 and 15 July 2026, including Brooks Leney, Whirledge & Nott and Clarke & Simpson. These meetings have covered 313 APs.
- 7.4.10 Engagement since CAH3 has also included a further 54 emails and 34 telephone calls with APs and/or their representatives. This has included calls to APs without agent representatives to update them regarding version 3 HoTs.
- 7.4.11 Taken as a whole, the evidence before the ExA demonstrates a sustained and proactive programme of engagement, with concerns carefully considered and addressed wherever possible. The progress achieved during the Examination, the significant volume of ongoing voluntary negotiations, and the increasing number of agreed positions demonstrate the Applicant's commitment to securing consensual outcomes and minimising the need to rely on compulsory powers wherever practicable.

7.5 Themes from Objections

Engagement

- 7.5.1 The Applicant has engaged throughout the pre-Examination and Examination stage and continues to correspond, hold meetings and negotiate with APs and their agents in an effort to progress voluntary agreements. To progress negotiations efficiently and focus on key commercial principles, the Applicant and its agent, Fisher German, have met regularly with eight land agent firms, representing a significant majority of the APs, to agree the form and content of a generic template version 3 HoTs. The most recent meeting was held on 14 and 15 July 2026 (with a meeting planned with Durrants on 7 August).
- 7.5.2 The Applicant has a clear and time-bound strategy to progress negotiations:
- 7.5.3 After the issue of populated version 2 HoTs, the Applicant has continued to negotiate proactively with APs in an effort to seek to acquire the necessary permanent and temporary land and rights required to facilitate the project.
- 7.5.4 As a result of ongoing negotiations with APs and their land agents, a revised version 3 template HoTs was emailed to agents with an update on generic terms. This revised version has been issued on the basis that it was felt appropriate and reasonable to consider the ongoing feedback from all agents and APs who have engaged due to the scale of negotiations on a project of this size and the volume of APs affected.
- 7.5.5 Populated version 3 HoTs are currently in production and will be issued to all APs prior to close of examination on 10 August 2026. These updated terms will reflect not only the clauses and commercial terms that have been changed to reflect the ongoing feedback from negotiations, but also the AP specific changes that have been made on a per holding basis with specific reference to the extent of Grantors land and relevant accommodation and mitigation works.
- 7.5.6 Upon issue, an eight-week incentive period will commence to encourage early agreement at a suitable date thereafter. The Applicant will then transition from template-based negotiations, that have been run in parallel with the landowner-specific negotiations, to a fully landowner-specific agreement approach. The Applicant will maintain a clear position that no further template revisions after version 3 are anticipated.

- 7.5.7 The Applicant will continue to execute its strategic plan to progress engagement and will continue regular group and individual meetings throughout the coming months focussing on specific matters under commercial discussion, practical concerns from APs and progressing HoTs to legal option agreements as soon as possible.
- 7.5.8 This structured approach is intended to secure a substantial proportion of voluntary agreements as an alternative to the exercise of the compulsory acquisition powers, in accordance with the PA 2008 and associated guidance on compulsory purchase.

Drafting and Commercial Terms: Outstanding Issues on Draft Clauses

- 7.5.9 The Applicant considers that the provisions proposed are appropriate and proportionate to secure the land rights required for the construction, operation and maintenance of the Project, whilst protecting the interests of APs. Version 3 of the HoTs is being issued before close of Examination dealing with matters relating to endeavours, obligations, assignment provisions, schedules of condition, compensation entitlement, crop loss and disturbance claims, deed completion arrangements. Other drafting points remain under active review and discussion between the parties, the full response to which can be found in **8.4.17 Applicant's Comments on Post-Hearing Submissions and Interested Party Action Points [REP7-482]** from page 46 onwards. The Applicant notes that entitlement to compensation is governed by the statutory compensation code and is not displaced by any voluntary agreement.

Accommodation and Mitigation Works

- 7.5.10 As highlighted at CAH2, the Applicant conducts a process where requests for accommodation works and particular individual requests are received by Fisher German, inserted into a register, and regular twice weekly meetings are conducted to triage, seek to identify common themes across APs and identify and seek the correct direction or decision from the technical specialists within National Grid.
- 7.5.11 The Applicant will continue to review and respond to requests through this process and does not anticipate that the register will close for requests and consideration in the future. The focus at this time continues to be the matters that should be negotiated as part of HoTs rather than simply practical matters that would be dealt with through the usual agricultural liaison / pre-entry schedule of condition workstream at the commencement of main works.

Agriculture, Soils and Land Drainage

- 7.5.12 The Applicant acknowledges the concerns raised regarding farming operations, vegetation management, crop restrictions and compensation. The extent of any operational restrictions will depend on the specific circumstances of the affected land and infrastructure, and any entitlement to compensation will be assessed in accordance with the statutory compensation code and the terms of any agreed voluntary rights. The actions are closely linked to the register referred to in the 'Accommodation and Mitigation Works' response above.

UK Power Networks

- 7.5.13 The Applicant notes the concerns raised regarding responsibility for reinstatement works and the progress of engagement by UK Power Networks and its agents. The Applicant continues to engage closely with UK Power Networks regarding the design and delivery of any required local distribution network diversions and alterations.
- 7.5.14 As explained during CAH3, UK Power Networks' engagement and negotiation programme does not follow precisely the same sequencing as National Grid Electricity Transmission's approach, with UK Power Networks-specific HoTs generally progressing once sufficient design detail is available. This does not alter the underlying objective of securing voluntary agreements wherever practicable whilst retaining compulsory acquisition powers as a necessary backstop. The Applicant has sought to facilitate a coordinated approach between the Applicant and UK Power Networks, including alignment of engagement activities, negotiation principles and communication with APs.
- 7.5.15 The Applicant also notes that the precise rights, responsibilities, reinstatement obligations and any associated liabilities relating to UK Power Networks' works will depend upon the detailed design of those works and will be addressed through the relevant agreements and statutory mechanisms as those matters are progressed.
- 7.5.16 The Applicant does not agree that the absence of concluded agreements relating to UK Power Networks' works prevents the ExA from assessing the application or the Secretary of State from determining the application. The evidence before the ExA shows that both the Applicant and UK Power Networks have sought to progress voluntary acquisition of the requisite land interests where practicable. Furthermore, engagement between the Applicant, UK Power Networks and APs will continue following the close of Examination as detailed design develops and further information becomes available.

7.6 Securing Commitments

- 7.6.1 The Applicant recognises that, alongside the acquisition of land and rights, APs have sought assurance regarding the treatment of site-specific matters during detailed design, construction and operation. These matters commonly include accommodation works, access arrangements, crossing points, drainage, biosecurity measures, management of severed landholdings, agricultural operations, construction sequencing and other landowner-specific concerns. The Applicant's approach has been to consider such matters through a structured engagement process running in parallel with HoT negotiations and the wider land acquisition process. This approach has been explained throughout the Examination, including at CAH3.
- 7.6.2 The Applicant has not treated landowner commitments as a single category of obligation capable of being secured through one mechanism. Rather, the appropriate securing mechanism depends on the nature of the matter concerned. Some commitments are secured through the DCO and the certified documents, including requirements, protective provisions and the **7.2 Outline Code of Construction Practice [Revision H]**. Other matters are addressed through detailed design development, construction planning, voluntary agreements, accommodation works discussions, operational arrangements, or ongoing engagement with APs and their representatives.

- 7.6.3 As engagement has progressed, the Applicant has established processes for identifying, recording, reviewing and tracking landowner-specific requests. Earlier in the Project, these matters were captured through the commitments register process, which was used to record practical and holding-specific issues emerging from negotiations and engagement. Examples included accommodation works, crossing points, management of agricultural operations, drainage matters, severance issues and other practical mitigation measures.
- 7.6.4 During the Examination, this process has been supplemented by the Additional Detailed Design Requests (ADDR) schedule (Appendix B of **8.4.16 Applicant's Comments on any Further Information or Submissions Received by Deadline 6 [REP7-481]**). The ADDR schedule provides a transparent record of location-specific requests, aspirations and commitments arising through consultation, representations and ongoing engagement. The schedule demonstrates how individual matters have been considered and, where appropriate, translated into commitments to be addressed through detailed design, construction planning, ongoing liaison, voluntary agreement mechanisms or other project controls. The ADDR process therefore provides an auditable framework linking concerns raised by APs with the Applicant's proposed response and onward actions.
- 7.6.5 The Applicant has consistently maintained that the detailed design process remains important because a number of AP requests can only properly be addressed once further engineering, construction and operational detail becomes available. The ADDR process is intended to ensure that such matters are not lost between Examination and implementation, whilst recognising that the precise manner in which individual requests are delivered will depend upon technical feasibility, environmental considerations, safety requirements and other statutory obligations applying at the relevant stage of the Project.
- 7.6.6 The Applicant therefore submits that there is a clear and proportionate framework for considering, recording, securing and implementing AP commitments. Taken together, the **3.1 Draft DCO [Revision H]**, certified documents, **7.2 Outline Code of Construction Practice [Revision H]**, voluntary agreements, accommodation works process, commitments register and ADDR schedule (Appendix B of **8.4.16 Applicant's Comments on any Further Information or Submissions Received by Deadline 6 [REP7-481]**) provide a robust suite of mechanisms through which landowner concerns can be addressed as the Project moves from Examination into delivery.

7.7 Human Rights and Equalities

Human Rights

- 7.7.1 The Applicant responded to Agenda Item 6 at Compulsory Acquisition Hearing 1 (CAH1) during the hearing itself (transcript 2 of CAH1 **[EV5-004]** refers) and in a subsequent written submission following the hearing **[REP1-138]**, to confirm the position that Article 1 of the First Protocol (A1P1) to the ECHR (as enacted and given effect in UK legislation through the Human Rights Act 1998) is potentially engaged, and to ask the ExA to proceed on the same basis. A1P1 concerns the peaceful enjoyment of possessions.

- 7.7.2 Whilst no compulsory acquisition of any dwelling is proposed, the Applicant has proceeded on the precautionary basis that Article 8 of the ECHR (right to respect for private and family life) is also engaged, and the Applicant is content for the ExA to proceed on the same basis.
- 7.7.3 Neither the A1P1 right nor the Article 8 right is absolute. A1P1 provides that *‘[n]o one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law’*. Article 8(2) contemplates that a public authority may interfere with the Article 8(1) right to respect for private and family life where the interference is *‘in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others’*.
- 7.7.4 The Applicant does not consider that there will be any breach of any individual’s rights under either Article. As the Guidance (Department for Communities and Local Government, 2013) explains (paragraph 10), the Secretary of State must ultimately be persuaded that the purposes for which a DCO authorises the CA of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. The legitimacy of the purposes for which CA and TP powers are sought has been addressed above. The compelling case in the public interest for the grant of such powers has also been established, with reference to the need case for the Project. As regards Article 8 in particular, in the light of the confirmation in NPS EN-1 that CNP infrastructure is required to ensure the UK can achieve its energy objectives, together with the national security, economic, commercial, and net zero benefits of providing a secure, reliable, and affordable supply of energy, the Applicant considers that it has demonstrated that the potential interference with Article 8(1) rights is necessary in the interests of national security, the economic well-being of the country and the protection of health.
- 7.7.5 The requirement of necessity also imports a requirement of proportionality. The Applicant considers the latter to be met because the Applicant is able to demonstrate:
- That the rights being sought are the minimum rights necessary to deliver and maintain the Project (for example, the use of TP powers rather than CA powers where possible; and the steps that have been taken to define (as far as possible at this stage in the Project’s development and design evolution) working spaces, widths, reinstatement proposals etc.)
 - That alternative options to those which are the subject of this Examination have been explored comprehensively and it can be demonstrated, on the balance of all matters that have been considered, that routeing and alignment options in this area have been reviewed and where possible changes made in response to consultation responses and feedback.
- 7.7.6 Any interference in respect of the provisions of A1P1 and Article 8 is further addressed by the statutory compensation regime under the Compulsory Purchase Compensation Code, which ensures the Affected Party is placed, so far as is possible, in no worse a financial position than had the acquisition not occurred.
- 7.7.7 The Applicant’s position, therefore, is that the fair balance required by A1P1 and Article 8 is achieved, and that the interference with the Affected Party’s rights is proportionate to the legitimate public interest in delivery of the Project.

- 7.7.8 Article 6 is engaged because the DCO process, through the acquisition of land and the potential to take power over land to deliver the Project, interacts with established civil rights. The PA 2008 provides a structured examination process; the Applicant has demonstrated throughout that process that it has complied with the requirements of Article 6. The Applicant considers that the essential question in respect of Article 6 is whether the process as a whole is fair. In that context, the Applicant relies on what the Supreme Court has said about the planning system as a whole being fair and compliant with Article 6, starting with pre-application consultation, and adequacy of consultation milestones, the acceptance of the Order, the Examination process (including public hearings), the recommendation of an independent panel and the determination of the application by a Secretary of State, whose decision is capable of being the subject of statutory challenge and judicial review.

Equalities

- 7.7.9 An Equality Impact Assessment (EqIA) was submitted with the application **[APP-352, REP1-067]** which considered the impact on parties with protected characteristics throughout the development and Examination of the Project.
- 7.7.10 The Applicant is not subject to the Public Sector Equality Duty (PSED) under s149 of the Equality Act 2010. However, the Secretary of State is, and must have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristics and those who do not share it, when determining the application. The EqIA was prepared to provide the information required by the Secretary of State to undertake that duty.
- 7.7.11 Vulnerable groups which may experience differential sensitivity have been identified where possible, and further explanation of how this has been achieved is provided in **6.10 Environmental Statement Chapter 10 - Health and Wellbeing [REP7-236]** and its associated appendices. Such groups include, but are not necessarily limited to, older people, disabled people, young people, and those with sensory or neurodivergent conditions.
- 7.7.12 The Applicant set out its approach to identifying groups with protected characteristics, including those defined as hard to reach/seldom heard, in **5.1 Consultation Report - Appendix E: Statement of Community Consultation (SoCC) and supporting evidence [APP-071]**. Details of how the Project approached engagement and steps taken with hard to reach/seldom heard groups were set out in Table 5.4 of the Statement of Community Consultation (Appendix E9 of **5.1 Consultation Report - Appendix E: Statement of Community Consultation (SoCC) and supporting evidence [APP-071]**), and the specific details of such groups that were identified as a result are set out in Section 8.13 of the **5.1 Consultation Report [REP7-084]**. Throughout the statutory and non-statutory consultation, feedback forms were available and these included optional questions related to age, disability, ethnicity and sex, so that the Applicant was able to monitor the effectiveness of its engagement, and make any refinements to its approach accordingly. The Applicant also engaged with organisations representing hard to reach/seldom heard groups during its engagement.
- 7.7.13 The Applicant's position is that it has comprehensively discharged its obligation to identify both hard to reach/seldom heard groups and those with protected characteristics.

- 7.7.14 As a result of the stakeholder engagement process, three parties have raised issues relating to a circumstance within their households or family requiring targeted engagement as a result of neurodivergent, sensory conditions and mental health concerns: In all instances the Applicant has continued to engage with the parties and has responded to the specific points raised in their representations, and will continue to do so following the close of the Examination. Further details of the engagement with each of these parties throughout the Project are set out in Appendix A Equality Act 2010 Summary of Engagement and Action in respect of particular APs of this Closing Statement, but in summary the Applicant has undertaken on-site meetings with each party and, where appropriate, their agent to better understand the particular circumstances in each situation and specific living and accommodation matters that need to be considered.
- 7.7.15 The Applicant will continue to engage with these parties in an appropriate and proportionate manner.

7.8 Crown Land

- 7.8.1 Since the commencement of the Examination, substantial progress has been made in relation to Crown Land matters. Most notably, the Ministry of Defence Land Management Services has now provided its consent under s135(2) of the PA 2008 in respect of the relevant provisions of the **3.1 Draft DCO [Revision H]**, including Article 42 (Crown rights), confirming that the draft Order does not authorise the compulsory acquisition of MOD interests and resolving the position previously reported to the ExA **[REP7-560]**. The Applicant has also provided the relevant correspondence to the Examination in response to the ExA's request.
- 7.8.2 Further significant progress has been made in relation to the Crown Estate (Bona Vacantia) land previously identified within the Order Limits. The transfer of the relevant land interests to National Grid Electricity Transmission Plc completed on 13 July 2026, meaning those plots are no longer Crown Land. The Applicant has therefore reviewed the consequential implications for the land referencing documents and has brought forward the necessary updates through the Examination process. These developments have materially reduced the extent of Crown and matters requiring consideration and have provided greater certainty regarding the application of the Crown land provisions within the **3.1 Draft DCO [Revision H]**.
- 7.8.3 The Applicant is grateful for the constructive engagement undertaken with the relevant Crown bodies throughout the Examination. In light of the progress achieved, the Applicant considers that Crown land matters are well understood, appropriately addressed within the application documentation and **3.1 Draft DCO [Revision H]**, and do not present any impediment to the Secretary of State's determination of the application.

7.9 Special Category Land

- 7.9.1 There are certain parcels of common land and open space within the Order Limits over which the Applicant is seeking to compulsorily acquire rights. For the avoidance of doubt, the Applicant is not seeking to compulsorily acquire any parcels of common land or open space. Accordingly, only s132 of the PA 2008 is engaged.
- 7.9.2 The Applicant has carefully considered the statutory protections afforded to Special Category Land throughout the Examination and has provided substantial evidence in support of the powers sought. This includes the **4.1 Statement of Reasons - Appendix C - Special Category Land Report [REP7-077]**, resubmitted at Deadline 7, which assesses all affected areas of common land and open space against the relevant provisions of s132 of the PA 2008.
- 7.9.3 As explained in the **4.1 Statement of Reasons - Appendix C - Special Category Land Report [REP7-077]**, it is the Applicant's position that, pursuant to the statutory exemption under s132(3) of the PA 2008, the common land and open space, when burdened with the rights sought, will be 'no less advantageous' than it was before to (1) the persons in whom it is vested, (2) other persons, if any, entitled to rights of common or other rights, and (3) to the public and, hence, special parliamentary procedure is not engaged.
- 7.9.4 The Special Category Land Report further identifies the statutory exemption under s132(5) of the PA 2008 (that the land in question is less than 200sqm in extent and the giving of land in exchange for the Order right is unnecessary) as applying to one area of common land and one area of open space, where the area affected by the right sought is less than 200sqm.
- 7.9.5 In respect of two areas of open space (Maple Park and Fordham Hall), the Special Category Land Report also identifies the statutory exemption under s132(4A) of the PA 2008 as applying (that there is no suitable land available to be given in exchange for the Order land or only available at a prohibitive cost and it is strongly in the public interest for the development to be capable of being begun sooner than is likely to be possible if the Order were to be subject to special parliamentary procedure). Therefore, as the Applicant has previously explained in the **4.1 Statement of Reasons - Appendix C - Special Category Land Report [REP7-077]** and in the **8.5.2 Applicant's Written Summary of Oral Submission and Response to Action Points for Compulsory Acquisition Hearing 1 [REP1-138]**, even if the application of the no less advantageous exemption is not accepted by the Secretary of State, these areas would nevertheless benefit from the exemption in s132(4A) PA 2008.
- 7.9.6 There have been no objections received to the Applicant's approach to identification of special category land within the Order Limits or to the Applicant's application of the no less advantageous exemption in respect of the rights which are to be acquired.
- 7.9.7 As noted in the **3.2 Explanatory Memorandum [REP7-066]**, the preamble to the Order includes the wording necessary to give effect to the conclusions reached in the Special Category Land Report. The preamble only refers to the no less advantageous exemption pursuant to s(3).
- 7.9.8 Whilst the Special Category Land Report also lists other exemptions under s132 of the PA 2008 (namely, s132(5) and s132(4A)) as applying, these are not noted in the preamble to the Order on the basis that the no less advantageous exemption (which the Special Category Land Report identifies as applying to each parcel of special category land) is sufficient to confirm that special parliamentary procedure is not engaged.

- 7.9.9 However, were any of the other s132 exemptions noted in the Special Category Land Report to be relied upon in place of the no less advantageous exemption then it should be noted that the preamble to the Order would need to be amended accordingly.
- 7.9.10 Given the statutory exemptions which apply, it is the Applicant's position that special parliamentary procedure is not engaged and that fact, and the relevant statutory exemption relied upon, should be recorded on the face of the Order in accordance with s132(2)(b) of the PA 2008.

7.10 Statutory Undertakers

Protective Provisions

- 7.10.1 The latest update to the Statutory Undertaker Tracker is **8.7 Statutory Undertaker Tracker [Revision G]** submitted at Deadline 8.
- 7.10.2 The tracker identifies all Statutory Undertakers, including those to whom s127 and/or s138 of the PA 2008 apply. In respect of each Statutory Undertaker, the front end of **8.7 Statutory Undertaker Tracker [Revision G]** identifies (by way of colour coding) whether each party is relying on general Protective Provisions included in Parts 1 and 2 of Schedule 16 to the **3.1 Draft DCO [Revision H]** or otherwise on bespoke Protective Provisions included within Parts 3 to 22 of Schedule 16.
- 7.10.3 Statutory Undertakers identified yellow in **8.7 Statutory Undertaker Tracker [Revision G]** are content to rely on general Protective Provisions included within the **3.1 Draft DCO [Revision H]** (Parts 1 and 2 of Schedule 16). This also applies to parties identified blue who are also seeking to resolve detailed interaction issues through a legal agreement with the Applicant.
- 7.10.4 All other parties listed in **8.7 Statutory Undertaker Tracker [Revision G]** are either seeking bespoke Protective Provisions or bespoke Protective Provisions alongside an additional legal agreement to resolve detailed interaction issues.
- 7.10.5 The Applicant has agreed bespoke Protective Provisions with each of: Cadent Gas Limited (Part 8), National Gas Transmission (Part 9), Exolum Pipeline System (Part 11), Anglian Water (Part 14), Water Management Alliance (Part 15), Lower Thames Crossing (Part 17) and the Flood Authorities (Part 3) (who have also provided their consent under s150 of the PA 2008 to the Protective Provisions being included in **3.1 Draft DCO [Revision H]** and the disapplication of s23 of the Land Drainage Act 1991).
- 7.10.6 However, the remaining sets of bespoke Protective Provisions included within **3.1 Draft DCO [Revision H]** are not yet agreed.
- 7.10.7 **8.7 Statutory Undertaker Tracker [Revision G]** makes clear the status of agreement and/or disagreement in respect of those remaining Protective Provisions. Where bespoke Protective Provisions are not agreed, the Applicant has sought to narrow the issues between the parties as far as possible. Efforts to do this and engagement by Statutory Undertakers are captured within **8.7 Statutory Undertaker Tracker [Revision G]**. Those remaining outstanding issues (and the different drafting sought by each party) are set out in Section 2 of **8.7 Statutory Undertaker Tracker [Revision G]**, along with the Applicant's justification as to the form of Protective Provisions included in **3.1 Draft DCO [Revision H]** submitted at Deadline 8.

Side Agreements

- 7.10.8 Where any Statutory Undertakers require separate legal agreements in order to address specific interactions between the parties, both parties will require these agreements to be completed from a practical perspective, and the Applicant will continue to seek to progress these agreements as expeditiously as possible in order to secure the prompt withdrawal of those remaining objections following the close of the Examination.
- 7.10.9 As at Deadline 8, the Applicant has secured the completion of one legal agreement with Cadent Gas Limited and the consequent withdrawal of its objection.
- 7.10.10 National Gas Transmission Plc has also withdrawn its objection on the basis that agreed Protective Provisions have been included in the Order, albeit with a legal agreement to be concluded shortly. This is also the position in relation to Anglian Water, save that no additional legal agreement is proposed and the parties are relying on the bespoke Protective Provisions in the Order.
- 7.10.11 In addition to the information in **8.7 Statutory Undertaker Tracker [Revision G]**, the Applicant has also made 15 submissions in respect of s127 and s138 of the PA 2008, three submissions in respect of s138 and a further composite s138 submission in respect of 12 other parties.
- 7.10.12 Taken together, those submissions set out the Applicant's position in terms of compliance with the statutory tests arising under the PA 2008 and explain, in the context of the specific Project interactions, how the statutory undertaking of each of the affected Statutory Undertakers is protected.

Other Legal Agreements

- 7.10.13 The Applicant is negotiating confidential legal agreements with a further 15 additional APs who fall within a range of existing land uses and future projects, including solar and housing. None of these APs benefit from protections under s127 and/or s138 of the PA 2008.
- 7.10.14 Whilst the content and status of negotiations with these APs is confidential, the Applicant can confirm that three of these agreements have now been completed, thereby securing the withdrawal of Relevant Representations submitted by each of: United Kingdom Oil Pipelines Ltd/British Pipeline Agency Limited and PACE Nano Energy Limited.

Specific Matters

- 7.10.15 In addition to the submissions made above, the Applicant wishes to draw the ExA's attention to several further specific matters concerning certain Statutory Undertakers, as documented in the following paragraphs.

National Highways

- 7.10.16 The Applicant has not yet reached agreement with National Highways as to the form of Protective Provisions to be included in Part 5 of Schedule 16 to the **3.1 Draft DCO [Revision H]**. The substantive aspect of disagreement relates to the controls which National Highways is seeking to impose through those Protective Provisions on the Applicant's ability to rely upon powers of compulsory acquisition. As the following paragraphs explain, this disagreement stems from a single difference of opinion as to

whether it is necessary for the Applicant to seek a permanent easement over the strategic highway network in respect of overhead line apparatus to be constructed as part of the Project.

- 7.10.17 The Applicant's position remains that permanent easements are required for any proposed overhead powerlines ("OHPL") oversailing the highway to avoid risk to the continued and secure operation of the transmission network.
- 7.10.18 Indeed, the preference for permanent rights is made clear by the Department for Energy Security and Net Zero in NPS EN-5, paragraph 2.6.4 which states that in cases where an applicant does not succeed in reaching a voluntary agreement where the compulsory acquisition of rights is sought then:
- 7.10.19 *"permanent arrangements are strongly preferred over voluntary wayleaves (which could, for example, be terminable on notice by the landowner) in virtue of their greater reliability and economic efficiency and reflecting the important of the relevant infrastructure to the government's Clean Power and net zero goals".*
- 7.10.20 The need for a permanent right is further reiterated in the Applicant's statement of reasons within section 6.4 of the document (more particularly paragraph 6.4.7).
- 7.10.21 National Highways seek to rely on the Applicant's statutory powers to install lines in the street under the Electricity Act 1989 read together with sections 84 and 85 of the New Roads and Street Works Act 1991 ("NRSWA") and the associated 1992 Code of Practice ("the CoP") on "Measures Necessary Where Apparatus is Affected by Major Works" to argue that such permanent easements are not necessary.
- 7.10.22 Sections 84 and 85 NRSWA read together with the CoP establish a regime for managing the diversion of an undertaker's apparatus installed in the highway pursuant to a statutory right. Where an undertaker's apparatus in a street is or may be affected by major highway works, the highway authority and the undertaker must take such steps as are reasonably required to identify the measures needed, settle a specification and coordinate their implementation. Where a diversion is required, the allowable costs are shared under the Street Works (Sharing of Costs of Works) (England) Regulations 2000, with the highway authority typically bearing 82% of those costs and the undertaker the balance. The CoP sets out guiding principles as to how such coordination is to take place.
- 7.10.23 However, there are several respects in which reliance on this regime alone could pose a risk to the Applicant's assets and would not provide equivalent protection to a permanent easement.
- 7.10.24 First, the CoP is not itself legislation and remains capable of being repealed or revised. Indeed, the CoP is presently subject to a full review by HAUC(UK)'s Diversionary Works working group. There is thus the possibility of changes to the CoP in the relatively near future. Accordingly, the CoP cannot be relied on as likely to be in place in its current form throughout the operational lifetime of the Applicant's assets.
- 7.10.25 Second, where National Highways and the Applicant are unable to agree the measures required under section 84(1) NRSWA, the dispute is resolved not by any order preserving the Applicant's continued occupation but by arbitration under section 99 NRSWA, and the sanction for non-compliance with an arbitrator's decision is an award of damages rather than a mechanism securing continued occupation of the land. That is not by itself a guarantee that the Applicant's apparatus will remain in

place, nor that a replacement route will be available and operational, before the existing apparatus is required to be removed.

- 7.10.26 Third, the CoP does not provide a blanket rule whereby some disruption to service would never be permissible (e.g. paras. 3.6 and 4.3). Accordingly, in some cases, the CoP and section 84(1) may support highway works commencing before a permanent diversion is fully in place.
- 7.10.27 Fourth, sections 84 and 85 NRSWA and the CoP apply only to "major works", meaning works to a highway that includes a carriageway as defined in section 86(3) NRSWA, so that works falling outside that definition, including works to a footway, fall instead to be dealt with under the more limited protective regime in section 83 NRSWA.
- 7.10.28 There is also a more fundamental question as to the territorial reach of NRSWA and the Electricity Act 1989 of particular relevance to the Applicant's overhead apparatus. By design, the Applicant's proposed OHPL in many instances would sit above the functional highway, in airspace that may extend beyond the zone of ordinary highway use. As explained in highways cases such as *Southwark LBC v Transport for London* [2018] UKSC 63, a crossing at height positioned outside the functional highway boundary and the zone of ordinary highway use may be regarded as falling outside the highway itself.
- 7.10.29 The Applicant's view stated at Deadline 6 is that its OHPL apparatus would fall outside the scope of street works powers including under the NRSWA, the Electricity Act 1989 and Article 11 of the dDCO, in a manner analogous to apparatus laid at a depth beyond the zone of influence of the highway. While section 105 NRSWA defines being "in" a street as including apparatus "under, over, across, along or upon" it, the Applicant is not aware of any authority to support the proposition that this extends street works powers not just to above and below the surface of the street but also beyond the vertical plane that lies within the functional extent of the highway.
- 7.10.30 This issue was considered recently by the Examining Authority ("ExA") in the Hynet Carbon Dioxide Pipeline DCO. The applicant in Hynet considered that it could not rely on provisions of the NRSWA to place and maintain the pipeline in the subsoil because the pipeline would lie within part of the subsoil extending below the extent of the street rather than within the part comprised in the "street" itself (i.e. the applicant argued that the extent of the highway did not extend to the depth of the pipeline as that was beyond the slice of subsoil that fell within the zone of influence of the highway) (see ExA's report at para. 8.7.395 ff.). NH disagreed.
- 7.10.31 Having regard to legal submissions made by the applicant referring to Southwark, the ExA apparently accepted in accordance with the applicant's approach that NRSWA powers could not be relied upon for apparatus lying beneath the zone of influence of the highway, notwithstanding the wider wording of section 105 NRSWA. The ExA's conclusion on this point is at para. 8.7.408:
- "Indeed, from the evidence submitted the ExA considers the Applicant has made a competent and compelling case that the relevant element of the development in the subsurface beneath both the SRN and local road network would not be street works, especially in the light of the case law highlighted and NH changing its position in regard to the Applicant not having statutory right to lay apparatus beneath the highway (in the same way as a statutory undertaker)"*
- 7.10.32 Applying the ExA's approach in Hynet, the Applicant could not rely on statutory rights under NRSWA or the Electricity Act 1989 to have installed, or to continue to maintain,

OHPL lying beyond the functional highways boundary (even leaving aside the problem of future diversions for highways works addressed above). Article 11 of the dDCO is even more restricted.

- 7.10.33 Securing permanent easements avoids that issue, by placing the Applicant's rights on a footing that does not depend on where the boundary of NRSWA's reach is ultimately found to lie.
- 7.10.34 This position is also consistent with the Cambridge Wastewater Transfer and Treatment Development DCO, where again there was a dispute as to whether permanent land rights were justified in respect of the subsoil beneath the highway for the purposes of the tunnel. The nature of the works in that case was of course different to here, but a similar issue arose vis-à-vis the functional extent of the highway and street works powers. As explained at para. 6.5.89 of the ExA's Report, the applicant considered that given the depth of the proposed wastewater transfer tunnel, NRSWA was not applicable (the works, the applicant argued, would not be "in" a street for the purposes of section 48(3) NRSWA). The applicant also considered that the scale, depth, permanency and lack of flexibility of the structure required permanent land rights (see paras. 6.5.92-6.5.93). While the basis for its conclusions were not explained in detail, the ExA having summarised this position concluded that the subsoil acquisition sought was justified (see paras. 6.5.96-6.5.97).
- 7.10.35 Taking these matters together, the Applicant's position is that NRSWA and its associated CoP are not designed to, and do not, provide the degree of permanence necessary to secure the long-term security of the proposed nationally significant electricity transmission infrastructure. For oversailing apparatus above the highway, permanent easements are required, to avoid risk to the continued and secure operation of the transmission network.

Network Rail

- 7.10.36 In relation to Network Rail, the Applicant notes that the parties have been engaging over protective provisions for the protection of railway interests. However, as yet, the Applicant and Network Rail have not reached agreement on the terms of these protective provisions and so the Applicant included its own preferred form of protective provisions in the **3.1 Draft DCO [Revision H]** originally included at Deadline 6.
- 7.10.37 The **8.7 Statutory Undertaker Tracker [Revision G]** includes at Table 2.4 the key differences between the Applicant's preferred form of protective provisions and the template set provided by Network Rail, along with the Applicant's justification for the changes.
- 7.10.38 As Network Rail's response to the Rule 17 letter dated 14 July 2026 **[REP7-563]** makes clear, the key point of difference between the Applicant and Network Rail is whether the protective provisions offered by the Applicant are adequate to protect the carrying out of Network Rail's statutory undertaking or, as Network Rail suggests, whether there should be a specific control on the exercise of the Applicant's temporary possession and compulsory acquisition powers in relation to railway property that requires Network Rail's prior consent.
- 7.10.39 The Applicant has set out its detailed analysis of the position in the **8.29.9 Application under Section 127 Planning Act 2008 – Network Rail Infrastructure Limited [Revision B]**, as supplemented by its remarks in **8.4.19 Applicant's**

Comments on Responses to 14 July Rule 17 Letter [Revision A] (see Table 2.2, Rule 17 Question 2.4).

- 7.10.40 In summary, the Applicant's view is that the protective provisions included in the **3.1 Draft DCO [Revision H]** would afford Network Rail an appropriate level of protection in terms of its statutory undertaking, land and apparatus, and are adequate to ensure that the Project does not result in serious detriment to the carrying on of Network Rail's undertaking. This is because the protective provisions secure the protection of Network Rail's apparatus by providing:
- Restrictions on the use of the Applicant's powers under the **3.1 Draft DCO [Revision H]** for certain purposes in relation to railway property, including a requirement to not do anything which would result in railway property being incapable of being used or maintained or which would affect the safe running of trains on the railway
 - That the Applicant is to enter into an asset protection agreement, a basic asset protection agreement or both (as shall be reasonably determined by Network Rail and in a form reasonably prescribed from time to time by Network Rail) prior to the carrying out of any specified work
 - That any specified works are carried out in accordance with plans submitted to and approved by Network Rail, having first delivered any protective works specified by Network Rail.
- 7.10.41 This means that, even in the absence of the consent to compulsory acquisition and temporary possession mechanism sought by Network Rail, Network Rail retains control over what the Applicant is proposing to do in respect of railway property. The Applicant cannot undertake any specified works that have not been approved by Network Rail. The Applicant is satisfied that the tests under s127 and s138 of the PA 2008 have been met.
- 7.10.42 Furthermore, there is recognition in the latest guidance (see paragraph 4.25 of Planning Act 2008: Guidance on preparing an application: Part 3 – Contents of a draft DCO (Ministry of Housing, Communities and Local Government, 2026)) that protective provisions should not simply negate the principal provisions of the **3.1 Draft DCO [Revision H]** and thereby become an impediment to implementation of the Project.
- 7.10.43 The Applicant considers its preferred position to be appropriate, proportionate and necessary to avoid what would otherwise be an inappropriate and unnecessary further constraint on the Applicant's ability to successfully deliver the Project. The Applicant is of the view that making the use of its compulsory acquisition and temporary possession powers reliant on obtaining Network Rail's prior consent presents an unacceptable risk to the Project's delivery and programme and this could become an impediment to implementation of the Project.
- 7.10.44 The Applicant's preferred approach is to secure the necessary land rights and interests by voluntary agreement with Network Rail. However, since it has not yet been possible to reach agreement with Network Rail on the grant of voluntary easements, the Applicant has no certainty that the interests and rights it requires for the Project will be secured by voluntary agreement with Network Rail. Therefore, the compulsory acquisition and temporary possession powers are required as a fallback to guarantee the deliverability of a project identified as a critical national priority.

- 7.10.45 The Applicant notes that its preferred position on this point was accepted by the Secretary of State for Energy Security and Net Zero in the context of its Yorkshire Green project. The Applicant has also adopted this approach in the context of its Sea Link project, which is currently awaiting a decision.
- 7.10.46 The Applicant intends to continue discussions with Network Rail after the close of the Examination and remains hopeful that full agreement will be reached between the parties.

Sheringham Shoal and Dudgeon Extensions Projco Limited

- 7.10.47 As explained in **8.29.13 Application under Section 127 Planning Act 2008 – Sheringham and Dudgeon [Revision B]**, the Applicant acknowledges that there is the potential for a spatial and temporal overlap between the Project and the works authorised under the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (SSDE DCO) and to be undertaken by Sheringham Shoal and Dudgeon Extensions Projco Limited (SSDEPL).
- 7.10.48 The Applicant has been engaging extensively with SSDEPL and has identified and committed to significant accommodations to reduce the potential for impact as well as providing a bespoke set of protective provisions for SSDEPL.
- 7.10.49 The Applicant has confirmed that it will not proceed with the construction of what was known as the eastern option for the construction of the overhead line between pylons RG001 and RG007. This was confirmed in the updated **8.11 Approach to Scenarios [REP7-486]** submitted at Deadline 7 as well as amended land plans submitted at Deadline 8. Additionally, the Applicant has included a bespoke commitment at paragraph 7(1)(a) of Part 10 of **3.1 Draft DCO [Revision H]**. Similarly, the Applicant has committed to not construct pylon RG006 or any associated working area for that pylon within that part of SSDEPL's cable corridor which sits within the overlap area between the two sets of Order limits – see paragraph 7(1)(d) of Part 10 of **3.1 Draft DCO [Revision H]**.
- 7.10.50 Taken together, these two accommodations significantly reduce the potential interactions between projects. Where potential interfaces remain, the Applicant has committed to other specific protections through Part 10 of **3.1 Draft DCO [Revision H]**, the detail of which is set out in paragraphs 1.8.7 to 1.8.19 of **8.29.13 Application under Section 127 Planning Act 2008 – Sheringham and Dudgeon [Revision B]**.
- 7.10.51 In summary, through the protective provisions the Applicant has also provided commitments in relation to:
- Maintaining SSDEPL's permanent and temporary accesses to its substation site
 - Not locating attenuation ponds within SSDEPL's cable corridor
 - The interface between the Applicant's haul road and SSDEPL's cable through liaison and agreement in relation to ducting and drainage
 - Not exercising compulsory powers to acquire, suspend or extinguish SSDEPL's interests in relation to its apparatus, cables or accesses.
- 7.10.52 Although these protective provisions are not in an agreed form, significant progress has been made by the two projects in recent weeks to reduce the points of disagreement between them. An explanation of the points which remain outstanding can be found at Table 2.2 in Section 2 of **8.7 Statutory Undertaker Tracker [Revision G]**.

- 7.10.53 SSDEPL identified its key points of concern in its response to the Rule 17 Letter issued on 14 July 2026 **[REP7-570]**. The Applicant has provided a response to those concerns in **8.4.19 Applicant's Comments on Responses to July 14 Rule 17 Letter [Revision A]**.
- 7.10.54 Given the current level of uncertainty in relation to SSDEPL's current and future option agreements and the rights they might contain, the Applicant is unable to accept the level of restriction on its compulsory acquisition and temporary powers which SSDEPL is seeking. Given the critical nature of the Project and its programme, the Applicant cannot be in a position where SSDEPL could have control over its exercise of land powers in the crucial area around Norwich Main Substation.
- 7.10.55 The Applicant acknowledges that there are some complexities around the exercise of temporary possession powers in the overlap area but considers this is a matter to be worked out commercially between the parties as part of a future agreement relating to notification of landowners, restoration obligations, payment of compensation etc. It is negotiating a bilateral side agreement with SSDEPL which would cover off these issues in a more appropriate manner than protective provisions and which enables the Applicant to retain its compulsory acquisition and temporary possession powers as a fallback position to ensure that the Applicant is able to deliver the Project and to do so in a timely manner.
- 7.10.56 As explained in paragraphs 1.8.2 and 1.8.3 of **8.29.13 Application under Section 127 Planning Act 2008 – Sheringham and Dudgeon [Revision B]**, the Applicant understands that there is only one land interest currently held by SSDEPL which would engage s127 of the PA 2008 – its option agreement over plot A-1/15. However, that document also goes beyond that to explain why the Applicant considers that there will not be a serious detriment caused to SSDEPL's wider undertaking by the Project.
- 7.10.57 The Applicant understands that SSDEPL will submit a revised preferred set of protective provisions at Deadline 8 and has not yet had sight of these. However, for the reasons set out in Table 2.2 in Section 2 of **8.7 Statutory Undertaker Tracker [Revision G]** and **8.29.13 Application under Section 127 Planning Act 2008 – Sheringham and Dudgeon [Revision B]**, the Applicant considers that the version of the protective provisions included at Part 10 of **3.1 Draft DCO [Revision H]** provides SSDEPL with an appropriate level of protection.

East Anglia THREE Limited (EA3)

- 7.10.58 As explained in **8.29.12 Application under Section 127 Planning Act 2008 – Scottish Power (UK) Renewables Limited (East Anglia THREE) [Revision B]**, the Applicant acknowledges that there will be interfaces and overlaps between the Project and the operation of the East Anglia Three (EA3) substation which itself is consented under The East Anglia Three Offshore Wind Farm Order 2017. The EA3 substation is not yet operational, however the construction of the substation is anticipated to be completed and the substation operational well in advance of the Project works commencing. The Applicant and EA3 therefore agree that the construction interactions between the projects are limited the Project's construction works only. Therefore, the interactions between the two projects include the physical crossing of infrastructure in the form of the EA3 cable crossing beneath the haul road and the extension of the wall of National Grid Bramford substation into EA3 land, temporary construction and pulling works that interact with the SuDS pond, highway works, access and traffic routing and management to and from the EA3 substation

and to the SuDS pond, landscaping replacement and temporary possession and land powers.

- 7.10.59 As set out in **8.3.94 Signed Statement of Common Ground – East Anglia Three Limited [Revision B]**, the Applicant has been engaging with EA3 as the statutory undertaker of the EA3 DCO since 2024 and has sought to reduce the extent of the interfaces through this engagement. The Applicant is committed to continuing to engage with EA3 and is confident that it is possible for the construction, operation and maintenance of the Project to coexist with the operation and maintenance of the EA3 substation.
- 7.10.60 Paragraphs 1.8.7 to 1.8.13 of **8.29.12 Application under Section 127 Planning Act 2008 – Scottish Power (UK) Renewables Limited (East Anglia THREE) [Revision B]** set out the key examples of the Applicant's work to accommodate the EA3 project, including the traffic routing and management during the delivery of highway works to Bullen Lane to ensure EA3's access to and from their site.
- 7.10.61 The Applicant and EA3 have been in discussions regarding a set of bespoke EA3-specific protective provisions to be included on the face of the DCO. EA3 provided a set of draft provisions which the Applicant has reviewed and amended to the form of draft provisions included in the version of **3.1 Draft DCO [REP7-064]** submitted at Deadline 7. A summary of the proposed content of these bespoke protective provisions can be found at paragraph 1.8.7 of **8.29.12 Application under Section 127 Planning Act 2008 – Scottish Power (UK) Renewables Limited (East Anglia THREE) [Revision B]**.
- 7.10.62 An explanation of the points which are under negotiation are set out in **8.3.94 Signed Statement of Common Ground – East Anglia Three Limited [Revision B]**.
- 7.10.63 **8.29.12 Application under Section 127 Planning Act 2008 – Scottish Power (UK) Renewables Limited (East Anglia THREE) [Revision B]** sets out in detail the Applicant's position on the tests in s127 and s138 of the PA 2008 and its conclusion that EA3 will not suffer serious detriment in its ability to continue its undertaking in relation to the EA3 project as a result of the Project, including its position that the appropriate level of protection is provided within the protective provisions as included in **3.1 Draft DCO [Revision H]**. The Applicant's full response to what it understands to be the key concerns of EA3 is set out in paragraphs 1.8.7 to 1.8.13 of **8.29.12 Application under Section 127 Planning Act 2008 – Scottish Power (UK) Renewables Limited (East Anglia THREE) [Revision B]**.
- 7.10.64 Discussions between the two projects will continue following the close of the Examination and it is expected that a legal interface agreement regulating the detailed interfaces will be put in place following agreement on the HoTs currently being progressed.

East Anglia ONE Limited (EA1)

- 7.10.65 As explained in **8.29.19 Application under Section 127 Planning Act 2008 – Scottish Power (UK) Renewables Limited (East Anglia ONE) [Revision B]**, the Applicant acknowledges that there will be interfaces and overlaps between the Project and the operation of the East Anglia One (EA1) substation which itself is consented under The East Anglia One Offshore Wind Farm Order 2017. The interactions between the two projects include the physical crossing of infrastructure in the form of the EA1 cable crossing beneath the haul road and the extension of the wall of National Grid Bramford substation into EA1 land, temporary construction and

pulling works that interact with the SuDS pond, highway works, access and traffic routing and management to and from the EA1 substation and to the SuDS pond, landscaping replacement, the extent of Class 8 land over plot B-20/199, temporary possession and land powers.

- 7.10.66 As set out in **5.9.30 Signed Statement of Common Ground – ScottishPower Renewables (UK) Limited [Revision E]**, the Applicant has been engaging with ScottishPower Renewables (UK) Limited (SPRUKL) in respect of the SPRUKL interests at Bramford, inclusive of EA1, since 2024 and has sought to reduce the extent of the interfaces through this engagement. As TC East Anglia One OFTO have more recently engaged with the Applicant in respect of the interests of the EA1 substation, the Applicant anticipates that the OFTO shall now assume the primary engagement with the Applicant in respect of the EA1 substation. The Applicant is committed to continuing to engage with the OFTO and SPRUKL/EA1 in respect of the EA1 substation. **8.3.45 Signed Statement of Common Ground – TC East Anglia One OFTO Limited [Revision C]** should therefore also be read in conjunction with EA1 interests. Lastly, the Applicant is confident that it is possible for the construction, operation and maintenance of the Project to coexist with the operation and maintenance of the EA1 substation.
- 7.10.67 Paragraphs 1.8.7 to 1.8.14 of **8.29.19 Application under Section 127 Planning Act 2008 – Scottish Power (UK) Renewables Limited (East Anglia ONE) [Revision B]** set out the key examples of the Applicant's work to accommodate the EA1 project, including the traffic routing and management during the delivery of highway works to Bullen Lane to ensure EA1's access to and from their site and the classification of land plot B-20/199 as Class 8 land in order to restrict the Applicant from exercising its compulsory acquisition and temporary possession powers over that plot of land which forms part of the corner of EA1's extended substation site.
- 7.10.68 The Applicant and EA1 have been in discussions regarding a set of bespoke EA1-specific protective provisions to be included on the face of the DCO. EA1 provided a set of draft provisions which the Applicant has reviewed and amended to the latest form of draft provisions included in the version of the **3.1 Draft DCO [Revision H]** submitted at Deadline 8. A summary of the proposed content of these bespoke protective provisions can be found at paragraph 1.8.7 of **8.29.19 Application under Section 127 Planning Act 2008 – Scottish Power (UK) Renewables Limited (East Anglia ONE) [Revision B]**.
- 7.10.69 An explanation of the points which are under negotiation are set out in **5.9.30 Signed Statement of Common Ground – ScottishPower Renewables (UK) Limited [Revision E]** and **8.3.45 Signed Statement of Common Ground – TC East Anglia One OFTO Limited [Revision C]**.
- 7.10.70 **8.29.19 Application under Section 127 Planning Act 2008 – Scottish Power (UK) Renewables Limited (East Anglia ONE) [Revision B]** sets out in detail the Applicant's position on the tests in s127 and s138 of the PA 2008 and its conclusion that EA1 will not suffer serious detriment in its ability to continue its undertaking in relation to the EA1 project as a result of the Project, including its position that the appropriate level of protection is provided within the protective provisions as included in **3.1 Draft DCO [Revision H]**. The Applicant's full response to what it understands to be the key concerns of EA1 is set out in paragraphs 1.8.7 to 1.8.14 of **8.29.19 Application under Section 127 Planning Act 2008 – Scottish Power (UK) Renewables Limited (East Anglia ONE) [Revision B]**.

- 7.10.71 Discussions between the two projects will continue following the close of the Examination and it is expected that a legal interface agreement regulating the detailed interfaces will be put in place following agreement on the HoTs currently being progressed.

ScottishPower Renewables (UK) Limited (SPRUKL)

- 7.10.72 As explained in **8.29.20 Application under Section 127 Planning Act 2008 – Scottish Power (UK) Renewables Limited [REP7-531]** (withdrawn at Deadline 8) the Applicant acknowledges that there will be interfaces and overlaps between the Project and the operation of the East Anglia One (EA1) substation and the East Anglia Three (EA3) substation, themselves consented under The East Anglia One Offshore Wind Farm Order 2017 and The East Anglia Three Offshore Wind Farm Order 2017. The EA3 substation is not yet operational, however the construction of the substation is anticipated to be completed and the substation operational well in advance of the Project works commencing. The EA1 substation is already in operation. The Applicant and SPRUKL therefore agree that the construction interactions between the projects are limited the Project's construction works only. Therefore, the interactions between the two projects include the physical crossing of infrastructure in the form of the cable crossings beneath the haul road and the extension of the wall of National Grid Bramford substation into SPRUKL land, temporary construction and pulling works that interact with the SuDS pond, highway works, access and traffic routing and management to and from the substation and to the SuDS pond, landscaping replacement, the extent of Class 8 land over plot B-20/199, temporary possession and land powers.
- 7.10.73 As set out in **5.9.30 Signed Statement of Common Ground – ScottishPower Renewables (UK) Limited [Revision E]**, the Applicant has been engaging with SPRUKL as the landowner of the substation and joint venture partner in both the EA1 and EA3 projects since 2024 and has sought to reduce the extent of the interfaces through this engagement. The Applicant is committed to continuing to engage with SPRUKL and is confident that it is possible for the construction, operation and maintenance of the Project to coexist with the operation and maintenance of the EA1 and EA3 substation.
- 7.10.74 Paragraphs 1.8.6 to 1.8.12 of **8.29.20 Application under Section 127 Planning Act 2008 – Scottish Power (UK) Renewables Limited [REP7-531]** (withdrawn at Deadline 8) set out the key examples of the Applicant's work to accommodate the EA1 and EA3 projects, including the traffic routing and management during the delivery of highway works to Bullen Lane to ensure SPRUKL's access to and from the sites and the classification of land plot B-20/199 as Class 8 land in order to restrict the Applicant from exercising its compulsory acquisition and temporary possession powers over that plot of land which forms part of the corner of the extended EA1 substation site.
- 7.10.75 The Applicant and SPRUKL have been in discussions regarding a set of bespoke SPRUKL-specific protective provisions to be included on the face of the DCO. SPRUKL provided a set of draft provisions which the Applicant has reviewed and amended to the form of draft provisions included in the version of the **3.1 Draft DCO [Revision H]** submitted at Deadline 8. A summary of the proposed content of these bespoke protective provisions can be found at paragraph 1.8.7 of **8.29.20 Application under Section 127 Planning Act 2008 – Scottish Power (UK) Renewables Limited [REP7-531]** (Withdrawn at Deadline 8) and sets out that the appropriate level of protection is provided within the protective provisions as included

in **3.1 Draft DCO [Revision H]**. The Applicant's full response to what it understands to be the key concerns of SPRUKL is set out in paragraphs 1.8.6 to 1.8.12 of **8.29.20 Application under Section 127 Planning Act 2008 – Scottish Power (UK) Renewables Limited [REP7-531]**.

- 7.10.76 An explanation of the points which are under negotiation are set out **5.9.30 Signed Statement of Common Ground – ScottishPower Renewables (UK) Limited [Revision E]**.
- 7.10.77 At Deadline 7, the Applicant submitted a s127 and s138 submission in respect of SPRUKL on a precautionary basis. The Applicant determined that, as SPRUKL was a licence holder with land interests in the Order Limits, a s127/138 submission was necessary, however it would confirm with SPRUKL the nature of their s127 status. Since Deadline 7, the Applicant has engaged further with SPRUKL to understand the extent of its interests. SPRUKL has confirmed through this engagement that it does not hold any generating assets in the Bramford area and so is therefore not a s127 party. Consequently, the Applicant has withdrawn **8.29.20 Application under Section 127 Planning Act 2008 – Scottish Power (UK) Renewables Limited [REP7-531]** at Deadline 8.
- 7.10.78 Discussions between SPRUKL and the Applicant will continue following the close of the Examination and it is expected that a legal interface agreement regulating the detailed interfaces will be put in place following agreement on the HoTs currently being progressed. Discussions between th SPRUKL and the Applicant will continue following the close of the Examination and it is expected that a legal interface agreement regulating the detailed interfaces will be put in place following agreement on the HoTs currently being progressed.

TC East Anglia One OFTO Limited (TC EA1 OFTO or the OFTO)

- 7.10.79 As explained in **8.29.14 Application under Section 127 Planning Act 2008 – TC East Anglia One OFTO Limited [Revision B]**, the Applicant acknowledges that there will be interfaces and overlaps between the Project and the operation of the East Anglia One (EA1) substation which itself is consented under The East Anglia One Offshore Wind Farm Order 2017. The interactions between the two projects include the physical crossing of infrastructure in the form of the EA1 cable crossing beneath the haul road and the extension of the wall of National Grid Bramford substation into EA1 land, temporary construction and pulling works that interact with the SuDS pond, highway works, access and traffic routing and management to and from the EA1 substation and to the SuDS pond, landscaping replacement, the extent of Class 8 land over plot B-20/199, temporary possession and land powers.
- 7.10.80 The Applicant has been engaging with SPRUKL since 2024 who have raised points in the OFTO's interest in the absence of the OFTO's direct engagement. It is through this engagement that the Applicant has worked to reduce the extent of the interfaces with the TC EA1 OFTO operation. TC EA1 OFTO has recently engaged with the Project, and the Applicant is committed to continuing this engagement in order to finalise the details of the management of the interactions between the projects. The Applicant is confident that it is possible for the construction, operation and maintenance of the Project to coexist with the operation and maintenance of the EA1 substation.
- 7.10.81 Paragraphs 1.8.6 to 1.8.15 of **8.29.14 Application under Section 127 Planning Act 2008 – TC East Anglia One OFTO Limited [Revision B]** set out the key examples of the Applicant's work to accommodate the EA1 project, including the traffic routing

and management during the delivery of highway works to Bullen Lane to ensure EA1's access to and from their site and the classification of land plot B-20/199 as Class 8 land in order to restrict the Applicant from exercising its compulsory acquisition and temporary possession powers over that plot of land which forms part of the corner of EA1's extended substation site.

- 7.10.82 The Applicant issued a draft set of bespoke TC EA1 OFTO-specific protective provisions to be included on the face of the DCO to the OFTO prior to Deadline 7, the latest form of which is included in the version of the **3.1 Draft DCO [Revision H]** submitted at Deadline 8. A summary of the proposed content of these bespoke protective provisions can be found at paragraph 1.8.7 of **8.29.14 Application under Section 127 Planning Act 2008 – TC East Anglia One OFTO Limited [Revision B]**. Negotiations between the parties continue on the terms of the protective provisions.
- 7.10.83 An explanation of the points which are under negotiation are set out in **8.3.45 Signed Statement of Common Ground – TC East Anglia One OFTO Limited [Revision C]**.
- 7.10.84 **8.29.14 Application under Section 127 Planning Act 2008 – TC East Anglia One OFTO Limited [Revision B]** sets out in detail the Applicant's position on the tests in s127 and s138 of the PA 2008 and its conclusion that TC EA1 OFTO will not suffer serious detriment in its ability to continue its undertaking in relation to the EA1 project as a result of the Project, including its position that the appropriate level of protection is provided within the protective provisions as included in **3.1 Draft DCO [Revision H]**. The Applicant's full response to what it understands to be the key concerns of TC EA1 OFTO is set out in paragraphs 1.8.6 to 1.8.15 of **8.29.14 Application under Section 127 Planning Act 2008 – TC East Anglia One OFTO Limited [Revision B]**.
- 7.10.85 Discussions between the two projects will continue following the close of the Examination and it is expected that a legal interface agreement regulating the detailed interfaces will also be put in place.

Lower Thames Crossing

- 7.10.86 As explained in **8.29.8 Application under Section 127 Planning Act 2008 – National Highways Limited [Revision B]**, the Applicant acknowledges that there will be broad spatial and temporal overlaps between the Project and the works authorised under the A122 (Lower Thames Crossing) Development Consent Order 2025 (LTC DCO). The interaction between the two projects includes the physical crossing of infrastructure, construction sequencing, temporary works, access and traffic routing, use of compounds, temporary possession and land powers, utilities interfaces, ecological mitigation, compensatory habitat provision and the discharge of requirements or commitments secured under each project's DCO.
- 7.10.87 The Applicant has been engaging proactively with National Highways in its capacity as the undertaker under the LTC DCO (LTC Undertaker) since April 2022. Fortnightly meetings have taken place between the Applicant and the LTC Undertaker throughout the course of the Examination, alongside further positive engagement on specific aspects of the project interactions.
- 7.10.88 The Applicant is committed to continuing to engage with LTC Undertaker and is confident that it is entirely possible for the construction, operation and maintenance

of both projects to be planned to allow for them to coexist. The Applicant understands that this is a sentiment shared by the LTC Undertaker.

- 7.10.89 Paragraphs 1.11.17 to 1.11.23 of **8.29.8 Application under Section 127 Planning Act 2008 – National Highways Limited [Revision B]** set out a key example of the Applicant's work to accommodate the LTC project through the commitment to Scenario B in the area in which the two projects overlap. This commitment reduced the number of interfacing land plots between the two projects from over 1,100 to circa 700.
- 7.10.90 Similarly, paragraphs 1.11.31 to 1.11.33 set out how the Applicant has identified alternative sites to assist the LTC Undertaker in complying with environmental commitments under the LTC DCO, as well as the bespoke drafting on this point which it included in **3.1 Draft DCO [REP7-064]** submitted at Deadline 7.
- 7.10.91 In furtherance of the above, the two projects have agreed a set of bespoke LTC-specific protective provisions which have been included on the face of the draft DCO at Deadline 8 (in Part 17 of Schedule 16 to **3.1 Draft DCO [Revision H]**). A detailed summary of the proposed content of those bespoke protective provisions can be found at paragraph 1.11.30 of **8.29.8 Application under Section 127 Planning Act 2008 – National Highways Limited [Revision B]** and at Table 2.11 in Section 2 of **8.7 Statutory Undertaker Tracker [Revision G]**.
- 7.10.92 **8.29.8 Application under Section 127 Planning Act 2008 – National Highways Limited [Revision B]**, sets out in detail the Applicant's position on the tests in s127 and s138 of the PA 2008 and its conclusion that the LTC Undertaker will not suffer serious detriment in its ability to continue its undertaking in relation to the LTC project as a result of the Project, including its position that the appropriate level of protection is provided within the protective provisions as included in **3.1 Draft DCO [Revision H]**.
- 7.10.93 The Applicant's full response to what it understands to be the key concerns of the LTC Undertaker is set out in paragraphs 1.11.31 to 1.11.48 of **8.29.8 Application under Section 127 Planning Act 2008 – National Highways Limited [Revision B]**.
- 7.10.94 Discussions between the two projects will continue following the close of the Examination and, as is commonplace in scenarios such as these, it is expected that the detailed interface between the projects will be managed through an agreement between the parties, the HoTs for which are already substantially advanced.

Affinity Water

- 7.10.95 As explained in **8.29.1 Application under Section 127 Planning Act 2008 – Affinity Water [Revision B]**, the Applicant acknowledges that there will be interactions between the Project and Affinity Water's apparatus and land interests. The physical interaction between the Project and Affinity Waters' below ground apparatus include the installation of temporary bellmouth junctions, crossing protections/scaffolding and haul road crossings, the installation of permanent overhead line conductors and underground cable crossings, and DNO works including overhead line pole dismantlement and installation of permanent underground cables.
- 7.10.96 The Applicant has been engaging proactively with Affinity Water throughout the course of the Examination and, while the protective provisions for the benefit of Affinity Water have not been fully agreed, the Applicant is committed to continuing to

engage after this Deadline 8. The Applicant does not consider that the outstanding points undermine the substantive protections already secured for Affinity Water's undertaking, which continue to safeguard against any serious detriment to its apparatus, land interests or operations arising from the authorised development.

- 7.10.97 **8.29.1 Application under Section 127 Planning Act 2008 – Affinity Water [Revision B]** sets out in detail the Applicant's position on the tests in s127 and s138 of the PA 2008 and its conclusion that Affinity Water will not suffer serious detriment in its ability to continue its undertaking as a result of the Project, including its position that the appropriate level of protection is provided within the protective provisions as included in **3.1 Draft DCO [Revision H]**. In particular, the Applicant considers that all interactions can be managed appropriately by the preferred set of protective provisions included in the draft Order for Affinity Water's benefit such that there would be no serious detriment to Affinity Water's undertaking.
- 7.10.98 The Applicant remains confident that the outstanding issues can be resolved or at least narrowed significantly. Discussions between the two parties will continue following the close of the Examination.

Northumbrian Water

- 7.10.99 As explained in **8.29.10 Application under Section 127 Planning Act 2008 – Northumbrian Water Limited [Revision B]**, the Applicant acknowledges that there will be interactions between the Project and Northumbrian Water's apparatus and land interests. The physical interaction between the Project and Northumbrian Waters' below ground apparatus include the installation of temporary bellmouth junctions, crossing protections, haul road crossings, pylon working areas and pylon stringing areas the installation of permanent overhead line conductor crossings and underground cable crossings, and DNO works including overhead line pole dismantlement and installation of permanent underground cables.
- 7.10.100 The Applicant has been engaging proactively with Northumbrian Water throughout the course of the Examination and, while the protective provisions for the benefit of Northumbrian Water have not been fully agreed, the Applicant is committed to continuing to engage after this Deadline 8. The Applicant does not consider that the outstanding points undermine the substantive protections already secured for Northumbrian Water's undertaking, which continue to safeguard against any serious detriment to its apparatus, land interests or operations arising from the authorised development and notes that the key protections in Protective Provisions are in an agreed form.
- 7.10.101 The outstanding issues are explained in detail in **8.29.10 Application under Section 127 Planning Act 2008 – Northumbrian Water Limited [Revision B]** and relate to the expenses provisions (advanced payment of anticipated costs and betterment drafting). Where the removal or replacement of apparatus is required the Protective Provisions require that the Applicant compensate Northumbrian Water for any costs incurred in connection with those works. The betterment provisions at issue then reduce that liability to the extent Northumbrian Water receives some benefit from either the residual value of removed apparatus or from the deferment of replacing older apparatus. The inclusion of these provisions ensures that the Applicant is not subsidising any benefit to Northumbrian Water over the actual impact incurred, while ensuring that Northumbrian Water remain cost neutral. The Applicant therefore considers that these provisions should remain and their inclusion does not cause any serious detriment to Northumbrian Water's undertaking.

- 7.10.102 Northumbrian Water have communicated that their position is that any cost recovery for diversions pursuant to section 185(5) of the Water Industry Act 1991 can only be applied in accordance with its published charging rules. It is the Applicant's position that the protective provisions on the face of a development consent order can apply additional or alternative cost recovery mechanisms, as has been done in several other Orders. The Applicant further notes that the current wording proposed by the Applicant is not inconsistent with Northumbrian Water's current charging rules, but certain provisions regarding recovery of anticipated costs and betterment are simply not covered in a set of charging rules that is predominantly directed at commercial and domestic water connections rather than interactions with nationally significant infrastructure consented under a statutory regime.
- 7.10.103 **8.29.10 Application under Section 127 Planning Act 2008 – Northumbrian Water Limited [Revision B]** sets out in detail the Applicant's position on the tests in s127 and s138 of the PA 2008 and its conclusion that Northumbrian Water will not suffer serious detriment in its ability to continue its undertaking as a result of the Project, including its position that the appropriate level of protection is provided within the protective provisions as included in **3.1 Draft DCO [Revision H]**. In particular, the Applicant considers that all interactions can be managed appropriately by the preferred set of protective provisions included in the draft Order for Northumbrian Water's benefit such that there would be no serious detriment to Northumbrian Water's undertaking.
- 7.10.104 The Applicant remains confident that if the outstanding issues can be resolved or at least narrowed significantly. Discussions between the two parties will continue following the close of the Examination.

7.11 Funding

Approach Taken by the Applicant

- 7.11.1 The Applicant is an Ofgem-regulated transmission licensee holding the Transmission Licence for England and Wales, obligated under the Electricity Act 1989 to develop and maintain an efficient, coordinated and economical transmission system, with associated environmental and amenity duties. Ofgem regulates the Applicant, sets price controls, and monitors how the company develops and operates the network on behalf of consumers.
- 7.11.2 Transmission licence holders must be able to finance the activities they are required to undertake, and the Secretary of State and Ofgem must each have regard to this when carrying out their respective duties.
- 7.11.3 Project costs are assessed and approved by Ofgem through the RIIO price control framework: the RIIO-T2 framework puts in place funding arrangements enabling the Applicant to discharge its duties as transmission operator and owner, including mechanisms to reimburse capital costs of new transmission equipment and associated costs including compulsory acquisitions and foreseeable incidental costs.
- 7.11.4 Consideration of Project costs and the regulatory funding settlement is accordingly the subject of a separate Ofgem regulatory process. A full, transparent and auditable cost model underpins the options appraisal, available in the **7.17 Strategic Options Backcheck and Review [APP-355]** (Appendix D Economic Appraisal), and sets out in transparent detail how costs were assessed and compared across all alternatives.

- 7.11.5 The total capital cost of the overhead line options is in the region of £895 million versus £4,096.5 million for the HVDC Offshore 1 option (on 2020/21 prices), with overhead line solutions remaining less than half the cost of HVDC alternatives even allowing for some undergrounding as mitigation.
- 7.11.6 The updated estimated cost of implementing the Project is approximately £1,200 million on a 2025/26 cost base.
- 7.11.7 The estimated cost of land acquisition and compensation (including heads of claim for disturbance, severance, injurious affection, third-party professional fees, blight, and statutory claims) is £184.9 million (2024/25 figures).
- 7.11.8 The Property Cost Estimate has been compiled by specialist property consultants using national, regional and local data and cross-checked by National Grid in-house specialists against recent and current projects to improve accuracy. A 10% contingency has been included to accommodate local factors that may emerge after initial estimates, based on experience across National Grid projects.
- 7.11.9 The consumer case for the Project's cost profile is further reinforced by NESO's assessment: without the Project and other critical projects, the clean power target would be short and consumers could face extra constraint costs of around £4.2 billion in 2030. Delivering the Project by end-2031 instead of end-2030 would expose consumers to additional constraint costs in excess of £2.5 billion, equating to approximately £7 million per day of delay into 2031.
- 7.11.10 The cost of pursuing alternatives or delaying the programme is therefore not a saving to consumers – it is a quantified and substantial detriment to them.

Issues Arising During the Examination

- 7.11.11 A number of interested parties raised concerns about the cost to the consumer of financing the Project and the transparency of the Applicant's costings. Those concerns are not well-founded. No other independently verified costings have been put forward to support the questions on the Applicant's approach.
- 7.11.12 The Applicant is funded by an Ofgem-agreed price control mechanism under which it pays upfront to build new transmission infrastructure; the cost is then gradually passed to customers through electricity bills over approximately 40 years, avoiding a spike in bills at the point of construction, with up-front funding provided by shareholders and lenders.
- 7.11.13 In response to a request by Essex County Council on behalf of all host LPAs, the Applicant agreed to fund an independent review of cost options; that review has been completed and was made available on the Project website. Consequently, so far as the Applicant is aware, Essex County Council no longer maintain any arguments over funding.
- 7.11.14 So far as the Applicant is aware, no statutory authority is taking issue with the Applicant on funding.
- 7.11.15 Tritton Farming Partnership alleged that the original cost estimate of £895 million was out of date due to inflation and that per-kilometre costs were understated by comparison with the Bramford to Twinstead project. Those allegations have been addressed: the cost estimate was updated to a 2025/26 cost base of approximately £1,200 million.

- 7.11.16 The Applicant demonstrated how the methodology used in the **7.17 Strategic Options Backcheck and Review [APP-355]** is the same methodology used in the equivalent Bramford to Twinstead report, such that there is no discrepancy around the cost appraisal approach. Tritton Farming Partnership also alleged that the compensation cost estimate was too low and inaccurate. The Applicant confirmed that all land acquisition costs and potential blight compensation claims will be fully met as and when they are required under the DCO, including early payments under blight provisions of the Town and Country Planning Act 1990; and even if the initial estimates were to prove conservative, the funding available to enable CA within the statutory period would be adjusted so that adequate funding as required by the Guidance (Department for Communities and Local Government, 2013) remains available.

Conclusion

- 7.11.17 The Applicant has fully costed the Project and all responsibilities connected to it. The Applicant has in place a five-year financial framework to fund a £60 billion investment plan to March 2029, backed by a financing plan including a fully underwritten rights issue, providing funding clarity across the programme.
- 7.11.18 The Secretary of State can be satisfied that all aspects of the Project will be fully funded and that there is no reason to believe that, should the DCO be made, the Project will not proceed due to an absence or shortfall in available funding, and that funding will be available for the acquisition of any land and other interests required for the Project, for compensation or blight claims brought by those interested in the land affected by the DCO, and for the costs of implementing the Project. The funding arrangements for this Project raise no matter that weighs against the grant of development consent and should be treated as neutral in the planning balance.

7.12 Conclusion

- 7.12.1 There is plainly a compelling case in the public interest for the CA and TP powers that are sought by the Applicant. There is an urgent, critical need to deliver the Project; as explained above, were delivery to be delayed by even one year, that delay would expose consumers to billions of pounds of additional constraint costs. The CA and TP powers sought are necessary to ensure that, in the event that the requisite land interests ultimately cannot be acquired voluntarily, the Applicant will still be able to deliver the Project in a timely and effective manner.
- 7.12.2 The Project is not only of critical urgency; it is the longest NSIP of its kind, involving c.7,780 parcels of land in respect of which it is necessary to seek CA / TP powers. The Guidance (Department for Communities and Local Government, 2013) recognises the practical limitations on the potential for voluntary acquisition in the context of long, linear schemes such as the Project. In that context, a failure to reach agreement on terms for voluntary acquisition in relation to one land parcel or a small number of land parcels could, in the absence of CA / TP powers, have grossly disproportionate consequences and compromise delivery of the Project altogether.
- 7.12.3 Notwithstanding the urgency that attends the Project and the acknowledged practical difficulties of voluntary acquisition in this context, both the Applicant and UK Power Networks have, in accordance with the Guidance, sought to acquire land by negotiation so far as practicable.

- 7.12.4 The Applicant reiterates that, in line with its recognition that CA is a measure of last resort, its preference remains for voluntary acquisition. The Applicant will therefore continue to engage with APs following the close of the Examination. That is no indication that engagement to-date has somehow been lacking – it is the normal and proper course of events where powers of CA are sought.
- 7.12.5 The Applicant has also given full and proper consideration to reasonable alternatives to CA, and has worked to ensure that the powers sought are (in addition to being lawful and necessary in pursuit of a legitimate aim) proportionate. Interference with private land interests has been minimised commensurately with the stage of project design that the Project has reached, i.e. it has been minimised to the extent possible whilst also safeguarding the ability ultimately to deliver the Project effectively. Additionally, the Applicant seeks TP powers rather than CA powers where possible; and seeks CA powers on a precise, tailored basis.
- 7.12.6 All applicable statutory requirements have been met, as have the other requirements of the Guidance (including those in relation to funding). The Applicant's approach also aligns with what is said in respect of CA in Section 2.6 of NPS EN-5.
- 7.12.7 The Secretary of State can therefore be satisfied that the case for CA and TP powers is made out.

8. Draft DCO

8.1 Summary of the Applicant's Position on the Draft DCO

8.1.1 The Applicant has provided a detailed justification for the provisions of **3.1 Draft DCO [Revision H]** in its **3.2 Explanatory Memorandum [Revision H]**. The Applicant has had regard to the feedback of stakeholders and interested parties and the ExA throughout the Examination and has made a number of changes to the **3.1 Draft DCO [Revision H]** as a result. The **3.5 Schedule of Changes to the Draft DCO [Revision G]** shows clearly the changes that the Applicant has made to **3.1 Draft DCO [Revision H]**. The Applicant would highlight the following non-exhaustive list of amendments that have been made in response to feedback received:

- Extended time period for decisions
- Simultaneous consultation when applying to discharge requirements
- Addition of DESNZ wording
- Adjustment of refund structure for application fees
- Additions to set out clearly the process for archaeological matters
- Updates to protect veteran and ancient trees; further controls on design and planting
- Addition of an Employment and Skills Plan to be submitted for approval
- Inclusion of a number of requirements to satisfy concerns raised by the Defence Infrastructure Organisation on behalf of the Ministry of Defence.

8.1.2 Appendix B – Draft DCO to this document sets out submissions on the following DCO principles that have been the subject of discussion during the Examination:

- Time periods for decision making and requesting further information
- Fees for applications for discharge
- Deemed consents and consent “not to be unreasonably withheld or delayed”
- No materially new or materially different environmental effects
- Pre-commencement operations
- Article 50 (felling and lopping) and Article 51 (trees subject to tree preservation orders)
- Requirement 3 (stages of development)
- Requirement 4 (management plans).

8.1.3 The following section deals with the Applicant's submissions on the proposed DESNZ unit.

DESNZ

Relevant Policy Considerations/Background

- 8.1.4 The government has accepted Recommendation 30 of the Fingleton Review and committed to establishing a new unit within DESNZ to consolidate and deliver post-consent discharge functions in consultation with LPAs, with DESNZ having shared a road map envisaging stakeholder engagement through to Autumn 2026 and full operation by January 2027. In anticipation, the Applicant considers it necessary and appropriate to make provision for the DESNZ unit within the **3.1 Draft DCO [Revision H]**.

Approach Taken by the Applicant

- 8.1.5 At Deadline 5, in response to a request from the ExA, the Applicant submitted drafting that would enable the functioning of the proposed DESNZ unit, if and when established, in respect of applications to discharge requirements set out in Schedule 3 to the **3.1 Draft DCO [Revision H]**. This included a new paragraph 1(1) to Schedule 4 which allows the undertaker to select to apply for any consent, agreement or approval required by a requirement to either the DESNZ unit or the relevant authority that would have been the relevant authority if the DESNZ unit did not exist, with the DESNZ unit required to consult with the relevant authority as if it were a requirement consultee for the purposes of Schedule 4.
- 8.1.6 As part of the proposed drafting, a definition of “DESNZ unit” has been provided, meaning a group or body set up by or on behalf of the Secretary of State for the purpose of providing any consent, agreement or approval required by requirements in the Order.
- 8.1.7 Paragraph 3 of Schedule 4 of **3.1 Draft DCO [Revision H]** provides for the payment of fees where an application is made for consent, agreement or approval required by a requirement, except where the relevant authority is the DESNZ unit.

Issues Considered During the Examination

- 8.1.8 Out of the interested parties, the LPAs raised the most points on this matter.
- 8.1.9 Most LPAs accept that **3.1 Draft DCO [Revision H]** needs to make some form of provision for the proposed DESNZ unit.
- 8.1.10 The main issues for the ExA to review are:
- Whether the Applicant has the right to choose if the requirement or matter to be discharged/approved is one for the relevant LPA or the DESNZ unit
 - If and how a call-in mechanism should be incorporated into the **3.1 Draft DCO [Revision H]**.
- 8.1.11 Both issues are addressed below.
- 8.1.12 At ISH3, the ExA issued Action Point 9 requiring the Applicant and all local authorities to provide a revised draft of Schedule 4 including provisions enabling the Secretary of State to call in submissions made to a relevant discharging authority which seek to discharge requirements either in whole or in part.

Views from the Local Planning Authorities

- 8.1.13 Suffolk County Council, on reflection, considered that the call-in provision should be included in an article rather than a Schedule, on the basis that articles provide the main legal provisions of a DCO whilst Schedules function as appendices setting out technical and procedural matters, and proposed a new Article 55A based on s77 of the Town and Country Planning Act 1990. Thurrock Council supported the position advanced by Suffolk County Council, supporting an approach where the relevant local authority remains the default discharging authority, with provision for the DESNZ unit to recover or call-in individual applications where considered appropriate, and expressly opposing a mechanism that would allow the Applicant to determine on a case-by-case basis which authority should determine an application. That position was supported by Essex County Council, Braintree District Council, Tendring District Council, South Norfolk District Council, Colchester City Council and Norfolk County Council.

The Applicant's Position

- 8.1.14 The Applicant's position is that it is important to allow DESNZ the space to design and establish its Post-Consent Unit without pre-empting its operational framework through prescriptive drafting in the **3.1 Draft DCO [Revision H]** on call-in, consultation procedures or similar, and that introducing detailed mechanisms into the **3.1 Draft DCO [Revision H]** at this stage risks constraining how the unit can operate before it even exists, potentially undermining the very efficiency gains it is intended to deliver.
- 8.1.15 The Applicant's proposed drafting is structured to give the undertaker an election in each case as to whether to utilise the DESNZ unit or the relevant LPA as the discharging authority, reflecting the fact that the operational framework for the new unit remains unpublished and its precise scope is not yet known, and the DESNZ unit is not made an automatic default. Local planning authorities would be consulted whenever the unit acts as the responsible body, therefore preserving local expertise and community accountability in the discharge process, and planning performance agreements would also remain to support both future approvals and any consultation arising from DESNZ's involvement.
- 8.1.16 The call-in model advanced by the local authorities would, by prescribing the precise mechanism through which the unit may exercise its functions - down to the point of specifying the article location within the DCO and the detailed procedural sequence - do precisely what the Applicant considers should be avoided: it would bind a unit whose governance, scope and operational processes have not yet been published to a statutory framework that may be inconsistent with the model the government ultimately adopts.

Conclusion

- 8.1.17 The Applicant therefore considers that the most appropriate course is to retain the flexible framework it submitted at Deadline 5 and further developed at Deadline 6, which enables the Order to adopt whatever structure the government directs while ensuring that local authority input remains embedded in the consultation process. The local authorities' interests are, in the Applicant's submission, adequately protected: bespoke drafting has been included in Article 55 to reflect the potential for requirements to be discharged by the DESNZ until; the LPA remains a mandatory consultee in every case where the unit acts; the undertaker's election does not

disapply any of the substantive requirements to which discharge is subject; and the drafting provides a mechanism for cost recovery by LPAs whether they are the approving authority or a consultee.

- 8.1.18 The DESNZ unit argument is about a process yet to be determined. That process is confined to the discharge of requirements and related approvals under the Order in the event the Secretary of State decides to grant the order. In terms of that decision, whether or not to grant the order, the DESNZ unit argument carries no weight.

9. Conclusions

- 9.1.1 Section 104(3) of the Planning Act 2008 requires the Secretary of State to determine this application in accordance with the relevant National Policy Statements (NPSs) unless one of the limited statutory exceptions in section 104(4) to (8) applies. None of those exceptions arises here. The Project is Critical National Priority (CNP) infrastructure, and the Applicant has demonstrated throughout this Closing Statement, and in the technical and policy compliance documents that accompany it, that the Project complies with the relevant provisions of the NPS in both their 2024 and their newly adopted 2026 forms read as a whole.
- 9.1.2 The conclusion on policy conformity is supported by the National Need, which rests on four mutually reinforcing pillars of national energy security, network resilience and reliability, economical and efficient electricity supply, and decarbonisation and constraint cost avoidance. The robust and iterative options appraisal considered offshore and underground alternatives and explains, on technical, socio-economic and environmental grounds, why the onshore predominantly overhead line solution best meets the need case within the necessary timescale.
- 9.1.3 The consistent application of the mitigation hierarchy throughout design development, informed by two rounds of non-statutory consultation, statutory consultation and further targeted consultation, has avoided, reduced, mitigated or compensated for likely significant effects wherever practicable.
- 9.1.4 That mitigation has, in turn, been agreed as appropriate and sufficient by the majority of statutory consultees, including Natural England, Historic England and the Environment Agency, across the suite of signed Statements of Common Ground.
- 9.1.5 Other documents that the Secretary of State may consider relevant, in the Applicant's view, provide further support for the Project's need and the case for timely delivery, particularly its designation as CNP infrastructure in the NPSs. These include the Clean Power 2030 Action Plan and the National Energy System Operator's Clean Power 2030 report, which identify the Project as critical to the delivery of the Clean Power 2030 pathways, and Ofgem's decision to authorise advanced Early Construction Funding expenditure, which reflects the regulator's own assessment that progressing the works at pace is in consumers' interest given the potential system constraint costs otherwise arising.
- 9.1.6 With these benefits, together with the economic, social and environmental benefits identified earlier in this Closing Statement, including the Project's contribution to a robust and economic transmission system, the facilitation of up to 50 GW of offshore wind connection by 2030, the voluntary commitment to deliver at least 10% Biodiversity Net Gain, and the measures taken to further the purposes of the National Landscape, it is the Applicant's assessment that these benefits clearly outweigh the residual adverse effects identified following the application of the mitigation hierarchy. Those residual effects, addressed in detail in the body of this Closing Statement, are for the most part unavoidable effects rather than effects that call into question the need for the Project itself, and none, in the Applicant's view, amounts to the exceptional circumstances that would be required to displace the strong presumption in favour of consent for CNP infrastructure.

- 9.1.7 None of the exceptions to the presumption of consent for CNP Infrastructure in Paragraph 4.2.15 of EN-1 apply.
- 9.1.8 The Applicant thanks all Interested Parties and Affected Persons for their contributions to the Examination and prior consultation, and confirms it has reviewed all representations and, where appropriate, made changes to the draft DCO and supporting documents in response. This is reflected in the extensive record of engagement summarised in this Closing Statement, including the design changes reported in the Design Development Reports, which show that around 70% of the pylon positions first published in 2023 have since moved following consultation feedback, with just over 60% of those changes raised directly by third parties, and the 28 Statements of Common Ground reached with other infrastructure projects, the majority of which were fully signed by Deadline 7 of the Examination. Where a change was not made, the reasons are explained in the relevant section of this Closing Statement or in the Applicant's other examination submissions.
- 9.1.9 The Applicant has engaged carefully with host authorities' concerns throughout and recognises their legitimate interest in how construction is controlled within their areas; in the Applicant's view, most unresolved matters concern the detail of construction control rather than the Project's underlying principles, and the Applicant's proposals in this regard are proportionate, evidence-based, and consistent with precedent from previous electricity transmission DCOs.
- 9.1.10 The Applicant considers that it has submitted an evidence-based case as to why the DCO should be made as proposed, to ensure this critical NSIP can proceed in a timely manner. That case extends to the compulsory acquisition powers sought, which the Applicant considers are clearly and well evidenced by reference to the needs of the Project and are justified in the public interest. It extends also to the draft DCO itself, which draws on the Applicant's considerable experience delivering transmission infrastructure under the Planning Act 2008 and other consenting regimes, which is substantially in the form of previous electricity transmission line DCOs and has evolved throughout the Examination in direct response to engagement with Interested Parties.
- 9.1.11 The Applicant has set out the main areas of disagreement, but the items are not matters that would alter the overall decision as to whether to grant consent for the Project.
- 9.1.12 Meeting the urgent needs identified should not be delayed by requirements that are not necessary on the evidence, not directly related to the development, or not fairly and reasonably related in scale and kind to it; the burden of establishing that any such requirement is necessary lies with those who seek to impose it, and delay-related harms, including the constraint costs identified above, should be weighed heavily in that assessment.
- 9.1.13 In summary, the very great weight properly due to a CNP project is, in this case, magnified by the scale of the Project's contribution to the national needs identified above, and the public benefits secured by its delivery are so substantial that the residual impacts identified fall substantially short of establishing the exceptional circumstances that could justify refusal under section 104(7) of the Planning Act 2008.
- 9.1.14 For the reasons set out in this Closing Statement and in the evidence generally, the Applicant's clear conclusion is that the benefits of the Project outweigh its adverse impacts and that the Project accords with the relevant NPSs. The Applicant therefore respectfully asks the ExA to recommend that consent for the Project be granted, and the Secretary of State to grant consent.

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Appendix A. Equality Act 2010 Summary of Engagement and Action in respect of particular APs

Appendix A

Equality Act 2010 Summary of Engagement and Action in respect of particular APs

A.1 Introduction

- A.1.1

To assist the Secretary of State’s discharge of the Public Sector Equality Duty (“PSED”) under s. 149 of the Equality Act 2010, the Applicant has during the course of the Examination continued to engage with – and taken action in relation to – APs (or members of their household) who the Applicant has been informed may have protected characteristics and/or in respect of whom the ExA have asked the Applicant to provide additional information on an individual basis irrespective of whether or not this goes above and beyond the duties. The Applicant, recognising the importance of these matters, has responded positively to the request and has summarised steps taken in summary form (in part to protect private discussions with members of the public) in the table below.
- A.1.2

The record for each AP falling within this category is provided below in turn, identified by their Relevant Representation number. Where multiple APs are from the same household, they are grouped, however they may have individual RR numbers. This summary report therefore highlights the most recent engagement undertaken during the Examination phase of the Project. Previous engagement, along with action undertaken, is set out in the **5.1 Consultation Report (Revision B) [REP7-084]**, the **7.14 Equality Impact Assessment [APP-352]** and the Applicant’s responses to Relevant Representations, Written Representations and/or the suite of submissions the Applicant has made to issues arising during the Examination.

A.2 [REDACTED]

Table A.1 Examination engagement record of APs under [REDACTED]

Date	Method	Detail
27 November 2025	Relevant Representation [REDACTED]	Submission of RR outlining concerns with the Project and identifying that two members of the household have protected characteristics.
27 November 2025	Relevant Representation [REDACTED]	Submission of RR outlining concerns with the Project and identifying that two members of the household have protected characteristics.
20 February 2026	Telephone call	Telephone call with APs and their professional representative.
26 February 2026 (DL1)	8.4.1 Applicant's Comments on Relevant Representations [REDACTED]	All Relevant Representations were reviewed, analysed and thematically responded to. Individual responses were provided in response to Written Representations (please see below).

Date	Method	Detail
26 February 2026 (DL1)	Suggested locations for site inspections [REDACTED]	Requested site inspection locations for several points near property, with reference to understanding sensitive locations for persons with protected characteristics in household.
26 February 2026 (DL1)	Written Representation [REDACTED]	Further detailed submission outlining concerns of Project, including proximity of a construction compound, associated access and impacts to property and occupants, particularly in relation to those occupants with protected characteristics.
26 February 2026 (DL1)	Suggested locations for site inspections [REDACTED]	Requested site inspection locations for several points near property, with reference to understanding sensitive locations for persons with protected characteristics in household.
26 February 2026 (DL1)	Written Representation [REDACTED]	Further detailed submission outlining concerns of Project, including proximity of a construction compound, associated access and impacts to property and occupants, particularly in relation to those occupants with protected characteristics
12 March 2026 (DL2)	8.8.1 Applicant's Comments on Written Representations [REDACTED]	Detailed response to APs' WRs, including confirmation that the location is not being used for a compound and confirmation that the property is assessed as a noise and vibration sensitive receptor.
10 April 2026 (DL3)	Comments on any further information or submissions received by deadline 2 [REDACTED]	Update on position and continued opposition to the Project, raising insufficient response to earlier representations; inadequate consideration of EqIA and PSED; impact on household.
29 April 2026	Oral submissions	Attendance by both parties at Compulsory Acquisition Hearing 2 (CAH2)
12 May 2026 (DL4)	8.4.9 Applicant's Comments on any Further Information or Submissions Received by Deadline 3 [REDACTED]	Detailed response to APs' Deadline 3 submission, reiterating that a temporary construction compound is not proposed and clarifying the proposals and likely activities near the property. Confirmation that Applicant will engage directly in relation to the household's specific circumstances and arrange a site visit.
12 May 2026 (DL4)	Written post-hearing submissions; summaries of and responses to oral submissions made	Written summary of oral submissions made at CAH2 on 29 April 2026. Confirms continued objection and concern regarding impact of the Project, with particular concern on effects on household members with protected

Date	Method	Detail
	at hearings held during week commencing 27 April 2026 [REDACTED]	characteristics. Request for further engagement on this matter.
12 May 2026 (DL4)	8.5.6 Applicant's Written Summary of Oral Submission to Compulsory Acquisition Hearing 2 [REDACTED]	Applicant's written summary of its oral submissions made in respect of the APs' oral submission at CAH2 on 29 April 2026. This confirms the position of the Applicant in relation to concerns raised on the impact of the Project and confirms continued engagement on the matter of protected characteristics in the household.
7 July 2026	Site Meeting	A meeting with the APs at their home, attended by the AP, their agent and three representatives from the Applicant covering traffic and transport (because the AP had raised concerns about construction traffic), external affairs (to establish a relationship for ongoing engagement) and equalities / HRA matters due to the protected characteristics identified. The meeting served to identify the main issues, provide context in relation to the layout of the property, and establish a footing for arranging further meetings and focussing further engagement.
21 July 2026 (DL7)	8.27 Response to Category 1 and 2 Affected Persons Objections [REDACTED]	Applicant's response to APs' objection to compulsory acquisition, as requested via ExA Rule 17 letter. The responses provide a summary of objection, confirmation of the land rights sought, and the Applicant's detailed response to ongoing CA objection, including engagement undertaken in respect of CA and other matters.

A.3 [REDACTED]

Table A.2 Examination engagement record of AP under [REDACTED]

Date	Method	Detail
27 November 2025	Relevant Representation [REDACTED]	Submission of RR outlining concerns with the Project, including concerns regarding impacts to a child at the property with protected characteristics. [Note: the RR did not explicitly refer to the Equality Act 2010 or 'protected characteristics' at this stage of the engagement]
11 February 2026	Oral submissions	Attendance at Open Floor Hearing 1 (OFH1)
26 February 2026 (DL1)	8.4.1 Applicant's Comments on Relevant Representations	All Relevant Representations were reviewed, analysed and thematically responded to. Individual responses were provided in response to Written Representations (please see below).

Date	Method	Detail
26 February 2026 (DL1)	Suggested locations for site inspections [REDACTED]	Request for ExA site visit at property and the Thickett woodland.
26 February 2026 (DL1)	Written post-hearing submissions; summaries of and responses to oral submissions made at hearings held during week commencing 9 February 2026 [REDACTED]	Written statement of oral submission as provided at OFH1, raising concerns with the Project and impact to property. No specific equalities points raised.
12 March 2026 (DL2)	8.5.5 Applicant's Response to the Oral Submissions Made at the Open Floor Hearings. [REDACTED]	Applicant's response to oral submissions and written summaries relating to OFH1. Clarification provided on property accesses.
10 April 2026 (DL3)	Comments on any further information or submissions received by deadline 2 [REDACTED]	Further detail relating to objection to Project, including in relation to badgers, ancient woodland, heritage matters. No specific equalities points raised.
10 April 2026 (DL3)	Comments on the applicant's draft itinerary for the ASI [REDACTED]	Further comment on ExA's site visit and offer to accommodate visit to property.
12 May 2026 (DL4)	8.4.9 Applicant's Comments on any Further Information or Submissions Received by Deadline 3 [REDACTED]	Detailed response to the AP's Deadline 3 submission, with clarification provided on access and confirmation that land agents will be in contact.
12 May 2026 (DL4)	Comments on any further information or submissions received by deadline 3 [REDACTED]	Further representation raising concern that matters are not addressed, with particular emphasis on person with protected characteristics within the home and impact of the Project on them. Matters also raised in relation to ancient woodland, access, ecology surveys and heritage.

Date	Method	Detail
10 June 2026 (DL5)	8.4.11 Applicant's Comments on any Further Information or Submissions Received by Deadline 4 [REDACTED]	Detailed response to matters raised in Deadline 4 submission, including mitigation for noise matters in the context of persons with protected characteristics.
10 June 2026 (DL5)	Comments on any further information or submissions received by deadline 4 [REDACTED]	Further representation setting out eight key categories of concern, including failure to discharged PSED under the Equality Act 2010 and impact to household including a person with protected characteristics. Request for funding to construct annexe as a reasonable adjustment under the Equality Act.
24 June 2026	Meeting	Meeting held prior to CAH3. The AP explained his family circumstances in more detail, sharing medical records of the individual with protected characteristics. He also presented costed proposals for compensation he felt was appropriate.
7 July 2026 (DL6)	8.4.14 Applicant's Comments on any Further Information or Submissions Received by Deadline 5, [REDACTED]	Detailed response to the AP's Deadline 5 submission including on Equalities Act 2010 matters, clarifying proposals in relation to the property and confirming meeting with AP held on 24 June with further engagement proposed to discuss matters including equalities.
7 July 2026	Site meeting	Cancelled by Applicant because an emergency encountered by one member of the Applicant's team during their journey to the meeting prevented them from attending, so the meeting would not have been productive for either party. In follow up correspondence, the Applicant confirmed that it was committed to continuing engagement and rearranging the meeting and a meeting has been arranged for August 6 2026 at the AP's property.
7 July 2026 (DL6)	Comments on any further information or submissions received by deadline 5 and 5A [REDACTED]	Supplementary representation on the impact of the Project and why an annexe is required to be delivered on the property by National Grid, in response to person with protected characteristics.
21 July 2026 (DL7)	8.4.16 Applicant's Comments on any Further Information or Submissions Received by Deadline 6	Response to the AP's Deadline 6 submission, including on equalities matters, with reference to meeting held on 25 June 2026 and ongoing correspondence with the AP.

Date	Method	Detail
21 July 2026 (DL7)	Comments on any further information/submissions received by Deadline 6	Copy of emails exchanged with National Grid and updated representation highlighting unresolved matters and providing statement on acoustic matters, access, and occupier disturbance.
29 July 2026	Correspondence	Dates to rearrange site meeting in August proposed to the AP (subsequently agreed to take place on August 6 2026)
4 August 2026	8.4.18 Applicant's Comments on any Further Information or Submissions Received by Deadline 7	Detailed response to the AP's Deadline 7 submission, including on equalities matters.

A.4

Table A.3 Examination engagement record of APs under

Date	Method	Detail
27 November 2025	Relevant Representation	Submission of RR outlining concerns of the Project's impact on property and personal health.
27 November 2025	Relevant Representation	Submission of RR outlining concerns of the Project's impact on property and personal health.
26 February 2026 (DL1)	8.4.1 Applicant's Comments on Relevant Representations	All Relevant Representations were reviewed, analysed and responded to. Individual responses were provided in response to Written Representations (please see below).
26 February 2026 (DL1)	Suggested locations for site inspections	Request for ExA site visit at property.
29 April 2026	Oral submissions	Attendance by both parties at Compulsory Acquisition Hearing 2 (CAH2)

Date	Method	Detail
12 May 2026 (DL4)	Written post-hearing submissions; summaries of and responses to oral submissions made at hearings held during week commencing 27 April 2026 [REDACTED]	Written summary of oral submissions made at CAH2 on 29 April 2026. Confirms continued objection and concern regarding impact of the Project, particularly in relation to livery business, commercial units and future residential development. No specific equalities matters raised.
12 May 2026 (DL4)	8.5.6 Applicant's Written Summary of Oral Submission to Compulsory Acquisition Hearing 2 [REDACTED]	Applicant's written summary of its oral submissions made in respect of the Parishes' oral submission at CAH2 on 29 April 2026. This confirmed the latest engagement and arrangements for a next meeting on matters relating to the equestrian business.
27 May 2026	Meeting	Site meeting to discuss matters such as impact to APs' business and planning consents; routing of the Project; impact to family.
7 July 2026 (DL6)	Comments on any further information or submissions received by deadline 5 and 5A [REDACTED]	Representation raising concern with the nature opportunity maps for Hutton; impacts to business; and wellbeing/health concerns as a result of the Project. Request for ExA site visit.
21 July 2026 (DL7)	8.4.16 Applicant's Comments on any Further Information or Submissions Received by Deadline 6 [REDACTED]	Detailed response to AP's Deadline 6 submission, committing to further engagement to understand specific needs of business, potential health effects to member of household and clarification on engagement approach for future work to be carried out.

Appendix B.

Draft DCO

Appendix B

Draft DCO

B.1 Timing for Decisions (25 business days)

Relevant Policy Considerations/Background

- B.1.1 Appendix 1 to Advice Note 15: drafting Development Consent Orders sets out standard drafting for an article dealing with the procedure for discharge of certain approvals. Advice Note 15 requires any amendments to the standard drafting to be justified in full in the Explanatory Memorandum. The standard drafting includes a decision period of 42 days.

Approach Taken by the Applicant

- B.1.2 At submission of the application, the Applicant put forward its preferred 28-day period for the discharge of requirements and other approvals under the **3.1 Draft DCO (Revision A) [APP-056]** and justified its position in **3.2 Explanatory Memorandum (Revision A) [APP-057]**.

Issues Considered During the Examination

Views from the Local Planning Authorities

- B.1.3 The key arguments from the relevant planning authorities were that:
- 28 days is insufficient to assess complex technical submissions and cross-boundary issues, and does not allow for receipt, validation and logging of submissions, consultation, consideration of consultee responses, requesting and reviewing further information, report writing and internal sign off.
 - Practical constraints make compliance unrealistic – limited officer resources, competing workload, staff leave, the involvement of multiple specialists and differing local authority governance and delegation arrangements mean a standard 28-day period is not workable across all authorities.
 - 56 days is the requested decision-making period from most authorities, although some had proposed 35 days. The Councils argued that precedent from other NSIPs supports a longer period of 8 weeks for major applications, and that comparable planning regimes allow longer determination periods.
 - Business days should be used instead of calendar days.

The Applicant's Position

- B.1.4 The Applicant has had regard to feedback received from host authorities and the ExA, both on the duration of the decision period and the consistency of the use of "days" and "business days", and has revised its proposed 28-day decision period to instead allow 25 business days. This new decision period was selected to provide a "business day" equivalent to the 35-day period on the National Grid (Bramford to Twinstead Reinforcement) Order 2024, ensuring that decision periods are not

curtailed over weekends and bank holidays. There remains provision for the parties to agree an extension to the decision period, where further information is requested under Schedule 4 (discharge of requirements), the decision period will be paused until that information is provided (see Schedule 4, paragraph 1(3)(b) and paragraph 2(5)).

- B.1.5 Extending the baseline for the decision period further would be detrimental to the Applicant's ability to deliver the Project to programme and would risk the government's Clean Power 2030 target. A 56-day (or 40 business day) decision period, with scope to agree further extensions, would add a minimum additional three weeks to every application submitted for discharge which, over the course of the programme, could result in significant delays. The Applicant's position remains that the starting point should not be 56 days (or 40 business days) on top of which a further extension can be agreed. Its position is that a 25 business day decision period, with scope to agree an extension where matters are more complex or there is a clear pinch-point in Council resourcing would be appropriate and proportionate for a CNP project. This is particularly key in the context of Annex 2 of the NESO Clean Power 2030 Report, which identifies that if the Applicant delivers the Project by the end of 2031 instead of by the end of 2030, the consumer would be exposed to additional constraints costs in excess of £2.5 billion. This equates to £7 million for every day that the energisation of the Project is delayed into 2031. The Applicant points to the Bramford to Twinstead examination as a precedent, where the host authorities sought to extend a 28-day deemed-consent period to 56 days, but the ExA in that case did not accept 56 days and instead concluded that 35 days was a necessary, reasonable and proportionate balance, which the Secretary of State adopted. The Applicant submits that its draft Order period of 25 business days is equivalent to approximately 35 calendar days (and potentially longer with bank holidays), thereby aligning with that outcome.
- B.1.6 The Applicant has repeatedly stated that it will enter into post-consent planning performance agreements (PPAs) with the relevant planning authorities to ensure that they are able to respond on programme. These PPAs will provide appropriate cost recovery, as was also the case for the PPAs entered into for the application and Examination stages. The draft post-consent PPA has been shared with, and is being negotiated with, the relevant planning authorities.

Conclusion

- B.1.7 In summary, the Applicant's position is that 25 business days represents a carefully calibrated and precedented period: it is the "business day equivalent" of the 35 calendar days approved on the National Grid (Bramford to Twinstead Reinforcement) Order 2024, revised upward from the original 28 calendar days in response to feedback from host authorities and the ExA. The Applicant maintains that this period is adequate, proportionate and appropriate, and that extending it further would risk jeopardising the Project's delivery and, ultimately, the UK's Clean Power 2030 target.

B.2 Timings (Further Information and Consultation)

Issues Considered During the Examination

- B.2.1 Further consideration was given to other timescales set out in Schedule 4 (discharge of conditions), including the time to request further information and the length of time afforded for consultation.

Views from the Local Planning Authorities

- B.2.2 The Councils contended that five days is insufficient time to review an application and request further information. They noted that a five-day window does not allow sufficient time for: reviewing technical documentation; liaising with internal specialists; and identifying gaps or requesting additional information. The Councils proposed that this timescale should be extended, with proposals including a minimum of 21 days for initial review, with flexibility for further consultation where necessary, a 28 day minimum consultation period for consultees, and the adoption of the approach taken on the Vanguard DCO which allows further information to be requested within 20 business days of receipt of the application (or 42 days where there is a requirement consultee).

The Applicant's Position

- B.2.3 The Applicant disagrees that five days (now business days) is insufficient for the relevant planning authorities to assess whether it requires further information to make its decision on an application. The Applicant is committed to pre-application engagement with the relevant planning authorities and consultees and so it is likely that most applications will not come 'cold' to the decision makers, meaning that it will be easier for them to promptly identify any possible information gaps.
- B.2.4 If the relevant planning authority fails to seek further information within the five business day period but later establishes that it does require further information, it can seek the prior agreement of the Applicant to request that further information after the end of the five day period (Schedule 4, paragraph 2(4)).
- B.2.5 To further assist decision makers and consultees, the Applicant updated **3.1 Draft DCO [Revision H]** at Deadline 5 to provide that the Applicant would share a copy of the application with the requirement consultees at the same time as it makes the application to the relevant planning authority. This ensures that consultees have the benefit of up to 15 business days to seek further information.

Conclusion

- B.2.6 The timings proposed in Schedule 4 of the **3.1 Draft DCO [Revision H]** are proportionate and appropriate for a project of this nature. The Applicant is committed to pre-application engagement and **3.1 Draft DCO [Revision H]** provides mechanisms that allow further flexibility, including with the agreement of the Applicant. In light of this and in the circumstances of this Project, which is of CNP, the Applicant does not consider it appropriate to extend the baseline timescales, noting the scope for flexibility and the risk of additional constraints costs in the event of delay to the delivery of the Project.

B.3 Fees

Issues Considered During the Examination

- B.3.1 The key issues raised in connection with fees for consents and approvals during the Examination related to:
- The scope of the fees
 - The level of the fees

- Indexation of fees
- Refund provisions.

Views from the Local Planning Authorities

- B.3.2 Suffolk County Council argued that that fees should be paid for dealing with applications under articles as well as under the Requirements, and that the fee payable should reflect the work involved. Suffolk County Council's preferred approach was for the Applicant and the Councils to enter into a planning performance agreement for the full recovery of the Councils' costs in discharging any application under the Order, and that paragraph 3(1) of Schedule 4 of **3.1 Draft DCO [Revision H]** should be recast to provide that no application can be made until an appropriate PPA is in place.
- B.3.3 A number of Councils raised that fees should be index linked or raise in line with the latest planning fee guidance in force at the time.
- B.3.4 Various comments from the Councils were received on the refund provisions in paragraph 3(2), including the reasonableness of refunds when work has been undertaken by the relevant planning authority, and the scope for retention of a percentage of fees in the event a refund would be triggered.

The Applicant's Position

- B.3.5 The Applicant's position remains that (other than in relation to Requirements) it does not consider it appropriate or proportionate to require payment of the application fee for any consent sought under the **3.1 Draft DCO [Revision H]**, some of which will be very minor in nature. The Applicant's approach to this mirrors that in the National Grid (Bramford to Twinstead Reinforcement) Order 2024.
- B.3.6 The Applicant reiterates its commitment to collaborative engagement with host authorities on post-consent matters, including entering into post-consent planning performance agreements (PPAs) with host authorities. The Applicant has shared a draft post-consent planning performance agreement with the relevant planning authorities to deal with matters relating to post-consent working, including cost recovery. However, making entry into a PPA a pre-condition to making any application to discharge requirements under the Order is disproportionate and inappropriate. The discharge of requirements process and other consents must, in the manner of other made DCOs, be capable of operating from the moment the DCO is granted. It is noted that the Applicant sought to enter into PPAs in relation to its DCO application with all host authorities prior to submission of that application in August 2025. However, notwithstanding ongoing engagement, the Applicant continues to await comments on a number of them. Adding a procedural gateway wholly dependent on the timescales of PPA negotiations with host authorities materially risks unnecessary delay to a project of critical national importance aligned with the government's Clean Power 2030 target, and is contrary to the public interest. For these reasons, it is also considered disproportionate and inappropriate for the Secretary of State, following the Examination, to amend paragraph 3 to provide that no application can be made until an appropriate PPA is in place.
- B.3.7 In response to comments from the Councils on the level of fee payable, the Applicant updated the original £145 sum for applications for which there is no prescribed fee to be £298 in line with current planning fee guidance. Furthermore, the Applicant has included drafting to reflect the coming into force of new infrastructure planning fee

guidance which allows planning authorities to recover their costs for their involvement in nationally significant infrastructure projects. The **3.1 Draft DCO [Revision H]**, as drafted, accounts for any annual increases in the relevant application fees and so the Applicant's position is that further drafting amendments to account for fee increases is not necessary.

- B.3.8 Furthermore, the Applicant has removed the refund provisions and has instead replaced them with a crediting system for instances where an application is rejected as being invalidly made.

Conclusion

- B.3.9 The Applicant has made a number of concessions on paragraph 3 (fees) of Schedule 4 to **3.1 Draft DCO [Revision H]**. The Applicant's position is that the revised drafting proposed reflects a fair, proportionate and appropriate approach.

B.4 Deemed Consent and Not to Be Unreasonably Withheld or Delayed

Relevant Background

- B.4.1 The Applicant includes wording in the **3.1 Draft DCO [Revision H]** that provides that consents and approvals should not be "unreasonably withheld or delayed", even where a deemed consent would apply. This has been included in the **3.1 Draft DCO** since the Applicant's submission version **[APP-056]**.

Issues Considered During the Examination

Views from the Local Planning Authorities

- B.4.2 The LPAs consider inclusion of deemed consent together with the words "not to be unreasonably withheld or delayed" is not necessary. They argue that deemed consent creates unacceptable risk of approvals being deemed to be granted without adequate time to properly assess submissions or resolve outstanding issues. The Councils argued that this is particularly problematic for highway-related consents.
- B.4.3 Suffolk County Council raised a separate concern that the use of the term "unreasonably withheld or delayed" has implications for discharging authorities because non-compliance with a term of a DCO would be a criminal offence under the PA 2008 and, because the relevant planning authorities are the bodies responsible for enforcement, this could result in an authority having to prosecute itself or another authority.
- B.4.4 Norfolk County Council submitted that because the Council is prevented from making decisions in an "unreasonable" way by the ordinary principles of public law, the wording is redundant. Norfolk County Council noted that the phrase's redundancy means that it is not particularly objectionable.

The Applicant's Position

- B.4.5 In response to the Councils' concerns about consents having been deemed to be granted without adequate time for the authorities to consider the relevant applications, the **3.1 Draft DCO [Revision H]** (and each revision before it) makes

clear that the deemed approval provisions will only have effect where the application for consent, agreement and/or approval includes a clear statement that consent must be provided within 25 business days, otherwise the consenting authority or person is deemed to have granted consent. This is intended as a safeguard to ensure that the consenting authority is placed on notice that the deemed approval provisions will apply, and is considered helpful where the consenting authority may be required to determine a number of applications concurrently.

- B.4.6 Furthermore, in each case, **3.1 Draft DCO [Revision H]** also makes clear that an alternative period of time may be agreed on a case-by-case basis with the relevant authority, which the Applicant considers will provide greater flexibility.
- B.4.7 The Applicant acknowledges comments made by a number of authorities in their submissions that they would "not act unreasonably," and submits that the wording "such consent not to be unreasonably withheld or delayed" merely reflects what the authorities say they undertake in practice and so should not be contentious. The Applicant also confirmed that no interpretation of "reasonableness" would fetter an approving authority from fulfilling its statutory functions.
- B.4.8 In response to Suffolk County Council's concerns regarding the attachment of criminal liability and the complications of an authority having to prosecute itself or another authority, the Applicant submits that it would be wholly misconceived and wrong to think that a relevant planning authority would choose to prosecute itself or one of its neighbouring authorities, and so the risk to the relevant planning authority in practice would be nil.
- B.4.9 As explained at Issue Specific Hearing 3 (DCO) and summarised in **8.5.11 Applicant's Written Summary of Oral Submissions and Response to Action Points for Issue Specific Hearing 3 [REP6-117]**, the underlying purpose of both mechanisms is to ensure the timely delivery of this Project, which is of CNP. The deemed consent element provides a clear timeframe for the decision to be made, with scope to extend subject to agreement (for example, for more complex applications). The "such consent not to be unreasonably withheld or delayed" wording is to ensure that where matters are quick and easy to resolve, then the decision makers should not use the full time period for a determination. The Applicant's position remains that the inclusion of deemed consent together with the phrase "such consent not to be unreasonably withheld or delayed" does not create duplication or uncertainty. Examples of these mechanisms being used in combination include in the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024, the A122 (Lower Thames Crossing) Development Consent Order 2025 and the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020. The Applicant submits that the relevant planning authorities should be encouraged to make decisions more quickly where the applications before them merit a quick and straightforward decision and, therefore, that both deemed consents and the phrase "such consent not to be unreasonably withheld or delayed" should be retained.

Conclusion

- B.4.10 The Applicant acknowledges comments made by a number of authorities in their submissions that they would "not act unreasonably," and submits that the wording merely reflects what the authorities say they undertake in practice and so should not be contentious. The Applicant also confirmed that no interpretation of "reasonableness" would fetter an approving authority from fulfilling its statutory

functions, and the example of maintaining safety was discussed and agreed. The Applicant is simply seeking an express reference to what the authorities themselves should do in practice. In those circumstances, the Applicant sees no downside to the authorities in including both deemed consents and the phrase “such consent not to be unreasonably withheld or delayed” in the **3.1 Draft DCO [Revision H]**. The Applicant considers that the requested drafting merely reflects established practice and provides helpful clarity, rather than introducing any substantive obligation. The Applicant therefore maintains that the wording “not to be unreasonably withheld or delayed” ought to remain coupled with the deemed consents.

B.5 No Materially New or Different Environmental Effects

Issues Considered During the Examination

Views from the Local Planning Authorities

- B.5.1 The Councils' position is that the relevant planning authority (or relevant highway authority, as appropriate) should be the body that determines – or whose expression of satisfaction is required – that no materially new or materially different environmental effects arise before certain development, maintenance, or other activities can proceed under DCO consents. The issue is raised in the context of paragraph 1(4) Schedule 3 (requirements) where Suffolk County Council requested in its LIR **[REP1-178]** that the words *‘to the satisfaction of the relevant highway authority or the relevant planning authority’* are added, such that consent approval or agreement on the relevant subject matter may only be given where the relevant authority is satisfied that there are no materially new or materially different environmental effects from those identified in the ES. Some Council raised concerns that the definition of “maintain” did not make clear who determines whether maintenance works give rise to materially new or materially different environmental effects and each requested that the definition is amended such that the determination would be “in the opinion of” the relevant planning authority.
- B.5.2 Both Braintree District Council and Essex County Council requested a tailpiece to be added to the definition of “pre-commencement operations”, again to provide that the determination of the existence of any materially new or materially different environmental effects should sit with the relevant planning authority.
- B.5.3 The request for the relevant planning authority to be the determining body for the purposes of what is materially new or materially different was also applied by the Councils to the associated development paragraph of Schedule 1 (authorised development).

The Applicant's Position

- B.5.4 With the exception of determining whether it can give its agreement or approval to discharge a requirement or to “otherwise agree” or “otherwise approve” in the context of a requirement, the Applicant does not consider it appropriate for the relevant planning authorities to be the determining body of whether a matter gives rise to materially new or materially different environmental effects.
- B.5.5 The Applicant has accepted an amendment to paragraph 1(4) of Schedule 3 (requirements) which provides that where an approval or agreement is required under the terms of any requirement or a document referred to in a requirement, or

any requirement specifies “unless otherwise approved” or “unless otherwise agreed”, that approval or agreement may only be given where it has been demonstrated to the satisfaction of the relevant highway authority or the relevant planning authority, that such approval or agreement will not give rise to any materially new or materially different environmental effects from those identified in the ES.

- B.5.6 However, in the context of the definitions of “maintain” and “pre-commencement” and in the context of associated development, the Applicant's position is that it is for the Applicant to make that determination, as an objective test, with enforcement available via s161 of the PA 2008.
- B.5.7 This is particularly the case in relation to maintenance. As a transmission licence holder, the Applicant has statutory duties to maintain its apparatus in order to ensure a safe, effective and efficient electricity transmission system. This means that introducing a requirement for the LPA's opinion or approval (even if a deemed consent applies) before maintenance works can proceed would be inconsistent with the Applicant's overarching statutory obligations to keep the transmission network operational and safe.
- B.5.8 As transmission licence holder, the Applicant is the appropriate body with the expertise to discharge its statutory duties in respect of electricity equipment. It is essential that the Applicant is not delayed or prevented from carrying out essential maintenance that enables it to comply with this duty. Furthermore, it would not be appropriate to require the Applicant to approach the relevant planning authority prior to carrying out emergency repair works which also fall within the definition of ‘maintain’. The inclusion of an obligation to maintain the Project is not necessary. As a transmission licence holder, the Applicant has statutory duties to maintain its apparatus in order to ensure a safe, effective and efficient electricity transmission system.
- B.5.9 The Applicant's current approach to maintenance has precedent in a number of made development consent orders, including the National Grid (Bramford to Twinstead Reinforcement) Order 2024 and the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024, and the Applicant does not consider it necessary or appropriate to depart from such precedent in this case.

Conclusion

- B.5.10 In conclusion, the Applicant's position on maintenance is grounded in operational necessity, and clear precedent from made development consent orders. As a transmission licence holder, the Applicant bears non-negotiable duties to maintain a safe, effective and efficient electricity transmission network, and any requirement that would delay or prevent the discharge of those duties — whether through a requirement for prior approval or a deemed consent mechanism — would be both inappropriate and inconsistent with the overarching statutory framework.
- B.5.11 The objective test under s161 of the PA 2008 provides a sufficient and proportionate enforcement mechanism, without imposing procedural constraints that could compromise the safe and continuous operation of critical national infrastructure.
- B.5.12 The Applicant therefore maintains its position and respectfully invites the ExA to adopt an approach consistent with that taken in comparable made orders.

B.6 Pre-Commencement Operations

Approach Taken By the Applicant

- B.6.1 The Applicant's **3.1 Draft DCO [Revision H]** includes a definition of “pre-commencement operations” that broadly aligns with the definition of “pre-commencement operations” in the National Grid (Bramford to Twinstead Reinforcement) Order 2024. There are some additional items, which the Applicant explains in its **3.2 Explanatory Memorandum [REP7-066]**.

Issues Considered During the Examination

Views from the Local Planning Authorities

- B.6.2 The key concerns raised by the relevant planning authorities include that:
- The definition is excessively broad and the effect of this is to allow a wide range of not insignificant works to go ahead before formal commencement of the authorised development which triggers the associated commencement-linked controls
 - The definition includes operations that are extensive and which could necessitate the potential excessive removal of trees and hedgerows without any consideration as to if that removal was necessary to facilitate the construction of the Project in advance of any relevant Requirement being discharged
 - The definition should have a tailpiece that gives the relevant planning authority an opportunity to determine whether any proposed operations would give rise to any materially new or materially different environmental effects
 - The notice period for the anticipated programme of pre-commencement operations is too short and works should not be permitted without prior approval or formal agreement
 - Objection to the inclusion of “demolition of existing buildings”
 - Concerns around heritage impacts.

The Applicant's Position

- B.6.3 The Applicant's position is that the definition of pre-commencement operations may appear extensive when read in isolation but that it must be understood in the context of the **3.1 Draft DCO [Revision H]** as a whole. All pre-commencement operations are subject to a comprehensive suite of controls, including:
- Requirement 3 (stages of authorised development), which requires written notification to be given to the relevant planning authority at least five business days before operations first commence
 - Requirement 4 (construction management plans), which obliges the Applicant to comply with the **7.2 Outline Code of Construction Practice [Revision H]**, the **7.3 Outline Construction Traffic Management Plan [Revision G]**, the **7.4 Outline Landscape and Ecological Management Plan [REP7-342]**, and the **7.5 Outline Public Rights of Way Management Plan [REP7-354]**
 - Requirement 5 (archaeology), which requires the Applicant to comply with the **7.5 Outline Archaeological Mitigation Strategy/Outline Written Scheme of Investigation [Revision D]**

- The land rights and access provisions within Parts 3 to 6 of the **3.1 Draft DCO [Revision H]** and their accompanying schedules
 - The protective provisions for statutory undertakers, highway authorities and other bodies in Schedule 16 (protective provisions)
 - Existing statutory regulatory regimes (including those relating to protected species, environmental permits, and scheduled monument consents).
- B.6.4 The Applicant also highlights that, where any measures referenced in the outline management plans are to be agreed with the relevant LPA, the Applicant must seek that agreement before carrying out any pre-commencement operations to which those measures are relevant.
- B.6.5 The Applicant maintains that, because the pre-commencement works have been assessed in the **6.1-6.21 Environmental Statement [REP7-152 to REP7-318]** and are controlled by Requirement 4(3) through compliance with the outline management plans and Requirement 5(7) in respect of the **7.5 Outline Archaeological Mitigation Strategy and Outline Written Scheme of Investigation [Revision D]**, additional controls within the **3.1 Draft DCO [Revision H]** are not necessary.
- B.6.6 The Applicant's position is that the Councils' proposed tailpiece would not add meaningful environmental protection beyond that already secured through the EIA process and the DCO framework. Furthermore, introducing such wording would add further administrative burden to the relevant planning authorities, and that there is extensive precedent for pre-commencement activities of the nature set out in the **3.1 Draft DCO [Revision H]** to be carried out without this further level of control.
- B.6.7 The Applicant's proposed notice period for the programme of pre-commencement operations has precedent in other recent DCOs. It is a business day equivalent of the period included in the National Grid (Bramford to Twinstead Reinforcement) Order 2024 which uses seven days. Because Requirement 3(1) is a notification requirement only – imposing no obligation on any planning authority to take any action in that period – the Applicant does not consider that a longer period would serve any meaningful purpose.
- B.6.8 In relation to the demolition of existing buildings, the Applicant has not identified any building that would require demolition. The Applicant's position is that if demolition were required, it would be due to unforeseen circumstances, and that given the Project's CNP status it does not consider it proportionate to require prior approval for demolition works.
- B.6.9 The Applicant added "listed building surveys" into the definition of pre-commencement operations at the request of Essex County Council. In respect of concerns that pre-commencement operations could proceed in the vicinity of historic buildings without triggering necessary mitigation, the Applicant submits that all pre-commencement operations must be carried out in accordance with the outline management plans secured by Requirements 4 and 5, which includes appendices to those outline management plans, unless otherwise agreed with the relevant planning authority (following consultation with any requirement consultees). The **6.1-6.21 Environmental Statement [REP7-152 to REP7-318]** assesses the LoD and, where particularly sensitive receptors have been identified, appropriate mitigation has been secured, which may include mitigation embedded in the design and route alignment or other commitments.

Conclusion

- B.6.10 The Applicant has carefully considered the definition of “pre-commencement operations” to ensure it is suitable for the specific circumstances of the Project.
- B.6.11 The Applicant maintains that all pre-commencement operations must be carried out in accordance with the outline construction management plans, as well as the outline archaeological mitigation strategy and outline written scheme of investigation, and that this, together with the wider controls of the **3.1 Draft DCO [Revision H]** and existing statutory regimes, provide adequate protections and controls without further amendment being required. This approach mirrors that adopted on other recent projects, including the National Grid (Bramford to Twinstead Reinforcement) Order 2024 and the Applicant considers it to be appropriate and proportionate in the circumstances of the Norwich to Tilbury Project.

B.7 Article 50 (Felling and Lopping) and Article 51 (Trees Subject to Tree Preservation Orders)

Issues Considered During the Examination

- B.7.1 Various comments have been raised on article 50 (felling or lopping) and article 51 (trees subject to tree preservation order) throughout the Examination.

Views from the Local Planning Authorities

- B.7.2 The Councils raised concerns regarding the term “near” being too ambiguous, creating uncertainty and allowing works beyond what is absolutely necessary. They suggested that the term “near” is defined or removed. Concerns were also raised around the scope of vegetation removal without appraisal.
- B.7.3 Other comments from the Councils included the extension of the deemed consent period (which we do not go into further here, but instead refer the ExA to paragraphs B.1 and B.2 above which deal with timescales), and a request for a definition of “affected vegetation”.
- B.7.4 The Councils also sought prior approval rights before any tree works proposed outside of the Order Limits and before any works are carried out to trees subject to tree preservation orders.

The Applicant’s Position

- B.7.5 The Applicant’s position remains that, in practice, the term ‘near’ is intended to relate to, for example, roots that cross beneath the Order Limits or canopies that cross over the Order Limits and to which the inclusion in the **3.1 Draft DCO [Revision H]** of an arbitrary distance would be impractical and potentially cause significant delays to the construction of the authorised development. A definition of near is not necessary because for the power to be exercised lawfully, the Applicant must consider it necessary to prevent an obstruction or interference with the construction, maintenance or operation of the authorised development and any associated apparatus, or from constituting a danger to persons construction, maintaining, or operating the authorised development. The article does not authorise the Applicant to do anything that is not necessary. Article 50(2) of the **3.1 Draft DCO [Revision H]** places a statutory duty on the Applicant not to cause any unnecessary damage to

any tree, shrub, shrubbery or hedgerow, or important hedgerow, when exercising its powers under Article 50. A failure to comply would be an offence. The controls in Article 50 are consistent with several precedent DCOs, including the National Grid (Bramford to Twinstead Reinforcement) Order 2024 and the National Grid (Yorkshire Green Enablement Project) Development Consent Order 2024 and the Applicant does not consider it necessary to deviate from these precedents.

- B.7.6 Article 51, together with the **2.16 Trees and Hedgerows to be Removed and/or Managed Plans - Section A to Section H [REP7-048 to REP7-062]**, sets out controls on powers affecting trees subject to tree preservation orders both within and outside the Order Limits. These controls are consistent with precedent DCOs including the National Grid (Bramford to Twinstead Reinforcement) Order 2024 and the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024.
- B.7.7 The Applicant disagrees with the need for any provision for advance notice or consent. The **3.1 Draft DCO [Revision H]** must be read as a whole, and the Applicant's position is that there are adequate protections contained in the management plans which are controlled by Schedule 3 (requirements). Notice provisions are not included in the National Grid (Bramford to Twinstead Reinforcement) Order 2024 or the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 and the Applicant does not consider them to be necessary in this case.
- B.7.8 The Applicant disagrees with the need to define 'affected vegetation' since affected vegetation and how it is affected is clearly shown on the **2.16 Trees and Hedgerows to be Removed and or Managed Plans [REP7-048 to REP7-062]**, which identify vegetation as 'affected managed' or 'potentially affected'.

Conclusion

- B.7.9 The Applicant submits that adequate and proportionate controls are included in **3.1 Draft DCO [Revision H]** and the accompanying management plans that balance the need to protect trees and hedgerows with the urgent need to progress the timely delivery of the Project. The Applicant does not consider additional definitions or approval to be necessary and submits that such proposals deviate from what is standard in precedent drafting.

B.8 Requirement 3 (Stages)

Approach Taken in the Application

Providing a Framework for Phased Delivery

- B.8.1 From the outset of the application, the Applicant has adopted a staged approach to the delivery of the Project, recognising the scale and geographic extent. Requirement 3 of 3.1 Draft DCO [Revision H] was therefore included to establish a mechanism through which the authorised development could be divided into stages, enabling construction, approval and discharge activities to be undertaken on a phased basis rather than requiring all pre-construction requirements to be discharged across the entirety of the Project before works could commence. This approach was reflected throughout the drafting of the 3.1 Draft DCO [Revision H] and supporting explanation provided in the 3.2 Explanatory Memorandum [REP7-066].

Providing Clarity on the Geographic Extent of Approvals

- B.8.2 A key purpose of Requirement 3 is to provide the relevant planning authorities with certainty regarding the geographic extent covered by approvals and discharge applications submitted pursuant to the DCO. The staging plans identify the parts of the authorised development to which individual approvals relate, allowing the relevant planning authorities to clearly understand the areas covered by stage-specific submissions and the extent of development authorised to proceed following approval. The Applicant's approach has therefore been to use Requirement 3 as a practical tool to facilitate the efficient discharge of requirements while ensuring that the relevant planning authorities retain a clear understanding of the physical extent of each construction stage.

Notification of Pre-Commencement Operations

- B.8.3 In addition to establishing the staging framework for the Project, Requirement 3 also contains a notification mechanism relating to pre-commencement operations. The Applicant's position throughout the Examination has been that this notification requirement performs a specific and limited function, namely ensuring that the relevant planning authority is informed when pre-commencement operations are proposed within a stage of the Project. The requirement is not intended to create a separate approval regime for those activities, which continue to be regulated through the wider framework of controls secured by compliance with Requirement 4 (construction management plans).

Consistency with the Wider DCO Structure

- B.8.4 The Applicant's approach has consistently been to ensure that Requirement 3 operates coherently with the remainder of the **3.1 Draft DCO [Revision H]**. The requirement provides the framework through which the Project can be delivered in stages, identifies the geographical extent of those stages for the purposes of discharging requirements, and provides notification of pre-commencement operations where relevant. The substantive control of environmental mitigation, construction activities and other matters is then secured through the individual requirements and certified documents applicable to each stage. This creates a clear and proportionate structure which avoids duplication of controls whilst ensuring that the relevant planning authorities have certainty as to what area is covered by each approval and discharge application.

Issues Considered During the Examination

Duration of Notice for Pre-Commencement Operations

- B.8.5 The principal issue considered during the Examination concerned the period of notice that should be provided to the relevant planning authority before pre-commencement operations are undertaken. A number of authorities sought a longer notification period (between 10 and 35 days) than that proposed by the Applicant which is proposed to be "no less than five business days prior to the date on which those pre commencement operations are first carried out" arguing that additional time was required to understand the nature and location of the proposed activity and to coordinate any necessary engagement with local stakeholders. The Examination therefore considered whether the notification period proposed by the Applicant provided sufficient opportunity for local authorities to understand and prepare for pre-commencement activities.

Purpose and Function of Requirement 3

- B.8.6 The Examination also considered the intended purpose of Requirement 3 and whether it should operate solely as a notification mechanism or perform a broader regulatory function. Discussion focused on the role of the requirement within the wider DCO framework and whether additional controls, approvals or procedural requirements should be incorporated into the drafting

Relationship Between Requirement 3 and Project Staging

- B.8.7 A further matter considered was the role of Requirement 3 in establishing and communicating the stages of the Project. The Examination considered how the staging plans would assist the relevant planning authorities in understanding the geographic extent of individual stages and how those stages would relate to applications for the discharge of requirements. Particular consideration was given to ensuring that authorities could clearly identify which parts of the Project were covered by stage-specific approvals and submissions.

Assessment of Matters raised

Duration of Notice for Pre-Commencement Operations

- B.8.8 The evidence before the Examination demonstrates that the Applicant's proposed notification period ahead of pre-commencement operations was only intended to provide local authorities with advance notice of forthcoming pre-commencement operations should any queries be raised by the members of the public as to what works were underway on site. The Applicant consistently explained that Requirement 3 is a notification provision rather than an approval mechanism and that extending the notification period would not provide additional regulatory control over the activities concerned that was neither necessary or justified. The Applicant further noted that pre-commencement operations remain subject to the wider controls secured through compliance with DCO Requirements and are not uncontrolled activities.
- B.8.9 Whilst host authorities expressed a preference for a longer notification period, no evidence was submitted demonstrating that the notification period proposed by the Applicant would prevent authorities from performing their functions or would give rise to unacceptable environmental or community effects. The remaining disagreement therefore relates primarily to the extent of advance notice that should be provided, rather than any identified deficiency in the controls secured through the DCO framework.

Purpose and Function of Requirement 3

- B.8.10 The evidence before the Examination supports the Applicant's position that Requirement 3 serves a specific and limited purpose. The requirement is intended to notify the relevant planning authority that pre-commencement operations are to commence, rather than establish an additional approval process. The Applicant consistently maintained that substantive control of pre-commencement activities is secured through the requirements, management plans and certified documents elsewhere within the DCO.
- B.8.11 It was suggested by Babergh Mid Suffolk that a longer period would assist with the arrangement of monitoring or enforcement activities. However, the Applicant

explained that compliance with the DCO, including its Requirements and certified documents, is the responsibility of the undertaker. Requirement 3 does not create a regulatory gateway requiring local authority intervention before pre-commencement operations may proceed. Nor was evidence provided demonstrating that the authorities would need to mobilise inspection or compliance teams in advance of such operations in order to discharge any statutory function. The notification is therefore intended to provide awareness of forthcoming activity, including for the purpose of responding to any enquiries from local communities, rather than to facilitate an approval, inspection or enforcement process prior to commencement.

- B.8.12 No evidence was presented to demonstrate that this approach would be ineffective or that additional layers of approval are necessary. Expanding Requirement 3 beyond a notification mechanism would risk duplicating controls already secured elsewhere in the DCO without providing any clearly identifiable regulatory benefit.

Conclusion

- B.8.13 Having regard to the evidence before the Examination, the Applicant submits that Requirement 3 performs an important and proportionate role within the DCO framework. It provides the relevant planning authorities with a clear understanding of the staging of the Project and the geographic extent of stage-specific discharge applications, whilst also ensuring that authorities are notified of forthcoming pre-commencement operations.
- B.8.14 The principal area of disagreement during the Examination has related to whether the notification period for pre-commencement operations should be increased. However, no evidence has been submitted demonstrating that the notification period proposed by the Applicant is insufficient, that relevant planning authorities would be unable to effectively perform their functions, or that a longer notification period is required to avoid unacceptable environmental or community effects. Nor has any substantive evidence been presented demonstrating that the wider suite of controls secured through the DCO is inadequate to regulate pre-commencement activities.
- B.8.15 Importantly, Requirement 3 is a notification provision. It does not provide for the approval of pre-commencement operations and there is therefore nothing for the relevant planning authority to determine during the notification period. The Applicant has consistently maintained that substantive control of pre-commencement activities is secured through the requirements, certified documents and management plans elsewhere within the DCO framework. The proposed notification period therefore serves its intended purpose of ensuring visibility of forthcoming activities without introducing unnecessary delay
- B.8.16 The Applicant also notes that, should development consent be granted, there is anticipated to be only a relatively limited period between receipt of the decision and the commencement of the main construction works. In that context, requiring a 28-day notification period for activities which are not subject to approval would unnecessarily consume a significant proportion of the available mobilisation period. The Applicant does not consider it reasonable or proportionate to risk delaying preparatory activities and the efficient mobilisation of the Project where no evidence has been presented demonstrating that the existing notification arrangements are inadequate.

- B.8.17 More fundamentally, the Examination has not identified any deficiency in the Applicant's proposed approach. Requirement 3 has been designed to facilitate the staged delivery of a 180 km nationally significant infrastructure project, provide local authorities with certainty regarding the geographic extent of stage-specific approvals, and ensure appropriate notification of pre-commencement operations. The evidence before the Examination demonstrates that those objectives are achieved by the drafting proposed by the Applicant.
- B.8.18 In those circumstances, the Applicant considers that increasing the notification period would provide no meaningful regulatory benefit, would not result in any additional environmental protection, and would impose an unnecessary constraint on the efficient delivery of the Project. The Applicant therefore submits that there is no evidential basis for extending the notification period and that Requirement 3 should be retained as drafted.
- B.8.19 The Applicant will however be regularly engaging with the host planning authorities and will seek to regularly share information regarding the construction programme as it develops.

B.9 Requirement 4 (Management Plans)

Outline Management Plans, Requirements and the DCO Control Framework

- B.9.1 A recurring theme during the Examination has been the degree to which detailed mitigation measures are secured through outline management plans to be developed following consent, and whether this approach provides sufficient confidence that the environmental effects of the Project can be appropriately managed during construction. The Applicant submits that the approach adopted for the Project is both well-established and appropriate for a project of this scale and complexity and provides a robust, enforceable and transparent framework through which mitigation will be secured, approved, implemented and monitored. The framework has not emerged during the Examination. Rather, it has formed a fundamental part of the Project's development since the Preliminary Environmental Information Report (PEIR) stage, with the suite of outline management plans being consulted on, refined and updated throughout the pre-application process and subsequently throughout the Examination in response to stakeholder feedback and emerging discussions.

Requirement 4 and the Purpose of the Outline Management Plan Approach

- B.9.2 The outline management plans form part of the application documents and establish the principles, standards, mitigation measures and procedures that the Main Works Contractor(s) must implement during construction and operation. Their purpose is to provide sufficient detail to allow the likely significant environmental effects of the Project to be robustly assessed whilst recognising that the final construction methodologies and detailed design will continue to evolve following appointment of the Main Works Contractor(s) and completion of detailed design. The outline plans are therefore not placeholders for future mitigation, they contain the mitigation framework that has been assessed through the ES and against which final plans must be prepared.

- B.9.3 Requirement 4 of **3.1 Draft DCO [Revision H]** provides the principal control mechanism. It requires the submission and approval of final management plans which must be developed substantially in accordance with the relevant outline documents before the commencement of the relevant stage of development. In this way, the Applicant is not seeking flexibility to depart from the assessed mitigation strategy. Rather, the detailed implementation documents must demonstrate compliance with the principles, commitments and mitigation measures that have already been assessed through the application.

Governance, Oversight and Continuous Control

- B.9.4 The Applicant also notes that control does not end once plans have been approved. The DCO framework establishes an ongoing process of governance through approved management plans, contractor responsibilities, stakeholder engagement mechanisms, monitoring requirements and regulatory oversight. The outline management plans identify Project roles and responsibilities, implementation requirements and mechanisms for engagement throughout delivery.
- B.9.5 This is materially different from the suggestion that mitigation is being deferred without certainty. The mitigation has already been identified, assessed and secured through the DCO framework. What remains for the post-consent stage is the preparation of detailed implementation documents, substantial compliance with the approved outline plans, and approval by the relevant planning authorities before main works proceed. The governance framework ensures that mitigation evolves alongside detailed design whilst remaining anchored to the environmental assumptions assessed through the ES.

B.10 Conclusion

- B.10.1 When considered as a whole, the Applicant submits that the Norwich to Tilbury DCO contains a robust and comprehensive management plan framework which materially addresses the concerns raised during the Examination. The outline management plans have been developed and refined over an extended period, beginning at PEIR stage and continuing throughout the Examination.
- B.10.2 Accordingly, the matters identified by host authorities are not being deferred without control. They are being secured through a structured, enforceable and well-established DCO process which ensures that detailed mitigation measures are developed, scrutinised and approved before the relevant works proceed. The ExA can therefore be confident that the risks identified during the Examination will be effectively managed through the requirements process and that the environmental mitigation assessed as part of the application will be delivered in practice.

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