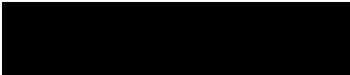


Norwich to Tilbury Transmission Project

Essex County Council

Closing Statement

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Glossary of acronyms and abbreviations

- AIL – Abnormal Indivisible Loads
- AMS / WSI - Archaeological Mitigation Strategy and Outline Written Scheme of Investigation
- BNG – Biodiversity Net Gain
- BrBC - Brentwood Borough Council
- CoCP – Code of Construction Practice
- CTMP - Construction Traffic Management Plan
- CTWP - Construction Worker Travel Plan
- DCO – Development Consent Order
- dDCO – Draft Development Consent Order
- DHGV - Dunton Hills Garden Village
- EACN - East Anglia Connection Node
- ECC – Essex County Council
- ECoW - Ecological Clerk of Works
- ES – Environmental Statement
- ESP - Employment and Skills Plan
- ExA – Examining Authority
- HGV – Heavy Goods Vehicle
- HVAC - High Voltage Alternating Current
- HVDC -High Voltage Direct Current
- LEMP – Landscape and Ecological Management Plan
- LEWG - Landscape & Ecology Working Group
- LIR - Local Impact Report
- LNRS - Local Nature Recovery Strategy
- LPA – Local Planning Authority
- LVIA – Landscape and Visual Impact Analysis
- MWPA - Minerals and Waste Planning Authority
- NCC – Norfolk County Council
- NGET - National Grid Electricity Transmission
- NPS - National Policy Statement
- NSIP - Nationally Significant Infrastructure Projects
- OHL - overhead lines
- OWSI – Outline Written Scheme of Investigation
- PINS – Planning Inspectorate
- PRoW – Public Right of Way
- RLV - Residual Land Value
- SCC – Suffolk County Council
- SOCG – Statement of Common Ground
- SPD - Supplementary Planning Document in January 2023
- SQSS - National Electricity Transmission System Security and Quality of Supply Standard
- TA – Transport Assessment
- TCPA - Town and County Planning Association
- TEC - Transmission Entry Capacity
- TRO - Traffic Regulation Order

1. Executive Summary

- 1.1. This Closing Statement is submitted on behalf of Essex County Council (“ECC” or “the Council”), the host county authority for Sections C to G of the Norwich to Tilbury Project (“the Project”) and, within Essex, the Local Highway Authority (“LHA”), Lead Local Flood Authority (“LLFA”), Minerals and Waste Planning Authority (“MWPA”) and lead authority for public health. It draws together the Council’s principal submissions on outstanding matters of disagreement with the Applicant, taking into account the Applicant’s submissions throughout the examination and representations made by other interested parties, as well as highlighting areas of agreement. It identifies the matters which ECC respectfully invites the Examining Authority (“ExA”) to weigh in its Recommendation Report.
- 1.2. This Closing Statement should be read with ECC’s Relevant Representation [RR-1083], its Local Impact Report (LIR) [REP1-161]; its deadline submissions at [REP2-036], [REP3-077] to [REP3-082], [REP4-328], [REP5-241] to [REP5-243], [REP6-147] and [REP7-553]; its post-hearing submissions at [REP1-163], together with the final Statement of Common Ground (SoCG) [REP7-098]. For the avoidance of doubt, this response does not raise any new issues- it summarises and updates ECC’s previous position, particularly in light of the agreed SoCG and the latest version of the dDCO.
- 1.3. ECC’s position has been consistent throughout the Examination. The Council accepts that network reinforcement in East Anglia is necessary and supports the national transition to a low carbon economy. From the outset, however, ECC has maintained an in-principle strategic objection to a scheme predicated on some 50m lattice pylons and overhead lines (“OHLs”) along almost its entire onshore length, when an integrated offshore or HVDC-led solution would minimise onshore infrastructure ([RR-1083]; LIR [REP1-161], section 4.2). ECC continues to question whether sufficient evidence has been presented to demonstrate that the proposed scheme, in its current form, is the optimal solution or that the identified need requires delivery within the timescales advanced by the Applicant. The Applicant has produced no new evidence or sensitivity testing to refute the conclusions of the Hiorns Report [RR-2753] that the contracted generation position overstates the urgency of the 2030 need case. The Council does not repeat that case here, but it frames everything that follows: the national benefit of the Project must not be secured at the expense of the host communities, landscapes and planned growth of Essex.
- 1.4. It is crucial to achieving a fair and socially embedded transition to a low carbon economy that projects such as this one take into account and suitably mitigate the very real

impacts they have on the natural environment, landscapes and the local communities within which they are situated.

- 1.5. Accordingly, the central question for the Examination has been whether the Project's very significant adverse effects have been avoided, reduced, mitigated and, where residual, compensated in accordance with the mitigation hierarchy required by NPS EN-1 (paragraphs 4.2.11–4.2.12 and 4.3.4) and EN-5 (paragraph 2.1.6). ECC's closing position is that, as matters stand, the draft Development Consent Order ("dDCO") and its accompanying suite of documents do not yet secure that outcome and ECC thus respectfully asks that the ExA adopt its recommended drafting of the DCO.
- 1.6. This Executive Summary provides a high-level summary of ECC's case on the key topics considered during the Examination. Detail is provided below, with Examination Library references provided in order to assist readers.

Dunton Hills Garden Village ("DHGV")

- 1.7. ECC considers that insufficient account has been taken of DHGV when determining route selection and mitigation. ECC considers that the proximity of the proposed OHL potentially undermines the development's garden village principles and landscape setting and its ability to delivery policy compliant levels of affordable housing and supporting infrastructure.
- 1.8. ECC is disappointed that requests for dedicated mitigation have not been accepted. Alternatives design solutions such as T-pylons do not appear to have been fully explored, and there is no guarantee the landscape mitigation offered by the Applicant as part of the 3:1 off site replacement planting scheme, will deliver any mitigation.
- 1.9. Overall, ECC does not consider the current proposals provide sufficient confidence that impacts on DHGV will be adequately mitigated and seeks specific mitigation measures for the garden village.

Development Consent Order

- 1.10. ECC has provided extensive and clear commentary on the DCO both prior and during the Examination of the Project. There remain considerable unresolved matters. Should the ExA be minded to recommend approval, ECC strongly urges that the decision be accompanied by robust and enforceable requirements securing:
 - a) strategic landscape compensation.
 - b) replacement planting / long-term maintenance arrangements.
 - c) BNG – approvals and monitoring

- d) Developers Forum and mechanisms to manage cumulative effects.
- e) Appropriate controls over construction to ensure respite for host communities, including tighter controls on Sunday and Bank Holiday working and piling.
- f) complaints process / noise management protocol.
- g) An Employment and Skills Plan together with the establishment to an Employment and Skills working group and a distinct funding of the identified mitigation..

- 1.11. ECC would also highlight the need for appropriate timescales regarding the processing of requirements and uncertainty surrounding the involvement of DESNZ in this process. This lack of clarity is of concern at this late stage of the Examination.

Highways and Transportation

- 1.12. ECC as Local Highway Authority has sought to engage with the Applicant throughout the pre-application and Examination process to ensure that impacts on the Local Highway Network are understood and appropriate measures are in place. However, ECC has not been able to agree the Traffic Regulation Orders required for the development as there has not been sufficient information to be able to assess the impacts. Therefore, ECC's interests as highway authority will be compromised in terms of ensuring highway safety.
- 1.13. In respect of the Local Highway Network, key areas of concern are at Wick Lane and Ardleigh Road / Bentley Road. ECC has consistently raised concerns around the use of Wick Lane. However, due to the lack of information on an alternative from the Applicant, ECC has been unable to agree with the current approach to Wick Lane in the DCO or determine whether the alternative approach is acceptable. At Ardleigh Road/Bentley Road concerns have consistently been raised with the Applicant around anti-social behaviour due to speeding emanating from the proposed permanent widening. The Applicant has been reviewing other options as well as considering how design features could be implemented to reduce the potential for speeding issues along this route. These details have not been provided to ECC, therefore the LHA is unable to agree with the current approach to widen Ardleigh Road or determine whether the alternative options (if considered feasible by the Applicant) are acceptable.
- 1.14. The junction and corridor mitigation has not yet been agreed. ECC notes that the Applicant has stated that the mitigation will be agreed with the Contractor and included in the Detailed Construction Traffic Management Plan ("CTMP"). This is not an ideal scenario for the Council who would have expected this matter to have been addressed at this stage.
- 1.15. The impact of AILs on the Local Highway Network is an important for ECC – it is suggested that the Applicant prepares a Position Statement considering the full AIL routes

considered in the DCO as a summary record for all interested stakeholders. This could assist in the understanding of the impact that AILs will have. With the impact understood, it will support the management of the AIL movements and measures could be made available to minimise impact on the highway network and local communities.

- 1.16. There are considerable matters outstanding with the application at the close of the Examination, which is of concern to the Local Highway Authority. ECC would refer to its commentary within this Statement and the submitted SoCG for detail on these matters. However, ECC is committed to working with the Applicant should this Project receive development consent and will continue to seek relevant mitigation and control measures to manage the impact of the development on the local highway network and communities of Essex.

Public Rights of Way

- 1.17. ECC recognises that the Public Rights of Way Management Plan will be used as a tool to provide enough surety that the impact of construction will be minimal on PRoW users and local communities.

Socioeconomic

- 1.18. ECC remains of the opinion that the scale and nature of the project will disrupt the local economy for the duration of the construction period, the effects of which should be mitigated. While the submission of an outline Employment and Skills Plan is welcomed, ECC has identified deficiencies in its offer, as set out in this Closing Statement and that this should be supported by a dedicated fund to ensure beneficial legacy to the communities affected by this Project is delivered.

Landscape

- 1.19. The Project will result in significant change to the Essex landscape during both construction and operation. ECC had therefore anticipated a comprehensive package of mitigation and compensatory landscape measures along its length and while ECC welcomes the landscape compensation proposed by the Applicant, it considers that a more comprehensive package would be justified given the residual landscape harm. ECC has set out a robust case for compensatory planting in accordance with the mitigation hierarchy contained in NPS EN-1, and strongly disagrees with the Applicant that compensation planting is not required. ECC further believes that an enhanced compensation package could deliver substantial landscape benefits, create a positive legacy for the Project, and minimise residual visual effects as far as reasonably practicable – all of which is supported by the relevant policies.

Ecology

- 1.20. ECC has welcomed the extensive engagement with the Applicant on this topic, which has resulted in concerns being addressed over the course of negotiations between ECC and the Applicant. This has included amendments to the Outline Code of Construction Practice (“COCP”) and the Outline Landscape & Ecological Management Plan (“LEMP”). ECC would also wish to highlight that it believed from the outset that Ecological Clerk of Works (“ECoW”) oversight and influence throughout the construction stage of the Project will be critical to the faithful execution of the CoCP and LEMP directives.
- 1.21. However, ECC’s concerns remain that a 5 year management and aftercare period for all replacement tree and hedgerow planting is not adequate. ECC considers this period of aftercare and management leaves open a credible possibility of a high failure rate detrimental to the quality of replacement planting and negating the crucial role of this planting in addressing the harmful impacts of the Project. The Applicant should have considered enhanced maintenance and a high-frequency monitoring regime continued on a rolling basis until satisfactory establishment is demonstrated. This is justified, particularly given the weather extremes and increasingly hot, dry summers resulting from global heating, and that Essex is recognised as the driest county in England in terms of rainfall totals. ECC’s proposed approach to management and aftercare represents necessary climate adaptation, supported by policy. ECC asks the ExA to adopt the approach to management and aftercare proposed by ECC.

Green Infrastructure

- 1.22. ECC disagrees with the Applicant's position that a wider strategic Green Infrastructure scheme is not necessary to make the Project acceptable in planning terms. ECC maintains that a more strategic and coordinated approach to Green Infrastructure, landscape enhancement and compensation would provide the requisite certainty regarding the delivery of long-term environmental outcomes and the realisation of wider nature recovery benefits across Essex.

Drainage

- 1.23. ECC has identified deficiencies in the available information to support the proposed Drainage Strategy. As LLFA, ECC considers that this could result in the project having unacceptable surface water runoff and lead to an increased risk of flooding. ECC therefore requests that the Flood Risk Assessment and Surface Water Management Principles document are included within the list of Certified Documents for the DCO. Furthermore, a Construction Environmental Management Plan must contain specific

controls relating to works affecting ordinary watercourses, drainage channels, surface water drainage systems and the prevention of pollution incidents.

Cumulative Effects

- 1.24. The Project plainly has the potential to give rise to significant intra and inter cumulative impacts, affecting the communities and environment of Essex – it is therefore important that these impacts are minimised and managed through controls within the DCO. ECC notes that there are matters outstanding around landscape and visual effects, construction working hours and disturbance as well as the highway network impacts arising from the extensive construction expected, especially in areas experiencing multiple major projects. It is important that controls such as the Developers Forum, are secured appropriately through the DCO and that the DCO addresses intra-project cumulative effects.

Archaeology

- 1.25. ECC considers the impact of the Project on archaeological remains has only been partly assessed through non-intrusive and intrusive archaeological evaluation carried out prior to and throughout the determination period. The evaluation of the remainder of the Project will be completed post determination and a scheme for the completion of the evaluation has been agreed through key control documents and requirement wording. ECC is committed to continued engagement with the Applicant on this matter.

Historic Assets

- 1.26. ECC is satisfied that the Applicant's approach to assessment, standard and embedded mitigation and their responses to questions and concerns raised, have been robustly examined during the Examination and at the Issue Specific Hearings.
- 1.27. ECC expects that the Applicant's heritage and landscape teams will work closely together if the consent is granted and the proposals implemented, as there are many instances where the setting of heritage assets will be affected by changes to the surrounding landscape which forms part of their setting.

Minerals & Waste

- 1.28. ECC as Minerals and Waste Planning Authority (“MWPA”) recognises that it is for the Applicant and the site promoters of impacted Minerals Local Plan Review Candidate Sites to come to a routeing agreement that would not compromise the potential ability to work the site in the future. The MWPA accepts that these discussions are ongoing and is

satisfied that the Applicant has worked proactively with the MWPA with regards to mineral safeguarding matters.

Health & Wellbeing

- 1.29. ECC has welcomed the engagement with the Applicant on Health and Wellbeing, which has allowed significant agreement including on the assessment methodology, the Applicant's refreshed approach to health and wellbeing, the review of the updated 2025 Indices of Multiple Deprivation, and the embedded, standard and additional mitigation relevant to health and wellbeing.

2. ECC's Overarching In Principle Objection

- 2.1. ECC maintains its in principle objection to the Norwich to Tilbury project, a position consistently expressed during pre-application engagement, and throughout its submissions to the Examination in its Relevant Representation ("RR") [RR-1083], Local Impact Report ("LIR") [REP1-161], and Statement of Common Ground ("SoCG") [REP7-098].
- 2.2. The objection is based on two key principles :
- a) ECC's view that its preferred strategic option for meeting the need for additional transmission capacity needs to be an integrated offshore approach that minimises onshore transmission infrastructure and does not include overhead lines (OHLs) and pylons along its entire length.
 - b) ECC remains strongly of the view that a more sensitively designed scheme which minimises the predominant use of traditional overhead line technology, would provide a better outcome for Essex by safeguarding local communities, landscapes and the environment.
- 2.3. ECC contends that while the Norwich to Tilbury project will deliver significant benefits at a national level, this will not offset the harm at the local level. This is not acceptable to ECC.
- 2.4. Whilst ECC will not repeat the full details of its strategic in principle objection within the Closing Statement, however, the Council considers it is important to reaffirm its position and to provide a summary in the following paragraphs, of the basis for that objection.

- 2.5. ECC accepts that network reinforcement is necessary to accommodate the expected growth in demand for electricity and the additional contracted or planned generation capacity in East Anglia. It is also noted that project timescales are driven by the need for capacity in the transmission system taking account of the requirements of the National Electricity Transmission System Security and Quality of Supply Standard ("SQSS").
- 2.6. ECC's position is that developments such as Norwich to Tilbury can be appropriately located if they take into account and suitably mitigate the very real impacts they have on the natural environment, landscapes and local communities within which they are situated – this is crucial to achieving a fair and socially embedded transition to a low carbon economy. The national benefit derived from this project should not be secured at the expense of local host communities, landscapes and environments that would be affected by such development.
- 2.7. ECC's in principle objection, reflecting concerns raised by many residents, is founded on the significant and permanent impacts that extensive OHL infrastructure would have on Essex. The proposed pylons would introduce prominent industrial and incongruous features into largely open rural landscapes, creating effects that cannot be fully mitigated due to their scale and height. ECC acknowledges this matter within its LIR [REP1-161] .
- 2.8. While it is acknowledged the proposed areas of undergrounding reduce visual impacts in sensitive locations ECC remains concerned about the substantial visual effects of the OHL sections, and in particular DHGV and the heritage viewing corridor, the adjoining Basildon Housing allocations, The Walthams and around Ardleigh. It is suggested that a more extensive combination of onshore and offshore technologies could therefore have been considered earlier in the design process by the Applicant beyond the areas of underground cabling currently proposed, to mitigate the clear harm and address the significant impacts the OHLs have on the natural environment, landscapes and local communities within which they are situated.
- 2.9. ECC has also argued that NGET has placed excessive reliance on contracted generation capacity when assessing future transmission requirements. The Hiorns Report, commissioned by ECC, Suffolk County Council ("SCC") and Norfolk County Council ("NCC") (submitted by NCC as part of its relevant representation [RR-2753], concluded that it is highly unlikely all the contracted energy projects will proceed or connect at the anticipated timescales or volumes stated. ECC does not believe new evidence has been presented during the Examination to refute the report's conclusion that the Norwich to Tilbury project may not be required by 2030.

- 2.10. The Applicant's response to the Hiorns Report ([REP2-030], paragraphs 3.2.32–3.2.44, repeated in materially identical terms at [REP7-474]) does not meet it. That response is effectively an appeal to policy (the Clean Power 2030 Action Plan); the Applicant's licence obligations reflected in paragraph 2.8.5 of EN-5, and NESO's analysis of constraint costs. But the Hiorns Report's central criticism was evidential, not one of policy: that the need case rests on the contracted generation position without any sensitivity analysis of whether those projects will in fact connect at the volumes and by the dates contracted. No such analysis has been produced at any point in this Examination. The asserted urgency of 2030 delivery, and the £2.7 billion constraint-cost figure, each presuppose the contracted position materialising in full, which is precisely the assumption the report called into question; and while ECC accepted the relevance of the Applicant's contractual and licence obligations, that acceptance was expressly on the footing that a further review of the contracted position would accompany the DCO submission, which it did not ([REP1-161], paragraphs 4.2.7–4.2.9).
- 2.11. Although ECC has had regard to the Transmission Entry Capacity (“TEC”) Register in the submitted Development Consent Order (“DCO”) application, ECC considers it essential that in determining what future expansion is needed, more transparency is required about the assumptions on the status of the contracted connections and what future generation connections are actually likely to be ready to connect to the transmission network by 2030. The Applicant must not restrict the justification on future network expansion solely based on the ESO contracted position. In ECC’s view, the Applicant has not adequately addressed this issue during the Examination. Until greater certainty is provided, ECC maintains that alternatives, including offshore-focused solutions and High-voltage direct current (“HVDC”) undergrounding, should be further explored to minimise onshore infrastructure and associated environmental and visual impacts.
- 2.12. ECC consider such an approach would not be contrary to national policy statements, as advocated by the Applicant, but would actually be entirely consistent with Holford Rule 7 where it states projects should be routed to minimise as far as possible effects on development.
- 2.13. In summary, the current application proposes OHLs supported predominantly on 50m high lattice pylons, with targeted HVAC undergrounding primarily in the Dedham Vale National Landscape within Essex. This would have very significant impacts for Essex. If as suggested in the Hiorns Report, the timing for the network reinforcement is less acute, alternative solutions such as offshore connections and HVDC undergrounding, could be explored to ascertain whether they would achieve better environmental outcomes, at acceptable costs, and if so put them forward at pace to achieve network requirements.

- 2.14. Despite these in principle concerns, ECC considers the provision of additional network capacity will only be successfully achieved if developments such as Norwich to Tilbury take into account and mitigate the very real impacts they have on the natural environment, landscapes and local communities within which they are situated as well as on planned development such as DHGV. In ECC's view, the current preferred alignment without doubt significantly fails to mitigate locally significant effects on DHGV and surrounding housing allocations and thereby undermines the planned delivery of a strategic area of housing and infrastructure in Brentwood, Basildon and Thurrock.
- 2.15. It is central to the Norwich to Tilbury project that it contributes to a fair and just transition and that it delivers significant beneficial socio-economic effects to the host communities (which is key to the Applicant's strong reliance on the policies that support that transition). The Applicant has failed properly to address this issue and especially the associated social value opportunities around skills, training, and future employment. This is addressed in detail below and in suggested drafting of the dDCO.
- 2.16. ECC also considers it is important for the project to deliver appropriate levels of replacement, mitigation and compensatory planting to offset the harm to the local environment and wider landscape of the county while ensuring the DCO provides in the interests of amenity, adequate respite for residents from construction activity.
- 2.17. Ensuring the Developers Forum and a Complaints Protocol are secured through the DCO is also critical in minimising the effects of the Project on residents and wider communities.
- 2.18. If the proposal is to receive consent, it is important that appropriate levels of mitigation and legacy benefits are secured. Within this Closing Statement, ECC will set out the need for the project to delivery significant beneficial ecological, environmental and socio-economic mitigation and compensation to host communities which includes tree replacement, landscape compensation and a skills and employment fund which is separate from the community benefit fund.

3. Project Need Case, Timings and Alternatives

Need

- 3.1. ECC's case on need is set out above, in the reasons supporting its in-principle objection.

Alternatives

- 3.2. For the reasons set out above, ECC's preferred strategic option remains that of securing an integrated offshore technology that minimises onshore transmission infrastructure and does not include overhead lines and pylons along its entire length.

Timings

- 3.3. As set out above, ECC has repeatedly requested that the Applicant undertake a further review of the contracted electricity generation to assess whether the contracted position and the readiness of projects to connect as planned, is robust and accurately reflects the status of various projects being relied on to justify the delivery of the scheme by 2030. This review would either reaffirm the need and timescale for the Norwich to Tilbury project or provide a greater window within which to consider the viability of alternate solutions to deliver the necessary capacity. That has not been done and, as set out above, the Applicant's response to the Hiorns Report (REP1-161 Appendix D), commissioned by the affected County Councils, is also not robust.

4. Dunton Hills Garden Village

- 4.1. DHGV is a strategically important growth location for Brentwood, Basildon and Thurrock. Planned to deliver 4000 new homes and associated infrastructure, this strategic development site is critical for the Authorities if they are to meet their housing targets.
- 4.2. In July 2025, outline planning permission was granted by Brentwood Borough Council ("BrBC") for a new garden village to provide the majority of the new homes (up to 3,600), identified for this strategically important site, incorporating a policy compliant level of affordable housing (35%) alongside schools, healthcare facilities, community infrastructure, employment opportunities and extensive public open space. It is one of only fourteen projects in Homes England's National Garden Communities Programme.
- 4.3. The proposed route of the overhead line runs along the eastern boundary of DHGV and crosses the south-eastern corner of the development site, on land which sits below the elevated east-west ridgeline that structures the site: a topographical relationship which exacerbates the visual dominance of the pylons [REP1-161]. ECC's primary concern is that the alignment could adversely affect the design quality, viability and deliverability of this regionally important residential development. These concerns are set out in detail in Section 4.2 of ECC's Local Impact Report [REP1-161]; ECC's response to ExQ1 [REP3-077] and Appendix B to ECC's Deadline 4 submission [REP4-0328].

- 4.4. This is not a case of an unforeseen constraint. ECC drew DHGV to the Applicant's attention at the first non-statutory consultation in 2022 and at every stage thereafter [REP3-077].
- 4.5. Holford Rule 7 (which is directly relevant and which the ExA can take into account), requires that a new line passing through a development area be routed so as to minimise the effects on that development. The evidence before the Examination demonstrates that this was not done: the DCO submission contains no baseline assessment of the Project's impacts on DHGV, no application of the mitigation hierarchy to the site, and only limited reference to it as a material consideration [REP1-161].
- 4.6. The consequences are concrete and evidenced. The Place Services assessment (Appendix C to [REP1-161]) tested the Project against fourteen criteria derived from the Mandatory Principles of the DHGV Framework Masterplan (2020) and SPD (2023). Eleven of the fourteen are affected; eight would be partially impacted; and two would be rendered undeliverable: the heritage viewing corridor safeguarding views to the Church of St Mary, which the OHL would interrupt in the south-east corner of the site, and the Local Equipped Area for Play proposed in the location of pylon TB229.
- 4.7. While ECC recognises that National Policy Statement EN-5 establishes overhead lines as the starting presumption for electricity transmission infrastructure, EN-5 also acknowledges that overhead lines can result in significant landscape and visual impacts and that alternative solutions may be appropriate where justified. ECC would contend that the impact of the Norwich to Tilbury proposals on DHGV is such an instance. In this case, the OHL would affect a major strategic housing development intended to deliver new homes for local people within a distinctive, high-quality, sustainable community, which incorporates exemplar design and goes beyond the qualities of 'standard' housing developments.
- 4.8. This ambition is set out in the approved Dunton Hills Garden Village Framework Masterplan (2020) and the Dunton Hills Supplementary Planning Document (2023), both of which establish a comprehensive vision for a high-quality garden village founded on Garden City principles and are material considerations which at the very least, should have informed a more robust approach to mitigation. A central objective of these documents is to create a distinctive place that is positively integrated with its landscape setting.
- 4.9. The proposed OHL alignment, and its associated visual presence, has the potential to undermine key masterplan objectives, particularly along the eastern edge of the development and within the heritage viewing corridor identified as part of the approved spatial framework.

- 4.10. ECC acknowledges that it is possible for new residential developments to co-exist in proximity to overhead powerlines and that the proposed residential development does not conflict with National Grids Design Guidelines for Development near High Voltage Overhead Lines. However, ECC considers that insufficient weight has been given to presence of the development, the adopted policy framework and the implications of the proposed alignment for DHGV, despite the scheme being brought to the Applicant's attention during the initial project meetings and ECC's response to the first non-statutory consultation (dated 16th June 2022) . In particular, ECC considers that the principles underpinning Holford Rule 7, which seeks to minimise the effects of transmission infrastructure on areas of particular sensitivity, are directly relevant.
- 4.11. ECC considers that the proximity of the OHL would constrain the ability of DHGV to fully realise its garden village aspirations and mandatory design principles, resulting in a less successful relationship between the development and its surrounding landscape. These concerns are set out in response to ExQ1 GEN 1.24 [REP3-074 – Appendix 1]

Viability and Affordable Housing

- 4.12. ECC is also concerned that the proximity of the OHL has the potential to affect the quantum of development particularly the viability of the scheme to deliver the policy compliant levels of affordable housing. ECC's viability evidence remains robust in the face of the Applicant's challenge.
- 4.13. ECC commissioned Savills to assess the potential viability implications of the proposed OHL on DHGV. The assessment submitted as Appendix D to ECC's LIR [REP1-161] applied the difference-in-difference findings of the most comprehensive and UK-specific evidence available, drawing on 1.5 million transactions, and concluded that the overhead scheme would reduce the residential gross development value ("GDV") of DHGV to £1.366 billion (Scenario 3A), with a reduction in residual land value in the order of £17.5 million against a policy-compliant scheme.
- 4.14. The Applicant's response (Appendix B to [REP2-030]) that GDV reductions of between 1-3.7% are "insignificant", fall within normal market variance, and can be absorbed through contingency, was addressed by Savills (Deadline 4 ([REP4-328] Appendix B). As Savills explains, Residual Land Value ("RLV") is highly sensitive to changes in value. By way of illustration, a reduction of around 3% in GDV (approximately £39 million on a GDV of £1.3 billion) could result in an RLV reduction of around 15%, potentially creating a viability deficit based on the independent assessments undertaken to date. Contingency allowances are intended to manage construction risk, not to offset known reductions in development value that should be reflected within the appraisal itself. Furthermore, since the Carter Jonas (June 2022) review on which those assessments are based, build

costs have increased by approximately 12% (BCIS All-In TPI), while local house prices in Brentwood have remained broadly static (around 1% growth, Land Registry -adjusted), significantly eroding viability headroom. For a large, multi-phase development carrying approximately £263 million in planning obligations and a 35% affordable housing commitment, impacts of this magnitude go directly to deliverability. As Savills makes clear, any viability impact arising from the OHL must be neutral in respect of affordable housing and cannot be addressed by reducing this fundamental public benefit ([REP4-328], Appendix B).

- 4.15. ECC remains concerned that any additional viability pressures could ultimately jeopardise the delivery of policy-compliant affordable housing and the infrastructure necessary to support the garden village. Any negative impact of the overhead power lines in terms of viability must not be used as a reason by the developer of DHGV to reduce policy target affordable housing provision upon which this scheme was based.

Mitigation

- 4.16. ECC is disappointed that requests for additional landscape mitigation in the vicinity of DHGV have not been accepted. ECC's position is that, without mitigation, the OHL would result in unacceptable effects on the setting, design objectives and viability of DHGV. The alignment also has the potential to constrain delivery of the approved landscape strategy, particularly the mandatory requirement for a substantial woodland and hedgerow interface along the eastern boundary.
- 4.17. ECC therefore disagrees with the Applicant's conclusion that the OHL would have no meaningful effect on the garden village setting or its long-term ability to deliver affordable housing and infrastructure.
- 4.18. Undergrounding of the OHL along the eastern corridor is ECC's strong preference but it acknowledges the constraint of the existing high pressure gas main which could result in undergrounding impacting on the net developable area of DHGV. ECC considers an alternate pylon design should therefore have been considered alongside any identified mitigation to minimise the impact of the Norwich to Tilbury project.
- 4.19. While acknowledging the comments on alternative pylon design and in particular T Pylons [APP-122 - Design Development Report], ECC considers greater weight should have been given to the designation of this development as a garden village and the wider design and environmental considerations that would offset the additional costs referred to.

- 4.20. ECC also notes that, in APP-122, the Applicant addressed DHGV in section 10.4, but only considered re-routing the development as mitigation. The use of T-pylons has not obviously been considered as part of the design development. As stated at Para 2.5.9 of the Design Development Report (APP-122), the latest independent report on the Comparison of Electricity Transmission Technologies: Costs and Characteristics (Institute of Engineering and Technology, 2025) confirms that T-pylons provide an alternative to conventional overhead lines with potential benefits in visual impact and reduced land-take. The counter argument of the Applicant is noted but ECC considers this architectural solution would deliver appropriate environmental benefits while also having the benefit of avoiding any impact on the developable area for DHGV. ECC would respectfully request the ExA give consideration to this option.
- 4.21. The remaining mitigation option favoured by the Applicant is additional landscape planting / enhancement. ECC acknowledges that dedicated mitigation planting would represent a reasonable and proportionate response, consistent with the mitigation hierarchy, by seeking to minimise residual impacts as far as practicable. However, it is concerned to ensure any mitigation is additional to the landscaping already required as part of the DHGV masterplan and should not be a substitute for measures the DHGV developer is expected to deliver.
- 4.22. For this reason, ECC's preference is for an off-site mitigation strategy. A review of opportunities identified through the Essex Local Nature Recovery Strategy and ECC landholdings has demonstrated potential for significant woodland, hedgerow and tree belt creation within close proximity to the site. These opportunities could help offset some of the landscape and visual effects experienced by DHGV and have been presented to the Applicant as part of ongoing discussions.
- 4.23. The approach of the Applicant to utilise the proposed 3:1 off-site replacement planting is noted if not specific mitigation is proposed, but ECC remains concerned that there is no certainty over the extent, location or delivery of such planting. Given the commitment to provide replacement planting as close as possible to the removal locations, there can be no assurance that meaningful mitigation would be delivered in locations that assist in addressing the impacts on DHGV. As a result, ECC considers that the current proposals do not provide sufficient confidence that the effects on the garden village will be adequately mitigated and that specific mitigation proposals should be brought forward for DHGV. ECC will continue to work with the Applicant to realise the best outcome possible for DHGV.

5. Development Consent Order

- 5.1. As set out within the SoCG [REP7-098], part 3.14 and Appendix A, there remains a considerable number of issues with the DCO [REP-064] as currently drafted by the Applicant. ECC has contributed detailed commentary on the DCO throughout the Examination. This has included section 5 of the LIR [REP1-161] and detailed schedules submitted at Deadline 3 [REP3-082] and 6 [REP6-147], setting out ECC's concerns with the DCO and various drafting suggestions, and the Applicant's response. ECC has also worked with other local authorities to reach joint positions on LHA preferred protective provisions and proposed new Article 55A on reference of applications to the DESNZ post-consent unit.
- 5.2. Appendix A provides a further tracked-changes update of the DCO Table, in light of Revision G of the dDCO [REP7-065], referencing ECC's individual and joint proposals on the drafting. ECC invites the ExA to have regard to that table in full; key points are highlighted below. The highways protective provisions are addressed separately in Appendix B, to which ECC also invited the ExA to have regard.
- 5.3. Discussions are still ongoing in relation to securing a Framework Highways Agreement as the preferred approach for ECC. An updated version of the latest Framework Highways Agreement has recently been provided to the Applicant's Solicitors for consideration. This version includes the discussions that have taken place between Thurrock District Council and the Applicant. In tandem with this process, there continues to be liaison with the Applicant's Solicitors on the protection of the highway authorities (Schedule 16, Part 4 of the draft Order) through SCC's legal representative, with input from NCC and ECC. Notwithstanding these discussions on the protected provisions, ECC has included high level points to note at Appendix B in relation to the latest published version (REP7-064). This note should be read as comments provided on behalf of ECC rather than for the combined authorities.

Requirements Process

- 5.4. **Schedule 4 (discharge of requirements): time periods.** The determination period should be 40 business days (56 days), with flexibility to extend. ECC's position rests on direct experience of the 35-day period under the Bramford to Twinstead DCO, which has proved consistently challenging in practice and has generated repeated extension requests; longer periods are established practice, with up to 8 weeks under Hinkley Point C and 10 weeks under the Longfield Solar Farm DCO. ECC provided detailed justification within its response to ExQ1 DCO 1.A2 [REP3-078], including a breakdown of the stages involved in discharging requirements: timeframes set out in the DCO must be sufficient for ECC and district authorities to register (5 working days), consult with stakeholders (15

working days), consider responses and seek amendment, if necessary (10 working days), write reports and arrange for decisions to be issued (5 working days). An extended period does not mean all determinations will take that long - it gives flexibility and means decisions will be lawful, robust and defensible ([REP4-328], Action Point 10).

- 5.5. **Schedule 4 (discharge of requirements): validation checklist.** ECC supports the DCO securing a validation checklist, to give certainty over the scope of basic information to be provided in support of the discharge of requirements. ECC identified the minimum content for a validation checklist in [REP7-553].
- 5.6. **Article 55A (DESNZ unit) in preference to Applicant's Rev G Schedule 4 drafting:** ECC would also highlight the potential involvement of DESNZ in the discharge of requirements, which was the subject of initial discussion at ISH3; and to which ECC responded in REP3-077; REP4-328 and in detail at REP6-147.
- 5.7. ECC agrees that whilst provision should be made for the future involvement of the proposed DESNZ Requirement Discharge Unit, the current lack of detail regarding its operation, governance and decision-making processes means that it would be premature to transfer discharge functions away from local authorities as the default position. ECC disagrees with the approach taken by the Applicant in Revisions F [REP6-031] and G [REP7-064] of the dDCO, which amends paragraph 1(6) of Schedule 3 and also amends Schedule 4 which gives the Applicant the discretion, on a case-by-case basis, which authority should determine an application for discharge of requirements.
- 5.8. ECC supports the wording jointly agreed by the Host Local Authorities for insertion of a new Article 55A, modelled on section 77 of the Town and Country Planning Act 1990: the default is discharge by the local planning authority, with the DESNZ unit able to direct that an application be referred to it, and an obligation on the unit to consult the relevant planning or highway authority and any named requirement consultee before determining. This would retain the benefits of local knowledge and accountability whilst providing flexibility for national oversight where required. The detailed proposed wording was provided in ECC's REP6-147 and SCC's REP6-166.
- 5.9. ECC does not support a mechanism that would allow the Applicant to determine, on a case-by-case basis, which authority should determine an application for the discharge of requirements. The collaborative position advanced by SCC, ECC and other local authorities, provides a clear, consistent and proportionate framework for the discharge of requirements.
- 5.10. ECC agrees that the wording should be inserted into the dDCO as a new article, 55A, rather than only in the schedules, because articles carry the substantive legal provisions.

- 5.11. As a fallback position, if the ExA prefers all discharge to go to the DESNZ unit (once it is operational), ECC supports SCC's suggestion of the use of regulation 23 of the A122 Lower Thames Crossing DCO 2025 as a precedent, as that properly makes provision for the absolutely critical arrangements needed for only consultation with the local authorities, with the Applicant then reflecting upon those consultation responses as part of the discharge application.
- 5.12. The Applicant's revised DCO, Revision G [REP7-064], has not taken appropriate account of commentary raised by the Councils at Deadline 6, nor does the Applicant provide credible justification for its proposed approach. ECC would commend the wording jointly agreed by Councils and submitted at Deadline 6.

Timings across DCO

- 5.13. Within ECC's response to the Examining Authority First Written Questions [REP3-078] DCO 1.A2 ECC supported the ExA's concern regarding the insufficient length of many of the time periods contained in the draft DCO especially where the expiration of a time period is linked to deemed consent.
- 5.14. ECC would wish to draw attention to the following points of the SoCG [REP7-098] where timings have been a particular matter of disagreement:
- 3.14.9 DCO Requirements - Applications made under requirements
 - 10 DCO Wording Street Works
 - 11 DCO Wording Application of Permit Schemes
 - 14 DCO Working Discharge of Water
- 5.15. Of particular concern to ECC is the addition, in Revision G of the DCO, of Articles 12(2)(e) and (f). New article 12(2)(e) deems a permit granted on the terms applied for where the relevant highway authority does not communicate its decision within the lesser of the period set out in the permit scheme or 20 business days. New article 12(2)(f) provides that the timings for decision-making set out in the Order take precedence over any inconsistent timings in a permit scheme, and that deemed consent under the Order continues to apply notwithstanding any differing provision in the permit scheme. ECC objects to these amendments and seeks their deletion or alternatively, an express exclusion of deemed consent where the works in question would give rise to a materially new or materially different environmental effect.
- 5.15.1. The new subparagraphs are directly contrary to ECC's position at paragraphs 5.4.3 to 5.4.5 of the Local Impact Report [REP1-161], which was that the Order should be aligned with the permit scheme, that the temporary traffic regulation order process sits within

that scheme, and that ECC's standard timescales (a provisional advance authorisation three months in advance and a permit ten working days before commencement) should be respected. The Explanatory Memorandum justifies the new provisions solely on the basis that they are "necessary to ensure that both the undertaker and the relevant highway authority are clear as to the process and expected timescales". Clarity is not a justification for a deemed grant; clarity would be achieved by alignment. No precedent is offered for this bespoke drafting, in a document which cites precedent for almost every other provision.

- 5.15.2. ECC also draws attention to the fact that the new provisions are also inconsistent with the Applicant's own scheme. Article 12(1) confirms that the permit schemes apply, and Schedule 16 Part 4 paragraph 21 provides that the permit scheme prevails in the event of conflict. Article 12(2)(f) provides the opposite.
- 5.16. The serious concern about the time period for discharge of requirements is addressed above.
- 5.17. ECC would also recommend that there needs to be a clear consideration of consultation both at pre-application stage and post submission within the DCO if the DESNZ discharge route is followed. This should be clearly set out within the DCO and is addressed above in relation to the proposed Article 55A.

Approval and Reporting

- 5.18. ECC has repeatedly requested that certain documentation is submitted to the relevant authority for approval, as opposed to simply for information and / or for reporting purposes. This includes documentation under Requirement 15 for the Skills and Employment (now agreed by the Applicant and secured in Revision G of the dDCO [REP7-065]), Requirement 11 for BNG and Requirement 9 for Reinstatement Planting.
- 5.19. A summary of some of the matters around these requirements have been detailed below with the Applicant's response where relevant. ECC highlights that although the Applicant was willing to respond positively to ECC's request for approvals within Requirement 9 and 15, this was not then also given with regards to Requirement 11. There is limited justification as to the difference of approach.
- 5.20. ECC does not accept commentary raised by the Applicant on 30 June 2026 via email that "Due to the scale of the Project and the large number of local planning authorities, logistically it is not appropriate for all Local Planning Authorities (LPAs) to approve...". The scale of a project should not be a justification for the lack of approval mechanism

within requirements when approval by local authorities in respect of discharge in respect of individual stages is already part of the DCO process.

Article 50 and Schedule 17 (disapplications)

- 5.21. ECC has serious concerns about the disapplication of the Hedgerows Regulations 1997 on a bare “reasonable belief” trigger. The Applicant’s own Hedgerow Report [APP-161] identified 466 potentially important hedgerows, surveyed 79 and found 34 to be “important”; the dDCO would nonetheless transfer every removal judgement to the undertaker, with no schedule of hedgerows, no ecologist input and no written records, contrary to the Government’s guidance on the content of DCOs, which requires either a schedule of clearly described hedgerows or general removal powers subject to appropriate controls. The Applicant cannot both maintain that its survey work is robust enough to underpin the ES and BNG calculations and that it is unable to specify which hedgerows it intends to remove: if the first is correct, the second cannot be ([REP4-328], Appendix A, DCO 1.A42). ECC likewise objects to the disapplication of sections 141, 169 and 171 of the Highways Act 1980 through Schedule 17. These highway-safety controls should remain with the Local Highway Authority ([REP4-328], Appendix A).

Requirements

Requirement 9 Reinstatement Planting.

- 5.22. ECC welcomes that Requirement 9 (1), the reinstatement planting plan will be submitted and approved by the relevant planning authority, and 9(8) the off site planting delivery scheme will also be submitted for approval by the relevant authority. ECC also welcomes that the Completion Report to be submitted for approval (9(11)).
- 5.23. Regarding 9(11) ECC is of the opinion that it would be beneficial to receive further monitoring reports at 6 months, and at 12 months to demonstrate progress as opposed to only at completion stage. This is not considered necessary by the Applicant, but ECC would maintain that these reports are needed to evidence how the new planting is establishing.
- 5.24. Overarchingly, ECC remains of the view that a longer period of time for management of replacement planting is justified. The Applicant’s proposed five year period is too short and 10 years is necessary. This is addressed in more detail in Section 8 below, together with relevant justification

Requirement 11 Biodiversity Net Gain

- 5.25. ECC welcomes Requirement 11 securing a minimum 10% BNG and a 30-year period. This is a substantial advance on the position at submission, when the BNG Report [APP-299] showed a net loss of 8.25% for habitats and the dDCO was silent on biodiversity ([REP1-161], section 5.8). But as drafted, compliance is determined solely by the undertaker through submission of its own assessments. Biodiversity metric calculations require professional judgement on habitat classification, condition, distinctiveness and temporal risk; without an approval mechanism there is no means of testing methodology or conclusions, and no enforceability. The interim and final assessments, and any offsetting scheme, must be submitted for the approval of the relevant planning authority, with BNG delivery subject to spatial parameters so that the environment actually harmed is the environment that benefits. ECC's proposed wording is at [REP7-553]; the Applicant's refusal to accept any approval mechanism is a matter of real concern.
- 5.26. ECC provided commentary direct to the Applicant (summarised in italics) regarding the Biodiversity Net Gain requirement, and below, ECC notes the response received from the Applicant.
- i) *BNG (straight to Applicant) : 11 (1) ECC is of the opinion that the interim biodiversity net gain assessment should be submitted for approval to each relevant planning authority*
- 5.27. The Applicant maintained that this should be for provided to the relevant authorities for information only.
- ii) *11 (2) ECC considers that the final BNG assessment must be submitted to each relevant planning authority for approval within six months of the construction period ending.*
- 5.28. It was agreed by the Applicant that the Final Biodiversity Net Gain Assessment will be submitted within six months of the construction period ending. However, the Applicant position remains that this document should also be submitted for information rather than approval.
- iii) *11 (3) ECC's preference is for the biodiversity offsetting scheme also to be submitted for approval*
- 5.29. It was not considered necessary by the Applicant for the scheme to be subject to a formal approval process.

iv) *11 (4) ECC strong preference is for units to be secured in a balanced manner across the scheme and use a local first approach. While the availability of BNG credits may be a factor in site selection where available, the preference is for the TCPA hierarchy to apply with habitat banks used to acquire units from.*

5.30. ECC has strong concerns that BNG credits would be sought in inappropriate locations, away from the communities and environment impacted by the development. The Applicant's response noted that they had committed to seeking, where possible, to secure biodiversity units within the counties affected by the Project. Off-site biodiversity units will be acquired in accordance with the principles of the TCPA biodiversity gain hierarchy and the biodiversity metric, meaning that units secured further from the Order limits attract a spatial multiplier.

v) *11(5) ECC would question whether a further report should be submitted at 6 / 12 months to show progress to achieving the 10% BNG*

5.31. The Applicant has committed to keeping the Ecology and Landscape Working Group updated regarding progress in securing off-site biodiversity units. The Biodiversity Offsetting Scheme will set out how any biodiversity shortfall is proposed to be addressed and, once implemented, a completion report will be provided to demonstrate compliance with the requirement. In light of these commitments, it is considered that additional formal reporting at six- or twelve-month intervals is not necessary

5.32. Although ECC notes that the Applicant has addressed some of the concerns raised by the Council, it fails to address concerns that details are being submitted for information only, and not for approval. It is recognised that there may be other mechanisms and enforcements if the Applicant does not submit sufficient information to the relevant authority; however, in the interest of collaborative and proactive working relationships, ECC considers that these matters within this requirement should be submitted for approval as seen in Requirements 9 and 15, for example.

5.33. BNG is discussed extensively across sections part 3.2, 3.3, 3.4 and 3.14 of the SoCG.

Requirement 15 Skills and Employment

5.34. ECC's position has always been that the relevant planning authority should have formal approval of the Employment and Skills Plan and that this Approval should be secured no later than six months prior to the commencement of development, to allow sufficient time for effective planning, coordination, and mobilisation of local supply chains and skills provision [REP6-147].

- 5.35. ECC welcomes that Requirement 15 has been amended to include approval [REP7-065]: ECC considers that LPA's with their experience are best placed to understand the challenges and co-ordinate interventions to maximise outcomes for the benefit of host communities. Securing the Plan through a robust DCO requirement, with local authority approval and clear monitoring provisions, is considered to be essential to ensuring the strategy delivers meaningful and measurable local benefits and a proper legacy for the project. However, the requirement is silent on timing. ECC's recommendation is that this should be secured in the DCO, to allow sufficient time for planning, coordination and mobilisation of local supply chains and skills provision. Also, the tests for approval - "substantially in accordance with" and "general accordance" - remain. ECC adopts and supports the position of SCC that approval should be contingent on the authority being satisfied that the plan is supported by a robust, phase-specific assessment of workforce and supply chain demand and aligns with established governance structures, including the Regional Skills Coordination Function [REP7-573].
- 5.36. Finally, ECC has consistently called for this plan to be an Employment, Education, Skills and *Supply Chain* Plan/Strategy: REP1-161; REP3-077; REP4-328; REP6-147; REP7-089]. The Applicant has delivered the first three limbs through Requirement 15, which is welcomed by ECC. The Applicant has, however, omitted the fourth part. Given that Requirement 15 now exists and is subject to approval, the simplest course is to extend it rather than to seek a separate requirement. ECC therefore proposes that Requirement 15(1) be amended to refer to an "employment, skills and supply chain plan", and that the outline document be updated accordingly to address supply chain capacity in light of the other nationally significant infrastructure projects in the vicinity .

Construction Hours

- 5.37. ECC notes that extensive discussions have taken place regarding the proposed construction working hours. As currently drafted, the Construction Hours Requirement within Requirement 7 [REP7-064] remains a concern due to the inclusion of Sundays and Bank Holidays working. ECC supports the ExA's concerns raised during ISH3 in respect of the acceptability of the currently proposed construction hours. ECC maintains its position that the proposed construction hours are overly extensive and do not provide sufficient respite for local residents, communities and any other sensitive receptors, particularly in relation to weekend and extended working. ECC's position is explained in more detail in response to ExQ2 DCO2.S10 [REP5-242] and in paragraphs 5.7.18-5.7.21 of the Council's LIR [REP1-161] and within the SoCG [REP7-089] at 3.14.6 (where the matter is not agreed).

- 5.38. The Applicant's primary answer remains that the hours "define the maximum permissible envelope" and "permit, but do not require, working on Sundays and Bank Holidays" [REP7-067]. That answer is self-defeating: if Sunday and bank holiday working will in fact be occasional, the Applicant loses nothing by an exception-based mechanism requiring justification and prior approval, which is what ECC and SCC both propose. Resistance to a mechanism the Applicant says it will rarely need indicates that it expects to need it often; and a permission granted as a maximum is a permission capable of being used to the maximum.
- 5.39. The Applicant's evidence on delay has been changeable. At Deadline 6 the removal of Sunday working was put at approximately 9.5 weeks, with the removal of bank and other public holidays having no material effect, and with the Applicant emphasising that "appropriate caution" must be used with that number [REP5-211 DCO2.S10]. At paragraph 1.5.3 of [REP6-117] restricting Sunday working became a delay of approximately 6 to 12 month – a huge change justified by supposed "real-world delivery context" of assumptions as to workforce availability, contractor mobilisation, seasonal conditions, productivity, outage requirements and third-party access windows. The Appellant's figures cannot both be correct, and neither is supported by a modelled programme. The Applicant has separately sought to resile, at paragraph 1.4.1 of [REP6-117], from its answer to ExQ2 DCO2.S10 [REP5-211] that contractor programmes are structured around standard calendar assumptions (a five-day working week, 09:00–17:00) with crew shift patterns not explicitly modelled, describing that answer as having "unintentionally created a misleading impression". The Applicant's position on these matters is not robust. ECC considers the benefit to residents and local communities from construction works respite outweighs any harm to the delivery of the project arising from whatever the delay may be.
- 5.40. The Applicant refers in the Explanatory Memorandum [REP7-067] suggests that retaining the current construction hours would avoid a prolonged overall construction period "which would itself result in longer-term exposure to construction impacts". This fails to distinguish duration from intensity: a longer programme does not necessarily produce a greater health burden if communities benefit from regular and predictable respite, and routine construction-free periods are meaningful mitigation in their own right, reducing cumulative stress and perceptions of prolonged disruption [see in particular SCC's submissions in REP7-573].
- 5.41. The Applicant has not provided any genuine justification for the extensive construction working hours and ECC would strongly urge the ExA to have consideration of the joint responses made by the County and District authorities on this matter. The need for the delivery of the project should not be at the expense of unacceptable impacts arising from extensive working hours on the communities and environment hosting the project.

- 5.42. ECC has also noted in the latest draft of the DCO (REP7-064], new text has been inserted into Requirement 7 to include reference to DESNZ and the ability to permit any highway works be undertaken on a Saturday or Sunday or outside the core working hours. It is assumed that having another body dealing with hours outside of the core ones means that the Highway Authority would not have the control over the Essex Highway Network. ECC would therefore highlight the importance if this wording is retained of ensuring that adequate consideration is given to the local impacts felt by the communities in Essex. ECC believe the best way to ensure this is to have the local highway authority dealing with the out of hours considerations.

Highways

- 5.43. Revision G of the dDCO [REP7-065] introduces new article 12(2)(e), which deems a permit granted on the terms applied for where the relevant highway authority does not communicate its decision within the lesser of the period set out in the permit scheme or 20 business days. New article 12(2)(f) provides that the timings for decision-making set out in the Order take precedence over any inconsistent timings in a permit scheme, and that deemed consent under the Order continues to apply notwithstanding any differing provision in the permit scheme.
- 5.44. This is directly contrary to ECC's position at paragraphs 5.4.3 to 5.4.5 of the LIR [REP1-161], which was that the Order should be aligned with the permit scheme, that the temporary traffic regulation order process sits within that scheme, and that ECC's standard timescales (a provisional advance authorisation three months in advance and a permit ten working days before commencement) should be respected. The Explanatory Memorandum justifies the new provisions solely on the basis that they are "necessary to ensure that both the undertaker and the relevant highway authority are clear as to the process and expected timescales". Clarity is not a justification for a deemed grant; clarity would be achieved by alignment. No precedent is offered for this bespoke drafting, in a document which cites precedent for almost every other provision.
- 5.45. The new provisions are also inconsistent with the Applicant's own scheme. Article 12(1) confirms that the permit schemes apply, and Schedule 16 Part 4 paragraph 21 provides that the permit scheme prevails in the event of conflict. Article 12(2)(f) provides the opposite. ECC seeks deletion of sub-paragraphs (e) and (f), alternatively an express exclusion of deemed consent where the works in question would give rise to a materially new or materially different environmental effect.

Article 63 and Schedule 20

- 5.46. Revision G introduces a new article 63 and Schedule 20, under which the undertaker must pay an indexed financial contribution to the relevant local planning authority before commencing the authorised development within each landscape compensation, offsetting and enhancement area. The Essex contributions total £1,650,000: Ardleigh and Little Bromley £300,000; Colne Valley (including Fordham, Ford Street and Aldham) £500,000; Great and Little Waltham £220,000; Ingatestone and Buttsbury £310,000; and Hutton, Mountnessing and Havering's Grove £320,000. Five new certified area plans and consequential article 2 definitions are added.
- 5.47. The provisions are proposed on a "blue pencil" basis. The Applicant's primary case, recorded at Schedule 20 of the Explanatory Memorandum [REP7-067], is that the applicable legal and national policy framework does not require compensation, offsetting or enhancement for the residual landscape and visual effects of the authorised development, and that if the Secretary of State agrees, Article 63 and Schedule 20 should be deleted from the made Order. ECC does not agree, and adopts the analysis of SCC at section 5.1.a of its post-hearing submission for Issue Specific Hearings 3 and 4 [REP6-166]: that the Applicant has relied selectively on paragraph 4.1.8 of EN-1, the full phrase being "necessary to make the proposed development acceptable in planning terms", so that necessity is a case- and site-specific planning judgement rather than a legal threshold; that the correct provision is paragraph 4.2.12 of EN-1, which is not written so as to exclude landscape impacts or impacts arising from overhead powerlines; that EN-5 sits within the umbrella of EN-1 and would have said so had it been intended to carve landscape or overhead lines out of paragraph 4.2.12; and that the Examining Authority's conclusion in Bramford to Twinstead was a case-specific planning judgement rather than a statement of principle.
- 5.48. As to the mechanism, ECC further agrees with SCC that the mechanism is acceptable in principle although in respect of the clawback at paragraph 7, under which any part of a contribution remaining unspent or uncommitted after ten years is either applied to revised measures approved by the undertaker or repaid to it, ECC notes that this confers on the Applicant a continuing veto over the application of compensation for its own residual harm, and potentially, a financial interest in delay. ECC would prefer for any unspent sums to be applied to landscape measures elsewhere within the authority's area consistent with the objectives of the LNRS.

"Where practicable"

- 5.49. Finally, ECC's review of the control documents (Appendix C to [REP4-328]) demonstrates the pervasive use of "where practicable" and similar formulations, which lack precision

and undermine the control the DCO seeks to exercise: the answer to any enforcement step will always be that compliance was, in the contractor's opinion, not practicable in that instance. Commitment NV23 is the starkest example: non-percussive piling for pylon foundations "where practicable" could lawfully result in percussive piling at every pylon.

6. Highways and Transportation

- 6.1. ECC as the Local Highway Authority ("LHA") has agreed many points with National Grid through the discussions that have taken place during the Examination. Unfortunately, key issues remain outstanding and of concern to the Council. The following sets out the key points of contention.

Traffic Regulation Orders (TRO)

- 6.2. Ultimately, ECC has been unable to agree the TROs as there has not been sufficient information to be able to assess the impacts – an unfortunate situation which compromises ECC's interests as highway authority ensuring highway safety. The level of information that is usually provided through the standard TRO approach within the Permit Scheme Process is detailed in REP3-078 at response TT 1.38. Without the required information, ECC respectfully suggests it would be difficult for the ExA to determine the impact and therefore, recommend the acceptability of the proposed TROs.
- 6.3. It should also be noted that the TROs around the network of the Ardleigh Depot have not been agreed and ECC has concerns that it will not have the ability to agree the road closures/diversions on the basis of the current approach taken in the DCO. This could mean that there is an impact on journey times to access the wider network for emergency callouts from the Depot.
- 6.4. As a consequence of not being able to adequately assess the impact of the TROs, ECC is not content with the approach taken in the DCO. The DCO includes a schedule of TROs and Road Closures and the current wording sets out that the Applicant will "notify" the LHA. This does not allow for the LHA to agree the proposed TROs.
- 6.5. Furthermore, the timescales of 25 business days set out for "consulting" (on TROs that are not included in the relevant schedules in the DCO) are not sufficient to enable ECC to review and assess the TRO in accordance with ECC standard Permit Scheme Process based on up to 12 weeks (for road closures and traffic lights).
- 6.6. Notwithstanding the above, the DCO wording sets out that the Permit Scheme will be adhered to. The standard Permit Scheme for Essex includes review/agreement of TROs

and so is contrary to the approach to TRO's taken in the DCO. As the standard TRO process takes place in parallel with the Permit Scheme there is not an additional time penalty to the Contractor if this standard approach were taken. This is an important point as ECC understands the Applicant is concerned about minimising impacts to the works programme. With reference to newly inserted Article 12(2)(e) and (f), ECC consider these provisions are not justified and are directly contrary to the clear reasons given by ECC's at LIR 5.4.3 to 5.4.5 [REP1-161] that the Order should be aligned with the permit scheme, that the temporary traffic regulation order process sits within that scheme, and that ECC's standard timescales (a provisional advance authorisation three months in advance and a permit ten working days before commencement) should be respected.

- 6.7. ECC requests that the wording in the DCO is amended to enable ECC to undertake a full review with all the information that is usually available for a standard TRO with current road conditions known at the time. This should follow the standard approach through the Permit Scheme with timescales of up to 12 weeks.
- 6.8. Following this standard process would include public consultation with more certainty on what is being promoted. It would allow for flexibility based on current network conditions without relying on an assessment undertaken years in advance, and would reduce the risk of missing critical aspects due to changes in circumstances on the highway. ECC would be able to assess the TROs with the more detailed information requested.

Wick Lane (PAR 32)

- 6.9. The proposals that have been discussed with ECC are for temporary traffic lights to enable construction vehicles to travel between site access points as part of a haul road route.
- 6.10. Wick Lane is a narrow, rural lane with existing 12-hour daily traffic flows of 1,193 vehicles. The proposals show around 80-100 daily HGVs over a period of a year, and short-term peaks of 140-160 HGVs over 5-6 months and 20-40 HGVs over approximately 20 months using the route (based on Image A16.4.32 in the ES Appendix 16.4 (Doc 6.16)). The concern is that using traffic lights to hold vehicles on Wick Lane while construction traffic utilises the highway bridge over the reservoir will cause vehicles using Wick Lane to queue, and when released will meet as platoons in narrow sections of Wick Lane causing conflicts. Or, if released separately will not be able to pass the queues either end.
- 6.11. The Applicant has been reviewing another option to the Wick Lane proposal but has yet to provide the details for ECC to be able to review. On this basis ECC is unable to agree with the current approach to Wick Lane in the DCO or determine whether the alternative

approach is acceptable. As identified in the SoCG, due to the constraints in both width and alignment of Wick Lane this is not something that in the opinion of the Highway Authority can be deferred for further consideration post DCO. ECC does not support the proposals as set out in the DCO.

Ardleigh Road

- 6.12. Concerns have been consistently raised with the Applicant around anti-social behaviour emanating from the permanent widening on Ardleigh Road e.g. speeding, gatherings of vehicles etc. Ardleigh Road is a relatively narrow, rural lane with verges and open fields either side, operating under a national speed limit. It is clear from observations that there are informal areas that appear to be used by drivers to enable vehicles to pass each other.
- 6.13. The proposal includes permanently widening the section of the road (PAR31) to 6 metres between the private haul road, introduced between Bentley Road and Ardleigh Road, and the site access to the EACN Substation (junction ref B070 from Figure 1 (page 17 of 30) of Appendix I of the Transport Assessment (APP-342) to enable occasional HGVs to access the site during the operational phase but also, temporarily, for the duration of the construction phase with higher HGV flows and access for AILs. In addition, the proposal includes reducing the speed limit to 30mph (as set out in TRO Schedule 13 of Draft DCO).
- 6.14. ECC believes the permanent widening will encourage higher speeds over this 1km of relatively straight section of road leading to anti-social behaviour, and on a day-to-day basis, that the speed limit will not be self-enforcing. This would leave ECC with a legacy issue to deal with as a result of the changes.
- 6.15. It is understood that the Applicant has been considering the traffic volumes that will be using this road (taking account of the wind farms too) to determine whether passing bays may be feasible. Other options that could be considered include traffic management or restricting traffic volumes using this route.
- 6.16. The Applicant has been reviewing alternatives to the widening works at Ardleigh Road as well as considering how design features could be implemented to reduce the potential for speeding issues along this route. The Applicant has yet to provide any details to ECC to be able to review. On this basis ECC is unable to agree with the current approach to widen Ardleigh Road or determine whether the alternative options (if considered feasible by the Applicant) are acceptable.

Mitigation

- 6.17. The junction and corridor mitigation has not yet been agreed. There are existing junctions that are already congested or will be congested in the future prior to the implementation of Norwich to Tilbury due to committed development and general background traffic growth occurring. With the additional traffic added to the network it is expected that the operation of these junctions will deteriorate further.
- 6.18. The Transport Assessment included a number of locations where junction modelling was undertaken and mitigation was to be agreed (Table 7.121 of REP7-356). The Environmental Assessment (“ES”) included a table with PARs that were shown to have a “significant effect” (ES terminology) impact on driver and public transport delay (see Table A16.4.2 of APP-271). Whilst some of the junctions along the impacted PARs have some form of mitigation (namely, signal and phasing optimisation; signage to warn users of congestion and/or monitoring) it is anticipated that there is a cumulative impact of driver delay across the corridor.
- 6.19. A useful summary of the information on the operation of the junctions of concern and the number of vehicles in the peak hours using the PARs defined as having a “significant effect” was provided in the LIR [REP1-161]. These same junctions and PARs were the focus of recent discussions with the Applicant.
- 6.20. ECC requested the following mitigation be considered for a number of the junctions and PARs but the Applicant has not confirmed agreement:
- Restrictions on development traffic during the peak hours (ECC note the Applicant has agreed to retiming of HGV movements subject to detail in recent discussions);
 - Implementing sustainable travel improvements to reduce background traffic to offset the impacts of the development traffic during the peak hours; and
 - Where monitoring has been agreed, a pre agreed defined solution should be available to mitigate any identified issues.
- 6.21. ECC notes in the latest response at Deadline 7 [REP7-481] that the Applicant has stated that the mitigation will be agreed with the Contractor and included in the Detailed CTMP. The Applicant recently confirmed on the 3rd August that there are a number of junctions where they agree to retiming of HGV movements subject to detail (these are listed in the table below). They have stated that they do not agree to undertaking sustainable infrastructure works on the PARs that have driver delays and are relying on changes to signal timing/phasing to deal with the cumulative impacts of the various congested junctions along these PARs (with PARs 35 and 36 having over 100 vehicles travelling in the peak hours). It is unfortunate that ECC has been unable to fully agree the approach

to mitigation. If there can be no agreement prior to the end of the Examination then ECC reluctantly accepts that agreement will need to be reached with the Contractor at a later date. However, ECC would require the options under discussion during the examination to be included in the CTMP so that there is ease of reference in one document and a clear basis for further engagement. Therefore, the CTMP should have Table 5.1 updated to include the items set out in the final column of the summary table below:

Ref	Junction	Mitigation Proposed in TA by Applicant	Potential Solutions Discussed	Latest Position in CTMP (REP7-481)	Wording to be included in CTMP
Site 38	A120 Ardleigh Crown Interchange	TBA	Applicant to discuss with the Contractor about restrictions in peak hour. ECC/Applicant Team/Contractor to meet to discuss.	Further discussions to be undertaken with ECC/National Highways/Applicant Team/Contractor. The proposed mitigation is to be agreed with the LHA and finalised within the CTMP.	National Grid have confirmed that the principle of retiming HGV movements out of the peak hour is agreed subject to further detail. However the LHA requires a more firm commitment from NG and their contractors, allowing for these peak hour restrictions in vehicle movements to also include LGVs and staff vehicles where appropriate. The LHA will also consider other mitigation measures at implementation stage, provided these are suitable and accompanied by appropriate justification.

Ref	Junction	Mitigation Proposed in TA by Applicant	Potential Solutions Discussed	Latest Position in CTMP (REP7-481)	Wording to be included in CTMP
Site 47	A120 Coggeshall Road/Great Tey Road	TBA	Applicant to talk to Contractor about restrictions in peak hour. ECC/NG Team/Contractor to meet to discuss.	Further discussions to be undertaken with LHA/NH. The proposed mitigation is to be agreed with the LHA and finalised within the CTMP.	National Grid have confirmed that the principle of retiming HGV movements out of the peak hour is agreed subject to further detail. However the LHA requires a more firm commitment from NG and their contractors, allowing for these peak hour restrictions in vehicle movements to also include LGVs and staff vehicles where appropriate. The LHA will also consider other mitigation measures at implementation stage, provided these are suitable and accompanied by appropriate justification.
Site 48	A120 Braintree Bypass/A131 Great Notley Bypass	Monitor operation of junction and temporary signage to warn general traffic of peak hour congestion	A12, J25 NH added this to the list of junctions to consider as there is no widening taking place on A12 NH using their Vissum Model to determine impacts – this will be discussed outside of	Further discussions to be undertaken with LHA/NH. The proposed mitigation is to be agreed with the LHA and finalised within the CTMP	National Grid have confirmed that the principle of retiming HGV movements out of the peak hour is agreed subject to further detail. However the LHA requires a more firm commitment from NG and their contractors,

Ref	Junction	Mitigation Proposed in TA by Applicant	Potential Solutions Discussed	Latest Position in CTMP (REP7-481)	Wording to be included in CTMP
			the Examination Period ECC would be part of the discussions with National Highways and the Applicant to agree appropriate mitigation		allowing for these peak hour restrictions in vehicle movements to also include LGVs and staff vehicles where appropriate. The LHA will also consider other mitigation measures at implementation stage, provided these are suitable and accompanied by appropriate justification.
Site 73	A127 Southend Arterial Road/A176 Noak Hill Road	Monitor operation of junction	Monitoring – backup plan to be agreed if monitoring shows issues with operation of junction so that mitigation can be implemented quickly.	Monitor operation of junction	A monitoring and review strategy to be agreed with the Contractor and Local Highway Authority including solutions to be agreed should the monitoring show issues - to be confirmed in the Detailed CTMP
Site 69	A1060 Roxwell Road/Lords hip Road	Monitor operation of junction	Restrictions to be discussed with Contractor.	Monitor operation of junction	Options to be considered include restrictions in the peak hours; and implementing sustainable travel improvements to reduce background traffic as a form of

Ref	Junction	Mitigation Proposed in TA by Applicant	Potential Solutions Discussed	Latest Position in CTMP (REP7-481)	Wording to be included in CTMP
					mitigation (related to impacts on PAR 51)
Site 71	A414 Greenbury Way/Highwood Road	Monitor operation of junction	Monitoring – backup plan to be agreed if monitoring shows issues with operation of junction so that mitigation can be implemented quickly	Monitor operation of junction	A monitoring and review strategy to be agreed with the Contractor and Local Highway Authority including solutions to be agreed should the monitoring show issues - to be confirmed in the Detailed CTMP
Site 74	A176 Noak Hill Road/Wash Road	Monitor operation of junction	Monitoring – backup plan to be agreed if monitoring shows issues with operation of junction so that mitigation can be implemented quickly	Monitor operation of junction	A monitoring and review strategy to be agreed with the Contractor and Local Highway Authority including solutions to be agreed should the monitoring show issues (taking account of current conditions at the time noting that a new roundabout junction is currently being design by a

Ref	Junction	Mitigation Proposed in TA by Applicant	Potential Solutions Discussed	Latest Position in CTMP (REP7-481)	Wording to be included in CTMP
					third party) - to be confirmed in the Detailed CTMP.
Site 82	A129 London Road/Mountnessing Road	Monitor operation of junction	Restrictions to be discussed with Contractor. Alternative AT Scheme. Applicant wants to know if they offer contributions or implement parts of the overall scheme (through the drive through)	Monitor operation of junction	A monitoring and review strategy to be agreed with the Contractor and Local Highway Authority including solutions to be agreed should the monitoring show issues - to be confirmed in the Detailed CTMP
Site 58	A131 Great Notley Bypass/Main Road Roundabout	Temporary signage to warn general traffic of peak hour congestion and availability of alternative routes	Initial review with the Contractor is favourable in having restriction in AM and profile during day excluding PM peak. Applicant to confirm	Temporary signage to be provided to warn general traffic of peak hour congestion and availability of alternative routes	National Grid have confirmed that the principle of retiming HGV movements out of the peak hour is agreed subject to further detail. However the HA requires a more firm commitment from NG and their contractors, allowing for these peak hour restrictions in vehicle movements to also include LGVs and staff vehicles where appropriate. The HA will also consider other mitigation measures at implementation stage, provided

Ref	Junction	Mitigation Proposed in TA by Applicant	Potential Solutions Discussed	Latest Position in CTMP (REP7-481)	Wording to be included in CTMP
					these are suitable and accompanied by appropriate justification.
Site 63	A414 Three Mile Hill/A1114 London Road Roundabout	Temporary signage to warn general traffic of peak hour congestion and availability of alternative routes	Initial review with the Contractor is favourable in having restriction in AM and profile during day excluding PM peak. Applicant to confirm	Temporary signage to be provided to warn general traffic of peak hour congestion and availability of alternative routes	National Grid have confirmed that the principle of retiming HGV movements out of the peak hour is agreed subject to further detail. However the HA requires a more firm commitment from NG and their contractors, allowing for these peak hour restrictions in vehicle movements to also include LGVs and staff vehicles where appropriate. The HA will also consider other mitigation measures at implementation stage, provided these are suitable and accompanied by appropriate justification.

Ref	Junction	Mitigation Proposed in TA by Applicant	Potential Solutions Discussed	Latest Position in CTMP (REP7-481)	Wording to be included in CTMP
PAR 35	A1341 Via Urbis Romanae	Update to intergreens and phase delays, and optimise signal timings for: SITE 42 A1341 Via Urbis Romanae/Olympic Blv SITE 43 A1341 Via Urbis Romanae/Whitmore Dr SITE 44 A1341 Via Urbis Romanae/A134 Northern Approach Road	It was discussed whether sustainable travel improvements could be implemented to deal with the delays along this corridor – on the basis that the number of vehicles in the peak hour is high (118 vehicles). ECC have provided details of the route that was included in the Local Impact Report (Table I) and the preference from ECC was for it to be implemented (or part of it).	No information included in the CTMP on mitigation of impacts on the PAR.	Table 5.10 should be extended to add in this PAR with wording to highlight that further discussions are to be undertaken on mitigation in the form of sustainable transport improvements.

Ref	Junction	Mitigation Proposed in TA by Applicant	Potential Solutions Discussed	Latest Position in CTMP (REP7-481)	Wording to be included in CTMP
PAR 36	A134 Northern Approach Road-A134 Wildeve Ave/A134 Nayland Road/A134 The Causeway	Update to intergreens and phase delays and optimise signal timings for: SITE 44: A1341 Via Urbis Romanae/A 134 Northern Approach Road	It was discussed whether sustainable travel improvements could be implemented to deal with the delays along this corridor – on the basis that the number of vehicles in the peak hour is high (118 vehicles). ECC have provided details of the route that was included in the Local Impact Report (Table I) and the preference from ECC was for it to be implemented (or part of it).	No information included in the CTMP on mitigation of impacts on the PAR.	Table 5.10 should be extended to add in this PAR with wording to highlight that further discussions are to be undertaken on mitigation in the form of sustainable transport improvements.
PAR 37	A1124 Halsted Road	Signal optimisation for SITE 46: A12 Eight Ash Green interchange	Temporary signage provided for the peak activity period of a week	No information included in the CTMP on mitigation of impacts on the PAR.	Temporary signage to be provided on the congested section of the PAR for the peak activity period on this route.
PAR 49	A414 Three Mile Hill-A1114 London Road	Temporary signage at A414 Three Mile Hill/A1114 London Road and A1114 (SITE 63); London	Temporary signage provided for the peak activity period of a week	No information included in the CTMP on mitigation of impacts on the PAR.	Temporary signage to be provided on the congested section of the PAR for the peak activity period on this route.

Ref	Junction	Mitigation Proposed in TA by Applicant	Potential Solutions Discussed	Latest Position in CTMP (REP7-481)	Wording to be included in CTMP
		Road/A1016 Westway (SITE 64)			
PAR 51	A1060 Rainsford Road – A1060 Roxwell Road	Monitoring operation of SITE 69: A1060 Roxwell Road/Lords hip Road Signal optimisation of: SITE 68: A1016 Waterhouse Lane/A1060 Rainsford Road SITE 70: A1060 Rainsford Road/Park Avenue	Applicant to review Site 69 with peak restrictions on development traffic. Otherwise to consider sustainable route option to displace traffic from Rainsford/Roxwell Road.	No information included in the CTMP on mitigation of impacts on the PAR.	Table 5.10 should be extended to add in this PAR with wording to highlight that further discussions are to be undertaken on mitigation in the form of peak hour restrictions on development traffic (related to Site 69; or sustainable transport improvements.

Construction Traffic Management Plan ("CTMP")

- 6.22. ECC discussed the potential with the Applicant to include a commitment in the CTMP (REP7-338) and DCO (Protected Provisions), and the Framework Highways Agreement (if agreed) to provide a mechanism which enables the Highway Authority to recharge any emergency callouts associated with the highway in close proximity to access points (where obviously related to the development). ECC has received confirmation from the

Applicant that it will be adding this requirement to the Protected Provisions and cross referencing it within the CTMP at Deadline 8, but at present ECC has not seen a copy of the latest version to review the wording.

6.23. The following commitments have been requested for inclusion in the CTMP – whilst partially dealt with by the Applicant through updated wording there remain some detailed points that have not been reflected as follows:

6.23.1. ECC requested that restrictions on access to the site is included in the CTMP to prevent construction workers arriving/departing during the peak hours. The Applicant has set out in the latest deadline [REP7-481] that this would have adverse health and safety implications. Whilst this is understood, ECC believe there should be some form of commitment to ensure that construction workers are not arriving/departing during the peak hours. Currently the CTMP shows there is a commitment to monitor start and end times but nothing to show a review will be undertaken and corrective actions agreed with the local highway authority if there is non-compliance. This is an important point as currently the assessment does not account for worker vehicles on the network during the peak hours and so enforcement of this is necessary to ensure there are no additional impacts.

6.23.2. In REP5-243 ECC requested a commitment to detailing parking demand and supply with the access design to compounds along with cycle parking. This was on the basis that ECC has concerns around overspill parking. The Applicant set out that sufficient parking is expected to be provided; that parking at compounds will be limited and the Travel Plan Co-Ordinator will monitor the use of visitor parking bays. ECC concerns remain in that the authority need to understand what solutions will be available if overspill parking occurs so that they can be implemented quickly and effectively. At present the CTMP does not deal with this issue.

6.23.3. Commitment to include a list of interventions that would be considered by the Contractor if the review of construction traffic shows the monitoring levels are above the assessed levels – currently the CTMP [REP7-338] states that the interventions (corrective actions) would be agreed with the Contractor. ECC believes that including a list of interventions to be considered at a later date sets out a level of expectation for the discussions between the Local Highway Authority and Contractor.

6.23.4. The Applicant has included a review of the traffic against the assumed traffic in the assessment. However, ECC believes that the review of whether there is a material breach of traffic should be through discussion and agreement with the local highway authority (and not unilaterally agreed by the EnvCoW as is currently drafted in the CTMP [REP7-338] at Paragraph 5.4.21)

6.23.5. The Applicant had agreed to review how full AIL routes across county boundaries and road networks can be displayed in one location for ease of reference for road users. This is an important point as it is not clear how well defined the information will be if fragmented across different counties, highway authorities and police authorities or the level of detail that will be provided. ECC notes this is not included in the latest CTMP [REP7-338] as a commitment but ECC would suggest that this is an important point to include as there are many AILs as part of the scheme which will impact users of the highway network travelling across Essex and adjacent counties. People need to have a clear understanding of when and where there will be disruptions so they can avoid the area where possible. ECC would like a commitment from the Applicant that there will be a website that displays the full route with dates/times included that are up to date.

6.23.6. ECC requires a commitment for the Contractor to undertake observations and review the construction routes where there is school related activity for the following locations: Quilters Infant & Junior School, Billericay; Billericay School (secondary); Cressing Primary School; Maltings Academy (secondary), Witham; Power Hall Academy (primary), Witham; and Spinks Lane/Spa Road, Witham. Note this issue was raised in the Local Impact Report and discussed throughout the various deadlines. ECC are of the view that there is school activity concentrated on these corridors to be used as construction routes and as such there should be restrictions during the school start/finish times to reduce interactions between pupils and HGVs within a period that is often hectic with levels of unpredictable behaviour displayed by pupils at times. ECC suggested that site observations should be undertaken to review the locations but instead the Applicant undertook a desktop study of the infrastructure. This review does not take account of conditions on the network and how the school children and parents move in the local area around the school. Through the desktop study, the Applicant mentioned existing highway infrastructure is available but ECC notes there are examples where footways are non-existent or constrained, or where footways are narrow without any verge protection. The Applicant has suggested in their latest response [REP7-481 on page c4] that they will continue discussions with ECC which will likely conclude during the detailed design. It is unclear why a commitment cannot be included in the current CTMP that the Contractor will undertake observations and review the construction routes for the school locations listed and discuss with ECC. It is noted that the Applicant had previously agreed to undertake site observations at the schools in REP4-298.

6.23.7. Through the SoCG, ECC has discussed a commitment to monitoring the existing traffic calming features on Spa Road, Witham as there are concerns around potential damage to kerbs due to increase in HGVs on this route. It was discussed with the Applicant how this location should be monitored regularly and a mechanism in place to deal with repairs and/or permanent engineering solution. The Applicant has agreed to provide a

commitment in the updated CTMP at Deadline 8 to monitor this location on a weekly basis and report back to ECC. ECC has requested that the wording is expanded further to include a commitment to discussing and agreeing how the issues will be dealt with which may include localised repairs or an update to the layout.

6.23.8. Discussions have been ongoing around road safety improvements as follows – the Applicant has very recently confirmed agreement on a number of specific locations subject to the review of the drive through surveys at the time but have not agreed to implement the two road safety VAS schemes. ECC requires the agreed improvements to be included as mitigation in the CTMP and the outstanding VAS schemes to be included for further discussion with the Contractor subject to collecting data on speeds in the locations identified below (namely references 8 and 11):

<i>Ref</i>	<i>Location</i>	<i>Scheme/Issue</i>	<i>Latest Discussions</i>
1	Botney Hill Road/Farm Access	Potential to improve surfacing	Applicant has agreed to implement if required – scheme included in CTMP for review at the time of drive through surveys
2	B1002 (between Ingatestone and Margaretting)	Fast moving road. Potential to drop to 50mph	Scheme to include ATC surveys to capture speed at two key locations and subject to results apply for a speed limit reduction through TRO process, and update signage. The Applicant has agreed to restrict HGV movements during the school drop off/pick up instead.
3	Ongar Road (near Hanging Gardens Nurseries)	Contribution to chevrons	Applicant has agreed to implement if required – scheme included in CTMP for review at the time of drive through surveys
4	Roxwell Road/Vicarage Road	Vegetation maintenance within visibility splay envelope of adopted highway for the duration of the works	Applicant has agreed to implement – scheme to be included in CTMP
5	B1018 nr Temple Barns – average cameras around loss of control on bend	Vegetation clearance within the adopted highway and improved signage scheme	Applicant has agreed to implement vegetation clearance – scheme to be included in CTMP.

			Applicant has agreed to implement signage improvement if required – scheme included in CTMP for review at the time of drive through surveys
7	Wick Lane/Dead Lane	Vegetation clearance within visibility splay envelope (within the adopted highway) for the duration of the works	Applicant has agreed to implement vegetation clearance – scheme to be included in CTMP
8	A129	VAS Signage	Scheme to include ATC surveys to capture speed at two key locations on the outskirts of Billericay where there is a change of speed limit from 40mph to 30mph and subject to results implementing VAS signage. The Applicant has not agreed to implement this scheme.
11	Cuckoo Wood Roundabout (A131)	VAS Signage	Aware of approach speeds to the roundabout causing issues with nose to tail stationary vehicles Four slight collisions (one of which involved a cyclist) are shown around this location of the northern arm of the roundabout on A131. VAS signage or similar to be implemented by the Applicant subject to speed surveys – positioned further upstream and as road user approaches at high speed it flashes up a warning sign. The Applicant has not agreed to implement this scheme.
12	Galleys Corner (South of new Development roundabout (Mulberry Ave/Braintree Road))	Implement missing section of footway south of new roundabout	ECC are anticipating implementing this scheme. However, should funding fall through then it should be implemented to provide suitable pedestrian facilities to link Tye Green and Braintree. The Applicant has not agreed to implement this scheme.

- 6.23.9. ECC requires possible sanctions that should be considered by the Contractor if there were issues identified to be included in the CTMP. This is so that there are clear expectations prior to discussions between the highway authority and Contractor. However, the Applicant is not including this in the CTMP but instead stating the sanctions would be agreed with the Contractor through the Detailed CTMP (with no potential sanctions defined at this point).
- 6.23.10. ECC has discussed with the Applicant about including wording in the CTMP that the Contractor is to consider throttling of vehicle movements over the public highway as part of the design process for the crossover points to reduce complacency of drivers using the haul road and improve overall road safety. There is no updated wording included in the latest CTMP (REP7-338). Ultimately, this will be discussed through the detailed design of each cross over point but ECC felt it would add more weight to the discussions if included as high level principle in the CTMP.
- 6.23.11. ECC requested that wording be added prior to Table 5.2 which set out that traffic associated with the type of works included in the aforementioned table on the non-PAR routes would be minimal. The Applicant has responded in the latest deadline (REP7-481) that the Main Works Contractor has committed to a three month lookahead in terms of construction traffic movements which will capture the volume of traffic associated with the non-PARs. ECC is concerned that the Applicant has not included wording in the CTMP to state that traffic on the non-PARs will be minimal. This suggests there is no surety that it will be minimal which is a problem as the non-PARs have not been assessed through the Examination.
- 6.23.12. There is disagreement over whether the mini-bus service can be a commitment in the CTMP. ECC believes the mini-bus can be committed to at this stage with the details worked up and agreed through the detailed CTMP by the Contractor. The Applicant does not and instead have included wording in the CTMP to the effect that the Contractor will explore the feasibility of a mini-bus to site. ECC concern is that this is a watered down commitment and that the Contractor will not want to bear the cost of a mini-bus for staff. The mini-bus is an important sustainable part of reducing worker traffic on the local highway network surrounding the site.

Abnormal Indivisible Loads (AILs)

- 6.24. The structural investigations and discussions on the AIL routes are ongoing and are expected to continue beyond the Examination. As mentioned in the SoCG it would be useful to have a Position Statement provided by the Applicant in relation to the full AIL routes considered in the DCO as a summary record for all interested stakeholders. This

would assist in the continued discussions and the co-ordination between all the relevant stakeholders. The Position Statement should include locations of the structures on the various AIL route plans that are still outstanding in terms of assessment and a summary of where there is mitigation proposed or agreed to deal with any issues on the structures. In addition, a summary table for the full length of each route showing the latest status of the structures.

Ardleigh Road Depot

- 6.25. The potential impact of the Project's construction on the 24/7 operation of the Council's highways depot at Ardleigh Road remains unresolved.
- 6.26. The Council raised this issue in its LIR [REP1-161] and had hoped to reach agreement with the Applicant. While an initial meeting took place, subsequent requests for follow-up discussions involving UKPN have not been answered, with the Applicant instead indicating that matters are to be addressed post-examination with the Main Contractor.
- 6.27. Although ECC welcomes the Applicant's commitment to maintaining 24/7 access to the depot, uncertainty remains regarding the proposed road closures in the vicinity of the site and their effect on depot operations.
- 6.28. As set out in paragraphs 4.5.90 to 4.5.95 of the Council's LIR [REP1-161], the proposed route oversails the depot. Construction activities may therefore require access through the site and the temporary placement of structures within the depot. In addition, there is potential for UKPN cable diversion or undergrounding works in this location, which could cause significant disruption to depot operations. These impacts could adversely affect the maintenance and operation of the County's highway network.
- 6.29. ECC also notes that the Traffic Regulation Orders affecting the road network in the vicinity of Ardleigh Depot have yet to be agreed. The Council remains concerned that, under the current DCO proposals, it may not have sufficient control over the approval of road closures and diversion routes. This could adversely affect response times for emergency call-outs and access to the wider highway network.
- 6.30. In the absence of further assurance and clearly defined mitigation measures, the continued ability of the Ardleigh Depot to operate effectively during the construction period remains a significant concern for the Council.

Financial Requests

6.31. ECC has provided a number of financial requests relating to officer time to provide oversight of the various mitigation and commitments that have been included in the CTMP. The Applicant has stated in its latest response at ISH2 Action Point 22 in REP7-481 that they consider the use of PPAs is an appropriate approach to dealing with post consent costs but has not confirmed that the financial requests have been agreed in principle. For clarification, the requests to cover officer time were set out in Essex's Local Impact Report [REP1-161] and are replicated below for ease of reference:

- Review of monitoring – route adherence, HGV numbers, Outline Construction Worker Travel Plan ("CTWP") (APP-311) targets, pre and post construction condition surveys, junction operation (mitigation);
- Discussions on CTWP measures following review of monitoring;
- Administering requests for repairs to highway where condition survey shows issues;
- Maintenance review and discussions around potential improvement works and costs;
- Highway Checks – observations of routes and impacts including liaison with Members, Parish Council, Contractor, and Members of the Public;
- PROW network discussions;
- Road Safety Review (Drive Through of PARs); and
- Discussions on structures in relation to AILs and HGV routes.

6.32. ECC is concerned that there is no agreement in principle to the officer time in connection with the above or a commitment within the DCO. ECC requests that the above points are set out in the CTMP (on the basis that it will be an approved document) with a commitment to funding officer time. This is to provide surety that the post consent funding will be available.

Public Rights of Way

6.33. During the Examination, ECC raised concerns regarding the management of proposed temporary closures of Public Rights of Way. The Norwich to Tilbury project must not unacceptably interfere with people's rights to access the PROW network or result in unreasonable delays to their journeys. The current PROW Management Plan will be used as a tool to provide enough surety that the impact of construction will be minimal on users and communities.

7. Socioeconomics

- 7.1. The Project presents both a real risk of causing adverse socioeconomic impacts in Essex and a real opportunity to secure socioeconomic benefits for communities in Essex – the extent to which one rather than the other materialises depends on whether the DCO secures the rights mitigations.
- 7.2. As set out in Paragraphs 4.4.1 - 4.4.16 of its Local Impact Report [REP1-161], and as reflected in the final version of the SoCG part 3.10 [REP7-098] , ECC maintains that the scale and nature of the Norwich to Tilbury project, when considered alongside other concurrent infrastructure projects, could result in disruption to the local economy. Potential effects could include increased pressure on local services and highways, and the displacement of existing business activity. This will be particular pertinent during the construction phase of the Norwich to Tilbury project.
- 7.3. In particular, ECC has identified areas surrounding Margaretting and Writtle, whose communities experience a high number of events including national events hosted at Hylands House, which will take place at the same time as the construction of Norwich to Tilbury.
- 7.4. Furthermore, concerns also remain regarding the proposed siting of an access route through Anglia Ruskin University at Writtle College. While ECC is aware of ongoing discussions between the Applicant and ARU Writtle to agree an acceptable resolution, ECC is of the view that the Project should not unacceptably affect the day-to-day function and operation of the College and an alternative access should be provided.
- 7.5. ECC therefore considers it important that appropriate mitigation measures are agreed with the relevant authorities and secured through the DCO to support the county's wider economy whilst it hosts the construction and operation of the Norwich to Tilbury project.
- 7.6. Paragraph 5.13.9 of NPS EN-1 states that the Secretary of State should have regard to the potential socio-economic impacts of new energy infrastructure identified by the Applicant and by any other sources considered relevant and important to the decision. Furthermore, paragraph 5.13.12 states that the Secretary of State may wish to include a requirement for local authority approval of an Employment and Skills Plan. Such a plan should set out measures to promote local employment and skills development opportunities, including apprenticeships, engagement with schools and colleges, educational initiatives, and training programmes.
- 7.7. The Applicant's submission of an outline Employment and Skills Plan ("ESP") [REP5-215] is a positive step, but it does not adequately address the cumulative pressure on local

supply chains from concurrent NSIPs, contains no clear mechanism for coordination across projects, and focuses on advertising opportunities rather than actively enabling local businesses - particularly SMEs - to compete for them. ECC has set out in Paragraphs 4.9 – 4.18 of the Council’s Deadline 6 submission, the strengthening required: targeted business support, strategic coordination between promoters, a supply chain impact assessment, a stakeholder-led steering group, and quarterly monitoring with annual review [REP6-147].

- 7.8. Critically, ECC welcomes that Requirement 15 has been amended so that the final ESP is approved by the relevant authorities, not merely submitted. Local authorities are best placed to understand local labour market conditions, training provision and community needs, and hold the established relationships with employers and providers needed to make the Plan work. Such a requirement plainly satisfies the tests of necessity, relevance to planning and to the development, enforceability, precision and reasonableness; and NPS EN-1 expressly contemplates it - paragraph 5.13.12 states that the Secretary of State may include a requirement for local authority approval of an Employment and Skills Plan [REP7-553]. However, the requirement is silent on timing. ECC asks that its proposed wording be adopted, requiring submission for approval to the relevant county planning authority and Thurrock Council no later than six months before commencement of any stage, to allow sufficient time for effective planning, coordination, and mobilisation of local supply chains and skills provision, is at [REP6-147]. Securing the Plan through a robust DCO requirement, with local authority approval and clear monitoring provisions, is therefore essential to ensuring the strategy delivers meaningful and measurable local benefits and a proper legacy for the project.
- 7.9. In addition, ECC is concerned the tests “substantially in accordance with” and “general accordance” remain within the drafting. ECC adopts and supports the position of SCC that approval should be contingent on the Authority being satisfied that the plan is supported by a robust, phase-specific assessment of workforce and supply chain demand and aligns with established governance structures, including the Regional Skills Coordination Function [REP7-573].
- 7.10. As set out in part 3.10.3 of the SoCG, ECC remains of the opinion that the Applicant should provide detailed labour / workforce data as set out in ECC’s Relevant Representation [RR-1083] and Local Impact Report [REP1-161] to enable the development of targeted upskilling programmes and the timely coordination with local education and training providers. This remains an area of disagreement between the County Council and the Applicant.
- 7.11. Reflected within the SoCG, ECC considers that the Applicant should produce a comprehensive Employment and Skills Strategy that includes: clear delivery plans for

apprenticeships, work placements, school engagement, and training programmes alongside Commitments to local job creation and use of local contractors where feasible and Evidence-based interventions informed by community engagement and local labour market data. ECC also requested at LIR §5.7.25 a combined employment, education, skills and supply chain strategy. The Applicant has delivered the first three limbs through Requirement 15 and omitted the fourth. Given that Requirement 15 now exists and is subject to approval, the simplest course is to extend it rather than to seek a separate requirement. ECC therefore proposes that Requirement 15(1) be amended to refer to an “employment, skills and supply chain plan”, and that the outline document be updated accordingly to address supply chain capacity in light of the other nationally significant infrastructure projects in the vicinity

- 7.12. To support these socioeconomic objectives, ECC strongly recommends the establishment of a dedicated Employment and Skills Fund. This fund should be proportionate to the scale and impact of the development and used to:
- Invest in local further education facilities and provision;
 - Support employment and skills programmes;
 - Enhance careers education and school engagement; and
 - Fund ECC officer resource for consultation and monitoring of the employment.
- 7.13. Without a dedicated fund for skills and employment, ECC considers that there would not be appropriate mitigation in place to address the harmful impacts on skills and employment arising from the Project nor to deliver the beneficial legacy which the Project should have. ECC therefore considers that there is a clear need for a dedicated Skills and Employment Fund, which is separate from the Community Benefit fund being provided by the Applicant [REP1-161], section 4.8; [REP5-242], GEN 2.2; [REP6-147]. . ECC highlights the following paragraphs of the Government Guidance – Community funds for transmission infrastructure – November 2025.

“Community benefits are monetary and non-monetary benefits provided to enhance the economy, society and/or environment in a local area. There are a wide variety of community benefits that can be delivered, but broadly they cover funding for local projects and programmes, investments in the local area or direct benefits to individuals in the area. These are in addition to any natural benefits that accrue through development and construction (e.g. local employment opportunities).”

“Where community funds will be delivered in the form of training and skills development, the developer is required to explain how those benefits are additional to what they would have delivered in the ordinary course of business.”

- 7.14. As to the Community Benefit Fund itself, ECC considers there should be linkage to the DCO, potentially through a section 111 agreement, to commit the funds to the communities actually affected: at present nothing prevents the Applicant withdrawing or reducing the fund, and there is no spatial allocation reflecting the proportion of the Project that traverses Essex [REP6-147]. ECC has identified the deliverable legacy interventions the Applicant should support, from the Sustainable Skills Innovation Centre at the Tendring Colchester Borders Garden Community to apprenticeship and levy transfer programmes ([REP1-161], section 4.8).

8. Landscape

- 8.1. It is common ground that the Project will cause significant adverse landscape and visual effects along its whole length, at both construction and operation. The Environmental Statement acknowledges significant adverse visual effects at Year 1 on most directly affected Visual Receptor Areas (paragraph 13.7.18 of [APP-226]), and that while planting will soften effects around compounds and substations by Year 15, the effects of the pylons and OHL themselves do not reduce: they are, on the Applicant's own evidence, permanent and incapable of mitigation ([REP1-161], section 4.10). ECC's evidence is that the assessment nonetheless understates the harm and had therefore expected a comprehensive package of mitigation and compensatory landscape measures from the Applicant alongside a strong focus on all aspects of infrastructure design to minimise landscape and visual harm.
- 8.2. As a result, ECC considers that the proposed development as it stands, does not meet (EN-1) Para 4.3.4 of which states "*... the applicant must ... show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy...*". ECC's view is that this policy has not been followed as there is no guaranteed compensation offered for the significant adverse landscape and visual effects of the overhead line and pylons. ECC's position therefore, is that the Norwich to Tilbury project does not go far enough to minimise harm to the landscape nor provide reasonable levels of mitigation and compensation.

Approach to Assessment

- 8.3. As set out in the SoCG [REP7-098] at part 3.9, ECC agreed the methodology for assessing landscape and visual effects through the EIA Scoping Report and Scoping Opinion. This was despite ongoing concerns regarding elements of the route alignment and the limited extent of underground cabling underpinning ECC's in principle strategic objection. ECC also considers that additional viewpoints and assessments beyond the defined study area could have assisted in demonstrating where effects would not be significant and therefore provided a fuller understanding of the Project's landscape impacts: a position

reflected in the SoCG [REP7-098]. This transparency could have allowed for a greater understanding of the areas most impacted by the development, and the location and type of mitigation which would have been most effective.

Valued Landscape Assessment

- 8.4. Since its response to the statutory pre application consultation in July 2024, ECC has consistently maintained that a standalone Valued Landscape Assessment should have formed part of the LVIA. Without a separate assessment, ECC considers it has been difficult to fully assess the proposal against NPS EN-1 policy, particularly paragraph 5.10.12, which recognises that locally valued landscapes may exist outside national designations.
- 8.5. ECC also considers it remains unclear how the requirements of the Holford Rules to minimise effects on locally valued landscapes have been fully addressed, particularly as route selection pre-dated the inclusion of landscape value criteria. This issue is especially relevant to several river valleys crossed by the proposed development.
- 8.6. While it is accepted local landscape designations are no longer promoted through government policy, and valued landscape criteria have now been incorporated into the assessment, ECC consider local value should have been assessed in accordance with TGN 02-21: Assessing Landscape Value Outside National Designations. Baseline judgements appear to have been made at district level rather than site or setting level, potentially overlooking the value of directly affected landscape characteristics, especially river valleys.
- 8.7. These concerns reinforce ECC's view that further mitigation and compensation is required without which, more undergrounding or route refinement should have been proposed, to reduce significant landscape and visual effects, particularly within river valleys, valued local landscapes, long-distance rights of way and rural amenity areas.

Mitigation

- 8.8. The introduction of OHL transmission infrastructure including significant ground-based infrastructure into a largely undeveloped, rural landscape, will have considerable locally significant visual impacts across the entire county. This will be especially prevalent in vicinity of Ardsleigh where multiple projects are being delivered. ECC believes appropriate mitigation is therefore a critical component of the Project.

Mitigation – Substation Design

With the development of considerable infrastructure such as the substation at Ardleigh, it is considered that opportunities exist to ensure the appearance of any substantial structures, are appropriate for the locations through innovative design, the approach to external appearance and landscape mitigation. ECC has welcomed the Design Review Panel (DRP) proposals contained within the Applicant's Design and Access Statement [REP6-090], but has raised concerns, including about impartiality and that the DRP is advisory in nature [REP7-553]. ECC maintains its position that the project should undergo independent design review, and that this should be secured appropriately through the DCO [REP3-078].

- 8.9. This would be consistent with Para 4.7.6 of NPS EN1 where it states:

"Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform, and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area."

Mitigation – enabling works

- 8.10. As set out in the SoCG [REP7-089] at 3.9.12, the broad location and alignment of haul roads also remain a concern. In several instances, routes appear to have been selected without sufficient site-specific landscape assessment, potentially resulting in avoidable tree and hedgerow loss. Concerns also remain regarding replacement planting and establishment, with insufficient detail provided to give confidence in its successful delivery.

Mitigation – undergrounding

- 8.11. ECC has already addressed in detail the impact it considers the alignment of the OHL will have on DHGV and the wider Essex landscape. These concerns are set out in Section 4 on DHGV above.
- 8.12. ECC is disappointed that localised design responses involving undergrounding and /or alternate pylon design as part of the application of the mitigation hierarchy were not appropriately considered by the Applicant. Overhead powerlines and pylons offer no potential to enhance the quality of the landscape or the amenity of Essex communities.

Cumulative effects

- 8.13. ECC therefore contends that the Project would lead to a harmful change in the identified character and appearance of the landscape exacerbated visually by the cumulative effects of this proposal in combination with other proposed and existing transmission infrastructure. As a result, ECC remains of the view that the proposed mitigation measures which must be distinct from any agreed compensation planting, do not adequately address or reduce the significant landscape and visual effects during both construction and operation.

Replacement Planting

- 8.14. While the Applicant's approach to onsite and offsite replacement planting including the 3:1 replanting ratio as set out in the OLEMP and the Arboricultural Impact Assessment is noted, there remains uncertainty regarding the potential loss of trees and hedgerows along the route in landscape and visual terms at this time despite requests for information to establish quantified baseline losses of trees and hedgerows at a Parish level.
- 8.15. ECC wishes to see replacement planting being within the locations most impacted by the project.
- 8.16. ECC welcomes the amendment to the draft DCO requiring the Offsite Planting Delivery Scheme for each stage to be submitted for approval by the relevant planning authority. As well as the recognition of LNRS and Green Infrastructure networks within the site selection criteria of the Offsite Planting Delivery Scheme. ECC also welcomes confirmation regarding the inclusion of locally appropriate species where justified by a suitably qualified arboriculturist, ecologist or landscape architect, as this will contribute positively to local landscape character, ecological connectivity and long-term resilience. This addresses ECC's previous concerns on these matters.
- 8.17. The 5-year management and maintenance plan (including monitoring) proposed by the Applicant is also a concern. ECC maintains its preference for a longer maintenance period of ten years to support successful establishment and long-term habitat/Green Infrastructure outcomes. With long dry summers in a County which receives low rainfall, lasting future management and watering will be essential to provide the appropriate environment for establishment. Planting between November and January and utilisation of tree guards that are tailored for hot climates are recommended to ensure establishment of whips and feathers. The expectation to check this planting (and replacements) also needs to be robust and adequately resourced; the detail for which is unclear.

- 8.18. ECC's proposed approach to management and aftercare thus represents necessary climate adaptation. Paragraphs 2.3.1-2.3.3 of EN-5 (2024) imports EN 1 paragraph 4.10 wholesale for networks; paragraph 2.3.2 requires applicants to set out the extent to which the development is expected to be vulnerable and how it has been designed to be resilient to the changing climate. This climate adaptation obligation extends to measures such as necessary replacement planting. Accordingly, the obligation in paragraph 2.10.8 of EN-5 (2024), which requires a "realistic timescale" for mitigation which is long enough to secure delivery of the mitigating function, read with the climate adaptation obligations, strongly supports ECC's proposed approach. The same is true of 2025 EN 1, paragraph 2.4.6.
- 8.19. ECC's position is also supported by the 2024 NPPF – a material consideration. Paragraph 161 of the NPPF supports addressing climate change through adaptation (a term defined in the Glossary), in particular minimising vulnerability and improving resilience. Paragraph 163 requires the assessment of planning applications to consider the need to adapt to climate change "taking into account the full range of potential climate impacts."
- 8.20. The Forestry Commission's England Woodland Creation Offer (EWCO) grant prescribes 15 years of maintenance to establish woodlands from whips and with increasingly challenging growing seasons five years maintenance would not be sufficient. Pests (such as deer) and diseases should also be taken into account for the long term survivability of the off-site planting.
- 8.21. Further comments on Requirement 9 which secures the on-site replacement planting and the Offsite Planting Delivery Scheme are set out in the Landscape section of this Closing Statement.

Compensation

- 8.22. A key aspect of ECC's case on landscape is the need for strategic landscape compensation: either a significant strategic landscape compensation package should be put in place as part of the submission or a significant strategic financial compensation package put in place as a side agreement to offset the landscape and visual harm across the route of the overhead line [REP1-161 paragraph 4.10.43]. Furthermore, compensation measures must be clearly distinguished from mitigation and BNG obligations.
- 8.23. ECC welcomes the positive discussion that have taken place with the Applicant to identify opportunities for compensatory planting focused on the specified landscapes identified by the ExA during ISH2. Notwithstanding, ECC is concerned that proposals for this funding

are not guaranteed due to the Applicants stated opinion at ISH4, that no agreement will be entered into unless absolutely required by the Secretary of State.

- 8.24. The 3:1 replacement planting now secured through Requirement 9 and the Outline Offsite Planting Delivery Scheme is, at best, reinstatement of vegetation removed within the Order Limits; it does nothing to compensate for the permanent significant adverse effects of the pylons and OHL along the route ([REP1-161], paragraph 4.10.39). Replacement planting is not compensation planting ([REP1-161], paragraph para 4.10.14).
- 8.25. NPS EN-1 (2024) - the version against which this application falls to be determined - requires applicants to “set out how residual impacts will be compensated for as far as possible” (paragraphs 4.2.11–4.2.12) and to show how likely significant negative effects will be “avoided, reduced, mitigated or compensated for” (paragraph 4.3.4); paragraph 2.1.6 of EN-5 is to the same effect. The 2025 EN-1 (a material consideration) does not shift that position: while paragraph 4.2.25 observes that compensation does not reduce an adverse effect, it goes on to repeat the requirement to compensate for residual impacts as far as possible ([REP5-242], LV 2.16; [REP6-147]). GLVIA3 (paragraph 3.39) likewise encourages enhancement where significant residual effects cannot be mitigated. The Applicant’s contrary argument at ISH2 (that compensation is “necessary” only where topic-specific policy expressly requires it) is too extreme: paragraphs 4.2.11–4.2.12 and 4.3.4 of EN-1 are overarching principles of general application to all types of impact, not residual provisions to be read down against topic-specific references ([REP4-328], paragraphs 5.21–5.25). The acceptance of significant residual effects in the planning balance, on account of the public benefits of the Project, does not negate the effects themselves.
- 8.26. As set out in paragraph 4.10.43 of ECC’s Local Impact Report [REP1-161], ECC believes a case exists for a strategic landscape compensation package to offset harm as far as reasonably possible, is consistent with the mitigation hierarchy in NPS-EN1. To this end, ECC has explored with the Applicant ways in which this landscape and visual compensation could be delivered at a strategic level in addition to any replacement or mitigation planting which is reflected in Schedule 20 of the draft DCO.
- 8.27. ECC feels very strongly that this landscape compensation package could deliver significant landscape benefits and leave a positive legacy from the project minimising the residual visual effects of the development as far as reasonably possible.
- 8.28. ECC therefore respectfully requests that the case for additional landscape enhancement is made within the ExA’s Recommendation Report to the Secretary of State.

9. Ecology

- 9.1. The Applicant has engaged in discussions regarding ecological matters and has reached agreement on a number of issues, this has been welcomed and appreciated by ECC. However, there remains a considerable issue around the aftercare period. Despite discussions, an agreed position on this matter was not reached.
- 9.2. The Applicant has generally provided an appropriate assessment of likely impacts on the identified ecological receptors. This includes for both statutory and non-statutory designated sites, habitats, and protected and Priority species. Embedded mitigation within the Project very largely avoids a potential for significant impacts on designated sites and lessens potential impact on certain protected species.
- 9.3. However, there were concerns that the Applicant's approach to bat roost tree surveys and, the subsequent impact assessments and mitigation proposals, left an unacceptable risk of unrecognised impacts and missing mitigation. These concerns have reasonably been addressed over the course of negotiations between ECC and the Applicant, which resulted in changes to the Outline Code of Construction Practice ("COCP") and the Outline Landscape & Ecological Management Plan ("LEMP").
- 9.4. ECC has believed from the outset that Ecological Clerk of Works ("ECOW") oversight and influence throughout the construction stage of the Project will be critical to the faithful execution of the CoCP and LEMP directives, and thereby for the resulting degree of mitigation success. The Applicant has shown an appreciation of those concerns. The Applicant has agreed to the establishment of a Landscape & Ecology Working Group ("LEWG") that will include ECC representation. Furthermore, the Applicant made additions to the Outline CoCP and Outline LEMP which describe leave for the LEWG to review appointed ECoW credentials. The LEWG will have opportunity to flag if there are discrepancies between CoCP/LEMP stated ECoW criteria and those of actual appointees.
- 9.5. Not all ECC's concerns have been resolved. ECC holds that the Applicant's proposed 5-year aftercare period for all replacement tree and hedgerow planting (excluding the Environmental Areas), is insufficient to assure successful replanting throughout the Order Limits. The basis for this concern are the extremes of weather, which have become regular occurrences, and the multiple examples of replanting failures for other developments. This aftercare approach, if it ultimately proves defective, could have implications for the accuracy of certain species' impact assessments and the calculations for BNG. It is therefore crucial for the acceptability of the Project.

10. Green Infrastructure

- 10.1. ECC welcomes the Applicant's commitment to deliver Biodiversity Net Gain, landscape compensation measures and long-term habitat management, together with the incorporation of Local Nature Recovery Strategy ("LNRS") considerations within Environmental Areas, off-site Biodiversity Net Gain proposals, hedgerow reinstatement, off-site tree planting and the detailed design process. ECC also welcomes the inclusion of LNRS and Green Infrastructure principles within the Outline Landscape and Ecological Management Plan, Design Approach for Site Specific Infrastructure and associated project documents.
- 10.2. However, ECC's position continues to be that, whilst the Project demonstrates broad alignment with LNRS objectives, it does not clearly demonstrate how Green Infrastructure will be embedded and delivered as a strategic, connected and multifunctional network across the scheme as a whole, nor how landscape-scale connectivity and nature recovery outcomes will be secured through delivery, despite ECC's recommendations for how this can be achieved.
- 10.3. The Applicant's position that a wider strategic Green Infrastructure scheme is not necessary to make the Project acceptable in planning terms. This underestimates the delivery risks for the various elements of the green infrastructure. ECC this maintains that a more strategic and coordinated approach to Green Infrastructure, landscape enhancement and compensation is necessary as it would provide the requisite certainty regarding the delivery of long-term environmental outcomes and the realisation of wider nature recovery benefits across Essex.
- 10.4. Matters around Green Infrastructure remain unresolved within part 3.4 of the SoCG [REP7-098]. They are reflected as "under discussion", because ECC wishes to record that it will continue to work proactively with the Applicant to address the matters raised during the Examination to ensure these are incorporated where possible into the detailed design of the Project.

11. Flood Risk, Drainage and Surface Water

- 11.1. At Deadline 5, ECC as the LLFA provided comments on the Drainage Strategy [REP4-186] requesting further clarity on the location of permanent and temporary construction works and raising issues about surface runoff management and flood mitigation.
- 11.2. ECC welcomes the Applicant's updated Drainage Strategy submitted at Deadline 6 (REP6-095) noting the revisions to incorporate the appropriate climate change allowances in response to earlier comments. However, the Applicant does not have the detail which

ECC requested. Instead detailed drainage design is to be developed at a later stage by the Main Works Contractor. As a result, ECC remains concerned there is insufficient information currently available to the LLFA to provide the level of certainty required. It has not been possible therefore for a mutually agreed position to be reached which is reflected in section 3.8 of the SoCG [REP7-098].

- 11.3. ECC acknowledges that additional information has been provided which demonstrates that the drainage principles proposed for temporary works are capable of mitigating potential water quality impacts arising from the development. However, these principles must be carried through and demonstrated within the detailed design as individual sections of the scheme progress.
- 11.4. In relation to surface water management, the Drainage Strategy includes proposed discharge rates for drainage features. Again, ECC remains concerned that insufficient supporting information has been provided to verify whether these rates are appropriate for the relevant catchments and locations. There is also limited information on how exceedance flows will be managed when the design capacity of drainage controls is surpassed. ECC draws attention to the Essex County Council Culvert Policy which should be considered during the detailed design process.
- 11.5. The absence of the requisite information means that ECC, as the LLFA, remains concerned that the Project could result in unacceptable surface water runoff and an increased risk of flooding. ECC therefore requires the submission of a revised Drainage Strategy containing the necessary data and information to enable the LLFA to properly assess the effects of the Project.
- 11.6. ECC notes however that while the current drafting of the DCO at Schedule 16 Part 3 paragraph 3(1) now refers to a “drainage strategy approved by the relevant authority”, no such document is defined in Article 2 or Requirement 1, none is certified in Schedule 19, and none is secured by any requirement. The Order therefore now depends upon a document it does not secure.
- 11.7. The LLFA also seeks greater clarity regarding the location and extent of both temporary and permanent works, particularly given the limits of deviation. Irrespective of the final layout, appropriate flood risk mitigation and surface water management measures will be required to ensure that runoff generated by the development does not adversely affect surrounding land or property.
- 11.8. ECC also remains concerned that the draft DCO, draft Schedule of Requirements and Explanatory Memorandum do not adequately recognise existing flood risk, the need for its management, or the potential presence of overland flow routes. These considerations

are relevant during both the construction and operational phases of the development. ECC therefore recommends that the Flood Risk Assessment and Surface Water Management Principles document are included within the list of Certified Documents for the DCO. In addition, there is a need for the Construction Environmental Management Plan to contain specific controls relating to works affecting ordinary watercourses, drainage channels, surface water drainage systems and the prevention of pollution incidents.

- 11.9. With reference to Schedule 17 of the draft DCO (Public General Legislation), ECC has expressed concern regarding the disapplication of Section 23 of the Land Drainage Act as currently proposed by the Applicant. Schedule 17 paragraph 7(1)(a) disapplies section 23 in relation to the authorised development, which adds force to ECC's point regarding the need to secure the approval of a revised Drainage Strategy within the DCO (refer to paragraph 11.5 above)
- 11.10. The specified works regime in Part 3 is therefore the only control, and must be adequate on its own terms. ECC and SCC withdrew their objection to that disapplication following the Applicant's agreement, in protective provisions shared on 3 July 2026, to increase the determination period to 40 business days as the equivalent of the section 23 period.
- 11.11. ECC's points on this requirement are different and survive that withdrawal as ECC has a further issue. Paragraph 3(1) provides that no discharge under article 20 may be made until the location and maximum rate of discharge have been approved by the flood authority, "unless such location or maximum rate of discharge is in accordance with a drainage strategy approved by the relevant authority". As mentioned in Paragraph 11.5, "Drainage Strategy" appears nowhere else in the Order, is not defined in article 2 or Requirement 1, is not certified in Schedule 19, and is not secured by any requirement; nor is "the relevant authority" the flood authority. As drafted the exception is capable of disapplying the flood authority's control by reference to a document over which it has no defined role. Either the outline drainage strategy [REP1-072] should be certified and secured by a new (or updated) requirement, or the exception should be deleted.

12. In Combination / Cumulative Effects

- 12.1. Cumulative impacts are clearly one of the key principle issues in the Examination. Both inter-Project and intra-Project cumulative impacts are required to be addressed.
- 12.2. ECC is aware of a significant number of developments which are proposed, or under construction across Essex (in particular, within the Tendring Peninsula and other NSIP schemes dependent on Norwich to Tilbury). Three consented NSIPs will already interact

in concentrated ways in specific places in Essex. A further NSIP, Tarchon Interconnector is expected, with a DCO application likely in September 2027 – this would further exacerbate cumulative impacts. The Norwich to Tilbury Project is a catalyst and has the potential to give rise to intra-project cumulative effects on common receptors, in addition to the inter-project effects arising from other strategic developments. Likely significant impacts arise in relation to highways, landscape and visual and noise, for example: part 4.4 of ECC's Local Impact Report [REP1-161] and part 3.13 of the final SoCG [REP7-098],

- 12.3. There are significant levels of growth and development proposed within Essex which have the potential to lead to significant adverse effects on communities and the environment. It is of crucial importance therefore, that there is coordination between ECC and all developers / key stakeholders so that the effects on local communities can be managed and minimised.
- 12.4. Mindful of the potential for in combination effects, it is crucial that respite, mitigation, and compensation is secured for communities and the environment affected by the development. Throughout the Examination, ECC has continued to seek substantially better controls within the DCO, other agreements, and the Management Plans to ensure appropriate levels of respite, mitigation, and compensation are delivered
- 12.5. There remain matters outstanding including those relating to landscape and visual effects, construction working hours and disturbance as well as the highway network impacts arising from the extensive construction expected, especially in areas experiencing multiple major projects.
- 12.6. Furthermore, ECC is concerned regarding potential for the exercise of the Limits of Deviation to result in greater cumulative effects than those assessed. This matter is not agreed with the Applicant and ECC's position is set out within the final SoCG [REP7-098] at parts 3.14.7- 3.13.9, as well as in Appendix A points 7 and 9.
- 12.7. ECC has made its position on the need for mitigation for the significant impacts arising from the project throughout its submissions to the ExA. Whilst it is recognised it may not be practicable to mitigate all impacts due to the nature of the project and the scale of works, the current package of mitigation is not considered adequate. ECC would wish to draw attention to the following:

Developers Forum

- 12.8. As previously highlighted, ECC has significant concerns around the cumulative impact of development on the local highway network arising from the overlap of construction

periods for the identified NSIPs and Strategic Sites in Essex. In particular, ECC has limited control over the timing of the various projects resulting in both localised impacts (where multiple sites are implemented in close proximity) and further afield across Essex (where multiple sites use similar construction routes). ECC has emphasised throughout the Examination the need for a Developers Forum, as set out in to address cumulative matters and mitigation measures. ([REP1-161 paragraphs 4.4.29 – 4.4.32]; [REP3-077], [REP4-328, response to Action Point 22]; [REP5-243]; [REP6-147] and [REP7-553])

12.9. Given the amount of concurrent development, it is essential that there is some level of management and control for ECC to facilitate coordination and reduce the cumulative impact of construction vehicle movements. ECC has identified how this could be achieved through a combination of measures including:

- the Applicant's use of ECC's Permit Scheme so that the Highway Authority (ECC) can manage and coordinate road space bookings; information on the detailed programme being shared through the updated Construction Traffic Management Plans and;
- the Applicant to joining and positively engaging with a Developer's Forum. ECC has sought to highlight examples of where there are clear overlaps with other development but as programmes change, and more detail on the construction routes for the various garden communities and strategic sites are identified, it will be important to coordinate activity and Developers and Contractors to be flexible in response to changing circumstances.

12.10. ECC would recommend the following approach for the Developers Forum:

- The Developers Forum would be a regular monthly online meeting chaired by ECC with key members of the other NSIP Teams invited as well as other Strategic Site Teams, alongside relevant members of the Local Highway Authority and Planning Authority
- The Forum would be attended by National Grid as scheme promoter alongside their Main Contractor(s) constructing the scheme
- Assuming Norwich to Tilbury were to get planning consent, ECC anticipate the regular monthly online Highway Update meetings would take place as soon as consent was granted
- ECC anticipate at critical times where programmes overlap that there may be a need for more regular weekly or bi-weekly meetings for urgent discussions on collaboration

- ECC would request that the Applicant commits to funding the time spent by ECC in organising and chairing the meetings of the Developers Forum over the life of the construction period for Norwich to Tilbury.

12.11. ECC welcomes the Applicant's agreement to join and actively engage with a Developers Forum, subject to agreeing suitable terms of reference [REP7-089 paragraph 3.14.15], however the Applicant does not agree that this commitment should be secured in the DCO. ECC's reasons as to why this is necessary to address the cumulative impacts of the Project are at Appendix A item 13 of the SOCG [REP7-098]. ECC would respectfully request that the ExA considers a recommendation for this Forum to be established to properly monitor and manage the Norwich to Tilbury project alongside other proposals.

Construction hours

12.12. ECC is concerned about the impact of extensive construction hours on the communities surrounding the multiple projects taking place across Essex, especially within the Ardleigh area. There are also intra-project potential cumulative effects from extensive construction hours. As set out within the DCO section of this Closing Statement, ECC has put forward a reasonable and considered alternative wording for the proposed Construction Hours Requirement 7 (provided initially as part of its response to ExQ2 DCO 2.S10 [REP5-242]. Limiting works on Sundays and Bank Holidays is considered important to ensure there are opportunities for residents and communities to enjoy respite from construction activity especially in areas where there are or will be multiple projects and that this is secured through the DCO. Further detail on this point can be found at Development Consent Order section of this Closing Statement.

Landscape compensation

12.13. ECC has substantial concerns regarding the cumulative adverse landscape and visual effects, arising from the project during construction and long-term operational phases, which are accentuated by other NSIP projects such as Bramford to Twinsted, North Falls and Five Estuaries substations.

12.14. Whilst it may not be practicable to mitigate all visual impacts due to the scale of works and height of pylons, ECC would have expected to see all aspects of design more carefully considered by the Applicant to minimise the impacts, alongside financial compensation packages secured through the DCO. Further detail on this point can be found within the Landscape section of this Closing Statement

Noise protocol

- 12.15. ECC highlighted within its response to Examining Authority Written Questions DCO2.S3 [REP5-242] the importance of securing an agreed noise protocol to investigate any complaints arising from operational noise in the vicinity of the proposed EACN given the proximity of other infrastructure i.e. development associated with North Falls and Five Estuaries. At present, ECC considers the current proposed approach of operators taking it in turns to investigate a breach would lead to unacceptable delays for the residents exposed to the noise and still lacks a Joint Panel to collectively deal with the potential cumulative noise impact which fails to acknowledge there could be a scenario that more than 1 operator(s) may also contribute to the noise issues. This is not acceptable and better controls must be in place as set out in ECC's response. ECC request that this is made a Requirement in order that ECC, in conjunction with local authorities, can agree appropriate wording.
- 12.16. In this regard, it is noted in the North Falls DCO Requirement 17 was drafted as follows: "Prior to the commencement of operation, the undertaker will consult and agree with Five Estuaries and North Falls a noise investigation protocol to be submitted to and approved by the discharging authority. The noise investigation protocol must identify how the undertaken, Five Estuaries and north Falls will jointly investigate noise".

Skills and employment

- 12.17. ECC maintains that the scale and nature of the Norwich to Tilbury project, when considered alongside other concurrent infrastructure projects, could result in, disruption to the local economy. Potential effects could include increased pressure on local services and highways, and the displacement of existing business activity. This will be particular pertinent during the construction phase of the Norwich to Tilbury project.
- 12.18. ECC's concerns and requested mitigation are covered in detail within the Socioeconomics section of this Closing Statement.

Intra-project cumulative effects

- 12.19. ECC shares the ExA's concern in respect of the need to mitigate for intra-project cumulative effects (as well as inter-project cumulative effects). Intra-project cumulative effects, in certain locations, have the potential to be significant for local communities and businesses if not appropriately managed and mitigated. ECC thus supports a commitment in the outline CoCP equivalent to GG40 in the Sea Link examination, broadened to capture inter-project effects [REP6-147]. The Applicant's own adoption of such a commitment on Sea Link demonstrates that the approach here is insufficient.

13. Historic Environment - Archaeology

- 13.1. ECC has undertaken considerable engagement with the Applicant during the pre-application and Examination of this project and has provided extensive commentary on this topic. The agreed SoCG sets out the number of meetings on the topic [REP7-098] Part 3.7 of the SoCG [REP7-098] sets out the matters agreed with regards to Archaeology, however, ECC would wish to highlight that it considers the impact of the scheme on archaeological remains has only been partly assessed through non-intrusive and intrusive archaeological evaluation carried out prior to and throughout the determination period. Full evaluation of the areas where there is potential to impact archaeological and geoarchaeological remains has not been completed – this is flagged and details given at paragraph 3.7.10 of the SoCG. As a result, the impact on archaeological remains has not been established for the full extent of the scheme. Until full evaluation of the scheme is completed the nature, complexity and significance of the archaeological remains cannot be fully determined. Therefore, there is potential for archaeological and geoarchaeological remains of high significance to be impacted by the scheme.
- 13.2. The evaluation of the remainder of the scheme will be completed post determination and a scheme for the completion of the evaluation has been agreed through key control documents and requirement wording.
- 13.3. The key control documents relevant to archaeology and geoarchaeology (Outline Archaeological Management Strategy/Outline Written Scheme of Investigation) have been revised to facilitate a more comprehensive assessment of the known and, as yet, unknown archaeological and geoarchaeological deposits that may be present within the scheme. ECC Place Services has worked towards agreement of the AMS/OWSI documents and it is considered they are now sufficient to ensure the archaeological and geoarchaeological resource is adequately investigated and that appropriate mitigation should be achievable.
- 13.4. ECC would welcome consultation with Applicant's archaeological consultants on public outreach to ensure the main works WSI can demonstrate a commitment to delivering enhanced public understanding/benefit and legacy.

14. Historic Environment – Heritage Assets

- 14.1. The Applicant has engaged in discussion regarding built heritage matters and has reached agreement on a number of issues, as outlined the agreed SoCG [REP7-098]. Despite imbedded mitigation measures, ECC is concerned that the proposed works will result a notable impact on the setting of numerous listed buildings throughout Essex, including those of the highest significance (eg. Ingatestone Hall and the Church of St Giles, both

Grade I listed within the Brentwood district). However, it is acknowledged that in NPPF terminology this impact would be considered 'less than substantial harm' as the impacts are indirect. Similarly, whilst the EIA terminology and matrix of assessment used by the applicant is agreed, ECC remain concerned that there is the potential for the perception of individual impacts on the setting of listed buildings to be underappreciated as the EIA impact is a high bar to meet - ECC would like to stress that a 'not significant' impact does not mean no harm to the significance of a listed building through change to their setting.

- 14.2. During the Examination the assessment methodology and the adverse impacts on the setting and significance of a number of designated heritage assets (and the levels of less than substantial harm to their significance which is a Mid level at the Construction and Operation phase in some cases) identified by the Applicant in its ES have been agreed. Clarification has also been provided on the assessment of non-designated heritage assets, which had not been agreed prior to the examination.
- 14.3. ECC raised concerns regarding the potential for these impacts to worsen if the movement of pylons and overhead lines within the limits of deviation brought them closer to designated heritage assets and were concerned that only two listed buildings across the entire route of the development were included in the provisions in GG34 of 7.2 Outline Code of Construction Practice relating to this – ECC provided a list of the omitted but potentially affected listed buildings in Paragraph 5.3.9 of ECC's LIR [REP1-161]. Additional visualisations and clarification on the limits of deviation/ worst case scenario assessment have been provided regarding the limits of deviation. A limited number of revised 'worst case' viewpoint visualisations were produced by the Applicant which did not appear to show materially worse visual effects.
- 14.4. As part of the examination, clarification has been provided regarding how concerned residents living in listed buildings can contact the Applicant if they notice changes or damage to their home. Vibration effects during construction is a particular concern for residents, and this has been further clarified in document, 7.2 Outline Code of Construction Practice [REP4-164] and in the applicant's responses to First Written Questions [REP3-074] and agreed at section 3.7.14b of the SoCG [REP7-098].
- 14.5. Whilst concerns remain regarding the harm to significance identified by the Applicant, ECC is satisfied that the Applicants' approach to assessment and standard and embedded mitigation and their responses to questions and concerns raised have been robustly examined during the Examination and at the Issue Specific Hearings.
- 14.6. ECCs expects that the Applicant's heritage and landscape teams will work closely together if the permission is granted and the proposals implemented, as there are many instances where the setting of heritage assets will be affected by changes to the

surrounding landscape which forms part of their setting, such as the loss of the hedgerow and trees, for example. Details of the mitigation measures regarding this are included at section 3.7.14a of the SoCG [REP7-098].

15. Minerals and Waste

- 15.1. ECC in its role as the Minerals and Waste Planning Authority notes that it is for the Applicant and the site promoters of impacted Minerals Local Plan Review Candidate Sites to come to a routeing agreement that would not compromise the potential ability to work the site in the future and therefore allow the sites to remain as Candidate Sites through the Minerals Local Plan site selection process.
- 15.2. The MWPA accepts that these discussions are ongoing and is satisfied that the Applicant has worked proactively with the MWPA with regards to mineral safeguarding matters. This is reflected within the SoCG within part 3.5 [REP7-098].

16. Health and Wellbeing

- 16.1. ECC has engaged constructively with the Applicant on Health and Wellbeing. As recorded in the SoCG [REP7-098] at part 3.6, the matters specific to this topic are agreed. This includes:
- the assessment methodology and the Applicant's refreshed approach to health and wellbeing;
 - the review of the updated 2025 Indices of Multiple Deprivation, which the Applicant's evidence indicates does not materially alter the sensitivity findings or assessment conclusions; and:
 - the embedded, standard and additional mitigation relevant to health and wellbeing, including commitments to GC16 (complaints procedure), GC30 (community liaison) and GC36 (communications strategy), and the inclusion of a dedicated health and wellbeing section within the Outline Code of Construction Practice.
- 16.2. Health and wellbeing is a cross-cutting outcome that is shaped by effects assessed under a number of other topics, including landscape and visual amenity, Public Rights of Way and Active Travel, Green Infrastructure and access to open space, socio-economics and social value, and the effects of construction on amenity. ECC's position on those topics are set out in relevant sections of this closing statement.

17. Community Benefits

- 17.1. Whilst the Project would deliver significant benefits at a national level, ECC consider that this benefit would not offset the harm at the local level and local communities should be compensated appropriately.
- 17.2. ECC recognises the Community Benefit Fund is unrelated to the assessment of the DCO and welcomes the forthcoming opportunity to comment on the Applicants approach to the structure and operation of this fund.
- 17.3. ECC does however believe there should be some linkage between Community Benefits and the DCO possibly through a S111 agreement to commit the funds to the communities affected by the Project. At present there is nothing to prevent the Applicant from withdrawing or reducing the funds available for community benefits given the status of the guidance upon which they are based .
- 17.4. ECC is also disappointed that there is no spatial allocation of funds given the proportion of the project which traverses through Essex. Depending on the level of engagement by communities, there is a concern that a disproportionate amount could go to communities outside of Essex.
- 17.5. ECC will be making these representations in respect of the Applicant's Community Benefit Fund consultation.

18. Change Application

- 18.1. ECC acknowledges the proposed changes to the Order Limits associated with Change Request 2 (Little Bromley) to the submitted application for Development Consent as set out within the Regulation 7 Notice dated 8th April 2026.
- 18.2. Further to its letter of 15th May 2026 [RR-3882], ECC noted the conclusions of Document 9.12 Addendum to Environment Statement – Change Request 2 (Little Bromley) [CR2-016] that the proposed design change would not introduce new or different likely significant environmental effects compared to those reported in the ES [APP-123 to APP-287, AS-026 and AS-068] and that the proposed design change (either in isolation or in combination with Change Request 1: Bulphan) is unlikely to affect the overall assessment and conclusions with respect to the likely significant effects presented within the ES [APP-123 to APP-287, AS-026 and AS-068].

- 18.3. ECC can confirm it has no objection to this change request subject to measures to control surface water runoff being in place and any runoff is not pushed anywhere that would increase flood risk for the local residents or the highway.

19. Conclusion

- 19.1. In conclusion, ECC respectfully requests that the Examining Authority and Secretary of State give substantial weight to the evidence submitted throughout the Examination, including ECC's Relevant Representation, Local Impact Report, Written Representations, responses to Written Questions, Hearing submissions and the Statement of Common Ground. These documents consistently demonstrate that, whilst ECC recognises the national importance of reinforcing the electricity transmission network, significant concerns remain regarding the scale of harm that this proposal would impose on Essex's communities, landscapes, environment and planned growth locations.
- 19.2. ECC continues to maintain an in-principle strategic objection to a scheme predicated on 50m lattice pylons and overhead lines ("OHLs") along almost its entire onshore length, and questions whether the proposal represents the optimal solution or that the identified need requires delivery within the timescales advanced by the Applicant, when an integrated offshore or HVDC-led solution would minimise onshore infrastructure ([RR-1083]; LIR [REP1-161], section 4.2). ECC believes this would represent the best outcome for local communities and the wider Essex countryside. The national benefit of the Project must not be secured at the expense of the host communities, landscapes and planned growth of Essex.
- 19.3. In particular, ECC asks that the Examining Authority adopts ECC's suggestions regarding the drafting of the DCO, set out in Appendix A to this Closing Statement.
- 19.4. ECC has also sought to work proactively with the other host district and county council's to reach joint positions on matters where possible – demonstrating commonality on concerns around issues such as the Applicant's proposed construction hours. ECC has also sought work with the Applicant to resolve issues and agree mitigation where this has been possible. This is reflected in the signed SoCG [REP7-098].
- 19.5. ECC is committed to providing any further details as may be requested by the ExA or the Secretary of State in the determination of this application for development consent. ECC is also committed to ongoing engagement with the Applicant should this project receive development consent during detailed design, construction and operational stages of the project.

- 19.6. Overall, ECC's position is that the significant national benefits of the project do not remove the obligation to minimise, mitigate and compensate for the substantial local impacts that would be experienced across Essex.
- 19.7. ECC therefore respectfully requests that the Examining Authority fully reflects the concerns of the Council in its Recommendation Report to the Secretary of State to ensure mitigation, compensation, environmental enhancement and community benefits leave a meaningful and lasting positive legacy for the communities that will host this nationally significant infrastructure.

Appendix A on the revised draft DCO (REP7-064, Revision G)

Introduction

1. This is the third version of this document:
 - a. Version 1 was submitted at Deadline 3 [REP3-082] and addressed Revision B of the dDCO [REP2-004] in light of ECC's Comments in the LIR [REP1-161] and Deadline 2 Submissions [REP2-836];
 - b. A tracked changes Version 2 at Deadline 6 [REP6-147 pg 28ff] addressing Revision E. The tracks from that version show in BLUE below.

The changes in this version are shown in tracked changes.

2. ECC's main DCO drafting comments are concentrated in section 5 of the LIR (REP1-161), covering the Articles, Requirements, discharge of requirements, protective provisions and certified documents. Additional issues were raised in the earlier version of this document. Some of ECC's points have been picked up but many remain in issue. The updated table below picks up ECC's suggestions, addresses various of the Applicant's responses and sets out why the dDCO should still be amended to reflect ECC's suggestions.

REP 3-005 Draft dDCO Revision C

3. In Revision C of the dDCO, submitted at Deadline 3, the Applicant has picked up some further points of ECC's drafting comments, principally relating to:
 - a. conversion of various periods to "business day" equivalents in response to ExA Question DCO 1.A3 (although in most instances without extending the underlying period as ECC sought);
 - b. replacement of the phrase "former use" with "former condition" in Schedule 3 Requirement 10;
 - c. the addition of "following consultation with the relevant county planning authority and, if relevant, Historic England" in Schedule 3 Requirement 5 (Archaeology);
 - d. the addition of consultation with the relevant highway authority for the construction traffic management plan in Schedule 3 Requirement 4 and the

application of all approved plans to all stages of the authorised development; and

- e. the addition of a new sub-paragraph (2) to Schedule 3 Requirement 11 securing the external colour of certain Work No. 18(b) buildings.

- 4. The substantive content of the majority of ECC's outstanding points has not been addressed and the table below has been updated to reflect that position.
- 5. In REP 3-074 the Applicant responded to the ExA's questions on the drafting. ECC has provided its responses to the Applicant as part of the Statement of Common Ground negotiations, in the hope that an agreed position can be reached. On the time periods in Articles 11(3), 14(5), 17(2), 20(9), 49 and 50, ECC notes that agreement is unlikely. As flagged to the Applicant, its response in REP 3-074 raises similar issues on those articles, often with reference to the £7 million per day delay figure. This is a programme-wide figure for late energisation; it is not a credible justification for setting decision periods that, if missed, trigger deemed consent. The risk to the programme arising from a 35-day or 42-day decision period is materially less than the risk to environmental outcomes arising from deemed consent on inadequate review.

REP5-061 Draft dDCO Final Issue E

- 6. The Applicant has taken up a limited number of further points since Revision C, principally:
 - a. the addition of Requirement 15 (Employment and Skills Plan) and its certification, although issues remain with the wording;
 - b. a new Schedule 4 'requirement consultee' notification and consultation mechanism; and
 - c. a substantial restructuring of Requirement 5 (Archaeology).

The substantive majority of ECC's outstanding points – including the absence of a CEMP, the 'submission not approval' of stage schemes (Requirement 3), the retained decision / deemed-consent periods, the pre-commencement operations definition, the limits of deviation, and decommissioning – remain unaddressed.

Three further matters now arise from the ExA's Rule 17 letter of 30 June 2026 and are added as new rows at the foot of this table.

REP7-064 Draft dDCO Revision G

7. The Applicant has taken up a further limited number of points since Revision E, principally:
 - a. restructuring Requirement 5 (Archaeology), including the reduction of the period in Requirement 5(6)(b) from two years to one year and the securing of the detailed written schemes of investigation for mitigation areas;
 - b. the amendment of Requirement 9(8) so that the off-site planting delivery scheme must be approved by the relevant planning authority; and
 - c. the amendment of Requirement 15 so that the employment and skills plan must be approved by, and not merely submitted to, the relevant county planning authority and Thurrock Council.
8. The substantial majority of ECC's outstanding points nonetheless remains unaddressed, including the pre-commencement operations definition, the absence of a CEMP, the whole of Requirement 7 (construction hours), the limits of deviation, all of the retained decision and deemed consent periods, the Register of Requirements, the definition of "near" in articles 50 and 51, Schedule 16 Part 3 and almost all of Schedule 4. The Explanatory Memorandum (Revision G) [REP7-067] for the most part does not engage with ECC's arguments – it names ECC once only, in relation to a request the Applicant granted.
9. Revision G also introduces significant new material, in particular a new Article 63 and Schedule 20 (landscape compensation, offsetting and enhancement), which ECC agrees are necessary to make the development acceptable in planning terms (see row 22). There is also no reason in law or policy why landscape compensatory measures should sit outside the mitigation hierarchy or be incapable of meeting the necessity test.

10. Revision F [REP6-031] introduced drafting referring to the DESNZ discharge unit, which Revision G expands. This is addressed below in new Row 20.
11. Revision G also rewrites Schedule 16 Part 4 (protection of the highway authorities). ECC, SCC and NCC (as LHAs) agreed draft protective provisions for this Part and provided them to the Applicant on 3 July 2026 . Revision G is derived from that draft and adopts the structure and some of the LHAs' agreed approach, but also diverges in important ways from the substance of what was put forward. That divergence is not justified and the LHAs' agreed approach should be adopted.
12. Finally, Revision G adds new deemed consent provisions in Article 12(2)(e) and (f) which are adverse to ECC as highway authority and so are opposed.

	ECC recommendation	Source	Status in current draft	Where picked up / should be added <u>and Notes</u>
1.	Use “day” / “business day” / “working day” consistently, with periods of 7 days or less expressed as business days Use “business days” in Schedule 3	REP1-161	Picked up	Revision C update: the Applicant has now converted a substantial number of provisions to “business days”, including: Articles 11(3) (28 to 25 business days), 14(5), 16(8), 17(2), 20(9), 22(8), 27(4), 28(4), 35(2), 49(10) and 50(5) (Ref 12 in the Schedule of Changes); Article 21(5) (14 to 10 business days); Article 23 (56 to 40 business days); Article 49(4) (7 to 5 business days); Article 56(3)(b) (21 to 15 business days); Schedule 3 Requirements 3(1) (7 to 5 business days) and 3(4) (28 to 25 business days); and Schedule 4 paragraph 2 (5 days to 5 business days; 21 days to 15 business days). <u>Revision G update: consistency of expression is now largely achieved across the Order, but the underlying periods have not been extended as ECC sought. Two residual inconsistencies arise in the rewritten Schedule 16 Part 4: paragraph 6 refers to “10 working days”, and paragraphs 7 and 19(5) use the capitalised form “Business Days”, against “business days” used throughout the remainder of the Order. Both should be conformed.</u>
2.	Article 2: Narrow the definition of pre-commencement operations so extensive compound/laydown/ bell-mouth works cannot proceed without proper control, or add a materially new/materially different effects safeguard	REP1-161	Not picked up	Article 2 still includes substantial compound/set-up works within pre-commencement operations. At the very least, the establishment of construction compounds should be removed. The suggested tailpiece should be added: “<i>excluding those operations which the relevant planning authority considers give rise to a materially new or different environmental effect beyond that considered in the Environmental Statement as notified to the Undertaker by the relevant planning authority.</i>” Revision E update: Not picked up in Revision E. The Article 2 definition of ‘pre-commencement operations’ still expressly

				includes 'set up works associated with the establishment of construction compounds and temporary laydown areas', and no materially new / materially different environmental effects safeguard has been added. ECC's point remains outstanding. <u>Revision G update: Still not picked up.</u>
3.	Article 2: Include listed building surveys within pre-commencement operations	REP1-161	Picked up	Article 2 definition of "pre-commencement operations"
4.	Create a central repository / up-to-date public environmental information source	REP1-161	Not picked up	A new provision should be included <u>Revision G update: still not picked up. The Applicant may rely on article 60(5), which requires certified documents to be made available electronically for public inspection. That does not answer ECC's point, which is that the Order should secure a single, up-to-date source and should address the position of host authorities during the discharge of requirements, when the operative documents are the approved plans rather than the certified outline documents. See also row 50 below on Schedule 19.</u>
5.	Articles 2 and 4: Qualify "maintain" so maintenance works cannot give rise to materially new/materially different environmental effects without control	REP1-161	Not —Partially picked up	ECC's suggested additional wording in REP1-161 §5.2.11 to give control to the relevant local planning authority has not been added, nor has Article 4 been amended to incorporate any mechanism for addressing materially new or different environmental effects from those assessed in the ES. The Applicant's statutory duty to maintain a safe and efficient transmission network is obviously no answer to this as it would be a reason not to include any safeguards in the DCO.

				Revision C update: Article 4 (Maintenance of authorised development) has been amended in Revision C (Ref 5 of the Schedule of Changes), but only to give UKOP authority to maintain the new Work No. 17A (UKOP protective works), rather than to qualify the meaning of “maintain” as ECC has sought. Article 2 has not been amended in Revision C in any way relevant to ECC’s point. ECC’s substantive concern therefore remains. <u>Revision G update: partially picked up. The article 2 definition of “maintain” now provides that such works must not give rise to any materially new or materially different environmental effects to those identified in the environmental statement. The Applicant has, however, adopted the proviso while omitting the words ECC sought at LIR §5.2.11 [REP1-161], namely “in the opinion of the local planning authority”. The result is a self-assessed restriction: the undertaker determines whether its own maintenance works cross the threshold, and no third party has any role. The Explanatory Memorandum ([REP7-067] §17) describes the proviso as though it were a restriction the Applicant had volunteered, and neither records nor answers ECC’s drafting concerning local authority control.</u> <u>The point is reinforced by article 2(10), which excludes from the concept of a “materially new” or “materially different environmental effect” the avoidance, removal or reduction of an adverse effect, or the increase of an assessed positive effect. That, too, is self-assessed. A power exercised over the entire operational life of a 180km transmission line, unlimited in time, requires a determination mechanism. The Applicant’s answer [REP7-067] under article 4 – that adding “an additional layer of control increases the likelihood of confusion and uncertainty surrounding enforceability of two statutory regimes” – is a non sequitur: ECC does not seek to duplicate the transmission licence</u>
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				<u>obligation, but to secure a mechanism for determining whether particular works fall within the consented envelope. The licence regime answers neither question.</u>
6.	Article 2: Define omitted outline management plans (for example CEMP, noise and vibration, dust) Also Schedule 3 Requirement 4 re lack of CEMP Article 48 Defence to proceedings in respect of statutory nuisance	REP1-161 Note CEMP also raised by Chelmsford	Not picked up	The Applicant relies on the reference in Schedule 3 Requirement 4 to the Code of Construction Practice, to which various documents are appended that it states include all the information typically found in a CEMP (REP2-030 pg 151). ECC reiterates it is not clear that the proposed Code of Construction Practice (<u>even with daughter documents</u>) will provide the same sorts of protections as a CEMP. In order to avoid a chase through documents to identify the environmental controls on construction, which are key to the acceptability of the project, a CEMP should be required and secured in Requirement 4 (the B2T DCO requires such a plan.). The other plans could easily be referred to explicitly. The need for a separate Noise and Vibration Management Plan is also justified by the extent of the Article 48 defence. Revision C update: Schedule 3 Requirement 4 has been amended in Revision C (Ref 33 of the Schedule of Changes) to add consultation with the relevant highway authority on the construction traffic management plan, and to make the requirement to comply with approved plans apply to all stages of the authorised development. However, no CEMP, Noise and Vibration Management Plan or Dust Plan has been added to Article 2 or Requirement 4. ECC's substantive point therefore remains.

				<u>Revision G update: still not picked up: no CEMP, Noise and Vibration Management Plan or Dust Management Plan is named or secured.</u> <u>The Applicant’s justification at Requirement 4 of the Explanatory Memorandum [REP7-067] is that the structure provides “a coherent, enforceable framework” avoiding “unnecessary duplication”, and that it is consistent with PINS Advice Note 15. ECC makes three points. First, the Applicant expressly acknowledges that this approach “differs from the approach taken on the National Grid (Bramford to Twinstead Reinforcement) Order 2024”, a precedent on which it relies throughout the Explanatory Memorandum, and the immediately adjoining scheme in the same corridor. It does not say that Bramford to Twinstead was wrong, or that circumstances differ. Second, naming a CEMP duplicates nothing; it identifies, as an approved and enforceable document, controls which presently sit in appendices to an outline document. Third, Advice Note 15 contemplates proportionality in requirement drafting; it does not endorse the location of mitigation in appendices.</u> <u>The Article 48 point is strengthened, not weakened, at Revision G. Article 48(1)(a)(ii) and (2) now expressly cross-refer to the code of construction practice, the construction traffic management plan and Requirement 14. The statutory nuisance defence therefore attaches to documents which are neither a CEMP nor a Noise and Vibration Management Plan. The Explanatory Memorandum offers only that the provision is appropriate to ensure that nuisance claims are considered in the context that the effects of the Project “will have to been found to be acceptable on the terms of the Order and its Requirements” [REP7-067]. That reasoning assumes its conclusion.</u>
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7.	Article 2: Define “provisional advance authorisation”	REP1-161	Picked up	Article 2
8.	Article 3(1): make clear authorised development is to be carried out within the Order limits	REP1-161	Not picked up	The Applicant stated in REP2-023 of 289 that Article 3(7) makes clear that the authorised development must be constructed and installed in the lines and situations shown on the 2.3 Works Plans [APP-017 – APP-024], subject to article 5 (limits of deviation) and to the Requirements, so the Applicant does not consider any further clarification is required. The amendment prevents this kind of chase, and follows the drafting of previous DCOs (B2T; Yorkshire Green Energy). The amendment should be made. <u>Revision G update: not picked up. The Applicant’s answer now sits at article 3(8) rather than article 3(7), following renumbering; ECC’s point is unaffected by the renumbering.</u>
9.	Article 3(6): add a mechanism for assessing and controlling materially new/materially different environmental effects	REP1-161	<u>Partially</u> picked up	<u>Revision G update: Requirement 1(4) provides that any approval or agreement under a requirement may only be given where it has been demonstrated to the satisfaction of the relevant highway authority or the relevant planning authority that the subject matter of the approval or agreement sought will not give rise to any materially new or materially different environmental effects from those identified in the Environmental Statement. Schedule 4 paragraph 1(5) further disapplies deemed approval where the application is accompanied by a report considering such effects likely. ECC notes that this is a partial answer only: the mechanism bites on approvals under requirements, and not on the article 3 itself.</u>

				The Applicant has noted ECC's point on article 3(6) and will review and consider whether this can be included in a revised dDCO to be submitted at Deadline 3 (REP2-030 pg 152)
10.	Article 4 / general DCO drafting should contain an in-principle obligation to decommission obsolete works	REP1-161	Not picked up	There is a decommissioning requirement in Schedule 3, but not the broader in-principle Article-level obligation ECC sought. That still belongs in Article 4 and/or a strengthened Requirement 13. The Applicant's response (REP2-030 pg 153), that as a transmission licence holder, it has statutory duties to maintain its apparatus in order to ensure a safe, effective and efficient electricity transmission system, is no answer to the DCO to specify an obligation to decommission obsolete works.
11.	Define "lines or situations" in Article 5	REP1-161	Not picked up	This still needs definition in Article 5 / Article 2.
12.	Article 5: Tighten limits of deviation, especially pylon height, underground cable depth and sensitive area controls; require prior approval where exceeded	REP1-161	Not picked up	This still needs amendment in Article 5. The Applicant has not engaged with ECC's reasoning and just asserted that the justification is sufficient (REP2-030 pg 153), while repeating (at pg 144) the same justification given in the Explanatory Memorandum, which ECC explained in the LIR was not sufficient. The Applicant has not engaged at all with the detailed information and list of designated heritage assets at LIR §5.3.9 (REP1-161). <u>Revision G update: still not picked up, and the limits have been widened. New article 5(6) permits deviation in connection with UKPN temporary diversions, and article 5(1)(d)(i) now excepts link pillars, chambers and substations from the 0.9m minimum depth of cover. Neither change is explained in the Explanatory Memorandum as a response to any consultee point [REP7-067]. The 6m vertical upward deviation is retained and justified solely</u>

				by reference to the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024; the Applicant has still not explained why a Yorkshire scheme is a better comparator than Bramford to Twinstead when the issue is the effect of deviation on Essex heritage assets. The designated heritage assets tabulated at §5.3.9 of the Local Impact Report, and the point at §5.3.10 that assets presently assessed at Low Less Than Substantial Harm may move to Mid, remain entirely unanswered.
13.	Clarify Article 11(2) process for works outside the Order limits	REP1-161	Explanation given in REP2-030	The Applicant's explanation, in REP2-030 pg 156 is: "Where that scenario occurs, the Applicant's expectation is that planning permission (and indeed any further ancillary consents) will be required where works to be undertaken within any part of the highway outside of the Order limits comprise development within the meaning of Section 55 of the Town and Country Planning Act 1990. However, it would not be appropriate for the draft Development Consent Order to attempt to address all such eventualities (especially those which are already controlled as a matter of general planning law) and, particularly, to prescribe steps to be taken in respect of operations outside of the Order limits."
14.	Article 11(3): extend deemed consent / decision period from 28 to 35 days Article 14(5): extend period from 28 to 35 days Article 17(2): extend period from 28 to 35 days	REP1-161 & REP2-036	Not picked up	There is a clear difference of view between ECC and the Applicant on various time periods being extended, based on ECC's experience with other DCOs. The ExA will need to take a view on which approach is better. Revision G update: not picked up. All of articles 11(3), 14(5) and 17(2) remain at 25 business days. A key part of the Applicant's justification at §§29 to 34 of the Explanatory Memorandum is that 25 business days provides a "business day" equivalent to the 35 day period on Bramford to Twinstead [REP7-067]. This is

				<u>precisely ECC's point – its experience in discharging requirements (including in relation to Bramford to Twinstead) is that has proved challenging and led to repeated extension requests. On proportionality, this supports the requested change because the consequence of a missed deadline is not delay (the harm relied on by the Applicant) but rather an irreversible deemed consent on the terms sought.</u>
15.	Article 20(9): increase period to 42 days for discharge of water consents Article 49: extend TRO deemed consent periods to 42 days Article 50: extend felling/lopping deemed consent period to 42 days	REP1-161 & REP2-036	Not picked up	There is a clear difference of view between ECC and the Applicant on various time periods being extended, based on ECC's experience with other DCOs. The ExA will need to take a view on which approach is better. <u>Revision G update: not picked up; the Applicant's justification, and ECC's response, are the same as in the row above (row 14).</u>
16.	Articles 12 and 16: TTRO/temporary closure periods too short; should reflect permit/PAA timing, specify closure duration, and revise bridleway diversion drafting	REP1-161 & REP2-036	Not picked up	Still needs amendment in Articles 12 and 16 so that TTRO timing/process is expressly aligned with the permit/PAA regime. The Applicant has "acknowledged" ECC's position, but still asserts there is no reason for a longer time period than 28 days (REP2.030 pg 156). ECC's response is given in its Deadline 3 Responses. Revision C update: Article 12(8) has been amended (Ref 12 of the Schedule of Changes) in response to DCO 1.A21 to clarify the position where the undertaker uses more than one appeal mechanism, but the underlying TTRO/PAA timing concern raised by ECC has not been addressed. Article 16(8) has been converted to business days only. ECC's substantive points remain.

				Revision G update: not picked up, and materially worsened. New article 12(2)(e) deems a permit granted on the terms applied for where the highway authority does not communicate its decision within the lesser of the period set out in the permit scheme or 20 business days, and new article 12(2)(f) provides that the timings for decision-making set out in the Order take precedence over inconsistent permit scheme timings. This is the opposite of the alignment with the permit scheme which ECC sought at §§5.4.3 to 5.4.5 of the LIR [REP1-161]. It is addressed in row 54 below.
17.	Article 18: make clear undertaker maintains non-adopted highway works until removal/restoration, and address shared infrastructure / collaboration arrangements	REP1-161	Not picked up	ECC's Deadline 3 Response gives its response to the Applicant's reasons for not making the amendments. Revision G update: not picked up. The Applicant's answer in the Explanatory Memorandum [REP7-067] – that it remains open to the parties to enter an agreement under article 19 – leaves ECC's position dependent on the Applicant's willingness to agree, which is the deficiency ECC identified. The point at LIR §5.4.12 concerning multiple DCOs using the same infrastructure, and the request for evidence of a collaboration agreement, receives no response at all.
18.	Articles 50 and 51: powers over vegetation are too wide; define "near" and "affected vegetation" or specify parameters	REP1-161	Not picked up	Articles 50 and 51 and any linked plans/definitions need to be amended. Revision G update: not picked up. "Near" and "affected vegetation" remain undefined. The Explanatory Memorandum acknowledges that the inclusion of trees "near" the Order limits is "a slight departure from article 48 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024 to account for any necessary works to roots that extend into the Order limits from outside". That justification defeats the drafting: if the

				<u>purpose is to reach root systems extending into the Order limits, the provision should say so. As drafted the power is unbounded and extends to felling, lopping, pruning, cutting, trimming, coppicing, pollarding and reduction in height or width of any tree, shrub, shrubbery, hedgerow or important hedgerow. ECC's alternative at LIR §5.6.5 – removal of “near” or its definition by reference to a specified distance, with prior notice to the relevant planning authority – meets the Applicant's stated purpose exactly and is not addressed.</u> <u>ECC notes that the Applicant has conceded protections for ancient and veteran trees at articles 50(11) and 51(6), and that the Explanatory Memorandum attributes those amendments to questions from the panel at Issue Specific Hearing 3 rather than to any host authority representation.</u>
19.	Article 51: require advance notice and allow reasonable conditions	REP1-161	Not picked up	This should be added to Article 51.
20.	<u>Articles 55 and 55A: the DESNZ unit and discharging of requirements</u>	<u>REP6-147; Suffolk CC</u> <u>REP6-166</u>	<u>Not picked up</u>	<u>ECC agrees that provision should be made for the future involvement of the proposed DESNZ Requirement Discharging Unit, but disagrees with the approach taken by the Applicant in Revisions F and G. ECC supports the wording jointly agreed by the Host Local Authorities for insertion of a new Article 55A, modelled on section 77 of the Town and Country Planning Act 1990. This should be an article, rather than in the schedules, because articles carry the substantive legal provisions.</u> <u>As a fallback position, if the ExA prefers all discharge to go to the DESNZ unit (once it is operational), ECC supports SCC's suggestion of the use of regulation 23 of the A122 Lower Thames Crossing DCO 2025 as a precedent.</u>

21.	Article 56(3)(b): 21-day period should begin five business days after notice, not two	REP1-161	Not picked up	Article 56(3)(b) should be amended. The Applicant does not engage with ECC's point on adequate time being needed for all parties engaged in the process (REP2-030 pg 161) Revision C update: Article 56(3)(b) has been amended (Ref 24 of the Schedule of Changes) to convert the 21 days into 15 business days in response to DCO 1.A3, but the "two business days after notice" trigger point that ECC asked to be extended to five business days has NOT been amended. ECC's point therefore remains.
22.	Article 63 and Schedule 20 (landscape compensation, offsetting and enhancement)	SCC REP6-166	New matter arising at Revision G	Revision G introduces a new article 63 and Schedule 20, under which the undertaker must pay an indexed financial contribution to the relevant local planning authority before commencing the authorised development within each landscape compensation, offsetting and enhancement area. ECC supports the inclusion of these provisions and is aligned with Suffolk County Council's position on the drafting and its justification.
23.	Schedule 3: Add a Register of Requirements	REP1-161	Not picked up	This would need a new Schedule 3 requirement.
24.	Schedule 3 definition of "reinstatement planting" should distinguish replacement planting from mitigation/compensation planting	REP1-161	Not picked up	Requirement 1 definition still rolls these concepts together. The Applicant states (RAP2-030 pg 162) that the terms are explained in the Outline Landscape and Ecological Management Plan, but it is not clear that is so. AS-046 defines "compensation" and "landscape compensation" and "landscape mitigation". To avoid chasing through the document, it would be sensible to include definitions in Schedule 3.

25.	Schedule 3 Requirement 3: stage submissions should be for approval, not merely notification	REP1-161	Not picked up	The Applicant resists this on the basis of potential delay, specialist technical considerations and tight programming constraints (REP2-030 pg 163). The relevant LPA will have the technical ability to engage (hence the requirement to notify); the Applicant does not answer ECC's point on the need for approval given the potential for cumulative impacts arising from the project. Revision E update: Not picked up in Revision E. Requirement 3(2) still requires the written scheme setting out all stages only to be submitted to the relevant planning authority, not approved. This is reinforced by the ExA's R17 letter (Q1(a) – management plans to be approved; and Q1(b) – securing mitigation of intra-project cumulative effects): without an approval gate there is no mechanism requiring assessment of the combined effect of concurrent activities across stages on a common receptor. ECC's point is strengthened, not resolved. Revision G update: <u>not picked up. Requirement 3(2) continues to require submission of the written scheme of stages, not approval.</u>
26.	Schedule 3 Requirement 3(a): clarify how far in advance any revisions to the written scheme should be submitted to the relevant planning authority	REP1-161	Not picked up	The only reason given by the Applicant is drafting in other DCOs. ECC considers it would be a helpful clarification in this dDCO.
27.	Schedule 3 Requirement 4: broaden consultation, require written agreements, and record amendments	REP1-161	Partially picked up	It is helpful that the Applicant confirmed Requirement 1(2) applies to ensure written agreement is required. The other suggested amendments should be made, as references in other documents or other parts of the dDCO do not address the points raised.

				Revision C update: Requirement 4 has been amended (Ref 33 of the Schedule of Changes) so that (i) consultation with the “relevant highway authority” is required for the construction traffic management plan; (ii) “in consultation with” has been replaced by “following consultation with” (a clarification that the relevant planning authority makes the decision following consultation rather than the consultee); and (iii) the requirement to carry out works in accordance with the approved plans now applies to all stages of the authorised development (rather than just construction works), thereby better securing commitments and mitigation measures. These changes go some way toward broadening consultation and tightening procedure but do not create a CEMP, do not capture all of ECC’s requested amendments and do not specifically secure ECC’s point on recording amendments. Revision E update: Requirement 4 remains as at Revision C in this respect. No Construction Environmental Management Plan, Noise and Vibration Management Plan or Dust Management Plan has been added to Article 2 or Requirement 4 in Revision E, and the outline Code of Construction Practice remains the only vehicle. ECC’s substantive point – and the related intra-project cumulative effects point now raised by the ExA at R17 Q1(b) – therefore remains outstanding. Revision G update: <u>no further amendment since Revision C. ECC’s outstanding points on broadened consultation and the recording of amendments remain.</u>
28.	Schedule 3 Requirement 5: archaeology drafting should better secure trenching/post-	REP1-161; <u>REP6-147:</u>	<u>Partially</u> picked up	Revision E update: Substantially picked up. Requirement 5 has been restructured in Revision E to secure a written scheme of investigation for evaluation works, preservation in situ management plans, a site-specific post-excavation assessment,

	excavation programme and timings	SCC REP6-167		an archaeological updated project design and archive deposition – broadly adopting the AS-090 drafting. Commentary raised within ECC Deadline 6 letter. Revision G update: Requirement 5 has gone through a number of iterations and ECC identified concerns that the wording has become confusing and stopped reflecting ECC’s proposal for a distinction between the undertaking of the archaeological evaluation works and the subsequent mitigation works. ECC supports adoption of the wording provided by Suffolk CC in REP6-167.
29.	Schedule 3 Requirement 6: design/layout drafting should give the host authority stronger control over departures from “general accordancy”	REP1-161	Not picked up	The need for the proposed changes is not countered by ensuring flexible design or by the ES having considered the limits of deviation (REP2-030 pg 164). Revision G update: not picked up. ECC draws attention to an inconsistency between the Order and the Applicant’s own explanation of it. The Explanatory Memorandum [REP7-067]states that Requirement 6 “is reasonable because it allows for minor variations to the design and layout where these do not give rise to materially new or different environmental effects <i>and where agreed with the planning authority</i>”. Requirement 6(2) contains no such gateway: the “general accordancy” judgement rests with the undertaker. ECC’s request at LIR §5.7.3 was for precisely the control the Explanatory Memorandum describes. The drafting should match the Applicant’s own explanation. ECC’s substantive point at LIR §5.7.2 – that the Environmental Statement generally assumes pylons at the midline of the limits of deviation, so that a pylon may be moved closer to a receptor and simultaneously raised without leaving “general accordancy” – is not addressed.

30.	Schedule 3 Requirement 7: no working on Sundays/bank holidays; change “HGV deliveries” to “HGV movements”; add communication/engagement controls	REP1-161	Not picked up	Requirement 7 still permits Sunday/bank holiday working in some cases and does not adopt ECC’s broader wording changes.
31.	Schedule 3 Requirement 7 Construction: no working on Sundays/bank holidays; change “HGV deliveries” to “HGV movements”; add communication/engagement controls	REP1-161 Note seven other LIRs rais concerns with this requirement	Not picked up	The Applicant addresses this requirement in REP2-030 from paragraph 3.18.17ff. On the hours, the Applicant’s response is that they give a maximum, which will not be used. That is not a good reason to allow them always to be used. The communication/engagement controls in the Outline Code of Construction Practice could be cross-referred to in the requirement. The control of HGV movements by the Outline Code of Construction Practice does not obviously answer the recommendation to amend “HGV deliveries” to “HGV movements”. <u>Revision G update: not picked up. There has been extensive discussion about construction hours but no agreement reached; ECC and the other local authorities still support exclusion of Sunday and Bank Holiday working. ECC’s Closing Submission addresses this in detail.</u>
32.	Schedule 3 Requirement 7, remove “percussive” from piling works outside of specified hours	REP1-161	Not yet picked up	<u>Revision G update: not picked up. “Percussive” is retained at Requirement 7(2), notwithstanding the Applicant’s earlier indication that it was considering the request.</u> <u>The Applicant has indicated it is considering this request and will provide a response at a future deadline (paragraph 3.18.29).</u>

33.	Schedule 3 Requirement 7(4): variety of detailed drafting suggestions	REP1-161	Not picked up	No clear reasons given for refusing to make the amendments. <u>Revision G update: not picked up. None of ECC's detailed drafting suggestions in relation to Requirement 7(4) has been adopted, including the wording derived from Bramford to Twinstead on works delayed by severe weather (LIR §5.7.13) and engagement with the local highway authority on abnormal indivisible load movements (§.7.14). ECC further notes that the Applicant's justification for start-up and close-down activities is that they "do not typically involve the operation of heavy machinery, require HGV deliveries, or generate significant noise, dust, or vibration" [REP7-067]. If that is correct, ECC's proposed 50dBA LOAEL limit at the nearest noise sensitive receptors (LIR §5.7.11, drawn from Bramford to Twinstead) is readily achievable. Its refusal is unexplained.</u>
34.	Schedule 3 Requirement 9: five year management for replacement planting outside of Environmental Areas	REP1-161	Not picked up	A longer period is justified, despite the Applicant's commitment to the five year period being adaptive (though no drafting to capture this is proposed). These issues are addressed in detail in ECC's Deadline 3 Response. <u>Revision G update: not picked up. Requirement 9(8) requires the off-site planting delivery scheme to be approved by the relevant planning authority rather than merely submitted to it, which is an improvement, but the 10 year maintenance period is not picked up. It is necessary climate adaptation (this is further addressed in ECC's Closing Statement).</u>
35.	Schedule 3 Requirement 10: clarity around the phrase "former use" and reinstatement of land within 10m of underground cables	REP1-161	Partially picked up in Revision C ("former use" point only)	The Applicant will consider ECC's proposed drafting in the revision of the draft Development Consent Order to be submitted at Deadline 3. Revision C update: Requirement 10 has been amended (Ref 36 of the Schedule of Changes) to replace the phrase "former use" with

				“former condition”, picking up ECC’s drafting concern about the meaning of that phrase. ECC’s separate point on reinstatement of land within 10 metres of underground cables (Requirement 10(2)) has not however been amended in Revision C. Revision E update: Position unchanged in Revision E. Requirement 10 retains ‘former condition’, but Requirement 10(2) still disapples the reinstatement obligation for land above or within 10 metres of underground cables installed as part of the authorised development. ECC’s reinstatement point therefore remains outstanding. Revision G update: <u>no further amendment. Requirement 10(2) is unchanged, and ECC’s point on reinstatement of land within 10 metres of underground cables remains outstanding.</u>
36.	Schedule 3 Requirement 13 - strengthen decommissioning/restoration detail	REP1-161	Not picked up	No clarity given. Revision C update: Requirement 13 has been amended (Ref 38 of the Schedule of Changes) only to replace “in consultation with” the relevant highway authority with “following consultation with”. The Applicant has not strengthened the substantive decommissioning/restoration detail. ECC’s point therefore remains.
37.	Schedule 3: a design requirement should be added so the EACN/substation design aligns with the Joint Substations Design Guide and the same approach/colour palette as North Falls and Five Estuaries	REP2-036 §3.36	Not picked up	Requirements 11 and 12 could include an express commitment to the Joint Substations Design Guide or co-ordination with the neighbouring projects. Revision C update: a new sub-paragraph (2) has been added to <u>(then)</u> Requirement 11 (Ref 37 of the Schedule of Changes) requiring the external colour of the gas insulated switchgear building and gas insulated hall annexe forming part of Work No. 18(b) to be maintained in accordance with details approved by the relevant planning authority (in response to ExA Question

				DCO 1.S3). This is a useful but limited step. ECC's point on alignment with the Joint Substations Design Guide and co-ordination with North Falls and Five Estuaries has not been picked up. <u>Revision G update: not picked up. The relevant requirement is now Requirement 12 (design of permanent buildings and link pillars) rather than Requirement 11; it has been restructured so that colour and materials finish are approved for all listed permanent buildings, including the Tilbury North gas insulated switchgear building and hall annexe. No express commitment to the Joint Substations Design Guide or to a common colour palette with North Falls and Five Estuaries has been added.</u> <u>ECC supports the further point advanced by Suffolk County Council [REP7-573] that Requirement 12(4) should include planting proposals to assist the integration of link pillars into the landscape.</u>
38.	Schedule 3: Add further requirements for Developer's Forum / similar implementation governance	REP1-161 Also raised by South Norfolk DC; Tendring DC & Colchester CC	Not yet picked up	The Applicant has committed to joining and engaging with the Developer's Forum but has not yet proposed a new requirement. <u>Revision G update: not picked up. No requirement providing for a Developer's Forum or equivalent implementation governance has been added to Schedule 3.</u>
39.	Schedule 3: Add Employment, Education, Skills Strategy or an Employment and Skills Fund	REP1-161; REP2-036; <u>REP5-242</u>	<u>Partially</u> picked up	The Applicant has committed to preparing and submitting an Employment and Skills Plan and will consider the drafting of this

	(now Requirement 15)	REP6-147	requirement and add the wording into the Draft DCO in due course. Revision E update: Now partially picked up. Revision E adds Requirement 15 (Employment and Skills Plan) and lists the Outline Employment and Skills Plan (document 8.13) as a certified document. However, Requirement 15 requires the ESP only to be submitted (to the relevant county planning authority and Thurrock Council), not approved, and applies a ‘general accordance’ test with no measurable secured commitments. This is not sufficient. The relevant county planning authority and Thurrock Council should approve the ESP. The outline ESP should contain secured, measurable commitments (apprenticeships, % local labour, SME/supply-chain engagement) responsive to R17 Q2(a). Revision G update: <u>a further key amendment has been made - Requirement 15(1) requires the employment and skills plan to be submitted to and approved by the relevant county planning authority and Thurrock Council, and Requirement 15(2) requires the authorised development to be carried out in general accordance with the plan as approved. Consequential amendments have been made to Requirement 1(6)(b)(ii) and Schedule 4 paragraph 1(1)(a)(ii)(bb) to accommodate the DESNZ unit standing in for the relevant county planning authority.</u> <u>Two matters remain. First, the requirement is silent on timing. ECC’s recommendation is that the plan be submitted six months before commencement of any stage, to allow sufficient time for planning, coordination and mobilisation of local supply chains and skills provision. Second, the tests “substantially in accordance with” and “general accordance” remain. ECC adopts</u>
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				<u>and supports the position of Suffolk County Council that approval should be contingent on the authority being satisfied that the plan is supported by a robust, phase-specific assessment of workforce and supply chain demand and aligns with established governance structures, including the Regional Skills Coordination Function [REP7-573].</u>
40.	Schedule 3: Add Supply Chain Strategy requirement	REP1-161	Not picked up	The Applicant has referred to its delivery partner, the Great Grid Partnership (REP2-030 paragraph 3.18.56), but has not engaged on the need for a Supply chain strategy or a new requirement. Revision G update: <u>still not picked. ECC's request at LIR §5.7.25 was for a combined employment, education, skills and supply chain strategy. The Applicant has delivered the first three limbs through Requirement 15 and omitted the fourth. Given that Requirement 15 now exists and is subject to approval, the simplest course is to extend it rather than to seek a separate requirement. ECC therefore proposes that Requirement 15(1) be amended to refer to an "employment, skills and supply chain plan", and that the outline document be updated accordingly to address supply chain capacity in light of the other nationally significant infrastructure projects in the vicinity</u>
41.	Schedule 3: Add health and wellbeing, and mental health, mitigation plans/strategies / inclusive communication related requirements	REP1-161 Also raised by Tendring DC	Not picked up	The Applicant effectively contends that no health and wellbeing significant effects are identified in the ES so no requirement(s) are needed. ECC contends for the reasons in the LIR that the current management plans are deficient and that mitigation plans are required.
42.	Schedule 3: the Drainage Strategy (REP1-072) has been submitted. It should be secured	REP2-036	Not yet picked up	May fit in Schedule 3 or in Schedule 16 Part 3. Revision G update: <u>not picked up, and the position has become more acute. Schedule 16 Part 3 paragraph 3(1) now refers to a</u>

	in the dDCO, and the outline document may need further work before it is suitable			<u>“drainage strategy approved by the relevant authority”, but no such document is defined in article 2 or Requirement 1, none is certified in Schedule 19, and none is secured by any requirement. The Order therefore now depends upon a document it does not secure. See row 46 below on Schedule 16 Part 3 below.</u>
43.	Schedule 4 Discharge of requirements: extend determination period from 28 to 56 days Paragraph 1(1)(b): period should run from day after receipt by the authority Paragraph 2(2): at least seven <u>21</u> business days Paragraph 2(3): ten business days and revised deletion of backstop	REP1-161; <u>REP3-087</u>; <u>REP4-328</u>	Not picked up	There is a clear difference of view between ECC and the Applicant on various time periods being extended, based on ECC’s experience with other DCOs. The ExA will need to take a view on which approach is better. <u>ECC has provided detailed justification for its proposed period, based on its experience and lessons learnt from other DCOs, including Longfield Solar Farm and Bramford to Twinstead.</u>
44.	<u>Schedule 4 validation checklist</u>	<u>REP4-328</u> ; <u>REP7-553</u>	<u>Not picked up</u>	<u>ECC supports the DCO securing a validation checklist, to give certainty over the scope of basic information to be provided in support of the discharge of requirements. ECC identified the minimum content for a validation checklist in [REP7-553].</u>
45.	Schedule 4 notification of consultees	REP1-161	Picked up	Revision E update: Now picked up. Revision E introduces a defined ‘requirement consultee’ and, in Schedule 4, requires the undertaker to copy any discharge application to the relevant requirement consultee and requires the relevant authority to

				issue the consultation to that consultee within 5 business days. This substantially addresses ECC's notification point.
46.	Schedule 4 paragraph 3(b) Fees: extend determination/refund periods to 42 days, clarify 20% retention and index-linking of fees	REP1-161	Not picked up	There is a clear difference of view between ECC and the Applicant on various time periods being extended, based on ECC's experience with other DCOs. The ExA will need to take a view on which approach is better. Revision C update: Schedule 4 paragraph 3 has been amended to remove references to "discharging" authority following deletion of that defined term. ECC's substantive points on extending periods to 42 days, 20% retention and index-linking of fees are not addressed. <u>Revision G update: not picked up, and the structure of paragraph 3 has changed. Paragraph 3(1)(a) now cross-refers to regulation 12A of the Infrastructure Planning (Fees) Regulations 2010 as amended by S.I. 2026/513, with a fee of £298 per application as the fallback at paragraph 3(1)(b). Paragraph 3(2) now provides that a fee paid in respect of an application rejected as invalidly made is retained by the relevant authority and credited against a future application; the former refund provisions have been removed in discussion with the Applicant. ECC's points on a 20% retention and on index-linking are not addressed, and the £298 figure remains unindexed. The Applicant's justification – that retention is unnecessary in light of "the proposed entry into post-consent Planning Performance Agreements" – is circular, since it relies on the prospect of a Planning Performance Agreement to justify the regime which applies in the absence of one.</u>
47.	Schedule 16 Part 3: paras 3(1)(a) and 3(6)	REP1-161	Not yet picked up	Revision C update: notwithstanding the Applicant's indication that it would consider this for Deadline 3, no amendments to

				Schedule 16 Part 3 have been made in Revision C. The Schedule of Changes lists no Revision C amendments to Part 3. ECC's point therefore remains unaddressed. <u>Revision G update: not picked up, although matters have moved on. Paragraph 3(1)(a) still contains no reference to approval and paragraph 3(6) contains no consultation obligation and no minimum period of 20 business days, as ECC sought at LIR §§5.9.1 and 5.9.2. Paragraph 3(6) has acquired the words "in accordance with the timings required by this Part of this Schedule", which is not a consultation obligation and specifies no period.</u> <u>Schedule 17 paragraph 7(1)(a) disapplies section 23 in relation to the authorised development, which adds force to ECC's point. The specified works regime in Part 3 is therefore the only control, and must be adequate on its own terms. ECC and Suffolk County Council withdrew their objection to that disapplication following the Applicant's agreement, in protective provisions shared on 3 July 2026, to increase the determination period to 40 business days as the equivalent of the section 23 period(see row 49 below). ECC's points on this requirement are different and survive that withdrawal.</u> <u>ECC has identified a further issue. Paragraph 3(1) provides that no discharge under article 20 may be made until the location and maximum rate of discharge have been approved by the flood authority, "unless such location or maximum rate of discharge is in accordance with a drainage strategy approved by the relevant authority". "Drainage strategy" appears nowhere else in the Order, is not defined in article 2 or Requirement 1, is not certified in Schedule 19, and is not secured by any requirement; nor is "the relevant authority" the flood authority. As drafted the exception</u>
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				<u>is capable of disapplying the flood authority's control by reference to a document over which it has no defined role. Either the outline drainage strategy [REP1-072] should be certified and secured by a new (or updated) requirement, or the exception should be deleted.</u>
48.	Schedule 16 Part 4: protection of highways authorities	REP1-161, also REP2-036; <u>Suffolk CC REP7-572</u>	<u>Not yet picked up</u>	<u>Revision G update: ECC, SCC and NCC (as LHAs), agreed protective provisions and provided them to the Applicant on 3 July 2026. Revision G is derived from that draft and adopts the structure and some of the LHAs' agreed approach, but also diverges in important ways from the substance of what was put forward. That divergence is not justified and the LHAs' agreed approach should be adopted.</u> REP2-030 pg 168: The Applicant understood that the highways authorities were seeking a joint Framework Agreement. The Applicant shared a draft of this agreement in the week commencing 23 February 2026 (along with updated Protective Provisions to reflect ECC's comments in the LIR). In the absence of a Framework Agreement, the Applicant is considering the comments raised by the Council. REP2-036 §3.8: ECC confirmed its preferred approach it to have a Framework Highways Agreement rather than rely on Protective Provisions.
49.	<u>Schedule 17</u>	<u>REP3-077</u>	<u>Withdrawn</u>	<u>ECC expressed concerns about the disapplication of section 23 of the Land Drainage Act 1991, but following further engagement with the Applicant has withdrawn this, given the Protective</u>

				<u>Provisions allow 40 days for the consent of the LLFA to be provided, which is equivalent to the section 23 statutory period.</u>
50.	Schedule 19 / certification: the dDCO should secure that certified documents remain readily available to host authorities during discharge of requirements	REP1-161	Not picked up	The fact that the documents to be certified will be available on the PINS website (REP2-030 pg 170) does not answer the need for the dDCO to secure this. <u>Revision G update: not picked up. Article 60(5) requires certified documents to be made available electronically for public inspection, but the Order does not secure that the operative approved documents remain readily available to host authorities during the discharge of requirements. See also row 4 above on a central repository.</u>
51.	Outline Code of Construction Practice / Requirement 4: add an express intra-project cumulative effects mitigation commitment (equivalent to the Sea Link outline CoCP commitment GG40), securing coordination of concurrent works across parts and stages that affect a common receptor, and secure it through Requirement 4.	R17 (30-06-26) Q1(b) <u>[REP6-147]</u> ; ExA	New matter arising – not in dDCO	The Revision E dDCO contains no reference to cumulative effects and no concurrency / coordination mechanism. The commitment should be added to the outline Code of Construction Practice (document 7.2) and secured via Requirement 4. This dovetails with the Requirement 3 point above: because approval of the stages scheme is not required, nothing compels assessment of the combined effect of concurrent activities across stages. <u>Revision G update: not picked up. The operative provisions of the Order contain no reference to cumulative effects and no concurrency or co-ordination mechanism.</u>
52.	Provision of as-built details to relevant local authorities, especially for underground cable corridors.	R17 (30-06-26) Q1(a); <u>[REP6-147]</u> ExA	New matter arising – not in dDCO	The ExA notes that other DCOs secure the provision of as-built details to relevant local authorities, especially in relation to underground cable corridors. No equivalent requirement appears in Revision E. A new Schedule 3 requirement should be added.

53.	Requirement 15 (Employment and Skills Plan): secure approval (not mere submission) of the ESP, with measurable local labour / apprenticeship / supply-chain commitments, and address supply-chain capacity given the other NSIPs in the vicinity.			See Row 39 above
54.	New Article 12(2)(e) and (f): delete the new deemed grant of permits, alternatively exclude deemed consent where the works engage a materially new or materially different environmental effect	New matter arising at Revision G	New provision opposed by ECC	These provisions are not justified and are directly contrary to the clear reasons given by ECC's at LIR §§5.4.3 to 5.4.5 [REP1-161] that the Order should be aligned <i>with</i> the permit scheme, that the temporary traffic regulation order process sits within that scheme, and that ECC's standard timescales (a provisional advance authorisation three months in advance and a permit ten working days before commencement) should be respected. See also SOCG row DCO11 [REP7-089]. This is addressed further in ECC's Closing Statement.

Ends

APPENDIX B TO THE CLOSING SUBMISSIONS OF ESSEX COUNTY COUNCIL

The protection of the highway authorities (Schedule 16, Part 4 of the draft Order): the Applicant's departures from the agreed highway authorities' drafting

A. Purpose of this note

1. This note addresses one discrete but important part of the draft Development Consent Order ("the draft Order"): Part 4 of Schedule 16, which contains the protective provisions for the benefit of the highway authorities. It is submitted as an appendix to the Closing Submissions of Essex County Council ("ECC") so that the detail does not distract from the principal issues addressed in the Closing itself. The provisions are addressed at a high level in Appendix A on the revised draft DCO.
2. The purpose of this note is narrow and practical. The three highway authorities affected by the Project - Suffolk County Council, ECC and Norfolk County Council (together, "the LHAs") - jointly prepared an agreed form of highways protective provisions and provided it to the Applicant on 3 July 2026 ("the Agreed Council Draft"). The Applicant adopted the structure of the Agreed Council Draft in Revision G of the draft Order [REP7-064], but altered a number of its most important terms. This note identifies those alterations and explains, provision by provision, why ECC submits they are not justified.
3. ECC's overarching submission is short. The Agreed Council Draft represents the considered, common position of three LHAs as to what is necessary and reasonable to protect the highway network, and the public purse, against the risks created by the Project. Where the Applicant has departed from that common position, the departures share a characteristic: each transfers risk or cost from the Applicant to the highway authority, or removes a control the authorities considered necessary. The Applicant has offered no reasoned justification for any of them. Its Explanatory Memorandum (Revision G) [REP7-067] does not explain the departures from the Agreed Council Draft.

B. How to read this note

4. The table at Section C sets out, for each provision, three things side by side: what the LHAs agreed; what the Applicant has put in Revision G; and why ECC says the change is not justified. The deviations are grouped under four themes:
- (a) **financial protection** - the security for the works and the recovery of the authority's future maintenance costs;
 - (b) **control over the works** - the conditions the undertaker must satisfy before it may build in, and hand back, the public highway;
 - (c) **new restrictions on the authority** - provisions, absent from the agreed draft, that curtail the authority's exercise of its statutory functions; and
 - (d) **deemed outcomes** - provisions under which the authority is treated as having agreed something by reason of the passage of time.
5. Section D then expands, in prose, on the four deviations that matter most. Section E states what ECC asks of the Examining Authority.

C. The deviations at a glance

Provision	Agreed Council Draft	Rev G draft Order	Why deviation unjustified
Theme 1: Financial protection			
Security for the works (definition of "security" / bond)	A bank bond from an acceptable provider of not less than £10,000,000 in respect of ECC (and of Suffolk), and £20,000,000 in respect of Norfolk.	A "performance bond" for a "security figure", defined as the estimated cost of the relevant phase plus 10%. No minimum sum.	A per-phase, cost-plus-10% bond leaves the authority exposed on the largest works and provides no floor. The agreed £10m minimum reflects the authorities' assessment of the default and re-instatement risk on a project of this scale. The Applicant gives no reason for removing it.
Commuted sum (future maintenance)	For ECC, calculated by reference to Appendix E of the Essex Highways Development Construction Manual (June 2025 edition, or as operative) - the authority's established methodology.	A "reasonable estimate" of the authority's maintenance liability for a period of five years only.	Five years is far short of the whole-life maintenance liability an adoption-commuted sum is designed to meet, and the established Manual methodology is discarded without explanation. The shortfall falls on the council-tax payer, not the Applicant.

Provision	Agreed Council Draft	Rev G draft Order	Why deviation unjustified
Interest on sums due to the authority (para 21)	Interest at 4% above the Bank of England base rate.	Interest at base rate only (the 4% margin deleted).	Bare base rate is no incentive to pay promptly and does not reflect the authority's cost of being kept out of its money. The deletion benefits only the paying party - the Applicant.
Theme 2: Control over the works			
Pre-commencement notice (para 5(2))	Not less than two months' notice of highway works to be undertaken as pre-commencement operations.	"As much notice ... as possible."	"As much as possible" is unenforceable and gives the authority no assured period in which to respond. Two months is the counterpart of ECC's Local Impact Report point (§5.9.8) and is necessary if pre-commencement highway works are to be controlled at all.
Conditions before works may start (para 10)	Thirteen conditions, including: the bond in place and legal fees paid; the contractor named; a programme of site works with key inspection dates; a suitably qualified site engineer for major works; materials approved; traffic management approved; and a minimum of 5 working days' notice of commencement.	Reduced to four conditions, omitting each of those listed opposite.	The omitted conditions are the ordinary, and necessary, safeguards that ensure works in the public highway are built safely and to standard. Their removal is not explained. The site-engineer requirement is (raised separately in ECC's Local Impact Report at §5.9.9), is now effectively rejected a second time.
Design standard (DMRB)	An express obligation to design and construct in accordance with the Design Manual for Roads and Bridges, supported by a "detailed design information" definition.	The express DMRB obligation and the supporting definition are deleted.	DMRB compliance is the baseline standard for works affecting the highway. Removing the express obligation weakens the authority's ability to insist on it and is unexplained.
Theme 3: New restrictions on the authority			
Separation of approvals (para 1(2))	An express provision that approvals under Part 4 are separate	Deleted; replaced in substance by new paragraphs 29 to 32.	The deletion removes a clarity provision the authorities considered

Provision	Agreed Council Draft	Rev G draft Order	Why deviation unjustified
	from approvals required under Schedule 3.		necessary and substitutes provisions (below) that operate against the authority.
Bar on “questioning or impeding” (new para 29)	No equivalent.	The authority “must not exercise any power under this Part ... so as to question or impede the principle” that authorised works may be carried out.	A prohibition in these terms is broadly drawn and is not confined to matters settled by the grant of consent. It risks fettering the authority’s exercise of its statutory highway functions and should at least be confined to matters the Order itself has determined.
Independent running of periods (new para 30)	No equivalent.	The article consent periods and the Part 4 approval periods run independently of each other.	This defeats co-ordinated determination and multiplies the deemed-consent risk the authority faces, without any corresponding benefit to the authority.
Theme 4: Deemed outcomes			
Deemed satisfaction of the initial meeting (para 7(c)–(d))	No equivalent - the agreed draft did not treat engagement obligations as capable of being deemed satisfied.	The undertaker may discharge its duty to hold an initial meeting by proposing three dates; the obligation is deemed satisfied if the authority does not confirm attendance within 5 business days.	An authority that is busy, or that does not reply in time, is treated as having engaged when it has not. Engagement should be a matter of substance, not of a lapsed reply.

D. The four key deviations

(1) The security for the works

- The Agreed Council Draft required a bank bond of not less than £10,000,000 in respect of ECC. Revision G replaces that with a performance bond for a “security figure” fixed, phase by phase, at the estimated cost of the works plus ten per cent, with no minimum. The practical difference is straightforward. Under the agreed draft the authority holds a known, substantial sum against the risk that the undertaker defaults or fails to re-instate. Under Revision G the security tracks the Applicant’s own estimate of each phase, and no floor is guaranteed. On a linear project of this length, the risk the bond exists to meet does not scale

neatly with the cost of any single phase; that is precisely why the authorities fixed a minimum. The Applicant has not explained why the minimum is unnecessary, and the burden of any shortfall falls on the public purse.

(2) The commuted sum for future maintenance

7. The commuted sum is the payment that meets the authority's future cost of maintaining highway works once they are handed back. The Agreed Council Draft calculated ECC's commuted sum by reference to Appendix E of the Essex Highways Development Construction Manual: the methodology ECC applies to every adoption in the county, and which reflects whole-life maintenance cost. Revision G discards that methodology and substitutes a "reasonable estimate" of five years' maintenance liability. Five years is not the design life of the works, and a five-year estimate does not meet the maintenance cost that will fall due thereafter. The consequence of the change is that the authority - and so the council-tax payer - bears the maintenance cost the commuted sum was intended to defray. No reason is given for departing from ECC's established basis of calculation.

(3) The conditions to be met before works begin

8. The Agreed Council Draft made the start of works conditional on thirteen matters. They are not onerous; they are the ordinary incidents of allowing a third party to build in the public highway: that the security is in place, the contractor is identified, a programme with inspection dates exists, a suitably qualified site engineer is appointed for major works, and materials and traffic management are approved. Revision G reduces these to four, omitting each of those examples. The omission of the suitably qualified site engineer is of particular note: it is not only a term of the Agreed Council Draft but also a point ECC advanced from the outset of the examination in its Local Impact Report (§5.9.9) [REP1-161], so the Applicant has been intransigent across the whole examination in relation to including this requirement. The Applicant does not explain why any of the omitted conditions is unnecessary. Each exists to protect the safety and integrity of the highway network and the users of it.

(4) The new provisions that operate against the authority

9. The Agreed Council Draft contained, at paragraph 1(2), a short provision confirming that approvals under Part 4 are separate from approvals under Schedule 3. Revision G deletes it and, in its place, introduces new paragraphs 29 and 30. Paragraph 29 provides that the

authority “must not exercise any power under this Part ... so as to question or impede the principle” that the authorised works may be carried out. Paragraph 30 provides that the article consent periods and the Part 4 approval periods run independently of one another. Neither provision appeared in the Agreed Council Draft; neither is explained in the Explanatory Memorandum’s treatment of Schedule 16, which lists only the Parts.

10. ECC’s objection to paragraph 29 is one of breadth. ECC does not seek to question the principle that consented works may proceed - that is settled by the grant of consent. But the prohibition is not confined to that settled principle: as drafted it reaches the authority’s exercise of any power under the Part, and is capable of fettering the discharge of the authority’s statutory highway functions in respects the Order has not determined. If the provision is to remain, it should be confined to matters the Order itself has settled.
11. ECC’s objection to paragraph 30 is that running the periods independently defeats the co-ordinated determination the agreed draft was designed to achieve, and multiplies the number of occasions on which the authority is at risk of a deemed consent - a risk that runs only one way.

E. What ECC asks

12. ECC asks the Examining Authority to recommend, and the Secretary of State to secure, that Part 4 of Schedule 16 be amended to restore the Agreed Council Draft in each of the respects identified in Section C above.

4 August 2026