



## **Suffolk County Council (20041323)**

**Response to the ExA's Schedule of Changes  
to the draft DCO [PD-009]**

**Bramford to Twinstead (EN020002)**

Deadline 8

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## Glossary of Acronyms

<i>DCO</i>	<i>Development Consent Orders</i>
<i>DVNLSVP</i>	<i>Dedham Vale National Landscape and Stour Valley Partnership</i>
<i>EIA</i>	<i>Environmental Impact Assessment</i>
<i>ExA</i>	<i>Examining Authority</i>
<i>ExQ</i>	<i>Examining Authority’s Written Questions</i>
<i>ISH</i>	<i>Issue Specific Hearing</i>
<i>LHA</i>	<i>Local Highway Authority</i>
<i>PROW</i>	<i>Public Rights of Way</i>
<i>SuDS</i>	<i>Sustainable Drainage Systems</i>

*“The Council” / “SCC” refers to Suffolk County Council; “The Host Authorities” refers to Suffolk County Council, Babergh and Mid Suffolk District Councils, Essex County Council, and Braintree District Council.*

## Purpose of this Submission

The purpose of this submission is to respond to the Schedule of the Examining Authority’s (ExA) recommended amendments to the Applicant’s draft Development Consent Order (dDCO) [REP6-003] **[PD-009]**. Examination Library references are used throughout to assist readers.

# 1 Comments on the ExA’s Schedule of Changes to the draft Development Consent Order

<b>Table 1: SCC’s response to the Schedule of the Examining Authority’s (ExA) recommended amendments to the Applicant’s draft Development Consent Order (dDCO) [REP6-003]</b>				
<b>Reference</b>	<b>Text from the draft DCO</b>	<b>ExA’s recommended amendment</b>	<b>Reason and notes</b>	<b>SCC’s comments</b>
<b>Part 1, Articles 1 and 2</b>				
Article 2(1) Interpretation The definition of the CEMP	“Construction Environmental Management Plan” means the document of that description (together with its appendices) (Document 7.5 (C)) certified by the Secretary of State as the Construction Environmental Management Plan for the purposes of this Order under article 57 (certification of documents);	Amend to read: “Construction Environmental Management Plan” means the document of that description (together with its appendices) (Documents 7.5 (C), <b>7.5.1 and 7.5.2</b> ) certified by the Secretary of State as the Construction Environmental Management Plan for the purposes of this Order under article 57 (certification of documents);	<b>Reason:</b> for the avoidance of doubt that all three separate documents comprise the certified CEMP.	SCC agrees with the recommended amendment for the reason given. (Clearly the CEMP reference “7.5(C)” would have to be updated if a further version is prepared).
Article 2(1) Interpretation The definition of the ES	Amend to read: “Environmental Statement” means the environmental statement (Documents 6.1 to 6.4 (inclusive)) together with any supplemental or additional environmental information certified under article 57 (certification of documents), and any environmental statement submitted for the purposes of	Amend to read: “Environmental Statement” means <del>the environmental statement (Documents 6.1 to 6.4 (inclusive))</del> <b>all documents listed under Volume 6, Environmental Information, in the final version of the Navigation Document (document 1.4(xx))</b> together with any supplemental or additional environmental	<b>Reason:</b> for the avoidance of doubt as to which documents and information comprise the Environmental Statement	Neither the “Navigation Document” or “Errata List” is referred to in the dDCO and so SCC would suggest that a definition of each is included in article 2(1) (interpretation). SCC would suggest that, in those circumstances, the Navigation Document and Errata List should be certified documents and so also listed in Schedule 17 (certified documents).

	<p>complying with and/or discharging the Requirements;</p>	<p>information certified under article 57 (certification of documents), <del>and</del> any environmental <b>management plan statement</b> submitted for the purposes of complying with <del>and/or</del> discharging the Requirements, <b>and any entries in the final version of the Errata List (Document 8.4.3) that relate to any of these documents;</b></p>		
<p>Article 2(1) Interpretation The definition of the LEMP</p>	<p>“Landscape and Ecological Management Plan” means the document of that description (together with its appendices) (Document 7.8 (B)) certified by the Secretary of State as the Landscape and Ecological Management Plan for the purposes of this Order under article 57 (certification of documents);</p>	<p>Amend to read: “Landscape and Ecological Management Plan” means the document of that description (together with its appendices) (Documents 7.8 (B), <b>7.8.1, 7.8.2 and 7.8.3</b>) certified by the Secretary of State as the Landscape and Ecological Management Plan for the purposes of this Order under article 57 (certification of documents);</p>	<p><b>Reason:</b> for the avoidance of doubt that all four separate documents comprise the certified LEMP</p>	<p>SCC notes the applicant submitted an updated LEMP at Deadline 7 [<b>REP7-006</b>], together with updated appendices [<b>REP7-008</b>], [<b>REP7-009</b>] and [<b>REP7-010</b>] and so the references to “Documents 7.8 (B), 7.8.1, 7.8.2 and 7.8.3” should be updated to “7.8 (<b>BC</b>), 7.8.1(<b>B</b>), 7.8.2(<b>C</b>) and 7.8.3(<b>B</b>)”.</p> <p>Clearly, the references would have to be further updated if further versions of the LEMP are prepared.</p> <p>SCC notes the definitions of “Construction Traffic Management Plan” and “Public Rights (sic) of Way Management Plan” both refer to “the document of that description (together with its appendices)”. Since neither document has (at this stage at least) any appendices, for the</p>

				avoidance of confusion, SCC would suggest the words “(together with its appendices)” are removed from each definition.
Article 2(5) Interpretation	(5) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the Access, Rights of Way and Public Rights of Navigation Plans.	Delete: <del>(5) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the Access, Rights of Way and Public Rights of Navigation Plans.</del>	<b>Reason:</b> The explanation for this draft provision is incomplete. It appears to be imprecise, as other points identified by letters or numbers are also referenced in several places in the draft Order, including (for example) Schedule 1.	SCC agrees with the recommended amendment for the reason given.
<b>Part 2, Article 3</b>				
Article 3 Development consent etc. granted by the Order	(4) National Grid may operate and use the electric lines and any other elements of the authorised development (excluding the UKPN works) as part of the high voltage electricity transmission system in England and Wales. (5) UKPN may operate and use the electric line and any other elements of the UKPN works as part of the electricity distribution network. (6) For the purposes of the authorised development, development consent granted by	Amend to read: <del>(4) National Grid may operate and use the electric lines and any other elements of the authorised development (excluding the UKPN works) as part of the high voltage electricity transmission system in England and Wales.</del> <del>(5) UKPN may operate and use the electric line and any other elements of the UKPN works as part of the electricity distribution network.</del>	<b>Reason and notes:</b> The ExA notes that the Planning Act 2008 explicitly provides for the installation of overhead electricity transmission lines but not for their use. Relevant made Orders for electricity transmission lines (The National Grid (Hinkley Point C Connection Project)	SCC agrees with the recommended amendment for the reason given.

	<p>this Order is to include and permit the alteration, removal, clearance, refurbishment, reconstruction, decommissioning and demolition of any buildings or other structures within the Order limits to the extent that they relate to, are required by or are incidental to the carrying out of the authorised development.</p> <p>(7) The authorised development must be constructed and installed in the lines and situations shown on the Work Plans listed in Schedule 2, subject to article 5 (limits of deviation) and to the Requirements.</p> <p>(8) Schedule 3 (Requirements) has effect.</p>	<p>(4) For the purposes of the authorised development, development consent granted by this Order is to include and permit the alteration, removal, clearance, refurbishment, reconstruction, decommissioning and demolition of any buildings or other structures within the Order limits to the extent that they relate to, are required by or are incidental to the carrying out of the authorised development.</p> <p>(5) The authorised development must be constructed and installed in the lines and situations shown on the Work Plans listed in Schedule 2, subject to article 5 (limits of deviation) and to the Requirements.</p> <p>(6) Schedule 3 (Requirements) has effect.</p>	<p>Order 2016 and The National Grid (Richborough Connection Project) Development Consent Order 2017) do not appear to include powers to use those NSIPs for transmission, so those projects are assumed to rely on alternative mechanisms for authorising the use of the electricity lines for transmission. The Explanatory Memorandum [REP6-005] does not provide sufficient explanation or justification as to why a different approach to seeking operational powers is sought in this case.</p>	
<b>Part 2, Article 5</b>				
Article 5(1)(a) Limits of deviation	(a) deviate from the lines or situations of the authorised development shown on the Work Plans within the limits of deviation relating to a Work shown on those	Amend to read: (a) deviate <b>laterally from the centreline for the linear works from the lines or situations</b> of the authorised development	<b>Reason:</b> For clarity and avoidance of doubt for linear works related to	SCC agrees with the recommended amendment for the reason given.

	plans and carry out construction activities for the purpose of the authorised development anywhere within the Order limits; and	shown on the Work Plans within the limits of deviation relating to a Work shown on those plans and to carry out related construction activities for the purpose of the authorised development anywhere within the Order limits; and	construction activities.	
Article 5(3) Limits of deviation	(3) Subject to paragraph (4), in respect of other permanent above ground structures, erections and apparatus, including substations and cable sealing end compounds forming part of the authorised development:	Amend to read: (3) Subject to paragraph (4), in respect of other permanent above ground structures, erections and apparatus, including <b>the grid supply point substation, Bramford substation</b> <del>substations</del> and cable sealing end compounds forming part of the authorised development:	<b>Reason:</b> For clarity and avoidance of doubt.	In Article 5(1), works are referred to by Work No. SCC queries whether the reference, in article 5(3), to “the grid supply point substation” should be to “Work No. 9”. If not, SCC notes elsewhere in the dDCO (e.g. in Work No. 9 itself) “the grid supply point substation” is referred to as “the Grid Supply Point Substation” and would suggest the term appears in its capitalised form in article 5(3).  Similarly, and for consistency with the rest of the DDCO, SCC would suggest the term “Bramford substation” is replaced with “Bramford Substation”.
Article 10 Planning Permission	(1) If planning permission is issued pursuant to the 1990 Act for development any part of which is within the Order limits that is – (a) not itself a nationally significant infrastructure project under the 2008 Act or part of such a project; and	Delete sub-paragraph: <del>(1) If planning permission is issued pursuant to the 1990 Act for development any part of which is within the Order limits that is – (a) not itself a nationally significant infrastructure</del>	<b>Reason:</b> The ExA is not persuaded of the need for this provision. The grid supply point substation is part of the Nationally Significant Infrastructure Project, so would not	SCC agrees with the recommended amendment for the reason given.

	<p>(b) required to complete or enable the construction, use or operation of any part of the development authorised by this Order Then the carrying out, use or operation of such development pursuant to the terms of the planning permission is not to constitute a breach of the terms of this Order.</p>	<p><del>project under the 2008 Act or part of such a project; and (b) required to complete or enable the construction, use or operation of any part of the development authorised by this Order</del> <del>Then the carrying out, use or operation of such development pursuant to the terms of the planning permission is not to constitute a breach of the terms of this Order.</del></p>	<p>appear to be relevant, and no other requirement for a planning consent for works that could not form part of the proposed Order has been raised during the Examination.</p>	
<p>Article 10 Planning Permission</p>	<p>(2)(b) in respect of that inconsistency, no enforcement action under the 1990 Act may be taken in relation to development carried out or used pursuant to that planning permission whether inside or outside the Order limits.</p>	<p>Delete sub-paragraph: <del>(2)(b) in respect of that inconsistency, no enforcement action under the 1990 Act may be taken in relation to development carried out or used pursuant to that planning permission whether inside or outside the Order limits.</del></p>	<p><b>Reason:</b> The provision would appear to enable the Applicant to avoid enforcement in relation to any breach of condition attached to a planning permission. As the Applicant has control over how the development is carried out, it can ensure that works are carried out within the limits of what is permitted under any planning permission and the DCO. Accordingly, the ExA</p>	<p>SCC agrees with the recommended amendment for the reason given.</p>



			is unpersuaded of the need for this provision.	
Article 10 Planning Permission		Renumber paragraphs 10(2) and 10(3) and their sub-paragraphs to accommodate the recommended changes above.	<b>Reason:</b> To maintain ordering.	<p>SCC agrees with the recommended amendment for the reason given.</p> <p>In addition, SCC considers an amendment needs to be made to existing article 10(3), regardless of whether the ExA’s recommended amendments are made to the dDCO.</p> <p>Currently, article 10(3) cross-refers to “sub-paragraphs (1) or (3)”.</p> <p>If the ExA’s recommended amendments are made, the internal cross-reference should be to “sub-paragraphs (1) <del>or (3)</del>”.</p> <p>If the ExA’s recommended amendments are not made, the internal cross-reference should be to “sub-paragraphs (1) or <del>(3)</del>”.</p>
Article 10(2)(b) Planning Permission	(b) in respect of that inconsistency, no enforcement action under the 1990 Act may be taken in relation to development carried out or used pursuant to that planning permission whether inside or outside the Order limits.	<p>Without prejudice to the ExA’s final position on the need for Article 10(2)(b) discussed above, if it is retained, it should be amended to read:</p> <p>(b) in respect of that inconsistency, no enforcement</p>	<b>Reason:</b> For precision and reasonableness.	<p>Since this sub-paragraph is to be deleted (see above) SCC does not consider this proposed amendment is necessary. However, if the sub-paragraph is for some reason retained, SCC would agree with the recommended amendment for the reason given.</p>

		action under the 1990 Act may be taken in relation to development carried out or used pursuant to that planning permission whether inside or <b>outside-adjacent</b> to the Order limits.		
<b>Part 3, Article 11</b>				
Article 11(3) Street works	if a street authority that receives an application for consent under paragraph (2) fails to notify the undertaker of its decision within 28 days (or such other period as agreed by the street authority and the undertaker) beginning with the date on which the application was received, that authority will be deemed to have granted consent.	Amend to read: if a street authority that receives an application for consent under paragraph (2) fails to notify the undertaker of its decision within <b>28 35</b> days (or such other period as agreed by the street authority and the undertaker) beginning with the date on which the application was received, that authority will be deemed to have granted consent.	<b>Reason:</b> To provide a reasonable period that would allow for the exchange of any requisite further information.	While SCC considers 35 days is preferable to 28 days, it maintains its position, as set out in the LIR <b>[REP1-045]</b> , its Comments on Applicant’s Comments on Relevant Representations <b>[REP2-013]</b> , and post-hearing submissions for ISH2 <b>[REP4-043]</b> that the period is too short and should be 56 days. The same point applies to the time limits included in the following provisions: 14(5), 15(9), 16(2), 19(9), 21(8), 47(8), 48(5), and paragraph (1) of Schedule 4.  It will be remembered that SCC is host authority for several DCOs. For instance, it is currently discharging requirements, or being consulted on the discharge of requirements arising from the following DCOs: East Anglia ONE North Offshore Wind Farm Order 2022, East Anglia TWO Offshore Wind Farm Order 2022 and Sizewell C

			<p>(Nuclear Generating Station) Order 2022. The Secretary of State’s decision on the Sunnica Energy Farm DCO is due in March 2024 and, if consent is granted, SCC will be responsible for discharging requirements (and will be consulted on requirements being discharged by others) for that project as well. In addition to its ongoing work on the instant DCO application, the following DCO applications are also at their formative stages: North Falls Offshore Wind Farm, Five Estuaries Offshore Wind Farm, Five Estuaries Offshore Wind Farm, Sea Link, LionLink Multi-Purpose Interconnector and Nautilus Interconnector and will, in due course, require substantial input from SCC.</p> <p>SCC officers will be responsible for discharging requirements on several DCOs simultaneously for many years. The number of similar projects that SCC is dealing with (and will be dealing with for the foreseeable future) is unprecedented in terms of other host authorities in other parts of the country and this must be reflected in the orders themselves. It is essential that officers have enough time to carry out their duties properly and, owing to their existing</p>
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				<p>experience of hosting DCOs, SCC considers 56 days is a reasonable time frame.</p> <p>This position was accepted by the Secretary of State in the Sizewell C DCO: where there is a time limit for acceptance etc. in that DCO, it is 56 days. Similarly, the Sunnica applicant has included the 56-day time limit in its draft order. For consistency across projects, SCC would encourage the same time limit to be included in this Order.</p> <p>If, in spite of these points, the Secretary of State considers 35 days is reasonable in article 11(3) then, for consistency in the Order, the same time limit should also be included in the following provisions: 14(5), 15(9), 16(2), 19(9), 21(8), 47(8), 48(5), and paragraph (1) of Schedule 4.</p>
<b>Part 3, Article 12</b>				
Article 12(1) Application of the permit schemes	The permit schemes apply to the construction and maintenance of the authorised development and will have effect in connection with the exercise by the undertaker of any powers conferred by this Part.	Amend to read: The permit schemes apply to the construction <del>and maintenance</del> of the authorised development and will have effect in connection with the exercise by the undertaker of any powers conferred by this Part.	<b>Reason:</b> There is insufficient justification as to why the Applicant should not apply to the relevant highway authority under the permit schemes	SCC agrees with the recommended amendment for the reason given.

			<p>during the maintenance phase of the authorised development: the provision is unnecessary.</p>	
<p>Article 12(3) Application of the permit schemes</p>	<p>Irrespective of anything which is stated to the contrary within the permit schemes, where the undertaker submits an application for a permit in relation to the construction or maintenance of the authorised development subject to proposed conditions and the relevant highway authority wishes for different conditions to be imposed on the permit, the relevant highway authority must seek to reach agreement with the undertaker on the conditions subject to which the permit is to be granted and provide alternative permit conditions to the undertaker within 10 working days following the date on which the application for the permit is made by the undertaker and must not refuse the permit before the end of the period which is 5 working days following the date on which the alternative permit conditions are provided to the undertaker.</p>	<p>Amend to read: Irrespective of anything which is stated to the contrary within the permit schemes, where the undertaker submits an application for a permit in relation to the construction <del>or maintenance</del> of the authorised development subject to proposed conditions and the relevant highway authority wishes for different conditions to be imposed on the permit, the relevant highway authority must seek to reach agreement with the undertaker on the conditions subject to which the permit is to be granted and provide alternative permit conditions to the undertaker within 10 working days following the date on which the application for the permit is made by the undertaker and must not refuse the permit before the end of the period which is 5 working days</p>	<p><b>Reason:</b> There is insufficient justification as to why the Applicant should not apply to the relevant highway authority under the permit schemes during the maintenance phase of the authorised development: the provision is unnecessary.</p>	<p>SCC agrees with the recommended amendment for the reason given.</p>

		following the date on which the alternative permit conditions are provided to the undertaker.		
<b>Part 3, Article 13</b>				
Article 13 (3) Application of the 1991 Act	The following provisions of the 1991 Act do not apply in relation to any works executed under the powers of this Order– (a) section 56 (power to give directions as to timing of street works); (b) section 56A (power to give directions as to placing of apparatus); (c) section 58 (restrictions on works following substantial road works); (d) section 58A (restrictions on works following substantial street works); (e) section 73A (powers to require undertaker to re-surface street); (f) section 73B (power to specify timing etc. of re-surfacing); (g) section 73C (materials, workmanship and standard of resurfacing); (h) section 77 (liability for cost of use of alternative route); (i) section 78A (contributions to cost of re-surfacing by undertaker) and	Amend to read: The following provisions of the 1991 Act do not apply in relation to any works executed under the powers of this Order– (a) section 56 (power to give directions as to timing of street works); (b) section 56A (power to give directions as to placing of apparatus); (c) section 58 (restrictions on works following substantial road works); (d) section 58A (restrictions on works following substantial street works); (e) section 73A (powers to require undertaker to re-surface street); (f) section 73B (power to specify timing etc. of re-surfacing); (g) section 73C (materials, workmanship and standard of resurfacing); <del>(h) section 77 (liability for cost of use of alternative route);</del>	<b>Reason:</b> There is no persuasive reason for the disapplication of the provision suggested for deletion.	SCC agrees with the recommended amendment for the reason given.

	(j) Schedule 3A (restriction on works following substantial street works).	(h) section 78A (contributions to cost of re-surfacing by undertaker) and (i) Schedule 3A (restriction on works following substantial street works).		
<b>Part 3, Article 17</b>				
Article 17(1) Construction, alteration and maintenance of streets	17(1) Any street (other than any private streets) to be constructed under this Order must be completed to the reasonable satisfaction of the street authority and must, unless otherwise agreed with the street authority, be maintained (including any culverts or other structures laid under that part of the highway) by the street authority.	Amend to read: 17(1) Any street (other than any private streets) to be constructed under this Order must be completed to the reasonable satisfaction of the street authority and must, unless otherwise agreed with the street authority, be maintained (including any culverts or other structures laid under that part of the highway) by <b>and at the expense of the undertaker for a period of 12 months from its completion, and at the expiry of that period by and at the expense of the street authority.</b>	<b>Reasons:</b> 1) Provision for a defects period is considered reasonable and necessary prior to the street authority assuming responsibility for maintenance. 2) Consistency with paragraph 3.21.2 of the Explanatory Memorandum.	SCC agrees with the recommended amendment for the reason given.
Article 17(2) Construction, alteration and maintenance of streets	17(2) Where a street is altered or diverted under this Order, the altered or diverted part of the street must be completed to the reasonable satisfaction of the street authority and must, unless otherwise agreed with the street	Amend to read: 17(2) Where a street is altered or diverted under this Order, the altered or diverted part of the street must be completed to the reasonable satisfaction of the street authority and must,	<b>Reasons:</b> 1) Provision for a defects period is considered reasonable and necessary prior to the street authority	SCC agrees with the recommended amendment for the reason given.

	authority, be maintained (including any culverts or other structures laid under that part of the highway) by the street authority.	unless otherwise agreed with the street authority, be maintained (including any culverts or other structures laid under that part of the highway) by <b>and at the expense of the undertaker for a period of 12 months from its completion, and at the expiry of that period by and at the expense of</b> the street authority.	assuming responsibility for maintenance. 2) Consistency with paragraph 3.21.2 of the Explanatory Memorandum.	
<b>Part 6, Article 46</b>				
Article 46(1)(a)(ii)	(ii) relates to premises used by the undertaker for the purposes of or in connection with the construction, maintenance or operation of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with the controls and measures relating to noise as described in the Construction Environmental Management Plan or in accordance with the noise levels set out in an environmental permit relating to the construction, maintenance or operation of the authorised development;	Amend to read: (ii) relates to premises used by the undertaker for the purposes of or in connection with the construction, <del>maintenance or operation</del> of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with the controls and measures relating to noise as described in the Construction Environmental Management Plan <del>or in accordance with the noise levels set out in an environmental permit relating to the construction, maintenance or operation of the authorised development;</del>	Reasons: 1) The CEMP provides controls only during the construction phase of the Proposed Development (see draft Requirement 4 and CEMP paragraph 14.1.3, ‘... this chapter sets out the measures that will be undertaken in relation to noise and vibration. It fulfils the purpose of and contains all of the necessary measures that would be set out in a standalone Noise and Vibration	SCC agrees with the recommended amendment for the reason given.



			<p>Management Plan. National Grid and its contractor will adopt the control measures when undertaking the construction of the project.' (In answer to a written question, the ExA was told that measures to control construction noise and vibration were set out in Chapter 14 of the CEMP and that no further measures would be identified through a separate Noise and Vibration Management Plan. Therefore, the Applicant did not consider one necessary.) 2) No evidence has been provided that such an Environmental Permit is required or will be sought. (In answer to a written question, the ExA was directed to Table</p>	
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			2.1 of the CEMP for the list.)	
Article 46(1)(b)	(b) the defendant shows that the nuisance— (i) relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised development and that the nuisance is attributable to the use of the authorised development which is being used in accordance with the Construction Environmental Management Plan; or (ii) is a consequence of the use of the authorised development and that it cannot reasonably be avoided.	Amend to read: (b) the defendant shows that the nuisance— <del>(i) relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised development and that the nuisance is attributable to the use of the authorised development which is being used in accordance with the Construction Environmental Management Plan; or</del> (ii) is a consequence of the use of the authorised development and that it cannot reasonably be avoided.	<b>Reason:</b> the CEMP provides controls only during the construction phase of the Proposed Development (see draft Requirement 4 and CEMP paragraph 14.1.3, ‘... <i>this chapter sets out the measures that will be undertaken in relation to noise and vibration. It fulfils the purpose of and contains all of the necessary measures that would be set out in a standalone Noise and Vibration Management Plan. National Grid and its contractor will adopt the control measures when undertaking the construction of the project.</i> ’) (In answer to a written question, the ExA was told that	SCC agrees with the recommended amendment for the reason given.

			measures to control construction noise and vibration were set out in Chapter 14 of the CEMP and that no further measures would be identified through a separate Noise and Vibration Management Plan. Therefore, the Applicant did not consider one necessary.)	
Article 46(2)	For the purposes of paragraph (1) above, compliance with the controls and measures relating to noise described in the Construction Environmental Management Plan will be sufficient, but not necessary, to show that an alleged nuisance could not reasonably be avoided	Amend to read: For the purposes of paragraph (1) above <b>in relation to the construction phase of the authorised development only</b> , compliance with the controls and measures relating to noise described in the Construction Environmental Management Plan will be sufficient, but not necessary, to show that an alleged nuisance could not reasonably be avoided.	<b>Reason:</b> the CEMP provides controls only during the construction phase of the Proposed Development (see draft Requirement 4 and CEMP paragraph 14.1.3, ' <i>... this chapter sets out the measures that will be undertaken in relation to noise and vibration. It fulfils the purpose of and contains all of the necessary measures that would be set out in a standalone Noise</i>	SCC agrees with the recommended amendment for the reason given.

			<p><i>and Vibration Management Plan. National Grid and its contractor will adopt the control measures when undertaking the construction of the project.’) (In answer to a written question, the ExA was told that measures to control construction noise and vibration were set out in Chapter 14 of the CEMP and that no further measures would be identified through a separate Noise and Vibration Management Plan. Therefore, the Applicant did not consider one necessary.)</i></p>	
<p>Article 47(1) Traffic regulation</p>	<p>Subject to the provisions of this article, the undertaker may at any time for the purposes of construction or maintenance of the authorised development or for purposes ancillary to the construction or maintenance of the authorised development –</p>	<p>Amend to read: Subject to the provisions of this article, the undertaker may at any time for the purposes of construction <del>or maintenance</del> of the authorised development or for purposes ancillary to the</p>	<p><b>Reason:</b> There is insufficient justification as to why the Applicant should not apply to the relevant highway authority for Traffic Regulation Orders</p>	<p>SCC agrees with the recommended amendment for the reason given.</p>

		construction <del>or maintenance</del> of the authorised development	during the maintenance phase of the authorised development. The proposed provision is unnecessary beyond the construction phase of the authorised development.	
Article 47(2) Traffic regulation	Without limiting the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld or delayed, the undertaker may, in so far as may be expedient or necessary for the purposes of or in connection with construction or maintenance of the authorised development, or for purposes ancillary to it, at any time	Amend to read: Without limiting the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld or delayed, the undertaker may, in so far as may be expedient or necessary for the purposes of or in connection with construction <del>or maintenance</del> of the authorised development, or for purposes ancillary to it, at any time	<b>Reason:</b> There is insufficient justification as to why the applicant should not apply to the relevant highway authority for Traffic Regulation Orders during the maintenance phase of the authorised development. The proposed provision is unnecessary beyond the construction phase of the authorised development.	SCC agrees with the recommended amendment for the reason given.
Article 47(3) Traffic regulation		Insert new paragraph 47(3) to read: <b>The undertaker must not exercise the powers conferred by paragraph (2) in relation to a</b>	<b>Reason:</b> For the avoidance of doubt that all prohibitions, restrictions or other	SCC agrees with the recommended amendment for the reason given.

		<b>prohibition, restriction or other provision intended to have effect permanently or otherwise beyond the construction and commissioning of the authorised development.</b>	provisions will have effect temporarily.	
Articles 47(3) to 47(10) inclusive Traffic regulation	Articles 47(3) to 47(10) inclusive	Re-number as Articles 47(4) to 47(11).	<b>Reason:</b> Consequent on previous recommendation	SCC agrees with the recommended amendment for the reason given.
<b>Part 6, Article 48</b>				
Article 48(7) Felling or lopping	If an application for consent under paragraph (2) does not include the statement required under paragraph (5), then the provisions of paragraph (4) will not apply to that application.	Amend to read: If an application for consent under paragraph <del>(2)</del> <b>(4)</b> does not include the statement required under paragraph (5), then the provisions of paragraph (4) will not apply to that application.	<b>Reason:</b> to correct an error.	SCC agrees with the recommended amendment for the reason given.
Article 48(8) Felling or lopping	The consent of the relevant highway authority is not required under paragraph (4) where the tree to be felled, lopped, pruned, cut, trimmed, coppiced, pollarded, or reduced in height or width is described or shown in on the Landscape and Ecological Management Plan.	Amend to read: The consent of the relevant highway authority is not required under paragraph (4) where the tree to be felled, lopped, pruned, cut, trimmed, coppiced, pollarded, or reduced in height or width is described or shown <del>in as 'affected vegetation'</del> <b>in as 'affected vegetation'</b> on the <del>Landscape and Ecological Management Plan</del> <b>Trees and Hedgerows to be Removed or Managed Plans.</b>	<b>Reason:</b> For consistency with other provisions and clarity, noting the apparent duplication between the Trees and Hedgerows to be Removed or Managed Plans (2.9) and the separate Appendix A of the LEMP (7.8.1).	SCC agrees with the recommended amendment for the reason given.  To avoid any confusion, SCC considers it would be helpful if the undertaker notifies the highway authority before it fells, lops etc. in circumstances when the consent of the highway authority is not required and so article 48(8) should be further amended to state –  The consent of the relevant highway authority is not required under paragraph (4) where –

				<p>(1) the tree to be felled, lopped, pruned, cut, trimmed, coppiced, pollarded, or reduced in height or width is described or shown <b>in as 'affected vegetation'</b> on the <del>Landscape and Ecological Management Plan</del> <b>Trees and Hedgerows to be Removed or Managed Plans and</b></p> <p>(2) <b>the undertaker has notified the relevant highway authority of its intention to carry out any of the operations described in sub-paragraph (a).</b></p>
<b>Part 6, Article 53</b>				
Article 53(5) Safeguarding	In determining an application for planning permission a relevant planning authority must take into account any representations received in accordance with this article and ensure that the matters raised in any such representation are addressed.	Amend to read: In determining an application for planning permission, a relevant planning authority must take into account any representations received in accordance with this article <del>and ensure that the matters raised in any such representation are addressed.</del>	<b>Reason:</b> To ensure that discretion conferred on local planning authorities by virtue of Section 70(2) of the Town and Country Planning Act 1990, as amended, is not unjustifiably interfered with.	SCC's concerns about this article are set out in its post-hearing submissions for ISH2 [REP4-043] and ISH5 [REP6-056]. While SCC maintains its in-principle concern with this article and considers it ought to be removed from the dDCO, if the article is to remain, SCC considers this amendment is essential. The additional and unprecedented wording which the ExA recommends should be

				deleted would constitute an unjustified interference with the discretion Parliament has entrusted to local authorities.
Article 53(7) Safeguarding		To be re-numbered as Article 53(8).	<b>Reason:</b> To accommodate the following recommendation.	If the proposed new sub-paragraph (7) is to be included, this amendment needs to be made.
Article 53(7) Safeguarding		Insert a replacement Article 53(7) to read: <b>The requirement to consult will remain in force until the authorised development is decommissioned.</b>	<b>Reason:</b> To ensure that the duty to consult does not remain in perpetuity.	Notwithstanding SCC’s in-principle objection to the inclusion of this article, SCC would make two drafting suggestions. First, to article 53(1) – <b>“Subject to sub-paragraph (7), save in respect of exempt applications ...”</b> .  Second, to replacement article 53(7) – <b>“The requirement to consult under sub-paragraph (1) will remain in force until the authorised development is decommissioned”</b> .  SCC defers to the district councils in respect of the duration of the obligation to consult.
Article 53(8) Safeguarding	In this article – “exempt applications” means an application for planning permission which relates to development that- (1) consists of an alteration to an existing building, or the change of use of an existing building or	Amend to read: In this article – “exempt applications” means an application for planning permission which relates to development that- (1) (a) consists of an alteration to an existing building, or	<b>Reason:</b> To ensure that there is no undue delay to the determination of planning applications under consideration on the date on which the Order comes into force.	SCC defers to the district councils in respect of this provision.



	<p>land; and                  (2) (ii) does not involve, or is not likely to involve, any construction engineering or other operations below existing ground level; and                  “relevant planning authority” means the planning authority in receipt of an application for planning permission to which this article applies.</p>	<p>the change of use of an existing building or land; and                  (b) does not involve, or is not likely to involve, any construction engineering or other operations below existing ground level;                  (ii) is to be subject of decision by a relevant planning authority in the period of 21 days beginning on the day after the date on which the Order comes into force;                  and                  “relevant planning authority” means the planning authority in receipt of an application for planning permission to which this article applies.</p>		
<b>Schedule 1</b>				
Schedule 1	, which may include—	, <del>which may</del> to include—	<b>Note:</b> each Work No description and the list of Associated Development is prefaced by, ‘ <i>which</i>	SCC agrees with the recommended amendment for the reason given.

			<p>may include'. The ExA is recommending that <u>all of these</u> be amended as shown.  <b>Reason:</b> to ensure that all mitigation and compensation works are shown to be required rather than possible, and to bring the draft Order into line with convention in recently made Orders.</p>	
<b>Schedule 3, Requirement 1</b>				
Requirement 1(1) Interpretation	<p>"biodiversity metric" means Biodiversity Metric 3.1 as published by Natural England in April 2022;</p>	<p>Amend to read:                  "biodiversity metric" means <del>Biodiversity Metric 3.1 as published by Natural England in April 2022</del> <b>the Statutory Biodiversity Metric published by Defra on 29 November 2023 or any subsequent Government adopted version;</b></p>	<p><b>Reason:</b> For updating and to ensure currency in the future.</p>	<p>SCC agrees with the recommended amendment for the reason given.</p>
Requirement 1(1) Interpretation		<p>Add new definition:  <b>"HGV" means lorries over 3.5 tonnes maximum gross weight.</b></p>	<p><b>Reason:</b> For clarity and precision, and to align the definition with Government guidance.                  Source: A Simplified Guide to Lorry Types and Weights</p>	<p>SCC agrees with the recommended amendment for the reason given.</p>

			(publishing.service.gov.uk)	
Requirement 1(1)(g) Interpretation	low key maintenance and safety checking of plant and machinery;	Amend to read: low key maintenance and safety checking of plant and machinery, <b>where this does not lead to audible noise beyond the Order limits;</b>	<b>Reason:</b> To limit the effects of plant and machinery noise on local communities.	SCC agrees with the recommended amendment for the reason given.
Requirement 1(1) Interpretation		Add new definition: <b>“night-time” is the period between 23.00 and 07.00 as defined in paragraph 14.4.14 of Document 6.2.12: Environmental Statement, Main Report, Chapter 14 Noise and Vibration.</b>	<b>Reason:</b> For clarity and precision.	SCC queries whether the definition is necessary as “night-time” does not appear to feature in the dDCO.
<b>Schedule 3, Requirement 3</b>				
Requirement 3(1) Stages of authorised development		Insert a new (1) to read: <b>Prior to the commencement of each of the pre-commencement operations set out in article 2(1) Interpretation, the undertaker must notify the relevant planning authority of the nature and timing of the pre-commencement operations no less than 7 calendar days before they commence.</b>	<b>Reason:</b> To provide practical assistance to the relevant planning authorities in monitoring operations and advising local communities and residents about development activities that may concern them	SCC agrees with the principle of new sub-paragraph (1) but would suggest it is drafted as follows – <b>“No later than 7 days before the commencement of any pre-commencement operation, the undertaker must notify the relevant planning authority and relevant highway authority of the nature and timing of that operation”</b> .  Since the dDCO does not refer to “calendar days” elsewhere, SCC considers it should not be included here in case it causes confusion. In addition, SCC considers the highway

				authority should be notified because certain of the operations (e.g. the provision temporary accesses) fall within the scope of its statutory responsibilities.
Requirement 3(1) Stages of authorised development		Re-number <del>(1), (2) and (3)</del> as <b>(2), (3) and (4)</b>	<b>Reason:</b> To rationalise numbering after the insertion of a recommended new Requirement 3(1).	SCC agrees with the recommended amendment for the reason given.
Requirement 3(1) Stages of authorised development	(4) The authorised development must be carried out in accordance with the written scheme submitted further to subparagraph (1) or (2).	Amend to read: <del>(4)</del> <b>(5)</b> The authorised development must be carried out in accordance with the written scheme submitted further to subparagraph (1), <del>or (2)</del> <b>or (3)</b> .	<b>Reason:</b> To rationalise numbering after insertion of a recommended new Requirement 3(1).	SCC agrees with the recommended amendment for the reason given.
<b>Schedule 3, Requirement 4</b>				
Requirement 4(2) Management Plans	(2) The plans referred to in subparagraph (1) above comprise the following— (a) Construction Environmental Management Plan (CEMP); (b) Materials and Waste Management Plan (MWMP); (c) Construction Traffic Management Plan (CTMP); (d) Landscape and Ecological Management Plan (LEMP); and (e) Public Rights of Way Management Plan (PRoWMP).	Amend to read: (2) The plans referred to in subparagraph (1) above comprise the following— (a) Construction Environmental Management Plan <del>(CEMP)</del> ; (b) Materials and Waste Management Plan <del>(MWMP)</del> ; (c) Construction Traffic Management Plan <del>(CTMP)</del> ; (d) Landscape and Ecological Management Plan <del>(LEMP)</del> ; and (e) Public Rights of Way Management Plan <del>(PRoWMP)</del> .	<b>Reason:</b> for consistency with the Article 2 definitions and other parts of the draft Order.	SCC agrees with the recommended amendment for the reason given.

<p>Requirement 4 Management Plans</p>		<p>Add new sub-paragraph 4(4) to read:  <b>4(4) Where the implementation of any of the management plans listed in subparagraph (2) requires the undertaker or its contractor to produce additional deliverables, these must be submitted to the relevant planning authority as soon as reasonably practicable.</b></p>	<p><b>Reason:</b> for monitoring and enforceability.</p>	<p>SCC agrees with the recommended amendment for the reason given.</p>
<p><b>Schedule 3, Requirement 5</b></p>				
<p>Requirement 5 Approval and implementation of Drainage Management Plan</p>	<p>(1) No stage of the authorised development may be brought into operational use until, for that stage, a Drainage Management Plan (DMP), to address operational surface water management matters, has been submitted to and approved by the relevant highway authority.                  (2) The operational use of each stage of the authorised development must be carried out in accordance with the approved Drainage Management Plan (DMP) referred to in sub-paragraph (1) or with any amended Drainage Management Plan (DMP) that may subsequently be approved by the relevant highway authority.</p>	<p>(1) No stage of the authorised development may be brought into operational use until, for that stage, a Drainage Management Plan <del>(DMP)</del>, to address operational surface water management matters, has been submitted to and approved by the relevant <b>highway planning</b> authority, <b>after consultation with the relevant highway authority.</b>                  (2) The operational use of each stage of the authorised development must be carried out in accordance with the approved Drainage Management Plan <del>(DMP)</del> referred to in sub-paragraph (1) or with any amended Drainage Management Plan <del>(DMP)</del> that</p>	<p><b>Reason:</b> For consistency with the clarification provided by the Applicant in [REP3-050], 21.5.4.</p>	<p>SCC disagrees with the new text. The discharging authority should be the “lead local flood authority” who should consult the “relevant planning authority” because the approval of the drainage management plan is a function of the lead local flood authority.</p> <p>SCC’s position is supported by Mid-Suffolk and Babergh District Councils within its administrative area and by Essex County Council and (we understand) Braintree District Council.</p>

		<p>may subsequently be approved by the relevant <del>highway</del> <b>planning</b> authority, <b>after consultation with the relevant highway authority.</b></p>		
<b>Schedule 3, Requirement 6</b>				
<p>Requirement 6 Archaeology</p>	<p>(1) The authorised development must be undertaken in accordance with the Archaeological Framework Strategy and the Outline Written Scheme of Investigation (OWSI). (2) No stage of the authorised development may commence until a Detailed Written Scheme of Investigation of areas of archaeological interest relevant to that stage (if any) as identified within the OWSI or identified through evaluation work as set out in the OWSI has been submitted to and approved by the County Archaeologist. (3) Any detailed archaeological works must be carried out in accordance with the approved Detailed Written Scheme of Investigation for that stage. (4) The Detailed Written Scheme of Investigation must be in accordance with the OWSI and must identify areas where archaeological works are required</p>	<p>Amend to read: (1) The authorised development must be undertaken in accordance with the Archaeological Framework Strategy and the Outline Written Scheme of Investigation (<del>OWSI</del>). (2) No stage of the authorised development may commence until a Detailed Written Scheme of Investigation of areas of archaeological interest relevant to that stage (if any) as identified within the <del>OWSI</del> <b>Outline Written Scheme of Investigation</b> or identified through evaluation work as set out in the <del>OWSI</del> <b>Outline Written Scheme of Investigation</b> has been submitted to and approved by the County Archaeologist. (3) Any detailed archaeological works must be carried out in accordance with the approved Detailed Written Scheme of Investigation for that stage.</p>	<p><b>Reason:</b> for consistency with the Article 2 definitions and other parts of the draft Order.</p>	<p>SCC agrees with the recommended amendment for the reason given.  SCC maintains its position in respect of the drafting of this requirement, as set out in paragraph 8.45 to 8.52 <b>[REP1-045]</b>, DC1.6.105 <b>[REP3-078]</b>, Table Item 1I <b>[REP5-033]</b>.</p>

	<p>and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found and must include an implementation timetable.</p>	<p>(4) The Detailed Written Scheme of Investigation must be in accordance with the <del>OWSI</del> <b>Outline Written Scheme of Investigation</b> and must identify areas where archaeological works are required and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found and must include an implementation timetable.</p>		
<p><b>Schedule 3, Requirement 7</b></p>				
<p>Requirement 7 Construction hours</p>	<p>7(1) Subject to sub-paragraphs (2) to (4), work may only take place between 0700 and 1900 Monday to Friday and between 0800 and 1700 on Saturdays, Sundays, and Bank Holidays (the core working hours), unless otherwise approved by the relevant planning authority.</p>	<p>Amend to read: 7(1) Subject to sub-paragraphs (2) to (4), work may only take place between 0700 and 1900 Monday to Friday and between 0800 and 1700 on Saturdays, Sundays, <del>and</del> Bank Holidays <b>and other public holidays</b> (the core working hours), unless otherwise approved by the relevant planning authority.</p>	<p><b>Reason:</b> 1) To accommodate proposed amendments listed below. 2) To include all public holidays that affect all sectors of society (whereas Bank Holidays involve the closure of banks and financial institutions).</p>	<p>Whilst agreeing with the amendment for the reason given, SCC considers sub-paragraph (1) should be further amended as follows – after “work” insert <b>“(which includes any pre-commencement operation)”</b></p>
<p>Requirement 7 Construction hours</p>	<p>Amend to read: 7(2) No percussive piling operations may take place on Sundays and Bank Holidays.</p>	<p>Amend to read: 7(2) No <del>percussive</del> piling operations may take place <b>between 19.00 and 07.00, or</b> on Sundays, <del>and</del> Bank Holidays <b>or</b></p>	<p><b>Reason:</b> To limit the effects of construction, machinery and traffic</p>	<p>Whilst agreeing with the amendment for the reason given, SCC considers sub-paragraph (2) should be further amended as follows –</p>

		<b>other public holidays, and no abnormal indivisible load or HGV deliveries may be made to site between 19.00 and 07.00, or on Sundays, Bank Holidays or other public holidays.</b>	operations on local communities.	(2) No piling operations may take place between 19.00 and 07.00, or on <b>Saturday afternoons</b> , Sundays, and Bank Holidays or other public holidays, and no abnormal indivisible load or HGV deliveries may be made to site between 19.00 and 07.00, or on <b>Saturday afternoons</b> , Sundays, Bank Holidays or other public holidays.
Requirement 7 Construction hours	(3)(d) the completion of operations commenced during the core working hours which cannot safely be stopped;	Amend to read: 7(3)(d) the <b>continuation completion</b> of operations commenced during the core working hours <b>to a point where they can safely be paused. which cannot safely be stopped;</b>	<b>Reason:</b> to limit the effects of construction activities on local communities for operations that may take place outside the core working hours.	SCC agrees with the recommended amendment for the reason given.
Requirement 7 Construction hours	(3)(g) the completion of works delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities;	Amend to read: 7(3)(g) the completion of works delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities <b>that are on the accepted construction programme critical path, as agreed with the local planning authority. In such cases, the undertaker must, as soon as practicable, notify the local</b>	<b>Reason:</b> to limit the effects of construction activities on local communities for operations that may take place outside the core working hours.	SCC agrees with the recommended amendment for the reason given.



		<b>planning authority of the disruption or interruption and explain why that work could not be completed within the core working hours referred to in subparagraph (1);</b>		
Requirement 7 Construction hours	7(3)(j) surveys.	Amend to read: 7(3)(j) <b>non-intrusive surveys, that is, those that would not create any discernible light, noise or vibration outside the Order limits.</b>	<b>Reason:</b> to limit the effects of construction activities on local communities for operations that may take place outside the core working hours.	SCC agrees with the recommended amendment for the reason given.
Requirement 7 Construction hours		Add new sub-paragraph to read: <b>(5) No construction activities may take place between 19.00 and 07.00, or on Sundays, Bank Holidays or other public holidays at:</b> <ul style="list-style-type: none"> <li>• F-AP4;</li> <li>• pylon PCB 64;</li> <li>• pylon 4Y004A;</li> <li>• pylon RB4;</li> <li>• pylon RB7;</li> <li>• pylon RB33;</li> <li>• pylon RB25; and</li> <li>• pylon 4YLA002,</li> </ul> <b>as shown on Figure 4.1 in the Environmental Statement Figures (document reference 6.4(B)).</b>	<b>Reason:</b> to limit the effects of construction activities on noise sensitive receptors for operations that may take place outside the core working hours.	SCC agrees with the recommended amendment for the reason given.

<p>Requirement 7 Construction hours</p>		<p>Add new sub-paragraph to read: <b>(6) The severe weather conditions referred to in sub-paragraph 3(g) means any weather which prevents work from taking place during the core working hours referred to in sub-paragraph (1) by reason of physical incapacity (whether for reasons of visibility, ground conditions, power availability, site access or otherwise) or being contrary to safe working practices.</b></p>	<p><b>Reason:</b> To clarify interpretation of severe weather conditions and to limit the effects of construction activities on local communities for operations that may take place outside the core working hours.</p>	<p>SCC agrees with the recommended amendment for the reason given.</p>
<p><b>Schedule 3, Requirement 8</b></p>				
<p>Requirement 8(3) Retention and removal of trees, woodlands and hedgerows</p>	<p>The plan submitted under sub-paragraph (1) must be in general accordance with the LEMP.</p>	<p>The plan submitted under sub-paragraph (1) must be in <del>general</del> accordance with the <del>LEMP</del> <b>Landscape and Ecological Management Plan and the Trees and Hedgerows to be Removed or Managed Plans.</b></p>	<p><b>Reason:</b> to be specific, encompass all relevant control information, and to remove an acronym that is not defined in Article 2 and when no similar examples are used elsewhere in the draft Order to identify management plans.</p>	<p>SCC agrees with the recommended amendment for the reason given.</p> <p>In addition, SCC considers sub-paragraphs (1) and (2) should be amended as follows –</p> <p>“(1) Unless otherwise agreed with the relevant planning authority, no stage of the authorised development may commence until, for that stage, a <b>detailed plan has been submitted to and approved by the relevant planning authority showing identifying</b> the trees, groups of trees, woodlands and hedgerows to be retained and/or removed during that <b>stage, in accordance with tree and</b></p>

				<p>hedgerow surveys carried out, and showing how the retained vegetation will be appropriately protected. <del>has been submitted to and approved by the relevant planning authority.</del></p> <p>(2) The plan submitted under sub-paragraph (1) must include details of the location, <b>species and condition</b> of the trees, groups of trees, woodlands and hedgerows to be removed <b>and retained</b> during that stage of the authorised development”.</p>
<b>Schedule 3, Requirement 9</b>				
Requirement 9(4) Reinstatement planting plan	The reinstatement planting plan submitted under sub-paragraphs (1) and (2) must be in general accordance with the LEMP.	Amend to read: The reinstatement planting plan submitted under sub-paragraphs (1) and (2) must be in <del>general</del> accordance with the <b>Landscape and Ecological Management Plan LEMP.</b>	<b>Reason:</b> to be specific and to remove an acronym that is not defined in Article 2 and when no similar examples are used elsewhere in the draft Order to identify management plans.	SCC agrees with the recommended amendment for the reason given.
<b>Schedule 3, Requirement 10</b>				
Requirement 10(3) Reinstatement planting plan – implementation, compliance and replacement planting	Any trees or hedgerows planted as part of an approved reinstatement planting plan that, within a period of 5 years after planting, are removed, die or become in the opinion of the relevant planning authority seriously damaged or diseased, must be replaced in the	Amend to read: <b>All reinstatement planting works referred to in Requirement 9 must be implemented, monitored and maintained in accordance with the ‘Aftercare’ section of the</b>	<b>Reason:</b> to ensure the aftercare of the planting complies with the assessed mitigation and management measures.	SCC agrees with the recommended amendment for the reason given.

	<p>first available planting season with a specimen of the same species and size as that originally planted, unless otherwise approved by the relevant planning authority.</p>	<p><b>Landscape and Ecological Management Plan.</b> Any trees or hedgerows planted as part of an approved reinstatement planting plan that, within a period of 5 years after planting, are removed, die or become in the opinion of the relevant planning authority seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless otherwise approved by the relevant planning authority.</p>		
<p><b>Schedule 3, Requirement 11</b></p>				
<p>Requirement 11 (1) Highway works</p>	<p>No work to construct, alter or temporarily alter any new or existing means of access to a highway to be used by vehicular traffic may commence until written details of design, layout and reinstatement of that means of access has been submitted to and approved by the relevant highway authority.</p>	<p>Amend to read: No work to construct, alter or temporarily alter <b>any highway, including</b> new or existing means of access to a highway to be used by vehicular traffic may commence until written details of design, layout and reinstatement of <b>the highway works that means of access has have</b> been submitted to and approved by the relevant highway authority.</p>	<p>1) To ensure that Requirement 11 has effect in relation to all relevant enabling highway works. 2) Grammar correction.</p>	<p>SCC agrees with the recommended amendment for the reason given.</p>
<p>Requirement 11 (2)</p>	<p>The highway accesses must be constructed and reinstated in</p>	<p>Amend to read:</p>	<p><b>Reason:</b> To ensure that Requirement 11</p>	<p>SCC agrees with the recommended amendment for the reason given.</p>

Highway works	accordance with the details approved under subparagraph (1).	The highway <b>works accesses</b> must be constructed and reinstated in accordance with the details approved under subparagraph (1).	has effect in relation to all relevant enabling highway works.	
Requirement 11 (4) Highway works	The undertaker must carry out road safety audits of the highway works authorised by this Order in accordance with Standard GG 119 Road Safety Audit (Revision 2) of the Department for Transport’s Design Manual for Roads and Bridges or in accordance with any standard that supersedes that Standard and must, to the reasonable satisfaction of the highway authority, implement any recommendations to mitigate or remove road safety problems and defects identified in any such road safety audits arising out of the authorised development.	Amend to read: <b>Unless otherwise agreed with the relevant highway authority,</b> <del>The</del> undertaker must: a) carry out <b>stage 1, 2, 3 and 4</b> road safety audits of the highway works authorised by this Order in accordance with Standard GG 119 <b>Road Safety Audit</b> (Revision 2) of the Department for Transport’s Design Manual for Roads and Bridges or <del>in accordance with any standard that supersedes that superseding</del> Standard; and b) <del>must, to the reasonable satisfaction of the highway authority,</del> implement any <b>consequent road safety actions arising out of the authorised development to the reasonable satisfaction of the highway authority</b> <del>recommendations to mitigate or remove road safety problems and defects identified in any such road safety audits arising out of the authorised development.</del>	<b>Reasons:</b> 1) To ensure significant road safety implications arising from land take and basic highway design principles are identified and considered. 2) To ensure proportionate use of the Road Safety Audit process. 3) For precision and enforceability	SCC agrees with the recommended amendment for the reason given.

<b>Schedule 3, Requirement 12</b>				
Requirement 12(1) Decommissioning	(1) In the event that, at some future date, the authorised development, or part of it, is to be decommissioned, a written scheme of decommissioning must be submitted for approval by the relevant planning authority at least six months prior to any decommissioning works.	Amend to read: (1) In the event that, at some future date, the authorised development, or part of it, is to be decommissioned, a written scheme of decommissioning must be submitted for approval by the relevant planning authority <b>in consultation with the relevant highway authority,</b> at least six months prior to any decommissioning works.	<b>Reason:</b> To ensure that the authorised development’s implications for the road network and public rights of way are considered.	SCC agrees with the recommended amendment for the reason given.
Requirement 12 Decommissioning		Add paragraph to read: <b>(4) The written scheme of decommissioning submitted under subparagraph (1) must include a reassessment of the environmental implications of decommissioning.</b>	<b>Reason:</b> To ensure that the likely environmental impact of decommissioning works is properly considered.	SCC agrees with the recommended amendment for the reason given.
<b>Schedule 3, Requirement 13</b>				
Requirement 13 Biodiversity Net Gain	(1) Unless otherwise agreed with the relevant planning authority, written evidence (in the form of the outputs of the biodiversity metric) demonstrating how at least ten per cent in biodiversity net gain is to be delivered as part of the authorised development must be submitted to the relevant planning authority no later than the date on which that part of the	Amend to read: Unless otherwise agreed with the relevant planning authority, written evidence (in the form of the outputs of the biodiversity metric) demonstrating how at least ten per cent in biodiversity net gain is to be delivered as part of the authorised development must be submitted to the relevant planning	<b>Reason:</b> To remove superfluous subparagraph number, and to address ambiguity about the timing of the submission of the evidence to the local planning authority.	SCC agrees with the recommended amendment for the reason given.

	authorised development comprising the installation of new overhead transmission electric line and underground transmission electric line is first brought into operational use.	authority no later than the date on which that part of the authorised development comprising the <del>installation of new overhead</del> transmission electric line <del>and underground transmission electric line</del> is first brought into operational use.		
<b>Schedule 4</b>				
Schedule 4(1)(1) Discharge of Requirements Applications made under Requirements	(1) Where an application has been made to a relevant authority for any consent, agreement or approval required by a requirement (including consent, agreement or approval in respect of part of a requirement), the relevant authority must give notice to the undertaker of its decision on the application within a period of 28 days beginning with -	Amend to read: (1) Where an application has been made to a relevant authority for any consent, agreement or approval required by a requirement (including consent, agreement or approval in respect of part of a requirement), the relevant authority must give notice to the undertaker of its decision on the application within a period of <b>35</b> <del>28</del> days beginning with -	<b>Reason:</b> The 35-day period is more consistent with precedent established by recent and comparable made Orders.	Please see the reply to the proposed amendment to article 11(3) (street works), which applies here also.
Schedule 4(3) Discharge of Requirements Fees	(b) A fee of £116 per request.	(b) A fee of <b>£145</b> <del>£116</del> per request.	<b>Reason:</b> The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023 came into force on	It does not follow that a fee for the discharge of a condition under a planning permission is appropriate for the discharge of a requirement related to a nationally significant infrastructure project. The scale of work involved in the latter is invariably greater and the work itself more complex. Owing to the presence of deeming provisions in the DCO, the work must also be

			<p>12th April 2023 and Regulation 12 (2)(b) Amendment of Regulation 16 (fees for confirmation of compliance with condition attached to planning permission) substituted £116 with £145.</p>	<p>prioritised and carried out in a short time frame. The complexities and added pressures must be reflected in the fee. Owing to these factors, SCC considers the fee regime under paragraph (3) is insufficient. SCC considers the paragraph (3) should be amended to allow the applicant and relevant authority to agree a different fee from that set out in paragraph (3). SCC considers such agreement could be included in a planning performance agreement which catered for the post-decision stage of the project.</p> <p>SCC would suggest paragraph 3 is amended as follows –</p> <p>“(1) <b>Subject to paragraph (2),</b> <del>W</del>where an application is made to a relevant authority for any consent, agreement or approval required by a Requirement (including consent, agreement or approval in respect of part of a Requirement), <b>or by any other provision of this Order</b> a fee must be paid <b>by the undertaker</b> to the relevant authority as follows—</p> <p>(a) such fee as may be prescribed (under sections 303 and 333(2A) of the 1990 Act for the discharge of</p>
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				<p>conditions attached to a planning permission); or                  (b) a fee of £145 per request.  <b>(2) The undertaker and relevant authority may agree a different fee for determining any consent, agreement or approval referred to in paragraph (1)".</b></p> <p>In any event, it is essential that the words “or by any other provision of this Order” are included in paragraph (1) because several articles include provision for consent, agreements and approval and there is no reasonable argument as to why the costs of determining those should not incur a fee, particularly since they are subject to deeming provisions and tight timeframes for determination.</p>
<b>Schedule 10</b>				
Schedule 10 Land of which only temporary possession may be taken		Delete the entire 1st row of page 104 of the dDCO.	<b>Reason:</b> To ensure consistency with Sheet 01 of the Land Plans that shows rights in Plot Number 1-05 being sought for Class 1 – Compulsory Acquisition of land.	SCC agrees with the recommended amendment for the reason given.
Schedule 10 Land of which only temporary	Final row, 1st column of page 109: 14-06, 14-08	Amend to read: 14-06, 14-08, <b>14-28</b>	<b>Reason:</b> To ensure consistency between Schedule 10 that	SCC agrees with the recommended amendment for the reason given.

possession may be taken			relates to land of which only Temporary Possession may be taken and the Book of Reference which shows Plot 14-28 being acquired for Class 6 - Temporary Use for Construction, Mitigation, Maintenance and Dismantling of Redundant Infrastructure.	
Schedule 10 Land of which only temporary possession may be taken	9 <sup>th</sup> row, 1st column of page 111: 16-03, 16-10, 16-11, 16-14, 16-20, 16-22, 16-35	Amend to read: 16-03, 16-10, <del>16-11</del> , 16-14, 16-20, 16-22, 16-35	<b>Reason:</b> To ensure consistency between Schedule 10 that relates to land of which only Temporary Possession may be taken and the Book of Reference which shows Class 3 Compulsory Acquisition of Rights – underground cable being sought in respect of Plot 16-11.	SCC agrees with the recommended amendment for the reason given.
Schedule 10 Land of which only temporary	3 <sup>rd</sup> row, 1st column of page 112: 16-67, 16-69, 16-72, 16-73, 16-74, 16-84, 16-88, 16-89	16-67, 16-69, 16-72, 16-73, 16-74, 16-84, 16-88, <del>16-89</del>	<b>Reason:</b> To ensure consistency between Schedule 10 that	SCC agrees with the recommended amendment for the reason given.

possession may be taken			relates to land of which only Temporary Possession may be taken and the Book of Reference which shows Class 4 Compulsory Acquisition of Rights – Access being sought in Plot 16-89.	
Schedule 10 Land of which only temporary possession may be taken	5 <sup>th</sup> row, 1st column of page 112: 17-13, 17-29, 17-30, 17-34, 17-35, 17-37, 17-42, 17-63, 17-67, 17-68, 17-69	Amend to read: 17-13, 17-29, 17-30, 17-34, 17-35, 17-37, 17-42, <del>17-63</del> , 17-67, 17-68, 17-69	<b>Reason:</b> To ensure consistency of approach to plots in which Class 6(5)/0 rights are being sought whereby they are otherwise excluded from Schedule 10 e.g., 17-02, 17-04, 17-05 and 17-09.	SCC agrees with the recommended amendment for the reason given.
Schedule 10 Land of which only temporary possession may be taken	1 <sup>st</sup> column of 1st or 3rd rows of page 116	Amend either by removing one of the references to Plot 23-27.	<b>Reason:</b> To correct unexplained duplication.	SCC agrees with the recommended amendment for the reason given.
Schedule 10 Land of which only temporary possession may be taken	6 <sup>th</sup> row, 1st column of page 116: 23-58, 23-59, 23-60, 23-61, 23-62	Amend to read: 23-58, 23-59, 23-60, <del>23-61, 23-62</del>	<b>Reason:</b> To ensure consistency between Schedule 10 and the Book of Reference as neither of the plots are shown therein.	SCC agrees with the recommended amendment for the reason given.

<p>Schedule 10 Land of which only temporary possession may be taken</p>	<p>Final row, 1st column of page 118: 28-01, 28-02, 28-18, 28-19, 28-22, 28-23, 28-24, 28-25, 28-27, 28-28, 28-29, 28-33, 28-34, 28-37, 28-44, 28-58</p>	<p>Amend to read: 28-01, 28-02, 28-18, 28-19, 28-22, 28-23, 28-24, 28-25, 28-27, 28-28, 28-29, 28-33, <del>28-34</del>, 28-37, 28-44, 28-58</p>	<p><b>Reason:</b> To ensure consistency of approach to plots in which Class 6(5)/0 rights are being sought whereby they are otherwise excluded from Schedule 10 e.g., 17-02, 17-04, 17-05 and 17-09.</p>	<p>SCC agrees with the recommended amendment for the reason given.</p>
<p><b>Schedule 14, Part 5</b></p>				
<p>Protective provisions for the protection of Cadent Gas Limited as a gas undertaker</p>	<p>Paragraph 54(5): As a condition of an agreement between the parties in sub-paragraph (1) that involves decommissioned apparatus being left in situ the undertaker must accept a surrender of any existing easement and/or other interest of Cadent in such decommissioned apparatus and consequently acquire title to such decommissioned apparatus and release Cadent from all liabilities in respect of such decommissioned apparatus from the date of such surrender.</p>	<p>Amend to read: As a condition of an agreement between the parties in sub-paragraph (1) that involves <del>de-commissioned</del> <b>decommissioned</b> apparatus being left in situ the undertaker must accept a surrender of any existing easement and/or other interest of Cadent in such decommissioned apparatus and consequently acquire title to such decommissioned apparatus and release Cadent from all liabilities in respect of such <del>de-commissioned</del> <b>decommissioned</b> apparatus from the date of such surrender.</p>	<p><b>Reason:</b> To rationalise the inconsistent spelling of decommissioned.</p>	<p>SCC agrees with the recommended amendment for the reason given.</p>
<p><b>Schedule 15</b></p>				

<p>Schedule 15 Public General Legislation</p>	<p>Town and Country Planning Act 1990 (3) For the purposes only of section 106(1) of the 1990 Act, the undertaker is to be deemed to be a person interested in the Order land or any part of its and for the avoidance of doubt section 106(3)(a) will include any transferee under article 7 (consent to transfer benefit of Order) of this Order.</p>	<p>Delete: <del>Town and Country Planning Act 1990 (3) For the purposes only of section 106(1) of the 1990 Act, the undertaker is to be deemed to be a person interested in the Order land or any part of its and for the avoidance of doubt section 106(3)(a) will include any transferee under article 7 (consent to transfer benefit of Order) of this Order.</del></p>	<p><b>Reason:</b> As there are no proposed planning obligations associated with the application, this proposed provision is unnecessary.</p>	<p>SCC agrees with the recommended amendment for the reason given.</p>
<p><b>Schedule 17</b></p>				
<p>Schedule 17 Certified Documents</p>	<p>Landscape and Environmental Management Plan / 7.8 (B)</p>	<p>Amend to read: Landscape and Ecological Management Plan / 7.8 (B), <b>7.8.1, 7.8.2 and 7.8.3.</b></p>	<p><b>Reason:</b> To ensure consistency with recommended amendment to Article 2(1) Interpretation.</p>	<p>Please see the answer above to Article 2(1) The definition of LEMP.</p>
<p>Schedule 17 Certified Documents</p>	<p>Construction Environmental Management Plan / 7.5 (C)</p>	<p>Amend to read: Construction Environmental Management Plan / 7.5 (C), <b>7.5.1 and 7.5.2.</b></p>	<p><b>Reason:</b> To ensure consistency with recommended amendment to Article 2(1) Interpretation.</p>	<p>Please see the answer above to Article 2(1) The definition of CEMP.</p>
<p>Schedule 17 Certified Documents</p>		<p>Additional document to be certified: (1) <i>Document Title</i> <b>Errata List</b> (2) <i>Document Reference</i> <b>8.4.3 (B)</b></p>	<p><b>Reason:</b> To ensure that corrections made to certified documents are also certified.</p>	<p>In addition to the amendment to Schedule 17, SCC considers the Errata List should be defined in article 2(1). As mentioned above, SCC considers the Navigation Document should also be defined in article 2(1) and listed in Schedule 17.</p>