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Bramford to Twinstead Reinforcement

Volume 8: Examination Submissions

Document 8.10.2: Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's Draft DCO

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1. Introduction

1.1 Purpose of this document

- 1.1.1 This document provides National Grid Electricity Transmission plc's (the Applicant's) response to the Schedule of the Examining Authority's (ExA) recommended amendments [PD-009] to the Applicant's draft Development Consent Order (draft DCO) submitted at Deadline 6 [REP6-003] on the Bramford to Twinstead Reinforcement (the project).

2. Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's draft Development Consent Order [REP6-003]

2.1 Part 1: Preliminary

Table 2.1 – Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's draft Development Consent Order [REP6-003] – Part 1: Preliminary

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
Part 1, Articles 1 and 2				
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), 7.5.1 and 7.5.2) certified by the Secretary of State as the Construction Environmental Management Plan for the purposes of this Order under article 57 (certification of documents);	Reason: for the avoidance of doubt that all three separate documents comprise the certified CEMP.	The Applicant confirms that the amendments recommended by the Examining Authority have been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)), save that reference is made to Documents 7.5 (D), 7.5.1 (C) and 7.5.2 (E) in order to take account of submissions made at Deadline 8. The Applicant will ensure that all documentary references are cross-checked and further updated where necessary in the final draft DCO to be submitted at Deadline 9.
Article 2(1) Interpretation The definition of the ES	"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 complying with and/or discharging the Requirements;	Amend to read: "Environmental Statement" means the environmental statement (Documents 6.1 to 6.4 (inclusive)) all documents listed under Volume 6, Environmental Information, in the final version of the Navigation Document (document 1.4(xx)) together with any supplemental or additional environmental information certified under article 57 (certification of documents), and any environmental management plan statement submitted for the purposes of complying with and/or discharging the Requirements, and any entries in the final version of the Errata List (Document 8.4.3) that relate to any of these documents;	Reason: for the avoidance of doubt as to which documents and information comprise the Environmental Statement.	The Applicant makes three submissions in response to the Examining Authority's recommendations: 1. The Applicant respectfully disagrees with the Examining Authority's recommendation in relation to the following drafting: <i>"Environmental Statement means the environmental statement (Documents 6.1 to 6.4 (inclusive)) all documents listed under Volume 6, Environmental Information, in the final version of the Navigation Document (document 1.4(xx)) together with...."</i> Documents 6.5 and 6.6 comprise the Scoping Report and Scoping Opinion respectively. As Regulation 14 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 indicates, neither the Scoping Report nor the Scoping Opinion is a necessary constituent part of an Environmental Statement. Indeed, Regulation 14(3)(a) makes clear that an Environmental Statement must be based on – but need not include – the most recently adopted scoping opinion. Therefore, and from the Applicant's perspective, the definition of "Environmental Statement" should continue to refer only to those documents which comprise Parts 1 to 4 of Volume 6 (i.e. Documents 6.1 to 6.4 (inclusive)). 2. The Applicant respectfully disagrees with the Examining Authority's recommendation in relation to the following drafting: <i>"...and any environmental management plan statement submitted...."</i>

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
				<p>The reference in this context to 'any environmental statement' is deliberately intended to address matters concerning consideration by a relevant authority of a "subsequent application" (as defined in Regulation 3(1) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017), whereby Regulations 22 and 23 together require, in certain circumstances, the submission of an updated environmental statement before a "subsequent application" can be considered.</p> <p>It is therefore important that this particular element of drafting is retained in the form proposed by the Applicant, noting that compliance with each of the management plans is separately addressed and controlled in any event.</p> <p>3. The Applicant is content to include reference to the Errata List (Document 8.4.3 (B)) in this context, and confirms that the amendments recommended by the Examining Authority have been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).</p>
Article 2(1) Interpretation The definition of the LEMP	"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);	Amend to read: "Landscape and Ecological Management Plan" means the document of that description (together with its appendices) (Documents 7.8 (B), 7.8.1, 7.8.2 and 7.8.3) 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);	Reason: for the avoidance of doubt that all four separate documents comprise the certified LEMP.	<p>The Applicant confirms that the amendments recommended by the Examining Authority have been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)), save that reference is made to Documents 7.8 (C), 7.8.1 (B), 7.8.2 (C) and 7.8.3 (B) in order to take account of submissions made at Deadline 7 ([REP7-007], [REP7-008], [REP7-009] and [REP7-010]).</p> <p>The Applicant will ensure that all documentary references are cross-checked and further updated where necessary in the final draft DCO to be submitted at Deadline 9.</p>
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: (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.	Reason: 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.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).

2.2 Part 2: Principal Powers

Table 2.2 – Applicant’s Response to the Schedule of the Examining Authority’s recommended amendments to the Applicant’s draft Development Consent Order [REP6-003] – Part 2: Principal Powers

Reference	Text from the draft DCO [REP6-003]	ExA’s recommended amendment	ExA’s reason and notes	Applicant’s Response to the ExA’s recommended amendment
Part 2, Article 3				
Article 3 Development consent etc. granted by the Order	<p>(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.</p> <p>(5) UKPN may operate and use the electric line and any other elements of the UKPN works as part of the electricity distribution network.</p> <p>(6) 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>(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>Amend to read:</p> <p>(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.</p> <p>(5) UKPN may operate and use the electric line and any other elements of the UKPN works as part of the electricity distribution network.</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>Reason and notes: 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) 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>	<p>The Applicant respectfully disagrees with the Examining Authority’s recommended amendments to Article 3.</p> <p>As Section 2.1 of the Planning Statement [REP6-011] explains, the Applicant holds an electricity transmission licence covering England and Wales, whilst UKPN (as Distribution Network Operator for the geographic area in which the project is sited) holds an electricity distribution licence.</p> <p>Those licences allow for the operation and use of infrastructure and apparatus (including electric lines as defined in Article 2(1) of the draft DCO) forming part of the electricity transmission and distribution networks (respectively), subject to compliance with conditions.</p> <p>Whilst the Examining Authority’s observations are noted, the Applicant considers that it is appropriate as a matter of clarification from both a planning and a land use perspective (as distinct from a regulatory perspective) to include sub-paragraphs (4) and (5) in Article 3.</p> <p>The legal basis for including sub-paragraphs (4) and (5) is section 120(3) or section 120(5) of the 2008 Act, noting that s.120(3) allows for “an order granting development consent [to] make provision relating to, or to matters ancillary to, the development for which consent is granted” whilst s.120(5)(d) permits, amongst other things, the inclusion of “incidental, consequential, supplementary, transitional or transitory provisions and savings.”</p>
Part 2, Article 5				
Article 5(1)(a) Limits of deviation	<p>(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 plans and carry out construction activities for the purpose of the authorised development anywhere within the Order limits; and</p>	<p>Amend to read:</p> <p>(a) deviate laterally from the centreline for the linear works 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 plans and to carry out related construction activities for the purpose of the authorised development anywhere within the Order limits; and</p>	<p>Reason: For clarity and avoidance of doubt for linear works related to construction activities.</p>	<p>The Applicant makes two submissions in response to the Examining Authority’s recommendations:</p> <ol style="list-style-type: none"> The following recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)): <p>“...deviate laterally from the centreline for the linear works from the lines or situations of the...”</p> The Applicant respectfully disagrees with the following recommended amendments: <p>“...those plans and to carry out related construction activities...”</p> <p>From the Applicant’s perspective, use of the word ‘related’ in this context is likely to give rise to uncertainty, as both a matter of statutory interpretation and practical implementation. The Order limits are already tightly drawn to enable only those works and other construction activities which are necessary for the delivery</p>

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
				of the corresponding part of the authorised development to take place, having regard in this context to the Applicant's statutory duties to be both economic and efficient. The Applicant is, however, content to delete the word 'anywhere' from Article 5(1)(a) and confirms that this amendment has also been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
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 the grid supply point substation, Bramford substation substations and cable sealing end compounds forming part of the authorised development:	Reason: For clarity and avoidance of doubt.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)). Notwithstanding the amendments made at Deadline 8, the Applicant remains unconvinced as to the practical effect of this particular change given the purpose and effect of Article 5(3), and indeed Article 5 as a whole, which is ultimately to constrain the exercise of powers pursuant to Article 3 and Schedule 1 (to which see Article 3(8)).
Part 2, Article 10				
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 (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.	Delete sub-paragraph: (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 (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.	Reason: The ExA is not persuaded of the need for this provision. The grid supply point sub-station is part of the Nationally Significant Infrastructure Project, so would not 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.	The Applicant respectfully disagrees with the Examining Authority's recommended amendments to Article 10(1). In addition to the justification already set out at Paragraph 3.14.1 of the Explanatory Memorandum (Document 3.1 (F)), and whilst acknowledging that there is no current intent to do so, the Applicant considers it necessary and appropriate to provide for a future eventuality whereby certain elements of the authorised development are required to be consented through other means. For example, it may be the case that express planning permission is required to be sought for certain other access or enabling works, or to facilitate future maintenance or other operations. Absent the inclusion of Article 10(1), there would be both legal and practical uncertainty as to whether a breach of the Order would occur pursuant to Section 161 of the 2008 Act if development was undertaken pursuant to those other permissions without compliance with, for example, the Requirements of the Order. The flexibility and certainty which Article 10(1) seeks to afford is not unusual and, indeed, the 2008 Act allows for such provision to be made. The Examining Authority is referred in this context to Article 8 of the (Draft) National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order, Article 56 of the (Draft) A122 (Lower Thames Crossing) Development Consent Order, Article 40 of the Southampton to London Pipeline Development Consent Order 2020 and Article 7 of the A30 Chiverton to Carland Cross Development Consent Order 2020.
Article 10 Planning Permission	(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.	Delete sub-paragraph: (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.	Reason: 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.	The Applicant respectfully disagrees with the Examining Authority's recommended amendments to Article 10(2). In addition to the justification already set out at Paragraphs 3.14.2 to 3.14.4 of the Explanatory Memorandum (Document 3.1 (F)), the Applicant notes that the primary intended beneficiaries of Article 10(2)(b) would be third parties benefitting from planning permissions authorising other forms of development or use within the same geographic area as that which powers or rights are capable of being exercised pursuant to the Order.

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
			Accordingly, the ExA is unpersuaded of the need for this provision.	Without sub-paragraph (2)(b), the Applicant considers that there is a significant risk of those other permissions being undeliverable or subject to enforcement action, particularly in light of the Supreme Court's ruling in <i>Hillside Parks Ltd v Snowdonia National Park Authority</i> 2022 UKSC [30]. The continued inclusion of sub-paragraph (2)(b) is therefore considered necessary in order to provide express confirmation to those third parties that other forms of development or use are not prevented by virtue of the existence of powers and rights under the Order.
Article 10 Planning Permission		Renumber paragraphs 10(2) and 10(3) and their sub-paragraphs to accommodate the recommended changes above.	Reason: To maintain ordering.	In light of the submissions made above, the Applicant respectfully disagrees with the Examining Authority's recommended amendments.
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.	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: (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 adjacent to the Order limits.	Reason: For precision and reasonableness.	The Applicant notes that Article 10(2) is drafted so as to properly reflect the circumstances in which other powers and rights may be exercised pursuant to the Order. By way of example, Article 11(2) permits the carrying out of certain street works, on consent of the relevant street authority, on "... <i>any other street whether or not within the Order limits...</i> " (emphasis added). Articles 14(2) and 21(1) provide likewise in relation to, respectively, the alteration of the layout of certain streets and the carrying out of certain surveys and investigations. As is made clear in the examples above, the exercise of those powers and rights is not limited to land or streets 'adjacent' to the Order limits. Therefore, to constrain the operation of Article 10(2)(b) in this way, would be to create a lacuna in terms of the protections which Article 10(2) is intended to provide (and as explained in the response above). For this reason, the Applicant must respectfully disagree with the Examining Authority's recommended, without prejudice, amendment to Article 10(2)(b).

2.3 Part 3: Streets

Table 2.3 – Applicant’s Response to the Schedule of the Examining Authority’s recommended amendments to the Applicant’s draft Development Consent Order [REP6-003] – Part 3: Streets

Reference	Text from the draft DCO [REP6-003]	ExA’s recommended amendment	ExA’s reason and notes	Applicant’s Response to the ExA’s recommended amendment
Part 3, Article 11				
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 28 35 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.	Reason: To provide a reasonable period that would allow for the exchange of any requisite further information.	<p>The Applicant recognises the practical pressures faced by the host authorities and remains committed to working closely with those authorities to ensure that they are fully aware of when applications for consent are proposed to be submitted under Article 11(2).</p> <p>It is likely that the submission of a staging plan pursuant to Requirement 3 will be of particular benefit in this context.</p> <p>In addition, the inclusion of the words “<i>unless otherwise agreed</i>” in Article 11(3) is intended to allow for matters, including requests made by the local authorities for further information, to be dealt with on a case-by-case basis and in line with the terms of the Framework Highways Agreement and/or any other future Planning Performance Agreement (as the case may be).</p> <p>However, from the Applicant’s perspective, it is equally important to have regard to the fact that the Applicant is itself bound by, and subject to, various statutory and regulatory duties, including the requirement to maintain the national electricity transmission system safely, reliably, economically and efficiently, in accordance with the Applicant’s statutory duty under Section 9 of the Electricity Act 1989 to maintain ‘an efficient, co-ordinated and economical’ system of electricity transmission, and at all times to adhere to the standards set out in the National Electricity Transmission System Security and Quality of Supply Standard (NETS SQSS). Allied to the immediate and pressing national need which the project is intended to address, a period of 28 days remains proportionate, appropriate and necessary.</p> <p>The Applicant therefore respectfully disagrees with the Examining Authority’s recommended amendment to Article 11(3).</p>
Part 3, Article 12				
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 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.	Reason: 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>The Applicant would welcome further clarification from the Examining Authority as to the rationale underpinning the amendment proposed to Article 12(1).</p> <p>From the Applicant’s perspective, Article 12(1) gives effect to the position agreed between the Applicant and the local highways authorities, namely that the “permit schemes” (as defined in Article 2(1)) (which are in place notwithstanding this application for development consent) will apply to both the construction and maintenance of the authorised development, subject to the qualifications set out in sub-paragraphs (2) and (3).</p> <p>The amendment proposed by the Examining Authority would appear to run counter to that agreed position and, so far as the Applicant is aware, has not been requested by either of the local highways authorities.</p> <p>The Applicant would further note that the application of the “permit schemes” to both the construction and maintenance of the authorised development is consistent with the position taken in both Article 9 of the Southampton to London Pipeline Development Consent Order</p>

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
				2020 and Article 9A in the latest draft of the AQUIND Interconnector Order.
Article 12(3) Application of the permit schemes	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.	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 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.	Reason: 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.	The Applicant would, for the reasons stated above, welcome further clarification from the Examining Authority as to the rationale underpinning the amendment proposed to Article 12(3). So far as the Applicant is aware, the amendment proposed by the Examining Authority to Article 12(3) has not been requested by either of the local highways authorities.
Part 3, Article 13				
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 re- surfacing); (h) section 77 (liability for cost of use of alternative route); (i) section 78A (contributions to cost of re-surfacing by undertaker) and (j) Schedule 3A (restriction on works following substantial street works).	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 re-surfacing); (h) section 77 (liability for cost of use of alternative route); (h) section 78A (contributions to cost of re-surfacing by undertaker); and (i) Schedule 3A (restriction on works following substantial street works).	Reason: There is no persuasive reason for the disapplication of the provision suggested for deletion.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
Part 3, Article 17				
Article 17(1) Construction, alteration and	17(1) Any street (other than any private streets) to be constructed under this Order must be completed to the reasonable	Amend to Read: 17(1) Any street (other than any private streets) to be constructed under this Order must be	Reasons: 1) Provision for a defects period is considered reasonable and	The Applicant refers the Examining Authority to its previous submissions at Deadline 3 ([REP3-049] and [REP3-050]) in which the Applicant made clear its expectation that this is a matter which would

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
maintenance of streets	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.	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 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.	necessary prior to the street authority assuming responsibility for maintenance. 2) Consistency with paragraph 3.21.2 of the Explanatory Memorandum.	be readily capable of being addressed in the Framework Highways Agreement proposed to be entered into with each of the local highways authorities in order to regulate how street works and other highways powers would be exercised during construction of the project. Notwithstanding that the Applicant's primary position remains as set out in those previous submissions, the Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
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 authority, be maintained (including any culverts or other structures laid under that part of the highway) by the street authority.	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, unless otherwise agreed with the street authority, be maintained (including any culverts or other structures laid under that part of the highway) by 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.	Reasons: 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.	The Applicant refers the Examining Authority to its previous submissions at Deadline 3 ([REP3-049] and [REP3-050]) in which the Applicant made clear its expectation that this is a matter which would be readily capable of being addressed in the Framework Highways Agreement proposed to be entered into with each of the local highways authorities in order to regulate how street works and other highways powers would be exercised during construction of the project. Notwithstanding that the Applicant's primary position remains as set out in those previous submissions, the Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).

2.4 Part 4: Supplemental Powers

Table 2.4 – Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's draft Development Consent Order [REP6-003] – Part 4: Supplemental Powers

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
The Examining Authority did not include any recommended amendments to Part 4 (Supplemental Powers) of the Applicant's draft Development Consent Order [REP6-003].				

2.5 Part 5: Acquisition and Possession of Land

Table 2.5 – Applicant's Response to the Schedule of the Examining Authority's recommended amendments to the Applicant's draft Development Consent Order [REP6-003] – Part 5: Acquisition and Possession of Land

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
The Examining Authority did not include any recommended amendments to Part 5 (Acquisition and Possession of Land) of the Applicant's draft Development Consent Order [REP6-003].				

2.6 Part 6: Miscellaneous and General

Table 2.6 – Applicant’s Response to the Schedule of the Examining Authority’s recommended amendments to the Applicant’s draft Development Consent Order [REP6-003] – Part 6: Miscellaneous and General

Reference	Text from the draft DCO [REP6-003]	ExA’s recommended amendment	ExA’s reason and notes	Applicant’s Response to the ExA’s recommended amendment
Part 6, Article 46				
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, 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;	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, ‘... <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 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 2.1 of the CEMP for the list.)	The Applicant makes two submissions in response to the Examining Authority’s recommendations: 1. The following recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)): “...in connection with the construction, maintenance or operation of the authorised development....” 2. The following recommended amendment has also been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)): “...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; ” However, it is noted that the flexibility which this particular element of drafting in Article 46(1)(a)(ii) had sought to afford is not unusual and, indeed, the 2008 Act allows for such provision to be made. It is also relevant to note the robustness of the statutory environmental permitting regime. Hence, the Applicant would have a legitimate expectation to rely on compliance with an environmental permit secured through that regime as a defence to any proceedings brought in relation to a nuisance falling within paragraphs (g) (<i>noise emitted from premises so as to be prejudicial to health or a nuisance</i>) and (ga) (<i>noise from vehicles, machinery or equipment in a street</i>) of section 79(1) of the Environmental Protection Act 1990.
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— (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	Reason: 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.</i> ’)	The Applicant notes the Examining Authority’s observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
		(ii) is a consequence of the use of the authorised development and that it cannot reasonably be avoided.	<i>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 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 in relation to the construction phase of the authorised development only , 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.	Reason: 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 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.)	The Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
Part 6, Article 47				
Article 47(1) Traffic regulation	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-	Amend to read: 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-	Reason: 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.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
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 or maintenance of the authorised development, or for purposes ancillary to it, at any time-	Reason: 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.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
Article 47(3) Traffic regulation		Insert new paragraph 47(3) to read: The undertaker must not exercise the powers conferred by paragraph (2) in relation to a prohibition, restriction or other provision intended to have effect permanently or otherwise beyond the construction and commissioning of the authorised development.	Reason: For the avoidance of doubt that all prohibitions, restrictions or other provisions will have effect temporarily.	The Applicant notes the Examining Authority's observations and acknowledges the principle underpinning the proposed drafting. That said, the Applicant is concerned that the drafting suggested by the Examining Authority would prevent the implementation of any traffic regulation orders required in order to remove temporary works, including highway accesses, or to undertake maintenance or replacement of mitigation planting, following the authorised development being brought into operational use. The Applicant considers there is a realistic possibility that traffic regulation orders would be required to be implemented, with the prior consent of the traffic authority, pursuant to paragraph (2) in those circumstances. The Applicant therefore proposes the following alternative form of drafting by way of a new Article 47(6) (and which would apply to traffic regulation orders implemented pursuant to both paragraphs (1) and (2), rather than simply paragraph (2) in isolation): <i>"(6) Any prohibition, restriction or other provision made by the undertaker under paragraph (1) or (2) will cease to have effect on the expiry of the period of five years beginning with the date on which the authorised development is first brought into operational use, except where the authorised development is replacement or landscape planting in which case the period of five years shall begin with the date on which that part of the replacement or landscape planting is completed."</i> In the interests of expediency, the Applicant confirms that the proposed amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
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).	Reason: Consequent on previous recommendation.	The Applicant confirms that Article 47 within the draft DCO submitted at Deadline 8 (Document 3.1 (G)) has been renumbered to take account of the submission made above.
Part 6, Article 48				
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 (2) (4) does not include the statement required under paragraph (5), then the provisions of paragraph (4) will not apply to that application.	Reason: to correct an error.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
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 in as 'affected vegetation' on the Landscape and Ecological Management Plan Trees and Hedgerows to be Removed or Managed Plans.	Reason: 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).	The Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)). The Applicant also intends to submit an updated version of the Trees and Hedgerows to be Removed or Managed Plans [APP-017] into the Examination at Deadline 9 in order to reflect the further tree survey information (e.g. from the temporary access route) and changes made in response to third party comments received during Examination.
Part 6, Article 53				
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 and ensure that the matters raised in any such representation are addressed.	Reason: 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.	The Applicant's primary position as to the drafting of Article 53(5) remains as set out in response to ExQ1 DC1.6.61 [REP3-052], namely that the requirement for a relevant planning authority to ensure that any representations made by the Applicant are "addressed" is an appropriate reflection of what are likely to be inherently technical submissions concerning the safeguarding of critical national infrastructure. The Applicant is, nonetheless and without prejudice to the above, cognisant of the discretion conferred by virtue of Section 70(2) of the 1990 Act and would on that basis be content to accept an amendment to Article 53(5) in the form proposed if the Examining Authority was indeed minded to make such a change.
Article 53(7) Safeguarding		To be re-numbered as Article 53(8).	Reason: To accommodate the following recommendation.	The Applicant confirms that Article 53 within the draft DCO submitted at Deadline 8 (Document 3.1 (G)) has been renumbered to take account of the submission made below.
Article 53(7) Safeguarding		Insert a replacement Article 53(7) to read: The requirement to consult will remain in force until the authorised development is decommissioned.	Reason: To ensure that the duty to consult does not remain in perpetuity.	The Applicant notes the Examining Authority's observations and acknowledges the principle underpinning the proposed drafting. The Applicant proposes however the following alternative form of drafting by way of a new Article 53(7): <i>"(7) The requirement to consult will cease to have effect upon completion of the decommissioning of the authorised development or the final part of it."</i> In the interests of expediency, the Applicant confirms that the proposed amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
Article 53(8) Safeguarding	In this article – "exempt applications" means an application for planning permission which relates to development that- (i) consists of an alteration to an existing building, or the change of use of an existing building or land; and (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	Amend to read: In this article – "exempt applications" means an application for planning permission which relates to development that- (i) (a) consists of an alteration to an existing building, or 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	Reason: 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.	The Applicant notes the Examining Authority's observations and acknowledges the principle underpinning the proposed drafting. The Applicant restates its preference however for a slightly amended form of drafting as set out in response to ExQ2 DC2.6.9 [REP7-025]: <i>"exempt applications" means—</i> <i>(i) an application for planning permission which relates to development that—</i> <i>(aa) consists of an alteration to an existing building, or the change of use of an existing building or land; and</i>

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
	for planning permission to which this article applies.	<p>beginning on the day after the date on which the Order comes into force; and</p> <p>"relevant planning authority" means the planning authority in receipt of an application for planning permission to which this article applies.</p>		<p><i>(bb) does not involve, or is not likely to involve, any construction engineering or other operations below existing ground level,</i></p> <p><i>(ii) an application for planning permission which is to be determined 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</i></p> <p>In the interests of expediency, the Applicant confirms that the proposed amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).</p>

2.7 Schedules

Table 2.7 – Applicant’s Response to the Schedule of the Examining Authority’s recommended amendments to the Applicant’s draft Development Consent Order [REP6-003] – Schedules

Reference	Text from the draft DCO [REP6-003]	ExA’s recommended amendment	ExA’s reason and notes	Applicant’s Response to the ExA’s recommended amendment
Schedule 1				
Schedule 1	, which may include—	, which may to include—	<p>Note: each Work No description and the list of Associated Development is prefaced by, ‘<i>which may include</i>’. The ExA is recommending that <u>all of these</u> be amended as shown.</p> <p>Reason: 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>	<p>The Applicant respectfully disagrees with the Examining Authority’s recommended amendment to Schedule 1.</p> <p>The draft DCO (Document 3.1 (G)) is, by its very nature, permissive. Article 3 supports this proposition insofar as it permits, but does not mandate, the carrying out of the authorised development as described in Schedule 1. Insofar as the Order is exercised, then Article 3 makes it clear that the development consent granted is subject to the Requirements and the other provisions of the Order.</p> <p>The fundamental principle of the DCO is that it is permissive in nature (in the same way that a conventional planning permission granted pursuant to the 1990 Act is also permissive).</p> <p>An ordinary interpretation of the words “to include” might be argued by third parties to have the effect of removing any discretion afforded to the undertaker as to the nature of the works and operations to be carried out in order to construct and install the authorised development.</p> <p>The Applicant would refute any such argument as the DCO is a <u>consent</u>, which the Undertaker may exercise at its discretion.</p> <p>The lettered works and operations listed under each of the principal Work Numbers in Schedule 1 set out the types of works and operations which the Applicant anticipates, in the absence of detailed design, will need to be undertaken to construct and install the authorised development. Likewise, the lettered works and operations under the heading of Associated Development are not all required to be carried out or undertaken for the purposes of or in connection with the construction or maintenance of the principal Work Numbers. They simply afford the undertaker flexibility should future circumstances dictate.</p> <p>The Applicant also refers in this context to recent precedent which supports the drafting currently proposed (see, by way of example, the (draft) National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order, the East Anglia ONE North Offshore Wind Farm Order 2022 and the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014). Whilst the latter two examples used the word “including” in the context of Schedule 1, the Applicant considers this has the same practical effect as “may include”.</p> <p>In response to the Examining Authority’s specific reference to the securing of mitigation and compensation works, the Applicant notes that all required mitigation and compensation is to be secured through the Requirements as set out in Schedule 3, including principally Requirement 4 (Management Plans). As noted above Article 3 brings these controls into force in respect of the development consent granted.</p> <p>The Applicant does not consider there to be any utility in amending Schedule 1 for this purpose, but if the Examining Authority does not favour the words ‘may include’ then the Applicant would be amenable to use of the word ‘including’ instead.</p>

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
Schedule 3, Requirement 1				
Requirement 1(1) Interpretation	"biodiversity metric" means Biodiversity Metric 3.1 as published by Natural England in April 2022;	Amend to read: "biodiversity metric" means Biodiversity Metric 3.1 as published by Natural England in April 2022 the Statutory Biodiversity Metric published by Defra on 29 November 2023 or any subsequent Government adopted version ;	Reason: For updating and to ensure currency in the future.	The Applicant respectfully disagrees with the Examining Authority's recommended amendment to the definition of "biodiversity metric". With reference to Item 3.7 in Table 3.1 of the draft Statement of Common Ground with Natural England (Document 7.3.2 (E)), the Applicant notes that Natural England has confirmed that Biodiversity Metric 3.1 is appropriate for use in the context of the project. As stated in Table 3.14 of the Applicant's Comments on Relevant Representations [REP1-025], this reflects Natural England's wider current recommendation that 'users of previous versions of the Biodiversity Metric should continue to use that metric (unless requested to do otherwise by their client or consenting body)' (Natural England, 2023).
Requirement 1(1) Interpretation		Add new definition: "HGV" means lorries over 3.5 tonnes maximum gross weight.	Reason: For clarity and precision, and to align the definition with Government guidance. Source: A Simplified Guide to Lorry Types and Weights (publishing.service.gov.uk)	For the reasons set out below (in relation to the substantive amendments proposed to Requirement 7(2)), the Applicant respectfully disagrees with the Examining Authority's recommend inclusion of a definition of "HGV" within Schedule 3. However, and without prejudice to the Applicant's primary contention, the Applicant is content with the definition as proposed to the extent that the Examining Authority is minded to make such a change to Requirement 7(2).
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, where this does not lead to audible noise beyond the Order limits ;	Reason: To limit the effects of plant and machinery noise on local communities.	The Applicant notes the Examining Authority's observations and acknowledges the principle underpinning the proposed drafting. However, the suggested reference in this context to "audible noise" is, from the Applicant's perspective, likely to be both legally uncertain and practically unworkable. The Applicant is particularly concerned that the inherent ambiguity as to what would constitute an "audible" noise (and indeed who would be responsible for determining whether or not a noise was "audible") could lead to an inadvertent breach of the Order pursuant to Section 161 of the 2008 Act. The Applicant also respectfully disagrees as to the use of the Order limits as the reference point for this particular provision. Clearly, given that the intent of the proposed drafting is to prevent disturbance or noise nuisance to local communities, the restriction should properly be limited to locations where noise sensitive receptors have been identified. Noting the limited numbers of noise sensitive receptors identified as part of the Applicant's Environmental Impact Assessment (to which see ES Chapter 14: Noise and Vibration [APP-082]), application of the restriction to all parts of the Order limits would be both disproportionate and unnecessary in planning terms. Taking account of the above, the Applicant does not consider that it is appropriate to include a restriction of this nature in the draft DCO (Document 3.1 (G)). However, the Applicant has included further clarification within Chapter 14 of the CEMP (Document 7.5 (D)) as to the controls and measures which would be put in place in order to achieve the intended overall outcome.
Requirement 1(1) Interpretation		Add new definition: "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.	Reason: For clarity and precision.	The Applicant would welcome further clarification from the Examining Authority as to the rationale underpinning the recommended amendment. Taking account of the Examining Authority's other recommended amendments, and the draft DCO as it stands at Deadline 8

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
				(Document 3.1 (G)), it is not immediately apparent where in Schedule 3 a definition of "night-time" would be required. The Applicant therefore respectfully reserves its position on this matter.
Schedule 3, Requirement 3				
Requirement 3(1) Stages of authorised development		Insert a new (1) to read: 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.	Reason: 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.	The Applicant notes the Examining Authority's observations and acknowledges the principle underpinning the proposed drafting. However, the requirement to provide notice to the relevant planning authority prior to commencement of <i>each</i> of the pre-commencement operations is likely to be administratively burdensome for all parties, noting especially in this context the previous submissions made by Suffolk County Council in particular as to the number of documentary submissions and requests for approval which the host authorities are already set to receive on both this and other nationally significant infrastructure projects. A requirement of this nature would also extend further than the equivalent requirement which is currently included at Requirement 3(3), noting that Requirement 3(3) is limited to prior notification of the commencement of each <i>stage</i> of the authorised development as opposed to notification of the commencement of each constituent element or operation comprised within the authorised development (which would be the practical effect of the Examining Authority's recommended amendment). The Applicant therefore proposes the following alternative form of drafting to be included as a new Requirement 3(1): <i>"(1) Unless otherwise agreed with the relevant planning authority, written notice setting out the anticipated programme for the carrying out of pre-commencement operations must be given to the relevant planning authority no less than 7 days prior to the date on which those pre-commencement operations are first carried out."</i> In the interests of expediency, the Applicant confirms that the proposed amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
Requirement 3(1) Stages of authorised development		Re-number (1) , (2) and (3) as (2) , (3) and (4)	Reason: To rationalise numbering after the insertion of a recommended new Requirement 3(1).	The Applicant confirms that Requirement 3 within the draft DCO submitted at Deadline 8 (Document 3.1 (G)) has been renumbered to take account of the submission made above.
Requirement 3(1) Stages of authorised development	(4) The authorised development must be carried out in accordance with the written scheme submitted further to sub- paragraph (1) or (2).	Amend to read: (4) (5) The authorised development must be carried out in accordance with the written scheme submitted further to sub- paragraph (1), or (2) or (3) .	Reason: To rationalise numbering after insertion of a recommended new Requirement 3(1).	The Applicant notes the Examining Authority's observations and acknowledges the principle underpinning the proposed drafting. However, a revised form of drafting is proposed within the draft DCO submitted at Deadline 8 (Document 3.1 (G)) in order to distinguish between the notice to be provided pursuant to sub-paragraph (1) and the written scheme to be provided pursuant to sub-paragraphs (2) and (3). Given the advisory and anticipatory nature of the former, it would not be appropriate to require the pre-commencement operations to be undertaken in strict accordance with such notification. The proposed alternative form of drafting is therefore as follows:

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
<p>“(5) The authorised development must be carried out in accordance with the written scheme submitted further to sub-paragraph (2) or (3) and, to the extent applicable, in general accordance with the written notice submitted further to sub-paragraph (1).”</p>				
<p>Schedule 3, Requirement 4</p>				
Requirement 4(2) Management Plans	(2) The plans referred to in sub-paragraph (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 sub-paragraph (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).	Reason: for consistency with the Article 2 definitions and other parts of the draft Order.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendments have been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
Requirement 4 Management Plans		Add new sub-paragraph 4(4) to read: 4(4) Where the implementation of any of the management plans listed in sub-paragraph (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.	Reason: for monitoring and enforceability.	The Applicant respectfully disagrees with the Examining Authority's recommended amendment to Requirement 4. The suggested reference in this context to “additional deliverables” is, from the Applicant's perspective, likely to be both legally uncertain and practically unworkable. The Applicant is particularly concerned that the inherent ambiguity as to what would constitute an “additional deliverable” for the purposes of each of the Management Plans could lead to an inadvertent breach of the Order pursuant to Section 161 of the 2008 Act. In any event, and without restating the Applicant's response to ExQ2 DC2.6.15 [REP7-025], it is worth emphasising that a further Requirement of this nature would be both disproportionate and unnecessary given the detailed nature of the Management Plans to be secured through Requirement 4. From the Applicant's perspective, submission of such further information is likely to delay or, at worst, frustrate delivery of the project (particularly where it places an additional administrative burden on the relevant planning authority) and, in certain cases, is also likely to place the Applicant or its contractor in breach of legal or commercial duties of confidentiality. The Applicant would also question the practical utility of the recommended amendment, noting that monitoring and enforcement powers continue to remain available to each relevant planning authority pursuant to Part 8 of the 2008 Act, including under Section 167 (<i>Power to require information</i>).
<p>Schedule 3, Requirement 5</p>				
Requirement 5 Approval and implementation of Drainage Management Plan	(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.	(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	Reason: For consistency with the clarification provided by the Applicant in [REP3-050], 21.5.4.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendments have been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
	(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.	planning authority, after consultation with 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 planning authority, after consultation with the relevant highway authority.		
Schedule 3, Requirement 6				
Requirement 6 Archaeology	(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 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.	Amend to read: (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 Outline Written Scheme of Investigation or identified through evaluation work as set out in the OWSI Outline Written Scheme of Investigation 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 Outline Written Scheme of Investigation 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.	Reason: for consistency with the Article 2 definitions and other parts of the draft Order.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendments have been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
Schedule 3, Requirement 7				
Requirement 7 Construction hours	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.	Amend to read: 7(1) Subject to sub-paragraphs (2) to (4 6), work may only take place between 0700 and 1900 Monday to Friday and between 0800 and 1700 on Saturdays, Sundays, and Bank Holidays and other public holidays (the core working hours), unless otherwise approved by the relevant planning authority.	Reason: 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).	The Applicant makes two submissions in response to the Examining Authority's recommendations: 1. For the reasons set out in the responses below, the Applicant respectfully disagrees with the Examining Authority as to the need to amend the existing sub-paragraph cross references in Requirement 7(1).

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
				<p>2. The Applicant is unaware of any legal distinction to be drawn between a Bank Holiday (as defined in Section 1 of the Banking and Financial Dealings Act 1971) and a public holiday.</p> <p>Noting however the extent of recent precedent supporting use of the term "Bank Holiday" in isolation (see, for example, Article 2(1) of the Awel y Môr Offshore Wind Farm Order 2023 and Schedule 2, Paragraph 1 of the A38 Derby Junctions Development Consent Order 2023), and accepting the basic premise that the Order, as a piece of secondary legislation, will have effect subject to primary legislation, the Applicant proposes the inclusion of the following additional definition within Article 2(1):</p> <p><i>"Bank Holiday" means a bank holiday in England and Wales under section 1 of the Banking and Financial Dealings Act 1971;</i></p> <p>In the interests of expediency, the Applicant confirms that the above proposed amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).</p>
Requirement 7	Amend to read: 7(2) No percussive piling operations may take place on Sundays and Bank Holidays.	Amend to read: 7(2) No percussive piling operations may take place between 19.00 and 07.00, or on 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 Sundays, Bank Holidays or other public holidays.	Reason: To limit the effects of construction, machinery and traffic operations on local communities.	<p>The Applicant makes four submissions in response to the Examining Authority's recommendations:</p> <p>1. The Applicant is content to agree to a restriction on piling operations between 19.00 and 07.00. In the interests of expediency, the Applicant confirms that the following proposed amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)):</p> <p><i>"(2) No piling operations may take place between 19.00 and 07.00."</i></p> <p>2. However, the Applicant cannot agree to a blanket restriction on <i>all</i> piling operations during daytime hours on Sundays and Bank Holidays (i.e. between the hours of 07.00 and 19.00 on those days).</p> <p>As the Applicant has made clear in previous submissions (to which see in particular Paragraph 1.3 of [REP5-025] and Table 3.1 - Item 4 of [REP6-042]), a specific commitment has been made to restrict 'percussive' piling operations on Sundays and Bank Holidays in response to feedback from the host authorities and in recognition of the fact that percussive piling is noisier than alternative forms of piling that could be used and is recognised as being one of the noisiest of the anticipated construction activities. An extension of this restriction to <i>all</i> types of piling operations (some of which are utilised for their lower noise levels) is unnecessary in light of the mitigation already proposed to be secured and will place an unacceptable further constraint on an already constrained construction programme.</p> <p>3. For the reasons set out above, the Applicant does not consider it necessary or appropriate to include additional reference within Requirement 7 to <i>"other public holidays."</i></p>

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
				<p>4. The Applicant respectfully disagrees in the strongest possible terms with the proposed inclusion in Requirement 7(2) (or indeed elsewhere within the Order) of a restriction on abnormal indivisible load (AIL) or HGV deliveries between the hours of 19.00 and 07.00 Monday to Saturday and at any time on Sundays and Bank Holidays.</p> <p>As the Applicant has made clear in both oral evidence (to which see Table 3.1 - Item 4 of [REP6-042]) and written submissions (to which see, in particular, Table 2.1 of [REP5-025]), a restriction of this nature is neither necessary nor proportionate.</p> <p>The Applicant refers expressly in this context to Paragraph 5.13.11 of NPS EN-1 (2011) (and Paragraph 5.14.14 of NPS EN-1 (2023)): <i>“The IPC may attach requirements to a consent where there is likely to be substantial HGV traffic that: • control numbers of HGV movements to and from the site in a specified period during its construction and possibly on the routing of such movements.”</i></p> <p>Taking account of the assessment already undertaken and presented in the Transport Assessment [APP-061], the Applicant does not agree that HGV traffic associated within the project to be substantial enough as to render the proposed further Requirement necessary in planning terms.</p> <p>In any event, the recommended amendment overlooks the fact that it is standard practice for AIL movements to take place at night, under police escort, in order to minimise any adverse impacts on the highways network. Not only would the proposed restriction on AIL movements therefore lead to greater impacts on the highways network and, in turn, a potential for greater risks to public safety, but it would also require AILs travelling from outside the region to seek a temporary refuge area whilst awaiting access to site (and indeed, it is not clear what is intended to be meant by “site” in this context). The Applicant considers that the restriction would simply lead to adverse effects on other communities and road users within the wider region.</p> <p>Likewise, any restriction on HGV deliveries would significantly inhibit the timely delivery of the project as a whole, the urgent need for which has already been established. As with any major infrastructure project, it is imperative that materials and plant are capable of being delivered to the construction workforce in alignment with the hours within which that workforce are permitted to undertake construction activities.</p> <p>From a practical perspective, the nature of the project is such that any HGV deliveries are likely to be infrequent in nature, dispersed over a wide geographic area and capable of using the temporary access routes (as opposed to the local highways network) where practicable.</p> <p>Taking account of the above, and for the avoidance of doubt, Requirements 7(2) and 7(3) as incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)) read as follows (with consequential amendments made elsewhere to cross-referencing and sub-paragraph numbering):</p> <p><i>“(2) No piling operations may take place between 19.00 and 07.00.</i></p>

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
				(3) No percussive piling operations may take place on Sundays and Bank 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 continuation completion of operations commenced during the core working hours to a point where they can safely be paused. which cannot safely be stopped;	Reason: to limit the effects of construction activities on local communities for operations that may take place outside the core working hours.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendments have been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
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 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 planning authority of the disruption or interruption and explain why that work could not be completed within the core working hours referred to in sub- paragraph (1);	Reason: to limit the effects of construction activities on local communities for operations that may take place outside the core working hours.	<p>The Applicant respectfully disagrees with the Examining Authority as to the need to amend sub-paragraph (3)(g) in the manner proposed.</p> <p>Notwithstanding the absence, so far as the Applicant is aware, of any precedent for a Requirement of this nature, having had regard to Section 120 of the Planning Act 2008 alongside Paragraphs 15.1 and 15.2 of Planning Inspectorate Advice Note 15 (Drafting Development Consent Orders), the Applicant does not consider that the proposed amendments to be precise, enforceable, necessary, relevant to the development, relevant to planning or reasonable in all other respects.</p> <p>The Applicant respectfully notes that the local planning authorities lack the technical competence or expertise to act as determining bodies in respect of matters concerning the construction programme for a complex and critically important national infrastructure project, involving a complex series of transmission network outage windows. Indeed, to make provision for such an arrangement could place the Applicant in direct conflict with its various statutory and regulatory duties, including the requirement to maintain the national electricity transmission system safely, reliably, economically and efficiently, in accordance with the Applicant's statutory duty under Section 9 of the Electricity Act 1989 to maintain 'an efficient, co-ordinated and economical' system of electricity transmission, and at all times to adhere to the standards set out in the NETS SQSS.</p> <p>The Applicant is also unpersuaded as to the practical utility of such a provision, noting the previous submissions made by Suffolk County Council in particular as to the number of documentary submissions and requests for approval which the host authorities are already set to receive on both this and other nationally significant infrastructure projects.</p> <p>However, and without prejudice to the Applicant's primary position on this matter, the Applicant would be content to accept the imposition of an additional obligation to retrospectively notify the relevant local planning authority as soon as reasonably practicable where the exemption under Requirement 7(3)(g) was required to be relied upon if the Examining Authority was indeed minded to make such a change.</p>
Requirement 7 Construction hours	7(3)(j) surveys.	Amend to read: 7(3)(j) non-intrusive surveys, that is, those that would not create any discernible light, noise or vibration outside the Order limits.	Reason: to limit the effects of construction activities on local communities for operations that may take place outside the core working hours.	<p>The Applicant notes the Examining Authority's observations and acknowledges the principle underpinning the proposed drafting.</p> <p>However, the suggested reference in this context to "discernible light, noise or vibration" is, from the Applicant's perspective, likely to be both legally uncertain and practically unworkable. The Applicant is particularly concerned that the inherent ambiguity as to what would constitute "discernible" light, noise or vibration (and indeed who would be responsible for determining whether or not light, noise or vibration was "discernible") could lead to an inadvertent breach of the Order pursuant to Section 161 of the 2008 Act.</p> <p>The Applicant also respectfully disagrees as to the relevance in this context of the Order limits. Noting the limited numbers of noise,</p>

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
Requirement 7 Construction hours		<p>Add new sub-paragraph to read:</p> <p>(5) No construction activities may take place between 19.00 and 07.00, or on Sundays, Bank Holidays or other public holidays at:</p> <ul style="list-style-type: none"> • F-AP4; • pylon PCB 64; • pylon 4Y004A; • pylon RB4; • pylon RB7; • pylon RB33; • pylon RB25; and • pylon 4YLA002, <p>as shown on Figure 4.1 in the Environmental Statement Figures (document reference 6.4(B)).</p>	<p>Reason: to limit the effects of construction activities on noise sensitive receptors for operations that may take place outside the core working hours.</p>	<p>vibration or light sensitive receptors identified as part of the Applicant's Environmental Impact Assessment, application of the restriction to all parts of the Order limits would be both disproportionate and unnecessary in planning terms. Therefore, any such restriction should properly be limited to locations where noise, vibration or light sensitive receptors have been identified.</p> <p>The Applicant further suggests that a distinction should be drawn between non-intrusive and intrusive surveys. By their very nature, the former should be capable of being carried out outside of the core working hours without restriction or limitation. The Applicant is content to accept that the latter may only be carried out outside of the core working hours in an emergency or where required by a third party.</p> <p>The Applicant therefore proposes the following amendments to Requirement 7(3):</p> <p><i>“(j) non-intrusive surveys; and (k) intrusive surveys, in the instance of an emergency where there is a risk to persons or property or following a request made by any third party.”</i></p> <p>In addition, and with reference to Article 2(1) of the East Anglia ONE North Offshore Wind Farm Order 2022, the Applicant proposes the inclusion of the following additional definition within Requirement 1(1):</p> <p><i>““intrusive” means an activity which requires or is facilitated by breaking the surface of the ground;”</i></p> <p>In the interests of expediency, the Applicant confirms that the proposed amendments have been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).</p> <p>The Applicant notes the Examining Authority's observations and acknowledges the principle underpinning the proposed drafting. The Applicant's understanding is that, broadly speaking, the locations identified by the Examining Authority are intended to correspond with those locations where likely significant noise effects have been identified based on a worst case assessment (including the use of percussive piling) and in the absence of any mitigation. (It is assumed in this context that the Examining Authority intended to refer to RB44 as opposed to RB4). It should be noted that Chapter 14 – Noise and Vibration of the Environmental Statement [APP-082] concludes (even using the worst-case parameters) that <i>‘with the implementation of the additional mitigation measures, which would include site specific best practicable means (BPM) mitigation, it is anticipated that noise and vibration levels would be reduced such that significant adverse effects are avoided at all Noise Sensitive Receptors (NSR)’. </i></p> <p>Other locations identified by the Examining Authority correspond with construction activities identified within the Technical Note for Noise Sensitive Receptors [REP6-047] submitted at Deadline 6.</p> <p>This provides a further, more conservative precautionary assessment of construction activities on local receptors. It uses a lower noise threshold (55 dBA) and also considers the likely duration of the relevant construction activity. This highlights those noise sensitive</p>

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
Requirement 7		<p>Add new sub-paragraph to read:</p> <p>(6) The severe weather conditions referred to in sub-paragraph 3(g) means any weather</p>	<p>Reason: To clarify interpretation of severe weather conditions and to limit the effects of construction</p>	<p>receptors in excess of the lower more precautionary threshold for weekend working but would not be considered as significant effects. The Applicant is though unsure as to the rationale underpinning the inclusion of F-AP4 and pylon RB44, noting that no likely significant effects have been identified at these locations from either of the above mentioned assessments.</p> <p>In any event, and with reference to the mitigation set out in Chapter 14 of the updated version of the CEMP submitted into the Examination at Deadline 8 (Document 7.5 (D)), the Applicant's has added the commitment to implement additional noise mitigation measures at certain noise sensitive receptors identified in the more conservative precautionary assessment, although the Applicant notes that there are unlikely to remain any residual significant effects at these locations.</p> <p>On the basis that compliance with the CEMP is to be secured through Requirement 4, the Applicant does not consider there to be a need for a further restriction on construction activities in the form proposed by the Examining Authority.</p> <p>However, and without prejudice to the Applicant's primary contention based on the evidence provided, if the Examining Authority is minded to include a restriction of this nature, the Applicant's strong preference would be to require alternate weekend working at these isolated locations as opposed to an absolute prohibition on working on a Sunday. This is necessary to accommodate the industry standard working shift patterns of specialist and other contractors engaged on the project.</p> <p>It is also important that the Applicant retains the right to use temporary access routes in the vicinity of the restricted working areas in order to access other work locations which are not subject to these restrictions. This reflects the fact that use of the temporary access routes was not the trigger for the noise effects identified in the environmental assessment undertaken. Hence, any restrictions included within the draft Order would need to relate to specific construction work activities.</p> <p>With reference to Schedule 3 of the National Grid (Hinkley Point C Connection Project) Order 2016, the Applicant would therefore suggest, on an expressly without prejudice basis, drafting in the following form:</p> <p><i>"(5) The following construction activities may take place only on two out of any four consecutive weekends and not at all between 19.00 and 07.00 at each of the following locations—</i></p> <ul style="list-style-type: none"> <i>(a) Pylon PCB64 (dismantling and removal);</i> <i>(b) Pylon 4Y004A (realignment, construction and installation);</i> <i>(c) Pylon RB7 (construction and installation);</i> <i>(d) Pylon RB33 (construction and installation);</i> <i>(e) Pylon RB25 (construction and installation); and</i> <i>(f) Pylon 4YLA002 (dismantling and removal),</i> <p><i>each as shown on Figure 4.1 in the Environmental Statement Figures (document reference 6.4(B))."</i></p> <p>The Applicant respectfully disagrees with the Examining Authority's recommended amendment to Requirement 7.</p>

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
Construction hours		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.	activities on local communities for operations that may take place outside the core working hours.	As the Applicant has made clear in previous submissions (to which see in particular Table 3.1 - Item 4 of [REP6-042] and Table 2.1 of [REP7-026]), the inclusion of a definition of "severe weather conditions" within the draft DCO is wholly inappropriate in the context of statutory drafting, without established precedent so far as the Applicant is aware (and indeed no precedent has been referred to by Suffolk County Council in its submissions), and also unnecessary taking account of both the particular circumstances of the project and the further clarification provided in the Explanatory Memorandum at Deadline 8 (Document 3.2 (F)).

Schedule 3, Requirement 8

Requirement 8(3) Retention and removal of trees, woodlands and hedgerows	The plan submitted under sub-paragraph (1) must be in general accordance with the LEMP.	Amend to read: The plan submitted under sub-paragraph (1) must be in general accordance with the LEMP Landscape and Ecological Management Plan and the Trees and Hedgerows to be Removed or Managed Plans.	Reason: 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.	The Applicant makes two submissions in response to the Examining Authority's recommendations: 1. The Applicant respectfully disagrees with the Examining Authority as to the recommended deletion of the word 'general' in this context. Use of the words 'in general accordance' is deliberately intended to provide the Applicant with what is both a necessary and proportionate degree of flexibility to ensure that the vegetation retention and removal plan required to be submitted under sub-paragraph (1) of Requirement 8 for each stage of the authorised development is capable of accurately reflecting the detailed design, construction methodologies and pre-construction surveys for that element of works once undertaken. Strict and literal adherence to the Trees and Hedgerows to be Removed or Managed Plans would otherwise unduly fetter the Applicant's ability to undertake necessary vegetation removal and/or retention operations and, in turn, to deliver the project. It could also necessitate the removal of vegetation in respect of which there is no longer an operational requirement to do so. It is noted in any event that the Trees and Hedgerows to be Removed or Managed Plans show the trees and hedgerows that are <i>potentially</i> affected by the project subject to application of the flexibility afforded by the Limits of Deviation. 2. The Applicant is content to refer in this context to both the Landscape and Ecological Management Plan and the Trees and Hedgerows to be Removed or Managed Plans and confirms that this element of the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)). The Applicant also intends to submit an updated version of the Trees and Hedgerows to be Removed or Managed Plans [APP-017] into the Examination at Deadline 9 in order to reflect the further tree survey information (e.g. from the temporary access route) and changes made in response to third party comments received during Examination.
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Schedule 3, Requirement 9

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	Reason: to be specific and to remove an acronym that is not defined in Article 2 and when no	With reference to its previous submission, the Applicant respectfully disagrees with the Examining Authority's recommended amendment to Requirement 9(4) (save that replacement of the acronym has been
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Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
		general accordance with the LEMP Landscape and Ecological Management Plan .	similar examples are used elsewhere in the draft Order to identify management plans.	incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)). It should also be noted that the reinstatement planting plan will itself need to reflect the final retention and removal plans submitted pursuant to Requirement 8. The words 'in general accordance' are therefore necessary to allow for this.
Schedule 3, Requirement 10				
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 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.	Amend to read: All reinstatement planting works referred to in Requirement 9 must be implemented, monitored and maintained in accordance with the 'Aftercare' section of the Landscape and Ecological Management Plan. 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.	Reason: to ensure the aftercare of the planting complies with the assessed mitigation and management measures.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
Schedule 3, Requirement 11				
Requirement 11(1) Highway works	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.	Amend to read: No work to construct, alter or temporarily alter any highway, including 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 the highway works that means of access has have been submitted to and approved by the relevant highway authority.	Reasons: 1) To ensure that Requirement 11 has effect in relation to all relevant enabling highway works. 2) Grammar correction.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendments have been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
Requirement 11(2) Highway works	The highway accesses must be constructed and reinstated in accordance with the details approved under sub-paragraph (1).	Amend to read: The highway works accesses must be constructed and reinstated in accordance with the details approved under sub-paragraph (1).	Reason: To ensure that Requirement 11 has effect in relation to all relevant enabling highway works.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendments have been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
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: Unless otherwise agreed with the relevant highway authority, the undertaker must: a) carry out stage 1, 2, 3 and 4 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 superseding Standard; and b) must, to the reasonable satisfaction of the highway authority, implement any consequent road safety actions arising out	Reasons: 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.	The Applicant makes three submissions in response to the Examining Authority's recommendations: 1. The following recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)): "Unless otherwise agreed with the relevant highway authority, the undertaker must:..." 2. Following further recent engagement with the local highway authorities, agreement has been reached regarding the submission, on a phased basis, of a combined Stage 1 and Stage 2 Road Safety Audit for the highway works and, where appropriate

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
		<p>of the authorised development to the reasonable satisfaction of the highway authority recommendations to mitigate or remove road safety problems and defects identified in any such road safety audits arising out of the authorised development.</p>		<p>and necessary in the context of those works, Stage 3 and Stage 4 Road Safety Audits.</p> <p>Whilst it is anticipated that the submission of Stage 3 and Stage 4 Road Safety Audits would be a matter to be agreed subsequently between the Applicant and the local highway authorities, the Applicant remains of the view that Stage 4 Road Safety Audits, in particular, are not well suited to temporary highway works and that measures set out in the CTMP (Document 7.6 (D)) provide a more effective means of identifying and addressing potential road safety issues with those works.</p> <p>Taking account of the above, the Applicant therefore proposes the following amendments to Requirement 11(4)(a):</p> <p><i>“...a) carry out, Stage 1 and Stage 2 road safety audits of the highway works authorised by this Order in accordance with Standard GG 119 (Revision 2) of the Department for Transport’s Design Manual for Roads and Bridges or any superseding Standard;</i></p> <p><i>b) agree with the relevant highway authority on a case by case basis the need for a Stage 3 and, where applicable, a Stage 4 road safety audit of any elements of the highway works authorised by this Order and, where so agreed, carry out such audit(s) in accordance with Standard GG 119 (Revision 2) of the Department for Transport’s Design Manual for Roads and Bridges or any superseding Standard; and....”</i></p> <p>In the interests of expediency, the Applicant confirms that the proposed amendments have been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).</p> <p>3. The Applicant respectfully disagrees with the Examining Authority as to the need to amend sub-paragraph (4)(b) in the manner proposed. Each of the Road Safety Audits, once undertaken, will provide a recommendation as to the actions which may need to be taken in order to address any identified road safety issues. However, those actions are not prescribed or mandated and, indeed, it is recognised that there may be other means through which the desired outcome can be achieved. The Applicant is concerned that the Examining Authority’s proposed drafting would inadvertently limit the discretion afforded through the Road Safety Audit process. Therefore, the Applicant’s clear preference is to retain the existing form of drafting, noting also the precedent for such drafting in Schedule 3 of the National Grid (Richborough Connection Project) Development Consent Order 2017.</p>
Schedule 3, Requirement 12				
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 in consultation with the relevant highway	Reason: To ensure that the authorised development’s implications for the road network and public rights of way are considered.	The Applicant notes the Examining Authority’s observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
Requirement 12 Decommissioning		<p>authority, at least six months prior to any decommissioning works.</p> <p>Add paragraph to read: (4) The written scheme of decommissioning submitted under sub-paragraph (1) must include a reassessment of the environmental implications of decommissioning.</p>	<p>Reason: To ensure that the likely environmental impact of decommissioning works is properly considered.</p>	<p>The Applicant respectfully disagrees with the Examining Authority's recommended amendment to Requirement 12.</p> <p>Whilst the Applicant would intend to comply with all applicable laws and regulations as they stand at the point at which the authorised development is decommissioned, the Applicant is also cognisant of the evolving nature of environmental assessment and fully anticipates that this is a matter which will evolve further with the passage of time. Therefore, the Applicant considers that it would be inappropriate for the Order to mandate the steps which must be taken at an unspecified future point and without certainty as to the framework for environmental assessment which will apply at that time.</p> <p>However, and without prejudice to the Applicant's primary contention, if the Examining Authority is minded to include an additional Requirement of this nature, the Applicant would suggest that such a Requirement make clear that any assessment must be proportionate and undertaken in accordance with all laws and regulations applicable at the point at which the written scheme of decommissioning is submitted under sub-paragraph (1).</p>
Schedule 3, Requirement 13				
Requirement 13 Biodiversity Net Gain	<p>(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 authorised development comprising the installation of new overhead transmission electric line and underground transmission electric line is first brought into operational use.</p>	<p>Amend to read: (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 authorised development comprising the installation of new overhead transmission electric line and underground transmission electric line is first brought into operational use.</p>	<p>Reason: To remove superfluous sub-paragraph number, and to address ambiguity about the timing of the submission of the evidence to the local planning authority.</p>	<p>The Applicant notes the Examining Authority's observations and acknowledges the principle underpinning the proposed drafting.</p> <p>The Applicant proposes however the following alternative form of drafting to the final part of Requirement 13:</p> <p><i>"...that part of the authorised development comprising the transmission electric line forming part of the authorised development is first brought into operational use."</i></p> <p>In the interests of expediency, the Applicant confirms that the above proposed amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).</p>
Schedule 4				
Schedule 4(1)(1) Discharge of Requirements Applications made under Requirements	<p>(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 -</p>	<p>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 35 28 days beginning with -</p>	<p>Reason: The 35-day period is more consistent with precedent established by recent and comparable made Orders.</p>	<p>The Applicant recognises the practical pressures faced by the host authorities and remains committed to working closely with those authorities to ensure that they are fully aware of when applications for consent, agreement or approval are proposed to be submitted pursuant to Schedule 4.</p> <p>It is likely that the submission of a staging plan pursuant to Requirement 3 will be of particular benefit in this context, as will the pre-application 'shadow' submissions contemplated by the proposed Planning Performance Agreement.</p> <p>However, from the Applicant's perspective, it is equally important to have regard to the fact that the Applicant is itself bound by, and subject to, various statutory and regulatory duties, including the requirement to maintain the national electricity transmission system safely, reliably, economically and efficiently, in accordance with the Applicant's statutory duty under Section 9 of the Electricity Act 1989 to maintain 'an efficient, co-ordinated and economical' system of electricity transmission, and at all times to adhere to the standards set</p>

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
				out in the NETS SQSS. Allied to the immediate and pressing national need which the project is intended to address, a period of 28 days remains proportionate, appropriate and necessary. The Applicant therefore respectfully disagrees with the Examining Authority's recommended amendment to Schedule 4(1)(1).
Schedule 4(3) Discharge of Requirements Fees	(b) A fee of £116 per request.	(b) A fee of £116 £145 per request.	Reason: The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023 came into force on 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.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
Schedule 10				
Schedule 10 Land of which only temporary possession may be taken		Delete the entire 1st row of page 104 of the dDCO.	Reason: 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.	The Applicant respectfully disagrees with the Examining Authority's recommended amendment to this element of Schedule 10, noting that Plot 1-05 is correctly shown on the Land Plans [REP1-004] and recorded in the Book of Reference [REP6-007] as a plot in respect of which only Class 7 (Temporary Use for Access) temporary possession powers are sought. The Applicant notes in this context that Plot 1-05 is a small slither immediately to the north of Plot 1-04 (a Class 1 plot).
Schedule 10 Land of which only temporary possession may be taken	Final row, 1st column of page 109: 14-06, 14-08	Amend to read: 14-06, 14-08, 14-28	Reason: 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 Plot 14-28 being acquired for Class 6 - Temporary Use for Construction, Mitigation, Maintenance and Dismantling of Redundant Infrastructure.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)). The Applicant further notes that this change will be recorded in an updated version of the Book of Reference which is to be submitted into the Examination at Deadline 9.
Schedule 10 Land of which only temporary possession may be taken	9th 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, 16-11 , 16-14, 16-20, 16-22, 16-35	Reason: 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.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
Schedule 10 Land of which only temporary possession may be taken	3rd row, 1st column of page 112: 16-67, 16-69, 16-72, 16-73, 16-74, 16-84, 16-88, 16-89	Amend to read: 16-67, 16-69, 16-72, 16-73, 16-74, 16-84, 16-88, 16-89	Reason: 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 4 Compulsory	The Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
			Acquisition of Rights – Access being sought in Plot 16-89.	
Schedule 10 Land of which only temporary possession may be taken	5th 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, 17-63 , 17-67, 17-68, 17-69	Reason: 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.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
Schedule 10 Land of which only temporary possession may be taken	1st column of 1st or 3rd rows of page 116	Amend either by removing one of the references to Plot 23-27.	Reason: To correct unexplained duplication.	The Applicant assumes that the Examining Authority is referring to Plot 23-37. In any event, the Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
Schedule 10 Land of which only temporary possession may be taken	6th 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, 23-61, 23-62	Reason: To ensure consistency between Schedule 10 and the Book of Reference as neither of the plots are shown therein.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendments have been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
Schedule 10 Land of which only temporary possession may be taken	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	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, 28-34 , 28-37, 28-44, 28-58	Reason: 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.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
Schedule 14, Part 5				
Protective provisions for the protection of Cadent Gas Limited as a gas undertaker	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.	Amend to read: As a condition of an agreement between the parties in sub-paragraph (1) that involves de-commissioned 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 de-commissioned decommissioned apparatus from the date of such surrender.	Reason: To rationalise the inconsistent spelling of decommissioned.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendments have been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).
Schedule 15				
Schedule 15 Public General Legislation	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.	Delete: 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	Reason: As there are no proposed planning obligations associated with the application, this proposed provision is unnecessary.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendment has been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).

Reference	Text from the draft DCO [REP6-003]	ExA's recommended amendment	ExA's reason and notes	Applicant's Response to the ExA's recommended amendment
(consent to transfer benefit of Order) of this Order.				
Schedule 17				
Schedule 17 Certified Documents	Landscape and Environmental Management Plan / 7.8 (B)	Amend to read: Landscape and Ecological Management Plan / 7.8 (B), 7.8.1, 7.8.2 and 7.8.3.	Reason: To ensure consistency with recommended amendment to Article 2(1) Interpretation.	The Applicant confirms that the amendments recommended by the Examining Authority have been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)), save that reference is made to Documents 7.8 (C), 7.8.1 (B), 7.8.2 (C) and 7.8.3 (B) in order to take account of submissions made at Deadline 7 ([REP7-007], [REP7-008], [REP7-009] and [REP7-010]). The Applicant will ensure that all documentary references are cross-checked and further updated where necessary in the final draft DCO to be submitted at Deadline 9.
Schedule 17 Certified Documents	Construction Environmental Management Plan / 7.5 (C)	Amend to read: Construction Environmental Management Plan / 7.5 (C), 7.5.1 and 7.5.2.	Reason: To ensure consistency with recommended amendment to Article 2(1) Interpretation.	The Applicant confirms that the amendments recommended by the Examining Authority have been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)), save that reference is made to Documents 7.5 (D), 7.5.1 (C) and 7.5.2 (E) in order to take account of submissions made at Deadline 8. The Applicant will ensure that all documentary references are cross-checked and further updated where necessary in the final draft DCO to be submitted at Deadline 9.
Schedule 17 Certified Documents		Additional document to be certified: (1) <i>Document Title</i> Errata List (2) <i>Document Reference</i> 8.4.3 (B)	Reason: To ensure that corrections made to certified documents are also certified.	The Applicant notes the Examining Authority's observations and confirms that the recommended amendments have been incorporated within the draft DCO submitted at Deadline 8 (Document 3.1 (G)).

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