

## **Additional Comments on Deadline 1 Submissions**

Please note that these comments are in addition to document specific comments submitted at Deadline 2 as part of the Council's Local Impact Report.

It was noted that a number of documents were submitted by the Applicant on 14<sup>th</sup> and 15<sup>th</sup> October. Any comments on those submissions would need to be undertaken at a future deadline, although the Council have commented on the revised Temporary Speed Reduction Plan [AS-030] in our Local Impact Report.

## **DRAFT Development Consent Order [REP1-008]**

At the recently preliminary Hearings into the DCO submission the ExA will remember the discussion into the DCO concerning the interrelationship with both the North Falls DCO submission, for which the Relevant Representation stage has now been completed, and both projects reliance on the Norwich to Tilbury DCO proposal which has recently completed its statutory consultation phase. Norwich to Tilbury will divert on its route across Essex and neighbouring Authorities to pick up the power generated from Five Estuaries and North Falls at the as proposed East Anglian Connection Mode.

This interrelationship between each project and the in-combination effects is, in ECC's view, a key factor in considering the effects of Five Estuaries.

ECC has requested either a phasing requirement be attached to the Requirements to this DCO to conjoin the proposals, or the potential be explored for a "Grampian" style Requirement to be added to the current set of Requirements. ECC is of the view that such would properly control the development as may be Consented. This would minimise the risk that the proposal which is the subject of this DCO starts, then potentially remains incomplete and in situ in perpetuity as a result of the linked DCOs not being approved. ECC is of the strongly held opinion that the proposal set out in the DCO, if carried out and not completed with no connection to pick up the power

generated by Five Estuaries, could be permanently injurious to the local environment and represent a significant impact on the amenity of those adjacent to the DCO route, and for farming practices currently undertaken within the red lined DCO boundary. Given the overall size and impact of the project as a whole, ECC’s proposals require that the overall scheme does not proceed until approval is provided for the connections to pick up the power generated from Five Estuaries and North Falls. It is ECC’s view that the introduction of such condition would have a realistic prospect of being complied with and is necessary.

Change	Description
Article 8	Article 8(f) – removal of ‘Essex County Council Act 1987’ and replacement with ‘Essex Act 1987’
Article 9	<p>Addition of:</p> <p>(10) Prior to any transfer or grant under this article taking effect the undertaker must give notice in writing to the Secretary of State, and if such transfer or grant relates to the exercise of powers in their area, to the MMO and the relevant planning authority.</p>
Article 10	<p>Article 10 to be amended to include the following provisions:</p> <p>3) If a street authority that receives an application for consent under paragraph (2) fails to notify the undertaker of its decision within 56 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.</p> <p>(4) Any application for consent under paragraph (2) must include a statement that the provisions of paragraph (3) apply to that application.</p> <p>(5) If an application for consent under paragraph (2) does not include the statement required under paragraph (4), then the provisions of paragraph (3) will not apply to that application.</p> <p>Article 10 to be amended to include the following provisions:</p>
Article 16	A drafting point – Article 16 (14)(iii) should not be numbered as sub-paragraph (iii) as the provision applies to both Article 16(14)(a)(i) and Article 16(14)(a)(ii).

Article 17	Clarity is sought on the timeframes for response by the street authority for Article 17.
Article 22  Schedule 2 Requirement 16	Amend article as follows:  Any land landward of Mean Low Water Springs (MLWS) within the Order limits which is used temporarily for construction of the onshore works and not ultimately incorporated in permanent works or approved landscaping must be reinstated to its former condition, or such condition as the relevant planning authority may approve, as soon as reasonably practicable and in any event within twelve months of completion of the relevant stage of the onshore works, or such other period as the relevant planning authority may approve.
Schedule 9	ECC as Highway Authority requires protective provisions to be included in the DCO and, in addition to the Protective Provisions, an agreement to be entered into between the applicant and ECC as Highway Authority (a Framework Highway Agreement)
Approval of matters specified in requirements	Under <i>Further Information</i> , it is understood that the highway authority would have 14 days of receipt of consultation to request further information on details provided for discharge of Requirement 14 relating to the design of a permanent access. The Council request this is increased to 28 days to give sufficient time to review the material.
Approval of matters specified in requirements	Under Provision of Information by Consultees, this gives the Highway Authority 28 days to respond to the planning authority, or 10 days when requesting additional information. This should be increased to 56 days and 28 days to give sufficient time to review the material appropriately.

### **Chapter 8: Traffic and Transport [REP1-018]**

Generally, limited material changes have been noted between APP-090 and REP1-018 documents that affect the Council's general position, however, we welcome those changes made by the Applicant to address previous points made by the Council.

One point of note, it may be that on review we are not comparing the correct documents, but there appear to be some changes that might not have been tracked between APP-090 and REP1-018. As an example, it is worth comparing Table 44 in both documents, which shows a noticeable change, but there are not any tracked changes shown within REP1-019. As a result, the Council have concerns that other tracked changes may have been missed, which would impact our review.

Change	Description
Table 8.26 and 8.53	<p>Throughout the document there is now reference to Little Bromley Road and Ardleigh Road. Clarity is sought on why there are HGV movements along Little Bromley Road/Ardleigh Road within the assessment and, also why they are not shown on Waterhouse Lane. The assumption is they are movements coming from the east, but if so, why are they using the road and not the haul route to access the substation? Further detail is requested on this.</p> <p>Table 8.53 refers to specific measures for managing HGV impacts along Little Bromley Road / Ardleigh Road. It is unclear what these movements are, and what realistic management measures could be put in place. Any measures should be included in the CTMP during examination.</p>

**Traffic and Transport Baseline Report Part 1 [REP1-027]**

As above, there are generally limited material changes between the previous submission and this submission aside from clarity being sought over the inclusion of Ardleigh Road and Little Bromley Road within the assessment at Table 5.2, which would indicate that HGVs are arriving from the east.

**Traffic and Transport Baseline Report Part 2 [REP1-028]**

There are no additional comments for [REP1-028].

**Traffic and Transport Baseline Report Part 3 [REP1-029]**

There are no additional comments for [REP1-029].

**Traffic and Transport Baseline Report Part 4 [REP1-030]**

There are no additional comments for [REP1-030].

**Traffic and Transport Baseline Report Part 5 [REP1-031]**

As noted in our LIR, there were some drawings omitted from the original Traffic and Transport Baseline Part 2 [APP-173]. On this basis our comments on the access and haul road crossings have been included below.

Change	Description
<p>Appendix P ‘Construction Accesses – General Arrangement Drawings’</p>	<p>The highway boundary depicted green is questioned. Does this have regard to the ditch clause insofar that, as a rule, the extent of the highway boundary is limited to the roadside brow of any ditches adjacent to the highway, furthermore boundary hedges would generally be in the control of the adjacent landowner. This is important to ensure that visibility splays shown are deliverable within the highway or within the DCO. It is recommended that further investigation takes place of all access and crossing locations.</p> <p>Generally, it will not be acceptable for the swept paths of HGVs to overrun the centre of the carriageway into the opposite lane.</p> <p>It is noted that on the drawing for access AC7 reference is made to PROW 183, this is incorrect as it is actually Public Footpath 37 Wix (the 183 refers to the ECC Parish number allocated to Wix) hence the reference FP 37 183, as shown below. It is recommended that a consistent system for numbering of Public Rights of Way is agreed across the DCO with the PROW team. It may be clearer to use the PROW number followed by the Parish name rather than a number.</p>

<p>Appendix Q ‘Haul Road Crossings – General Arrangement Drawings’</p>	<p>CR1: ECC Highways do not agree that 59 metre visibility splays are acceptable for an 85<sup>th</sup> percentile speed of 39mph. This is above 37 mph and DMRB principles set out in MFS2 would apply and therefore visibility distance required is 100 metres.</p> <p>CR12: This access is referred to within the audit, but ECC Highways cannot locate a drawing.</p> <p>Only one site CR5a has an option for traffic signal control, this should be considered for all road crossing locations.</p> <p>Generally, ECC Highways will require a comprehensive package of signage to warn highway users of the presence of a haul road crossing, locations for appropriate signage should be identified as many routes are narrow rural roads and space will be limited.</p> <p>Generally, haul road crossings will require full reconstruction of the highway to accommodate HGV traffic.</p>

	<p>On other schemes ECC Highways have experienced road safety issues with failure for haul road traffic giving way to the highway. Further consideration should be given to the design of the crossing to ensure this cannot occur, one way working priority control has been deployed in other projects, signal control may be an option where space allows.</p>
<p>Appendix R 'Construction Accesses and Haul Road Crossings – Stage 1 RSA'</p>	<p>This has been reviewed by ECC Highways but as indicated below the designer's response is incomplete.</p>
<p>Appendix S Construction Accesses and Haul Road Crossings – Designer's Response</p>	<p>This document is titled Construction Accesses and Hail Road Crossings Designers Response but does not to appear to be complete as it does not address road safety audit comments concerning the following accesses/crossings: AC3,4,5,7 (GA), CR1, 3,4,5,6a,6b,7,8 P1, CR9 P1 &amp; P2, CR10 P1&amp;P2, CR11 P1&amp;P2, CR12 P1&amp;P2, and CR8 P2.</p> <p><b>Table 2.1: Road Safety Audit Decision Log (For Ardleigh Road):</b></p> <ul style="list-style-type: none"> <li>In relation to 2.3 for location: Site Haul Road Access (Temporary Access Junction with Ardleigh Rd), the designers response highlights that: '<i>HGV access and egress movements from/to either to the West or East of Ardleigh Road are expected to occur on the odd occasion</i>'. The width of Ardleigh Road in either direction is narrow, only wide enough for single file traffic with very few passing places:</li> </ul> <p>ECC Highways are unclear why access from the haul road onto Ardleigh Road is necessary.</p> <p>It is noted that the visibility splay for the permanent access at Ardleigh Road is reliant on the vegetation being cropped, how will this be secured for the life of the development?</p>

Change	Description
Appendix W 'Section 4 Traffic Management'	<p>Under section 4 Traffic Management it highlights a requirement to close Bentley Road to undertake the widening works and it refers to a diversion route highlighted below:</p> <p style="text-align: center;"><b>4 Traffic Management</b></p> <p style="text-align: center;"><small>The junction improvements will require traffic management during the installation. This section of the assessment identifies the likely traffic management requirements and their potential impacts.</small></p> <p style="text-align: center;"><small>To complete the widening works along Bentley Road the road will need to be closed to traffic, although access to residences would need to be retained for the duration. A diversion along Payne's Lane, Hilliards Road and Park Road will be needed, this is approximately a 4km diversion.</small></p> <p>However, only the northern section of Payne's Lane is adopted the rest is a single lane private farm track. The only alternative is to use Church Road, Spratt's Lane, Hilliards Road and Park Road.</p>
Appendix Y 'Abnormal Indivisible Load Investigations'	<p>The swept path for the abnormal load only shows a vehicle travelling in a single direction. It is unclear what the arrangements are here for the movement. Appendix W Section 3.1 refers to Drawing 104560-MMD-00XX-DR-CE1026, but the swept path provided at Appendix Y is a different drawing. Clarity should be provided on the swept path for AILs at Bentley Road.</p>

### Code of Construction Practice - [REP1-041]

There are no additional comments for [REP1-041].

### Outline Construction Traffic Management Plan [REP1-043]

Change	Description
Section 2.3	<p>The inclusion of details on the Cable Drums at Section 2.3 is welcomed, as there is no reference to routeing or impacts within Chapter 8: Traffic and Transport. However, there is very limited detail, with no information on routeing or numbers.</p>



	As per the Council's Local Impact Report, there are concerns around the access for AILs for cable drums associated with all of the accesses on the route, particularly the number and frequency, what assessment has been undertaken of the routes, including whether a structural assessment has been undertaken to ensure the deliverability of their routes i.e. can the local road network accommodate these movements. If an assessment has not been undertaken of the routes, it may be that they are not deliverable, and so would have to use alternative routes with different impacts.
Paragraph 2.3.2 and 2.3.8	It is welcomed that construction access routes for AILs will be agreed with the Council. It is worth noting that routes will not necessarily accord with the route restrictions within the CTMP, and although flexibility is sensible, this may result in impacts on routes not assessed within Chapter 8: Traffic and Transport.
Paragraph 2.3.4	It is welcomed that temporary works, such as removal of street furniture will be subject to discussions with the Council. However, any temporary works on the highway network need to be approved by the highway authority. The Applicant must be required to reinstate any works to a standard no worse than their condition prior to removal.
Table 3.1	Refers to specific measures for managing HGV impacts along Ardleigh Road. It is unclear what these movements are, and what realistic management measures could be put in place. Any measures should be included in the CTMP during examination, so as to understand their efficacy.
4.1.12	Refers to the AIL route investigations and swept path drawings at Appendix Y of the Transport Assessment, as above further clarity is sought on the arrangement being proposed here.