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Our Ref: 20048269  
PINS Ref: EN010115  
Date: 12 November 2024  
Enquiries to: Mark Woodger

By E-Mail only

Dear Mr Gould

**Planning Act 2008****Application by Five Estuaries Offshore Wind Farm Limited for an order granting development consent for the Five Estuaries Offshore Wind Farm project.**

I write with reference to the Rule 8 letter as dated 24 September 2024 which sets out the Examination Timetable for this DCO, this proposal being currently at Examination. In accordance with the same Essex County Council (ECC), in conjunction with Tendring District Council (TDC), would like to respond to the questions as asked by the Examining Authority (ExA) at Deadline 03 as attached to Appendix A of the Rule 8 letter. Comments are asked for by the 12 November 2024 and the ExA is asked to note that this submission meets this as requested date.

**Issue Specific Hearing 03****ISH 3 Effects of Terrestrial Traffic and Transportation**

Item	Notes
a) Road traffic surveys and predicted traffic generation and impacts on junctions during construction	<p>The Council's Local Impact Report outlines all of the concerns we have raised with the assessment method (some of which have been addressed by the Applicant in the most recent iteration [REP1-018], which is appreciated).</p> <p>The Council had discussions with the Applicant on our comments on the management plans, and they felt very productive, we are awaiting feedback on our comments, but are hopeful that we will be able to reach common ground of the majority of the points raised to date. This should significantly reduce the areas of disagreement.</p>

b) Assessment of cumulative impacts during construction of Fiver Estuaries at the junction of the A120 and Bentley Road	The Council have concerns over communities experiencing repeated impacts as a result of numerous projects. This was covered by the examining authority and previously set out in our response to item (d) [REP1-062].
c) Mitigation works proposed at the junction of the A120 and Bentley Road	Subject to National Highways being content, in principle we do not have any concerns with the design at this stage, however, the Council have not yet identified a Stage 1 Road Safety Audit for the widening works and footway/cycleway prior to the end of the DCO. Although not considered likely, it may identify requirements for the design, which may result in the need for additional land that may not have been identified.
d) Routeing of Abnormal Indivisible Loads	<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 of AIL movements. As well as 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.</p> <p>The Applicant has submitted Technical Note – Abnormal Indivisible Loads [REP2-029] at Deadline 2, which provides useful information on the AIL strategy. The assessment includes:</p> <ul style="list-style-type: none"> <li>• The types of AILs required for the project.</li> <li>• What constitutes an AIL.</li> <li>• The AIL process.</li> <li>• An indication of the number of AILs: <ul style="list-style-type: none"> <li>Between 560 and 580 cable drums (to cable corridor accesses).</li> <li>Between 10 and 30 large electrical equipment (to Onshore Substation).</li> <li>Between 2 and 4 transformers (to Onshore Substation).</li> </ul> </li> </ul> <ul style="list-style-type: none"> <li>• Swept paths are provided for junctions along the routes providing access to the cable corridor.</li> </ul> <p>The AIL route for cable drums has been set out and indicates the following:</p> <ul style="list-style-type: none"> <li>• Potential requirement for vehicles to U-Turn at Harwich Road roundabout when accessing Routes Sections 5 (north of A120 to Bentley Road), 6 (between Bentley Road and Ardleigh Road) and 7 (Little Bromley Road / Ardleigh Road)</li> <li>• Requirement to U-Turn at A12 Junction 29 for vehicles accessing Route Section 1 to 4a (south of A120).</li> <li>• Requirement for AIL movements through Weeley for accessing Routes Sections 2 (south of B1033 to railway line), 3 (north of B1033 to B1035) and 4a (B1035 to south of A120).</li> <li>• Requirement for AIL movements through Thorpe Green for Route Sections 3 (north of B1033 to B1035) and 4a (B1035 to south of A120).</li> </ul>

	<ul style="list-style-type: none"> <li>• Requirement for AIL movements through Weeley Heath and parts of Thorpe Le Soken for accessing Routes Sections 2 (south of B1033 to railway line), 3 (north of B1033 to B1035)</li> <li>• Requirement for AIL movements through Clacton when accessing Route Section 1 (Beach landing to south of railway line).</li> </ul> <p>The Council welcomes the commitment to undertake Road Condition Surveys, as per [REP1-043], and are having internal discussions around the requirements for the level of survey works due to the road status. The Council would request that the list of roads to be surveyed is agreed within the OCTMP. There is concern that</p> <ul style="list-style-type: none"> <li>• the vehicles to undertake these movements within the highway network without overrunning of the kerb and potential damage.</li> <li>• about the ability to rectify damage to the highway quickly through the project.</li> </ul> <p>It is worth considering whether there is opportunity for a trial run on the highway network (without the cable drum) to understand the impact.</p> <p>The large number of AILs providing access to the cable corridor would result in increased delay to users of the local road network.</p>
e) Control and mitigation measures set out in the Outline Construction Traffic Management Plan (CTMP) and the Outline Workforce Travel Plan	<p>The Council had discussions with the Applicant on our comments on the management plans, and they felt very productive, we are awaiting feedback on our comments, but are hopeful that we will be able to reach common ground of the majority of the points raised to date. This should significantly reduce the areas of disagreement.</p> <p>With regards to the need for a Port Construction Traffic Management Plan, it does not seem unreasonable for the Applicant to commit to reviewing their impacts, and implementing specific local travel planning measures during operation to reduce their impacts on the local road network.</p>

#### Issue Specific Hearing 4

#### **New article 8(i) (application and modification of legislative provisions)**

Article 8 (application and modification of legislative provisions) has been amended by the inclusion of new paragraph (i) which disapplies sections 28E (duties in relation to sites of special scientific interest) and 28H (statutory undertakers, etc.: duty in relation to carrying out operations) of the Wildlife and Countryside Act 1981.

Section 28E prevents the owner or occupier carrying out, or allowing to be carried out, works in a SSSI without Natural England’s consent unless that work is under a management scheme. Section 28H requires statutory undertakers to give notice of operations which may damage any feature of the SSSI, in response to which Natural England may refuse to assent to the proposed operations. The justification given in the Schedule of Changes [REP1-002] is: *“To allow for operations to be undertaken in the SSSI should hydraulic fracture break out of drilling materials occur”*.

The updated Explanatory Memorandum [REP1-011] states –

*“4.35 The Code of Construction Practice (secured under Requirement 7) requires that further ground investigation is undertaken prior to construction to inform drilling parameters, such as drilling pressures which will reduce the risk of Hydro-fracture breakout occurring. During drilling activity, drilling fluid properties will be actively monitored (i.e. mud weight, viscosity, gel strength, volume and pressure) in order to detect early and minimize the potential for Hydro-fracture breakout.*

*4.36 Where, despite the measures put in place Hydro-fracture breakout occurs within the SSSI occurs while drilling under it, the undertaker would require to undertake clean up works as soon as practicable to avoid further spreading of the bentonite. The Holland Haven SSSI designation includes water dependent ecosystems through which any Hydro-fracture breakout could spread if not addressed quickly. It is not desirable for the undertaker to be required to wait for consent or assent for works in those circumstances, or for such consent or assent to be refused”.*

While this is a matter for Natural England (NE), and the Council will no doubt await NE’s comments with interest, it would be helpful if the Applicant could explain the consequences of a hydro-fracture breakout and to point to relevant provisions of the ES which deal with this eventuality.

#### **Article 9 (Defense to proceedings in respect of statutory nuisance)**

A minor drafting point: the new wording in article 9(2)(a) needs to be recast as follows –  
*“... relates to premises used by the undertaker for the purposes of or in connection with the construction, maintenance or decommissioning of the authorised development **that the nuisance and that the nuisance** is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction sites), or a consent given under section 61 (prior consent for work on construction sites), of the Control of Pollution Act 1974”.*

#### **Article 16 (traffic regulations)**

First, a drafting point: the numbering of paragraphs has gone awry. Paragraph (2) to (6) are subparagraphs under paragraph (1) and should be recast as subparagraphs (a) to (f). (If this change is not made, the internal cross-references in the article do not work).

Second, the powers under existing paragraphs (2) to (6) – which we say should be (1)(a) to (f) can be operated *“in connection with, **or in consequence of**, the construction of the authorised development”*. Does this mean they can be exercised after construction has completed? If so, for how long and what is the justification for this? If this does not mean the powers can be exercised after construction has been completed, what does it mean?

Third, in paragraph (7), - which we say should be paragraph (2) – for consistency with paragraph (1), shouldn’t the reference to *“maintenance works”* be omitted? If not, why not? Also, for clarity, what is the *“the exception set out in paragraph (1)”*?

Fourth, what is the justification for including new paragraph (20) – which we say should be paragraph (15)? Is it preceded in any other DCOs? Why is it relevant here? The relevant paragraph states –

*“No speed limit imposed by or under this Order applies to vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011(b) when in accordance with regulation 3(5) of those regulations”.*

## **Requirement 2 (Schedule 2, requirements)**

Various changes have been made to the parameters set out in R2. Some of these have led to a decrease in size (eg “*Maximum height of wind turbine generators when measured from LAT to the tip of the vertical blade*” from 399m to 370m”). Others have led to an increase in size (eg “*Maximum total seabed footprint for wind turbine generators (excluding scour protection) (metres squared)*” from 298,400m to 992,274m).

The Schedule of Changes [REP1-002] explains the changes as follows –

*“To secure the reduction in the maximum tip height agreed with the Ministry of Defense as necessary to prevent an adverse radar impact; and to secure the removal of gravity base foundation types as an option **with resultant reduction in seabed footprints**”.*

Based on the underlined explanation in the Schedule of Changes, is the figure of 992,274m correct? The same point applies in respect of the “*Maximum total seabed footprint for offshore substation platforms (excluding scour protection) (metres squared)*” which has increased from 14,000m to 33,700m.

We note the applicant’s comments at the ISH that these increased figures were the result of a typographical error which they will correct by the next deadline.

## **Schedule 2, Part 2 (approval of matters specified in requirements)**

Paragraph 5(1) concerns the fees to be paid to a local authority for dealing with an application for discharging a requirement. The proposed fee is the fee payable under regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 i.e. £145 per application. While such a fee might be appropriate to discharge a condition attached to a planning permission, it is insufficient for the discharge of a requirement related to a nationally significant infrastructure project which is a fundamentally different task. The discharging authority should be able to recover all its costs for dealing with requirements and the best way to secure this is by the parties entering into a legally binding Agreement with the Applicants, and this is further commented upon below.

Moreover, paragraph 5(2) seeks to recover fees which have been paid under paragraph 5(1) eg para 5(2)(i) provides for the repayment of fees within 4 weeks of rejecting an application as invalidly made. This is considered wholly unreasonable. The authority will still have done the work necessary to reject the application. It should not be punished financially if an applicant is incapable of getting its applications in order. It is our considered view that Paragraph 5(2) should be struck out of the DCO, and the justification for this is as set out below.

At Hearing the ExA asked for examples of where the provision set out in Schedule 2, Part 2, Paragraph 5 has been in place in other DCOs. ECC are not of the view that it is, indeed reference is here made to the recent DCO for the Bramford to Twinstead Project. In the same at Schedule 4 “Discharge of Requirements” it states:

### *Fees*

*3.—(1) Where an application is made to a relevant authority for any consent, agreement or approval required by a Requirement (including consent, agreement or approval in respect of part of a Requirement), a fee must be paid to the relevant authority as follows—*

- (a) such fee as may be prescribed (under sections 303 and 333(2A) of the 1990 Act for the discharge of conditions attached to a planning permission); or
- (b) a fee of £145 per request unless a bespoke arrangement has been agreed between the Applicant and discharging authority and legally secured.

Using this as a current example, Consent having recently been gained for Bramford to Twinstead, and which came into force on the 04 October 2024, this illustrates that the repayment of fees was NOT included in this DCO. In addition this also allows for a separate fee schedule to be set up between the applicants and the affected Authorities for the re-imbusement of cost to allow the Authorities to work at cost neutral, which is a requirement of Essex County Council’s NSIP Policy document.

ECC’s requested amendments are therefore precedented in a recent DCO. Discharging requirements in respect of a DCO are costly (both in terms of time and resource) to the relevant authorities. The timescales to discharge the requirements in the DCO are short, therefore these need to be prioritised, and a DCO is complex in its nature, therefore the fees should be commensurate with the work required to be undertaken. It is essential that the relevant authorities are able to recoup fees incurred (even when the application is rejected), and that the relevant authorities are able to agree different fees pursuant to any agreement between the applicant and the relevant authority. These amendments will go some way to mitigate the costs of discharging the requirements.

**Additional Comments on Deadline 2 Submissions**

It was noted that a number of documents were submitted by the Applicant on 14<sup>th</sup> and 15<sup>th</sup> October prior to Deadline 2, and a review of traffic and transport matters included in those submissions have also been included in the response below. The comments represent comments in addition to historic comments raised by the Council, and so, do not seek to repeat comments on previous versions.

**Chapter 8: Traffic and Transport Revision C [AS-043]**

Change	Description
Inclusion of Paragraphs 8.7.10 and 8.7.18. Table 8.19.	<p>With regards to the speed limit change on the B1035 Thorpe Road (sheet no.3 of 7 on [AS-030], the Council are of the opinion that a 40mph speed limit is preferable over a 30mph speed limit at this location due to the local context, and that the speed limit should be extended to the south to include AC-4 (location shown on sheet no. 9 of 20 on [AS-023]. This would need to be reflected in an updated design of the access junction to include sufficient visibility for a 40mph speed limit.</p> <p>In addition to the comments above, it is considered that the speed limit change on Golden Lane (sheet no. 2 of 7 [AS-030]) be extended approximately a further 60m to the east to cover all the residential properties.</p>

Table 8.8	Inclusion of AC-13 Ardleigh Road: In principle, the Council do not have specific issues with the access; however, we would want to see a drawing with visibility splays, swept path assessment and it is required to be subject to a Stage 1 Road Safety Audit, as per the other site accesses.
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**Traffic and Transport Baseline Report Part 1 Revision C [AS-045]**

There are no comments that are in addition to those raised on the Traffic and Transport [AS-043] above i.e. the requested amendments to the speed reduction plans and further information on Access AC-13.

**Outline Construction Traffic Management Plan Revision C [AS-055]**

There are no comments that are in addition to those raised on the Traffic and Transport [AS-043] above i.e. the requested amendments to the speed reduction plans and further information on Access AC-13.

**Applicant’s Comments on Deadline 1 Submissions [REP2-026]**

The Council makes the following comments on those responses relating to transport matters from Essex County Council’s Deadline 1 submission.

Exert from Deadline 1 Submission	Applicant’s Response	ECC Comments
<p>There are three locations where the highway authority does not agree with the link sensitivity applied by the Applicant:</p> <p>A133 Clacton Road / Main Road (Link 19/20). There are services and facilities along this route, including local shops, a school, employment and a public house in Elmstead Market and Frating.</p> <p>B1027 St John’s Road / Colchester Road (Link 21/22). There are services and facilities along this route, including local shops and a public house in Alresford, and Thorrington Cross for</p>	<p>These highway links could be used by cars and LGVs associated with the construction of VE only i.e. workforce vehicles, not HGVs and therefore would be less sensitive for increases in traffic.</p> <p>The forecast percentage impact on baseline flows on the A133 Clacton Road / Main Road (Link 19/20) is 2.0% and 0.5% on the B1027 St John’s Road / Colchester Road (Link 21/22), significantly below the minimum 10% threshold of an increase in total traffic for formal assessment under EIA Regulations and therefore the</p>	<p>Noted. The Council agree that it would not impact the conclusions of the assessment. However, as historic assessments can be used as precedent for future assessment feel it is necessary to confirm our position on any sensitivity. No further actions are required, and this item can be considered to be closed.</p>

<p>information there is also a 7.5T weight limit due to a weak structure at Alresford viaduct on B1027.</p> <p>B1035 South (Link 33). There are receptors on this route at Tendring Green and Tendring.</p>	<p>sensitivity level would not make a difference.</p> <p>Whilst no baseline traffic data was collected on the B1035 in the vicinity of Tendring Green / Tendring, the assessed percentage impact at the B1035 south of the A120 (which includes HGVs between The A120 and AC-6 or AC-7), is 5.0%, significantly below the minimum 10% threshold.</p>	
<p>The Core HGV delivery profile of traffic across the day is not identified. A flat profile is unlikely to be realistic and so might reduce the impact during any specific hour.</p>	<p>The highest number of two-way (the total of a vehicle arriving and then departing) HGV movements per hour on a link is 18 (Bentley Road), followed by 16 (A133) (with the majority of links under 10 two-way HGVs per hour).</p> <p>In the scenario whereby a greater number of HGVs might occur in one particular hour on Bentley Road and the A133, even if these doubled, the total two-way flow on the majority of links, the number would be much less than 30 two-way movements, used as a threshold for the consideration of undertaking a junction capacity assessment.</p>	<p>Noted. However, the Council maintains its position in principle, albeit recognises that it would have limited impact on the conclusions, and so this item can be considered closed.</p>
<p>No evidence is submitted to support the car share proportion of 1.5 people per car. The Travel Plan does not offer meaningful assurance of the development achieving this level of car sharing through commitments.</p>	<p>The assumption of 1.5 workers per vehicle has been proposed from the start of engagement with Essex County Council (first proposed in the Traffic and Transport: Baseline Summary and EIA Screening Technical Note, November 2022) and the requirement for the justification of it has not been raised in any correspondence from Essex County Council during the Evidence Plan process to-date.</p>	<p>The Council assumed that the management plans would include sufficient measures in order to achieve the 1.5 person per car.</p> <p>The Council have not seen any evidence that the 1.5 person is achievable, but are looking for amendments to the management plans to instil greater confidence. This is considered to be a reasonable and pragmatic position to take on the issue.</p>



	<p>The assumption of 1.5 workers per vehicle is considered a reasonable and achievable target (as shown in Table 3.1 in 9.26 Outline Workforce Travel Plan (WTP) [APP-259] for the average car occupancy for the VE construction workforce of those travelling in the highway peak hours (noting the proportion of which is likely to be very low and only during the winter months in the evening peak due to the availability of daylight hours).</p> <p>The Department for Transport (DfT)'s most recent policy in Decarbonising Britain: Plan A Better, Greener Britain (2021), is relevant to this approach, which states....          "We need to move away from transport planning based on predicting future demand to provide capacity ('predict and provide') to planning that sets an outcome communities want to achieve and provides the transport solutions to deliver those outcomes (sometimes referred to as 'vision and validate')."</p> <p>Section 5.2 of 9.26 Outline WTP [APP-259] sets out how the anticipated construction vehicle movements assessed in 6.3.8 Traffic and Transport Chapter [APP-090] would be monitored and the mechanism for enforcement should breaches occur. These methods would be set out in greater detail in the final WTP(s).</p> <p>However, the Applicant would welcome further discussion with Essex County Council to</p>	<p>The Council fully supports moving away from a <i>Predict and Provide</i> approach to transport planning, which is entirely why we want to use the management plans to reduce impacts on the highway network, hence validating the assumptions within the assessment, and ensuring there are relevant processes to respond to failure to achieve car share. This would be a monitor and manage approach. This also reflects the guidance within EN-1 around considering <i>demand management measures</i>, such as consolidating trips and shared mobility.</p> <p>The above being said, the Council had a productive meeting with the Applicant on this matter, and do not think we are very far away from alignment, but await updated submission of the management plans.</p>
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	update the Outline WTP [APP-259] with further controls, as necessary.	
The result of the assessment method above means that a peak of 1,200 workers results in 95 peak hour car movements, which is a significant reduction in impact and does not indicate a robust assessment. There is little in the way of evidence or commitments that give confidence that this is a realistic assessment i.e. no controls on these work hours or car share proportions.	<p>The Applicant would like to clarify that the peak number of workers per day in any month for all onshore works is 600, which equates to 1,200 two-way worker movements per day.</p> <p>The 95 peak hour car movements is calculated from the 1,419 two way worker movements per day, which is the sum of the peak number of workers per day for each onshore route section (and onshore substation), applying 50% for either the arrivals in the morning or departures in the evening, the 1.5 car occupancy target, and the 20% assumed to travel in the peak hour.</p> <p>The Applicant notes these comments and welcomes further discussion with Essex County Council to update the Outline CTMP (Revision B) [REP1-043] and the Outline WTP [APP-259] with further controls and monitoring mechanisms, as necessary.</p>	<p>Apologies, this should have said 1,200 worker movements rather than 'workers'. This figure has been used in other ECC submissions, and so should be considered an error and ignored.</p> <p>As outlined by the Applicant, the assumptions around the rest of the assessment are a moot point, but importantly our concerns would be addressed by appropriate updates to the management plans so that the assumptions can be monitored and managed.</p>
ECC do not agree with the absence of an assessment of the hour of greatest change, as per GEATM guidance. The assessment is based on daily traffic flows; consideration is needed towards assessing the hour of greatest change, which is considered to be a requirement based on the following text, which is taken from paragraph 1.22 of the IEMA guidance 'Environmental Assessment	<p>The worst-case hour would be between 06:00 and 07:00, whereby a worst case of 100% of workers arrive on site before 07:00. Also, whilst HGV deliveries have been assessed between 07:00 to 19:00, there may be some already on the network before 07:00 and therefore 50% of the hourly HGV movements forecast have could be assumed.</p> <p>With the above VE construction vehicles (at the</p>	<p>The Council welcomes the Applicant's effort to address our concerns and would welcome this assessment in a Table format so it can be more easily reviewed.</p> <p>We would reserve the right to comment until receipt of this information.</p>

<p>of Road Traffic and Movement’:  “Traffic and movement assessments for EIA and non-statutory environmental assessments, present the impact of traffic and movement on people and the environment – which are initially undertaken with reference to daily traffic flows prior to assessing the time period with the highest potential impact (i.e. degree of change from baseline conditions), which may not be the same as the time period with the highest baseline traffic flows”.</p> <p>The large proportion of traffic impact is likely to be in a short specific time frame (as a result of shift patterns), and only assessing the 12-hour impact dilutes this impact against a greater baseline of traffic</p>	<p>peak of construction) added to the baseline traffic flows between 06:00 and 07:00, with the exception of Bentley Road, Waterhouse Lane, Little Bromley Road/Ardleigh Road where baseline flows are very low, the total traffic flow would be between 35% and 75% (lower than 50% apart from the B1035 Tendring Road) of the maximum hourly traffic flow during the day on the links on the local road network. Therefore, the forecast hour with likely greatest change in vehicle movements associated with the construction of VE, would not lead to any different conclusions about the significance of impact.</p>	
<p><b>AILS</b>  There is no reference to cable drum AILs within the Traffic and Transport chapter [APP-090], but it became clear at ISH1 that there is a requirement for these to access the proposed accesses on the rural road network. There are concerns around the routes for AILs for these cable drums associated with all of the accesses on the route, particularly the number and frequency. Clarity is sought on 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</p>	<p>The Applicant has prepared an Abnormal Indivisible Load (AIL) Technical Note, which is being submitted at Deadline 2. This includes swept path analyses of the largest likely cable drum delivery vehicle on the highway network.</p> <p>There would be an estimate of 280 to 290 cable drum vehicle movements, which are included in the forecast construction vehicle movements set out in the Traffic and Transport chapter [REP1-018].</p>	<p>The Council welcomes the submission of the document, but would query the figure included in the response. At Table 1 of [REP2-039] it indicates 560 to 580 movements? From discussions with the Applicant, it is understood that that the 280 to 290 are the deliveries, whilst the 560 to 580 are the movements.</p> <p>If any information was available on the number to each access that would be beneficial, even if it was just an indication.</p>

<p>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. This presents a risk to the project. We would request that swept path drawings are provided at key junctions along these routes, and structures pinpointed along the designated routes with assessments undertaken of those structures.</p>		
<p>At page 24 of Chapter 8: Traffic and Transport [APP-090] the Applicant sets out that the preferred base port for the offshore construction, operation and maintenance activities is not known and would be decided post consent, and importantly that port activity would be within the envelope assessed when the existing approvals for the port were considered. However, there is currently not any evidence submitted that supports this position. An Outline Port Construction Management Plan [REP11-024] was submitted as part of the East Anglia One North Development Consent Order. This included a commitment to review the localised impacts of the port traffic, as well as site specific travel planning at that time. A commitment towards a similar approach here appears to be sensible.</p>	<p>This was addressed by the Applicant under Agenda item 3.7 of ISH1 and in [REP1-059]. With reference to the East Anglia One North DCO mentioned by ECC, it is not clear to the Applicant why a management plan would be required. These documents are forms of mitigation, however the Applicant is not proposing any development at a port, and therefore has not assessed impacts and accordingly has no need for mitigation. The same would apply to any other ancillary facility, factory or other location (e.g. a waste disposal site) where vehicles that may support the project would use, but which would be managed under consents and any required traffic management plans associated with those sites. Such sites, including any port, will have assessed traffic impacts associated with the use of their facility as part of their consent, and there is no reason why project-related traffic should be considered any differently or cumulatively</p>	<p>The Council maintains its position. It is considered to be pragmatic to review the localised impacts of the port traffic, as well as to implement site specific travel planning at that time.</p> <p>This might take the relatively simple form of confirming that the trips sit within the existing permission and identifying what reasonable travel planning measures could be put in place, such as:</p> <ul style="list-style-type: none"> <li>• Information packs on ways to travel</li> <li>• Cycle parking.</li> <li>• Discounts on public transport.</li> <li>• Car sharing options.</li> </ul> <p>Reducing the need to travel, managing transport impacts, decarbonising of transport, and switching to sustainable modes all accord with the thrust of National Policy Statement EN-1.</p>

	to any other user of an existing port.	
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**Technical Note – Abnormal Indivisible Loads [REP2-029]**

Due to the weights of the vehicles involved, it is recommended that there are early discussions with the ECC structures team for the affected routes. There may be structures that are being monitored by the Structures team, which may not have reached the threshold to have a formal weight limit implemented on a particular structure, affecting potential designated routes.

With regards to the AIL figures at Table 1, it is queried whether when departing from the site the Cable Drums the vehicle would remain an AIL based on its length or whether the length of the vehicle can be reduced? As per our response to [REP2-026], can the total movements figure be confirmed due to the potential inconsistency between the figures being quoted. Although from discussions we understand the figures in [REP2-029] are correct.

The Council welcomes the commitment to undertake Road Condition Surveys, as per [REP1-043]. The Council are having internal discussions around the requirements for the level of survey works due to the road status. The Council would request that the list of roads to be surveyed is agreed within the OCTMP, as the wording of *some roads* is ambiguous. The list could be indicative and subject to further refinement following appointment of a contractor.

Annex 2: Wynn’s Report

Under paragraph 9.1.4 of Annex 2, the structural status of the culvert shown at **photograph 54** located immediately prior to the proposed site access point would need to be confirmed. The report indicates that a short-term solution would be that a temporary plate could be installed to enable AIL access, due to the size and weight of the AILs that may not be acceptable to the ECC Structures Team. It is recommended that discussions are held on this issue.

Section 10 of Annex 2 indicates a potential need to route some AILs through Colchester; the routes include the A134 (**photograph 87**) and Station Approach near North Station, Colchester (**photographs 81 and 82**) where you have some overhead bridge structures, however, no swept path drawings have been provided for these areas within Colchester.

The Applicant should be aware that there is a compact roundabout on the B1035 south of the Horsley Cross roundabout that forms part of planning application: *19/01706/OUT - Land south-west of Horsley Cross Roundabout Clacton Road Horsley Cross CO11 2NZ* for the warehouse and distribution centre at Centurion Park, Horsley Cross, which is under construction now. Consideration should be given towards undertaking a review of this junction for AIL movements.

Appendix 5: Swept Path Assessment

The majority of the drawings indicate no anticipated issues, there are a few of the drawings that indicate that the AIL will have to cross the opposing lane to make the turning or potential partially encroach the opposing lane. However, it is understood that in this situation an *‘escort/pilot vehicle may be used, which would be discussed and agreed with the relevant highway authorities’*. This is considered to be acceptable.

There does remain some concern around the capability for the vehicles to undertake these movements within the highway network without overrunning of the kerb and potential damage (particularly B1033 / B1035 junction at Thorpe Green, and generally at the site accesses). As a result, the ability to rectify damage to the highway quickly through the project as a result of damage caused by large vehicles is considered to be important. It is worth considering whether there is an opportunity for a trial run on the highway network (without the cable drum) to understand the impact.

It is worth noting that, the large number of AILs providing access to the cable corridor would result in increased delay to users of the local road network that should be considered alongside all other impacts.

#### **Applicant’s Response to EXQ1 [REP2-039]**

The Council makes the following comments on those responses relating to Traffic and Transport.

Ref	Question	Applicant’s Response	ECC Comments
TT.1.06	As queried by Essex County Council in its Deadline 1 submission [REP1-062] explain the rationale for why only pedestrian amenity has been considered, rather than the amenity of all relevant non motorised users, as set out in section 8.4 of Volume 6, Part 3, Chapter 8: Traffic and Transport of the Environmental Statement [APP-090].	<p>The assessment of the potential effect on amenity was not proposed in the 6.1.6 Scoping Report [APP-068]; however pedestrian amenity and fear and intimidation have been assessed in the 6.3.8 Traffic and Transport Chapter [REP1-018] following comments in the 6.1.6 Scoping Opinion [APP-068].</p> <p>Walking, cycling and horse-rider management measures, including specific reference to locations where warning signage should be considered, is set out in Section 4.3 of the 9.24 Outline Construction Traffic Management Plan – Revision B [REP1-043].</p> <p>Notwithstanding the above, it is possible using Table 8.5 in the Traffic and Transport Chapter [REP1-018] for the effect of pedestrian amenity to consider the effect of other non-motorised user amenity, the highway links that would require formal assessment would be Bentley Road, the B1035 Tendring Road and Little Bromley Road/ Ardleigh Road, where the increase in HGVs is greater than 100%.</p> <p>Using professional judgement, as the B1441 Clacton Road and B1032 Frinton</p>	<p>The Council welcomes the review of impacts.</p> <p>ECC agrees with the conclusions for</p> <ul style="list-style-type: none"> <li>• Bentley Road.</li> <li>• Little Bromley Road / Ardleigh Road.</li> <li>• B1035 Tendring Road.</li> </ul> <p>The Council have previously raised that we are of the opinion that proportional localised mitigation should be considered for both the B1032 Clacton Road and B1441 Frinton Road due to the project impacts of increased HGV movements along this corridor. And so do not agree that mitigation is not required. The routes both vary in terms of their quality of infrastructure for pedestrians and cyclists. However,</p>

		<p>Road are part of a promoted cycle route (see Appendix N of Volume 6, Part 6, Annex 8.2: Transport Assessment – Part 3 [REP1-029]) and there is a horse-riders warning sign on the B1441 Clacton Road, these links should also be assessed.</p> <ul style="list-style-type: none"> <li>• Bentley Road (low sensitivity) – whilst there would be a noticeable increase in the number of vehicles on Bentley Road, with the proposed segregated non-motorised user path and the reduction in vehicle speeds with the proposed temporary speed limit reduction from 60mph to 40mph, the Applicant considers there would be a low magnitude of impact in terms of amenity and therefore a minor adverse effect, which is not significant in EIA terms.</li> <li>• B1035 Tendring Road (medium sensitivity) – The forecast baseline daily traffic flow in 2027 is 1,576 (including 43 HGVs) and would be subject to construction traffic of up to 317 vehicle movements (including 83 HGV movements). Peak daily VE construction traffic would result in an increase of 20.1% for all vehicles and 190.3% for HGVs. Receptors along the link would experience a peak increase in approximately seven HGV movements per hour and an average of approximately four HGV movements an hour. Given the peak number of daily HGVs on the B1035 Tendring Road for VE is forecast to be 83, the magnitude of impact is considered to be low, which would result in a minor adverse effect, which is not significant in EIA terms.</li> </ul>	<p>there are generally very limited cycle facilities, with narrow footways at points, very limited crossing facilities and an absence of dropped kerbs and tactile paving at side junctions.</p>
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		<ul style="list-style-type: none"> <li>• Little Bromley Road/ Ardleigh Road (low sensitivity) – Whilst an increase of 42 HGVs per day at the peak of construction of VE is considered to be a low magnitude of impact on pedestrian amenity in the Traffic and Transport Chapter [REP1-018], given the likely very low number of pedestrians walking in the carriageway, as there are likely to be a greater number of existing cyclists and horse-riders using this link, the magnitude of impact can be considered to be medium, which would result in a moderate adverse effect, which is significant in EIA terms. However, with the proposed speed limit reduction from 60mph to 30mph included within the Change Request, warning signage (and other potential measures as part of a final Construction Traffic Management Plan) and a relatively convenient alternative route via Byways (BY 52 172 and B7 57 170) and Grange Road, which could be signed during construction period, the magnitude of impact can be reduced to low, resulting in a minor adverse effect, which is not significant in EIA terms.</li> <li>• B1032 Frinton Road (high sensitivity) – The forecast baseline daily traffic flow in 2027 is 7,251 (including 127 HGVs) and would be subject to construction traffic of up to 374 vehicle movements (including 106 HGV movements). Peak daily VE construction traffic would result in an increase of 5.2% for all vehicles and 72.8% for HGVs. Receptors along the link would experience a peak increase in approximately nine</li> </ul>	
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		<p>HGV movements per hour and an average of approximately six HGV movements an hour. Given this the magnitude of impact is considered to be low, which would result in a minor adverse effect, which is not significant in EIA terms.</p> <ul style="list-style-type: none"> <li>• B1441 Clacton Road (high sensitivity) - The forecast baseline daily traffic flow in 2027 is 5,955 (including 153 HGVs) and would be subject to construction traffic of up to 188 vehicle movements (including 77 HGV movements). Peak daily VE construction traffic would result in an increase of 3.2% for all vehicles and 50.1% for HGVs. Receptors along the link would experience a peak increase in approximately six HGV movements per hour and an average of approximately four HGV movements an hour. The Applicant considers, the peak increase in HGVs would be a negligible magnitude of impact, taking the measures included in Section 4.3 of the Outline Construction Traffic Management Plan (Revision B) [REP1-043], which would result in a minor adverse, which is not significant in EIA terms.</li> </ul> <p>In terms of potential cumulative effects on amenity:</p> <ul style="list-style-type: none"> <li>• The Applicant would draw the same conclusions for Bentley Road, based on the mitigation proposed.</li> <li>• The magnitude of impact for the likely cumulative number of HGVs on Little Bromley Road/ Ardleigh Road would be high, with the HGVs associated with NGET EACN being the highest proportion.</li> <li>• However, with the proposed speed limit reduction from</li> </ul>	
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		<p>60mph to 30mph, warning signage (and other potential measures as part of a final Construction Traffic Management Plan), a relatively convenient alternative route via Byways (BY 52 172 and B7 57 170) and Grange Road, which could be signed during construction period and the proposed improvements to Ardleigh Road by NGET, the magnitude of impact can be reduced to medium, resulting in a minor adverse effect, which is not significant in EIA terms. Also, it is unlikely pedestrian, cyclists or horse-riders would choose to use this section of Little Bromley Road/ Ardleigh Road with the presence of construction traffic, particularly with the alternative route available.</p> <ul style="list-style-type: none"> <li>○ Peak daily VE, with NF OWF construction traffic on the B1032 Frinton Road would result in an increase of 148 HGVs per day, which is around three HGVs per hour greater than the scenario with VE alone. The average number of HGVs across the construction programme would increase by 1, to 77. Given this the magnitude of impact is considered to be low, which would result in a minor adverse effect, which is not significant in EIA terms.</li> <li>○ Peak daily VE, with NF OWF construction traffic on the B1035 Clacton Road would be the same as the scenario with VE alone.</li> </ul>	
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		<p>The average number of HGVs across the construction programme would increase by 4, to 53. Given this the magnitude of impact is considered to be low, which would result in a minor adverse effect, which is not significant in EIA terms.</p> <ul style="list-style-type: none"> <li>• North Falls OWF is not proposing to use the B1441 Clacton Road as a construction access route and therefore a cumulative impact assessment is not relevant for this link.</li> </ul>	
TT.1.07	<p>During ISH1 you made the case that the Applicant should prepare and submit an Outline Port Construction Management Plan to manage the impacts of traffic at ports during the construction and operation of the offshore elements of this proposed development. Given the Applicant's comments on their offshore activities and resulting onshore traffic impacts at ports in paragraphs 2.7.4 to 2.7.7 of [REP1-059], do you still consider such an Outline Port Construction Management Plan should be submitted?</p>	<p>Although not directed at the Applicant. The Applicant notes both Essex County Council and Suffolk County Council raised this in their Deadline 1 submissions. The Applicant has provided a response in 10.19 Applicant's Response to Deadline 1 Submissions submitted at Deadline 2.</p>	<p>The Council maintains its position submitted at Deadline 2. Namely that:</p> <p><i>“given that the port is unknown, and its existing permissions are unknown. Such a plan would just require the Applicant to review the localised impacts of traffic, as well as implement some site-specific travel planning, which does not appear to be particularly onerous and would accord with the principles of EN-1 i.e. managing impacts and achieving sustainable travel behaviours.”</i></p> <p>This is considered to be a fairly pragmatic response to the issue.</p>
TT.1.08	<p>Essex County Council in its</p>	<p>The Applicant has noted Essex County Councils Deadline 1 response and is</p>	<p>The Council welcomes the Applicant's</p>

	<p>Deadline 1 submission [REP1-062] has set out in the section entitled “Controls and Mitigation” a number of additional proposals to help control and monitor construction traffic. In light of those comments, do you consider that the Outline Construction Traffic Management Plan [APP-257] and/or the Outline Workforce Travel Plan [APP-259] should be updated?</p>	<p>engaging with them on the points raised. An update will be provided at a future deadline but the Applicant agrees that 9.24 Outline Construction Traffic Management Plan [REP1-043] and/or the 9.26 Outline Workforce Travel Plan [APP- 259] may need to be revised.</p>	<p>engagement, and had a recent productive meeting on the matter where we are hopeful that some of our concerns will be addressed in an updated version of the management plans, and are grateful for the Applicant’s consideration.</p>
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**Socio-Economic Matters**

At Hearing 04 the ExA asked ECC if we were content to add Suffolk County Council (SCC) to support ECC in seeking to be a consultee on Requirement 16 (Skills and employment strategy). ECC would like to confirm that it agrees with, and is wholly supportive in principle, of SCC's request to be a named consultee in Requirement 16 (Skills and employment strategy). Onshore elements of the Five Estuaries project are located close to the Essex/Suffolk border, and it is likely that the local workforce and supply chains would be drawn from both counties. Given the concentration of major energy projects located in Essex and Suffolk, a coordinated approach across administrative boundaries is desirable to maximise local benefits.

**Construction Access Management Plan**

ECC is also minded in respect of Requirement 7, not least with regard to the Construction Transport Management Plan, and with SCC’s comment at Hearing, that they requested the applicant submits a Port Management Plan. ECC is of the view that this will also require consideration and future input from SCC who should be a specified consultee if the ExA consider it necessary to enter into the same. The ExA will be aware of the close proximity of port facilities in both Essex and Suffolk to the DCO under consideration, and the potential impacts on the same once a destination port is finalised. Again, a coordinated approach across administrative boundaries is desirable to maximise local benefits.

ECC and TDC look forward to remaining engaged in this DCO process and will continue to work with the Applicants and the ExA meeting the deadlines as set out in the issued Rule 8 letter.

Yours sincerely,

[REDACTED]

Mark Woodger

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