

Grahame GouldLead Member of the Examining
Authority

Five Estuaries Windfarm DCO

National Infrastructure Planning

Our Ref: 20048269

PINS Ref: EN010115

Date: 3 December 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 04 as attached to Appendix A of the Rule 8 letter. Comments are asked for by the 3rd December 2024 and the ExA is asked to note that this submission meets this as requested date.

ECC Green Infrastructure (GI) position

With the applicants' comments on the as submitted Local Impact Report (REP3-025) the following points are responded to on Green Infrastructure.

Ref	Comment
ECC.20	The applicant has indicated that they consider the request for a Green Infrastructure (GI)/landscape strategy and plan to be equivalent to a Local and Ecological Management Plan (LEMP). Consequently, they do not propose to provide any additional strategy. To clarify:

	<p>A GI/landscape strategy outlines the vision and approach for developing and managing the landscape, focusing on high-level goals, design principles, and long-term objectives. It covers aesthetics, functionality, and integration with the environment.</p> <p>A LEMP provides detailed guidance on managing and maintaining the landscape and its ecological features. It includes specific practices, schedules, and responsibilities for habitat creation, species protection, and ongoing maintenance, ensuring ecological value and compliance with environmental regulations.</p> <p>In summary, a GI/landscape strategy focuses on vision and principles, while a LEMP focuses on practical, actionable steps for management and maintenance.</p> <p>However, if the LEMP provides the necessary details required for a GI/Landscape strategy, then that would be satisfactory.</p> <p>It is noted the LEMP is a requirement of the DCO.</p>
ECC.21	<p>The applicant initially stated that no new habitat would be provided as part of the scheme. However, they have submitted a BNG Indicative Design Stage Report that covers the onshore element of the project (including links to Five Estuaries and North Falls), with a focus on OnSS, indicating an 8.55% net gain in habitats and a 138% net gain in hedgerows from option 2 and a net loss of habitats from option 1. It is noted that discussions are ongoing with several owners/ organisations within Essex in respect of potential offset locations, It is agreed that, since the project received planning permission before the BNG requirements came into effect in November 2024, it will be exempt.</p> <p>Despite the exemption, it is noted that a site-wide and zone/phase BNG plan will not be necessary and that a BNG Plan will be provided as required by the DCO once the final scheme is determined. This is supported.</p> <p>It is recommended to adopt good practices for BNG before the statutory requirements for Nationally Significant Infrastructure Projects (NSIPs) take effect. While not mandatory, to provide the 10% uplift and associated plans before November 2025 will help you prepare for future applications. Although the requirements for BNG, such as a Habitat Management and Monitoring Plan (HMMP), are not mandatory at this time, they are considered good practice. However, if the Landscape Ecological Management Plan (LEMP) encompasses all necessary elements of the HMMP, it will suffice.</p>
ECC.21	Please see response above in relation to HMMP.
ECC.23	ECC appreciates the applicant's acknowledgment of the Climate Focus Area.
ECC.24	ECC welcomes the applicant's acknowledgment of the Greater Essex Local Nature Recovery Strategy, in which the public consultation closed on 25 October 2024. These views and all feedback received is now being reviewed (November 2024 – January 2025) for publication in 2025. https://essexnaturepartnership.co.uk/what-is-the-lnr/
ECC.25	It is noted and welcomed that the Soil Management Plan (SMP) and Code of Construction Practice (CoCP) will detail how the land will be restored to its current state or better, including replanting and restoring habitats, whether agricultural or other vegetation. Additionally, these will outline the decommissioning element steps and

	<p>measures for dismantling infrastructure and managing associated risks. In that the requirement for restoration is already included in the dDCO under requirement 14, and it will also provide the onshore decommissioning requirements. It is supported that a decommissioning plan be submitted no less than six months before such works commence, considering collaboration with North Falls.</p> <p>To ensure discussions with landowners and LPAs are had to ensure that reinstatement meets legal needs and expectations.</p>
ECC.26	<p>ECC appreciates the clarification that the five-year maintenance requirement outlined in the OLEMS pertains specifically to the replacement planting, rather than the landscape and mitigation planting proposed at the OnSS.</p> <p>The applicant states that a 10-year aftercare period is not viable, as it would interfere with the handover to landowner management. ECC has consistently asked for any proposed landscaping to be managed/retained in perpetuity to ensure the landscaping as plated has long term value in screening what will be a quasi-industrial type structure in a flat, open, rural landscape. To ensure a successful handover to landowners, it is crucial to engage them early, maintain clear communication, and develop a handover plan outlining responsibilities, timelines and any legal agreements are also essential. Collaboration with the LPA ensures regulatory compliance and smooth transition, reducing the risk of planted areas being lost.</p> <p>It can be confirmed that a reference to a specialist within the LEMP is not required. Instead, the LEMP should be submitted and approved by the LPA Landscape/Ecologist specialist to discharge the conditions.</p> <p>It has been noted that the funding for the maintenance of any BNG delivery outlined in the BNG Plan will be secured through commercial agreements and supporting planning agreements with the Local Planning Authority (LPA). Additionally, that the method for installing the landscape mitigation screening will be finalised at the detailed design stage, with input from local stakeholders and the LPA.</p> <p>ECC notes the applicant’s commitment to ensure that landscaping around the substation itself will be managed/retained for the life of the development, which is welcomed.</p>
ECC.27	<p>ECC welcomes the applicant’s acknowledgment of the Essex Forest Initiative and the Big Green Internet project.</p>
ECC.28	<p>ECC appreciates that the potential implications of the scheme have been evaluated in relation to the Shoreline Management Plan, ensuring that any future coastal management or realignment will not adversely affect the installed infrastructure.</p>

Landscape

The Examining Authority’s written questions and requests for information Issued on 8 November 2024 – EXQ2.

Number	Question to	Question	Answer
GC.2.04	Essex County Council	Landscape mitigation and habitat creation (cross-cutting relating to Ecology, Farming and Visual Impact) In the Outline Landscape and Ecological Management Plan (OLEMP) [REP2-022] the plan for the onshore substation zone shows an area to the north and east of the proposed substations as a traditional orchard and meadows. At Issue Specific Hearing 3 you commented “copses and small woodlands, which are more typical of the Tendring landscape” and “that using it for meadowlands ... for ecological mitigation/ enhancement was not the best use of it’. Elaborate on why you consider the planting proposals for the substation zone would not be appropriate	Whilst orchards are traditional in Essex, they require regular specialist pruning in order to maintain fruit production. We assume these orchards are proposed for biodiversity and amenity reasons, not economic, but is unclear how they will be maintained as this will be outside the regular scope of many amenity landscape maintenance contractors. It would also be curious to plant the trees and not gather the fruits. There are no fundamental objections in landscape terms, but a similar effect might be achieved by planting hazel (<i>Coryllus avellana</i>) in a regular layout, that could more easily be maintained by coppicing on a regular rotation.
DCO.2.04	Tendring (ECC/EPS)	Requirement 5 (Onshore substation works) Putting aside some ‘legacy’ drafting issues in the version of the dDCO submitted at Deadline 1 [REP1-008] following the merging of former Requirement 6 (Landscaping) with Requirement 5, which the Applicant has submitted it will be addressing when the next version of the draft DCO is submitted, do you consider Requirement 5 would provide an appropriate mechanism for determining the detailed design for the proposed onshore substation? If you consider that Requirement 5 is deficient in any way, explain why that is the case.	It is currently unclear in requirement 5 whether the details of hard and soft landscape will be presented in plan form. The clause currently just states ‘written’. This needs clarification for avoidance of doubt. In addition, the plans need to be presented at an appropriate scale, preferably at 1:2500, so that the details of areas of hard and soft landscape can be appropriately scrutinised.
DCO.2.05	Tendring	Drafting of the proposed Articles and Schedules 1 and 2 Do you have any concerns about the drafting of any aspects of the Articles and/or Schedules 1 and 2 in the dDCO? If you have any such concerns	TDC would like to see requirements that set out operating hours and an obligation on the applicant to notify the LA when piling works will take place so any complaints can be managed smoothly by the Local Authority. We

		submit wording that you consider would address those concerns.	would like the wording found in Appendix 1 - Construction Hours (from a recently Consented DCO) to be considered for inclusion.
EO.2.01	Tendring District Council (TDC) and Applicant	<p>TPO Trees and Veteran Trees</p> <p>Table D Tree Preservation Orders (TPOs) in Arboricultural Report [APP-255] provides only a reference number, with a broad description identifying only the number of trees present. Appendix B (Tree Constraints Plans), Drawing Number 2 Sheets 28 of 47 and 37 of 47 illustrate the presence of TPO trees with a non-specific Tree Preservation Order Location (yellow star) or Tree Preservation Order Tendring District Council 2023 (cross-hatched yellow).</p> <p>a) For TDC - in respect of Sheets 28 and 37 only, provide drawings at a scale 1:500 identifying any specific trees, by identification number/mark, which are likely to be impacted or subject to mitigation.</p> <p>b) For TDC – in respect of Sheets 28 and 37 only, are any of the trees identified as Veteran?</p> <p>c) For Applicant - where impacts are likely to occur on the TPO trees referenced above, whether in the form of pruning, lopping, root reduction or felling, provide reasons/justification for these actions and details of mitigation proposals to minimise the level of impact likely to occur.</p>	<p>a) TDC are satisfied that the arboriculture impact assessment is an accurate reflection of the age, quality and condition of the trees. TDC expects to see the root protection area applied to all TPOs that may be affected by the proposals. The root protection area needs to be applied to the following trees;</p> <ul style="list-style-type: none"> - Sheet 28: 23/00005/TPO trees in G1 oak and tree T1 also oak (see attached Sheet 28 23_00005TPO 1-500.pdf at Appendix 2) - Sheet 37: 91/0021/TPO tree T2 a silver maple (see attached Sheet 37 91_00021TPO 1-500.pdf at Appendix 2) <p>b) TDC does not have this information as we do not record Veteran trees.</p>
SEE.2.01	Tendring District Council and Essex County Council	<p>Vibration impacts from HGV construction traffic</p> <p>Vibration impacts from HGV construction traffic have been scoped out of the assessment undertaken by the Applicant in</p>	<p>We acknowledge that it is not included in the scoping report.</p> <p>We would like to see the speed limit along Bentley Road to be restricted to a maximum of 40mph to greatly reduce</p>

		<p>[Table 9.11, page 36 in APP-091]. Given Applicant's intention to use Bentley Road as a route for abnormal Indivisible Loads of up to 400 tonnes, do you consider the scoping out of vibration impacts from HGV construction traffic is appropriate for Bentley Road?</p> <p>If you do not agree with the scoping out of that effect from the Applicant's assessment, explain why that is the case and advise on what you consider the Applicant should do to address this matter.</p>	<p>the impact of vibration on the adjacent properties.</p>
SEE.2.02	Tendring District Council and Essex County Council	<p>Mitigating construction noise via the submitted Code of Construction Practice (CoCP)</p> <p>Do you consider adequate measures for mitigating construction noise to an acceptable level would be available within the proposed CoCP [REP1-041] and could be secured through the provisions of the draft Development Consent Order [REP1-008]?</p> <p>If you consider the noise mitigation measures included in the CoCP would be inadequate, what additional measures do you consider should be included in the CoCP or secured by other means in any made DCO for the Proposed Development?</p>	<p>REP1-041 paragraph 6.1.5 states that 'further modelling by the Project / Principal Contractor may be undertaken once greater clarity on the scope of works, plant and site activities is understood.'</p> <p>We would like to see a wording change that specifies further modelling by the Project/Principal contractor SHALL be undertaken, to identify any hotspots for noise – particularly at landfall site.</p> <p>This will ensure the mitigation is adequate and proportionate to the exact works that are to be carried out.</p>
SEE.2.03	Tendring District Council	<p>Cumulative construction noise effects in Bentley Road</p> <p>In paragraph 9.12.26 of the Airborne Noise and Vibration assessment [APP-091] the Applicant has acknowledged that the cumulative construction traffic noise in Bentley Road may not be adequately mitigated by the implementation of the proposed 40mph speed limit and that further mitigation in the form of: a speed limit below 40mph, the re-routing of HGV construction</p>	<p>The information provided indicates that by reducing the speed limit on Bentley Road will have a significant impact on the noise impact for the adjacent / affected properties. In combination with the potential for resurfacing the road as part of the proposed works these measures will significantly reduce the noise impact.</p> <p>We support the implementation of proposals set out in 9.12.26 of APP-091 to monitor road traffic noise on Bentley Road prior to and during construction.</p>

		<p>traffic; and undertaking sound insulation works for the affected dwellings.</p> <p>How practical and/or effective do you consider the implementation of additional mitigation measures such as lowering the speed limit below 40mph, the re-routing of HGV construction traffic; and undertaking sound insulation works would be?</p>	<p>Any increases detected could then be mitigated with some, or all of the steps outlined. The monitoring should continue into the operational phase.</p> <p>If there are identified noise issues in either the construction or operational phases the applicant will need to liaise directly with the Local Authority and those affected to monitor the situation and propose further mitigation.</p>
SEE.2.04	Tendring District Council and Essex County Council	<p>Assessment of cumulative operational noise for the Proposed Development onshore substation and the substations proposed for North Falls and the East Anglia Connection Node. With respect to the assessment of cumulative operational noise from all three proposed substations, are you content that the Applicant has used suitable data and undertaken an appropriate assessment to reach the conclusion in paragraph 9.12.33 of [APP-091] that there would be a “minor effect” that would not be significant for noise sensitive receptors?</p>	<p>Whilst we are content that the applicant has used suitable data to reach the conclusion in paragraph 9.12.33, this work is forecasting and is dependent on two other DCOs that are not consented.</p> <p>If consented, we request that the applicant commits to periodic noise monitoring to evidence that 35dBa is achievable. Within first 12 months a noise evaluation at the NSR set out in Table 9.53 (p132) will be submitted to the LPA, further monitoring schedule will be agreed on an iterative basis with the LPA.</p>
SLV.2.05	ECC/EPS/TDC	<p>Approach to identifying landscape value within the vicinity of the proposed substation zone In your Local Impact Report [paragraph 9.1.2 in REP2-043] you have expressed concerns about the Applicant’s approach to identifying landscape value within the vicinity of the proposed substation zone, ie within Landscape Character Area 7a Bromley Heaths. Clarify what your concerns are in this regard and if you do not agree with the medium landscape value attributed to this area by the Applicant explain why that is the case</p>	<p>Para 2.11.26 of the LVIA states ‘<i>The value of 7A Bromley Heaths LCA is medium. This reflects the fact that there are no national, county or district level landscape planning designations covering this area, which would otherwise denote a special scenic value.</i>’ I have no disagreement with the judgement of medium value identified in the Tendring Landscape Character Assessment (LCA). However, no mention is made in the second part of the paragraph, when discussing value, of the criteria identified in Box 5.1 GLVIA3 against which value should be judged, and which is expanded on in TGN 02-21‘<i>Assessing landscape value outside national designations</i>’. The applicant is not examining the landscape</p>

			assessment in terms of the recommended criteria and appears to link value solely to the presence or absence of designation which, in or opinion, misreads the LCA judgement.
WE.2.01	Environment Agency and Essex County Council as Lead Local Flood Authority	<p>Infiltration/Soakaway Testing</p> <p>Table 6-12 in [APP-088] states ‘The detailed (post-consent) design of the surface water drainage scheme would be based on a series of infiltration/soakaway tests carried out on site and the required attenuation volumes will be outlined in the supporting OnSS FRA. The tests will be undertaken prior to construction and in accordance with the BRE Digest 365 Guidelines in order to determine the suitability of ground for accepting a drainage discharge’.</p> <p>a) Are BRE Digest 365 Guidelines the most appropriate for a project of this scale, both individually and cumulatively with other proposed projects in and around the proposed Onshore substation?</p> <p>b) If BRE Digest 365 Guideline are not appropriate for this project individually or in combination with other proposed projects what would be the most appropriate test or tests to accommodate, to date unknown, attenuation volumes?</p>	ECC as Lead Local Flood Authority consider that the most appropriate test will be met.
WE.2.07	Essex County Council as the Lead Local Flood Authority	<p>Other Flood Risk</p> <p>The EA in [RR-026] has stated “the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater”. Has the Applicant adequately addressed matters relating to risk of flooding from sources that are not under the EA’s jurisdiction?</p>	ECC as Lead Local Flood Authority consider that this has been addressed.

ECC Place Services Historic Environment response to Applicants Comments on Local Impact Report (REP3-025)

Section 3.13 ARCHAEOLOGY ECC.55 and ECC.56

The level of information submitted with the DCO fails to provide sufficient information on the nature, extent and significance of heritage assets in order to determine the impact on archaeological remains by the proposed scheme. This is due to factors such as incomplete coverage of the whole route by geophysical survey and lack of physical evidence to corroborate the validity of the non-intrusive techniques that were employed.

As the Applicant states in the ES chapter (7.5.5) NPS EN-1 paragraph 5.9.12, sets out that the level of detail should be proportionate to the heritage significance of a heritage asset, and no more than is sufficient to understand the potential impact of the proposal.

The heritage assets included in the assessment have been identified largely through geophysical survey and aerial photographic interpretation. Geophysical survey would not be considered a suitable method of evaluation without an element of ground truthing in order to determine the effectiveness of this method in identifying archaeological remains and further, to assess the presence of further archaeological remains that may not have been identified through this method.

The limited trial trench evaluations have provided sufficient information in the areas where they were completed, however as they were conducted in areas where there was a relatively low incidence of archaeological remains as identified through geophysical survey they have not positively contributed to the assessment of this technique as an evaluation method.

Without an element of intrusive archaeological evaluation the presence of currently unknown archaeological remains has not been assessed. It is considered that significance and value cannot be attributed to unknown archaeological remains. This is acknowledged by the Applicant in the ES chapter (7.4.16) ... that states : *As the conclusions of the DBA are predictive and probabilistic and the results of the geophysical surveys have not been ground truthed by intrusive investigation across the entirety of the Onshore ECC route, there are some cases where the potential presence of heritage assets or their significance remains difficult to state with confidence.*

The methodology recommended by the Historic Environment Advisors for Essex County Council (ECC), and Historic England, throughout the pre-application stage was to carry out trial trench evaluation along the route of the scheme in order to provide sufficient information to determine the impact of the scheme on archaeological remains. This was considered unattainable by the archaeological consultants while the route of the scheme was still being decided and refined. It was acknowledged that this would be considered disproportionate until a final design had been proposed, however the request for trial trenching to ground truth the geophysics results was still considered the most appropriate method to inform on the potential for unknown archaeological remains and to assess the significance of the identified heritage assets prior to the application being submitted.

The Applicant states no further information will be available prior to the close of the examination and has submitted an Outline Written Scheme of Investigation (OWSI) which proposes a phased programme of archaeological investigation including a programme of archaeological trial trenching and further intrusive elements of fieldwork post-consent. The Applicant considers the scheme retains enough flexibility within the cable corridor, location of compounds and other associated works to be

able to avoid any areas of significant archaeological remains should they be revealed through mitigation.

The mitigation proposed presents considerable risk should extensive and important archaeological deposits be identified post consent. Archaeological excavations, should they be required, could have a detrimental impact on the project timetable. In addition, the embedded mitigation of micro-siting to avoid areas of significant archaeological remains will depend on the spatial extent of those remains within the project boundaries and avoidance through directional drilling could have cost implications for the project.

Due to the limited amount of intrusive archaeological fieldwork completed the information submitted fails to provide sufficient information on the potential for as yet unknown archaeological remains and does not provide confidence that the mitigation proposed would be sufficient or achievable. While the methodologies proposed in the OWSI are appropriate, it remains to be demonstrated that any currently unknown significant and extensive archaeological remains can be avoided through micro-siting. If this is not achievable then this may result in the loss of significant archaeological remains, while this evidence may be considered 'preserved' by record through excavation the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted (NPPF, 2003 211)

At present the investigations carried out and information submitted have not provided a suitable level of information on the potential for archaeological remains along the entire route and it remains to be demonstrated that the embedded mitigation through micro-siting will be feasible or achievable in all areas.

It is for the applicant to demonstrate that any known and as yet unknown archaeological remains of high significance can be preserved in situ through micro-siting. The route needs to be examined to assess areas where micro-siting may not be achievable and where this is the case to provide a suitable level of information prior to the close of the examination in order to determine the impact on archaeological remains.

Public Rights of Way

Essex County Council as the Highway Authority and responsible for the public rights of way (PROW) which are impacted by the development as proposed welcome the applicant's offer that they will seek to liaise with the PROW Team, however we await confirmation as to when this will take place. For the questions as asked by the Examining Authority as far as they relate to the provisions of PROW's the following response is made on the applicants Deadline 02 submission [reference](#).

Ref	Applicant	Comment
ECC2.13	Appendix P 'Construction Accesses – General Arrangement Drawings' 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	Clear and accurate identification of PROW is essential for all consultees and just quoting a parish code as an identifier for a PROW in a parish, which may have over a hundred PROW within it, is obviously not considered accurate nor acceptable. The clearest method is the one that I suggested as that would enable all consultees and especially user groups and parish councils etc. to

	<p>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. Generally, it will not be acceptable for the swept paths of HGVs to overrun the centre of the carriageway into the opposite lane. 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>readily identify any PROW referenced in the applicant's documentation.</p>
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With specific reference to the Applicants comments on ECC's Local Impact Report (REP3-025) the following is raised.

Ref	Applicant	Comment
ECC.51	<p>There is also the question of views of the substations and associated infrastructure from Ardleigh Road, Little Bromley Road, Hungerdown Lane, and Grange Road. Whilst, as before, we will leave detailed comments for a relevant landscape specialist, we would note that, from an urban design perspective, we would encourage the infrastructure and any hard surfaces to be screened from the public realm through the use of landscaping. The applicant has stated that there will be mitigation planting both onsite and offsite, which is positive to see albeit it is noted that this would still result in harm from a landscape perspective.</p>	<p>Where planting associated with development alongside PROW is proposed such, whilst being a boundary feature and necessary to replace landscaping lost by the proposal, it is not the Highway Authorities responsibility to maintain, and which can become a problem for the PROW Team because it can be planted too close and is frequently not maintained by the landowner/site operator. The PROW Team feel it is highly likely that screening planting would be located too close to the extent of PROW and would in fairly short time cause PROW Maintenance colleagues obstruction and maintenance issues. The PROW Team generally seek to condition that such planting is a minimum of 3m from the extent of PROW to allow it to grow and develop without encroaching on the PROW, though it will depend of course on what is being planted as</p>

		<p>often quick growing varieties are chosen. Hence the team responsible for PROW are of the view that screening alongside our network should only be where it is absolutely necessary and then conditioned not to cause issues as practically and access key views. There is also the possibility that screened paths could become enclosed with no real view at all and it might be better to have some view, albeit different from present, than be in a green tunnel.</p>
ECC.53	<p>To support the above suggestions, it would be really helpful if the applicant has a website address (included on the notices) where they provide details of forthcoming closures, who at the applicants to contact to report any issues such as failures to re-open PROW by agreed times, poor surface conditions, missing signage, or any safety-related issues. This would also help alleviate the issue of notices on site being removed or becoming illegible though the applicant would monitor that.</p>	<p>The PROW Team would ask that a the final version of the Public Access Management Plan is featured on the applicants web site, should Consent ultimately be forthcoming. ECC are of the view that it is not the responsibility of the Highway Authorities PROW Maintenance team to act as intermediary for every question, enquiry or complaint from the public and others about the applicant's temporary closures as this after all is their DCO and their temporary PROW closures/diversions.</p>
ECC.54	<p>To support the above suggestions, it would be really helpful if the applicant has a website address (included on the notices) where they provide details of forthcoming closures, who at the applicants to contact to report any issues such as failures to re-open PROW by agreed times, poor surface conditions, missing signage, or any safety-related issues. This would also help alleviate the issue of notices on site being removed or becoming illegible though the applicant would monitor that.</p>	<p>Whilst the PROW Team welcome again the comment to the effect that they will discuss this, it is preferred that the applicants have an unequivocal commitment to the use of banksmen wherever vehicle movements cross PROW during construction. This is commonplace across all sorts of development sites and from a developer liability perspective and we consider is complete sense. Low usage in respect of a PROW is considered in many cases just an arbitrary term as it is not possible or practical to say which PROW, irrespective of perceived current usage or camera survey results etc. will get more usage at the time development takes place.</p>

		<p>It also fails to acknowledge that despite potential infrequent usage a single user interaction with a reversing construction vehicle could have significant and avoidable consequences, and the PROW Team consider that threat to the safety of footpath users must be the primary concern not cutting costs. If an accident were to occur then the Health and Safety Executive would ultimately wish to know why any failure to use banksmen would have resulted in the same.</p>
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Highways and Transportation

With reference to the applicants' comments on ECC/TDC Combined Local Impact Report (REP3-025) the following is responded to:

Applicant's Reference	Applicant's Response	ECC Comments
ECC.29	The Applicant has included a high-level assessment of the potential effects under Scenario 3 in an updated version of 6.3.8 Traffic and Transport - Revision C [APP- 043], to be submitted at Deadline 3 of the Examination.	Noted. The Council have reviewed Appendix 3 of [REP3-023] and provided comments below.
ECC.30	<p>The premise of the submission, that impacts would be greater than assessed if the assessment is correct, is not supported by evidence from the Council that the numbers are incorrect or any challenge to them. This list, as with the following sections, is therefore entirely speculative, unsupported by evidence and should not be given weight.</p> <p>The Applicant has assessed the traffic and transport effects in 6.3.8 Traffic and Transport - Revision C [APP-043] and no significant effects have been identified, with the implementation of measures within the final CTMPs and WTPs. The traffic numbers used are considered to provide a robust worst-case assessment. It is almost always</p>	<p>The Council disagrees with the Applicant on this. The Council's LIR repeatedly sets out areas where it has concerns about the assessment methodology, and so why we have concerns that the impacts may be greater than assessed, particularly peak hour.</p> <p>The list is not designed to identify where impacts might occur. It identifies where they would occur as a result of the development traffic (just that they may be worsened if</p>

	<p>true to say that if traffic numbers exceed those assessed the impacts may increase, however unless the Council has some objective reason or evidence to indicate that the traffic numbers are not robust (which the Applicant does not accept), then this statement does not change any assessed outcome and the list given is meaningless.</p> <p>The Applicant is updating the Outline Workforce Travel Plan [APP-259] and the Outline Construction Traffic Management Plan [AS-055] with a number of further measures, controls and monitoring regimes to ensure traffic and transport effects are minimised as far as practicable</p>	<p>impacts exceed those assessed). To call the list <i>meaningless</i> fails to recognise, and is somewhat dismissive of the fact, that whether or not the project exceeds somewhat arbitrary thresholds that form part of an environmental assessment of traffic, it will still have negative impacts on the local population, who will experience the project on a day-to-day basis.</p> <p>The Council recognise that it is the materiality of those impacts that is relevant, but seeks to identify all the locations where local impacts will be felt as a result of the project to provide a thorough Local Impact Report for the Examining Authority's consideration.</p> <p>The Council have identified areas where we are of the opinion that assumptions have not been evidenced. That all being said, believe we have taken a pragmatic approach, welcomes the engagement and have had discussions over the updated management plans which we are hopeful should go a long way to addressing our concerns.</p>
ECC.31	<p>The premise of the submission, that impacts would be greater than assessed if the assessment is correct, is not supported by evidence from the Council that the numbers are incorrect or any challenge to them. This list, as with that above, is</p>	<p>The Council disagrees with the Applicant on this. The Council's LIR repeatedly sets out areas where it has concerns about the assessment methodology, and so why we</p>

	<p>therefore entirely speculative, unsupported by evidence and should not be given weight.</p> <p>The Applicant has set out the forecast number of vehicle movements associated with the construction of VE during a peak hour on the local highway network in 6.6.8.1 Traffic and Transport Baseline Report - Part 1 - Revision C [AS-045] and 6.3.8 Traffic and Transport - Revision C [APP-043], which are based on a set of robust parameters. A justification for not undertaking formal capacity assessments at junctions is also provided, given the most likely period when these vehicle movements might occur is during the evening peak hour in the winter months due to the availability of daylight and when baseline flows are generally much lower than the summer months and therefore would not likely be worse than the congestion and delay during the summer months.</p> <p>The Applicant is updating the Outline Workforce Travel Plan [APP-259] and the Outline Construction Traffic Management Plan [AS-055] with a number of further measures, controls and monitoring regimes to ensure VE construction vehicle movements during the peak hours are minimised.</p>	<p>have concerns that the impacts may be greater than assessed.</p> <p>The Council have not requested modelling of the junctions, but have simply pointed out that if shift patterns do not appear as assessed modelling would be justifiable. It is a reasonable conclusion to reach that whether or not the impacts occurred in peak hours or at other times of the day it would still result in a worsening of operation; however, it is recognised that it is the materiality of that impact that is critically important.</p> <p>That all being said, the Council believe we have taken a pragmatic approach, welcomes the engagement and have had discussions over the updated management plans which we are hopeful should go a long way to addressing our concerns.</p>
ECC.32	<p>The premise of the submission, that impacts would be greater than assessed if the assessment is correct, is not supported by evidence from the Council that the numbers are incorrect or any challenge to them. This list, as with that above, is therefore entirely speculative, unsupported by evidence and should not be given weight.</p> <p>The proposed construction accesses and haul road crossings have been subject to a Stage 1 Road Safety Audit, with any problems identified addressed.</p>	<p>The Council disagrees with the Applicant on this. The Council's LIR repeatedly sets out areas where it has concerns about the assessment methodology, and so why we have concerns that the impacts may be greater than assessed.</p> <p>As per our response to ECC2.14 and ECC2.15 below, we would request a meeting on the access design and RSA1 so that</p>

	<p>Safety at the proposed construction accesses and haul road crossings would be maintained through traffic management measures, the final details of which would be discussed and agreed with Essex County Council prior to their construction and will be set out in respective final Construction Traffic Management Plans.</p>	<p>we can confirm that these matters have been addressed.</p> <p>The Council recognise that it is the materiality of those impacts that is relevant, but seeks to identify all the locations where local impacts will be felt as a result of the project.</p> <p>The Council are relatively comfortable that the processes that have been identified, but that would not completely remove the impacts on road safety as a result of an increase in HGVs and a large number of new temporary accesses.</p>
ECC.33	<p>The Applicant is preparing a detailed response to the comments related to the traffic and transport assessment, with some additional analysis, which will be shared with Essex County Council before a further meeting, to endeavour to resolve this and other points.</p>	<p>The Council welcomes the engagement and has had some beneficial discussion with the Applicant. The Council awaits submission of the updated documents.</p>
ECC.34	<p>The Applicant is updating the Outline Workforce Travel Plan [APP-259] and the Outline Construction Traffic Management Plan [AS-055] with a number of further measures, controls and monitoring regimes to ensure VE construction vehicle movements are no greater than those assessed.</p>	<p>The Council welcomes the engagement and has had some beneficial discussion with the Applicant. The Council awaits submission of the updated documents.</p>
ECC.35	<p>The Applicant submitted an Abnormal Indivisible Load Technical Note to the Examining Authority at Deadline 2 in response to the actions at Issue Specific Hearing 1. This provided swept path analyses of the largest cable drum delivery vehicle between the A120 and each proposed construction access route, which did not identify any issues with the vehicle manoeuvres.</p>	<p>The Council has provided its comments on the Abnormal Indivisible Load Technical Note [REP2-029] at Deadline 2 [REP3-027].</p>

Applicant's Comments on Deadline 2 Submissions [REP3-024]

The Council makes the following comments on those responses relating to transport matters from Essex County Council's Deadline 2 submission.

Applicant's Reference	Applicant's Response	ECC Comments
ECC1.01	<p>The Applicant is engaging with Essex County Council on the points raised in relation to the traffic and transport assessment.</p> <p>The Applicant is updating the Outline Workforce Travel Plan [APP-259] and the Outline Construction Traffic Management Plan [AS-055] with a number of further measures, controls and monitoring regimes and plans. These are to be submitted at Deadline 4 or 5.</p>	<p>The Council welcomes the engagement and has had some beneficial discussion with the Applicant. The Council awaits submission of the updated documents.</p>
ECC1.02	<p>The Applicant submitted an Abnormal Indivisible Load Technical Note [REP2-029] to the Examining Authority at Deadline 2 in response to the actions at Issue Specific Hearing 1. This provided swept path analyses of the largest cable drum delivery vehicle between the A120 and each proposed construction access route, which did not identify any issues with the vehicle manoeuvres.</p>	<p>The Council has provided its comments on the Abnormal Indivisible Load Technical Note [REP2-029] at Deadline 2 [REP3-027]. The Council notes that there is intent to undertake structural reviews prior to construction, which is considered reasonable, albeit may present a risk if a need for mitigation is identified.</p>
ECC1.03	<p>This was addressed by the Applicant under Agenda item 3.7 of ISH1 and in [REP1-059]. It is not clear to the Applicant why a management plan would be required. These documents are forms of mitigation for the development for which consent is sought; the Applicant is not proposing any development at a port which would increase port capacity and therefore the traffic flows to and from that port over what already exists, 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</p>	<p>The Council notes the Applicant's position on this, and welcomes the clarity provided.</p> <p>The Council does note concerns over the attitudes to travel planning, which it is felt can be effective if the right mechanisms and processes are in place.</p> <p>With the aim of reducing the burden of text in submissions, it does not seem helpful to the Examining at this point to continue with dialogue on this issue, and it can be covered off in any Statement of Common</p>

	<p>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 to any other user of an existing port. EIA assessment must be proportionate and focused on likely significant effects of that project. It is not proportionate, or required by the methodology used, to assess all traffic movements down to an insignificant degree.</p> <p>The Applicant also refers to its response to SCC's LIR on this point which notes: As an example only (referenced because it is an operational, local port within Essex which can handle abnormal loads and for which traffic numbers are publicly available as part of the recent Tilbury 2 DCO process), the Port of Tilbury generates approximately 16,500 movements a day (3,000 of which were for the Tilbury 2 expansion and 13,500 of which are for the original port). The Applicant's traffic numbers, even at the worst case assessed peak and with every movement using that Port (which is entirely unrealistic), would not make any material difference in the traffic flows in and out of the Port or on the route to the Port in that context.</p> <p>This is significant as SCC appear to assume that a single construction port is identified and then used, however in reality a number of ports are likely to be used for different activities and requiring the Applicant to submit a port traffic management plan for mobilising a site survey (for example), which is routinely undertaken from operational ports, is wholly disproportionate.</p> <p>Furthermore this requirement has the effect of reducing flexibility of the project which actually limits the potential benefits to local ports. The Applicant is aware of at least one example of a contractor wishing to change from a European port to using a local UK port but that this could not be accommodated given the time it would take to have a traffic management plan in place for the minor activities proposed.</p>	<p>Ground or other document at the end of the project.</p>
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	<p>The Applicant notes the submission made that some of the East Anglia OWF DCOs have such a condition. That does not mean it is necessary in this case or even of any meaningful use in those cases. The Applicant has no direct experience of the East Anglia OWF projects, but one its shareholders is developing the Sofia OWF which has a similar requirement. The experience on that project is that this is entirely unnecessarily catching every port used by the project and requiring plans to be submitted to local authorities far from the development site in relation to use of operational ports, which authorities do not see any need for such plans given the context is in use of an operational port as part of existing traffic flows. LPAs with stretched resources are being asked to approve plans for traffic to an operational port for a development they have no knowledge of or interest in and which in some cases is hundreds of miles away, with ports being used including for example Fraserburgh in North-east Scotland for that English OWF development. In no case has this process resulted in change to the plans submitted in terms of the HGV or other vehicles movements for that project. This requirement is serving no useful purpose but is causing delay for the project and unnecessary work for LPAs.</p> <p>Simply because an authority that does not have to prepare these plans does not consider that task to be 'onerous' does not mean that they are necessary or justified and can therefore be imposed by requirement, The requested plan is not necessary, serves no useful purpose, is proving to be a purely administrative burden in practice (as it leads to no meaningful changes in travel planning) and therefore does not, as claimed, assist in achieving any management of impacts. It is accordingly not required or supported by EN1.</p>	
2.01	The Applicant believes that such a “phasing requirement” or “Grampian condition” would fail the tests for planning conditions as	ECC’s position is that a “Grampian style” condition or a “phasing requirement” (i.e. a

	<p>applicable to DCO requirements pursuant to the MHCLG guidance 'Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects' (April 2024). First, it is not necessary. As discussed at ISH1 and ISH2 the Applicant would not construct turbines as part of a £multi-billion project unless it was confident that the project would be connected to the grid pursuant to its grid connection agreement with NGET. Second, precision and enforceability. ECC refers to a control by reference to when "approval is provided for the connections to pick up the power generate[d]". This test is extremely vague and would be unenforceable. At what point would it be clear that Norwich to Tilbury has been approved? On grant of a DCO or some other stage? Would obtaining other consents or discharge of requirements be necessary? Third, reasonableness. The uncertainty just referred to is clearly unreasonable, why does the ECC require to be satisfied that another project which is before the SoS is approved?. What would happen where National Grid determine to provide the connection under another scheme that is not the current Norwich to Tilbury scheme? The Applicant has a legally binding connection agreement, which is all it is required to demonstrate for this process.– The Applicant has multiple decisions to make when preparing its Contract for Difference bid, engaging with the supply chain, potentially placing orders for long lead times etc. It needs to know that it has an unfettered DCO in the usual way, otherwise it has the potential to adversely impact delivery and slow the entire project down. It is not justifiable to impose the kind of fetter proposed., and as set out in the response to SCC on this matter, the Sheringham and Dudgeon Extension Project did require substantial works by NGET to connect the project (namely a major extension to the Norwich Main substation, as part of the Norwich to Tilbury scheme) which did not have planning permission at the time of the ExA's report or the Secretary of State's decision. This</p>	<p>negatively worded requirement that conditions the development upon something happening on land not under the applicant's control) are commonly used in both planning permissions under the TCPA as well as permissions granted under the Planning Act.</p> <p>It is lawful to impose a "Grampian style" condition in a Development Consent Order. It is preceded in other DCOs.</p> <p>The Five Estuaries DCO has, in fact, a "Grampian style" condition already contained in the draft (see Schedule 2, paragraph 18). The draft sets out that:</p> <p><i>"No part of the compensatory works may be commenced under this Order until details of – (a) vehicular and pedestrian access for construction; and (b) a construction method statement, have been submitted to and approved by the relevant planning authority."</i></p> <p><i>ECC's position is that it is necessary for this DCO to contain a "phasing requirement" given that this application will require a connection to the Grid, which is subject on the proposed East Anglia Connection Node (EACN) that has not been consented or constructed under the Norwich to Tilbury project. The timeline for</i></p>
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	<p>was referenced in paragraph 5.4.20 of the ExA's report:</p> <p>"5.4.20. The ExA is satisfied from the information provided by the Applicant that the signed grid connection contract does not depend on the delivery of the Norwich to Tilbury project. The ExA does acknowledge that additional NGET infrastructure will be needed to accommodate future energy generation in the East Anglia area. However, the ExA is of the view that this is a matter for NGET to address and not the Applicant given the signed grid connection contract that is in place. It is also evident that National Grid are actively seeking to address the issue. Further, as set out in NPS EN5 (Paragraph 2.3.5), NGET has a statutory duty to provide a connection whenever and wherever one is required." Accordingly, the Secretary of State could, in theory, have imposed a Grampian condition of the kind suggested by ECC, but did not do so.</p>	<p><i>the Norwich to Tilbury project is behind the Five Estuaries project, as an application has not been submitted for a Development Consent Order. There is a risk that if the Five Estuaries DCO does not contain a "phasing requirement" and is permitted to be constructed prior to consent for the EACN that wind turbines constructed with no connection to the Grid. If the EACN is not consented, then there will be no connection for Five Estuaries. The construction of the wind turbines will have a harmful effect on the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. The risk can be mitigated by use of a "phasing requirement" as is usual in planning.</i></p> <p><i>It is proposed that the DCO contains the following suggested wording:</i></p> <p><i>"Work No. 1 must not be commenced until notification in writing has been submitted by the undertaker to the relevant planning authority which:</i></p> <p style="padding-left: 40px;"><i>(a) states the date that development consent was granted for the new National Grid Substation; and,</i></p> <p style="padding-left: 40px;"><i>(b) sets out a timetable for the carrying out of all works comprised in Work No. 16(a), being the works necessary to connect the authorised development to the new National Grid Substation."</i></p>
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ECC2.04	<p>The Applicant notes that it does not think that this comment has been applied to the correct article. Article 10 simply provides that the DCO provides statutory authority for the purposes of the 1991 Act for the street works consented therein. There is no provision in article 10 that requires any application to or decision from the street authority. The Applicant understands that Essex CC will advise if the reference is incorrect and if so where this comment should be considered.</p>	<p>The Council withdraws our comment.</p>
ECC2.08	<p>The Applicant has already provided draft protective provisions to ECC and discussion on those is ongoing. The Applicant does not currently accept that a framework highway agreement is necessary or justified given that all points will be covered in the dDCO (once the PPs are inserted). The Applicant has requested that Essex CC advise what they think such agreement would need to cover as the Applicant has no visibility as to the justification for that request or the scope envisaged for such an agreement.</p>	<p>Side agreements are preceded in other DCOs. For example, in the Bramford to Twinstead DCO, ECC entered into a Framework Highway Agreement with the applicant for the DCO. To ensure parity with the way that ECC procedures in respect of DCOs, it is ECC's position that a side agreement is necessary in line with ECC's processes. This ensures efficiencies and ensures that each DCO does not "reinvent the wheel" for each DCO, which would then put strain on resources and the public purse. The Framework Highway Agreement sets out the provision for carrying out by or on behalf of the Applicant of various highway works which it is intended to be authorised by the Development Consent Order. A copy of this draft will be provided to the Applicant for their comments.</p>
ECC2.09	<p>The Applicant is seeking to engage further with ECC on this point and a related point under the draft PPs which may affect this position. No change has been made to the dDCO at this time.</p>	<p>ECC welcomes the engagement.</p>

ECC2.10	The Applicant is seeking to engage further with ECC on this point and a related point under the draft PPs which may affect this position. No change has been made to the dDCO at this time.	ECC welcomes the engagement.
ECC2.11	<p>No changes were made to Table 8-44: Description of Tiers of other developments considered for cumulative effect assessment).</p> <p>The numbers were changed in Table 8.46: Cumulative daily two-way vehicle movements – NSIPs between APP-090 and REP1-018, which are shown in the tracked changes version REP1-019. Please note that unfortunately due to the large size of the documents with embedded figures MS Word does not always capture formatting changes. For example, the table number change from Table 8.44 to Table 8.46 has not been captured as a change and reordering column order within a table is not captured as a change, however, where the text (or numbers) have been updated this is shown as a change.</p>	Noted. The clarification is helpful. No Further comment.
ECC2.12	<p>As clarified at ISH2, the vehicles associated with the unlicensed works to the proposed NGET substation construction access and the new AC-13 for the operational drainage connection works would originate from AC-12 at the end of the haul road.</p> <p>The Applicant is updating the Outline Construction Traffic Management Plan [AS-055] with a number of further measures, controls and monitoring regimes and plans and will consider whether any additional controls or detail is required for Little Bromley Road / Ardleigh Road.</p>	Noted. No further comments at this time.
ECC2.13	The Applicant will liaise with the designers of the construction accesses to undertake a review of the highway boundary and PRoW comments and discuss with ECC.	No further comment at this point. As per our responses to the below, a meeting to address all the comments related to accesses, speed limits and the Stage 1RSA would be beneficial.

<p>ECC2.14</p>	<p>In terms of the visibility splay comment, Paragraph 1.3.7 of Manual for Streets 2 states that Manual for Streets should be used to determine visibility splays for speeds under 40mph, which is the method used by the Applicant. The Applicant will liaise with the designers to investigate if the splay can be increased at all and discuss with ECC.</p> <p>The Stage 1 Road Safety Audit Report incorrectly refers to CR-12 and should be CR-7.</p> <p>In terms of the other comments, the Applicant suggests these are considerations for detailed design and final CTMPs. The Applicant will review the Outline Construction Traffic Management Plan [AS-055] to see if any more outline detail is required on these points.</p>	<p>Following the designer's review, it is recommended that a meeting is held to discuss the access design as well as any residual comments relating to the RSA1.</p> <p>ECC note the Applicant's comments, but are of the opinion that it is prudent to address as many of these matters now as possible, rather than at detailed design, to provide confidence that an appropriate and safe solution can be delivered.</p>
<p>ECC2.15</p>	<p>There are two Designer's Response reports included in 6.6.8.2 Traffic and Transport Baseline Report Part 5 - Revision B [REP1-031] one prepared by Mott MacDonald for the Bentley Road and Ardleigh Road access designs and one by Royal Haskoning DHV for all other designs. These comments are addressed in the one prepared by Royal Haskoning DHV on pages 161 and 162.</p>	<p>From a review there did not appear to be a designer's response to the site where matters have been highlighted such as: AC3, 4, 5, 7 (GA), CR1, 3, 4, 5, 6a, 6b, 7, 8 P1, CR9 P1 & P2, CR10 P1&P2, CR11 P1&P2, CR12 P1&P2, and CR8 P2.</p> <p>Can the Applicant verify that they have checked the references above and if they have been dealt with could it be signposted to where they have been addressed or can it be covered in a meeting as per ECC2.14 above.</p> <p>Potentially a table with each access, comment from the Stage 1RSAs and how this has been addressed would provide clarity.</p>

ECC2.16	<p>The comment related to the designer's response report is clarified above.</p> <p>The Outline Construction Traffic Management Plan [AS-055] is being updated to include specific measures that could be implemented when vehicle movements are required on this section of Ardleigh Road, prior to the road being widened as part of the National Grid Norwich to Tilbury EACN substation project.</p> <p>Access to Ardleigh Road from the end of the haul road is required for vehicles accessing the drainage works at AC-13 and the proposed National Grid Norwich to Tilbury EACN substation construction site</p> <p>The Applicant notes that this visibility splay for the permanent access point (AC-12) is within ECCs verge (land parcel 17-022). ECC could either maintain it as with all other verges along the local highway network and / or grant rights to the Applicant to maintain the verge.</p>	<p>The Applicant's comments regarding additional investigation regarding the required use of Ardleigh Road is noted and ECC are considering some draft management measures.</p> <p>ECCs maintenance regime would not cover the AC-12 visibility splay, as a result an agreement/condition that the Applicant maintains the visibility splays either side of the permanent access is required (in any event the hedgerow would be the adjacent landowner's responsibility).</p>
ECC2.17	<p>The Applicant is updating the Outline Construction Traffic Management Plan [AS-055] an alternative potential diversion route(s) (if required) has been identified and this will be updated in the next revision.</p>	Noted.
ECC2.18	<p>The swept path analysis drawing has been updated since the preparation of the Mott MacDonald report. This can be updated if additional updates to 6.6.8.2 Traffic and Transport Baseline Report - Part 6 - Revision [REP1-032] are required or picked up through errata.</p> <p>Further detail has been provided in the Abnormal Indivisible Load Technical Note [REP2-029] to the Examining Authority at Deadline 2 which set out more detail on the ALL routing.</p>	Noted.
ECC2.19	<p>The Applicant submitted an Abnormal Indivisible Load Technical Note [REP2-029] to the Examining Authority at Deadline 2 in response to the actions at Issue Specific</p>	<p>The Council has provided its comments on the Abnormal Indivisible Load Technical Note [REP2-029] at Deadline 2 [REP3-</p>

	Hearing 1. This provided swept path analyses of the largest cable drum delivery vehicle between the A120 and each proposed construction access route, which did not identify any issues with the vehicle manoeuvres.	027]. The Council notes that there is intent to undertake structural reviews prior to construction, which is considered reasonable, albeit may present a risk if a need for mitigation is identified. The council does have some concerns over a few manoeuvres but are hopeful these can be addressed through relevant processes that ensure remedial action.
ECC2.20	See response to the above ECC2.19 comment.	Noted.
ECC2.21	The Applicant notes this comment.	No further comments.
ECC2.22	The Outline Construction Traffic Management Plan [AS-055] is being updated to include specific measures that could be implemented when vehicle movements are required on this section of Ardleigh Road.	Noted. The Council awaits submission of the updated plan.
ECC2.23	The AIL vehicle would cross over to the eastbound carriageway for a length of around 200m before turning right into Bentley Road. The Applicant submitted an Abnormal Indivisible Load Technical Note [REP2-029] to the Examining Authority at Deadline 2 in response to the actions at Issue Specific Hearing 1 which provides additional detail.	Noted. This is likely to lead to some additional delay on the Strategic Road Network.

Applicant's Response to Action Points ISH3 [REP3-023]

The Council makes the following comments on *Appendix 3: ISH3, Action Points 12 and 13 – Excerpt from the Traffic and Transport Chapter*.

- The Council has no comments on the inclusion of the additional NSIPs in the cumulative scenario.
- The Council welcomes the consideration of the impacts of Scenario 3. With regards to paragraph 8.12.65 would query whether the construction works at numerous temporary accesses would result in additional traffic management and delay in Scenario 3?

- With regards to paragraph 8.12.65 would query what potential exists for the projects to occur more closely together than 3 years? It is understood that this is 3 years from the start of both projects so potentially 18 months from the end of one project and the start of the other, and it is worth considering the level of disruption a user of the network might experience?
- It remains the Council's position that many stakeholders would see extended impacts of traffic and traffic management on the network as a result of multiple project deliveries as more impactful than combined delivery. It is recognised it is difficult to measure the impacts of repeated delays across a wide network, however, there is likely to be more perceived repeated impacts on driver delay in particular that do not form part of the assessment.

Draft Development Consent Order – Revision D [REP3-005]

The Council makes the following comments:

- The Council welcomes the change to timescales at Article 14 part 6.
- The Council welcomes the clarity on timeframes included at Article 17 part 6.

Other Matters.

At the recently convened Hearings into this proposal ECC/TDC were asked by the ExA if the Council's would support the request, from Suffolk County Council, that they be involved in the socio-economic strategy, which seeks to maximise local opportunities for skills and employment within the local area. ECC and SCC are asked to deal with a number of DCO proposals either within their respective areas or conjoined where some DCO submissions cross Authority borders. As such the Authorities have shared goals to seek socio economic benefit from proposals and frequently work in collaboration. Hence ECC can confirm that it supports SCC's request are used to be included in the same.

This represents our formal submission at Deadline 04. 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,

 {signature}

Mark Woodger

Principal Planner, Nationally Strategic Infrastructure Projects

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Appendix 1

Construction Hours

7.—(1) Subject to sub-paragraphs (2) to (4), work may only take place between 07.00 and 19.00 Monday to Friday and between 08.00 and 17.00 on Saturdays, Sundays and Bank Holidays (the core working hours), unless otherwise approved by the relevant planning authority.

(2) No piling operations may take place between 19.00 and 07.00, or on Sundays, Bank Holidays or other public holidays, and, unless otherwise agreed with the local highway authority, no HGV deliveries may be made to site between 19.00 and 07.00, or on Sundays, Bank Holidays or other public holidays.

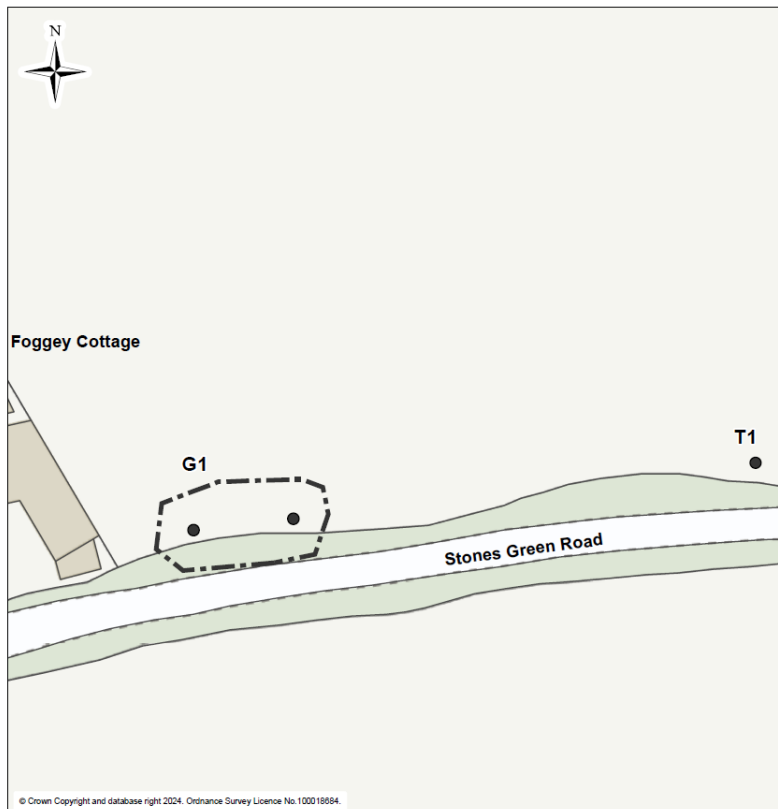
(3) The following operations may take place outside the core working hours referred to in subparagraph (1)—

- (a) trenchless crossing operations including beneath highways, railway lines, woodlands or watercourses;
- (b) the installation and removal of conductors, pilot wires and associated protective netting across highways, railway lines or watercourses;
- (c) the jointing of underground cables (save for the cutting of underground cables);
- (d) the continuation of operations commenced during the core working hours to a point where they can safely be paused;
- (e) any highway works requested by the highway authority to be undertaken on a Saturday, Sunday or a Bank Holiday or outside the core working hours;
- (f) the testing or commissioning of any electrical plant installed as part of the authorised development;
- (g) the completion of works delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities that the undertaker and its contractor agree forms the critical path for the accepted construction programme. In such cases, the undertaker must, as soon as practicable, notify the relevant 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);
- (h) activity necessary in the instance of an emergency where there is a risk to persons or property;
- (i) security monitoring;
- (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 the relevant planning authority.

(4) The core working hours referred to in sub-paragraph (1) exclude start-up and close down activities up to one hour either side of the core working hours. A 50dBA noise limit (LOAEL) will apply at the nearest noise-sensitive receptors for start-up and close down activities up to one hour either side of the core working hours.

(6) The severe weather conditions referred to in sub-paragraph 3(g) means any weather which prevents work from taking place during the core working hours referred to in sub-paragraph (1) by reason of physical incapacity (whether for reasons of visibility, ground conditions, power availability, site access or otherwise) or being contrary to safe working practices.

Appendix 2



Tendring District Council, Town Hall
Station Road, Clacton-on-Sea,
Essex CO15 1SE

Tree Preservation Order 23/00005

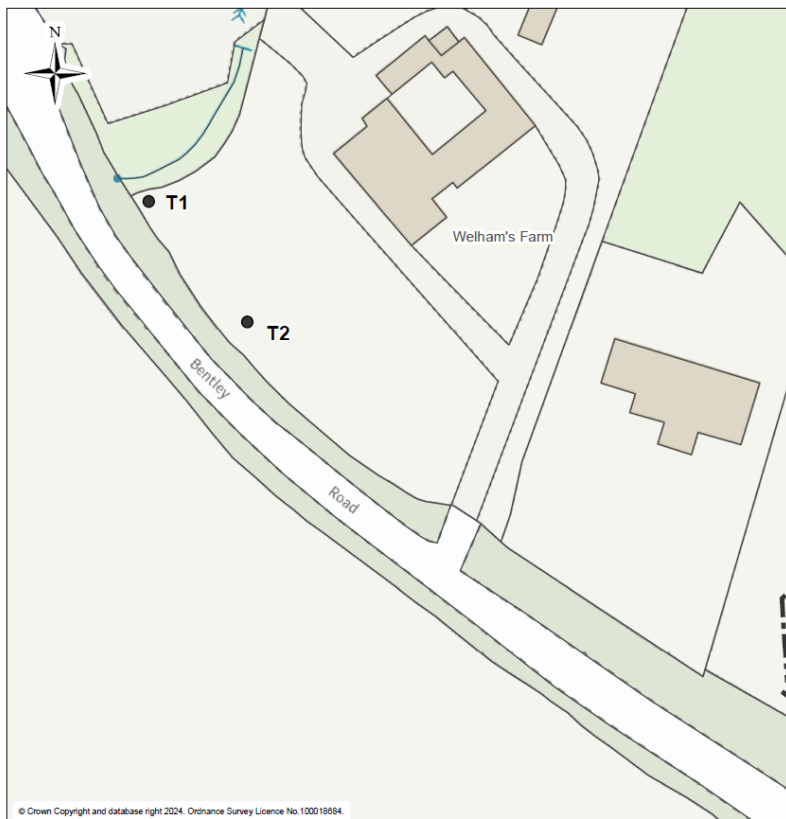
Section: 201

Location:
Stones Green Road
Tendring
CO16 0DD

Description:-
T1 Oak
G1 - 2 Oak

Date:

Scale: 1:500



Tendring District Council, Town Hall
Station Road, Clacton-on-Sea,
Essex CO15 1SE

Tree Preservation Order 91/00021

Section: 201

Location:
Welham's Farm
Bentley Road
Little Bentley

Description:-
T1 Horse Chestnut
T2 Silver Maple

Date:

Scale: 1:500