

Grahame Gould

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Our Ref 20048269
PINS Ref: EN010115
Date: 3 March 2025

Enquiries to: Mark Woodger

By Email 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 Development Consent Order (DCO), this proposal being currently at Examination. Essex County Council (ECC), in conjunction with Tendring District Council (TDC), and as described as The Councils, would like to respond to the questions as asked by the Examining Authority (ExA) ExQ3 and to provide a written response to the Applicant's submission at Deadline 06. Comments are asked for by the 3rd March 2025 and the ExA is asked to note that this submission meets this date as requested.

ECC would like the ExA to note that with regard to proposed phasing requirements for Five Estuaries, ECC has seen and supports the view taken by Suffolk County Council submitted at D6A REP6A- 009.

1. ECC Green Infrastructure (GI)**Outline Landscape and Ecological Management Plan (OLEMP) – Rev D (REP6-026)**

We note the inclusion of cross sections to illustrate the scale and perspective of the proposed planting and decommissioning requirements. However, further clarity is needed on paragraph 2.6.29 (page 32) regarding whether Five Estuaries (VE) cannot commit to the habitat/planting not being removed or if it will be removed. Given that the purpose of this planting and enhancement is for Biodiversity Net Gain (BNG) and is secured for 30 years, it should clearly state that the habitat and planting will not be removed, as it aligns with BNG requirements.

Regardless of the time for decommissioning, the habitats and planting around the substation should not be removed.

Biodiversity Net Gain Design Stage Report (REP6-016)

The VE BNG Design Stage Report provide two options for Option 1 (Unmanaged habitats counted as lost) and: Option 2 (Unmanaged habitats counts as lost and created). The BNG Report summaries the potential net gains for both options 1 and 2, which will result in:

	Option 1	Option 2
<i>Habitat</i>	-13.35%	8.55%
<i>Hedgerow</i>	105.38%	138%
<i>Watercourses</i>	0%	0%

This does not meet the 10% requirement for habitats. Additional off-site biodiversity units will be needed to satisfy the trading rules. However, both Five Estuaries and North Falls have stated that where feasible to consider a joint approach in relation to the adjacent substations landscaping and Green Infrastructure (GI). The North Falls BNG Strategy on the onshore project description outlines three options. Option 3 is potentially scoped out and decision regarding whether option 1 (project alone) and option 2 (joint) goes ahead depends on whether both North Falls and Five Estuaries are given consent. Obviously, option 2 would be the preferred option, coordinating works with North Falls Offshore Windfarm to proceed as a single program to minimise potential environmental impacts, given the scale of the works required. It is recommended that Five Estuaries BNG Design Stage Report to consider also including the joint option.

Option 2 (Joint)

<i>Habitat</i>	+33.91% (22.79units)
<i>Hedgerow</i>	+337.23% (22.79 units)
<i>Watercourses</i>	-29.19% (-0,26 units)

It is acknowledged that on-site delivery might not always be feasible, and off-site delivery could offer additional benefits, including the protection of areas with local natural and wildlife value. It is recommended to discuss off-site and unit purchases, with Tendring District Council. With no registered off-site habitat banks within Essex, it would be useful to know where these units are to be sourced, and if a spatial risk modifier needs to be added. The BNG Assessment should be updated once the landscape provisions for both on-site and off-site are determined and finalised. Additionally, the DCO page 45 paragraph i in connection with such Work Nos. 4 to 18B recommend other ecological enhancements not captured by the metric, such as bird and bat boxes and hibernacula. These enhancement and mitigation measure identified are instrumental in producing quality GI, therefore all these GI threads should be carried through to detail stages of the application and secured through suitably worded Requirement .

Onshore Substation Design Principles Document (REP6-019)

The Councils welcome that the Essex GI Strategy will be considered when developing detailed design and that the landscape, ecological mitigation and biodiversity enhancements will be incorporated in the design principles. It is recommended to consider the Essex GI standards, and another useful

guidance is the National GI Framework Design Guide to promote sustainable design practices that ensure the long-term viability and maintenance of GI. ([GI Design Guide](#)). We also welcome the reference to the collaboration with National Grid Norwich to Tilbury and North Falls Offshore Wind Farm, which have adjacent proposed substations.

2. ECC SUDs

We note the response of the Applicant in REP6-043 at ECC-07 and welcome the intent to continue direct consultation with the relevant teams.

LLFA Deadline 5' comments	Applicant's email response dated 18 February 2025	LLFA further comments
In addition to the information provided we would like to see the modelling for the drainage system for all events up to the 1in100 plus climate change.	We would usually expect to provide this in detailed design (e.g. a table with 1 in 1, 1 in 5, 1 in 10, 1 in 50 and 1 in 100), however at this stage (concept design) the drainage design has been based on the extreme event for the permanent case, and 1 in 5 years for the temporary case.	The LLFA considers that these should be provided as part of a Surface Water Drainage Strategy, to be submitted to and approved by LLFA, prior to commencement.
Confirmation of the discharge rate is required.	MicroDrainage has been used to provide an initial estimate of attenuation storage volumes and associated attenuation feature dimensions required to limit surface water discharge from the site to 1 l/	This will need to be demonstrated in the detailed surface water drainage scheme, to be submitted to and approved by LLFA, prior to commencement.
How will the permanent access road drain, will it be unrestricted? Is the swale sufficient treatment for the road? What is the expected usage?	Yes the swale will be design for the road and interception will be included. The substation would be unmanned during standard operation with routine visits from maintenance staff.	This will need to be demonstrated in the detailed surface water drainage scheme, to be submitted to and approved by LLFA, prior to commencement.

Section 3.3 of the submitted Onshore Substation Flood Risk Assessment (FRA) (APP-039) states that there will be requirements on:

- Temporary surface water drainage strategy for construction activities
- A Drainage Strategy to manage surface water runoff during the operational phase

These 2 documents are currently not included in any of the proposed requirements in the dDCO. These will need to be submitted to and approved by the Lead Local Flood Authority (LLFA).

Paragraph 4.9 of the CoCP (REP5-033) highlights the temporary surface water drainage strategy, but did not spell out how and when the LLFA will be involved in the development of the strategy.

Para 6.7.45 of the ES (APP-088) also highlighted that “The low-lying land at Holland Haven Marshes is shown to potentially be at risk of surface water flooding, with some potential for an overland flow pathway into the marshes from the B1032 Main Road to the south.” As requirement 5 of the dDCO only covers the onshore substation design, how will this be addressed to the satisfaction of the LLFA?

The LLFA requests that the following wording is included in Requirement 5 of the DCO:

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the discharging authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to the 1 in 1 greenfield rate for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.

3. ECC Landscape

Submission received at Deadline 5 and 5a (REP6-058)

We wish to clarify our comment in this document in relation to REP5-054 Statement of Common Ground Rev A Jan 2025 under the heading **Cumulative Impact**. Where we state that ‘*Whilst we agree that the project by itself is likely not to generate significant visual impact*’ this refers to the impact on the National Landscape discussed in the previous paragraph not on receptors close by where we judge some residual visual impacts remain.

Outline Landscape and Ecological Management Plan (OLEMP) – Rev D (REP6-026)

We welcome the updated OLEMP (REP6-026) submitted at Deadline 6, in relation to numbering, inconsistencies in wording on restoration and decommissioning, identified in the above document regarding Issue Specific Hearing 6 (ISH6) at Item 16. Also, with respect to ‘Issue Specific Hearing 7 (ISH7) – DRAFT DCO’ Item 3 we welcome the clarification in relation to preparatory works undertaken in advance of approval of the final LEMP as facilitated by Requirement 10(3) of the dDCO.

Para 1.2.6 Landscape: We do not consider that orchard planting would successfully deliver visual impact mitigation along the northern border, although acknowledge ecological and social benefits could accrue. We have previously suggested that similar benefits could be obtained by planting hazel coppice that would be easier to manage. However, we judge that a hybrid of orchard trees or coppice hazel with the addition of woodland buffers that reinforce the existing field boundary system, where this is deliverable in operational terms, would provide the optimum solution.

Para 1.2.7 Visual Impact: We dispute that the development will be screened from visual receptors within 5 years and judge that residual significant impacts are likely on nearby receptors, and particularly in relation to cumulative effects with North Falls and the Norwich to Tilbury project. Characteristic open views will be lost.

Para 1.2.8 Local Landscape: The framework of planting connects into the wider landscape network to the east of Norman’s Farm but is still within the redline boundary.

Para 2.6.7: We welcome the inclusion of the 20m width buffer planting as a parameter.

Para 2.6.13: Whilst we agree this is the most effective way to generate screening for visual receptors and support this approach, the consequence is a loss of the characteristic open views. We wish to understand how this landscape character loss has been compensated for.

Paras 2.6.26 – 2.6.27: We welcome the inclusion of the opportunity for advanced planting.

Paras 2.6.28 – 2.6.29: We welcome the paragraphs on decommissioning.

Figure 1.2: Visual Mitigation: We still dispute the value of the orchard planting in visual mitigation terms (see comments on Para 1.2.6 above). We assert the Figure 1.6 Indicative cross-section 2 demonstrates this.

Figure 1.7 Indicative cross section 3 – demonstrates the importance of the shelterbelt along the Ardleigh Road for screening purposes although the tallest elements are likely to result in a residual impact.

Table A1: Design Commitments included in the OLEMP (up to Revision D):

Items Paras 1.2.6, 1.2.7, 1.2.8, 2.6.25, 2.6.6, 2.6.7, 2.6.12: It is important that the woodland planting is not just referred to as screen planting for visual mitigation under the ‘Design Area’ column in this table. This planting is substantially also providing landscape mitigation, and the word ‘landscape’ should be included in the design area descriptions to ensure delivery of connected green infrastructure networks whether there are visual receptors or not. Add a line in Table A1 to reference the 20m minimum width parameter for buffer planting belts.

Onshore Substation Design Principles Document (REP6-018)

We welcome inclusion of Section 2.4 Independent Advice in relation to the work of the Design Council Design Review Panel. Also, the inclusion of para 4.6.2 in relation to an Environmental Colour Assessment.

In relation to Para 4.6.4, Security Fencing, every opportunity should be taken for security fencing to hug the operational working area as tightly as possible allowing the use of native buffer planting to screen this effectively. Lower timber post and wire fencing, native hedgerows or similar can then be used to mark ownership boundaries if required.

Section 4.7:

Para 4.7.1 should read '**landscape and ecological mitigation strategy**' to emphasise that the landscape planting is not just there for decoration but as an integral part of the LVIA mitigation strategy.

Para 4.7.3 should read '*written landscape and ecology mitigation scheme **and plans...***' A written scheme without plans at an appropriate scale is not acceptable.

Design Commitments:

DC3: Add '*Additional mitigation planting is proposed to screen the OnSS from visual receptors **and strengthen local landscape character.***' The planting is not just there for screening purposes.

Draft Development Consent Order (REP6-007):

For Landscape and Ecology mitigation measures, Requirement 7 and 12, must include reference to plans and their appropriate scale e.g. 1:2500 -1:500, as well as a written scheme. The proposals cannot be scrutinised and approved without appropriate scaled plans.

Onshore substation works, design and landscaping:

5.— (1) Construction of Work No. 15B

Item (5) Work No. 15B should also reference 'plans' at an appropriate scale, alongside the '*written landscaping scheme*'

Item (6) Ditto in relation to '*details of all proposed hard and soft landscaping works*'

CAH Action Point 3 (REP6A-005)

Regarding alternative plans for a scenario under which the Proposed Development proceeds without collaboration with North Falls. In relation to landscape and visual issues we support the argument by the applicant that should Five Estuaries proceed in isolation from North Falls, then the proposed landscape framework would need to be implemented for the reasons set out in their response.

Response to Rule 17 Request - 17 February 2025 (REP6A-003)

Landscape Mitigation

We agree with the Design Council that the vision for the landscape remains restricted. However we recognise that hedgerow restoration is only part of the applicant's proposals which also includes substantial woodland buffers and would support the applicant in hedgerow restoration or enhancement forming part of the vision where this does not prevent or conflict with the need to screen the development in a way appropriate to landscape character. We would wish to see landscape enhancement or compensation spread beyond the red-line boundary however.

We agree with the Design Council that mounding needs careful consideration in terms of effect on topography and landscape character. Steep slopes (> 1:5) should not be created close to visual receptors.

We agree that the planting proposals could be more ambitious considering the size of the site but recognize a balance between conservation of agricultural land and creation of a variety of habitats area required. The applicant has now set down a minimum of 20m width for buffer planting in the OLEMP which reassures us that these areas can provide significant screening and landscape benefits at the delivery stage whilst being in keeping with character.

4. ECC Highways and Transportation

9.22 Outline Landscape and Ecological Management Plan - Revision D (Clean) [REP6-026]

Table A1 includes the following text relating to the substation access visibility splay.

“The final planting design will consider the visibility splays for the operational access and seek to minimise ongoing maintenance requirements to maintain these.”

It is requested that the text is amended to the following:

“The final planting design will not compromise the required visibility splays for the operational access and will seek to minimise ongoing maintenance requirements to guarantee the ongoing achievement of the splays.”

10.30 Applicant’s Comments on Deadline 5 Submissions Revision A [REP6-043]

The Council makes the following comments on those responses relating to transport matters from Essex County Council.

Ref		Applicant’s Response	ECC Comments
ECC-05	See response to SEE.2.01 above. Whilst reducing speed limits would have some benefit this is unlikely to lead to a significant reduction on speed in isolation eg, other design considerations, such as traffic calming measures which are neither proposed nor considered appropriate here in this largely rural area. ECC as the Local Highway Authority, would encourage users accessing the site are recorded and manage speeds along Bentley Road, as part of the CoCP. Reducing traffic	The Applicant notes that the outline CTMP [REP5-035] includes a number of measures for managing the traffic flow and compliance along Bentley Road. Alongside new signage that would be installed for the 40 mph speed limit, the outline CTMP [REP5-035] states (at Section 4.4.1) that drivers of delivery vehicles would be advised of speed limit requirements in a driver delivery pack that would be issued by the Principal Contractor. Section	ECC requests specific reference to traffic noise and vibration complaints within the outline CTMP. Which would require the Applicant to undertake investigation and any necessary mitigation to address the matter in a timely manner. For completeness ECC requests the outline CTMP makes direct reference to BS 5228 -

	speeds to below 40mph would have a benefit on noise and vibration but would need to be ensured that this is enforceable.	4.42, where vehicles are fitted with Global Positioning System (GPS) monitoring devices, this would record the routes, timing and speed of vehicles when making deliveries. Section 8 of the oCTMP sets out the approach of the project to enforcement in the event of breaches to the CTMP and steps that would be taken.	Part 1: Noise and Part 2: Vibration. ECC requests that the proposed Bentley Road Monitoring and Mitigation Plan (REP5-035 para 5.2) is included within the final CTMP by the Applicant under the scenario that Five Estuaries comes forward as an individual development, as well as the current proposal which addresses the cumulative impacts of other proposed developments.
ECC-14	On the first point, this would be a decision for the Structures team to determine whether this approach would be acceptable. The comment does not seem to clarify the proposal featured in Section 10 of Annex 2 routing some ALLs through Colchester which would cause severe delays during the day. The only time that this may be an option if it was restricted to off-peak and at night. It is considered sensible at this stage to undertake a swept path analysis for the new roundabout on the B1035, south of the A120 Horsley Cross.	The Applicant notes this comment in relation to the structures team. In terms of the potential ALLs through Colchester, see the Applicant's response to ECC-15 below. In relation to the cable drum delivery vehicle movements at the recently installed mini roundabout on the B1035 south of the A120 Horsley Cross roundabout, a swept path analysis has been undertaken and is submitted into the Examination at Deadline 6 as Appendix 1 in document 10.42 Applicant's Responses to Action Points - ISH6, CAH3 and ISH7.	As per our response to [REP6-046], the Council have reviewed a copy of the swept path assessment referred to as part of ISH6, and can confirm that we have no further comments.
ECC-15	With regards to the delay, it is assumed that the point being made is that the	The cable drum delivery vehicles would be slower moving at junctions but	Noted. Given the relatively limited impact of the cable drums, and

	<p>manoeuvrability of the vehicle is not impacted by the weight of the cable drum, and as per para 2.2.4 and 3.1.4 of the Abnormal Indivisible Loads Technical Note [REP2-029] that they would move along roads with a similar manoeuvrability and tracking to a typical articulated HGV? Would they travel at similar speeds? If so, it is agreed that the impacts in isolation would not be significant and there is no further comment. The comment does not seem to clarify the proposal featured in Section 10 of Annex 2 routing ALLs through Colchester which would cause severe delays during the day. The only time that this may be an option if it was restricted off-peak and at night. Plus, it is understood that the route forms a red route for Emergency vehicles.</p>	<p>normal speed along sections of highway, albeit could be slower for the very largest cable drum delivery vehicle when fully laden.</p> <p>For the potential route through Colchester, an assessment of any route identified and associated timing of deliveries would be discussed with the relevant highway authority prior to any notifications of the delivery, as set out in Section 7.2.2 of the Outline Construction Traffic Management Plan [REP5-035].</p>	<p>the relevant process embedded within the CTMP as well as ESDAL. Whilst the delivery of ALLs would have an impact on driver delay, it is considered to be short term and not significant.</p>
ECC-16	<p>10.20.6 Technical Note – Haul Road between Bentley Road and the Onshore Substation [REP4-036]</p> <p>Whilst it is agreed that the maximum impact would reduce and that this reflects the assessment methodology set out within the Guidance on Environmental Assessment of Traffic and Movement; it is considered reasonable that a more extensive impact, that is lower in terms of total vehicles but longer with</p>	<p>This is noted and welcomed by the Applicant</p>	<p>It is understood that the parties have reached an agreed position, which can be covered in our statement of common ground. That is to say that the peak impact has been assessed based on the relevant guidance, however, the Council remains concerned about residents experiencing repeated impacts, that as a network user, they might consider to be greater in combination.</p>

	<p>regards to time, might be considered to be a greater impact on users of a transport network than more shortened but increased effects. Albeit an oversimplification, 50 HGVs travelling past you whilst walking to work for one month might be far more tolerable than 30 HGVs for three months. These repeated continuous impacts of numerous large projects over an extended time period are an important consideration. However, as above, it is recognised that the worst case assessment has been undertaken based on the relevant guidance. This issue can be considered to be closed out on this basis.</p>		<p>(i.e. result in additional delay) over an extended period of time, but would not exceed the assessed peak impact.</p> <p>It is recognised that the proposals have looked to reduce these impacts by coordinating with North Falls.</p>
ECC-17	<p>As above, this would result in repeated impacts on users of the network particularly around HGV movements and potentially delays associated with traffic management.</p>	<p>As per ECC-16 above, the Applicant has undertaken the worst-case assessment of impacts based on the relevant guidance.</p>	<p>It is understood that the parties have reached an agreed position, which can be covered in our statement of common ground. That is to say that the peak impact has been assessed based on the relevant guidance, however, the Council remains concerned about residents experiencing repeated impacts, that as a network user, they might consider to be greater in combination. (i.e. result in additional delay) over an extended period of time, but would not exceed the assessed peak impact.</p>

10.42 Applicant's Responses to Action Points - ISH6, CAH3 and ISH7 [REP6-046]

The Council have received a copy of the swept path assessment referred to at Action 3 from ISH 6, and can confirm that we have no further comments.

The Council can confirm that the position relating to a Port Traffic Management Plan outlined at Item 5 is accurate. We have no further comments.

A120 / Bentley Road – Road Safety Audit

Separately the Applicant has provided the Council with a copy of the Stage 1 Road Safety Audit for the A120 / Bentley Road junction improvement works. Following a review of the document, the Council do not have any significant concerns and subject to seeing the modelling results, can consider the matter closed.

5. Historic Environment and Archaeology

ECC Place Services (Archaeology) comments on submissions received at Deadline 6. There have been ongoing discussions with the Applicant on these matters, the Councils understand the draft DCO will be updated to tie in to the phases of archaeological investigation as defined in the AMS so that conditions could be released at the end of the completion of each phase:

- Production of WSI
- Completion of evaluation work
- Completion of Mitigation (open area excavation, strip map and sample etc)
- Post excavation and publication

Draft Development Control Order (DCO) (REP6-007).

Item 9 (1) has been added to reflect the recent submission (Deadline 6) of an Archaeological Mitigation Strategy (AMS).

Further amendments to the DCO wording are required to ensure compliance with the AMS and to ensure the archaeological and geoarchaeological resource is appropriately managed.

Due to the lack of intrusive archaeological investigation carried out so far for the scheme a programme of archaeological and geoarchaeological evaluation is proposed as the first phase of intrusive fieldwork investigation. This would be followed, where required, by a programme of mitigation which could include preservation *in situ* or by record. The draft DCO wording fails to take into account the proposed two-phase investigations that will be required post-consent. The applicant has stated that no further intrusive archaeological or geoarchaeological evaluation will be carried out prior to the determination of the application and so it is imperative that the DCO wording accurately reflects the need for a further phase of archaeological and geoarchaeological evaluation to be followed by, where required, a programme of mitigation. The amendments proposed below to the DCO wording will more accurately reflect the two-phase fieldwork investigations proposed by the Applicant, identified as Phase 2 and 3 in the Archaeological Mitigation Strategy (AMS), and ensure that archaeological and geoarchaeological fieldwork can be monitored and conditions discharged as appropriate by the Local Authority archaeological advisors

There are on-going discussions with the Applicant regarding the DCO wording and the need for a further condition to be included which would ensure that the post-excavation process can be monitored and discharged accordingly. This stage of works is identified in the AMS as Phase 4. To ensure compliance between the DCO wording and the AMS this phase of works needs to be clearly identified as a separate condition. As the fieldwork and post-excavation process will last over a number of years this is essential to ensure the accurate and timely discharge of conditions to allow the development to proceed in areas where the archaeological requirements have been satisfied.

The following wording is proposed (**in bold**):

Onshore archaeology 9.—

(1) Geoarchaeological and archaeological evaluation and mitigation surveys must be carried out in accordance with the archaeological mitigation strategy.

(2) No stage of the onshore works may commence until a geoarchaeological and archaeological evaluation Written Scheme of Investigation, in accordance with the Outline Onshore Written Scheme of Investigation as appropriate has been submitted to and approved by the relevant planning authority and undertaken.

(3) No stage of the onshore works may commence until, for that stage, if required, a geoarchaeological and Archaeological Mitigation Strategy in accordance with the Overall Archaeological Mitigation Strategy, has been submitted to and approved by the relevant planning authority and undertaken.

(4) Intrusive onshore site preparation works, including those necessary to allow production of any scheme required under sub-paragraph (2), must only take place in accordance the applicable details set out in an approved Written Scheme of Investigation or Archaeological Mitigation Strategy for such works.

(5) No later than one year following the approval of the final site-specific Post Excavation Assessment, as defined in the approved Written Scheme of Investigations or Archaeological Mitigation Strategies, an archaeological updated project design for all applicable sites, must be submitted to the local planning authority for approval. Post-excavation analysis and publication must be carried out in accordance with the approved archaeological updated project design and provision made for the full archive to be submitted to the appropriate museum within 3 years of the completion of fieldwork.

Archaeological Mitigation Strategy (AMS) (REP6-051)

The AMS is designed to set out the scope and mitigation principles for further archaeological and geoarchaeological investigations. The AMS acknowledges that lack of intrusive fieldwork presents a risk that the archaeological resource may not have been sufficiently assessed through non-intrusive methods and the level of intrusive fieldwork completed. For the AMS to provide assurances that the proposed mitigation can effectively manage the potential impact on the archaeological resource further detail and clarification is required, specifically regarding the level of intrusive fieldwork proposed and publication.

The AMS includes the first phase of works which is trial trench evaluation and geoarchaeological investigation, which in itself is not mitigation and is designed to provide information on the nature, extent and significance of the archaeological resource, both known and as yet unknown and should inform an appropriate mitigation strategy. The AMS proposes coverage of 2% sample size of areas that

can be evaluated (Section 3.3.3). The standard level of trenching used in the south-east is 4% with a 1% contingency. The plans need to be reconsidered in light of this and to provide full coverage of the corridor and associated works. At a 4% coverage the Local Authority archaeological advisors have confidence in signing off areas as containing little or no archaeological remains where no further work would be required. This would negate the requirement for monitoring during construction in these areas. This information should be supplied or at least agreed prior to the determination of the application.

The following specific comments on the AMS are provided:

2.3.8 Potential cremation burial, currently undated. The potential for C14 dating should be explored if cremation bone was present.

3.2.3 and 3.2.4 There is concern that the GCZ zones have yet to be ground truthed across much of the scheme and the location and limited number of interventions to date are not sufficient for a deposit model along the whole scheme. Initially the GI monitoring should be used to improve the deposit model to help refine the GCZ's and identify areas of high potential.

4.2.2 Remains of high and very high significance will be those for which consideration will be given to preservation *in situ*. This statement differs from the discussions with the Applicants archaeological representatives and will lead to a vast majority of archaeological sites requiring excavation in advance of construction. The mitigation of all sites identified following trial trench evaluation will need to be discussed and agreed with the Councils' archaeological advisors. Preservation in situ may be required for sites of lesser significance should they, for example, be extensive or exceptionally well preserved.

Pg 11 Mitigation through preservation by record (Phase 3)

This section should include the full range of archaeological and geoarchaeological methodologies beginning with Open Area Excavation.

4.3.16 Open Area excavation would be undertaken well in advance of construction as they are likely to extend over the full width of land take area and may need to be expanded. This would be considered inappropriate to be carried out during construction.

4.4.1 No mitigation areas will only be achievable if trenching is completed to the recommendations of the archaeological curators (4% plus 1% contingency)

6.1.2 should make specific reference to the production of phased/dated trench plans.

Pg 15 Publication

This section needs more detail. The archaeological mitigation is likely to result in a significant publication considering the length and width of the proposed scheme. There may be requirement for synthesis of specific sites to enable a landscape wide assessment in addition to publication of any significant sites.

Code of Construction Practice

The submission of the AMS, once approved, needs to be reflected in the Code of Construction Practice (COCP) wording. Comments were provided by ECC on the COCP wording (**REP6-058**). There is no submission at Deadline 6 which indicates any recognition of the requested changes to this document. An additional point was requested to ensure the Local Authority Archaeological Advisors would be afforded access to monitor both evaluation and mitigation works and provide sign off of the completed works. The wording is provided below for information:

4.7.5 Local Authority Archaeological Advisors will be afforded access to the archaeological mitigation sites to monitor the evaluation and mitigation works and sign-off completed work in accordance with the OWSI and AMS. The site specific WSIs shall set out the arrangements and responsibilities for implementing, monitoring and sign off of the archaeological mitigation measures.

6. TDC Emergency Planning

Section 6 of the CoCP (REP5-033) will need to be updated to include liaison with the “blue light services” and Tendring District Council Emergency Planning Team on both the Emergency Response Procedures (ERP), as well as the Operational UXO ERP.

HM Coastguard is an emergency service and should be included the “blue lights” consultation. With regards to the onshore operations, there is a cross over here. Coastal operations, onshore, personnel working on or near the sea-defence what are the arrangements should someone enter the sea accidentally along with additional PPE requirements such as lifejacket. If indeed there is a specific emergency response plan and a co-operation plan for marine based activities, TDC, as the local Emergency Planning Manager, would be interested to see what is covered, as casualties afloat end up being brought ashore and pollution at sea, can become pollution on the foreshore, which TDC would be responsible to co-ordinate the response to.

7. Comments on Draft DCO

The Councils understand that the applicant is updating the dDCO in response to the above comments, ECC will respond further at Deadline 8. The Protective Provisions are in the process of being agreed between ECC and Five Estuaries. The version as set out in the draft DCO, whilst well-developed, is still the subject of agreement between ECC and FE and may be subject to change.

8. Update on REP5-088 Noise Complaints Protocol (ISH6 Action Point 12)

ECC are working with the Applicant to finalise an updated tripartite noise complaints protocol with two other developers, North Falls and National Grid.

The above represents our formal submission at Deadline 07.

Yours sincerely,

[Redacted Signature]

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