



Bramford – Twinstead:

## Deadline 5 Response:

- Comments on Applicant responses to ExQ1 comments
- Comments on TA and CTMP.
- Comments on Oral Submissions in ISH3
- Comments on A131 Technical Note

Braintree District Council (20041141) &

Essex County Council (20041299)

**PINS REFERENCE: EN020002**

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## **1        Glossary of Abbreviations**

AIL – Abnormal Indivisible Load

BDC – Brentwood District Council

CTMP – Construction Traffic Management Plan

ECC – Essex County Council

ES – Environmental Statement

ExA – Examining Authority

HGV – Heavy Goods Vehicle

ISH – Issue Specific Hearing

LGV – Light Goods Vehicle

TA – Transport Assessment

PROW – Public Right of Way

RAG – Red, Amber Green

SRN – Strategic Road Network

WCH – Walkers, Cyclists and Horse Riders

## **2 Purpose Of Submission**

### **2.1 Introduction & Format**

2.1.1 The purpose of this submission is to provide comments on various documents submitted by the applicant at Deadline 4, as well as deliver on any information which was requested at the hearings for submission at Deadline 5.

2.1.2 The report therefore comments on:

- Comments on Applicant responses to ExQ1 comments [REP4-049]
- Comments on the Transport Assessment in a RAG system [APP-061]
- Comments on the Construction Traffic Management Plan
- Comments on Oral Submissions in ISH3
- Comments on A131 Technical Note

2.1.3 It should be noted that comments on the LEMP have been provided in a separate document via Suffolk County Council, on behalf of all of the Host Authorities, as requested by the ExA. This document has yet to be provided with an Examination Library reference, but for the avoidance of doubt, BDC and ECC support the content in that submission.

2.1.4 As many of the matters are related to highways and transportation, to which ECC are the lead Highway Authority, the report will predominately refer to ECC / the Council. It should be noted that BDC support the position of ECC on all matters to do with the highway network contained within this response.

2.1.5 Any reference to 'The Councils' in this document is meaning both BDC and ECC. Any differences of opinion will be explicitly labelled as such.

### **3 Applicant's Comments on Responses to First Written Questions** **[REP4-029]**

#### **3.1 Overview**

3.1.1 This section of the report is to respond comments made by the Applicant on responses that The Councils (Essex and Braintree) made on ExQ1 [REP-061].

3.1.2 It should be noted that this section will not comment on all responses by the Applicant on points made by The Councils to the ExA's questions. This is to avoid repetition of points made where an impasse has been reached, or those responses which require no further comments to be made.

3.1.3 This section will instead focus on those comments where further clarifications and or responses are required.

#### **3.2 Responses to Comments on Specific Questions**

3.2.1 **MG1.0.15** – whilst it is appreciated that only proposals that are either submitted or consented have been added to the list of interconnected developments, the councils understand that both DCO proposals for Five Estuaries offshore wind farm and North Falls offshore wind farm are to be submitted to the Planning Inspectorate in Q1-3 2024.

3.2.2 **EA1.2.8** - See previous comments on MG1.0.15 above.

3.2.3 **MG1.0.18** – The Council's note a response will be provided on this question at Deadline 5.

3.2.4 **MG1.0.56** – The comments made in relation to this are noted, and similarly it is noted that the compensation code, as referred to by the applicant is also outside of the DCO process.

3.2.5 **CM1.5.62** – The Councils note the comments of the applicant but would reiterate our comments that further mitigation and compensatory planting should be considered to mitigate the impact of the development, as well as providing a more reasonable timescale than 28 days to assess any changes to the control documents.

- 3.2.6 **DC1.6.3** – Please see the Councils response to this point in 21.2.3, REP4-049.
- 3.2.7 **DC1.6.9** – The Councils will engage their legal representatives on this matter and will respond in Deadline 6.
- 3.2.8 **DC1.6.51** - The Councils will engage their legal representatives on this matter and will respond in Deadline 6.
- 3.2.9 **DC1.6.60** - The Councils will engage their legal representatives on this matter and will respond in Deadline 6.
- 3.2.10 **DC1.6.69** – Comments have been provided jointly with the other Host Authorities regarding the CEMP/LEMP and would defer to them.
- 3.2.11 **DC1.6.79** – It is noted that the Applicant intends to submit the staging plans for the development should consent be granted. The Council's recognise the procedural issue this would raise at this time, influenced also by the fact that a contractor is not on board, and who will lead on staging. However, the Councils seeks assurances that the control documents as will be attached should consent be ultimately issued, will be applied to all stages of the development. Without these specific staging points being submitted here it is not possible to assess the impact of the construction on the specific areas affected. It is important that the DCO if Consented, and the control documents, lead the implementation of this NSIP and not a currently unappointed contractor.
- 3.2.12 **DC1.6.97** – The justification for the additional requirements has been provided in The Councils deadline 4 submission REP4-049, Item 5 page 54.
- 3.2.13 **DC1.6.102** – For the purpose of clarity, The Councils were referring to REP2-009.
- 3.2.14 **LV1.9.19 & LV1.9.22** – The Councils refer to the post hearing submission on this contained within REP4-049 in response to these comments. It is acknowledged that this viewpoint was not brought forward previously in pre-DCO submission discussions, and would defer to the ExA, based on our comments and justification, whether this viewpoint would be of benefit.

- 3.2.15 **LV1.9.40** – The Council’s welcome the applicant’s commitment to consider specific species planting and would like confirmation as to by which Deadline this will be submitted?
- 3.2.16 **CM1.5.12** – The Councils are continuing to discuss working hours with the Applicant. For clarity it is not considered, given that this DCO was placed in abeyance for a considerable period by the Applicant, that the urgency of the development as is now found to be evident, should result in loss to neighbouring amenity. Whilst the limits for daytime operations are noted, it is correct that the location of the proposal is within a very quiet rural area. In terms of the noise impact from vehicles whilst the assumption that: “*impact of noise from construction traffic is therefore not significant at all noise sensitive receptors*”, may be correct but, and by using the same analogy as the applicant, it is their evidence that some would be significantly affected.
- 3.2.17 **DC1.6.31** – The Council’s will discuss the permit scheme as is proposed by the Applicant and report back on the same by a future deadline.
- 3.2.18 **TT 1.13.15** - The Council has requested that the information provided in the document Transport Assessment Construction Vehicle Profile Data [REP4-006] be provided in a more accessible format and await its provision. The Councils have provided the applicant with a list of our concerns with the Transport Assessment method and controls within the CTMP, as summarised in our response above. For clarity, the Council maintains its position.
- 3.2.19 **TT.1.13.21** - The Council maintains our response at Deadline 4 [REP4-049] where we set out the current position on these issues, which are summarised below:
- Surveying of the condition of the highway network for remediation. Partially resolved. Further information and discussions are needed.
  - That the local highway authorities should be the party responsible for discharging the CTMP and agreeing any changes to the CTMP. This appears to be resolved.



- Absence of monitoring of construction and workforce traffic. It is understood that Good Practice Measure TT02 will ensure GPS monitoring of construction routes and there is an indication that construction traffic will be recorded at paragraph 7.2.4. Further information is sought on what traffic is to be monitored and how vehicle numbers will be reported to the highway authorities. Not considered to be resolved.
- Absence of commitment to achieve staff modal share through commitment to minibus and car sharing. Not resolved; there continues to be no commitment to achieve the staff mode share.
- Absence of commitments to survey staff movements. The CTMP includes commitment towards surveying of staff movements in the form of a travel survey. This appears to be partially resolved, but further commitment to monitoring of total staff vehicle movements.
- Absence of reporting on CTMP monitoring and non-compliance to highway authorities. Not resolved: there is no commitment to report the findings of the monitoring to the highway authorities; nor any meaningful process for remedial actions if the CTMP fails to achieve its targets.
- Approval of construction traffic routes. Resolved through inclusion of Construction Routes at Appendix A.

3.2.20 **TT.1.13.48** - Agreed in principle.

3.2.21 **TT.1.13.49** - Agreed in principle, but the point is that the permit scheme cannot authorise oversailing of the highway. That is a separate agreement.

#### **4 Comments on Transport Assessment [APP-061] and Environmental Statement Chapter 12: Traffic and Transport Methodology [APP-080]**

##### **4.1 Overview**

4.1.1 As requested by the Examining Authority at Issue Specific Hearing 3, via email, The Councils provided the Applicant with an Excel spreadsheet on 14 November 2023 outlining our concerns with the assessment methodology within the Transport Assessment [APP-061] and Environmental Statement Chapter 12: Traffic and Transport [APP-080], as well as potential requirements for the Construction Traffic Management Plan [REP3-030] which are dealt with in a separate section below. The file included a preferred option for the Applicant to address these concerns, as well as a relative rating of the importance of each concern using Red Amber Green (RAG).

##### **4.2 Comments on Method**

4.2.1 The Councils have previously provided the Applicant with a list of comments / concerns on the method of the Transport Assessment. These comments / concerns are set out in the table below for the ExA's information and consideration:

Issue / Assumption within TA/ES	High Level Summary of Issue as Submitted to the Applicant on 14 November 2023	RAG Rating
Impact of HGVs on High Sensitivity Receptors	Councils require greater commitments to reporting and enforcement of construction vehicle routeing. Additional restrictions to be placed on HGV traffic on Sundays and Bank Holidays.	Amber
Sections of Road Susceptible to traffic collisions	Councils require greater commitments to reporting and enforcement of construction vehicle routeing. Additional route analysis of accidents required for widely used routes.	Amber
Narrow lanes unsuitable for HGVs	Councils require greater commitments to reporting and enforcement of construction vehicle routeing. Greater clarity required on vehicle swept paths.	Amber
Roads with sharp bends.	Councils require greater commitments to reporting and enforcement of construction vehicle routeing. Greater clarity required on vehicle swept paths.	Amber

Roads with restrictions	Councils require greater commitments to reporting and enforcement of construction vehicle routing. Required reporting of non-compliance on road restrictions.	Amber
AIL Routes	Councils require greater commitments to reporting and enforcement of construction vehicle routing. Required reporting of non-compliance on road restrictions.	Amber
Estimate of worker numbers	Controls to be included on worker vehicle movements. With Monitoring and Reporting.	Red
Construction of both ends of the cable route in parallel	No further comments	Green
Workers on site seven days per week	Control of workers.	Green
Quantities of materials	Provision of material quantities and how they inform vehicle movements.	Amber

HGV and LGV traffic use of temporary haul route.	Councils require greater commitments to reporting and enforcement of construction vehicle routing	Amber
Roads with restrictions	Councils require greater commitments to reporting and enforcement of construction vehicle routing. Required reporting of non-compliance on road restrictions.	Amber
HGV crossing between opposite accesses are not considered as movements	Considered acceptable subject to suitable traffic management.	Green
Temporary access to cable sections	Provision of material quantities and how they inform vehicle movements. Applicant to build sufficient flexibility into their assessment and application to ensure impacts do not exceed those assessed or can be reasonably managed in unforeseen circumstances.	Red
Use of existing farm tracks	It is understood information is to be shared to inform movements.	Green
Assumptions around cable drum AILs	Construction routes should be assessed for AILs between SRN/ Port and the site to ensure feasibility.	Amber

Requirement for piling at each pylon.	Provision of material quantities and how they inform vehicle movements. Applicant to build sufficient flexibility into their assessment and application to ensure impacts do not exceed those assessed or can be reasonably managed in unforeseen circumstances.	Red
Inclusion of activities in LGVs.	Confirm it forms part of worst-case scenario.	Green
Allowance for welfare assumption	Confirm it forms part of worst-case scenario.	Green
Excess sub soil assumption	Confirm it forms part of worst-case scenario.	Green
Water required for trenchless crossings	Confirm it forms part of worst-case scenario.	Green
Storage and transportation of cable drums	Confirm it forms part of worst-case scenario.	Green

Vehicles associated with surveys	Confirm it forms part of worst-case scenario.	Green
Requirement for lane closures and traffic management	Applicant should confirm assumptions around the requirement for closures and assume closures are required on certain routes within the assessment.	Red
Assumptions around extent of PRow closures.	No comment.	Green
Assumptions around extent of PRow closures and timing of closures	Greater detail on timing and extent of closures required.	Amber
No change in working hours during summer and winter	Controls on working hours or assessment of alternative hours for highway impacts.	Red
Assumption around empty inbound HGV movements	Evidence provided on how reasonable a flat profile is.	Amber

Assumption around empty outbound HGV movements	Evidence provided on how reasonable a flat profile is.	Amber
Assumptions around profile of construction traffic to assess peak period	Provision of material quantities and how they inform vehicle movements. Applicant to build sufficient flexibility into their assessment and application to ensure impacts do not exceed those assessed or can be reasonably managed in unforeseen circumstances.	Red
12.5% uplift applied to convert monthly into daily.	No evidence submitted on this factor. Applicant should confirm that this is a realistic worst case to assess compliance against.	Green
HGVs split across 11 of 12 hours.	Evidence on construction HGV profiles should be provided.	Green
Routeing on SRN.	Further clarity on this element of the assessment is sought.	Green
Parking of construction staff vehicles	Monitoring, reporting and enforcement of inappropriate parking should be included in CTMP.	Amber



70% of staff travel by crew van.	Include appropriate targets, monitoring and controls within CTMP to ensure modal split.	Red
30% of staff travel by single occupancy	No action.	Green
Overnight location of staff	No evidence has been submitted on why the origin or workforce has been chosen.	Amber
Staff arrival profile	Agree new assessment methodology. Include relevant controls and monitoring to reflect assessed profiles.	Red
Staff departure profile	Agree new assessment methodology. Include relevant controls and monitoring to reflect assessed profiles.	Red
Survey data	Provide raw survey data.	Red
Link Sensitivity	Provide plan showing link sensitivity to be reviewed.	Red
Hour of greatest change	Provide justification or reasoning for omission of assessment of hour of greatest change or undertake relevant assessment.	Red

ES Methodology	Awaiting addressing of other issues, as above.	Amber
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## **5 Comments on Deadline 4 Submission Document 8.6.6: Transport Assessment Construction Vehicle Profile Data [REP4-006]**

### **5.1 Overview**

5.1.1 This section forms comments on the Applicant's Deadline 4 submission Transport Assessment Construction Vehicle Profile Data [REP4-006]. Whilst the information submitted is potentially helpful, the Councils are awaiting submission of the data provided at Appendix A in excel format, as was understood would be provided, and as would allow for a far quicker review. Once provided the Councils will provide additional comment. This data was requested via email on 21 November 2023.

### **5.2 Comments**

5.2.1 The Council welcomes the submission of this additional information and the Applicants commitment to ongoing dialogue on this matter. As discussed with the Applicant we are hoping to make any specific comments on the use of specific accesses and will do so once we are able to review following provision of the spreadsheet.

5.2.2 Paragraph 1.2.1 indicates that the figures only include construction vehicles and not staff movements, which means that the full use of the accesses cannot be fully understood.

5.2.3 Paragraph 1.2.10 indicates the reasoning for no construction vehicles being allocated to crossing points for the temporary access route. Whilst the logic here is understood, it is still important the Councils understand the relative use of the crossing points in order to understand the relative impact on the highway network.

5.2.4 Paragraph 1.2.10 indicates the reasoning for no construction vehicles being allocated to accesses H-AP5 to H-AP9. Whilst the logic here is understood, it is still useful for the Councils understand the relative use of the accesses in order to understand the relative impact on the highway network. This would help inform considerations around the design of the temporary accesses.

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## **6 Comments on Deadline 3 Submission: Construction Traffic Management Plan (CTMP) [REP3-030]**

### **6.1 Overview**

6.1.1 At Deadline 4 in our submission [REP4-049], The Councils committed to providing any comments on the construction routes, as well as any additional comments to those made in our submission on the CTMP [REP3-030] beyond those submitted in our Deadline 4 submission. Those comments are set out below.

### **6.2 Construction Routes**

6.2.1 For the construction routes within the CTMP [REP3-030] that represent the following:

- Henny Road, Bell Hill, Springett's Hill and Lamarsh Hill on sheet 3 of the construction routes.
- Bures Road to Henny Road shown on Sheet 3 of the construction routes.
- Church Road through Twinstead on Sheet 4 of the construction routes.
- Church Road to Wickham St Paul on Sheet 4 of the construction routes.

6.2.2 It appears that ES Appendix 12.1 – Traffic and Transport Significance of Effects Tables [APP-134], assumes no HGV traffic will utilise these routes, only staff movements; this is noteworthy due to the routes' rural characteristics and narrowness. The CTMP needs to ensure that general HGV traffic does not utilise these routes to access the site. Church Road and Twinstead Road in particular are very narrow, and do not conveniently facilitate any form of two-way traffic with limited potential for passing. Mitigation in the form of passing bays may still be required.

6.2.3 For the construction routes within the CTMP [REP3-030] that represent the following:

- Old Road to Wickham St Paul on Sheet 4 of the construction routes.

6.2.4 The Environmental Statement assumes very low levels of HGV traffic will utilise these routes; this is noteworthy due to the routes' rural characteristics and narrowness. The CTMP needs to ensure that no more than the low levels of HGV traffic identified within the ES uses these routes to access the site and be able to evidence the same. Old Road is very narrow and does not conveniently facilitate two-way traffic with limited potential for passing.

6.2.5 For some of the construction routes, details of the traffic figures have not been identified in ES Appendix 12.1 – Traffic and Transport Significance of Effects Tables [APP-134]. These include Watery Lane, Hedingham Lane, Church Road into Wickham St Paul, and so further clarity is sought on how the impacts on these routes have been assessed. Watery Lane and Clay Hill in particular are very narrow, and do not conveniently facilitate two-way traffic with limited potential for passing. Relevant controls on HGV movements need to be applied to these routes. The Councils have previously requested a plan showing the extent of the routes defined in Chapter 12 of the Environmental Statement to understand their extents.

### 6.3 Comments on Controls.

6.3.1 In combination with the Councils' comments on the Transport Assessment and Chapter 12 of the Environmental Statement set out above, the Councils provided a summary of controls to be included in the Excel spreadsheet to the Applicant on 14 November 2023. These comments were sent on a without prejudice basis.

6.3.2 These controls are summarised in the table below for the ExA's information and consideration.

Vehicle Type	Control	Reason	Parameter	Monitoring
AIL	Evidence of a feasible route to be provided from port of origin to the site for most onerous reasonable load to test highway geometry.	To ensure viable AIL route and identify constraints.	Feasibility to be submitted to PINs for comment	N/A
AIL	Highway structures to be reviewed.	To ensure no limits that prevent access.	Review	Agreement with LHA required.
HGV	Construction routes to be agreed	To avoid use of unsuitable routes	Plans shown at Appendix A of CTMP. Once finalised.	GPS/ DMS
HGV	Daily HGV numbers to be limited on main haul roads.	To ensure values assessed in ES and TA and hence the impact is not exceeded.	Maximum daily trips.	GPS/ DMS

HGV	Timing restrictions for HGV movements (with exceptions).	Limit impacts on communities	Monday to Friday 0600-2000.  Saturday 0600-1400.  With exceptions as listed in the CTMP	Arrival / Departure times on site. GPS or DMS.
HGV	Extraordinary damage	To avoid future dispute.	Agree methodology for monitoring damage	Surveys (CVI / Deflectograph)
HGV	Emissions	Reduce carbon footprint of construction	Ensure proportion of vehicle fleet is compliant with EURO VI	Recording of vehicle emission class.
Workers	Vehicle movements (main site compounds)	To ensure values assessed in ES and TA. Specifically, that shift patterns avoid travel in network peak.		



Works Access	That safe temporary access points can be provided without excessive engineering works or removal of vegetation	Protect safety of road users and minimise environmental impacts.	Requirement - note that this is insufficient in isolation. Suggest AMP	
Works Access	That safe permanent access points can be provided without excessive engineering works or removal of vegetation	Protect safety of road users and minimise environmental impacts.	Requirement and highway agreement. Note different from temporary accesses as must be designed for permanent use.	

#### 6.4 Comments on Additional Evidence

6.4.1 The Councils also provided a summary of additional evidence that would support the submission and address the Councils' queries. That request is summarised in the Table below.

Vehicle Type	Evidence
AIL	Assumed number of AILS and category (i.e. STGO 1 to 3 / Special Order).
AIL	A route analysis
AIL	A review of highway structures
HGV	Access Routes
HGV	Calculation of construction movements based on activities and materials.
HGV	Vehicle swept paths for bellmouth
HGV	Distribution profile across the day

Workers	How total workforce has been estimated
Workers	How crew van occupancy has been calculated
Workers	Arrival departure profiles
Other	Duration of road closures and sequence
Other	Duration of PROW closures and sequence

**7 Comments on Deadline 4 Submission Document 8.6.2.3: Applicant's Written Summaries of Oral Submissions to Issue Specific Hearing 3 [REP4-050]**

**7.1 Overview**

7.1.1 This section forms a response to the Applicant's written summary of their oral submission to Issue Specific Hearing 3, where a response was deemed appropriate.

**7.2 Comments on Applicant's Written Summaries**

7.2.1 The response to the Applicant's submission has been set out in the Table below.

Issue Discussed	Applicant's Summary of Oral Case	Essex County Council's (as the Local Highway Authority) Comments
3.1 Local Impact Reports and the Transport Assessment		
<p>Clarification sought on the position of the Local Highways Authorities (LHA) in regard to the Transport Assessment [APP-061]</p>	<p>The Applicant confirmed it continues to welcome engagement with the LHA (Suffolk County Council 'SCC' and Essex County Council 'ECC', collectively referred to as 'the Councils'). This includes a continuation of fortnightly meetings between the Applicant and the Councils, where highways matters are discussed. At the meeting on 1st November (the week before the hearing) the Applicant had agreed to provide the Councils with construction traffic numbers per proposed access and GIS/CAD files to enable the Councils to review each proposed access point in further detail. [Post hearing note: The construction traffic numbers have now been provided and have also been submitted into the Examination as <b>document 8.6.6.</b>]</p>	<p>The Council notes the submission of the figures in [REP4-006]. The Council has responded separately to that submission document below.</p>

**4.1. Control Measures for Staff Numbers, Shift Patterns, Staff Vehicles and the Construction Traffic Management Plan (CTMP)**

The assessment on staff numbers and the control of these numbers

The Applicant confirmed the number of staff assumed in the Transport Assessment [APP-061] and Environmental Statement (ES) Chapter 12: Traffic and Transport [APP-080], a peak of 350 staff (in August 2025) and an average of 180, is a reasonable worst-case scenario. The staff assumptions have been developed by an experienced contractor who has worked on many similar projects. Significant contingency has been worked into the forecast during the development of the Transport Assessment (TA) and ES Chapter 12, as set out in the written record of Issue Specific Hearing 1 [REP1-024]. It is therefore very unlikely that the number of staff required on-site will exceed the assumptions in the TA and ES. However, it was clarified by the Applicant that the TA and ES assess a reasonable worst case, those documents are not designed to capture the impact of improbable or unlikely eventualities. There is

The Council is yet to see any evidence submitted that confirms that the figures assessed are a worst case.

No evidence has been submitted that the working hours are standard practice. Only evidence submitted that the working hours have been used in other DCO submissions. If these are the working hours then the assessment has not been based on the hour of greatest change, as per The Councils response at Deadline 4 [REP4-049].

The Council are not stating that there should not be any flexibility in controls, just management processes are built in to minimise any short-term additional impacts.

	<p>therefore a need to retain some flexibility for the main works contractor to respond to these eventualities, which is particularly crucial given that the project programme is built around fixed network outages, which means there is limited scope for programme slippage. It is therefore the Applicant's view that it is impractical to place limits on the number of staff that the main works contractor can use to deliver this urgent Nationally Significant Infrastructure Project (NSIP). The main works contractor needs to have the flexibility to respond to improbable eventualities</p>	<p>Such as in the event of a period where work could not be undertaken due to weather events etc that an assessment of an increased short-term impact on the local highway network of the additional traffic was undertaken, and any management measures, such as controls on peak hour HGV movements or increased car sharing were put in place to respond to these short-term effects.</p>
<p>Clarification on shift patterns and the proposed working hours</p>	<p>SCC asked if shift patterns can be secured. The Applicant responded that the assumption used in the assessment is 7am-7pm weekday working hours, which means that most construction staff would not be travelling during peak hours. The Applicant noted that the proposed working hours used</p>	<p>The Council is yet to see any evidence submitted that confirms that the figures assessed are a worst case.</p> <p>No evidence has been submitted that the working hours are standard practice. Only</p>

	<p>in the TA and ES are standard practice for a project of this nature and have also been applied to other recent National Grid projects including the Hinkley Connection (7am-7pm weekday working hours). In addition, other nearby NSIPs have also assumed similar hours. For example, the Lower Thames Crossing (LTC) project currently going through Development Consent Order (DCO) Examination assumes similar working hours as set out in section 6.4 of the Code of Construction Practice [REP6-038 of the LTC Examination Library]. In addition, the A12 Chelmsford to A120 Widening Scheme that went through DCO examination earlier in 2023 also includes working hours of 7.30am to 7pm in the week and extended working hours of 7am to 9pm during summer months as set out in section 6.2 of the Outline CTMP [REP6-054 of the A12 Examination Library]. In each of these latter two examples, a site set-up hour immediately before specified working hours and a close-down hour immediately after was also assumed. It was clarified by the Applicant that, based on</p>	<p>evidence submitted that the working hours have been used in other DCO submissions. If these are the working hours then the assessment has not been based on the hour of greatest change, as per our response at Deadline 4 [REP4-049].</p> <p>The Council are not stating that there should not be any flexibility in controls, just management processes are built in to minimise any short-term additional impacts.</p> <p>Such as in the event of a period where work could not be undertaken due to weather events etc that an assessment of an increased short-term impact on the local highway network of the additional traffic was undertaken, and any management measures, such as controls on peak hour HGV movements or increased car sharing were put</p>
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	<p>the above evidence, the TA and ES assess a reasonable worst case. However, as per the response above, those documents are not designed to capture the impact of improbable or unlikely eventualities. There is therefore a need to retain some flexibility for the main works contractor to respond to these eventualities, which is particularly crucial given that the project programme is built around fixed network outages, which means there is limited scope for programme slippage. It is therefore the Applicant's view that it is impractical to place further limits on main works contractor working hours beyond those set out in Requirement 7 of the draft DCO [REP3-007]. The main works contractor needs to have the flexibility to respond to improbable eventualities</p>	<p>in place to respond to these short-term effects.</p>
<p>Clarification on the term 'minibus' and staff vehicles used</p>	<p>The Applicant confirmed 'crew van' is a more accurate description of the vehicle in question than 'minibus'. These are staff welfare crew vans with an average occupancy of four to six persons. For assessment purposes in the TA</p>	<p>The Council welcomes the clarification regarding the crew van.</p>

	<p>and ES an average occupancy of four staff per van has been assumed, which is at the lower end of the occupancy range quoted, and that 70% of staff would use crew vans to travel to and from construction sites. The assumption related to 70% use of crew vans is based on their use being standard practice on a project of this nature, as advised by an experienced contractor who supported the development of the application for development consent. The Applicant also noted that many contractors on projects of this nature implement policies preventing workers from driving personal cars to site. In the TA [APP-061] it has been assumed as part of a precautionary assessment that 30% of staff would drive their own vehicle to site with an average occupancy of one staff member per vehicle. This therefore can be seen as a reasonable worst-case scenario, particularly if the main works contractor implements a policy of preventing staff from bringing their own vehicles to site. As per earlier responses however, the TA and ES are not designed to capture the impact of</p>	<p>No evidence has been submitted that supports the 70% assumption nor any controls within the CTMP that will ensure it is delivered.</p> <p>As per the Council's submission at Deadline 4 [REP4-049], mainly as a result of the two assumptions around car share and staff travel times, the peak figure of 528 staff is assessed as 32 peak hour vehicle movements, which is a reason why a traffic impact has not been identified.</p> <p>It is difficult to see how this can be considered a <i>worst case</i> assessment.</p>
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	<p>improbable or unlikely eventualities. There is therefore a need to retain some flexibility for the main works contractor to respond to these eventualities, which is particularly crucial given that the project programme is built around fixed network outages, which means there is limited scope for programme slippage. It is therefore the Applicant's view that it is impractical to place limits on the main works contractor use of crew vans, or requirements to achieve specific targets in terms of vehicle occupancy (noting that aspirational targets are being included in the CTMP [REP3-030]. The main works contractor needs to have the flexibility to respond to improbable eventualities</p>	
<p>The progress of the CTMP</p>	<p>The Applicant confirmed the intention to make the CTMP a final document during the Examination. The Applicant noted that discussions with the LHA were ongoing and that the Applicant has been working to accommodate requests from the LHA where reasonably practicable to do so. The recent inclusion of HGV routes in Appendix A of the CTMP</p>	<p>The Council welcomes the inclusion of the construction routes within the CTMP.</p> <p>The Council maintains its position as set out at Paragraph 21.1.4 of our Deadline 4</p>

	<p>submitted at Deadline 3 [REP3-030] was cited as an example. In response to the Councils, the Applicant then generally reiterated the importance of retaining flexibility to respond to unforeseen events (for example, extreme weather preventing access to site). It was noted that the project programme needs to be met. The Applicant agreed to continue dialogue with the Councils and other consultees to seek to accommodate concerns where appropriate</p>	<p>Response [REP4-049] that there should be a further iteration of the CTMP, when more information is available from the contractor for discharge by the Highway Authorities.</p>
<p><b>5.1. The Need for Proposed Temporary Traffic Restrictions</b></p>		
<p>The proportionality of need for the proposed restrictions provided for in the DCO</p>	<p>The Applicant confirmed it considers the proposed restrictions are required and considered helpful for the safe delivery of the project. The Applicant clarified these are waiting restrictions, rather than parking restrictions. Discussions are ongoing with the Councils to ensure the use of the restrictions is appropriate, with all parties committed to continued discussions.</p>	<p>Agreed there is also the reference to ‘stopping up’ which is considered to be the incorrect terminology. The Applicant has suggested this has now been changed but ECC have been unable to verify this. It has been suggested that the Applicant seeks a specific meeting with ECC to discuss their strategy for the Temporary Traffic Restrictions to provide greater clarity to ECC.</p>

**6.1. Proposed Access Points, Bell-mouths and Access Tracks and Roads, Including the Haul Road from the A131 and the 'Hybrid' Solution Raised by Pebmarsh Parish Council and Others**

The ExA asked the Applicant to provide a summary of the reasons for access point ABAP5

The Applicant confirmed that prior to submission of the application a generic bell-mouth and standard visibility splay were considered for assessment purposes and to inform the Order limits. AB-AP5 [APP-012, sheet 2] would be a temporary access point for the construction of overhead line pylon RB-4 [APP-010, sheet 2]. The Applicant noted the access point is an existing farm access and would be infrequently used. Use would be for three periods, with dates provided indicatively: in November/December 2024 to upgrade the access, returning in March-May 2025 for construction activities, and June 2026 for demobilisation. The Applicant summarised AB-AP5 was chosen as it is an existing and infrequently used access, reducing disruption, and provides access to pylon RB-4. Limited improvements to visibility would be needed for the vehicle types using this access

No Comment.

<p>The use of AB-AP5 and the alternative of access point AB-AP4</p>	<p>The Applicant clarified its preference for AB-AP5 due to the re-use of existing infrastructure and to minimise the impact on agricultural activities. However, if an appropriate access design cannot be agreed with the LHA, then the open field can be used to install a new access at AB-AP4 [APP-012, sheet 2]. Vehicles using the access would typically be normal road vehicles, consisting of cars, vans, Large Goods Vehicles and Heavy Goods Vehicles. As outlined in the TA [APP-061], the frequency of vehicles would be two to four movements a day over the period of November-December 2024, to an approximate total of 210 vehicles during this period. There would be a crane coming in one visit for the construction of RB-4. The ExA asked under what circumstances the alternative access AB-AP4 would be used. The Applicant stated that this would be an alternative if an access could not be designed that satisfied the LHA in terms of delivering a safe access with sufficient visibility and that can be delivered without unacceptable</p>	<p>No Comment.</p>
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	impacts on existing vegetation. If the LHA (SCC) did not consider the AB	
Flexibility in design of AB-AP5	<p>In respect of the Applicant seeking Class 4 rights in perpetuity, the Applicant outlined that long-term occasional maintenance access may be required after construction, but it would be infrequent. Given that access during operation of the project would be very infrequent, this would be reflected in the design of the access, with the assumption that a less onerous design (with less vegetation loss) may be accepted compared to the design for the construction period. Therefore, even if AB-AP5 is not used during construction, it would likely be used during operation to prevent long term access being required across the agricultural field from AB-AP4. The Applicant noted that the alternative access AB-AP4 provides the flexibility requested should AB-AP5 be unable to be used during both construction and operation.</p>	No Comment.

Vegetation and visibility	The Applicant will endeavour to reduce the impact on the private land to the south of AB-AP5. The Applicant stated it does not need the land for physical works, but for visibility splays. It is a question of how much work is to be done to the trees to achieve the required sight line for road worthy vehicles and if that is considered acceptable.	No Comment.
The design of proposed access point AB-AP5	The Applicant noted that further work could be carried out to establish what is feasible and practicable at this location. The Applicant noted the role of further design work, as identified in document 8.6.3, ISH3 Action Point 2. The Applicant noted that if the impact of sight lines was unacceptable, then AB-AP5 would not be used and the alternative AB-AP4 would be employed.	No Comment.
<b>6.2. Any Other Matters Arising from the Responses to the Examining Authority's First Written Questions</b>		
The submission of REP3- 005 by the Applicant	The Applicant noted the revision updates a drafting error, which gave the incorrect impression of where the visibility is typically measured to. The Applicant considered this to	The Council have no additional comments on the updated plan.



	<p>be a general worst-case scenario in respect to left and right visibility, with measures to be applied dependent on-site specific constraints</p>	<p>As set out in our Deadline 4 Response [REP4-049]. The Council are seeking assurances that the access is deliverable, particularly that visibility can be achieved to reflect road speeds. It would be beneficial if details on the parameters used for the 'worst case' design that was applied could be provided. ECC need assurances that an access is deliverable within the DCO red line to required standards with a Stage 1 Road Safety Audit and a Designer's Response.</p>
<p><b>7.1. The Significance of Effects on WCH in Terms of Journey Length</b></p>		
<p>The assessment of the receptors in Table 2.1 of ES</p>	<p>The Applicant confirmed the assessment was initially desk-based, involving the identification of particular facilities in the vicinity of each affected Public Right of Way (PRoW) and the types of users likely to be present on the PRoW,</p>	<p>The Council provided comments on our position regarding the assessment of impacts on WCH within the public highway in our Deadline 3 Response [REP4-049]. The</p>

<p>Appendix 12.1 [APP-134]</p>	<p>based on the location of those facilities. For example, if a route is next to a school, then it is assumed to be potentially used by vulnerable users such as school children, in which case it would be allocated a higher sensitivity rating. The Applicant also noted that PRow surveys were also completed at various points throughout the study area. It was noted that particularly the 2023 PRow surveys (detailed in Appendix C of the Applicant's Response to Issue Specific Hearing 1 Action Points [REP1-034]) covered all routes with expected individual closures of longer than four weeks, and all routes allocated a sensitivity rating of 'Moderate' or above. These surveys recorded usage by different categories of user (including elderly people and children), which were then used to verify the assessment of sensitivity included in the application</p>	<p>Council have not agreed a sensitivity of links assessed on the highway and remain concerned with elements of the assessment as set out.</p>
<p>The phrase 'no notable' used in Table 2.1</p>	<p>The Applicant confirmed that the phrase 'no notable' (as used in Table 2.1 of ES Appendix 12.1 [APP-134]) was used during the process of allocating sensitivity ratings to</p>	<p>No comment.</p>

	<p>affected PRow. The phrase is used where the Applicant has looked in the vicinity of the route and determined that there are no notable facilities that are likely to generate significant activity on the route in question</p>	
<p><b>7.2 Public right of way closures and diversions, and their sequencing</b></p>		
<p>Diversion lengths and period of route closure</p>	<p>The ExA noted that some diversion lengths quoted in Table 2.1 in ES Appendix 12.1 ranged from 1.6km to 6.5km and were associated with significance of effect values of ‘neutral’ or ‘minor’. The Applicant was asked to explain the rationale for these values and the considerations factored into the assessment. The Applicant confirmed the starting point for assigning magnitude of impact in the assessment of WCH journey length is the length of the diversion – the distance thresholds used to define magnitude of impact are set out in ES Appendix 5.4 [APP-096] and any diversion of 1.6km or longer would be in the highest category of impact. However, the Applicant also noted that the assessment was amended to account for the duration of individual closures</p>	<p>No Comment.</p>

	(noting that EIA guidance informing the thresholds in ES Appendix 5.4 covers permanent impacts as well as temporary impacts) and the likely number of users affected, with reference to the aforementioned desktop review of land-use in the vicinity of each route and the PRow survey data. [Post hearing note: Subsequent to the hearing, the Applicant would also note that a high magnitude of impact category does not automatically result in a significant effect, as the latter is also determined based on receptor sensitivity in line with EIA guidance.]	
PRow Management Plan	The Applicant submitted a PRow Management Plan at Deadline 3 [REP3-056]. The PRow Management Plan has been added as a fifth management plan in Requirement 4 of the draft DCO [REP3-007].	The Council welcomes submission of the plan and provided comments at Para 20.1 of our Deadline 4 submission [REP4-049].
<b>8.1. Extraordinary Traffic</b>		

<p>Section 59 of the Highways Act 1980</p>	<p>SCC considered the project potentially capable of damage caused to the route via 'extraordinary traffic'. SCC suggested a side agreement to avoid any potential of needing to employ the process set out in s.59 of the Highways Act 1980. The Applicant noted that s.59 is an existing statutory provision allowing for such circumstances, and hence the Applicant submitted that it is not necessary to replace that provision. The Applicant has already committed to carrying out condition surveys of the roads in the Construction Traffic Management Plan [REP3-024]. The Applicant is happy to share survey data but does not agree with the suggestion that s59 needs to be replaced by a side agreement.</p>	<p>The SCC approach seems reasonable and is supported.</p>
<p><b>8.2. Update on the Position of the Road Safety Audit</b></p>		
<p>The ExA asked the Applicant to provide an update</p>	<p>As raised at Issue Specific Hearing 1, the Applicant can agree to undertake a Stage 1 audit at the end of Preliminary Design and a separate Stage 2 Detailed</p>	<p>It is the view of ECC that Stage 1 Road Safety Audits and designer's responses should be provided as part of the DCO. The nub of this</p>

<p>on the position of the Road Safety Audit</p>	<p>Design at the detailed design stage, or as in many well precedented cases for minor highway works, a combined Stage 1/2 audit at the end of the detailed design stage. The Applicant will continue to discuss the most appropriate timing for audits and the accesses that may require them (as infrequent maintenance accesses may not) with the LHAs in the regular highways meetings. [Post hearing note: The Applicant has included additional drafting in Requirement 11 that explicitly requires the Applicant to undertake road safety audits of the highway works authorised by the order (document 3.1 (D) submitted at Deadline 4). This provides reassurance that these audits will be undertaken.]</p>	<p>issue is that there is a disparity between the information being provided at the DCO stage by the applicant and what the HA think should be included in the DCO. Preliminary design information should be available now for each access location which in turn with dictate the red line boundary of the DCO and this should be the subject of a stage 1 RSA. This is particularly important for the A131 access and the minor road crossing points as a minimum.</p>
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## **8 Comments on Deadline 4 Submission Document 8.5.5 Technical Note on Temporary Access Route off the A131 [[REP4-014]**

### **8.1 Overview**

8.1.1 This section forms a response to the Applicant's deadline 4 submission Technical Note on Temporary Access Route off the A131 [REP4-014].

### **8.2 Access and Visibility**

8.2.1 The intention to provide a ghost island junction to accommodate right turning traffic is considered to be acceptable in principle.

8.2.2 At paragraph 6.1.3, the Applicant suggests that initial design work has been carried out and suggests that Option 2a provides the ability to design a safe, accessible junction. However, no details to support this are contained within the technical report and have not been seen by ECC. The A131 junction has been on the agenda at several of our highways meetings and it is essential that as part of the DCO ECC are provided with the information to be able to agree that this A131 access and haul road crossing point can be provided safely, to this end details of the initial design, including visibility splays supported by speed data and a stage 1 road safety audit and designers response should be submitted to ECC.

8.2.3 Appendix A contains details of the proposed works and access points, haul road etc on a coloured OS base. Drawing AAA\_BTT\_TAR\_TN\_Fig 1\_1 Rev 0 is much easier to read than many other plans contained in the DCO submissions. Is a similar plan available for all of the works located in Essex?

8.2.4 With reference to Drawing AAA\_BTT\_TAR\_TN\_Fig 1\_1 Rev 0 and based on ECC's recent site visit there are concerns regarding visibility at the following locations:

- H-AP16 and H-AP17,
- H-AP14 and H-AP15,
- H-AP10 and H-AP11,
- G-AP11 and G-AP12.

8.2.5 This list is not exhaustive, but reflects the obvious locations where visibility is of concern, and this may not have been taken into account when forming the DCO limits.

### 8.3 Routing Options

8.3.1 The Councils welcome the additional work which has been carried out by National Grid to explore the alternative options put forward by the local farmers, in terms of accessing the Stour Valley West Cable Sealing End Compound. It is mentioned that options 3d and 2e would in part, not be suitable (or preferred) as they would provide insufficient manoeuvrability for AIL's – however the document doesn't contain the analysis which shows the swept paths of said AIL's to evidence this assertion. Is such evidence available to be presented so that the ExA can satisfy itself of the Applicants claims? In any case, The Council's trust that the ExA will review the findings carefully and listen to any further feedback provided by the local farmers.