



Bramford – Twinstead:

**Deadline 6 Response:**

- Post Hearing Submissions for CAH2, ISH5 and ISH6
- Comments on Applicant responses to Deadline 4 Submissions
- Comments on any other Documents

Braintree District Council (20041141) &

Essex County Council (20041299)

**PINS REFERENCE: EN020002**

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## **1        Glossary of Abbreviations**

AIL – Abnormal Indivisible Load

BDC – Braintree District Council

BMSDC – Babergh and Mid Suffolk District Council

BNG – Biodiversity Net Gain

CAH – Compulsory Acquisition Hearing

CEMP – Construction Environment Management Plan

CiFA - Chartered Institute for Archaeologists

CoCP – Code of Construction Practice

CSE – Cable Sealing End

CTMP – Construction Traffic Management Plan

dDCO – Draft Development Consent Order

DMRB – Design Manual for Roads and Bridges

ECC – Essex County Council

EIA - Environmental Impact Assessment

ES – Environmental Statement

ExA – Examining Authority

FWSI - Further Written Scheme of Investigation

GEART – Guidelines for Assessment of Road Traffic

GSP – Grid Supply Point

HGV – Heavy Goods Vehicle

HEMA – Institute of Environmental Management and Assessment

ISH – Issue Specific Hearing

LEMP – Landscape Environmental Management Plan

LHA – Local Highway Authority

LiR – Local Impact Report

LGV – Light Goods Vehicle

LPA – Local Planning Authority]

NG – National Grid

NSIP – National Strategic Infrastructure Project

OL – Order Limits

PPA – Planning Performance Agreement

PROW – Public Right of Way

PROWMP – Public Right of Way Management Plan

PWSI – Published Written Scheme of Investigation

PXA – Post Excavation Assessment

RAG – Red, Amber Green

SRN – Strategic Road Network

SCC – Suffolk County Council

TA – Transport Assessment

TCPA – Town and Country Planning Act

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 post hearing submissions on Compulsory Acquisition Hearing 2 (CAH2), Issue Specific Hearing 5 (ISH5) on the dDCO and Issue Specific Hearing 6 (ISH6) on Highways and Transportation matters.
- 2.1.2 The report also provides comments on responses made by the Applicant [REP5-025] on the Council's deadline 4 response [REP4-049], as well as any other relevant Deadline 5 submissions.
- 2.1.3 Finally, the report provides any comments which The Council's deferred in their Deadline 5 response.
- 2.1.4 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 Post Hearing Submissions - CAH2**

#### **3.1 Summary**

- 3.1.1 The Councils did not make an oral submission at the CAH2 Hearing, however the commitment by the Applicant to provide swept path analysis for the alternative access routes (from the A131) at Deadline 6 is welcomed. The Council will review swept path analysis and comment if necessary by Deadline 7.

## **4 Post Hearing Submissions – ISH5 (dDCO)**

### **4.1 Overview**

4.1.1 This section of the report focuses on post hearing submissions pertaining to the dDCO which was discussed at Issue Specific Hearing 5 (ISH5). The report format will broadly follow the published agenda for this hearing.

### **4.2 Item 3 - Review of Applicant's Schedule of Changes to the draft DCO**

4.2.1 The Councils consider that the changes made to the dDCO at Deadline 4 and Deadline 5 are minor, and do not go far enough to address the concerns previously raised by The Councils in our Local Impact Report (LiR) REP1-039 and various subsequent submissions REP5-031, REP4-049, REP3-061, REP2-009.

4.2.2 That said, The Councils welcome the additional restriction on percussive piling on Sundays and Bank holidays. This is discussed further in Item 4 of this response. The Councils also welcome the additional wording to Requirement 11 to ensure that detail for all new/temporary accesses are submitted and approved prior to their instillation.

### **4.3 Item 4 (1) - Explanation of assumptions when undertaking the EIA in relation to construction working hours and alternate working weekends**

4.3.1 The Councils have previously submitted that the EIA submitted with the application should be considered in parallel with other detailed considerations and not be the sole determining factor when considering the impacts of the development.

4.3.2 In this case, while the development was overall not deemed to have significant residual environmental effects in relation to noise and vibration, The Councils continue to submit that consideration must be given to what is reasonable in terms of hours of construction. Noise and vibration at sensitive times, both from construction activities and HGV's, would be highly disruptive to those neighbouring properties and other users of the countryside.

- 4.3.3 In some form of recognition, the Applicant has committed in principle to only working alternative weekends, as well as a new restriction to avoid percussive piling on Sundays and Bank Holidays. These concessions are welcomed by The Councils. However, The Councils submit that, in order to be given weight by the ExA, there needs to be a stronger embedded measure to ensure that alternative weekend working is adhered to in most circumstances. This is particularly important given that the development would be built out by a contractor and not the Applicant themselves. The Councils consider it is not correct that a contractor leads discussions on this but complies with the controls as are stipulated within the DCO, should Consent be granted.
- 4.3.4 While it is appreciated that the Applicant has some difficulty in explicitly stating this within the dDCO owing to needing to retain flexibility in meeting the outage windows, The Councils submit that further refinements are required to Control Documents and/or requirements to be able to better be able to ensure that this concession is adhered to by a contractor.
- 4.3.5 The Councils are open to continue discussions with the Applicant in order to try and appropriately deliver the alternative weekend working concession as far as possible.
- 4.4 Item 4(2) - The relationship of baseline construction schedule and critical path analysis and associated implications for the draft DCO
- 4.4.1 The Councils welcome the ExA's questioning into the Critical Path Analysis. The Councils have no comments to make on the Critical Path Analysis specifically at this time, however we will review the information provided by the Applicant in response to the ExA's queries at an appropriate deadline and comment accordingly, if necessary.
- 4.4.2 In terms of more general comments on the Applicants construction programme, we are told that this is entirely necessary to hit outage windows, with 12-hour construction days (14 hours including the start-up and wind

down allowances), nighttime working where required and Sunday/Bank Holiday working.

- 4.4.3 This programme, with the extensive working hours, is far beyond what would ordinarily be accepted by The Councils as reasonable working hours. The Councils usual working hours are set out in Paragraph 17.4.6 of the Council's LiR [REP1-039]. Notably the working hours exclude working after 1pm on Saturday and no working on Sunday and Bank Holidays, to allow much needed respite for residents at these more sensitive times.
- 4.4.4 Notwithstanding this, The Councils are committed to working with the Applicant to try and reduce the impact of the development as far as possible on affected residents and users of the countryside. As set out in the hearing, a table has been provided by the Applicant on what they consider to be the most likely affected residents. The Councils are however awaiting a plan at the time of writing to underpin this table, before we are able to agree or disagree with the list.
- 4.4.5 The purpose of providing this detail is for the Applicant to try and see if further concessions in terms of more restrictive working could be provided near these locations. The Councils welcome this approach in principle, but consider that further concessions would be required as properties near the order limits are not the only ones affected; users of the countryside (horse riders, walkers, cyclists etc), as well as those near the haul routes, would also be impacted by the development from movements of HGV's and AILs.
- 4.4.6 The Council submits that in order to further reduce the impact of the development, it would be entirely appropriate to at least restrict HGV deliveries on Saturday PM, Sundays and Bank Holidays. The Applicant at the hearings submitted that this would not be necessary as there wouldn't be many HGV movements; however, The Councils are not satisfied with this response and ask that further modelling to be done to determine whether this

additional restriction can come in, without prejudicing the delivery of the project and meeting the outage windows.

4.4.7 If the HGV restrictions can be imposed, and further restrictions placed near to those properties which would be most affected by the development, then in combination with alternative weekend working (if can be appropriately secured) and no percussive piling on Sundays and Bank Holidays, The Councils would likely re-consider their current objection to the working hours proposed. However, without these additional concessions, The Councils would have no choice but continue to maintain their objection to the proposed working hours.

4.5 Item 4(3) - Clarification of whether draft Requirement 7 - construction hours - would apply to 'pre-commencement' operations defined in Article 2(1)

4.5.1 The Councils consider that the construction hour restrictions, as well as good practice measures in the CoCP, should apply to all development associated with the application, irrespective of whether some activities are excluded from the commencement of development.

4.5.2 The Applicant provided reassurance at the hearing that the construction hours would apply to these 'pre-commencement' operations. Upon hearing the discussion from the hearing, and further assessment following the hearing, The Councils agree that this does need to be made more explicit within Requirement 7, and/or Article 2(1).

4.5.3 The Councils would also take this opportunity to reiterate our concerns about the list of activities which are excluded from commencing development. This is set out in Item 8 below.

4.6 Item 4(4) Other associated issues arising from Deadline 5

4.6.1 The Councils do not wish to comment on this particular agenda item, other than those comments in Section 7 of this report which cover responses by the Applicant on the Councils deadline 4 submission.

4.7 Item 5 - Implications for the Councils of draft Article 53 – safeguarding

4.7.1 The Councils note Suffolk County Council (SCC)'s comments on Article 53, setting out that it is not a standard provision. The Councils can see the rationale of the Applicant to ask for such a provision, to protect their assets. Presumably this would be especially prevalent for areas of underground cable where it is less obvious that infrastructure of this nature exists.

4.7.2 The Councils can update their mapping software to plot the order limits, providing that GIS shapefiles / coordinates are provided, to enable consultation to the Applicant should any applications be received in the affected area. There would likely be a small cost to this, as well as registering the land on the local land charge. Should the ExA agree with this provision, the Councils would expect that any expense spent on updating mapping and land charges is suitably covered.

4.7.3 This matter is considered further in dDCO matters - DC1.6.60 in Section 6.

4.8 Item 6 - Perceived problems with control documents/ management plans

4.8.1 The Councils have no comments to add to our joint submission with SCC and Babergh & Mid Suffolk District Councils on this matter. The Councils would welcome any questions the ExA has in regard to these submissions at ExQ 2.

4.9 Item 7 - Temporary construction compounds

4.9.1 REP3-024, Table 4.1, appears to list the locations of the construction compounds which would be used during the construction phase of the development. The list in Table 4.1 appears to corroborate with the compound locations shown in APP-018.

4.9.2 The Councils will reserve judgement on the locations of the temporary construction compounds until such time as a map has been provided by the Applicant, detailing those properties they consider to be most affected by the development.

4.9.3 Item 7, point 2, asks if the Local Authorities are satisfied that there is sufficient control over the siting of the compounds. The Councils consider that there is still a lack of clarity around the temporary construction compounds, thereby a lack of sufficient control on the compounds at this time.

4.10 Item 8 - 'pre-commencement operations' [REP4-049 page 39-dDCO section 21.2.3]

4.10.1 In our LiR (REP1-039 Paragraph 21.2.2), The Councils originally requested removal of the following works from the definition of pre-commencement operations; -

*'construction compounds, temporary accesses, erection of any temporary means of enclosure or temporary demarcation fencing marking out site boundaries'.*

4.10.2 There is a stalemate; the Applicant do not want to amend their definition of pre-commencement works to exclude the above operations. The Councils consider that these operations have potentially significant environmental impacts, not least since the relevant detail is unlikely to be available until after the main works contractor has been appointed. There are particular concerns about the temporary accesses.

4.10.3 The parties' respective positions have been set out previously in full REP 1-039; REP 3-050; REP 4-049 REP 5-025.

4.10.4 A review of most recent confirmed linear DCOs below did show some precedent for construction compound set up works / temporary means of enclosure being classified as pre-commencement operations; there was minimal precedent for temporary accesses being carved out of the definition of works which trigger commencement, as a pre-commencement operation - or equivalent.

*A47DCO 17/2/23;*

*A57 Missing Link DCO Nov 2022;*

*A417 Missing Link DCO Nov 2022;*

*A47-A11 Thickthorn DCO Oct 2022;*

*A47 N Tuddenham to Easton DCO August 2022*

- 4.10.5 NG cited the following DCOs as support for their inclusion of these works in the definition of pre-commencement operations:

*A428 Black Cat August DCO 2022 includes in the definition of pre-commencement works erection of temporary means of enclosure and construction compound set up;*

*A417 Missing Link DCO Nov 2022 carves out erection of temporary means of enclosure, set up works associated with construction compounds (inc the provision of access points) from the definition of commence...*

*A1 Birtley to Coalhouse DCO confirmed carves out the erection of temporary means of enclosure from the definition of commencement.*

- 4.10.6 There is limited precedent to support the inclusion of temporary access in particular within pre-commencement operations. That said, The Council's do note the amended Requirement 11 in the dDCO which clarifies that these accesses will still need consent even if they don't trigger the commencement of development. However, given that a temporary access would allow for development to commence in general terms, in The Councils view there is no reason for this to be excluded.

4.11 Item 9 - Local authorities' suggested amendments to the draft DCO

- 4.11.1 The Councils response to this Item will focus on bullet point 2 as this specifically relates to the requirements put forward by The Councils.



- 4.11.2 In terms of initial signposting to provide background, Paragraph 21.5.10 of LiR [REP1-039] sets out consideration to a number of potential requirements. Appendix 3 of Deadline 3 response (REP3-061) sets out suggested wording for some requirements. Justification and need for the listed requirements were set out in The Councils Deadline 4 response REP4-049, Item 5, page 54-57.
- 4.11.3 In terms of need, The Councils would only reiterate that it was trying to assist the ExA in identifying where additional requirements may be necessary when compared against other NSIP schemes e.g. (Hinkley Point C and Brechfa) which have an element of electricity transmission.
- 4.11.4 Since the Councils Deadline 4 response (REP4-049), the Applicant has responded in kind in REP5-025, page 113 onwards. As such, The Councils will use this submission document to respond to their points for the ExA's deliberations.

**New Requirement: Control of Light**

- 4.11.5 There are various different equipment types, each with their own lighting requirements (or not). These are broken down below:
- 4.11.6 Grid Supply Point (GSP) - In summary, the Applicant states that there would be permanent lighting on the GSP, however that this would be sensor operated only, and that a Requirement is not required to cover the details of this lighting. The Councils consider that lighting details should be included either now at this stage, or by Requirement, especially owing to the fact that it would be a permanent lighting solution. The Councils would need to be satisfied that such lighting would not have a detrimental impact on dark landscape and nature conservation. Indeed, a Condition was placed on the TCPA consent Application 22/01147/FUL requiring lighting detail, as well as any lighting proposed to be installed during construction. The Councils consider that the same information could be submitted to satisfy a requirement to do with lighting on the GSP.

- 4.11.7 Cable Sealing End (CSE) Compound – In summary, the Applicant states that no lighting is required at the CSE Compounds. If lighting were required, that this would be brought onto the site. Owing to this clarification, The Councils do not wish to add any further comments in this regard.
- 4.11.8 Construction Compounds – In summary, the Applicant states that there is no need for lighting detail to be submitted for the construction compounds; that they would not be heavily lit and would be carried out in accordance with Requirement 4 (linked to good practice in the management plans). In this case, The Councils understand the Applicants position, however we still have concerns as mains works contractor yet to be appointed and while the applicant says it won't be heavily lit, they would not be the ones lighting the construction compounds, and there a significant proportion of nighttime working that is currently being proposed (especially in winter months). As such, the Councils submit that providing further lighting details would assist in reducing any impacts, both on ecology and amenity, especially for the main works compound, which will be established across a number of years.

**New Requirement: HGV Traffic**

- 4.11.9 In summary, the Applicant states that this requirement was only applicable for a nuclear power station. This NSIP development is not same scale and thus the Requirement would not applicable, and moreover, other similar transmission projects not restricted in the same way.
- 4.11.10 The Councils agree that the scheme is materially different to a nuclear power NSIP and indeed, different construction processes apply to each project. However, it is considered that there is a real need to restrict HGV movements on Sundays and BH to allow respite for residents as stated in Item 4 of this Section, especially if the working hours are accepted by the ExA. As such, perhaps the requirement could be amended in that way to better protect amenity from HGV movements. Overall, the Council maintain is position that

a Requirement of this nature would be necessary on this project as it is in a quiet rural location.

**New Requirement: Complaint Handling**

- 4.11.11 In summary, the Applicant states that project website is where a person would look and see latest copy of the management plans and details to complain. Furthermore, the Applicant states that additional documents will cause confusion. Finally, in terms of updating the LPA if any complaints were received, the Applicant state that the planning authority know would only be notified on a case-by-case basis if a complaint is more significant.
- 4.11.12 The Councils submit that the project website might not be able to be accessed by all, or indeed be clear where to look for information to complain. The Councils consider that there should be consideration of a bespoke letter sent to residents, to set out the complaint's procedure for the avoidance of any doubt or confusion.
- 4.11.13 The Applicants are already committing to a Community Liaison meeting. The Councils consider that this would be a good way to help address concerns, providing they aware of such meeting (therein the point above).

**New Requirement: External Appearance**

- 4.11.14 In summary, the Applicant states that the designs are not going to change much and industrial in nature anyway and say in any case that matters concerning the final design of transmission infrastructure should not be a matter for the LPA to approve. Furthermore, such provisions are already governed by legislation and guidance and covered by requirement 4. A further requirement would be unnecessary, they submit that it would be inappropriate for LPA to become determining authority when will be sorted by technical matter specialists
- 4.11.15 The Councils note the comments made by the Applicant; we were simply suggesting this condition as details of the final external appearance / design

of these structures are yet to be finalised. If the LPAs don't see any finalised designs, there may be an issue with enforcing the dDCO if the compounds etc are built differently to as indicatively shown at this stage? The Councils will leave it as a matter for the ExA to decide, but it is unusual for us to apply what is essentially Rochdale envelope principles when no final information is required to be submitted.

- 4.11.16 The Councils request that the Applicants submit a colour pallet for which each permanent building/structure could be used, to take into account the rural location of the site. In addition, the Applicant should commit to not using reflective materials and also to ensure that perimeter fencing is coloured appropriately so it sits in with the rural landscape. This is an approach that has been taken at another DCO electricity transmission project in Essex.

**Other Requirements - providing further evidence on the control documents e.g. CEMP, LEMP.**

- 4.11.17 Discussions are ongoing about changes to the management plans, although The Councils position at this time is that there should be a two stage process to these documents so that final approval is able to be sorted once a mains works contractors is completed.

### **Summary**

- 4.11.18 The Council still submit that the ExA should give consideration to the further requirements listed above, despite comments made by the Applicant in their Deadline 5 submission REP5-025. It may be that some of the suggested Requirement wording in Appendix 3 REP3-061 is amended to facilitate this.
- 4.11.19 Should the ExA wish to explore any of these further, then The Councils would be more than willing to assist.

## 5 Post Hearing Submissions ISH6 – Highways and Transportation

### 5.1 Overview

- 5.1.1 This section of the report focuses on post hearing submissions pertaining to the Highways and Transportation Hearing which was discussed at Issue Specific Hearing 6 (ISH6). The report format will broadly follow the published agenda for this hearing. This section of the report is in a tabular format.
- 5.1.2 This section of the report also comments on Action Points noted from ISH6, albeit at the time of preparing this response, a formal list of Action Points is not available. As such, any matters which have not been sufficiently covered will be responded to at Deadline 7.

Item No.	Description	Essex County Council Written Submission
5.2 <u>Item 3</u>	Transport Assessment and methodology used to assess traffic impacts. To include (inter alia): <ul style="list-style-type: none"><li>- Discussions between the Applicant and the local highway authorities in relation to the Applicant's Transport Assessment since Issue Specific Hearing 3 (9 November 2023): (i) Data and</li></ul>	Since Issue Specific Hearing 3, the Applicant and the Highway Authorities have continued discussions on transport matters.  The Council have requested information that would help with our review and understanding of the impacts set out within the Transport Assessment [APP-061] and Chapter 12: Traffic and Transport of the Environmental Statement [APP-080]. The Applicant provided information at Deadline 4 in the form of a

	<p>information shared; and (ii) state-of-play.</p> <ul style="list-style-type: none"><li>- Explanation and discussion (adverse impacts) of the local highway authorities' submissions at Deadline 4 and Deadline 5 in relation to the Applicant's Transport Assessment.</li></ul>	<p>Transport Assessment Construction Vehicle Profile Data [REP4-006], which the Councils requested be provided in excel format due to the limitations of reviewing it as a pdf. The Applicant tried to share this information, along with further information on speed data and traffic survey data via an electronic sharepoint on 6 December 2023, but there were 'teething issues', resulting in the information being shared on 7 December 2023. On 8 December 2023 the Applicant shared reports from Wynn's a specialist AIL haulier.</p> <p>The Councils have also requested a plan showing the sensitivity of the links reviewed within the ES on numerous occasions. A plan was submitted at Deadline 5 [REP5-025], which the Council plan to fully review. However, from ECC's point of view there does not currently appear to be a disagreement on sensitivity that would materially impact any conclusions.</p> <p>As set out in our Deadline 5 submission [REP5-031], there are key assumptions within the assessment of traffic that significantly affect the impacts, without agreement on those assumptions it is</p>
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		<p>exceptionally difficult to comment on the impacts of the development. These are summarised below:</p> <ul style="list-style-type: none"><li>- No. of HGVs</li><li>- Timing of HGVs</li><li>- No. of staff.</li><li>- Modal split of staff.</li><li>- Shift patterns of staff.</li><li>- Absence of assessment of the hour of greatest change.</li><li>- General absence of commitment to reporting or enforcement, although it is noteworthy that this position may have changed as per the Applicant's response to Council's comments on the CTMP at issue 21.1.9 at Deadline 5 [REP5-025]</li></ul> <p>It is recognised that there are elements of robustness within the assessment that have been set out by the Applicant, but this does not mean that these elements of robustness outweigh what are considered to be the risks with the assessment method. These risks are why the Councils have pushed for relevant measures within the CTMP, as per ITEM 4 below.</p> <p>The best example of this risk is briefly set out in our Deadline 4 [REP4-049] Response where we provide the following text:</p>
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		<p><i>“The Applicant's shift patterns as set out in Paragraph 6.2.9 in the Transport Assessment [APP-061], mean they have distributed workers traffic travelling between 0600 and 0900 in the AM peak period. In their assessment, the majority of traffic is set out as travelling in the 0700 to 0800 period, with only 12.5% of workers travelling during the assessed hour of 0800 to 0900; added to this is the assessed proportion of staff that will be transported by a minibus (identified as a crew bus during ISH 3 by the Applicant), which is 70%, again as set out at Paragraph 6.2.9 of the Transport Assessment [APP-061]. Mainly as a result of these two assumptions 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.</i></p> <p><i>As a result there are two concerns here; the first relates to what happens on the road network if the development does not exhibit the combination of vehicle movements that reflect the indicated shift patterns and the proportion of staff travelling by mini bus (crew bus); and the second is to ascertain as to whether the</i></p>
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		<p><i>development impact should have been assessed for the hour where the impacts are greatest (indicated as appropriate within the Institute of Environmental Management and Assessment Guidelines Environmental Assessment of Traffic and Movement); which is probably 0700 to 0800 in the AM, with a similar issue in the PM.”</i></p> <p>The Council are outcomes focussed and due to the limited evidence that links construction works to vehicle movements are looking to achieve a pragmatic management process to look to minimise an exceedance of the assessed impacts on the highway network.</p>
5.3 <u>Item 4</u>	<p>Construction traffic and construction route strategy:</p> <ul style="list-style-type: none"> <li>- (i) Data and information shared and (ii) state-of-play of discussions between the Applicant and the local highway authorities since Issue Specific</li> </ul>	<p>As set out in our Deadline 4 submission [REP4-049], the Councils welcomed the inclusion of the construction routes within the CTMP [REP3-030] as an item of Control. However, there are currently no controls to the number of vehicles using these routes. As set out above, we are concerned about the potential for</p>

	<p>Hearing 3 (9 November 2023) in relation to construction traffic and the construction route strategy.</p> <ul style="list-style-type: none"> <li>- Explanation and discussion (methodologies, measures and specificity) of the Applicant's updated Construction Traffic Management Plan [REP3-030].</li> </ul>	<p>unassessed or unforeseen impacts as a result of the development's traffic and are looking to mitigate this risk. In some cases, the risk may be low, but there is limited evidence currently that supports this conclusion.</p> <p>Our general understanding of the current position with the Applicant is that there is unlikely to be any agreement on general controls on construction traffic which is likely to be an impasse between the two parties, and can be set out in the Statement of Common Ground. However, the Applicant has indicated that they may be amenable to controls on some of the particularly narrow routes, such as the rural country lanes that form part of some of the routes, which if committed to is welcomed by the Council.</p> <p>Those routes, which are particularly narrow, and that we identified in our initial review of the Construction Routes are set out in our Deadline 5 Response, and are:</p> <ul style="list-style-type: none"> <li>- Henny Road, Bell Hill, Springett's Hill and Lamarsh Hill on sheet 3 of the construction routes.</li> <li>- Bures Road to Henny Road shown on Sheet 3 of the construction routes.</li> </ul>
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		<ul style="list-style-type: none"><li>- Church Road through Twinstead on Sheet 4 of the construction routes.</li><li>- Church Road to Wickham St Paul on Sheet 4 of the construction routes.</li><li>- Old Road to Wickham St Paul on Sheet 4 of the construction routes.</li><li>- Watery Lane on Sheet 4 of the construction routes.</li><li>- Clay Hill on Sheet 4 of the construction routes.</li></ul> <p>As noted, the assessment of impacts on these routes indicates very low, or no HGV traffic using the routes, with small numbers of light vehicles.</p> <p>The Council remains concerned that there are limited controls, monitoring, enforcement and reporting within the CTMP, as per our response to 15.5.1; however as per the Applicant's response to the Council's comments on the CTMP at issue 21.1.9 at Deadline 5 [REP5-025], there is an indication that some of the Council's concerns on monitoring, reporting and management will be addressed, which is welcomed.</p> <p>As this is the Final CTMP, and there is no further stage of sign-off for the Councils, there is unlikely to be agreement on the CTMP.</p>
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		<p>The council are concerned that this does not allow for all the details of the CTMP, nor does it offer flexibility for any required changes.</p> <p>The Council will endeavour to include this area of disagreement in the Statement of Common Ground.</p>
<p>5.4 <u>Item 5</u></p>	<p>Proposed temporary traffic restrictions:</p> <ul style="list-style-type: none"> <li>- (i) Data and information shared and (ii) state-of-play of discussions between the Applicant and the local highway authorities since Issue Specific Hearing 3 (9 November 2023) in relation to the proposed temporary traffic restrictions.</li> <li>- The Applicant will be asked to justify the need for, and proportionality of the proposed temporary traffic regulation orders:</li> </ul>	<p>ECC would support the comments made by SCC at ISH6.</p>

	<ol style="list-style-type: none"> <li>1) prohibition of waiting and restriction of speed;</li> <li>2) temporary restriction of access;</li> <li>3) temporary restriction of movement;</li> <li>4) temporary no overtaking.</li> </ol> <p>- Permits:</p> <ol style="list-style-type: none"> <li>1) consultation with other Statutory Undertakers;</li> <li>2) activities covered by licences in the Highways Act 1980;</li> <li>3) approval of temporary signage</li> </ol>	
<p>5.5 <u>Item 6</u></p>	<p>Temporary and permanent measures that are sought for access to the Proposed Development:</p> <ul style="list-style-type: none"> <li>- (i) Data and information shared and (ii) state-of-play of discussions between the Applicant and the local highway authorities since Issue Specific Hearing 3 (9 November 2023) in relation to temporary and</li> </ul>	<p>On 7 December 2023, ECC were provided with the following.</p> <ul style="list-style-type: none"> <li>- Bramford to Twinstead Reinforcement 2022 traffic survey data report setting out the methodology of the survey and defining vehicle types.</li> <li>- Excel spread sheet of traffic movements as submitted by the applicant at D4 [REP4-006]. This has proved helpful to identify accesses with significant use and the intention is to concentrate on analysing these locations.</li> </ul>

	<p>permanent measures to access the proposed development.</p> <ul style="list-style-type: none"> <li>- The Applicant will be asked to justify its approach (in terms of practicality and minimisation of highway risks):</li> </ul> <ol style="list-style-type: none"> <li>1) For the proposed bell mouth design [APP-030] and [REP3-005]; o for not undertaking a Road Safety Audit at the Examination stage.</li> <li>2) The Applicant will be asked to further justify its preference for the proposed construction haul road from the A131 rather than a 'hybrid' haul road solution.</li> </ol>	<ul style="list-style-type: none"> <li>- Speed survey and traffic volume data (multiple files).</li> </ul> <p>On 8 December 2023, ECC was provided with an AIL report which identified concerns with the loading capacity of Town Bridge in Halstead; however, we are awaiting the results of a subsequent survey that we have been informed has identified that the bridge can accommodate the identified project loads.</p> <p>ECC (LHA) remains to be convinced that a generic bellmouth design in isolation is sufficient to determine the feasibility of an access design and to identify all impacts. Site specific conditions such as existing road width, vegetation, buildings, highway boundaries and vertical profiles can all have significant impacts on the design and deliverability.</p> <p>ECC position is that a Road Safety Audit is required for accesses unless agreed with the LHA, for example for temporary accesses only used for landscaping, environmental surveys and mitigation have low traffic volumes and hence a Road Safety Audit would be disproportional.</p>
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5.6 <u>Item 7</u>	<p>Public rights of way and assessment of construction and traffic impacts on walkers, cyclists and horse riders:</p> <ul style="list-style-type: none"> <li>- (i) Data and information shared and (ii) state-of-play of discussions between the Applicant and the local authorities since Issue Specific Hearing 3 (9 November 2023) in relation to public rights of way.</li> <li>- Explanation of, and discussion about the Applicant's Public Rights of Way Management Plan [REP3-056].</li> </ul>	<p>The Council set out its position on the Public Rights of Way Management Plan (PRoWMP) [REP3-056] at Deadline 4 [REP4-049]. This included:</p> <ul style="list-style-type: none"> <li>- Expansion of those groups who will be engaged with as set out at paragraph 3.3.1 to include relevant user groups and wider community.</li> <li>- Further clarity on the phasing of PRoW closures.</li> <li>- Confirmation that any changes to the PRoWMP would need to be agreed with the relevant Highway Authority.</li> <li>- Further clarifications on wording relating to management measures.</li> </ul> <p>Since then at Deadline 5 [REP5-025] the Applicant has committed to addressing these comments, and subject to these changes the Council are likely to be content with the plans content.</p>
5.7 <u>Item 8</u>	<p>Traffic Management Plans:</p> <ul style="list-style-type: none"> <li>- The local highway authorities will be asked to justify the need for a:</li> </ul> <p>1) Detailed Abnormal Indivisible Loads Management Plan;</p>	<p>The Applicant has submitted a report to the Councils, produced by Wynns, a specialist haulier. The report identifies a potential issue with Town Bridge in Halstead. However, subsequently it has been confirmed that a structural survey has been undertaken and</p>

	2) Detailed Port Traffic Management Plan; 3) Decommissioning Traffic Management Plan	that once provided this will confirm to the Council that the use of the bridge is acceptable.
5.8 <u>Item 9</u>	Any other business.	None.





5.9 Action Point From Issue Specific Hearing 6 - Comments on Peak Hour Assessment

5.9.1 The Applicant has identified for the network as a whole that 08:00 to 09:00 and 16:00 to 17:00 is the peak hour that they will assess, as set out in their Transport Assessment [APP-061]. To confirm that this is the network peak hour would take a thorough review of the traffic count data, which was submitted to the Councils on 7 December 2023. The use of both 08:00 to 09:00 and 16:00 to 17:00 is generally not considered to be an unreasonable starting point as it is often either the peak hour or close to the peak hour and so represents a reasonable proxy for testing typical traffic patterns (such as that for a housing development); however there are a number of issues that mean that in this case it is not considered to be an appropriate assessment. These being as follows:

5.9.2 That just because the peak hour's movements are the absolute peak, it does not mean that an adjacent hour might not be similarly busy, or even busier on certain parts of a transport network. It is not considered to be uncommon for the peak hour to be 07:30 to 08:30 AM on parts of the road network or for the hour adjacent to the peak hour to only be slightly lower in traffic flows than the peak hour. An example of this is the data taken from Counter Points LCC006 and LCC007, which are both located on the A131.

Time	LCC006	LCC006	LCC007	LCC007	LCC007
	Week 1	Week 2	Week 1	Week 3	Week 4
	Two Way Flow	Two Way Flow	Two Way Flow	Two Way Flow	Two Way Flow
07:00 to 08:00	547	553	508	506	475
08:00 to 09:00	572	562	519	506	502
%Change	4.6%	1.6%	2.2%	0%	5.7%

16:00 to 17:00	661	675	599	601	589
17:00 to 18:00	652	662	610	598	570
%Change	1.4%	2.0%	-1.8%	0.5%	3.3%

5.9.3 There will undoubtedly be locations on the network where the flows between the hours would not be as similar as shown in the above, but it does indicate the potential similarities.

5.9.4 The development's traffic impacts do not occur in the hour they have assessed (due to the shift patterns) so there is little point in assessing the impacts during an hour where there is very limited traffic; this might be considered to be reasonable if the impacts were occurring at hours which were not peak adjacent e.g. 5 to 6 AM, but in this case is considered to fail to test the development's actual impact, because *the Applicant's shift patterns as set out in Paragraph 6.2.9 in the Transport Assessment [APP-061], mean they have distributed workers traffic travelling between 0600 and 0900 in the AM peak period. In their assessment, the majority of traffic is set out as travelling in the 0700 to 0800 period, with only 12.5% of workers travelling during the assessed hours of 0800 to 0900 and 16:00 to 17:00, whilst 50% travel in adjacent periods.*

5.10 Action Point From Issue Specific Hearing 6 – Potential Implications on the Environmental Assessment of Road Traffic in Essex

5.10.1 The Council was asked to comment on the potential implications of the assessment of the hour of greatest change with reference to the most recent Institute of Environmental Management and Assessment (IEMA) guidelines; this being *Environmental Assessment of Traffic and Movement (July 2023)*.

5.10.2 The following text is taken from paragraph 1.22 of the IEMA guidance:

*“Traffic and movement assessments for EIA and non-statutory environmental assessments, present the impact of traffic and movement on people and the environment – which are initially undertaken with reference to daily traffic flows prior to assessing the time period with the highest potential impact (i.e. degree of change from baseline conditions), which may not be the same as the time period with the highest baseline traffic flows.”*

- 5.10.3 To date, as set out in Suffolk and Essex Councils’ Local Impact Reports [REP1-039] and [REP1-044], no assessment of the hour of greatest change has been undertaken. For this particular project this is considered to be important because the traffic impacts of the development are particularly felt during the arrival and departure periods for staff vehicles, where there may be a proportionally large increase in vehicle movements on some relatively quiet rural settings. Therefore, by only undertaking a daily assessment, these peak impacts are spread over a wider period and so a greater baseline than they would be in reality. This may result in some locations where an effect has not been identified being identified.
- 5.10.4 It is reasonable to assume that in some cases on the network that the effect will be dismissed due to the baseline traffic flow being very low or the impacts being short term, but that this does not remove the need for undertaking the assessment and ensuring that there are not any unidentified effects.
- 5.10.5 As it relates to the Environmental Statement, it is worth also identifying in the Council’s review of the traffic survey data submitted at, it appears that the category TB2 has been included in the calculation of baseline HGVs. Category TB2 is identified as a *Two axle truck or bus* and in many cases may not be what is commonly considered to be a HGV. ECC would query its inclusion, as it may be inflating the baseline level of HGV movements and its potential impact on any conclusions relating to HGVs in the Environmental Statement.

## 5.11 Action Points From Issue Specific Hearing 6 - Traffic Growth

- 5.11.1 As set out in the Transport Assessment [APP-061], the Applicant has assessed a future year of 2025, by applying growth factors to their survey year. If permission was to be granted for the project in 2024, then this would allow the Applicant to implement within five years of the permission (so for the basis of these comments we are assuming 2029).
- 5.11.2 If the Applicant were to implement their project in 2029; this would result in four years of additional traffic growth that has not been included in the assessment. It is unlikely that this level of growth would be significant (potentially in the order of a further 2 to 4%, but probably at the lower end); however, it's implications would be that it would increase the baseline traffic for the environmental assessment of traffic [APP-080] meaning that the proportional impact of development traffic would be reduced, so in the case of the environmental impacts associated with the development such as severance and amenity would be reduced. There may be an increase in driver delay as a result of a slightly more congested network.
- 5.11.3 With regards to the Transport Assessment [APP-061], an increased baseline does slightly increase the likelihood of a more congested network; however, as a result of the Applicant's assessment method the peak hour impact at any junction is 35 vehicles, and in single figures for many locations. So even if the background traffic was to increase, an impact as a result of the development traffic is considered to be unlikely to occur.
- 5.11.4 The Council have commented on our concerns with this assessment method and the need for an appropriate management process (i.e. controls, monitoring, reporting and enforcement) through the CTMP at other submissions.

5.12 Action Points From Issue Specific Hearing 6 – Comments on Roads of Concern in Essex

- 5.12.1 At Issue Specific Hearing 6, Essex County Council was asked to identify any rural routes that were of particular concern. As part 6 of our Deadline 5 response [REP5-31], the Council identified the following routes based on our review of the construction routes set out in the Construction Traffic Management Plan (CTMP) [REP3-030] and a review of the traffic impacts in ES Appendix 12.1 – Traffic and Transport Significance of Effects Tables [APP-134]

*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.*

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

*Watery Lane on Sheet 4 of the construction routes.*

*Clay Hill on Sheet 4 of the construction routes.*

- 5.12.2 As noted in our response at Deadline 5, the assessment of impacts on these routes indicates very low, or no HGV traffic using the routes, with small numbers of light vehicles.

## 6 Deferred Matters for Deadline 6

### 6.1 Overview

6.1.1 The Councils deferred comments on some matters contained within **REP4-029**, which was the Applicants response to The Councils response to ExQ1. These matters are set out below.

### 6.2 dDCO matters - DC1.6.9

6.2.1 The Councils had reserved position on definition of "Operational Use" in context of any linked trigger timings. The Councils have now confirmed to the ExA that no further comment is required on this definition (REP 4-049 para 21.2.7); this response has been noted by NG in REP 5-025 para 21.2.7.

### 6.3 dDCO matters - DC1.6.51

6.3.1 *"Are you satisfied that Arts 46(2) and (3) provide a reasonable and proportionate defence to statutory nuisance. If not, why not?"*

6.3.2 The Councils note that BMSDC had raised some concerns, noting that, in their view, agreement of the CEMP would not exclude the possibility of statutory nuisance arising but might reduce the risk of this. BMSDC were asked in ISH5 hearing to expand on this.

6.3.3 The Councils note that SCC has made the point that there is minimal precedent for Arts 46(2) and (3) either in model provisions/ other DCOs and has suggested these should not be contained in the confirmed DCO.

6.3.4 A quick trawl of the most recent confirmed linear DCOs (A47 - Feb 23; A57 Link Road - Nov 2022; A417 Missing link - Nov 2022; A47-A11 Thickthorn - Oct 2022; A47 N Tuddenham to Easton- August 2022; A428 Black Cat- August 2022 – none of which contain this type of wording) endorses SCC's position that there is minimal precedent for such provisions.

6.3.5 The Councils note (and does not disagree with) the comments made by the other authorities on this point.

- 6.3.6 On a separate note it can be anticipated that if there is intrusive noise at unexpected times generated from the authorised works (i.e. outside of the usual core construction hours granted on planning), it can be anticipated that the public will be minded to report this to the local authorities increasing the potential for statutory nuisance claims.
- 6.3.7 The Councils has made a separate point in relation to Art 46 that the words *'reasonable satisfaction of [the relevant local planning authority] be reasonably avoided'* should be added to Arts 46(1)(a)(iii) and (iv) in line with the wording of the approved Sizewell C DCO. The Applicant has asked for justification as to the necessity of these particular amendments in the context of this project (8.6.4 para DC1.6.51.) These amendments simply add useful clarity as to which party is to determine whether noise in this context could be reasonably avoided.
- 6.4 dDCO matters - DC1.6.60
- 6.4.1 *'The local planning authority is under a legal duty to determine applications for planning permission according to principles of administrative law. If this is not done, there is the opportunity for challenge under existing legislation and public law principles. In relation to proposed Art 53 (safeguarding) do you consider the existing legal checks and balances to be insufficient to protect the Applicant's interests?'*
- 6.4.2 SCC has commented that it does not consider that the existing checks and balances are insufficient.
- 6.4.3 The Councils do not disagree with SCC; it has previously commented to the effect that the councils consider the applicants would have the opportunity to comment on any planning proposals within the Order limits without Art 53 but would need to be vigilant in identifying and commenting on such applications. Art 53 will therefore be helpful for the Applicant but to the extent there are increased costs/admin burden for the local authorities the costs of such should be underwritten by the Applicant.



- 6.4.4 Although there is minimal precedent for this type of provision elsewhere and the existing statutory regime should be sufficient to protect NG's interests, The Councils can appreciate why the Applicant want to be made aware of planning proposals within the confirmed Order limits to ensure they are able to input re: emerging planning proposals to ensure the safe operation of the authorised works.
- 6.4.5 Relevant planning authorities would have to consider any representations received in relation to planning applications (including from NG) in accordance with statutory criteria in any event when deciding whether or not to grant permission.
- 6.4.6 The proposed obligation under the DCO for relevant planning authorities to "address" matters raised by the Applicant under Art 53 could be problematic and fetter the ability of the planning authority to determine a proposal in accordance with its usual statutory responsibilities. If, despite SCC's position, ExA is minded to approve Art 53 in some form, it might be reasonable to limit the representations which have to be addressed under Art 53 to those concerning, for example, the safeguarding, maintenance and safe operation of NG equipment and personnel.
- 6.4.7 If imposed, this provision should not apply to land within the order limits which is only required temporarily, once it is no longer required by NG.
- 6.4.8 The Councils have stated previously that if this provision is confirmed then all costs (registration of land charge; admin costs of consulting) should be borne by NG.

## **7 The Councils Comments on REP5-025 – Responses to The Council's Deadline 4 Submission [REP4-049]**

### **7.1 Overview**

7.1.1 This section of the report will comment on responses made by the Applicant in REP5-025, to the Councils Deadline 4 submission, REP4-049, where appropriate to do so. These responses will refer to the relevant paragraph numbers and short title for consistency where appropriate.

### **7.2 21.2.3 Art 2 Interpretation**

7.2.1 A response to this matter is provided in Item 8, ISH5 in the post hearing submissions section of this document.

### **7.3 21.2.5 Assessment of new/different environmental effects**

7.3.1 The Applicant and The Councils positions have been set out in earlier evidence. SCC has now submitted a comment in its post hearing submission REP4-043 to the effect that the amendment requested by The Councils in this regard is not necessary as the issue of whether the Applicant has complied with the materiality provision would ultimately be a matter for the LPA as enforcement authority under Planning Act 2008 part 8.

### **7.4 21.3.4-21.3.11 Highways articles.**

7.4.1 ECC reserved its position in this regard; The Applicant is willing to pursue discussions through the Traffic and Transport Thematic meetings.

### **7.5 21.3.7 Art 15 temporary stopping up of streets**

7.5.1 ECC has suggested that where temporary closures are left in place for an unreasonable length of time this should be raised with the community liaison function s6.4 PROWMP. The Councils will continue to discuss this with the Applicant at relevant Highways and Transportation Thematic Meetings.

7.6 21.3.8 and 21.6.1-2 consent periods.

7.6.1 There is a stalemate between the parties as to the length of time after which consent is deemed granted for various matters – there has been no concession on the part of The Applicant due to the construction timetable (inc fixed outages) / need case.

7.7 21.3.12 Lopping of trees/felling

7.7.1 The Councils originally requested that the word ‘near’ be removed as it gave The Applicant wide ranging powers to remove trees in the vicinity of the proposed works; The Applicant opposed this and The Councils suggested some alternative wording. The Applicants have highlighted that they need the ability to remove trees (inside/near) order limits to ensure safety of their personnel as well as apparatus. This is noted.

7.7.2 However, The Councils seek reassurance that all likely ecological impacts have been assessed for any works to additional trees that are ‘near’ to the Order Limits, as surveys in the order limits have shown to have high bat roost potential. The Councils understand that surveys have only been completed within the order limits (apart from for some visibility splays), hence the details for any trees ‘near’ the order limits have not been submitted.

7.7.3 During construction, if works should be required to any of those which are situated outside the order limits and have not been surveyed, then an appropriate ecological assessment should be carried out prior to any works being undertaken to that tree. In any case, any trees which are removed should be suitably replaced.

7.8 21.5.5-6 Sched 3 Construction hours – Requirement 7

7.8.1 See comments in respect of Item 4 in Post Hearing Submissions to ISH5 dDCO.

- 7.9 21.5.7 Sched 3 requirement 10 – landscaping aftercare period
- 7.9.1 Stalemate position between The Applicant (general 5 years plus limited 30 year areas) and The Councils who requested 10-15 year period in LIR [REP1-039].
- 7.10 dDCO - Sch4 discharge requirements
- 7.10.1 The Councils had requested that consent applications are served on any requirement consultees at same time to save time/admin – especially if only 28 days allowed for deemed consent - The Applicant willing to discuss further via the PPA. This is noted by The Councils and we await further discussions.
- 7.11 7.4.3 - Landscape & Visual Assessment – viewpoint from PROW East of A131
- 7.11.1 The Applicants comments are noted. The Councils position remains as previously stated.
- 7.12 7.6.3-7.6.8 - Removal of additional 132kV line
- 7.12.1 The Applicants comments are noted. The Councils position remains as previously stated.
- 7.13 9.6.1-9.6.2 - Early Planting
- 7.13.1 The Council reiterate its comments that early planting is necessary and the Applicant at Deadline 5 has not responded to this point.
- 7.14 Archaeological Comments 7.1.1 – 7.1.3
- 7.14.1 Archaeological comments for these responses, and on the OWSI (Document 7.10, APP-187) more generally, are included below.
- 7.14.2 The following response is to the revised submission of the Outline Written Scheme of investigation (APP-187) from the Braintree District Archaeological Advisor. Although this is a slight improvement on the previous submission there are considerable areas of concern and it is very important to have this

document as detailed and accurate as possible as it will guide the whole archaeological programme.

- 7.14.3 **Section 1.2** needs to clarify the nature of work undertaken to date and make clear that the level of evaluation to date has been limited and that further evaluation will be required post consent especially in those areas not being undergrounded and where there are running tracks or access tracks.
- 7.14.4 **Section 1.3.3** those areas where archaeological mitigation is not proposed needs to be reconsidered on a site by site basis depending on the nature of the work and until no impact can be confirmed these should remain within the areas to be assessed.
- 7.14.5 **Section 1.5.1** This section needs to include further evaluation work in those areas not evaluated to date.
- 7.14.6 The description of strip map and sample is not appropriate. This should be clear that this is a planned phase of archaeological investigation for which the top soil needs to be stripped well ahead of construction to allow for open area excavation if required, although this can be within the construction programme and use their plant, but should be undertaken well in advance of the proposed construction date.
- 7.14.7 In the following bullet point watching brief should be redefined as archaeological monitoring following the guidance of CiFA.
- 7.14.8 **Section 2.2** needs to have a clear definition of the role of the archaeological advisors. We will require access to the site for monitoring, site discussions and sign off for the work prior to construction taking place. (A wording from Lower Thames Crossing can be provided).
- 7.14.9 **Section 2.4** you may consider separate detailed WSI's for each site, rather than trying a single detailed WSI to cover the whole route.

- 7.14.10 **Section 4.3.1** The local authority archaeologists will need to sign off the detailed WSI prior to the commencement of work and this should be made clear in this text.
- 7.14.11 **Section 5** Should be renamed Strip Map and Sample Excavation.
- 7.14.12 This programme of work should be programmed in advance of the construction phase thus allowing for the required excavation to take place rather than having to cease construction whilst the archaeological excavation work is undertaken. We would always recommend a number of months between the two activities.
- 7.14.13 5.1.2 The comment that SMS is a rapid form of excavation is misleading and should be removed. As stated above if the work is tied into the contractors programme several months should be organised between the strip date and start of construction to avoid hold ups to the development. Many SMS sites lead into open area excavations which would have the potential to hold up construction if not properly timetabled.
- 7.14.14 **Section 6** Should now be referred to as **Archaeological Monitoring and Recording** following the CiFA guidelines.
- 7.14.15 The locations of this method can only be agreed where there is an appropriate level of previous evaluation, otherwise Strip Map and Sample will be a more appropriate technique.
- 7.14.16 **Section 7**, as no field assessment has been undertaken then the title should reflect this and include Assessment and mitigation.
- 7.14.17 Further advice should be obtained from the Historic England Science Advisor as the section on geoarchaeological and paleoenvironmental work seems to be rather lacking in information and the archaeological contractor will need guidance to create their detailed WSI.

7.14.18 **Section 8** needs to clearly define the role of the Local Authority Archaeological Advisors in monitoring and signing off the post excavation work including the PXA and the final publication.

7.14.19 **Section 8.6** Needs more detail to define the extent of the outreach potential of the project especially in the area of digital outreach.

7.14.20 In summary there is concern regarding the level of archaeological field evaluation undertaken to date and how the further evaluation will be accomplished during construction. The method of Strip Map and Sample is appropriate but should be clearly defined within the OWSI that it is more than just a monitoring exercise and is likely to lead to areas of open area excavation which could take a significant amount of time to excavate depending on its complexity. The role of the local Authority Archaeological Advisors should be clearly defined in their role in monitoring and signing off of the WSI's, fieldwork and post excavation work.

7.15 14.4.4-14.4.10 - Agriculture and soils – Construction Effects

7.15.1 The Councils have reviewed the Deadline 5 document 8.7.4 and have not been able to find the swept path analysis - indeed an action arising from CAH2 was that this swept path analysis was to be provided at Deadline 6. The Councils will therefore comment if appropriate, at Deadline 7.

7.16 13.1.1-13.1.4 - Noise and Vibration – Working Hours

7.16.1 Discussions are ongoing around the proposed construction hours of the development. Please see comments (Section 4 of the report) in relation to ISH5 in this regard.

7.17 18.5.4-18.5.5 - Socio-Economic – Employability and Skills Strategy

7.17.1 The Applicant and The Councils have had further discussions on this matter. The Applicant has committed to provide The Councils with their overall skills and employment strategy.

7.18 18.6.1 - Socio-Economic – Opportunities and Legacy

7.18.1 The Councils remain committed to secure a community benefit strategy to assist in providing a lasting legacy of the development going forward. Discussions with the Applicant are ongoing on this matter.

7.19 22 – Issue Specific hearing 4 - Ecology

7.19.1 If the Applicant is confirming to maintain planting for the lifetime operation of cable sealing end compounds and the GSP, The Councils have no further comments to make. For the remainder of the planting, and given that Essex is a dry County, The Councils consider that the minimum term for other trees outside of these areas, and outside of BNG, should be for a minimum of 10 years aftercare, not 5 years as currently proposed. Clarification is also required should any failed planting be required to be replaced, whether the new aftercare period will extend to another full term (e.g. 5 years) or whether it would still only cover the original 5-year period (if that is agreed) so it would have less time? The Councils consider that it should be the former, i.e. that any replacement should be given the full term to establish.

7.19.2 The Applicant confirmed that all trees within the order limits have been surveyed (arb and ecology) and the Bat Survey Report [APP-117] (Appendix 7.7 of ES) as well as its Annex A Draft Bat Mitigation Licence (LONI). Table 3.6 confirms the numbers of trees found with bat roost potential (H/M/L) and High & Medium trees have been climbed where safe to do so to check for evidence of bats. No confirmed bat roosts within OL (6 found within Survey Area i.e. 50m of OL which could be impacted) but Natural England required emergence surveys of 7 trees which were considered unsafe to climb. The Councils would like to know if these surveys found any additional bat roosts and if any relate to Works accesses where impacts could be avoided with traffic controls.

7.19.3 On a separate point, the Councils seek reassurance that the mitigation hierarchy has been rigorously applied to avoid impacts before needing to



consider mitigation and compensation. As the Bat Survey Report [APP-117] notes in section 4.1.2, the study area contains a high frequency and wide distribution of trees with bat roosting features. Whilst the LAs accept that the bat surveys of trees were undertaken in line with 3rd Ed Good Practice Guidelines (Collins 2016), the newly published 4th Ed (Collins ed, 2023) Table 6.3 states that where only potential roost features suitable for individual bats (PRF-I) , these do not need further surveys, however where these trees/features are removed, this roost resource will be lost, so it is now reasonable for appropriate compensation to be provided in advance and works undertaken under a precautionary working method statement for bats. The Councils seek reassurance that this compensation will be secured by Requirement 10.

7.20 22 – Issue Specific hearing 4 – Item 4 - Heritage

- 7.20.1 The Councils understand that discussions are ongoing in the background between the Applicants and the District Council's Archaeological Advisor to secure matters further relating to the OWSI.

7.21 Response to Highways and Transportation Matters raised in REP5-025

Item Ref	Matter	ECC Point Raised	Applicant's Comments	ECC's Deadline 6 Response
15.4.6	Traffic and transport topic meetings	<p>The Council welcomes continued discussions; however, is of the opinion that there are sufficient risks within the assessment methodology, as outlined in both LIRs [REP1- 039] and [REP1-044], that require minimising in order to ensure that the assessed impacts are not exceeded. The Council has not yet been provided with the link-by-link traffic flows but welcome this commitment from the Applicant.</p>	<p>The Applicant submitted traffic numbers for access points to the Order Limits for the works at de in 8.6.6 Transport Assessment Construction Vehicle Profile Data [REP4-006]. Discussions are continuing on next steps.</p>	<p>The Council welcomes the submission of the use of the accesses, and the provision of the excel file on 7 December 2023. This has informed further consideration.</p> <p>At Deadline 5 [REP5-031] the Council identified some routes that are of particular concern due to their rural characteristics.</p> <p>The Council maintains its position over the risks in the assessment and the need for reasonable management processes to limit these risks.</p>

15.5.1	Traffic Impact	<p>The Council welcomes the commitment towards discussions on this point and recognises that the assessment is based on a preliminary assessment of impacts. The Council's concern relates to ensuring the impacts assessed are not materially exceeded during construction and relevant controls, monitoring, reporting and enforcement would be a reasonable mechanism for ensuring compliance.</p>	<p>The Applicant recognises the concerns and confirms that CTMP [REP3-030] provides for monitoring reporting and enforcement to an extent that is considered reasonable and is based on comparable projects.</p> <p>Regarding securing of these elements, please see the response to item 3.1a of this document.</p>	<p>As the Council understands it, with regards to vehicle movements the only controls that are in the CTMP [REP3-030] are on the construction routes for HGVs and compliance with EURO standards for vehicle type for most vehicle types. As HGVs will be tracked by GPS, it should not be difficult to check compliance to assessed numbers throughout the project and to determine where, if noncompliance is occurring due to unforeseen circumstances during the project, it is material or not.</p>
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				<p>For workforce traffic, the target is to achieve an average minimum occupancy of 1.3 personnel per vehicle. This is significantly reduced from the figure that was assessed in the Transport Assessment [APP-061] of <math>(70\% \times 4 + 30\% \times 1) = 3.1</math> persons per vehicle.</p> <p>Monitoring is limited to a baseline survey within 3 months and an update to the targets to reflect this survey. The only target is that relating to 1.3 persons per vehicle. The survey would identify mode of transport to the site and level of car sharing and percentage of</p>
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				<p>staff who have completed the survey. This would give an indication of total vehicle numbers.</p> <p>Monitoring does not include construction vehicle numbers or compliance with EURO standards.</p> <p>The reporting currently does not commit to sending the monitoring report to the highway authorities, but just indicates it will be available on request.</p> <p>There is no commitment to new measures or funding increased car sharing by providing</p>
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				<p>minibuses etc in the event of failure to achieve a target.</p> <p>However, the Council does note that there is a commitment to consider reporting on some elements in the Applicant's response to 21.1.9 below and so welcomes engagement on this.</p>
15.5.2	Traffic Impact	The Council welcomes the inclusion of the construction routes within the CTMP as a critical control for the construction of the development. The figures assessed within the	Regarding securing of these elements, please see the response to item 3.1a of this document on shift patterns and 5.2 and 12a on restricting HGV movements/ staff numbers. The CTMP includes	<p>See response to 15.5.1 with regards to the limitations of the CTMP [REP3-030]. Key commitments would be to</p> <ul style="list-style-type: none"> <li>• Target the workforce car share as assessed in the Transport Assessment</li> <li>• Survey staff arrival and departure times.</li> </ul>

		<p>Transport Assessment [APP-061] during those hours reflect shift patterns and significant car share proportions (enabled by a minibus), which do not form commitments within the Management Plans. As set out in our response to TT1.13.15 of the Examiner's questions [REP3-061] at Deadline 3, the Council have concerns regarding the assumptions within the Transport Assessment and are looking to minimise the risks associated with these assumptions through</p>	<p>measures that encourage sustainable travel, for example, section 6 contains a Travel Plan with measures encouraging car sharing and describing the use of crew vans (incorrectly referenced as minibuses). The Applicant would be happy to receive suggestions on how the wording of this section could be strengthened or amended to address concerns</p>	<ul style="list-style-type: none"> <li>• Survey of HGV numbers and EURO compliance.</li> <li>• Commit to reporting the findings of the survey to the Councils.</li> <li>• Commit to additional measures being implemented if the car share proportions are not achieved, such as a staff minibus.</li> <li>• Commit to a review of impacts if the shift patterns are not similar to those assessed.</li> </ul> <p>However, the Council does note that there is a commitment to consider reporting on some elements in the Applicant's response to 21.1.9 below and so welcomes engagement on this. The Council would welcome a specific session on discussing this wording within the CTMP.</p>
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		<p>relevant controls. These risks relate to the following:</p> <ul style="list-style-type: none"> <li>• Total staff numbers.</li> <li>• Peak construction vehicle numbers</li> <li>• Staff shifts patterns and as a result the assessment hour</li> <li>• The use of the staff mini-bus (crew bus)</li> <li>• The assessed proportions of car sharers</li> </ul> <p>There are no mechanisms in place that guarantee these HGV numbers, shift patterns or the travel proportions by minibus, which could result in substantially increased impacts on the highway network during the peak</p>		<p>Further commitments would be to caps on construction vehicle movements; which could take into consideration the need for flexibility in the project, especially if this evidenced that a short term impact would not be material. However, we note that this position is very unlikely to be agreed by the Applicant; however, as indicated in the Council's response to 15.4.6, there are routes that a very rural in nature and any significant increase in vehicle movements would have potential negative impacts on delay and road</p>
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		hour. This brings significant risk to the conclusions of the assessment.		safety where limits would be particularly pertinent.
15.5.3 - 15.5.4	Traffic Impact	No further information has currently been submitted, so the Council maintains its position that details of the relative use of accesses is currently unclear. Greater understanding of this use would give confidence in understanding the relative level of impact at different sites.	The Applicant submitted traffic numbers for access points at Deadline 4 in 8.6.6 Transport Assessment Construction Vehicle Profile Data [REP4-006].	The Council welcomes the submission of the use of the accesses, and the provision of the excel file on 7 December 2023. This has informed further consideration, and the Council provided an indication of those accesses of most concern by email on 7 December 2023.
15.5.6 - 15.5.8	Temporary access route off the A131	The Council are seeking assurances that the access is deliverable, particularly	A plan showing the proposed bellmouth design at the junction with the A131,	ECC consider that evidence has not been submitted that the proposed access arrangements,

		<p>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>including visibility splays and a swept path drawings has been provided at Deadline 5 (document 8.7.4), demonstrating that the junction and road can be delivered within the Order limits. The Applicant welcomes a discussion on whether this provides the reassurance sought. A Road Safety Audit is required under Requirement 11 of the dDCO (document 3.1) and the Applicant is required to implement recommendations to the reasonable satisfaction of the local highway authority. In this context, the Applicant</p>	<p>including appropriate visibility, and ghost island can be accommodated within the existing road layout including provision of a Stage 1 RSA. This also needs to include required details for the haul route crossing points.</p>
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			is not of the view that this needs to be carried out now	
15.6.1	Statement of Common Ground	The Applicant has been engaging with ECC and SCC on the Heads of Terms for the agreement, which is welcomed, and we will continue to engage on this issue.	The Applicant notes the response and is keen to receive feedback on the draft Heads of Terms document which was shared with the local planning authorities on 31 August 2023.	ECC are reviewing and aim to provide comments as soon as possible.
15.7.1	Traffic Impact	Further information is sought on vehicle numbers, which the Applicant has indicated will be provided.	The Applicant submitted the Transport Assessment Construction Vehicle Profile Data [REP4-006] which contains details of the vehicle numbers at Deadline 4	The Council welcomes the submission of the use of the accesses, and the provision of the excel file on 7 December 2023. This has informed further consideration, and the Council provided an indication of those accesses of most concern by email on 7 December 2023.

15.8.1	Highway Repair	<p>Section 5.2 of the CTMP [REP3-030] includes details on the survey (photographic and descriptive) to be undertaken of the local road network and accesses.</p> <p>Further discussion is needed on a process that ensures that any deterioration of the highway is dealt with quickly.</p>	<p>The Applicant has committed to recording the condition of the highway. The response to point 4.1 sets out that the reinstatement could be carried out under s59 of the Highways Act.</p>	<p>ECC support SCC's position that remediation for damage to the highway could be more appropriately addressed through a side agreement.</p>
15.8.2	Site Accesses	<p>Paragraph 5.5.7 of the CTMP [REP3-030] refers to wheel washing will 'be provided at each main compound access point on to the highway where a need has been identified through the design process.' This would imply</p>	<p>As stated in paragraph 5.5.7 of the CTMP [REP3-030], wheel washing will be provided at each main compound access point on to the highway where a need has been identified through the design process. It would</p>	<p>A process needs to be determined to identify when whitewashing facilities are required.</p>

		that numerous accesses are unlikely to include wheel washing. Facilities should be provided at all sites where a risk due to surface construction or operation is identified.	not be proportionate to provide wheel washing at all accesses where a need has not been identified for example, accesses used by a small number of vehicles or where works are unlikely to generate mud on the road network.	
15.8.3	Traffic Impact	The Council will undertake a review of the construction routes as indicated at Appendix A of the CTMP [REP3- 030]	The Applicant notes the response and looks forward to receiving feedback from the Council on the routes proposed.	At Deadline 5 [REP5-031] the Council identified some routes that are of particular concern due to their rural characteristics. The Council would welcome any commitments to limitations on vehicle movements on these routes through the CTMP.

15.8.4	Site Accesses	<p>Whilst a review of options of the temporary haul route is set out [REP3-053] within the note, evidence has not been submitted that the proposed access arrangements and ghost island can be accommodated within the existing road layout. The Council is concerned about deliverability of the access as per our response to 15.5.6, 15.5.7 and 15.5.8 above</p>	<p>An initial ghost island design has been provided at Deadline 5 (document 8.7.4)</p>	<p>ECC consider that evidence has not been submitted that the proposed access arrangements, including appropriate visibility, and ghost island can be accommodated within the existing road layout including provision of a Stage 1 RSA. This also needs to include required details for the haul route crossing points.</p>
15.9.1	AIL	<p>The Council welcomes this further clarification and will undertake a high-level review of routes for any specific comments on constraints.</p>	<p>The Applicant notes the response and will review the feedback on the routes indicated.</p>	<p>At Deadline 5 [REP5-031] the Council identified some routes that are of particular concern due to their rural characteristics.</p>

		<p>The Council notes that AIL are subject to their own specific approval process.</p>		<p>These routes included the following:</p> <ul style="list-style-type: none"><li>• Henny Road, Bell Hill, Springett's Hill and Lamarsh Hill</li><li>• Bures Road to Henny Road.</li><li>• Church Road through Twinstead</li><li>• Church Road to Wickham St Paul</li><li>• Old Road to Wickham St Paul</li><li>• Watery Lane and Clay Hill to Great Henny</li></ul> <p>The Council would welcome any commitments to limitations on vehicle movements to reflect those assessed within Chapter 12 of the ES [APP-080] on</p>
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				these routes through the CTMP due to their rural nature.
7.22 <u>20 Issue Specific Hearing 3 – Transport and Rights of Way</u>				
3	Transport Assessment and methodology used to assess traffic impacts	The only information linking the Transport Assessment and ES to the construction programme is set out in ES Appendix 4.2: Construction Schedule [APP-091]. However, the details there are reasonably limited and as a result it is not possible to provide a meaningful review. The Applicant has indicated they will provide further information to the highway authorities on this matter,	The Applicant submitted the Transport Assessment Construction Vehicle Profile Data [REP4-006] which contains details of the vehicle numbers at Deadline 4. The Applicant will continue to engage with Local Highways Authorities through Thematic meetings regarding additional information.	Noted.



		which should help to address some of our concerns		
4	Construction traffic and construction route strategy:	At Deadline 3 the Applicant submitted an updated CTMP [REP3-030], which included the routes for HGV traffic. We will undertake a review of the submitted Appendix and should we have any issues with those routes we will respond appropriately.	Noted	At Deadline 5 [REP5-031] the Council identified some routes that are of particular concern due to their rural characteristics.
4	Construction traffic and construction route strategy:	Aside from construction routeing, there appears to be little control or management on construction traffic or construction worker movements within the CTMP [REP3- 030]. As an example,	Regarding securing of these elements, please see the response to item 3.1a and 12a on restricting HGV movements/ staff numbers. The Applicant is happy to discuss alternative wording	Key commitments would be to <ul style="list-style-type: none"> <li>• Target the workforce car share as assessed in the Transport Assessment</li> <li>• Survey staff arrival and departure times.</li> <li>• Survey of HGV numbers and EURO compliance.</li> </ul>

		<p>a commitment to achieve the assessed staff car share/minibus proportions has not been identified and their target is to only achieve a proportion of 1.3 staff per vehicle (paragraph 6.3.5). As set out in the Councils' response to ITEM 3, given the risks within the assessment methodology, it is considered reasonable to embed a control, monitoring, reporting and enforcement process to identify any material unassessed impacts that occur, and management measures that can be</p>	<p>for the Travel Plan section of the CTMP to more strongly encourage car sharing if suggestions could be provided on the changes desired.</p>	<ul style="list-style-type: none"> <li>• Commit to reporting the findings of the survey to the Councils.</li> <li>• Commit to additional measures being implemented if the car share proportions are not achieved, such as a staff minibus.</li> <li>• Commit to a review of impacts if the shift patterns are not similar to those assessed.</li> </ul> <p>The Council would welcome a specific session on discussing this wording within the CTMP.</p>
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		brought in to remedy those impacts.		
7	Public rights of way, and assessment of construction and traffic impacts on walkers, cyclists and horse riders (WCH)	With regards to the assessment of impacts to users of the public highway, as a starting point the approach for assessing severance, amenity and intimidation is considered to be reasonable at a high level. However, there is concerns set out in our LIR [REP1–039] and the Councils’ response to ITEM 3 regarding the assessment of vehicles relating to the shift patterns and car share; the absence of an assessment of	The WCH severance and WCH amenity, fear and intimidation assessments in ES Chapter 12 [APP-080] are developed with reference to the Design Manual for Roads and Bridges (DMRB) LA 112 Population and human health (National Highways, 2020) and the Guidelines for the Environmental Assessment of Road Traffic (GEART) (Institute of Environmental Assessment, 1993). These documents were the latest available relevant guidance	The Council recognises the points being made. The Council does not agree that an assessment of daily peak flows is reasonable, when the large proportion of vehicle impact is during a short specific time frame; this spreads out the comparison of the impact of development traffic against a greater baseline traffic.  The following text is taken from paragraph 1.22 of the IEMA guidance:

		<p>the hour of greatest impact, which is indicated as appropriate within the Institute of Environmental Management and Assessment Guidelines Environmental Assessment of Traffic and Movement; and the assessment of link sensitivity, all of which can significantly affect impact.</p>	<p>when the assessment was undertaken. The referenced Institute of Environmental Management and Assessment guidance was not published until July 2023 and consequently could not be considered in the DCO application, which was submitted in April 2023. GEART indicates that 'assessments should consider the period (possibly the hour) at which the impact is greatest and the period at which the impacts exhibit the greatest change' and that 'traffic assessments may need to be undertaken for a</p>	<p><i>“Traffic and movement assessments for EIA and non-statutory environmental assessments, present the impact of traffic and movement on people and the environment – which are initially undertaken with reference to daily traffic flows prior to assessing the time period with the highest potential impact (i.e. degree of change from baseline conditions), which may not be the same as the time period with the highest baseline traffic flows.”</i></p>
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			<p>number of time periods' [emphasis added by Applicant]. It is therefore not definitive in its requirement to assess the hour of greatest impact. The DMRB LA 112 also does not specify a requirement to assess the hour of greatest change. As set out in 12.58 in Applicant's Comments on Suffolk County Council and Babergh and Mid Suffolk District Council Local Impact Report [REP3-049], it remains the Applicant's view that DMRB LA 112 is appropriate guidance for assessing the construction traffic and transport impacts</p>	<p>In principle, applying fixed thresholds should only be done at a high level; however, the Council note the application of 60% for large impacts for robustness.</p>
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			<p>of a linear infrastructure project (and has been used on other consented linear infrastructure projects such as the Richborough Connection project). It is also noted that for WCH severance, the Applicant has used more onerous traffic flow change thresholds than indicated in GEART. GEART indicates that 'changes in traffic flow of 30%, 60% and 90% are regarded as producing 'slight', 'moderate' and 'substantial' changes in severance respectively'. As set out in Applicant's Comments on Suffolk County Council and</p>	
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			<p>Babergh and Mid Suffolk District Council Local Impact Report [REP3-049] (item 12.68), the Applicant has assumed that traffic flow changes greater than 60% represent a 'Large' impact. Regardless of proportional change however, the absolute level of daily construction traffic expected during the very brief construction peak in August 2025 is very low (even with significant contingency added to the forecast) – this is summarised in ES Figure 12.4 [APP154]. It is therefore very unlikely that there would be any significant impact on</p>	
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			<p>WCH using the public highway during this brief period of peak construction activity. Both LA112 and GEART require a proportional approach to assessment and consider permanent impacts as well as temporary impacts. It is consequently the Applicants view that looking at peak daily traffic flow change is sufficient to ascertain likely impacts on WCH using the public highway, accounting for the temporary nature of the impact and the low absolute levels of construction traffic expected.</p>	
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7	Public rights of way, and assessment of construction and traffic impacts on walkers, cyclists and horse riders	The Applicant has indicated that they will provide a plan showing link sensitivity to the Councils for ease of review, which we would welcome.	A plan showing the sensitivity categories allocated to different sections of the road network has been prepared to supplement the information provided in Tables 3.1 and 4.1 of ES Appendix 12.1 [APP-134]. This is included as Appendix A of this document.	The Council has reviewed the plan for those locations in Essex. Generally, the sensitivities are considered to be reasonable; however, the Council would have considered the Station Hill, Lamarsh Hill and some of Colne Road would be a 'Medium' sensitivity. However, assuming the impacts on these routes are negligible (which is separately linked to numerous comments on the assessment method), then it is recognised the change in sensitivity would not impact conclusions. The Council would also consider that Church Road
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				<p>Twinstead – Eastern Segment might be considered to be High sensitivity due the number of properties fronting the road; however, it is noted the Applicant has proposed a management strategy for this location to mitigate the identified impact.</p> <p>As set out in our Deadline 5 [REP5-031] response the Council identified some routes that are of particular concern due to their rural characteristics. These routes included the following:</p> <ul style="list-style-type: none"><li>• Henny Road, Bell Hill, Springett’s Hill and Lamarsh Hill</li><li>• Bures Road to Henny Road.</li></ul>
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				<ul style="list-style-type: none"> <li>• Church Road through Twinstead</li> <li>• Church Road to Wickham St Paul</li> <li>• Old Road to Wickham St Paul</li> <li>• Watery Lane and Clay Hill to Great Henny</li> </ul> <p>The Council would welcome any commitments to limitations on vehicle movements to reflect those assessed within Chapter 12 of the Environmental Statement [APP-080] on these routes through the CTMP due to their rural nature to ensure the negligible impacts identified are realised.</p>
7.23 <u>Public Rights of Way Management Plan</u>				

20.2.1	Community engagement	<p>Limited details have been provided on engagement with the community and wider users and the proposed method of engagement. Paragraph 3.3.1 requires expansion beyond residents.</p> <p>Engagement would additionally be required with relevant user groups for the status of the route and the wider community.</p>	<p>The Applicant welcomes suggestions for both relevant user groups and contact details and can consider including reference to these in the PRowMP [REP3-056] at a future deadline.</p>	<p>It would be pertinent to notify affected organisations including Parish Councils, the Ramblers Association, Open Spaces Society for Public Footpaths, British Horse Society, Cycling Tour Club, Trail Riders Federation, National Landscapes team and the local County Councillor.</p>
20.3.1	Routes with public access affected by the project	<p>Paragraph 4.3.1 requires additional details on the phasing of works to establish the sequencing of closures. Further details are required</p>	<p>The Applicant has responded to this matter in line item 7.1-7.2 in Table 2.1 of this document</p>	<p>Noted. The Council welcomes the provision of the sequencing plans, and will endeavour to comment on receipt.</p>

		<p>to enable the Highway Authorities to assess impact on the network and connecting routes. It is currently unclear if adjacent routes will be closed during the same period. An indicative guide would provide further clarity.</p>		
<p>20.4.1 – 20.4.3</p>	<p>PRoW Management Signage</p>	<p>At paragraph 5.2.1 advance notices / signage would be required to be displayed on site prior to closures. The</p>	<p>The Applicant will update the PRoWMP [REP3-056] at a suitable deadline to say that 'where PRoWs are to be closed, a map of the diversion route will be provided on a sign at the point of closure, so users know how to find the diversion route.</p>	<p>Noted.</p>

20.5.1-20.5.2	Active Management Plan for 'Shared Routes'	It should be made clear at Paragraph 5.3.2 that any appropriate separation between users and construction traffic must not impact on the definitive width of the route. For paragraph 5.3.3 further expansion is required on the meaning of active measures. Does this include gating of the haul road or use of banksman?	The Applicant has noted the defined minimum widths of routes to be maintained in the PRowMP [REP3-056]. The Applicant notes the request and will provide additional detail as to the meaning of active measures. This will be made available with the updated PRowMP [REP3-056] intended at a future deadline.	Noted.
20.6.1	Reinstatement of PRow	Details of the pre commencement condition survey details (as set out at paragraph 5.4.1) should be shared with the Local Highways Authority prior to	Noted, no further comment	No Comment

		commencement of works on site		
20.7.1	Change process	For paragraph 6.5.5, it is important that any proposed changes to the PRowMP would also be required to be agreed with the Local Highways Authority.	The PRowMP [REP3-056] is one of the plans listed in subparagraph (2) of Requirement 4(1) in the dDCO (document 3.1(E)) which states: 'All construction works forming part of the authorised development must be carried out in accordance with the plans listed in subparagraph (2) below, unless otherwise agreed with the 'relevant planning authority' or other discharging authority as may be appropriate to the relevant plan concerned.' Further	Noted

			details on the change process are set out in Section 6.5 of the PRowMP [REP3-056].	
20.8.1 - 20.8.2	Appendix A - Routes with public access affected by the project	Additional details are required for sequencing on closures as covered in comments on paragraph 4.3.1 Clarification is sought on the definition of 'as required'. Any gating of the PRow should be avoided to keep the route barrier free for the least restrictive option. Any crossing should be managed through gating of access way or consideration should be given to use of	The Applicant has responded to this matter in line item 7.1-7.2 in Table 2.1 of this document.	Noted. The Council welcomes the provision of the sequencing plans, and will endeavour to comment, as appropriate, on receipt.



		banksman as a managed crossing		
21..1.1	Specific Comments on the deadline 3 submission: CTMP	The Council notes the stronger wording regarding those measures and processes that are within the CTMP.	The Applicant thanks the authority for the recognition of the change.	No Comment
21.1.3	Specific Comments on the deadline 3 submission: CTMP	Further clarification is needed over paragraph 7.2.5 on the details that the construction vehicle numbers that are being checked against, along with relevant reporting and enforcement procedures.	Paragraph 7.2.5 in the CTMP states that: 'Deviations from the authorised routes or changes to traffic levels that are higher than the Transport Assessment (application document 5.7) CTMP assumptions will require discussion of the need for additional mitigation measures with the relevant	The Council notes the clarification.  The Council welcomes the potential commitment to recording and reporting traffic movements.

			<p>highway authorities'. This commitment provides details on how the Applicant (and their contractor) will monitor and report deviations from HGV routing secured in the CTMP and discuss further mitigation measures with local planning authorities should they be required. The mention of traffic numbers in this document is an error given that traffic numbers are not secured in the DCO. This will be amended at Deadline 6. However, the Applicant does remain open to the concept of recording traffic movements at each site and sharing this</p>	<p>The Council maintains its general position on controls.</p>
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			information with local planning authorities. How this might be worded will be discussed with the local highway authorities.	
21.1.4	Specific Comments on the deadline 3 submission: CTMP	Table 4-1 refers to Requirement 4 of the dDCO and requires that the authorised development be carried out in line with this CTMP, with no requirement for submission of a further iteration for discharge. This is not considered to be acceptable.	The Applicant disagrees that a further detailed CTMP [REP3-030] is necessary given the nature of the project and limited highway effects. The Applicant is working with the Local Highway Authorities to fill any perceived gaps in the CTMP (or associated DCO Requirements and permit scheme) by the end of the examination. Reference should also be made to the	The Council maintains its position that this would allow for additional details that would be known by the contractor to be submitted; which may address some of the Councils concerns. This disagreement can be included in the Statement of Common Ground.

			Applicant's made Richborough Connection DCO which does not include a Requirement to submit a further or detailed CTMP.	
21.1.5	Specific Comments on the deadline 3 submission: CTMP	Table 4-1 states that as 'a Main Works Contractor has not yet been identified, the timing and numbers are subject to change. Therefore, it is not appropriate to include these details within the CTMP at this time'. Clarity between this statement and paragraph 7.2.5 is sought. An initial cap on HGV movements that is equivalent to the project peaks	See response to point 12a above for the Applicant's position on this.	The Council disagrees that the arrival and departure times are based on a worst-case scenario.  It is considered to be reasonable to put in a monitor and manage process to check the shift patterns are commensurate with those assessed and if not to either assess to see if the impacts are material or to identify additional management measures that can

		<p>assessed in the Transport Assessment should be incorporated. If a contractor wanted to amend these caps; they could do so through amendments to the CTMP, approved by the relevant highway authority, and by evidencing that there would be no additional impacts. Without controls being included at this point of the process, it is unlikely that they will ever form part of the CTMP.</p>		<p>be put in place to address these impacts.</p> <p>[REP4-006] includes details on the number of construction vehicles across some of the project (starting at month 20). IT suggests there are over 100,000 HGV movements and over 300,000 LGV associated with the project, with numerous access seeing over 1,000 HGVs or LGVs in a month. The busiest month appears to see in the order of 9,000 LGVs and 6,500 HGVs. These figures do not include the staff movements. Whilst the impacts are spread out over numerous accesses</p>
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				<p>and over the length of the project, this is still a significant amount of total construction traffic in a largely rural area.</p> <p>In association with this point in reviewing the traffic count data provided, it appears that the category TB2 has been included in the calculation of baseline HGVs. ECC would query its inclusion and its potential impact on any conclusions relating to HGVs in the Environmental Statement.</p> <p>The CTMP should include a commitment to monitoring and reporting compliance to EURO standards.</p>
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21.1.7-21.1.8	Specific Comments on the deadline 3 submission: CTMP	Further clarity is sought on paragraph 5.4.4 and whether this is a commitment to transport staff by minibus/crew bus, if so the proportion of staff to be transported needs to be set out as a commitment within the CTMP, so that that project achieves the assessed car share proportions. There should be a stronger commitment at paragraph 6.2.4 of the CTMP that car sharing or the use of a minibus/crew bus will be used for travelling around the	The CTMP paragraph 6.2.2 states that it is anticipated that staff will travel in mobile gangs to site. The CTMP also states that the workforce who arrive and depart by crew vans should be monitored and states that the contractor will set targets around increasing the number of staff using sustainable transport modes. The Applicant is open to discussions on strengthening this wording to make it clearer that the contractor would be encouraged to use crew vans to reduce the number of	The Council maintain its position that stronger wording is needed that results in the car share proportions that were assessed being the target in the CTMP [REP3-030] that would be monitored against, with reasonable measures brought in if the targets was not being achieved.
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		site rather than it being assumed.	vehicles on the road. The arrangements set out in the CTMP are based on those used on comparable projects and reflects the need for crew vans providing portable welfare facilities, tools/materials and transport. As such, the benefits of these vehicles are such that use of separate vehicles is minimised in practice.	
21.1.9	Specific Comments on the deadline 3 submission: CTMP	As set out in our response to Question TT 1.13.21 of the Examiner's questions [REP3-061] at Deadline 3, the Council outlined a number of areas of particular concern	Discussions are ongoing on these topics. The Applicant would respond on each point as follows: <ul style="list-style-type: none"> <li>The CTMP paragraphs 5.2.2-5.2.3 state: 'In accordance with good practice measure GG06 in the</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> <li>Noted. The Council welcomes this commitment, which should resolve this item.</li> <li>Noted. The Council has set out its position on what is required here in our response to 15.5.5 in [REP5-025].</li> </ul>



		<p>relating to the CTMP; these being:</p> <ul style="list-style-type: none"> <li>• Surveying of the condition of the highway network for remediation. Partially resolved. Further information is needed.</li> <li>• Absence of monitoring of construction and workforce traffic. It is understood that TT02 will ensure Global Positioning System (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.</li> <li>• Absence of commitment to achieve staff modal share through commitment to minibus and car sharing. Not resolved;</li> </ul>	<p>CoCP (application document 7.5.1), a full record of condition will be carried out (photographic and descriptive) of the access points and LRN that may be affected by construction activities. This is anticipated to include taking detailed records including photographs showing boundary features such as fencing or hedgerows and surfacing (paying particular attention to any potholes or other preexisting features). The initial survey will be undertaken prior to construction and it is anticipated that this will be regularly checked throughout construction to that the surface of the highway altered for the project remains in good repair and safe for the public traffic using the highway. 5.2.3 The records will be available for comparison following</p>	<ul style="list-style-type: none"> <li>• Noted. The Council welcomes this commitment, which should resolve this item.</li> <li>• The Council welcomes these discussions and hopes to reach agreement on what both parties consider to be a reasonable approach.</li> </ul>
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		<p>there continues to be no commitment to achieve the staff mode share.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>	<p>reinstatement and after the works have been completed, to demonstrate that the standard of reinstatement at least meets that recorded in the pre-condition survey.'</p> <ul style="list-style-type: none"> <li>• The Applicant will monitor the vehicles entering and exiting each site, including the times of access. The Applicant is willing to secure this monitoring and share this information with local highway authorities.</li> <li>• The Applicant includes a Travel Plan in the CTMP to encourage sustainable transportation and reduce single-occupancy car journeys. The Applicant is happy to discuss additional or alternative wording to encourage sustainable travel if suggestions could be provided.</li> <li>• In addition to the commitment in the CTMP, as discussed in the third bullet</li> </ul>	
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			<p>above, the Applicant is happy in principle to record staff vehicles arriving at each site and provide this information to the local highway authorities.</p> <ul style="list-style-type: none"><li>• In terms of monitoring and remediation beyond the above, this will be discussed in meetings to identify whether any changes can be made to address this concern</li></ul>	
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## **8 Comments on Other Submitted Documents**

### **8.1 REP5-015 Images Captured by the Applicant during Accompanied Site Visit**

8.1.1 The Councils welcome this document which shows all locations which were visited as part of the Accompanied Site Visit. The Councils also welcome the indicative equipment shown on the images for reference, although it is noted that the height of the new equipment shown appears to be underrepresented.

8.1.2 While a good reference point, the Councils ask that this document is taken for information/assistance purposes only by the ExA.