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Our Ref D0048269
PINS Ref: EN010115
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Enquiries to: Mark Woodger

By E-Mail only

Dear Mr Gould

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

I write with reference to the Rule 8 letter as dated 24 September 2024 which sets out the Examination Timetable for this Development Consent Order (DCO), this proposal being currently at Examination. Following the Issue Specific Hearing (ISH) 6 and 7 on 21 to 23 January 2025, Essex County Council (ECC), in conjunction with Tendring District Council (TDC), and as described as The Councils, would like to respond to the questions as asked by the Examining Authority (ExA) and to provide a written response to the Applicant's submission at Deadline 05 and the Action Points of the ISHs 6 and 7. Comments are asked for by the 11th February 2025 and the ExA is asked to note that this submission meets this date as requested.

1. Land Interests

TDC have responded to the Applicant indicating the offer received is unacceptable, awaiting Applicant's response.

2. Discharge Responsibility of Requirements

As indicated at ISHs 6 & 7, ECC will be the "relevant Planning Authority" for discharging the relevant requirements should this DCO is granted, on behalf of TDC. Arrangements will be put in place between the two Councils.

3. ECC Green Infrastructure (GI)

Responses below to Deadline 4 Submissions REP5-073

Page	Ref	Comment
10	ECC.03	The Councils welcomes and supports the Applicant's response. For the confirmation that the Applicant will manage landscape planting and ecological enhancements at the onshore substation for the project's lifetime, as will be secured by requirement 5(8). In that details on replacing failed planting along the onshore cable corridor will be included in the final LEMP and regular engagement with landowners and local planning authorities will continue, and agreements with landowners are being progressed regarding handover and potential long-term management of reinstatement planting.
11	ECC.06	<p>It is noted and welcomed. The Councils suggest the following wording be included:</p> <p>The strategy will include a masterplan of the hard and soft landscape proposals around the onshore substations, presented at 1:2,000 minimum, along with more detailed planting plans at 1:500 to illustrate the planting specification.</p>

ECC GI team comments on Schedule of Changes to Draft Development Consent Order

REP5-002

Page	Ref	Comment
3 (20 of 57)	Schedule 2 Part 1 Requirements	The amendments to the title and addition of new sub-paragraph 8 are welcomed.
4 (21 of 57)	Requirement 14	There are no objections to the additional wording for reinstating land used for temporary constructions either within 12 months or another agreed-upon time period. The Councils assume this addition to facilitate discussions with the LPA about reinstating the land to a better condition, linking to other projects, or exploring opportunities from the Local Nature Recovery Strategy.
23 (41 of 57)	Paragraph 15	It is recommended that this amendment to be included to paragraph 15 on page 23 of the document for consistency.
5 (22 of 57)	Requirement 20 BNG	The amendments to this requirement to strengthen and provide clarity that BNG mitigation are to be agreed prior to any commencement of works.
15 (32 of 57)	Article 8	There are no objections to the insertion of new item (i) to allow operations in the SSSI if hydraulic fracture breakout of drilling material occurs. It is recommended to verify the wording with Natural England.
21 (38 of 57)	Onshore Substation Works	<p>Welcome the amendments to Onshore Substation Works.</p> <p>For consistency it is recommended to include the reference to plans in line with the recommendations to provide further clarity within the OLEMP that detailed plans will be produced. Sub-paragraph (6) should be revised to:</p>

		“The written landscaping scheme to be submitted under sub-paragraph (5) must include plans and details of all proposed hard and soft landscaping works including-“
24 (41 of 57) 26 (43 of 57) and 28 (45 of 57)	Schedule 7 Schedule 1 Article 24 l h	The alignment with the draft North Falls DCO regarding replanting (item l on page 26) and other vegetation (items l on page 26 and h on page 28) is welcomed.

Page	Ref	Comment
	REP5-075 – 10.34.2. VP1, REP5-076 – 10.34.3 VP2, REP5-078 – 10.34.5 VP4	It is noted that the viewpoints illustrate the extent of the indicative National Grid East Anglian Connection Node (EACN) substation location and its impact on the views. However, the drawings do not include any indicative landscape screening planting Including the indicative landscape screening planting on the viewpoint drawings can aid in visual impact assessment by showing how the substation will blend into the environment and the effectiveness of the proposed screening. Additionally, it provides a clear way to communicate the project’s visual impact and mitigation measures to stakeholders.

REP5-054 - 10.10.8 Statement of Common Ground - Essex County Council & Tendring District Council - Revision A

Page	Ref	Comments – Update to the Agreement Log on Proposed Resolution
Page 13	GI/Landscape Strategy requirement	The Councils response to Deadline 2 Submission (November 2024, REP4-046), that it would be satisfactory if the LEMP provides the necessary details required for a GI/Landscape strategy. The Councils appreciate that the Applicant is considering the inclusion of additional commitments related to a GI/Landscape Strategy within its draft OLEMP design commitments, to be submitted at Deadline 6, as stated in REP5-054 - 10.10.8 Statement of Common Ground. The Essex GI Standards referenced within the OLEMP can provide valuable guidance for this inclusion.

4. ECC Landscape

In response to Deadline 5 in relation to Landscape and Visual Matters:

REP 5-033 Code of Construction Plan Rev C (ISH7 Action Point 5)

It is disappointing that there is no specific section reference to Landscape and Trees in the CoCP. Landscape is only mentioned in relation to the LEMP in the document and trees only twice in relation to ecology.

It would be preferable if a separate short section 'Landscape and Trees' could be included to summarise the importance and risks, particularly in regard to trees in relation to construction, which do not necessarily relate to their ecology.

We query the proposed general use of Heavy Standard Trees in the open countryside as these are much harder to establish than transplants or whips, as well as being more costly. However, we recognise that they have their place close to publicly accessible viewpoints to reassure members of the public that restoration or mitigation work has actually taken place.

REP 5-054 Statement of Common Ground Rev A Jan 2025

Design Principles – the Councils have previously requested that cross-sections through the substation and proposed planting belts are provided to demonstrate that they will provide effective screening from Years 10-15 as claimed. The Councils remain unconvinced that all negative visual impacts can be mitigated and cross-sections would be an effective way to provide further evidence.

The Councils do not agree that the proposed orchard planting to the north of the facility will provide screening to the substation although accept it will enhance biodiversity and visual amenity.

In relation to the proposed planting belts, we would wish to see the often discussed proposed 20m width of these enshrined as a parameter in the oLEMP as previously discussed, in order to ensure this key part of the mitigation vision is carried out at the post consent stage.

oLEMP – In relation to the *Aftercare Period*, the Councils wish to suggest the use of a compromise approach that allows for a 'Stop the Clock' option where a section of planting that fails at any point in the five-year period is replanted but is then subject to an additional five-year aftercare period. This approach is used by ECC in relation to managing restoration plans for mineral and waste applications. The Councils would like to propose some wording at Deadline 7.

In relation to decommissioning, the Councils propose that additional wording be added to Requirement 22 in order to establish further principles against which the decommissioning plan might be evaluated.

In relation to *Green Infrastructure*, the Councils welcome the paragraphs already included in the oLEMP in relation to GI and would wish to work further with the Applicant to see if these could be strengthened.

In relation to *landscaping around the substation* the Councils would wish to see some parameters included in the oLEMP for the scale of the planting plans to come forward at consent stage in order to ensure the plans are fit for purpose. We suggest 1:1000-1:2500 might be appropriate for this facility but are happy to discuss this further with the Applicant.

Cumulative Impact – the Councils position remain that cumulative visual effects are likely to arise between the three infrastructure projects: Five Estuaries, North Falls and the EACN (and its associated pylons). We welcome the inclusion of REP5-075 - REP5- 081 which we judge supports this position, although it is unclear from the visualisations whether any mitigation planting is shown in these. We would welcome further discussion around these updated documents. We also welcome REP5-082 – REP5-086 which provide visualisations from within the Babergh part of the National Landscape. Whilst we agree that the project by itself is likely not to generate significant visual

impacts we remain unclear why the impacts are not cumulative when viewed with the proposed EACN pylons.

At ISH6, the ExA has invited views on a scenario if the North Falls Windfarm is not proceeded. It is noted that the OLEMP submission currently does not provide such a scenario in order to show the worst-case scenario. A revised planting strategy for a solo substation would need to be discussed with and approved by the relevant planning authority when discharging the requirement on the LEMP.

5. ECC Highways and Transportation

ECC as the Local Highways Authority raise the following comments.

Protective Provisions

ECC is engaging with the Applicant regarding the protective provisions (PPs).

Supplementary to the PPs, Essex County Council requests the Applicant to enter into a Framework Highway Agreement (FHA). The FHA is to be read alongside the PPs and provides details regarding ECC processes for highway works, which are not included in the PPs.

The FHA-model has been used in Essex previously, as preceded in the Bramford to Twinstead DCO. Essex County Council does not wish to 'reinvent the wheel' with each DCO, therefore a FHA is sought. This will ensure standards and consistency with the way that highway works are carried out in Essex under DCOs, as well as protect the public purse so that a consistent approach is applied.

Comments on D5 Submissions

10.2.18 Temporary Speed Reduction Plan - Revision C [REP5-006]

The Council welcomes the changes made to Sheet 2 (the extension of the temporary speed limit on Golden Lane) and Sheet 3 (the extension to AC-4 and alteration to the temporary speed limit on B1035 Thorpe Road 40mph) to address the Council's comments. No further comments.

9.21 Code of Construction Practice - Revision C (Tracked) [REP5-034] (ISH7 Action Point 5)

The Council welcomes the signposting included at 3.10.2 for the requirements of the CTMP and WTP, and the amendments to paragraph 4.4.5 regarding wheel washing.

At ISH7, the ExA has raised concerns as to amount of changes proposed to the Code of Construction Practice (CoCP) and whether it would be a complete document and become a certified document to be relied on. The 2 Councils are still working together with the Applicant in refining the wordings of the CoCP, but anticipated that a further revision at Deadline 7 or Deadline 8 would be a full document and to be referred as certified document in Schedule 15 of the dDCO.

9.24 Outline Construction Traffic Management Plan - Revision D (Tracked) [REP5-036]

The Council welcomes the changes made by the Applicant, which have been previously discussed. However, have the following comments:

- Para 4.2.3 states the following: *"all essential construction activities undertaken outside of the consented construction hours must be agreed with the relevant planning authority in writing"*

in advance, and must be carried out within the agreed time. The TMCo would ensure this prior agreement with Essex County Council was reached for any such out of hours onshore works". Clarity is sought on whether consent is being sought from the planning authority, ECC or both?

- For para 4.4.6 and 4.4.7.
- The Council would want this to read more generally to say that 'road condition surveys for access roads will be undertaken and agreed with ECC' (omitting the word 'some'. This would allow for more extensive monitoring to take place.
- It is agreed that the roads to be surveyed can be discussed and agreed with ECC and be included in the Final CTMP. ECC preference however is for a more comprehensive monitoring regime to be agreed with the Applicant. This would utilise ECCs current inspection regime that would allow any trends for uplifts in the number of reported faults reported over the surveyed intervals/duration of the works to be identified with a mechanism for costs recovery to be agreed. This would cover A and B roads which have shorter inspection intervals and further consideration would need to be given to the local roads that are affected.
- A link to the ECC Maintenance and Inspection Strategy can be found here (and at Appendix 2) that sets out inspection intervals at para1.3.2 <https://www.essexhighways.org/uploads/road-strategies/maintenance-inspections-strategy-for-carriageways-footways-and-cycleways-april-2022-update.pdf>.
- Haul road crossings would be addressed through the detailed design process and reinforcement of the carriageway would be required by ECC. As regard Bentley Road core samples will be required to inform the detailed design for widening.

9.26 Outline Workforce Travel Plan - Revision B (Tracked) [REP5-040]

The Council welcomes the changes made by the Applicant, which have been previously discussed. However, have the following comment:

- Can some clarity be provided on how it is intended to monitor overspill parking on the public highway. However, for the avoidance of doubt the methodology can be agreed in the final CTMP

10.30 Applicant's Comments on Deadline 4 Submissions Revision A [REP5-073]

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

Ref		Applicant's Response	ECC Comments
EC.21	<p>The Council's LIR repeatedly sets out areas where it has concerns about the assessment methodology, and so why we have concerns that the impacts may be greater than assessed, particularly peak hour. The list is not designed to identify where impacts might occur. It identifies where they would occur as a result of the development traffic (just that they may be worsened if impacts exceed those assessed). To call the list meaningless fails to recognise, and is somewhat dismissive of the fact, that whether or not the project exceeds somewhat arbitrary thresholds that form part of an environmental assessment of traffic, it will still have negative impacts on the local population, who will experience the project on a day-to-day basis. The Council recognise that it is the materiality of those impacts that is relevant, but seeks to identify all the locations where local impacts will be felt as a result of the project to provide a thorough Local Impact Report for the Examining Authority's consideration.</p>	<p>The Applicant maintains the point that there is no evidence from the Council that the construction traffic numbers would be any greater than assessed and therefore lead to any further impacts at the locations identified in the LIR. It is a truism to say that if numbers increased the impacts could be worse, but no basis is given for any concern that Applicant's numbers are incorrect. The Applicant's numbers are robust, include an appropriate application of the peak to provide a reasonable worst case for assessment and therefore allow a proper, objective assessment. If the Council wish to question the basis of the numbers they need to provide a basis for that, it is not enough to assert methodological concerns without providing evidence for their position and setting out the detail of those concerns. The assessment methodology has not used 'arbitrary thresholds' but is based on the Institute of Environmental Management and Assessment's Guidance 'Environmental Assessment of Traffic and Movement (July 2023)'. This is an entirely appropriate and well used approach.</p>	<p>The Council are of the opinion that we have submitted a reasonable challenge to the assessment methodology, and where we believed it lacked evidence within our LIR.</p> <p>That being said, our points have been addressed through discussions with the Applicant on the management plans and in particular on controls, which give us confidence in the figures assessed.</p> <p>The Council maintains its position that the community will be impacted by the traffic of the project and have sought to ensure that the assessed impact would not be exceeded through a pragmatic and reasonable approach, and are happy to consider the matter closed.</p>

Ref		Applicant's Response	ECC Comments
ECC.23	We would request a meeting on the access design and RSA1 so that we can confirm that these matters have been addressed	The Applicant attended a meeting with Essex County Council and the North Falls team on Wednesday 18 December 2024 to discuss these points and considers this to now be resolved.	No comment.
ECC.27	<p>Following the designer's review, it is recommended that a meeting is held to discuss the access design as well as any residual comments relating to the RSA1.</p> <p>From a review there did not appear to be a designer's response to the site where matters have been highlighted such as: AC3, 4, 5, 7 (GA), CR1, 3, 4, 5, 6a, 6b, 7, 8 P1, CR9 P1 & P2, CR10 P1&P2, CR11 P1&P2, CR12 P1&P2, and CR8 P2.</p> <p>Potentially a table with each access, comment from the Stage 1RSAs and how this has been addressed would provide clarity.</p>	<p>The Designer's Response to the access designs prepared by Royal Haskoning DHV are on page 161 and 162 of Traffic and Transport Baseline Report - Part 5 - Revision B [REP-031].</p> <p>A response to each of the problems identified is provided (grouped together where a duplicate response is provided).</p> <p>This was discussed at a meeting between the Applicant and ECC on Wednesday 18th December 2024 and the Applicant considers this point is now resolved.</p>	<p>Having regard to the Five Estuaries submission, it remains unclear from a review whether a Stage 1 RSA has been undertaken for every access. However, at previous meetings the Highway Authority have been assured the information has been submitted.</p> <p>For the North Falls submission, ECC have been able to establish that Stage 1 Road Safety Audits have been completed for each access (and it is the same set of accesses).</p>
ECC.28	ECCs maintenance regime would not cover the AC-12 visibility splay, as a result an agreement/condition that the Applicant maintains the visibility splays either side of the permanent access is required (in any event the hedgerow would be the adjacent landowner's responsibility)	The Applicant is considering whether additional commitment can be included within its draft OLEMP design commitments – to be submitted at Deadline 6. This would seek to ensure that the planting proposals in the vicinity of AC-12 is set back to ensure the visibility splays are unaffected.	We understand a draft updated document has been provided to the Council, which will be reviewed. The required visibility will need to be achieved.

Ref		Applicant's Response	ECC Comments
ECC.29	The Council welcomes the consideration of the impacts of Scenario 3. With regards to paragraph 8.12.65 would query whether the construction works at numerous temporary accesses would result in additional traffic management and delay in Scenario 3?	The Applicant can confirm that as a result of construction accesses being constructed and reinstated for each project, there would likely be similar (or the same) temporary traffic management measures in place and a similar level of temporary delay for any temporary lane or road closures during the construction or re-instatement periods.	Noted. No further comment.
ECC.30	With regards to paragraph 8.12.65 would query what potential exists for the projects to occur more closely together than 3 years? It is understood that this is 3 years from the start of both projects so potentially 18 months from the end of one project and the start of the other, and it is worth considering the level of disruption a user of the network might experience?	The timescales includes in the scenarios are indicative. Ongoing dialogue will continue between the projects with the aim of minimising impacts where practical under each projects' DCO, so if the projects were occurring more closely the alignment could be similar to scenario 2 or a hybrid of the two. A number of potential variations and timelines exist.	Noted. No further comment.

6. Historic Environment and Archaeology

REP5-007 AND REP5-008 3.1 DRAFT DEVELOPMENT CONSENT ORDER

There have been no changes to the DCO wording (**REP5-008**) regarding Onshore Archaeology (9), however comments have been submitted by ECC Place Services in response to a Project Update following Deadline 4 submissions.

REP5-033 and REP5-034 CODE OF CONSTRUCTION PRACTICE (ISH7 Action Point 5)

The Councils will respond to the documentation recently received from the Applicant (Archaeology Mitigation Strategy) at Deadline 7.

REP5-034 shows that changes have been made to the COCP in regard to Archaeology (Section 4.7). However, recent discussions with the Applicant indicates that they propose to submit an Archaeological Mitigation Strategy (AMS) at Deadline 6 (11/2/25), therefore the wording will need to be revised in light of this new document. The suggested wording below includes provision for this and proposes wording to ensure that the heritage assets are appropriately protected during the preparation and construction phase of the proposed development. This should be integrated with the existing points in 4.7 and where not covered, added as a further action (see below).

ARCHAEOLOGY

- 4.7.1 All onshore works will be carried out in accordance with the Outline (Onshore) Written Scheme of Investigation provided as part of this DCO application, 9.23 and draft Archaeological Mitigation Strategy (AMS). These will include details of specifically identified measures to mitigate the impact to known heritage assets and a range of generic mitigation measures from which appropriate mitigation would be applied to currently unknown heritage assets that could be physically damaged by construction. The AMS will be updated as further information from archaeological evaluation becomes available. The OWSI and AMS sets out the scope of more detailed Written Schemes of Investigation (WSIs) to be prepared.

And

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

REP5-073 10.34 APPLICANT'S COMMENTS ON DEADLINE 4 SUBMISSIONS

ECC.16 Pg14

ECC Place Services maintain that the investigations carried out and information submitted have not provided a suitable level of information on the potential for archaeological remains along the entire route and that it remains to be demonstrated that the embedded mitigation will be feasible or achievable in all areas.

The Applicant has stated previously that no further intrusive fieldwork will be undertaken before the determination of the application however they have managed to carry out further geophysical survey in areas that had not been previously evaluated. This is welcome and the results should be provided within the determination period for review and comment.

In order to achieve the aims set out in the OWSI the Applicant has also agreed to develop an overarching onshore Archaeological Mitigation Strategy (AMS). The AMS will provide further detail and clarity on how the mitigation can be achieved post-consent. This document would also include indicative plans of the proposed evaluation to be undertaken. A draft of this document has been provided and will need reviewing prior to being submitted at Deadline 7. The AMS would also provide detail on how design solutions such as micro-siting can be accommodated and is proposed to aid in the concerns of ECC Place services (archaeology) that significant, as yet unknown, archaeological remains would be adversely impacted upon by the development. The provision of an AMS is welcome, however it remains to be demonstrated that this will achieve a satisfactory resolution to the objections raised over the lack of intrusive fieldwork on the cable corridor.

REP05-089 10.37 ONSHORE HISTORIC ENVIRONMENT DESK-BASED ASSESSMENT FIGURES

ECC Place services (archaeology) acknowledge and welcomes the submission of the missing figures from the Desk Based Assessment – (VOLUME 6, PART 6, ANNEX 7.1: HISTORIC ENVIRONMENT DESK-BASED ASSESSMENT)

The Applicant has submitted further documentation as requested in response to the Rule 8 letter as well as new and additional documents providing further detail and clarity.

A revised report, **6.6.7.4 Archaeological and Geoarchaeological Monitoring of Ground Investigation Works [APP-163] Revision B December 2024**, has been submitted. As noted by the Applicant the report is a repeat of Annex 7.7 Onshore Archaeological and Geoarchaeological Monitoring of Ground Investigation which has been previously submitted and reviewed by Essex County Council Place Services (Archaeology). The report provides information on the monitoring of boreholes installed at the landfall area and has identified deposits with high potential for palaeoenvironmental evidence which may be negatively impacted upon by the development.

The report adds to the conclusions of both the onshore and offshore geoarchaeological desk based assessment for the potential for survival of substantial early prehistoric and later archaeological remains within the intertidal zone, including occupational material, ritual deposits, burials, and structures relating to coastal marine practices, such as jetties, causeways, and fish traps. The identification of peat deposits is of significance as it relates to a period of land stabilisation and therefore potential utilisation of the coastal areas in the prehistoric period. Waterlogged deposits can often contain palaeoenvironmental evidence as well as a wider range of archaeological remains such as wood, textiles etc.

There are no further specific comments on Revision B of this report.

The revised report, **Volume 9, Report 19: Outline Marine Written Schemes of Investigation Revision C** has been submitted. There are no further comments on this report.

Both ECC and HE have provided comment on the limited level of intrusive evaluation undertaken in support of the application. The Outline Written Scheme of Investigation submitted therefore covers both the requirements for further intrusive evaluation in addition to the proposed methods of

mitigation, such as excavation, monitoring etc. Historic England has recommended that further detail was required in the wording of the condition to distinguish between the evaluation phase of fieldwork and any further mitigation fieldwork that may be identified through evaluation. Following recent discussions with the Applicant and their archaeological representatives it does not appear that any further intrusive archaeological evaluation will take place prior to a decision on the application. If this remains the case it would help to provide greater clarity and control to have a two-stage condition in place of 9(1) to separate the requirement for the remaining intrusive evaluation fieldwork and the fieldwork required as mitigation. At present it is not possible to define the mitigation requirements until this evaluation work has been completed.

The present wording 9(1) would not facilitate a clear process for the discharge of condition and there should be clear distinction between the evaluation stage and mitigation stage.

In addition, a condition should be added which provides a control over the progress and timetabling of the post-investigation assessment of all stages and facilitates approval of the post-excavation work by Historic England and the local authority archaeological advisors. This condition is specific to details relating to the provision for analysis, publication, dissemination of results and archive deposition for each stage of fieldwork. The condition would allow the progress of sites which warrant more complex and comprehensive post excavation analysis and publication beyond those where a grey literature report would suffice. This would be secured in accordance with a post-excavation analysis report (PXA) and Updated Project Design which has been produced in consultation with Historic England and the archaeological advisor for the relevant planning authority.

The wording of this condition should expand upon similar examples, including Hornsea Three Offshore Wind Farm Order 2020, Hornsea Four Offshore Wind Farm Order 2023 and East Anglia ONE North Offshore Wind farm Order 2020. The details of which were provided by the Applicant in document **10.33 Compiled DCOs in Response to EXQ2** which was submitted at deadline 4.

An example of wording from previous windfarm DCOs is below:

“The archaeological site investigations and post investigation assessment for each stage of works must be completed in accordance with the programme set out in the written scheme of archaeological investigation and provision made for analysis, publication and dissemination of results and archive deposition”

However there are further examples of DCO's on consented schemes with archaeological implications, such as the Sizewell C Project 2021, which provide further detail which would facilitate more control over the successful discharge of archaeological conditions which can take a number of years to implement and fully realise.

The wording below is proposed, and is considered more appropriate to the proposed scheme in order to successfully discharge the archaeological condition and maintain control over the lengthy post excavation process:

The requested change of wording is repeated here for information:

9(1a) No stage of the onshore works may commence in areas that have not been subject to an appropriate intrusive archaeological/geoarchaeological assessment until, for that stage, a written scheme of archaeological investigation for evaluation (which accords with the outline written scheme of investigation (onshore archaeology) has been submitted to and approved by the relevant planning authority following consultation with Historic England and the local authority archaeological Advisors

9(1b) No stage of the onshore works may commence until for that stage a mitigation strategy has been agreed. Where further archaeological/geoarchaeological fieldwork is required following 9(1) a mitigation written scheme of archaeological investigation (which accords with the outline written scheme of investigation (onshore archaeology) shall be submitted to and approved by the relevant planning authority following consultation with Historic England and the local authority archaeological advisors.

And

9 (4) Unless otherwise agreed with the local planning authority.

(a) No later than one year following the completion of the fieldwork specified in each site-specific written scheme of investigation, a site-specific post excavation assessment (PXA) for that site must be completed in accordance with the Written Scheme of Investigation and submitted to the local planning authority for approval.

(b) No later than one year following the approval of the final site-specific post excavation assessment, an archaeological updated project design for all applicable sites, must be submitted to the local planning authority for approval. The archaeological updated project design must be produced in general accordance with the detailed Written Scheme of Investigation for each stage, include details of the scope of post-excavation analysis and publication and have regard to the site-specific research agendas set out in the site-specific written schemes of investigation.

(c) Post-excavation analysis and publication must be carried out in accordance with the approved archaeological updated project design and provision made for the full archive to be submitted to the appropriate museum.

Adoption of the suggested condition wording would provide greater assurance to the local authority archaeological advisors that the archaeological implications of the proposed scheme will be appropriately met should consent be achieved. The wording has been discussed in a meeting with the Applicant's archaeological advisors held on 16/1/25 and is pending further discussion with the Applicant's legal team.

7. Public Rights of Way

The Public Rights of Way (PROW) Team at ECC finds, on balance, the Applicant's response regarding the PROW numbering/parishes unhelpful at REP5-073 reference ECC.17. It is the held view that, in the interests of transparency and accuracy, for the Applicant to get details such as the identifiers for the PROW right on all documents, and not just rely on people switching back and forth between different documents to identify locations, would be preferred and not result in confusion or uncertainty.

An NSIP is a complex submission, and making a single reference list of identifiers on one document would be preferred. However, it is welcomed that Parish names have been added to the outline Public Access Management Plan (PAMP) (REP5-037).

Had the information been correct in the first place or had they sought pre-app advice from PROW in respect of the best way to depict affected PROW it would not have been necessary to raise this as an

issue. Showing them 'in situ' as quoted, does not, when teams and external consultees are all busy, assist with easy and quick identifying of the PROW in question for assessment of any impacts.

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

TDCs view is that the developer must improve and streamline the complaints procedure by setting clear deadlines for themselves and complainants for each stage of the process in order to provide clarity and transparency for complainants and expedite resolution times.

The overarching issue for the Examination Panel revolves around a likely scenario in the future where there is more than one new substation present in that wider area and the lack of initial targeted deadlines imposed on noise consultants (acting on behalf of developers) during the initial stages when a complaint has been received.

For example, if there are 3 new substations in that area the Examination Panel explained that there could be a scenario where initial time is lost (if no initial deadlines) when operators of each of the substations try to establish the source of the noise complaint/issue. This could be particularly pertinent because without staged deadlines (for the initial phases of the investigation) it could take months to identify the initial area of the noise problem. The 21-day deadline in 6.5 (a) of the current noise complaints protocol (REP5-088) document is wholly inadequate (and not relevant to the overarching issue raised above and by the Examination Panel) – this deadline will not be triggered at any time during the initial stages 'investigation' (of the source of the complaint) because this is merely a timeframe for the operators to 'employ a qualified acoustician' to do certain things. In any event, it is unclear when the 21-day deadline will be triggered from inception of the complaint.

In response to the Examination Panel's concern (during the hearing) the Applicant's noise representative said that the identification of the noise issue/area should be 'very straight forward' – with that in mind there should be a very tight deadline for noise consultant/representatives of the substations operators to identify the source of the noise breakout. The LPA suggest within 48 hours of a complaint being received (given that the noise representative for the Applicant stated that it should be 'a very straight forward issue' to identify).

At present there is no deadline in between the first identification of the source of the noise issue, and the noise consultant commencing work on the sound measurement exercise required in 6.5 (i) and (j). This lack of specified timeframes needs to be addressed, without it there will be no urgency for the operators noise consultants to continue the work that would be required to do in between the identification of the source of the noise issue, the noise consultant commencing work on the sound measurement exercise, and indeed any subsequent defined points after the sound measurement exercise.

From the Council's Environmental Health perspective, any noise complaints related to the substations will be investigated under statutory nuisance legislation. However, since a complaints protocol is in place, Environmental Health will first direct complainants to follow that process. If the issue remains unresolved, the Council will be obligated to investigate and take action if a statutory nuisance is identified. Additionally, complainants retain the right to pursue their own action under Section 82 of the Environmental Protection Act 1990.

A **BS4142 assessment** will determine whether noise levels exceed the site's conditioned cumulative noise limits. If they do, the protocol states that further investigation will be conducted to identify the source of the noise. This may include frequency analysis to pinpoint the specific equipment

responsible. Any necessary noise mitigation will follow, with timeframes dependent on factors such as the scale of required works and availability of parts.

At ISH6, the Councils expressed that they do not agree with the stepped approach set out in REP5-088 Operational Noise and the Outline Noise Complaints Protocol. There are no precedent cases for a joint complaint panel in other consented DCOs, we believe it is imperative to establish a collective approach to the monitoring, investigation and resolution of potential cumulative impacts given the nature of the DCO as proposed.

The Councils request that this protocol should be revised to be a Joint Noise Complaint Handling Protocol to ensure a coordinated and consistent approach to addressing noise complaint(s) during operational stage. A good complaints process should be accessible, user-focused, timely, objective, resolution-focused and a tool for learning and improvement. Therefore, the protocol should include the following:

- outline how the 3 substations will work together to investigate and resolve complaint(s), and liaise with the existing substation
- a collective Noise Investigation Panel should be established, consisting of representatives from each of the three collocated substations. This would mean Five Estuaries, North Falls and National Grid each should appoint at least one member of staff to be Complaints Officer responsible for dealing with any noise complaints. The Complaints Officers must have access to staff at all levels to facilitate the quick resolution of complaints and report on compliant handling performance. They must also have the authority and autonomy to act to resolve disputes quickly and fairly. The contact methods and/or details of the Panel/Complaint Officers should be clearly displayed at each of the substations and provided to the Local Planning Authority.
- define clearly who will take the lead in handling a complaint based on the initial investigation, while outlining the roles of other parties;
- specify how information will be shared between the operators during the complaint handling process, including updates to the complainant;
- set clear and measurable expectations for response times and escalation procedures to ensure prompt resolution of complaints;

The Councils propose that once a complaint is received all three representatives put their protocols in place to check if there is any underperforming / faulty equipment on their individual sites. The turnaround time for these tests will be 48 hours. If a site identifies a specific issue with their kit, this will be reported to the other members of the Noise Investigation Panel. The party with the identified fault will be responsible to remedy the fault within 2 working days. Any remedy offered must reflect the impact on the individual as a result of any fault identified. The remedy offer must clearly set out what will happen and by when, in agreement with the individual where appropriate. Any remedy proposed must be followed through to completion.

In the event that no faults are identified on any individual substation, the Panel will then take steps to address the noise breach as a collective. The Councils are clear that such a cumulative impact is the responsibility of all three developments to address. For example, the developments may wish to explore appropriate locations for sound barriers as an effective and fast solution to the noise breach. All three developments will contribute to the commissioning of, and payment for remedial works to be carried out within 7 days of confirmation that no individual substation is at fault / or after any faults have been rectified. The Councils believe that the developments should work collaboratively to resolve the issue and reduce the negative impacts on those affected residents.

If the complaint is not resolved to the individual's satisfaction, an escalation procedure must be engaged, which must review the adequacy of the previously response and should be the Panel's final response. On receipt of the escalation request, the Panel must set out their understanding of any outstanding issues and the outcome the individual is seeking. Any process with more than 2 stages is not acceptable under any circumstances as this will make the complaint process unduly long.

9. ISH6 Action Points

ISH6 Action Point 5 refers to an Operation and Maintenance Port Traffic Management Plan. Following discussions with the Applicant, the Councils are satisfied that an Operation and Maintenance Port Traffic Management Plan is not required under this DCO application, and any port expansion will be subject to separate planning process(es).

ISH Action Point 9 refers to the new Protected Landscape Duty, in relation to Section 85 of the Countryside and Rights of Way Act 2000 as amended by the Levelling Up and Regeneration Act (2023). While ECC and TDC do not have specific comments on the new duty, the approach as advocated by Suffolk County Council, in discussions with Babergh District Council and the Essex Coast and Heaths National Landscape Partnership, is noted and generally supported.

10. Essex Legal Services (ELS) Comments on Draft DCO (REP5-007)


Ref	ECC ELS Comments DCO wording
REP5-007 ISH7 Action Point 4	It has been agreed between ECC and TDC that ECC will be the discharging authority on behalf of TDC s well as on behalf of itself. Therefore, an amendment is requested to the DCO to provide for ECC to be the discharging authority.
REP5-007 Schedule 2, Part 2, paragraph 2	Schedule 2, Part 1, Paragraph 7 provides for approval by the local highway authority of the requirement, however Schedule 2, Part 2, paragraph 2 sets out that the process where an application has been made in respect of the requirements under Schedule 2, Part 1 to the relevant planning authority . The definition of relevant planning authority does not include the local highway authority, therefore where the local highway authority is required to approve a requirement, Schedule 2, Part 2 does not appear to apply, which we believe is an oversight.
REP5-007 Schedule 2, Part 2, paragraph 5 ISH7 Action Point 4	Amend to paragraph 5: <i>Fees 5. —(1) Where an application is made to the relevant planning authority for agreement or approval in respect of a requirement the fee for the discharge of conditions as specified in Regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(1) (as may be amended from time to time) is to be paid by the undertaker to the relevant planning authority in accordance with these regulations</i>

	<p><u>unless a bespoke arrangement has been agreed between the Applicant and discharging authority and legally secured.</u></p> <p>The amendment requested is precedented in DCOs such as the Bramford to Twinstead DCO, where the parties are able to agree bespoke arrangements for fees outside of the Regulations. Therefore the discharging authority will enter into a Planning Performance Agreement or similar legal agreement with the Applicant to ensure the relevant planning authorities operate at cost-neutral basis.</p> <p>The discharging authority is a public body therefore funded by the public purse. The council requests flexibility to agree fees outside the Regulations so that they can be proportionate and reasonable to a project of this scope and size, and not put a strain on the public purse.</p>
REP5-007	<p>Addition of a phasing requirement/“Grampian”-style condition.</p> <p>There is a link between Five Estuaries and the East Anglian Connection Node Substation that is proposed by National Grid, which is not the subject of this examination and is not being considered in respect of its merits. However the ExA are asked to note that the East Anglian Connection Node substation is proposed to connect Five Estuaries to the grid.</p> <p>ECC is the local authority for the administrative area in which the onshore works will greatly affect. ECC has considered the impact that the development will have within its administrative area and weighed that against the risk that if the Five Estuaries DCO is granted, but a DCO is not granted for the East Anglian Connection Node substation, we will be in a position whereby there will be no benefit as there will be no connection of the Five Estuaries development to National Grid’s proposed EACN substation.</p> <p>To mitigate this risk, ECC requests a “Grampian”-style condition.</p>

The above represents our formal submission at Deadline 06. ECC and TDC look forward to remaining engaged in this DCO process and will continue to work with the Applicant and the ExA meeting the deadlines as set out in the issued Rule 8 letter.

Yours sincerely,



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Appendix 1 – ISH 6 - Effects of Terrestrial Traffic and Transportation

Item	Notes
a) Routeing of Abnormal Indivisible Loads (AILs)	<p>Having regard to the Five Estuaries submission, it remains unclear from a review whether a Stage 1 RSA has been undertaken for every access. However, at previous meetings the Highway Authority have been assured the information has been submitted.</p> <p>For the North Falls submission, ECC have been able to establish that Stage 1 Road Safety Audits have been completed for each access (and it is the same set of accesses).</p> <p>It would be sensible for a meeting between the Applicant and the highway authority to confirm it is the same information in both submissions.</p>
b) Road traffic surveys and predicted traffic generation during construction, including cumulative impacts with other proposed developments	<p>The Council had a meeting with the Applicant on December 17th 2024, where further progress was made, and following which the Applicant updated the submission of their management plans at Deadline 5. The updated documents reflect our discussions, the Council believe we are awaiting a narrative on the impacts associated with the hour of greatest change, which we sent across in an email to the Applicant on 17 December 2024 to inform our final position, along with a final review of the impacts on Amenity following the provision of the narrative. Once this has been received and reviewed, we are of the opinion that we will be able to reach a common position.</p>
c) Impacts on the strategic and local road networks	<p>With regards to the Environmental Statement, the Council believe we are awaiting a narrative on the impacts associated with the hour of greatest change, which we sent across in an email on 17 December 2024, to inform our final position, along with a final review of the impacts on Amenity following the narrative. Once this has been received and reviewed, we are of the opinion that we will be able to reach a common position.</p> <p>At paragraph 21.3.21 of the Councils' LIR [REP2-042], the issue of the maintenance and reinstatement of the footway / cycleway following construction has been raised, and it is understood that the Applicant was seeking wording of a legal agreement with North Falls on the process that would then be presented to the Councils. Clarity is sought on whether the Council's understanding is correct and an update if possible?</p>
d) A120/Bentley Road junction improvements	<p>As set out at our submission at [REP3-027], subject to National Highways being content, in principle we do not have any concerns with the design at this stage. However, at [REP4-040], Applicant's Comments on Deadline 3 Submissions in response to ECC03, we understand that the Applicant committed to provide a copy of the Stage 1 RSA once agreed with National Highways. The Council had not received the audit at the time of the ISH, but have been provided with it subsequently, and will review. The Council</p>

	believe we are awaiting the outputs of a junction capacity assessment for the junction. But as a general principle we do not currently have any concerns.
e) Control and mitigation measures during construction	<p>The Council had a meeting with the Applicant on December 17th 2024, where further progress was made, and following which the Applicant updated the submission of their management plans at Deadline 5. The updated documents reflect our discussions, we have a few queries that we seek some clarity on:</p> <p>9.24 Outline Construction Traffic Management Plan - Revision D (Tracked) [REP5-036]</p> <ul style="list-style-type: none"> • Para 4.2.3 states the following: <i>“all essential construction activities undertaken outside of the consented construction hours must be agreed with the <u>relevant planning authority</u> in writing in advance, and must be carried out within the agreed time. The TMCo would ensure this prior agreement with <u>Essex County Council</u> was reached for any such out of hours onshore works”</i>. Clarity is sought on whether consent is being sought from the planning authority, ECC or both? • For para 4.4.6 and 4.4.7. <ul style="list-style-type: none"> ○ The Council would want this to read more generally to say that ‘road condition surveys for access roads will be undertaken and agreed with ECC’ (omitting the word ‘some’. This would allow for more extensive monitoring to take place. ○ It is agreed that the roads to be surveyed can be discussed and agreed with ECC and be included in the Final CTMP. ECC preference however is for a more comprehensive monitoring regime to be agreed with the Applicant. This would utilise ECCs current inspection regime that would allow any trends for uplifts in the number of reported faults reported over the surveyed intervals/duration of the works to be identified with a mechanism for costs recovery to be agreed. This would cover A and B roads which have shorter inspection intervals and further consideration would need to be given to the local roads that are affected. ○ A link to the ECC Maintenance and Inspection Strategy can be found here that sets out inspection intervals at paragraph 1.3.2 maintenance-inspections-strategy-for-carriageways-footways-and-cycleways-april-2022-update.pdf. ○ Haul road crossings would be addressed through the detailed design process and reinforcement of the carriageway would be required by ECC. As regard Bentley Road core samples will be required to inform the detailed design for widening. <p>9.26 Outline Workforce Travel Plan - Revision B (Tracked) [REP5-040]</p> <ul style="list-style-type: none"> • Can some clarity be provided on how it is intended to monitor overspill parking on the public highway. However, the final methodology can be agreed in the final CTMP.

Appendix 2 - Maintenance & Inspections Strategy:



Maintenance & Inspections Strategy:

Carriageways, Footways & Cycleways

April 2022



Essex County Council

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Maintenance & Inspections Strategy: Carriageway, Footway and Cycleway

1.1. Introduction

The Essex County Council Highways Carriageway, Footway and Cycleway Maintenance & Inspections Strategy has been fundamentally reviewed with maintenance engineers, inspectors and other practitioners to take account of the recommendations and best practice set out in the October 2016 “Well-managed Highway Infrastructure: A Code of Practice”.

The Code of Practice is designed to promote the adoption of an integrated asset management approach to highway infrastructure based on the establishment of local levels of service through risk-based assessment.

This document supports the overarching Essex County Council Highways Maintenance Policy sets out and describes the service levels relating to our risk-based approach to managing how it organises, inspects and maintains the Carriageway, Footway and Cycleway Network it is responsible for.

Alongside this strategy will be supporting documents that sets down the process & procedures to be operated.

This strategy covers the following key areas:

- Network Hierarchies
- Inspections
- Defect Investigatory levels
- Items for Inspection
- Defect Assessments
- Response times

1.2. Network Hierarchies

1.2.1. Carriageway Hierarchy

The functional route hierarchy (County Road Network) placed the roads under the responsibility of Essex County Council Highways into three hierarchies:

- Primary Route 1 (PR1)
- Primary Route 2 (PR2)
- Local Roads

These routes created a network that better reflected the asset usage in Essex compared to the national classifications, that enables the Council prioritisation of maintenance and network decisions with greater accuracy ensuring a better flow for commerce, goods and people.

Overleaf is a table outlining the national carriageway classification types and how they transpose into the County Road Network hierarchies

County/Local Route	County/Local Hierarchy	Category	Hierarchy Description	Type of Road General description	Description
County Route	PR1 – These are routes that we acknowledge are our busiest in Essex. The roads that form this network are those that carry large volumes of higher speed traffic through and around the County. It is essential that traffic on these routes remains free flowing, that they are maintained to the higher standards, and that unnecessary obstructions are removed promptly.	1	Motorway	Limited access motorway regulations apply	Routes for fast moving long distance traffic. Fully grade separated and restrictions on use. These are not maintained by Essex County Council.
			Radial Feeders	Final journey route into or out of town centres	These routes feed traffic to and from the inter-urban routes (to their final destination) and carry large volumes of traffic during the peak hours when people are trying to access/leave town centres. They will normally be developed areas in towns and village centres. It is essential that traffic on these routes remains free flowing, that they are maintained to the highest standards, and that unnecessary obstructions are removed promptly. They will normally have car park guidance systems and traffic signals to aid the flow of traffic and manage areas of conflict between the different modes and hierarchies. Therefore it will be necessary to check and, if required, adjust the systems regularly.
		2	Strategic Route	Trunk and some Principal 'A' roads between primary destinations.	Routes for fast moving long distance traffic with little frontage access or pedestrian traffic. Speed limits are usually in excess of 40 mph and there are few junctions. Pedestrian crossings are either segregated or controlled and parked vehicles are generally prohibited.
		3a	Main Distributor	Major Urban Network and Inter-Primary Links. Short – medium distance traffic.	Routes between Strategic Routes and linking urban centres to the strategic network with limited frontage access. In urban areas speed limits are usually 40 mph or less, parking is restricted at peak times and there are positive measures for pedestrian safety.

County/Local Route	County/Local Hierarchy	Category	Hierarchy Description	Type of Road General description	Description
		3b	Secondary Distributor	Classified Road (B and C class) and unclassified urban bus routes carrying local traffic with frontage access and frequent junctions.	In rural areas these roads link the larger villages and HGV generators to the Strategic and Main Distributor Network. In built up areas these roads have 30 mph speed limits and very high levels of pedestrian activity with some crossing facilities including zebra crossings. On-street parking is generally unrestricted except for safety reasons.
	<p>PR2 - The remaining County Routes as defined in the LSA. Although not as important as the Priority 1 routes, the Priority 2 routes still perform an essential traffic management distributary function between the local network and Priority One County Routes. They will be accessed by a number of different types of user including local buses. Therefore, motorised vehicular traffic will generally take precedence over the other modes on these routes.</p>	2	Strategic Route	Trunk and some Principal 'A' roads between primary destinations	Routes for fast moving long distance traffic with little frontage access or pedestrian traffic. Speed limits are usually in excess of 40 mph and there are few junctions. Pedestrian crossings are either segregated or controlled and parked vehicles are generally prohibited.
		3a	Main Distributor	Major Urban Network and Inter-Primary Links. Short – medium distance traffic	Routes between Strategic Routes and linking urban centres to the strategic network with limited frontage access. In urban areas speed limits are usually 40 mph or less, parking is restricted at peak times and there are positive measures for pedestrian safety.
		3b	Secondary Distributor	Classified Road (B and C class) and unclassified urban bus routes carrying local traffic with frontage access and frequent junctions.	In rural areas these roads link the larger villages and HGV generators to the Strategic and Main Distributor Network. In built up areas these roads have 30 mph speed limits and very high levels of pedestrian activity with some crossing facilities including zebra crossings. On-street parking is generally unrestricted except for safety reasons.
		4a	Link Road	Roads linking between the Main and Secondary Distributor Network with frontage access and frequent junctions.	In rural areas these roads link the smaller villages to the distributor roads. They are of varying width and not always capable of carrying two way traffic. In urban areas they are residential or industrial inter-connecting roads with 30mph speed limits, random

County/Local Route	County/Local Hierarchy	Category	Hierarchy Description	Type of Road General description	Description
					pedestrian movements and uncontrolled parking.
Local Route	<p>Local Roads - Local roads will comprise all roads not defined as County Routes. These roads will be diverse in nature and use but will fall into one of the following descriptions:</p> <p>Urban – normally residential roads. These roads will be in towns and some residentially developed parts of villages. Their functional use is similar. i.e. mixed priority use, carrying local traffic only, routes leading to amenities and through residential areas.</p> <p>Rural - all other roads will be in this category. They will generally be unclassified roads linking small areas of development such as hamlets, farms and tourist attractions to each other and the strategic vehicle routes. Their use will be local in a transportation function but these roads are likely to form parts of important cycling, horse riding or walking leisure routes.</p>	4a	Link Road	Roads linking between the Main and Secondary Distributor Network with frontage access and frequent junctions.	In rural areas these roads link the smaller villages to the distributor roads. They are of varying width and not always capable of carrying two way traffic. In urban areas they are residential or industrial inter-connecting roads with 30mph speed limits, random pedestrian movements and uncontrolled parking.
		4b	Local Access Road	Roads serving limited numbers of properties carrying only access traffic.	In rural areas these roads serve small settlements and provide access to individual properties and land. They are often only single lane width and unsuitable for HGVs. In urban areas they are often residential loop roads or cul-de-sacs.

1.2.2. Footway Hierarchy

The Essex Footway Network is a tailored functional route hierarchy that places the footway assets that the Council are responsible for into three hierarchies. These are:

- Primary Footway 1 (PF1)
- Primary Footway 2 (PF2)
- Primary Footway 3 (PF3)

The PF1 and PF2 hierarchies combined create the County Route Footway Network, this is the high footfall network of footways. PF3 footways create the Local Route Footway Network and are the low footfall footways in the County.

This hierarchy ensures all areas of the network are addressed appropriately, and allows the flexibility for the network to evolve, influenced by the changing needs of Essex and the highway users.

Below is a table outlining the national footway classification types and how they transpose into the Essex Footway Networks hierarchies.

	Essex Footway Hierarchy	Code of Practice Category	Category Name	Code of Practice Description	Essex Description
County Route (High Footfall)	PF1	1a	Prestige Walking Zones	Very busy areas of towns and cities with high public space and street scene contribution.	Very busy areas of towns and cities with high public space and street scene contribution. Area not solely filled with shops or businesses, has other attraction for public.
		1	Primary Walking Routes	Busy urban shopping and business areas and main pedestrian routes.	Busy urban shopping and business areas and main pedestrian routes.
	PF2	2	Secondary Walking Routes	Medium usage routes through local areas feeding into primary routes, local shopping centres, etc.	Medium usage routes through local areas feeding into primary routes, local shopping centres, railway stations, bus stations, schools, hospitals, public gardens, sports centres, and other public spaces, etc.
Local Route (Low Footfall)	PF3	3	Link Footways	Linking local access footways throughout urban areas and busy rural footways.	Linking local access footways through urban areas and busy rural footways.
		4	Local Access Footways	Footway associated with low usage, short estate roads to the main routes and cul-de-sacs.	Footway associated with low usage, short estate roads to the main routes and cul-de-sacs.

1.2.3. Cycleway Network/Hierarchy

Cycleways are currently inspected at the same time as the carriageway they are on and to that same frequency. If they are on or adjoining a footway they are inspected at the same time as and to the frequency of that footway.

A review is in progress of the full cycleway network and a functional hierarchy is being created that will allow the Council to take a much more tailored and prioritised approach to the network.

1.3. Safety Inspection – Strategy and Service Levels

1.3.1. General Principles for completion of Safety Inspections

The council shall carry out safety inspections using trained personnel in the manner deemed appropriate for the particular inspection route. This will be either by a walked or driven inspection. The method of inspection will be as such that it will enable identification of defects as required to be identified by the strategy. Subject to this, the safety of the highway Inspector will always be of paramount consideration in determining the method of inspection. The methodology and procedures for carrying out inspections will be determined by the Director with responsibility for highways.

On some roads the carriageway and adjacent footway will be of differing inspection frequencies. The inspections will be undertaken at frequencies appropriate for both carriageway and footway.

Where necessary, driven inspections shall be driven in both directions where road traffic regulations permit.

Walked inspections of roads with footway facilities on both sides shall also be inspected in both directions.

In the event of severe conditions e.g. snow or emergency conditions that effect business continuity like outbreaks of illness the inspections may be suspended at the decision of the Inspections Manager.

1.3.2. Safety Inspection Frequency

The inspection frequency (table below) is aligned with the network hierarchy. The hierarchy has been developed and assigned based on the nature and usage of the asset.

Feature	Hierarchy	Inspection frequency
Carriageway	County Road PR1 County Road PR2 Local Route	Monthly 3 Monthly 12 Monthly
Footway & Cycleway	County Route Primary Footway PF1 County Route Primary Footway PF2 Local Route Footway PF3 Cycleway PC	Monthly 3 Monthly 12 Monthly 12 Monthly

As far as possible Inspections are planned to maximise efficiency with all inspections undertaken within the calendar month that they are due. However, the programme will need to remain flexible due to holiday, sickness or other unforeseen events.

1.3.3. Ad Hoc Inspections

In addition to the safety inspections the council receives reports and enquiries from a number of sources regarding its highway assets. The Council operates systems that allow these to be received either electronically or via traditional methods, for example a letter/telephone call. It also operates a system to receive reports or enquiries of an emergency nature out of hours.

An enquiry is not considered to be a defect meeting the investigatory levels until it has been assessed on site by an inspector. Until that time it remains a query from the public. Reports can be taken online or via a phone call. Due to their nature urgent reports cannot be reported online. The website provides the contact number for the customer to call to report anything that in their opinion is urgent.

On receipt of the report the unconfirmed defect will be triaged, based on the information received, and assigned to one of the following two categories.

Urgent	Urgent enquiries will be assessed the same working day. *
Standard	Our aim is to have an average assessment response time of 28 days including site visit if required.

**During periods of high demand such as the period after severe weather it may not be possible to comply with these response times.*

1.4. Items to be inspected and their Investigatory Levels

The main purpose of a safety inspection is to identify defects that are likely to be a source of danger or of inconvenience to the highway user. The inspection can also be used to identify non-safety defects that have an impact on long term serviceability and sustainability of the highway asset.

Recording every minor defect or blemish on the highway network would not be reasonable or practical. Therefore lists of the common items that are inspected with their investigatory levels are set out below.

All defects listed below that meet or exceed the investigatory levels are recorded.

The items to be assessed during an inspection and the corresponding investigatory levels are set out below.

Item	Defect	Investigatory level
Carriageway/ Cycleway Surface	Pothole 100mm across in two perpendicular directions	≥ 50mm depth at lowest point
	Depressions or deformations or < 400mm in any width)	± 50mm depth from designed level
	Wheel track Rutting	± 50mm depth from designed level
	Longitudinal or transverse cracking (in carriageways of composite or ridged construction or at other construction joints)	50mm deep, ≥40mm in width
	Sudden Changes in level (i.e. at joints in composite or ridged construction joints) Defects found within a designated pedestrian crossing area within a carriageway (such as zebra crossing) will be recorded at the corresponding footway investigatory levels. All other areas will be treated as per the carriageway investigatory levels.	≥50mm
	Dedicated cycle lanes 75mm across in two perpendicular directions	≥50mm depth at lowest point
Footway Surface, (including Cycleway	Surface defect 75mm across	≥20mm

and shared surfaces)	Displaced Slab/block paving, Trip/Sudden level difference	≥20mm
	Rocking slab or block paving	≥20mm (of vertical movement)
	Gradient changes in surface levels e.g. due to iron works, tree roots	±30mm (from designed finished level)
	Broken or cracked flag paving (but still restrained)	Defect present
Kerbs (adjacent to Carriageway and Footway)	Missing/ displaced (unrestrained)	Defect present
	Loose/rocking (unrestrained movement when pressure is applied)	≥20mm of movement in any direction.
	Misaligned (but still restrained)	≥20mm in a vertical alignment and ≥50mm in horizontal alignment
	Chipped/damaged with a trip or sudden level difference on the top face	≥20mm
Kerbs (adjacent to Carriageway only)	Missing/displaced (unrestrained)	Defect present
	Loose/rocking (unrestrained movement when pressure is applied)	≥50mm of movement in any direction.
	Misaligned (but still restrained)	≥50mm in a vertical alignment and ≥50mm in horizontal alignment
	Chipped/damaged with a trip or sudden level difference on the top face	≥50mm depth and 75mm along the length of the kerb

Verges Soft Verges- Grass or Mud	Over run or sunken area adjacent to the edge of the carriageway pavement construction.	≥150mm in depth
	Over run or sunken area adjacent to the edge of the footway/cycleway pavement construction.	≥100mm in depth
	Damaged area of non-footway or non-carriageway area adjacent to a carriageway	≥150mm in depth
	Damaged area of non-footway or non-carriageway area adjacent to a footway	≥100mm in depth
Iron Works – in Carriageways	Gaps in framework (other than designed and manufactured)	≥40mm in width.
	Level differences between covers and frame	± 40mm depth from designed level
	Rocking/noisy covers Cracked/broken Cover	Defect present
	Worn/polished covers	≥25% worn/polished
	Missing Cover	Defect Present
	Material reinstatement/surround failure	50mm deep, 100mm across in any horizontal direction
Iron Works – in Cycleways, Shared surfaces and Footways	Gaps in framework (other than designed and manufactured)	≥25mm in width.
	Level differences between covers and frame	± 20mm depth from designed level
	Rocking/noisy covers	Defect present
	Cracked/broken Cover	Defect Present

	Worn/polished covers	≥25% worn/polished
	Missing Cover	Defect present
Flooding/ Drainage	Substantial Standing water/flooding 2 hours after cessation of rainfall 1.5 meters from edge of carriageway	Defect Present
	Substantial Running water across the highway (other than by design i.e. Ford)	Defect Present
	Collapsed/blocked drainage system	Defect Present
	Blocked gully (silted above outlet)	Defect Present
Road Markings	Faded or worn markings - regulatory markings (Give Way, Stop, Zebra Crossings etc)	25% loss
	Faded or worn marking – all others	50% loss
Road Studs	Missing, displaced, lose or defective	Defect Present
Traffic Signs	Missing, damaged signs	Defect Present
	Dirty, faded or worn signs	25% loss
Vehicle Restraint Barriers, Pedestrian Barriers and fencing	Damaged, moving or misaligned.	Defect Present
Bollards	Damaged/missing or misaligned	Defect Present
	Dirty, faded.	25% loss
Street Lighting and lit items	Not operating, malfunctioning,	Defect Present
	Damaged or misaligned posts and other furniture,	Defect Present
	Exposed wiring	Defect present
Traffic Signals and other	Signals not operating, malfunctioning	Defect Present

electronic items	Damaged or misaligned posts and other furniture	Defect Present
	Exposed wiring	Defect present
	Obscured/dirty/faded signal lights	25% loss
Trees, Hedges and vegetation	Unstable tree (or hedge) fallen or in danger of falling onto the highway	Defect present
	Overhanging tree leading to loss of height clearance	≤ 2.1m over Footway ≤ 2.4m over Cycle Way ≤5.1m over Carriageway
	Encroachment on to the highway	Defect Present
	Obstructing visibility spays/lines	Defect Present
	Obstructing signs, lighting and traffic signal	Defect Present
Highway general condition	Oil/fuel/debris/mud/stone/gravel at a level likely to be a hazard	Defect Present
	Fire Damage	Defect Present
	Damaged/missing street furniture	Defect Present
	Illegal signs	Defect Present
	Obstructions	Defect Present
	Obstructed sight lines	Defect Present
	Offensive graffiti	Defect Present
Other	Illegal vehicle crossing	Defect Present
	Other issues that an inspector identifies during an inspection that they consider should be recorded as part of the inspection.	Defect Present

1.5. Defect assessment

Recorded defects are risk assessed during the inspection on a site specific basis. This allows other considerations that the inspector feels relevant to be factored into the risk assessment and is used to determine the level of response.

The process and methodology applied by the inspector is set out below.

When a defect meets investigatory level, it is risk assessed. The risk shall be assessed in two parts;

1.5.1. Consequence

The Inspector will conduct an assessment which considers the most likely outcome if there is an interaction by a highway user with the defect.

Examples of factors that an Inspector will consider are:

- The type of highway user likely to interact with the defect e.g. a pedestrian or cyclist, who would be more vulnerable to be caused personal injury
- Any other circumstances that would increase the likely consequence of an interaction e.g. a trip defect located at the top of steps

The likely consequence of an interaction by a highway user will be quantified by the Inspector using their experience and judgement on a scale of 1 to 4:

1. Negligible consequence e.g. minor jarring to the occupants of a vehicle
2. Minor consequence e.g. dented or scuffed wheel rim on a vehicle
3. Noticeable consequence e.g. a burst tyre on the vehicle
4. Serious consequence e.g. vehicle incurs major damage

1.5.2. Likelihood

The likelihood of a highway user interacting with the defect shall be quantified on a scale of 1 to 4.

Considerations will include the following;

- Its location in the highway, considering all highway users
- Local facilities e.g. schools, hospitals
- Other factors within the knowledge of the inspector

1. Very Low likelihood (up to 40% of users)
2. Low likelihood (41 to 60% of users)
3. Medium likelihood (61 to 80% of users)
4. High likelihood (over 80% of users)

		Likelihood			
Consequence		Very Low 1 (up to 40%)	Low 2 (41-60%)	Medium 3 (61-80%)	High 4 (over 80%)
	Negligible 1	1	2	3	4
	Minor 2	2	4	6	8
	Noticeable 3	3	6	9	12
	Serious 4	4	8	12	16

1.5.3. Risk Factor Score

The risk factor is the combination of likelihood and consequence assessments multiplied together. This will produce a range of scores from 1 to 16. It is this score that identifies the seriousness of the risk and consequently that appropriate level of response.

The level of response can be correlated with the risk factor scores via the Risk matrix overleaf.

1.6. Defect response times

Defects will be defined as follows;

Priority 1 and 2 defects are those that following risk assessment may be potentially so dangerous to the public that they require urgent attention because they represent an immediate or imminent safety hazard or because there is a risk of short-term structural deterioration.

Priority 3 and 4 defects are those that following risk assessment are of low risk of causing harm, and are considered to be defects that impact long term serviceability and sustainability of the highway asset. These defects will be addressed in a planned manner as resources permit.

Response time is defined as the time taken to deliver a make safe or permanent repair from the time the defect is assessed on site by an inspector.

County Route carriageways or footways		Local Route carriageways or footways		Non-carriageway or non-footway assets	
Priority response	Response Time	Priority response	Response Time	Priority response	Response Time
S1 (score 16)	2 hours*	S1 (score 16)	2 hours*	S1 (score 16)	2 hours*
S2 (scores 8-12)	2 working days*	S2 (scores 8-12)	5 working days*	S2 (scores 8-12)	If an S2 defect is in the carriageway the response time will be inherited from the carriageway hierarchy S2. If the S2 defect is in the footway the response time will be inherited from the footway hierarchy S2.
S3 (scores 4-6)	Defect to be considered for repair as part of a planned maintenance programme	S3 (scores 4-6)	Defect to be considered for repair as part of a planned maintenance programme	S3 (scores 4-6)	Defect to be considered for repair as part of a planned maintenance programme
S4 (scores 1-3)	Presumption not to undertake repair within a stated time period	S4 (scores 1-3)	Presumption not to undertake repair within a stated time period	S4 (scores 1-3)	Presumption not to undertake repair within a stated time period

*Where a S1 defect may require follow up treatment to affect a permanent repair, this will be undertaken as Priority 3 (S3) defect.

1.6.1. Guidance and monitoring

This type of assessment by its nature is subjective and therefore every Inspector attends regular training sessions. In addition there is an audit regime in place to check the quality and consistency of defect identification and recording.

The Highway Inspection manual contains information about how inspectors undertake this function.

1.6.2. Exceptions

There will be occasions where the inspector will be faced with exceptional situations or when having completed the defect assessment the Inspector feels a higher priority is warranted. In such situations the inspector may use their discretion to increase the priority of a defect.

In these cases the inspector will record this increase on the notes relevant to the defect summarising their reasoning. Supporting evidence in the form of extra photographs, etc., may be linked or attached within the asset management system.

1.6.3. Recording of inspections and defects

All routine safety inspections are to be electronically recorded with the following information.

- Date and time of inspection
- Identity of the lead inspector
- Weather conditions and highway surface state
- Type of inspection
- Identity of secondary inspector (if applicable)
- Notes of any issues or concerns noted by the inspector.
- General photographs of the road or highway that was inspected.

Defects will be recorded with the following information.

- Date and time that the defect was recorded
- Identity of the inspector
- Description of the defect (including any measurements)
- Location of the defect
- The assessment scores and Risk factor score
- The defect priority
- Linked photographs

1.6.4. Performance Management

In order to assess and manage the delivery the following measures and indicators will be recorded and assessed:

1. Monitoring and reporting each year the level of missed inspections, split by cause
2. Monitoring and reporting each month the level of defects being recorded, split by priority

The reports shall be maintained and presented as Safety Inspection Performance Measures.

1.6.5. Key roles and Competencies

There is a dedicated team whose main function is undertaking Highway Safety Inspections and reactive Inspections in accordance with this Strategy. All members of the team will be assessed against the Highway Inspections Competency Framework to ensure they meet the minimum standards for their role.

The Competency Framework will set out the expected knowledge level against the relevant tasks or requirements for each role in the team.

This information is issued by:

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