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Our Ref 20048270
PINS Ref: EN010115
Date: 14 March 2025

Enquiries to: Mark Woodger

By Email only

Dear Mr Gould

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

I write with reference to the Rule 8 letter as dated 24 September 2024 which sets out the Examination Timetable for this Development Consent Order (DCO), this proposal being currently at the final Examination deadline. Essex County Council (ECC), in conjunction with Tendring District Council (TDC), and as described as The Councils, would like to provide a written response to the Applicant's recent submissions at Deadline 07, as well as providing a closing statement. Due to the delay in publication of the Deadline 7 submissions, an extension of time was granted by the Examining Authority (ExA) to the Councils to submit the comments at Deadline 8A by the 14 March 2025 and you are asked to note that this response meets the deadline date.

1. ECC Green Infrastructure (GI)**ExQ3 EO.3.03 ECC GI comments on Applicant response:**

The applicant had advised through previous responses to the clarification and justification for the decommissioning, habitat replacement and the five-year maintenance requirement outlined in the OLEMP, specifically to the replacement planting, that the Soil Management Plan (SMP) and Code of Construction Practice (CoCP) will detail how the land will be restored to its current state or better, including replanting and restoring habitats, whether agricultural or other vegetation. In that, the requirement for restoration is already included in the dDCO under requirement 14, although it does not make reference to adhering to these documents or LEMP.

The Councils note that the CoCP is listed as a Certified Document in the dDCO, while Requirement 10(2) on LEMP and Requirement 11(2) on SMP require compliance to the approved versions. This matter is now considered closed.

The applicant also confirmed that details on replacing failed planting along the onshore cable corridor will be included in the final LEMP and that regular engagement with landowners and local planning authorities will continue. The Essex Local Nature Recovery Strategy (LNRS) opportunities mapping may offer a broader scope of habitat enhancement and connectivity opportunities along the cable corridor.

10.59 APPLICANT'S COMMENTS ON DEADLINE 6 SUBMISSIONS

7. ESSEX COUNTY COUNCIL – COMMENTS ON DEADLINE 5 AND 5A [REP6-058]

Ref	Summary of Deadline 6 submission OR Excerpt of Deadline 6 submission	Applicant's Response	ECC Response
ECC.04	It is noted and welcomed. The Councils suggest the following wording be included: 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.	The Applicant will include this detail within the final revision of the OLEMP expected to be submitted at Deadline 8.	ECC welcomes that reference to a masterplan of the hard and soft landscape proposals around the onshore substations, along with more detailed planting plans to illustrate the planting specification will be included in final OLEMP.
ECC.05	Requirement 14 Paragraph 15 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.	The Applicant is happy to have discussion on this but notes that the majority of land used temporarily will be returned to agricultural use and therefore opportunities to link it to the nature recovery strategy may be limited by the need for it to be returned to such use. The Applicant is unclear which	ECC welcomes that there is still potential to explore opportunities through discussions with LPA, landowners and other interested parties to reinstate land to a better condition or links to local nature recovery. The previous comments were related to paragraph 15 on page 40 of REP5-002 in relation to changes made at Deadline 1. The issue is now resolved as Requirement 14 has been updated in the latest dDCO.

	It is recommended that this amendment to be included to paragraph 15 on page 23 of the document for consistency.	document ECC is referring to where the amendment needs to be made at paragraph 15 on page 23.	
ECC.06	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.	<p>BNG is not mitigation, ecological mitigation is covered by the OLEMP and not the BNG strategy.</p> <p>Only Work No.15 involves permanent loss of habitat. It is disproportionate to prevent any work at all before the BNG strategy is finalised given that. The BNG strategy will require detailed design to inform the final calculations and prevent any work before this strategy is approved will prevent early delivery of mitigation such as the Bentley Road improvements. The Applicant objects to such a change.</p>	<p>It is noted that the ecological mitigation will be covered by the OLEMP.</p> <p>It is acknowledged that the applicant seeks to avoid any delays to the commencement of works while awaiting the agreement of the BNG measures. There are concerns about retrospective applications, where works begin before a biodiversity gain condition is established. It is recommended to conduct a baseline assessment before starting any works, using a statutory metric and a biodiversity gain plan. Updating the Onshore BNG Indicative Design Stage Report baseline. This approach allows for tracking changes made post-development and identifying the necessary uplift. To secure the BNG measure before any habitat removal occurs. Since the Five Estuaries project will be delivered in phases, the following applies:</p> <ol style="list-style-type: none"> 1. <i>A statement showing how the development will proceed in phases must be submitted alongside an Overall Biodiversity Gain Plan before any development can commence.</i> 2. <i>No development can then commence within each specified phase until a Phase Biodiversity Gain Plan for that</i>

			<p><i>phase has been submitted and approved.</i></p> <p>A suggested amendment that would align with North Falls dDCO:</p> <p>Biodiversity net gain 20.—(1) Work No. 15 may not commence until a biodiversity net gain assessment in relation to that stage and biodiversity net gain strategy has been submitted to and approved by the relevant planning authority.</p> <p>(2) The biodiversity net gain strategy must be implemented as approved.</p>
ECC.08	<p>Onshore Substation Works Welcome the amendments to Onshore Substation Works. 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> <p>“The written landscaping scheme to be submitted under subparagraph (5) must include plans and details of all proposed hard and soft landscaping works including-“</p>	<p>The Applicant will include this detail within the final revision of the OLEMP expected to be submitted at Deadline 8. The Applicant does not agree that this needs to be listed in the requirement in addition to the certified document.</p>	<p>It is welcomed that the landscape details for hard and soft landscaping will be included in the final OLEMP.</p> <p>The primary reason for requesting the inclusion of plans is to offer a clear visual representation of the proposed works, making the layout and design easier to understand. Combining plans with detailed descriptions ensures a comprehensive grasp of the project, covering both visual and technical aspects. However, we will be satisfied if there is assurance that the detailed plans will be part of the LEMP.</p>
ECC.13	<p>OLEMP - In relation to Green Infrastructure, the Councils welcomes the paragraphs already included in the OLEMP in relation to GI and would wish to work further with</p>	<p>This is noted by the Applicant.</p>	<p>To better adhere to the Essex GI Standards, the OLEMP should focus incorporating the recommendations made through ongoing consultations with ECC and other Interested Parties. To ensure integrating GI into all planning stages where appropriate, ensuring multifunctionality to</p>

	the Applicant to see if these could be strengthened.		enhance biodiversity and manage water, and improving connectivity through green corridors that link the wind farm site to nearby habitats contributing to local nature recovery. Additionally, it is essential to consider from the outset how GI habitat features will be managed and monitored alongside BNG to ensure effective delivery. The LEMP should detail responsibilities for GI assets at the OnSS and any agreements with landowners along the cable corridor, timescales for implementing each aspect of GI within the development phase, maintenance activities and frequencies, and the funding, management, and monitoring of GI assets throughout the development's lifetime. By incorporating these principles, the wind farm can align with the standards and contribute to a more sustainable and resilient environment.
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2. ECC Ecology

ExQ3 Protected Species ME.3.03 :

Whilst this question is for Natural England, and as the ExA seeks to understand if a bat licence would be required, this is relevant to Suffolk CC and Essex CC's concerns for migratory bats. The Joint Council's focus is on mitigation measures which if secured would avoid impacts thus no licence would be needed. Please note that North Falls OWF onshore bat surveys show records of Nathusius' Pipistrelle at landfall for the cable route, so the Applicant's comment that the project is not located in an important area for migratory bats is not certain nor beyond scientific doubt.

From an ecology viewpoint, ECC is satisfied that the BNG 30-year management period requiring the applicant to retain habitats created has now been included in para 2.6.32 the OLEMP Rev E (March 2025) {REP8-025}, relating to decommissioning.

3. ECC Landscape

Comments on (REP6-027) 9.22 Outline Landscape and Ecological Management Plan - Revision D (Tracked)

- Section 1.2.6 -1.2.7: We remain concerned that the landscape framework will not effectively screen the onshore substations from surrounding visual receptors within a 5-to-15-year period as identified.
- Section 1.2.8 Whilst we agree that the landscape and ecological mitigation planting fulfils some considerations around landscape enhancement, we remain concerned that this does not reduce the impacts on landscape character to less than significant due to the substantial land take for the substation and its associated infrastructure.
- Section 1.2.17: We welcome the addition of cross sections that have been developed to illustrate the scale and perspective of proposed planting as well as the rate of growth over time (Figure 1.5, Figure 1.6 and Figure 1.7). However, we remain concerned that significant visual impacts will prevail for up to 15 years, and beyond that. Also that the impacts on the PRoW to the North and East of the scheme have not been fully assessed and therefore could be underestimated.
- The Council notes figures listed below have been updated at Deadline 8 (**REP8-025**) to show the tree planting on the northern elevation and boundary as discussed with the applicant; Figure 1.1, 1.2, 1.3, 1.4.
- Section 2.6.7 We welcome identification of a preferred width of screening planting of at least 20m width, contingent upon accommodating access for maintenance, drainage, and other relevant factors.
- Section 2.6.10 The Council notes that the additional woodland planting in the orchard area as previously discussed is now included, referenced as ‘copses of broadleaved woodland’ this was updated at Deadline 8 (**REP8-025**).
- Section 2.6.15 The Photomontages referenced in Volume 6, Part 7, Annex 2.2: LVIA Visualisations, Figures 2.16 to 2.26 show that despite 15 years of growth, infrastructure is still visible above the proposed mitigation planting.
- Section 2.6.25 identifies that a standard 5-year maintenance period will be applied, although as previously flagged up, our understanding is that this applies to the cable route only with all planting related to the ONSS being maintained for the lifetime of the development.
- Section 2.6.28 – 2.6.29: The paragraphs on decommissioning are to be welcomed.
- APPENDIX A: LIST OF OLEMP DESIGN COMMITMENTS FOR ONSS: Design Areas – Where these just mention ‘*Planting/mitigation of visual effects*’ this should be amended to ‘*Planting/mitigation of visual and/or Landscape effects*’. The OLEMP identifies that the buffer planting for instance has landscape as well as a visual impact mitigation function.
- The APPENDIX A: LIST OF OLEMP DESIGN COMMITMENTS FOR ONSS has been updated at Deadline 8 (**REP8-025**) and now includes reference the shelterbelt 20m width commitment, ‘where possible’.

Comments on REP8-021 Deadline 8 submissions:

While ECC notes and welcomes the reference (para 2.3.7) to an external review of the Design Guide being carried out by an external body. We note that this would be a two-stage process, at present the initial phase is solely carried out by the Applicant’s internal Design Review Panel. In order to ensure that any external views are taken on broad and able to influence the development of the Design Guide, the Councils request that there should be external involvement on the Design Review Panel throughout the process as shown in

Figure 1 of the Onshore Substation Design Principles Document (REP8-019). At least a representative from the Councils should be part of the Design Review Panel.

Proposed wording addition to para 2.3.6

The Design Champion(s) will lead the Design Review Panel(s) which will review the guide in advance of consultation with statutory consultees and local residents. The Design Review Panel is intended to be **predominantly** an internal panel.

Para 2.3.9 states that consultation on the Design Guide 'will include the opportunity for members of the local community to meet with the Applicant in order to discuss and provide feedback upon the proposals for landscape planting within the Design Guide'. It is unclear why this would be limited to landscape planting only when para 2.3.8 indicates stakeholders and interested parties can 'provide feedback on design elements'.

4. ECC Highways and Transportation

Comments on Deadline 7 Submissions

10.58 Applicant's response to ExQ3

Development Consent Order (DCO): All references to the numbering of Articles and Schedules (including Requirements) refer to those used in the version of the dDCO submitted at Deadline 5 [REP5-007]		
Ref	Applicant's Response	Council Comments
<u>TT.3.01</u>	The Applicant notes that the PAMP has been revised at Deadline 7 to include changes advised by ECC to the PRoW network within Tendring Parish, near to Tendring Brook. This includes renaming a section of realigned FP3 179 to FP25 179 and the realignment of FP8 179. These changes have also been included in the updated dDCO and 2.9 Temporary Closure Public Rights of Way Plan submitted at Deadline 7.	The Council notes the Applicant's response and set out our position in our Deadline 7 response [REP7-091]. The Council has commented on the updated PAMP in our response below.
<u>TT.3.02</u>	The Applicant can confirm it has provided the following updated transport documents incorporating the relevant updates at Deadline 7: 6.3.8 Traffic and Transport – Revision D 6.6.8.1 Traffic and Transport Baseline Report - Part 1 – Revision D 6.6.8.2 Traffic and Transport Baseline Report - Part 6 – Revision C 9.24 Outline Construction Traffic Management Plan – Revision E	The Council notes the Applicant's response and set out our position in our Deadline 7 response [REP7-091]. For ease of review, with regards to traffic and transport the Council are content with the sites included within the cumulative assessment.

	9.25 Outline Public Access Management Plan – Revision C 9.26 Outline Workforce Travel Plan – Revision C.	The Council have reviewed the referenced documents, and where appropriate have commented in our response below.
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10.59 Applicant's Comments on Deadline 6 Submissions

The Council makes the following comments on those responses relating to transport matters from Essex County Council. For matters ECC.16, ECC.18, ECC.20, ECC.21 and ECC.22 the Council considers the amended wording put forward by the Applicant to be acceptable and has no further comment

Ref	Council's Comments	Applicant's Response	ECC Comments
ECC.16	Outline Construction Traffic Management Plan (OTMP) - Revision D 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 OTMC 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?	The Applicant has updated para 4.2.3 within the Outline Construction Traffic Management Plan to Revision E to resolve this inconsistency. It has been submitted into the Examination at Deadline 7	The amended wording is considered to be acceptable. No further comment.
ECC.17	Outline Construction Traffic Management Plan - Revision D For para 4.4.6 and 4.4.7. The Council would want this to read more generally to say that	The Applicant has updated the Outline Construction Traffic Management Plan to Revision E with some additional text regarding this point	The amended wording is considered to be acceptable. Following review, it is the Council's preference would be for paragraph 4.4.8 to be removed as it refers to specific roads and might limit the

	<p>'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.</p> <p>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</p>	<p>and has been submitted into the Examination at Deadline 7.</p>	<p>scope of the surveys. We are also requesting a commitment to a road safety review process, following evidence from the North Falls DCO. Beyond those amendments, there are no further comments.</p>
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	to inform the detailed design for widening.		
ECC.18	<p>Outline Workforce Travel Plan - Revision B</p> <p>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</p>	<p>The Applicant has updated the Outline Workforce Travel Plan to Revision C with some additional text regarding this point and has been submitted into the Examination at Deadline 7.</p>	<p>The amended wording is considered to be acceptable. No further comment.</p>
ECC.19	<p>Road traffic surveys and predicted traffic generation during construction, including cumulative impacts with other proposed developments</p> <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</p>	<p>The Applicant provided Essex County Council with some additional analysis relating to the greatest hour of change on the 17th February 2025 followed by a meeting to discuss this and other outstanding matters.</p>	<p>The amended wording regarding surveys is considered to be acceptable.</p> <p>With regards to the additional information on the hour of greatest change, the Council have considered the Applicant's submissions and are content on the basis of the assessment provided and the controls within the management plans relating to vehicle movements.</p>

	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.		
ECC.20	<p>Impacts on the strategic and local road networks</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>	The Applicant, North Falls and National Grid have all been working together to agree a collaborative position on this. Good progress has been made on that and the agreement is now largely in agreed form. The parties will contact the Council separately to discuss the detail of the proposed arrangement.	No further comment.
ECC.21	<p>Control and mitigation measures during construction</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: "all essential construction activities undertaken outside of the consented construction hours must be agreed with the relevant planning 	See responses to these points set out above.	The amended wording is considered to be acceptable. No further comment.

	<p>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?</p> <ul style="list-style-type: none"> • For para 4.4.6 and 4.4.7. o 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. o 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 		
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	<p>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.</p> <p>o 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-carriagewaysfootways-and-cycleways-april-2022-update.pdf.</p> <p>o 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>		
ECC.22	<p>9.26 Outline Workforce Travel Plan - Revision B (Tracked) [REP5-040] • 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.</p>	<p>The Applicant has updated the Outline Workforce Travel Plan to Revision C with some additional text regarding this point, which has been submitted into the Examination at Deadline 7.</p>	<p>The Council welcomes the amended wording at paragraph 5.2.4. No further comment.</p>

6.3.8 Traffic and Transport – Revision D [REP7-031]

As set out in our Deadline 7 response [REP7-091], the Council are content with the methodology around assessment of cumulative development, which has been included in

the updated assessment, and as above in our response to ECC.19, we are content with the assessment.

9.24 Outline Construction Traffic Management Plan – Revision E [REP7-052]

For the sake of completeness, the Council accepts the changes made to paragraph 3.5.9, 4.2.4, 4.4.6 and 6.2.2. The Council welcomes the additional text at paragraph 2.3.9 and 4.4.7. Our preference would be for paragraph 4.4.8 to be removed as it refers to specific roads and might limit the scope of the surveys.

We have also mentioned in discussions with the Applicant around including a process for undertaking a road safety review prior to and during the project (this has been raised due to evidence in the North Falls submission). After discussions with the Applicant, the suggested text below is acceptable to the Highway Authority:

Prior to construction the TMCo will review the most recent road safety information on the agreed construction vehicle access routes to determine whether there are any significant changes from the consented baseline e.g. road design or patterns of collisions which may affect safety during construction. Any review would utilise the methodologies outlined within 6.3.8 Traffic and Transport Chapter of the ES.

This strategy would allow for any emerging issues to be identified and to be discussed with highway authorities to understand if they have any scheduled work to address the issue or if additional reasonable traffic management measures may need to be implemented by the TMCo. If measures are deemed to be required, these would focus upon driver education and training (through inductions and delivery instructions) or temporary signing, rather than physical highway improvements.

Following the commencement of construction, the TMCo will continue to actively monitor and review any accidents or near misses involving their construction traffic. If emerging issues are identified, the TMCo will initiate discussions with the relevant highway authority to update the package of traffic management measures, e.g. updating delivery instructions, erecting additional temporary warning signs.

Subject to those changes, the Council has no more comments on the document.

9.25 Outline Public Access Management Plan – Revision C [REP7-054]

The Council has concerns around the wording at paragraph 2.4 that the PAMP would not cover onshore site preparation works, with particular regard to the communication of temporary adjustments to PROW as a result of pre-commencement works. The Applicant has proposed revised wording to address this:

1.1.11 This will include acting as a point of contact for enquiries from the public related to PROW that are affected by the construction of VE, updating the website with key information and emails to affected Parish Councils. The CLO contact details will also be provided at PROW crossing locations and at each end of a temporary PROW diversion, as set out in Section 3.2.

1.1.12 Other measures to communicate details of any temporary PRow diversions is set out in Section 3.3.14.

2.4.13 The PAMP does not need to be in place for the onshore site preparation works; however, where the site preparation works affect or are immediately adjacent to any PRow the contractor should maintain access along the PRow(s), or providing a suitably signed and safe diversion route and/or a controlled crossing point when works are being undertaken in the vicinity of a PRow. Where this is needed advanced notice will be given to relevant Parish Councils, with details of what to expect and likely duration of the activities. The public will be kept informed as appropriate and there will be a point of contact in the project team to manage any enquiries and complaints.

The Council welcomes these revisions and have no further concerns around amendments to the PAMP.

9.26 Outline Workforce Travel Plan – Revision C (Tracked and Clean) [REP7-056]

For the sake of completeness, the Council accepts the change made to paragraph 4.1.1, and welcomes the additional paragraph 5.2.4 to address our query on car parking overspill monitoring.

With regards to the definition of exceedance now included at paragraph 5.2.8, the Council understands the need to be pragmatic and is content with the wording. On this basis the Council has no more comments on the document.

5. Historic Environment and Archaeology

Draft Development Control Order (DCO)

The Applicant has submitted an updated version of the draft DCO wording at Deadline 7 (**3.1 Draft Development Consent Order – Revision H**).

Onshore Archaeology is included in Requirement 9 (1)-(5). The Applicant has considered some of the requested changes within the re-wording of the requirements. The re-ordering of the requirements was requested to allow a progressive and orderly discharge which was not accepted by the Applicant. The ordering of the requirements is, however, further clarified within the Archaeological Mitigation Strategy which is due to be submitted at Deadline 8. This is considered acceptable and the draft DCO wording is agreed.

This addresses point ECC.24 (10.59 Applicants comments on Deadline 6 submissions)

Archaeological Mitigation Strategy (AMS)

The Applicant submitted a draft Archaeological Mitigation Strategy (AMS) (**REP6-051**) document at Deadline 6, no update was received in time for Deadline 7. The AMS has been revised in line with comments and suggestions provided at Deadline 6 and following ongoing discussions with the Applicant.

The AMS and Outline Written Scheme of Investigation (OWSI) will act as control documents for the scheme to inform the detailed WSIs post consent. The revised OWSI was not submitted at Deadline 7. This document has been revised in line with comments and suggestions in discussions with the Applicants and is now considered acceptable.

Code of Construction Practice (COCP)

The COCP (**9.21 Code of Construction Practice – Revision D**) has been submitted at Deadline 7, the document includes the recommended changes and is agreed.

This addresses point ECC.23 (**10.59 Applicants comments on Deadline 6 submissions**)

Requirement 9 (4) refers to Outline WSI, which is not defined in the dDCO (Appendix 1 of AMS). The applicant has confirmed that this will be defined in the latest DCO (Revision I), to be submitted at Deadline 8A.

6. Operational Drainage Strategy

An Operational Drainage Strategy is required to be agreed by the Lead Local Flood Authority (LLFA) prior to detailed design. The current wording of Requirement 5 of the dDCO (REP7-008) is unclear on the 2-stage process on the need to agree a drainage strategy prior to the detailed design of the drainage scheme. The LLFA is of the opinion that the drainage strategy should be agreed in the first stage, which will avoid further delay if the content is not agreeable and this will also facilitate the applicant to design the detailed scheme. This is a common approach for all major developments and other DCOs.

The applicant is of the view that it is not practical to revise the wording of the requirement and the risk on them. The Councils do not agree that this is appropriately addressed by the Onshore Substation Design Principles Document (REP8-020) and the outline drainage strategy is insufficient to ensure that there will be no increased surface water flood risk from the development. The Councils maintains its request that Requirement 5 of the dDCO to be revised to reflect the importance for an operational drainage strategy to be specially referenced to provide certainty and clarify what is expected at discharge of requirement stage. The suggested wordings are as follows:

Onshore substation works, design and landscaping 5.—(1) Construction of Work No. 15B (the onshore electrical substation) must not commence until details of—

- (a) the layout;
- (b) scale;
- (c) proposed finished ground levels;
- (d) external hard surfacing materials;
- (e) the dimensions, external colour and materials used for the buildings;

- (f) security fencing, height, colour and materials;
- (g) vehicular and pedestrian access, parking and circulation areas;
- (h) operational external lighting;
- (i) drainage and surface water drainage, including an operational drainage strategy; and
- (i) proposed and existing functional services above and below ground, including power and communications cables and pipelines, manholes and supports; have been submitted to and approved by the discharging authority.

7. CoCP

The LLFA requested the CoCP to be updated to reflect that a temporary drainage strategy for construction activities will be developed by the Principal Contractor in discussions with the LLFA. The strategy should follow the Essex Design Guide, as a document highlighting how surface water will be managed during construction and how pollution is prevented and mitigated. This should include general principles for management of water during construction, and including things like the types of pollution control they are expecting to put in place and a general approach for how they will manage runoff for certain feature types. While the LLFA is not expecting to review all small changes to that plan, it is expected that the applicant should highlight any major deviations to the LLFA, so the LLFA can review them to ensure that the residents of Essex are not suffered from an increased risk of flooding or pollution.

Following discussions with the applicant, it is noted that the agreed wording will be inserted in section 4.9 of the CoCP to reflect the above. Subject to the insertion of the agreed wording in the COCP, the matter on temporary drainage strategy is considered resolved.

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

Section 6 of the revised Outline Noise Complaints Protocol (REP7-081) only highlights that the 3 substations will be designed to meet their individual noise limits, however it still lacks a Joint Panel to collectively dealt with the potential cumulative noise impacts, which is disappointing and inadequate to address any cumulative operational impacts. The approach proposed by the applicant is still fragmented and down to individual operator to investigate any noise complaints, without considering that there could be a scenario that more than 1 operator(s) may also contribute to the noise issues.

As there is no precedent case for collocation of so many substations in such close proximity and that cumulative impacts on the local residents could not be fully anticipated, the

Councils strongly maintain the request that any noise complaints during operational stage are addressed by all three developers (VE, NFOW & NGET). These projects are collocated and could be responsible for individual or cumulative noise breaches, this is a collective responsibility.

The proposed timeframe for complaints to be investigated is around 9 weeks for a recommended mitigation, this is unacceptable for the length of time that the complainant has to endure the problem. The Councils consider that the timeframe must be shortened as below to ensure complaints are dealt with in an expedient manner:

- 48 hours for a site walkaround
- 5 working days to appoint noise consultant
- 5 working days for noise measurements (with an additional 2 working days under special circumstance such as inappropriate weather condition)
- 10 working days for a report if within 35dB or a report if no issue with plant / 10 working days (identification of a fault with recommended mitigation)

To ensure that the protocol is undertaken with collective responsibility, we request that dDCO requirement 15(2) is revised to reflect a collaborative complaint handling approach in the noise investigation protocol.

15.-(2) Prior to commencement of operation of Work 15B, a noise investigation protocol, including a collaborative complaint handling approach, must be submitted to and approved by the discharging authority. The operation of Work 15B must be implemented according to the approved noise investigation protocol at all times.

Closing Statement

The Joint Council's would like to provide the ExA with a closing statement. ECC note that Tendring Council will be submitting their own statement, and this should be read in combination to the same. To assist the ExA this is split into topic areas.

Archaeology

With regard to the section Archaeology and outline WSI, there remains a lack of agreement on the level of information submitted with the application, specifically the level of intrusive fieldwork. The level of intrusive fieldwork undertaken is considered insufficient to determine the nature, scale and significance of heritage assets, specifically archaeological and geoarchaeological remains which may be present within the scheme. The current level of information is considered insufficient to determine the impact on archaeological remains and it remains to be determined whether the mitigation proposed is achievable and that the project will not lead to a significant negative impact on archaeological and geoarchaeological remains. This section remains as not agreed.

The documents submitted which are relevant to archaeology and geoarchaeology (AMS and OWSI) have been revised to facilitate a more comprehensive assessment of the known and, as yet, unknown archaeological and geoarchaeological deposits that may be present within the scheme post-consent.

Highways and Transport

Essex County Council (ECC) have previously entered into a Framework Highways Agreement (FHA) for other recently consented DCOs, and our strong preference is for a similar approach. The purpose is for the FHA to be read alongside the Protective Provisions (PPs) and provides details regarding ECC processes for highway works, which are not included in the PPs. It sets out how the DCO will operate in line with Highway Authority's current processes.

ECC does not wish to 'reinvent the wheel' with each DCO, therefore a FHA is the preference of ECC. This will ensure standards and consistency with the way that highway works are carried out in Essex under DCOs. Councils are not funded to deal with large infrastructure projects like this, and it is only reasonable to have mechanisms that ensure sufficient funding and protect the public purse from exploitation. On this occasion it has not been possible to reach an agreement on an FHA, instead the promoter has agreed that a PPA will be the mechanism by which costs are reclaimed.

Landscape and Visual Impacts.

In terms of the Landscape and Visual Impacts, ECC believe there are unresolved residual impacts. The introduction of large-scale industrial energy infrastructure is a permanent physical alteration to the rural landscape. ECC remain concerned that the landscape framework will not effectively screen the onshore substations from surrounding visual receptors within a 5 – 15 year period as identified.

Whilst we agree that the landscape and ecological mitigation planting fulfils some impacts on landscape character, we remain concerned that this does not reduce these to less than significant due to the substantial land take for the substation and its associated infrastructure.

It is acknowledged that collaborative efforts are ongoing to address the effectiveness of the screen planting, this is, by default, limited to being within the red line boundary.

To mitigate the impact on the landscape, compensation is required to ensure enhancements can be delivered outside the redline boundary, fulfilling the requirements called for by Design Review Panel to ensure a meaningful extension of the GI network in the immediate and surrounding locality. The Councils consider that any residual impacts should be appropriately compensated under a separate agreement and this should form the basis, in addition to any contribution to the wider community benefits.

Tourism

Tendring is reliant on tourism as one of its main industries, this is a seasonal generator of revenue and employment. The submission currently does not provide a comprehensive assessment to demonstrate the potential impacts on local tourism and related businesses, at both construction and operational stages. The various energy infrastructure projects within the district, especially with different timelines, will impose a prolonged disruption to the local businesses as well as local communities. Cumulatively, the proximity of various DCO developments would deter the attractiveness of the district's tourism, this is of particular importance to short breaks and smaller seaside traders. It is unclear on the potential loss on tourism trade to nearby destinations and how would those impacts on the local tourism-related businesses be appropriately compensated and/or mitigated. Given the significant level of importance of tourism on the District's economy, the Councils would expect continued dialogues on contributions towards but not limited to the following:

- provision of signage
- provision and/or improvement to coastal path and/or heritage trail
- Tourism Recovery Plan (to include a baseline of tourism performance prior to construction works, and to have continued monitoring of impacts on tourism-related traders, as well as compensation or mitigation measures)
- Tourism marketing campaign

Social Values and Community Benefits

The Council's welcome the applicant's approach to social value as contained in APP-085. The DCO here as proposed will create some employment opportunities both on its own and when looked at in combination with other linked developments needed to make Five Estuaries an operational concern. Job opportunities will also apply if consented and implemented. In discussions with the applicant discussions on this will continue.

For community benefits, something which sits outside consideration of this DCO, the Council's note the recently published guidance from the Department of Energy Security and Net Zero entitled "Community Funds for Transmission Infrastructure: Guidance" which has been shared with the applicant. In recent discussions with the same the Council's look forward to discussing this further with the applicant's team.

Yours sincerely,

[Redacted Signature]

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